

**REFUGEE WOMEN AND THE EXPERIENCES OF
LOCAL INTEGRATION IN NAIROBI, KENYA**

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Table of Contents

Acronyms	v
List of Figures	vii
Abstract/Zusammenfassung.....	viii
Chapter One: Introduction	1
1.0 Situating Refugee Women in Africa	1
1.1. Definition of Key Concepts.....	3
<i>1.1.1 Refugee</i>	3
<i>1.1.2. Integration</i>	7
<i>1.1.2.1. Integration and Assimilation</i>	7
<i>1.1.2.2. Local Integration and Local/Organised Settlement</i>	8
1.2. Historical and Research Background	11
1.3. Statement of the Problem	15
1.4. Objectives of the Study	18
1.5. Justification of the Study.....	18
1.6. A Note on the Field	20
<i>1.6.1. Overview of the Refugee Population in Kenya</i>	24
1.7. Refugee Hosting in the Context of Globalisation	26
1.8. Ethics, Methodology and Research Methods.....	28
<i>1.8.1. Questionnaire</i>	30
<i>1.8.2. Structured, Semi-structured and Unstructured interviews</i>	31
<i>1.8.3. Participant Observation</i>	33
<i>1.8.4. Focus Group Discussions</i>	34
<i>1.8.5. Documents</i>	35
<i>1.8.6. Websites, “Tele-observation” and Newspapers</i>	36
1.9. Scope and Organisation of the Study	37
Chapter Two: Local Integration: The Impact of Refugee Identities.....	38
2.0 Introduction	38
2.1. Attractions of Urban Life for Refugees.....	39
<i>2.2.1. Security Concerns</i>	40
<i>2.2.2. Economic Opportunities</i>	43

2.2.3. <i>Medical Needs</i>	44
2.2.4. <i>Education</i>	45
2.2.5. <i>Quest for Freedom and Self-determination</i>	45
2.2.6. <i>Lack of UNHCR Documents</i>	48
2.3. Convergence of the Refugee Status with Ethnic Profiling.....	49
2.3.1. <i>Refugee Women from the Horn of Africa</i>	50
2.3.2. <i>Refugee Women from Sudan</i>	52
2.3.3. <i>Refugee Women from the Great Lakes Region</i>	55
2.4. Refugee Women’s Perspectives and Self-representation.....	57
2.4.1. <i>Refugee Women Counter Ethnic Profiling</i>	61
2.5. Global and Regional Geopolitics: Ramifications for Refugee Women	64
2.5.1. <i>Hutu Rwandan Refugee Women</i>	64
2.5.2. <i>Somali Refugee Women</i>	69
2.6. Refugee Identities and Geopolitics: Impact on Local Integration.....	78
Chapter Three: Legal Protection and Implications for Integration.....	88
3.0. Introduction	88
3.1. UNHCR and Local Integration in Nairobi	88
3.1.1. <i>Refugee Women and the Status Determination Process</i>	91
3.1.2. <i>Treading the Fine Line between the Humanitarian and the Political</i>	100
3.1.3. <i>Dealing with Power: Quest for Legitimacy</i>	104
3.2. Lack of Protection Documents and Integration.....	113
3.3. Refugee Women and Physical Protection	117
3.3.1. <i>Corruption, Discrimination and Refugee Women Protection</i>	121
3.4. Refugee Women and Kenyan Authorities.....	125
3.4.1. <i>Harassment, Extortion and Sexual Violence</i>	128
3.5. Refugee Rights Awareness among Refugee Women.....	132
3.6. A Promising Future? Kenya’s Refugee Act.....	134
3.7. Dilemmas of the Refugee Status in the Process of Integration	135
Chapter Four: Integration: Economic, Social and Cultural Dimensions	139
4.0 Introduction	139
4.1. Economic, Social and Cultural Circumstances in Nairobi	140
4.1.1. <i>Unemployment and Financial Constraints</i>	141

4.1.2. <i>The Need for Supplementary and Staple Foodstuffs</i>	145
4.1.3. <i>Housing and Rentals</i>	147
4.1.4. <i>Access to Medical Services</i>	149
4.1.5. <i>Education</i>	150
4.2. Humanitarian Assistance as an Obstacle to Integration	152
4.3. Exile, Gender Roles and Intra-household Dynamics	156
4.4. Vulnerability to Sexual Abuse	166
4.5. Refugee-Local Populations Interface	169
4.5.1. <i>Language and Cultural Barriers</i>	172
Chapter Five: Refugee-oriented Organisations and Refugee Women’s Initiatives	177
5.0. Introduction	177
5.1. Non-Governmental Organisations (NGOs) and Integration	177
5.1.1. <i>Jesuit Refugee Service (JRS)</i>	178
5.1.2. <i>Peace-building, Healing and Reconciliation Programme (PHARP)</i>	179
5.1.3. <i>Refugee Consortium of Kenya (RCK)</i>	180
5.2. Government Agencies	182
5.2.1. <i>German Technical Development Cooperation (GTZ)</i>	182
5.3. Shedding off Stereotypes: Quest for Economic Independence	184
5.4. Refugee Community-based Organisations (RCOs) and Integration	190
5.4.1 <i>Sudanese Women Action Networks (SWAN)</i>	193
5.4.2. <i>Africa Refugee Programme (ARP)</i>	195
5.4.3. <i>Zindua Afrika</i>	196
5.5. Exile as an Empowering Experience.....	199
5.6. “Beating the System”: Deception and Manipulation as Survival Strategies.....	202
5.7. Religion: Spirituality, Economics and Integration.....	209
5.8. Social Relationships and Integration.....	213
5.9. Diaspora and Transnational Networks	216
Chapter Six: Summary and Conclusion.....	219
6.0. Overview	219
6.1. The Encampment-Repatriation Regime	222
6.2. Gender and the Refugee Status	223
6.3. The Refugee Phenomenon: Contemporary Realities	224

6.4. Towards a Conceptual Understanding of Integration	225
6.5. Conclusion.....	231
References	232
Grey Literature and Other Sources.....	247
Appendices	249

Acronyms

ARP	Africa Refugee Programme
CPA	Comprehensive Peace Agreement
CSO	Community Services Officer
CTDs	Conventional Travel Documents
DRA	Department of Refugee Affairs
DRC	Democratic Republic of Congo
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
GoK	Government of Kenya
GTZ	German Technical Development Cooperation/ <i>Gesellschaft für Technische Zusammenarbeit</i>
HIAS	Hebrew Immigrant Aid Society
HIV/AIDS	Human Infective Virus/Acquired Immuno Deficiency Syndrome
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
IGPs	Income Generating Projects
JRS	Jesuit Refugee Service
KANU	Kenya African National Union
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
KTN	Kenya Television Network
MCDs	Membership Categorisation Devices
MIR	Membership Inference-rich Representative
MRC	Mandate Refugee Certificate
NARAP	Nairobi Archdiocese Refugee Assistance Programme
NARC	National Rainbow Coalition
NGOs	Non Governmental Organisations
OAU/AU	Organisation of African Unity/African Union
ODM	Orange Democratic Movement
OLR	Oromo Liberation Front

PHARP	Peace-building Healing and Reconciliation Programme
PNU	Party of National Unity
POP	Parish Outreach Programme
RAC	Refugee Affairs Committee
RCK	Refugee Consortium of Kenya
RCOs	Refugee Community-based Organisations
RPF	Rwandan Patriotic Front
SGBV	Sexual and Gender-Based Violence
SWAN	Sudanese Women Associations Network
TFG	Transitional Federal Government
ICU/UIC	Islamic Courts Union/Union of Islamic Courts
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
URAP	Urban Refugee Assistance Programme
USA	United States of America

List of Figures

Figure 1: Map of Kenya 20

Figure 2: Table of FGD Participants 35

Abstract

It seems trendy for current studies to argue that the term refugee is no more than a policy category which does not reflect the circumstances of the people that it subsumes. Such studies further argue that the circumstances of refugees are not necessarily different from those of local populations. This study argues that theoretical positions emanating from such observations do not have a universal application as illustrated in Nairobi where the term refugee is not merely a policy category or legal label but also experiential. Understanding the concept refugee is very much an outcome of empirical enterprise which locates those who bear the refugee status in specific contexts. The study draws attention to cases of targeted rape, raids, exclusionary discourses epitomised by negative stereotyping and xenophobia as well as refoulement which are specifically aimed at refugees in Nairobi. The refugee status is intertwined with other variables such as refugees' ethnic, national and religious identities in ways that restrict inclusion of refugees into the host country.

As a gendered experience, exile impacts on intra-household dynamics and transforms gender roles and relations within refugee households in ways that are simultaneously enabling and challenging for refugee women. Although local women also experience Sexual and Gender-Based Violence (SGBV), for refugee women this intersects with the vulnerability that the refugee status entails resulting in refugee women being abused even by police officers and officials who are tasked to protect them thus leaving them with limited channels for recourse. SGBV thus becomes salient because of its targeted nature. Emphasised in the study is the fact that refugee women are heterogeneous such that it is more appropriate to refer to refugee women's experiences rather than the refugee woman experience.

Exile as occupation of marginal space is however not solely about constraints as it also creates opportunities and possibilities that may not have been available to the women prior to flight. Contradictory as it may seem, the refugee status is mediated by the same variables that lead to exclusion at a macro level in ways that facilitate inclusion at a micro, interpersonal level characterised by interaction between refugee women and locals as fellow congregants or as neighbours who share the same plight of poverty in Nairobi's slums. This is coupled with refugee women's agency by which they convert obstacles into resources and create space for themselves in a country which advocates encampment and expects refugees to reside in the designated areas. Through their own agency, refugee women are able to navigate structural barriers meant to deter integration in ways that demonstrate that the

absence of an official integration policy does not necessarily deter integration; individual agency has a countervailing impact on measures instituted to deter integration.

Zusammenfassung

Entgegen den Argumenten, die den Begriff Flüchtling als eine einfache politische Kategorie darstellen, argumentiert die Studie, dass der Begriff Flüchtling empirisch begründet werden muss. Die Studie konzentriert sich auf Flüchtlingsfrauen und nimmt somit eine Genderperspektive ein. Im Mittelpunkt stehen die Erfahrungen von Flüchtlingsfrauen in Kenia, die sich eigenständig in Nairobi, an Siedlungsrändern von Flüchtlingslagern angesiedelt haben. Hierbei werden die unterschiedlichen Faktoren, die Integration bestimmen, betont. Dies betrifft die politischen, rechtlichen, ökonomischen sowie soziokulturellen Dimensionen von Integration. Ein besonders relevanter Aspekt der Arbeit ist, dass diese Dimensionen von Integration gleichzeitig ab- und unabhängig voneinander gedacht werden. Die Ergebnisse der Studie zeigen, dass sich der Begriff der Integration nur mit Hilfe holistischer Konzepte erschließt, die diese gegenseitigen Verknüpfungen berücksichtigen.

Die Studie fokussiert die Erfahrungen der Flüchtlingsfrauen, die sie im Lager und vor dem Hintergrund von Repatriierungsvorhaben gemacht haben. Die Grundannahme der Studie ist es, dass Flüchtlinge zwar im Allgemeinen schwierige Lebenssituationen zu bewältigen haben, Flüchtlingsfrauen jedoch in besonderem Maß betroffen sind. Dabei sind Genderaspekte und der Sozialstatus von Frauen im afrikanischen Kontext von besonderer Bedeutung. Flüchtlingsfrauen sind aufgrund ihres Geschlechts, ihres Alters und ihrer Sozialposition mit speziellen Situationen konfrontiert. Viele Flüchtlingsfrauen erleben sexuelle Belästigungen und sind Opfer von Gewalttätigkeit. Diese Aspekte verschärfen die allgemeine Verwundbarkeit der Flüchtlingsfrauen zusätzlich. Aufgrund dieser geteilten Erfahrungen von SGBV unter Flüchtlingsfrauen, sind die Erfahrungen der Flüchtlinge als genderspezifisch zu bezeichnen. Genderspezifischer Gewalttätigkeit (SGBV) bleibt ein sich über Zeit und Raum wiederholendes Phänomen in den Erfahrungen der Flüchtlingsfrauen.

Diese Studie hebt hervor, dass Integration durch subjektive Faktoren gekennzeichnet ist. Diese Faktoren sind übersetzt in die unterschiedlichen Erfahrungen der Flüchtlingsfrauen und abhängig von ihren ethnischen, kulturellen und politischen Hintergründen. Diese unterschiedlichen Situationen berücksichtigend, zeigt sich Integration als ein Wertekonzept,

dessen praktische Bedeutung eng mit den Erfahrungen und Bedürfnissen der Flüchtlingsfrauen verbunden ist. Dies erklärt den Umstand, dass Integration ein angefochtenes Konzept bleibt. Wissenschaftler versuchen es mit Hilfe empirischer und theoretischer Erkenntnisse zu ergründen. Hinsichtlich des Genderaspekts sind wiederkehrende Erfahrungen unter Flüchtlingsfrauen der Ausgangspunkt gewesen, ihre Handlungsspielräume hinsichtlich der Integrationsprozesse zu untersuchen. Um die Verknüpfung von Gender und Flüchtlingsintegration zu verstehen benötigt es daher ein ausgewogenes Verhältnis von subjektiven und objektiven Faktoren. Diese Studie hat nicht zum Ziel, die bereits existierenden Ansätze anzufechten, sondern will einen empirischen Beitrag zur differenzierteren Sichtweise leisten. Neue Einsichten in die Handlungsfähigkeiten- und Spielräume von Flüchtlingsfrauen werden somit gegeben. Die Notlage in denen sich die Flüchtlinge befinden, werden derart als aktiv gestaltbare Situation umformuliert. Integration und Gender sind an bestimmten grundsätzlichen Faktoren zu erkennen. Die empirische Studie zeigt jedoch, dass es nicht immer nur objektive und generalisierenden Faktoren sind, an denen der Grad der Integration der Flüchtlingsfrauen erfasst werden kann. Auch kontextspezifische Dynamiken und wie Regierungen der Aufnahmegesellschaften mit Flüchtlingen verfahren, spielt eine wesentliche Rolle in diesem Diskurs.

Chapter One

Introduction

1.0 Situating Refugee Women in Africa

For several decades Africa has witnessed many armed and violent conflicts which have forced millions of people out of their homelands into neighbouring countries and beyond. For the greater part, many African governments have opted to treat refugees as a transient and exceptional phenomenon and accordingly devised encampment as the appropriate regime or strategy of managing and containing refugees as they seemingly wait for repatriation. The encampment regime is the chosen way of managing refugees because i) it confines refugees to designated areas thus reducing competition for resources between refugees and locals, ii) it facilitates control and containment of refugees who are viewed not only as victims but also agents of insecurity, and iii) it facilitates easy identification of refugees for repatriation which host governments consider *the* solution. On their part, humanitarian organisations that assist refugees, particularly the United Nations High Commissioner for Refugees (UNHCR), have argued that encampment enhances refugee visibility to donors thus enabling them to understand the magnitude of the crisis and need besides facilitating easier administration, counting of the refugees and distribution of aid (Harrell-Bond 1986; Harrell-Bond *et al* 1992). Displaced people are expected to stay in refugee camps while they wait for the restoration of peace in their countries of origin. The camps as a temporary solution to a presumably ephemeral situation have instead become a permanent feature of the African landscape in what can be termed *routinisation* of the exceptional.

The continued existence of refugees in Africa is aggravated by a combination of new conflicts erupting and generating new refugee influxes and failure to find lasting solutions to old conflicts. As a result, conflicts such as those in Rwanda, Burundi, Sudan and Somalia have been characterised by intermittent escalation and de-escalation of hostilities and violence such that peace that could prompt refugees to repatriate has remained elusive for decades. The protracted nature of these conflicts has rendered specific nationalities refugees for generations. The longer the conflicts have prevailed in the African geopolitical space, the more complex the conflicts and the refugee crises have become. The complexities and protracted nature of the refugee phenomenon in contemporary Africa has prompted increasing numbers of refugees to self-settle in both rural and urban areas as they seek to forestall the unsavoury prospect of spending decades or even a lifetime in refugee camps. As refugees self-

settle among local populations, this creates possibilities of integration which remains eschewed as a durable solution to the plight of refugees in Africa. This study endeavours to investigate the lifeworlds and experiences of refugee women self-settled in Nairobi, Kenya. The study specifically analyses these experiences within the broader framework of the encampment regime designed to prevent self-settlement and integration.

The study takes a gender perspective which specifically focuses on refugee women self-settled in Nairobi. Gender refers to “social construction of masculinity and femininity, in which culture elaborates on the sexed body” (Dover 2005). It is “a cultural construction which everywhere takes socially and historically specific forms” (Henrietta Moore 1986: 166; 1996: 179). The study of women is not new. The 1960s and 1970s were marked by growing awareness of women’s rights. In the social sciences, there was an outcry on the male bias and exclusion of women or their presentation as a silent “Other”. Since then, gender has become a buzzword in both the social sciences and policy issues. Preoccupied with the agenda to make women visible in the sphere of knowledge production, much of the early work on women has been described rather sceptically as constituting an “add-women-and-stir” approach (Boxer 1982: 258, cited in Henrietta Moore 1988: 3) which does not address the male bias in disciplinary theory and conceptual tools (Moore 1988).

In the same way that the study of the broader category of women has been piecemeal, the incorporation of refugee women into refugee studies and refugee policies has been slow and hampered by structural obstacles (Callamard 2003). However, there has been increasing attention to refugee women since the 1990s with the UNHCR publishing *Guidelines on the Protection of Refugee Women* (1991) and *Guidelines on Sexual Violence* (1995). These gender-specific policies have been accompanied and influenced by increasing scholarly attention to gender and refugee women notable examples being the works by Kibreab (1995), Crawley (2001) and Forbes Martin (2004). Considering the circumstances of the majority of refugee women in many conflict-ridden parts of Africa, asserting that gender remains a salient feature of the experiences that come with displacement and exile cannot be dismissed as over generalisation.

In so far as exile entails transformation of refugees’ lives in economic and socio-cultural terms, its impact is felt by both men and women but in different ways and with different consequences. In choosing to focus on refugee women, this study does not intend to confute

the challenges that refugee men face. Rather, it is premised on recognition of the gendered nature of refugee experiences and argues that refugee women face unique circumstances because of their status and responsibilities as women in African contexts. The gender division of labour in Africa generally translates into women playing the significant roles of providing food for the family and caring for its members. It is usually the women who flee with the children and take responsibility for the elderly, infirm and incapacitated because of the traditional feminisation of child-rearing and care-giving roles in many parts of the continent. As refugees, women have to cope with the task of ensuring that the consumption needs of their children and, where they flee together, of their husbands and relatives are met at a time when their normal livelihoods have been disrupted and destroyed. Against this backdrop, the study interrogates the implications of exile on African women with regard to fulfilment of their gender roles within the household and family. It describes and analyses the challenges refugee women encounter in the process of re-establishing livelihoods as well as the opportunities exile presents to them.

The refugee status is not only gendered but is also characterised by heterogeneity; it encompasses populations that belong to diverse national, ethnic, social, cultural, economic and political backgrounds (Malkki 1997). The study seeks to understand refugee women in Nairobi within the framework of these diverse identities and backgrounds. It further investigates the role of legal protection in the process of adaptation to life in exile and integration into the host communities as well as refugee women's resourcefulness as they seek to take their lives back to the pre-flight course or aspire for better living standards and circumstances in Nairobi. The study investigates the experiences of self-settled refugee women in a country that advocates encampment and whether the encampment regulation has an impact on the feasibility of local integration. This is against the background of literature on encamped refugees which shows the problem of keeping refugees in limbo waiting for repatriation which has proved to be elusive for millions of refugees in Africa. Indeed, movement of refugees from camps and self-settlement in urban areas such as Nairobi portrays refugees as voting with their feet against encampment.

1.1. Definition of Key Concepts

1.1.1 Refugee

The term refugee broadly encompasses populations forced off their traditional places of habitation to pave way for development projects (Eastmond 2001), or forced to migrate

because of environmental catastrophes (Geisler and de Sousa 2001) and through trafficking (Castles 2003). A growing number of scholars argues that the boundary between political refugees and economic migrants has become blurred (see Kuhlman 1994; Korac 2001; Castles 2003). However, this study argues that in many parts of Africa, political refugees have unique needs that often propel them towards countries where they can find security without this security necessarily being accompanied by better economic prospects. The situation of political refugees is exacerbated by the fact that movement is often a case of emergency which, at its acute level, is rarely if at all preceded by planning and strategising on how to re-establish livelihoods in the asylum country. Political refugees move “not because they wish to make better lives for themselves in other places but because they are forced to leave in order to seek safety elsewhere” (Forbes Martin 2004: 13; see also Stein 1981; Hansen 1981; Feller 2005; Owusu¹). Where economic considerations determine the direction of flight, this is often part of secondary movement or what Kunz (1973) refers to as two-vector movement in which refugees leave the country of first asylum in search of economic opportunities as when they seek resettlement in a third country.

The basic, literal meaning of the term refugee as provided above has been condensed into a legal definition enshrined in the 1951 Geneva Convention Relating to the Status of Refugees (hereafter the Geneva Convention) and the 1967 Protocol which lifts the temporal and spatial restrictions of the Geneva Convention to events before 1951 in Europe. The regional 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), now the African Union Convention (hereafter the AU Convention)² is also important in this study. For purposes of this study, the term refugee will be used to refer to political refugees who flee across an international border and whose flight is triggered by search for security and protection. The Geneva Convention defines a refugee as a person who,

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of 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 who, not having a nationality and being

¹ Maxwell Owusu (undated) “Reluctant Refugees: Liberians in Ghana”. *The Journal of the International Institute* <http://www.umich.edu/~iinet/journal/vol17no3/Owusu.htm> (accessed 21.01.08).

² The OAU has since changed its name to the African Union (AU). As such, the OAU Convention is referred to in this study as the AU Convention.

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 (Geneva Convention, Article 1. A. 2).

The AU Convention which was designed as a regional complement to the Geneva Convention adopts the definition above and the 1967 Protocol's suspension of the temporal and spatial limitations. It also appends its own context-specific definition which addresses the causes of flight in Africa. The AU Convention broadens the Geneva Convention's definition of a refugee to include

every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality (AU Convention, Article I. 2).

In adopting the above definitions, this author is aware of recent debates on the limitations of what have been termed "policy categories" by authors such as Bakewell (2000; 2002; 2008). This author argues that treating the term refugee as nothing more than an imposition by policy makers overlooks how the term takes primacy in shaping forced migrants' circumstances in Nairobi and strips these migrants of the capacity to define themselves and articulate how the refugee status impacts on their welfare. Spradley (1979: 24) argues that ethnographic description "should flow from concepts and meanings native to that scene rather than the concepts developed by the ethnographer." In addition, the observation that the term refugees may be difficult to apply to people settling among co-ethnics in border regions of the host country with historical, migratory and cultural ties with the sending country does not translate wholesale into urban contexts that are characterised by different configurations altogether. Considering the impact of the refugee status on refugee women in Nairobi, this study argues that to dismiss the term refugee as a mere label imposed by policy makers with no relevance to scholarly research is to overlook the experiential nature of the term as observed in Nairobi. The concept refugees is therefore consciously used to identify the women under investigation with due attention to the fact that the women identify themselves as such apart from the fact that the refugee status has a bearing on their experiences in Nairobi. As this study shows, this is not to argue that there are no other factors that influence these experiences independently or in intersection with the refugee status.

The Geneva Convention has been criticised for being androcentric, gender-blind, Western-oriented, exclusionary and therefore out of date (see Hathaway 1991; Valji 2001; Pittaway and Bartolomei 2002). These scholars have argued that the Geneva Convention has become outdated and that it is high time its scope was broadened particularly its definition of the term refugee. For a contrary perspective, see Callamard (1999) and Crawley (2001). This study which focuses on political refugees adopts the Geneva Convention because: i) the Convention provides a comprehensive scope of refugee law which is broad enough to protect refugees, ii) forced political migrants are distinct from trafficked populations, economic, tourist, student and other categories of migrants emerging in the contemporary world and, iii) the Geneva Convention specifically addresses political refugees and remains the legal framework within which governments and humanitarian organisations tackle refugee issues. The term refugee in this study also includes those who fled human rights violations as is the case for political and civil rights activists and journalists who fled persecution because their ideas and writings were deemed subversive.

Nor does this work treat refugees and Internally Displaced Persons (IDPs) as synonymous categories for the reason that as much as the two categories are usually outcomes of the same problem, they cannot be conflated because they exist in different contexts calling for different legal arrangements and statuses (Kuhlman 1994; UNHCR 2007). How would the UNHCR and Non-Governmental Organisations (NGOs) that assist refugees and claim that their mandates are humanitarian and apolitical compel the very state that may be responsible for internally displacing its own people to comply with international refugee law? This is particularly relevant in Africa where the rhetoric of international humanitarian organisations being tools of re-colonisation and accusations of interference in internal affairs of sovereign states have been invoked against foreign organisations their humanitarian agenda notwithstanding.³ It is the submission of this study that the experiences of refugees in a country of asylum cannot be generalised to those of IDPs and vice versa.

³ Omar al Bashir, the President of Sudan premises his refusal to allow a UN peace keeping mission into Sudan to improve security for people internally displaced by the Darfur crisis on the “argument” that the international community has a “re-colonisation” agenda. Conviction in such discourses is manifest in politicisation of humanitarian work and the increasing kidnapping and killing of aid workers. In the case of Zimbabwe, outdated anti-colonial rhetoric and discourses of sovereignty which remain a rallying point for many countries in Africa have seen the government of Zimbabwe seeking to constrain or even ban operations of mainly Western-based international NGOs because of their perceived “imperialist agenda”. Local NGOs are accordingly branded puppets of the “imperialist” West. Such discourses which are often a smokescreen for gross human rights abuse and persecution are also deployed to deter humanitarian organisations from assisting the affected populations.

1.1.2. Integration

The concept of integration is fraught with definitional problems with different countries and groups having different emphases and meanings (Ager and Strang 2004; 2008). As such, “[t]here is no single, generally accepted definition, theory or model of immigrant and refugee integration. The concept continues to be controversial and hotly debated” (Castles *et al* 2002: 114). In some instances, integration has been interpreted as synonymous with other terminologies leading to confusion and lack of clarity on what exactly it involves (Harrell-Bond 1986; Kibreab 1989; Crisp 2004). Integration takes different pathways; there are different national models, government policies and administrative contexts all of which indicate that the meaning of integration is determined by the interests, perspectives and values of those concerned (Castles *et al* 2002). As a recommended solution to the plight of refugees, the obscurity and confusion that surround local integration in many African countries emanate from the existence of various refugee policies and arrangements ranging from the temporary to the semi-permanent and permanent. Integration in African contexts is particularly confused with assimilation and local settlement.

1.1.2.1. Integration and Assimilation

In Sociology, the term integration has been traced to Emile Durkheim whose ideas were further developed by Talcott Parsons who, at a time when functionalism was at the core of understanding society, sought to explain how social systems maintain themselves. The term assimilation can be traced to debates on nation-building associated with the liberal tradition of the 19th century. These debates focused on the merits, demerits and feasibility of absorption of minorities into “high cultures” with modernists such as John Stuart Mill (1946) advocating assimilation or the melting pot and homogenisation perspective in the United States of America (USA). On the other hand, writers in the 1960s and 1970s such as Walter Connor (1972) questioned modernists’ assimilation stance and advocated multiculturalism which has become central to discussions on integration in contemporary times.

These debates summarised here show that even in the 19th century, there was no confusion between assimilation and integration as debates focused on which one of the two was appropriate for the nation-building project. While these debates capture the realities of Western states, they are largely problematic in many African countries where the nation-state superimposed on existing political boundaries has not eroded the ethnic diversities thus resulting in the continued existence of diversity and multiculturalism within the broader

nation-state category. Against this background, this section defines integration in the context of refugee hosting in a multi-ethnic and multicultural context such as Kenya. Similarly, functionalist ideas on integration and social system maintenance do not explain how refugees fit or fail to fit into their host country (Kuhlman 1994).

The UNHCR defines integration as “the process by which the refugee is assimilated into the social and economic life of a new national community.”⁴ The problem with this definition is that it substitutes integration with the term assimilation which equally needs to be defined in view of the fact that integration and assimilation are not synonyms as shown above (see also Kuhlman 1991; 1994). Assimilation entails abandonment of refugees’ own cultural identities and adoption of host populations’ cultures and submersion or absorption into host communities to the extent that refugees become indistinguishable from local populations (Kuhlman 1991; Crisp 2004; Griffiths *et al* 2005). It involves “the complete merging [of refugees] into the majority society in a unidirectional process of absorption” (Valtonen 1998: 42; see also Castles *et al* 2002). On the other hand, integration involves interaction between refugees and locals without absorption of the former. Assimilation is resisted by host governments and populations as it creates pressure on resources and generates fear of dispossession among local populations. It is also resisted among the refugees themselves who see it as an obstacle to repatriation or third country resettlement, preferably in Western countries in view of how refugees clamour for the latter (see Grabska 2006; Horst 2006a, 2006c).

1.1.2.2. Local Integration and Local/Organised Settlement

Local integration is also confused with local/organised settlement yet the two are not synonymous and cannot therefore be used interchangeably. In an ideal situation, local integration is a permanent solution which eventually leads to acquisition of citizenship through naturalisation although refugees may become integrated without naturalisation and citizenship which confer political rights (Kibreab 1989; Crisp 2004). In view of the huge numbers of refugees Kenya hosts because of its relative stability in a largely volatile region, the Kenyan government objects to naturalisation for the reason that this would strain the country’s resources and create economic, social and political problems. Nonetheless, refugees can still integrate even if they do not naturalise and become citizens. The Executive

⁴ UNHCR *The Integration of Refugees*, Geneva (undated). See also Article 34 of the Geneva Convention and Sections 2 (e) and 8(c) of the *Statute of the Office of the UNHCR* which state that State Parties shall promote and facilitate assimilation and naturalisation of refugees.

Committee of the High Commissioner's Programme (2005) views naturalisation as an "opportunity" or a "possibility" for refugees "who have already attained a considerable degree of socio-economic integration."⁵ On the other hand, local/organised settlement is a temporary measure adopted to deal with large-scale refugee influxes. Refugees are provided with land in spatially segregated areas where they can engage in economic production so that they live with a level of self-sufficiency and dignity while they wait for repatriation which is expected to take place as soon as the reasons that prompted flight cease to exist (Kibreab 1989; Jacobsen 2001; Dryden-Peterson and Hovil 2003b; Crisp 2004).

Local settlements are physically segregated so as to make refugees visible to donors (Harrell-Bond 1986; Kuhlman 1994). They are a temporary solution based on the belief that refugees are transient but need to be self-sufficient prior to repatriation. On the other hand, local integration enables refugees to live among locals and interact with them and become almost invisible as refugees. Local integration is a durable solution in so far as it recognises refugees' permanence in the host country in the event that repatriation is improbable or impossible. Local integration and local settlement differ in that the former allows refugees to settle among locals while the latter confines them to specific refugee zones where they are provided with land for agricultural production. Local integration and local settlement, as a durable solution and a temporary solution respectively, ideally seek to achieve contradictory goals in the long-run and therein lies the difference between them even if refugees in local settlements may eventually become integrated if they cannot repatriate and move into areas inhabited by local populations. However, it has to be noted that local integration can be a temporary solution like local settlement when it is followed by repatriation (Dryden-Peterson and Hovil 2003b).

Scholars who have sought to define refugee integration underline different aspects as facilitators and markers of integration. Despite the different points of emphasis, one point of concurrence emerges: integration is neither local settlement nor assimilation or its antonyms namely segregation or marginalisation in which refugees do not have any kind of relationship and interaction with local communities (see Kuhlman 1994). What then is integration if it is neither assimilation nor local settlement nor segregation or marginalisation? Harrell-Bond (1986: 7) stresses the social aspect of co-existence between refugees and host populations which she measures in terms of conflict between the two sides not being worse than "that

⁵ Executive Committee of the High Commissioner's Programme, Standing Committee 33rd Meeting, 2 June 2005, "Local Integration and Self-reliance". <http://www.unhcr.org/excom/EXCOM/42a0054f2.pdf> (accessed 05.04.08).

which exists within the host community”. On the other hand, Bernard (1973: 87, cited in Kuhlman 1991: 4) views integration as occurring when refugees become a working part of their host society and at the same time retain their cultural identity. Being a working part of a society means being able to participate in the various facets of life in the asylum country ranging from the economic, social, civic and, with naturalisation, political (see also Castles *et al* 2005; Ager and Strang 2004; 2008). Kuhlman (1991) proposes a definition that incorporates and synthesises Bernard’s and Harrell-Bond’s definitions. According to Kuhlman (1991: 7),

[i]f refugees are able to participate in the host economy in ways commensurate with their skills and compatible with their cultural values; if they attain a standard of living which satisfies culturally determined minimum requirements...if the socio-cultural change they undergo permits them to maintain an identity of their own and to adjust psychologically to their new situation; if standards of living and economic opportunities for members of the host society have not deteriorated due to influx of refugees; if friction between host population and refugees is not worse than within the host population itself; and if the refugees do not encounter more discrimination than exists between groups previously settled within the host society: then refugees are truly integrated.

Where repatriation is not possible, local 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” (Kibreab 1989: 469). This study conceptualises integration as a legal, economic, social and cultural process (Crisp 2004; Feller 2005). Although integration has a political dimension by which refugees attain political rights, this study focuses on this dimension in so far as it shapes refugee women’s experiences because the attainment of political rights only takes place in the event of naturalisation or acquisition of citizenship which is absent for the refugee women studied. Firstly, local integration is a legal process that entails rights and entitlements such as the fundamental rights to gainful employment, engagement in income-generating activities, ownership and disposal of property and freedom of movement. Secondly, it is an economic process that facilitates access to employment, establishment of sustainable livelihoods, attainment of self-reliance and self-sufficiency that enable refugees to live without depending on host government and humanitarian organisations’ assistance. Thirdly, integration is a social and cultural process that enables refugees to live among local populations without fear of discrimination,

intimidation or exploitation by host authorities and populations. Ager and Strang (2008: 166) elaborate on this conceptualisation by highlighting the domains or indicators of integration as access to employment, housing, education, health, rights and social connection between refugees and locals which is related to language, culture and the local environment.

The social and cultural dimension of integration has been the bone of contention with debates focusing on adoption of hosts' culture and retention of own culture. As Castles *et al* (2005) observe, the term integration is used in two different ways. Firstly, integration is used in a normative way which implies a one-way process by which refugees adopt the dominant culture. Secondly, integration refers to a two-way process by which both refugees and host populations adapt to each other. Many scholars emphasise refugees' ability to retain their cultural identities and co-exist with local populations with the presence of refugees in particular and their status as such not being the source of conflicts between the refugees and local populations (Kuhlman 1991). Refugees being absorbed and becoming culturally indistinguishable from local populations which is what assimilation entails carries connotations of permanence and is resisted by refugees, locals and the host government. Integration is accordingly conceptualised in this study as an interactive and two-way rather than a unidirectional process; it involves refugees' engagement with the host communities, their ability to participate in societal spheres, access institutions without impediments and become part of their host community (Valtonen 1998; Castles *et al* 2002; Dryden-Peterson and Hovil 2003b; Griffiths *et al* 2005; Ager and Strang 2008).

1.2. Historical and Research Background

The UNHCR identifies three “durable solutions” to the plight of refugees namely i) voluntary repatriation, ii) integration in the country of first asylum or local integration, and iii) resettlement in a third country.⁶ Integration in the country of first asylum⁷ or local integration refers to the same solution whereby refugees become part and parcel of their first host country which is usually a neighbouring country. In this study, integration in the country of first asylum and local integration are used interchangeably as they mean one and the same

⁶ UNHCR Statute, Article 8.c and UNHCR Handbook for Emergencies, Second Edition.

<http://www.helid.desastres.net/gsd12/collect/who/pdf/h0216e/h0216e.pdf> (accessed 04.01.08).

⁷ For some of the refugee women, Kenya is the country of second or even third asylum to which they moved from another host country or other host countries in the region. Refugees do not always flee in single-vector movements or linear movement from the country of origin to the destination country but also in two-vector movements (Kunz 1973: 126). Country of first asylum in this study is taken in its literal sense but in order to avoid confusion, Kenya is taken as such even for women who have lived in another country or other countries in the region prior to their relocation to Kenya. The latter is in the same region as the countries whose refugees it hosts and is not a third country of resettlement.

arrangement. The UNHCR recommends voluntary repatriation as the ideal solution; the refugee agency accordingly declared the 1990s “the decade of repatriation”.⁸ The implementation of voluntary repatriation has however, proved problematic. The challenges of post-conflict reintegration, rehabilitation and reconciliation and how these challenges derail efforts at successful repatriation are clearly depicted by Crisp (1986, 2000); Zetter (1988b); Harrell-Bond (1989); Malkki (1995a); Kibreab (2002); Fagen (2003); Forbes Martin (2004) and Hammond (2004). Resettlement in a third country has been traditionally implemented in Western Europe, North America and Australia. For African refugees in particular, resettlement is restricted to a small number of refugees (Kuhlman 1994; Juma and Kagwanja 2003; Cochrane 2007; Shandy 2007). For this reason, resettlement is a durable solution to a handful of refugees out of millions of refugees on the continent.

Against the background of contemporary global politics and security concerns in the wake of the 11 September 2001 terrorist attacks on the USA, there have been low and negligible numbers of refugees who find a “durable solution” in resettlement in the developed third countries in fulfilment of the principle of burden sharing (Crisp 2000; Gibney 2002; van Selm 2003). It is within this context that this study intends to examine the experiences of refugee women who have opted for or been forced by circumstances to seek local integration which takes place in the first country refugees arrive in after crossing an international border or one of the countries in the region. The country of first asylum is usually a neighbour to the country generating the refugees as is the case for Kenya in relation to some of the refugee nationalities the country hosts (see map on page 26 below).

At a global level, refugee studies that have dealt with refugee integration have mostly subsumed the concept under resettlement in a third country in Western Europe, North America and Australia (see Valtonen 1998; Korac 2001; Olsson 2002; Mestheneos and Ioannidi 2002; Ager and Strang 2004; 2008). As indicated above, integration stands as a recommended solution on its own which merits studying outside the context of third country resettlement. Due to refugee policies or regulations pursued by many African countries the most conspicuous of which being encampment, local integration has mostly existed on the periphery of refugee studies in Africa. Many African host governments are reluctant to

⁸ Sadako Ogata, the former High Commissioner for Refugees makes explicit reference to this declaration in a speech she gave at the Informal Meeting of the Executive Committee of the High Commissioner’s Programme on the 26th of June 1992 in Geneva, see <http://www.unhcr.org/admin/ADMIN/3ae68fae1c.html> (accessed 08.08.07).

implement integration and deliberately confine refugees to camps and local settlements that are usually located in remote and isolated parts of the countries of asylum. Encampment is buttressed by restrictions imposed on refugee movement that limit interaction with the surrounding communities and the country of asylum at large. Only a few countries such as Egypt and South Africa do not pursue encampment and allow refugees to self-settle particularly in urban areas.

Extensive research has been conducted on refugees in Africa but much of it is on encamped refugees or those in local or organised settlements. A few illustrative examples include Mupedziswa (1993); Hyndman (1996); Malkki (1995a); Horst (2006a; 2006c). Mention of the term refugee in African contexts predictably conjures up images of camps similar to those portrayed in media coverage of the current crisis in Darfur, Sudan⁹ which is described by the United Nations (UN) as the worst humanitarian crisis in contemporary times. This is attributable to both the prevalence of the encampment regime in Africa and the humanitarian community and host governments' emphasis on repatriation which has relegated local integration to a "forgotten solution" (Jacobsen 2001).

Hitherto, the encampment regulation and the absence of government policies of local integration have not deterred refugees from self-settling outside the camps. Hundreds of thousands of refugees have self-settled along the border regions in rural areas as well as in urban centres in various asylum countries in Africa including Kenya. Of the 14,6 million persons of concern to the UNHCR in 2001, 60% was self-settled with 13% of these being in urban areas while 47% was in rural areas (Jacobsen 2005: 6-7). In 2006, the UNHCR estimated the number of refugees domiciled in urban areas in Africa to have risen to 18% (Jacobsen 2006). The majority of refugees remain in countries of first asylum without prospects of either voluntary repatriation or resettlement in a third country, a situation that warrants the need to investigate the possibility of integration in cases where refugees have self-settled among locals in urban areas.

Refugee policies aimed at facilitating local integration in the country of first asylum have been shunned because of many African governments' belief that the lasting solution can only

⁹ The Darfur crisis in Sudan has claimed at least 300 000 lives at the hands of government-backed Arab militias and displaced nearly two million people. As the militias commit atrocities in Darfur, the world has chosen to focus on whether the killings have reached proportions that can be called genocide. The USA has since invoked the 1948 Genocide Convention. The international community is divided and continues to dither on taking decisive action on the crisis.

be found in the country of origin rather than the country of asylum (Kibreab 1989). This belief is sustained by host governments' quest to repel the economic and political pressure as well as social problems that come with integrating refugees in terms of employment opportunities, participation in political processes and balance of ethnic numbers which is salient in countries such as Kenya where ethnicity remains a critical feature of the political economy. Many African governments have accordingly declared commitment to resolving the crises that prompt people to flee their countries. Yusuf Omar, the Head of the Department of Refugee Affairs (DRA) in the Office of the President in Kenya who was interviewed for this study cited as the most durable solution "deal[ing] with the root causes of the refugee crisis" by "promoting and sustaining peace and stability". He made reference to the role of the Inter-Governmental Authority on Development (IGAD) in this regard and that of Kenya in the Comprehensive Peace Agreement (CPA) signed in 2005 between the Government of Sudan and the Sudanese People's Liberation Movement.¹⁰

In spite of regional efforts, the conflicts in Africa, besides being violent, have proved to be tenacious and intractable; many conflicts that span decades rage on with no end in sight while new conflicts are erupting thus prompting more people to flee and swell the numbers of refugees. Even in cases where peace agreements have been signed as is the case in eastern Democratic Republic of Congo (DRC) and Sudan, sporadic fighting remains an obstacle to voluntary repatriation. This has resulted in a situation whereby refugees spend decades and, in some cases, a lifetime waiting for elusive peace. For refugees who have decided to settle outside refugee camps without official approval, this decision is neither encouraged nor severely censured except in cases of perceived threat to national security. Foreign policies that have proved to be outright failures or moved gradually to solve problems in the country of origin and the fact that refugees have self-settled outside the designated areas point to the need for a better understanding of these refugees' experiences in relation to local integration which is touted as one of the durable solutions.

In comparison to camps, a few studies have focused on local integration among self-settled refugees in Africa notable examples being Hansen's (1981) and Bakewell's (2000; 2002; 2008) studies of Angolan refugees in rural Zambia. The study of local integration has largely

¹⁰ Personal interview with Yusuf Omar, Head of the DRA, Nairobi, 26.02.07. IGAD which was formed on 21 March 1996 is a body of seven countries in the Horn of Africa and East Africa. These are Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. Eritrea declared suspension of its membership in 2007 and such suspension comes into effect a year after the declaration. IGAD seeks to promote political, economic, developmental, trade and security cooperation in the region.

focused on refugees along the border where local populations usually share language and cultural ties with the refugees leading to the conclusion that such refugees easily integrate into the local communities (Rubin 1974; Schultheis 1989; Bakewell 2000; 2002; 2008). Low outcomes of voluntary repatriation and third country resettlement policies in addition to the inappropriateness of camps (temporary arrangements) for a phenomenon that has turned out to be enduring are beginning to direct attention to local integration as a viable solution (see Jacobsen 2001; Dryden-Peterson and Hovil 2003a; 2003b; 2004). There is a growing shift of attention from camps and rural self-settlement to urban areas examples being Kibreab's (1995) study of refugees in Khartoum, Sudan; Grabska's (2005; 2006) studies of Sudanese refugees in Cairo, Egypt which, like South Africa, does not pursue an encampment policy; Campbell's (2005; 2006) studies of Somali refugees in Nairobi, Kenya and Dryden-Peterson's (2006) study of refugees in Kampala, Uganda. However, much is yet to be accomplished in understanding refugee women's experiences of local integration in African urban contexts.

The stereotypical image of African refugees as mostly women belonging to rural backgrounds and the perceived connection between these backgrounds and refugee camps account for the limited attention in refugee studies in Africa to experiences of hundreds of thousands of refugee women self-settled in urban centres across the continent. Rural dwellers, specifically women, like their urban counterparts, make decisions on whether to stay in or outside the camps depending on their needs and aspirations in the country of asylum. Political crises, brazen human rights violations and violent conflicts in Africa are not confined to rural areas but also affect and displace urban dwellers. Refugees who self-settle in urban centres are largely invisible unlike their encamped counterparts thus resulting in host governments downplaying their presence in urban areas and consistently advocating encampment when more refugees are defying it and self-settling in urban areas. There is also need to appreciate the initiative refugee women in particular take in search of better prospects outside refugee camps.

1.3. Statement of the Problem

Four main issues prompted this study. Firstly, while the experiences of encamped refugee women have been widely documented, very few studies have focused on the experiences and circumstances of urban refugee women who live in a different milieu and are not readily conspicuous as refugees in an environment as cosmopolitan as Nairobi. What informs refugee women's choice to self-settle in Nairobi and what are the experiences that this self-settlement

entails? Secondly, does Kenya's encampment regime impact on refugee women who defy it and self-settle in Nairobi? While encampment deters integration, how are the circumstances of self-settled refugee women to be explained in relation to local integration? Thirdly, flight entails social and economic dislocation in the form of disruption of family relationships, networks and livelihoods. What are the implications of this dislocation on women's ability to fulfil their gender roles? Fourthly, refugee women are heterogeneous and do women from different national, ethnic, cultural and economic backgrounds have different experiences in Nairobi?

Integration in the country of resettlement is fraught with challenges for refugees in the form of racism, discrimination, language and cultural barriers as well as, for many refugees, lack of skills that can be transferred from (usually) a developing country of origin to the Western country of resettlement (Korac 2001; Ager and Strang 2004; 2008; Abusharaf 2006; Fangen 2006; Shandy 2007; Holtzman 2008). What does integration entail in a country of first asylum and do African refugee women stand a better chance of integration and fewer social and cultural challenges in countries of first asylum that are usually neighbours to or in the same region as their countries of nationality? What chances are there for refugee women to integrate and what are the dynamics of integration in Nairobi? How do refugee women view their lives in Nairobi in relation to integration?

Despite advocacy for encampment in Kenya,¹¹ refugees who self-settle are not bundled and whisked away to the camps by the Kenyan government whose attitude towards refugees has been aptly described as "benign neglect" (Verdirame and Harrell-Bond 2005: 31) and a "somewhat *laissez faire* policy" (Verdirame 1999: 57). However, as Chapter Two shows, the government reacts to refugees' presence in Kenya whenever it deems them a threat to national security. The study seeks to understand how the government relates with refugees and the impact of state institutions such as the police on refugee women. In addition, the UNHCR directs humanitarian aid to refugee camps and does not have assistance programmes for urban refugees in Kenya. The refugee agency advises refugees to relocate to the camps if they are to access humanitarian aid.¹² The absence of UNHCR assistance policy and government support

¹¹ The Head of the DRA stressed that Kenya does not have a refugee policy but a regulation which he termed "a silent regulation" of encampment. Kenya currently does not have an official policy or a law which enforces encampment hence the Head of the DRA's reference to encampment as a regulation rather than a policy. He reiterated that Kenya has an encampment regulation because encampment enables the country to manage the huge numbers of refugees that it hosts (personal interview, Nairobi, 26.02.07).

¹² Personal interview with the UNHCR Community Services Officer (CSO), Nairobi, 19.02.07.

for refugees self-settled in urban centres warrants the need to investigate the incentives for refugee women's choice to forego UNHCR assistance and live in Nairobi where they have to struggle for survival. Related to the absence of urban refugee policy is the hypothetical question: does the absence of official integration policy in Kenya deter refugee women's integration?

Refugee women are a specific social category subsumed within the broader politico-legal category of refugees. Although this is not a comparative study of refugee women and men, in addressing the experiences of refugee women the study shows in the process whether refugee women's circumstances in an urban milieu differ from those of refugee men and in what ways refugee women's experiences can be said to be unique. What are the implications of exile on refugee women regarding their performance of gender roles as subsumed in cultural definitions of womanhood? The study addresses the second hypothetical question namely, does exile change women's gender roles? Furthermore, the study endeavours to find out whether refugee women's experiences in an urban environment where they have self-settled differ from the widely documented experiences of refugee women in camp settings. What does it mean to be a refugee woman in Nairobi? Women's perspectives are usually limited to identification and narration of their experiences of violence and post-flight challenges with limited focus on how they manage to rebuild their lives in exile. How do refugee women negotiate the difficult experiences of physical, social and economic dislocation that flight from their countries of nationality entails? What strategies do refugee women devise in order to adjust to new circumstances in Nairobi?

The refugee status is a legal status which has a homogenising effect on those who bear it. Yet, refugee women are heterogeneous populations who bear diverse social identities; the term refugee is "a cluster concept" (Connolly 1983: 14) or a loaded concept in which other concepts are subsumed (Haddad 2004). Do refugee women from diverse social, cultural, ethnic and national backgrounds encounter similar challenges and opportunities in Nairobi? The prevailing hypothesis that informs refugee hosting in many countries in Africa portrays integration as inimical to repatriation and posits that integrated refugees will not repatriate even if the conditions that prompted flight cease to exist. Despite that this hypothesis can only be proved or disproved by studying repatriated refugees, do refugee women's circumstances shed light on the perceived integration-repatriation dichotomy? Questions raised in this

section guide the study towards a nuanced investigation of refugee women's experiences and the possibility of integration in Nairobi.

1.4. Objectives of the Study

The study aims to understand the impact of the encampment regime designed to discourage and prevent integration on refugee women who have defied it and self-settled in Nairobi. It also proposes to explore the world of concrete experiences of refugee women in negotiating the political, legal, economic, social and cultural terrains in the process of adaptation in the country of asylum. The objectives of the study can be summarised as follows:

- To establish the relationship between the heterogeneous refugee identities and prospects for integration among refugee women.
- To analyse how refugee legal protection is translated into reality and how this translation shapes refugee women's experiences in Nairobi.
- To document and analyse the experiences and circumstances of refugee women self-settled in Nairobi and their implications for integration.
- To explore and highlight strategies refugee women devise in order to rebuild their lives and carve a niche for themselves in Nairobi.

1.5. Justification of the Study

Self-settled refugee women have remained largely on the periphery of refugee studies in Africa that have focused largely on encamped refugees. Firstly, there is need to understand why increasing numbers of refugees are defying encampment and self-settling in urban areas. The second issue which derives from the first is that as refugees opt for self-settlement, there is need to understand the implications of this self-settlement for local integration in a country that advocates encampment. Thirdly, a growing body of literature epitomised by Blackwell's (2008) study cited above is taking the perspective that terms such as "refugee" are "policy categories" that do not necessarily reflect the circumstances of the populations upon whom they are "imposed". To what extent do the circumstances of refugee women in Nairobi sustain or challenge this perspective? The study also aims to understand the difference between Nairobi and the camps which are settings similar to total institutions such as prisons (Forbes Martin 2004) and mental asylum, internment camps and Bantustans (Verdirame and Harrell-Bond 2005). Fourthly, a perspective that portrays refugee camps as expensive enclaves of political ferment (Malkki 1995a; 1997; Ibeanu 2004) and military activity and danger (Crisp

2000) has emerged. It is still not clear whether self-settlement in an urban context provides security for refugees, who in this case are women.

With so many studies having focused on refugee camps in Kenya to the exclusion of refugees who live in settings where local integration can take place, it is still difficult to understand the dynamics of local integration in Nairobi. While the UNHCR cites local integration in the country of first asylum as one of the three “durable solutions”, much is yet to be accomplished in terms of understanding what integration entails and its feasibility in African contexts where first countries of asylum are usually poor neighbours of the refugee-producing countries. Local integration has largely existed in theory in contemporary African contexts to the extent that it is not clear whether its implementation can indeed provide a solution to refugees in Africa. This warrants the need for a study which seeks to understand the experiences of refugee women who have self-settled in Nairobi in relation to local integration. It is the position of this author that refugee experiences vary with context; the broadest interpretation of research findings on integration and resettlement in a developed third country would not fully capture the experiences and circumstances of refugees who have self-settled in a developing country of first asylum. Similarly, the experiences and circumstances that the refugee status involves vary with gender. Women usually constitute the majority among refugees and in the same way that conflict means different experiences for men and women, the experiences of local integration are also gendered. Besides insights provided by Crawley (2001) and Forbes Martin (2004), there is need for in-depth analysis of gender and how it shapes refugee women’s experiences in an African urban context.

The concept refugee subsumes differences in terms of gender, ethnicity, religion, nationality among other social characteristics. These diversities are pertinent for integration and merit a nuanced study in order to underscore refugee women’ experiences in Nairobi. The study is also necessitated by the need to investigate the homogenising assumption in humanitarian circles that refugees are trapped in difficulties from which they cannot extricate themselves without humanitarian aid. The study investigates the perception of the refugee status as pathological and endeavours to bring into the limelight refugee women’s resourcefulness and agency which is defined as the individual actor’s “capacity to process social experience and to devise ways of coping with life, even under the most extreme forms of coercion” (Long 2001: 16), the power to do things or “the capability to ‘make a difference’” (Giddens 1985: 14). It is

hoped that this study contributes to the growing body of literature on urban refugees particularly women in Africa.

1.6. A Note on the Field

Fieldwork was carried out in Nairobi, the capital city of Kenya. Kenya is located in East Africa and shares borders with Somalia to the east where it is also bound by the Indian Ocean, Ethiopia and Sudan to the north, Uganda to the west where Lake Victoria also lies and Tanzania to the south. Kenya has a significant topographical feature namely the Rift Valley which runs from the north to the south. The northern region of the country constitutes two-thirds of the country and is hot and semi-arid as it receives comparatively little rainfall. The coastal region is humid, the famous Kenyan highlands are relatively temperate and the Lake Victoria region is tropical. Kenya is divided into eight provinces namely Central, Coast, Eastern, Nairobi, North-Eastern, Nyanza, Rift Valley and Western. The country is renowned for its tourist attractions that range from wildlife, the Rift Valley, the port city of Mombasa and culture tourism epitomised by the Maasai ethnic group.

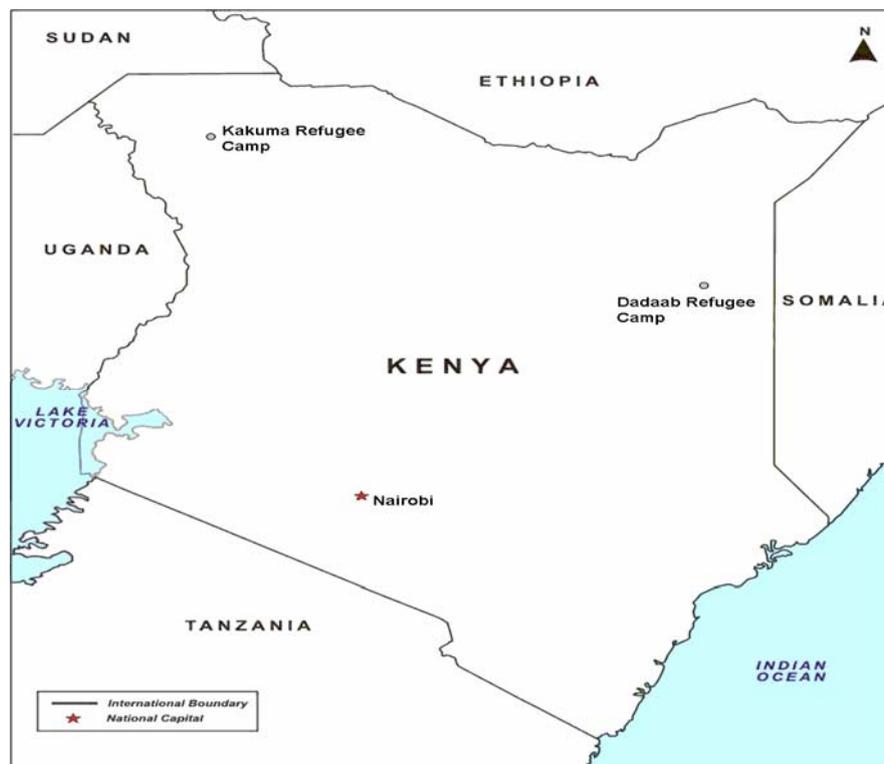


Figure 1: Map of Kenya showing Fieldwork Site (Nairobi), Refugee Camps and Neighbouring Countries.¹³

¹³ Source of Map: http://oursurprisingworld.com/wp-content/uploads/2007/10/kenya_political_map_b.jpg (accessed 29. 10.08; map modified to show Kakuma and Dadaab Refugee Camps).

The country's population was projected to stand at 35,265 million for the year 2008.¹⁴ Almost 99% is African with the remaining percentage comprising Arabs, Asians and Europeans. Kenya's African population is comprised of forty-two ethnic groups with the following groups constituting the majority; Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (12%) and Kamba (11%).¹⁵ Kenya's Constitution provides for freedom of religion which the government respects in practice. Approximately 45% of the population is Protestant, 33% is Roman Catholic, 10% Muslim, 1% Hindu with the remaining percentage following various traditional religions.¹⁶ Some Muslims charge though that the government is hostile towards Muslims. Kiswahili and English are the official languages with English being used as a second language. Nevertheless, ethnic languages, particularly those spoken by the major ethnic groups, are also spoken in Nairobi.

Relations among ethnic groups particularly in the rural areas are largely characterised by contestation for resources such as land, water and pasture, and politically motivated violent clashes. The country's post-independence history is characterised by land clashes such as those that took place in 1992 and 1997 in the Rift Valley, Mt Elgon area and the Coast Province as well as in Molo in 2006 at the time fieldwork was conducted. Up to the end of fieldwork in February 2007, there were regular ethnic clashes particularly in Mt Elgon. Such clashes which also involve the violent activities of the Mungiki Sect have been analysed in terms of political tribalism and monopolisation of violence (Klopp 2002). Ethnic tensions culminated in large scale ethnic violence following the December 2007 general election in which the opposition Orange Democratic Movement (ODM) led by Raila Odinga charged that Mwai Kibaki, the incumbent president and leader of the Party of National Unity (PNU) had rigged his way back into office. Ajulu (2002: 265-266) describes the political contestation and violence that characterise post-independence Kenya as "championed by dominant elites with ethnicity acting simply as the organising principle".

The study was conducted four years after the landmark election which saw the ouster in 2002 of the Kenya African National Union (KANU) Party which had ruled the country since independence from Britain in 1963 by the National Rainbow Coalition (NARC). There is open acknowledgement that under the NARC government, the political and economic

¹⁴ Source: <http://www.economywatch.com/economic-statistics/country/Kenya/> (accessed 10.05.09).

¹⁵ 2006 Demographic Data. [http://en.wikipedia.org/wiki/Demographics_\(Kenya\)](http://en.wikipedia.org/wiki/Demographics_(Kenya)) (accessed 08.08.07).

¹⁶ US Department of State International Religious Freedom Report 2006. <http://www.state.gov/drl/rls/irf/2006/71307.htm> (accessed 01.08.07)

situation in the country has improved from what it used to be under Daniel arap Moi. Since 1991 when suspension of donor funds prompted the country to return to multi-party politics, the country has seen the opening up of political space for more players. While this is a notable improvement in a country where the previous president, Daniel arap Moi had advocated one-party state politics in which he rewarded loyalty and punished dissent (Barkan 2004), the impact of the violence of December 2007 on Kenya's future politics is yet to be seen.

The multi-party politics prevailing in the country is coupled with freedom of expression and association as well as increasing human or civil rights activism (Klopp 2000). At the time of fieldwork, there was constant reference to "our democracy" or "our second liberation" in political discourse particularly at political rallies and in broadcast fora on party politics, corruption and human rights issues. However, democracy in the country is still nascent, fragile and rife with ethnic factionalism (Barkan 2004) and regressions as illustrated by the violent contestation of results of the presidential election held on 27 December 2007. It is also largely a contested terrain as government, opposition politicians and civil society trade accusations on various issues relating to good governance particularly human rights and the fight against corruption both of which were topical at the time fieldwork was conducted. The expansion of civil and political rights in Kenya is marred by high levels of corruption (Klopp 2000; Murunga and Nasong'o 2006; Transparency International 2006).¹⁷

Kenya's GDP Growth for the year 2006 was 6.0% and inflation for the same year was around 14.5%. Unemployment rate stands at 24% of the country's labour force and many Kenyans are in the informal sector or self-employed.¹⁸ Even though the economy registered significant growth for the year 2006, poverty reduction and inequality remain a challenge with income disparities having gone down in rural areas since 1997 while they have increased slightly in urban areas (World Bank 2007). Severe poverty in the rural areas declined from 34.8% in 1997 to 21.9% in 2006, in urban areas it increased from 7.6% to 8.3% during the same period.

¹⁷ Transparency International Corruption Perceptions Index 2006. Transparency International makes explicit reference to Kenya's Anglo-Leasing scandal and related scandals involving misappropriation of public funds through fraudulent contracts using sophisticated shell companies and bank accounts in European and off-shore jurisdiction. The Anglo-Leasing scandal was topical and discussed in debates that were broadcast in the Kenyan media at the time of fieldwork.

http://www.transparency.de/uploads/media/06-11-03_CPI_2006_press_pack-deutsch.pdf (accessed 08.08.07).

¹⁸ Source: <http://www.economywatch.com/economic-statistics/country/Kenya/> (accessed 10.05.09).

The category informal sector is problematic as small businesses that start in the informal or unofficial sector morph into large and official businesses that are part of the formal economy in terms of size, profit and the number of people they employ (Campbell 2005). However, informal sector is used in this study in reference to refugee women's income-generating ventures most of which remain small, one-woman businesses operated on the fringes of the formal sector economy.

One in five Kenyans has consumption levels that are inadequate to meet basic food needs even if the individual were to forego all non-food consumption.¹⁹ Sixteen and half million Kenyans are poor with overall national poverty standing at 46%. Great wealth and prosperity are concentrated in the hands of a few.²⁰

Kenyans' optimism and enthusiasm following President Moi's defeat in the 2002 election have been replaced by disappointment with the NARC government's performance (Murunga and Nasong'o 2006). This disappointment has been exacerbated by contestation of the 2007 election results which led to formation of a government of national unity which retained Mwai Kibaki as President and appointed Raila Odinga as the Prime Minister. Nairobi, the capital city of Kenya, is divided into a continuum of sections ranging from affluent neighbourhoods to slums in a graphic illustration of the gap between the rich and the poor. The majority of refugees in Nairobi live in squalid conditions in the slums and crowded sections of the city where they have to eke out a living by competing with their Kenyan counterparts in the informal sector. The slums are characterised by poor infrastructure in terms of sanitation, drainage and accommodation. Residents in the slums live in overcrowded conditions and have to contend with the problem of violence and insecurity. In recognition of the high poverty levels, the government of Kenya provides free primary education which it extends also to refugee children.

Kenya is one of the main asylum countries in East Africa and on the whole continent of Africa. Besides Tanzania which also hosts refugees in the region, Kenya owes its asylum country status primarily to its history of relative political stability and peace as well as its location in a region where most of the countries have been ravaged by wars that span decades, intermittent ethnic conflicts and general instability. The country's prospects are threatened by insecurity in the form of the growing threat of terrorism and the prevalence of violent crimes (Barkan 2004). On 7 August 1998, Kenya and Tanzania became targets of terrorist attacks which were specifically aimed at USA embassies in both countries. An Israeli-owned hotel in the coastal city of Mombasa was also attacked in a separate incident by al Qaeda agents on 28 November 2002. Such attacks affected tourism in the country prompting the government to establish a counter-terrorist unit. Kenya's Muslim population demands that this unit be

¹⁹ Kenya Economic Recovery Strategy for Wealth and Employment Creation 2003-2007, June 2003. <http://siteresources.worldbank.org/KENYAEXTN/Resources/ERS.pdf> (accessed 03.08.07). Unless otherwise indicated, statistical data in this paragraph was obtained from the website referenced under this footnote.

²⁰ JRS Eastern Africa Summaries of Refugee Situations and the JRS Projects in the Region (Kenya, Ethiopia, Sudan, Tanzania and Uganda (1998).

disbanded because it perceives it as intended to harass and victimise Muslims. Ten years after the terrorist attack in Nairobi, there continues to be predictions of more attacks by “Islamic terrorists”. The USA issues regular warnings of plans by Islamic militants to attack Kenya and provides anti-terrorist assistance to Kenya (see also Murunga and Nasong’o 2006).

