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**STRANDED STRANGERS: ETHIOPIAN REFUGEES AND THE QUEST FOR
URBAN CITIZENSHIP IN NAIROBI, KENYA**

By

Derese Getachew Kassa

B.A., Addis Ababa University (ETH), 2000

M.A., University of Bath (UK), 2005

A Dissertation

**Submitted to the Faculty of the
College of Arts and Sciences of the University of Louisville**

In Partial Fulfillment of the Requirements

for the Degree of

Doctor of Philosophy

Department of Urban and Public Affairs

**University of Louisville
Louisville, Kentucky**

May 2013

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ABSTRACT

STRANDED STRANGERS: ETHIOPIAN REFUGEES AND THE QUEST FOR URBAN CITIZENSHIP IN NAIROBI, KENYA

Derese G Kassa

May 10, 2013

There is a burgeoning literature on Right to the City much of which is inspired by the pioneering works of Henry Lefebvre who wrote about urban citizenship for all inhabitants of the city, access to rights and resources in the city, and political participation in the management of urban affairs. This study explores whether the Right to the City approach can help explain the dynamics of state- refugee relations in the urban centers of Africa. Hence, I took the case of Ethiopian refugees in Nairobi (the capital city of Kenya) to answer the following research questions: a) How do Ethiopian urban refugees negotiate aspects of urban citizenship in Nairobi?, b) How adequate is the “right to the city” approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources?, and c) What kind of urban policy measures can African cities take to manage conflict driven urbanization?

The research is a qualitative case study where a total of 30 urban refugees and a total of 20 community leaders and representatives of local and international civil society organizations working on refugee matters were interviewed. The interviews captured, described and discussed the respondents' own ideas, opinions and experiences. I also reviewed international, national as well as urban level policy and strategic documents of Kenya when it comes to documenting and regulating international urban refugees.

After the introduction, the second chapter dwells on a thorough discussion of the literature on citizenship and social justice, in general, and urban citizenship in particular. Following the third chapter on methodology, I embark on discussing the major findings. In a nutshell, I found out that urban refugees exist and interact on two different social spaces. On the one hand, they are actively involved in the production of urban space by employing their skills, money, time and social networks. On the other hand, refugees operate under very restrictive and discriminatory state policies that often deprive them basic liberties and freedoms. They, therefore, meet two of the criteria of Lefebvre's concept of urban citizenship i.e. inhabitance and the production of urban spaces. However, they fail to meet the third criterion i.e. political rights to participate in the governance of the city. In short, they are stranded strangers who produce complex social, economic and political practices difficult to qualify in such conventional terms like "refugee", "immigrant" or a "citizen".

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	iii
ABSTRACT.....	vi
LIST OF TABLES.....	viii

CHAPTER

1. INTRODUCTION

1.1 Introduction.....	3
1.2 Right to the City/Urban Citizenship: The Fundamentals.....	9
1.3 Urban Citizenship in Africa: Rationales for Re-appraisal.....	13
1.4 Research Questions and Objectives.....	20
1.5 Significance of the Study.....	24
1.6 Organization of the Study.....	25

2. REVIEW OF LITERATURE

2.1 Cities and citizenship	28
2.1.1 Citizenship and the State: Brief background.....	28
2.1.2 Theories of Citizenship.....	31
2.1.3 Re-scaling citizenship: cities and globalization.....	34
2.2 The Right to the City.....	37
2.2.1 The Right to the city: A cry and a demand.....	37

2.2.2	Urban Citizenship: Re-qualified and Re-scaled.....	39
2.2.3	The Right to the City : Alterations and Confusions.....	42
2.3	Justice and the Right to the City.....	46
2.3.1	Liberalism and the Just City.....	46
2.3.2	Neo Liberalism and Urban Justice.....	49
2.3.3	Urban Justice and Progressive Alternatives.....	52
2.4	Beyond the Just City: Right to the City.....	54

3. METHODOLOGY

3.1	Site Selection: Why Nairobi? Why Ethiopian Refugees?.....	59
3.2	Major and Specific Research Questions.....	60
3.3	The Qualitative Research Methodology: An Overview	62
3.4	The Case Study Design.....	64
3.5	Data Collection Techniques.....	68
3.5.1	Semi-structured Interviews.....	68
3.5.2	Key informant interviews.....	71
3.5.3	Document Reviews.....	73
3.6	Sampling Techniques.....	74
3.6.1	Purposive Sampling in Qualitative Research.....	74
3.6.2	The Sample Matrix of Interviews.....	76
3.6.3	Sampling Frames and Procedures	77
3.7	Ethical Issues and Considerations.....	78
3.8	Data Analysis	79

4. BEYOND THE POLITICAL: THE MAKINGS OF AN URBAN REFUGEE

4.1	“Urban” Refugees: What is in the name?.....	80
4.1.1	Economic Refugees.....	81
4.1.2	Political Refugees.....	84
4.1.3	Social Refugees.....	85
4.2	Reception and Assistance in Nairobi.....	87
4.3	Shocks and Surprises in Kenya.....	91

4.4 Refugee Livelihoods: Economic Rights and Activities.....	94
4.4.1 The Self Employed.....	95
4.4.2 Employed Workers.....	96
4.4.3 Basic Expenditures.....	98
4.5 Refugee Business Ventures.....	100
4.5.1 Licensing and Taxes.....	100
4.5.2 Hiring and Management.....	101
4.5.3 The Spite of Corruption.....	106
4.6 Forced Displacement and Social Capital.....	108
4.6.1 Religious Institutions.....	108
4.6.2 Educational Institutions.....	112
4.6.3 Community Organizations.....	113
4.7 Synthesis.....	114
5. THE POLITICS OF RIGHTS: THE STATE AND URBAN REFUGEES	
5.1 Global, Continental and National Regimes of Refugee Rights.....	124
5.1.1 The United Nations Declaration of Human Rights (UDHR)...	124
5.1.2 The United Nations Convention on Refugees (1951) and the Revised Protocol(1967).....	126
5.1.3 The OAU Declaration on Refugees.....	128
5.1.4 The Refugee Act of Kenya (2006).....	131
5.1.5 The New Kenyan Constitution (2010).....	134
5.2 The Politics of Refugee Rights in Nairobi	136
5.2.1 Legal Recognition for Urban Refugees.....	136
5.2.2 Policing, Prejudice and “Terrorism”.....	144
5.2.3 Civil Society and the Legal Protection of Refugees.....	151

6. GOVERNING “STRANGERS”: THE DARK ART OF STATE POLITICS	
6.1 Henry Lefebvre: On the Politics of Rights.....	165
6.2 Governing “Strangers”: Speak Inclusion and Practice Exclusion...	168
6.3 A Faustian Bargain: Incarcerate or Predate.....	174
6.4 Re-thinking the “Nation-State”: Critique of “Right to the City”	179
7. POLICY RECOMMENDATIONS	
7.1 Refugee Recommendations.....	194
7.2 Recommendations by Policy Actors.....	198
8. STRANDED STRANGERS	
8.1 Seeing like a City: Negotiating Urban Citizenship in Nairobi	210
8.2 Seeing like a State in Africa: A Critique of the Right to the City....	214
8.3 Policy Recommendations.....	222
8.3 Stranded Strangers.....	223
REFERENCE.....	225
APPENDIX 1: IN-DEPTH INTERVIEW FORMAT FOR ETHIOPIAN REFUGEES IN NAIROBI.....	239
APPENDIX 2: IN-DEPTH INTERVIEW FORMAT FOR ETHIOPIAN COMMUNITY LEADERS	243
APPENDIX 3: IN-DEPTH INTERVIEW FORMAT FOR REFUGEE BUSINESS LEADERS	247
APPENDIX 4: IN-DEPTH INTERVIEW FORMAT FOR KENYAN GOVERNMENT OFFICIALS.....	251
APPENDIX 5: IN-DEPTH INTERVIEW FORMAT FOR CIVIL SOCIETY GROUP LEADERS.....	255
CURRICULUM VITAE.....	259

LIST OF TABLES

TABLE	PAGE
1. List of Major Research Questions.....	22
2. List of Specific Research Questions.....	60
3. Sample Matrix for Key Informant Interviews.....	72
4. Themes and Sources of Document Review.....	73
5. Major Sample Categories in the Study Design.....	75
6. Sample Matrix for In-depth Interview Informants.....	76
7. Summary of Major Research Questions and Findings.....	208

CHAPTER I

INTRODUCTION

Overview

In today's era of globalization, cities have become arenas where the notion of citizenship is re-scaled. Many are revisiting Henry Lefebvre's writings on the Right to the City. However much of this scholarship ignores African cities and their particular experience with the influx of refugees from conflict ridden neighboring countries. In most African cities, urban refugees operate on a difficult terrain of multiple identities ranging from a 'refugee', an 'illegal' immigrant, an 'immigrant' and/ or a city inhabitant. In so doing, urban refugees contest and disrupt the conventional definitions of citizenship. Exploring these practices will contribute to the ongoing discussion and scholarship about urban citizenship. It will also have policy relevance to those who work on the issue of urban refugees in Africa.

This dissertation is a case study of Ethiopian urban refugees in three (3) selected neighborhoods of Nairobi (the capital city of Kenya) that addresses the following specific research questions. First, "How do Ethiopian urban refugees negotiate aspects of urban citizenship in the city of Nairobi?" Second, "How adequate is the "right to the city" approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources in the city of Nairobi?" And finally, "What kind of urban policy measures can

African cities take to manage conflict driven urbanization and use it as a positive force for social change?”

Accordingly, a total of thirty (30) in-depth interviews with Ethiopian refugees and twenty (20) key informant interviews were conducted with Kenyan officials, representatives of international organizations, NGO and community leaders. The study also reviewed relevant national policy documents and legislations of Kenya in relation to urban and refugee matters. In empirical terms, the main objective of this study is to shed light on *how refugees negotiate aspects of urban citizenship* in the host city. Theoretically speaking, however, the study aims to abstract whether Lefebvrian arguments for *right to the city* are useful heuristics in the case of African cities where the *alien other* is the refugee.

This introductory chapter fleshes out the overall picture of the study. It begins by discussing the process of urbanization in Africa, the link between urbanization and forced displacement, and state-refugee relations in African cities. Subsequently, the chapter pivots to discuss the fundamentals of the “urban citizenship” literature and the rationale to re-appraise it in the African context. It then stipulates the major research questions and objectives of the study. Finally, the chapter ends by describing the significance of the study and the way the chapters are organized.

1.1 Introduction

The world is urbanizing in a rapid pace. Currently, “half the world’s population lives in urban areas and by the middle of this century all regions will be predominantly urban”. (UNHABITAT, 2008:11) The rate of urbanization is even higher in the global South much of which is attributed to exorbitant population growth rates and the rural urban migration of people. The same report indicated that Africa’s total population hit the one billion mark in 2009, almost 40 per cent of which now live in urban areas. In the future, Africa will witness “a total population increase of about 60 per cent between 2010 and 2050, with the urban population tripling to 1.23 billion during this period.” (UNHABITAT, 2010:11) But there is more to urbanization than just the demographic concentration of people in cities.

In fact, modern day urbanization occurred in much of Europe, North America and Asia following a shift from predominantly agrarian economies into industrial and service economies. But many of Africa’s cities emerged either as colonial outposts of administration or port cities where surplus is extracted and shipped over to the colonial metropolis. Post-independence,

The Africanization of the public service and the expansion of para-statal agencies led to a high rate of new employment creation in urban centers, particularly in the capital cities. (Mabogunje, 2005:6)

Nevertheless, the decline of African cities soon begun following the oil crisis in 1973 and many African governments could no more sustain their nascent urban bases. The debt crisis set in and many African countries embarked on the infamous Structural Adjustment

Programs of the IMF and World Bank. The 1980s are dubbed as the lost years of Africa.

According to Mabogunje (2005:6),

Everywhere, it was a period of harsh economic realities in which an increasing proportion of the population was compelled to operate within the informal sector economy and many were pushed below the poverty line.

Today, rampant poverty is a major feature of cities in Africa. African cities are known for their sprawling slums and shanty settlements. What makes urban poverty very visible is that it sits right next to relative wealth and affluence. There are some quarters of the African city which are very well kept, with standard housing and public amenities in contrast to slum areas where housing is substandard, and basic amenities like electricity and clean water are not readily available.

While African urbanization is predominantly explained through natural population growth and rural-urban migration, the impact of conflicts and conflict driven displacement on African cities is seldom explored. This is more so in the case of refugees who are not citizens of the host country or the city in question but whose settlement and 'stay' impacts the host city in a number of ways. Consider east Africa where countries have been unstable and caught up in long and grinding civil wars. Up until 1991, Ethiopia's 30 year old civil war unleashed thousands of Ethiopian and Eritrean refugees in neighboring Sudan and Kenya. Very recently (1999-2000), Eritrea and Ethiopia were engaged in full scale border war leading to a second round of refugee outflow. Somalia has long descended into a complete state collapse since the fall of the Siyad Barre regime in 1991 making it the foremost contributor of refugees in the Horn of Africa. The Sudan got a brief hiatus from the North-South civil war following the Naivasha Comprehensive

Peace agreement (2005), which led to the South Sudan referendum in January 2011. Otherwise, the civil war in South Sudan and the recent Darfur crisis contributed to the refugee bulge in east Africa and the massive flight of refugees into cities like Addis Ababa, and Nairobi.

There are a number of reasons why refugees prefer to migrate to towns, sometimes on a second leg journey from a refugee camp to the capital city of a host country. Some of the reasons include, “security threats, lack of adequate education and medical services, limited livelihood opportunities and harsh climatic conditions.” (Pavanello et al, 2010:12) Upon arrival in cities, many of these refugees do not stay put but rather rent rooms, try to find job opportunities, open up businesses or go to school. In so doing, they try to support themselves, their immediate family members and kinfolk while processing their resettlement or immigration in Europe and America. They also contribute to urban economies even though most are involved in the informal sector of the economy.

The case of urban refugees, in general, and the transformation they bring about in host cities are, to say the least, uncalled for by host countries. This is because the very notion of a ‘refugee’ is premised on a spatial and political category that we often refer to as the ‘nation-state’. Article 1 of the 1951 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 a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

The definition makes it clear that a refugee is defined by his country of origin and his/her inability to go back to that country of origin, instead of rights or privileges that a host

country would be willing to offer him or her. Hence, most refugee hosting countries in the South keep refugees in refugee camps.

According to Kibreab (2003:60), some of the reasons for encampment by host nations include,

(1) precluding refugee integration into host societies by minimizing or preventing economic, social, and cultural interaction with nationals; (2) avoiding or minimizing perceived risks to national and societal security by controlling refugee movements and activities; and (3) avoiding or minimizing competition over scarce resources such as land, pasture, water, forest produce, housing, schools, transportation, and employment opportunities in both the formal and informal sectors.

Obviously, urban refugees bear the brunt of such hostile policies from national governments. According to Kibreab, urban refugees are “the most neglected and abused group throughout the developing countries” whose “basic fundamental human rights are often flagrantly violated by the security forces of the countries concerned.” (Kibreab, 2003:60) Beating these odds, however, they succeed to penetrate into capital cities and venture in a number of economic activities. A number of studies ((Sienkiewicz, 2007), (Campbell, 2006), (Kibreab, 2003), (Jacobsen, 2002)) have now been conducted among urban refugees where the contributions of urban refugees to the host city’s economy are duly recognized.

For instance, Sienkiewicz (2007:7) argues that, “If states altered their existing policies and enabled displaced persons to work, then governments would benefit.” Campbell (2006:407) did a thorough study of Somali refugees in Eastleigh Nairobi concluding,

As such, these urban refugees, like other migrants and traders, now have vested economic interests in Eastleigh. While war may have brought many refugees to

Eastleigh in the first place, peace negotiations alone will not necessarily take them all back home.

Jacobsen (2002:594) also argues, “A policy that sought to incorporate long-standing refugees into the host society would increase the human security of everyone living there.”

Clearly, these arguments try to persuade host city governments and countries to embrace urban refugees, benefit from their skills and resources and promote an “integrationist” policy than segregating and prohibiting them into remote camps. But integration is easier said than done. Embarking on such a project requires more than issuing identification documents, business or driving licenses or enrolling the children of urban refugees to public schools. Rather it requires: a) grappling with the notion of ‘citizenship’ both at the national and urban level, b) assessing the social capital of urban refugees and its economic relevance in the host cities, and c) studying host-refugee relations while studying the potential impact of an integrationist approach to urban refugees.

Accordingly, this study takes the case of Ethiopian refugees in Nairobi (the capital city of Kenya) to inquire, research and arrive at conclusion on the following issues.

1. The study looks at the concept of “citizenship”, its normative and theoretical origins as well as the changes and alternations it underwent in time. It also explores in greater depth on how the concept of “citizenship” is re-scaled and re-qualified at the “urban” level. It does so by paying discriminate emphasis on the “urban citizenship” or “right to the city” literature which begun with the

pioneering works of Henry Lefebvre (1967/8) and is now gaining more traction and currency.

2. The study looks at the case of Ethiopian urban refugees in Nairobi to consider whether the debate about “urban citizenship” speaks to the African experience of cities or not. It looks at the strength and weaknesses of the “right to the city” approach when applied to the case of refugees in African cities. It also narrates about the anomalies and the exceptional dynamics of urban processes in Africa. In so doing, the study challenges some of the premises of the “urban citizenship” literature espoused by scholars many of whom base their analysis on the experience of western cities.
3. The study brings up practical policy recommendations to better state-refugee relations and urban governance. These recommendations were made by urban refugees themselves, local and national level government officials, and civil society activists who work on urban refugee issues in Nairobi.

The following two sections (1.2 and 1.3) preview the theoretical discussion about urban citizenship and the need to re-appraise it in the context of Africa. The bulk of this analysis is done in chapter 2 of the study. However, it is important to summarize it as a precursor or a foreground to the discussion about the research questions and objectives of the study.

1.2 Right to the City/Urban Citizenship: The Fundamentals

Through the thickness of daily life and local, mostly informal politics, cities can accommodate and enable the unbundling of the tight articulation of the citizen and formal state politics. Saskia Sassen¹

There is a lot of theoretical debate about what the term ‘citizen’ entails. According to Varasnyi (2006:231) “the etymology of the word ‘citizenship’ reveals its urban origins: there is a clear connection between the word citizen and the word that we now translate in English as city-state.” Nevertheless, the term citizenship “has been hegemonically associated with membership in a national political community.” (Purcell, 2003:571) But even within the confines of the nation-state, defining citizenship has always been a controversial issue.

The oldest version of citizenship comes from a liberal social contract reading. Here a citizen is defined in terms of rights and privileges the individual claims from his/her state, vis-à-vis the duties and responsibilities he or she has to that respective state. For Holsten and Appadurai (1996:190) a liberal rendition of citizenship is dependent “only on membership in the nation-state” and an “array of civil, political, socio-economic, and cultural rights people possess and exercise.” Obviously such a basic, formal and rights based definition of citizenship has come under fire from others who harp on communitarian and ethical belongingness to the nation.

Civic republicans uphold that the citizen is more than a voter or a tax payer; he or she “would have to devote the better part of his or her time and energy to public concerns.”

¹ Saskia Sassen((2006), Territory, Authority, Rights: From Medieval to Global Assemblages, Princeton University Press.

(Dagger, 1981:718) For civic-republicans, therefore, citizenship is public vocation to be pursued and mastered by individual members in a given cultural and political community. Here, the city is implied as a community whose cultural and political boundaries are co-terminus. In fact some like Dagger (1981) argue that the city in its diversity and multiculturalism is eroding the civic and communitarian bases of citizenship at the national scale. The city, for most civic republicans, is now not “more than a bewildering agglomeration of streets and buildings and nameless faces.” (Dagger, 1981:718)

Still others defy the primacy of the nation-state to construe a political community; arguing that we are all human beings who belong to one global community with certain universal, basic and human rights. Hence, they argue for cosmopolitan citizenship. According to Baubock (2009:475), cosmopolitan citizenship refers to “duties of solidarity that human beings have towards others across state borders and national identities (Nussbaum 2000, Appiah 2006).” While many are skeptical about the notion of cosmopolitan (some even talk of global) citizenship, civic republicans are very cynical about a cosmopolitan project. For the latter, cosmopolitan citizenship “fails to specify the concrete rights and duties which bind citizens in relations of close cooperation within bounded communities.” (Linklater, 1998:27) Hence, cosmopolitan citizenship “fails to engage those (*people*) in any effective form of *shared rule*.” (Linklater, 1998:27)

Each of these strands of thought has their fair share of criticisms. Liberalism is charged for ignoring the fact that in many cases the nation-state trumps the rights of various racial or cultural minority groups, castes, women or classes within its confines. Civic-republicanism fosters a homogenous political community with shared values and commitments which is not practically the case for many nation-states. Cosmopolitanism

rides roughshod over the reality that communities should share histories, resources, and institutions within the bounds of a given geographic territory to conceive each other as fellow citizens. Also, many argue that someone has to be excluded as an ‘alien’ or a ‘foreigner’ for the citizen to exist. Hence the idea of global citizenship is oxymoronic.

The task of defining citizenship has become even more complicated owing to globalization, where countries and cities have become arenas for: a) global migration of skilled and unskilled labor, b) the global articulation of capital and investment, c) the global production, distribution and consumption of goods and services, and d) heightened exchange of information and technologies. These processes have reduced the power of the nation-state by displacing it upwards (to global and supranational entities like the EU), downwards (to sub-national entities regions and cities) and outwards (retrenchment of the public sector due to privatization). (Purcell, 2003) The urban scale has now become one prominent site where citizenship is re-scaled and re-qualified.