The country is sometimes subjected to sporadic cross border attacks by bandits from Ethiopia, militias and cattle rustlers in its North-Eastern Province and the Turkana District (see also Verdirame 1999). This is in addition to a high rate of violent crimes which has raised security concerns within the country.²¹ There is also proliferation of small arms blamed on Somalis. This has raised the levels of violent crimes in the country in the form of clashes among people belonging to different ethnic groups in the rural areas, between gangsters and the police in addition to armed robberies and shootings. In spite of the high levels of violent crimes, Kenya remains a safe destination country for populations fleeing violent conflicts from the surrounding countries. In view of the violent contestation of the December 2007 presidential election results, it is not clear whether Kenya will remain a safe host country for refugees.

1.6.1. Overview of the Refugee Population in Kenya

Kenya’s history of relative political stability in a largely volatile region (Barkan and Cooke 2001) enables the country to host refugees from the Great Lakes region countries namely Burundi, the DRC, Rwanda and Uganda; Horn of Africa countries of Ethiopia, Somalia and Eritrea as well as from Sudan. Thus, the refugee population in Kenya is mainly from eight countries and Kenya shares borders with four namely Ethiopia, Somalia, Sudan and Uganda (see map on page 26). Some of the refugees have been in Kenya for decades as is the case with Ugandan refugees who fled the war in the 1970s and Somali and Sudanese refugees who came in the 1980s. The Government of Kenya (GoK) pursues an encampment regulation and restrictive employment policies that require all refugees to reside in camps. At the time of fieldwork, camps at Walda in North-Eastern Kenya, Thika in Central Kenya and those around Mombasa in the Coast Province had been closed which means that refugees now have to reside either in Kakuma or Dadaab Refugee Camp. Both camps are situated in Northern

²¹ During the fieldwork period, between September 2006 and February 2007, Kenyan security forces clashed with Ethiopian bandits. There was also a series of clashes such as the ones in Molo and in Nairobi’s Kibera and Mathare slums. Security forces had to impose a curfew on Mathare in November 2006 following bloody clashes which left five people dead. The KTN channel broadcast on its 2100hours news bulletin of 29 January 2007 the then Minister of Security John Michuki expressing concern on the deteriorating levels of security within the country. The channel raised concerns on whether this was a sign of the Police Commissioner being under “siege” or it was a manifestation of police defeat in the war against crime. The Minister ruled out sabotage. Viewers in the country also expressed their fears on phone-in programmes on the same television channel.

Kenya which is semi-arid and under-populated thus providing the GoK with little incentive to invest in the region.

Kakuma Refugee Camp is located in Turkana District in North-Western Kenya which is about 1000 kilometres from Nairobi and 95 kilometres from the Kenya-Sudan border (UNHCR 2006).²² The Camp has four sites namely Kakuma I (mixed nationalities), Kakuma II (predominantly Sudanese refugees), Kakuma III (mixed nationalities) and Kakuma IV (predominantly Sudanese refugees).²³ The UNHCR put the figure of refugees in Kakuma as of February 2007 at 84,000.²⁴ Dadaab Refugee Camp is located in Garissa District in the North-Eastern Province, which is around 500 kilometres from Nairobi and 80 kilometres from the Kenya-Somalia border.²⁵ While the camp was originally designed for 90,000 refugees, there were 136,019 refugees in Dadaab Camp as of 31 August 2006 and of this population, 97.5% were Somali.²⁶ However, with the escalation of violence in Somalia and the subsequent ouster of the Islamic Courts Union (ICU) by the Ethiopian-backed Somali Transitional Federal Government (TFG) forces in late 2006, there was an influx of Somali refugees in Dadaab. On 30 November 2006, a UNHCR official stated on the Kenyan NTV news bulletin that about 25,000 Somalis had crossed the border into Kenya and that if the influx continued, the UNHCR would find it difficult to cope with the large numbers of refugees. At the end of February 2009, Dadaab Refugee Camp held 255,000 refugees and the UNHCR estimates that this number could rise to 360,000 by the end of 2009 (Human Rights Watch 2009).

Although the GoK follows an encampment regulation, not all refugees abide by this regulation as some have moved to urban centres such as Nairobi. In addition, the GoK does not strictly enforce the encampment regulation except in situations where foreigners are deemed a threat to national security as happened following the terrorist attacks in Nairobi in 1998. The exact number of refugees currently domiciled in Nairobi is subject to conjecture because of double figures caused by the cyclic movement of refugees who shuttle between the camps and Nairobi. In 2001, the UNHCR provided the number of refugees living in Nairobi as 218,500 (Human Rights Watch 2002). The UNHCR Community Services Officer

²² UNHCR Briefing Kit on Kakuma Refugee Camp-Kenya. The same information is also provided in a UNHCR booklet, *Information for Refugees and Asylum-Seekers in Nairobi*. (See also Verdirame 1999).

²³ UNHCR Briefing Kit on Kakuma Refugee Camp-Kenya.

²⁴ Personal interview with the UNHCR Community Services Officer (CSO), 19.02.07, Nairobi.

²⁵ UNHCR Dadaab Operations in Brief, 31 August 2006.

²⁶ UNHCR Dadaab Operations in Brief, 31 August 2006.

(hereafter CSO) estimated a figure of 15,000 refugees as residing in Nairobi.²⁷ On the other hand, the refugee agency's website cites the same figure as comprising Somalis alone which implies a significantly higher number if the other nationalities are included.²⁸ In view of the escalation of the conflict in Somalia in recent years and the increasing trend of refugees relocating from camps to urban areas, it is likely that the number of refugees in Nairobi exceeds the 218,500 provided by the UNHCR in 2001.

1.7. Refugee Hosting in the Context of Globalisation

Debates on globalisation have focused on three main questions, i) what is globalisation? ii) is globalisation something new or part of the long history of transnationalism? iii) what are the consequences of globalisation? (Held *et al* 1999). Globalisation has largely been conceptualised as an economic and socio-cultural process. For Held *et al* (1999), debates on globalisation fall into three broad categories consisting of i) hyperglobalisers, for example Robertson (1994), who see the world moving towards integration and homogenisation, ii) sceptics, for example, Hirst and Thompson (1996), who point to the increasing importance attached to cultural difference and geopolitical conflict, and iii) transformationalists, for example, Giddens (2002), who perceive intermingling of peoples of the world as generating cultural hybrids and global cultural networks. Scholars in the latter two categories focus on the cultural revivalism, religious fundamentalism and xenophobic tendencies that can be observed in the contemporary world (Giddens 2002).²⁹ Held and McGrew (2002: 3) refer to these categorisations as ideal types which do not necessarily describe what globalisation is but clarify the primary areas of consensus and contention. In recent times, there has been a shift to theorisation and analyses that transcend the integration-disintegration dichotomy and stress the complexity and contradictions of contemporary events and processes that straddle various aspects of human existence. For Manger and Assal (2006), globalisation needs to be conceptualised in terms of regional and local variation and possibilities on the basis of concrete empirical material in which micro-processes and dynamics are demonstrated.

²⁷ Personal Interview with the CSO, Nairobi, 19.02.07.

²⁸ UNHCR: <http://www.unhcr.org/news/NEWS/466d68f94.html> (accessed 29.06.2007). Obtaining credible information on refugee numbers in many African countries is an insurmountable task as some of the refugees are simply not captured apart from the cyclic movements leading to double counting. For instance, the JRS Strategic Plan 2007-2010 published in 2006 states that there are 15,000 officially recognised urban refugees in Kenya with a further 120,000 being unofficial urban.

²⁹ In recent times, the global media have reported incidence of usually violent attacks on foreigners in disparate cities such as Moscow, Berlin, Johannesburg; Accra, and Bamako. A Human Right Watch report of 1998 illustrates the prevalence of xenophobia and abuse of immigrants in South Africa where foreigners were also attacked in May 2008. Sixty-two immigrants were reportedly killed.

Notwithstanding the different conceptualisations, globalisation has specific characteristics on which the various standpoints converge not for purposes of agreement but for aspects that make the subject of the diverse analyses. Held *et al* (1999) set out the characteristics of globalisation as: i) social, political and economic activities that transcend national, regional and continental boundaries, ii) growth and intensification of interconnectedness manifest in flow of trade, investment, finance and migration, iii) fast and efficient transport and communication systems that facilitate interaction and the exchange of ideas, goods, capital and information, and iv) the deepening impact of events in one geographical location on distant places and the impact of the local on the global. These four are characteristic themes of theories of globalisation.

Globalisation affects the rooted and the mobile in complex and intertwined ways. It is the implications of globalisation on the mobile and sedentary that the concept is deployed in this study. Regional and global population movements are not a new phenomenon and can be traced through the history of humanity (see Held *et al* 1999). However, these movements became more conspicuous from the seventeenth century onwards (Held *et al* 1999), burgeoned in the 1970s (Castles 1998) and have become geographically extensive in contemporary times. Globalisation is characterised by contradiction as when deterritorialisation concurrently takes place with reterritorialisation as shown through formation of diasporas. Deterritorialisation which is a buzzword in globalisation discourses is believed to open up nation-state boundaries and facilitate inflow and outflow of people to and from neighbouring countries and beyond. The movement that accompanies deterritorialisation is restricted to *things* in the form of technologies, ideas and capital flows rather than extended to human beings or labour (Malkki 2002, emphasis in original). Deterritorialisation is accompanied by erection of physical and legal barriers for migrants that restrict the inflow to goods, information and migrants with a value in the global market for their labour, capital and cultural input thus denying basic rights to those who are perceived as not having contributions to make in the global market (Castles 1998; see also Shamir 2005). Globalisation is conceptualised as a process of segregation or marginalisation and a system of selective inclusion and exclusion which exacerbates inequalities among specific places and groups of people (Castles 1998; Baldwin-Edwards 2006; Nyamnjoh 2006).

In the post-11 September 2001 period, globalisation has been conceptualised in ways not previously envisioned. Even though conflict and violence are not inherent features of

globalisation *per se*, globalisation in a broader framework entails disruption of existing socio-economic structures and undermines established political authority thus creating causes for conflict and violence (James and Sharma 2006). Events of 11 September 2001 have led to conceptualisations that argue that apart from cultural and economic commodities, conflict and violence can also be transnationalised in an interconnected world. There is increasing theorisation that links globalisation with transnational conflict and violence that transcend national borders in ways that threaten to undermine perception of nation-states as self-contained entities (James and Sharma 2006). The transnationalisation of conflict and violence currently expressed in terrorism and anti-terrorism discourses has been accompanied by the globalisation of insecurity (Camilleri 2006). The connection between contemporary conflicts with mobility accordingly affects populations on the move in the form of migrants, both forced and voluntary. It has implications for refugee hosting particularly where refugees are linked to conflicts perceived to be a threat to world peace and security.

1.8. Ethics, Methodology and Research Methods

Researching refugees poses ethical challenges. Confidentiality is central to such research considering refugees' security concerns which in most cases account for the refugees' decision to stay in Nairobi instead of the refugee camps. Participation in the research as well as the recording of interviews took place with the women's informed consent. Although refugee women who participated in this study did not hide their identity as refugees, the study gives priority to informants' confidentiality and security and uses pseudonyms to identify refugees and locals alike. The study does not reveal the neighbourhoods in which some of the refugees live especially for refugees with heightened security concerns as is the case for one family in which the man was accused of murdering two refugee children in an NGO shelter.

Participant observation was the main research method. Complementary methods of data collection were crucial where participant observation alone could not yield all the required data. In addition to participant observation, data were collected through questionnaires, interviews, Focus Group Discussions (FGDs), websites and media discussions of issues relevant to the study which were topical during fieldwork. Complementary methods also provided more nuanced perspectives on the experiences of refugee women under investigation. For purposes of feasibility, one specific city was selected from several other smaller urban centres in Kenya. Nairobi was chosen because it has a refugee population that represents the eight nationalities that are in Kenya and this was ideal for the research which

sought among others to investigate whether experiences and circumstances among refugee women varied with national background. Because of the research's focus on gender in relation to ethnic and national identities, the researcher made a conscious effort to include women from all the eight nationalities in Kenya. The study was not restricted to persons with UNHCR documents confirming their legal status as refugees but also included those who did not have such documents but identified themselves as refugees in terms of the definitions of a refugee adopted in this study.

Refugee women's experiences cannot be described as unique where there is lack of adequate understanding of the circumstances of refugee men. To this end, the research included male refugee informants whose experiences helped to provide insights into the gendered nature of the refugee status. Refugee men were included because the two categories of women and men are not mutually exclusive; refugee men's experiences have ramifications for refugee women within refugee households and vice versa. The primary focus of the research was refugee women between the ages of 17 and 56 and men within the same age range. There were two cases involving a woman and a man in their 70s. The refugees who were involved in the study fled to Kenya between 1984 and 2005. The journey to Kenya involved staying in other countries such as the DRC, Tanzania and Uganda. Informants were initially identified through the Jesuit Refugee Service (JRS) Parish Outreach Programme (POP) which brought refugees from different nationalities together for food and medical assistance at Catholic parishes in Nairobi.

In order to avoid bias towards refugees who were receiving JRS food aid and exclusion of those who were not beneficiaries of this programme, other refugees were identified outside the programme through refugee women's social relationships and snowballing. The research also benefited immensely from spontaneous encounters with refugees since the researcher lived in Waithaka and Kangemi which are among sections of Nairobi that host refugee communities. Conscious effort was also made to include women of different marital statuses and from different backgrounds such as urban and rural. With the exception of the two informants in their 70s cited above and four other cases of refugee women, English was the language of communication. Inclusion of women who could not speak English in the questionnaire and semi-structured interviews was meant to avoid bias towards refugees who spoke the language. In these six cases, each interview was recorded and then translated verbatim twice by two different research assistants who were fluent in both Kiswahili and

English. Even so, translation is not the same as a direct interview in a language spoken by both researcher and informant. The research also included the UNHCR, NGOs, the German Technical Development Cooperation (GTZ), Refugee Community-based Organisations (RCOs), Kenyan citizens and the Head of the DRA already cited above.

1.8.1. Questionnaire

The questionnaire was used as a prelude to in-depth data collection from individual informants as it was considered the appropriate instrument in this study to elicit biographical and historical information from the refugees (see Appendix A). The questionnaire was administered on a total of 44 refugees comprising of 34 refugee women and 10 refugee men. The 34 refugee women came from eight nationalities namely: 8 Rwandans, 6 Ugandans, 5 Sudanese, 4 Somalis, 4 Congolese, 4 Ethiopians, 2 Burundians and 1 Eritrean. The 10 refugee men were of the following nationalities; 2 Ugandans, 2 Rwandans, 1 Congolese, 1 Burundian, 1 Somali, 1 Ethiopian, 1 Sudanese and 1 South African.³⁰ The questionnaire avoided technical concepts and was designed in simple everyday language which the women could easily understand. As an introductory phase of the fieldwork, the administration of the questionnaire created familiarity between the researcher and the refugees.

The introductory section contained self-introduction by the researcher and explanation of the purpose of the research and the research objectives; these ethical issues are integral to fieldwork (Spradley 1979). The same section informed potential respondents that it was their right to choose to participate or not to participate in the study and that the researcher would respect their decision even where they decided not to participate.³¹ In order to obtain basic demographic data on refugee women, the questionnaire asked brief questions presented in a logical order that required equally concise but clear responses. Informants were asked to provide demographic information about themselves on characteristics such as age, marital status, number of children and profession as well as on flight and life in Nairobi. Besides collecting demographic data the questionnaire functioned to establish rapport.

The majority of the women were literate, could read, write and communicate very well in English. Even so, the researcher administered the questionnaire because it became clear from

³⁰ The South African man was the only citizen of that country the researcher encountered in Kenya. He was included in the research because it was unusual for a South African to be a refugee at a time when South Africa enjoys political and economic stability. The man claimed though that he was a writer and had published a newspaper article on a politician whom he declined to name and received threats leading to his flight.

³¹ A copy of the questionnaire is provided in Appendix B.

a group of male refugees who self-administered the questionnaire that getting feedback was difficult and entailed pestering the refugees to return the completed questionnaires. With the exception of four cases in which the women self-administered the questionnaire and asked the researcher to collect it on agreed dates, the women made it clear that they preferred the researcher to administer the questionnaire due to time constraints on their part. Most of the refugees agreed to have their voices recorded at the same time that the researcher completed the questionnaire and this helped to cross check what the researcher had written down against the women's recorded voices.

1.8.2. Structured, Semi-structured and Unstructured interviews

Interviews were preceded by informal discussions with a Jesuit scholastic familiar with refugee circumstances and this enabled the researcher to reconsider and edit some of the questions that had been designed before travelling to the field. The informal discussion was meant to gather basic, context-specific information or an overview of the circumstances of refugees in Nairobi and the nature of questions needed to obtain detailed information capable of answering the research questions (Fielding and Thomas 2002:125). Interviews were used to elicit information from refugees, the UNHCR, NGOs, the GTZ and the Head of the DRA that enabled the researcher to understand the field in relation to the overall research objectives. A total of 63 interviews were conducted. Of these, 34 were conducted with refugee women all of whom had answered the questionnaire above, 10 with refugee men on whom the questionnaire had also been administered, 10 with Kenyan citizens, 1 with the UNHCR, 1 with the Head of the DRA, 3 with NGOs, 1 with the GTZ and 3 with Refugee Community-based Organisations (RCOs).

Structured/standardised interviews were conducted with staff from the UNHCR, the three refugee-oriented NGOs namely Jesuit Refugee Service (JRS), Peace-building Healing and Reconciliation Programme (PHARP) and Refugee Consortium of Kenya (RCK), the German Technical Development Cooperation (GTZ), a German government agency as well as RCOs namely Africa Refugee Programme (ARP), Sudanese Women Action Networks (SWAN) and Zindua Afrika. Interviews with the organisations were conducted after those with the refugees so that the researcher could also obtain information on issues the refugees had raised on their relations with the organisations and verify the issues. Interviews with staff from the organisations and the government official were conducted strictly by appointment and usually in a formal setting such as an office. These interviews elicited information on the nature of the

organisations' work with refugees as well as their perspectives on and relations with refugees in Nairobi.

Semi-structured/semi-standardised interviews were also employed in the research. In this type of interview, the interviewer asks the important questions the same way across informants but has the room to probe and alter the sequence of questions. Semi-structured interviews were used to obtain data from refugee women and men as well as Kenyan citizens. The number of refugee men was kept lower because the research focused on refugee women in particular and data from refugee men was meant to measure the extent to which refugee women's experiences and circumstances are unique. Interviews with Kenyans were complemented by data obtained through a survey conducted by Citizen Television channel on Kenyans' attitudes towards refugees.³² In the semi-structured/semi-standardised type of interview, "the interviewer can adapt the research instrument to the level of comprehension and articulacy of the respondent, and handle the fact that in responding to a question, people often also provide answers to questions we were going to ask later" (Fielding and Thomas 2002: 124). Semi-structured interviews sought to understand refugee women's circumstances and experiences by seeking detailed information on the women's backgrounds, how they fled their countries, how they earn incomes, the challenges and opportunities of life in Nairobi, relations with locals and how they view their current lives in relation to their pre-flight circumstances

The third type of interview that was employed during fieldwork is the unstructured/non standardised or focused interview. In this type of interview, the researcher has a list of topics or a guide on issues respondents should address during the interview. Questions are formulated in any way that makes sense and the researcher can participate in the discussion and provide his/her own opinion on the issue under discussion (Thomas and Fielding 2002). Non-structured interviews were also used when informants spontaneously started discussing cultural issues in their communities such as female circumcision, country of origin politics, rape, pending outcomes of application for resettlement as well as discussion of mundane activities and events which provided invaluable information on how the refugee status is connected to everyday experiences. Both semi-structured/semi-standardised and unstructured/non-standardised/focus interviews facilitate flexibility (Weller 1998); this enabled informants to provide rich details and recollections about their experiences as refugees.

³² Citizen Television, a local television channel in Kenya, conducted a survey on Kenyans' attitudes towards refugees in February 2007.

The interview sessions were recorded on a digital voice recorder with the permission of the informants and later transcribed using Express Dictate Software. With the exception of the UNHCR, GTZ, NGOs, RCOs (excluding JRS and Zindua Afrika) and two women from Rwanda, all the interviews were recorded and later transcribed. In these cases, interviews could not be recorded because respondents felt more comfortable with the researcher taking down notes. Even though the researcher interacted with a cross-section of the refugee nationalities in Nairobi, specific individuals' circumstances, experiences and views were crucial for the study and these individuals were further interviewed through informant-centred interviews which sought to obtain more data on pertinent issues.

1.8.3. Participant Observation

In order to understand people's everyday experiences, their perspectives and narratives and how these are connected or divorced from their experiences, the researcher need to live with the people under study. The researcher lived in the same compound as some of the refugees and became part of the women's everyday lives. Living with the refugees enables the researcher to gain access into the lives of the refugees, she visited them in their homes, welcome them as guests, attended functions hosted for refugees, for instance, the Human Rights Day Commemoration held in Nairobi on 8 December 2006 (hereafter the Human Rights Day Commemoration), attended Sudanese women's literacy classes and accompanied refugee women on outings on public holidays and joined them in mundane activities such as shopping. For refugee women who were in Income Generating Projects (IGPs) such as tailoring, the researcher joined them in the rooms where they did their work.

The researcher also joined the refugees at one of the Catholic parishes where they received food rations and medical vouchers at the end of which she would go on home visits. The JRS runs its POP in eight parishes of the Archdiocese of Nairobi. Refugees went for vouchers for medical attendance at clinics and hospitals in Nairobi on Mondays and for food distribution on Wednesdays. The researcher chose one parish for the weekly food distribution visits because unlike visiting different parishes every week, visiting a single parish facilitated the development of familiarity and trust between the researcher and the refugees such that by the end of fieldwork, refugees could freely communicate with the researcher. For refugees' security, the chosen Catholic parish is identified by the pseudonym St Faith. Except for Somalis and Sudanese who lived further from St Faith, the other six nationalities in Kenya were represented by the refugees who came for assistance at St Faith. The researcher had to

visit Somalis in Eastleigh and Sudanese at the SWAN Centre and in their homes. On food distribution days, the researcher was able to observe the interaction among refugees from different national backgrounds in a context which was not researcher-created. The researcher participated in the weekly gatherings for food assistance in the sense of assisting the social worker with recording names of refugees who turned up for food assistance every week as well as with the actual food distribution.

1.8.4. Focus Group Discussions

Focus Group Discussions (FGDs) were employed in the study. These are defined as group interviews (Krueger 1994; Cronin 2002; Fontana and Frey 2005) or collective or “staged” conversations (Kamberelis and Dimitriadis 2005). This type of discussion enabled the researcher to assess whether she could draw a common conclusion from the experiences of refugees who shared characteristics such as nationality and ethnicity. Group discussions were conducted when the researcher had become familiar with respondents to the extent that she could easily identify their individual voices on the recorder and avoid mixing up refugees’ views during transcription. This was also facilitated by keeping the groups small and manageable. The researcher played the role of facilitator or moderator directing the discussion towards specific issues. There was a problem of respondents who dominated discussions and the other extreme of those who were reserved or what Fontana and Frey (2005: 704) refer to as “recalcitrant respondents”. This was countered by the other respondents allowing those who freely wanted to share information to do so and then asking the reserved respondents to give their views and prompting them to share more such that the data obtained in the end was from the entire group.

A total of seven FGDs was held. The first two were held with Sudanese women who were attending literacy classes at the SWAN Centre in Nairobi. Seven Sudanese women in the morning elementary class and five in the afternoon intermediary class participated in the discussions. The third FGD was held with five women from the Great Lakes region and the fourth with ten women from Somalia. The fifth and sixth FGDs were held with two groups of male refugees from the Great Lakes region. The first group of male refugees comprised six men and the second consisted of six participants; five men including the South African man and a woman from Rwanda who chose to join the discussions and provided insightful comparative data. The last discussion was with three Sudanese refugee men.

Table 1: Participants in the FGDs

Nationality	No. of FGDs	No. of Participants in each Group
Sudanese Women	2	7 and 5
Great Lakes Region Women	1	5
Somali Women	1	10
Great Lakes Region Men incl. 1 South African and 1 Rwandan Woman	2	6 and 6
Sudanese Men	1	3
Total	7	42

The FGDs generated a great deal of data and showed that refugees were eager to share their experiences in the form of discussions with fellow refugees. Unlike individual interviews that tended to have an air of formality, the FGDs stimulated respondents because they had an air of informality that provided a setting in which refugees could relax, freely talk about their experiences and sometimes laugh about them. Once one informant opened up on issues that were sensitive or considered private, the other refugees showed a willingness to share information of similar sensitivity. For example, refugees discussed how they fled their countries, relations with locals, experiences at the UNHCR offices, raids, rape and gender relations. In addition to recording the refugees' voices and taking down some notes on issues arising from the discussions, the researcher also recorded some videos and took photographs during the discussions with the consent of the refugees.

1.8.5. Documents

A number of documents provided statistical data and gave the researcher an insight into the work of the various organisations *vis-à-vis* the experiences and needs of the refugee women studied. The researcher analysed UNHCR and NGO documents in order to find out how humanitarian organisations translated theory into practice in handling refugees in Nairobi. These documents include Newsletters, Annual Strategic Plans, Annual Reports, Magazines as well as UNHCR Guidelines and briefs. The JRS's Annual Project Plans and Reports accessed from the organisation's Resource Base provided great insights into the organisation's mission and work. The researcher also used a Compact Disc (CD) with information on JRS's work

with refugees and testimonial publications which contained refugees' views on their experiences with the organisation.

The researcher analysed UNHCR documents such as the Mandate Refugee Certificate (MRC) and the UNHCR Notification of Negative RSO Decision or Rejection Letter in refugee parlance. Records kept by the social worker at St Faith also provided invaluable data on refugees' personal profiles. This provided supplementary data to the questionnaire used at the beginning of the research. Refugee women's perspectives were also obtained from documents they wrote on various issues that affect them. Specifically, the researcher read documents written by an unmarried Somali woman on her views on cultural practices and conflict in her community and a document written and presented by a married Rwandan refugee woman. The latter focused on the challenges of raising children as a refugee mother and was presented at the Human Rights Day Commemoration referred to above.

1.8.6. Websites, "Tele-observation" and Newspapers

Websites for organisations such as the UNHCR and JRS were an invaluable source of statistical data and details of projects run by these organisations. Websites enabled the researcher to update statistical data and provided less time-consuming access to information in that they enabled the researcher to overcome bureaucratic hurdles such as the one experienced with appointment-making for the interview with the UNHCR. The methods above were supplemented by monitoring coverage of events relevant to the study in the print and electronic media. During the period of fieldwork, there was extensive coverage in the Kenyan media of the Somali conflict and the geopolitics of the Greater East Africa region which includes the Great Lakes region and the Horn of Africa.

The researcher obtained crucial data through what she chooses to term "tele-observation". This refers to conscious effort to follow television coverage of events and issues relating to the topic under investigation. This was complemented by radio broadcasts and the print media that also carried newspaper articles on refugees particularly those from Somalia. It was on television and radio that the researcher obtained uncensored information that would otherwise be difficult to obtain through interviews with staff and officials in which one always has to be wary of doctored data in the name of protecting the image of the organisation or the government as the case may be. The researcher capitalised on the fact that government officials, Kenyan citizens and the UNHCR imparted their views on refugees in Kenya and

Nairobi in particular through the media. This “spontaneous” data was cross-checked with data obtained through interviews.

1.9. Scope and Organisation of the Study

The study is comprised of a total of six chapters. The first chapter has situated refugee women in Africa, defined key concepts, provided an overview of local integration within the framework of the three durable solutions and outlined the goals and intentions of this study. Chapter Two provides the broad political framework within which refugee hosting takes place and portrays how global and regional geopolitics shape the process of refugee integration in Nairobi. Chapter Three discusses how the theory of refugee legal protection is mediated and transformed by individuals within institutions and the refugee women themselves. Chapter Four describes the differential economic, social and cultural circumstances of refugee women and discusses the assumptions upon which humanitarian assistance is based relative to refugee women’s needs and aspirations. Chapter Five describes the role of NGOs and the GTZ in the process of integration, emphasises refugee women’s resourcefulness and underlines that exile is not solely about challenges and barriers as it also presents refugee women with opportunities previously non-existent for them. The concept of agency runs through the chapters to demonstrate how refugee women strategise in different situations in order to obtain the best possible outcomes. Chapter Six summarises and concludes the entire study and presents theoretical reflections on gender and integration based on refugee women’s experiences and circumstances in Nairobi.

Chapter Two

Local Integration: The Impact of Refugee Identities

2.0 Introduction

The process of integration begins with an encounter between or among groups of people that perceive implicit and explicit, real and imagined differences in each other. Contemporary theories of identity increasingly treat essentialist perspectives that focus on a self-contained otherness as outdated and obsolete. They point to the problematic of identity politics in a global context which is characterised by celebration of the “Other” and experiences of alterity. Welz (2000) argues for an alternative to both perspectives. In contrast to contemporary trends, identity as it relates to refugee-local relations in Nairobi manifests itself in terms of its traditional, primordial and essentialist sense as implied by concepts such as ethnicity, religion and nationality. Considering the emphasis on difference or otherness in Nairobi, the meaning of identity with regard to the findings of this study is captured by Jenkins’ (2008: 18) definition of the concept as denoting “the ways in which individuals and collectivities are distinguished in their relations with other individuals and collectivities.” Integral to the encounter between refugees and local populations is the quest by each side to identify the other. In the contemporary world, identity issues have become increasingly politicised and contentious to the extent of being causes of, and for, violent conflicts.³³ As distinguishing characteristics for outsiders, aliens or “Others” as opposed to insiders, locals or citizens in the asylum country, refugees’ identities have not been spared this contention and contestation. This chapter focuses on refugees’ real or imagined socio-cultural, political and religious identities and how local people and the host government (re)construct, interpret and relate with these identities.

Although the host government and local populations do not distinguish between refugee men and women in their identity representation, this representation has gendered implications that are addressed in this chapter. The social construction of difference is not restricted to local populations and the host government. Refugee women also engage in a process of self-definition and (re)definition of Kenyan identities and use their definitions to make choices

³³ Across the world, conflicts based on politicisation of ethnic identities can be observed as in the case of Kosovo and Rwanda. Kenya, where fieldwork was conducted, provides a typical example of politically motivated ethnic tensions (see Chapter One). In spite of the devastation such conflicts have caused, there is no sign of relenting. The contemporary world is grappling with the threat of terrorism whose roots can be traced to politicisation of religious identities and fear of that which is manifestly different.

that facilitate or impede their integration into the Kenyan communities. Identities as social and political representations by local populations, the Kenyan government, the media and refugees are analysed in this chapter with the aim to portray their relevance to the circumstances of particular refugee nationalities and the differential levels of tolerance extended to them in Kenya.

2.1. Attractions of Urban Life for Refugees

Particularly in Africa, refugee policies are based on two main assumptions namely: i) refugees are transient and camps are “temporary solutions” in which refugees wait until repatriation once the reasons that prompted their flight cease to exist, and ii) refugees depend on outside assistance for survival and as long as the supply of humanitarian assistance is constant they can stay in the camps until repatriation. A brief outline of the principles and policy that inform UNHCR operations in Africa in general and in Kenya in particular provides a basis for a better understanding of refugee women in Nairobi. The refugee agency adheres to the Kenyan government’s encampment regulation and, to this end, there is no specific UNHCR policy targeting urban, self-settled refugees.³⁴ It is only in exceptional cases such as refugees having specific insecurity problems in the camps, seeking specialised medical attention in Nairobi or pursuing studies that the UNHCR sometimes assists refugees in Nairobi but the last two categories are expected to return to the camps once their needs have been attended to in Nairobi. Even so, the absence of employment opportunities in the camps encourages refugees to remain in Nairobi on completion of their studies.

At the Human Rights Day Commemoration, a UNHCR representative reiterated that in Kenya refugees should reside in the camps and that the UNHCR “cannot work against the government” by assisting urban refugees. For refugees whose reasons for residing in Nairobi fall outside “exceptional cases”, the encampment regulation leaves them in a dilemma; living in Nairobi officially means forfeiture of UNHCR assistance as the UNHCR assumes that refugees who choose to reside in Nairobi have the means to sustain themselves and are self-sufficient.³⁵ Why then do refugees forego provision of basic needs in the camps and opt to live in Nairobi where they face a life of hardships and uncertainty? This section answers this question by providing the various reasons that account for the difficult choices urban refugees

³⁴ This view was expressed by the CSO (personal interview, Nairobi, 19.02.07) and a UNHCR representative at the Human Rights Day Commemoration on 8 December 2006 during her address to the predominantly refugee audience.

³⁵ UNHCR’s position expressed by the refugee agency’s representative at the Human Rights Day Commemorations and by the CSO in the interview, 19.02.07, Nairobi.

make. While some of the reasons for living in Nairobi cut across gender, there are reasons that are unique to refugee women and those that are common among men. Reasons cited by two men, one Ugandan and one Ethiopian, for deciding to live in Nairobi are presented below in juxtaposition with those given by refugee women for purposes of illustrating this striking difference. Refugees' capacity to find an alternative to camp life demonstrates agency or resourcefulness which is often downplayed in discourses advocating refugee encampment.

2.2.1. Security Concerns

The continued absence in the camps of circumstances that enable refugees to lead a semblance of their pre-flight lives explains the presence of refugees in Nairobi. Research findings on camps highlight their unsuitability for conflicts as protracted as those experienced in Africa (see Kibreab 1989; Harrell-Bond 1999; Verdirame and Harrell-Bond 2005). Many refugees interviewed during fieldwork explicitly cited security as one of the main reasons for opting to reside in Nairobi. Notwithstanding that it is particularly male refugees who are chiefly concerned about insecurity and reprisal attacks by their political adversaries, women also expressed fear of being pawns in the persecution of male members of their families and communities. The refugees generally believe that unlike in the camps, government agents or militias cannot easily track, locate and abduct them in Nairobi.

Johannes,³⁶ a male Ethiopian refugee stated that he could not live in the camp because he was an opposition political party leader and had fled when the Ethiopian security agents came to look for him at his house. He feared being abducted and killed. The camp as a restricted environment would expose him to heightened insecurity, a consideration that informed his decision to self-settle in Nairobi where he can manage his identity relative to his security needs and well-being. Similarly, the proximity of Kakuma Refugee Camp, where Sudanese refugees constitute a majority, to the Kenya-Sudan border and that of Dadaab Refugee Camp, which holds a Somali majority, to the Kenya-Somalia border enables country of origin rebels or militants and state agents alike to easily cross the border back and forth.³⁷ This is despite the AU Convention's provision that "for reasons of security, countries of asylum shall, as far

³⁶ All the names used to identify refugee men and women as well as Kenyan respondents are pseudonyms. Real names are withheld for security reasons. However, names of government, NGO and RCO officials and journalists cited in this study are real. Where names of certain officials are withheld, this is in consideration of their request and such officials are identified by their positions in their respective organisations.

³⁷ In November 2006, the GoK alleged that the ICU was recruiting Somali refugees in Dadaab Refugee Camp to fight in the war in Somalia as violence escalated between the Ethiopian-backed government troops and the ICU.

as possible, settle refugees at a reasonable distance from the frontier of their country of origin” (Article 2.6).

Although both men and women are at risk of being persecuted in the camps, the situation for women is exacerbated by the fact that they are targeted for Sexual and Gender-Based Violence (SGBV). Refugee women are the target of the increasing use of rape as a weapon of war not because they were involved in politics before flight but because they are women and therefore vulnerable. Out of the 34 women interviewed, only 26% came straight to Nairobi after leaving their countries of origin. The majority of the women had stayed in a refugee camp at some point in their lives in exile and the choice to reside in Nairobi was influenced by past experiences endured in the camps. Experiences of harassment, physical and sexual abuse as well as the horror of witnessing family members and fellow refugees being killed by country of nationality or asylum country militants and rebels in the camps and narrowly escaping death themselves makes the idea of residing in camps once again untenable (see Umutesi 2004).

Claire from Rwanda explained that she had left a camp in the DRC because the Congolese armed forces would abduct refugee women and rape them. Even in the asylum country, rape and other forms of sexual violence against women do not abate as hostile forces view this as a form of “ethnic cleansing” (Vickers 1993: 18), “degrad[ing] the entire ethnic or political group” (Nowrojee 2008: 126), “weapons of terror and intimidation” (Sideris 2003: 715), “torture inflicted on women” (Crawley 2001: 3) and a way of emasculating men from enemy groups. Women are attacked because their reproductive and child-rearing roles cast them as the symbolic bearers of ethnic or national identity (Byrne and Baden 1995). It is in view of this that Honwana (2006: 5) describes warfare as “a profoundly gendered phenomenon.”

The women also fear forced repatriation. Most of the refugee women from the Great Lakes region left Tanzanian refugee camps for Nairobi because the government of Tanzania, allegedly with UNHCR connivance, destroyed the camps and forced them to repatriate (see also Whitaker 2003; Veney 2005). Such allegations are validated by documentation of the deliberate pressure exerted on 1.2 million Rwandans who were forcibly repatriated from Tanzania and Zaire (now DRC) between 1996 and 1997 (Crisp 2000; Umutesi 2004; Whitaker 2003). Tania, a Rwandan woman stated that, “They [governments of Burundi and Tanzania] destroyed the camp twice when I was there and they [Kenyan government and the

UNHCR] think I am going to be collected again to go to the camp? No, let me struggle in Nairobi.” In a Focus Group Discussion (FGD), many Sudanese women who had lived in Kakuma Refugee Camp explained that they had come to Nairobi because of cross-border raids by Arab Janjaweed militias leading to a situation which can be described as flight taking place within flight.

In the case of Kakuma Refugee Camp, the local Turkana people are hostile to refugees and often physically attack them and steal their belongings because of poverty and xenophobia.³⁸ Hali, a Somali refugee woman explained that even if refugees work hard, raids by members of the local community means that they “are always at zero”. Refugee women narrated experiences of how they escaped death during the Turkana raids by sleeping outside and away from their shelters. Somali refugee women who had stayed in Banadiri Camp around Mombasa before the closure of all the smaller camps related experiences in which Somalis clashed with the local Giriama people leading to the latter setting ablaze the whole camp in 1997. In the case of Dadaab, the camp is located in a region inhabited by Somali Kenyans who found themselves on the Kenyan side of the Kenya-Somalia border when the colonial boundaries were drawn. Some Somali refugee women argue that even these ethnic Somali Kenyans are hostile to them.³⁹ Hali stated that her mother was killed in the camp by Somali Kenyans. Hostility from local communities leaves refugees with little option but to relocate to the relative sanctuary of urban centres and this is particularly salient in view of frequent land clashes in rural Kenya which make rural settlement a risky alternative.

The GTZ Programme Officer explained the uneasy relations in terms of cultural differences with the Somali Kenyans disapproving Somali refugees’ rigid adherence to religious and traditional cultural values.⁴⁰ Despite ethnic, language and cultural ties, conflict between Somali Kenyans and Somali refugees is triggered by the fact that the two groups “have different rights and obligations towards the state and the international community” (Horst

³⁸ For more on refugee-Turkana relations see Ekuru Aukot, “It is better to be a Refugee than a Turkana in Kakuma’ Revisiting the Relationship between hosts and Refugees in Kenya.” <http://www.yorku.ca/crs/Refugee/Abstract%20and%20Articles/Vol%2021/20No%203/aukot.pdf> (accessed 22.07.08).

³⁹ Hathaway (1991) argues that “ethnic relatives” or refugees who belong to ethnic groups that are found in the country of asylum have a likelihood of being accepted and integrated into the host country. However, the experiences recounted by Somali refugee women portray tension between them and Kenyans of Somali ethnicity. Positive relations between the Somali refugees and Somali Kenyans are created around clan connections (see Campbell 2005). Conflict and harmony are expressed through clan affiliation thus reflecting the situation prevailing in Somalia. Overall and as this study shows, Somali refugees are less welcome in Kenya despite having “ethnic relatives” in Kenya.

⁴⁰ Personal interview with the GTZ Programme Officer, Nairobi, 12.02.07.

2006b: 14). Kenyan members of parliament for the regions in which the camps are located aggravate the situation by inciting locals against the refugees (Juma and Kagwanja 2003). Protecting refugees from attacks by locals is certainly a difficult task for a government grappling with violent clashes and crimes among its own citizens besides lack of political will. Camps provide a setting in which conflicts in the country of origin are reconstructed and reproduced, and therefore spill over into the asylum country as groups with different grievances, allegiances and interests mobilise against each other leading to insecurity in the form of violent clashes among the refugees (see also Bukuru *et al.* 2002; Human Rights Watch 2002; Juma and Kagwanja 2003).

2.2.2. Economic Opportunities

The spatial confinement in camp settings rarely provides circumstances in which refugees can use their professional skills. Of the thirty-four women interviewed, only one woman who is a nurse by profession was employed in a Tanzanian camp. Even where employment is possible, there is a remuneration disparity between refugee and Kenyan employees. Michelle, a Congolese refugee woman complained that her husband had worked as a teacher in Kakuma Refugee Camp in Kenya but refugees are paid “incentives” which are very little in comparison to Kenyans employed to do the same job in the camps. Michelle’s husband earned Ksh3,000 (about US\$42) where Kenyan teachers earned Ksh12,000 (about US\$167) (see also Verdirame 1999; de Montclos and Kagwanja 2000; Bukuru *et al.* 2002). Camps do not provide conditions that are conducive for refugee women from both rural/agrarian and urban/professional backgrounds to re-establish their pre-flight means of livelihoods or even aspire for better socio-economic standards. Nairobi as opposed to the camps provides refugee women with the space in which to manoeuvre, to be innovative and find alternative ways of earning a life and transforming their circumstances.

Quest to reduce competition for resources between locals and refugees and the arid conditions in northern Kenya mean that refugees are unable to engage in agricultural activities or keep cattle; they depend on food rations particularly in Kakuma Refugee Camp (Verdirame 1999). For refugee women who have established Income Generating Projects (IGPs) notably tailoring, camp life provides no incentives. Agfa from Uganda stated that it was better for her to live in Nairobi where she runs a tailoring business rather than “go and suffer in the camp”. The camps do not have a market for the artefacts refugees produce in their IGPs unlike Nairobi where tourists provide a market. For instance, at the JRS Mikono Shop, refugees sell

traditional and cultural items such as wood sculptures, shirts and outfits with African designs, beads, baskets, bags, bed covers and wall hangings with traditional and cultural designs among other artefacts.

Refugee women pointed out that in recent years, food rations in the camps have dropped drastically and the situation is exacerbated by the fact that encamped refugees cannot engage in food production. It is the women's responsibility to provide food for the household particularly where they have children. Limited access to food in the camps prompts them to move to Nairobi. Most of the refugee women pointed out that the food rations provided in the camps are inadequate and, for refugees from the Horn of Africa, unfamiliar. Maria from Sudan provided an overview of the food situation in the camps:

In the 1990s the camp was very good. They used to measure food with big tins but now [it is] a very small quantity [that] it cannot even sustain you and we do not know the reason why. And some other people get more rations. I was there with my two children. With the two children in 15 days I could have a whole sack of [maize] flour which I could also give out to help other people but now even the family size you have, the food given cannot help you, just a little to keep you going. For me, it is better that I stay here [in Nairobi], [...] make table cloths and bed sheets. You do small business and you take your children to school and thank God the school is free primary education and you, you do your things; [...] you have time you come and learn [at the SWAN Centre which runs an adult literacy programme for Sudanese women].

Corroborating this view, Tania asked: "You stay there; they give you maize and beans. When we stayed in the camps in Burundi and Tanzania the children were young. How do you give a baby of three months maize?"

2.2.3. Medical Needs

Chronic shortages of basic health amenities in the camps, due in part to the underdevelopment of peripheral regions where the camps are located, feature prominently in the narratives for relocating to Nairobi. Due to overcrowding, Dadaab Refugee Camp has been declared a public health emergency (see Human Rights Watch 2009). For some refugees, the need to access specialised treatment combines with the inhospitable climate in northern Kenya which is detrimental to their conditions. Since they have to seek health services in urban centres in cases of complications, refugees face a major challenge in securing travel documents; some

die while waiting for such documents (Bukuru *et al.* 2002). The problem is compounded by reliance on NGO transport as many cannot afford to pay for public transport. On the other hand, with money generated from IGPs in Nairobi, refugees are able to independently and readily access medical services without facing huge and risky bureaucratic hurdles. For women in particular, reproductive and maternal health care and preventing malnutrition among their children are major considerations. Michelle bemoaned the death of her child and blamed it on negligence and inefficiency of medical staff in the camp. She alleged that doctors in the camps openly tell the refugees that they treat death as a normal part of everyday camp life. Predictably, such statements compound the anxieties of camp life.

2.2.4. Education

Refugee mothers emphasise accessible education for themselves and their children as one of the reasons for the decision to live in Nairobi. They believe that formal education holds better prospects for them and this coheres with popular belief and perception in Africa of formal education as a vehicle for upward social mobility. Moreover, 29% of the women have professional qualifications and were formally employed in their countries of origin as, for example, teachers, nurses and civil servants while some had their education disrupted by conflict and subsequently, flight. These women express the desire to continue with their studies and see more opportunities for sponsorship in Nairobi than in the camps. At a pragmatic level, there are no good educational facilities and tertiary institutions in the camps. Refugees argue that Nairobi provides a better learning environment for their children unlike the camps. For refugee parents from rural backgrounds, lack of access to land in the host country impedes their ability to transfer agricultural and pastoral skills to their children (Horst 2006b; 2006c). Education becomes an alternative form of long-term livelihood strategy worthy investing in as it offers prospects for self-sufficiency in refugee households. Tania explained:

I also want a good education for my children. It is better that I stay in Nairobi where I can do something to take care of my family. My parents were farmers but they managed to give me an education and I am a teacher. Now, here I am and I cannot give my children a decent education, what is that?

2.2.5. Quest for Freedom and Self-determination

Refugees also resent the enclosed, restrictive camp environment where their freedom of movement and even of association is monitored, controlled and therefore curtailed. Freedom

of movement and association is directly linked to refugees' ability to engage in economic activities that ensure independent livelihoods (Dryden-Peterson and Hovil 2003a; 2003b; Horst 2006a; 2006b; 2006c). The camp, in Foucauldian terms is characterised by biopolitics or the government and regulation of populations, in this case refugees; it provides "the diagram of a power that acts by means of general visibility" (Foucault 1977: 171). It is characterised by the subjection of refugee existence to "the calculation and order of knowledge and power" (Smart 1988: 103). Camps facilitate observation of those within; they render them visible and easier to "know [...] and alter [...]" (Smart 1988: 86). They provide the ideal configuration for the UNHCR and host government's "disciplinary gaze" (Foucault 1977). The idea of camps being an intrusive enclosure where refugees are sequestered and their freedom of movement trammelled is presented through comparison of refugee camps to total institutions (Forbes Martin 2004; Verdirame and Harrell-Bond 2005). Refugees argue that the camp, which functions as a quasi-total institution, creates an environment which constrains their capacity to determine even mundane aspects of life such as what to eat and where and how to build their shelters (Simon Turner 2006).

For instance, in November 2006 the Kenyan government reacted to reports of military training of Somali youths in Dadaab Refugee Camp by sealing it off. Movement of people and vehicles into and out of the camp was banned with the exception of aid agencies' vehicles. The Permanent Secretary in the Kenyan Ministry of Internal Security explained the government's decision to seal off the camp thus: "We cannot have refugees in a camp living like they are in a village. We cannot have a refugee camp with a bus stage [stop]."⁴¹ The camp thus becomes synonymous with "colonial governmentality where colonial subjects were not perceived to be fit to enjoy the full rights of citizenship" (Simon Turner 2006: 48). Refugees are people who have ambitions just like citizens and camps only allow them to lead a "bare/naked life" as they "are kept in limbo in the camp, stripped of citizenship and stripped of agency of any kind" (Simon Turner 2006:44-45), and forced to lead a life outside "the national order of things" (Malkki 1995b). As some of the refugees put it, life in the camp is "the best way to kill you". Max, a male refugee from Uganda explained his presence in Nairobi thus:

I do not want to go to the camp because the people who forced me to come to Nairobi wanted me to give up my rights of expression, my freedom of speech and they were

⁴¹ The Kenyan government's reaction and the Permanent Secretary's speech were broadcast on 12 November 2006 on the 2100hrs News Bulletin on the Kenya Television Network (KTN) channel.

telling me to keep quiet, if not, they would silence me. So going to the camp will definitely mean they have done what? They have silenced me which I cannot swallow. How can I express myself in the camp? I continue writing what in the camp; any other life in a camp? Nothing you can do when you are there. When you are there you are turned into an eating beast. There is nothing else you can think about except to get something to eat. You see, they [UNHCR officials] can say that everything is there but this is in abstract terms, uh. When you look at facts on the ground, they are not there.

Having stayed in camps for years, refugees described the frustration of waiting in the camps for elusive peace and how they could spend their lifetime waiting. If voluntary repatriation, integration in the country of first asylum and resettlement in a third country are the durable solutions, this can only make refugee camps a temporary solution (Simon Turner 2006). The question then is can refugees stay in camps under the presumption that they are transient when abundant evidence of camps being “home” to refugees points to permanency? This permanency rather than ostensible transience of the refugee phenomenon in Africa is one of the reasons why refugee women decided to self-settle in Nairobi. Refugees in camps are concurrently on the territory of the host country and outside it in an arrangement Simon Turner (2006: 57) aptly describes as “included exclusion” or in Victor Turner’s (1967) concept, a liminal phase in a crisis-context in which they are neither outside nor inside.

Referring to life in the camp, Hali who attended the Human Rights Day Commemoration remarked that “there is no life in the camp, age is catching up with us” and posed a question to UNHCR and NGO representatives on how long refugees were supposed to watch their lives waste away in the camps. The UNHCR representative answered by saying that they had to wait until peace was restored in their countries of nationality while another member of the officials drew refugees’ attention to Palestinians and how they have lived for generations as refugees in camps. The idea of a stagnant life in the camps waiting for elusive peace back in the country of nationality has become unsustainable as refugees realise that they can spend a lifetime waiting in the camps for restoration of peace, security and stability in their respective countries. Tania put it as follows:

The UNHCR says we must go to the camp but what kind of life do people in the camp lead? I stayed in camps in Burundi and Tanzania so there is nothing that I do not know about camp life. You live in this circle waiting for food handouts, eating and sleeping. In the camp people stay in their own communities, if you are from Rwanda your

neighbours are all from Rwanda. You can go to the other section, for example, the section for Sudanese but then when you get there what language do you speak? The best Kiswahili is spoken in Tanzania but because I was staying in a camp I never learnt it. In a camp one has no interaction with the local people and that is marginalisation.

Hali recounted that when she stayed in Dadaab Refugee Camp, Somali community elders gave preference to members of their clan or asked for sexual liaisons with women thus politicising and *sexualising* humanitarian services within the camp. Nairobi provides an environment where refugee women can exercise a degree of independence and freedom from control by elders in their communities. Hali further related the difficulties of evading forced marriage and female circumcision performed on baby girls in a camp setting where women from her Somali/Muslim community are the midwives. Hali has two younger sisters both of whom are in what she described as “abusive” forced marriages in the camps. In Nairobi, Hali lives among refugees from the Great Lakes region who are predominantly Christian. She goes around without the veil, a strong but sometimes contentious religious marker for Muslim women (see Macdonald 2006). She observed that she would never go out without the veil in her own country or in Eastleigh, Nairobi where the majority of Somali refugees live because men in her community would interpret that as anti-Islam and kill her. The reasons thus far presented point to refugees’ capacity to mediate their situation and find ways to wiggle out of the unfavourable conditions prevailing in the camps. Refugees do not wait for humanitarian assistance but resort to their own agency and devices to change their situation for the better.

2.2.6. Lack of UNHCR Documents

There are also refugees who are in Nairobi because the UNHCR cannot grant them protection documents on the grounds that they are ineligible for the refugee status. As a result, such refugees cannot stay in the camps where refugees are admitted on production of valid UNHCR protection documents. Unable to stay in the camps and faced with the option of leaving Kenya altogether, refugees who are outside UNHCR protection choose to stay in Nairobi where they can hide themselves and avert deportation for being “illegal immigrants” (see also Sommers 2001). Some refugee women pointed out that if they had the UNHCR documents they would relocate to the camps.

2.3. Convergence of the Refugee Status with Ethnic Profiling

Refugee identities are used as reference points around which refugee-Kenyan relations are constructed and negotiated. While the official refugee regime has a tendency of homogenising diverse populations, the dominant discourse in Kenya points to locals relating to refugee populations in ways that go beyond the legal refugee status to break down the refugee population into its ethnic, religious and national component parts. The practice of refugee hosting is influenced by extra-legal factors such as locals' perceptions of refugees' backgrounds and identities rather than the theory upon which the international refugee regime is based. This section presents profiling or the objectification and assignment of people into suspect categories (Shamir 2005) and stereotyping of refugees on the basis of national, ethnic and religious identities and how such profiling leads to creation of identity categories into which refugees belonging to particular ethnicities, nationalities and in the case of Somalis, a particular religion, are pigeonholed. Stereotypes are "generalisations based on membership to a category [or] beliefs that derive from the inference that all members of a given category share the same properties and are, therefore, interchangeable" (Leyens *et al* 1994: 17). They are "a crude set of mental representations of the world [that] perpetuate a needed sense of difference between the 'self' and the 'object', which becomes the 'Other'" (Gilman 1985: 17-18). Locals relate to refugees on the basis of beliefs, propensities or character profiling they presume to accompany their own interpretation of specific national, ethnic and religious identities. While stereotypes are both negative and positive, in Nairobi they largely manifest themselves in their negative form. The sections below discuss how labels and stereotypes shape refugee women's experiences in Nairobi.

Even though Kenya breaks down the refugee population into its component parts in terms of ethnicity, nationality and religion, the gender category is conspicuous by its absence. Within the framework of ethnic profiling, this gender omission is to be expected as stereotypes are based on the assumption that individuals who share the same category are similar (Leyens *et al* 1994). Nonetheless, the case of Somali refugee women illustrates that the male-biased (re)construction of identity and the ensuing labels that are imposed on refugees have a discernible impact on refugee women. Whether the distinctions below are real or imagined, disputable or valid, their inclusion in this study serves to demonstrate how they influence refugee-Kenyan relations and their potential to constrain or enable refugee women in their quest to create space for themselves in Nairobi. It is on the basis of the reconstructed or redefined identities that specific refugee communities are categorised as harmful agents of

insecurity or treated with indifference or tolerance as the case may be. Ethnic, national and religious profiling of refugees as presented below is based on characterisations that came out of interviews and informal discussions with Kenyans and refugees alike.⁴²

2.3.1. Refugee Women from the Horn of Africa

Refugees from the Horn of Africa come from Eritrea, Ethiopia and Somalia. Refugees from these three countries are easily identified because of their physical features which distinguish them from the rest of Sub-Saharan Africans. Of these three nationalities, Somalis will be used to illustrate ethnic profiling in Kenya as this is the largest, most conspicuous and therefore most targeted nationality. Besides, most of the refugees from Ethiopia and Eritrea have repatriated or are referred to as economic immigrants⁴³ because of the general view that peace and stability have been restored in the two countries. Whereas Somalis attach more importance to the clan which is the traditional category upon which discourses of inclusion and exclusion in the Somali polity are based, in Kenya, Somalis are categorised and related to in terms of ethnicity and religion. Lewis (2002: 4-5) describes Somali people in general as having characteristic physical features that “immediately strike the eye [...] their tall stature, thin bone structure and decidedly long and narrow heads. Skin colour shows a wide range from a coppery brown to a dusky black [...] the Somali also exhibit evidence of their long-standing relations with Arabia [...] physical traces of their past contact with Oromo and Bantu peoples in this region.” This description is reflected in Kenyans’ identification of Somalis and people from the Horn of Africa in general. In this framework, people who come from the region but do not fit into the “typical” Somali, Ethiopian and Eritrean appearance are identified as Bantu.⁴⁴ To be Somali, Ethiopian or Eritrean is to have a specific physical

⁴² This study benefited from my identity as an African which saw me being mistaken for a Ugandan or Sudanese refugee by Kenyans and a Kikuyu Kenyan by a Somali refugee man. This provided insights into refugees’ experiences in relation to their identities.

⁴³ Several scholars converge on the view that political and economic reasons for flight are intertwined to the extent that refugees and economic migrants cannot be treated as two separate categories (see Kuhlman 1994; Korac 2002; Shandy 2007). However, to suggest that refugees and economic migrants are synonymous categories is to suggest that there is no difference between asylum seeking and labour migration and that it is only the economically marginalised that seek asylum. Nairobi hosts refugee men and women from economically stable backgrounds who now have to depend on humanitarian assistance. In Nairobi, both refugees and the UNHCR perceive a clear distinction between the two categories such that some refugees have their refugee status challenged where they are viewed as having an economic agenda as opposed to security concerns.

⁴⁴ Bantu refers to a large number of linguistically related peoples. In many African languages, *bantu* in its variations means people. The term applies to a group of over 400 languages spoken in central, east-central and southern Africa belonging to the Central subgroup of the Niger-Congo language family. These include Kiswahili (officially spoken in Kenya, Tanzania and Uganda), Kinyarwanda (Rwanda), Kirundi (Burundi), Zulu and Xhosa (South Africa). Source: <http://www.answers.com/topic/bantu> (accessed 14.07.07). The Somali Bantus are not native Somalis; their ancestors were taken from their native lands in the South Eastern part of Africa by Arab slave traders in the eighteenth and nineteenth centuries and sold through the Zanzibar slave trade.

appearance which looks different and to come from any of these countries without such a different appearance means to be Bantu.

Somalis are considered as such within the broader categorisation of refugees into territorial entities and nationalities only to be split into Somali Bantus and (real?) Somalis. Somalis who are not Bantu are referred to as Somalis without an ethnic prefix or suffix thus demonstrating the rooting of particular ethnicities in specific territorial spaces (Malkki 1995b) even if a historical perspective may contradict such notions of belonging. Cultural territorialisation is not a given natural fact but an outcome of complex social and historical processes (Gupta and Ferguson 1997). The alignment of physical appearances with specific territorial space is not limited to the Somali and Somali Bantu categorisation of refugees but also experienced by Kenyan citizens who bear the Somali ethnic identity. Even though Kenyans and state institutions such as the police are aware of the presence of Kenyan citizens of Somali ethnicity in Kenya's North-eastern Province, these so-called Somali Kenyans are victims of targeted harassment because of their different appearance which is in contrast to what is constructed as *the* Kenyan physical appearance.⁴⁵

Thus, if identities constructed around nationality conjure up notions of oneness, it is in the dissection of national identities into their smaller component parts that the otherness which is subsumed within the broader national polity is revealed. Despite the fact that Somalis are conscious of their clan and ethnic identities in the form of Bantu and non-Bantu Somalis, in Kenya it is the non-Bantu ethnic identity that is imposed on the whole Somali population to the exclusion of the so-called Somali Bantus. While Ethiopians and Eritreans are also identified by visible ethnic differences from Kenyans, for Somalis this ethnic difference combines with the Muslim religious identity to construct a specific Somali identity which is then related to on the basis of interpretations and meanings attached to this particular conflation of ethnicity and religion. The refugees from Eritrea who are still in Kenya are either subsumed under Ethiopians or under Somalis where the women are veiled, a marker of Islam.

<http://www.somalilandtimes.net/2003/68/6811.shtml> (accessed 11.08.07). They are also descendants of earlier Bantu and Kiswahili speaking groups (Lewis 2002).

⁴⁵ On a programme on tribalism in Kenya on KTN television channel in November 2006, a Kenyan of Somali ethnicity drew attention to what he perceived as pervasive tribalism which he illustrated by pointing out that police officers at road blocks leave everyone else who "looks" Kenyan and ask only him to produce his national identity card. This is because he "does not look Kenyan" and he therefore has to produce evidence of citizenship in Kenya where physical features alone suffice for the other passengers.

Even though Ethiopia and Eritrea also have Muslim populations, Islam is mostly identified with Somalia which is predominantly Muslim. Somali ethnic and religious identities are conflated with the general view that most of the Somalis do not speak Kiswahili to depict an image of Somalis which is proud, arrogant, violent, hostile and reluctant to integrate (see also Dryden-Peterson and Hovil 2003a; 2003b). Stereotypes contain descriptive and evaluative components that homogenise members of the target group and accentuate its distinctiveness (Leyens *et al* 1994). In an informal discussion, Kenyans cited the almost two decade-long war in Somalia, what they described as lack of war fatigue, the absence of a functioning central government in Somalia and the fact that the TFG formed in Kenya could not relocate to Somalia until the Ethiopian military intervention in the conflict as justification for what they perceive as Somali war-like nature.

Kenyans in the group ridiculed Somalis for being proud and, in the words of one of the participants, “thinking that they are better than us when they cannot govern themselves and come from a failed state.” Interestingly, other nationalities such as Ethiopians and Sudanese also have problems with Kiswahili but in their case inability to speak Kiswahili is interpreted as a sign of pride with hostility and violence being suspended. The conflicts in countries such as Burundi, northern Uganda and Sudan are also of a protracted nature but Kenyans refrain from describing these nationalities as lacking war fatigue. Profiling which overlooks gender differences has repercussions for refugee women. These are presented below in the section that details the challenges Somali women encounter in the process of integration within the framework of regional and global politics in connection with the Muslim identity.

2.3.2. Refugee Women from Sudan

Sudanese refugees who are mostly from southern Sudan are mainly distinguished by their dark complexion, tallness and slenderness as illustrated by John, a Kenyan respondent’s description:

The people from Sudan are very tall and very black and men have some tattoos on their forehead [...] Sudanese look as dark as charcoal, I mean their colour is like darkness. Very dark I tell you and they are very tall, it is tall[ness] of almost touching the roof ceiling.

Conversely, the researcher found it easier to identify Sudanese refugees in cases where they bore cultural marks or what Shandy (2007) refers to as “scarification” (visible on foreheads

and shaven heads particularly for men) and facial marks (for both men and women) which Sudanese informants explained as part of rites of passage into adulthood and distinguishing markers of ethnic identities. There are Sudanese who do not bear the physical characteristics described above and ethnic and cultural markers and this makes it difficult to identify Sudanese through these markers. Sudanese refugees are also said to stick out because of their reluctance to speak Kiswahili. According to Kenyan respondents, they can be identified in public transport vehicles and public places by their use of English as the medium of communication. Communicating in a language associated with affluence in a country where Kiswahili, an African language, is recognised as an official language only exposes Sudanese refugees to abuse and extortion. Although ethnic distinctions are problematic and entangling, they are accepted without question as part of *the* Sudanese identity in Kenya. People who bear characteristics presumed to be visible physical and cultural markers for the Sudanese are related to as Sudanese whether they are foreigners from other parts of Africa or Kenyans of Sudanese origin.

There are multilayered consequences of such representation of identities and power, as exercised by Kenyans, to label and categorise the Sudanese in ways that easily mark them out as “Others”. That a specific label is attached to the Sudanese demonstrates appropriation of power by Kenyans and the vulnerable circumstances of the Sudanese. Kenyan labelling of the Sudanese includes the use of terms Sudanese women find derogatory and demeaning; they related that they are often subjected to verbal abuse and labelled “bush people” – meaning primitive and uncivilised which also implies war-mongering and bloodthirstiness because of the war in their country. They are also referred to as “Garang”, the name of the late leader of the Sudanese People’s Liberation Movement (SPLM). While Sudanese refugee women identify with John Garang’s cause and show respect for him, they express exasperation with the use of his name to identify every Sudanese; both Sudanese men and women are viewed in the image of a late male Sudanese politician. As refugees, the Sudanese are taken by Kenyan citizens as lacking the capacity to define themselves and denied the right to use a name of their choice. Similar tendencies of taking refugees and economic migrants as inarticulate and silencing them are also noted among South Africans’ attitude towards foreigners (see Nyamnjoh 2006).