The attempt to comprehend such new relations between cities and citizenship has now led to the ‘discovery’ of Henry Lefebvre’s prominent theoretical works under the rubric of the ‘right to the city’ literature. A philosopher and urban sociologist, Lefebvre first coined the term ‘the right to the city’ in 1968 in his book “Le droit a’ la ville”. The book “describes the negative impact that the capitalist economy has on cities, converting the city into a commodity serving only the interests of capital accumulation.” (Mathivet, 2010:21) As an antidote, Lefebvre proposes that “that inhabitants demand control over the construction of urban spaces.” (Mathivet, 2010:21)

Lefebvre's *right to the city* book points out the need to reconfigure citizenship at the urban level. Three important points stand out in Lefebvre's work about urban citizenship. First, his approach is revolutionary in that he "rests urban citizenship on *inhabitation* as opposed to the nation-state scale." (Purcell, 2002:106) As Purcell and Baubock clearly put it, Lefebvre's notion of urban citizenship does not depend on *ius soli* (being born in the territory) or *ius sanguinis* (descent from citizen parents) but rather *ius domicile* (inhabitation in the city). This is remarkable for Lefebvre nullifies the Kantian rendition of the stranger –the 'alien', the 'immigrant', or the 'refugee' -by giving any or every dweller equal political rights. Similarly, Harvey and Potter (2009:42) define urban citizenship as "the rights of immigrants, transients, and strangers to participate in local politics".

Secondly, the Lefebvrian notion of urban citizenship emphasized the right of people to appropriate space which, in the words of Purcell, is the "full and complete usage of the city". It means inhabitants can "live in, play in, work in, represent, characterize and occupy urban space." (Purcell, 2002:106) To borrow one of Edward Soja's article titles, Lefebvre's bundle of rights were all meant to negate *Margin/Alia* – the exclusion of alleged aliens. Thirdly, the right to the city implies the right to directly participate in the democratic management of the urban space. Here again, Lefebvre makes a radical departure from the liberal democratic version of representative democracy. He posits representation alienates the citizen. Instead, Lefebvre underscores that urban citizens should exercise their *right to difference* meaning the right to claim rights, to struggle and conflict with the powers that be while managing one's own city. Hence urban citizenship

“does not refer to a legal status, but to a form of identification with the city, to a political identity.” (Dikec, 2009:76)

1.3 Urban Citizenship in Africa: Rationales for Re-appraisal

It is clear that the right to the city literature is very much focused on the experiences of western cities. (Lefebvre, 1968; Dagger, 1981; Baubock, 2003, 2009; Dikec, 2009; Fainstein, 2009; Harvey, 2003, 2009; Holston and Appadurai, 1996; Isin, 2002) Almost all authors assume that ‘national citizenship’ is unraveling in western cities for the following reasons. First of all, western cities are increasingly connected and globalized. Secondly, there are scores of diverse, legal as well as ‘illegal’ immigrants in these global cities that challenge (or as Purcell argues ‘destabilize’) the Liberal Democratic Westphalian (LDW) definition of citizenship. But the right to the city literature does not take into account the experience of non-western nations, in general, and non western cities, in particular. Richard Falk (2000:6) captured how narrow the debate about changing forms of citizenship is by stating:

It needs to be appreciated more than is generally the case that this discourse on citizenship, and its changing character, remains an essentially Western experience that has not taken existential hold in non-Western societies nearly to the extent as have such other quintessential Western conceptions as territorial sovereignty, international diplomacy, the rule of law, and even human rights.

This particular study departs from the experience of western cities. It explores whether the right to the city approach could help explain urban dynamics in a non-western city context. True, African countries are increasingly urbanizing. African states are also increasingly affected and influenced by global flows of capital, technology, information and people. Cities like Johannesburg, Nairobi, Cairo and Addis Ababa are increasingly networked with regional and global systems of commerce and diplomacy.

Nevertheless, African cities and countries have certain particularities. Most cities in Africa are still surrounded by a large swathe of rural or agrarian populations, and are the targets of massive rural-urban migration. African states, in many instances, have problems of political representation, participation and coercion. (Clapham C, 1985; Bayart, 1989; Ake, 1986; Bratton and Van de Walle, 1994; Diamond, 1999) Also civil society is limited in scope; its autonomy is undercut either by the state or foreign donors. (Comaroff and Comaroff, 1999; Gibbon *et al* 1992; Chole and Jibrin 1995; Mkandawire and Olukoshi 1995)

Studying the right to the city and its applicability to urban spaces in Africa will be useful for a number of reasons. First of all, urban theories have always been Eurocentric epistemic projects. Most of them were fetched from social practices and processes that unfolded in the western world. Hence they are more adept to explain, analyze or put in perspective western urban processes. Yielding their heuristic and analytical value to the African context means we need to compare the commonalities and anomalies between African cities and their Euro-American counterparts. Robinson (2004:571) is right to point out that one way of disrupting this “western” and “non-western” divide in urban theorizing would be “to parochialize those accounts of cities which pose as universal.” For instance, she mentions that, “Louis Wirth’s account of ‘the’ urban way of life was profoundly dependent on experiences of European and American cities – if not simply on Chicago” (Robinson, 2004:571) Exploring processes of urbanism in Africa can be one way of making the western experience stand “as just another region in the world, neither exemplar nor leader in new ways of being urban.” (Robinson, 2004:571)

By the same token, the right to the city literature was developed and widely written about mostly from the perspective of western cities. The theory can spare itself from a universalist impulse and sloganeering (which is already happening in urban social movement circles) by anchoring itself in particular contexts like African cities. A caveat is important here. This would not stifle the attempt to develop ‘grand’ or ‘meta’ theories on urbanism or cities in general. To the contrary, it should lead to better theorizing. In the words of Robinson, “If efforts to develop understandings of city life could track across different contexts”, then “the resources for understanding cities everywhere would be enlivened.” (Robinson, 2004:575)

Secondly, the right to the city literature offers a background where the modern city is reduced to become a city of capital, and not of citizens. Its repeated call for urban citizenship is targeted at reducing the power of global capital and the neo-liberal state that use cities as their respective ‘command centers’. (Lefebvre, 1968; Dikec, 2009; Fainstein, 2009; Harvey, 2003, 2009) Africa, on the other hand, offers a different scenario of urban (and by extension global) integration. One feature of Africa’s urbanization is the massive migration of displaced refugees-the common folk- from one country to another. Most African cities are swelling in size due to the influx of refugees from war torn neighboring countries, rather than capitalists. Nairobi, for instance, has been hosting a large number of urban refugees from Somalia, Ethiopia, Eritrea, the Sudan, the DRC, Rwanda and Uganda over the last four decades. Looking at urban refugees in African cities will therefore help us understand how people struggle for rights and resources in urban Africa ‘bottom up’.

Thirdly, the liberal, democratic and Westphalian versions of the ‘state’ and the ‘citizen’ are seldom applicable in the context of African cities. Discussing the case of South African and Botswanan cities, Nyamnjoh (2007:74) frames this unique context stating; “Even when legal rights are extended to migrants, racial and ethnic minorities; they have not always been able to claim them”. In fact, “disaffected nationals, in conjunction with the state, direct their resentment against immigrants and ethnic minorities.” (Nyamnjoh, 2007:74) While many western cities speak of illegal immigrants, rising sentiments of xenophobia and racism against these ‘aliens’; African cities now speak of urban refugees.

Incidents of harassment, violence and xenophobia by the public are common news items from countries like South Africa, Kenya, and most of the Maghreb countries in North Africa. (Simone A, 2001; Nyamnjoh, 2007.2006; Nyaoro, 2010) Authorities, especially the police, are known for harassing refugees; asking for bribes and presents from refugees; and detaining refugees arbitrarily and under false pretence. (Nyaoro, 2010; Nyamnjoh, 2006) In short, urban refugees are the *alien inhabitants* of the African city. Hence we should ask: What does right to the African city then mean? And, how do refugees struggle to access rights and resources amidst such hostility? To answer these questions, one should look at “the hierarchies and relationships of inclusion and exclusion informed by race, ethnicity, class, gender and geography that determine accessibility to citizenship in *real* (my emphasis) terms.” (Nyamnjoh, 2007:79)

Last but not least, any discussion about urban citizenship in Africa would bring new concepts such as “liminality” and “transience” into the literature on the right to the city. Urban refugees often use African host cities as transit corridors for international

migration, as opposed to legal or illegal immigrants who land in western cities to settle in permanently. This 'suspended' nature of their stay in host cities renders them to a situation of 'liminality'. They consider themselves as sojourners (waiting to emigrate out of host cities) but also demand rights and resources as legal inhabitants of the host city. Kihato (2007:8) summarized the case of refugees from Ivory Coast living in Johannesburg stating:

The social space that is occupied by immigrants in Johannesburg is one that defies clear definition. Indeed it is a liminal space in which a population is caught between and betwixt an often idealised past and an imagined future. This liminal condition is articulated not only by their own perceptions of their dislocation in South African society, but by their imagining of a future 'back home' or outside of the continent. This has a profound impact on questions of belonging, and citizenship. Migrant narratives, the nature of their associational life, and their relationships to home and host country, constantly reconfirm their unrootedness and transience in their everyday lives in Johannesburg.

Given all these, we can safely argue that the right to the city theory would gain a lot by taking the African case into account.

On the other hand, employing the right to the city approach using the case of urban refugees will contribute a lot to the study of forced displacement and urban refugees in Africa. The first contribution will be in reorienting the scholarship about refugees in Africa from an "encampment centered" approach to an "urban centered" approach. There is a dearth of information about 'urban refugees' in Africa who cross international borders and land in host cities. In contrast, refugees who cross border zones and settle in refugee camps receive a lot of research and policy attention. According to Weaver, these camp refugees "enjoy a level of technical and socioeconomic assistance and infrastructure superior to urban refugees who have self settled in cities of the host

country.” (Weaver, 1988:459) Accordingly, Kibreab (1996:131) dubbed ‘urban refugees’ as people that “the eye refuses to see”. Anita Fabos (2003:1) built on this notion of invisibility stating,

Indeed, the association of African refugees with camps is so overwhelming that it is often the first image that comes to mind for perhaps the majority of people who are not refugees.

In its own modest way, this study aims to bring to light the struggles of urban refugees and give them some visibility.

Secondly, the current approach to the treatment of refugees in Africa focuses on *providing basic services in camps* until such time comes that refugees get permanently relocated in a third (usually western) country. Such a *temporary and service providing* approach to refugees departs significantly from international declarations and policy instruments that bestow various *rights* on refugees. Some of these rights include: a) the right to possess property (UN, Article 13,1951), b) protection of the “industrial, artistic, literary and scientific works of a refugee” (UN, Article 14, 1951), c) the right to gainful employment in the host country, d) right to public education and housing (UN, Articles 21 and 22, 1951). The right to the city approach will therefore be useful since it reintroduces *a rights centered discourse* to study urban refugees.

Thirdly, a rights centered discourse would help us consider whether we can speak of *urban citizenship regimes in Africa*. And if so, it will help us contemplate what the remits or parameters of urban citizenship for African refugees ought to be like. It could be the case that urban refugees value and prefer to have certain rights to the city as opposed to others. For instance, Kihato (2007) found out that Ivorian refugees in Johannesburg only

focused on economic rights as opposed to political rights. She stated, “Many do not necessarily want political rights, but they do want rights to economic opportunities”. (Kihato, 2007:10) This study would trace if there are similar patterns amongst Ethiopian urban refugees in Nairobi or not. Exploring these processes would help discover whether we can speak of right to the city in generic terms, or as specifically outlined or contextualized portfolios of rights.

Last but not least, the policy and political implications of the *right to the African city* has already become a topic of research and discussion among African scholars. Parnell and Pieterse (2010) pioneered this project of appropriating the right to the city literature. They state, “Curiously, the notions of urban citizenship, with its assumptions of universality, have been little applied to the fundamental development questions of how cities of the South might be imagined or governed.” (Parnell and Pieterse, 2010:148) This lacuna, they argue, is “apparent by the absence of an articulated rights-based agenda for cities of the South.” (Parnell and Pieterse, 2010:148) For them, “the concept of the rights based city offers innovative ways of advancing debate about the developmental state” as opposed to “neoliberal governmentality.” (Parnell and Pieterse, 2010:148)

Pieterse and Parnell’s model lays out a “generation of rights”. The first generation of rights focuses on individual rights for voting, health, education. The second generation of rights focuses on household services like housing, water, energy and waste management. They then speak of *rights to the city*, as the third generation of rights, which include things like public safety, social amenities, and public transport. Parnell and Pieterse share Lefebvre’s suspicion and skepticism about representative democracy and the neo-

liberal state. But their call to “build state capacities and deliver economic opportunities to the poor or to redistribute from the rich” does not tally up with Lefebvre’s deep seated suspicion about any state project. (Parnell and Pieterse, 2010: 150) Here again, one should be able to ask whether a *developmental state* is better placed to cater to groups like urban refugees than the neoliberal state. And if so, its potential implications for city planners and policy makers in African cities ought to be studied. To sum up, the Right to the City approach could break fresh ground: by making the case of urban refugees more visible, by reorienting the focus of refugee studies on rights and power relations, and articulating new trends of thought on rights to the city in Africa.

1.4 Research Questions and Objectives

This far I have established how rapidly Africa is urbanizing partly due to the inflow of refugees from neighboring countries in conflict. I also discussed about the unique set of circumstances that urban refugees find themselves in while interacting with the policies of the host state (on the one hand) and regular citizens of the host country (on the other). This was followed by a discussion about citizenship, in general, and urban citizenship, in particular. The “urban citizenship” literature begins by discussing how the process of globalization forced the nation state to relinquish its power both to supra and sub national levels. Cities have now become arenas where citizenship is redefined. Hence there is an increased interest in Henry Lefebvre’s discussions of urban citizenship as the rights of all inhabitants to appropriate and use urban spaces; and to directly participate in the management of these urban spaces.

However, the right to the city approach pays a discriminate emphasis to the experiences of western cities ignoring non-western cities and how citizenship and rights are being defined in those areas. African cities are urbanizing rapidly due to the influx of refugees from civil wars in neighboring countries. Both individually (as active human agents) and collectively (as urban enclaves of ethnic refugees): these urban refugees have managed to be involved in economic activities, to access public goods like education and health services, and transform urban neighborhoods. Urban refugees negotiate a difficult terrain of multiple identities ranging from a ‘refugee’, an ‘illegal’ immigrant, an immigrant and/or a city inhabitant. But very little is researched about the conditions of urban refugees, in general, and how urban refugees are contesting formal definitions of citizenship, in particular. To borrow from Harvey and Potter (2009:42): can we speak of urban citizenship in Africa as “the rights of immigrants, transients, and strangers to participate in local politics?” There is a lot of merit in asking this question but some deserve mentioning.

First of all, the right to the city theory could spare itself from universalist impulses and sloganeering by anchoring itself in contexts like African cities². For instance, looking at urban refugees will help us understand and explain how people at the margins struggle for rights and resources in African cities as opposed to the global elite. It would bring new concepts such as “liminality” and “transience” into the literature on the right to the city. It would also illuminate “the hierarchies and relationships of inclusion and exclusion” that “determine accessibility to citizenship in *real* terms.” (Nyamnjoh,

² This is already happening amongst international outfits who work on urban development issues in the South. For instance UNHABITAT organized a World Urban Form in Rio dealing with a theme “Right To The City-Bridging the Urban Divide”.
<http://www.unhabitat.org/categories.asp?catid=584>

2007:79) On the other hand, the right to the city theory would help inform and enrich the scholarship on forced displacement, in general, and urban refugees, in particular. To sum up, the right to the city theory could break fresh ground: by making the case of urban refugees more visible, by reorienting the focus of refugee studies on rights and power relations, and articulating new trends of thought on right to the city in Africa.

Hence, this particular study aims to answer the following three major research questions by taking the case of Ethiopian refugees in selected neighborhoods of the capital city of Kenya, Nairobi³. The first research question reads, “How do Ethiopian urban refugees negotiate aspects of urban citizenship in the city of Nairobi?” The second research question reads, “How adequate is the ‘right to the city’ approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources in the city of Nairobi? The third major research question reads, “What kind of urban policy measures can African cities take to manage conflict driven urbanization and use it as a positive force for social change?” Table one (1) illustrates these three major research questions.

<u>Table 1. Major Research Questions</u>
<p><i>1. How do Ethiopian urban refugees negotiate aspects of urban citizenship in the city of Nairobi?</i></p> <p><i>2. How adequate is the ‘right to the city’ approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources in the city of Nairobi?</i></p> <p><i>3. What kind of urban policy measures can African cities take to manage displacement driven urbanization and use it as a positive force for social change?</i></p>

³ The reasons why the city of Nairobi and Ethiopian urban refugees in Nairobi are selected for this study will be discussed in greater depth in the methodology chapter

These research questions could be translated into five research objectives. Accordingly,

- 1) This study aims to explore the adequacy of the right to the city literature in a non-western urban context.
- 2) The study also investigates refugee-host city relations taking the particular case of Ethiopian refugees in the city of Nairobi.
- 3) The study looks at the educational, religious and social institutions of the Ethiopian refugee community and explored how refugees bank on these and other social networks to survive and thrive in Nairobi. The study also inquires whether refugees use their social capital to negotiate and secure other economic and political rights in the host city.
- 4) The study focuses on the enterprises and business establishments owned by Ethiopian refugees, looking at how these enterprises benefit from both the refugee community and Kenyan citizens of Nairobi. It also attempts to shed light on whether the participation of refugees in economic activities translates into bargaining power to access other rights to the city.
- 5) Last but not the least, this study provides a brief historical analysis of Kenya's national policy on the issue of refugees. It attempts to trace how the refugee inflow started in the country, in general, and in Nairobi, in particular. It also tries to capture the dynamics around the initiation, development and ratification of

Kenyan policy regimes regarding urban refugees, both at the national and local level.

For summary purpose, however, one can reduce these specific objectives into two major objectives. Empirically speaking, the main objective of this study is to shed light on *how refugees negotiate aspects of urban citizenship* in the host city. It explores how urban refugees employ their knowledge, resources and networks to appropriate and manage the urban space. This process entailed negotiating and accessing rights, resources and power within the host city. Theoretically speaking, however, the study reflects on whether Lefebvrian arguments for *right to the city* are useful heuristics in the case of African cities where the *alien other* is mostly the refugee, instead of the *immigrant*.

1.5 Significance of the Study

I have already stated under section 1.3 that much of the literature on cities, globalization and its footloose circulation of labor, capital, technology and goods in cities is derived from the experiences of Western Europe and North America. In contrast, we have the African continent which is rapidly urbanizing but is least studied. Even more, the potential link between conflicts, urbanization and inhabitants' right to the city has not been adequately studied. This study therefore has some *theoretical contribution* by way of qualifying the process of urbanization in Nairobi, charting refugee-host community relations, and looking at how refugees use their human, financial and social capital to negotiate more 'rights to the city'.

Secondly, the study aims to reflect on how the city of Nairobi is coming to grips with the issue of urban refugees by looking into international, national and city wide policies and

legal instruments. In addition, it captures the actual praxis (lived experience) of state-refugee relations on the ground. Particularly, interviews with refugees and their community leaders, as well as Nairobi's legislators and officials yielded useful information on which policies worked and which ones did not. Eventually, the study does present a set of *policy recommendations* that would help facilitate the relationship between the city of Nairobi and urban refugees.

Methodologically speaking, there were many advantages to conducting a *case study*. First of all, case studies provide a deep understanding of how a certain social process has influenced or affected a given group, community, nation, etc. According to Schutt (2009:428) "What distinguishes case study research is the emphasis on understanding the case as a 'whole'". The researcher may "focus on different parts of the case during analysis, but the researcher's primary concern is fitting the parts together-understanding the interrelations among the elements that make up the whole case." (Schutt, 2009:428) Secondly, case studies "are friendly to employ a wide range of interconnected interpretive practices, hoping always to get a better understanding of the subject matter at hand." (Denzin and Lincoln, 2003:5)

1.6 Organization of the Study

Chapter 2 provides a thorough review of the literature on citizenship and the emerging debate on urban citizenship. It also draws a distinction between the relatively new discussion about "right to the city" and the older theoretical debate about social justice in the city indicating that the debate about urban citizenship frames the notions of inclusion, participation and decision making *not* within the frameworks of a liberal-democratic state. To the contrary, Lefebvre's works stand out as critique of liberal democracies.

Chapter 3 describes the methodology of the study. It sets out with a summary of the general and specific research questions already discussed in this introductory chapter. In this chapter, I have also argued why I consider a qualitative case study is ideal to address the research questions I raised. The chapter then delves into a discussion of the data collection methods, the sampling procedures and analysis of the data gathered from the field.

Chapter 4 is the first part of the data analysis. It begins by providing a more detailed analysis about the profile of urban refugees, and their reasons for migration. It then discusses about the challenges and opportunities the city of Nairobi offered to them upon arrival. It then delves into a discussion about the different livelihood schemes of urban refugees outlining how refugees use their skill set, their capital, and their community networks to engage in gainful employment. The chapter ends by looking at the various religious, cultural and educational institutions established by Ethiopian refugees and inquires the role and relevance of these institutions to refugee life.

Chapter 5 zooms into the more crucial issue of state-refugee relations first by looking at the generation of international, continental and national protocols and laws that the Kenyan state subscribed to officially. The chapter looks into the pros and cons of these protocols and legislations followed by refugees' own reflections about the Kenyan State, the Nairobi city council and their relationship with the law enforcement agencies of the State.

Chapter 6 is a critical summary of how urban refugees are “governed” in Kenya. It begins by revising the major findings of the study both in chapter 4 and 5. It then utilizes the arguments of the “right to the city” approach itself to consider whether the “urban

citizenship” literature speaks to the experience of urban refugees in Nairobi. These discussions lead to the final section of the chapter which underscores the need to have a critical look at power and governance at the “nation-state” level in Africa since it is directly, if not more influentially, involved in the urban governance of refugees. In other words, section 6.4 stands out as a critique of the emphasis that “the right to the city” literature proffers at the “urban” level.

Chapter 7 deals with specific policy recommendations that urban refugees, government officials and civil society leaders working on urban refuge matters forwarded as useful entry points for better policy and governance of urban refugees.

Chapter 8 concludes the research by recapturing the original research questions, providing a synopsis of the major theoretical debates on urban citizenship, and comparing the empirical findings of the study alongside the theoretical premises of “right to the city” literature. It ends by pointing out areas for further exploration and study.

CHAPTER II

REVIEW OF LITERATURE

Overview

This chapter engages the literature on citizenship in more detail. The first section starts out by reviewing the origin of the term “citizen” and the major strands of thought in explaining what it means. Accordingly, it outlines the liberal social contract, civic republican and cosmopolitan citizenship theories. It then elaborates Henry Lefebvre’s work on “right to the city” followed by recent works on “urban citizenship” many of which were inspired by Lefebvre’s work. It then draws a distinction between the contemporary works on urban citizenship and the older theoretical debate about social justice in the city. It ends by pointing out how the debate about urban citizenship frames the notions of inclusion, participation and decision making beyond the frameworks of the liberal-democratic nation-state.

2.1 Cities and Citizenship

2.1.1 Citizenship and the State: Brief Background

The term *citizen* emerged in “the course of the constitutional upheavals of the seventeenth century” when the opponents of the Stuart monarchy in England began to “seriously question the powers of the Crown” describing themselves “as free born citizens than as subjects to their king.” (Skinner, 2003:11) A citizen is hence a free entity,

as opposed to a slave or a subject whose freedoms are curtailed and confined by a sovereign other i.e. a slave master or a monarch. Skinner calls this Westphalian notion of citizenship as neo-Roman where, “To be free as a citizen requires that the actions of the state should reflect the will of all its citizens.” (Skinner, 2003:15)

This narrative about freedom, and the free citizen was soon critiqued by the anti-republican and pro-monarchical writings of Thomas Hobbes (1649-1651). For Hobbes, liberty has nothing to do with dependence on others or independence from others. Freedom, he argues, is taken away from people “only by identifiable acts of interference on the part of external agents.” (Skinner, 2003:15) So when the law coerces us to do something by “arousing fears about the evil consequences of disobedience”, we are not acting “unfreely in obeying it.” (Skinner, 2003:16) We are not becoming slaves of the sovereign law. Rather, we are like “the man who throws his goods into the Sea for fear that the ship would sink.” (Skinner, 2003:16) Arguing so, Hobbes strongly criticizes the belief that “subjects in a popular commonwealth enjoy liberty.” (Skinner, 2003:16)

Obviously, Hobbesian calls for *Leviathan* were met with furious repudiations. Skinner quotes the incisive work of Algernon Sidney (1694), who responded back to Hobbesian affirmations of coercion by a sovereign (usually a monarch) and its consistency with liberty as totally illogical. He argued that one cannot accept, “those men or nations are not slaves, who have no other title to what they enjoy, than the grace of the prince, which he may revoke whensoever he pleaseath.” (Skinner, 2003:16) Sidney continued, “if it be liberty to live under such a government, I desire to know what is slavery.” (Skinner, 2003:16)

These arguments about freedom, citizenship and slavery circled on two major points. First, there has always been controversy on the degree of coercion that the state should be allowed to exercise on its members. How do we strike the balance between sufficient coercion to ensure public safety, law and order (on the one hand) without stifling on the human and civil liberties of individual citizens(on the other hand)? Secondly, beginning from the 17th century experiments of republicanism, liberty and citizenship are defined in negative terms i.e. freedom from the coercive and stifling powers of the state. The philosophy of liberalism, Skinner argues, is rooted in this negative undercurrent of liberty. Protagonists (Skinner, 2003:20) argue,

If liberty is the ideal to be cherished, and if law is the principal means by which it is undermined, and then we have a powerful reason for controlling the state in the name of maximizing our freedom as citizens.

Only recently, liberalism has turned into a positive rendition of liberty where the state is redefined as the institution which can improve people's lives, redress inequalities and render equity and some sort of social justice. TH Green and Bernard Bosanquet pioneered this project. Green, for instance, argues that "to speak of the freedom of a man is thus to speak of the state in which he shall have realized his ideal of himself." (Skinner, 2003:21) Hence, the state assumed the role of 'hindering hindrances' such as "free and compulsory education (because ignorance is hindrance), health care (because disease is hindrance) and state pensions and welfare (because poverty is hindrance)". (Skinner, 2003:23) Interestingly, liberalism (in its broad philosophical stroke) oscillates between a minimalist (negative) rendition of the state and a maximalist (positive) rendition of the state. If we are to look at these two signposts and deduce their narrative about citizenship, the minimalist approach borders a libertarian narrative of a citizen (low taxes, less regulation, a watchman state). Whereas, the maximalist narrative borders the

progressive/liberal rendition of a citizen (high taxes for equity, more regulation, an enabling state).

2.1.2 Theories of Citizenship

Contemporary debates about citizenship do spring from the classic debate about the powers of the state vis-a- vis the rights and duties of citizens. Obviously, the oldest renditions of citizenship are the liberal social contract theories. These approaches argue that citizens primarily are rights holders. TH Marshall, in his seminal work *Citizenship and Social Class* suggests that “the citizen/state relationship is an inter-subjective one” where both the state and the citizen are entities “possessing interests, resources, and capacities” of their own. (Poggi, 2003:42) But such a formal, legalistic approach to citizenship has been quite problematic. Holsten and Appadurai (1996:190) give us a critical summary of why the liberal definition of citizenship lacks rigor and salience. They state,

Although in theory full access to rights depends on membership, in practice that which constitutes citizenship substantively is often independent of its formal status. In other words, formal membership in the nation-state is increasingly neither a necessary nor a sufficient condition for substantive citizenship. That it is not sufficient is obvious for many poor citizens who have formal membership in the state but who are excluded in fact or law from enjoying the rights of citizenship and participating effectively in its organization. This condition also applies to citizens of all classes who find that their preferences for a desirable or proper form of life—for example, with regard to sexual or religious practices—are not adequately embodied in the national-public sphere of rights even though the communities in which they live may overwhelmingly approve them.

The first critique of the formal and legalistic definitions of citizenship comes from civic-republicans who argue that legal status is “the basis of citizenship, but it was not the whole of the matter.” (Dagger, 1981:720) For civic republicans, the citizen is more than a voter or a tax payer; he or she “would have to devote the better part of his or her time and

energy to public concerns.” (Dagger, 1981:718) Hence citizenship is a “public vocation” that “carries with it a responsibility to act with the interests of the community in mind.” (Dagger, 1981:718) Such communitarian renditions of citizenship which emphasize ethical membership, active participation and the pursuit of a ‘common good’ (or the “national interest”) by individual citizens usually lament the loss of this ‘pristine’ form of citizenship. The culprit, many uphold, is liberalism. Dagger (1981:720), for instance argues,

Liberals have tended to regard political participation principally as a means of protecting and furthering one's private interests, and as something, therefore, that is neither worthwhile in itself nor part of the citizen's responsibility.

A more recent approach towards citizenship which actually attempts to defy the territorial and political confines of the nation state is the literature on ‘cosmopolitan citizenship’. According to Baubock (2009:475), cosmopolitan citizenship refers to “duties of solidarity that human beings have towards others across state borders and national identities (Nussbaum 2000, Appiah 2006)”. The debate about global or cosmopolitan citizenship echoes Roman teachings of Stoicism where “every person was thought of as born into and hence a citizen of two *republicae*: a particular city-state and the greater *cosmopolis*.” (Bowden, 2003:353) If these two loyalties conflict, Bowden states, “citizens’ duties to the *cosmopolis* would always prevail” (Bowden, 2003:353).” Many questioned this loyalty to the human race (as a global community) as impractical due to such simple factors as distance. Hill (2000:66) quotes Henry Shue’s analogy to make this point,

I am the pebble and the world is the pond I have been dropped into. I am at the centre of a system of concentric circles that become fainter as they spread .My duties are exactly like the concentric ripples around the pebble; strongest at the centre and rapidly diminishing toward the periphery .Any duties to those on the far periphery are going to diminish to nothing, and given the limited resources available to any ordinary person, her positive duties will barely reach beyond a

second or third circle. We generally imagine our primary, secondary and tertiary duties to others as ranked geographically.

In short, critics argue that distance regulates our reaction to fellow other human beings. But enthusiasts like Nussbaum responded stating, “our task as citizens of the world will then be to “draw the circles somehow toward the center”, making all human beings more like our fellow city-dwellers’.” (Bowden, 2003:355). The literature on cosmopolitan citizenship faced stiff resistance from the traditional schools of thought on citizenship which posit that “the modern conceptions of citizenship are anchored in the world of the bounded community.” (Linklater, 1998:23) Hence, “it loses its precise meaning when divorced from territoriality, sovereignty and shared nationality.” (Linklater, 1998:23)

For civic republicans, cosmopolitan citizenship,

Not only fails to specify the concrete rights and duties which bind citizens in relations of close cooperation within bounded communities, but at a deeper level, it fails to engage them in any effective form of *shared rule*. (Linklater, 1998:27)

From their ethical vantage point, therefore, cosmopolitan citizenship is an oxymoron. In a similar vein, Nyamnjoh (2007:74) comments that cosmopolitanism seems “confined to rhetoric, making it difficult in reality to feel at home away from home.” He continued,

No amount of questioning by scholars, human rights advocates and immigrants immersed in the reality of flexible mobility seems adequate to de-essentialize the growing global fixation with an “authentic” place called home.”

Baubock (2009) has recently developed his ‘stakeholder theory’ on citizenship. He begins by recognizing merits in the liberal social contract tradition stating,

In a world separated into distinct political communities, a recognized status of membership in at least one of these communities is a general precondition for individual autonomy and well-being. (Baubock, 2009:478)

He quotes Hannah Arendt's famous phrase that citizenship is 'the right to have rights' (Arendt 1967, p. 269). But there is more to citizenship by way of "active participation or representation in the making of laws." (Baubock, 2009:479) He then recommends what the two criteria of qualifying individuals for citizenship. Individuals eligible for citizenship should be those "who (a) depend on that community for long-term protection of their basic rights.(dependency criterion) or (b) are or have been subjected to that community's political authorities for a significant period." (Baubock, 2009:479) It is not clear how Baubock's definition of a stakeholder is far from the liberal narrative of granting citizenship to people born in the country or to those who can be "naturalized" over the course of time.

2.1.3 Re-scaling Citizenship: Cities and Globalization

According to Varasnyi (2006:231) "the etymology of the word 'citizenship' reveals its urban origins: there is a clear connection, for instance, between the word citizen and the word that we now translate in English as city-state." Nevertheless, "throughout the twentieth century the term 'citizenship' has been hegemonically associated with membership in a national political community". (Purcell, 2003:571) For Purcell, this Liberal Democratic and Westphalian (LDW) version of citizenship is now being 'destabilized' owing to global transformations. He discusses 'global economic restructuring' of the modern world where: a) finance and capital mobilization is articulated on a supra-national level, b) the production of goods and services is globally articulated, and c) the massive migration of both skilled and unskilled labor is taking place at a global level.

Politics is also being rescaled at both supra-national and sub-national levels. The famous European Union experiment and the devolution of authority and resources to the local tiers of political administration, Purcell argues, indicate that there is significant reduction in the power of the nation-state. All of these processes affect the way citizenship is defined. He argues, “state power is being displaced upward, downward and outward, and the national scale state is losing its status as the dominant centre of political authority and political sovereignty.” (Purcell, 2003:571) This means, “A citizenship regime in which all citizenships flow from legal membership in a national-state scale is more open to configuration.” (Purcell, 2003:571) This notion is widely shared by other authors like Engin Isin (1997), Saskia Sassen(1996, 1998), Holsten and Appadurai(1996).

For Holsten and Appadurai(1996:189), globalization is driving “a deeper wedge between national space and its urban centers”. They continue, “There are a growing number of societies in which cities have a different relationship to global processes than the visions and policies of their nation-states may admit or endorse (Holsten and Appadurai, 1996:189).” They argue the politics of London, Los Angeles, or Mogadishu is oddly placed in the politics of the United Kingdom, America or of Somalia. Another way of looking at how cities have become centers for new forms of citizenship is the disjuncture between formal and substantive citizenship. Formal citizenship refers to “membership in the nation-state and the substantive to the array of civil, political, socio-economic, and cultural rights people possess and exercise.” (Holsten and Appadurai,1996:190). They boldly state that “formal membership in the nation-state is increasingly neither a necessary nor a sufficient condition for substantive citizenship” in the city.

Faced with its diverse and global city constituents, the nation-state has vacillated between policies that make “citizenship more exclusive” and others that make “citizenship more inclusive.” (Holsten and Appadurai, 1996:190,191) Both approaches are not without misgivings. In the first case, Holsten and Appadurai hold, “localism can generate xenophobic violence.” (Holsten and Appadurai, 1996:191) But “the elimination of local community as the ground of citizenship” also “tends to preclude active participation in the business of rule” and replace the “civic ideal with a more passive sense of entitlement to benefits.” (Holsten and Appadurai, 1996:191) Cities therefore represent the spatial and political scale, where the “tired identity of formal, national citizenship” is unraveling. (Holsten and Appadurai, 1996:195) Some like Isin(2002), are optimistic about this process while many others are weary(Dagger, 1981). Isin(2002:312), for instance, argues,

The modern project of the nation state emphasized unity and sameness over difference and diversity. The rise of multiculturalism as a political force is a sign of the failure of that modernist project. *The cities and regions of the future must nurture difference and diversity through cultural pluralism.*

Dagger (1981:721), on the other hand, laments that “the greater size of cities, their political fragmentation, and the mobility of their citizens” have all contributed to the “loss of civic memory” and active citizenship in today’s American cities. In its present shape, Dagger argues, the city has not come “to be something more than a bewildering agglomeration of streets and buildings and nameless faces”. These contestations on identity, citizenship, and cities have often led to violence. Holsten and Appadurai(1996:200) concluded, “ If the city is a special site for such formations and reformations of citizens, it can also be a special war zone, a space in which these processes find expression in collective violence”. These may take forms of “urban terrorism from the extreme right and left, racist attacks, Islamic bombings, gang

shootings, death squads, riots, vandalism etc.”(Holsten and Appadurai, 1996:200) In short, the global urbanization of violence shows that cities have now become the major sites where forms of identity and citizenship are coming to close contacts and clashes.

2.2 The Right to the City

2.2.1 The Right to the City: A Cry and a Demand

The drive to comprehend such new relations between cities, identities and citizenship have now led to the ‘discovery’ of Henry Lefebvre’s prominent theoretical works under the rubric of the ‘right to the city’ literature. A French sociologist, Lefebvre first coined the term ‘the right to the city’ in 1967 in his book “*Le droit a’ la ville*”. As he defines it:

The right to the city, complemented by the right to difference and the right to information, should modify, concretize and make more practical the rights of the citizen as an *urban dweller (citadin)* and *user of multiple services*. It would affirm, on the one hand, the right of users to make known their ideas *on the space and time of their activities in the urban area*; it would also cover the *right to the use of the center, a privileged place, instead of being dispersed and stuck into ghettos* (for workers, immigrants, the ‘marginal’ and even for the ‘privileged’).
(translated in Kofman and Lebas 1996: 34)

Le droit a’ la ville “describes the negative impact that the capitalist economy has on cities, converting the city into a commodity serving only the interests of capital accumulation.” (Mathivet, 2010:21) Gilbert and Phillips (2003:316) note that Lefebvre was calling for a radical “re-appropriation of everyday life by social and political actions” against forces of capital and state power in 1968 France. However Lefebvre’s formulation of the right to the city has relevance to contemporary realities where “processes of economic globalization increase, the same capitalist logic of development persists and exacerbates the struggle for social and environmental justice in the city.”

(Gilbert and Phillips, 2003:316) For Lefebvre, the right to the city is to be claimed through the *right to difference*, which is “the right to claim, to struggle and to redefine the relation between domination and appropriation.” (Gilbert and Phillips, 2003:317) In short, Lefebvre proposes that “that inhabitants demand control over the construction of urban spaces.” (Mathivet, 2010:21)

In his other book *The Production of Space (1973)* Lefebvre introduced three main ways of understanding space i.e. “perceived, conceived and lived spaces.” Elden and Brenner elaborated on this schema of Lefebvre stating that it unites “physical, mental and social space”. Perceived spaces, that Lefebvre also calls ‘territorial practices’ and ‘territorial representations’ include : “the physical, material spaces of state territory, from the borders, fences, walls and barriers erected to mark its external limits.”(Brenner and Eden, 2009:365) Conceived spaces , whom he also calls ‘representations of territory’ refer to, “a range of imagined senses of the body of a nation translated into political practice, including maps and charts; abstract ways of representing territory cartography, and otherwise diagrammatically.”(Brenner and Eden, 2009:365) Thirdly, lived spaces refer to the individual and social experience of living through the physical and mental world of spaces. For Purcell, lived space represents “the complex amalgamation of perceived and conceived space. It is the everyday life of the city dweller.” (Purcell, 2003:577) Brenner and Elden (2009:367) conclude,

The power of Lefebvre’s analysis is that he offers a way to think state, space, and territory together; to conceptualize them through the relations between practices, representations, and lived experience; to see them as historically interrelated rather than determined; and to enable a powerful set of conceptual categories to be utilized in grasping both their historical lineage and their contemporary deployment.

For Lefebvre, such political activism and struggle to re-appropriate and fashion the urban space can only happen when a new form of *city-zenship* develops. He is quick to point out that “the traditional and formal meanings of citizenship as the source of obligation (to pay taxes, declare goods, and military service etc) offer a little more than the right to vote.” (Gilbert and Phillips, 2003:319) However, he continues the activities of the representative “will unlikely be controlled by the voters.” (Gilbert and Phillips, 2003:319) Hence, an implicit charge that the Liberal Democratic and Westphalian model of democracy has actually marginalized and excluded most of the urban folks. In lieu, Lefebvre recommends a new bundle of citizenship rights including “rights that have been vulnerable to state and market domination: right to information, to expression, to culture, to identity in difference (and equality), to self management (autogestion), and to the city.” (Gilbert and Phillips .2003:319) Fernandez (2007:207) summarizes this disjuncture between the liberal contract narrative of rights and Lefebvre’s formulation stating,

If Rousseau distinguished between politics and the social pact, considering politics to be a mere circumstantial effect of the ‘general will’ underlying the social pact, Lefebvre proposed a contemporary formula for social citizenship, expressing a ‘social project’ which requires a new political contract between the state and citizens in order to reduce the gap between state and government, and between the institutional power and the power of civil society.

2.2.2 Urban Citizenship: Re-qualified and Re-scaled

We have already discussed that Lefebvre’s formulation of the right to the city is a critique of liberal democracy and its mechanisms of electoral representation. Mark Purcell makes an interesting link between the ‘right to the city’ literature and the normative theories about cities and citizenship. Purcell (2003:577) argues, “Lefebvre’s right to the city model rests urban citizenship on *inhabitation*, instead of loyalty to the national-state

scale.” For Purcell (2003:577), Lefebvre imagined that these inhabitants have “two major rights: 1) the right to appropriate urban space, and 2) the right to participate centrally in the production of urban space”.

The first bundle of rights are actually about the “the full and complete usage of the city—the right to live in, play in, work in, represent, characterize, and occupy urban space in a particular city.”(Purcell, 2003:578) They are more about the “use value” of cities than their “exchange value”. Purcell links this to Lefebvre expose of the city as an oeuvre i.e. a human vocation, a piece of art fashioned and refashioned by its inhabitants. Secondly, Purcell (2003:578) argues, the right to participate “implies the right to play a central role in the decision making process in the production of the urban space”. Such an arrangement gives people the right to global cities where for instance an “Angeleno dweller could be a formal citizen of Mexico, a *citadin* (citizen-denizen) of Los Angeles and, not a formal citizen of the United States.” (Purcell, 2003:580) In short, Lefebvre re-qualifies citizenship (what it should substantively entail) and re-scales it as well (making the urban as the most important scale of political practice.)

Baubock elaborates how Purcell’s notion of urban citizenship is different from formal citizenship. Nation-states, he argues, “have three basic mechanisms for allocating citizenship: *ius soli* (birth in the territory), *ius sanguinis* (descent from citizen parents) and naturalization.” (Baubock, 2003:149) By contrast, Purcell’s formulation of a *citadin* is automatically based on “*ius domicili* as the basic rule for allocating membership in the city.” (Babcock, 2003:149) Such practices, Baubock argues, existed in the past where, for instance, “In 1975 Sweden introduced the vote for all non-citizens after three years of legal residence in local and regional elections and in referenda.” (Baubock, 2003:151)

According to Baubock, all the Nordic countries have followed Sweden's footsteps since then. In Germany, Baubock adds, "the text of the Basic Law does not explicitly tie the local franchise to citizenship." But the German Constitutional Court (1990) "repealed legislation in Hamburg and Schleswig-Holstein that would have introduced voting rights for non-citizens at the level of district election." (Babcock, 2003:151)

While Purcell embraces the notion of 'urban citizenship'-or rather *citadinship*-, he also criticizes Lefebvre's concept of an 'inhabitant'. He argues, "To my mind, the key weakness in Lefebvre's concept is that he conflates his idea of 'inhabitant' with the category 'working class.'" (Purcell, 2002:106) Such formulation, for Purcell, narrows down the political agenda of the 'inhabitant' within the confines of class struggle. For Purcell, the "inhabitant" should be able to challenge "the racist city, the patriarchal city, or the hetero-normative city, all of which confront inhabitants in their daily lives." (Purcell, 2002:106) But he is convinced that "the analytical and political power of the idea of inhabitance" helps us understand "better how politics of identity and difference will articulate with an urban politics of the inhabitant." (Purcell, 2002:106)

Not everyone is enthusiastic about Purcell formulation of the right to the global city. For instance, Varasanyi (2006:233) points out that much of the urban citizenship literature is inspired by "changes taking place in the European Union". The question is how applicable would this literature be in the case of other regions of the world where a supra-national integration project like the European Union is not underway? Secondly, she points out that the practical application of the 'urban citizenship' literature is not looked at. She (2006:234) posits, "In an extremely literal sense, where should boundaries be drawn around the city?", and "who belongs within (and is a citizen) and who is excluded

of the city?” Baubock (2003:156) iterates the same issues stating, “There are reasons to be skeptical towards the idea that urban citizenship could simply bypass the national level and become a basis for building institutions of global democracy.”