As in the case of Somali refugees, all-encompassing labels are applied across gender. Yet, the argument that Sudanese can be identified by their use of English does not capture the

circumstances of Sudanese women in general. The majority of Sudanese women who were interviewed learnt English in Kenya and some of them were still attending English classes at the SWAN Centre. Although the women argue that Kiswahili is a difficult language for them, those who have been in Kenya for a number of years speak fluent Kiswahili. Those who do not mostly communicate in Arabic rather than English and, indeed, point out that one of the problems they encountered in their country was denial of formal education to women and girls. The women who are subsumed under labels of war mongers view themselves as victims rather than active participants in the war – a view which rallies them to promote peace, justice and harmony through SWAN. Only one of the women participated in active combat and is nicknamed “Commander” thus showing how fellow Sudanese women treat her as an exception for her defiance of patriarchal taboo and how this has “de-sexed” her or transformed her into a “man woman”. In the Sudanese women’s narratives of experiences of war, trauma caused by rape and loss of men as fathers, brothers, husbands and sons are emphasised. Profiling does not recognise women as a specific social group whose experiences differ from those of men. Similarly, identifying every slender, tall and dark-skinned African as Sudanese results in foreigners being assigned the Sudanese nationality and categorised as refugees; there is a tendency among Kenyans to assume that African foreigners are refugees.⁴⁶

The conflict in Sudan is complex because of the various issues interwoven into it (Shandy 2007). Nonetheless, the conflict is sensitive among Africans in that it is largely theorised in terms of domineering Arab Muslims in northern Sudan oppressing and marginalising Christians and believers in African traditional religions in the south (see Holtzman 2008). While Somali refugees are criticised for being war-like and violent on the basis of fighting against fellow Somalis, Sudanese refugees draw a degree of sympathy because theirs is a conflict perceived as a liberation movement against the Arab Muslim “Other”. Within this framework, Kenyan respondents describe the Sudanese as peaceful despite their perceived pride and unwillingness to speak Kiswahili and integrate. In political terms therefore, Kenya sympathises with Sudanese refugees as shown by its support for southern Sudanese against the Khartoum government (Kuhlman 1994). There were claims among refugees and Kenyans

⁴⁶ At the UNHCR Branch office in Nairobi, when I produced my Zimbabwean passport instead of a Kenyan identity card, the security guards pointed out that I could not use that particular entrance because it was not for refugees and directed me to another entrance meant for refugees. It was only after explaining that I was a researcher who had an appointment with a UNHCR official that I was allowed to use the entrance. I was also identified as a Sudanese refugee on the streets and in public transport because I communicated in English.

alike that the Kenyan government allowed the now deceased John Garang and members of his SPLM to have offices in Nairobi.

There are other explanations for the relative tolerance of Sudanese refugees despite the stereotypes: i) although some of the Sudanese refugees are Muslim, the conflict in Sudan is not perceived as a direct threat to the security of Kenya unlike the Somali conflict which is linked to terrorism, ii) the broader Sudanese conflict had subsided at the time of fieldwork and was overshadowed by the Darfur crisis involving Arab Muslims against non-Arab Muslims, and iii) Sudanese Muslims live among Kenyans mostly in Kibera slum just like their Christian counterparts and in some instances, Muslim Sudanese women do not wear veils as is typical of Muslim women but wear the African head scarves or no head scarves at all. The majority of non-Muslim Kenyans are not hostile to Muslims *per se* but to a Muslim identity which they perceive to be radical, militant and linked to terrorism; they see this identity among Somalis (see also Juma and Kagwanja 2003). Due to these factors and despite the view among Kenyans that Sudanese refugees are physically identifiable and the extortion by shop owners and security officials, Sudanese women have relatively positive social relations with their Kenyan neighbours thus enabling them to enjoy a degree of social and cultural integration. Zanie, a Muslim Sudanese woman stated that Kenyan women had taught her about her rights as a woman and how to survive in Nairobi. This is in sharp contrast to Muslim Somali women who categorically stated in the FGD that they did not relate “at all” with Kenyans.

2.3.3. Refugee Women from the Great Lakes Region

Refugees from the Great Lakes region are specifically from Burundi, the DRC, Rwanda and Uganda. This is the most difficult group to distinguish as the refugees do not have physical features and visible cultural markers that easily set them apart from Kenyans. According to James, a Kenyan man interviewed for this study: “[t]hose from DRC, that is Congo and Uganda, it is not easy to tell. There are many people [in Kenya] with similar features who are not at all refugees.” Refugees from the region have cultural ties with Kenyans and speak Bantu languages that have words in common with Kiswahili and some of the local languages in Kenya. Several of the refugees stated that they also spoke Kiswahili in their own countries even though it is not officially spoken there. Some refugees and Kenyans insisted that they can identify Africans by nationality if not ethnicity. Kenyans argued that they can identify non-Kenyans who speak Kiswahili by their accents in the same way that they identify fellow Kenyans’ ethnicities through intrusion of their mother tongue accents when they speak Kiswahili or English (see also Sommers 2001 for similar claims).

Thus, in the absence of physical features to mark out refugees from the region, the set of criteria used to identify refugees from the Great Lakes region shifts from ethnic physical features and religious and cultural markers to language and accents that can then be traced to the region's languages. It is in this context that refugees from the region pointed out that in some instances, Kikuyu speaking Kenyans shift from Kiswahili to Kikuyu and this enables them to identify and exclude non-Kikuyus. Claire, a Rwandan woman married to a Kenyan man, observed that:

It is difficult to relate with Kenyans. Even if you are married to a Kenyan once they learn that you are a foreigner they cannot accept you fully. Even among themselves there are the tribes; if there is that gap among themselves, how much more gap is there if you are a foreigner? They look at the language and the people who visit you and know that you are a foreigner. There is individualism in Kenya. [...] You as the outsider have to do a lot to get integrated into people who are not free and when you try to buy friendship you feel frustrated. You will not be able to intermingle with people and you keep a distance still.

Notwithstanding, refugees from the Great Lakes region believe that they are in a better position to integrate compared to their counterparts from the Horn of Africa and, to some extent, Sudan. According to Mandy from Uganda:

In terms of integration, I think I have an upper hand compared to people from the Horn of Africa because for me I can speak Swahili and most of these people [Kenyans] are Bantu. I am also a Bantu so at least when they speak their local dialect, I can pick some [words] and it is easier for me to catch their language and then I have not found much difficulty except that economic opportunities are not very open.

Claire explained her situation thus: "But I am comforted by that with the skin colour no one can know that I am a foreigner. I look like one of them [Kenyans]." The difficulties of distinguishing Great Lakes region refugees from locals explain the fact that there are fewer complaints of targeted harassment and rape among Great Lakes refugee women. Whereas several Somali refugee women revealed during an FGD that they had been raped or had a relative who was raped, refugee women from the Great Lakes region generally view Kenyans as hospitable and most of them emphasise economic problems where Somali refugee women

highlight socio-cultural problems and what they perceive as targeted rape and victimisation. There are also cases of refugee women from the Great Lakes region married to Kenyan men or with children with them outside marriage. Their ability to physically blend into the Kenyan society gives them a better chance to fit in unlike Horn of Africa refugee women whose otherness is physically visible. The GTZ Programme Officer interviewed observed that Great Lakes region refugees are in a better position to integrate because “they are not physically recognisable as foreigners and speak Swahili” in contrast to the Somalis, Sudanese and Ethiopians who “have problems because they look different” – an observation with which the CSO and Mercy Muchai, the JRS Officer concurred.

Profiling of refugees varies with nationality and also depends on relations between Kenya and the refugees’ countries of origin. Kenyan respondents described Ugandan refugees in particular as honest and hardworking. Ugandans constitute the majority of informants who view Kenyans as hospitable. One factor which accounts for the positive perception of Ugandans and Great Lakes refugees in general is that there is less likelihood of Kenya becoming embroiled in conflicts in the Great Lakes while the Somali conflict is sensitive to Kenya because of the perceived threat of terrorism and the fact that Kenya has a population of Somali ethnicity among its citizenry. Apart from proficiency in Kiswahili among refugees from the Great Lakes, the existence of a regional block in the form of the East African Community (EAC) which comprises Kenya, Tanzania, Uganda and recently Burundi and Rwanda provides a formal and official channel of inclusion, recognition and extension of the social links noted in this section. The EAC has the objective to promote economic, social and cultural integration among member states. This places refugees from member states in a better position to integrate although there are still bureaucratic, legal and nationalist barriers by reason of which Ugandans, Burundians and Rwandans remain unquestionably outsiders in Kenya.

2.4. Refugee Women’s Perspectives and Self-representation

While the Kenyan government and citizens invoke ethnic, national and religious identities as the extra-legal criteria for inclusion and exclusion, among refugee women, economic profiling is the main extra-legal criterion of authenticating claims to the refugee status. Low economic status and struggling for daily survival are the basic criteria for distinguishing “genuine refugees” from those who are presumed to be using the identity as a pretext to stay in Kenya for other reasons. Marie, a Rwandan woman defined refugees as “people with problems”; the

term problem runs through many refugee women's narratives. Problems in the women's lifeworlds refer to lack of access to secure housing, struggling to pay rent for the insecure accommodation, lack of money to buy basic commodities, access medical services and pay for their children's education. These are both facilitators and indicators of integration and when the women subsume them under problems, they are stressing the challenges they encounter in Nairobi. The women identify themselves by the term refugees and do not explicitly reject it but they are quick to point out that the term carries negative connotations.

On one occasion, Hali invited this author to meet her neighbours who were two young women from Rwanda and Ethiopia. She stated that the two women were not eligible for this study because they were not refugees. She then explained that the Rwandan woman's parents had left Rwanda because they feared arrest for alleged participation in the genocide while the Ethiopian woman's now late mother had fled Ethiopia because of war. According to Hali, the two young women are not refugees because they do not need UNHCR or NGO assistance like herself and the other refugees; they both have family members resettled in Europe who send remittances. For women like Hali, a refugee is therefore one whose circumstances combine insecurity with low economic status which fits into the stereotypical, essentialist construction of a refugee (see also Malkki 1997). Thus, in the context of everyday life, refugeeness is defined as a legal status buttressed by low economic status. Across nationality and ethnic boundaries, the refugee status is closely tied to existential problems that essentially mark refugees as outsiders struggling to create space for themselves in Nairobi. It is striking that in stripping economically integrated refugee women of the refugee status and casting them as economic migrants, the refugee women ironically adopt the humanitarian discourse that portrays refugees outside the camps in the same way. The women thus deploy against their economically stable counterparts the same strategy that excludes themselves as refugees residing outside the camps.

In the cases where refugee women enjoy a relative degree of economic integration, fellow refugee women label them economic migrants⁴⁷ and spies for country of origin governments. Accusations of spying are rife among Rwandan refugees whose relations even among

⁴⁷ The Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees distinguishes economic migrants from refugees by defining the former as people who voluntarily leave their country to take up residence elsewhere because of desire for change or adventure, or by family or other reasons of a personal nature. If people move exclusively for these reasons, they are not refugees. Economic reasons can, however, be tied to the refugee status if they are a form of deprivation or "persecution" related to reasons cited in the Geneva Convention's definition of a refugee. See <http://www.unhcr.org/publ/PUBL/3d58e1364.pdf> (accessed 05.04.08).

themselves are characterised by mutual suspicion, fear and vigilance contrary to locals' construction of a monolithic, criminal Hutu ethnic identity (see also Malkki 1995a; Turner 1999; Sommers 2001 on Hutu Burundians in Tanzania). Refugee women's criteria for measuring better economic circumstances include the ability to rent a stone-walled house furnished with sofas as opposed to a corrugated iron single room shared by all members of the family, possession of consumables such as a television set and radio, having children in boarding schools and affording "good" food which they listed as rice, meat, fish, cooking oil, bread and potatoes as opposed to the staple maize meal dish called *ugali* in Kiswahili served with green vegetables called *sukumawiki* or beans. Refugees are those who live in structures that do not meet cultural definitions of home and those who cannot afford basic necessities such as food, secure accommodation, health care and education. Refugeeeness is therefore not only a legal status but also an economic or material condition.

In this train of thought, economic well-being becomes incompatible with the refugee status and those who can afford these "citizen trappings" are labelled spies for the Rwandan government which allegedly pays them to monitor, compile and relay information on "genuine refugees" in Kenya.⁴⁸ Accusations of spying point to the paradox of how the women escape the homogenising and impoverishing impact of the encampment regime only to censure those whose circumstances deviate from the stereotypical, essentialist and homogenising image of a refugee as poor. On the basis of many refugee women's extra-legal criteria, there is a possibility of gradually sloughing off and relinquishing the refugee status as one's economic circumstances improve in contrast to the status' official, legal criteria by which one is either a refugee or not. If refugeeeness is "a matter of becoming" as Malkki (1997: 228) observes among Hutu Burundians in Tanzania, for refugee women in Nairobi, refugeeeness is an oscillating process of being whose intensity increases with further impoverishment and declines or abates with improvement in material conditions. It is not a fixed legal state of being but an economic continuum in which economic well-being creates conditions necessary for progression or metamorphosis from intense refugeeeness as an essentialist category to economic migrants and possibly spies.

Here, refugee women demonstrate the agency to redefine and operationalise the term refugee in ways they can easily relate to and link to their everyday experiences and lifeworlds in

⁴⁸ Initially, Rwandan women were wary of participating in the research; one of them intimated that many among the women suspected that I was a spy for the Rwandan government. With time however, the women were convinced that I was not Rwandan and that my research had nothing to do with the Rwandan government.

contrast to the overarching, homogenising and universalising legal definitions. Agency also manifests itself in most of the women's adoption of humanitarian organisations' essentialist discourse that "pathologises" refugees in contexts where this discourse serves to justify rather than reproach their impoverished circumstances contrasted to their counterparts who run thriving small businesses in Nairobi (see Malkki 1997; Harrell-Bond 1999 for more on such discourse). In line with this discourse, the women fail to economically integrate not because they do not make conscientious effort to do so but because the refugee status is inherently synonymous with problems that make integration difficult without assistance to overcome the obstacles encountered. In this kind of logic, refugeeness, in the same way that it is a liability which closes opportunities for formal employment, becomes a resource when impoverished refugee women crystallise it into a regime of refugee self-portrayal and representation which they deploy to shield themselves from rebuke for lack of initiative and resourcefulness.

In one instance, Marie who is a Tutsi married to a Hutu man accused Tania and her husband who are both Hutu of being spies for the government. Marie charged that it was the Rwandan government that was paying for the education of Tania's children and that the family occasionally visited Rwanda, a journey a refugee cannot undertake until the cause of flight has been resolved. Nevertheless, Tania ran a tailoring business and the children were in good schools because they had scholarships.⁴⁹ Interestingly, Tania harboured the same fear of fellow Rwandan refugees and lamented the loss of her house and money deposited in a Rwandan bank account as she could not go back to Rwanda. For Hutu Rwandan women, "economic profiling" places them in a particularly difficult situation in that where refugee women such as the Somalis counter exclusion from local communities by bonding together and resorting to mutual assistance and cooperation amongst themselves in order to make ends meet, Hutu Rwandan refugee women suffer double exclusion. They are wary of relations with non-members of the Hutu ethnicity and also shun each other thus ruining prospects of group cohesion and mutual assistance which play a vital role in facilitating integration as when the women establish mutually beneficial rotating loans.

⁴⁹ This was corroborated by a chance conversation among teachers at the children's former primary school in which they referred to the children in question and said that both had obtained scholarships because they had scored the highest grades at the school. In informal conversations, Tania often talked about her children's sponsors.

2.4.1. Refugee Women Counter Ethnic Profiling

Integration is about host populations opening up to refugees and the latter making conscientious effort to become part and parcel of the host country in a process that leads to mutual accommodation. In the cases where refugee women are socially connected to locals, this is an outcome of the women themselves taking the initiative to reach out and engage locals. Although refugee women generally adopt the macro ethnic discourse which pervades Kenya, this is not an outcome of blind conformity to this prevailing, local discourse. Rather, refugee women's perception of Kenyans is largely informed by their experiences such that they talk about a Kenyan identity in some instances and split that identity into its ethnic components in others. Different refugee communities view Kenyans from different standpoints. Paradoxically, refugee women who suffer exclusion and experience social and economic barriers because of their stereotyped identities also resort to identity stereotypes in their relations with locals. This stereotyping extends even to fellow refugees; refugees who lived in the same community as Thando, a male refugee from South Africa denied that he was indeed South African. Such denial was not based on the question of how South Africa, an economically and politically stable country also esteemed as a beacon of democracy at work in Africa, was producing refugees but on Thando's dark complexion which was said not to be South African!⁵⁰

The uneasy ethnic relations among Kenyans are replayed in refugee-Kenyan relations. While refugee women who had lived in Kakuma Refugee Camp expressed fear of the Turkana, in Nairobi, they fear the Kikuyu. All the ethnic groups in Kenya are referred to as Kenyans while the major ethnic group, the Kikuyu, is referred to by that ethnic name giving the impression that Kikuyu and Kenyans are two different categories. Refugee women cast the Kikuyu as grasping, a description which they elaborate to encompass vices refugees and non-Kikuyu Kenyans associate with ruthless and heartless search and love for money. This can be understood in the context of the majority Kikuyu also owning most of the housing properties in Nairobi. According to Sandra, a Congolese woman, "[t]he best way to tell that a Kikuyu is truly dead is to drop a coin next to her body and if she do not sit up to pick the coin that means she is truly dead." Mose, a Ugandan refugee woman portrayed the general attitude among refugees towards the Kikuyu:

⁵⁰ Nyamnjoh (2006) addresses the problems of using complexions to determine nationality in South Africa and how dark-skinned South Africans who fit into the presumed appearance of African immigrants are victimised and harassed by South African police. The South African refugee was said to be Congolese. Although he spoke a bit of German apart from English and French and claimed that he could also speak Japanese, his ability to speak French was used to justify the claim that he was from the DRC, a Francophone country.

I would like to say the biggest problem for me is the children and the house that I am staying in. With the Kikuyu and money, ha! The Kikuyu owner has to be paid and I need food for my children. Recently, the Kikuyu landlady, you know among them it is the woman who handles everything; she told me that had it not been for this baby she would have thrown me out. When I tell her that I have got problems she says she also has got problems.

Hali typecast the three major ethnic groups in Kenya as follows: i) the Kikuyu are money-loving, heartless creditors, shrewd and unscrupulous businesspeople and thieves, ii) the well-educated Kenyans are Luo, and iii) the Luhya are gossip- and rumour-mongers. On a visit to Eastleigh, a Somali refugee man assumed that I was Kikuyu and chased me out of a Somali money transfer facility and expressed his anger to Hali who had invited me by telling her that he did not want Kikuyus in the facility because they would steal. Asked to explain how she related with Kenyans, Zeinab, a Somali woman replied: “I got a young Kenyan lady to do for me *kibama* [household chores] and she stole some of the utensils, now I fear them [Kenyans] a lot.” On the basis of counter stereotypes, some refugee nationalities such as the Somalis are not eager to reach out to locals. Negative definitions of otherness between refugees and locals create boundaries that impede mutual tolerance and accommodation both of which are necessary for integration. By invoking discourses that accentuate rather than diminish barriers, many Somali refugee women place a wedge between themselves and locals and create a situation that hinders close interaction and mutual understanding.

As retaliatory profiling against Kenyans particularly the Kikuyu, Sudanese refugee women in particular interpret the reconstructed Somali identity rooted in violence and aggression as a positive attribute and hail Somalis for “protecting” refugees by retaliating to Kenyans’ perceived abusive tendencies where refugees claim to be excluded from the Kenyan judiciary system to which they could appeal for recompense. In the absence of protection by the police and the judiciary, Somalis become an informal structure providing protection and justice thus illustrating refugees’ capacity to protect themselves where they deem formal structures unreliable. Perhaps another stereotypical description, Somalis have a reputation of “talking back” (Hyndman 1996: 117). Refugee women who make reference to the Somalis do so with admiration for what they perceive to be Somali boldness and assertiveness. According to Zanie:

You go to Eastleigh, Somalis ... Somali! When a Somali do “rrrr to Somali-Somali”, [gestures a sign of attack] he will get a knife to you. You put your gold watch here, it will be taken away but you go to Eastleigh with your gold [watch] and nobody will take it, nobody, nobody will take it. You take it, you are ... knifed. Somalis defend everybody who is a refugee ... They [Kenyans] know this is a Sudanese, they go and rob or pickpocket them and if a Somali sees you, that Somali will defend you but a Kenyan will not defend you, she will just point at you so that you are mugged. Garissa is a big shopping mall; Somalis are the ones who opened Garissa. We go to buy there because Somalis will not steal from us. And you cannot hike rent to Somalis; a Somali will kill you. Like you have seen it, me I am not saying it.⁵¹

The Sudanese women also cast Kenyans as lazy people who just want money and claim that many Kenyans are flocking to southern Sudan not because of genuine interest in the construction of southern Sudan but because they are “looking for ways to make quick money.” Unlike Kenyans, refugees are not in a position to openly express these counter stereotypes as this can result in overt conflict. The circumstances of refugee women were resignedly captured by Sandra, a Congolese woman who pointed out that whichever way they are treated in Kenya, “We do not have any voice. What can we say? We are refugees.” This points to the low self-esteem that comes with the refugee status; other foreigners have more rights because they are not in Nairobi as objects of charity unlike refugees who are treated as not having any other choice and having nothing to offer to Kenya. Refugee women generally believe that although other foreigners are equally targeted by Kenyans for harassment, extortion and abuse, they are in a better situation than refugees who are looked down upon in Kenya. Hali observed that other foreigners who are not refugees can seek their embassies’ intervention but in her case, she has no access to such assistance. Similarly, refugee women from Rwanda and Burundi argue that even though their respective countries have embassies in Kenya, they cannot seek assistance from people who represent governments that are forcing them to live in exile. Nonetheless, that refugee women can generate their own version of “othering” suggests a level of agency at their disposal.

⁵¹ The latter part of the quotation was in direct reference to my experience of house break-in theft and attempted extortion. In one instance, a Sudanese woman told me that I was learning more about refugees’ experiences in Kenya through my own experiences with Kenyans.

2.5. Global and Regional Geopolitics: Ramifications for Refugee Women

Political events at national, regional and global levels play a role in determining the nature of reception extended to refugees. Refugees from countries whose conflicts have drawn regional and global attention are targeted more than the other nationalities for politicised discourses. Although Rwanda and Burundi share political conflicts characterised by ethnic strife between the Hutu and Tutsi, it is the Rwandans who draw negative attention in Kenya because of the globally publicised 1994 genocide in Rwanda that targeted Tutsis unlike the 1972 genocide in Burundi whose target was the Hutu (see Malkki 1995a; 1997; Sommers 2001). Of the Rwandan refugee women who participated in this study, only one woman is Tutsi. Politicised discourses accordingly target Hutu Rwandans who are blamed for the 1994 genocide. Somalis are also targeted because: i) they have the most conspicuous presence in Nairobi, ii) the conflict in Somalia escalated at the time of fieldwork prompting anxiety about a refugee crisis in Kenya, and iii) the Somali conflict is the cause of regional and global trepidation because of its presumed connection with Islamic fundamentalism and terrorism.⁵² The circumstances of Rwandan and Somali refugees are presented in detail to illustrate how politicisation and criminalisation of refugee identities impact on refugee women's experiences and the possibility of integration in Kenya.

2.5.1. Hutu Rwandan Refugee Women

An aftermath of the 1994 genocide has been the reconstruction and criminalisation of the Hutu ethnic identity which is blamed for the genocide against the Tutsi minority. Although all the Hutu refugee women interviewed fled Rwanda during the genocide, Kenyans generally believe that Hutu refugees are criminals who fled reprisals and justice when the Tutsi-dominated Rwandan Patriotic Front (RPF) seized power in Rwanda. The situation of Hutu refugee women is complicated by women's participation in the genocide (African Rights 1995). This section is not a rebuttal of women's involvement in the genocide and the presence of those who participated in it in Nairobi. Rather, it problematises ethnic profiling by taking as its point of departure a historical perspective which shows that the conflict in Rwanda is more complex than the Hutu-murderers-and-Tutsi-victims depiction. People belonging to both ethnicities were caught up in the pre- and post-genocide hostilities and massacres and women suffer a great deal regardless of ethnicity where rape and other forms of sexual violence are

⁵² There are a number of prevailing theories in respect of a resurgent Islam and its connection to Euro-American constructed terrorism. For an Islamic perspective on a theory of a "clash of fundamentalisms", see Ali (2003).

used to enforce submission or make a political statement (see Umutesi 2004). Mamdani (2001) estimates 50 000 moderate Hutu casualties.

The plight of Hutu women who were victims of both Hutu militias and the advancing RPF rebels, Hutu women married to Tutsi men, Tutsi women married to Hutu men and women whose parents were in these inter-ethnic marriages needs to be acknowledged. The complexity of the conflict was shown by some of the Hutu refugee women who stated that their Tutsi neighbours were keeping for them their houses in Rwanda until the situation could permit them to repatriate (see Sommers 2001 on Hutu Burundian refugees in Tanzania). Others cannot repatriate not because they fear prosecution but persecution because their Tutsi neighbours have occupied their land and houses or destroyed the latter (see also Malkki 1997). Just like ordinary citizens in Kenya, state institutions such as the police also label Hutu refugees *génocidaires* and use this to extract money from them through bribery (see Verdirame 1999). The labelling of Hutu refugees as *génocidaires* which cuts across gender has resulted in a situation where these refugees are vigilant and wary of neighbours and strangers alike (see also Juma and Kagwanja 2003). The fear among Hutu refugees manifested itself in some of them suspecting that this author might have been gathering information about them for the Rwandan government (see Simon Turner [1999] on Hutu Burundian refugees' suspicion of outsiders).

The view that Hutu refugees are criminals is also expressed by officials in the Rwandan government. Following the issuing of an arrest warrant for Rwandan President, Paul Kagame, by a French judge in November 2006, the Rwandan ambassador to the USA invited as a guest on a phone-in programme labelled as criminals Rwandans in exile who phoned into the programme supporting the judge's implication of Paul Kagame in the assassination of his predecessor, Juvénal Habyarimana.⁵³ Without downplaying that some of the Hutu Rwandans in exile participated in the genocide, labelling all the Rwandans in exile criminals lends credence to refugees' claims of retributive persecution on the basis of their ethnic identity rather than actual participation in the genocide. Labelling creates exclusionary divisions (Gupte and Mehta 2007). It is a non-participatory process of stereotyping and designation which assumes power such that "an individual identity is replaced by a stereotyped identity

⁵³ Source: "Africa Journal" on Voice of America, aired at 2100hrs on 30 November 2006. A Rwandan who called from Norway stated that he was an ex-RPF combatant and that the RPF had a hand in the 6 April 1994 shooting down of the plane carrying former Rwandan President Juvénal Habyarimana and his Burundian counterpart, President Cyprien Ntaryamira. In response, the ambassador labelled the caller a criminal and extended the label to the other callers who took sides with the French judge's view.

[...]” (Zetter 1991: 44). Labelling involves the slotting of people into existing pigeonholes (Douglas 1994). When the various stakeholders label Hutu refugees *génocidaires*, this results in the local people among whom they live treating them as such thus creating a situation where they feel rejected by both their country of origin and the asylum country. They occupy what Victor Turner (1967) refers to as the liminal phase.

The stigma that comes with negative labels deters Hutu Rwandan refugee women from engaging in business outside their homes in that they only feel safe among people they trust; security plays a crucial role in the process of integration (Ager and Strang 2004). By using the genocide to portray Hutu Rwandans as not deserving hospitality, locals and state institutions such as the police interpret refugee hosting not as a humanitarian gesture but an extension of regional politics. In everyday life, refugee hosting is divorced from the official discourse which constructs it as non-discriminatory; it becomes a privilege bestowed and withdrawn at locals’ will. Refugee women’s experiences are thus influenced not by the formal discourse of refugee hosting but by what transpires in the informal context of everyday interaction.

Although Kenyans, just as many others who are aware of the genocide, generally believe that the Hutu refugees are fugitives, the Hutu see the 1959 Tutsi Rwandan refugees who now carry dual Kenyan and Rwandan citizenship⁵⁴ as more hostile than “real” Kenyans. “Real” Kenyans are hospitable and willing to assist the refugees but the problem is that they are poor just like the refugees.⁵⁵ Hutu refugee women view “real” Kenyans as more accommodative than the Tutsi refugees-cum-Kenyans whom they accuse of using what the women term “the genocide ideology” against them because of their vested interests in Rwandan politics. Because of the impossibility of denying the genocide, the women express their political agency by categorising the genocide as a political weapon used against them. Hutu Rwandan refugee

⁵⁴ Prior to the influx of Somali and Sudanese refugees (the famous Lost Boys of Sudan) in 1990, Kenya allowed refugees to integrate, enjoy rights to employment, freedom of movement and naturalisation. This explains the 1959 Tutsi Rwandan refugees being citizens in Kenya. This open door policy ended in 1991 resulting in the post-1990 refugee populations’ inability to naturalise.

⁵⁵ The perspective taken by Hutu Rwandan refugees in Kenya can best be understood when contextualised within a historical perspective of the Rwandan ethnic conflict which spans generations as well as that in Burundi which also comprises Hutus and Tutsis (see Malkki 1995a, 1997; Sommers 2001). It is the 1959 Tutsi refugees who became combatants for the RPF that launched attacks that destabilised Rwanda, reportedly connected to the assassination of President Habyarimana and subsequently the genocide before they took over power from the Hutu dominated-government (see Umutesi 2004). Due to the ethnic and intermittent nature of the conflict in Rwanda, the 1959 Rwandan refugees were Tutsi while the post-genocide Rwandan refugees encountered during fieldwork are mainly Hutu. The 1959 refugees have Kenyan citizenship because they came to Kenya at a time when refugees were generally allowed to acquire citizenship and integrate through exercise of the right to work and freedom of movement.

women do not see their exile as an outcome of their participation in the genocide. For Epi, a Hutu Rwandan woman who was a university student when the genocide started:

People who want to comment on the genocide do not want to take it from where exactly it started; it started when they killed the president [Habyarimana]. Now they say we killed people, look at me, can I kill someone? And now my children, they were born here in Kenya and now they are suffering, who did they kill?

In their narratives, Hutu refugee women do not refer to the Tutsi as their enemies but instead express the view that the Hutu and Tutsi “are one people” who can live together. They appropriate the predominantly Tutsi discourse of “victimhood” which enables them to provide a counter-narrative which portrays both the Tutsi and the Hutu as victims contrary to the dominant perspective of Tutsi victims and Hutu perpetrators of violence. This illustrates the women’s agency in (re)defining themselves in order to legitimate their stay in Kenya. Marie expressed her views on ethnic relations in Rwanda as follows:

My husband is Hutu and I am Tutsi. Even right now in Rwanda poor Hutus and Tutsis are living together. The problem is politics. Now if they say reconciliation we can go back home right now. But Kagame says no to reconciliation. Back in Rwanda we taught Hutu and Tutsi children and both were our children. In southern Uganda, Hutus and Tutsis are living together; the problem is Kagame. If the government changes we will go back home first thing in the morning. We will share with the Tutsis and live together. Tutsis are not bad; Hutus are not bad; the bad person is Kagame [who is a Tutsi]. My husband’s godparents are Tutsi and their children are keeping our house for us. The government of Kagame killed three of my husband’s brothers; they accepted the government of Kagame and stayed there and the government came and killed them. [...] We pray to God that the government is changed so that we can return to our country. We want a moderate president; Hutu or Tutsi, no problem. All Hutus are not bad and all Tutsis are not bad. My husband helped a Tutsi from the river and we all went together to Benako Camp in Tanzania.

Hutu women view themselves as doubly excluded. They describe themselves as victims of the genocide and are at the same time branded criminals and excluded from the sympathy and tolerance accessible to other refugees in Kenya because they bear a “guilty” ethnic identity as shown by the international condemnation and call for justice. This double bind situation provides the backdrop against which they negotiate or reconstruct their identity, theorise

about home, governance, social acceptance and exclusion. Criminalisation of the Hutu identity has ramifications for integration in that it has instilled fear in Hutu refugees resulting in wariness in their interaction with locals. This criminalisation feeds into the fear and embarrassment emanating from international condemnation of this particular ethnicity resulting in the affected refugees feeling insecure, unwanted and less worthy of hospitality.

The “genocide ideology” which is a strategic invocation of a people’s shared sense of guilt becomes a moral and legal strategy by which Hutu Rwandans are forced into self-exclusion thus losing the capacity to blame locals for their exclusion. Denied the right to residence in Rwanda, they do not belong to Kenya where they are resident. Indeed, that Marie yearns for an improbable return to her country where she is not welcome points to failure to find a new life in her asylum country. Most of the Hutu refugee women confided that they carefully choose the people they interact with and avoid having many friends so as to avoid landing themselves into trouble, a term which appeared frequently in their narratives. Above all, it is experiences such as these that inform the existential meaning of life as a refugee and the dreadful prospect of permanence to such presumably fated existence.

Feelings of being unwanted and the ever-present insecurity in the form of fear of being “sold-out” to the Rwandan government paralyse some of the Hutu Rwandan women to the extent of not being able to venture out and engage in income generation. The label *génocidaires* evokes the notion of pollution or contamination of the Kenyan social fabric. Following Mary Douglas’ (1994: 37) analysis of the concept of pollution, matter which is potentially polluting belongs to “a residual category, rejected from [...] normal scheme of classification”. The concept of *génocidaires* implies uncleanness, dirt or “that which must not be included if a pattern is to be maintained” (Douglas 1994: 41). In this respect, the label *génocidaires* becomes a mechanism by which local populations and authorities control and limit the physical and social space occupied by Hutu Rwandan refugees and legitimise this exclusion. As such, Hutu Rwandan women are physically in Nairobi without necessarily being socially part of the city. Marie complained that she had stopped selling vegetables outside her house because her Kenyan neighbours would also start the same business allegedly to frustrate her efforts to earn an income. She struggles to provide adequate food for her family and regularly begs for food at a nearby Catholic parish while women who venture out to sell their wares are able to provide food for their households at the very minimum. Fear and distrust of fellow

Hutus and locals alike constrain these refugee women's ability to create social relationships and cohesion amongst themselves or with locals among whom they live.

2.5.2. Somali Refugee Women

Following the 11 September 2001 terrorist attacks on the USA, the Madrid and London bombings of 11 March 2004 and 7 July 2005 respectively, the Muslim identity across the world has increasingly become politicised (Kimball 2002). The globalisation of terrorism and counter-terror military adventures and misadventures has been accompanied by a corresponding globalisation of suspicion, mistrust and fear. This feeds into the pervasive perception among non-Muslim populations of Islam and terrorism as synonymous categories (see also Shamir 2005). An aftermath of the 11 September 2001 attacks and the subsequent declaration of a "global war on terror" by the Bush administration has been the branding of asylum seekers and refugees, particularly those coming from Muslim countries, as a threat to national security and use of the latter as a pretext to abuse and exclude refugees (Castles 2003; Juma and Kagwanja 2003; Muller 2004, Hughes 2007). This is despite that the terrorists involved in the attacks were neither asylum seekers nor refugees (van Selm 2003). The terrorist attacks have had an impact on USA-bound migrants and other Western countries as well as those heading for countries that are vulnerable to attacks as is the case with Kenya. This section presents xenophobic attitudes towards Somalis by focusing on discourses directed towards Somali refugees who are already in Kenya as well as Kenya's reaction to a Somali refugee influx at the Kenya-Somalia border following intensification of the war between the Ethiopian-backed TFG and the ICU.

In Kenya, as in other parts of the world, association of the Muslim identity with terrorism has had the impact of instilling fear and apprehension in non-Muslim populations. This association spurs xenophobia or "the intense dislike, hatred or fear of others perceived to be strangers" (Nyamnjoh 2006: 5). Local populations' xenophobic discourses on refugees in Kenya are particularly directed towards Somalis. Firstly, the conflict between the ICU and the TFG in Somalia has direct links to fears of terrorism in the region. The USA's association of the ICU with terrorism and the allegation that Somalia has become a haven for terrorists – since Somalis have been identified as the culprits in the 1998 Nairobi and Dar es Salaam terrorist attacks – has created anxiety that the ICU harbours the agenda to promote terrorism and destabilise the region.

With Kenya having been attacked by terrorists in 1998 and 2002, the global anti-terror discourse resonates with Kenya's experiences and has ready listeners in the country. This situation is aggravated by warnings of further attacks issued by the USA which regularly states that it has intelligence on Somalia being used as a safe haven by terrorists and that "Somali terrorists" have Kenya as their target for more attacks. Although Kenya has a Muslim population of its own, USA warnings implicate Somali "Islamic terrorists". As a result, escalation of the conflict in Somalia in December 2006 raised alertness and vigilance within the Kenyan military and drew USA military intervention in the form of air strikes as part of the "global war on terror". The USA's declaration of a war on terror has impacts that are felt across the world thus demonstrating how globalisation, in this case, globalisation of insecurity (Camilleri 2006), has a discernible impact on local situations (Held and McGrew 2002; Inda and Rosaldo 2002) as experienced by Somali refugees.

Secondly, Somalis run thriving retail businesses in Eastleigh and live in their own community enclave perceived to be exclusionary to non-Somalis. While the majority of the other nationalities in Kenya are in small tailoring businesses, many Somali women in Eastleigh sell expensive jewellery imported from the Middle East. Somalis are ubiquitous in Eastleigh to the extent that the suburb is now referred to as "Little Mogadishu".⁵⁶ This exacerbates local resentment of Somalis and entrenches a clear Somali phobia among Kenyans generally. In a television forum, the Somali Minister of Foreign Affairs argued that refugees are not always a problem and recommended that the forum's host tour Eastleigh and see how Somalis, through their entrepreneurial skills, had transformed that suburb into a thriving commercial centre.⁵⁷ All the same, resentment emanates from many Kenyans seeing these businesses as not benefiting and uplifting the socio-economic situation of locals but rather as detrimental to local entrepreneurship. For example, the razing to the ground in 2000 of Garissa Lodge, a Somali-owned retail shopping mall in Eastleigh was described as arson and blamed on the Asian business community which allegedly felt threatened by competition from the Somali business community (Campbell 2006). Verdirame (1999) and Campbell (2005) make a similar observation on Somalis self-settled in Kenya's coastal city of Mombasa in 1991 and the government's decision to relocate them to refugee camps in response to complaints by local entrepreneurs.

⁵⁶ Mogadishu is the capital city of Somalia.

⁵⁷ The Minister expressed this view on "Eye on Somalia", KTN Special Edition at 22:30hrs on 15 January 2007 where the Kenyan Minister of Foreign Affairs and the First Secretary of the Ethiopian Embassy in Kenya were also present.

Thirdly, intensification of the military conflict in Somalia and the ICU's declaration to wage an Iraqi-style insurgency exacerbates fears of regional terrorism and a refugee crisis in Kenya. These events have increased Somali- and Islamophobia which has fed into discourses of discrimination, human rights abuse and marginalisation by Kenya's own relatively small but increasingly vocal Muslim population. The local Muslim community has always urged the Kenyan government to disband the anti-terror police unit every time the terrorism discourse has reached a din. Lastly, Somalis are also resented for the hikes in rentals in Eastleigh which are explained in terms of Somalis having the money to pay exorbitant rentals for several months in advance thus displacing Kenyans who cannot afford to pay similar amounts. According to Kenyan respondents, Somalis can rent a whole apartment building and turn it into an all-Somali enclave to the exclusion and chagrin of Kenyans. While Kenyan home owners prey on the Somalis, Kenyans who do not own houses in Nairobi are forced to leave Eastleigh for less expensive neighbourhoods. Refugee integration cannot take place where locals feel displaced and resent refugees for this displacement (Jacobsen 2001).

The labelling and stereotyping of Somalis as aggressive and violent can be understood against the backdrop of regional and global discourse on terrorism and its association in contemporary times with Muslims. Joe, a Kenyan respondent declared that he would not want Somali refugees in his neighbourhood because "they are extremists". Such objection to the presence of "terrorists" in the neighbourhood subsumes refugee women under stereotypes that reflect behaviour believed to be exhibited by their male counterparts. As a result, the majority of Somali refugee women in Nairobi find protection in Somali-dominated Eastleigh while the other nationalities share compounds and neighbourhoods with Kenyans. The oversight on gender differences in labels such as "terrorists" and "extremists" has resulted in Somali refugee women being subjected to harassment and raids in the name of ridding Nairobi of "terrorists". The women are rarely related to in their individual right as women; they are mothers, wives, daughters and sisters of men who in this case are branded terrorists. Kenyan security officers do not recognise the individuality of Somali women and treat them as chattels and appendages of men and, for this reason, Somali women are harassed, interrogated and imprisoned as substitutes for their husbands where the latter cannot be located.

The predicament of Somali refugee women in particular was vividly illustrated in a case where Kenyan police imprisoned a Somali woman because her husband, an alleged terrorist,

could not be located. The human rights community in Kenya intervened when the Kenyan police refused to release the woman's four-year-old daughter into the care of her grandmother.⁵⁸ Holding women as substitutes for their husbands or male relatives also represents an attack on their ethnic identity; women's reproductive role portrays them as "the embodiment of a given ethnic identity's maintenance" (Crawley 2001: 3; Byrne and Baden 1995). Although women are not always aware of their husbands' involvement in politics (Forbes Martin 2004), state agents and rebels alike assume that men, particularly husbands, confide their secret political activities in their wives or female relatives in general and that when these men go underground or flee, they do so with their wives or female relatives' knowledge. Refugee women are related to on the basis of stereotypes and assumptions that they approve the political activities men in their families and communities engage in rather than on the basis of their individual beliefs, values, experiences, worldviews and political opinion. Treatment that constantly reminds Somali women that they do not belong to Kenya subjects them to a different kind of insecurity from the one they fled and creates a degree of uncertainty which deters rooting in Nairobi.

The use of sweeping generalisations that lump together Somali refugee men and women gives the impression that Somali refugee women are militant. Although women possess political agency and engage in political activism (see Nhongo-Simbanegavi 2000; Acholou 2003; Gardner and El Bushra 2004), this study did not find evidence of this agency being expressed in the form of advocacy for or participation in violent acts of terror among Somali women. The principal narrative that emerged is one in which women are victims of gender-specific violence; the women express their political agency through advocacy for peace (see also Hassan *et al* 2004). In their narratives, Somali refugee women express frustration with the war in their country and state that they do not comprehend the agenda of the war. For them, whether the TFG or the ICU rules the country is inconsequential because "both are Muslim";

⁵⁸ In January 2007, the Kenya National Commission on Human Rights (KNCHR) together with the Kenya Human Rights Network (KHRN) released a statement in which they condemned the Kenyan police for what they described as arbitrary arrests, interrogation and incarceration of Kenyans and non-Kenyans. Over 70 people the majority of whom were Muslims were said to be in detention. Hafswa Swaleh Ali, a four-year-old Somali girl was detained for 25 days together with her mother who was among the three pregnant women in detention. The women were detained on the pretext of providing information and assisting the police with investigations. The second woman was also from Somalia and was reportedly nursing a bullet wound sustained when the Kenyan police shot at her at the Kenya-Somalia border. The third woman was from Tunisia. Some Kenyans of Somali ethnicity and Somali refugees and asylum seekers had been deported to Mogadishu. The KNCHR and KHRN stated that relatives and friends of alleged suspects were detained because they had been "apparently declared guilty by association". <http://www.knchr.org/dmdocuments/PressStatement.pdf> (accessed 26.09.07). Muslims in Kenya charged that the detentions were meant to frustrate Muslims. <http://muslimsinkenya.worldpress.com/2007/02/02/5-year-old-girl-being-held-by-the-kenyan-police-as-a-terror-suspect/> (accessed 25.09.07).

for them the main issue is peace. The war has displaced them, rendered them vulnerable to targeted rape, further insecurity and robberies in Kenya. For Kadija, one of the women, the war has left her with the extra problem of taking care of a son who lost a leg because of the violence. This is coupled with raids, interrogations and harassment in Eastleigh.

On the basis of these experiences, the women converge on the view that they are not part of Kenya and angrily state that if they were part of Kenya, those among them who were raped by Kenyan citizens and security officers would not have been subjected to such an experience. Somali women do not construe rape as a crime perpetrated against any woman but an expression of ethnic hatred specifically targeting them because of their identity hence its connection with feelings of not belonging to Kenya. They view the raids, robberies, rape and the general hostility which they experience as a sign of ignorance as when Zeinab asserted, “I do not at all feel at home here. I have never been treated well here and will never feel so due to the ignorance.” Kenyan security officers raid Somali refugees because they suspect them of being terrorists and criminals yet Somali refugee women also view Kenyans in the same way and accuse them of being criminals and corrupt. The women’s agency to take a stand for peace is however suppressed by stereotypes that overlook gender differences on interpretation of the war in Somalia.

Within this context, Somali refugee women feel imprisoned and secluded in Eastleigh because of fear of attacks and sexual violence which can be perpetrated on them because they can easily be identified by their distinct physical features. The women leave the seclusion of the refugee camps only to find themselves in a situation that can be described as a camp beyond the camp. Seclusion aggravates the “them” and “us” attitude and mutual fear and distrust that characterise Somali-Kenyan relations, a situation that impedes social and cultural integration or the capacity to create conditions conducive for mutual understanding and respect as well as peaceful co-existence. It is difficult for refugees to achieve economic independence in a climate of insecurity (Harrell-Bond 1986). Integrated refugees are able to move freely without fear of physical threat and abuse, get to know the host community and “feel at home” (Ager and Strang 2004; 2008).

The Somali phobia in Kenya is vividly illustrated in a newspaper article that warned against the influx of Somalis in Kenya.⁵⁹ The author of the article, Dagi Kimani, blamed Somalis for the outbreak of measles in Kenya and asserted that Eastleigh which accommodates thousands of Somalis was the epicentre of the outbreak. Another big influx of refugees, according to the article, would lead to environmental degradation if not a disaster. The third reason for the writer's objection to Somali presence in Kenya is that Somalis are the main source of illegal firearms for criminals in Kenya (see also Juma and Kagwanja 2003). Charges that Somalis are responsible for the proliferation of small arms in Kenya come at a time when the country is grappling with a high rate of violent crimes.

Although Somali refugees argue that the criminals wreaking havoc in Kenya are not Somalis, Kimani is of the view that, “[i]t is conceivable that if the Government continues to pursue its open-door policy, rival Somali gangs will soon be settling their differences on Kenyatta Avenue.” He then concludes with a recommendation that even though Kenya has an obligation to offer humanitarian assistance to Somalis like the rest of the international community, “[...] the primary obligation of the government is to that constituency known as Kenyans. No humanitarian interests should be allowed to tramp down on this basic truth.” The basic thrust of such alarmist Somali-bashing is unmistakable: Somalis are part of the problem in Kenya and must therefore be treated as such.

The anti-Somali rhetoric culminated in the *refoulement* of Somali asylum seekers in January 2007 by the Kenyan government at the Kenya-Somalia border. As the war in Somalia intensified in January 2007, the GoK provoked international outrage when it barred Somalis fleeing the war from entering Kenya. The GoK argued that it would not give sanctuary to members of the ICU who were fighting against the Somali TFG.⁶⁰ John Michuki, then Kenya's Minister of Internal Security, presented the government's stance on the influx of refugees from Somalia thus, “We are not going to accommodate people who are fighting against a government which is friendly to us.”⁶¹ The *refoulement* had precedence in several incidents of anti-refugee rhetoric and actions. In 1997, the then president of Kenya, Daniel arap Moi issued an inflammatory speech which led to large-scale *refoulement* of Ugandan and

⁵⁹ The article penned by Dagi Kimani was entitled “Alarm Bells Ringing: Somali refugees not healthy for Kenya”. The *Daily Nation* (Nairobi) 12 October 2006.

⁶⁰ The government's perspective was carried in the *Daily Nation* (Nairobi) of 4 January 2007 in a front-page article entitled “UN protests as Kenya sends back refugees.”

⁶¹ The Minister's words are quoted from his speech when he appeared on KTN 21:00hours News Bulletin of 9 January 2007.

Rwandan refugees (Verdirame 1999; Verdirame and Harrell-Bond 2005). According to the refugee women in Nairobi, following the 1998 terrorist attacks on the US embassy in Kenya, the GoK gave refugees in Nairobi a fourteen-day ultimatum to leave the country which was followed by another somewhat toned down ultimatum ordering them to go to the camps when the refugees failed to leave Kenya altogether. In 2001, Daniel arap Moi had the Kenya-Somalia border sealed and cited insecurity for Kenyans as the reason (Verdirame and Harrell-Bond 2005).

The Somali crisis illustrates how politics determines who is granted or denied refuge. Foreign policy plays a part in asylum issues as asylum countries prioritise their relations with governments of refugee-producing nations and see granting asylum to citizens of such countries as undermining legitimacy of their allies (Valji 2001). The Kenyan government's reaction lends credence to Castles' (2003) observation that humanitarianism is no longer a neutral action (see also Shandy 2007). The history of refugee hosting also shows the politics involved (see Schultheis 1989). Although the *refoulement* was largely counter-productive taking place as it did along a porous Kenya-Somalia border, human rights groups such as Amnesty International reported that most of the asylum seekers denied entry into Kenya were women and children. Kenyans who criticised the government for sealing the border were concerned about Kenyans who had crossed into Somalia in response to the call for international *jihadists* or Muslim fighters to assist the ICU against the Ethiopians. These Kenyans were trapped in Somalia and vulnerable to US air strikes.

The *refoulement* of Somali asylum seekers confirms Juma and Kagwanja's (2003: 225) prediction of a situation in which, given the configuration in East Africa and the Horn of Africa, refugees have "become pawns in a wider geopolitical game in which they are redefined as agents of insecurity and terrorism." Kenya accordingly gives primacy to Article 33.2 which states that an asylum seeker or refugee may not be exempt from *refoulement* if there are reasonable grounds to regard him/her as a danger to the security of the host country. Predictably, what constitutes reasonable grounds is highly contentious. The current configuration in East Africa explains the difficulties Somali refugee women encounter and their criticism of Kenyans as "ignorant". Kenya's position in the *refoulement* case was strengthened by the fact that criticism came from Western countries which "have taken the lead to erode the right of asylum and undermining the principles of refugee protection" (Crisp 2000: 162; see also Valji 2001; Muller 2004). The role of regional and global politics in

determining the situation of Somali refugees in Kenya was demonstrated by Raphael Tuju, Kenya's then Foreign Affairs Minister's response to the international outcry on the *refoulement* of Somali asylum seekers:

We have refugees from many other countries and it is not fair to condemn Kenya for turning away refugees from Somalia when countries in Europe have been turning away people in boats on the high seas. That kind of moralising is not good.⁶²

The Somali TFG gave its moral support to the Kenyan government. The Somali representative to the UN, Idd Beddel Mohamed, asserted that “[f]ighters of the ICU are associated with al Qaeda. The government of Kenya should keep the border closed until further notice from the Somali government. Kenya is a sovereign state and can do whatever they want.”⁶³ The GoK and TFG perspectives on the Somali conflict depicted the people fleeing Somalia following the Ethiopian invasion as Islamic militants who, according to Kenya's then Foreign Affairs Minister, were “...trying to cross and trying to use this country [Kenya] as a base from which they can attack the Transitional Government.”⁶⁴ Kenya has legitimate security concerns particularly considering its vulnerability to terrorist attacks. However, the wholesale *refoulement* of Somalis overlooked the gender dynamics of active participation in politics in Somalia. Under Islam in a Somali context, politics belongs to the public domain where women's participation is largely proscribed thus making women victims rather than architects and perpetrators of the violence that accompanies war or “terrorism” in Somalia.

In his reaction to the crisis, the High Commissioner for Refugees, Antonio Guterres, pointed out that as much as the UNHCR appreciates Kenya's security concerns, the country has an obligation to allow asylum seekers onto its territory. The High Commissioner also noted that most of the asylum seekers were women and children and that turning these asylum seekers away was in contravention of the principle of *non-refoulement*.⁶⁵ Kenya's Foreign Affairs Minister took issue not with the UNHCR observation but with UNHCR expression of concern over the *refoulement* through the media. Loescher (2003) observes that in recent times,

⁶² The Minister expressed this view on “Eye on Somalia”, KTN's Special Edition at 22:30hrs on 15 January 2007 at which the Somali Foreign Affairs Minister and the First Secretary of the Ethiopian Embassy in Kenya were also present.

⁶³ Interview on Voice of America's “Africa Journal”, aired at 21:00hrs, edition of 4 January 2007.

⁶⁴ Foreign Affairs Minister's views presented on “Eye on Somalia”, KTN's Special Edition on 15 January 2007.

⁶⁵ The High Commissioner's Speech under the title “UNHCR calls on Kenya to halt Somali Returns” was posted on 3 January 2007 on <http://www.unhcr.org/news/NEWS/459bb8404.html> (accessed 12.08.07).

UNHCR policy and practice reflect both State interests and the Office acting independently in ways not expected and sanctioned by the State. The case of Somali asylum seekers denied entry portrays the refugee agency's dilemma of balancing its mandate, diplomacy and independence on the one hand with the host state's interests on the other hand.

Similar to the contradictions of globalisation which is described as “a process of accelerated flows and accelerated closures” (Nyamnjoh 2006: 1), the transnationalisation of terrorism and the concomitant “global war on terror” are characterised by the contradiction that terrorism generates refugees who are then dismissed as spurious and criminalised as terrorists. The lives of many refugees are thickly inscribed with this paradox of the global refugee situation. Acceleration of movement at a time of heightened security concerns has rendered refugees “outcasts of globalisation” (Hughes 2007: 934-935). The former UN Secretary-General, Kofi Annan, made an apt observation of the growing tendency to equate refugees “at best with economic migrants, at worst with cheats, criminals or even terrorists.”⁶⁶ As the GoK seeks to curb the inflow of Somali refugees, stereotypes become the readily available way to delegitimise Somalis' entry into Kenya. Government and media rhetoric demonstrate how stereotypes “are activated in a more pragmatic fashion only when they provide the kinds of information useful for the judgments that have to be made according to particular situational contexts” (Locke and Walker 2000: 176).

Despite the alarm raised in Dagi Kimani's article quoted above, no cases of open Somali clashes were noted during fieldwork. The same peaceful co-existence was also noted among the other refugee nationalities in Nairobi with the exception of a clash between rival Ethiopian groups in Eastleigh and another clash between two refugee men from the Great Lakes region in February 2007. These are instances that demonstrate how the conflicts back in the refugees' countries of nationality have a bearing on what transpires among refugees in the asylum country. Refugees also peacefully co-exist with locals and in some cases the latter assist refugees and work to create amicable Kenyan-refugee relations and facilitate refugee integration as presented in Chapter Five. Nevertheless, the case of Somali refugee women shows that the absence of overt conflict between refugees and locals does not necessarily mean that refugees are integrated. This is in contrast to Harrell-Bond's (1986) and Kuhlman's (1991) argument that integration has taken place if friction between refugees and locals is not worse than within the host population itself. More overt and violent conflicts among Kenyans

⁶⁶ Kofi Annan's comments at a conference held as part of a process called “Global Consultations on International Protection” launched by the UNHCR in 2001 and quoted in a UNHCR Newsletter *Refugees* (2001), Vol. 4, No. 125; p. 8).

than between Kenyans and Somalis were observed yet Somali refugee women generally do not view themselves as part and parcel of Kenya.

2.6. Refugee Identities and Geopolitics: Impact on Local Integration

The cases of Hutu and Somali refugees illustrate how refugee-Kenyan relations are influenced by mutual perception and stereotyping. Integration has a strong interplay with refugee identities and global and regional geopolitics. Once whole nationalities and ethnicities are negatively stereotyped, they are in turn criminalised, shunned and most importantly, excluded from the local social milieu. In inter-group relations, stereotypes become a way by which those involved differentiate “WE and THEY” (Leyens *et al* 1994: 70). The circumstances of Hutu Rwandan and Somali refugee women demonstrate how identity and global and regional politics constrain refugees’ efforts to rebuild their lives and “feel at home” in Nairobi. For example, blaming Somali refugees for the high crime rate solidifies social boundaries thus making effective integration difficult. Largely resented and shunned, Somalis in turn cast locals in negative terms and “cordon” themselves in Eastleigh, a situation which makes execution of raids easier for the police.

Somali clustering in Eastleigh is attributable to the tendency for refugees to settle among people from their own country and the Somali communal way of life in which spatial proximity facilitates mutual assistance and cooperation. However, the implication of Somalis in the 1998 Nairobi terrorist attacks, events of 11 September 2001 and the USA’s regular warnings of more attacks on Kenya also portray clustering as a conscious strategy to find security in numbers as the Somali women’s narratives indicate. Perception of Somalis as inimical to social stability and national security, fuelled by deployment of the contemporary discourse of global terrorism, obstructs acceptance of Somalis into the local communities. Somalis react by keeping their distance from locals and denigrating Kenyans and their “culture”; mutual stereotypes hinder interaction between refugees and locals (Valtonen 1998).

Against this backdrop and because they are easy to identify in Kenya, Somali refugee women cite among other problems raids, targeted rape and harassment at a time when women belonging to the other nationalities observe that police harassment has abated since the change of government in Kenya in 2002. Somali refugee women’s social integration in Nairobi is hampered by security agents’ suspicion that they harbour terrorists. The police raids conducted in Eastleigh often lead to *refoulement* of both refugees who have self-settled

in Eastleigh and those trying to cross into Kenya. The closure of the Kenya-Somalia border has not deterred Somalis from attempting to cross the border but has bestowed upon Kenyan police the power to detain, harass, seek bribes and physically and sexually abuse and deport asylum seekers (Human Rights Watch 2009). With such experiences, Kadija described life in Kenya as “another war without bullets.” All except two women who were sceptical of lasting peace in Somalia categorically stated that they would repatriate as soon as peace prevailed in their country.

The process of democratisation in Africa has seen politicians and newspaper editors exercise “their new freedoms by voicing sentiments about refugees that are often negative” (Veney 2005: 13). As shown by Dagi Kimani’s article above, the local media plays a significant role in whipping up xenophobic sentiments or moral panic about refugees in Kenya. A direct outcome of alarmist journalism is that the stigmatised refugee communities are viewed as having nothing to offer to Kenya except trouble and are therefore viewed as irrelevant and detrimental to the country’s progress. This also applies to the global media such as the Voice of America through which politicians address international audiences as happened when the Rwandan ambassador to the USA labelled criminals those who called to corroborate the French judge’s charge that President Paul Kagame was involved in the assassination of his predecessor. Nyamnjoh (2006) makes similar observations on the role of the media in promoting xenophobia in South Africa (see also Human Rights Watch 1998). Dagi Kimani’s article does not distinguish between men and women and it is in this context that Somali women are targeted for raids and imprisonment for men’s “crimes”.

Media pronouncements that Somalis are terrorists and that Hutu Rwandans are *génocidaires* incite locals against these two communities resulting in categorical objection to having Somali and Hutu Rwandan neighbours on the basis of identity. Negative depiction and categorical denouncement of Somali and Hutu Rwandan refugees in the media are replayed in relations between these communities and the local populations as when Peter, a Kenyan man laughed and remarked to this author in an informal conversation, “Which refugees are you talking about? The Hutu criminals who ran away after killing people?” When politicians whip up Somali- and Hutu- phobia through the media which are the fastest means of transmitting messages to a large, international audience, this has explicit implications for these communities who then face a crisis of legitimacy as refugees. This macro discourse only serves to polarise the targeted refugee communities and local populations which is detrimental

to social integration. Even though Kenyan Muslims also suffer as a result of association of Muslims with terrorism, as citizens they are not as vulnerable as Somalis who are refugees as shown by calls for the GoK to allow Kenyan *jihadists* entry back into the country from Somalia during the US air strikes in Somalia in January 2007.

Much of the literature on refugee integration that focuses on Somalis portrays them as having more problems to socially and culturally integrate than other refugee communities (see Fangen 2006; Newland *et al* 2007). However, Somalis' situation in Kenya is complex and the view prevailing among Kenyans that Somalis are simply hostile and reluctant to integrate does not adequately explain Somali clustering in Eastleigh. This view overlooks the role of local stigma and antipathy as implied in the label "terrorists" in demarcating physical and social boundaries for the Somalis. Ethnic and religious profiling and the accompanying stigma result in Somalis suspecting that locals do not respect their cultural difference and harbour the agenda to change this difference. This fear of assimilation or transformation of "Somaliness" into what Somali women term "Kenyan culture" is pertinent in a context where stereotypes based on their cultural and religious difference exert pressure on them to conform to local standards. Under these circumstances, the Somali enclave in Eastleigh which is a smaller version of Somalia, more than an expression of reluctance to integrate, is a barrier erected in self-defence and as a counter to the perceived cultural "contamination". Notions of contagion, dirt and cultural corruption imply danger and disorder (Douglas 1994). Seclusion accordingly becomes "a resource for cultural preservation, self-identity and feelings of continuity" (Kibreab 1995: 8; see also Larsen 2004). Somalis' quest to maintain their religious and cultural difference or "purity" is reinforced by the prevailing macro discourse in Kenya which they view as vindicating their suspicion.

Segregation for Somalis, apart from being a form of resistance to local stereotypes, communicates the message of a self-sufficient community which is not at the mercy of locals thus portraying exclusion as a chosen rather than locally-imposed state of existence. Whereas literature on xenophobia and integration points to accusations of reluctance to open up to outsiders being levelled against host populations by refugees and other immigrants (see Human Rights Watch 1998; Nyamnjoh 2006), Somali refugee women convey their reluctance to be influenced by what they term "Kenyan culture". When locals portray Somalis as having nothing to offer to Kenya but trouble and insecurity, Somali women demonstrate the agency

to adopt a similar discourse by depicting Kenyans as a threat to Somali cultural and religious values as illustrated by depiction of locals as ignorant, immoral, and violent criminals.

Somali women's segregation limits the possibility of social and cultural integration which is intricately connected with freedom of movement and access to economic opportunities outside Eastleigh. Their counter stereotypes and self-segregation demonstrate how local and refugee stereotypes reinforce each other and perpetuate the situation emanating from these stereotypes. Mutual stereotypes between locals and refugees express self-categorisation within the in-group in relation to the out-group or the categorical "Other" (Leyens *et al* 1994); they express the clash between intra- and inter-group integration. They are a manifestation of fear of the categorical "Other" and seek "to preserve [each group's] illusion of control over the self and the world" (Gilman 1985: 18). On their part, Hutu Rwandan refugee women who physically pass for locals live among Kenyans but resist opening up because they do not trust people even their neighbours. While Somali women are more concerned about cultural "contamination" and "purity", Hutu Rwandan women's concerns are of a political nature. Their priority is security which explains their perception of potential spies and sell-outs even in their neighbours and their resort to silence as a strategy of self-protection.

Seclusion has a backlash in that refugees become more conspicuous when they live in enclaves resulting in local populations believing that they are inundated with foreigners as shown by reference to Eastleigh as "Little Mogadishu". Enclaves as implied in "Little Mogadishu" are an obstacle to social and cultural integration among self-settled refugees whose ability to integrate in the absence of an official government integration policy largely depends on themselves and the locals among whom they live. The physical exclusion of Somali asylum seekers denied entry into Kenya is symbolic and reflective of the social exclusion of Somali refugees who are in Eastleigh. Simon Turner's (2006) conceptualisation of circumstances of included exclusion is not confined to refugee camps as it also manifests itself in urban settings where refugees have self-settled. As mostly non-combatants, it is the women who flee in large numbers such that when refugees are criminalised for committing atrocities such as the Rwandan genocide and for being terrorists in the case of Somalis, such labels are also attached to refugee women who are conveniently hidden behind male faces. Stereotypes and xenophobia lead to exclusion by which the women fail to find means of sustaining themselves and their children and bringing back normalcy into their lives.

On the other hand, Somali women who have reached out to locals have been able to create space for themselves even outside Eastleigh. The few Somali women who live outside Eastleigh do not see their residence among locals as a threat to their Muslim faith and have been able to socially integrate into their neighbourhoods. For example, Hali, a Muslim Somali woman living among locals and refugees from the Great Lakes region stated, “When I am walking in town and want to pray, I just look for a place where I can do so and whether that place is a mosque or a church, it does not matter. I just get inside and pray.” Hali went to the mosque every Friday, joined Christian prayer groups with her Christian friends and the five-day lunch hour prayer session in which her Christian, Rwandan teacher at a tailoring school in Hurlingham read the Bible, preached to the class and prayed.