Baubock(2003:156) also criticizes the ‘global city’ literature of nodes and international networks between cities stating, “A network is not a polity; it is not a community sharing its own institutions of government and common interests in a broad range of public goods.” Even more, he stated, “The populations of New York, London and Tokyo may have *similar* interests, but they do not have many *common* interests that would call for bringing them together under a single government”.(Baubock,2003:156)

Plyushetva(2009:93) takes a different take on ‘the right to the city’ approach that its strict adherence to the criteria of inhabitance could be counterproductive because, “there is nothing to prevent those with political power and financial means to also shape the urban space according to their needs.” Hence she recommends that the ‘right to the city’ approach can yield just outcomes when “*only* those claiming their core citizenship rights.” (Plyushetva, 2009:93)

2.2.3 The Right to the City: Alterations and Confusions

The ‘right to the city’ literature is now a rallying point of grassroots organizations, international coalitions and urban activists who struggle for social justice, inclusion and equity in the city. For instance UNHABITAT organized a World Urban Forum on “Right to the City” in 2010. Also, Habitat International Coalition (HIC) was a forerunner in introducing the World Charter on the Right to the City. The Charter, Mathivet states, is based on three fundamental axes. First comes, “The exercise of full citizenship, namely

the realization of all human rights to ensure the collective well-being of inhabitants.” (Mathivet, 2010:25) The second premise is “The democratic management of the city through the direct participation of society in planning and governance.” (Mathivet, 2010:25) Thirdly, the Charter invokes “The social function of the city and of urban property, with the collective good prevailing over individual property rights.” (Mathivet, 2010:25)

Recognizing that there are now “cities without citizens”, ‘right to the city’ now represents “the struggle of invisible city dwellers that have been robbed of a space where they can develop and live with dignity.” (Mathivet, 2010:25) Much of this struggle is against “the ways that neo-liberalism and the privatization of land use have turned our cities over to developers.” (Marcuse, 2010:87) Or in David Harvey’s (2003:941) words,

A few hedge funds, exercising their inalienable right to make a profit by whatever means, rage around the world speculatively destroying whole economies. They destroy our cities with their speculations, reanimate them with their donations to the opera and the ballet while, like Kenneth Lay of Enron fame, their CEOs strut the global stage and accumulate massive wealth at the expense of millions.

For Harvey and others, this is clearly wrong and he concludes stating,

The creation of a new urban commons, a public sphere of active democratic participation, requires that we roll back that huge wave of privatization that has been the mantra of a destructive neo-liberalism. (Harvey, 2003:941)

Recently, however, there is a lot of excitement on the part of global policy makers (such as UNESCO, UNHABITAT etc) and international financiers(e.g. the World Bank); narrating their own version of what they meant by right to the city. For Fawaz (2009:831) these contemporary formulations dwell on a “normative framework of redistributive

justice” significantly departing from “the way ‘the right to the city’ has been used by theorists.” For instance, a recent UNESCO/UNHABITAT report adopted a very minimalist definition of the right to the city. Interestingly, the document (UNHABITAT/UNESCO, 2009:16) starts by defining what the right to the city is *not*, instead of what it is. It continues arguing,

Claiming the *right to the city* does not confer specific rights (such as ‘city rights’ of the Middle Ages—to hold and receive income from the markets, tolls, and taxes, or modern rights to specific urban services). Nor does it translate into national claims to the urban level so that urban citizenship replaces or negates national citizenship.

Instead, the report defines the right to the city as one that “enables all inhabitants and communities—whether women or men, established residents or incomers—to access in liberty and freedom the benefits of city life.” (UNHABITAT/UNESCO, 2009:36) It also “confers responsibilities on city inhabitants *to support* (emphasis mine) governments in facilitating those rights.” (UNHABITAT/UNESCO, 2009:36) One can easily tell that the radical, participatory and empowering aspects of Lefebvre’s writings and his critical look on the liberal democratic state are being watered down here. The right to the city is applied only as a convenient lexicon (a buzz word for that matter) to mean having rights in the city and considering the state as the guarantor of these rights.

Even more, the experiences of developing country cities are studied under the rubric of the right to the city literature, “especially in Colombia and Brazil where more inclusive and participatory processes of planning are invoking the ‘right to the city’ in their formulation.” (Fawaz, 2009:832) Most of these studies are however “directed towards reforming existing state models of governance thinking of strategies and legal

frameworks that can render them more inclusive.” (Fawaz, 2009:832) According to Earle(2010:8), “the diffusion of the term(right to the city) has led to a wide arrange of definitions” and confusions too. At its most minimal, Earl continues, “The idea is ‘reduced to the right to be maintained in the city – that is, to be housed and serviced’”. But “the original idea was far more transformative, calling for ‘a radical restructuring of social, political, and economic relations, both in the city and beyond.” (Earle, 2010:8)

But still, there are many who approach the notion of rights and the city from a critical angle. Carasco(2010) for instance writes that government control needs to be abated if public spaces in the city are to be truly public. She (2010:3) argues,

It is naïve to believe that the government will cease their arbitrary prohibition of speech as long as it continues to own physical public forums, for it has persistently refused its management and use as communal space, and shows no signs of intending to do so. ..If the right to the city is truly to become a right rather than a privilege, if no one is to have the right to exclude –not even the government-, then traditional public spaces must become communal space where every individual conserves the right not [to] be excluded from the uses or benefits of resources.

To conclude, Lefebvre’s work is undergoing a lot of mutation and transformation as it is used to qualify different processes, policy actions and narratives by different actors in the city. The following section, however, draws a clear conceptual distinction between the right to the city literature and the older and much wider discussion about social justice in the city. It shows that right to the city approach offers an alternative and a critique of the traditional just city debate grounded mostly in the experience of western cities.

2.3 Justice and the Right to the City

The limits of just and unjust are very difficult to set down; like the middle state between health and illness, between the appropriateness and inappropriateness of things, between the false and the true, is difficult to mark.

Voltaire

2.3.1 Liberalism and the Just City

There are many words that we leisurely use but are difficult to pin down or define. Justice is one such term. A casual use of the word may entail positive connotations such as ‘doing right’, ‘providing for the needy or the underdog’, ‘redressing inequality’, ‘punishing wrong doers’, and/or ‘ensuring public safety’. The issue of social justice gained some traction in urban studies in the works of David Harvey, Manuel Castells, Richard Senett, and lately, Susan Fainstein. Otherwise, much is not written about justice per se. However, almost all theoretical perspectives about urban problems imply one or another model of justice. So do their respective policy recommendations.

The oldest argument on urban injustices comes from the liberal tradition. Dreier, Mollenkopf and Swanstrom’s *Place Matters* provides an epic summary of this tradition. The liberal thesis begins by asserting that place (where we live in the city) “affects our access to jobs and public services (especially education).” (Dreier et al, 2001:2) Hence those who live in poor and dilapidated neighborhoods of the city get low quality education and training opportunities; find it difficult to find decent jobs; to earn and save adequate income for a living. For liberals, therefore, “rising inequality is the major problem” of modern cities.” (Dreier et al, 2001:17) By way of remedies, most liberals

posit a bundle of policy recommendations which can be grouped into three major themes: a) reversing the suburban bias in urban development, b) ensuring human capital development in the inner city, and c) attacking income poverty in a regional/metropolitan fashion. In short, the liberal tradition considers the state as *the* major actor in alleviating poverty and inequality, mainly through *political, redistributive* and *remunerative interventions* organized at *metropolitan levels*.

One of the most elaborate liberal renditions on the just city comes from Susan Fainstein (2010). In her book, Fainstein (2010:23) speaks of three major concepts underpinning social justice in the city. These are “1) democratic processes and just outcomes, 2) the criterion of equity, and 3) the criterion of recognition”. That *democracy* comes at the forefront of the discussion about justice is not surprising. We assume that one major form of addressing issues of representation, participation and decision making in cities is via democracy. In fact, the quest for urban justice often comes as a quest for democracy. According to Fainstein (2010:24),

Demands for transparency, inclusion, and negotiation in public decisions were a reaction to the top-down, technocratic approach underlying governmental programs such as urban renewal, exclusionary zoning, and placement of toxic-producing facilities.

In short, the place and role of democratic governance is one major issue around which the concept of the just city model revolves.

Nevertheless, assuming that democratic participation would in itself redress injustice would be so simplistic and wrong. In fact, some of the world’s most unequal societies are democracies (e.g. India, Brazil, USA, South Africa etc.). So are their cities (e.g. New Delhi, Rio di Janiero, New York, Johannesburg etc.). Hence, the theory of deliberative

democracy or its planning derivative, communicative planning theory, have profound weakness in assuming that “reasoned discussion will produce just outcomes.” (Fainstein,2010:29) Unless the social and economic roots of inequality are tackled, as Fainstein(2010:30) argues, “democracy and justice are frequently at odds in unequal society.” Secondly, there are instances where just economic outcomes resulted from democracies which were not very deliberative. Fainstein(2010:34)mentions of instances “like the European welfare states and the New Deal where major reforms were introduced without the direct participation of the public”. In short, democratic processes should yield equitable outcomes. Otherwise they become nominal exercises i.e. matters of form than substance.

Equity, for Fainstein(2010: 36), entails “the distribution of both material and non-material benefits derived from public policy that does not favor those who are already better off at the beginning.” She continues (2010: 36) to point out that pro-equity regimes look at urban development programs and “ask: a) who benefits from them, b) and to what extent?” So equity does not only imply distribution of benefits but doing so on a vertical axis (from the ‘haves’ to the ‘have nots’). Here Fainstein(2010:37) draws a line between her liberal version of justice to the utilitarian view of “the greatest happiness of the greatest number.” She criticized utilitarianism for “it does not ask how the sum of satisfactions is distributed among individuals” (2010:37).

Thirdly, the notion of justice in the city would have to deal with *diversity*. Fainstein (a la Nancy Fraser) points out that much of urban politics is about ‘recognition’ as much as it is about ‘distribution’. In fact, the liberal tradition of urban justice comes under fire from post-structuralists for its ‘liberal atomism’ and ‘economism’. The critiques of liberalism

uphold that “recollections of persecution of one group by another based on race, nationality, gender will not simply go away because of economic equality.” (Fainstein, 2010:45) While the post-structural emphasis on ‘other’ forms of injustice rather than economic inequality is noteworthy; its recommendations for a just city are not clearly pronounced. In fact in some of its versions, post-structuralism may lead to “essentialism, unproductive conflict, and new forms of oppression rather than to mutual respect.” (Fainstein, 2010:47)

To sum up, Fainstein holds that a just city has to deal with issues of democratic participation and decision making; economic empowerment and distribution; cultural tolerance and cosmopolitanism. It is quite difficult to arrive at an optimal mix of all these orientations and map out what a just city would like, mainly because of the interrelatedness of the concepts themselves. Democracies may bestow greater liberties on citizens without addressing inequality. Or we may have undemocratic regimes generating growth and tackling poverty without recognizing citizens’ basic human, political or civil rights (e.g. a Chinese city would be an ideal example here).

2.3.2 Neo Liberalism and Urban Justice

Beginning from the late 1970s, the idea of alleviating poverty and inequality through government interventions began to lose luster. The critique of that argument developed within the rubric of neo-liberalism. Boudreau et al state that “Historically, neo-liberalism was a reaction to both the widely experienced authoritarian practices of the mid 20th century and the Keynesian-fordist regime of accumulation.” (Boudreau et al, 2009:24) The authors continue that the person who “most visibly symbolized these policies was NYC mayor Rudy Guliani.” (Boudreau et al, 2009:23) Fred Siegel’s *The Prince* is a

narrative of Giuliani's neo-liberal reforms in the city of New York. For Siegel, New York City's problem was not its concentrated poverty, and staggering inequality. Instead it was the city government itself.

Siegel argues, "Between a unionized work force, rapidly expanding social services and the need for public work projects, the city was forced repeatedly to raise taxes and borrow." (Siegel, 2005:7) Giuliani's reforms, therefore, aimed at downsizing government. Among other things, he decided, 1) to cut the size of government, 2) to cut taxes to attract jobs, 3) to consolidate or eliminate city departments and introduce competition with the delivery of services, and 4) to work with the State Legislature that the city gets a fair share of state revenue. (Siegel, 2005:24). And on social issues like crime, work and education, Giuliani's neo-liberal reforms departed from the older liberal efforts.

About education, Giuliani said, "Let us be honest. Money has become the biggest dodge for explaining the failure of our school system. It is almost a mantra: If we only had more money." (Siegel, 2005:116) He also cut welfare spending stating, "Welfare drained the city of not only money but also social capital. It robbed people of dignity and hope all of which can be found in a job." (Siegel, 2005:153) On crime, Giuliani argued that, "Government couldn't serve the substitute for the family in instilling the values of citizenship." (Siegel, 2005:142) However, he increased policing expenses and adopted stringent "broken windows" policing "which took seriously neighborhood complaints about the disorder created by the so called victimless crimes." (Siegel, 2005:143)

Were neo-liberal reforms antidotes to the economic and social crisis of cities? Many would reply with an emphatic no! Boudreau et al argue (2009:25),

The process of neo-liberalization has entailed much creative destruction not only of prior institutional frameworks and powers but also of division of labor, social relations, welfare provisions, and technological mixes, ways of life and thought, reproductive activities, attachments to the land, and habits of the heart.

They narrate Toronto's experiments under "an uncompromising neoliberal PC premier of Ontario, Mike Harris." (Boudreau et al, 2009:54) Harris's government introduced stringent neo-liberal reforms under the motto, "common sense revolution". The 'revolution' (Boudreau et al, 2009:59) introduced reforms which:

- 1) resulted drastic welfare cuts,
- 2) targeted squeegee kids and panhandlers,
- 3) eliminated public housing programs,
- 4) attacked public work unions,
- 5) dismantled and underfunded the education system and civil society organizations,
- 6) reduced and redesigned local governments,
- 7) amalgamated hundreds of local governments, and
- 8) loosened planning restrictions.

True to their Canadian inklings, the authors concluded, "Welfare cuts, no public housing, and lower labor standards all mean Canada is being Americanized." (Boudreau et al, 2009:63)

Going back to Fainstein's just city model, it seems neo-liberalism was a disaster in all the three criteria she listed i.e. democracy, equity and diversity. The elimination and amalgamation of local governments, as well as the lay off and restructuring of thousands of government workers implies that representation, participation and local decision making powers were under assault. Power was relinquished to the upper most echelons of power and class. Hence, these neo-liberal reforms undermined democratic ideals. Welfare, housing and education cuts all mean that neo-liberal reforms have actually increased inequality within cities. In the name of generating growth and self-reliance, the poor became victims stripped of the little support they used to receive from their city governments.

Diversity has not been directly undermined but it now has ‘perverse’ market logic to it. Boudreau et al (2009:91) write, “In the context of neoliberal market regulated everyday life, cultural differences are being commodified. Multiculturalism is reduced to the celebration of ethnic foods.” It cannot however continue as a “as a good-weather motto for a multiethnic metropolis” in cities like Toronto which are now sharply “geographically and socioeconomically divided along class and racialized lines.” (Boudreau et al, 2009:98) Boudreau et al are right in pointing to us that the problem is not ethnicity or color per se, but the problem is definitely colored.

2.3.3 Urban Justice and Progressive Alternatives

Just as the old liberal tradition of direct and increased government action to welfare and redistribution was challenged by the neo-liberals, the neo-liberals now come under fire from progressives who challenge the normative, political and policy orientation of neo-liberalism. Imbroscio(2010:1), for instance, states,

Over the past two decades two related but distinct orthodoxies have taken hold within the academic study of urban America. Both are grounded in elements of philosophical liberalism. And both are deeply misguided.

First comes, urban regime theory, which holds that “the local state is left too weak to accomplish the complex policy tasks required to govern the city effectively. Therefore local public officials need to form governing coalitions with private capital”. (Imbroscio, 2010:3) It is these coalitions that Stone calls regimes. Imbroscio calls the next tradition liberal expansionism i.e. the argument that “the social and economic problems of the inner cities can only be solved by “crossing the city line” or playing the outside game”. (Imbroscio, 2010:5) Imbroscio criticizes Stone’s taxonomy of regimes as limited and based only on the assumption of a public-private divide of political and policy spheres.

In lieu, he recommends alternative regimes where: a) local states can be accumulators, b) communities can be accumulators, and c) small scale entrepreneurs can be accumulators. Liberal expansionism did not escape his piercing criticisms either. (Imbroscio, 2010:23-33) Among others, Imbroscio argues neo-liberal reforms rarely explain why inner city and community focused development interventions ‘failed’; rather they conclude failure. Secondly, arguing that there is nothing to build in the inner cities and poor minority neighborhoods smacks of elitism(that Imbroscio calls liberal condescension) and reminds one of Oscar Lewis’s infamous “ culture of poverty” thesis. Neither did suburbs and edge cities effectively solve problems of poverty and inequality. Hence the liberal rush towards regionalism and the urge to disperse poor people from inner nodes of concentrated poverty, for Imbroscio, is misguided.

Imbroscio(2010:43-47) recommends Local Economic Alternative Development Strategies (LEADS) which, he states, should have the following “building blocks”. First is “community economic stability”- a condition where localities possess job opportunities. Second is “public balance sheets” that tally the social costs and benefits of private sector development and disinvestment decisions. Third, comes “asset specificities” i.e. the need to emphasize the “importance of capital immobility for vibrant local economic development.” Last but not least is what Imbroscio dubs “economic localism”. In short, Imbroscio’s alternative development strategies encourage *generating capital* which is *immobile enough* to sustain and benefit *local communities*.

Here again, one would question how organic, egalitarian and united communities are to advance economies of scale and to survive and thrive in highly competitive, corporate capitalist economy. It also remains to be seen whether such endeavors will be democratic

and inclusive or institutions of patronage, corruption and nepotism by the powerful few. Last but not the least, one would wonder how 'local' is local in today's global and interconnected financial and real economy. While the normative and political appeals of these alternatives are tempting; their feasibility falls under a big question mark. Wouldn't such pragmatism be a reason why all liberals have now become Petersonians?

2.4 Beyond the Just City: Right to the City

We have moved into an era where we are called upon to raise certain basic questions about the whole society. We are still called upon to give aid to the beggar who finds himself in misery and agony on life's highway. But one day, we must ask the question of whether an edifice which produces beggars must not be restructured and refurbished. That is where we are now.

Martin L King (1968)

Where would Lefebvre's right to the city approach be placed given the previous discussions about urban in/justice and its liberal, neo-liberal and progressive readings? Lefebvre's tradition is a critique of the liberal outline of urban justice very much in the line of political economists such as David Harvey. Critiquing Fainstein's outline of just city (comprising tenets of democracy, equity, and diversity); Harvey and Potter (2009:40) state that "ideals of justice and practices of political power have marched along very much hand in hand!" So this project of developing ideal types of a just city ignores the economic and socio-political context within which injustice itself emerges, develops and is instrumentalized.

For example, what qualifies for injustice in a slave owning or feudal society is very much different from injustice in a modern industrial capitalist society. So shall vary the types of

justice that the oppressed, marginalized or exploited in each of these societies seek from the establishment. Harvey and Potter (2009:41) underscore, “the difficulty with all idealist specifications of rights and justice, including Fainstein’s Just City, is that they hide this connection.” This is more so for John Rawl’s famous theory of justice where he “constructs a “veil of ignorance” concerning the position we might occupy in the social order and asks how we would specify a just distribution in the light of that ignorance.”(Harvey and Potter, 2009:41) In reality, however, no individual or group in society wears a veil of ignorance when experiencing injustice and when it demands redress. And it is that demand for redress; that uprising against the legal, economic as well as political scaffoldings of the neo-liberal state that Lefebvre defines the *right to the city*. According to Mustafa Dikec(2009:74)

The right to the city “does not imply a ‘clean’ and quaint city where the “good citizens” mingle on its streets, crowding its beautiful parks, and living there happily ever after. As Lefebvre (1996:195) argues, it does not abolish confrontations and struggles. On the contrary!

Furthermore, Lefebvre states, “The right to the city cannot be considered a simple visiting right or a return to the traditional city.” (Dikec, 2009:75) Dikec(2009:75) brings our attention to Kant’s formulation of the *stranger* in *Perpetual Peace*, where Kant argues, “ There is no room for the stranger to claim a right, but simply to enjoy a right to visit or pass through.” Lefebvre is arguing exactly the opposite! He is arguing that both residents and strangers in the city should have active political rights to access and appropriate urban space; participate in the decision making process about its management; and make or remake it after their hearts’ desire! The right to the city approach, therefore, goes beyond calls for a just city. According to Dikec (2009:76),

The right to the city, therefore, is not simply a participatory right but, more importantly, an enabling right, to be defined and refined through political struggle. It is not only a right to urban space, but to a political space as well, constituting the city as a space of politics. Urban citizenship, in this sense, does not refer to a legal status, but to a form of identification with the city, to a political identity.

In the words of Peter Marcuse(2009:246), the Just City approach “is an important concept that leads in new and much needed directions for thinking and acting on urban problems”, but it should “be expanded to develop and achieve what the Right to the City calls for: the right to full, free, creative life for all.”

On her part, Fainstein fires back at the Marxist critique of justice as “the ideologized, glorified expression of the existing economic relations.” (2010:40) She quotes Geras to assert that “First, Marx’s characterization of capitalism as robbery is itself about justice. His critique of capitalism is in the name of justice. His concern is for distributive justice.” (Fainstein, 2010:41) She adds that the discomfort of Marxist positivists for a normative perspective of justice in capitalist society is obvious. For them, justice can only be realized when private property ownership is totally abolished and when the ‘exploitation’ of one human being by another stops. This very argument, Fainstein responds, is itself highly normative and value laden. It could be a ‘desirable’ state of affair, but not ‘feasible’ in the present order of things. Harvey and Potter (2009:46) interject here arguing, “This is precisely the point at which Fainstein’s conception of the Just City falters. From the start it delimits its scope to acting within the existing capitalist regime of rights and freedoms.”

CHAPTER III

METHODOLOGY

Overview

This chapter discusses the rationale behind a qualitative case study. It begins by explaining the reasons why the city of Nairobi is selected to study the case of Ethiopian urban refugees. It then revises the major research questions of the research followed by specific research questions posed during the data collection process. The third section provides an overview of qualitative research methodology justifying why I found it more suitable to answer the above mentioned research questions. The following sections offer brief discussions about the case study design; the data collection instruments, as well as the sampling techniques and procedures that were used in the field.

In a nut shell, I took the case of Ethiopian refugees in Nairobi (Kenya) mainly because Nairobi boasts the highest concentration of urban refugees in Africa from neighboring countries like Ethiopia. It therefore offered an *ideal context* to explore state-refugee relations in greater detail. I also chose qualitative methodology since it allows capturing *processes* of state-refugee relations in ways which elicit the *meanings* that respondents (informants of the study) attach with these processes. It also provided a range of data collection techniques which complement each other such as, a) observation, b) analyzing texts and documents, c) interviews, and d) recording and transcribing.

I decided to conduct case study for the design is favorable to conduct empirical inquiry on “a contemporary phenomenon within *its real life context*.” (Yin, 1984:23) As far as sampling is concerned I used the urban refugees list of Kenya’s prominent nonprofit organization, Refugee Coalition of Kenya (RCK), to screen, select and approach thirty (30) refugee respondents. This total sample size was apportioned evenly between three different neighborhoods (“wards” in technical parlance) that have the highest concentration of urban refugees in Nairobi. Accordingly, five men and women were interviewed from each ward. Their informed consent was solicited and their personal details are completely anonymized to maintain confidentiality. When it comes to Kenyan government officials and civil society leaders, I used snowball sampling where my contacts recommended a group of stakeholders or key informants I should reach out and interview on the field. Accordingly a total of twenty (20) respondents were interviewed from line government bureaus, local and international organizations that work on urban refugee issues.

Interviews proved to be very useful and exciting data collection instruments for the following reasons. First, they aptly captured, described and discussed the respondent’s *own* ideas, opinions and experiences. Second, they offered flexibility where I was able to rearrange the order of questions or issues to be discussed *impromptu* while interviewing an informant and probe for more information. Last but not least, the interviews generated more valid accounts since I could observe the gestures, tones and reactions of informants *in situ* through face to face interaction with refugees.

3.1 Site Selection: Why Nairobi? Why Ethiopian Refugees?

I have already indicated that internal conflicts in African countries result a massive flight of civilians from war torn countries into neighboring countries and cities. East Africa has seen its share of violence and instability. For almost 30 years civil war was raging in Ethiopia where hundreds and thousands of refugees fled to neighboring Kenya until 1991. Later in 1999, Ethiopia and Eritrea started a border war which lasted until 2000 and saw the massive flight and eviction of both Eritreans and Ethiopians from the respective countries. A significant number of these refugees fled to Nairobi too. Somalia's state collapse since 1991 made it the highest most contributor of refugees in the region. Also the civil war between North and South Sudan produced thousands of refugees some of whom fled south to Kenya. The situation is so dire that a recent report on the refugee crisis in the Horn of Africa indicated that "there are a total of 824,000 refugees and some 3.5 million internally displaced persons (IDPs) in the East and Horn of Africa." (UNHCR, 2010:7)

It is important to note that the only stable country in East Africa has been Kenya which hosted refugees from the region. Nairobi, the capital city of Kenya, has also become one major recipient of refugees from neighboring countries. Today the city of Nairobi boasts one of the biggest (*if not the biggest*) number of urban refugees in East Africa. According to Pavanelo et al(2010:7), "official figures suggest there are around 46,000 refugees in Nairobi (UNHCR 2010), however unofficial estimates are nearer 100,000." Not only the sheer size but also the diversity of Nairobi's urban refugees is striking. The same authors report that "Official and anecdotal information indicates that the Somali population is the largest followed by Ethiopians, Congolese, Sudanese, Ugandan and Rwandese, while

smaller refugee groups residing in Nairobi include those from Eritrea and Burundi.” (UNHCR, 2010:7)

Ethiopians comprise the second largest nationality of urban refugees in Nairobi following Somalis. According to UNHCR, “12,257 refugees and asylum seekers of Ethiopian origin have taken up residence in Nairobi.” (UNHCR, 2009b) Despite the magnitude of urban refugee inflow and the socio-economic and political dynamics they create in African cities, very little research is conducted about them. (Sienkiewicz, 2007, Campbell, 2006, Kibreab, 2003, Jacobsen, 2002, Pavanello et al, 2010) Even more, no study has thus far been conducted on Ethiopian urban refugees in Nairobi. This study aims to close that gap.

3.2 Major and Specific Research Questions

I have already discussed the major research questions of this study under section 1.3. However it is imperative to reiterate them here and flesh out the more specific research questions. These specific research questions were very useful starting points to develop the data collection instruments i.e. the in-depth and key informant interview formats. Table 2 illustrates them in more detail.

Table 2 List of Specific Research Questions

I. How do refugees negotiate aspects of urban citizenship in the city of Nairobi?

- a. How do Ethiopian refugees in Nairobi relate to the Kenyan state, and its law enforcement agencies and departments?
- b. How do Ethiopian refugees in Nairobi and their Kenyan counterparts understand,

qualify and explain their status of inhabitation in Nairobi?

- c. Are Ethiopian refugees engaged in economic activities and the mobilization of capital? What are these businesses? How are they established? What do they make and sell?
- d. How do these enterprises marshal the capital, skilled labor and networks from the Ethiopian refugee community? And how do these institutions impact both refugees and the host community?
- e. What type of religious, educational and other cultural institutions are initiated and organized by Ethiopian refugees in Nairobi? How do these institutions impact both refugees and the host community?

II. How adequate is the ‘right to the city’ approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources in the city of Nairobi?

- a. What are the bundles of political rights that urban refugees in Nairobi enjoy? And how do these differ from the rights of citizens and legal immigrants?
- b. What are the bundles of economic rights that urban refugees in Nairobi enjoy? And how do these differ from the rights of citizens and legal immigrants?
- c. Do urban refugees have the right to live in and use urban public spaces in Nairobi? If so, how? If not, why not?
- d. Do urban refugees have the right to participate centrally in the production of urban space? If so, how? If not, why not?
- e. How far can the urban citizenship literature on western cities (aiming at the inclusion and participation of immigrants and strangers) explain the situation of

urban refugees in nonwestern cities?

III. What kind of urban policy measures can African cities take to manage displacement driven urbanization and use it as a positive force for social change?

- a. What are the laws and policies of the Government of Kenya (GoK) as well as the city of Nairobi regarding urban refugees? What are the pros and cons of these national and local policy instruments?
- b. What kinds of policy recommendations could be made to improve the provisions as well as the implementation of these policies?

3.3 Qualitative Research Methodology: Overview

Silverman (2001:11) provides a good summary of what qualitative research methods include. They involve: “1) observation, 2) analyzing texts and documents, 3) interviews, and 4) recording and transcribing.” These methods can be combined or used in different contexts. For instance, while in-depth interviews entail an individual informant, focus group discussions involve multiple participants being interviewed and discussing an issue determined by the researcher. There are two major reasons why a qualitative case study became appropriate for this research. These are: a) the epistemological assumptions underlying qualitative studies and b) the relative strength (instrumental validity) of qualitative research methods to answer the research questions better than quantitative methods. (See section 3.4)

The dominant epistemological stance that underpins the use of rigorous quantitative methods (like surveys) is *positivism*; an assertion that reality has an independent, objective existence outside the observer and is ready to be discovered, aggregated and studied. The qualitative research tradition, on the other hand, is founded on *interpretivism*; an assertion that “reality and meaning are constructed from the actions and reactions of society’s constituent members, the individuals.” (Bryman, 2004:17) Positivists assume that “a) the world is independent of and unaffected by the researcher, b) facts and values are distinct, and c) observations are the final arbiter in theoretical disputes.” (Ritchie and Lewis, 2003:16) Interpretivists, on the other hand, argue that “a) the researcher and the social world impact each other, b) facts and values are not distinct, and c) the methods of natural sciences are not appropriate because the social world is not governed by law-like regularities.” (Ritchie and Lewis, 2003:17) It is this *interpretivist* tradition of qualitative methods that makes them more amenable for this particular study.

Creswell (1994) provides some basic assumptions of a qualitative research design. As was stated above, qualitative research is concerned primarily with “*process*-rather than outcomes or products.” (Creswell, 1994:145) Similarly, I intend to capture *how* Ethiopian urban refugees are *negotiating urban places and urban spaces* in the case of Nairobi, the city with largest number of refugees in east Africa. Secondly, Creswell points out that qualitative research is usually interested in “*meaning*-how people make sense of their lives, experiences and their structures of the world.” (Creswell, 1994:145) In a similar vein, this study does not hypothesize about the experiences of urban refugees in Africa per se. Rather it aims to explore the *urban refugees’ own reflection of their experience*.

Thirdly, qualitative research involves “*fieldwork* where the researcher physically goes to people, setting, site or institution to observe or record behavior in its natural setting.” (Creswell, 1994:145) Accordingly, I travelled to Nairobi and conducted fieldwork from the 14th of July 2012 to the 11th of October, 2012. Last but not least, qualitative research is “*inductive* where the researcher builds abstractions, concepts, hypotheses, and theories from details” (Creswell, 1994:145). Glaser and Strauss (1967) named this process *analytical induction* where concepts and theoretical categories emerge from the data itself.

3.4 The Case Study Design

Yin (1984:13) argues that our choice of a research design is very much dependent on three important factors, namely “1) the type of research question posed, 2) the extent of control an investigator has over actual behavioral events, and 3) the degree of focus on contemporary as opposed to historical events.” For instance, experiments are amenable to “how” and “why” kind of questions; but they require control over behavioral events; and also focus on contemporary events. On the other hand, case studies are amenable to “how” and “why” research questions; they do not require control over behavioral events; and usually focus on contemporary issues or events. Yin (1984:23) defines the case study design as follows,

A case study is an empirical inquiry that investigates a contemporary phenomenon within its real life context; when the boundaries between the context and the phenomenon are not clearly evident; and in which multiple sources of evidence are used.

The case study design involves “systematically gathering enough information about a particular person, social setting, event or a group to permit the researcher to effectively

understand how it operates or functions.” (Berg, 2001:225) There is therefore ample latitude as to what counts for a “case” in a case study design. For this study, I gathered information on a particular group of people i.e. Ethiopian urban refugees in the city of Nairobi.

Case studies can also be broader or narrower in terms of their scope of analysis. For example, the researcher “may confine his or her examination to a single aspect of an individual’s life (say medical records)” or “assess the social life of an individual and their entire background, experiences, roles and motivations.” (Berg, 2001:225) In this case, the study has a much broader scope exploring such matters as 1) state-refugee relations, 2) the social networks of Ethiopian urban refugees, 3) business and economic activities of the refugees in Nairobi and, 4) the various policy regimes on state-refugee relations in Kenya. A caveat is important here. Case study is “not actually a data-gathering technique, but a methodological approach that incorporates a number of data gathering techniques.” (Berg, 2001:225)

According to Berg (2001:229), case studies can be classified into three different types namely “intrinsic, instrumental and collective case studies.” Intrinsic case studies are undertaken when the “researcher wants to better understand a particular case.” (Berg, 2001:229) It is conducted when the unit of analysis portrays some “particular trait, characteristic or problem” which was not explored before. Instrumental case studies, on the other hand, are conducted “to provide insights into an issue or refine a theoretical explanation.” (Berg, 2001:229) In situations like this, a case study is only considered as supporting evidence, or “a background against which the actual research interests will

play out.” (Berg, 2001:229) The third type is collective case studies where several instrumental cases are selected “to allow better understanding or perhaps enhance the ability to theorize about a broader context.” (Berg, 2001:229)

Looking at this classification of case studies, this particular study is an instrumental case study which aims to contribute to a better theorizing of the right to the city approach. It aims to do so by investigating the particular conditions of urban refugees, who are neither in camps nor living as legal immigrants of an African city. It is trying to illustrate whether the right to the city literature can be expanded or developed to incorporate the case of non-western urban experiences. The study is not intrinsic since I am not looking at the case of urban refugees for its own purpose but as a case to think about theory. Neither am I conducting multiple case studies to better explain a theoretical argument. Hence it is not a collective case study.

Case studies have their own limitations. Silverman (2001) points out one major shortcoming of qualitative methods including the case study approach. Researchers “seldom provide the criteria or grounds for including certain instances and not others. As a result, it is difficult to determine the *typicality* or *representativeness* of instances and findings.” (Silverman, 2001:222) Secondly, there is “the common concern about case studies that they provide little basis for scientific *generalization*.” (Yin, 1984:21) Thirdly, many argue that case studies “take too long and result in *massive, unreadable documents*.” (Yin, 1984:21) But each of these limitations or concerns about case study methods can be addressed in ways that boost the internal validity of the case study design. I took the following measures to avoid these pitfalls.

As far as sampling is concerned, section 3.5 stipulates the sampling techniques, frames and procedures of the study. It elaborates on how respondents are selected in ways commensurate with the research objectives and questions. This can help address the risk of “anecdotalism” or “cherry picking” that skeptics of qualitative research techniques are quick to point out. Secondly, I stress that “case studies, like experiments, are generalizable to theoretical propositions than to populations or the universe.” (Yin, 1984:21) In other words, the researcher’s goal in a case study design is “to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization).” (Yin, 1984:21)

Thirdly, the qualitative data could be organized into a coherently descriptive and tightly analytical frame if the analysis does not lose sight and track of the basic research questions the study set out to answer. As such, the major research questions are the overarching thematic umbrellas under which the bulk of the interviews are coded, discussed and analyzed. Such thematic analysis is complemented by a comparative analysis of *patterns tracing and matching* across groups (e.g. Kenyans versus Ethiopians, female versus male urban refugees, officials versus refugees, NGO representatives versus government officials etc.)

3.5 Data Collection Techniques

3.5.1 Semi-structured Interviews

I interviewed a total of thirty (30) urban refugees in Nairobi. Creswell (1994:151) defines interviews as “face-to-face or one-on-one interaction” between an informant and an interviewer. Interviews are very useful “ a) when informants cannot be directly observed; b) when the information collected can provide historical information and c) when the researcher wants greater ‘control’ over the line of questioning”. (Creswell, 1994:151) Usually the interviewer would have a checklist of interview topics or a structured outline of questions that help him or her conduct the interview. Semi Structured interviews refer to those interview formats which use such guidelines. Despite their advantages, interviews can also be limiting because they usually provide, “a) “indirect” information filtered through the views of the interviewees, and b) information in a designated ‘place’, rather than the natural field setting.” (Creswell, 1994:151) The researcher’s presence in the field setting may also bias responses.

Despite the limitations mentioned above, there are three major reasons why semi structured interviews were useful for this data collection purpose. First, semi structured interviews capture, describe and discuss the respondent’s *own* ideas, opinions and experiences. They provide a “deeper understanding of social phenomena than what would be obtained from purely quantitative data.” (Silverman, 2000:89) Bryman(2004:320) states that the emphasis in interviews is on “how the interviewee frames and understands issues and events-that is what the interviewee views as important in explaining and understanding events, patterns, and forms of behavior.” This

merit makes interviews more useful to understand city-refugee interactions in Nairobi compared to structured surveys where response categories are strictly coded.

Secondly, the interview process is flexible. It is possible to rearrange the order of questions or issues to be discussed *impromptu* while interviewing an informant. The researcher can probe for more information or ask clarifications from the respondent. There also is the chance to observe people's facial expressions and gestures while conducting the interview. This flexibility enables the interviewer to have "greater control over the environment." (Sarantakos, 1998:266) This applies to almost all qualitative data collection techniques where, "the researcher is the primary instrument of data collection." (Creswell, 1994:145) Data is "mediated through this human instrument, rather than through inventories, questionnaires, or machines." (Creswell, 1994:145)

Thirdly, conducting semi structured interviews is instrumental since it reflects the theoretical position of this study. It involves looking at "*actual patterns of social interaction* not just verbalized reports or post hoc traces of interaction."(Bulmer, 1984:210) Interviews are verbalized reports but the researcher can observe and study patterns of social interaction *in situ* through a face to face interaction with refugees. Hence interviews are "subtle and negotiable social encounters" between the researcher and respondents, which offer much more insights than, for instance, questionnaires. (Bulmer, 1984: 211)

One challenge in conducting interviews, or any qualitative research, is the insider-outsider dichotomy between the researcher and the 'researched', which is characterized

by unequal power relations between the two. Often communities view the researcher as an outsider and more powerful individual. Accordingly, people sanction their actions, opinions, and feelings while interacting with this inquisitive outsider. Sideaway (1992:403) argues in this line stating, “So often in journeys to the Third World, we move towards the top of a social hierarchy in a society that we often do not well understand, *and the results can be problematic*”. This outsider-insider divide can only be bridged if the researcher takes time to stay in the community, takes part in their daily activities, and manages to establish good rapport. To this end, the researcher spent a total of 12 weeks in Nairobi.

However, it is difficult to completely do away with this unequal relation between ‘insiders’ and ‘outsiders’ (or between the ‘researchers’ and the ‘researched’) despite efforts to break the barriers. In my opinion, it is impossible to realize what is called ‘total immersion’ in any research context. What a researcher can do is to be ‘reflexive’ and admit that his or her knowledge and analysis of the research process cannot be complete and objective but “partial” and “situated.” (Mauthner and Doucet 2003) Linda McDowell (in Rose, 1997:1) argues in this line stating that “we must recognize and take account of our position, as well as that of our research participants, and write this into our research practice.”

3.5.2 Key informant interviews

In addition to in-depth interviews with refugees, the researcher also conducted key informant interviews with representatives of three major groups. First were Kenyan government officials in: a) the Province and City Hall of Nairobi, and b) the Ward managers of Kilimani, Eastleigh North and Eastleigh South regions. The total number of Kenyan officials interviewed was seven (7).

Secondly, the researcher conducted key informant interviews with representatives of both local (Kenyan) and international NGOs who work on the issue of urban refugees in general and Ethiopian refugees, in particular. The third group of key informant interviewees was officers in the UNHCR and the International Organization for Migration (IOM). Both of these organizations are actively involved in processing the documentation, support, immigration and naturalization process of urban refugees in Nairobi. I conducted a total of 7 key informant interviews among these two groups. Finally, the researcher conducted six (6) key informant interviews with Ethiopian community leaders who are active in religious, civic or community associations. This brought the total number of key informant interviews conducted to twenty (20) individuals. Table 3 provides a summary of the key informants sampled and interviewed.

Table 3 Sample Matrix for Key Informant Interviews

No.	Sample Categories			
	Kenyan Government Officials	Civil Society and NGO leaders	International Organizations	Community Leaders
1	Nairobi Province Administration	Danish Refugee Council	UNHCR	Elders (3 informants)
2	Social Affairs Department of Nairobi Province	International Rescue Committee	IOM	Ethiopian Orthodox Church Official
3	City Council of Nairobi	Refugee Point		Ethiopian Evangelical Fellowship Pastor
4	Pumwani Ward Official	Refugee Coalition of Kenya		RCK-Oromo Refugee Community Representative
5	Eastleigh North Ward Official	“Hakki Jamii” (Kenyan Human Rights Organization)		
6	Eastleigh South Ward Official			
7	Kilimani Ward Official			

3.5.3 Document Reviews

Prior (2008:111) states that documents in social research “always enter into social affairs in two modes: 1) as receptacles of content, and 2) as agents in networks of action.” Traditionally, however, social scientists focused more on the collection and analysis of documents per se than using them as agents or actors of action. By documents, I am referring to “books, reports, letters, texts, photographs, biographies and autobiographies, as well as documents including statistical data which are typically regarded as a resource for the social science researcher.”(Prior, 208:112) Accordingly, this study reviewed international, national as well as the urban level policy and strategic documents of Kenya when it comes to hosting, documenting and regulating international urban refugees. The review gives a background about the policy regimes, actors and institutions involved in refugee affairs in Kenya.

Table 4 Themes and Sources of Document Review

Policy Theme	Sources
National and Urban Policies on Refugees and International Migration	1. United Nations Protocols and Conventions on Refugees 2. Kenyan Ministry of Provincial Administration and Internal Security 3. Kenyan Department of Refugee Affairs 4. City Council of Nairobi

3.6 Sampling Techniques

3.6.1 Sampling in Qualitative Research

Sampling is required in both qualitative and quantitative studies, simply because the “researcher cannot observe or record everything that occurs.” (Ritchie and Lewis, 2003:77) We often speak of probability and non-probability samples in social science research. Probability sampling is considered as the most rigorous approach to sampling since “every element in the study population is chosen at random and have a known probability of selection.” (Ritchie and Lewis, 2003:78) Qualitative research methods, however, rely on purposive sampling where the “sample units are chosen because they have particular features or characteristics which will enable detailed exploration and understanding.” (Ritchie and Lewis, 2003:78) Purposive sampling has two major advantages. First, it helps us “ensure that all the key constituencies of relevance to the subject matter are covered.” Secondly, “some diversity is included (within each of the key criteria)” so that the impact is properly understood. (Ritchie and Lewis, 2003:80) Probability sampling, on the other hand, usually measures the incidence and prevalence of a given social phenomenon. It does not lend itself to qualitative research which is more concerned about theoretical or analytical generalizations than statistical generalizations.