Profiling or stereotyping as it manifests itself in Nairobi portrays difference as “the antithesis of the self” and combines “real-life experience and the world of myth” (Gilman 1985: 23). Ethnic stereotypes are not about the reality *per se* but an equivalence of racism experienced by migrants of colour in Western host countries. It needs not be understood in terms of truthfulness or falsehood or correctness or incorrectness but in terms of usefulness, purpose and intention (Leyens *et al* 1994). Within the framework of social identity theory, stereotypes have three functions namely social differentiation, social causality and social justification (Leyens *et al* 1994). By conjuring up images of *génocidaires* and terrorists both of which evoke fear, ethnic and religious stereotypes clarify and accentuate social difference between the in-group (Kenyan citizens) and the targeted out-groups (Hutu Rwandans and Somalis respectively). Social causality manifests itself in the representation of Rwandans as agents of social and moral contamination and of Somalis as dangerous “terrorists” responsible for disease outbreak in Eastleigh, proliferation of small arms, the high crime rate, displacement of poor Kenyan residents from Eastleigh and economic dislocation of Kenyan entrepreneurs and business people by Somali entrepreneurs (see also Campbell 2005; Veney 2005). This leads to the social justification function of stereotypes which buttresses and rationalises xenophobia and exclusion that thrive on negative construction of the “Other”. Stereotypes lead to feelings of insecurity among locals which are a disincentive for host communities to accept refugees (Dryden-Peterson and Hovil 2003a).

Ethnic profiling whose appearance requires limited or no knowledge of the group (Leyens *et al* 1994) subsumes refugee women’s individuality under regional, national, ethnic and religious identity stereotypes which often do not represent women’s experiences and

worldviews. Within this context, when refugee women clamour for resettlement it is not because “going for resettlement for them [refugees] is like going to heaven” as the CSO stated in the interview. Rather, it is an expression of the desire to find a country where they can find social, cultural and economic accommodation. Exclusion plays a major role in promoting feelings of detachment from Kenya thus obstructing social and cultural integration. In the face of exclusion and alienation, refugees do not shun their cultures or supplant them with local cultures in order to be accepted but are disposed to ever more forcefully assert their identities and seek security in their numbers as illustrated by Somalis. In doing so, they demonstrate a level of agency to define themselves and deal with profiling in ways often suppressed by the stereotypical depiction of refugees as timid and passive victims at the mercy of locals.

That the other nationalities namely Congolese, Burundians, Ethiopians, Eritreans, Ugandans and Sudanese are not direct targets of the xenophobic discourse shows the politics involved in refugee hosting. They often appear in the discourse in the generic term refugees without being singled out by their religious or ethnic identity. Even though these nationalities are not assisted to integrate, they have the advantage of being able to pursue their everyday business without disruptions such as raids and interrogations (at least after 2002 when the Kibaki government came into office) and are spared from labelling and ostracism. While hyper-globalisers perceive globalisation as entailing homogenisation and integration (Held *et al* 1999), the circumstances of Somali and Hutu Rwandan refugee women in particular indicate reversion to primordial, ethnic and disintegrative ways of identifying each other thus shattering globalists’ dream of “one world” and “one people”. Somali and Hutu Rwandan refugee women’s experiences in Nairobi can best be understood in terms of localisation of global conflicts and the globalisation of local conflicts.

Ethnic, national and religious profiling as presented in this chapter is a conscious strategy deployed as part of the refugee regime created to manage refugees who defy encampment and self-settle in Nairobi. It is a central aspect of social technologies which are rules, regulations, mechanisms and arrangements established to organise, contain, manage and control populations, in this case refugees. As the embodiment of exclusionary discourses, identity profiling is a well-orchestrated mechanism of demarcating and controlling physical space and social distance between locals and refugees. The stigma inherent in stereotypes solidifies exclusionary discourses and creates cognitive revulsion among locals which is reflected in the physical and social distance between locals and refugees. In this respect, identity profiling

serves the purpose of ensuring that “the illusion of an absolute difference between self and Other is never troubled” (Gilman 1985: 18). This is significant for the encampment-repatriation regime which is the centre-piece of refugee hosting in Kenya by which integration is deemed detrimental to repatriation. Both encampment and organisation of residential space in Nairobi illustrate that space is not neutral. The organisation of space not only demonstrates how “social relations and social structures are produced and transformed” (Henrietta Moore 1996: x); it also illustrates the absence of such relations and marks mutually constructed social boundaries between refugees and locals.

As verbal expressions of exclusion, identity stereotypes construct regimes of tolerance and rejection which respectively categorise refugees into those who are to be tolerated and those who are unwelcome. They give visibility to the latter and portray them as agents of insecurity, political instability and moral/social pollution. Refugees who are the target of negative stereotypes are treated as not deserving the refugee status. They thus become an aberration, an anomaly or “a discordant cue to be rejected” (Douglas 1994: 37). Stereotypical discourses stress refugees’ outsider status by which they do not belong to Kenya and are a threat to the order created around the trinity of people, nation and state hence the need to contain them in camps until they can repatriate. Order is about belonging and “oneness” however this may be defined. Conversely, disorder blights pattern and symbolises danger and the power to harm (Douglas 1994). Negative stereotypes construct difference “as that which threatens order and control [or that which] is the polar opposite of [the in-group]” (Gilman 1985: 21). However, through their own agency, refugee women construct counter stereotypes that depict locals as equally polluting and dangerous. Counter stereotypes de-legitimise the local, exclusionary macro discourse and legitimise refugee women’s own concerns.

That the GoK does not bundle refugees and take them to camps does not mean indifference to their presence in Nairobi. The encampment regime is based on the conviction that refugees are not only victims but also agents of insecurity with the capacity to destabilise Kenya as implied in terrorists or to pollute or contaminate as implied in *génocidaires*. Agents of insecurity require containment in refugee camps where appropriate social technologies have been instituted to neutralise the threat they pose (see also Shamir 2005). In this regard, camps become “rituals of segregation” (Douglas 1994: 97) where outcasts of the nation-state need to be confined until repatriation which symbolises the ritual of re-entry into normalcy and order. The stereotypical discourse by local populations, politicians and the media is a verbal form of

rejection or a subtle form of sanctions and control which is reinforced by flagrant, punitive sanctions and coercion in the form of police raids, interrogation, arbitrary arrests, targeted rape and *refoulement*. These are strategies of exclusion of those considered undesirable elements and a reminder of their outsider status by which they cannot claim entitlement to space in Nairobi and are therefore expected to reside in camps. The unpredictability that comes with raids, arbitrary arrests, targeted rape and *refoulement* creates chaos, disorder and uncertainty and therein lies the efficacy of sanctions as forms of social technologies that function as deterrents to integration and rooting. The use of subtle and punitive sanctions portrays refugee hosting as a privilege whose enjoyment comes with compliance with the encampment regulation by which refugees are expected to reside in areas specifically designed to contain them until repatriation.

Refugees who defy the encampment regulation are “matter out of place” (Malkki 1995b) in a double sense. They are outside “the national order of things” (Malkki 1995b) – a state of existence which strains the trinity of people, nation and state – and also outside the camps created as places where refugees wait until they can re-enter the nation-state system of organising, managing and ordering populations. One can argue that location of the camps in marginal regions of Kenya symbolises the outcast status and marginality of refugees who exist betwixt and between. Because they are neither within nor without the nation-state, they are in a transitional state which is dangerous because it is neither one state nor the other and is therefore “undefinable” (Douglas 1994: 97). Representation of refugees as “matter out of place” means that refugees have “crossed some line which should not have been crossed” (Douglas 1994: 114).

This becomes the derivative source of displacement’s potentially polluting and dangerous characteristics as implied in *génocidaires* and terrorists. The official refugee regime is therefore not a tightly knit system but has space within which locals, politicians and the media resort to politics to legitimate their perception of and attitude towards refugees in Nairobi and the concerns manifest in this attitude. Similarly, when refugee women come up with counter stereotypes, they are demonstrating the agency or capacity to engage locals in this political field as opposed to the humanitarian and apolitical field expounded in the official discourse on refugee hosting. When they choose to live in national or ethnic enclaves, they are still demonstrating the agency to engage in the same politics through physical and social disengagement by which they portray isolation as a chosen state of existence aimed at self-

protection from physical harm, cultural corruption and moral or religious pollution. As actors, refugee women are “not unaware of the meanings and values associated with the organi[s]ation of space, and they are also in a position to choose how to invoke and reinterpret those meanings through their actions” (Henrietta Moore 1996: 85). In this respect, physical space acquires communicative characteristics by which it contains a semiotic component (Henrietta Moore 1996). Physical space in the form of refugee national or ethnic enclaves reflects social categories or classification and marks social boundaries and distinction between locals and refugee communities such as the Somalis.

The refugee regime that plays out in Nairobi creates space in which the refugee status is contested as indicated by labels such as terrorists and *génocidaires*. Relations between locals and refugees are shaped by perception of refugee hosting as a favour to be bestowed at locals’ discretion on those perceived as deserving and withdrawn or grudgingly granted to those whose political backgrounds and identities do not augur well with granting of favours. The cases of Somali and Hutu Rwandan refugee women demonstrate this and the agency of locals in transforming the refugee status from a right into a privilege. This feeds into mutual stereotypes that not only show locals and refugee women’s agency but are also inimical to integration. Locals relate to refugees in terms of physical appearance, nationality, ethnicity, religious affiliation and regional politics consideration of which is denounced in the theory of refugee hosting as discriminatory. In doing so, locals demonstrate the agency to assign a context-specific meaning to the term refugee – a meaning which serves their own interests, deviates from the official definition and whose dynamics create discrepancies between the theory of humanitarianism (refugee law) and practice (see Sally Falk Moore 2000).

Different refugee communities have divergent experiences of what Stein (1981) theorises as “the refugee experience.” Refugee women’s experiences are as diverse as the heterogeneities that characterise the refugee population in Nairobi. In this regard, this study concurs with Malkki’s (1997: 224) critique of what she refers to as “dehistorici[s]ing universalism” which depoliticises the refugee category by depicting it as “an ahistorical, universal humanitarian subject.” Refugee women’s differential experiences are an outcome of their respective political histories that overlap with the refugee regime in Nairobi which treats refugees’ self-settlement in the city as encroachment onto citizens’ space. The encampment regime which homogenises refugees in camps by segregating them from locals and creating uniformity in order to facilitate control and order manifests itself in Nairobi in the form of identity

stereotypes that serve a purpose similar to encampment – exclusion. The chapter portrays the link between integration and identity politics as well as the disjunction between the theory and practice of refugee hosting. Overall, the reality of refugee hosting in Nairobi illustrates the challenges Kenya faces in balancing its legitimate national security concerns with refugee hosting and protection. Politicisation of refugee hosting raises the issue of legal protection of refugee women. The following chapter accordingly examines the interplay between legal protection and the process of integration.

Chapter Three

Legal Protection and Implications for Integration

3.0. Introduction

Having lost the protection of their own governments, refugees are potential victims of further abuse and aggression in the asylum country. In recognition of this situation for refugees, the 1951 Geneva Convention and its 1967 Protocol as well as the regional 1969 AU Convention among other international refugee legal instruments were designed. For self-settled refugee women in particular, exposure to physical and sexual abuse is acute thus warranting the need for protection. Kenya became a party to the Geneva Convention on 16 May 1966, the 1967 Protocol on 30 November 1981⁶⁷ and the regional AU Convention on 23 June 1992⁶⁸. This chapter analyses the extent to which the UNHCR and the GoK protect refugee women. In doing so, it draws attention to relations of power that characterise the UNHCR-refugee and the GoK-refugee interfaces. Interface refers to a “critical point[...] of intersection between different social fields, domains or lifeworlds, where social discontinuities based upon differences in values, social interests and power are found” (Long 2001: 177). The chapter argues that even though officials within the UNHCR and the GoK exercise power over refugee women, the latter are not docile or passive victims. The interfaces between refugee women and institutions are characterised by agency on both sides of the institutional divide. In the same way that agency characterises individual officers’ interpretation of their duties in the encounter, refugee women are endowed with agency that enables them to circumvent the legal barriers they encounter and outmanoeuvre the same officials. The chapter also examines the provisions of Kenya’s domestic refugee law namely the Refugee Act passed in 2006 in relation to self-settled refugee women’s needs in Nairobi.

3.1. UNHCR and Local Integration in Nairobi

The majority of refugees in Nairobi are in a protracted situation by which they have spent more than five years in exile. The UNHCR has the task of “promoting international instruments for the protection of refugees, and supervising their application.”⁶⁹ As the

⁶⁷ Dates according to the UNHCR document “States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol” October 2008.

<http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&> (accessed 01.11.08).

⁶⁸ Date according to the African Union

[http://www.africa-union.org/root/AU/Documents/Treaties/List/Convention on Refugees.pdf](http://www.africa-union.org/root/AU/Documents/Treaties/List/Convention%20on%20Refugees.pdf) (accessed 01.11.08).

⁶⁹ *Introductory Note* by the Office of the UNHCR to the Geneva Refugee Convention pg 7; Geneva, March 1996. See also the UNHCR Statute for a detailed outline of the functions of the UNHCR.

watchdog for refugees' rights, the UNHCR mandate directly entails a responsibility to provide protection to refugees and promote their best interest as provided for by the internationally recognised Geneva Convention. The refugee women in Nairobi are in a protracted situation for which the UNHCR advocates local integration.⁷⁰ The UNHCR mandate is to protect the women from the moment they avail themselves for protection up to the time when they can either voluntarily repatriate, be resettled in a third country in the case of a few or when they naturalise in the country of first asylum which is the ultimate goal of local integration even though integration can take place without naturalisation (Kibreab 1989, see also Harrell-Bond 1986).

The main objective of the Geneva and AU Conventions is to provide guidelines on humane treatment of refugees, uphold their rights and enable them to continue with their lives in dignity even after the disruption caused by flight. As an aspect of refugees' lifeworlds, protection is treated as a legal concept which translates into the extent to which "pertinent authorities comply with the entitlements of individuals under international law, and the manner in which these legal precepts are implemented and respected" (Helton 2003: 20). Protection in this study accordingly encompasses enjoyment of refugee rights and physical security. While the UNHCR encourages refugees to stay in camps in conformity to the GoK's encampment regulation, it states as one of its roles in Nairobi identifying and protecting refugees in urban areas.⁷¹ Thus, the choice to live outside the camps does not detract from self-settled urban refugees' right to UNHCR protection. Kenya's largely *laissez faire* attitude towards refugee affairs has left the UNHCR playing a vital role in refugee issues such that the UNHCR features in refugee discourses more than the GoK. This state of affairs explains the prominence of the UNHCR in this chapter.

The UNHCR plays a key role in promoting the three durable solutions to the plight of refugees in consultation with host governments. Local integration is a political, economic, social and cultural process which also encompasses a legal dimension by which refugees exercise rights that enable them to establish livelihoods and enjoy protection in the country of asylum. To what extent has the UNHCR lobbied the GoK to facilitate protection of self-settled urban refugee women who can neither repatriate nor find a lasting solution in

⁷⁰ Section 8 (c) of the UNHCR Statute advocates assimilation of refugees in the first country of asylum. The term assimilation as it appears in UNHCR documents is increasingly interpreted to mean integration.

⁷¹ UNHCR roles as provided on <http://www.unrefugees.org/archives.cfm?ID=117&cat=Archives> (accessed 11.11.07)

resettlement in a third country? Currently, the UNHCR does not have assistance and integration policies that are specifically formulated to assist refugees self-settled in Nairobi.⁷² The UNHCR justifies the absence of such policies by citing the GoK regulation that all refugees reside in refugee camps. The UNHCR prioritises diplomacy and maintenance of good relations with the GoK by which local integration which the UNHCR recommends as a lasting solution for millions of refugees mostly in the poor parts of the world can only take place with the consent of the host country.

Contradiction can be noted between the UNHCR argument that refugees should relocate to the camps in order to be assisted and the GoK's *laissez faire* attitude towards refugees self-settled in Nairobi. Firstly, the GoK is aware of the presence of refugees in Nairobi and throughout the period of fieldwork, refugees were not forcibly taken to the camps. In fact, the Head of the DRA stated that "the government's position on refugees in Nairobi is that we help them register as refugees; we provide exit visas to third countries and we give [them] Class M permits which allow them to do business. We do documentation to facilitate their living in Nairobi." This is in addition to assistance with appeals at the UNHCR and issuing of identification cards and movement passes called Conventional Travel Documents (CTDs).⁷³ Why would the GoK take UNHCR assistance to urban refugees as disrespectful when it is aware of refugees' presence in Nairobi and indeed, plays a part in facilitating their stay in the city? Secondly, UNHCR insistence that those who need assistance relocate to the camps in conformity with government regulations contradicts its stated mandate to identify and protect refugees in urban areas.

⁷² Personal interview with the CSO, Nairobi, 19.02.07.

⁷³ Personal interview with the Head of the DRA, Nairobi, 26.02.07. One of the main administrative problems is that the UNHCR and the GoK provide contradictory information which makes it difficult to understand who does exactly what in the administration of refugee affairs and how exactly these affairs are administered. The Head of the DRA stated that refugees are issued with Class M permits that enable them to work in Kenya and engage in business and that these permits are free of charge. However, Class M permits are only for purposes of immigration and do not function as work permits (see Kenya's Immigration Act, CAP. 172 25 of 1967, 6 of 1972). The CSO stated that refugees have problems obtaining licenses to run businesses in Nairobi and that the best way for them to get around the hurdle is to get into partnerships with locals. Both the UNHCR and the refugees stated that refugees have to pay for work permits in Kenya in contrast to the Head of the DRA's assertion that work permits are free of charge thus pointing to confusion of entry and work permits. According to the Head of the DRA, the DRA also registers and gives identity cards to "deserving refugees" and at the same time helps refugees with their appeals at the UNHCR when they are denied the refugee status. The DRA helps refugees appeal to the UNHCR yet it can issue the very documents refugees need in order to stay in Nairobi and avoid or at least reduce incidence of police harassment. This means that the government and the UNHCR run parallel programmes of providing identity documents to refugees; such a state of affairs amounts to duplication of tasks and gives the impression that there is lack of a coherent, coordinated and comprehensible policy on refugee affairs in Kenya. Alternatively, what exists in theory is not translated into practice resulting in a confusing state of affairs particularly in view of the GoK's withdrawal from refugee affairs.

3.1.1. Refugee Women and the Status Determination Process

Since 1991, the GoK has practically relinquished its responsibilities on matters relating to refugees to the UNHCR and its partner organisations (Verdirame 1999; Human Rights Watch 2002; Juma and Kagwanja 2003; Verdirame and Harrell-Bond 2005; Wagacha and Guiney 2008). Refugee status determination is the prerogative of State Parties or signatories to the Geneva and the AU Conventions⁷⁴ but in Kenya, the UNHCR has had to take over that task since government withdrawal from active participation in refugee affairs. It is the UNHCR that now determines what constitutes “events seriously disturbing public order” (AU Convention, Article 1.2), experiences that constitute persecution and entitle asylum seekers to the refugee status and “stories” that are credible and true and those that should be dismissed as fabrication. This is in addition to the other non-traditional roles that the refugee agency has had to assume over the years which include providing humanitarian assistance and monitoring human rights violations in refugees’ countries of nationality with the hope to avoid further outflows of refugees (Loescher 2003). Such monitoring also has the objective to establish whether the situation in the country of origin is safe for refugees to repatriate.

Legitimacy of claim to the refugee status is not as axiomatic as it is normally portrayed in media coverage that captures people in mass exodus from their countries of nationality and readily label them refugees as witnessed during the Rwandan genocide in 1994. The refugee status for populations fleeing persecution, war or events “seriously disturbing public order” is preceded by the status determination process at the UNHCR Branch Office in Westlands, Nairobi.⁷⁵ The process involves two basic stages: i) ascertaining the relevant facts of the case, and ii) application of the Geneva Convention, the 1967 Protocol (and the AU Convention) to the facts that have been ascertained.⁷⁶ The latter includes outlining the grounds upon which one can be granted the status and the process of establishing these grounds (Forbes Martin 2004). Upon arrival in Kenya, refugees head for the camps, reception centres or to Nairobi. The CSO outlined the process of status determination as commencing with asylum seekers taking the first step namely registration with the UNHCR in Nairobi. After registration, the asylum seekers are given appointment dates on which they are supposed to visit the same

⁷⁴ Throughout its text, the Geneva Convention addresses Contracting States thus implicitly showing their responsibility to implement provisions of the Convention. On its part, the AU Convention explicitly states that the Contracting State of Asylum shall determine whether an applicant is a refugee (AU Convention, Article 1.6).

⁷⁵ The UNHCR has a Regional Administrative Office in Gigiri, Nairobi and a Branch Office in Westlands, Nairobi. Unless otherwise specified, mention of the UNHCR in this study in the context of Kenya refers to the Branch Office in Westlands which directly deal with refugees in Kenya.

⁷⁶ Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, Re-edited, Geneva, January 1992, UNHCR 1979. <http://www.unhcr.org/publ/PUBL/3d58e1364.pdf> (accessed 05.04.08).

offices for interviews to determine eligibility for the refugee status. The whole process is long-drawn-out such that asylum seekers have to visit UNHCR offices several times because of postponement of the status determination interviews.⁷⁷ Asylum seekers and refugees' patience does not always pay (Inheteven 2006). According to Grace, a Rwandan refugee woman:

They [UNHCR officials] keep giving you appointments one after another for two to three years until you get tired. The process of assistance is distressing — “go and come back” so that if you have many problems it becomes difficult to follow it up. They write all the details about you and use the same information to dismiss you. Refugees have many problems.

The UNHCR officials do not send letters deferring interviews in advance but only inform refugees about the postponement when they turn up for the interview. Delays and cancellation of appointments without prior communication with refugees are characteristic of UNHCR's work with refugees (Human Rights Watch 2002; Inheteven 2006). As a result, refugees spend their hard-earned cash on transport and some give up because they cannot afford the trips or find them humiliating and stressful (see also Verdirame 1999). More than half⁷⁸ of the refugee women interviewed did not have protection documents and those who did recounted experiences of perseverance and expressed apprehension with the annual renewal of Protection Letters as some of them would be instructed to repatriate instead of being issued with renewed protection documents. The issue of protection documents has a gender dimension considering refugee women's explanation that they were denied protection on the grounds that they are not combatants or political activists and therefore do not have credible reasons to flee their countries.

However, contemporary conflicts particularly in African contexts take their toll on civilians the majority of whom are women and children. This is coupled with the use of rape as a

⁷⁷ Many refugee women who have Protection Letters or Mandate Refugee Certificates (MRCs) recounted how they obtained them after a long process of making appointments for the interviews, having them deferred innumerable times, having their applications rejected, appealing and having their cases reviewed. There is usually an interval of at least two months between the cancelled appointment and the next; in one case the appointment letter showed that the interview had been deferred twelve times and the refugee woman concerned had spent the whole year waiting to be interviewed. From the interviews and discussions with refugees, it emerged that this case was not exceptional. The process can take up to two years (see also Human Rights Watch 2002; Wagacha and Guiney 2008).

⁷⁸ This percentage shows a slight improvement compared 2000 when the RCK noted that 75% of all asylum applications were rejected (see also Verdirame and Harrell-Bond 2005).

weapon of war with women's bodies being the battlefields. Conflicts in Liberia, Sierra Leone, Rwanda, Sudan and recently the DRC and Somalia are all characterised by deployment of rape as a weapon of war thus making women more of victims of the conflicts than male combatants who are often the perpetrators of rape. The CSO explained the postponements in terms of staff shortage (three Eligibility Officers for tens of thousands of refugees), unforeseen events such as meetings, workshops and illness on the part of Eligibility Officers and prioritisation of refugees who intend to relocate to the camps over those who live in Nairobi. The latter, according to the CSO, want protection documents "for purposes of resettlement or just identity."

Asylum seekers who are denied the refugee status can appeal after fifteen days and if they fail for the second time they cannot appeal again; they have to either seek asylum in another country or live as "illegal immigrants" in Kenya and face deportation. For all the months that they have to wait because of UNHCR delays on the interviews, asylum seekers are treated as non-refugees until they are able to produce Mandate Refugee Certificates (MRCs) commonly referred to as "Mandates" or Protection Letters authenticating their refugee status. It is during the waiting period that refugees who do not have relatives and friends to take them in sleep in the open, get arrested and detained without charges and are forced to pay bribes or face deportation (see also Human Rights Watch 2002). Lack of secure accommodation is particularly dangerous for women as they are exposed to rape and the attendant risks of HIV infection, unplanned pregnancies and trauma. Some are forced into unions of convenience with both local and refugee men that are equally exploitative and dangerous. Contrary to the CSO's view that urban refugees need documents just for identity or resettlement, "Mandates" are the passport to humanitarian assistance; refugees without them cannot access food and medical assistance as well as loans for Income Generating Projects (IGPs). Even though the GTZ assists refugees without Protection Letters, its assistance is restricted to Somali refugees in particular in a country hosting eight refugee nationalities. Protection Letters, though not often, reduce incidence of harassment and extortion by Kenyan security personnel.

The lengthy process of acquiring Protection Letters also means that refugees exhaust whatever provisions they would have brought along before they find alternative livelihoods in Nairobi. This results in loss of opportunity to adjust early to life in exile leading to long periods of suffering due to lack of food, access to secure accommodation and inability to establish sustainable livelihoods. After spending several months or even years without

Protection Letters and concurrently a source of income, refugee women who have gone through this experience have lost hope of being able to engage in economic activities and rebuild their lives. Castles *et al* (2005) point out that early experiences tend to shape long-term experiences meaning that if the early months in exile are characterised by hardships, this usually limits chances of improving circumstances at a later stage in exile. Such difficulties are salient for refugee women because they are the ones who usually flee with the children and the incapacitated or infirm who need to be taken care of or provided for.

The UNHCR Notification of Negative RSO Decision – which is referred to in this study as the Rejection Letter in conformity to refugee parlance – lists the criteria to which refugees’ narratives are expected to conform. In this chapter, focus is paid to two of the criteria namely the “story” lacking conformity to generally known facts about the country of origin and lack of credibility. Item 1.3 of the Rejection Letter reads: “Your statements on the material points of your claim are not consistent with *generally known facts or reports* from your country of nationality or country of former habitual residence” (emphasis added, RJ).⁷⁹ Such criteria refer to the general in order to validate the particular; they are based on a presumably homogeneous refugee narrative and overlook the uniqueness of individual experience. Lack of protection documents among most of the refugee women in Nairobi on the basis of their “stories” lacking credibility emerged as the main legal concern among the women.

Granting of the refugee status is also based on findings of the UNHCR fact-finding missions to refugees’ countries of origin intended to establish whether there are genuine reasons for people to remain in exile.⁸⁰ The CSO stated that this information is established through UNHCR staff’s interaction with ordinary citizens in countries of origin under the guise of ordinary visitors. Apart from the “facts” established by the UNHCR missions, the CSO also stated that the UNHCR evaluates refugees’ reasons for flight within the framework of “what their governments and embassies are saying.” Highly contentious in the process of status determination are reasons for flight within the framework of Article 1.A.(2) of the Geneva Convention which cites “well-founded fear of being persecuted” and the AU Convention, Article 1.2 which mentions “events seriously disturbing public order” as the valid reasons for flight. UNHCR staff restricts these reasons to contexts in which overt and armed conflicts are

⁷⁹ Quotation taken from the standard Rejection Letter. All refugees who are denied the refugee status receive such a letter. Refugees who had such letters presented them in order to receive food aid as they waited to appeal for reconsideration of their cases.

⁸⁰ Personal interview with the CSO, Nairobi, 19.02.07.

taking place. The UNHCR therefore recognises refugees from Somalia and Sudan as *prima facie* refugees, that is, it grants them “group determination” in cases of generalised insecurity in conformity to the UNHCR Handbook.⁸¹

On the other hand, the absence of overt conflict or war does not mean that a country cannot produce refugees as persecution also takes place outside war contexts (see Crawley 2001). Human rights violations as is the case for opposition politicians, human rights/civil society activists and journalists are some of the reasons people flee in the context of peace. Indeed, most of the Ethiopian and Ugandan women are refugees because of their husbands’ alleged participation in opposition politics as illustrated by Ethiopians accused of supporting the Oromo Liberation Front (OLF). The women’s husbands disappeared without trace leading to the women being threatened or imprisoned and prompting them to flee after release from prison. Even where conspicuous violence has ceased, most conflicts in Africa are too complex to be followed by restoration of peace, voluntarily repatriation and harmony. There are still many refugees from Burundi, Ethiopia, Eritrea and Rwanda (more than a decade after the 1994 genocide) who are loath to repatriate because of fear of persecution which may be concealed from the outside world.⁸²

Even though the UNHCR accordingly advocates granting of protection to asylum seekers who are victims of non-state persecutors such as rebels and militias, it often turns away asylum seekers from countries where risk of persecution is not overt or well-publicised. For instance, most of the refugee women from Rwanda are deemed ineligible for the refugee status although many of them narrate cases of persecution by neighbours in the aftermath of the genocide and what they term disappearances. For refugee women who do not have male relatives to protect their interests, fear of repatriation is compounded by inability to reclaim the land and homes they left behind and retributive persecution for alleged participation in the genocide. In fact, the more time that has elapsed after the genocide, the more difficult it has become for Rwandan refugees to repatriate as the lengthy period they have spent in exile

⁸¹ Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, Reedited, Geneva, January 1992, UNHCR 1979. <http://www.unhcr.org/publ/PUBL/3d58e1364.pdf> (accessed 05.04.08).

⁸² It is likely that refugees from the DRC could also be subjected to the same pressure to repatriate following the cessation of hostilities and in view of the country’s first democratic election in forty years held in 2006. Regardless of the declaration of peace and the election, fighting and displacement continue in the eastern part of the country. The peace deal signed between the Congolese government and General Laurent Nkunda, leader of a rebel faction, in January 2008 has not brought lasting peace to the country as shown by eruption of fighting and displacement of Congolese in the eastern part of the country towards the end of 2008. It is yet to be seen whether the arrest of Nkunda on 22 January 2009 will lead to lasting peace in Eastern DRC.

leads to accusations of hiding from justice. Women's participation in the Rwandan genocide only aggravates the situation for refugee women who would want to repatriate. In a world where illegal immigration is increasingly associated with criminality, refugee women who are denied protection have to contend with eking out a living without assistance and avoid deportation for being "illegally" in Kenya.

The UNHCR treats refugees from Burundi, Eritrea, Ethiopia, Rwanda and Uganda⁸³ as people who are reluctant to repatriate to their respective countries because of economic interests in Kenya; the CSO cited refugees who run IGPs in Kenya as indisposed to repatriate because of economic interests. This view reflects the stereotypical image of refugees as helpless victims which treats the refugee status and entrepreneurship as mutually exclusive. Enterprising refugees are accordingly stripped of the refugee status and labelled economic migrants. When a new civilian government took over in Ethiopia in 2000, the UNHCR invoked for Ethiopian refugees who had fled their country before 1991 the "cessation clauses" under Article 1.C.(5) of the Geneva Convention by which an individual ceases to be a refugee when the reasons for his/her flight cease to exist (see also Article 1.(4) of the AU Convention). The civilian government has turned out to be repressive and is generating refugees at a time when Ethiopians who fled to Kenya before 2000 are expected to repatriate.

The CSO asserted that providing assistance to refugees deemed unwilling to repatriate would only encourage them to stay in Kenya. Harrell-Bond (1986: 18) contends that humanitarian assistance programmes are premised on "the fundamental belief that material aid in and of itself has the power to move populations" (see also Harrell-Bond 1985). If the presence of aid "pulls" people to a specific location, the CSO's remark conversely illustrates the belief that withdrawal of aid "pushes" people out of that particular location (in this case out of Kenya). Are food handouts and dependence more attractive for refugees than formal employment and self-sufficiency? Would refugees be content with exclusion from formal employment and competition with each other and with Kenyans in the informal sector were it safe to repatriate to their countries of origin where many left houses, land and family members and enjoyed the right to formal wage employment? Reflecting on these questions, one can only echo Harrell-

⁸³ Ugandan refugees who participated in this study fled in the 1980s or fled persecution at the hands of the current government instead of the war waged by Joseph Kony and his Lord's Resistance Army (LRA) in northern Uganda. Most of the 1980s Ugandan refugees are poor and state that repatriating to Uganda is difficult for them because they do not know "where to start". Their continued presence in Kenya has more to do with lack of resources that facilitate reintegration in Uganda. This is contrary to the view posited by the CSO that such refugees have businesses in Kenya and have become economic migrants. Most of the Ugandan women struggle to make ends meet.

Bond's (1986: 20) observation that "the assumption that refugees are in some sense created by the bounty of aid programmes proves to be an illusion." The UNHCR instructs refugee women who fled after disappearances of their husbands and their own subsequent harassment, imprisonment and still fear further persecution to "go home" (repatriate).

This is the source of conflicting reference points between refugees on the one hand and the UNHCR and aid organisations on the other hand. While UNHCR staff bases its decisions on status determination on its experience in dealing with refugee issues, refugee women base their contestation of unfavourable decisions on their own individual, lived experiences which do not always conform to the notion of *the* refugee experience. At the root of this clash of experiences and refugee women's struggle for the refugee status can be located two problematic questions: Who is in a better position to define experiences that entitle one to seek refuge? What kind of experience justifies flight or reluctance to repatriate? The idea of granting the refugee status on the basis of credibility of the individual's narrative is particularly problematic. For instance, some refugee women believe that they were denied the refugee status because they failed to answer probing questions on experiences they were not ready to discuss at the time of the interviews (see also Crawley 2001). On the other hand, what the UNHCR staff considers as *the* true refugee experience is, in some cases, nothing more than skilfully concocted stories.⁸⁴ On the basis of UNHCR staff's perceived inability to grasp refugees' experiences, Tania challenged the UNHCR criteria for granting the refugee status thus:

They [UNHCR officials] talk about credibility but some people went through unique experiences which they say are illegal. Some experiences are unbelievable. But the UNHCR does not understand because they never went through the same experience. I wish a person who went through the same experience could be a lawyer and represent the other refugees. If you haven't been in a war situation you can't understand the experience.

The UNHCR finds itself having to play contradictory roles of determining the refugee status and at the same time having to protect the refugees in a setting similar to that of the

⁸⁴ On one of the home visits, two Ugandan women who were granted refugee status and have MRCs that enable them to receive food and medical assistance from the JRS confided that they in fact ran away from domestic violence but invented credible stories about their "experiences" in the northern Uganda war. The women are staying in Kenya legally not on the basis of UNHCR's recognition of domestic violence as a valid reason for granting the refugee status but as presumed survivors of war.

prosecutor being the defence lawyer for the accused (see also Verdirame 1999). Thus, for the UNHCR, the task is on the delicate balancing of granting protection on the one hand and determining who is and is not entitled to that protection on the other hand. It is no surprise therefore that the UNHCR's work is characterised by inconsistencies that spur refugees' accusations of indifference to their plight and perception of the refugee agency as playing politics. The UNHCR's failure to promote refugees' rights in Kenya is attributable to UNHCR staff inefficiency, staff shortage and a shrinking budget. This is coupled with Kenya's withdrawal from administration of refugee affairs.

The UNHCR's discharge of its mandate in Nairobi needs to be contextualised within the refugee regime operational in Kenya which revolves around the view that refugees are "matter out of place" (Malkki 1995b) or the "by-product of a systematic ordering and classification of matter [the nation-state in this case]" (Douglas 1994: 36). As such, refugees are a temporary phenomenon that needs to be contained in the refugee camps until repatriation which, in terms of restoration of order, symbolically means rejection of matter out of place or tiding up of "inappropriate elements" (Douglas 1994: 36). The CSO's view that refugees who are in Nairobi do not seriously need protection documents unlike their encamped counterparts suggests that refugeeness comes in degrees with encamped refugees being more of refugees than those self-settled in Nairobi (see also Malkki 1997). The latter are not only in defiance of the idea of separating matter that belongs without from that which belongs within; their residence among locals also makes it difficult to track, identify and control them for the UNHCR and GoK's repatriation agenda. Borrowing from Douglas' (1994) terminology, their self-settlement complicates the task of tiding up and restoring "cleanliness" and order through repatriation or placing of people back where they belong – the nation-state. Denial of documents to self-settled refugees or delaying to process their cases is a disincentive for settlement outside camps or a mechanism of channelling refugees to the camps since it is only those intending to relocate to the camps whose cases are prioritised. As a counter strategy, refugees present themselves as intending to relocate to the camps and do not follow through this after obtaining the required documents.

Taken together with the policy of directing all humanitarian assistance to refugee camps, the issue of documents for self-settled refugees illustrates a deliberate strategy designed to determine and demarcate space for refugees in Kenya. Demarcation of physical space is important for the efficacy of social technologies as the boundaries created between locals and

refugees hamper integration thus achieving the goal of creating conditions ideal for waiting as opposed to rooting. The notions of separation, demarcation and punishment of transgression aim to impose system and order “on an inherently untidy experience” (Douglas 1994: 4). In this framework, delaying processing of documents or denying self-settled refugees the documents altogether is part of sanctions that are a necessary part of social technologies designed to contain refugees in designated areas. Subtle sanctions or disincentives for self-settlement seek to enforce compliance with the encampment regime without eliciting outrage in human rights circles were conspicuous and vicious methods such as flagrantly bundling and dumping refugees in the camps to be employed.

The refugee regime also functions through prioritisation of country of origin government rhetoric over refugees’ narratives. This reduces the power that refugees have over their situation as they find themselves between two institutions that wield power that transcends their narratives and determines their situation. There is a congruence of interest between country of origin governments on the one hand and the UNHCR and GoK on the other hand albeit for different reasons. When country of origin governments communicate to UNHCR fact-finding missions the information that there is no more reason for people to remain in exile, they are lending credence to the UNHCR and GoK’s argument that repatriation is the most desirable solution. While repatriation boosts country of origin governments’ political legitimacy, it relieves the UNHCR of the burden of protecting refugees at a time when its funding has dwindled and the GoK of the burden of hosting refugees when it sees them as a liability rather than a resource and has neither the capacity nor the intention to integrate them into Kenya.

It is in the context of social technologies of control and containment of refugees that those who resist repatriation are reconstructed as economic migrants thus portraying refugees residing in the camps as “genuine” and those self-settled in Nairobi as economic migrants abusing the asylum system. Such a distinction is sustained by entrenchment of a humanitarian discourse that “pathologises” encamped refugees as dependent on humanitarian aid and delegitimises those with the agency to take their fate into their own hands and reside in Nairobi in search of opportunities for self-reliance and self-determination. Depiction of self-settled refugees as economic migrants spurs the perception by locals that they are economically well-off. In line with this view, the refugees are in Nairobi not in quest of economic opportunities but because they have the resources to sustain themselves in such an urban context as opposed

to the camps to which humanitarian aid is directed. This exposes urban refugees to demands for bribery by humanitarian staff and police officers. The following sections on the interfaces between refugee women and the UNHCR on the one hand and refugee women and Kenyan authorities on the other hand need to be situated and understood within this framework which casts self-settled refugees as less of refugees than those in camps if not spurious and economically stable.

3.1.2. Treading the Fine Line between the Humanitarian and the Political

In this section, the interaction between refugee women and the UNHCR is referred to as an interface because it is characterised by an intersection of different and often conflicting lifeworlds or “multiple voices and contested realities” (Long 2001: 50). Interface involves transformation and assignment of new social meanings which would not have been anticipated in the original plan or policy (Long 1993). The UNHCR operates within a refugee regime that is intertwined with regimes of power, knowledge and truth. According to Foucault (1980: 112), the problem of these regimes is “the politics of the scientific statement” or the involvement of power in the production of knowledge and truth.

Despite the humanitarian label, the interface between refugee women and the UNHCR is steeped in politics (see also Harrell-Bond 1986; Malkki 1997). The UNHCR has “its general politics” of truth or a type of refugee idiom that it accepts as the truth in conjunction with mechanisms it uses to distinguish between true and false refugee narratives. It has in its criteria for status determination “techniques and procedures accorded value in the acquisition of truth [in relation to] the status of those who are charged with saying what counts as true” (Foucault 1980: 131). The truth in this respect is not what the refugee women narrate *per se* but those narratives that fit into “a system of ordered procedures for production, regulation, distribution, circulation and operation of statements” (Foucault 1980: 133). *The* true or genuine narrative is one that conforms to UNHCR fact-finding missions and the country of origin government and its embassy rhetoric while the atypical narrative is dismissed as spurious. Thus, when governments in Rwanda, Ethiopia and Eritrea for example, state that peace has been restored, individuals from these countries who lay claim to the refugee status are dismissed for telling stories that “lack credibility”.

Refugees are generated by political crises and interpret their quest for the refugee status in political terms. In contrast, international refugee law declares that the refugee phenomenon,

despite its emanating from political crises, is a problem of a social and humanitarian nature (UNHCR Statute, Chapter 1.2; Geneva Convention Preamble, 1951) and that solving the problem needs a humanitarian approach (AU Convention Preamble, 1969). In doing so, it systematically disqualifies “refugees’ own inescapably political and historical assessments of their predicaments and their futures [...]” (Malkki 1997: 225). This implies that the humanitarian is intrinsically apolitical and if not, there is a possibility of filtering out the political from the humanitarian and social. Humanitarian interventions premised on this perception accordingly “leach out the histories and the politics of specific refugee circumstances” (Malkki 1997: 224). Nevertheless, contradictions can be observed in that while the UNHCR champions apolitical discourses of humanitarianism and expects refugees to desist from political discourses, it makes reference to countries of origin’s political idioms and simultaneously dissuades refugees from engaging in the same discourses. Where refugee discourses challenge the UNHCR’s profession of knowledge and possession of *the* truth on situations obtaining in refugees’ countries of nationality, the UNHCR and other humanitarian organisations dismiss them as political (Inheteen 2006) and endeavour to de-politicise and de-historicise the refugee category (Malkki 1995a; 1997). This leads to contestation between the UNHCR and refugee women.

The process of status determination in Nairobi raises questions on knowledge creation. According to Foucault (1980: 131), “truth isn’t outside power or lacking power.” As an institution endowed with the power to determine narratives that constitute *the* truth, the UNHCR systematically uses its history of humanitarianism to create a specific knowledge regime to which refugees’ narratives are expected to conform if they are to be considered authentic. Refugee women contest the standardised UNHCR version of the truth by arguing that they are in a better position than the UNHCR to determine whether the country of nationality is safe for repatriation. The UNHCR assumes that refugees “suffer the loss of all contact to the lifeworlds they fled” as if “the place left behind were no longer peopled” (Malkki 1995b: 515) and that it has a monopoly of knowledge. Refugees keenly follow news on their countries of origin through the local and global media in addition to relying on clandestine communication with those they left in their countries for updates on the prevailing situation (see also Sommers 2001).⁸⁵ Interestingly, those who run successful IGPs

⁸⁵ In my various discussions and conversations with refugee women from Sudan, Rwanda and Burundi, the women articulated the nature of the crises and causes of war in their countries. They gave analytical details of the complex issues at stake in these conflicts, and debated and discussed the prevailing political situations in their countries of origin. Most of the women are well-versed with national, regional and, to some extent, global politics; they articulate their views and standpoints and lament their lack of political power to change the

in Nairobi and are presumed to be unwilling to repatriate are even more involved in monitoring the situation in their countries of origin and maintain contact with people they left behind.

Granting of the refugee status is an outcome of power relations at play in the interpretation of refugee narratives and assessment of country of origin situations. Operating within the framework of a presumably apolitical mandate, the UNHCR professes conformity to the positivist tradition which separates law from politics (Chimni 1998) and claims that its status determination criteria are objective. The positivist tradition “views international law as an abstract system of rules which can be identified, objectively interpreted and enforced with the domain outside the system of rules being designated as politics” (Chimni 1998: 352). In pursuit of the “objective” criteria of status determination, refugees whose experiences are anomalous *vis-à-vis* predetermined homogenising criteria of what constitutes *the* true refugee story are excluded. On the other hand, the application of international refugee law is mediated by the individuality and agency of those involved in its interpretation thus casting the separation of law and politics as only theoretical. The application of rules cannot be divorced from politics and social reality which is “a peculiar mix of action congruent with rules [...] and other action that is choice making, discretionary, manipulative, sometimes inconsistent, and sometimes conflictual” (Sally Falk Moore 2000: 3).

The situation obtaining in the UNHCR-refugee women interface cannot be understood in terms of a law/politics binary. Rather, politics takes place within the process of enforcing the law (see Sally Falk Moore 2000). For instance, it is within the framework of law that individual staff members grant protection to Hutu Rwandans despite the dominant discourse that portrays them as guilty. Conversely, it is also within the same framework that *prima facie* refugees such as Somalis and Sudanese are denied protection. The law as it guides UNHCR staff provides space for modification and deviation from organisational or structural norms. As Shandy (2007: 53) argues, the “conceptualisation of ‘refugeeness’ as some objective, black-and-white state devoid of gr[e]y areas is erroneous.” Similarly, Chimni (2004: 62) observes that “objectivism is sustained on the mistaken view that there are facts out there waiting to be discovered in order to arrive at a just decision with respect to denial or termination of protection.” Harrell-Bond (1986: 17) dismisses the notion that

situation for the better. This is in contrast to the stereotypical image of African refugee women in particular as ignorant victims who do not understand the dynamics of conflicts that force them to flee their countries.

humanitarianism can be separated from politics as a “myth” that “prevents an examination of the effects of local, national, and international politics on refugee policy.”

Despite the grey areas that exist between law and politics, UNHCR staff’s authority is underpinned by its operation within a truth-falsehood, knowledge-emotion, and political-apolitical dichotomy. In the accustomed objective/subjective binary characteristic of the interface between the UNHCR and refugee women, the latter are “relegated” to the subjective and emotional side of the encounter. While refugees’ exhibition of emotion enables donors to “know” the plight of refugees, evokes sympathy and induces donors to give, emotion leads to exclusion in the UNHCR-refugee encounter. Within the positivist framework, knowledge is created out of a neutral and objective process of testing and proving information as “facts” and this practically translates into juxtaposition of refugees’ subjective, involved and emotional “anecdotes” with the UNHCR’s predetermined criteria and its fact-finding missions. A refugee in this context is “one who conforms to institutional requirements” (Zetter 1991: 51) as opposed to one whose “anecdote” is considered atypical or curious. As an institution, the UNHCR’s exercise of power “perpetually creates knowledge and, conversely, knowledge constantly induces effects of power” (Foucault 1980: 52). For many refugee women, these “effects of power” and the exclusion and dismissal of emotions as deceptive in status determination and humanitarian assistance translate into what they term rejection. Within this milieu, the CSO claimed that assisting refugees encourages them to stay in Kenya. It is also within the same framework that Jean-Claude, the Africa Refugee Programme (ARP) Chairman, declared:

[W]e judge according to the experience we have in the field. Emotions and everything else will collapse and we take our time to check. I have been working in the field of refugees for fifteen years; I don’t work on emotions; I take my time and can tell when the other person is lying.⁸⁶

Dismissal of refugee women’s discourses when they ask for assistance as emotional and therefore lacking credibility combines with the women’s subordinate position as needy foreigners to make the task of authenticating their standpoints monumental. Labels are readily attached to subjugated populations on the presumption that they are cheats or inarticulate; refugees are no exception to treatment of the subjugated as the “known” rather

⁸⁶ Personal interview with Jean-Claude, Nairobi, 03.02.07.

than the “knower”. The refugee status determination process is contentious because knowledge is hierarchical and an outcome of power relations as the UNHCR-refugee women interface demonstrates. Refugees are constituted as the “object of knowledge and control” (Malkki 1995a: 52; 1997). It is in this context that physical or corporeal evidence to sustain claims to the refugee status carries more weight than the verbal account that it silences (Malkki 1997). The body or external, visible wounds are considered as providing an objective, credible storyline than the verbal narrative expressing internal, invisible wounds.

It is because of the operation of the UNHCR and refugee women on different planes that the interface between them is characterised by contestation and resistance on the part of the women. Analysis of the status determination process is about how, as Foucault (1980: 118) explains, “effects of the truth are produced within discourses which themselves are neither true nor false.” The truth is not to be understood as “the ensemble of truths which are to be discovered and accepted” but rather “the ensemble of rules according to which the true and the false are separated and specific effects of power attached to the true” (Foucault 1980: 132). The truth is not to be found in what the refugee women narrate *per se* but in a specific narrative that conforms to the predetermined criteria for status determination which accordingly endows the UNHCR with power to decide on the true, genuine and legitimate.

3.1.3. Dealing with Power: Quest for Legitimacy

Hutu Rwandan refugee women dominate this section because it is in their narratives that the contestation between refugee women and the UNHCR is most pronounced. In chronicling refugee women’s responses, the study takes into cognisance two main issues. Firstly, refugee women’s manoeuvres, instead of being directed at radically transforming the structure of the UNHCR are basically strategies of self-help. According to Scott (1985), resistance yields real gains where it avoids confrontation, challenging the symbolic order and overt contestation of hierarchy and power. In all the strategies that refugee women resort to, one observes the goal to change their situation for the better or, in Scott’s (1985: 350) words, “a spirit and practice that prevents the worst and promises something better.” Secondly, refugee women’s responses are diverse and there is need to avoid creating a monolithic image of refugee women as a socio-legal category or creating what Long (2001: 16) refers to as “reification of classificatory schemata.” Refugee women’s responses are an outcome of individual consciousness, expectations and goals. Indeed, the relevance of interface here is that it explains why different groups or individuals react differently to the same situation (Long

1993). It is pertinent to point out that even where refugee women have similar experiences with UNHCR staff, they resort to differential courses of action or responses and therein lies the relevance of agency to this study.

Despite the constraints encountered in the UNHCR-refugee interface, refugee women are not docile bodies (Foucault 1977) but social actors who possess the capacity to “process information and strategise” (Long 2001: 13). They create alternative forms of knowledge in order to make sense of their situation and find solutions where UNHCR staff members adopt a dismissive attitude towards them. Where staff grounds knowledge in the UNHCR’s history of humanitarianism and ideology, refugee women deploy their lived experiences as the source of knowledge. In making sense of the UNHCR’s stance concerning them, Hutu Rwandan women generally perceive conspiracy between the UNHCR and NGOs not to assist them. According to Grace:

One day we were told that we do not have Rwandan refugees. The whole process is about disempowering us, even our children. When they notice you are Rwandese and need assistance, the organisations close it. People like [name of the NGO woman provided] are committing an intellectual genocide [by not assisting with refugee education]!

By invoking the concept of genocide which many Hutu Rwandan refugees describe as an “ideology” meant to criminalise them in Rwanda and marginalise them elsewhere as, from their perspective, when they are denied the refugee status and assistance, Grace demonstrates the capacity to appropriate the same political idiom that is used to exclude her to legitimise her own concerns. Education which usually falls into the socio-economic sphere of life becomes a highly politicised theme in this form of refugee narrative. The perception of “intellectual genocide” augurs well with Hutu refugees’ allegation that the Rwandan government is eliminating Hutu intellectuals in Rwanda so that they do not articulate and champion the Hutu cause as well as challenge the Tutsi-led government (see also Malkki 1995a; Sommers 2001 on Hutu Burundian refugees in Tanzania).⁸⁷ Where this alleged

⁸⁷ The Hutu Burundian refugees in Tanzania studied by Malkki (1995a) and Sommers (2001) are survivors of a less-publicised genocide committed in 1972 by the Tutsi in Burundi. On the other hand, the Hutu Rwandans in Kenya fled the globally publicised 1994 Rwandan genocide committed by Hutu extremists on the Tutsi and moderate Hutus and its aftermath. The Hutu Burundians in Tanzania are viewed as victims while the Hutu Rwandans in Kenya have a contested refugee status and are largely perceived as criminals who participated in the genocide and fled Rwanda when the Tutsi-dominated RPF overran the Hutu-dominated government. This contentious distinction notwithstanding, the two groups of refugees share a lot in terms of their discourses and

physical elimination is impracticable as in cases where the Hutu are in exile, the refugee women construe the perceived denial of education as an intellectual form of genocide perpetrated by the UNHCR and NGOs in collusion with the Rwandan government.

Accusations of “intellectual genocide” levelled against the UNHCR and NGOs feed into the perceived connivance between these organisations and the Rwandan government to achieve the latter’s “secret project”. Implicating the Rwandan government in the Hutu Rwandan women’s experiences in exile illustrates the deployment of what Malkki (1995a: 55-56) terms “mythico-history”, that is, a narrative that “seize[s] historical events, processes, and relationships, and reinterpret[s] them within a deeply moral scheme of good and evil.” Thus, in the politicised encounter, Hutu women denied assistance and protection impugn the UNHCR and NGOs’ work and turn the concept of genocide into a double-edged sword whose meaning constantly shifts depending on the context from an ideology of exclusion to a resource that exerts moral pressure on the UNHCR which claims to be apolitical and therefore impartial. The women’s coining and deployment of the notion of “intellectual genocide” and conversion of the “genocide ideology” from a strategy of exclusion to an avenue of possible inclusion illustrates their innovativeness and agency. While Hutu women rarely discuss the genocide, they ironically validate their refugee status through strategic invocation of the genocide and its meaning. In this respect, access to legal protection which is vital for integration becomes a battle as the women resort to discourses and actions that politicise a supposedly humanitarian encounter.

Hutu Rwandan refugee women in particular criticise the UNHCR for what they consider as the agency’s politicisation and entanglement in national politics as well as deference to the Rwandan government’s presumed posturing on peace and reconciliation as when the UNHCR attempts to “forcibly” repatriate the refugees on the basis of the Rwandan government rhetoric. Hutu Rwandan women generally perceive the UNHCR as partial towards the Tutsi ethnic group in a chronological conflict characterised by ethnic polarisation. The women refer to anecdotal evidence to support their allegation of UNHCR partiality. For instance, Grace claimed that her Hutu friend was turned away by the UNHCR but granted protection the second time when she returned with the same story but identified herself as Tutsi rather than Hutu.

theorisation of ethnic, national and regional politics such that parallels can be drawn between Hutu Burundians and Hutu Rwandans particularly in terms of their suspicion towards Tutsi-led governments in their respective countries.

Hutu women appropriate the Tutsi identity in order to forestall the crisis of legitimacy which they experience due to indictment of their ethnicity in the genocide. In playing Tutsi victims when they are in fact Hutu, they adopt and present a discourse hostile to the Hutu that is officially accepted as *the* truth in their encounter with the UNHCR and refute the same discourse outside this encounter. In this case, the interface between the women and the UNHCR is characterised by agency which manifests itself as performance or “the activity of an individual which occurs during a period marked by his [/her] continuous presence before a particular set of observers and which has some influence on the observers” (Goffman 1959: 22). Marie, herself a Tutsi married to a Hutu, charged that Hutu Rwandan refugees cannot be assisted by the UNHCR because the refugee agency is staffed by Tutsis and that it is only the Tutsi who obtain UNHCR scholarships to study in Western countries. Epi asked why the UNHCR cannot assist her when it assisted Burundian refugees in Rwanda and provided them with scholarships before the Rwandan genocide.

In general, the women ironically use a version of knowledge which is intended against them to access protection and assistance and beat the UNHCR at its own perceived “political game”. In this respect, “power is not exercised simply as an obligation or a prohibition on those who ‘do not have it’; [...] it exerts pressure on them, just as they themselves, in their struggle against it, resist the grip it has on them” (Foucault 1977: 27). Such resistance entails agency or the capacity to convert obstacles into a resource or political capital. While the UNHCR considers its fact-finding missions and country of origin governments’ pronouncements of peace as reliable sources of information for status determination and renewal of Protection Letters, the views prevailing among women from the different nationalities were articulated by Tania as follows:

We did not have our own house and when we built one in 1993 we were so happy. But we stayed in our house for only six months, and then the war broke out... We left our country, stayed in Burundi and Tanzania and then came to Kenya and they say we are not refugees. When they see us here what do they take us for, do they think we are here as tourists?

As a pre-condition for repatriation, Tania needs what she termed “real peace not the one they [Rwandan government officials] talk about at conferences or to the international community.” There are cases of refugee women who repatriated to Rwanda only to return to Kenya because of tensions that are still characteristic of Rwanda and disappearances which they explain in

terms of abduction of people accused of participating in the genocide. Hutu Rwandan refugee women argue that their stay in Kenya is perpetuated by the “genocide ideology” which disqualifies them from UNHCR protection for allegedly “commit[ing] a crime against peace, a war crime, or a crime against humanity [...]” (Article 1.Fa, Geneva Convention; see also Article 1.5.a of the AU Convention). While the CSO confirmed that Great Lakes region refugees are denied the refugee status and attributed the rejection to claims lacking credibility and restoration of peace in the Great Lakes region, most of the women attribute their rejection to prejudice emanating from “the genocide ideology” and politics. The UNHCR-Hutu Rwandan women interface is therefore characterised by mutual de-legitimation of standpoints.

In coming up with alternative forms of knowledge and explanations for their rejection, refugee women in general de-legitimise the status determination process and in doing so, invalidate knowledge as generated by the UNHCR. The latter is then held culpable for inability to access NGO loans, scholarships and material assistance all of which are contingent upon possession of Protection Letters proving that the women are indeed refugees. While the UNHCR premises its decisions on its fact-finding missions, refugee women’s perspectives directly challenge these missions, dismiss them as strategic cajolery and construct peace as experiential rather than visual and verbal as illustrated by Tania, “They [UNHCR officials] say there is peace in our country but peace is not in the mouth, peace comes from the heart. We know what’s going on there and people are disappearing.” A similar rebuttal of the UNHCR fact-finding missions came from Jackie, another Rwandan woman:

When I told them [UNHCR officials] I needed asylum, he [Protection Officer] told us he cannot give us that asylum because we have no problems in my country; there is no insecurity in my country. But you cannot see the insecurity in your eyes; you can only see that there is no security when you live there. Security is not in the mouth, it is what you experience when you go there [to Rwanda].

It is important to note how Jackie presents herself as an individual as shown by the pronoun “I” and how the Protection Officer presumably addresses her as a group of asylum seekers as indicated by “we” and “us” in the quotation. Even though the status determination process is conducted with an individual, Jackie’s personal narrative is subsumed under her country thus showing how her personal experience is treated on the basis of a homogenising knowledge

regime in which the national or regional eclipses the individual and personal. In Sacks' (2000: 573) terminology, Jackie is treated as a "local representative" of absent others; her treatment carries a "categorical import" which assumes similarity of circumstances between her and those who share her national identity category. Burundian and Rwandan refugees' fear of repatriation has to be contextualised within the geopolitics of the Great Lakes region. For instance, in Burundi, Hutu returnees expelled from Tanzania have been attacked on several occasions and killed by the Tutsi-dominated armed forces (Crisp 2000). The same fate also befell Hutu Rwandan refugees after the genocide when they were hunted down in Zaire (DRC) by the Rwandan army (see Umutesi 2004).

The foregoing does not mean that the other nationalities do not encounter similar problems. For instance, even though Somali and Sudanese refugees are *prima facie*, women from these two nationalities also cast aspersions on the UNHCR. Despite the group status conferred on the basis of the ongoing conflicts in their respective countries, there are some among them who do not have Protection Letters because they were rejected. Ethiopian women also criticise the UNHCR for overlooking human rights abuse and persecution of political activists in their country both of which are the reasons they cannot repatriate. On their part, Sudanese refugee women take issue with what they perceive as the UNHCR putting them under pressure to repatriate and point out that regardless of the ceasefire, they will not repatriate as fast as they fled their country. They consider development of infrastructure, construction of hospitals and schools and, above all, stability in southern Sudan as a precondition for repatriation.

Similarly, Agfa from Uganda who has successfully integrated into Nairobi indicated that Kenya provides a reliable market for her artefacts as it is a tourist destination. She, however, was working on plans to repatriate and had already repatriated her children who attend school in Uganda. Agfa considers both security and viability of her business in the event of repatriation to Uganda. Cases of women such as Agfa whose circumstances straddle the perceived refugee/economic migrant binary spur the claim that foreigners running successful businesses in Nairobi are not or no longer refugees. What can be argued here is that entrepreneurship and quest for security are not mutually exclusive; the women left their countries of origin in search of security and that they now run small businesses does not detract from their quest for security. Refugees consider repatriation on the basis of their own evaluation of the country of nationality situation and its implications for them as individuals.

This is illustrated by the reaction to a meeting organised in 2006 by the UNHCR which brought together Great Lakes region refugees and staff from their respective countries' embassies in Kenya. Tania who attended the meeting evaluated it as follows:

The meeting was meant to sensitise refugees about the situations in our countries so that we would repatriate. They were trying to tell us that Rwanda is peaceful but there is something hidden. They failed to answer our questions on security, missing people, why people are still fleeing the country, democracy and why they are asking us to go back home when other people are leaving. To force us back home, they cut off assistance or refuse to extend Mandates. My protection is not from them but from God. If they refuse to help I will simply stay as an illegal immigrant because I am forced to do so.

While denial of documents and assistance is a subtle form of sanctions congruent with social technologies instituted to promote the encampment-repatriation regime, refugee women without the documents describe this as an illegitimate strategy tantamount to denial of their rights. Yet, in a rather contradictory kind of logic, when the women fail to obtain protection documents and assistance, they trivialise and downplay the implications of living in Nairobi without the documents by crediting the supernatural for their protection and welfare as indicated in the quotation above. Criticising the visible (UNHCR) by extolling the invisible (God) is not only a way of coping with anxiety and uncertainty; it is also a form of retaliation against the UNHCR which cannot practically commune with the supernatural for confirmation or refutation of the women's claims as it would with another earthly entity, for instance, the GoK. That the women opt to reside in Nairobi rather than yield to pressure and either relocate to the camps or repatriate shows that social technologies do not only impact on refugee women but are also impacted upon by the refugee women's agency.

The legal challenges refugee women encounter emanate from the mutual distrust between the UNHCR and the refugee women. The women accuse the refugee agency of indifference and inability to grasp the reality of their lives. They also criticise the UNHCR for alleged failure to apprehend the women's capacity to interpret the nature of the problems bedevilling their countries of nationality as when Jackie traced the Rwandan conflict to the nineteenth century and cynically dismissed repatriation because of what she described as "a cycle of war" (see also Malkki 1995a; Sommers 2001). Hopeless that this "cycle of war" will ever be broken, many refugee women from the Great Lakes region remain vocally opposed to repatriation.

Despite the women's resistance to repatriation, the entrenchment of a refugee regime that is premised on a repatriation agenda prevents integration and rooting in Kenya by portraying the two as inimical to repatriation. The repatriation agenda is sustained by the UNHCR coaxing and/or forcing refugees to repatriate; refugee women in turn deal with the pressure by accusing the UNHCR of conniving with country of origin governments whom they blame for forcing them to remain refugees in the first place. In this clash of forms of knowledge between the UNHCR and refugee women, the latter's ways of knowing that derail the repatriation agenda are decried as subjective yet subjectivity is celebrated where it involves refugees' spontaneous repatriation (Chimni 2004). Cynthia, a Burundian woman, described the UNHCR-organised meeting with embassy staff as tantamount to "betrayal". Faced with the pressure to repatriate, many refugee women respond by resolving to remain in Nairobi even without documents as illustrated by Tania above. Cynthia remarked, "When I came here no one told me to leave for my security. The same way I came is the same way I will go back." Such resistance to repatriation shows the women's capacity to make decisions independent of the UNHCR and even GoK standpoint. The decision to stay reflects the same agency that brought the women to Nairobi in defiance of the encampment regulation.

Without legal protection, the majority of refugee women do not believe that UNHCR operations in Nairobi conform to the refugee agency's mandate. Refugee women familiar with provisions of the Geneva Convention argue that the problem is not about the Convention being limited in its scope and therefore failing to provide adequate protection that could facilitate integration but with the UNHCR. Whereas the Rejection Letters handed to those who cannot be protected state that the agency is "unable" to protect them, refugee women do not see this as a case of inability to protect them but of the refugee agency rejecting them. In most of the narratives, refugee women view the UNHCR as anti-refugee rather than the guardian of refugees' rights. Criticism and sometimes vehement aspersions cast on the UNHCR for "violation of refugees' rights" are therefore stronger than those directed towards extortionist Kenyan security officers and Kenyan citizens in a clear demonstration of the women's disappointment with the UNHCR. As a way of coping with the perceived unfairness which refugee women do not have the power to redress, the supernatural which is conceptualised as omnipotent is once again invoked to counter and neutralise UNHCR's power by "punishing" the refugee agency as when Grace, a Pentecostal woman, appealed:

The UNHCR; let God pay them according to their actions; I don't have anything to add [...]. God will not forget how they treat refugees. They don't treat you like a

person; they treat you like merchandise. If there is someone who is really helping refugees in UNHCR that person is transferred.