One key feature of purposive sampling in qualitative research is its *flexibility*. Glaser and Strauss (1967) coined the term *theoretical sampling* to qualify this process. Here, researchers “sample incidents, people, or units on the basis of their potential contribution to the development and testing of a theoretical construct.” (Ritchie and Lewis, 2003:79) This process can continue until the researcher reaches “data saturation” or a “point when no new insights would be obtained.” (Ritchie and Lewis, 2003:79) Others (Maxwell,

1996; Patton, 2002) speak of theoretical sampling as *opportunistic sampling* where the researcher takes advantage of unforeseen opportunities as they arise during the course of fieldwork. Another important feature of purposive samples is *heterogeneity* or what Patton (2002) calls *maximum variation sampling* where “there is a deliberate strategy to include phenomena which vary widely from each other.” (Ritchie and Lewis, 2003:79)

Accordingly, this case study purposively sampled three different groups of people. These are: 1) Ethiopian refugees and community leaders in Nairobi, 2) Kenyan government officials at the national, city, and ward levels, and 3) leaders of international organizations as well as civil society organizations. Gender, age, administrative location and official positions were considered while selecting key informants to ensure some heterogeneity or diversity in the sample pool. On the other hand, I was flexible to identify and sample individuals or groups which prove to be useful on field work. For instance, NGO representatives and some officials were sampled using snowball sampling.

Table 5 Major Sample Categories in the Study Design

No.	Sample Categories
1.	Ethiopian refugees and community leaders in Nairobi
2.	Kenyan Government Officials at national, city, division, and location levels
3.	Representatives of Civil Society Organizations and International Organizations

3.6.2 The Sample Matrix of Interviews

Nairobi is a chartered urban province which has 8 administrative divisions (also known as Constituencies) and 50 wards. The wards are the lowest tiers of administration for the city. Previous research (Pavanello, 2010) indicates that Ethiopian refugees are concentrated in the Kamukunji and Westlands divisions of Nairobi. Furthermore, two wards in Kamukunji (namely, Eastleigh North, and Eastleigh South) and one location in Westlands (namely, Kilimani) are where the majority of Ethiopian refugees have settled in. Given this settlement pattern of Ethiopian urban refugees, I purposively sampled and interviewed a total of 30 Ethiopian respondents (both female and male) from these 3 administrative wards (10 respondents in each location). Table 6 illustrates the breakdown of our refugee informants by gender, age and administrative location.

Table 6 Sample Matrix of In-depth Interview Informants by Wards, Gender and Age

	Eastleigh North		Eastleigh South		Killimani	
Age	Male	Female	Male	Female	Male	Female
18-29	2	2	2	2	2	2
30-44	2	2	2	2	2	2
45-	1	1	1	1	1	1
Total	10		10		10	
G.Total	30					

3.6.3 Sampling Frames and Procedures

Usually, the sample frames for qualitative research develop in two major ways: 1) through existing sources like administrative records and published lists, and 2) in specifically generated schemes (Ritchie and Lewis, 2003:90). A good example of *specifically generated schemes* could be *households screen* where door to door short interviews are conducted “to check if the household has an individual who belongs to the group or not.” (Ritchie and Lewis, 2003:91) Or we could develop our sampling frame “*through an organization*” which “provides services to or represent particular populations.” (Ritchie and Lewis, 2003:93) A third technique of generating a sample frame is what is commonly known as “*snowball sampling*” where “people who have already been interviewed are asked to identify other people they know who fit the selection criteria.” (Ritchie and Lewis, 2003:94)

I used two of these purposive sampling techniques for different sampling categories. In the case of Ethiopian refugees, the sampling frame was derived through the organizational list of a local NGO known as Refugee Coalition of Kenya (RCK), which provides various services for urban refugees in Nairobi. Secondly, snowball sampling was used to contact key informants from a) Kenyan officials, b) local NGO representatives, and c) representatives of international organizations. I asked my key informants to lead me to other bureaus and organizations which they thought would provide more information and insight. Also, I directly contacted religious and community leaders of the Ethiopian community.

3.7 Ethical Issues and Considerations

A number of ethical issues come to the fore when planning to conduct research that involves human subjects. First of all, I sought *informed consent* from all the participants in the study and read out the content of the consent form to the informants. Participants were given information about “the purpose of the study, who the research team is, how the data will be used, and what the participation will require of them.” (Ritchie and Lewis, 2003:67) Secondly, I granted *anonymity and total confidentiality* meaning “the identity and the opinions of those taking part would not be known outside the research team” (Ritchie and Lewis, 2003:67) All of the names and personal details of my informants are therefore not mentioned to protect participants’ anonymity. I also altered certain aspects of the data in order to protect refugees who yielded sensitive information to avoid their being identified by a third party once this study becomes available for the general public. In addition, the data generated from this study was not archived or passed on to a third party- an individual, institution or a data bank-to ensure confidentiality. Thirdly, I was careful not to raise and ask questions which “might uncover painful personal experiences” and may cause harm to the informant (Ritchie and Lewis, 2003:68). The questions in both the in-depth interview guideline and the key informant schedules (See the Appendices) were coined in a broad and exploratory fashion. This helped me avoid asking pointed questions that dwell on sensitive or personal experiences of the informants themselves.

3.8 Data Analysis

There are a number of ways to analyze qualitative data. Yin (1994:103) outlines some of these methods, namely: “putting information into different arrays, making a matrix of categories and placing evidence within such categories, creating data displays (e.g. flowcharts) or putting information in chronological order”. This study attempted to decipher emerging patterns and concepts from the data by analyzing the interviews, discussions and documents into different thematic arrays. Here, the specific research questions are the overarching arrays or thematic umbrellas under which the bulk of the interview data was coded, discussed and analyzed.

This type of analysis -developing themes, patterns and concepts from a mix of categories,- should not be construed similar to what is commonly known as “open coding” (Strauss and Corbin 1998). Open coding is an integral part of the “grounded theory” methodology that sets out to build categories from qualitative data and culminates at developing a theoretical assumption from the data. This study is different since it uses the *right to the city approach* as a theoretical framework and explores whether some of its premises apply to the case of African (or non-western) cities or not. Hence, the pattern of data analysis in this study could be named as “structured coding” as opposed to “open coding”.

CHAPTER IV

BEYOND THE POLITICAL: THE MAKINGS OF AN URBAN REFUGEE

Overview

This chapter is the first part of the data presentation and analysis. It begins by providing a detailed analysis about the profile of urban refugees, and their reasons for migration. It then discusses the challenges and opportunities the city of Nairobi offered to them upon arrival. Subsequently, it delves into a discussion about the different livelihood schemes of urban refugees outlining how refugees use their skill set, their capital, and their community networks to engage in gainful employment. It also reviews the major challenges of urban refugees while doing business or trying to eke out their subsistence through various income generating economic activities. It then looks at the various religious, cultural and educational institutions established by Ethiopian refugees inquiring about the role and relevance of these institutions to refugee life. The chapter ends with a synthesis that casts the major findings in light of the major arguments put forward by the urban citizenship literature.

4.1. “Urban” Refugees: What is in the name?

They all came from different parts of Ethiopia and for so many different reasons. Their reasons for leaving their country of origin and seeking a “refugee” status in Nairobi make us interrogate the term “refugee” itself. That is why this chapter begins by boldly stating that the definition of a “refugee” goes well beyond the political. I first asked

refugees when they arrived in Nairobi and also inquired about their reasons for fleeing from Ethiopia. The range of responses was wide.

Out of the 30 interview informants I purposively sampled, eleven of them stated that they lived in Nairobi from 1 to 5 years. We can call these refugees recent sojourners. While 10 of them indicated that they have stayed in Nairobi for more than 10 years. We can refer to these refugees as pioneer refugees. There is some significant variation in terms of the years the veterans spent in Nairobi. Two of my respondents mentioned that they have lived in Nairobi for 20 years while 4 of them indicated that they have spent 11 years in Nairobi. The number of people who stayed from 6 to 10 years is not very far from the rest either. Around nine (9) people indicated that they have lived in Nairobi from 6 to 10 years.

It is commonplace to assume that urban refugees are predominantly political refugees who fled their country for fear of political persecution. But the findings from the interviews rebutted that assumption from the outset. I have therefore created three categories of response to aggregate the predominant reasons behind the refugees' flight into Nairobi.

4.1.1 Economic Refugees

The most recurrent theme or reason why refugees left to Kenya is for economic reasons. These economic reasons have three different aspects. There are some who left to Nairobi to further migrate into West European and North American countries as economic immigrants. This subgroup is the most predominant among the remaining two other subgroups of economic refugees. One of my informants stated his reason as follows:

The main reason I moved from Addis Ababa to Nairobi was my desire to relocate to Canada. My aunt who lived in Nairobi told me that there is a better chance of migrating to Canada since the Canadian High Commission in east Africa is only located in Nairobi. I accepted her advice and flew over to Nairobi.

In addition to Canada, the United States of America is a major country of destination that most Ethiopians aspire to get into from Nairobi. Some of these refugees come to Nairobi by themselves. Others come as family to process immigration into the US from Kenya. One of my respondents was very concise when asked why he ended up in Nairobi. He replied, "I came here to get a visa and migrate into the United States". Another respondent stated,

I came here to process immigration into and settle in America. I came with four family members and lived with them for three years. Unfortunately, I was denied entry visa to the United States. I settled in Nairobi permanently and began to work as a waiter in a local cafeteria.

Still, there are some refugees who have applied for immigrant visa into these West European and North American countries and are hopeful that they would soon leave Nairobi. A female informant who came to Nairobi in 2006 stated "I came to live with my sister. Later, she left to America and I decided to stay here and apply for a US visa. I am still waiting for the outcome of my immigration application into the US." Another respondent also indicated that his mother and sisters have already settled in the States and that he is waiting to do so too.

There is a second sub group of economic refugees who came to Nairobi to migrate mainly into South Africa. The researcher discovered from the interviews that illegal human trafficking of people from Southern Ethiopia to South Africa is taking place. Respondents indicated that there is a cartel of illegal traffickers located inside Ethiopia and their agents are placed in Nairobi, Kampala (Uganda), Dar Es Salam(Tanzania),

Maputo(Mozambique) and Johannesburg. This network hosts people in the transit cities like Nairobi and traffic them illegally across the borders of these countries en route to South Africa. One of my respondents' narrated his tragic experience as follows:

The reason why I came to Nairobi was to go to South Africa and find a job. In 2009, I left Nairobi and travelled to Mombasa⁴. Then we embarked on a small boat from Lamu port to sail to Tanzania. We paid 3000 US dollars to illegal traffickers who pledged that they will take us all the way down to South Africa. The journey begun in the evening and took a whole day and evening before we got to Zanzibar. They hid us in Zanzibar for three days and we began to cross over to mainland Tanzania. But the Tanzanian Naval Forces captured us on the Indian Ocean. They detained us in mainland Tanzania, robbed all the money that we had and later handed us over to Tanzanian immigration officials. The Tanzanian officers detained us for two days and ordered us to leave the country in 10 days.

I had no money and knew no one in Tanzania. I went to an Ethiopian evangelical church in Dar Es Salaam and asked for their help. They paid 3 days rent for me to stay at a local lounge. But the lounge owner was so considerate and she allowed me to stay there and have free food and drinks from the hotel. She finally gave me around 30000 Kenyan Shillings (estimated to be 300 USD) and advised me to go back to Kenya. I paid 25000 Kenyan Shillings to travel all the way back to the Mombasa Kenyan border. I jumped off before the security checkpoint and circumvented the line to go into the Kenyan border and hop on the bus again. I finally arrived in Mombasa and took another bus to come back to Nairobi again.

The third subgroup of economic refugees in Nairobi is the ones that migrated in search of jobs and better living conditions in Kenya itself. One of my respondents responded, "I came here to find a job and work". Most of these refugees keep mentioning about the stories they heard about how good life is in Nairobi, that business opportunities are available in the city and about the chances of migrating to the West. A female respondent from Addis Ababa put it as follows, "While I was in Addis Ababa, all I used

⁴ Mombasa is a major port city and tourist destination on the Indian Ocean coastland of Kenya.

to hear about Nairobi was great news! At one stage, I decided to cross the Kenyan border to enjoy a new life”. Another respondent from the eastern part of Ethiopia stated,

I grew up in one of the eastern provinces in Ethiopia. When I completed high school I moved to Hawassa⁵ to live with my aunt. I used to hear good things about Moyalle⁶Kenya whenever my aunt’s friends come to our house. One day I took the bus and went to Moyalle Kenya without telling anybody. I crossed the border and came to Nairobi after a while.

To conclude, I found out that most of my informants arrived into Nairobi for economic reasons. Many wanted to use it as a transit corridor to the West. Others eyed South Africa. And still others resorted to settle in Nairobi permanently looking out for employment and business opportunities which they presume are easier to access in Kenya than Ethiopia.

4.1.2 Political Refugees

Ironically, only ten (10) respondents stated that they left the country due to clear and eminent political threats to their lives. On the other hand, thirteen (13) respondents indicated that they left the country for economic reasons and the remaining seven (7) individuals left for personal and family related reasons. Seven of the ten respondents who stated political reasons for their departure from Addis Ababa recount their association with Ethiopian opposition parties. Some stated that they were members in the Ethiopian opposition party, namely the Coalition for Unity and Democracy (CUD) that ran against the incumbent party in 2005. Following disputes about the election outcome and the outbreak of protests, the incumbent regime began to detain and arrest members of the

⁵ Hawassa is a city located on the banks of Lake Awassa in the Rift Valley region south of the Capital, Addis Ababa.

⁶ “Moyalle Ethiopia” and “Moyalle Kenya” are Ethiopian and Kenyan towns located on the official border line and the tarmac road connecting the two countries. They face each other.

opposition, in which case, many fled to neighboring Kenya. One of the respondents narrated his case as follow:

I used to work as a police officer in Addis Ababa where I was denied salary increment and promotions repeatedly! The main reason for their rejection was that I did not sympathize with their party and was not a card carrying party member of the incumbent regime. They tried to cajole me into becoming a member but I refused repeatedly. Finally, they detained and released me after the 2005 national elections. This made me leave my country in the same year.

Another respondent who was a student activist during the 2005 national election states his reason for departure as follows:

I was a student of Information Technology at the College of Commerce in Addis Ababa in 2005 when the killings happened after the elections. I was active during the student riots, and soon realized that I was in risk. I and four (4) other friends of mine decided to flee from the country since the threat from the government security people was getting tougher. After we secured assistance from the Red Cross, we managed to cross the Kenyan border. Finally, we were assisted by the UNHCR to reside in Kakuma⁷.

4.1.3 Social Refugees

Surprisingly, I also found refugees who migrated into Nairobi neither for economic nor for political reasons. These individuals left their country of origin because of personal and/or family related matters. For instance, I met some who came here for reunions with their boy or girl friends. One of my informants stated, “I came here to visit my girlfriend, and I decided to live with her.” Another male respondent narrated his unique experience as follows:

The main reason that made me leave my country was love. I was a first year student of Addis Ababa University when my girl friend came to Ethiopia from Germany. We enjoyed ourselves. I completely abandoned my study and begun to spend the whole day with her.

⁷ “Kakuma” is the second largest refugee camp in Northern Kenya that hosts a lot of Ethiopian refugees

After a few months, she proposed the idea of crossing the Kenyan border. I totally agreed since I knew that I am not going to pass my college exams anyway. We flew into Mombasa⁸ and stayed in a hotel for a month. But in just three weeks, we realized that we did not have any money to get by. Disagreements begun and we broke up. Unfortunately, she started dating tourists in Mombasa for money. I advised her to move to Nairobi to start a new life, but she refused. Finally I decided to come to Nairobi and began to work as a conductor in a “matatu”⁹.

One of the female respondents also has a unique story of flight into Nairobi. Her primary reason for fleeing into Nairobi was the marital crisis she underwent. Here is an excerpt from her response

I gave birth to my first son while I was in high school. We got married with the father of my son afterwards. But he abandoned me and our son and left to United States. I was frustrated and depressed when this happened. I left my job and wanted to leave to Italy. A person promised to facilitate my travel to Italy and took 10000 Ethiopian Birr (estimated around 1000 US Dollars) from me and disappeared. A Somali friend of mine advised me to go to Nairobi saying it would be much easier to travel to South Africa or Europe from here. I then left my son with my parents and crossed the border to Kenya.

The researcher stumbled on a similar kind of story but this time from a male respondent. This particular individual was a university lecturer in one of Ethiopia’s universities who left the country due to stress and frustration from a failed marriage. He narrated his condition as follows:

The reason why I left the country is because of family problem. My wife left me for a British national and left to the UK with my only son. It was such a devastating blow to my life. I could not focus on my career and life in Ethiopia. I left my job and decided to leave the country.

Even more, I found social refugees who left for Nairobi because of parental, sibling or peer influence. Most of them were told that it is easier to secure immigration visa to

⁸ Mombasa is a major port city and tourist destination on the Indian Ocean coastland of Kenya.

⁹ “Matatus” are the famous city buses of Nairobi that carry 25 to 40 passengers. They are known for their colorful make up and blustering music.

western countries from Kenya. Others were told that business opportunities are plenty in Nairobi. A female respondent recounted her experience as follows,

My friend used to nag me to leave the country in order to have better opportunities. One day, she told me that she was ready to cross the Kenyan border and urged me to accompany her and other two friends. I decided to go with her without telling my parents.

4.2 Reception and Assistance in Nairobi

Given the large concentration of refugees from all over East Africa in Kenya's refugee camps ("Dadaab"¹⁰ and "Kakuma"), I presumed a significant number of informants may have landed in these camps. To my surprise only 3 of them indicated that they lived in camps before coming to Nairobi. In contrast, 27 of my informants indicated that they flew or drove straight into Nairobi crossing the Ethio-Kenyan border. All of the three respondents stayed in the "Kakuma" camp bordering Ethiopia in northern Kenya. "Kakuma" is located in a very arid and inhospitable area with very few amenities like clean water, health and educational facilities. One of the refugees stated why he left saying, "I was in "Kakuma" for two months. It is a malaria infested area and I could not adjust to its hostile weather condition. So I decided to move to Nairobi".

Camp refugees get direct assistance from the UNHCR but they are far more disadvantaged than those who live in cities who access better housing, food, health and educational services in Nairobi. One of the community leaders who lived in Nairobi for more than 20 years summarized the history of refugee camps in Kenya as follows:

¹⁰ "Dadaab" is a refugee camp found in the North Eastern part of Kenya bordering Somalia.

“Walda” was the first ever refugee camp founded in the North Western border of Kenya with Ethiopia post 1991. It was around 60 Kilometers away from Moyale Ethiopia, the southernmost town of Ethiopia edging the Kenyan border. Around 60,000 refugees fled to Walda from Ethiopia. But they were vulnerable to stealth attacks (including murder) by agents of the Ethiopian government who crossed the border in Ethiopia and infiltrated the camp.

After repeated outcries from the refugees, the Kenyan government was forced to build another refugee camp known as Tikka further inland (25 kms away from Nairobi) and relocate the refugees for protection purposes. But here, refugees began to run away from the confines of the camps and started to settle in urban areas and intermingle with the local Kenyans. The Kenyan government now became concerned about security matters and closed the Tikka camp. Finally, another large refugee camp was built for Ethiopian refugees in a place called Kakuma which is 1000 Kilometers away from Nairobi.

The respondent described the predicament of encampment by stating,

Yes, you can get free shelter and monthly food rations from the UNHCR but the quality of the houses and the camp is so terrible. There is also the fear that the Ethiopian government brings in agents who spy on refugees; or may even attack those that they consider are security threats to the regime. So the issue of public safety is a big problem in the camps.

But still, the Kenyan government has the encampment strategy as the centermost piece of its refugee policy. An official of the Danish Refugee Council in Kenya, summarized this as follows,

In Kenya, the policy of the Department of Refugee Affairs encourages refugees to stay in camps. You can give refugees basic services like food, water, shelter, health and education services if they are confined into camps. It is also easier to register and provide security for them if they are found in camps. But the camps in Kenya are not ideal at all! When Dadaab was formed, for instance, the numbers of refugees in the camp were around 90000 people. As we speak today, our bureau estimates that there are more than 479000 refugees in the camp! Daddab is the biggest refugee camp in the entire continent now. This staggering number of people, mothers and vulnerable children in one huge camp makes it very complicated to deliver relief and humanitarian assistance to camp refugees.

The official continued to outline the specific disadvantages of encampment including: a) serious congestion, b) inadequate basic services, c) environmental degradation because of large population concentration, d) the lack of security and public safety in the camps (for

instance, banditry and violence against women are commonplace in the camps), d) refugees do not have any voice or influence on camp management affairs, and e) discrimination against minorities is prevalent. Asked to elaborate on his last point, he brought an example where in Daddab camp where the majority of the refugees are Somalis; he met Ethiopian girls who were forced to wear veils to be able to study in a primary school. These girls were Christians, not Muslims. For these and other reasons most refugees prefer to migrate into urban areas. But the government of Kenya was not ready to welcome them to the cities. A Kenyan researcher on refugees and internally displaced persons (IDPs) explained the situation by stating,

Camps have always been the unwritten law of the land. And there have been several projects to chase out refugees from urban centers by the Kenyan authorities. There were many arrests and arbitrary investigations in Eastleigh, the Nairobi neighborhood overpopulated by Ethiopian and Somali refugees. So the government has never been in a position to protect urban refugees. The rules did not allow you to be here in the first place. Given the bombings in Nairobi and the threat from extremist elements in Somalia, the higher echelons in Kenyan government are now even pushing Daddab camp to be removed from Kenyan territory and be placed inside mainland Somalia. I very much doubt if there has been a change of heart towards a more integrative and inclusive approach towards urban refugees in Nairobi. I think it is to the contrary.

Because of the grim living condition in camps and despite official resistance in cities, refugees come to the townships of Nairobi. But as I indicated earlier, most of the urban refugees I interviewed reported that they flew into or travelled directly to Nairobi. Upon arrival, most were welcomed by siblings and family members. This is especially the case for those who came here to facilitate their immigration to Western countries. One of my respondents, for instance, stated that his whole family was here in Nairobi when he came. Seven of our respondents indicated that either their brothers or sisters hosted them when they arrived. Another respondent stated, “Yes, my aunt assisted me when I arrived in

Nairobi. She provided me with shelter, food and pocket money for some months”. Some of them were also welcomed by their friends or spouses.

Surprisingly, ten (10) of my respondents indicated that they had no particular person to welcome them when they arrived into Nairobi. But once they arrived, all of them went to the Eastleigh area where Ethiopian refugees are found and sought help from complete strangers who happen to be Ethiopians. They spent a day or two at another refugee’s place to look for a job and rent out another room (that they usually share with two or more people to defray cost). Refugees usually pick all kinds of daily chores to make their daily living. Men become “makangas” (“taxi boys” who call out for passengers on “matatus”) or they become “conductors” (those who collect fees from passengers inside the “matatus”). One of the respondents recounted his experience as follows,

When I came here for the first time, my family extended all kinds of support that I needed. But they got tired of me asking for money as time goes, and there was no one that could assist me. Life forced me to work as a “makanga” in a “matatu”.

Finding support could be much harder for women. One of the female respondents who came to Nairobi with her friend narrated how hard it was for them to make a living. She stated,

We did not have a host family who could provide us with shelter and food. For a few days, we stayed in a hotel in Eastleigh. But when we realized that we were running out of our small money, we decide to earn money as bar girls. There were instances when we were forced to sleep with men for money in order to cover our daily expenses and rent. It was so hard.

Uncharacteristically, some people get lucky when it comes to finding support and jobs. One of my female respondents recounted her experience as follows,

I stayed in Nairobi and I was staying in a small Ethiopian hotel known as Hawassa. I heard the owner mentioning that he needs a cook and I approached

him to be employed there. He took me in and I started working for him. I was hired with a monthly salary of 3000 Kenyan shillings. Later I became a maid for a Somali Kenyan family where I used to cook. The family was well off and agreed to pay me 100 USD per month. The lady was also kind enough to give me a two weeks break and advised me to go to Addis Ababa and bring my son back from Ethiopia. I brought my son, and continued to work for the same family. But following the 2007 Kenyan election crisis the family moved to Germany. The family gave me 400 USD and I found a cooking job in a restaurant.

4.3 Shocks and Surprises in Kenya

I also asked refugees about what their first impressions were about Kenyans, in general, and if they had experienced any culture shock once they settled in Nairobi. A plethora of responses came and refugees were excited to share their anecdotes and encounters. These experiences could be clustered around 3 major areas: dietary habits, social norms, and the relation of the police to the citizens. Many confided that they found the way food is prepared in Kenya different from that of Ethiopia. One of the respondents was blunt saying, “I was shocked to learn that Kenyans cook cattle intestine and eat it! We do not do that in Ethiopia, right?” Some find certain social norms very different from Ethiopia. For instance, a respondent said, “I’m always surprised at occasions when Kenyans do not greet their neighbors very well!” Another respondent mentioned, “I am shocked when I see old people standing inside a crowded “matatu” while the youth sit. If it were Ethiopia, you should stand and let the old people sit”.

Most of my respondents described Kenyans as peaceful and sociable people. However, they expressed their shock about the rampancy of police corruption in Kenya. One of my female respondents described the situation saying, “The only thing that rules in this country is money. It is not the law.” Another respondent added, “In Ethiopia, you go to the police station to complain if somebody has done something illegal or inappropriate to

you. Here it is the reverse. Even the locals, Kenyans, avoid the police by any means necessary”. Another female respondent added,

In Ethiopia, people tend to feel sympathy for you if you are a refugee or a stranger. In Kenya, it is totally different. The police in particular stop you and ask you for money. I was working as a waiter in an Ethiopian restaurant when the officer came and asked me to show him my work permit. I did not have one and he detained me until he was given a bribe to release me. I still work in the same Ethiopian restaurant.

But refugees take a great care to differentiate between the Kenyan law enforcement officials and the general public. As mentioned earlier, their impressions about Kenyans are overwhelmingly positive. Here is a testimony from one of our female respondents whose son grew up in Nairobi and is now going to a Kenyan middle school. She stated,

I have found Kenyans to be very sociable people. They respect your privacy and do not interfere in your family life. Your neighbors do not ask you questions like “Who are you? What do you do for a living?” They are very careful when it comes to upbringing their children. Unlike Ethiopians they do not pinch or whip their children in order to discipline them¹¹. The children here are brought up as adults. My son will say “I am sorry” if he has done anything wrong. He does not understand it if I keep grumbling about his mistake. My son has grown up as a Kenyan. He speaks perfect Swahili and English. He does not even like Ethiopian food. He once said, “Ethiopia’s brown sauce is too hot and spicy!” (*laughter*)

Refugees repeatedly stated that arriving in Nairobi and getting used to Kenyan society and culture was difficult for them. Most of them do not speak Swahili (which is the national language) and good English (that most Kenyans fluently speak). In many instances, they were harassed, asked for money and detained by Kenyan police officers. This stands out as the major problem and cultural shock to Ethiopian refugees in Nairobi.

It did not therefore come as a surprise that eighteen (18) of our urban refugee informants replied that they do not feel well integrated into the Kenyan society as opposed to twelve (12) others who claimed that they are integrated. Both groups cite interesting anecdotes to

¹¹ It is common in Ethiopia for parents to pinch, slap, and whip their children.

substantiate their claims. A priest of one of the Ethiopian Orthodox Churches in Nairobi, for instance argued,

I know of a lot of marriages that took place in our parish between Kenyan and Ethiopian spouses. Kenyans usually say that Ethiopians are trustworthy and hardworking. So they hire our people in their homes and businesses. Ethiopians also like the fact that ordinary Kenyans do not have xenophobic attitude towards us. We conduct our daily life more or less the same way that other Nairobians do.

Another refugee stated,

I know of two Ethiopian friends who married Kenyan women. There are also many Ethiopian women who married Kenyan men. Just this week the son of the Prime Minister of Kenya, Fidel Castro Raila Odinga married an Ethiopian girl! So there is some integration underway here.

But still, there are others are very skeptical about the claim of integration. One of the government officials that we interviewed stated,

I do not think most urban refugees are integrated to the Kenyan population. Especially in the case of Somalis, they stick together and do not open up to other Nairobians. They only speak their language and very little English. Rarely do they interact or say marry Kenyans. In addition, the problem of small arms is tied to the smuggling of weapons from Somalia. Some elements are also linked with radical Islamists. These developments, I would argue, have made the relations between Kenyans and urban refugees very tense. Integration, for me, is something non-existent or even unrealistic.

These skeptical comments about integration were also made by Ethiopian refugees themselves. One of my respondents stated, “We Ethiopians are inward looking. We cannot live outside the confines our own community. It is not strange to meet someone who has been living in Nairobi for more than 20 years but does not have a Kenyan friend.” Another refugee added, “In my opinion, there are few who integrated themselves with the Kenyan life but the majority of us are not integrated”. A more nuanced opinion came from a Kenyan researcher about this particular issue. He stated,

There is a lot of economic integration. Business between refugees and the locals is at an all time high. But the social aspect of integration is lagging. A Kenyan still looks at an urban refugee as an Ethiopian, Rwandese and Somali. I am not sure if the economic integration undermines or further facilitates social integration. Secondly, there is a level of integration between refugees and Kenyan nationals which is more evident in cities. We mingle and interact in the cities more. For instance, we have six (6) Congolese families that go to my church. We visit them and fellowship with them like any other Kenyan church member.

Obviously, it is difficult to reach a conclusive point and state whether urban refugees are fully integrated to Kenyan society in terms of their economic, political and social relationships. But the responses have already made it clear that the mere inhabitation of the refugees, their economic relation with Kenyan nationals, and their use of public amenities like Kenyan schools and health facilities, are opening the leeway to integration. The following sections deal with and discuss these facets of refugee-host relations in more detail.

4.4 Refugee Livelihoods: Economic Rights and Activities

An outstanding feature of urban refugees is that most of them are engaged in income generating economic activities both in the informal and formal sectors of Nairobi's economy. People assume that both urban and camp refugees are economically inactive populations. The only difference, most commentators outline, is that the former get assistance from the UNHCR while urban refugees secure financial assistance from family members and relatives abroad. However, remittances comprise only one of the income sources of urban refugees. For instance, only five (5) of our refugee informants reported that they get direct financial assistance from abroad. Otherwise, urban refugees are engaged in diverse economic activities making it difficult to define them as "refugees",

“illegal immigrants”, or “immigrants” in the Kenyan context. Let us explore these economic activities.

4.4.1 The Self Employed

Broadly speaking, I found those urban refugees who are self employed and those who earn their income by working for others. The “self employed” have a number of small businesses that focus mainly on service provision both to the refugee community and Kenyans. One of the female respondents for instance has a beauty salon that she bought from Somali woman who used to be a refugee herself. She stated, “This salon was owned by a Somali woman who left to Europe with her family and I used to work for her as a hair dresser. She offered to sell the business to me at a reasonable price and I did.” She continued, “I own and run this business legally. We pay an annual fee to the Nairobi City Council to renew our business permits.”

Another female respondent owns a small boutique (a retail shop of women’s clothes and shoes) in Nairobi. It has been more than eight years since she opened her own business. She added, “We sell modern clothes, shoes and accessories to women. We also bring traditional Ethiopian costumes from Moyalle Ethiopia. Usually refugees who are ready to travel to Western countries come and buy our traditional costumes.” One of the male respondents owns a small music and video retail store where he “rents and sells audio and video copies of music productions from Ethiopia and the neighboring countries.” He also repairs electronic equipments like tape recorders, DVD and VCD players for the locals and makes a very good living. He stated, “My business is quite profitable. Not only do I cover my family’s expenses; but I also pay the studio rent and my assistant’s salary always in time.” Another respondent who lived in Nairobi for seven years imports

cosmetic products from the Middle East and distributes to the local shops in Nairobi. He was also involved in other businesses before establishing his own business and describes the process as follows,

I first started working as a rental broker six months since got here. I was told to move out of my apartment and I looked around for many other houses. It dawned on me that I can start this job of finding cheap apartments for people. Since then I have been making good money off of this. I used some of the profit to import cosmetics products and start distributing here in Nairobi. I have also bought two taxi cabs from Kenyan owners and sublet them to Ethiopian drivers (refugees). They take one third of the daily profit they make and I collect two third of it. I am planning to sell both of these cabs and buy a bigger field vehicle that I can rent out for safari tours and field travels.

4.4.2 Employed Workers

Perhaps the most frequently mentioned job that young male Ethiopian refugees in Nairobi are engaged in is in public transport. More than 8 of my male respondents stated that they worked as drivers, “makangas”¹² and “conductors”¹³ in the famous “matatus” of Nairobi. Here is a story from one of the respondents who remembers his first stint as a “makanga” vividly,

I was very courageous to start as a “makanga” when I knew very little Swahili and had no idea of Nairobi’s neighborhoods! But you will do everything to survive. A year or so later, I started speaking Swahili very well and was promoted to be a conductor. The “matatu” owner was an Ethiopian. Our “matatu” was fast and classy. She was called “Born Free”. I worked for more than 7 years as a conductor on her. But the job was very precarious. The owner can fire you any time he feels like it. And usually, the owners bring one of their relatives from Ethiopia and give your position over to them. In such instances, you have to look for another “matatu” to work on. We hustled hard during those days just to survive.

¹² “Makangas” are ushers to city buses who call out passengers.

¹³ “Conductors” are the people who collect fees inside city buses.

Another respondent now works as a “makanga” on one of the “matatus” owned by a fellow Ethiopian. He stated, “I have now learnt to speak Kiswahili very well and so I do not find it hard to communicate with “matatu” passengers.”

Ethiopian refugees sell both their skilled and unskilled labor to survive and make a living in Nairobi. Here are some of the other economic activities they are engaged in. One of our female respondents stated, “I work as house maid.” Another one is a cook. She described her job as follows, “I know how to prepare most of the Ethiopian traditional dishes and I have learnt how to prepare the Kenyan traditional meals. I now work in this Kenyan restaurant that also serves Ethiopian dishes”. She added, “I also do catering at Ethiopian weddings and other ceremonies to make extra money.” We have barbers who are busy catering for both Kenyan and Ethiopian customers in the populated quarters of Eastleigh North and South.

Another major employer of Ethiopian refugees is “Sheba Miles”, a famous high end Ethiopian restaurant that hires a number of waiters, waitresses, cooks, janitors and guards. One of our respondents works in “Sheba Miles”. He explained the role of “Sheba Miles” as follows,

I used up all my savings in my first two months of stay in Nairobi. I did not have a lot when I got the employment opportunity to work at Sheba Miles. Here, I get paid and I do not have to worry about rent and food. This is because the restaurant covers them both. Moreover, I am going to school. I think I am one of the luckiest refugees in Nairobi. The restaurant owner has not only helped me but a number of other refugees. There are more than 15 waiters and waitresses here and around 5 cooks.

4.4.3 Basic Expenditures

In addition to exploring revenue sources and economic activities of urban refugees, this study looked at the spending pattern of refugees on essentials such as food, shelter and clothing. All of my respondents reported that Ethiopian refugees buy food items, spices and ingredients from Ethiopian stores. Bachelors frequent Ethiopian restaurants. One of the respondents explained the situation as follows, “Ethiopians buy their groceries from local stores and cook in their households. Young bachelors go to Ethiopian restaurants to eat. Seldom do Ethiopians eat Kenyan food”. When it comes to clothes, people prefer to buy used clothes from Europe that are sold in one of the biggest open air markets in Nairobi known as the “Kikomba” market.

Kenyans import these clothes which are much cheaper and of better quality than the ones which are locally produced. But “Kikomba” is not the only market for clothes. One of my respondents stated, “There are famous used cloth stalls in markets known as “Adams”, “Toya” and “Kwangware””. These markets are named after the neighborhoods they are placed in. Most Ethiopians reside in Eastleigh and “Chai Road” areas where there is a large concentration of Ethiopian and Eritrean refugees. Another respondent explained the reasons why Eastleigh remains to be a top destination point for urban refugees. He stated, “People come here for two reasons. First, these neighborhoods are underdeveloped and rent is cheap. Second, Ethiopians have difficulty speaking English (which most Kenyans speak fluently) and Swahili. So they prefer to congregate in these areas where they feel embraced by their country folks”.

As far as housing is concerned, all of the refugees that I interviewed indicated that they rent houses from Kenyan landlords. There was not a single incident where a refugee

reported that he or she owns the house in which he or she is currently residing. Often, a single individual rents a two or three bedroom house from a Kenyan national and sublets them to Ethiopian refugees. Refugees also share utility costs such as water, electricity, and landline phones among themselves. Most of these houses are brick built with one kitchen and bathroom. Crowding and congestion typify the living arrangement of the refugees both in their houses and in their neighborhoods i.e. Eastleigh and Chai Road. One of the community leaders described the housing condition in many of these buildings as follows,

Refugees do not have enough income to pay for decent accommodation. So, you would find grandparents, spouses, children and grandchildren sleeping a single room. Imagine the trauma they undergo. The space is very small, congested and there is no ventilation.

The same respondent quoted a recent health study conducted by RCK which showed that “around 95% of urban refugees living in Nairobi suffer from Air Transmitted Diseases, especially Tuberculosis.”

Sadly, I also found out that two of our informants do not actually have enough money to even rent a room and would have to crash at their friends’ rooms. One of them described his condition as follows, “I do not have enough money to cover my rent. I always live by sharing my friends’ rooms. I sleep one night at one of my friends’ house, and another night at the others.” I asked the two informants if the problem of refugee homelessness is a serious problem in Nairobi. They answered it is and added that they know of many refugees who cannot afford to even cover their housing expenses and squat in other people’s homes.

4.5 Refugee Business Ventures

It is important to underscore that the interest to invest in the Kenyan economy was something recent among Ethiopian refugees. A prominent Ethiopian businessman describes it as follows,

In the 80s and early 90s, there were not many Ethiopian refugees and businessmen in Kenya. Instead, there were many Eritrean refugees who used to have heavy trucks and long distance buses. They were active in the urban transport sector. Later with the influx of the Ethiopian refugees, people started up opening small businesses like kiosks, coffee shops, boutiques and restaurants. From the mid 90s on however, you find a lot of influential Ethiopian businessmen who are active in the transport sector and the hotel and tourism sectors too.

Refugees, in general, and the business leaders, in particular, underscore that Kenya offers a favorable environment with plenty of opportunities for trade and business. One of my respondents compared this to the situation in Ethiopia stating, “The licensing and registration of new businesses is so efficient in Nairobi. If you have the capital, then you can easily invest or even buy property. In Ethiopia, it is so hard to invest even when you are a national.” Because of this, most of the refugees who went abroad via Nairobi come back from countries like Canada and the US to open up businesses. Another respondent, for instance, stated, “Yes, we have a lot of émigrés who live in Canada, Australia and the US and who are now in Nairobi to invest”.

4.5.1 Licensing and Taxes

The Nairobi City Council provides a two step clearing process for people seeking licenses. First, refugees are asked to show their IDs or alien certificates that attest their legal residency in Nairobi. Second, refugees are expected to submit the amount of seed capital they are about to invest in the opening of their business venture. As for the licensing process, one of the female respondents stated, “The licensing process is fairly

simple. We also pay an annually fixed amount of money to renew our business permits at the city council. Otherwise the government does not levy any income or business tax on us.”

Yet, I found three business owners who mentioned to me that they operate without a license and were not shy to tell the reason. In all the three instances, they were not interested to pay for the license and the annual fees. In lieu, they bribe the city officers and continue trading. One of them was blunt in his response stating, “I do not have the license but I always give 500 Kenyan shillings to the city council officials when they do routine checks”. He continued, “Corruption is endemic in this country and yes that is why I prefer working without license”. The cavalier attitude of these particular informants about their practice and the way corruption is taken for granted in Nairobi was truly disturbing for the interviewer.

4.5.2 Hiring and Management

One of the most popular Ethiopian businesses in Nairobi is the famous Ethiopian restaurant in Nairobi known as “Dire Dawa”. “Dire Dawa” is a high end restaurant that occasionally caters for senior government officials like the Vice President of Kenya and government ministers. It has thus far collected a number of prizes and trophies. For instance, it was ranked as one of Nairobi’s top ten restaurants in 2007. It was the 2011 winner of the “Best Value for Money” restaurant in Nairobi. It was the restaurant of the month in June 2012.

The owner was born in Ethiopia in 1962 in a small town called Awassa which roughly is a 200 kilometers south of the capital city Addis Ababa. He fled the country following the 1974 Ethiopian revolution and the subsequent coming to power of the Derg, a military junta of officers that usurped the Haile Selassie I's monarchy. He started business by selling hair products for men and soon made his way into retail business. He later mobilized his capital to open "Dire Dawa" restaurant in Nairobi. Currently, the owner is also involved in import and export business too. He is also a shareholder in a construction company which won the bid to erect towers and facilities for a cross country electricity grid stretching from Western Ethiopia to the North and Eastern parts of Kenya.

One of the managers of "Dire Dawa" stated that the refugee population in Nairobi has exploded and the living condition of most of these refugees is disappointing. He added, "Most of these refugees subsist on financial aid and remittances from relatives and kinfolk who live in the West. But, there are also many refugees who pursue their studies, engage in business ventures and do something meaningful with their life". He states that this business has been employing fellow Ethiopians to support them financially. He mentioned that most people ask him why he does not employ Kenyan nationals as waiters and waitresses. He replied, "some of the refugees working for us may not have legal papers and hence would not be able to find jobs elsewhere." The restaurant "has more than 30 such employees who live in the residential quarters of the hotel, have fixed salary and benefit from service tips and tokens".

In short, businesses utilize both the skilled and unskilled labor of Ethiopian refugees and provide employment and income for their fellow country folks. This is not to argue that Ethiopian businesses do not hire Kenyans. In fact, the evidence is to the contrary. Given

their skills and willingness to work, Kenyans are also employed in Ethiopian businesses. Hiring policy is also contingent on the nature of the business itself. One of my female respondents who owns a beauty salon reflected on this as follows,

I have two employees who are hair dressers. One is Kenyan and the other one is a Somali. Hiring depends on the kind of business you have. If you for instance have a beauty salon, then you sure need Kenyan, Somali and Ethiopian workers because the styles of hairdressing for women of each ethnic group differ. So you need people who cater for that particular group. Or if you have restaurant or coffee shop, then you need waiters and waitresses who speak Swahili and Somali languages.

This proved to be true when I interviewed another female respondent who is the owner of a famous high end beauty salon located in one of Nairobi's famous four star hotels. She came to Nairobi by the end of 1988 to visit her relatives. In the same year, her relatives moved to the Netherlands and she had to go to the UNHCR and register as a refugee. The UNHCR also sponsored her education in hairdressing at a famous college in Nairobi. She graduated in one year (1989) and started as an assistant in a top beauty salon inside one of Nairobi's four star hotels and worked there until 1993. It was in 1994, that she left her former job to open up her own high end beauty salon. She narrates her story as follows.