In a similar appeal, Sofie, an Ethiopian woman stated that she prayed everyday and asked God to punish the UNHCR for rejecting her. For Grace also, the problem is not with individual staff members but institutional as she charged that the UNHCR weeds out those who conform to its mandate and conversely, retains staff members who mistreat refugees. Referring to the UNHCR logo, Zanie, a Sudanese woman stated that the UNHCR needs to remove the human image enclosed within two hands which is an emblem for protection because it does not reflect the reality for refugees who exist, in figurative terms, outside the enclosed hands on the UNHCR logo. According to Tania:

The Convention is broken when they reject us. They put rules and they are the first to break them. For example, about the [identity] papers and repatriation; they decide your fate and do not consult you and do what is in their political interests and you don't know which rules they are following. Their mandate may have limitations but that is because of politics. If they take politics as a priority and not human rights then they cannot help refugees. They are protecting their interests and they talk about financial shortage but if she [the UNHCR official who attended the Human Rights Day Commemoration] wants to drive a big car she has to close the door for refugees. Are they interested in human rights? That is the question. Sometimes there are so many things to do. Am I going to fight for myself and for the rights of my children?

That the UNHCR exercises power does not turn the refugee women into docile and subjected bodies in Foucauldian terms. Power is not a zero-sum game in which some wield it and others do not; it is relational and “a joint product of the encounter and fusion of horizons” (Long 2001: 184). Refugees are not blank slates as they bring with them history (Malkki 1997; Simon Turner 2006) into their encounter with the UNHCR. As Foucault (1979: 92-97) observes, “[W]here there is power there is resistance.” Power does not “constitute an obligation or prohibition imposed upon the ‘powerless’, rather it invests them, is transmitted by and through them” (Smart 1988: 77). Power is not a property possessed by the dominant part in an interface but “a complex strategical situation”; it is a “multiplicity of force relations” that are concurrently “intentional” but “non-subjective” (Foucault 1979: 92). The UNHCR-refugee women encounter as presented above can be termed a field in Bourdieu's

(1992) terminology or an arena characterised by struggles and manoeuvres over access to specific resources (Jenkins 1992).

3.2. Lack of Protection Documents and Integration

It is the state of not being recognised as a refugee that complicates the situation of many refugee women. Harrell-Bond (2002) observes that it is not possible for refugees to enjoy fundamental rights such as freedom of movement and the right to work unless legal obstacles are removed. Exclusion from UNHCR protection leaves refugee women who are young and unmarried, single mothers and widows particularly vulnerable to sexual exploitation and violence. The women are caught up between two different institutions. On the one hand, the GoK does not have a policy to assist refugees and if anything, state institutions such as the police evoke fear in refugees because they are notorious for harassment, raids, arbitrary arrests and bribery (see also Verdirame 1999; Human Rights Watch 2002). On the other hand, failure to obtain the refugee status excludes the women from UNHCR and NGO assistance which includes secure accommodation provided by UNHCR partner organisations such as GOAL.

Physical insecurity among the women is coupled with economic hardships; single refugee women related instances in which they had contemplated prostitution or marriages of convenience as a survival strategy.⁸⁸ Women who succumb to manipulation in the hope of finding social and economic security are left to care for children born out of exploitative sexual relations as single mothers. For example, Emma, a young Congolese woman, was forced to drop out of school at the age of nineteen when she became pregnant; the Kenyan man who had promised to marry her subsequently disappeared. For women who do not have a stable way to sustain themselves, this exposes them to further manipulation, more unplanned pregnancies, poverty, HIV/AIDS, stress and depression. The women came to Nairobi in search of means of livelihoods and self-sufficiency but most of them find themselves in circumstances that perpetuate the very poverty and dependence that forced them out of the camps. Higher levels of poverty and perpetual dependence measured against pre-flight socio-economic circumstances indicate inability to become functioning members within Kenya's economy.

⁸⁸ Prostitution remains stigmatised in many African countries such that even if the women had actually engaged in it, they were unlikely to reveal that particularly to an African researcher.

Although refugee women with protection documents equally face structural obstacles, this problem is more pronounced for women who do not have the documents because they are treated as illegal immigrants and barred from accessing institutions such as the judiciary. Refugee women are not in a position to enjoy protection of the Kenyan judiciary system as they need to possess valid protection documents in order to obtain official recognition. For this reason, the women share with their encamped counterparts the same challenge of legal exclusion; encamped refugee women rely on traditional systems of settling disputes which tend to further violate women's rights (Verdirame 1999). When the women are subjected to sexual harassment, rape, robbery, raids, arbitrary arrests and extortion by both the police and locals particularly home owners,⁸⁹ they fear reporting the cases because, without identity documents, this only exposes them to further violation of their rights. Thus, denial of the refugee status translates in experiential terms into a series of legal barriers interconnected with economic constraints resulting in feelings of exclusion and psycho-social problems even for those who have spent several years in Kenya or Nairobi in particular.

Inability to access humanitarian assistance also means that refugee women cannot obtain scholarships for their children's secondary and tertiary education. Many refugee women without protection documents express anger with the UNHCR because they see it as directly dashing their hope to have their children educated (see also Sommers 2001). Formal education for the women and their children is an indicator of integration bridging the gap between the pre-war/flight and post-flight periods as well as the cleavages between refugee and local children through interaction in school. The importance of education cuts across nationality; the women generally echoed Therie, a Sudanese refugee woman's observation that "the only good thing is that my daughter can now go to school and we are no longer on the run." In cases where refugee children are unable to access secondary and tertiary education, the women attribute this to exclusion from gainful employment which would enable them to pay tuition fees thus demonstrating the connection between economic resources and access to services. Many refugee women state that the only form of assistance they need from the UNHCR is education particularly for their children. As Sommers (2001) observes, refugees interpret the lack of assistance on the education issue as an indicator of UNHCR's lack of commitment to refugees.

⁸⁹ House owners sometimes mistreat refugee tenants by monitoring their visitors and objecting to them without giving reasons. Sometimes refugees are told that these visitors have to leave before 9pm. When refugees decide to move out because they cannot comply with some of these rules, house owners often sit on the refundable deposit for one contrived reason or another. Many refugees opt to leave without the refund instead of reporting to the police even if they have a lease for fear of further harassment.

Denial of the refugee status portrays refugees as spurious which inflames xenophobia and perception of those who are not repatriating as either criminals and fugitives or economic migrants who are manipulating the refugee apparatus for economic ends. The argument that the distinction between refugees and economic migrants is artificial because of the nexus between failed economies and weak states, human rights abuse and political instability has gained prominence (see Kuhlman 1994; Castles 2003; Shandy 2007; Holtzman 2008). This argument, valid as it is, largely reflects the aspirations of refugees resettled in developed third countries and is difficult to sustain among refugees who are in poor asylum countries where their circumstances are even worse than they were prior to flight. For many refugee women in Nairobi particularly professional women who find themselves out of formal employment, flight marks “transition from relative security and prosperity to uncertainty and poverty” (Hansen 1981: 191). Exile for these women is synonymous with the term problems which they invoke to summarise their present socio-economic circumstances.

The UNHCR’s emphasis on repatriation plays a pivotal role in sustaining and perpetuating the encampment regime which is based on the hypothesis that integrated refugees will not voluntarily repatriate. This is a cause for concern for Kenya which would not be able to sustain hundreds of thousands of additional people. Harrell-Bond (2002) argues that it is encamped refugees that are less likely to repatriate because of the tendency for them to be impoverished over time; repatriation requires resources for successful reintegration in the country of origin (see also Kuhlman 1994). Even in cases where refugees have become integrated to the extent that there are more indicators of permanence than those of temporariness, refugees retain the hope to repatriate (Zetter 1991). Refugee women indicated quest for conditions that enable them to lead “normal” lives for all the years they have to remain in exile rather than permanence. For them, this is to be superseded by voluntary repatriation when it becomes safe to repatriate.

While the ultimate goal of local integration is naturalisation (Kibreab 1989), 98% of the women interviewed expressed the wish to repatriate provided security is restored.⁹⁰ Harrell-Bond (1986) contends that rumours of security are enough for people to attempt to repatriate. Intention alone is not enough to disprove the hypothesis that integrated refugees will not repatriate. However, there are empirical cases of refugees repatriating even after decades in

⁹⁰ Those who do not wish to repatriate (2% of the women) cite the impact the conflicts have had on their lives. They believe that they cannot lead normal lives in their countries after what they witnessed and endured. Most of these refugees see the solution in resettlement in a third country.

exile once they feel safe to do so as shown by Mozambicans who repatriated in the mid-1990s after a protracted civil war and the 1959 Tutsi Rwandan refugees who repatriated after the 1994 genocide (Veney 2005). Hovil (2006) makes a similar observation on Sudanese refugees settled in Uganda.⁹¹ Even resettled refugees who are often cited as illustrating the artificiality of the distinction between security concerns and economics express the wish to repatriate provided that peace is restored (see Shandy 2007; Holtzman 2008). The issue of who repatriates and who does not is more complex than the simplistic view that those who are integrated will not repatriate. More than economic considerations, the decision to repatriate involves consideration of a complex web of refugees' socio-political conceptualisation of reasons for flight, interpretation of exile and definition of peace and security (see Malkki 1995a). Repatriation is closely connected to refugees' reasons for flight (Harrell-Bond 1986).

In many African countries, the post-conflict period, instead of being a period of restoration, is often characterised by problematic social relations (Castles 2003). This needs to be considered together with the intermittence of most of the conflicts in Africa which leads to refugees resisting repatriation as a pre-emptive strategy to avoid the next round of violence, displacement and flight from their countries. For many refugee-producing countries particularly those whose citizens are hosted in Kenya, peace is more than the end of overt or conspicuous violence. Refugees are often reluctant to repatriate because of post-conflict harassment, persecution and discrimination, complete destruction of their homes and sometimes loss of homes to those who stayed, pre-flight traumatic experiences, old age and incapacitation as well as lack of capital to facilitate reintegration (Crisp 2002). Arguing that refugees who resist repatriation do so because of economic interests in Kenya is consequently simplistic and inadequate in explaining the dynamics of repatriation. However, the rationale for this argument becomes clear when it is contextualised within social technologies of channelling refugees firstly to refugee camps and secondly back to their countries of nationality in a bid to restore the order disrupted by flight which creates disorder by detaching people from the nation-state.

Refugee women view economic integration in Kenya as a stepping stone to repatriation; it provides them with economic capital for reintegration in their countries of origin. In view of this, integration becomes a solution in so far as it enables refugees to lead "normal" lives

⁹¹ Lucy Hovil, "Self-settled Refugees in Uganda: An Alternative to Camps. Presentation made at the pre-EXCOM meeting in Geneva, 24 September 2006. <http://www.refugeelawproject.org/resources/seminars/EXCOMintegration.htm> (accessed 04.01.08).

rather than wait until repatriation as is the case for those warehoused in camps. Integration enables refugees to become self-sufficient pending voluntary repatriation should this become practicable. In this respect, integration can be taken as a temporary solution (Dryden-Peterson and Hovil 2003b) in so far as it does not close opportunities for repatriation. The absence of regulations for refugee naturalisation in Kenya functions as a disincentive to rooting and permanence thus inducing refugees to repatriate once they feel safe to do so. Indeed, Harrell-Bond (2002) contends that refugees are *de facto* integrated if they have the right to return to their country of origin.

Some of the women are investing in their countries of origin in preparation for repatriation. Susan from Rwanda who runs a thriving tailoring and retail business and is one of the few examples of women who have successfully integrated into Nairobi bought a house and a car in Rwanda as part of her plans to repatriate once she is certain she will be safe in her country. Some of the women particularly those from Rwanda have their neighbours protecting their homes and land until such a time when they feel safe to repatriate. On the basis of this study, the likelihood of self-settled refugee women repatriating is high (see also Jacobsen 2001; Harrell-Bond 2002). That the women have not repatriated in the face of exclusionary circumstances in Nairobi largely points to fear of insecurity in their countries and inability to reintegrate without the requisite resources rather than disinclination to repatriate because of economic interests and successful integration in Kenya. The women question the logic of permanence in Kenya when even Kenyans are poor and exclude each other on the basis of ethnic politics. The women's narratives portray the bone of contention as not whether or not they intend to repatriate but as the alleged coercion by the UNHCR whose relationship with refugees is chiefly characterised by lack of consultation, coordination and refugee participation in decision-making (see also Inhetveen 2006).

3.3. Refugee Women and Physical Protection

The host government has the responsibility to ensure physical security for refugees (Harrell-Bond 1986). Notwithstanding, security officers in Kenya are widely viewed as agents of insecurity among refugee women. Physical protection goes beyond bearing a Protection Letter which states that the bearer is "a person of concern to the UNHCR" (quoted from protection and travel documents). It involves "an international presence to encourage states to respect their obligations to give asylum" (Harrell-Bond 1986: 161). Having left their countries of origin because of insecurity, many refugee women who have Protection Letters are

disgruntled with the absence of actual security and physical protection. Disaffection with the UNHCR emanates from protection going nowhere beyond “permission to remain in the asylum state” (Hathaway 1991: 118). In terms of physical and legal protection, there is an insignificant difference between refugees who possess Protection Letters and those who do not; a mere “piece of paper” cannot deter police officers from harassing, arresting and extorting from refugees (see Human Rights Watch 2002; Wagacha and Guiney 2008). As Verdirame (1999: 59) observes, “the ‘protection letter’ gives very little protection to its bearer.”

Marie stated that her family was at risk of attack because her Hutu husband was accused of killing two Tutsi children in GOAL accommodation in Nairobi. Although Marie and her husband both said that he was acquitted because he was found innocent, the family still lives in fear of reprisals; they live in an insecure corrugated iron sheet structure. Waving their Protection Letters at this author, Marie asked how just being in possession of these documents could deter anyone who came to attack them. Even though the UNHCR gave Marie and her husband protection documents and allowed them to reside in Nairobi because of security reasons, they have been left to their own devices. Without any guarantee of physical protection, refugee women rely on their individual resourcefulness and find means and ways of keeping themselves and their children secure. Sarah, a single mother from Ethiopia moved from the densely populated Eastleigh suburb to a quieter and less populated neighbourhood where she felt she could protect her daughters from being pestered by men and possibly being raped. Sarah felt insecure and feared for her daughters’ security to the extent that she instructed them to move around together with their younger brother especially on their way to and from school. Despite her pleas for secure accommodation provided by NGOs such as GOAL, she has not been able to access such accommodation. In Hali’s words:

When they [women] are raped that is the time when they [the UNHCR and NGOs] are helping and that help of this time, it's actually nothing [...]. These organisations that protect refugees — they only get serious when your situation is worse [...]. But when you need the help before that it's nothing. All the work they do, it's nothing; I should say when you have already died [that is when they help]; let them help people when they are still alive. Like if a woman has been raped by ten men and you do not know who was HIV positive — who was sick, who was not sick. In fact, even the embarrassment in the society, also the psychological problems the woman has [as a result], they should help before that, why do they keep quiet before all this? They want

you to tell them I was raped, they want you to tell them I am HIV positive so that I should get something [...]. Also, they still want medical record from Nairobi Women's Hospital where they take all the rape cases and then [to] who[m] are you going to say, "Come and rape me so [that] I go there [to the UNHCR and NGOs]?"

The requirement of evidence of rape prompts some of the women to take the evidence from consensual sex and pose as rape victims thus demonstrating their capacity to devise strategies to draw the required attention. The UNHCR, presented in the quotation above as retroactive rather than proactive, has a mandate to protect refugees but is implicated in the violation of refugees' rights in Nairobi. The situation echoes Malkki's (1995b: 518) observation that "[...] the discourse of human rights sometimes seems grotesquely abstract and ceremonial in the service of many of the very organisations (like the UN) that claim this discourse in their mandates." Donor countries are said to be suffering from donor fatigue (Veney 2005) and host countries from fatigue of hosting refugees from protracted conflicts. Could it be that overall, the UNHCR staff in Nairobi is fatigued with fulfilling the refugee agency's mandate? Through forcible repatriation in countries such as Tanzania (Crisp 2000; Whitaker 2003) and Zaire (now DRC) (Malkki 1997; Umutesi 2004) and meetings with refugees in Nairobi coaxing them to repatriate, the UNHCR exposes itself to refugees' accusations that it protects host countries from refugees and legitimises countries of origin governments' pronouncements of peace.

While some of the women react to the challenges of obtaining protection documents by engaging the UNHCR and persevering, others express their disaffection by disengaging or severing ties with the refugee agency. The desperation and anger caused by fruitless trips to the UNHCR offices as already shown above has resulted in some of the women giving up on the refugee agency or simply pretending it does not exist on the basis of other refugees' accounts of their experiences at its offices. This is particularly the case for those women who possess adequate resources to sustain themselves and their families. With most of the conflicts having stretched for decades, countries such as Sudan and Somalia have established diasporas particularly in Western countries which sustain their refugee relatives in Kenya through remittances (see Al Sharmani 2003; 2007; Horst 2006a, 2006c; Shandy 2007). For instance, the Somali money transfer facility (Dhabshil) in Eastleigh is often a hive of activity as Somalis collect money sent by relatives in the diaspora. A Sudanese woman nicknamed "Commander" explained that she came to Kenya with immigration documents and that she

survives on money sent by her husband from Sudan. Referring to the presence of the UNHCR in Nairobi, she nonchalantly stated:

I never contacted the UNHCR. Even (sic) I don't know the way. Nobody showed me the way and the programme (sic) you can follow until you reach there. I don't have a Protection Letter and when I came to Kenya I came with immigration papers.

In a country that hosts hundreds of thousands of refugees not in the least Sudanese, “Commander”’s views imply indifference rather than inability to reach UNHCR offices. While earlier sections show how some of the women devise strategies to deal with the UNHCR, “Commander” is one of those women who respond to narratives of abuse at the UNHCR offices by avoiding the refugee agency altogether. Even though women in desperate situations also resort to the same response as in the case of Mose presented in Chapter Four, this response is prevalent among refugee women who are economically self-sufficient who then deny that they are refugees and present themselves simply as immigrants. This is a pre-emptive strategy to avoid the stigma they perceive to be attached to the refugee status and the accompanying abuse and hostility from Kenyans. Refugee women who disengage from the UNHCR and are able to sustain themselves show a level of agency that defies the stereotypical image of refugees as desperate, dependent and docile. Using their own resources and social relationships, they are able to find security in Nairobi without going through UNHCR offices, an avenue they perceive as demeaning.

Refugee women believe that even if non-refugee foreigners are subjected to extortion, they are spared the hostility that refugees are subjected to. In view of this, economically stable refugee women deny that they are refugees in order to access the relative hospitality extended to non-refugee immigrants in Kenya and enjoy a degree of social integration into Kenyan communities. Many refugee women who have the wherewithal have taken their fate into their own hands by severing ties with the refugee agency and NGOs, using the money they obtain from their IGPs and remittances to pay bribes whenever they get into trouble with the police for not possessing identity documents. Such women create space for themselves in Nairobi without UNHCR legal and material assistance. Existing outside UNHCR ambit as they do, the women are among those who refuse to heed the refugee agency’s call for repatriation and make their own decisions independent of its position. Existence outside the UNHCR sphere of influence is thus a form of resistance to real or perceived humiliation UNHCR protection entails – queuing, being counted, begging, being told to come another day, denial of

assistance and being instructed to repatriate all of which are integral aspects of social technologies of controlling refugees. Economically self-sufficient women have successfully integrated into Nairobi as their economic capital has enabled them to normalise their lives in exile. Nonetheless, failure to find formal employment remains a challenge for the majority of refugee women.

3.3.1. Corruption, Discrimination and Refugee Women Protection

A notable achievement in line with the UNHCR *Guidelines on the Protection of Refugee Women* (1991) is that refugee women can have protection documents in their own names. However, this achievement is overshadowed by refugee women's criticism of UNHCR staff for alleged discrimination on the basis of ethnicity, religion and nationality. Refugee women also cite corruption, favouritism and sexual harassment as among the reasons why some UNHCR officials refuse to renew Protection Letters and instruct them to repatriate instead. The women allege that the UNHCR has a certain "type" of refugees that it houses in secure and expensive accommodation to the exclusion of needy refugees.⁹² The CSO denied the allegations and instead chronicled cheating incidents by refugees that make it necessary for UNHCR staff to be wary of refugees. This is typical of the UNHCR-refugee interface which is suffused with claims, counter-claims and mutual accusations. This is characteristic because the interface occurs in the informal structure in which the impersonal and formal is supplanted by the personal and informal thus bringing into the encounter socio-political dynamics that create situations ideal for contention and contestation.

Corruption charges are often in the form of refugees being forced to buy their way to resettlement. As a result, only those with money can be resettled while deserving cases are disqualified by inability to raise the required sums. Even women from Somalia and Sudan who are accepted as *prima facie* refugees are not spared from corruption. In FGDs, Sudanese, Somali and Great Lakes region refugee women complained about bribery while some of the women narrated experiences in which male UNHCR officials demand sexual liaisons in return for protection documents and resettlement. Claire is quoted at length in this section to depict the nature of experiences refugee women, particularly those who are young and single,

⁹² Refugee women alleged that the well-connected are the ones who get the best from the UNHCR while the majority of refugees who are poor are turned away and rejected. I lived in a guest house for one week with an Ethiopian opposition politician. One paid Ksh1,200 (US\$17) per day. The man is one of the 10 refugee men interviewed for this study. He stated that the UNHCR was paying for his accommodation and upkeep at the guest house. This daily amount could pay a month's rent in the crowded neighbourhoods in which the majority of refugees live.

encounter at the UNHCR offices. Claire described her encounter with a male UNHCR Protection Officer as follows:

You come for assistance but UNHCR does not care. Men there want to sleep with you. One Kenyan Protection Officer [name provided] at UNHCR told me to bring US\$500 but where would I get it from? But he told me, “If you don’t have money you are a young lady and you know what to do; come and see me!” I refused and the papers which I had from 1994 which showed my status were confiscated by the Protection Officer and he gave me a Rejection Letter. He was later arrested when some of the people at UNHCR were arrested for corruption but not everyone was arrested so his colleagues who remained at UNHCR helped him. When I went back to get a Protection Letter and asked them to check my file they said that they could not take what was in my file [the Protection Letter from 1994] but what I had [the Rejection Letter].

Similarly, Hali related that when she went to renew her Protection Letter, she declined an invitation for “a cup of coffee” in town by a male UNHCR officer who promised that he would assist her with third country resettlement in return. *Sexualising* protection results in refugee women who resist male staff’s sexual advances living without legal recognition. This closes other livelihood opportunities for them. For instance, Claire met an Australian woman who wanted to help her migrate to Australia but without the appropriate documents she could not travel and lost the opportunity. Claire expressed frustration with both the UNHCR and the GoK. While in Kenya, she can neither find a job despite her university qualification obtained in Kenya and marriage to a Kenyan man nor obtain assistance because she does not have the appropriate documents to prove her refugee status. Despite that the encounter takes place between individual staff members and refugee women, women with experiences like Claire’s blame the UNHCR rather than the individual(s) who attend to them.

The CSO stated that refugees are free to lodge complaints with the UNHCR if they are not satisfied with the services offered. This is difficult for many refugee women because of what Inhetveen (2006) refers to as control of direct communication and social distance. Mechanisms of such control are arbitrary and they create barriers such that refugees fear victimisation and do not know who to approach with their complaints. The fact that some of the women, out of desperation, write letters to convey their complaints to the UNHCR Headquarters in Geneva illustrates the extent to which communication channels are closed for

the refugees at the Branch Office in Nairobi. Having failed to obtain a Protection Letter because of the encounter presented above, Claire approached the Refugee Consortium of Kenya (RCK), an NGO whose mandate is to promote refugees' rights. Her case went as follows:

I went to [the] RCK and shared with them and they approached UNHCR but they were told that my file is an X-file⁹³ which means that once the file is put under X nobody can work on it. The Kenyan Protection Officer I told you about wrote in the file that he doubted my identity whether I am a Burundian or a Rwandese but how could he say that when I had documents going back to 3years showing that I am Rwandese?

The power that refugee status determination vests in UNHCR staff members enables them to create an informal structure in which they pursue their own individual goals which are the cause of refugee women's endless accusations of corruption and favouritism. The informal structure enables staff members to "operate outside the rules, to use rules, or abandon them, bend them, reinterpret them, side-step them, or replace them" (Sally Falk Moore 2000: 4). It is in this informal structure which exists within the formal, impersonal and bureaucratic structure of the UNHCR that the interaction between the women and UNHCR staff occurs. In coming up with this informal and personalised structure, UNHCR individual staff members demonstrate the agency to unmake, (re)interpret and transform the UNHCR mandate in ways that facilitate pursuit of their own personal agenda instead of operating as cogs in the UNHCR bureaucratic machine.

Officials' conformity to the UNHCR mandate in the form of provision of protection documents co-exists with deviation from the mandate which takes the shape of demands for bribes and sexual favours. Discharge of the UNHCR mandate and pursuit of individual staff members' personal goals have a symbiotic relationship by which they are mutually sustaining. In this respect, conformity to rules that guide the UNHCR is not an end in itself but an enabling feature in the pursuit of personal, social transactions; it is a case of "individuals 'working the system' for individual ends" (Chanock 2000: 8).⁹⁴ This concurrent pursuit of organisational and individual goals shows how individuals' actions are

⁹³ An X-file is also referred to as a "closed file". The file is "closed" after a refugee is rejected on appeal which means that the applicant cannot apply again and should he or she apply, will not be considered for the refugee status thus explaining the "closure" of his or her file or case.

⁹⁴ Martin Chanock in his introduction to Sally Falk Moore's (2000) *Law as Process An Anthropological Approach*. (see Reference list for full reference to Moore's book).

simultaneously circumscribed and facilitated by the UNHCR structure. As Claire's case shows, it is social processes that shape rules and not vice versa; even deterrent measures or tighter legislation such as arresting corrupt officials do not necessarily curb social processes within contexts governed by rules and the law (see Sally Falk Moore 2000). In this case, interface is the space within which the essential is confronted by the contingent and unanticipated which often exists outside the precepts guiding staff conduct.

Corruption is a manifestation of individual staff members' agency and innovativeness in the interpretation, operationalisation and contextualisation of the UNHCR mandate and refugee law. Individual officials create a system of mutual expectation by which discharge of duties is to be reciprocated in cash or kind. While refugee women expect assistance and protection because this is the mandate of the UNHCR, individual staff members within the refugee agency expect the women to express gratitude for assistance. This translates into commoditisation and conversion of the UNHCR mandate from an act of humanitarianism to a form of exchange or "an act of giving and receiving" (Bohannan and Bohannan 1968: 225). Contrary to the ideas implicit in the concept of humanitarianism, services are not dispensed or doled out as charity but exchanged in that they assume a market or exchange value or "equivalent" (Bohannan and Bohannan 1968: 226). The UNHCR-refugee women interface becomes a symbolic market place where services, money and sexual favours are traded, bargained, invested and exchanged. In this personalised and commercialised encounter, male UNHCR officials in particular do not see clients to be served but women with whom they can have sexual liaisons. Where the women are viewed as clients, this is in the sense of the women paying the officials in cash for services rendered. The UNHCR-refugee women interface is therefore an arena where individual staff members engage in "manipulation, circumvention, remaking, replacing, and unmaking of rules" (Sally Falk Moore 2000: 1).

Similarly, when UNHCR officials deny protection to Hutu Rwandan women, they do so not as neutral professionals but as individuals with opinions and perspectives on regional politics which are inconsistent with the institutional image of the UNHCR as impartial. The UNHCR-refugee women interface is not a neutral encounter between professionals and clients in an impersonal, formal and bureaucratic structure but between individuals on both sides of the institutional divide with the capacity to bring their own interests into the encounter. Male staff cited by Claire and Hali see the interface as presenting the opportunity to engender a culture of exchange and bargain or negotiate sexual favours with refugee women in the same way that

traders and customers in the market place bargain and negotiate commodity value or worth (see Bohannan and Bohannan 1968). Humanitarian organisations' offices and other locations accordingly become the physical market place where services and protection documents are sold and bought.

The interface occurs between individuals on both sides of the institutional divide whose agency renders the encounter susceptible to personalisation, manoeuvre, manipulation and negotiation. Rules as the guiding principle of the encounter do not function by and for themselves; they are very much shaped and mediated by individuals involved and the broader socio-political milieu within which their interpretation and enforcement occur. Rules by themselves do not predict the outcome of the UNHCR-refugee women encounter. Rather, there are multiple outcomes which are determined by or predicated upon refugee women's possession of economic, social and political capital or lack thereof and their ability or willingness to invest the requisite forms of capital in the encounter. As such, "legislation is intrusive. It is a tinkering with an ongoing social field that has relatively autonomous activity and self-regulation" (Sally Falk Moore 2000: 7).

3.4. Refugee Women and Kenyan Authorities

For all the decades that Kenya has been hosting refugees, it did not have a domestic legal framework within which it could implement and uphold the international refugee legal instruments that it ratified. Kenya's domestic refugee law, the Refugee Act (2006) was yet to be implemented by October 2009. In recent years, refugees' experiences in African countries show that hospitality in the spirit of "African brotherhood" that characterised the decades of anti-colonial struggles has drastically waned to such a level that the open-door policy has been substituted by a door-in-the-face policy. Erosion of the prosperity that characterised many African states at independence, reduced donor assistance and the fact that the current refugee populations are no longer victims of anti-colonial and liberation struggles have all militated against refugees in Africa (Crisp 2000). A case in point is the violence in South Africa against immigrants who are accused of "taking away" jobs from South Africans and fuelling the high crime rate.⁹⁵ This is coupled with association of refugees with national

⁹⁵ In May 2008, South Africans particularly those in the townships went on a rampage setting ablaze foreigners' housing structures and foreigners who got caught were forced to wear the "necklace" – a tyre doused in petrol and torched which is notorious for its use during the apartheid era. While foreign men who got caught were killed, women were raped. Foreigners' household goods and shops were looted. The violence, which targeted immigrants mostly from Mozambique, Zambia and Zimbabwe, left more than 62 people dead as South Africans sought to drive home their message – "South Africa for South Africans!"

insecurity which has changed lenient policies towards refugees “almost overnight” (Veney 2005: 13). In Kenya, the substitutive door-in-the-face policy has manifested itself in politicians delivering anti-refugee speeches which incite locals against the refugees (see Juma and Kagwanja 2003; Verdirame and Harrell-Bond 2005).

The discourse on democracy, good governance and human rights prevailing in Kenya notwithstanding, human rights are envisaged in a hierarchical order whereby refugees’ rights are well below citizens’ rights and can only be enjoyed after citizens — who also come in a hierarchical order — have been satisfied, a situation which seems unlikely to change in the foreseeable future.⁹⁶ Considering that many citizens lack access to health care, employment, housing and tertiary education among others, it is improbable that refugees would enjoy such rights (Veney 2005). In addition, refugees’ rights are largely construed as an act of charity by asylum countries (Feller 2001) such that conceptualisation of refugee law as “a rights based regime is largely illusory” (Hathaway 1991: 115).

Implicit in Kenya’s treatment of refugees is the expectation that refugees appreciate that they are allowed to stay instead of being turned away. The exclusionary refugee regime is sustained by notions of belonging which tether refugees to their countries of origin and accordingly treats them as not having the right to claim territorial space in Kenya where they are foreigners. Conceptualisation of refugee hosting as a temporary favour is vocalised by politicians who engage in anti-refugee rhetoric. Predictably, the history of refugee hosting in post-colonial Africa is marked by manipulation and abuse in the form of SGBV and Kenya is no exception to violation of refugees’ rights (see Martin 1999; Verdirame 1999; Human Rights Watch 2002; 2009; Juma and Kagwanja 2003; Verdirame and Harrell-Bond 2005). Describing the possibility of integration and naturalisation, the Head of the DRA also stated that:

The only kind of integration I can talk about is when the refugees get married to a Kenyan. By the very act [of marriage], they automatically fall under the government body concerned with registration of aliens and the Attorney General Chambers as per the Marriage Act of the country.

⁹⁶ At the Human Rights Day commemoration, a Ugandan refugee expressed concern that refugees were not in a position to freely exercise their rights to which an official from the RCK replied, “Your rights [as a refugee] end where mine [a citizen] begin.”

Local integration may be the preferred solution for refugees who have established close family, socio-cultural and economic ties with the host country.⁹⁷ Claire, who is married to a Kenyan man, stated that she and her husband were informed by Immigration Department officials that even though the child she has with the Kenyan man is considered Kenyan, she remains a refugee her marriage notwithstanding and cannot be formally employed in Kenya. Claire's predicament lies in that relocation to a country where refugees are allowed to work would place her marriage in jeopardy. Claire explained that her case was dismissed by the Immigration Department.⁹⁸ Having been rejected by the UNHCR, Claire is not in a position to seek UNHCR intervention because she is not "a person of concern" to the refugee agency. Although the Kenyan Constitution (Section 92(1) of Chapter VI) allows refugees from Commonwealth countries to become citizens, Uganda which is listed among other Commonwealth countries has refugees in Kenya but these refugees are neither recognised as citizens nor are they aware of the Constitutional provision in question which is silent on refugees. This has a happy union with the agenda of repatriation which has seen the erection of barriers to integration and creation of conditions ideal for waiting for the conflicts back in the refugees' countries of origin to subside.

Kenya conceives refugees as "UNHCR's problem" (Juma and Kagwanja (2003: 230; Verdirame and Harrell-Bond 2005: 49). This is despite that local integration in protracted situations requires active involvement of the host government if it is to be feasible (Harrell-Bond 2002). The UNHCR states that "Contracting States undertake to cooperate with the Office of UNHCR in the exercise of its functions and, in particular, to facilitate its specific duty of supervising the application of the provisions of these instruments."⁹⁹ On the contrary, the GoK does not actively participate in refugee affairs except in cases where refugees are linked to insecurity as in the case of the Somali *refoulement* in January 2007. This is coupled with the UNHCR's lack of legal authority to enforce the Geneva Convention.

The legal challenges refugee women encounter in Nairobi are part of the broader encampment-repatriation regime. The Head of the DRA insisted that resettlement in a third country and repatriation are the lasting solutions and to this end the government encourages

⁹⁷ Executive Committee of the High Commissioner's Programme Standing Committee 33rd Meeting, 2 June 2005, "Local Integration and Self-reliance". <http://www.unhcr.org/excom/EXCOM/42a0054f2.pdf> (accessed 05.04.08).

⁹⁸ Claire charged that she was turned away because she did not have money to bribe the Immigration Department officials. She claimed to know refugee women from the Great Lakes region who were granted Kenyan citizenship after paying bribes. She lamented her inability to raise money for bribery.

⁹⁹ Introductory Note by the UNHCR to the Geneva Refugee Convention, pg 7; Geneva, March 1996.

and promotes durable solutions by providing exit visas for those being resettled and “help[ing] to see that people are assured of their security back home.” On the latter, he cited Rwandan refugees whom he said were afraid of the Gacaca Courts.¹⁰⁰ The UNHCR sustains Kenya’s encampment regulation through direction of assistance to camps which is a disincentive for refugee self-settlement.

3.4.1. Harassment, Extortion and Sexual Violence

Refugee women are harassed by Kenyan police officers who sometimes destroy their UNHCR identity documents,¹⁰¹ arrest them and ask for bribes so that the women can be released. Refugee experiences with the Kenyan police have been widely documented (Martin 1999; Verdirame 1999; Human Rights Watch 2002; 2009; Verdirame and Harrell-Bond 2005; Wagacha and Guiney 2008). Most of the refugee women who participated in this study had experienced police harassment, arbitrary arrests and threats of expulsion particularly following the bombing of the USA embassy in Nairobi in 1998. Refugee women recounted experiences in which they were raided and rounded up at night. Grace from Rwanda related how the police came at night, forced her to open the door and bundled her into their truck together with other refugees living in her neighbourhood. Grace recalled, “They took me away in a night dress and forced me to leave my children alone at night.”

Somalis, Ethiopians, Eritreans and Sudanese who are easily identified because they are physically different are approached in broad daylight and asked to produce their identity cards. Even if they produce Protection Letters, they are sometimes ordered into police trucks and taken to police stations where they are only set free after paying bribe or *kitu kidogo* in the local Kiswahili language.¹⁰² Hali recounted her experience when police officers

¹⁰⁰ Personal interview with the Head of DRA, Nairobi, 26.02.07. The Gacaca Courts are a traditional system of arbitration particularly given prominence in the handling of individuals accused of participating in the 1994 Rwandan genocide.

¹⁰¹ The shredding of refugees’ UNHCR protection documents, besides showing ignorance of refugees’ rights and hostility on the part of police officers, also portrays the contradiction that characterises the refugee regime that is operational in Kenya. When the Kenyan government withdrew from active participation in the refugee status determination process in 1991, the UNHCR took over the process. The government then confronted the UNHCR and announced in the press that the refugee agency had no authority to grant refugee status in Kenya (Verdirame 1999). The GoK further demanded that refugees hand over their UNHCR documents to the Immigration Department. At the time of fieldwork, the UNHCR was still engaged in status determination and issuing of identity documents; many refugees had UNHCR identity documents. Only a few had Alien Cards from the government. This gives the impression that the UNHCR and the government are engaged in duplication of tasks which leaves many refugees confused.

¹⁰² *Kitu kidogo* is Kiswahili for something small. In this context, it means a little bit of money. In reality though, the amounts refugees are expected to pay in order to regain their freedom are nothing small as they frequently pay as much as Ksh5,000 (about US\$70). This amount is enough to pay 5months’ rent for many refugees who live in the slums. Many refugees narrated incidents in which they had to borrow the money in order to be

approached her in the city centre and ordered her into their truck even though she showed them her valid Protection Letter. The police officers drove her to the outskirts of Nairobi where they stripped her of money and a mobile phone before abandoning her in the forest to find her own way back to Nairobi. Hali only managed to travel back to Nairobi when a motorist offered her a ride. In order to extricate themselves from the problem of staying in prison for lack of identity documents, for allegedly being *génocidaires* in the case of Hutu Rwandans or, in the case of Somali women, for allegedly harbouring terrorists, the women have to pay *kitu kidogo*. Kadija narrated her experiences as follows:

I was harassed in Eastleigh by police and anytime they harass me, I have to bribe them to secure my release and at the border I was asked for sexual favours so that I could cross the border or pay money. I had to pay them the little [money] I had from back home. I was also raped on my way to Nairobi.

For Monica, a Sudanese woman, the police target refugees because they know that refugees part with money because they do not want to be taken to court where they fear deportation for lack of protection documents. Monica went on to observe that, “When you are arrested, they [police] do not say ‘this is a refugee’, they say ‘this is a client’; this is in a police camp!” Even though refugee women from the Great Lakes region and Sudan credit the government of President Mwai Kibaki for reducing levels of harassment and extortion, refugee abuse persists particularly among Horn of Africa refugee women who are easy to identify as foreigners with those who are Muslim being subjected to raids and interrogation on terrorism. Human Rights Watch (2009) notes that incidence of harassment, sexual and physical abuse as well as *refoulement* of Somali refugees by Kenyan police has become rampant.

On the whole, lack of access to gainful employment and violation of the right to freedom of movement remain major issues among refugee women. This is aggravated by the fact that when UNHCR staff members and Kenyan police officers uphold refugee rights for women who are outside the camps and self-settled in Nairobi, they construe this not as discharge of their professional duties but as a favour for which refugee women are expected to reciprocate in conformity to the obligations and dynamics of informal, social relationships. While police officers are tasked with maintaining law and order, the operative, social reality of their

released from prison after being arrested not so much for not having protection documents as for being refugees because even those with valid documents are also victims of the arbitrary arrests. Rwandan refugees are sometimes forced to bribe their way out of prison by threats of extradition to Rwanda for alleged participation in the genocide (see also Verdirame 1999; Human Rights Watch 2002).

interface with refugee women, like that between the latter and staff in humanitarian organisations, demonstrates how formal, official relations are “mediated by and modified by ‘informal’ arrangements which, though often disavowed, are an integral part of the operations of the whole” (Sally Falk Moore 2000: 29). Like bribery and sexual favours in the refugee women-humanitarian staff interface, *kitu kidogo* in the refugee women-Kenyan police interface explicitly demonstrates commoditisation of refugees’ right to asylum. Rights in this interface are not an entitlement; instead they acquire a commercial value and become a tradable commodity with the police station, forests on the outskirts of Nairobi among other sites or arenas becoming the market place. The difference is that where humanitarian staff bargain and negotiate the exchange value of services and protection documents, Kenyan police resort to use of force or violence (arbitrary arrest, extortion, harassment, rape and *refoulement*).

Ordinary Kenyan citizens also extort from refugees. Susan related an incident in which a group of Kenyan men demanded Ksh50,000 (US\$694) from her and fellow refugee women who ran tailoring and retail shops in Kibera slum and threatened to get their businesses closed if they did not comply. The ethnic profiling presented in Chapter Two is used as a reference point to extort from refugees as when Kenyans declare that Sudanese and Somali refugees have money and extort from the Sudanese in particular by inflating telephone bills in call shops on the grounds that Sudanese refugees do not complain because they have the money and even after overcharging them, they still come back to make more international phone calls (Bukuru *et al* 2002). Both nationalities have to deal with extortion by home owners who prey on refugees’ desperation for accommodation. Prices of commodities in some of the local tuck shops are sometimes inflated for customers who are identified as foreigners. Among these foreigners, it is mostly refugees who become victims of extortion as they are the ones who frequent tuck shops in search of relatively lower prices in contrast to the more expensive supermarkets whose prices do not fluctuate on the basis of individual customers’ identities. Refugee women, particularly those from Sudan pointed out that extortion is the reason why they prefer to buy from Somali shops in Eastleigh as they view Somalis as honest and trustworthy. According to Zanie:

So, for me personally, what is there and what they [Kenyans] are doing to refugees especially Sudanese refugees is not how the other refugees are treated. It is exactly the opposite. You go to houses, you rent a house today, and tomorrow the rent is hiked because you are Sudanese. You go to the shop now and you buy milk at Ksh27

(US\$0,38) because you are a Sudanese and a refugee. Why? But if you want the milk and you send a Kenyan to buy the milk you get it cheaper. Why? You see a [piece of] cloth like this, you want to buy [but] because you are Sudanese, you do not know Kiswahili, you don't know English just the small [little bit of] English that we learn here [SWAN Centre] and they hike the prices. Why? Is it because you are a refugee or is it just because you are a Sudanese? To me it is specifically targeted at Sudanese.

Zanie raises two pertinent issues. In the first instance, if refugee women experience extortion on the basis of their refugee status, this legitimises their concerns that the “piece of paper” they obtain as a protection document does not provide any protection in experiential terms. In the second instance, Zanie suggests that extortion targets Sudanese refugees in particular thus emphasising the aspect of identity as a significant factor in the acceptance or lack thereof of refugees. Extortion in local shops is not confined to Sudanese though as women from the Great Lakes region and the Horn of Africa raised similar concerns. Tania who runs a tailoring business related that Kikuyus who own fabric shops speak in Kikuyu instead of Kiswahili so that they can identify non-Kikuyus and inflate prices for them. Cases of extortion by locals illustrate how “otherness” or difference occupies the ambivalent position in which it is feared, shunned and spurned and concurrently brought close to oneself and embraced for purposes of exploitation. Where other foreigners can afford to buy milk in supermarkets and avoid extortion, refugee women resort to their social relationships with Kenyans thus coming up with a counter-strategy to avert extortion. The refugee status is not incapacitating as the women find ways to outmanoeuvre locals in search of fairness.

Whether it is a case of extortion or sexual harassment and violence, many refugee women prefer not to report such cases even to the UNHCR. The women generally come from cultural backgrounds where recounting experiences of rape is considered shameful. Many women expressed anger with Kenyan police officers and the UNHCR staff for asking probing and “humiliating” questions only to do nothing to assist the rape or extortion victim. Hali recounted that when she reported the extortion incident cited above at the UNHCR, she was laughed at. Refugees rely on their own devices to cope with the legal challenges they encounter in Nairobi. This affects women in particular because of their vulnerability and inability to defend themselves in most cases where force or violence is employed. Many refugee women find themselves in a perilous position where they cannot be protected either by the UNHCR or the GoK. Refugees who are rejected by the UNHCR cannot appeal to the

GoK at the same time that they cannot lodge complaints with the UNHCR or obtain its protection from harassment and extortion by Kenyan police officers. Refugee women eke out a living in Nairobi within this environment of a largely uninvolved state and a Janus-faced UNHCR that views assisting urban refugees as “working against the government”.

3.5. Refugee Rights Awareness among Refugee Women

The majority of refugee women do not view seeking assistance from the UNHCR as a right that they are entitled to. In the *Introductory Note* to the Geneva Convention, the UNHCR states that the provisions of the Convention and the Protocol “should be known as widely as possible, both by refugees and by all those concerned with refugee problems” (1951: 7). Even so, there is lack of awareness among refugee women on the UNHCR’s responsibilities and obligations. Most of the refugees are not aware of the existence of the Geneva and AU Conventions as well as the *Guidelines on the Protection of Refugee Women* and the *Sexual Violence Guidelines*. Mose, who led a near destitute life with her three children, when asked whether she knew about the UNHCR, responded that she only heard about the agency but did not know anything about it. There is lack of education on both refugees’ rights and refugee women’s rights. Of the 34 refugee women who were interviewed, a paltry 9% expressed familiarity with the Geneva Convention and none with the AU Convention.

Many refugee women are also not aware of the NGOs that work to protect their rights such as the RCK which provides legal advocacy for refugees.¹⁰³ Eunice Ndonga, the RCK Programme Officer observed that many refugees do not even think that they have rights and that even those who come to the RKC conceptualise all their problems as social even where these are legal. She attributed this to refugees’ preoccupation with safety and basic needs such as food and shelter. Most of them view rights as a favour and this explains the inability among refugee women to seek redress where their rights are violated. Apart from lack of awareness among the women, most of them have become disillusioned with the UNHCR and NGOs that work with refugees. Even though some of the refugee women use the term “rights” in their narratives, for many this is based not on an understanding of the legal provisions for their welfare but on their own judgement of what constitutes fairness or unfairness, positive treatment or mistreatment. While advice from the RCK could help refugees stop buying their rights through payment of bribes, many refugee women spend their hard-earned incomes

¹⁰³ Personal interview with Eunice Ndonga, RCK Programme Officer, Nairobi, 05.02.07. Details on the RCK are provided in Chapter Five.

bribing the police to regain their freedom when arrested. This has a discernible economic impact on refugee households that perpetuates the cycle of poverty. For instance, refugees can be ordered to pay Ksh5,000 (US\$69) as bribery when they struggle to raise Ksh1,000 (US\$14) to pay monthly rentals.

The few women who are aware of the Geneva Convention locate the problem not in its scope being limited and in need of expansion as Hathaway (1991) argues but in lack of UNHCR and GoK commitment to its implementation. Epi argued that the only “person” who was violating her rights was the UNHCR; she stated that she obtains assistance from her Kenyan neighbours and no assistance at all from the refugee agency. Refugees generally refer to their struggles with UNHCR officials as “fighting for our rights”. Refugee women accuse UNHCR staff of withholding crucial information because, in Michelle’s words, “the UNHCR fears that if we know our rights we will exercise them.” Denial of information is coupled with use of force through deployment of security officers in cases of perceived trouble among refugees (see also Inhetveen 2006). Refugees’ knowledge of their rights upsets the exercise of power that characterises the informal structure in which UNHCR staff and refugee women interact. Security officers are accordingly deployed to ensure that refugees do not challenge the status quo. Denial or withholding of information and the use of force are key features of technologies of power and control by which refugees are kept in their “proper” place.

The FGDs revealed that those refugees that are vocal at the UNHCR offices on rights issues are penalised and sent away without documents or assistance for, in Margaret’s words, “thinking that [they] have more knowledge than the UNHCR.” Such refugees are punished so as to set an example that deters all the other refugees from exercising their rights as this undermines the viability of the informal structure in which officials commoditise services and pursue their own individual goals. Knowledge or information (about rights) is power (Foucault 1980; Harrell-Bond 1999) in that it is those who possess it who are in a position to challenge UNHCR staff members. For this reason, officials withhold information where it upsets the balance of power by empowering refugees (see also Verdirame 1999; Inhetveen 2006).

Punitive measures or sanctions such as denial of assistance and characterisation of refugees’ resort to the rights discourse as political discourage political agency among refugees; these are hallmarks of social technologies of enforcing compliance and keeping refugees subdued.

Many refugee women have, as a result, internalised the view that pursuing their rights is political. For Epi, this stance combines with failure by the UNHCR Geneva Office to respond to refugees' letters asking it to intervene in the alleged abuse of refugees' rights by the UNHCR Branch Office in Nairobi. Epi demonstrated her frustration with this lack of response thus, "I have never taken my rights anywhere but I am dying inside." The issue is lack of awareness of rights and inability to seek redress where these rights are violated; refugee women generally lack both.

3.6. A Promising Future? Kenya's Refugee Act

The absence of a domestic legal framework has accentuated Kenya's incapacity to translate international Conventions into practice and adequately address legal and administrative issues relating to refugees (Juma and Kagwanja 2003; Wagacha and Guiney 2008). The situation is expected to change once Kenya's Refugee Act of 2006 becomes operational. The Act which is a culmination of more than a decade of advocacy by NGOs adopts the Geneva Convention's definition of a refugee and its cessation clauses that outline circumstances in which one ceases to be a refugee. Under the Act, the government will resume the status determination exercise which is currently conducted by the UNHCR. The DRA, headed by a Commissioner for Refugee Affairs will play a key role in the administration of refugee matters. Among other functions, the Commissioner shall "promote as far as possible durable solutions for refugees granted asylum in Kenya" (Article 7.2. e). There shall also be a Refugee Affairs Committee (RAC) to assist the Commissioner. The Committee shall be composed of representatives of various ministries and government departments as well as representatives of the host community and one member of the civil society. Among other provisions, the Act outlines how the status determination process shall be conducted and how refugees appeal in the event that they are denied the refugee status.

However, one main issue can be noted about the Act, it does not address refugees self-settled in Nairobi. The Act was drafted on the assumption that all refugees will automatically reside in camps. As mentioned by the Head of the DRA, the government is aware of the presence of refugees in Nairobi and actually assists them yet Articles 16. 2. b and 17 a, c, d, e and f of the Act which focus on domicile all mention refugee camps only. It remains unclear how refugee women who are in Nairobi will access the protection of the Act. Refugee women who are aware of the Refugee Act expressed scepticism and adopted a "we will wait and see" attitude.

Even though the women have not familiarised themselves with the fine details of the Act, they do not believe that the Act has anything significant in store for them. According to Tania:

The refugees' Bill takes ages. Even their own [Kenyan] Constitution is not in order so how can they help refugees? I don't believe that. About those Bills and what, we will wait and see. The implementation is something else but if they do something it is OK.

While the Refugee Act is premised on the encampment regime, movement of refugees from the camps to urban centres in Kenya is increasingly becoming the trend. Exclusion of urban refugees points to how refugee policy remains intricately bound to security concerns in Kenya (Juma and Kagwanja 2003). The Act which is the formalisation of the encampment regime is silent on local integration and implicitly refers to repatriation and third country resettlement as the durable solutions. Even though local integration is increasingly becoming the most feasible solution for millions of refugees in developing countries (Jacobsen 2001; Dryden-Peterson and Hovil 2003b), there are no signs of Kenya actively implementing it at the present moment or in the foreseeable future going by the content of the Refugee Act. Because of confusion caused by duplication of tasks between the UNHCR and the government and what they construe as indifference to their plight, refugee women predict an implementation process of the Act which will be fraught with problems. By April 2009, the GoK had not yet started implementing the Refugee Act. Commenting on this state of affairs, Jared Okweya noted, "The programmes at the UNHCR is (sic) still as usual including refugee status determination since the [K]enya[n] govt [government] is slow in the transfer process and as things stand it will take years for things to change on (sic) the refugee sector."¹⁰⁴

3.7. Dilemmas of the Refugee Status in the Process of Integration

The foregoing sections have presented the difficulties that accompany living in Nairobi without valid protection documents. In particular, this has a direct impact on refugee women's access to NGO assistance and loans both of which are provided only if refugees produce valid protection documents. Lack of protection documents also leaves refugee women with a perpetual sense of vulnerability to sexual harassment particularly at the UNHCR offices and insecurity caused by police raids, arbitrary arrests, targeted rape and *refoulement*. Possession of protection documents reduces instances in which the women are labelled illegal immigrants and threatened with deportation. Yet, being recognised as a refugee sometimes becomes a

¹⁰⁴ E-mail correspondence from Jared Okweya, Chairman of a Refugee Community-based Organisation (RCO) called Zindua Afrika, received on 07.04.09.

liability as manifest in the contemporary world where being a refugee no longer evokes hospitality but fear, suspicion and hostility.

In order to negotiate the contradictions that come with the status, refugee women turn the refugee status into a fluid and negotiable status which they accept as a positive category and deploy in certain situations and reject and conceal in other contexts depending on their evolving needs and interests (see also Malkki 1995a; 1997). Concealment or what Malkki (1995a) refers to as “strategies of invisibility” enable refugees to deflect unwanted attention from locals or what refugee women perceive to be negative connotations of the term refugee (see also Sommers’ [2001] reference to *kujificha* – Kiswahili for “hiding oneself” among Hutu Burundian refugees in Dar es Salaam, Tanzania). The calculative acceptance and rejection of the refugee status is a tactic to capitalise on possibilities that come with legal recognition as a refugee without necessarily losing out on the perceived advantages accruing to non-refugee foreigners such as social acceptance. Refugee women take the refugee status not only as a burden but also as a resource thus portraying their capacity to innovate and expand their sources of social and economic capital.

The negotiability of the refugee status enables refugee women to embrace and instrumentalise it on the one hand and resist, conceal and subvert it on the other hand in their self-representation Scott (1985) demonstrates how low status is not only a constraint but also a resource that those who bear it can deploy and capitalise on. For example, some of the refugee women attributed their presence in Kenya to quest for education and referred to war in their respective countries in terms of how it had disrupted education and destroyed infrastructure rather than in terms of the direct threat it posed to their lives. The women view the refugee status as a burden which constrains them in many ways; many women consider being called a refugee an insult as when Tania observed that “[b]eing called a refugee is bad. I wish I could come to Kenya as a visitor or tourist. Some people look at you like you are an idiot.” The stereotypical labelling or essentialist depiction of refugees as vulnerable becomes a resource or a form of capital refugee women deploy in different circumstances; the women accept the label refugee and conform to the stereotypes in order to achieve specific goals and disavow the status and stereotypes where they are cumbersome (Zetter 1988a; Mazur 1989). If refugees are poor and dependent on humanitarian aid, refugee women who are self-sufficient and do not fit into these stereotypes deny that they are refugees. As such, refugee women fluctuate between visibility and invisibility or strategies of concealment in conformity to their

needs and objectives in specific contexts (see also Polzer 2008). This renders the refugee status “malleable and dynamic” (Zetter 1991: 40).

In conclusion, the interfaces between refugee women on the one hand and the UNHCR, Kenyan authorities and local populations on the other hand occur within a broader framework of a refugee regime that conceptualises refugee presence in Kenya as temporary and therefore opts to deter integration and rooting. This is achieved by sequestering refugees, keeping them in limbo in the camps and creating disorder and uncertainty among those self-settled in Nairobi. The encampment-repatriation regime is sustained by UNHCR officials and Kenyan police officers’ agency which transforms their encounter with refugee women from a formal, professional encounter governed by rules and the law into an informal, personal interface characterised by “multiple autonomies and parallel structures of organisations and arenas [in which] wheels turn and deals are made” (Sally Falk Moore 2000: 29). Sexual favours and financial benefits through bribery and extortion are examples of such deals which illustrate the discrepancy between rules and their application thus showing how contexts guided by enforcement of rules in reality provide space for extra-legal activities. Rules can be altered “whenever it is situationally advantageous to do so” (Sally Falk Moore 2000: 6). Rules and laws that govern the conduct of UNHCR officials and Kenyan police officers are interpreted and enforced in a context of social life, processes and action by which they produce unanticipated consequences such as a socio-economic field characterised by investment, acquisition and accumulation of political, economic and social capital.

Refugees’ residence in Nairobi in defiance of the encampment regime plays into officials’ hands in a country where politicians and the media constantly remind the general public and refugees alike that the latter do not belong to Kenya and should be confined to the camps. The informal structure in which UNHCR staff members and police officers assign new social meaning to rules and the law in the execution of their duties lies at the point where regimes of power, knowledge and truth intersect with the encampment-repatriation regime. The informal structure and these regimes reinforce each other and are in turn upheld by social technologies or structures devised to contain refugees’ political agency and control the physical and social space they occupy. However, refugee women devise counter strategies to avert the crisis of legitimacy that comes with lack of protection documents to validate their refugee status. Refugee women possess the capacity to mediate social technologies and the informal structure within which they are implemented such that the women’s agency and these social

technologies impact on and shape each other. Legal experiences presented in this chapter impact on refugee women's economic, social and cultural circumstances. These circumstances and their connection to integration are the subject of the next chapter.

Chapter Four

Integration: Economic, Social and Cultural Dimensions

If you have never been in a war situation you cannot understand the experience. When you flee you take anything, anyhow and you go anywhere even in the direction where the gunshots are coming from.

— Tania, a Rwandan Refugee Woman

4.0 Introduction

The quotation above depicts the abruptness of flight and how it is rarely preceded by preparation because for many refugees, flight tends to be reactive rather than proactive. Following Kunz's (1981) categorisation, the refugee women who participated in this study fled their countries of origin as acute rather than anticipatory refugees who flee before the conflict escalates and therefore have enough time to make the necessary preparations. The women studied are principally reactive fate-groups who "flee reluctantly, without a solution in sight; they flee because they react to a situation which they perceive to be intolerable" (Kunz 1981: 44). Grace, another Rwandan refugee woman explained, "You do not decide to leave, you are forced and it goes against your will." This is not to suggest though that refugees only react rather than act (Hansen 1981) or that they lack the capacity to make decisions on whether to flee, how to do so and to which destination as claimed by Kunz (1973: 131) that they "resemble the movement of the billiard ball: devoid of inner direction [...]." Rather, many people who flee acute situations do not have enough time to prepare for departure and life in the next country because of the urgency to be away from immediate danger inherent in the events they are fleeing. Many in acute refugee situations particularly those from poor backgrounds often reach a safer destination with barely the minimum they need to survive or nothing at all.

This chapter examines refugee women's experiences and their economic, social and cultural circumstances as they endeavour to rebuild their lives in Nairobi. It explains how these circumstances shape the process of integration which theoretically encompasses legal, economic, social and cultural dimensions. In practical and experiential terms, however, these dimensions cannot be easily delineated into neat separate categories without one getting entangled in the exercise; they are simultaneously distinct and interrelated. On the one hand, the dimensions of integration are not mutually exclusive as they are inextricably linked or

interconnected and influence each other. On the other hand, what complicates understanding the level of integration among refugee women in Nairobi is that the women can be economically integrated and still indicate low levels of social and cultural integration and vice versa thus showing the independence of the various dimensions. This partly explains the diversity that characterises refugee women's experiences and circumstances.

4.1. Economic, Social and Cultural Circumstances in Nairobi

The sudden and involuntary nature of flight in conflict situations means abandonment of established and familiar livelihoods and supportive economic, social and cultural structures in the country of origin. As a result, arrival in the country of asylum signals the beginning of challenges that would have been overshadowed by quest for security during flight. The circumstances of the women upon arrival in Kenya were succinctly depicted by Tania thus:

I went to the social worker and she asked me to tell her the kind of assistance that I needed. I was speaking through a translator because I could not speak Kiswahili at that time and my English was too little. I told her that the way I was standing there with nothing was the way that I was in my house. She gave me beans, flour, soap – a bit of everything that she had for distribution. Now we had food but when I arrived home there was another source of stress — no stove and kerosene to cook the food.

For refugee women in developing countries, the challenges are exacerbated by these countries' lack of capacity to provide for the needs of the refugees (Kuhlman 1991). Kenya is a developing country which is still grappling with providing for the needs of its own citizens and does not provide material and financial assistance to the refugees that it hosts. On its part, the UNHCR does not provide humanitarian aid to refugees self-settled in Nairobi and views assisting refugees outside the camps as inconsistent with the GoK's encampment regulation.

Refugee women who participated in the study come from a wide range of backgrounds.¹⁰⁵ The women in Nairobi are from both rural/agrarian and urban/professional backgrounds. Others were self-employed as small-scale traders before they fled their countries. Most of the younger women were students when they fled. The UNHCR assumption that refugees are from rural background contradicts the trend that has been going on in Africa (Harrell-Bond 2002). The choice to live in Nairobi cannot be confined to a specific socio-economic

¹⁰⁵ Summaries of the women's profiles are presented in Appendix A.

background but is premised on refugee women's aspirations and agency against the constraining circumstances prevailing in refugee camps. Agency among refugees is not a monopoly of a specific social class or category as refugees from diverse socio-economic backgrounds strategise to obtain the best for themselves and their families (see Shandy 2007). This study which represents experiences of women from diverse socio-economic backgrounds underscores the aspect of heterogeneity in understanding the women's circumstances and experiences in Nairobi.

4.1.1. Unemployment and Financial Constraints

Quality of life is central to integration; employment is therefore the most prominent feature of the integration process in that it is directly linked to living standards besides that it fosters active participation in other societal spheres through contacts established in the workplace (Valtonen 1998). Refugee women highlight employment as a priority; it gives refugees a sense of economic security and self-respect (Ager and Strang 2004). Notwithstanding its accession to the Geneva Convention which provides for refugee employment, Kenya pursues a restrictive employment policy which in practice deters refugees from entering the formal labour market. Most of the refugee women have been in Kenya for more than three years yet they are still unable to join the formal employment sector.

Kenya prioritises its own citizens in the formal employment sector especially considering that it has a high unemployment rate. The terms and conditions that apply to economic migrants in Kenya are also applied to refugees. Foreigners are required to pay 30,000 Kenyan shillings (Ksh30,000) or US\$417 in order to secure work permits and access the Kenyan labour market.¹⁰⁶ Refugee women who trained and worked as teachers, nurses and civil servants in their countries of origin are out of employment in Kenya because they cannot afford to pay the required amount in order to obtain work permits. The refugees, particularly those with professional skills, do not see Kenya's employment policy as restrictive but as discriminatory and exclusionary. They stated that prospective employers in Kenya ask for identity documents

¹⁰⁶ An exchange rate of US\$1 is to Ksh72 is used throughout this study. The Head of the DRA stated that refugees are allowed to work in Kenya with Class M permits, which are free of charge (personal interview, Nairobi, 26.02.07). Kenya's Immigration Act CAP. 172 (25 of 1967, 6 of 1972) categorises the permits which range from Class A to M as immigration or entry permits rather than work permits. The Class M permit which the Head of the DRA cites is issued to refugees recognised by the Government of Kenya at no charge <http://www.immigration.go.ke/index.php?id=35> (accessed 28.01.07). The discussions held at the Human Rights Day Commemoration also showed the difference between immigration and work permits. Indeed, an Eritrean refugee woman specifically mentioned the issue of work permits as one of the problems refugees in Nairobi encounter and asked the UNHCR to assist refugees to obtain work permits. Both male and female refugees interviewed pointed out that they cannot work in the formal sector because the work permits require payment which most of them cannot afford. This was corroborated by the CSO interviewed for the study.

and when the refugees produce Protection Letters which are legal identity/protection documents issued by the UNHCR, the employers do not recognise UNHCR documents as valid for purposes of employment. Epi narrated her experience with a priest at a Catholic parish in Nairobi where she had applied for a job as follows:

I went to (sic) an interview and I was asked, “Do you think a refugee can work?” I asked myself, “I have a head [to think] and he [the priest] has one, so why should I not be able to work? For how long do I have to be a beggar?”

The priest’s question points to the rationale for encampment which treats security concerns and economic interests as mutually exclusive. Confining refugees to the camps means suspending their economic aspirations until they can repatriate and this explains the exclusion from formal employment of the refugee women in Nairobi. According to Jane, a Ugandan woman, the problem for refugees in Nairobi is that the UNHCR does not help them because they are outside the camps and tells them that they have been in Kenya long enough to have jobs and provide for themselves. This is despite the fact that the refugee agency is aware of the restrictions refugees face in the Kenyan labour market. The CSO stated that if refugees have the requisite professional qualifications, Kenyan employers offer them loans to pay for the work permit and cited a case in which this happened. In practical terms, this is improbable except in cases of special skills; there are no incentives for employers to invest in refugees when many of the refugees have skills that can easily be found among Kenyans. Exclusion from formal employment is a recurrent theme which refugee women cite as the dividing line between their lives back in their countries of nationality and life in Kenya. In this regard, the absence of economic integration can be understood in terms of discontinuity or a break between circumstances in the country of origin and in Kenya. Integration is lacking where there are discrepancies between goals and actual, unsatisfactory conditions and life quality (Valtonen 1998).

Where refugees are unable to access jobs because of their refugee status rather than lack of requisite qualifications, economic integration cannot be said to have taken place. Unemployment is both a cause and a result of isolation and social exclusion. Even in cases where refugee women can afford secure houses in Nairobi similar to those they owned before flight, they view this continuity as a discontinuity in that they do not own these houses and do not have the freedom they enjoyed in their own houses; they can be evicted as happens to some of them when they fail to pay rentals. The gap between life in the country of origin and

in the asylum country was symbolised by some of the refugee women's presentation of photographs taken before flight to depict areas of negative change or discontinuity. This is a juxtaposition of home and exile; the past as a happier time characterised by economic well-being as opposed to the present in which the term problems is deployed and stressed to summarise the experiences of exile.

Lack of access to formal employment transcends ethnic, national and religious categories to bring the refugee women together as a specific socio-legal category that has to deal with the challenges of economic exclusion in Nairobi. Barriers to formal employment also transcend refugee women's socio-economic backgrounds in terms of educational levels, pre-flight occupation as well as the rural-urban divide. A corollary of refugee exclusion from formal employment is that refugees keep searching for other countries where they can exercise the right to use their skills in the formal sector. It is difficult for refugees to seek to integrate in Kenya when they perceive their stay in that country as ephemeral. Such is the case whether refugees consider the next step as either resettlement or repatriation (see Kibreab 1989). As such, for Sudanese and Ethiopians in particular, their perceived reluctance to integrate is more of a manifestation of the interplay between economic, social and cultural integration rather than pride. Circumstances that deter economic integration by extension prevent social and cultural integration. In Valtonen's (1998: 41) words, refugees who are not integrated into the labour market are "integrated into the vast army of alienated and marginalised unemployed."

In the interviews and FGDs, refugee women converged on the wish to be resettled in a third country. Although some came to Nairobi with this goal and saw the city as a transit point rather than a place in which they could settle, inability to be formally employed in Kenya and use their professional skills to become self-reliant increases this wish despite the limited opportunities for resettlement. Tania specifically described her situation and extended it to the other refugee women thus, "You have hands and intelligence. [...] But we are staying like stagnant water. We are surviving instead of living." The quest for resettlement is therefore an expression of the desire to live instead of merely surviving; to have economic relevance and usefulness as opposed to redundancy. The women punctuated their discourses by observing that they are foreigners in Kenya and this expresses a deeply rooted feeling of exclusion. Jossie, an unmarried Ugandan woman explained that she wanted to be resettled in a Western country because life in Kenya "is all trouble" and that even if she worked as a maid in the West she would earn enough to enable her to build her own house and eventually repatriate to

Uganda unlike working as a maid in Kenya where, as a refugee, she believed she would be mistreated.

Literature on refugees resettled in Western countries generally shows how the refugees are eager to become part and parcel of their adopted countries in terms of participation in social, cultural and civic activities (see Korac 2001; Ager and Strang 2004). Many refugee women explained that they clamour for resettlement not because they do not want to stay in an African host country but because they find the formal employment policy in Kenya exclusionary and frustrating. Refugees are integrated in the country of asylum if they “are able to participate in [its] economy in ways commensurate with their skills and compatible with their cultural values” (Kuhlman 1994:57). This is not the case for professional refugee women who exist on the fringes of the formal sector economy in Nairobi not because they lack the necessary qualifications but because they are refugees. Exclusion from formal employment affects refugee women’s capacity to provide for their families and, in consequence, their aspirations for upward socio-economic mobility (Newland *et al* 2007).

Inability to participate in formal employment leaves the women with two main options namely i) seeking assistance from NGOs and churches, and ii) becoming entrepreneurs. Both options entail difficulties. Refugees have to produce valid UNHCR protection documents in order to obtain assistance and loans for entrepreneurship from NGOs in Nairobi. For instance, JRS provides assistance to persons with UNHCR appointment slips for status determination interviews, valid Protection Letters also referred to as “Mandates” in refugee parlance and refugees with travel documents to the camps. Refugees who successfully apply for protection obtain one way travel documents to the camps which, unlike Protection Letters, cannot be renewed. If the refugees do not travel to the camp within the indicated time frame, the travel documents become invalid leading to loss of NGO assistance.

This system excludes i) refugees who overstay in Nairobi up to a point when their travel documents become invalid, ii) refugees with valid “Mandates” but decide to live in Nairobi instead of going to the camps, and iii) refugees denied UNHCR protection and “Mandates” because their claims to the refugee status were deemed invalid or lacking credibility. A few agencies such as GTZ provide assistance to even those without valid UNHCR documents but GTZ focuses mainly on refugees from the Horn of Africa particularly Somalis because, according to the GTZ Programme Officer, Somalis encounter more problems to integrate in

Kenya than the other refugee communities. Of the 34 refugee women interviewed, only 10 were receiving assistance from NGOs.

Without formal employment and even in cases where they obtain humanitarian assistance, refugee women rely on self-employment. Humanitarian assistance is temporary and limited to food stuffs, payment for medical services and accommodation in exceptional cases. In February 2007, JRS Nairobi announced its intention to halt assistance to beneficiaries who have been on its programme for more than one year. Refugees have to provide for their other needs such as tuition fees where they have children in secondary and tertiary institutions, accommodation rentals, health services, transport and general upkeep of the family. Fifty-five percent of the women interviewed were in the tailoring business while the other 45% combined Income Generating Projects (IGPs) such as basketry, small shops and Christmas card decoration using banana leaves with doing laundry mostly in Kenyan households except for one Somali woman who did laundry for single Somali men.

Self-employment requires capital and most of the refugee women who run tailoring businesses obtained their training in Kenya with the assistance of the JRS which paid for their tailoring courses and provided loans so that the women could get into IGPs. Just as when they receive food and medical assistance, refugees are required to produce valid Protection Letters so that their applications for loans can be considered. Possession of the requisite documents does not guarantee the women that their applications will be successful as the NGOs can also turn down applications for reasons such as the proposed project not being viable or the refugee women requiring capital which the NGOs consider beyond their capacity to provide.

4.1.2. The Need for Supplementary and Staple Foodstuffs

For refugees who obtain food assistance, NGOs provide a standard basket of foodstuffs without variety. At St Faith, JRS provided maize-meal, beans, porridge and rice from the time the research commenced up to the end without variety. Refugees from the Horn of Africa in particular complain that they cannot eat the food distributed by NGOs because it is foreign to them and Kenyan in composition. For instance, Sarah, an Ethiopian refugee woman asked the social worker in charge of the JRS POP to give her more rations of beans in lieu of the maize-meal rations because she and her children do not eat *ugali*, the Kenyan dish made out of maize-meal. In some cases, the food is not suitable for refugee families' nutritional needs. Harrell-Bond (1986; 1999: 141) observes that humanitarian aid is often oblivious to

differences in terms of culture, age and gender whether it is food or clothing; it is planned on the assumption that refugee populations are “homogeneous, undifferentiated masses.” Donation and distribution of food aid are characterised by the power to label recipients and designate them into a specific category “with a categorical prescription of assumed needs” (Zetter 1991: 44).

There is also the assumption that refugees’ needy circumstances compel them to adopt new diets and that needy populations cannot choose. As a result, the food that is provided demonstrates the replacement of refugees’ socio-cultural identities with “a designated stereotype, shorn of variety and individuality” (Zetter 1991: 50-51). Despite the difficulties of obtaining adequate food for the household, refugees do not see food only through hungry eyes but also through cultural lenses that result in them failing to accept everything that is offered to them as charity. This explains the fact that even after spending years in Kenya, many refugees from the Horn of Africa refuse to incorporate Kenyan food into their diet (see also Harrell-Bond 1999). Because of their responsibility for the everyday consumption needs of refugee households, women carry the responsibility of finding the appropriate foodstuffs.

It emerged that the type of food which is an issue during the initial period of adapting to life as a refugee remains essential to refugees’ lives; food is cultural and failure to access staple food is considered a significant loss and an indicator of the problems that come with exile. Provision of the same type of foodstuffs without variety often forces refugees to sell the food and other provisions such as blankets in order to buy supplementary foodstuffs lacking in the NGO diet or staple foods such as a form of pancake called *anjera* in the case of refugees from the Horn of Africa. Conversion of humanitarian assistance into a resource to meet other needs not provided for by the NGOs demonstrates innovativeness by which refugees also show that their needy status notwithstanding, their own priorities come before those of the NGOs that assist them. NGOs disapprove of this practice and interpret selling of food and other NGO provisions as irresponsible behaviour. NGOs generally believe that money accruing from the selling of rations is spent on drinking sprees by refugee men or used for “luxury” non-food expenditure such as hair dressing by women. The social worker who oversaw the JRS POP at St Faith cited the selling of provisions as one of the “problems” NGOs face in their work with refugees. This illustrates further assumptions about refugees as persons whose priorities are limited to immediate consumption needs.

4.1.3. Housing and Rentals

Many refugee women stated that upon arrival in Kenya, they had to move in with refugees from their countries or ethnic groups until they had enough money to live on their own. The majority of the women live among local populations in poor neighbourhoods characterised by overcrowding, high levels of crime and insecurity (see also Human Rights Watch 2002). Most of the women live in corrugated iron sheet housing referred to as *mabati* in the local Kiswahili language because these are cheaper than stone houses in Nairobi. Many refugee families divide a single iron sheet room into smaller sections using curtains to provide a semblance of privacy between parents and their children because they cannot afford to rent more rooms. Lack of the wherewithal to access houses suitable for family accommodation translates into refugees being forced by circumstances to circumvent cultural notions of decency. According to Kuhlman (1994: 57), integration has taken place where refugees “attain a standard of living which satisfies culturally determined minimum requirements.”

Why should the refugee women’s circumstances draw attention when Kenyans live in the same conditions? Firstly, the circumstances of refugee women merit consideration because they live in the insecure and squalid conditions not because they are unemployable but because the very status of being refugees keeps them out of gainful employment which would enable them to pay for decent and secure accommodation. Refugee women particularly those from urban backgrounds had jobs in their countries of origin that enabled them to provide for themselves, afford decent and secure accommodation and send their children to school. Some of the refugee women from urban backgrounds left their own houses in their countries but have to live in insecure corrugated iron sheet structures that are susceptible to temperature fluctuations. Secondly, the circumstances of refugee women are compounded by deliberate exploitation and victimisation of refugees by locals including state apparatus such as the police.

Thirdly, while Kenyan citizens are equally vulnerable to crime, refugees are sometimes victims of targeted crime as when law enforcement agents extort from them. Even when they are discriminated against by Kenyan police, they are unable to seek assistance from their countries’ embassies in Kenya because of the very status of being refugees. In cases where the police do not take the appropriate action, Kenyans resort to mob justice but for refugees, doing so would put them on a collision course with locals. In this instance, law enforcement agents’ indifference to the plight of refugees illustrates how refugees are treated as outsiders

whose protection is more of a favour rather than an obligation. Integration entails acceptance of refugees as part of the society rather than manipulation of their precarious circumstances.

Fourthly, refugee women experience another form of insecurity in the form of hostile political agents from their countries of origin being able to locate and abduct them in Nairobi. As much as the women feel more secure in Nairobi than in the camps, the overcrowded neighbourhoods and insecure houses they live in do not provide adequate protection (see Human Rights Watch 2002). Marie whose husband was once imprisoned on accusation of murdering two refugee children in a GOAL shelter in Nairobi feared that there were people who believed that her husband had committed the crime despite his acquittal and that these people would come to their insecure single room and harm the family. Insecurity is of particular concern among Hutu Rwandan refugee women who live in constant fear of spies.

The neighbourhoods in which refugees live are characterised by both insecurity and health hazards in the form of poor sanitation, uncollected refuse and limited access to clean water. The disparities between the types of accommodation refugee women had access to in their countries of origin and in Kenya indicate the absence of economic integration when the women are juxtaposed with locals who possess similar skills and qualifications but have jobs by virtue of being citizens. Marie, who left a house in her country but now shares a single iron sheet room with her husband and two children complained about her circumstances thus:

You can see I am sleeping by the roadside with rats; no blankets and bed sheets; we are living by the love of God. This room is small, not [big] enough for four people. There are rats, it is noisy and not secure because it is close to the road. I cannot sleep at night because of the noise.

Paying rent for accommodation is a challenge next to obtaining food. Even though refugees reside in relatively cheaper neighbourhoods where rentals cost an average of Ksh1,500 (US\$20) per month, many struggle to raise the amount. Access to secure housing is one of the markers of integration; refugee women cite their inability to pay for secure houses such as those they owned or rented before flight as indicating their outsider status and that “Kenya is not home.” There is a close connection between housing and feeling at home; refugee women do not feel at home when they live in structures that do not measure up to standards of what home in its physical and social sense should be like. Home is not only about shelter; it is “a

symbolic space, usually with other symbols inside” (Kuhlman 1994: 38). Safety and security are also closely connected to the type of accommodation refugee women live in.

Sudanese refugee women recounted in an FGD that if they fail to pay rent, they are often locked out of the house with their children and possessions. For women and children, this means exposure to sexual abuse in particular. Sandra stated that the house owner often takes the television set until she pays the rent. The women argue that Kenyan tenants have relatives and friends to borrow from and that if house owners treat Kenyans the same way, the latter as locals can move in with relatives and friends or relocate to their rural homes for some time. Cynthia, a Burundian woman, asked, “But when they do it to us, where do they expect us to go? They know we cannot go back to our countries.” While refugee women emphasise their refugee status, for house owners they are tenants who have an obligation to pay rent on time. Cases of refugees who move out just before rent is due in order to evade payment make home owners wary of refugee tenants as in the case of Sandra’s landlady.

Payment of rentals requires a constant source of income every month and for women who are self-employed, incomes are unstable and keep fluctuating depending on whether the women obtain jobs such as doing laundry or have regular customers for their wares. In some cases, Kenyans prey on refugees’ desperation for accommodation and hike rentals to exorbitant amounts because of a pervasive belief that “foreigners have money” (see also Bukuru 2002). The majority of refugees who stay in relatively secure neighbourhoods in Nairobi are from Somalia, Sudan and Ethiopia. Somalis and Sudanese in particular have diaspora connections while Ethiopians run thriving restaurant businesses; this spurs the belief among Kenyans that refugees from these nationalities have money. Somalis are in conspicuous businesses in Eastleigh which they have turned into a thriving commercial hub. Still, Rennie from Uganda observed that extortion is not limited to Sudanese and Somali refugees and claimed that Kenyans who lease out houses hike rentals when they notice that the tenant is a foreigner.

4.1.4. Access to Medical Services

Refugee women with medical problems cite access to medical care as the main reason for their decision to stay in Nairobi where they do not have to go through UNHCR bureaucracy as refugees in the camps do which sometimes leads to loss of life. All the same, with the low and unstable incomes, the women struggle to raise money for medical services and burial in the event of death. In the limited cases that refugees are considered eligible for medical

assistance, the latter is provided on specific days such as every Monday in the case of the JRS. This means that refugees have to wait for Mondays to obtain medical vouchers from the organisation's POP. It is only the refugees eligible for food assistance who are also eligible for medical assistance. The GTZ directly provides medical assistance but this service is specifically meant for refugees from the Horn of Africa especially Somalis. Refugees are unable to openly complain or suggest better service delivery methods as humanitarian assistance is provided as an act of generosity rather than obligation.

Although refugee women from the Great Lakes region have better chances of social and cultural integration, this does not translate into better chances of economic integration. Great Lakes women are still excluded from formal employment and equally experience economic hardships thus rendering them as deserving of GTZ medical assistance as those from the Horn of Africa. In cases of complications and medical problems that require specialist services, refugees have to pay for such services. Hali, who had undergone breast cancer surgery, related her experiences and failure to go for radiotherapy and post-surgery check-up because of lack of money and failure to obtain assistance from NGOs. She lamented the loss of her family and home and pointed out that if she had had such a problem before the war that killed her father, her family would have afforded the treatment that she needed. In cases of illness in refugee households, it is the women who shoulder a greater responsibility because of their care giving roles; they have to feed the sick family members when food is not readily available and take them for treatment when they do not have money to pay for medical services.

4.1.5. Education

Under Kenya's Children Act of 2001, refugee children in Kenya benefit from the free primary education policy just like Kenyan children.¹⁰⁷ Nonetheless, parents are required to buy books, uniforms and sometimes desks to facilitate their children's education. Considering that many refugee women live in poor neighbourhoods and are themselves poor, refugee parents are usually unable to contribute to the maintenance of infrastructure in the schools their children attend.¹⁰⁸ In addition, most of the women cannot afford to buy uniforms and books thus resulting in them failing to send their children to school. Refugee women argue that the free

¹⁰⁷ That refugee children are treated as citizen children in terms of access to free primary education is to Kenya's credit. This is in fulfilment of Article 22 of the Geneva Convention which states that State Parties shall accord to refugees the same treatment that is accorded to citizens with respect to elementary education.

¹⁰⁸ Source: Nairobi Refugee Forum Bulletin of the Nairobi Initiative Interagency Network, November 2006, Vol. 2. "Refugee Children Find Hope in Nairobi Schools", compiled by GTZ and UNHCR Community Services Team.

primary education does not benefit the children much because they learn in overcrowded classrooms with limited resources.

As a result, parents have to pay teachers for private extra classes so that children can learn in a less crowded environment. Zanie argued that paying for primary education was cheaper than having to pay for private extra lessons. However, lodging complaints about the free primary education policy would be perceived by authorities as a sign of refugee ingratitude especially when citizens extol the policy. Parents are required to pay tuition fees for secondary and tertiary education and this is particularly difficult for refugee women when combined with lack of stable sources of income. Grace related that she and her husband had saved some money for their children's education but when they fled, they left the money in a bank account in Rwanda and could not access it from Kenya thus resulting in them relying on sponsors to educate their children.

Some of the refugee women were professionals in their countries of nationality or university students when they fled. Commenting on how race and economics coalesce to position Nuer refugees resettled in the USA on the lowest rung of the socio-economic ladder, Shandy (2007: 60) observes that educational achievement becomes the most dynamic way for refugees to alter their situation (see also Holtzman 2008). In Africa too, being a refugee entails a low status and refugee women in Nairobi accordingly view education as an instrumental goal in that it is an avenue to a higher status and better future. Educational achievement is therefore an aspiration that is central to refugee women's understanding of integration. For this reason, refugees invest their limited incomes in education (see also Valtonen 1998; Horst 2006b). Refugee women are frustrated with failure to find sponsors for themselves and their children so that they can complete their university education or in the very least pursue courses such as tailoring.

Despite the exclusion refugees encounter in the Kenyan labour market which means that education does not guarantee refugee families a better future for as long as they remain in Kenya, refugees invest in education in the hope of repatriation or third country resettlement (see Valtonen 1998; Shandy 2007 on education and repatriation). Claire who has a qualification from one of the universities in Nairobi regretted her circumstances because relocation could also threaten her marriage to a Kenyan man. A point of consensus among refugee women is the view that when education facilitates formal employment, it concurrently

engenders independence and emancipation from cultural constraints. Overall, refugees are integrated when they have access to education, health services and housing (Harrell-Bond 2002; Grabska 2006). Integration entails the objective or “hard” quantifiable measures such as employment, access to housing, health and education as well as the subjective or “soft” indicators such as sense of well-being and inclusion in the host society (Griffiths *et al* 2005: 200). The foregoing shows that accessing basic needs is a daily struggle; most of the women rely on unstable sources of income to pay for daily needs and this uncertainty has a negative impact on their sense of well-being.

4.2. Humanitarian Assistance as an Obstacle to Integration

Assistance is a humane gesture which is expected to evoke a positive response where it is provided. Various organisations pride themselves in their humanitarian mission of assisting refugees. Annual statistics are churned out on numbers of refugees assisted and how aid changes refugees’ lives for the better with evidence to back up such proclamations being in the form of refugee testimonies that extol the work of these organisations and attribute refugees’ ability to rebuild their lives in exile to them. Nevertheless, humanitarian aid is not always humane particularly in terms of how it is provided. This becomes clear when one considers the role of aid recipients in comparison with that of the aid provider. The humanitarian discourse portrays refugees as vulnerable, helpless and dependent leading to the ultra-paternalistic approach that continues to characterise refugee work (Malloch-Brown, quoted in Harrell-Bond and Karadawi 1984).

Refugee women complain that they have to beg and lie so that they can be assisted. Grace claimed that some sponsors opt to pay high tuition fees for practical or technical courses in private colleges where they have vested interests while beneficiaries of the scholarships could pursue university programmes of their choice at a lower cost. Refugee women accuse sponsors of funding “lower class” courses and assert that this is meant to keep them dependent. The issue is not whether or not refugees need aid but “the *kind* of help they receive, the *way* help is provided, and the *role* which they are forced to assume to get it” (Harrell-Bond 1999: 139, emphasis in original). Hali related an incident in which her sponsor chose to fund a tailoring course instead of a degree programme in International Relations at one of the universities in Nairobi. According to Hali, “They [sponsors] like it if you keep going back to them asking for more help — telling them that you cannot buy a sewing machine on your own, that you need a loan.” This perpetual dependence enables aid

organisations to exercise power and control over the women in terms of what they can and cannot do with the kind of assistance they receive. Ironically, it is this very dependence that the women intended to escape when they opted out of the camps and relocated to Nairobi.

For Grace, “You study for one year [only] and which course can you do in one year if you want to empower yourself? That is like genocide!” The women do not view relief assistance as a solution besides that it leaves them with a low self-esteem (see also Valtonen 1998). Refugee women’s views buttress the observation that where humanitarian aid is concerned, refugees express feelings of humiliation and loss of status, self-esteem and self-confidence because of the way they are treated by humanitarian agencies (Harrell-Bond 1999). Refugees’ needy circumstances turn them into “objects of a special, philanthropic mode of power [...] the political, historical, and biological specificity of their lifeworlds vanishes into a vast register labelled ‘unknowable, irrelevant, unconfirmed, unusable.’” (Malkki 1995a: 296). In constructing refugee women as dependent, humanitarian assistance providers fail to capitalise and build upon the women’s skills and capacities (Byrne and Baden 1995). The homogenising depiction of refugees as bearers of an immutably vulnerable and victim status exemplifies what Malkki (1997: 225) refers to as the “accustomed circuits of international policy science.”

Many Kenyans are in the tailoring business as well and this means that refugee women face competition in the market resulting in them struggling to obtain money for basics such as food and rentals. Refugees are not economically integrated in situations where they obtain “from hand to mouth” assistance which does not facilitate self-reliance in the long run. Nevertheless, aid workers continue to operate on the basis of the stereotypical image of refugees, particularly those in poor parts of the world as perpetually dependent and incapable of being weaned from relief aid (Harrell-Bond 1986; Hyndman 1997). Refugee women’s experiences illustrate how they are treated as the “known” and rarely consulted, allowed to lead or get involved in issues that affect them (Mazur 1989; Verdirame and Harrell-Bond 2005). It is a paradox that NGOs cite inadequate resources as a major problem yet their programmes demonstrate reluctance to wean refugees from assistance by harnessing their resources and enabling them to become economically independent in the long run.

The “he who pays the piper calls the tune” attitude is observable where aid is given (see Harrell-Bond 1986: 14; Hanlon 1987). Some of the women pointed out that they do not seek assistance from NGOs and the UNHCR not because they do not need it but because they

cannot bear being treated as beggars and being related to, in Cynthia' words, as "people who cannot think" by staff in these organisations. The women related experiences in which NGOs, just like the UNHCR, keep turning them away without assistance and asking them to come back another time until the women give up. Refugee women's perspectives are rarely heard beyond the common heart-rending narratives of their experiences of violence and trauma. The provision of humanitarian assistance has a power dimension to it in that it is the UNHCR and NGOs that determine the kind of assistance that refugees receive on the basis of the assumption that people in need cannot choose. As a result, emphasis is placed on relief assistance which is expensive and wasteful in human and financial terms because it stifles refugees' creativity (Harrell-Bond 1986).

There are cases in which NGOs assist some of the women after turning away equally deserving women. Even where the NGOs have valid reasons for their actions, failure to understand the criteria used to determine who gets assistance raises charges that NGOs are biased towards specific nationalities. For example, Zeinab, a Somali refugee woman, accused the JRS of prejudice against Somalis and favouritism towards refugees from the Great Lakes region. In fact, every nationality accuses NGOs of discrimination and believes that the other nationalities or ethnicities are the ones receiving assistance. In highlighting the challenges that the JRS encounters, Mercy Muchai, the JRS Officer, pointed out that the organisation has financial problems that hamper its efforts to assist refugees as it intends.¹⁰⁹ She cited Somali women in particular and pointed out that the organisation cannot afford the huge sums they ask for as they prefer big businesses such as flying to Dubai to buy clothes and jewellery for retail in Kenya while the other refugee women are mostly into small tailoring businesses.

The organisation of assistance to refugees and other needy populations is such that there are no mechanisms put in place to enable refugees to evaluate the assistance programmes that are meant to benefit them. Evaluation of these projects is usually the prerogative of the organisations themselves. Refugees are expected to appreciate whatever is offered in the name of aid and those who complain are reprimanded for ingratitude (Hyndman 1996; Malkki 1997; Harrell-Bond 1999). For most aid organisations, aid is an act of charity which can be withdrawn if the beneficiaries "misbehave" (see Verdirame 1999). Sponsors therefore exercise the power to "discipline" refugees who do not conform to behaviour expected of them. Assistance is used as a mechanism of control, a form of social technology by which

¹⁰⁹ Personal interview with Mercy Muchai, the JRS Officer, Nairobi, 23.02.07.

refugee women are expected to exhibit a specific kind of attitude and behaviour with failure to do so being punished by withdrawal of aid. Accordingly, Hali was asked to find another sponsor if she wanted the university degree instead of the tailoring course; faced with such an option when sponsors are difficult to find, she ended up taking the tailoring course.

Although many humanitarian agencies subscribe to the principles of participatory approach in handling refugee-related issues, most of them are not prepared to go beyond the rhetoric particularly where refugees' views are at variance with agencies' priorities and interests (Kibreab 2004). Denying refugees the opportunity to communicate their honest opinion has resulted in relief aid being offered where refugees prefer investment in their education so that they become self-reliant in view of the protracted nature of conflicts in their countries of origin. Self-reliance entails the ability to provide food, access housing, health services, education and cope with unexpected events such as death with little reliance on outside assistance.¹¹⁰ It is a precursor to local integration as well as the other durable solutions namely voluntary repatriation and resettlement in a third country.¹¹¹ The absence of refugee feedback is also detrimental to the organisations in that the refugees simply draw their own conclusions which often overshadow the organisations' achievements. Shandy (2007: 2) aptly observes that "the tendency to highlight refugees' presumed helplessness augments the power of those offering assistance while diminishing the ways in which refugees are social actors."

Humanitarian assistance facilitates economic integration where it has self-sufficiency rather than relief and immediate sustenance as its long-term goal. Instances in which refugees spend years of their lives in exile depending on food handouts only demonstrate the inappropriateness of the assistance that is provided. Most of the women in the tailoring businesses still need assistance, for example, on tuition fees. Nonetheless, the organisations continue to provide relief assistance for refugee women in protracted situations because of the presumption that if refugees become self-sufficient they will not repatriate. On the basis of this presumption, humanitarian organisations provide aid that merely creates a "bare life – the kind of life that is suitable for waiting [for repatriation]" (Simon Turner 2006: 57). As part of social technologies put in place to channel refugees towards repatriation, the aid provided is enough to keep them alive but not adequate enough to facilitate integration which is perceived

¹¹⁰ Global Consultations on International Protection, 4th Meeting, 25 April 2002, "Local Integration". <http://www.unhcr.org/protect/PROTECTION/3ccd64536.pdf> (accessed 05.04.08).

¹¹¹ Executive Committee of the High Commissioner's Programme, Standing Committee 33rd Meeting, 2 June 2005, "Local Integration and Self-reliance". <http://www.unhcr.org/excom/EXCOM/42a0054f2.pdf> (accessed 05.04.08).

as antithetical to repatriation. Humanitarian organisations operate on the presupposition that they know what is best for refugees. They dispense their duties on the basis of “a benevolent but bureaucratic rational logic” (Simon Turner 2006: 39) which endows them with the power to label refugees as people with “bureaucratically assumed needs” (Zetter 1991: 40). Refugees’ self-perception is usually different from these labels and stereotypes leading to discrepancies between refugees’ real and assumed needs.

4.3. Exile, Gender Roles and Intra-household Dynamics

Although both refugee women and men encounter challenges in exile, experiences emanating from these challenges are gendered. Hali presented the gendered nature of the experiences that come with refugeeness and exile as follows:

[M]ost of African women are stronger than men, [...] in terms of fetching water and going for food distribution, when you look at it, the majority are women, when men run away from the country [of origin] and they don't even know where to start from and the lifestyle they are supposed to have, they just sit somewhere thinking and wondering in which way they can get out of this situation. But women have to go ahead making the house, following [taking care of] children, fetching water, going for food distribution, bring[ing] the food, cooking, [...] there are so many things they can do. But an African man ... even sending him to buy tomatoes in the market, he feels ashamed and I have never seen a man doing such work like that [...]. And not all men help their wives; there are very few or selected men who can do such a thing. And unless also they are interested in getting something from the wife; [...] otherwise they don't.

It is mostly refugee women who find it difficult to leave Kenya for countries where they can be formally employed because they have children in their care and movement could only be possible through UNHCR, third country governments and NGO resettlement programmes. This is illustrated by the fact that of the ten refugee men interviewed, only one of them has his family with him in Nairobi. Of the remaining nine, four of the men left their wives and children in their countries of origin while the other five are single. One of the men left Kenya towards the end of fieldwork for South Africa and another was planning to leave Kenya also for South Africa because refugees are allowed to stay in urban areas and work in the latter. In contrast, only two out of the thirty-four refugee women interviewed do not have children but the two women have to look after their siblings who depend on them. Although refugee men

are also unable to work in the formal labour market in Kenya, refugee women see this restriction as more detrimental to women. According to Marie:

Women have more problems than men. As a woman I need sanitary towels every month. A woman needs to go to the salon and take the children too but if you don't have money it is a problem. When the child cries, I have to do something when she wants food but my husband can go outside. My children have no shoes, no slippers and no body cream. I do not have money for shopping for the children; this problem is for me. As a mother, when I see these problems I get affected emotionally and psychologically and when the children go to school without food it is a problem for me as a mother.

The gendered nature of the refugee status and the challenges that it entails is rationalised by reference to biological facts that place women and men in different circumstances. Exile as presented by Marie poses unique challenges for women in terms of both biology and gender. Loss of livelihoods in exile has repercussions for refugee women regarding performance of roles and fulfilment of responsibilities that define womanhood in African contexts. Lack of income premised on the refugee status places the very essence of womanhood, femininity and motherhood on unstable ground thus illustrating how economic circumstances impinge on social and cultural integration in Nairobi. Maternity is invoked to sustain the argument that women have more problems than men. A point of convergence among the different refugee nationalities is gender relations within households; across the diverse national and cultural backgrounds, men are assigned the position of household head while child-rearing is a responsibility for women. In the logic of refugees' cultures which can be extended to African cultures and social organisation in general, women as mothers are assigned a pivotal role in family life such that relationships within the family are organised around them (Oyewumi 2001; 2003; Sideris 2003).

It is the refugee women who play the child-rearing role and where they cannot provide for the children even in the presence of their husbands; this becomes a case of failed motherhood leading to the emotional and psychological stress mentioned in the quotation above. Construction of motherhood in African contexts portrays it as conferring respect, dignity and privilege on women (Oyewumi 2001; Makinde 2004). Womanhood and motherhood are a source of pride and dignity where the obligations they entail can be fulfilled and become a source of embarrassment and humiliation where circumstances do not permit the women to

perform their gender roles to cultural expectations. On the other hand, refugee men as husbands and fathers play culturally-defined gender roles that enable them to distance themselves “from the children’s cries for food” (Moser 1993: 24). As men seek refuge outside the home, it is the women who have to fill in the permanent or temporary void besides fulfilling the obligations that motherhood and womanhood entail. This practically translates into refugee women shouldering the burden of sustaining the family without respite. In this respect, lack of employment is one of the vicissitudes of exile and a major obstacle to economic integration with repercussions for refugee women’s ability to fulfil their culturally-defined roles in Nairobi.

The difficulties of economic integration are also experienced by single refugee mothers who fled their countries of nationality after their husbands’ abduction by their political adversaries. Four refugee women are in this category and in all the four cases, the husbands disappeared without trace and the women do not know whether they are still alive. Jane and Mandy, two of the women who are from Uganda stated that before flight, it had mainly been their husbands who earned incomes while they stayed at home looking after the children. The other two women, Sarah and Sofie, are from Ethiopia and operated small businesses such as kiosks before flight while their husbands had formal jobs. A fifth case involved Shaki, a Somali widow who was the last wife in a polygamous marriage. The women’s main challenge is how to fill the economic and social void created by loss of their husbands. Forbes Martin (2004) points out that refugee women’s assumption of new roles in exile is one of the main challenges the women have to grapple with. This is particularly the case for African refugee women because of the clear delineation of gender roles that characterises the continent’s peoples.

For Shaki, the challenges are exacerbated by the fact that her circumstances as a refugee widow subvert her Islamic faith which places the responsibility of providing for the family on the man. The institution of *purdah* or the seclusion of women is largely upheld by those who have the resources to keep their wives from the public sphere (Salamone 2005). In exile, many Muslim Somali refugee women are re-socialised by circumstances into roles defined in cultural and religious terms as male which they have to shoulder together with the burden of child-rearing in a country where opportunities for gainful employment or regular incomes are severely constrained. It is refugee women from backgrounds where men provided for the households who tend to have fewer personal resources to fend for themselves compared to

women from backgrounds where they had to provide for themselves (Byrne and Baden 1995). The women's children have been forced to drop out of secondary school or to stop after completing their primary education and where possible, find ways of earning incomes to help their mothers. With the value refugee families attach to education, this is a form of social dislocation that results in the children's failure to get an education being a source of stress for refugee mothers. A combination of assumption of responsibilities culturally defined as male and barriers to economic, social and cultural integration results in life in exile being a struggle or what Zeinab from Somalia termed "another war without guns".

The gendered implications of the refugee status and exile are further illustrated by the circumstances of refugee women who came to Kenya with their husbands but the latter abandoned the family because of the hardships that life in Nairobi entails. There are two deserted women with a third case being Mary, an Ethiopian woman whose husband went to find his daughter in Mombasa but never came back. Mary believes that her husband did not abandon her but might have been killed by the man who took their daughter away from Nairobi on the pretext that he wanted to employ her; both the husband and the daughter could not be located. Mary faces challenges similar to those faced by Mose, a Ugandan woman and Zanie, a Sudanese woman whose husbands abandoned them and the children. Like women who came to Kenya without their husbands, women who are forsaken by their husbands in Kenya or widowed face the challenge of raising children as single mothers. The cultural definitions of gender roles in many parts of Africa are such that child rearing and nurturing roles are feminised while fatherhood and masculinity are distanced from the children (Magwaza 2003). While this enables African men in general to evade nurturing of children, in Nairobi refugee men go on to subvert the same cultures that confer on them the status of household heads; the privileges that patriarchy bestows on them entail obligations and refugee men forego the former in order to evade the latter.

Refugee men who cannot live up to cultural expectations resort to abandonment as a way of soothing masculinities bruised by the vagaries and uncertainty of life in Nairobi. This tendency can also be observed among non-refugee men in Kenya where men deal with the inferiority complex emanating from inability to provide for the family by engaging in extra marital affairs in order to "relax" and be "comforted" (Silberschmidt 2005: 195). Despite the vulnerability that comes with the unmarried status, Mose, a twenty-seven year old woman who knew that her husband was staying in Kibera slum in Nairobi while she stayed in a part

of Nairobi called Kangemi, expressed lack of interest in asking him to help take care of their three children. She explained her reluctance to do so by stating that the husband had always spent his income from an informal construction job on alcohol and beaten her up when she asked for money. She also expressed trepidation that after the time the husband had spent away from her, he may have contracted HIV/AIDS and it was better for her to struggle on her own to take care of the children rather than risk getting infected with the virus. For Mose:

My biggest problem is the children and a place where I can stay. I need to eat and pay rent but I do not know how to do that without a job. I have two sons and a daughter and my problem is when my children grow up where will they go since I do not have any land? I do not see men's problems; I only see my problems. I am the one with the children and the man does not have the children and it is easier for him.

The financial challenges and the concomitant struggle to meet refugee families' immediate needs intersect with lack of land as an economic asset. In agrarian economies such as those that characterise many parts of Africa, land is a valuable economic asset with a socio-cultural meaning as it also defines notions of belonging. Land ownership in the context of Nairobi is about ownership of plots where Kenyans produce maize, vegetables and fruits, and most importantly in such an urban context, space where residents can build homes. For refugee women from rural backgrounds, exile entails loss of ownership and access to land leading to loss of heritage for their children. In this case, inability to own land in Kenya thwarts efforts at economic integration in addition to its socio-cultural ramifications for refugee children in the absence of legal provisions that facilitate their naturalisation in Kenya. Land ownership is a marker of belonging which is the ultimate indicator of integration (Ager and Strang 2004). Inability to own or access land is in consequence a pointer to the outsider status. It is in this context that refugee women deploy concepts such as foreigners and problems in defining themselves and their economic, social and cultural circumstances.

Exile means loss of livelihoods and social networks which are particularly important in kin-based societies such as those that still prevail in many parts of Africa. Without appropriate supportive economic, social and cultural structures, it is difficult for refugee women to create a home in Nairobi. Many refugee women regret how flight severed their ties with the extended family and, in consequence, the economic and social support that accrues from this broad family institution. The women observe that back in their countries of origin, siblings and other relatives would assist. According to Jane, a Pentecostal Ugandan woman, "Home is

home, but here once you have a problem you face it on your own; no brothers and sisters and at home you run to your brother, sister or friend but in Kenya you are only with God.”

Although refugee women abandoned by their husbands encounter problems underscored above, having a man in the house in the context of exile entails challenges of a different nature. Most refugee couples had jobs in their countries of origin. In Nairobi, it is mostly the refugee women who run IGPs. For married refugee women, this means providing for the children as well as the husbands. Having been shut out of the formal sector, most men find it difficult to earn incomes in the informal sector which they feminise by arguing that tailoring, basketry and doing other people’s laundry constitute “women’s work.” Of the ten men interviewed, only two earned incomes from wood carvings and designing Christmas cards using dried banana leaves. In a discussion, refugee men argued that they could not carve even after watching other men carve because, unlike “women’s work”, carving was difficult. On the contrary, women who are into basketry learnt by watching other women (see also Martin 1999) and stated that the difficult economic situation they find themselves in had taught them to weave baskets.

Michelle who is employed as a tailor by a Catholic priest who runs a tailoring project for refugee women in Kangemi, Nairobi sees as the main challenge the task of raising five children in a household where the husband is not engaged in any kind of economic activity and depends on her income. Tania complained that when her husband goes out he comes back with nothing and when he stays in the house and she goes out, she finds everything exactly the way she would have left it. Although Tania’s husband assists in the tailoring business, Tania presents life in refugee households as difficult because the men are inflexible. She complained of being overworked; she has to do the domestic chores in addition to the tailoring business and declared that men’s lack of flexibility is the reason why refugee marriages do not last once refugees are resettled in Western countries. It is worth quoting her at length:

When you get there [Western countries], you get the chance to work and you see men working and you ask yourself what you are doing with a man who is not helping you. Women are suffering. Men are suffering too; they are suffering from an inferiority complex because the men cannot provide anything. He [her husband] went out today and the children are here and cooking because I am here to see to it that things work well in this house. Men are not flexible. I can come and wash [clothes] for you but a

man cannot do that; they are selective. The problem is cultural. They are not patient. I am married but as a woman I still have many responsibilities like all the work in the house — cooking, cleaning, and washing. You know in Africa all these things are for women. Even when I was going to school [tailoring course], I still had to do all these things. He [her husband] would help but how many times? After I had complained and complained and when he helped it was like a favour. If I have a garment for a customer, I can work on it until 12am. I take the responsibility to feed the family and do the other duties. It is a double burden.

Tania's juxtaposition of Kenya with Western countries points to the predicament that married refugee women find themselves in. Even though the women realise that their husbands cannot perform the economic roles that come with household headship as they used to before flight and that the women can provide for themselves and their children, they feel compelled to stay in the marriage as long as they are in Kenya or Africa where they fear cultural censorship and vulnerability for being single mothers. Tania's view of Western countries is corroborated by how Nuer refugee women resettled in the USA have been able to take advantage of a legal system favourable to women and the absence of restraining elders to divorce, assert their freedom and shape their own destinies (see Shandy 2007; Holtzman 2008). Tania's problem is not the idea that the man is the head of the household but that the man fails to live up to the responsibilities that come with this status (see also Silberschmidt 2005). In this case, gender ideology is flexible enough to provide reference for refugee women's viewpoints in the same way that it provides reference for men to sustain their position of dominance. Tania's dilemma can be understood relative to cultural censorship of the unmarried status which manifests itself in the form of labels attached to unmarried women in many African contexts and the vulnerability and insecurity that come with such labels as shown in the circumstances of single refugee women in the next section.

Refugees do not strip themselves of their cultures at the border besides that they flee to neighbouring countries that, in a broader patriarchal context, usually share the same structures of social organisation. Even if refugee women realise that they can provide for their children and themselves and render their husbands expendable in economic terms, as long as they are in Kenya or Africa as opposed to the West, the husbands remain indispensable and relevant in socio-cultural terms; they provide security whether in name only or in real terms. Life in Nairobi entails experiences that overturn refugees' cultural notions of masculinity and

femininity. At the same time, it is difficult for refugee women to discard these cultural constructions altogether because life in Nairobi also comes with challenges such as refugee women's vulnerability to rape and sexual harassment which can be averted through unions with men where there are no brothers and fathers to protect the women. Taking into account these socio-cultural contradictions, life in Nairobi is fraught with predicaments such as choosing between two different but equally problematic marital statuses.

What makes refugee women's situation unique is that they have to struggle with problems of womanhood and motherhood as well as those that affect refugee men particularly within their households. A frustrated husband and an overworked and equally frustrated wife provide fertile grounds for domestic violence. Refugee men whose circumstances in exile render them incapable of fulfilling the obligations that come with cultural definitions of masculinity often experience an identity crisis. Exile ironically opens up opportunities for women that place them in positions of comparative advantage over their male counterparts; this riles men within refugee households and implicit in the men's reactions is apprehension that women's relative empowerment disempowers men. The subsequent contestation for power and legitimate authority within refugee households often leads to domestic violence (see also Silberschmidt 2005; Amuyunzu-Nyamongo and Francis 2006; Fangen 2006; Shandy 2007; Newland *et al* 2007; Holtzman 2008, Nowrojee 2008). Even though women take on new roles including those culturally defined as male, this is not accompanied by a corresponding change of status because of the prevalence of gender regimes and ideologies that perpetuate the hegemony of masculinity even where the latter is in crisis. Refugee women find themselves ensnared in male-dominated structures such that articulation and representation of their worldviews and position does not occur within an alternative model but within the framework of meanings and cultural categories that these structures foster (Henrietta Moore 1996).

A discussion with refugee men from the Great Lakes region revealed as the basis of men's aggression alarm that women are losing respect for their husbands and "seeing themselves as men" (see also Holtzman 2008). Solidarity group leaders in refugee communities pointed out that experiences in Nairobi are causing rifts in refugee marriages and that domestic violence in refugee households is one of the main problems they have to contend with. Epi, a community leader in Kabiria, Nairobi pointed out that in a number of refugee households, the crisis manifests itself in the form of aggression and anger displaced on women. For refugee women who find themselves at the receiving end, this means fighting a battle on three fronts;

they have to struggle in Nairobi to fulfil obligations premised on cultural definitions of womanhood and motherhood, assume new roles and responsibilities and simultaneously cope with their husbands' expression of troubled masculinity.

Another perceived source of disempowerment for married refugee men is the fact that while they had always controlled their wives' sexuality prior to flight as a matter of a cultural right which could not be questioned in most cases, in exile women seek NGO intervention on issues such as contraception and protection from HIV infection. According to the social worker at St Faith, counselling sessions go beyond helping refugees cope with trauma and stress and incorporate reproduction-related issues which involve pointing out the advantages of birth control for people without reliable and stable sources of income.¹¹² Parallels can be drawn between the role of NGOs in refugee women's lives in Nairobi and that of the police in the lives of Nuer refugee women resettled in the USA (see Shandy 2007; Holtzman 2008). Exile presents refugee women with the opportunity to appeal to NGOs for intervention because of the absence of the extended family system which tends to give its backing to men in such matters. In taking advantage of the absence of the extended family, refugee women demonstrate the agency to turn exile into an opportunity which they exploit to change their cultural and social status as women. The transformation of gender relations and the tilting of the scale in favour of women partly explain the abandonment of refugee women by their husbands.

In a redefinition of gender roles within the household prompted by exile, visits to UNHCR offices for identity documents are masculinised in that trips to UNHCR offices are seen as the responsibility of men while women have to look for food for the family. Such a redefinition of gender roles illustrates how notions of masculinity that confer the title of breadwinner on men are undermined to suit men's evolving circumstances in exile. Nonetheless, refugee women still find themselves going to the UNHCR offices when their husbands give up because of the several trips that obtaining UNHCR identity documents entails. The process of obtaining and renewing Protection Letters and the treatment of refugees at UNHCR and NGO offices involves humiliation (Verdirame 1999). The process requires a degree of endurance, humility and perseverance and all this does not augur well with cultural notions of masculinity; a "real" man is culturally expected to feed his family and provide for all the other needs without having to beg. He is "economically and emotionally self-reliant" (Dover 2005:

¹¹² In one instance, such advice was given in the presence of this author during a home visit where the refugee woman had had pre-natal complications that had persisted in the form of general ill-health at the post-natal stage.

184). The idea of men giving up on the UNHCR and NGOs has to be understood within this socio-cultural milieu especially considering that some of the officials who attend to the refugee men in these organisations are women. This explains the fact that in some of the refugee households, the women and children have Protection Letters while the men do not. For Tania:

The UNHCR gave endless appointments for the whole year and they were telling me, “You are patient.” My husband was given for 3months but he gave up. Right now he does not have a Mandate but what can I do? I cannot take him by the hand like a child and take him to UNHCR. Men neglect small things but sometimes they regret.

The contradictions between the experiences in Nairobi and refugees’ cultural backgrounds notwithstanding, refugee men insist that their female counterparts should not adopt what they term “Kenyan culture.” A group discussion with refugee women from the Great Lakes region identified the problem in refugee households as men’s apprehension that the women would emulate Kikuyu women who are reputed for owning many of the housing properties in Nairobi and, according to refugee and non-Kikuyu Kenyan ethnic profiling alike, wield power to the extent that men in their lives defer to them. Most of the refugees live in houses owned by the Kikuyu and claim that even in Kikuyu households where men are present, tenants pay rentals to the woman and not the man. According to both refugee women and men, women in Kenya boast more power than men and whether this is real or perceived, the possibility of married refugee women emulating their Kenyan counterparts rouses feelings of insecurity among refugee men who claim that such a state of affairs is “against our culture.” Refugee men’s resort to the rhetoric of cultural values can therefore be considered as a form of resistance by which they seek to naturalise, renegotiate, recreate and legitimise their position. As a dynamic phenomenon, perpetuation of dominance requires it to have the capacity “to retain control over the principles of construction of reality, to frame all competing constructions within its own definitions, to maintain and control the socially dominant representations” (Henrietta Moore 1996: 181).

Refugee men’s conceptualisation of *the* African woman is epitomised by Sandra, a twenty-one-year-old Congolese woman with three children and does not engage in any kind of income generation. Sandra’s husband is a flower vendor and she related that she stays at home waiting for him to bring money; if the flowers do not sell they sleep hungry. Explaining her experiences as a refugee woman, she believes that:

As a woman, my experiences are different from those of my husband. The husband is the one who always has power and I am under him. The man is the head of the family. Even if I am employed what my husband says is what I do. It is my belief that as a woman I must be under the leadership of a man. [...] the man has more problems because he has to look after the family.

It is the refugee man who “looks after the family” whose wife believes that she is “under the leadership of a man.” Sandra’s views as a woman who depends on her husband are in stark contrast to Michelle, Epi, Agfa and Tania’s who provide for their households. Thus, refugee men can only enjoy their culturally bestowed privileges where they combine them with fulfilment of the obligations that are inherent within these cultures. Integration is not about assimilation or abandonment of refugees’ cultures and adoption of local cultures (Kuhlman 1991). Conversely, refugees’ cultures as presented by refugee men become an albatross around refugee women’s necks where refugee men insist that these cultures should not be adapted to the circumstances of exile. The men’s depiction of culture as immutable and natural and as well as their rigid interpretation of their cultures constrain rather than enable refugee women to negotiate their economic, social and cultural circumstances in exile.

The vicissitudes of womanhood are not confined to deserted or widowed refugee mothers and those who are married. Unmarried refugee women without children have to provide for their siblings where parents are absent. Two single women, Hali from Somalia and Jossie from Uganda provide for their siblings from their scholarship allowances of Ksh6,000 (about US\$83) per month which are not enough to meet their own needs. For both women, loss of their parents and the resultant responsibility for their siblings have imposed mothering roles on them; motherhood in many African societies is not only biological but also social (see also Henrietta Moore 1988). Jossie explained that she has to send her younger brother to school using part of the allowance she receives for her tailoring course. She observed that life became difficult after losing her mother in 1995 and that there was a time when she contemplated prostitution; she described living in Kenya as “a disaster”.

4.4. Vulnerability to Sexual Abuse

The reality of life for refugee women in Africa requires the presence of close male family members within refugee households because security which in many cultures is defined as a male responsibility is one of the main challenges for unmarried refugee women. Where

unmarried refugee women, widows, single mothers and their daughters do not have male relatives around to protect them, they suffer a kind of vulnerability that their married counterparts rarely experience in the form of targeted sexual harassment and rape. They are vulnerable to sexual abuse by security personnel in Kenya, individuals in positions of authority such as humanitarian staff, police and (para-) military officers, members of the local communities as well as male refugees (Martin 1999; Human Rights Watch 2002; 2009; Forbes Martin 2004). Hali presented the difference between refugee men and women as follows:

The experiences we go through are all the same for both male and female refugees but one thing for women, the major thing for women; they fear rape, they fear domestic violence, they fear forced marriage. Those are the three major things women face.

Several rape cases are outlined here to illustrate refugee women and girls' vulnerability. In the FGD with Somali women, four revealed that they were raped in Kenya; one stated that her daughter was raped while another woman's sister was raped. For instance, Shaki aged thirty-nine, is Somali and was raped by two Kenyan policemen at a roadblock while travelling to Nairobi. Because of the stigma attached to rape in the Somali community and the fact that some of the culprits are police officers, the women did not seek help and expressed reluctance to ever do so. Claire, who calls herself a "mixture" because she is of Hutu and Tutsi parentage, had her life spared during flight from the Rwandan genocide by a rebel leader who forced her to become his "wife" at the age of nineteen until she escaped to Kenya where she gave birth to a daughter as a result of the sexual abuse. In another case, Mimi, an Ethiopian girl was raped at the age of fourteen in Kenya soon after arrival and had a daughter as a result of the rape. Marian, a Congolese girl was raped at the age of fifteen by a soldier from the MONUC, the UN peacekeeping mission in the DRC. She fled to Kenya with the baby born as a result of that rape and did not have any family resulting in her being taken in by a refugee woman from her country. The last case involves a ten-year-old Rwandan refugee girl who was raped by two Kenyan men living in the same compound as her family.

At the time of research, the Ethiopian and Congolese child mothers were both aged seventeen. Their problems are about looking after children when they themselves are still children¹¹³

¹¹³ Under the UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights of the Child, everyone below the age of 18 is a child. The two mothers are therefore children at law. However, in social terms in many African contexts, adulthood has more to do with parenthood than with chronological age. Thus,

who need to be looked after and assisted to cope with their experiences and fear of further rape. The quandary unmarried refugee women find themselves in is paradoxical in that security from sexual abuse by men is often found in attaching oneself to a man. Marian, the Congolese child mother, described her predicament by stating that she had objected to UNHCR suggestion that she stay in Kakuma Refugee Camp with a family that speaks her language because the family could still abuse her and throw her out such that she would end up becoming pregnant again. She believes that in Nairobi she can improve herself by going to school and “find[ing] even a widower” to marry her. As refugees, the young victims of rape need emotional support but the NGOs with the mandate to attend to them are already overwhelmed because of the numbers that need counselling.

Even where the women are not targeted for rape, they still suffer harassment because of the combined effect of being a refugee and being unattached to a man. Hali, an unmarried woman, stayed in a compound where she was subjected to verbal abuse by male Kenyan tenants who even threatened to evict her from her room. For single refugee women, the main challenge is the pervasive patriarchal belief in many African societies that self and security for a woman are mutually exclusive statuses; an unmarried woman cannot be secure unless she places herself under the “protection” of a man. Being unmarried for women in many African contexts is still associated with indecency and unmarried refugee women have to contend with labels such as prostitutes and home-breakers. Language as structured in this form of labelling is homologous to structures of social domination (Henrietta Moore 1996) in that it forces some of the refugee women into abusive marriages in search of security which, in the context of exile, proves to be elusive in that the husbands can still abuse the women or desert them because of economic hardships leading to a vicious circle of economic, social, cultural and insecurity problems.

For Hali, marriage comes with other forms of insecurity as when the husband turns out to be violent or promiscuous resulting in contraction of HIV/AIDS. Hali argued that even though marriage can offer some form of protection from sexual abuse and harassment, it is constraining in that once a refugee woman gets married, she loses opportunities that require her to leave Kenya; she has to consider her husband and family first unlike men who can

socially, the two child mothers are considered as adults. Marian’s appointment slip with the UNHCR for status determination categorised her as a minor. A Ugandan refugee man registering the refugees for JRS food distribution at St Faith remarked to this author that the UNHCR was not supposed to take Marian as a minor because she was a mother.

leave their wives and children behind. The vicissitudes that come with the single marital status have a bearing on unmarried refugee women's efforts to integrate into Nairobi; they have to juggle their own individual interests with societal censorship and the accompanying pressure often leads to more social problems rather than solutions.

4.5. Refugee-Local Populations Interface

The process of integration depends as much on local people as it does on government policy and the refugees themselves (Jacobsen 2001). The concept of interface in this section refers to the point where refugees and locals meet. Awareness of refugee presence in Nairobi and relations with them depend on their presence in given neighbourhoods. Mainly in middle class neighbourhoods, some Kenyans are not aware of the presence of refugees in Nairobi and assume that refugees in Kenya are all in the camps. In an interview, Jennifer, a Kenyan woman who teaches at a university in Nairobi stated that she had never met refugees in the city and related that her only encounter with refugees had taken place in the USA where she encountered Somali refugees. In the middle income neighbourhoods, it is only those Kenyans with refugee tenants or neighbours who are aware of refugees' presence in Nairobi. Since these neighbourhoods have limited encounters with the refugees because most of the refugees cannot afford to pay the required amounts of rentals, Kenyans in such neighbourhoods generally view refugees in terms of the broader regional geopolitics presented in Chapter Two.

Heightened awareness of the presence of refugees in Nairobi was noted among Kenyans who live in neighbourhoods that carry significant numbers of refugees as is the case in Eastleigh, Waithaka, Kawangware, Kangemi, Kabiria, Kibera and Kayole among others. Among these Kenyans, attitudes range from tolerance to hostility particularly where the refugees are perceived to be in relatively better economic circumstances. In cases where locals express the view that they do not have problems with Kenya hosting refugees, they point out that the political situation in Africa is volatile such that anyone can become a refugee including Kenyans.¹¹⁴ They also express sympathy and tolerance for refugees; most of the Kenyan respondents defined a refugee as "a person with problems". For these Kenyans, only refugees "from a warring place" (an indirect reference to Somalis), are not welcome because they bring

¹¹⁴ Such views have since been vindicated by events following Kenya's presidential election on 27 December 2007. When President Mwai Kibaki was announced the winner of the election, the opposition and its supporters charged that the presidential election had been rigged. This led to violent clashes which left between 1000 and 1 500 people dead and more than 250 000 displaced. Some of the Kenyans in the affected regions fled to Uganda while the majority was internally displaced.

guns and insecurity into Kenya. While the government pursues a restrictive employment policy to protect citizens from competition, 80% of Kenyans who were interviewed expressed the view that the government needs to assist refugees by creating jobs for both Kenyans and refugees so that the latter can support themselves. Paul, a Kenyan man asked how refugees could live without jobs in Nairobi which he described as “the garden of rocks.” Poor Kenyans who live with refugees who do not obtain assistance from NGOs empathise with refugees; they live in similar conditions of deprivation and understand the poverty in their neighbourhoods as a shared plight.

Nevertheless, refugee women encounter problems in their everyday experiences with locals as indicated by the example of Somali women in Chapter Two. A thorny issue between locals and refugees is the assumption by many Kenyans that refugees obtain assistance from the Kenyan government. Interviews with refugees and the Head of the DRA revealed that the government does not provide material and financial assistance to refugees. The majority of Kenyan respondents stated that although they do not object to their country hosting refugees, they want refugees’ stay in Kenya to be “temporary” or “for not more than five years” while a few stated that one year was enough for refugees’ respective countries to solve the problems that would have led to flight. The majority of Kenyan respondents including those who want the government to assist refugees view integration as implying permanence. They argued that refugees should not be integrated because “they should go back and help rebuild their countries” (see also Harrell-Bond 1986). Refugees that are not perceived as agents of insecurity are tolerated but the fact that locals do not want refugees to live permanently in Kenya points to the conceptualisation of refugees as ephemeral, a conceptualisation upon which refugee encampment is based. Unlike confinement in refugee camps, refugee presence in Nairobi raises fears of insecurity, inundation with refugees leading to competition for resources and dispossession all of which explain the GoK’s reluctance to facilitate integration.

Although refugee women in general describe their relations with Kenyans as peaceful, they cannot freely exercise their rights in their everyday interaction with Kenyans as neighbours or landlords/ladies. This is particularly the case where there is contestation for resources such as water. In neighbourhoods such as Kangemi and Kawangware where many refugees from the Great Lakes region live, water is available for three or four days a week prompting queues at the water tap on the days that the water becomes available. In such instances, some of the refugee women are sometimes forced to buy water as their Kenyan neighbours resort to a

“residents first” slogan which means that Kenyans have the right to get the water before the refugee women regardless of who arrives first at the water tap. Sandra pointed out that if she tries to argue that she has the right to get the water first on a first-come-first-served basis, she is told, “You did not come with a water tap from your country.” This shows the hierarchical nature of rights in which the refugee status is below the status of being a citizen. Belonging is central to access to resources provided by local authorities; locals view refugees as not belonging to Kenya but as foreigners who forfeit their rights by the very act of crossing the border in search of asylum. In view of how the refugee status is deployed where there is competition for access to limited resources, the refugee status cannot be dismissed as a mere “policy category” in Blakewell’s (2008) terms as it is also experiential.

Having been forced out of their own countries, refugee women find themselves in a disadvantaged position from which they cannot challenge discrimination by locals. Hospitality is granted to refugees if they refrain from contesting discrimination regardless of the women’s keen awareness of their rights being trampled on by locals with impunity. This conceptualisation of the refugee status is not lost on refugee women as shown by Maria, a Sudanese woman who asked, “If our own countries cannot protect us, what can we expect here? What can we do? This is not our country.” Integration is characterised by access to services without facing discrimination, feelings of belonging and respect regardless of the women’s refugee status (Ager and Strang 2004). The women’s experiences and resignation to their position portrays how their outsider status works against them in refugee-local encounters.

Where refugees in poor neighbourhoods receive NGO assistance, they encounter resentment. In such cases, locals view refugees as privileged and this leads to tension between locals and refugees (Harrell-Bond 1986). Lack of understanding as to why NGOs assist refugees and exclude equally poor if not poorer Kenyans is one of the causes of antipathy. Even in developed countries such as the USA, assisting refugees in the face of catastrophes such as the floods of 1997 in Fargo, North Dakota and Moorhead, Minnesota was met with angry debates resulting in suspension of refugee resettlement during the flood relief effort (Shandy 2007). In Nairobi, perception of the refugee status as providing access to resources feeds into the supposition that refugees have money because NGOs assist them besides the belief that foreigners are economically well-off. Thus, for refugees to live in harmony with house owners and local neighbours, they have to pay their monthly rentals on time and at the same

time present the image of struggling foreigners. It is the stereotypical image of refugees as poor, wretched and perhaps illiterate that can save refugees in such instances.

4.5.1. Language and Cultural Barriers

The nature of social and cultural challenges of adapting to life in Kenya largely depends on the length of time individual refugee women have spent in Kenya. Those who have been in Kenya for less than one year cite the language barrier as one of the main problems they have to overcome in order to relate with and have contact with Kenyans. Kenya has two official languages namely Kiswahili and English. This is particularly an issue for the women most of whom incidentally come from countries where both languages are not official, not common or not spoken. Except for Ugandans whose country's official languages are English and Kiswahili, refugees from the Great Lakes region countries of Burundi, the DRC and Rwanda all share French as the official language and speak indigenous languages such as Kirundi, Lingala and Kinyarwanda respectively. Similarly, Sudanese refugees speak Arabic and ethnic Sudanese languages and, with a few exceptions among the younger generations, most of the refugee women cannot speak English while older Ethiopian women are not fluent in English and communicate better in Amharic. The language barrier is to a large extent a gendered problem in that more refugee men than women already spoke English when they arrived in Kenya. This is attributable to preference for the education of men over that of women in many African societies (see also Holtzman 2008).

The language barrier constrains refugee women's access to the assistance they need unless they have a translator. Language also influences locals' attitudes towards the refugees; refugees that are fluent in Kiswahili are viewed as more appreciative of the Kenyan way of life and willing to integrate. Refugees from the Great Lakes region come from countries where local languages share some words with Kiswahili and some of them could speak a bit of Kiswahili even before they came to Kenya. Even so, in a country characterised by a keen awareness of identities, Kenyan respondents pointed out that even if refugees speak Kiswahili, they can identify foreigners from Kenyans because the former speak the language with foreign accents. For Somalis, the segregation of their community makes it even more difficult to speak Kiswahili and by extension English; learning a foreign language becomes less challenging where there is social interaction with those who speak the language. The cultural misunderstandings between locals and Somali refugee women who generally have unfavourable views about living with locals are exacerbated by the language barrier.

Refugee women charge that if one cannot speak Kiswahili and reports a case, Kenyan police treat them with indifference. This partly explains Verdirame's (1999) observation that refugee matters seldom reach Kenyan courts. Integration on the other hand means the absence of discrimination and enjoyment of equal rights and opportunities by refugees (Grabska 2006; Newland *et al* 2007). Even where refugee women engage in formal employment, inability to speak Kiswahili and/or English results in Congolese women working as tailors for clothing shops earning lesser than their Kenyan counterparts. Refugee women earn Ksh5,400 (US\$75) where Kenyans employed by the same shops earn salaries of between Ksh14,400 (US\$200) and Ksh21,600 (US\$300). Even in their own community in Eastleigh, Somali refugee women also suffer the consequences of inability to fluently speak Kiswahili and English in that Somali shop owners employ those who speak Kiswahili and/or English in view of the fact that the majority of the customers are Kenyans or non-Somalis. Thus, many Somali refugee women are excluded even by members of their own community on the basis of the language barrier apart from contentious clan politics around which social, economic and political capital is created and accessed.

For Horn of Africa refugee women in particular, their distinct language and cultural differences reduce chances of social and cultural integration which involves a sense of shared values between locals and refugees at the same time that the two communities maintain their respective cultural values (Ager and Strang 2004). Inability to come to terms with different values and practices potentially leads to inhibition and withdrawal from contact with locals while shared values, traditions, religion, political views and food habits accelerate integration (Kunz 1981). Shaki, a Somali refugee woman, described Kenyans as "westernised" — an adjective she used to refer to rampant abuse of drugs among the youths. Most of the Somali refugee women express anxiety at the idea of their children interacting with local youths and observe that even Somali youths in Kenya are also "spoilt" because they too are involved in drug abuse. Similar worries were also expressed by Tania in a paper which she presented at the Human Rights Day Commemoration. In this kind of refugee discourse, preoccupation with moral, social and cultural pollution or disorder becomes prominent once again. In this respect, fears of cultural and moral pollution are mutual between locals and refugee communities.

Where children attend school and interact with their local counterparts, they facilitate their parents' social integration. Several refugee women pointed out that they had learnt Kiswahili

with the assistance of their children who learnt the language faster because they played and attended school with Kenyan children; some refugee children even speak ethnic languages depending on the ethnicity of their local friends. It is the Somali refugee women who express disapproval of “immoral unions” in Kenya such as homosexuality and prostitution; they claim that such practices do not exist in their culture and also in Islam.¹¹⁵ Somali women also cite as one of their social problems in Kenya the criminalisation of female circumcision which they allege results in them being imprisoned.¹¹⁶ The women get around this by taking Somali girls for circumcision in Garissa and Isiolo in the North-eastern Province which is dominated by Kenyans of Somali ethnicity.

Somali women also view the high crime rate in Kenya as an expression of “Kenyan culture of violence” rather than a manifestation of socio-economic challenges such as poverty. While Kenyans view Somali refugees as hostile and violent, Somali women’s narratives portray this fear and suspicion as mutual. Zeinab stated that she prefers to live in Eastleigh and explained her reasons thus, “I see them [Kenyans] on television killing each other, what is going to happen to me who is not from here? I do not know how I can live with Kenyans. No.” She also explained that she prefers to live in Eastleigh with other Somalis because she does not feel lonely there and that she does not want to live with Kenyans because she does not know their languages and culture and as a result would “not be happy” living among them. Three main issues run through Somali refugee women’s narratives; these are language problems, cultural barriers and alienation as well as fear of Kenyans and concern for personal security. These are salient factors in the process of integration (see also Ager and Strang 2004).

Most of the women view clustering along national or ethnic lines as providing protection from local aggression. Residential concentration reduces interaction with people outside the Somali refugee community in Eastleigh (see also Newland *et al* 2007 on Somali refugees resettled in the USA). The majority of Somali women stated that they “have no relations with Kenyans.” Lack of interaction and reluctance to nurture close relations with locals feed into the women’s

¹¹⁵ It is difficult to distinguish between Somali culture and Islam because the two are intertwined in the women’s narratives.

¹¹⁶ The allegation by Somali women that they would be arrested for practising circumcision is intriguing because female circumcision is not criminalised in Kenya. Former Kenyan President Daniel arap Moi’s declaration of his intention to ban the practice backfired as women urgently circumcised girls younger than the usual age in a bid to beat the date when the ban would take effect. Community leaders also resisted the ban on the grounds that circumcision was an age old cultural practice and the government had no relevance to the issue; this forced Moi to relent. The Women’s Organisation in Kenya, Maendeleo ya Wanawake Organisation (MYWO) uses persuasion and collaborates with rural families to end female circumcision (see Reaves 2006): <http://www.hartford-hwp.com/archives/36/194.html> (accessed 07.11.07)

unfavourable perception of local ways of life. *De facto* integration can be said to have taken place where refugees and locals create social relationships so that intermarriages and ceremonies such as weddings and funerals are attended by both refugees and locals (Jacobsen 2001). Somali women's views indicate that this is not the case with some among them revealing that they can speak Kiswahili but only speak the language when it is in their best interest to do so. Knowing when to deploy a particular resource such as the ability to speak Kiswahili constitutes a strong strategy of negotiating relations with locals.

Segregation or seclusion for Somalis aggravates mutual suspicion and fear thus illustrating the symbolic meaning of locals coining names such as "Little Mogadishu" in reference to Somali-dominated Eastleigh. Although Somali women are involved in lucrative businesses in which they sell merchandise imported from Dubai in contrast to women in small tailoring businesses, they encounter more problems with social and cultural integration compared to the other nationalities. In this case, economic integration on the one hand and social and cultural integration on the other hand are independent of each other. Nonetheless, there are few cases in which both refugee women and Kenyans reach out to each other and create positive social relations as shown by the case of Hali who lives among Kenyans and refugees from the Great Lakes region. More on these cases is presented in Chapter Five.

From the women's narratives, several factors emerge as most salient in the process of integration. These are: i) unemployment and the accompanying deterioration of living standards in terms of access to food, housing, education and medical care, ii) feelings of exclusion or discrimination that weaken social connections with locals, iii) limited provision of assistance that is aimed at helping the women become self-sufficient, iv) cultural and gender-based problems such as vulnerability to rape and other forms of SGBV, v) concern for personal security, and vi) language and cultural barriers. In the context of refugee women's diverse economic, social and cultural backgrounds, these challenges lead to varying experiences and levels of integration among the women; this makes it more appropriate to refer to refugee women's experiences rather than *the* refugee woman experience. On the one hand, the situation of refugee women from the Great Lakes region shows that the stronger the language and cultural ties between refugees, the greater the chances of social and cultural integration. On the other hand, the circumstances of Somali refugee women demonstrate that the wider the language and cultural gap between refugees and locals, the more difficult it is for social and cultural integration to take place. Social and cultural integration is about

receptiveness to difference. This is not the case because of locals and refugees' representation of difference as dangerous and a threat to in-group integration and order (see Douglas 1994).

Refugee hosting in Nairobi is characterised by divergent expectations between refugee women and locals. Refugee women expect hospitality where locals expect them to reside in refugee camps. Locals generally argue that refugees should not integrate into Kenya because they have to eventually repatriate to their countries of origin where they belong. This view is not incongruous with the broader refugee regime which bonds or tethers people to specific territorial spaces, treats repatriation as the lasting solution and accordingly provides humanitarian assistance directed towards survival rather than integration. In this respect, refugee women in Nairobi have to wait for repatriation just like their counterparts in refugee camps who are in a situation created with one goal – waiting.

However, integrating the hundreds of thousands of refugees from eight nationalities into Kenya is beyond the country's capacity to sustain considering that Kenya is still a developing country facing challenges to adequately provide for its own citizens. Cognisant of this situation, scholars such as Dryden-Peterson and Hovil (2003) argue that integration could be implemented as a mid-term solution which enables refugees to use their skills without closing the prospect of repatriation. Nevertheless and even in their disadvantaged position, refugee women manoeuvre in order to get the best out of the severely constraining circumstances and find solutions to their situation even without official support. Resourcefulness characterises refugee women's relations with the UNHCR, government authorities and locals in their everyday life as they seek to create homes for themselves away from their home countries. The role of humanitarian organisations and refugee women's own resourcefulness and agency which are vital for survival and integration in Nairobi are presented in depth in Chapter Five.

Chapter Five

Refugee-oriented Organisations and Refugee Women's Initiatives

5.0. Introduction

This chapter focuses on external and internal resources that refugee women rely on in their quest for sustainable livelihoods in Nairobi. External resources refer to the role of NGOs and other agencies in providing livelihood opportunities. On the other hand, internal resources refer to refugee women's own strategies, resourcefulness and initiative to establish livelihoods in exile and overcome the barriers they encounter. Refugee agency is not confined to how the women deal with power and exclusionary discourses as shown in previous chapters but extends to the initiative they take in order to improve their circumstances in ways that challenge the stereotypical images of refugees, particularly women, as helpless, dependent and pathological. The chapter underscores that the absence of an official policy of integration notwithstanding, refugee women strategise in order to get the best possible results out of their lives in Nairobi. In presenting how women negotiate the circumstances of living in Nairobi as refugees, the chapter depicts exile as not solely about constraints and struggling but also about opportunities which refugee women seize and exploit to improve their economic, legal, social and cultural circumstances.

5.1. Non-Governmental Organisations (NGOs) and Integration

Whereas women had relied on their jobs, self-employment and the extended family network prior to flight, in Nairobi most of the women do not have enough resources and capital to engage in IGPs. NGOs, some of which work as partners to the UNHCR, play a significant role in filling in the void left by disruption of established livelihoods and separation from the extended family. NGOs aim to bridge the gap between country of nationality and exile. Assistance from NGOs ranges from the economic to the social and legal. Although many refugee women no longer receive NGO assistance apart from those who are disqualified by lack of protection documents, this does not detract from the role NGOs previously played in these women's lives and continue to play in those of women who are current beneficiaries. Involvement of NGOs in refugee women's lives has been alluded to in previous chapters. This section systematically outlines NGO contribution towards refugee women's integration. There are several NGOs that assist refugees in Nairobi but for purposes of this study, three such NGOs are presented in this section to provide insight into the nature of their work among

refugee women self-settled in Nairobi. The NGOs presented here are i) Jesuit Refugee Service (JRS), ii) Peace-building, Healing and Reconciliation Programme (PHARP), and iii) Refugee Consortium of Kenya (RCK).

5.1.1. Jesuit Refugee Service (JRS)

Jesuit Refugee Service is an international, church-based organisation which was established on 14 November 1980 by Pedro Arrupe, then Superior General of the Society of Jesus (Jesuits), a priestly religious order in the Catholic Church.¹¹⁷ JRS is based on St Ignatius of Loyola, founder of the Jesuits' principles and has a mission to "accompany, serve, and defend the rights of refugees and forcibly displaced people" as well as to "promote the justice of God's Kingdom, in dialogue with cultures and religion."¹¹⁸ JRS's work with refugees can be categorised as follows: i) Parish Outreach Programme (POP), which assists with food, medication, blankets (the latter are provided to refugees recently arrived in Nairobi) and payment of rentals for refugees in especially difficult circumstances, ii) IGPs which provide loans for small businesses, iii) education/scholarship programme which provides financial assistance for tailoring courses, secondary and tertiary education, and iv) counselling, pastoral care and peace education. The POP provides sustenance to refugee women who do not have the means to provide for themselves. Refugee women generally extol the JRS for its POP and IGPs. JRS's POP which provides for immediate needs ensures that refugee women survive the most critical stage of life in exile while its IGPs have the long-term goal of ensuring that the women are able to sustain themselves once they are weaned off the POP.

JRS addresses areas of refugees' lives that are crucial for the process of integration which begins with access to basic needs such as food, health services, accommodation and education. Mercy Muchai, the JRS Officer, explained that the organisation prioritises refugee women because they are the ones who usually flee with dependent children.¹¹⁹ Nonetheless, the organisation also assists male single parents with dependent children and its scholarship programmes support both male and female students who meet the eligibility criteria in the form of protection documents and the requisite educational qualifications. The organisation, however, faces financial constraints in view of the tens of thousands of refugees self-settled in Nairobi. In addition, JRS restricts its programmes to refugees who possess appointment slips

¹¹⁷ Source: "Everybody's Challenge Essential Documents of Jesuit Refugee Service 1980-2000". Compact Disc produced by the JRS, October 2000.

¹¹⁸ Jesuit Refugee Service Eastern Africa Region Strategic Plan 2007-2010.

¹¹⁹ Personal interview with Mercy Muchai, the JRS Officer, Nairobi, 23.02.07.

for the status determination interview with the UNHCR and those with travel and/or protection documents. Refugees in these categories access the organisation's POP for not more than two years. Because of the long time it takes to obtain Protection Letters, many refugees are weaned off the POP before they acquire the Letters which facilitate access to NGO small business loans.

JRS also focuses on an important aspect of life for refugee women namely spiritual well-being which combines with psychotherapy to help refugee women come to terms with experiences of violence and the difficulties of life as a refugee. JRS, through its pastoral care, also provides "healing of the soul". This spiritual assistance is not restricted to Catholic refugees and is accessible to refugees from other faiths and Christian denominations. The role of spiritual well-being in the process of integration cannot be over-emphasised as most of the women attribute their ability to come to terms with life as a refugee to God. Faith in God was noted to be an integral aspect of refugee women's daily struggles as it is in moments of achievement.

5.1.2. Peace-building, Healing and Reconciliation Programme (PHARP)

Peace-building, Healing and Reconciliation Programme is an international Christian organisation that began its work in response to the Rwandan genocide in 1994. The organisation was registered in 2001 and currently serves all refugee nationalities in Kenya. As the name suggests, PHARP's work is on i) peace building, ii) trauma healing, iii) responding to conflict through training, conflict identification and mechanisms of peaceful conflict resolution, iv) attending to HIV/AIDS related issues, and v) counselling.¹²⁰ PHARP also plays an advocacy role for refugees through its networking with other organisations including the UNHCR. Refugees who seek assistance from PHARP include those with security problems and those in need of counselling because of traumatic experiences such as physical violence and rape as well as stress caused by unemployment and the attendant problems of obtaining food and paying for accommodation, educational and health services.

PHARP addresses issues that affect both refugee men and women and initiates IGP's for the refugees. Sébastien Bukuru, a PHARP official, underscored formal employment and education as the main issues for refugees. He highlighted limited resources and the difficulties

¹²⁰ *The Mediator*, the PHARP Newsletter presents the mission of the organisation. It provides news on events, projects and activities relating to conflict resolution and how to achieve the latter through peaceful means with specific reference to the role of the church in peace-building.

of working with refugees from different backgrounds as the main challenges the organisation faces.¹²¹ A pre-condition for integration is peaceful co-existence between refugees and host populations. Harrell-Bond (1986) points out that conflict between the two communities is detrimental to the process of integration and underlines the importance of harmony for integration to take place. PHARP's peace-building work is about peace in the event of repatriation and also peace in Kenya. Peace education is particularly relevant to Burundian and Rwandan refugees as the sporadic ethnic conflicts in these twin countries have often involved ordinary citizens turning against their neighbours whenever the simmering ethnic hatred has exploded into orgies of mass killings as happened in 1972, 1988, 1993 in Burundi and in 1994 in Rwanda (see Malkki 1995a; Mamdani 2002; Umutesi 2004).

Integration requires unity and cooperation among refugees particularly those from the same national, ethnic and religious backgrounds. This can only be achieved where refugees manage to contain country of origin hostilities and work towards unity of purpose and peace. PHARP builds peace by engendering a culture of tolerance and promoting non-violent conflict resolution among refugees and between refugees and local communities. Emphasis on peace-building does not mean the absence of conflict but the ability to settle disputes in a non-violent manner and foster mutual understanding and respect among the refugees as well as between refugees and Kenyans. Once locals realise that refugees do not conform to the stereotypes they have about them, they are willing to co-exist with them and in some instances assist the refugees as illustrated by Kenyan respondents who live in the same neighbourhoods as refugees. Peace education stresses the common interests among refugees as opposed to issues that divide them and this cultivates a spirit of cooperation and oneness among them.

5.1.3. Refugee Consortium of Kenya (RCK)

The Refugee Consortium of Kenya, a local NGO, was established in 1998 and was called a Consortium because it was formed by people from different fields to look into the needs of refugees.¹²² The RCK aims to provide i) legal advocacy for refugees and legal aid, ii) counselling, iii) advocacy for a humane environment, and iv) specialised mental assistance as some of the refugees are desperate and suicidal. Eunice Ndonga, the RCK Programme Officer, noted that it has been basically difficult for refugees to take recourse to the legal instruments that are meant to protect them because there has been no refugee law in Kenya for

¹²¹ Personal interview with Sébastien Bukuru, Nairobi, 25.01.07.

¹²² Personal Interview with Eunice Ndonga, the RCK Programme Officer, Nairobi, 05.02.07.

a long time. Issues that refugees bring to the RCK relate to newly arrived refugees who need advice on how to adapt to life in Nairobi. Refugees also seek legal advice on arbitrary arrests by the police, rejection by the UNHCR and problems with the Immigration Department as well as food, clothes, school fees and medical assistance. RCK has counselling sessions; Ndonga pointed out that among the refugees who come for such sessions are those:

[who] had businesses back in their country and now they have lost all that. They may be having some means of earning a life here but it is different and not as good as what they had back home. Some of them have been here for ten years or more [and] they ask us, “So this is how I am going to spend the rest of my life?”

The RCK attends to issues affecting refugee women and children such as rape, trauma and domestic violence; it reserves Mondays for refugee women and children. The organisation provides counselling and sends rape victims to the hospital. It also provides a platform for refugee women to share their experiences through FGDs. However, in view of the lack of awareness among refugee women, many women do not seek assistance from the organisation. The RCK played a major role in the drafting of the Refugee Bill that culminated in the Refugee Act (2006) discussed in Chapter Three. Ndonga outlined as the main challenge the absence of a long-term solution in view of the GoK’s reluctance to accept local integration. The RCK refers refugee cases that fall outside its mandate to its partner organisations such as the JRS, Hebrew Immigrant Aid Society (HIAS), Refugee Trust, Africa Refugee Programme (ARP) and Kenya Human Rights Commission (KHRC).

Because of the huge numbers of refugees in Nairobi, refugees’ needs surpass NGOs’ capacity to provide. All the same, while staff in these organisations identifies limited resources as a constraint on their work, refugee women criticise NGO staff for allegedly abusing refugees by obtaining money from donors in refugees’ name and withholding the money from the refugees. The women accuse NGOs of indifference to their plight and argue that NGO staff, which usually consists of locals, does not understand refugees and is more interested in enriching itself than in alleviating the plight of refugees. Such charges are spurred by the hierarchical nature of the relationship between refugees and NGO staff which often hinders open communication and feedback from the refugees thus creating room for accusations of prejudice and favouritism. This goes back to the issue of NGO accountability and provision of humanitarian assistance presented in Chapter Four. NGOs evaluate their own projects and are more accountable to their sponsors than the intended beneficiaries — the refugees. As a

result, refugees rely on the grapevine and speculation for information on organisations that assist them.

5.2. Government Agencies

Currently, the GoK does not provide assistance to refugees. However, one foreign government agency, German Technical Development Cooperation is actively involved in providing assistance to refugees in Nairobi.

5.2.1. German Technical Development Cooperation (GTZ)

German Technical Development Cooperation is an international agency run by the German government. It runs various projects which are mostly development-oriented. Of relevance to this study is GTZ's Urban Refugee Assistance Programme (URAP) which assists refugees in Nairobi. The GTZ Programme Officer explained the agency's work with refugees in Nairobi as follows:

Although the government says refugees must live in camps, we are able to assist those in urban areas without problems because the government is aware of refugees' presence in Nairobi. For example, one can see whole communities of refugees from Somalia in Eastleigh.¹²³

GTZ's position pertaining to refugees self-settled in Nairobi as outlined by the Programme Officer is salient in that it contradicts the UNHCR's claim that assisting these refugees is tantamount to "working against the government". GTZ's assistance programmes fall into four specific categories namely: i) medical and community assistance/counselling, ii) education programme for refugee children, iii) legal assistance to refugees who run into problems with the police because they do not have protection documents, and iv) accommodation of refugees especially refugee infants and children abandoned outside UNHCR offices. Unlike NGOs such as the JRS, GTZ assists even those refugees who do not have protection documents. GTZ's gender-specific programme provides medical assistance to sexually abused women or those infected with sexually transmitted diseases. Experiences of sexual violence among refugee women impact greatly on their psychological capability to cope with the demands of life in exile. GTZ helps Somali refugee women in particular to access treatment at a city council clinic in Eastleigh. At the time the GTZ was interviewed for this study (February 2007), it intended to start an income generating project for the women. GTZ specifically

¹²³ Personal Interview with the GTZ Programme Officer, Nairobi, 12.02.07.

targets refugees from the Horn of Africa for all its projects and the rationale for this regional bias, as explained by the GTZ Programme Officer, is:

[Refugees from the Horn of Africa] have a problem of integration. Somali and Ethiopian refugees have language problems so we pay for extra lessons so that the children can learn and we have reports of some of the children having improved a lot. Kiswahili is spoken in the Great Lakes region and this helps refugees from the region to integrate in Kenya. They are Bantus and their languages are Bantu and this helps them to understand Kiswahili and they also share cultural values with Kenyans. Refugees are well-treated by Kenyan communities they live with particularly those from the Great Lakes region because they are not physically recognisable as foreigners. On the other hand, refugees from the Horn of Africa are easily identifiable because of their different physical features.

The Programme Officer also explained the Somali bias by describing Somali refugees as having what she termed “a religious mentality” which she contrasted to Sudanese and Great Lakes refugees who “value education”. GTZ’s education programme aims to convince Somali parents to send their children to school as these parents, according to the Programme Officer, “do not want their children to go to formal schools in Kenya and prefer sending their children to *madradas* which are religious schools where the children learn the Qur’an from cover to cover.” The parents distrust formal education in Kenya and charge that it is Christian and therefore an instrument for proselytising Muslim children. On the success of the GTZ’s education programme, the Programme Officer stated that 80% of the children in school in Eastleigh were Somali and 60% of them were refugee children as of February 2007.

Even so, the Programme Officer described the organisation’s efforts to encourage Somali parents to send their children to school as “difficult” and noted that around 3 000 Somali children in Eastleigh were not in school. She made this remark as part of her description of Somalis as resistant to changing their (religious) mentality and beliefs with Somali women being allowed to attend *madradas* only after which they are married and kept out of professions such as nursing and teaching. GTZ’s work is complementary to that of JRS in that it assists refugee women who are unable to access JRS assistance because they do not have the requisite documents as well as refugees with special needs as is the case for refugees from the Horn of Africa. Although the latter also benefit from JRS programmes, it is the GTZ that specifically focuses on their identity-related problems in Kenya. However, targeting a specific

community for assistance is not viewed positively among refugees as shown by accusations of prejudice and favouritism.

5.3. Shedding off Stereotypes: Quest for Economic Independence

Whereas refugees fleeing from Eastern Europe during the Second World War were bestowed with agency, refugees in Africa have been portrayed as “helpless, starving masses who depend on agents of compassion to keep them alive” (Harrell-Bond 1999: 10). African refugees have been constituted as “needing outsiders to plan for them and to take care of them” (Harrell-Bond 1986: 11). This perception persists and attitudes towards African refugees have not deviated much from the earlier stereotypes. Even organisations that have worked with refugees and not less African refugees for decades continue to base their programmes on these stereotypical views. That these organisations and the UNHCR in particular continue to treat refugees as pathological was demonstrated at the Human Rights Day commemorations when the UNHCR representative admonished refugees thus:

Refugees can never be satisfied. It is not possible to fulfil your needs. If you are sitting there as a refugee expecting the UNHCR to come and make your life secure, safe and happy, that is not possible. Find ways to sustain yourself. You should know that as a refugee you are not helpless, do not become dependent; try as much as you can to help yourself and the other organisations will also try their best to help you.¹²⁴

Although they are in the minority, there are refugee women who still look up to humanitarian assistance in ways that confirm the stereotypical image of refugees as helpless and dependent. Even so, the UNHCR representative’s admonition was remarkable more for its failure to apprehend what most of the refugees need from humanitarian organisations than for its directness. It is based more on assumptions that “add up to a view of the refugee world which is distorted” (Harrell-Bond 1986: 20) than on the realities of refugee women’s lifeworlds. The reprimand is also notable for the contradiction imbedded in it namely; many refugees flee without capital to invest and help themselves such that they need external assistance before they can become self-reliant and not the other way round.

The UNHCR representative’s address exposes assumptions based not on whether refugees need assistance but on failure to grasp the nature of assistance refugees need and the

¹²⁴ UNHCR representative at the Human Rights Day Commemoration held on 8 December 2006 in Nairobi.

concomitant view that refugees expect humanitarian organisations to make their lives “safe and secure”. The UNHCR and aid organisations in general assume that they know what refugees need and their conviction that refugees are objects of charity has led to continued imposition of a condescending, demeaning and patronising identity on refugees (Harrell-Bond 1986; 1999; Hyndman 1996). It is in resistance to this perception that refugee women in Nairobi have taken the initiative to work towards self-reliance and in some cases render humanitarian assistance irrelevant to their everyday needs.

Instead of exhibiting signs of helplessness and dependence, refugee women express anger and frustration with refugee stereotyping which emerged as one of the major challenges that the women have to overcome in their dealings with humanitarian organisations. The reality of refugee women’s lives contradicts the stereotypical perception of them as passive, compliant and vulnerable victims of armed conflict (Sommers 2001). The UNHCR representative’s views were directly contradicted by Nancy, an Eritrean refugee woman trained as a nurse who implored the UNHCR thus, “We want to work and look after ourselves. Why are you not talking to the government [of Kenya] so that we can be allowed to work? Please, we need work permits.” The UNHCR representative assured the refugees that the refugee agency was working to address the issue of work permits and pave way for refugee entry into formal employment. Refugee women point out that the contentious issue is not the absence of relief assistance but i) lack of protection documents, ii) UNHCR’s failure to lobby the GoK so that refugees can formally work in Kenya, and iii) the limited availability of small business loans and sponsorship for secondary and tertiary education. These three issues have a bearing on refugee women’s ability to become self-reliant and independently meet those needs that are provided for by humanitarian organisations namely, food, medical care, education and, in some cases, payment of housing rentals.

In contrast to stereotypes that portray refugees as dependent, refugee women in Nairobi point out that they do not expect the GoK to provide material assistance when they live among Kenyans who are equally poor and needy. The women indicate that what they need from the GoK is an enabling environment and loans or start-up capital from the UNHCR and other humanitarian organisations to set themselves up in business rather than charity. Mose, despite her near destitute circumstances, asked, “How can the government help us when Kenyans are also poor and suffering?” Mose’s view was echoed by many other refugee women who unambiguously stated that they found charity demeaning and preferred to be self-reliant —

one of the major reasons they left refugee camps and self-settled in Nairobi. A similar attitude has also been noted among Middle Eastern refugees in Finland (see Valtonen 1998). The women's needs and expectations of humanitarian organisations can be summed up here using the cliché “assisting refugees to assist themselves” (Horst 2006b: 6). While refugee women express anger with humanitarian organisations particularly the UNHCR for not providing adequate assistance and for its perceived indifference and negligence of its duties, they express gratitude to the GoK for hosting them their complaints about police harassment notwithstanding. Harrell-Bond (1986) makes a similar observation on Ugandan refugees in Sudan and their gratitude to the latter for hosting them even though the Sudanese government did not provide them with material assistance.

Surviving in Nairobi entails innovativeness, resilience and the ability to strategise and obtain the best out of even severely constraining circumstances (Long 2001). Faced with exclusion from formal employment, refugee women secure alternative livelihood options in Nairobi through their own ingenuity. It has already been observed in earlier chapters that some of the refugee women were professionals in their countries of origin which means that they possess skills and qualifications that would enable them to become self-sufficient if they could obtain opportunities to put them to productive use. Professional refugee women use their skills to run small retail shops and tailoring businesses with the assistance of NGOs that provide loans for these small businesses. In addition to individual tailoring businesses, refugee women, particularly those from the Great Lakes region, work as tailors in refugee women programmes run by the Nairobi Archdiocese Refugee Assistance Programme (NARAP).¹²⁵ These women do not earn salaries but are paid on commission and receive a percentage of the profits accruing from their finished products. On average, an individual woman earns Ksh7,200 (US\$100) per month.

The women also engage in casual work such as doing laundry in Kenyan households and earn between Ksh100 and Ksh150 (between US\$1,39 and US\$2) per laundry basket. Making of traditional artefacts such as sisal baskets is a vital income generating activity for Rwandan women who target the lucrative tourist market in Nairobi. Excluded from formal employment, school teachers from the Francophone countries (Burundi, the DRC and Rwanda) are informally employed as French teachers who organise with parents at certain schools in Nairobi so that the parents directly pay for these teachers' services. Refugee women who

¹²⁵ NARAP offers scholarships for vocational training and higher education. It is located in Hurlingham, Nairobi. My request for an interview was turned down on the grounds that the organisation “does not talk to researchers”.

successfully create economic space for themselves in Nairobi maximise their chances for social and cultural integration as their economic ventures open up avenues for interaction with Kenyans who constitute the market for refugee artefacts besides foreign tourists.

Resourcefulness among refugee women who are teachers by profession entails adaptability or the ability to utilise “peripheral” components of their college training to earn incomes instead of waiting for opportunities to work as teachers where these are severely limited. In the few cases in which refugee women have successfully integrated, this success is mainly attributable to versatility and creativity. Notable examples of women who have successfully integrated into Nairobi include Susan, Grace and Tania from Rwanda and Agfa from Uganda. Agfa, a school teacher by profession, illustrated this versatility and creativity as follows, “I also thought [before flight] it [tailoring] was for those people who are stupid or not knowledgeable enough. I didn’t like it when I was in school but now it is the one [occupation] that is making me survive.” Tania, also a school teacher, explained women’s ability to find alternative means of livelihoods by contrasting women and men:

Women love their children. You know that pain that we go through [during childbirth] gives us many lessons and it is a gift from God. [...] In life everything is possible. I learnt to do something else. Courses like home sciences which I was taking one hour per week [during her teacher training course] are now helping me. Don’t neglect anything when you are learning because you never know; that little course will help you. It is good to be flexible.

Flexibility entails the ability to strategise and earn the highest possible income from the small businesses. It enables refugees to see opportunities in constrained situations and adapt to change (Kramer and Bala 2004). It has to be noted that the informal sector is not a refugee monopoly; Kenyans are also into tailoring businesses among other informal sector activities. The sector is therefore characterised by competition for customers which results in the most innovative and creative being able to run thriving businesses and accrue profits. Agfa explained that she deals with the competition by developing new designs that attract customers from the other tailors. She cited the example of a Noah’s Ark which she designed and introduced onto the market. She was assisted by an American woman to sell the Ark in the USA and she had to share the pattern for the Ark with other tailors in 1997 because she could not meet the demand. Agfa also employs two women, a Ugandan and a Kenyan, in her tailoring shop. As a woman who has successfully integrated into Nairobi, Agfa has created

employment even for a Kenyan woman and has plans to employ more people should her tailoring business continue to flourish. This challenges the position by both host governments and some humanitarian organisations that “refugees constitute a problem; a burden, rather than an economic opportunity” (Harrell-Bond 1986: 10-11; see also Campbell 2005).

Women’s capacity to strategise goes beyond food provision within refugee households to include devising means and ways to cope with payment of rentals. The clustering of refugees in specific suburbs of Nairobi is not limited to the tendency for immigrants to settle among people from their respective countries and the quest for security in numbers. Clustering is strategic in that it also incorporates pooling of money for rentals. Somali and Sudanese refugee women in particular live in shared accommodation and this enables them to pay for accommodation where, as individuals, they would have to struggle to pay the often exorbitant rentals in relatively secure neighbourhoods. Grabksa (2006) highlights a similar economic strategy among Sudanese refugees in Cairo, Egypt (see also Holtzman 2008 on young, unmarried Nuer refugee men in the USA). Thus, social relationships within refugee communities provide a significant source of refugee support (Valtonen 1998).

While Kenyan tenants resent Somali refugees in particular for “displacing” them from Eastleigh where Kenyan property owners believe that Somalis are able to pay exorbitant amounts because they have money, Somali women’s ability to pay rentals without problems can be partly explained by their communal way of life which facilitates resource-pooling. Most of the Somali refugee women who participated in the FGD could not afford to travel to the Middle East and engage in the lucrative business of importing merchandise for retail in Nairobi. Their ability to pay rentals is attributable to sharing of costs wherever possible. Resource-pooling also characterises even those Somali women who import merchandise from the Middle East. The women pool money for air fare to the Middle East and rotationally send one among them to buy merchandise for all the other women in the group. Although clustering and the accompanying resource-pooling brings economic stability into Somali refugee women’s lives, it accounts for Somali and, to some extent, Ethiopian and Sudanese refugees’ low levels of social and cultural integration as illustrated by Somali women’s unfavourable attitude towards what they term “Kenyan culture” (see also Grabska 2006). In view of this, strategies meant to achieve economic integration are sometimes detrimental to social and cultural integration. This could be averted by resource-pooling that incorporates

members of Kenyan communities which can be facilitated by development of inter-community trust and mutual understanding.

Strategies for economic well-being in refugee households incorporate refugee camps. Refugee women's residence in Nairobi does not mean severance of ties with the refugee camps as the camps play a role in refugee women's scheme of things in Nairobi. Camps are significant sites in refugee women's split-family survival strategies. Since the UNHCR insists that refugees in need of humanitarian assistance reside in refugee camps, the women get around this hurdle by having some members of their households stay in the camps. This ensures that they have somewhere to fall back on should their entrepreneurship in Nairobi fail to yield incomes (see also Sommers 2001). The women are able to stay in Nairobi without forfeiting humanitarian assistance by registering themselves and all the members of their households as resident in the camp so that the family member(s) in the camp receive(s) rations for those who live in Nairobi. For example, Hali's siblings resident in the camp receive her food rations.

In some cases, the women live in Nairobi with all the members of their households and travel to the camps for head counts and food distribution. In such cases, they rely on personal relationships and communication with refugees in the camps. Zanie is a case in point; she lives with her two children in Nairobi but travels to the camps for food rations. Movement of food is not unidirectional, that is, from the camps to Nairobi. In the same way that the women shuttle between Nairobi and the camps, so do food and money depending on who gets what first between family members in Nairobi and those in the camps. Women also use the strategy of dispersal across Kenya and flexible attitudes towards mobility as opposed to rooting in order to maximise opportunities for accessing incomes, food and humanitarian assistance (see also Harrell-Bond 1986; Shandy 2007). For example, a single refugee household can have some of its members residing in Nairobi and the other major cities of Mombasa, Eldoret and Nakuru besides the refugee camps.

The majority of the women's earnings are low. For instance, many refugee women who run tailoring businesses earn a monthly average of Ksh6,000 (US\$83). The women supplement their monthly incomes by forming mutually beneficial rotating clubs in which they pay a specific amount of money to one individual each month in a rotational order. This was observed among young refugee women and their Rwandan refugee teacher in a tailoring class in Hurlingham, Nairobi. Each woman contributes Ksh1,000 (about US\$14) per month

meaning that in a group of six women, every individual receives Ksh6,000 (US\$83) after every five months; this lump sum enables the women to attend to their major plans for the month that they have the turn to receive the money. Refugee women's ability to provide for themselves and their families in Nairobi despite the absence of aid or after NGOs have weaned them from assistance points to the women's agency. Instead of being helpless victims, refugee women are people with certain resources and survival strategies who happen to be in a difficult situation (Kuhlman 1994).

5.4. Refugee Community-based Organisations (RCOs) and Integration

In the absence of structural and institutional integration policies, there is need to examine the role of internal resources of the refugee communities themselves (Valtonen 1998). Refugees have specific social and cultural needs which are not met by NGOs that usually cater for culturally diverse refugee populations. In order to fill the void beyond NGOs' reach, refugees resort to their own resourcefulness and organise themselves into community groups meant to meet their collective needs as members of specific nationalities, regions or ethnicities (see also Griffiths *et al* 2005; Newland *et al* 2007). Living in exile does not translate into loss of cultural identity; refugees desire to maintain their vernacular and cultures. RCOs provide a platform for refugees to perpetuate their cultures and pass them on to the next generation.

The notion of community implies both warmth and interconnectedness among members of the group (Kelly 2003). It entails social cohesion which involves building of shared values, creation and cementing of social relations through interaction and social solidarity (Griffiths *et al* 2005). In this section, the term community is broadly used to refer to national or regional organisations that bring together refugees for specific purposes as well as those that consist of refugees and local populations. RCOs provide a platform for investment, accumulation and utilisation of social capital. Bourdieu (1986: 241) defines social capital as "the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalised relationships of mutual acquaintance and recognition." As such, social capital entails activities that are premised on co-operation and mutual trust and support or reciprocity. RCOs have the aim, among others, to construct group consensus and an identity that conveys a specific, desired message which counters the negative stereotypes that generally characterise locals' attitudes towards refugees (Valtonen 1998). In the process, communities similar to those that exist in the country of origin are reconstructed thus enabling

refugees to build a home away from home. RCOs also enable refugees to pool resources for events such as weddings and funerals.

Whereas NGOs do not necessarily comprise members of the community or populations they serve, RCOs are formed by individuals who view themselves as belonging together because of a shared identity such as ethnicity, nationality, religion, language or region of origin and shared needs. While NGOs are often formally conferred with charity status, RCOs are voluntary associations without formal legal status and organisational structures and a professional core staff (Zetter and Pearl 2000). Thus, individuals who are members of specific communities join RCOs for purposes of self-help. Although they are initially brought together into a contingent community by perceived similarity of interests rather than common interests, members of the contingent community over time develop feelings of interdependence and interconnectedness leading to formation of a strong community (Kelly 2003). The challenges refugee women encounter in Nairobi create an atmosphere which restricts their ability to realise their full potential. Nevertheless, this does not deter them from coming together and embarking on social, cultural and economic ventures whose objective is the improvement and transformation of the women's lives and their families.

RCOs provide contexts in which refugee women receive additional assistance through mutual dependence and sometimes from donors who empathise with the refugees and their cause as manifested by the formation of these organisations. They are substitute structures of social and economic support in the absence of the extended family caused by flight and the subsequent rupture of family and friendship ties as people flee to different destinations while others perish in the conflicts. Relationships among RCO members are as symbiotic as those that characterise the extended family structure that they replace. This mutual dependence distinguishes RCOs from NGOs that are often characterised by NGO staff dominance and refugee subordination.

By virtue of members' capacity to alternately provide and receive assistance without necessarily feeling helpless, RCOs play a significant role in maintaining refugee women's self-esteem. They provide refugee women with a sense of purpose which counters feelings of redundancy and idleness caused by exclusion from formal employment and limited resources to fully participate in the informal sector. Although RCOs, particularly those formed along national, ethnic and religious lines often segregate refugees from non-

members or locals, they enable refugees to organise and promote their interests (Grabska 2006; Newland *et al* 2007). RCOs provide a platform for refugees to present a united front in the event of real or imagined threat from the local population and host government.

Moreover, integration is a gradual process and RCOs provide a structure on which refugee women can fall back up to a time when they become self-reliant and economically integrated in Nairobi. This is in addition to the social and cultural support these organisations provide for members. Unlike NGOs that operate in line with specific mandates or mission statements which require them to maintain a professional distance from refugees, RCOs are personal for refugees and have evolving and flexible functions as they respond to emerging needs even where these are not connected to their founding principles. Their activities are mainly an outcome of feedback from members and therefore responsive to unanticipated problems in refugee communities. RCOs also facilitate integration in that they create an environment conducive for development of social capital as opposed to the impersonal relationship refugees usually have with the UNHCR and NGOs. Harrell-Bond (1986) aptly observes that refugee-organised groups play a significant role to the extent of being more efficient than international NGOs.

Nonetheless, as Griffiths *et al* (2005) contend, limited resources confine RCOs to a stop-gap measure of filling in the void in basic services instead of the active development of individuals and community resources in the form of running educational, training and employment programmes. Because they are cash-strapped, RCOs sometimes rely on contributions from members who are also poor. This handicap was highlighted by Hali who pointed out that contributions to RCOs can be stressful if one does not have the money as failure to pay makes it difficult for the individual to turn to the RCO in time of need and distress. In this respect, RCOs as contexts in which social capital is accumulated and utilised also have negative consequences as Portes (1998) argues. The claims they have on members apply pressure on them and restrict their individual freedom as members need to invest in them for future profit and credit.

Three RCOs are presented in this section to illustrate the role of these organisations in facilitating refugee women's integration in Nairobi. What is striking about these RCOs is that they run programmes that concurrently facilitate integration in Nairobi and prepare refugees for eventual repatriation to their countries of nationality. Although country of origin politics

are part and parcel of RCOs, this study does not chronicle refugee women's involvement in politics as it has to balance its quest to understand the refugees with protecting them. Political activism is considered incompatible with the refugee status and refugees risk *refoulement* for defying this condition for asylum. Suffice it to say although many refugees' rhetoric carries political undertones, the mundane activities observed in the RCOs cannot be categorised as seditious.

5.4.1 Sudanese Women Action Networks (SWAN)

The Sudanese Women Action Networks started as Sudanese Women Association in Nairobi before it broadened its focus to embrace all Sudanese women in the diaspora in Africa and beyond. SWAN was formed in 1992 by Sudanese women who were compelled to come together by the realisation that, despite their ethnic and religious differences, the war in Sudan has affected them all.¹²⁶ Zanie, a SWAN Committee Member, noted that regardless of these differences, the war was affecting the women in very personal ways. Women were losing fathers, husbands, brothers and sons to the war and bearing the brunt of the war themselves through rape, death, destruction of homes and displacement. SWAN was grounded on the conviction that Sudanese women have a role to play in engendering and promoting peace and security in southern Sudan as well as in the (re)construction¹²⁷ of their war-ravaged country. With the aid of donors, SWAN is housed in a middle density neighbourhood in Nairobi. At the height of the war in Sudan, SWAN members met to chart ways to end the war. SWAN's objectives also include economic, social and political empowerment of women through education and skills training, raising awareness on women and children's rights and reduction of the gender gap in education.

Despite sporadic fighting, relative peace has finally been restored in southern Sudan with the notable exception of the Darfur region in western Sudan. SWAN members currently meet to contribute towards the construction of southern Sudan. Many women interviewed at the SWAN Centre are actively involved in the political process as well as in infrastructural and economic development of southern Sudan through membership in the various committees that have been formed for these purposes. Conversely, SWAN activities are not solely directed to southern Sudan as the organisation also runs programmes to facilitate Sudanese women's

¹²⁶ Personal interview with Zanie, a SWAN committee member, Nairobi, 29.09.06.

¹²⁷ Sudanese refugees prefer to describe what is taking place in post-war southern Sudan as construction rather than reconstruction. The women argue that southern Sudan has always been neglected by the government in Khartoum and the post-war construction of roads, clinics, schools among other social amenities is taking place in areas that never had them before the war.

integration in Nairobi and Kenya in general. SWAN operates an adult literacy programme under which the women learn English, Maths and General Science. As Newland *et al* (2007) point out, imparting knowledge to refugees particularly women advances leadership skills and empowerment which are crucial for integration. The SWAN adult literacy programme serves the dual purpose of facilitating economic, social and cultural integration in Nairobi as well as preparing the women for active participation in the construction of southern Sudan after repatriation. At the time of fieldwork, there were two literacy classes for women at the elementary and intermediate levels; the elementary class had a woman in her 70s who could now read and write basic English and work out simple arithmetic.

SWAN also runs self-help economic projects for women. For instance, at one point it ran a project in which Sudanese women made water filters and sold them to people who needed them in Sudan where they were required to combat disease outbreak due to the unavailability of clean drinking water. The project enabled the women involved to earn incomes. The women also attend tailoring courses at the SWAN Centre. After successful completion of the course, the women are provided with fabric for sewing and the finished items are marketed at the SWAN Centre which has a small shop which sells Sudanese cultural dresses and artefacts. This enables women to benefit economically as well as to reduce the marketing challenges and risks associated with individual trading. Such a marketing strategy assists the organisation to attract more financial assistance from donors.

The Centre also trains Sudanese women in micro-finance management which enables them to set up small businesses which are the major source of income for most of the Sudanese women who participated in the FGDs. SWAN has helped women to strengthen their social capital through relations based on trust and mutual support and thus find strength in the midst of adversity. However, Zanie, the SWAN Committee Member pointed out that donor funding has declined because of the relative peace in southern Sudan. In addition, accusations and counter-accusations of ethnic exclusion in leadership positions in southern Sudan reach those who are still in Nairobi and derail SWAN's work. This state of affairs also discourages Sudanese women abroad particularly those in Western countries from providing moral and financial support as they used to before.

5.4.2. Africa Refugee Programme (ARP)

The Africa Refugee Programme is comprised of refugees from Burundi, the DRC and Rwanda who are brought together by virtue of hailing from the same region and by French as the lingua franca. The ethnic nature of conflicts in the country of origin particularly for Burundians and Rwandans is another unifying factor as Hutus from both countries are currently in exile. ARP was formed in 1996 as a brain-child of a Missionary of Africa priest as part of the Association of Member Episcopal Conferences in Eastern Africa (AMECEA) project.¹²⁸ ARP's primary aim is to enable Great Lakes refugees to have the Catholic Mass in French and provide a place for them to meet and cultivate social relationships as well as for refugee children to have informal classes in French.

The ARP focuses on medical care, education and IGPs. It emphasises social integration and has a pastoral section that deals with programmes related to the Catholic social teaching (which encompasses forgiveness, reconciliation, justice and peace-building among others), church services, choir, small Christian groups and visiting the sick. It also has non-violence activities in the form of seminars on conflict management, resolution and transformation meant to enable members of the three nationalities to co-exist in peace. The latter aspect of the organisation, although a daunting task as noted by Jean-Claude, the ARP chairman, is designed with the foresight to facilitate refugee reintegration in their countries of origin in the event of repatriation. The ARP works in collaboration with a network of organisations such as the RCK to which the ARP refers issues relating to refugees' rights.

The organisation also has counselling sessions and meetings to discuss the problems affecting refugees from the Great Lakes region. ARP provides a platform for discussion of topics relating to political situations in countries of origin and this is pertinent for refugees from the Great Lakes region because the ethnic conflicts characteristic of the region are replayed in Nairobi between refugees from hostile ethnic groups. ARP has community solidarity groups which are units that cater for refugees living in the same neighbourhood. These community solidarity groups attend to issues of domestic violence and illness in refugee households among others. According to Jean-Claude, ARP works with 750 families or 3 750 people and

¹²⁸ Personal interview with Jean-Claude, ARP Chairperson, Nairobi, 03.02.07. AMECEA was founded in 1961 by a group of bishops from East and Central Africa with the Most Rev. Adam Kozłowiecki, S.J. being its first chairman. Member countries of AMECEA are Eritrea, Ethiopia, Kenya, Malawi, Sudan, Tanzania, Uganda and Zambia. Somalia and Djibouti are Affiliate Members. <http://www.amecea.org/> (accessed 05.04.08).

assists 350 students in secondary school with payment of tuition fees; it pays half the required amount and the family has to pay the balance which is a problem for many families.

5.4.3. Zindua Afrika

Zindua Afrika, which is Kiswahili for Wake up Africa, was formed in 2001 and works with refugees mainly from the Great Lakes region and a few from Ethiopia and Sudan.¹²⁹ Zindua Afrika sometimes obtains assistance from the United Nations Development Programme (UNDP) and World Vision but its sustenance derives mainly from its own environmental programme which involves refuse collection for which it charges Ksh20 (US\$0.28) for every garbage bag, garbage sorting and recycling in addition to community awareness on environmental issues. Jared Okweya, a Kenyan who is the founder and chairperson of the organisation explained that Zindua Afrika was established to facilitate better relations and peaceful co-existence between refugees and Kenyans. The latter “could not understand” refugees and accused them of bringing their conflicts to Kenya and depriving Kenyans of resources. Locals also resented refugees for obtaining assistance from humanitarian organisations. Zindua Afrika’s main objectives are to sensitise Kenyans to the plight of refugees and facilitate the latter’s adaptation to life in Nairobi. Okweya outlined the aims of the organisation as follows:

We aim to have social integration for refugees. There are differences between communities. We had youths at the Catholic Church rebelling because refugees were getting help from organisations. There was anarchy and we started to get deep into refugees’ lives. There were people who were saying refugees were getting Ksh20 000 [US\$278] from UNHCR and we asked, “If people are getting support, how can they live in slums where accommodation is Ksh200 [US\$3]?” People who attended the workshop realised [understood] the plight of refugees but not those who did not attend. Refugees bring their own cultures and traditional dances, intermarriages and mutual understanding and peace. Isolation is a challenge to the security of the entire world. If you push someone into isolation they can come up with anything. When people notice that they are being stigmatised they can work hard to become powerful as underground cartels and become dangerous. Integration between refugees and Kenyans brings peace.

¹²⁹ Personal interview with Jared Okweya, Chairman of Zindua Afrika, Kayole, Nairobi, 02.02.07.

In engaging both refugees and Kenyans, Zindua Afrika recognises that integration is an interactive process involving the two communities and that integration requires acceptance of diversity.¹³⁰ Zindua Afrika engages in awareness campaigns meant to draw attention to issues affecting refugees through the use of theatre and sensitisation forums in schools, residential neighbourhoods and on church premises. Educational programmes such as these promote communication and understanding between refugees and local populations which are crucial for integration (Newland *et al* 2007). Zindua Afrika's emphasis on refugee participation in identification of their priority needs reinforces their sense of belonging and support for integration projects.

In order to maintain relevance to Kenyans, the organisation is beneficiary blind in that assistance is based upon need and includes both locals and refugees. It has programmes on community health that focus on HIV/AIDS and the environment – issues that affect both refugees and citizens. The organisation has a women's programme which deals with women who are HIV positive; it has empowerment sessions on how to manage living with HIV — the roles of community care givers and diet besides IGPs. Okweya pointed out that IGPs are important for HIV positive women because counselling only works if the women live in good conditions and have access to nutritious food. Following the post-election violence that rocked Kenya in early 2008, Zindua has extended its peace-building programmes to internally displaced Kenyans among whom it seeks to foster peaceful co-existence among different ethnic groups. In April 2009, Zindua Afrika introduced free English lessons for refugees and Okweya explained this as follows, “We reali[s]ed that many refugees cannot acces[s] vital support from UNHCR, RCK, GOVT etc because they do not know English.”¹³¹ Zindua Afrika also advocates refugees' rights and intervenes in cases of illegal detention of refugees. On the issue of rights, Okweya observed:

We want more training on people's rights; people do not know their rights [...]. People are ignorant especially the police. Colonial structures are still affecting human rights; the British put the Indians in charge and told them that every black person had to be arrested because blacks were criminals. It should be that you are innocent until proven guilty but here you are guilty until proven innocent. The police just say, “Let's go, you

¹³⁰ Global Consultations on International Protection, 4th Meeting, 25 April 2002, “Local Integration”. www.unhcr.org/protect/PROTECTION/3ccd64536.pdf (accessed 05.04.08).

¹³¹ E-mail correspondence from Jared Okweya on 07.04.09.

will explain when we get there [at the police station].” If you say you know your rights you can be beaten like hell. Police talk about refugees being rich.

Unlike SWAN and ARP which facilitate integration more into the women’s national or regional communities than into Kenyan communities, Zindua Afrika promotes refugee integration into the local communities by engendering cooperation between refugees and locals. RCOs that do not embrace locals usually perpetuate marginalisation as integration takes place where there is engagement of the host country and its members (Griffiths *et al* 2005). Although SWAN and ARP facilitate economic integration, the absence of locals in their membership and programmes hinders social and cultural integration. Zindua Afrika’s approach to integration is in tandem with the *Agenda for Protection*’s advocacy for refugee integration through self-reliance programmes and strategies that are based on a participatory approach that involves local communities in refugee hosting areas.¹³²

As articulated by Okweya, integration takes place where there is mutual understanding and acceptance of difference between refugees and locals. Establishing this mutual understanding involves stressing those areas where refugee and local interests converge such as poverty, crime, health and environmental issues. Zindua Afrika provides conditions in which refugees become integrated in Nairobi without necessarily becoming assimilated and loath to repatriate which is the cause for concern for the government and many locals as expressed by the Head of the DRA and Kenyan informants. Refugees who are members of Zindua Afrika extol the organisation for its facilitation of their integration through cooperation between refugees and Kenyans.

Overall, cultural and political differences and divisions particularly those relating to country of nationality conflicts that compelled the refugees into exile hamper the activities of RCOs (see also Valtonen 1998; Kelly 2003; Griffiths *et al* 2005; Newland *et al* 2007; Holtzman 2008). The mutual suspicion between Hutu and Tutsi refugees because of country of nationality politics fosters mutual avoidance rather than cooperation.¹³³ In the case of SWAN,

¹³² The *Agenda for Protection* (October 2003, Third Edition) is a UNHCR programme of action formulated to improve protection of refugees and asylum seekers around the world. It provides guidelines to the UNHCR, governments, NGOs and other partners on how to handle refugee issues.

¹³³ One Wednesday at St Faith parish where refugees received JRS food rations, a scuffle broke out between two refugee men, a Congolese and a Rwandan because of an argument over the ethnic conflict in eastern DRC in which the now arrested rebel leader, General Laurent Nkunda, argued that his intention was to protect Tutsi Congolese. The scuffle was between a non-Tutsi Congolese refugee and a Tutsi Rwandan refugee. The post-genocide government in Rwanda is led by a Tutsi president.

the mistrust emanating from the post-conflict ethnic exclusion unfolding in southern Sudan is straining relations among SWAN members of various ethnic groups. Similarly, clan politics among Somali refugees have a bearing on the formation of an RCO in that many Somali refugee women cite the clan as determining inclusion and exclusion (see Hopkins 2006). According to Somali women, access to jobs in the Somali-owned shops in Eastleigh is determined by clan affiliation. Kadija observed that wealthy Somalis ignore those who are poor thus emphasising social class as a criterion for inclusion and exclusion. For instance, one of the Somali participants in the FGD who had arrived in Nairobi a month earlier stated that she worked as a cook for business people yet women who had come to Kenya as early as 1992 were still struggling to find informal jobs. As such, it is those women who have the “right” clan connections who are in a better position to benefit from well to do members of the Somali community.

5.5. Exile as an Empowering Experience

The UNHCR, host governments and NGOs often portray life in the country of nationality as the ideal/normal and exile as an aberration. Yet, exile is not solely about constraints and the anomalous. “Included exclusion” (Simon Turner 2006: 57) or spaces of marginality that refugee women occupy present them with opportunities that may not have been available to them prior to flight. Of importance to this section is refugee women’s agency or capability to identify and exploit opportunities in diverse contexts (Giddens 1985). Exile has contradictory implications for refugee women in that it is simultaneously constraining and enabling. As much as exile means loss of established means of livelihoods and social relationships, it creates possibilities for the women. For Sudanese refugee women, exile opens up opportunities for literacy and education particularly for those who fled largely secluded village communities¹³⁴ in contrast to cosmopolitan Nairobi. Zanie, a Muslim Sudanese woman, stressed her appreciation of individual Kenyans especially women whom she described as “good”. Kenyan women taught her “to be independent”; advice which helped her to continue on her own after being abandoned by her husband. Monica, another Sudanese woman juxtaposed southern Sudan with Nairobi as follows:

Women in Sudan suffer a lot, they walk for five hours to get water which they carry on their heads in the heat, and in Nuba Mountains sometimes the temperatures can go up

¹³⁴ Southern Sudan has mainly been marginalised in terms of development such that many Sudanese in the region depend on migration to the northern part of the country for jobs (see Holtzman 2008). For Sudanese women coming from rural/agrarian backgrounds, Nairobi is in sharp contrast to their pre-flight lifeworlds.

to 54 degrees. Now, five hours fetching the water, you almost spend the whole day fetching water. They also do the household work like pounding maize, millet or sorghum to make food for the children. There is no time to go to school in Sudan even if there is a school to go to because much of the time women have to do domestic work and this is what makes women suffer a lot in Sudan. [...] We missed it [education] at home and there is an opportunity here, we have to come [for classes at the SWAN Centre]. Sometimes we walk [when they do not have money for transport] to get the little that can help us like the education that we are getting. We have seen that people grow up in education but sometimes we find it very difficult. The little [money] that we get, we want to use [it] at home and for transport to come to school. Without this little knowledge we would go nowhere so we are trying our best so that we get this little knowledge to help us.

The cosmopolitan character of Nairobi enables refugee women to meet and interact with women from different socio-cultural backgrounds and familiarise with alternative ways of life. Refugee women's greater economic participation relative to refugee men combines with access to information on women's rights and opportunities for empowerment (Newland *et al* 2007). This enables many refugee women to challenge certain cultural practices in their communities. Women sometimes openly do so without fear of reprisals usually from men in their communities because of the atmosphere of security which the presence of vocal NGOs and women's and human rights groups in Nairobi engenders. Gender is a buzzword in the NGO world such that women who have gender-related problems easily strike a cord with NGOs. As such, occupation of marginal spaces is empowering in that it enables refugee women to create new identities and narratives as women and resist the conduct imposed by their own cultural norms and values as well as those of the host society (see Larsen 2004).

Refugee women are members of both the category "refugees" and the category "women". Within the framework of Sacks' (2000) Membership Inference-rich Representative (MIR) device, membership in a specific category implies certain characteristics and activities that are identified with the particular category. As such, when refugee women fail to obtain assistance as refugees, their membership in the category "women" is what opens up opportunities for them. This is because local women, through inference to their own experiences, are able to understand refugee women who share similar experiences as shown by Zanie's relationship with Kenyan women above. As well, it becomes difficult for women's rights activists and

organisations to advocate local women's rights and turn a blind eye to refugee women's circumstances in so far as these are directly related to gender. Refugee women's shared identity with local women enables them to overcome the social and legal barriers that are created by the refugee/foreigner category. The case of a Somali woman detained as a proxy for her missing husband presented in Chapter Two is illustrative of how refugee women find protection from local human rights organisations. Human rights-oriented NGOs' work with refugee women is complemented by the UNHCR's endeavour, although piecemeal, to promote gender equality among refugees (see also Brown 2006).

Nairobi presents refugee women with the appropriate environment to openly object to and sever themselves from traditional, cultural and religious practices such as polygamy, female circumcision and forced marriage and seek NGO intervention by which the women circumvent age-old traditions and cultural practices that they consider detrimental to their rights, liberties, needs and interests. Merlin, a Rwandan refugee woman, confided that when her husband decided to reunite with his first wife, she asked him to take the first wife for an HIV test before the reunion and when the husband objected, she appealed to JRS whose intervention resulted in both women and the husband going for the test. Hali, a Muslim Somali woman, seldom wears the veil because her residence among refugees from the Great Lakes region who are predominantly Christian enables her to evade Somali elders who enforce strict compliance with the Islamic dress code and social etiquette. Although the veil also symbolises empowerment as when Muslim women insist on wearing it, for Hali, not wearing the veil is a symbol of freedom. Nairobi provides a setting in which she finds protection from religious and cultural practices that she disapproves of. She expressed her anger with female circumcision practised in her community which she referred to as Female Genital Mutilation (FGM).

Hali also pointed out that staying in Nairobi among non-Somali/Muslim refugees protects her from forced marriage which she also criticised for being unfair because divorce is a difficult process in her religion/culture in the event that the marriage turns out to be abusive. Most Somali women, particularly those widowed by the war in Somalia, run their own businesses in Eastleigh where they sell clothes and a wide array of merchandise. Some of these women are employed to sell jewellery by fellow Somalis who are the business owners. This employment undermines cultural and religious beliefs that prohibit women's employment and assign the wage-earning role to men. Nairobi also enables refugee widows to evade cultural

arrangements such as widow inheritance. Hali portrayed the changes that take place for refugee women in the event that they decide to divorce their husbands thus:

This gender balance and support [for women] has given the best to her [woman]. She has to go with the property and the children [custody] and that man or that old [ex-] husband — he has to start from zero which is not easy for him. As a woman, actually some of the things [that the UNHCR and NGOs do], I support [them] because [of] early marriage and forced marriage. We have that in our communities and that is a must, nobody can complain. That's why I support them. This kind of domestic violence, [...] whoever is a polygamous husband, the woman has to divorce him.

The circumstances of life in Nairobi provide refugee women with the opportunity to re-evaluate gender roles and come up with new arrangements in their households. As the women interact with locals and form relationships outside their refugee communities, they find new opportunities which some of them view as emancipating. For some refugee women, Nairobi gives them confidence to live on their own as demonstrated by cases of refugee women deserted by their husbands who express unwillingness to find these husbands and coax them back. Refugee women in general openly express admiration for single Kenyan women who have their own houses but do not have husbands and describe them as “free”. During an informal discussion with Epi, she explained that at one time when she attended a young Kikuyu woman’s wedding, she was surprised that the bride’s father gave her title deeds to a piece of land he bought her as a wedding gift. Epi described such practices as uncommon in Rwanda and stated that they needed to be emulated. The ability to appreciate difference is instrumental in the process of social and cultural integration.

5.6. “Beating the System”: Deception and Manipulation as Survival Strategies

Even though NGOs and RCOs play a role in alleviating poverty and destitution among refugee women, they cannot fulfil all of the women’s needs or address them to the women’s satisfaction. The inadequacy of organisational resources measured against need among refugee women is coupled with suspicion among refugees that humanitarian organisations’ staff benefits at refugees’ expense. This prompts refugee women to devise strategies to “beat the system” through deception and manipulation. Deception is interpreted in this study as a conscious strategy deployed to access services and resources that refugee women deem otherwise inaccessible. It is a strategy by which refugee women exercise their agency or the capacity to intervene through perpetration of certain events or actions in order to influence a

specific process or the state of affairs (Giddens 1985). As a form of resistance and manoeuvre, deception has immediate gains as its objective rather than challenging UNHCR authority. Its success at achieving its targeted objective is premised on its assumption of a largely uncoordinated form that lacks institutional visibility and significance in the eyes of organisational staff.

Parallels can be drawn between the resistance Scott (1985) observes among the peasants in Sedaka, Indonesia and deception among the refugee women; similar to resistance among the peasants, deception among refugee women is not directed towards changing the legal abstractions in humanitarian organisations but towards changing the impact of these abstractions on the realities of every day experiences. Deception aims to deal with what Scott (1985) refers to as the “symptoms” or the manifestations of subordination and exclusion rather than the structures upon which these are based. If anything, refugee women use the legal abstractions or structures to challenge practical translations of the same as when they cite refugee law to challenge their experiences with UNHCR staff. Deception thus becomes a way to redress the contradiction the women perceive between refugee law and how officials tasked with its implementation interpret and implement it.

In their dealings with the “faceless” and impersonal system of humanitarian aid, refugees resort to deception and play a role which conforms to the victim identity in order to obtain more attention and access to resources (Harrell-Bond *et al* 1992; Kibreab 2004). Refugees resort to deception and manipulation in order to “achieve goals in the face of organisational inconsistencies” (Harrell-Bond 1986: 93). In addressing the issue of deception and manipulation among refugee women, the aim of this section is not to suggest that the women lack respect for socially approved behaviour. Rather, refugee women principally view deception as an indirect way of accessing material resources and services or a way of maximising these benefits. Deception is a logical course of action in the informal, personalised structures of humanitarian organisations in which staff members engage in corrupt activities such as demanding bribes and sexual favours in return for assistance. When individual staff members exercise their agency by engaging in corruption without being constrained by the formal, bureaucratic organisational structure, rules and professional ethics, refugee women correspondingly exercise their own agency by engaging in deceptive behaviour without feeling restrained by their cultural and religious values. Deception by refugee women is a direct reaction to entrenchment of the personalised and informal structure.

The informal structure which facilitates bending of rules by staff in humanitarian organisations and refugee women's resort to deception and manipulation in response to this structure are therefore mutually reinforcing.

Deception and manipulation take numerous forms and meanings depending on their target. On the one hand, dealing deceptively with institutions such as NGOs, the UNHCR and the GoK is treated with humour and pride among refugee women as it demonstrates their ability to outwit the "powerful" organisations. On the other hand, deception of fellow refugees and locals is censured and in the latter case viewed as having negative repercussions for entire refugee communities in Nairobi. A typical example is cases where refugees default on payment of rent and abscond; refugees generally reprimand this behaviour as it has repercussions for all of them should home owners decide to avert the problem by rejecting refugee tenants. Deception is therefore perceived as a legitimate survival strategy where it is directed at the GoK and humanitarian organisations, and as reprehensible where it targets individuals with whom refugees share common experiences or residence.

Kibreab (2004: 13) explains that refugees' interaction with humanitarian organisations is not subject to moral constraints because "they consider these organisations rich, powerful, corrupt and unaccountable (to them)." This explains the fact that refugee women resort to cheating in their encounter with humanitarian organisations and simultaneously take God as the point of reference in their lives without seeming to apprehend the contradiction. Even if the women apprehended the contradiction, what is at stake for them is survival rather than the dissonance between faith and behaviour caused by such inconsistency. In the refugee women's lifeworlds, deception or cheating is therefore neither good nor bad; its meaning is subject to varying sets of moralities that shift depending on the context, the goal and the "victim" (see also Harrell-Bond 1986). Deception is mediated by the capability to play need against religious and cultural values and strike a balance between the two in given circumstances; refugee women use need rather than religious and cultural values to rationalise their deceptive actions at the same time that they use the latter to censure humanitarian staff's behaviour.

In the FGDs, refugee women revealed that they hide the truth and cheat because humanitarian organisations force them to do so; they claimed that they do not get assistance when they tell the truth. Thus, the women misrepresent facts and adopt normative discourses they believe appeal to humanitarian organisations. The refugee-humanitarian organisations interface is

characterised by relations of power. Although refugees occupy a subordinate position in this interface, this does not render them helpless. Refugee women strategise to wiggle out of the most unfavourable conditions and circumvent rules and laws they perceive to be to their disadvantage. As the women manoeuvre and strategically position themselves, deception becomes a strategy to stave off competition for scarce resources or, in Bourdieu's (1992) terminology, a strategy to access capital at stake in the field.

In view of this, dependence offers some resources which enable those who find themselves in a subordinate position to influence the activities of those in a powerful position (Foucault 1979; Giddens 1985). Refugee women argue that aid organisations assist "their own type of refugees" and accordingly assume characteristics and narratives associated with this "type" in order to be assisted. The idea of conforming to anticipated narratives was explicitly put across by Cynthia thus, "We tell them [UNHCR and NGOs] what they want to hear!" This lends the interface a performative dimension by which refugee women conceal their experiential realities and assume the anticipated, standardised behaviour or conduct and physical representation. In the accusations and counter-accusations between refugees and humanitarian organisations, one finds power and resistance at play. This is characteristic of hierarchical relations (see Foucault 1979; Giddens 1985; Scott 1985; Long 2001).

The issue is not the existence of a single irrefutable truth with everything diverging from it being a falsehood. Rather, what can be noted here is that refugee women and humanitarian organisations tend to have different truths with either side relating with the other's truth as a falsehood. In this regard, this study does not necessarily aim to identify a single truth but portrays both parties' respective positions which they justify by citing their unfavourable experiences with the other party. Refugee women believe that the truth that matters is that they need protection documents and assistance and not what they say and do to obtain assistance. On the other hand, the CSO confidently referred to the UNHCR's experience with refugees as justification for the treatment of anomalous behaviour as deception. Generally, there is a tendency among administrators to portray refugees as "dishonest, prone to exaggeration, even crafty and untrustworthy" (Malkki 1997: 232). Lack of trust underlies the criteria used to determine what amounts to cheating as portrayed by the CSO:

We also have cases of cheating. Some come and say I have been raped even when it's consensual sex because they want to be paid or to go for resettlement in a third country. For them, going to a third country is like going to heaven yet there are some

who have come back because life there was just difficult for them. We also have those who come with security claims saying, “There are people following me from home who would want to kill me.” But we tell them to follow the right procedures. We ask them, “Have you reported to the police?” Some come with claims of destitution to get money. So if we assist them here it doesn’t end there; they go to all the other organisations with the same problem to get more money. It’s a way of survival. We have children who come to say they have lost their parents but sometimes it is the same parents who come with them and leave them at the UNHCR gate.¹³⁵

Organisations that are exposed to cheating are particularly those that provide material assistance as opposed to, for example, legal advice. Mercy Muchai, the JRS Officer, cited cheating as one of the problems the organisation has to deal with. JRS provides loans to refugees particularly women who apply for them with the intention to engage in small businesses such as tailoring, tuck shops, barber shops and hair salons. JRS staff visits refugees who obtain the loans to monitor progress. On their part, refugees are expected to visit JRS offices and pay back the loans once their businesses start yielding profits. Yet, after obtaining the loans, some refugees relocate to other residential areas and change their mobile phone numbers so that JRS cannot reach them. Muchai is quoted here to portray the dynamics of the JRS-refugee relationship:

What I have realised is that even when you know their [refugees who cheat’s] friends and you ask them, “Where is so and so?” – they don’t tell; they don’t want to create enemies. So we don’t expect them to tell and they actually tell us, “I know where the person is but I am not going to tell you. [...] That person is my friend and I prefer her as a friend and not as my enemy.” There are those... you tell them you are visiting and they will make sure they are not there. So people are really disappearing [and] it’s becoming rather difficult to get [the] money back especially from those ones who don’t make things they can bring here [to the JRS Mikono Shop]. When you tell them that you want to see them they will tell you, “Ok, you come.” But you will go and find the shop closed. You call them and that day they will not be available; you call maybe the following day [and] they say they had an emergency but you know they are hiding themselves. But that is one of the major problems that we are having.

¹³⁵ Personal interview with the CSO, Nairobi, 19.02.07.

Muchai situated this problem in what she described as refugees' attitude that they are entitled to the money they obtain from JRS and therefore should not pay back. Most of the women believe that when NGO staff turns them away and cite lack of funds as the reason, this is a mere pretext to misappropriate funds. This, according to the women, is illustrated by NGO staff that drives expensive cars yet the organisations fail to provide basic assistance and small business loans to the women. This suspicion explains the lack of compunction in the retort quoted by Muchai, "You ask one person, 'Why aren't you paying?' [T]hey say, 'Even so and so is not paying.' So you have no other alternative. It is a challenge following them up." In this kind of refugee women logic, argument and accusations are not a trivial attempt to evade loan repayment but well-calculated forms of resistance (see also Scott 1985).

Refugee default on loan repayments poses a challenge to the sustainability of JRS's IGPs which depend on a revolving fund or the repayment of loans. Nevertheless, refugees lack information and many do not understand the implications of their actions and how NGOs obtain their funding in the first instance. As a result, refugee women who default on loan repayments take this as harmless and, if harmful, this is so only to the "faceless" organisations rather than fellow refugee women whose access to loans is possible if the revolving fund remains viable. Refugees become accountable and refrain from cheating where they have a sense of ownership of the resources concerned and of these resources being fairly dispensed (Kibreab 2004). Many refugee women do not view humanitarian organisations as having the agenda to assist refugees but as institutions where staff is more interested in self-enrichment. Such women argue that staff in organisations begs in the name of refugees only to withhold from the refugees the resources they receive from donors. As refugee women resort to deception, they legitimise such behaviour by deploying a discourse of entitlement by which they argue that deception is a way of accessing what legitimately belongs to them by other means.

Deception also characterises the Kenyan authorities-refugee interface. In a country where refugee employment is restricted, some refugee women have both valid UNHCR Protection Letters and country of nationality passports which they used to cross the international border at the designated points as visitors to Kenya. Depending on their changing needs and circumstances in varying contexts, such refugee women identify themselves either as refugees in which case they produce their UNHCR protection documents as proof or as economic migrants and visitors in which case they produce their country of nationality passports. For

refugee women who have the means, the latter identity enables them to obtain work permits and seek employment as immigrants, something that many refugees cannot afford. In doing so, they circumvent the UNHCR Handbook¹³⁶ which provides that once recognised, a refugee should not retain his/her passport except under special arrangements which are not incompatible with the refugee status. As the refugee women alternately put on and take off the refugee and economic migrant categories, they are able to resist and navigate around the constraints that being pigeonholed in arbitrary, rigid categories entails.

Because refugee women interact with humanitarian organisation officials and Kenyan authorities in contexts where rules are side-stepped, circumvented and manipulated, this creates an enabling environment for refugee women to do the same. It is within a context where rules are treated as peripheral that refugee women are able to feign ignorance and memory relapse where admission of knowledge would expose the inconsistencies in their stories and work against their best interest. Several women related stories of how they had to feign mental illness in order to gain sympathy and timely attention as officials seek to swiftly send away from the UNHCR premises refugees they identify as trouble-makers. Feigning madness also enables refugee women to express views that antagonise staff and evade punishment in the form of denial of documents or assistance. This is sometimes coupled with violent behaviour. Hali narrated how, after several futile trips to the UNHCR offices, she physically attacked one of the officials. Although she was subsequently taken to the police station, she claimed that she was released immediately after explaining her story and obtained a Protection Letter on her next trip to the UNHCR offices.

As refugee women become more familiar with the operations of humanitarian organisations and Kenyan immigration and security officers, they deploy this familiarity as a resource that has the potential to create opportunities in Nairobi. Deception is not confined to actions, it also extends to choice of “appropriate” language or what the refugee women describe as “the language that the people at the UNHCR understand”. This is combined with cultivation and presentation of specific images that are consistent with the stories the refugee women narrate to officials who attend to them. Aligning images with narratives includes dressing in ways the refugee women perceive to be consistent with their stories and changing their names, ages and life histories as the situation demands. Such changes enable refugee women to hide their true

¹³⁶ Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status Determination of Refugees, Re-edited, Geneva, January 1992, UNHCR 1979. <http://www.unhcr.org/publ/PUBL/3d58e1364.pdf> (accessed 05.04.08).

ethnic identity or their country of origin and also to obtain assistance from various organisations under different identities where using the same name and life story could expose their cheating in inter-organisation communication leading to denial of assistance. Even though refugee women find themselves in relations of power, this does not mean that they are “trapped and condemned to defeat” (Foucault 1980: 142). The narratives and actions refugee women adopt in combination with the appropriate images portray how the women engage power or confront it in often benign ways and use their state of being powerless to empower themselves. Such actions are not consciously directed towards neutralising the power organisational staff wields but towards winning the battles of daily survival.

5.7. Religion: Spirituality, Economics and Integration

As Sommers (2001) observes, the role of religion in refugee lives remains fundamentally on the periphery of refugee studies yet religion is closely tied to how refugees fare in the country of asylum. God is a central being in refugee women’s lifeworlds; they refer more to the presence of God in their lives than they do to that of humanitarian organisations. Faith in God is a prominent feature of the narratives of many refugee women. The women generally invoke God to make sense out of their suffering, account for their survival in the face of difficulties as well as to sustain hope for a better future. In an environment where assistance that addresses refugees’ real concerns and needs is in short supply, faith in God becomes the only source of hope and consolation (see also Valtonen 1998; Mayer 2007). Refugee women explain their ability to survive in Nairobi as a manifestation of “God’s grace”. Consequently, narratives on adversities such as how to obtain money to pay for accommodation and tuition fees for children in secondary school and tertiary institutions or rejection by the UNHCR are punctuated by refrains such as “I look up to heaven, God will provide”; “In Kenya you are only with God”; “My protection is not from them [UNHCR officials] but from God; “I pray that God punishes the people at UNHCR.” Spiritualism thus provides refugee women with solace and soothing encouragement to face the future with hope and optimism despite the present anxieties.

Religion, besides providing spiritual nourishment which invigorates the women in the face of hardships, also plays the vital role of uniting them as members of specific national or regional communities and bringing them together with Kenyans as fellow congregants. Harrell-Bond (1986: 137) succinctly observes that religion has “immediate consequences for adaptation of [refugees] and local people to one another.” Churches and mosques provide arenas in which

refugees forge friendships among themselves as well as with locals in that they are contexts in which religious identities assume a primacy that transcends identities that are pertinent to contexts outside prayer (see Sommers 2001). In so far as integration entails societal participation (Valtonen 1998), refugee women's involvement in places of worship is an indicator of social integration. Arenas of worship provide local congregants with the opportunity to view refugees through a lens different from the citizen-refugee, insider-outsider lens which often characterises daily life outside the places of worship. The role of religion as a vehicle for unity which transcends cultural differences between refugees and Kenyans is portrayed in Jane's remark on social and cultural integration in Kenya, "I do not follow Kenyan culture and I am saved and a follower of Jesus and do not have any culture."

In the arenas of worship, both citizens and refugees become insiders in that they are exposed to and believe in a discourse that surpasses ethnic and national identities and gives pre-eminence to the homogenising identity of being Christians or Muslims as the case may be. The "we are all children of God" discourse transcends the other "earthly" identities that shape life outside arenas of worship. Religion in this instance becomes an important source of social capital which is crucial for integration. It is not only about cultivating a relationship with God but also with locals and in the latter case refugees make a social investment which yields profit in the form of assistance and solidarity from fellow, local congregants in times of difficulties such as death as well as in good times. Christian refugee women capitalise on the friendly environment they find in their churches by joining women's groups within the churches and participating in voluntary church activities such as preparation for church services and prayer meetings in their residential communities. This enables locals to relate with the women as individuals in contrast to the stereotypes characteristic of the dominant discourse on refugees.

Places of worship also provide contexts for refugees and locals to engage each other and work through their mutual prejudice. As already explained in this Chapter by Jared Okweya, it is at a Catholic parish that refugee-local tensions exploded into riots by local youths leading to awareness campaigns on the plight of refugees and formation of Zindua Afrika which works to improve relations and facilitate refugee integration. As the women spend more time in exile, relationships forged on church and mosque premises find their way out of these premises into the neighbourhoods where refugees and locals live together. Religion thus acts

as a counter to the exclusion that the category refugee entails and opens an avenue for refugee women to become part and parcel of the communities in which they reside.

The importance of religion in the women's lives goes beyond spiritual and social matters to incorporate the economic. Religion emerged as a resource that can be deployed in order to access assistance from humanitarian organisations. This occurs as part of deception and manipulation presented above. Without denying that there are genuine cases of Somali refugee women who are persecuted by their communities for converting to Christianity or marrying non-Muslims, realisation that individuals who have these problems are sheltered in secure NGO accommodation and given priority for third country resettlement has resulted in some Muslim refugee women using this as a strategy to access material assistance and services.

The CSO, perhaps without realising that some of the cases of religious persecution brought to the UNHCR offices are spurious, indicated that the UNHCR deals with cases of religious persecution and treated this as involving genuine cases. She cited Muslim Sudanese as being victimised by the predominantly Christian communities from southern Sudan on accusations of spying for the predominantly Muslim north. The CSO also made reference to Somali refugees who are ostracised by the Somali community for marrying Christians and converting to Christianity. Hali, a Muslim Somali woman, explained that there are Somali Muslim refugees who attend church services on Sundays and pray in the mosque on Fridays. Here, one can refer to Goffman's (1959) notions of the back and front regions. The encounter with the UNHCR and other humanitarian organisations becomes the front region or stage where some actions are accentuated while others are suppressed. Conversely, the back region or stage is when "the performance is knowingly contradicted as a matter of course [...]. Here, the performer can relax: he can drop his front, forgo speaking his lines, and step out of character" (Goffman 1959: 112). Attending church services is the front region meant to convince NGO and UNHCR staff that one is indeed a Christian while the mosque is the arena in which these refugees unmask themselves and reveal their true religious faith and identities. Adopting the specious identity of vulnerable Christian converts places the women involved in a high priority category that has better access to scarce resources, services and secure accommodation.

Religious identity is manipulated and/or relinquished where it presumably restricts refugee women's access to resources. As Muslim refugee women relate with assistance providers, they portray Islam as anti-Christianity by claiming that Muslims persecute them for converting to Christianity and oppressive when they appeal for protection from arranged and forced marriages. For the performance before the UNHCR and other humanitarian organisations to achieve its objectives, such Muslim women dissociate themselves from Islam only to vehemently defend it once the performance is over as indicated by Somali women who label Kenyans ignorant because of their perceived or real Islamophobia. Accessing humanitarian assistance is therefore about impression management or "putting on and taking off of character" (Goffman 1959: 121). Of relevance to refugee women's strategy to access scarce resources through deployment of religious affiliation is Giddens' (1985: 16) argument that "all forms of dependence offer some resources whereby those who are subordinate can influence the activities of their superiors" – a notion Giddens (1985: 16) refers to as "*the dialectic of control in social systems*" (italics in original).

Material benefits accruing from membership in religious groups are also an outcome of local members' charity (see also Lewis *et al* 1988). The close interaction on church and mosque premises enables local members to understand the plight of refugee members of the congregation and induces them to assist whenever possible. Shandy (2007) observes in her study of Nuer refugees resettled in the USA that the refugees also receive assistance from American church members. In addition and in the same way that refugees use split-family survival strategies to augment sources of income, some refugee women also expand their sources of material assistance through concurrent membership in various Christian denominations. Jackie explained:

Some of the unacceptable things that we have been forced to do by circumstances are changing religion. I had to change my religion [church denomination] to survive. There are churches that assist their members so we go to different churches where we are recognised as members and as a result you multiply your sources of assistance. Some give you food, clothes, school fees for children, etc and that makes life materially speaking better.

In brief, religion is an avenue for spiritual well-being as well as economic, social and cultural integration. As a means to an end, religion is treated with great flexibility; it is appropriated and upheld on the one hand and disowned and sometimes relinquished altogether on the other

hand as refugee women mobilise and deploy it as a resource in their quest for survival in Nairobi. Whether these women openly identify with Christianity or dissociate themselves from Islam, such actions are remarkable in that they are characterised by calculation or a cost-benefit analysis of the end results of such association and dissociation. Refugee women's ability to deploy the religious into the secular field of everyday interaction in their quest for survival demonstrates the extent to which they creatively rely not only on the minimal resources within their reach but also proceed to use their imagination to create or "invent" more resources. This is achieved by engagement in a balancing act between manipulation of religion, a field where themes of morality — the good and the bad — are expounded and instilled into believers and everyday needs which require flexibility and the capacity to either straddle this "moral" binary or evade its restrictions altogether.

5.8. Social Relationships and Integration

Acquisition of social capital is not confined to places of worship as relations are also forged in the neighbourhoods where refugees live. Among local and refugee neighbours, the challenges and adversities of everyday life particularly in poor neighbourhoods surpass the citizen-refugee divide thus bringing both sides together as members of the same social class or people sharing the same material circumstances. This facilitates interdependence and sharing between the two communities both of which are important for the formation of social relationships and integration in the long run (Valtonen 1998). In the interviews with Kenyans, those who live in the same neighbourhoods as refugees underscored the sharing aspect of social life in their communities. For instance, these Kenyans sometimes lend refugees money, groceries from their tuck shops and give them food. Whereas stereotypes criminalise refugees, Kenyans who interact with refugees on an everyday basis view refugees through a different lens as illustrated by Kenyan respondents who stated that refugees "are just like us". This observation indicates that interpersonal relationships do not always reflect the stereotypes that often permeate macro discourses on refugees; locals who interact with refugees understand them better than those who mostly rely on the media and politicians' rhetoric to form an opinion on refugees. Kenyans who live with refugees portray the "otherness" subsumed in refugee ethnic profiling as peripheral.

A notable corollary of close interaction between refugee women and Kenyans is the formation of substitutive kinship relationships. These are family-like relationships based on reliability and responsibility (Tilbury 2007). For example, Susan has such a relationship with a young

Kenyan woman whom she calls her “daughter”. This culminated in her playing an active role at the young woman’s wedding for which she was chosen to make the bridal clothes thus boosting her tailoring business. Social interaction, the formation, expansion and nurturing of social relationships with locals and participation in social life are key elements of integration (Valtonen 1998; Korac 2002; Griffiths *et al* 2005). Susan is one of the few women who enjoy a considerable degree of social integration because of her capacity to cross the citizen-refugee boundary. Creation of family-like relations challenges the construction and representation of refugees as dangerous “Others” and their criminalisation thus facilitating positive relations between refugees and their hosts (Tilbury 2007).

The role of substitutive kinship relationships can be understood within the framework of Sacks’ (2000) Membership Categorisation Devices (MCDs) which are collections of categories of relationships that belong together. Membership in a category is “presumptively a representative of that category for the purpose of use for whatever knowledge is stored by reference to that category” (Sacks 2000: 41). When refugee women cultivate mother-daughter relationships with local women for instance, they are essentially creating a family which is a category that implies “values of trust, acceptance, closeness, and similarity of kind” (Tilbury 2007: 645). Family and home as categories are often heard together meaning that once refugee women create family relations with locals, this implies the possibility of finding a home in Nairobi — a state of affairs which blurs the insider-outsider boundary that characterises macro discourses on refugee-Kenyan relations. Micro or interpersonal relationships enable refugee women to counter ethnic profiling at the macro level of interaction and structural barriers they encounter in Nairobi. That some refugee women are able to cross the refugee-citizen, foreigner-local boundary and establish familial relationships that are both functional and affective illustrates a high level of close interaction between the women and locals which is a significant indicator of social and cultural integration.

The occurrence of social integration is buttressed by the accompaniment of the created family category with activities closely associated with family contexts or what Sacks (2000: 582) refers to as “category-bound activities”. Susan’s performance of a motherly role in the life of the young Kenyan woman as cited above is illustrative. Refugee women’s family-like relations with locals are not confined to special occasions as they can be observed in everyday life in terms of sharing of food and money-lending. Hali, who was orphaned when she was still a child, has a local woman whom she calls “mama” or mother. From Hali’s narrative, the

woman plays a motherly role in her life by providing advice on existential vicissitudes that include relationships with men, marriage and HIV/AIDS. Hali also has a Kenyan friend with a well-paying formal job who often assists by paying her accommodation rentals. Susan and Hali are examples of women who have successfully integrated in Nairobi through formation of social relationships with locals. Refugee women's creation of social relationships and home away from their countries of origin de-naturalises the trinity of people, nation and state as it reverses the tethering of identity, family and home to specific territorial spaces.

Refugee women generally believe that it is their responsibility to reach out to Kenyans and underline good neighbourliness which they identify as facilitating positive rating by Kenyans. This has worked out well for some refugee women particularly those from the Great Lakes region who speak fluent Kiswahili. Interviews with Kenyan citizens indicate that in interpersonal interaction, Kenyans accommodate and, where possible, assist refugees although Kenyan respondents emphasise that they want refugees to eventually repatriate. Tania referred to instances in which Kenyans assisted her by giving her food and at one time providing transport at night when her husband was taken ill. In a comparative study of Italy and the Netherlands, Korac (2002) observes that informal local networks may be more effective in promoting integration than state-run programmes. Thus, the absence of the latter in Kenya is countervailed by the presence of social relationships that facilitate interaction and sometimes sharing of resources between refugees and Kenyans.

The women also exploit their relationships with locals to access services that they cannot easily access as refugees. Sudanese women's circumvention of the problem of Kenyans inflating prices for refugee or foreign customers is enabled by Kenyan friends and neighbours who consent to buy the groceries for them. As an aspect of deception and manipulation presented above, Hali pointed out that sometimes refugee women borrow their citizen friends' national identity cards. In her case, Hali borrows the identity card from her Somali-Kenyan friends and this is one of the occasions when she wears the Muslim head scarf in order to reduce chances of detection. Waving an identity card works where the officer on duty does not bother to scrutinise it and detect the physical difference between the bearer and the picture on the identity card. In some instances, the use of locally acquired driver's licenses helps refugees as these do not indicate one's nationality thus enabling refugees to pass for locals (see also Grabska 2006). Refugee women ironically rely on Kenyans' assistance in order to manipulate the loopholes in Kenya's administrative systems and wiggle out of the difficulties

that characterise the Kenyan authorities-refugee encounter. It can be noted here that the site of opportunities to circumvent rules, legal and social barriers is situated where social relationships with locals intersect with corruption. Refugee women's payment of bribes in order to evade arrest or find their way out of confinement in prison is replayed in instances where they resort to the same strategy in order to obtain passage into restricted spaces.

5.9. Diaspora and Transnational Networks

Refugee women's survival strategies transcend Kenya's borders to incorporate relatives and friends particularly those who have resettled in Western countries. One of the hallmarks of globalisation is how it links metropolitan cities in Western countries with cities and villages in developing countries. Globalisation facilitates the transfer of incomes earned in the affluent parts of the world to those where people grapple with everyday existence. Refugees who have been resettled in a third country where they have found opportunities to earn incomes remit a share of these incomes to their families in the home and regional host countries (see also Shandy 2002, 2007; Grabska 2006; Horst 2006c). This renders the distinction between refugees as helpless victims and voluntary migrants as resourceful questionable as refugees prove to be equally resourceful, competent and very much a part of the contemporary transnational linkages. In this respect, refugees are not different from their non-refugee counterparts and in some cases, they are in a better position to establish themselves in the country of resettlement than non-refugee migrants who do not have access to institutions that assist with integration as refugees do.

Refugees' quest for security beyond the neighbouring countries particularly in developed countries encompasses economic calculation on their part. Thus, it is the able-bodied members of refugee households who are encouraged and financially supported to seek resettlement in the hope that once resettled, the whole family will benefit through remittances (see Shandy 2007; Holtzman 2008). Accumulation of social capital among refugee women involves investment in resettlement of able-bodied and better qualified family members who are then expected to assist or fulfil filial and family obligations to those who remain in Nairobi or even the country of nationality. Remittances are coupled with assisting family members in Nairobi to resettle and this explains the fact that refugee women with diaspora connections are able to overcome the limitations of the refugee status namely exclusion of refugees from formal employment.

Improvements in transport and communication enable migrants to maintain links with co-ethnics in the place of origin and elsewhere, while also building communities in the place of residence (Castles 2003: 20). Refugees therefore straddle both traditional models of migration as permanent or leading to permanent settlement and current models of transnational communities. Resettled African refugees resort to their own resourcefulness to facilitate their families and relatives' integration in countries of asylum in Africa. Despite the tensions that come with transnational ways of life, transnationalism enables resettled refugees to provide for themselves as well as their relatives in African host countries such as Kenya as well as those in the country of origin (Horst 2006c; Al-Sharmani 2007). Payment of housing rentals and tuition fees in Nairobi depends on opportunities in far away cities in North America, Western Europe and Australia as these regions are the source of financial capital for refugee women in Nairobi who have connections in the diaspora. Social capital in this context is not confined to physical or geographical proximity as it transcends Kenya's borders and straddles continents. Participation in the global money transfer systems is not a monopoly of huge conglomerates and wealthy business people as it incorporates refugees resettled in the affluent regions of the world and their poorer counterparts in Africa who are recipients of remittances. Refugees' existence outside "the national order of things" (Malkki 1995b) enables them to occupy transnational spaces and access benefits accruing from these spaces. They maintain ties at the local, national, regional and global levels particularly as recipients of remittances. Forced migration is therefore one of the most important social expressions of global connectedness and processes (Castles 2003: 24).

Remittances from across the globe play a vital role in facilitating refugee self-sufficiency in Nairobi. Among Somali refugees with diaspora connections, Dabshil, the money transfer facility in Eastleigh is an integral part of economic well-being. Using refugee women's criteria for integration which are predicated on the capacity to handle everyday issues such as access to "good" food, decent accommodation, medical services and the ability to send children to school, refugee women with connections to those resettled in Western countries in particular enjoy higher living standards that are essential for successful integration. Differences between those who have diaspora connections and receive remittances and those who do not were observable in terms of living conditions and material possessions during home visits. Refugee women who receive remittances from resettled family members live in stone houses which are more expensive than the corrugated iron sheet rooms found in Nairobi's poor neighbourhoods. For example, Grace and her family comprising of her

husband, seven children and her elderly mother live comfortably in a secure stone house because she receives remittances from her two resettled daughters. In contrast, refugee women with similarly big families and even those with small families but do not have resettled family members to assist them live in single corrugated iron sheet rooms with curtain partitions within. In this regard, remittances or economic capital which is a direct translation of refugee women's transcontinental social capital create social inequalities among the refugee women which result in the circumstances of life in Nairobi varying depending on the women's access to economic capital or lack thereof (see also Horst 2006c).

This chapter portrays the role of refugee-oriented organisations in facilitating integration although shortcomings in how assistance is provided cannot be downplayed. Refugee women also resort to their own resourcefulness and innovativeness in order to extricate themselves from the difficulties and existential uncertainties that confront them in Nairobi and build a home away from home. Resourcefulness among the women encompasses individual skills and acumen, versatility, resilience, the capacity to strategise, manoeuvre and exploit available opportunities or create/invent them, manipulation of religion, creation of social relationships with locals and drawing on broader global connections involving resettled refugees. In the absence of an official UNHCR or GoK integration policy, the majority of refugee women in Nairobi demonstrate the capacity to facilitate their own integration to the extent that some of them live in better economic conditions than their Kenyan neighbours. This does not imply, however, that the women have been able to overcome most of the problems associated with life as refugees and the structural barriers they encounter. The consequences of exclusion from formal employment cannot be underestimated. Many women still struggle to meet basic needs such as food, housing, health care and education.

Chapter Six

Summary and Conclusion

6.0. Overview

The study takes a gender perspective which specifically focuses on refugee women. Chapter One outlines the key themes of the study namely refugee women and local integration. The study accordingly presents the experiences of local integration among refugee women self-settled in Nairobi. It highlights the various factors that influence the process of integration. These factors are presented in the subsequent chapters as aspects of the political, legal, economic, social and cultural dimensions of integration. A theme that runs through all the chapters is that the various dimensions of integration are concurrently dependent on and independent of each other. For instance, legal integration is closely connected to access to small business loans which are essential for refugee women's economic integration. Similarly, social and cultural barriers lead to economic exclusion and vice versa. Considering these links, comprehension of integration is predicated on a holistic approach which acknowledges the interconnectedness of the various dimensions.

Chapter Two focuses on the close connection between integration and refugee identity politics. Gender overlaps with refugee women's national, ethnic and religious identities which play a significant role in determining who gets accepted, tolerated or shunned in Nairobi. The circumstances of Somali and Hutu Rwandan refugee women depict the interplay between integration and refugee identities in which stereotypes are a verbal form of controlling and demarcating physical space and social distance. Physical space is integral to concepts of pollution and danger but for pollution and harm to take place, contact needs not only be physical but also social (see Douglas 1994). Negative stereotypes construct specific refugee identities as posing a threat to Kenya as implied in the equation of Hutu Rwandans with *génocidaires* who have the capacity to pollute or contaminate and Somalis with terrorists who have the capacity to destabilise Kenya. Stereotypes portray difference as polluting and dangerous (Douglas 1994) as when they politicise and criminalise the Somali Muslim and the Hutu Rwandan identities and create social boundaries between these communities and locals. Refugees from these communities accordingly draw negative attention among locals where the other refugee nationalities and ethnicities are identified by the generic term refugees or economic migrants who are at worst illegal immigrants and treated with relative tolerance. Profiling is a form of social technology meant to channel refugees to the camps where

movement of refugees is expected to occur only in the form of repatriation to the country of nationality. However, the chapter shows refugee women's agency in defining themselves and coming up with a counter-narrative which portrays exclusion as a chosen state of existence.

Chapter Three highlights refugee women's legal experiences and the importance of legal protection in the process of integration. The refugee status determination process which is currently conducted by the UNHCR is characterised by power relations and contestation to the extent that the majority of refugee women do not have Protection Letters. Refugee women's experiences are shaped by the encampment regime which argues that "genuine" refugees reside in camps and constructs and labels those self-settled in Nairobi as economic migrants. Apart from this distinction, other forms of social technologies are established in the form of disincentives to self-settlement such as denial of or delaying to process documents for self-settled refugees and direction of humanitarian assistance to the camps both of which are conscious strategies to channel refugees from Nairobi to the camps. The chapter portrays the agency of UNHCR officials by which they reject the formal, constraining bureaucratic structure and create and operate within an informal structure which enables them to engender, nurture and foster a culture of exchange with refugee women. This transforms the refugee women-UNHCR interface from a humanitarian encounter to a market place where services acquire a market value (see also Bohannan and Bohannan 1968). In creating the informal structure in which discharge of professional duties is construed as a favour for which refugee women are expected to reciprocate in cash or in kind, UNHCR staff shows that rules and the law cannot be separated from the broader social milieu within which they are enforced (Sally Falk Moore 2000).

The informal structure and the encampment regime reinforce each other in that refugees' defiance of the encampment regime and self-settlement in Nairobi create the opportunity for staff to treat services they provide to self-settled refugees as a favour rather than a duty. Similarly, police officers operate within their own informal structure in which they treat refugee presence in Nairobi as a crime as illustrated by raids, arbitrary arrests and *refoulement*. In police officers' scheme of things, refugees are not only agents of insecurity; they are also a source of supplementary income. The encampment regime creates space for police officers to demand bribes and extort from refugees in Nairobi who are in defiance of the regime thus creating an interface in which the legal and illegal are entangled, aligned and conflated. The refugee women-UNHCR and refugee women-police officers interfaces

demonstrate that the ideology of jurisdiction is not always reflected in the operative, social reality of organisations in which “more untameable activities and processes are at work” (Sally Falk Moore 2000: 29). However, agency is characteristic of both sides of the institutional divide in both the refugee women-UNHCR and refugee women-police officers interfaces. The chapter shows how refugee women innovate and manoeuvre in order to get the best out of this constraining situation. Refugee women engage UNHCR staff and police officers within the informal structure which also provides them with space to negotiate and capitalise on the malleability of rules within such a structure.

Chapter Four presents the economic, social and cultural circumstances of refugee women. Achievement of economic security is derailed by lack of access to formal employment due to Kenya’s restrictive employment policy which excludes refugees. This exclusion leads to deterioration in living standards in terms of access to food, housing, education and medical care. Economic problems are exacerbated by limited provision of humanitarian assistance aimed at helping the women become self-reliant and self-sufficient. This is an integral part of the quest to provide assistance which enables refugees to survive but which is not adequate enough to facilitate integration under the assumption that the latter would deter repatriation. Many refugee women rely on the informal sector where incomes are unstable leading to a life of uncertainty and daily struggle to meet basic needs. Even after years spent in exile, the majority of refugee women still need humanitarian assistance which is not forthcoming in most cases. Among married refugee women, economic hardships lead to marital problems while the same adversities render unmarried refugee women susceptible to sexual exploitation and the attendant risk of HIV/AIDS infection and unplanned pregnancies as they seek to sustain themselves.

On the social and cultural dimension of integration, refugee women’s experiences are particularly diverse as they are closely connected to the women’s national, ethnic and religious identities. Women from the Great Lakes region have generally been able to cultivate social relationships with locals mainly because of the language and cultural ties although the politics of the 1994 genocide in Rwanda still impact negatively on Hutu Rwandan women. On the other hand, feelings of exclusion or discrimination and limited social connection with locals are particularly prevalent among Somali refugee women for whom cultural and gender-based predicaments such as vulnerability to sexual harassment and targeted rape among others are salient (see also Human Rights Watch 2009). This is not to suggest that women from the

other nationalities are not vulnerable to Sexual and Gender-Based Violence. SGBV and concern for personal security remain important issues among women from Burundi, the DRC, Rwanda, Uganda, Eritrea, Ethiopia and Sudan although incidence of such violence is comparatively lower among these nationalities.

Chapter Five focuses on the critical role humanitarian organisations and the GTZ play in enabling refugee women to adapt to life in Nairobi although they still face challenges in satisfying the women's needs. On the other hand, women do not solely rely on assistance for their survival in Nairobi; most of the women interviewed are not beneficiaries of humanitarian assistance programmes. The existential uncertainties that come with living in Nairobi on limited or no assistance at all besides lack of protection documents for the majority do not deter the women from manoeuvring and deploying individual acumen, resourcefulness and versatility in order to negotiate life in Nairobi. Refugee women's resourcefulness or creativity involves engaging the UNHCR and aid organisations in the informal structure created by staff members in these organisations. Refugee women's resort to deception is a well-calculated response to this structure.

The majority of refugee women defies the odds and endeavours to bridge the gap between pre- and post-flight circumstances by engaging in self-employment and forming mutually beneficial RCOs in which they provide each other with mutual support and assistance. Chapter Five further demonstrates that exile is not solely about constraints as it also opens up opportunities that may not have existed for the women prior to their flight to Kenya. Refugee women who have created a niche for themselves through formal employment and those with diaspora connections demonstrate that the absence of an official integration policy does not necessarily deter integration; it only derails the process.

6.1. The Encampment-Repatriation Regime

The study contextualises refugee women's experiences within the framework of a refugee regime that is premised on encampment and repatriation. In this regime, refugees are perceived as "matter out of place" (Malkki 1995b) and therefore a threat to the trinity of people, nation and the state. This perception portrays difference or "otherness" as disorderly, polluting and harmful and thus deserving segregation (Douglas 1994). Refugee camps are therefore devised to contain refugees until the order created around the trinity can be restored through repatriation. Social technologies or mechanisms of control and managing refugees are

therefore instituted in order to deal with the women's defiance of the encampment regime and curb integration and rooting which are perceived as antithetical to repatriation long taken as the lasting solution by both the UNHCR and the GoK. The study shows how these social technologies play out in the broader framework of channelling refugees to the camps and deterring integration in Nairobi on the one hand and how refugee women wiggle in order to evade the intended impact of creating conditions ideal for waiting. In this respect, refugee women's actions impact on the efficacy of these social technologies in the same way that the latter shape the women's experiences in Nairobi.

6.2. Gender and the Refugee Status

The study is on the whole premised on the view that although both refugee men and women face difficulties, refugee women encounter challenges of a peculiar nature mainly because of the interplay between their gender roles and social status as women in African contexts both of which are buttressed by the constraints of exile. Because of their gender, age and social position, refugee women have special needs which often manifest themselves in the form of physical abuse, gender discrimination, sexual exploitation and rape among other forms of SGBV. However, the study underscores the need to appreciate the diversity that characterises refugee women who play differential roles in refugee households depending on their marital status and family responsibilities. This leads to uniqueness in individual circumstances, experiences and opportunities in Nairobi.

For many married refugee women, exile impacts on gender relations and intra-household dynamics in ways that often strain their marriages as is the case where refugee women are the sole income-earners. This upsets the balance of power within refugee households leading to domestic violence and desertion in some cases. Because of the insecurity that comes with the unmarried status, many refugee women endure domestic violence rather than opt for divorce which comes with cultural censorship and vulnerability to sexual violence. Unmarried, divorced, deserted and widowed refugee women, although they seldom face the problem of domestic violence, equally have gender-related problems namely exposure to sexual harassment, violence and exploitation in which the low status generally accorded to unmarried women in many African contexts intersects with the vulnerability that comes with being a refugee. It is on the basis of this shared vulnerability to SGBV among refugee women that refugees' experiences are gendered. SGBV remains a recurrent phenomenon in refugee women's experiences across time and space.

In focusing on refugee women, the study raises conceptual issues relating to refugees as a socio-legal category. Stein (1981) argues that despite the heterogeneity that characterises refugee populations, there is a refugee experience which produces specific refugee behaviour and refugee problems. He conceptualises refugees as a social psychological type. In contrast, this study demonstrates that refugee experiences are not only gendered but also an outcome of differential political histories as well as legal, economic, social and cultural factors which translate into varying experiences and circumstances even in the same context. On the basis of this heterogeneity, the study refers to refugee women rather than *the* refugee woman who is a specific “type”. It concurs with Malkki’s (1995b: 496) observation that the term refugee is “a broad legal or descriptive rubric that includes within it the world of different socio-economic statuses, personal histories, and psychological or spiritual situations” (see also Malkki 1997). This is the case even where the term relates to gender as a specific category; gender as a category is not characterised by uniformity and universality but by diversity particularly in terms of how women experience and deal with gender. Even though refugee women’s experiences are recurrent across time and space, to homogenise refugee women is to deny them agency which elicits varying responses to the same experience or situation that correspondingly yield varying outcomes (Long 2001).

6.3. The Refugee Phenomenon: Contemporary Realities

On the basis of the findings of this study, the notion of refugees being a transient phenomenon is largely illusory. Many among the refugee women have spent decades in exile while some of them were born in Kenya and have an inherited refugee status thus portraying refugees on the East African geopolitical landscape as a socio-legal category of people in a state of *permanent waiting*. Kenya pursues an encampment regime premised on the assumption that refugees are ephemeral and that the lasting solution is repatriation. In contrast, the movement that is taking place among refugees in Kenya is predominantly relocation to urban centres in the country rather than repatriation. Circumstances in the camps push refugee women out in search of economic opportunities although Nairobi does not necessarily provide the pull factors that are a hallmark of traditional models of migration. Nairobi’s appeal lies in how it captures refugee women’s imagination of the possibilities and opportunities beyond camp warehousing.

The longer it has taken to restore peace, the stronger the momentum among refugee women to find alternative livelihoods outside refugee camps that are more sustainable and compatible with the goal to live in the present rather than spend decades or even a lifetime waiting for

largely elusive peace. Refugee women's urban-bound movement not only illustrates the inappropriateness of refugee camps for refugees in protracted situations. It also has implications for conceptualisation of refugee camps as the "natural habitat" for African refugees and therefore the archetypal field for an anthropological study of refugees as implied by the abundance of literature on encamped refugees. The urban refugee women studied here constitute a shifting and mobile anthropological object located in a cosmopolitan urban centre with transnational linkages instead of a remote, marginalised refugee camp reminiscent of the largely self-contained traditional societies that were the focus of the discipline in its infancy and for the greater part of its history. With their flexible attitude towards mobility and their transnational connections, the refugee women in Nairobi defy the sedentary approach whose preoccupation is with the rooted as opposed to the mobile.

Kenya, like many other host countries in Africa, resists local integration on the assumption that integrated refugees will not repatriate and accordingly confines refugees in refugee camps. However, integration, instead of being a deterrent, is a prerequisite for repatriation. It is refugee women who are economically integrated who are in a better position to reintegrate in the event of repatriation in contrast to their encamped counterparts. Encamped refugees find themselves in a more difficult situation to repatriate because years spent confined in the camps lead to problems of adjusting to life outside the camps in the absence of resources to facilitate reintegration in the country of origin. The absence of a policy of naturalisation which is the culmination of integration means that refugees are not fully integrated and for this reason also, many cherish the hope to repatriate or go for third country resettlement as shown by the majority of the women and the few cases in which successfully integrated women are investing in their countries of nationality in the hope of repatriating when it becomes safe for them to do so. In brief, integration is not necessarily incompatible with repatriation. Instead, it simultaneously enables refugees to lead "normal" lives and prepare for repatriation should this become feasible.

6.4. Towards a Conceptual Understanding of Integration

Theoretical and conceptual issues relating to integration are pertinent for this study. Despite the differences and divergences on points of emphasis emanating from specific empirical data relating to what the process of integration entails, various scholars concur that integration is a legal, economic, social and cultural process which also includes a political dimension where refugees naturalise (see Kibreab 1989; Kuhlman 1991; Crisp 2004; Feller 2003). Integration

is located between the two extremes of segregation and marginalisation on the one hand and assimilation on the other hand. Of these extremes, assimilation is distinguished from integration in more detail because the two concepts are often confused and used interchangeably. Borrowing from Kuhlman's (1991) model of integration, the study highlights the differences between the two concepts and how their confusion has resulted in host countries such as Kenya eschewing integration policies. Whereas assimilation involves the complete dissolution of refugees' social and cultural identities to the extent that they become indistinguishable from locals, integration entails refugees becoming part of the whole (Kenya in this case) at the same time that they can be separated and given a name, identity and visibility as implied in Congolese, Rwandans, Somalis and Sudanese as the case may be. Integration involves refugees' social and cultural identities co-existing with creation of and engagement in social relations with locals.

Even though retention of refugees' social and cultural identities is one of the distinguishing aspects between integration and assimilation, it does not automatically point to the occurrence of integration. The case of Somali refugee women indicates that retention of social and cultural identity can be both a cause for and result of isolation and marginalisation rather than an indicator of integration. Instead of marginalisation leading to refugees losing their cultural identity and failing to attain that of the host country as Kuhlman (1991) argues, Somali women's perception of ostracism which they attribute to ignorance impels them to become even more protective of their cultural and religious difference and create an enclave for themselves thus accentuating social aspects that detach rather than unite them with their host country. On the other hand, the ethnic and cultural diversity in Nairobi leaves refugees with no particular culture to assimilate into thus illustrating Kuhlman's (1991) observation that assimilation is difficult in pluralist societies.

The study borrows from Kunz's (1981) refugee theory and Kuhlman's (1991; 1994) model of integration which highlight the political, legal, economic, social and cultural dimensions of integration. Integration is also influenced by the kinetics of refugee movement or whether the women fled their country as anticipatory or acute refugees (Kunz 1973). Women who fled as anticipatory refugees had the time to prepare for life in exile although such women constitute a minority because flight for most of the women was resorted to as the last option. Most of the women therefore fled acute refugee situations and sometimes had to stay in other countries before their arrival in Kenya in what Kunz (1973) terms two-vector movement. Flight without

much preparation leads to economic difficulties in the process of adaptation to life in exile and eventual integration in the country of asylum.

Under the political dimension of integration, Kenya's perception of and receptiveness to refugees is influenced by refugees' national, ethno-cultural and religious affiliations in relation to local, regional and global identity politics. Local populations' perceptions of refugees' ethnic and cultural identities as well as conflicts in the countries of origin inform how they relate with refugees. Locals who view their country as unlikely to produce refugees tend to see the latter as an economic burden, an environmental threat and a threat to national security and stability as shown by media coverage of Somali refugees as well as the view among Kenyan respondents that refugees should not spend more than five years in Kenya. The political discourses directed towards Somali and Hutu Rwandan refugees demonstrate that humanitarianism and politics are not mutually exclusive. Refugee integration is therefore influenced by political factors by which some refugee nationalities and ethnicities are shunned and denied the tolerance extended, even if reluctantly, to the other refugee communities. However, Kenyans such as Jared Okweya's work with refugees demonstrate divergence in terms of Kenyans' perception of the phenomenon of refugees in East Africa.

Integration begins with the legal dimension which involves refugee women's capacity to claim the refugee status and the extent to which they can exercise their rights as enshrined in international legal instruments. This is closely linked to the socio-political orientation of the asylum country or its receptiveness to refugees (Kunz 1973) and its refugee policies or lack thereof. Kenya has sloughed off its responsibilities under international refugee law to which it is a signatory. This has been exacerbated by the absence of domestic refugee law in Kenya until 2006 which saw the passing of Kenya's Refugee Act. All the same, the Act which is yet to be implemented addresses refugees in camps and its impact on urban refugees remains to be seen. Legal protection is a fundamental aspect of integration which counterbalances the obstacles inherent in refugee women's outsider/foreigner status.

Legal protection goes beyond possession of Protection Letters to include the actual protection availed to refugee women particularly in terms of physical security and safety. Notwithstanding the UNHCR *Guidelines on the Protection of Refugee Women* (1991) and *Sexual Violence against Refugees: Guidelines on Prevention and Response (Sexual Violence Guidelines)* (1995) among other legal provisions to protect refugee women, the experiences of

many refugee women in Nairobi indicate that the implementation of the *Guidelines* have largely been piecemeal. Refugee women continue to experience SGBV in the form of domestic violence, desertion, abduction, sexual exploitation, targeted rape, female circumcision and forced marriages; the latter three are salient for Somali refugee women. Sexual violence and harassment are not only at the hands of local men, refugee men and security personnel but ironically also at the hands of individual staff members in humanitarian organisations who largely operate in informal structures in which their activities deviate from organisational rules and laws. In terms of actual security, the difference between refugee women who possess Protection Letters and those who do not remains insignificant in Nairobi.

The economic dimension of integration is identified as a “*conditio sine qua non* for self-settled refugees” (Kuhlman 1991: 3; see also Ager and Strang 2008). Economic factors focus on Kenya’s restrictive employment policy which excludes refugees from formal employment resulting in many refugee women relying on the informal sector where they compete with locals. Educational background, pre-flight occupations and the rural-urban divide which are often emphasised in theories of integration do not play a significant role in Nairobi because refugees are excluded from formal employment regardless of their professional qualifications. This wholesale exclusion leaves refugee women from professional backgrounds in the same situation as their counterparts from rural/agrarian backgrounds who do not possess skills easily transferable to formal employment in an urban context. With their professional qualifications having been rendered irrelevant, how refugee women from professional backgrounds fare is mainly an outcome of their individual capacity to strategise and make a difference in their lives. Here, refugee women’s agency has a countervailing impact on the structural barriers women from both rural and urban backgrounds encounter.

On the social and cultural dimension, integration is mainly influenced by what Kunz (1981) identifies as host-related factors namely cultural and language compatibilities and barriers which are linked to refugee identities. Cultural incompatibility is an obstacle to social and cultural integration and inability to bridge this gap results in refugee withdrawal (Kunz 1973) and mutual fear and suspicion between refugees and locals as illustrated by refugee women from the Horn of Africa in general and Somalis in particular. Social and cultural integration, particularly the ability to speak local languages, is also contingent upon the time spent in exile, language and cultural ties between refugees and locals as well as the ability to nurture social relationships with locals.

Antagonism or, in the very least, mutual suspicion and avoidance between refugees and locals is an important indicator of lack of integration as demonstrated by the cases of Somali and Hutu Rwandan refugee women. The former are mainly secluded in Eastleigh while the latter's fear of spies whom they perceive in locals and fellow refugees alike principally remains a barrier to close interaction and cultivation of social relationships with the locals among whom they live. As such, the absence of (overt) conflict does not automatically indicate the occurrence of integration as suggested by Harrell-Bond (1986) as it is also a manifestation of mutual exclusion, the absence of social connection, marginalisation and seclusion as happens where there is no interaction between locals and refugees. Mutual stereotypes which are part of local, regional and even global identity politics are a deterrent to social and cultural integration although these stereotypes do not necessarily manifest themselves in the form of overt conflict or confrontation.

A viewpoint that dominates literature on refugee integration in Africa is that refugees belonging to ethnic groups that straddle the border between the country of origin and the asylum country are in a better position to integrate because of the shared identity. This has been noted among refugees self-settled along the border regions (see Rubin 1974; Hansen 1981; Schultheis 1989; Kuhlman 1991; Bakewell 2000; 2002; 2008). Such studies have argued that the term refugee is a mere policy label or category which does not necessarily capture the circumstances of refugees who become indistinguishable from locals. While integration is facilitated by the presence of co-ethnics along border regions, this is not automatically the case in urban centres as cosmopolitan as Nairobi. This is attributable to existence of diversity in the city and, in the case of Somalis who have co-ethnics in Kenya or the so-called Somali Kenyans, also to politicisation of the Muslim identity in East Africa as in many parts of the world. This has resulted in Somali Kenyans who are also Muslim distancing themselves as citizens from the Somali refugees who are often blamed for terrorism in the region and the high crime rate in Kenya. Even so, Somali Kenyans are often mistaken for Somali refugees and marginalised in their country of citizenship thus creating a situation ideal for ethno-nationalism among people of Somali ethnicity. The circumstances of refugee women in Nairobi demonstrate that the term refugee is not a mere label but experiential as illustrated by targeted rape, arbitrary arrests, wholesale exclusion from formal employment, restrictions on freedom of movement and *refoulement*.

On the other hand, the physical, lingual and cultural similarities between Kenyans and refugees from the Great Lakes region facilitate the latter's social and cultural integration in Nairobi notwithstanding the fact that their ethnic identities are not represented among Kenya's ethnic groups. Still, Hutu Rwandans who are also from the Great Lakes region only find security in hiding their ethnic identity because of its condemnation in the aftermath of the 1994 Rwandan genocide. In brief, refugee and local identity politics intertwine with integration in very complex ways whose delineation does not have consistent results across time and space as it depends on shifting geopolitical factors. The link between identity and integration remains fluid and unstable as its manifestations are contingent upon political relations prevailing at a given time between the host country and refugees' countries of origin as well as in the broader regional and global contexts. Be that as it may, a recurrent feature of the identity-integration nexus is that refugee identities that are regarded as harmful and incompatible with local values, worldviews and political orientations are inimical to social and cultural integration in particular. Conversely, refugees similarly choose to segregate themselves from Kenyans where they perceive local cultures to be detrimental to their own cultural and religious values as illustrated by Somali refugees.

This study emphasises that the objective aspects of integration as outlined by Kunz (1981) and Kuhlman (1991; 1994) are mediated by subjective factors that translate into different experiences among refugee women. Great Lakes refugee women who encounter fewer obstacles to social and cultural integration underscore the economic dimension of integration. In contrast, refugee women from the Horn of Africa and Somalia in particular who are often employed by business people in their own communities stress the social and cultural dimensions of integration. For Somali women, religious, cultural and language differences and the accompanying ethnic profiling are the contentious issues closely linked to vulnerability to targeted rape, raids in search of "terrorists" and the accompanying interrogations, harassment, arbitrary arrests of women as substitutes for their missing husbands and *refoulement*. Conversely, while refugee women from the Great Lakes region in general and to some extent Ethiopia identify as the most contentious issue the refugee status determination process, a vital component of the legal dimension of integration, their politically charged discourses towards the UNHCR are principally absent among Somali and Sudanese refugee women who are *prima facie* refugees. Considering these different situations, integration manifests itself as a value-laden concept whose practical meaning is closely tied to refugee women's experiences, priorities and needs. This explains the fact that

integration remains a contested concept as scholars grapple with coming up with a theory applicable across diverse empirical material.

6.5. Conclusion

Overall, the study concurs with Kuhlman's (1991; 1994) model of integration which underlines that integration is predicated on country of origin factors such as the prevailing politics and asylum country factors such as receptiveness to refugees, perception of refugees and refugee policy or lack thereof. Political, legal, economic, social and cultural factors illuminate theorisation of integration in this study. On the gender aspect, recurrent experiences among refugee women in the form of assumption of new roles, desertion by husbands, abduction and exposure to SGBV in conflict situations can be observed across time and space but these experiences are mediated by the dynamics of individual circumstances and refugee women's agency in dealing with their situation. Instead of the women being locked up in circumstances out of which they cannot extricate themselves, the outcomes of refugee women's recurrent experiences are largely influenced by this mediation. Understanding gender and refugee integration therefore requires balancing conceptual consistency or coherence (objective factors) with subjective factors that capture refugee women's diverse experiential realities. This is neither to suggest that integration of refugee women eludes theorisation nor to refute existing theories of refugee integration and gender. The study does not advocate eclecticism. Rather, its findings function not to refute the existing theories on integration and gender in refugee studies but to augment them by providing new insights that consider women's agency in dealing with their plight. In conclusion, integration and gender theories that transcend the circumscription of time and space as advocated by Kunz (1973) are mediated by inconsistent factors and the dynamics of refugee hosting.

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Appendices

Appendix A: Profiles of the 34 Refugee Women Interviewed

Name	Pre-flight Occupation	Age	Marital Status	No. of Children	Yrs in Kenya	Home Country
Cynthia	school teacher	39	single	1	4	Burundi
Margaret	housewife	40	married	7	7	Burundi
Emma	student	23	single	1	11	DRC
Marian	primary school pupil	17	single	1	1	DRC
Michelle	school teacher	41	married	5	9	DRC
Sandra	student	21	married	3	3	DRC
Nancy	nurse	40	married	2	7	Eritrea
Mary	informal trader	62	husband disappeared in Kenya	6	3	Ethiopia
Mimi	primary school pupil	17	single	1	3	Ethiopia
Sarah	informal trader	57	husband disappeared in Ethiopia	5	4	Ethiopia
Sofie	informal trader	56	husband disappeared in Ethiopia	2	3	Ethiopia
Claire	nurse	32	married	2	12	Rwanda
Epi	school teacher	39	married	2	11	Rwanda
Jackie	nurse	35	married	3	11	Rwanda
Grace	civil servant	59	married	9	10	Rwanda
Marie	school teacher	42	married	2	9	Rwanda
Merlin	student	25	married	2	5	Rwanda
Susan	informal trader	58	widow	3	10	Rwanda
Tania	school teacher	40	married	3	11	Rwanda
Hali	primary school pupil	23	single	0	14	Somalia
Kadija	housewife	37	married	4	14	Somalia
Shaki	housewife	39	widow	2	10	Somalia

Zeinab	informal trader	56	widow	6	14	Somalia
Joy	housewife	70s	widow	6	16	Sudan
Maria	housewife	50	married	2	12	Sudan
Monica	housewife	49	widow	4	14	Sudan
Therie	school teacher	56	widow	2	4	Sudan
Zanie	clerk	34	husband deserted in Kenya	2	20	Sudan
Agfa	school teacher	53	married	6	18	Uganda
Jane	housewife	50	husband disappeared in Uganda	4	22	Uganda
Jossie	born in Kenya	21	single	0	21	Uganda
Mandy	housewife	36	husband disappeared in Uganda	3	4	Uganda
Mose	pre-school	27	husband deserted in Kenya	3	19	Uganda
Rennie	housewife	48	single mother	5	20	Uganda

Appendix B: Open-ended Questionnaire for Refugee Women

This questionnaire is part of fieldwork for my doctoral studies at Bayreuth University, Germany. The research intends to understand the experiences of refugee women in Nairobi, Kenya. The questions below seek to establish demographic characteristics of the persons on whom the questionnaire will be administered. The questions also seek to obtain an overview on the experiences of refugee women in Nairobi.

*Informants reserve the right to decide to participate in the research or otherwise and no reprisals will ensue should they decide **not** to participate in the study. The researcher assures all participants that information provided will be used strictly for purposes of the research and that it will not be used to harm them in any way. **PLEASE DO NOT WRITE YOUR NAME ON THE QUESTIONNAIRE.***

Please write your answer in the space provided below the question. Your cooperation is greatly appreciated. Thank you.

1. Age

2. Marital Status

3. Number of Children

4. Nationality

5. When did you come to Kenya?

6. Why did you leave your country?

7. Where was the first place you stayed after leaving your country?

8. If you stayed elsewhere, why did you leave for Kenya/Nairobi?

9. How did you come to Kenya?

10. In which part of Nairobi do you live?
11. What were you doing in your country before coming to Kenya?
12. What did you do to settle to life in Kenya?
13. After all the years that you have stayed in Kenya, how do you see life in Kenya?
14. What are the changes that have taken place in your life since your arrival in Kenya?
15. What roles did you play in your family before you left your country?
16. How do you take care/ feed yourself at the present moment?
17. Do you receive help from organisations?
 - i. If yes, from which ones? (Name them)
 - ii. What kind of assistance do you receive from these organisations?
 - iii. If you do not receive help from any organisation, explain why.
18. Do you know about the UNHCR? If yes what does it do for you?
19. What is the role of UNHCR in your life here in Kenya?
20. What kind of assistance do you get from the Kenyan government?
21. Have you ever stayed or considered staying in a camp?
22. Why did you choose to stay in Nairobi instead of staying in a camp?
23. How do you relate with Kenyans?
24. How do you see life in your country today?
26. Do you think you can fit into life in your country?

- i. If no, why?
27. Do you intend to return to your country? When?
- i. If no, why?
 - ii.
28. What kind of experiences do you go through as a refugee woman?
29. Do you see any difference(s) between your experiences as a refugee woman and those of refugee men?
30. As a refugee woman, what issues would you want the UNHCR to address for you?
- i. Are you familiar with the Geneva Refugee Convention?
 - ii. If yes, do you think the Convention grants you enough protection?
 - iii. If yes, do you feel that your rights are respected in Kenya?
31. Have you ever experienced violation of your rights in Kenya?
- i. If yes, who violated your rights?
 - ii. How were your rights violated?
32. Are you familiar with any organisation that works to protect your rights? (If yes name them).
33. If your rights as a refugee are violated, what do you do to protect them?

Appendix C: Interview Schedule for the UNHCR

This interview schedule is part of the fieldwork for my doctoral studies at Bayreuth University, Germany. The research seeks to understand the nature of the work of the UNHCR with urban refugees, specifically refugee women self-settled in Nairobi. The researcher assures UNHCR staff that information obtained during the interview will be used strictly for the above-mentioned purpose. Your cooperation is greatly appreciated. Thank you.

1. What is the estimated number of refugees in Kenya?
2. What is the estimated number of refugees in Nairobi?
3. What are the criteria for granting the refugee status to applicants?
4. In what cases do you find it difficult to grant the refugee status to applicants?
5. Does UNHCR have a policy for urban refugees and if yes could you explain the policy. If it does not, why?
6. In what ways does the UNHCR assist urban refugees? If you do not assist urban refugees, what are the reasons for that?
7. If refugees have special needs that make it difficult for them to stay in the camps, do you assist such refugees?
8. In what ways does the UNHCR protect refugee women in particular?
9. What kind of assistance does UNHCR provide to help refugees in Nairobi to become integrated?
10. How does the UNHCR view integration of refugees in urban areas in Kenya?
11. With specific reference to integration for urban refugees, what are the challenges that UNHCR encounters particularly here in Nairobi?

12. Why are refugees here in Kenya required to stay in camps in order to access UNHCR assistance?
13. What are the criteria for refugee eligibility for UNHCR assistance?
14. Refugees complain about the time it takes for them to obtain Protection Letters and say that they have to come to UNHCR offices so many times, why does it take so much time for them to get the documents?
15. What are the types of documents that you issue refugees?
16. Has it always been UNHCR Nairobi's policy that you do not provide material and financial assistance to urban refugees?
17. When was the last time that you helped urban refugees? Why the change of policy?
18. Refugees argue that you reject them because you do not understand them, can you comment on that?
19. Refugees particularly those from the Great Lakes Region complain that the UNHCR treats refugees from the Horn of Africa and Sudan better, that the UNHCR wants to forcibly repatriate them by denying them assistance, what do you say to that?

Appendix D: Interview Schedule for the Department of Refugee Affairs

This interview schedule is part of the fieldwork for my doctoral studies at Bayreuth University, Germany. The research seeks to understand the nature of the work of the Department of Refugee Affairs with urban refugees, specifically refugee women self-settled in Nairobi. The researcher assures the DRA that information obtained during the interview will be used strictly for the above-mentioned purpose. Your cooperation is greatly appreciated. Thank you.

1. What are the duties or functions of the National Refugee Secretariat?
2. What is Kenya's refugee policy?
3. How does this policy reflect or deal with the circumstances of refugees in Nairobi?
4. What is the government's position on refugees who settle out of camps in Nairobi?
5. What are the processes that refugees who settle in Nairobi take to formalise their stay in Kenya?
6. What is the government's position on refugee integration in Kenya?
7. How does the government of Kenya facilitate the integration of refugees within the Kenyan society?
8. What is the status of Rwandan refugees who fled to Kenya in 1959 or their descendants?
9. What is the status of refugees who are married to Kenyans and the children born out of such marriages?
10. What is the status of children born of refugee parents in Kenya?

11. How does the recently promulgated Refugees Act (2006) address the needs of refugees outside the camps?
12. In what ways do this Department influence government policies and their implementation in respect of the refugee community in Nairobi?
13. What is the relationship between your Department and
 - i. the UNHCR;
 - ii. other NGOs working with refugees?
14. Are there possibilities of refugees becoming Kenyan citizens?
 - i. If yes, what are these possibilities?
 - ii. If no, why not?
15. What are the restrictions on refugees in Nairobi?
16. What are the reasons for these restrictions?
17. Are refugees allowed to be formally employed in Kenya?
 - i. If refugees are allowed to work, why are many of them in Nairobi unemployed?
18. What are the differences between the conditions that are applied to economic migrants and those applied to refugees?
19. What is the nature of the relationship between the refugee community and Kenyan law enforcement agencies?
20. Have you recorded cases of harassments of refugees by Kenyan government officials?
21. If yes, what is the government's response to such incidents?
22. Are there refugee communities that you have reservations about?

i. If yes, which one(s) and why?

23. What is the government doing to keep refugees safe and minimally comfortable?

24. What permanent solution does the government propose for refugees in Kenya?

25. Is the government of Kenya working in cooperation with any other State Government in the refugee-sending countries in sorting out the issues concerning refugees in Kenya?

Appendix E: Interview Schedule for Kenyan citizens

This interview schedule is part of the fieldwork for my doctoral studies at Bayreuth University, Germany. The research seeks to understand the nature of relations between Kenyan citizens and urban refugees, specifically refugee women self-settled in Nairobi. The researcher assures all participants in the research that information obtained during the interview will be used strictly for the above-mentioned purpose. Your cooperation is greatly appreciated. Thank you.

1. Who do you think is a refugee?
2. What kind of picture comes into your mind when you hear the term refugee?
3. Have you met a refugee before in Nairobi?
4. Can you identify a refugee when you meet one in Nairobi? How do you identify them?
5. What do you think about the presence of refugees in Kenya?
6. Do you think refugees should stay outside the camps and among Kenyans here in Nairobi?
 - i. If yes, why?
 - ii. If no, why?
7. Do you get to relate with the refugees?
 - i. If yes, how and where?
 - ii. If no, why not?
8. Where do you think these refugees come from?
9. In your experience, are you in support of their presence in Kenya?
10. Are there refugees you would not like to live in your neighbourhood?
 - i. If yes, which ones and why?

11. How would you want the government to help the refugees in Nairobi?
12. As a Kenyan citizen, do you think you have a role to play in refugees' lives?
 - i. If yes, what is that role?
 - ii. If no, why?
13. If a refugee asked you to help them, would you help?
 - i. If no, why?
14. Would you want the refugees to be part of Kenya, to work and live among you?
 - i. If yes, why?
 - ii. If no, why not?
15. Are there things refugees do you do not like or people around you complain about?
16. Do refugees have something to offer to Kenya?
 - i. If yes, what is it?
 - ii. If no, why?
17. Would you want refugees who have stayed in Kenya for more than five years or refugee children born in Kenya to be allowed to become Kenyan citizens?
 - i. If no, why?

Appendix F: Interviews with NGOs¹³⁷

This interview schedule is part of the fieldwork for my doctoral studies at Bayreuth University, Germany. The research seeks to understand the nature of the work of the refugee-oriented organisations with urban refugees, specifically refugee women self-settled in Nairobi. Information obtained during the interview will be used strictly for the above-mentioned purpose. Your cooperation is greatly appreciated. Thank you.

1. When was the organisation formed?
2. Tell me about the mission and objectives of the organisation.
3. Explain to me the nature of your work with refugees.
4. What are the criteria that determine who gets assistance from this organisation and who does not?
5. In what ways does the organisation's work relate with the work of the UNHCR?
6. What kinds of problems do refugees bring to this organisation?
7. What does this organisation consider as the solution(s) to the plight of refugees in Nairobi?
8. For all the time that your organisation has been working with refugees in Kenya, what is the organisation's evaluation of the experiences of refugees in Nairobi?
9. What is your comment on the view that refugees should stay in camps?
10. Do you notice regional disparities in terms of refugees' integration in Nairobi?
 - i. If yes, in which areas of life and what are the causes of such disparities?
11. What are the challenges that the organisation faces in its work with refugees?

¹³⁷ This is a standard schedule which, however, varied depending on the organisation that was being interviewed.