On my fourth year in Nairobi, I opened up my own beauty salon but finding a spot in the downtown area was very difficult. Fortunately, the spouse of a prominent official was one of my clients and she found me two rooms inside "Fedha Towers" (one of the tallest buildings in down town Nairobi). I run this business from 1994 to 1998. And following the transfer of all UN offices from downtown to the outskirts of Nairobi¹⁴ I felt I should move because most of my customers were UN staff.

I found a new complex in the Westlands Sarit Center area that I refurbished and moved all my stuff in. Unfortunately, burglars stormed into the apartment complex and looted everything I invested on. It was such a devastating blow since I had nothing left. But I found myself another place and started all over again in two months which became quite successful. In fact, I hired three other

¹⁴ "Gigirri" is the name of the neighborhood where the UN officers are now headquartered.

professional hairdressers, Kenyan, Algerian and Lebanese women, who were very great professionals. This was very important because our customers were from all over the world. I worked in the same spot for 9 years (until 2008) and moved to my current beauty salon in 2009.

I also interviewed one of the managers of another high end Ethiopian restaurant. He spoke of their hiring policy as follows,

We do help a lot of these young people who are willing to work in the restaurant. This far, around 43 Ethiopians have worked here in my restaurant before they moved to the States. One of them stayed for 7 years working for me. Another worker only stayed for 3 months and moved abroad. Most of these refugees are very grateful that we gave them the opportunity to work and support themselves when they needed it badly. In fact, I was in Atlanta (GA) last year to visit my relatives and around 21 of my former workers drove from the neighboring states to meet and greet me! It was such an emotional and exciting moment for me.

Interestingly, a few Ethiopian refugees have in fact succeeded to expand their business ventures into Juba (South Sudan) and Kampala (Uganda) from Nairobi. A fitting example for this is the story of a prominent Ethiopian business man who fled persecution as a young university student from Ethiopia, ended up in Nairobi and started an amazing journey of professional and business success in Nairobi. Here is an excerpt from my interview with him.

I was one of the university students who opposed the policies of the current regime in Ethiopia while they still were rebel fighters. In 1991, university classes were disrupted because of the escalation of the civil war and ultimately Addis Ababa fell in the hands of the rebel fighters. In 1992 I rejoined Addis Ababa University to finish my studies but deeply opposed the political changes which unfolded with the coming of the EPRDF¹⁵. I fled to Kenya Moyalle and ended up in a refugee camp not far from Moyalle.

The camp was so inhospitable for all of us. There were around 25000 refugees in this camp half of which were university and college students who fled Ethiopia. There was security problem since secret agents of the Ethiopian government used

¹⁵ EPRDF is an acronym for the Ethiopian People's Democratic Revolutionary Front which is a coalition of ethnically organized parties that overcame the former military junta in 1991. EPRDF is still in power.

to infiltrate into the camp and assassinate some of their political foes. There was also conflict between refugees and the local population. But most importantly basic supplies like potable water and food did not come in time and we used to spend days half starving. There were not enough tents. There were a few incidents of rape too. And the United Nations was completely disorganized.

Three weeks later, I boarded a bus that comes to Nairobi even though I had no legal travel documents. The driver used to stop ahead of check points for us to jump off the bus and we used to do detours to avoid the police and jump on the bus again. When I got to Eastleigh, I had no relative or friend. But I stumbled on an Ethiopian who happened to be the uncle of one of my college class mates and he took me to his place. Staying in Eastleigh, I met another university student who knew that I was a 3rd year university student back home and recommended that I contact a Canadian outfit which used to provide college assistantships and scholarships for refugees. The name of the organization was Wendell Charitable Trust. I contacted their office, explained who I am and presented my transcripts asking for their assistance. The regional director gave me an exam to check if I was indeed a university student and begun to look for universities in Canada to take me in. Fortunately, the University of Alberta and Mc Gill University expressed their interest to provide me scholarships. I finally decided to go for University of Alberta and the UNHCR settlement officer cooperated to finalize my refugee status mandate.

Unfortunately, the Canadian Consular Officer rejected my visa application alongside three other Ethiopians. She insisted that the regime in Ethiopia is democratic and that we have nothing to fear for back in Ethiopia. That was the lowest point of my life. Frustrated and despondent, I almost gave up on my search for schools. However, the director of Wendell Trust advised me to continue my study here in Kenya. I agreed and was enrolled in Nairobi University to study Chemical Engineering in 1993. The trust secured funding from another UK foundation. But in the same year, student riots and demonstrations broke out in Nairobi against the Moi administration and the University got closed indefinitely. This became another setback. But I did not give up hope; I went to the University of East Africa in Barraton (outside Nairobi) and asked to be transferred to their school. I was accepted and I spent 4 years in that University and earned my Bachelor of Arts in Agro-economics. I continued one more year and completed my Bachelor of Arts in applied chemistry in 1998. The University was impressed by my performance and asked to retain me as a graduate assistant. I worked there for 3 months but left to Nairobi once again. My ambition was to work for the UN or the International Monetary Fund (IMF).

Back in Nairobi, I read that the United Nations Environmental Program (UNEP) has vacancy for a chemist with an economics background. I applied and fortunately secured my first ever professional job at the UN with a monthly salary of 5000 USD. I worked there for a few years and became a Junior Program Officer (JPO) at age 24. In 2000, I left for the United Nations Development Program (UNDP) and begun to work as a food security advisor of the UNDP to

World Food Program (WFP) in South Sudan. I worked in South Sudan until 2006 and resigned from the UN.

In 2006, I opened an Ethiopian restaurant in Juba (the new capital of South Sudan) which became the busiest restaurant in the city. Following infrastructure development works in South Sudan, I imported three Italian made heavy trucks and begun to sublet them to the contractors. I began to make around 12000 dollars from each truck every month. And in 2010, I began my own construction company in South Sudan which became a huge success. Just recently my company won the contract to build the state house of the South Sudan government. I have also become the major shareholder of the only Toyota car dealer company in South Sudan known as Global Lines.

Here in Nairobi, I am involved in Real Estate development business. South Sudan is the place where I took off investment wise, but there are lots of problems in terms of law and order. The risk factors are too high. But in Nairobi, we have a system which is so friendly to foreign investment. They have a very well developed infrastructure (telephone lines, the internet, electricity, water supplies etc), probably the best in East Africa. And the country has always been open to foreigners, say compared to Ethiopia. There are a number of international organizations and headquarters of the UN offices. But most of all there is adequate skilled manpower for any business venture that you would want to embark on. Hence I am now refocusing my investment into Kenya. But through all these years, I have been living permanently in Nairobi.

4.5.3 The Spite of Corruption

Though business leaders within the Ethiopian refugee community are very grateful about the opportunities they have seized in Nairobi, they do not shy away to point out that corruption is one major problem in Kenya. It runs through the government bureaucracy ranging from private police officers and their commanders to the clerks, department heads, commissioners and ministers of the Kenyan state. In fact, the 2011 Corruption Perceptions Index of countries by Transparency International (a German based watchdog) ranked Kenya's public sector to be the 29th most corrupt nation in the world out of 183 countries¹⁶. This holds true also for the city council of Nairobi where the bureaucrats are accused of using their office prerogatives to ask for bribes and kickbacks. One of my respondents described the situation as follows,

¹⁶ See <http://www.transparency.org/cpi2011/results/>

There is a lot of corruption when it comes to the routine checks done by the health and sanitation department of the city council. Offices are dispatched to monitor the sanitation and safety standards of barber shops, beauty parlors, restaurants and bars in which case they threaten the owners to write dismissive reports about the business unless the latter cooperate to give them money. Corruption is ingrained in the workings of the Kenyan public service, especially those who work at the lowest tiers of administration like wards, divisions and the city council.

Another respondent who clears some goods via the Ethio- Kenyan border complained of the custom officials stating,

Custom clearance is a major problem on the border. The custom officials levy tariffs arbitrarily. For instance, the officials may charge you 2000 Kenyan Shillings to clear a stack (approx 25 Kilograms) of traditional costumes that you want to bring in. Next time they may raise that exponentially and ask you 14000 Kenyan Shillings. We know much of what they collect from us does not go to the coffers of the government but to the officials themselves. Those who work in the hotel services are also subject to harassment by city government officials who ask for money complaining that the business is not safe and hygienic enough to treat customers. It is an excuse to get money illegally from refugee business owners.

One of the workers at Sheba Miles restaurant explained this stating, “Sentiments of xenophobia and resentment against successful refugees do exist among Kenyan officials”. He remembers of an incident when a certain Kenyan official came to dine at the restaurant and insisted on sitting on a reserved table. He gently reminded the official that the table is reserved and volunteered to arrange a different table set for the customer. But the official angrily interjected saying, “Don’t tell me where to sit in my own country!” Incensed, the manager replied “This is your country but not your table!” However, the respondent stated that police harassment and corruption have relatively declined since the Mwai Kibaki administration came to power (2002) took over. Still, he argues, Kenya is not out of the woods when it comes to fighting corruption.

4.6 Forced Displacement and Social Capital

4.6.1 Religious Institutions

Another striking feature about the “stay” of Ethiopian refugees in Nairobi is the existence of numerous churches and mosques where they congregate to worship and network with each other. There are two Orthodox Churches that host hundreds of believers at their Sunday services. In addition there are a total of seven (7) Ethiopian evangelical churches where evangelicals commute to worship both through the weekdays and the weekend. Ethiopian Muslim refugees do not have a separate mosque of their own but go to the local mosques in Eastleigh. These religious institutions are not only engaged in spiritual ministries and services but also provide the social and cultural milieu for refugees. One of the priests of the Ethiopian Orthodox churches in Nairobi outlined the services that the church provides as follows,

Ethiopian Orthodox Church (EOC) is directly and constructively involved in the lives of refugees in many ways. I remember that refugees used the church’s land line to correspond with UNHCR and other the international agencies during those days when there were no cellular phones in Nairobi. The church officiates marriages. We have a small collection of books in Amharic¹⁷ that refugees borrow to read. We also give Sunday school Amharic language lessons to children of refugees. Most of these children are born and brought up here and do not get Amharic lessons in Kenyan schools. We provide prayer and counseling services for the youth. Recently, we are planning to open up a private clinic for refugees for nominal fees. We are planning to use the revenue from this service to provide various psycho-social services for the refugee community.

The Ethiopian Orthodox Church also founded a charity and care taking association for the Ethiopian community known as “Maedot”. I interviewed one of leaders of “Maedot” about the objectives and the activities of the association. She started by saying that

¹⁷ Amharic is a widely spoken national language of Ethiopia

“Maedot” is a self help association that raises funds from the congregation on a monthly basis. People make voluntary contributions. This far, she added,

“Maedot” has: 1) assisted ten families who could not cover school fees for their children, 2) served hot meals to those refugees who did not have enough to eat and are in a very desperate condition, 3) visited more than 40 Ethiopian patients in hospitals, 4) covered the travel expenses of more than 10 refugees who wanted to back to Ethiopia. We are focusing especially on those who were illegally trafficked from Ethiopia to head to South Africa but were caught by Kenyan law enforcement officials.

Traditionally, orthodox believers also have a number of religious fraternity and sorority associations where men or women meet up every month to commemorate a divine figure (angels, saints etc.). These associations are known as “Ye Tsiwa Mahibers”. People gather every month for food and drink and the ceremonies start with blessings and prayer by the local priest. The Treasurer mentioned of three associations held in remembrance of St Gabriel, Virgin Mary and Bishop Gebre Menfes Kidus¹⁸. Another female respondent also indicated that she is a member of a “Mahiber” with 10 members. She continued, “We visit each other on the day of the Saint we commemorate. We also comfort a household in case a family member or a relative of our “Mahiber” passes away”.

I also interviewed one of the pastors of an Ethiopian Evangelical Church in Nairobi. The history of this particular church elucidates how refugees have been initiating, developing and institutionalizing organizations of faith and mutual support while facing immense challenges. It attests to the argument that refugees are involved in creating social practices and structures on the move from their country of origin and en route to a third country of final settlement. Their “temporal” and “spatial” suspension in Nairobi did not deter them from such “creative” transition. It is also essential to note that different

¹⁸ Abune Gebre Menfes Kidus is Ethiopian Bishop canonized as a Saint by the Ethiopian Orthodox Church

cohorts of refugees come and go via Nairobi but the institutions that they founded outlast the stay of these refugees in Nairobi. The institutions expand, become more formal and sophisticated through the passage of time. Here is a brief story of the Church narrated by the Pastor,

Our church was first founded by a prominent Ethiopian evangelist known who lived in Nairobi for more than 20 years serving as the East Africa director of the International Bible Society (IBS). This particular organization is a global outfit working on bible translations and the distribution of Scripture all over the world. Here in East Africa, the IBS has succeeded to get the bible translated into 32 local languages.

Dr. Belay was working in Nairobi when in 1991 the Derg¹⁹ regime fell in Ethiopia and thousands of people fled into Kenya. These include university students, former government officials and ex- combatants. Dr Belay used to travel to the Tikka Refugees Camp to minister to these refugees. Many did not have adequate food and shelter and some people died of cholera epidemic. Most people believed in Christ and became born again Christians and members of a new congregation. Dr Belay also invited other more senior ministers to consolidate the refugee congregation and church membership grew in leaps and bounds.

In 1991, some of the refugees begun moving from Tikka camp to Nairobi and founded a cell in Eastleigh area whose membership begun to swell again. So this fellowship grew into our Church. The church was first hosted by the Kenyan Deliverance Church in Eastleigh. A year later, the Church rented a big convention center in the downtown area. We just celebrated our twentieth anniversary here.

Our membership was in its thousands in the first 5 to 8 years since we moved here (1992-2000). But it started shrinking as many people started to leave to Europe, Canada, USA, and Australia for third country resettlement. Still many of our members are waiting for their relocation to these countries and hence our membership is currently at 812 people. I would say only 20 percent of these members live in Nairobi permanently as legally permanent residents. In short, we are a refugee church!!

The pastor first arrived in Nairobi to do his diploma in Psychology and studied at Daystar University in Nairobi from 1997 until 1999. In the year 2000, he enrolled at the Pan African Christian University (Nairobi) to study theology and graduated in 2004.

¹⁹ The “Derg” is a popular name to the military junta that overthrew Emperor Haile Sellasie I of Ethiopia in 1974 and ruled the country until 1991.

Meanwhile, he used to minister in this congregation voluntarily as a counselor and a preacher in its mid-week services. The former senior pastor of the church asked him to work as his assistant pastor in 2005. And he was appointed a senior pastor of the church in 2006 following the departure of the former pastor. He argues that his Church is more than a spiritual establishment but works to improve the social and economic welfare of its members. He lists some of the social services the church provides as follows,

Most of the refugees have a serious language problem. They do not speak English well. We organized language proficiency classes for refugees where we used our senior church members to train them. We also began entrepreneurship and business management classes to those who are interested. The latter went for three years and stopped two years ago when the person who is in charge left the country. We are also providing Amharic language lessons for children in Sunday school programs. They read scripture, play drama, and sing spirituals in Amharic. This way they stay rooted in their language and culture. We insist that people dress in our traditional costumes on holidays, during weddings and special festivities.

I probed the pastor to find out how the church raises funds to cater for these social services. He responded that “the church raises its fund from the tithes and donations of its members”. He added that they do not have any assistance from foreign churches or international charity organizations. The church’s budget is very small most of which is used to pay for the rent of the conference center and cover the fees of the senior pastor and his assistants. Asked whether this financial condition of his church would not constrain their social services, the pastor responded,

We do not have adequate financial resource to directly spend on charity and community development work. But we assist our refugees by doing job and training searches and announcing them for our members in time. We also do one-off financial supports for those refugees who decide to repatriate to Ethiopia. Some members of the church who are well off have volunteered to bring in some refugees and provide them shelter and assistance. A few others have sponsored the education of church members who wanted to go to college. For instance, we have an Ethiopian refugee who went to a Kenyan aviation school and graduated as a pilot. He is now working for the Ethiopian airlines.

4.6.2 Educational Institutions

All of my respondents confirmed that there are no exclusive Ethiopian community schools in Nairobi. Ethiopian families send their kids to Kenyan public and private schools. One of the respondents summarized the situation as follows,

There are no Ethiopian community schools in Nairobi. People send their kids to Kenyan schools. There are two parallel systems of education in Kenya. The first is the 8- 2- 4 system of primary ,middle school and high school system of Kenyan education and the British commonwealth system.

Kenyan schools are highly regarded by Ethiopian refugees for their superior quality compared to their Ethiopian counterparts. Parents were also asked whether there were incidents of discrimination and bullying against their children in schools. To my surprise, refugees did not report any such incident. As far as higher education is concerned, all but one of our informants stated that many refugees do not go to college in Nairobi. This is because most people cannot afford to pay the tuition fees of these colleges. One of my respondents stated,

I know a few people who go to Nairobi University. There are many refugees who want to study there. But because of financial problem, most of us are out of school.

Another refugee summarized the situation stating, “We all run to feed ourselves and survive; college education feels like luxury when you are refugee in this expensive city!”

4.6.3 Community Organizations

Here, I inquired whether there are other informal or formal organizations formed by Ethiopian refugees as non-profit community driven initiatives. One of my respondents recounted that there is an Ethiopian Community Association (ECA) legally founded in 1996. ECA functioned as an independent and nonprofit outfit up until 2003. It was active in terms of providing health assistance for sick refugees, preparing laissez-passé forms for those Ethiopians who want to repatriate, and managing funeral services for the deceased and comforting families of the deceased. However, the respondent continued,

The Ethiopian embassy began to interfere in the management of the association. It wanted to assign people who are sympathetic to the regime in power in Addis and use the network for political cooptation purposes. Many people who were active in the organization resigned from participating because of this.

Members were also asked about two ubiquitous associations in Ethiopia, “Iddirs” and “Iqqubs”. In Ethiopia, almost every household is a member of local burial associations known as the “iddir”. These organizations collect monthly contributions from members; they announce the death of a family member to the community; they arrange the venue and ceremony of the funeral procession; and comfort the family of the deceased for three days by bringing food and drinks to the mourning family. They also serve people who come to pay their condolences to the family of the deceased. A typical “Iddir” has a chairperson, a treasurer that manages the bank account and a secretary. Another famous cultural institution among Ethiopians is the “Iqqub”. “Iqqubs” refer to a group of individuals who pool a fixed (and usually a significant) amount of money and provide it to members in order to underwrite a business initiative of their own choice. Members take turns to access this seed capital and every member is bound to contribute monthly until everyone gets the opportunity. “Iqqubs” are useful in that they raise capital instantly

and help those who are in need of money quickly. They also serve as a collective saving scheme of members who set aside money for the “Iqqub”.

Refugees underscored that there are no “Iddirs” in Nairobi. Instead, there are ad hoc contributions to cover and manage the funeral expenses if or when a refugee passes away.

One of the respondents explained the situation as follows,

I do not know if we can call them “Iddirs” properly because they are not formalized as in Addis Ababa. They do not have assets, offices and some division of labor. However there are informal associations where Ethiopians from different ethnic origins meet up periodically and assist each other in such unfortunate incidents like the death of a spouse or a family member. When people die, we contribute to manage the funeral service. There is also that tradition of taking food and drinks to comfort the family of the deceased and spend time together.

I then asked refugees, business as well as community leaders why it is difficult to foster community organizations like “Iddirs” in Nairobi. One of my respondents answered as follows,

You should realize that here everybody has dual challenges. On the one hand, people have their collective identities and associations (national or ethnic) and do everything to socialize and coexist. But, on the other hand, there is a lot of fear and suspicion among refugees themselves. Each refugee thinks that the other may be a government plant or an unknown quantity that could hinder or block his/her emigration process. So everybody is tightlipped and fearful not to divulge much information about their past background, their true identity and their future plans. It is so hard to form community associations and run such initiatives amongst urban refugees when trust is missing!

4.7 Synthesis

The bulk of this chapter analyzed how Ethiopian refugees negotiate aspects of urban citizenship in Nairobi. Accordingly, I found that there is more to the term “urban refugee” than just political refugees. In fact many fled to Nairobi for economic reasons. Some aimed to use it as a transit corridor to the West or other African countries (notably South Africa) while others wanted to settle in Nairobi permanently. There were also

political refugees who fled the country due to political persecution and still others who left their country of origin for personal or family related matters. Refugees had some kind of a social safety net upon arrival where they were welcomed by family members, spouses, and friends but in some cases complete strangers who happened to be Ethiopians.

I found that refugees are active economic agents both in the formal and informal sectors of Nairobi's economy. The bulk of the respondents were employed both as skilled and unskilled workers. Most worked as restaurant managers, barbers, hairdressers, cooks, waiters, "makangas" or "matatu" conductors. Others managed to open up small businesses like beauty salons, barber shops, audio and video stores, boutiques, and cafeterias. They are registered by the city council and pay annual fees to renew their business permits. Still others have managed to break into the formal economy running high end businesses, cosmetic stores, construction companies, and import and export enterprises in Nairobi. In so doing, these refugee-cum-businessmen have created a lot of employment opportunities for other Ethiopian refugees and local Kenyans too.

It is this full blown participation of Ethiopian refugees in the Kenyan economy that complicates their status of residence in Nairobi. It is hard to define them only as "refugees" even though most of them fled their country of origin for a number of reasons. It is also hard to refer to them as "immigrants" for the overwhelming majority of them await resettlement in a third and preferably western country. Here again, I have identified people that the Kenyan state recognizes as "refugees" but have arrived in the city to permanently settle and make a living. One is tempted to refer to this group of people as

“illegal immigrants” but they are comfortable to carry a refugee ID and live in Nairobi indefinitely. Perhaps, one can qualify them as de facto immigrants.

Obviously, one cannot refer to refugees as full-fledged Kenyan citizens. But here again, we have second generation Ethiopian refugees in Nairobi who speak perfect Swahili, study in Kenyan schools and consider themselves more as Kenyans than Ethiopians. Should the Kenyan state grant citizenship to this cohort of people? Would not this automatically complicate the status of their parents who wield their refugee alien certificates but have lived there for years? Qualifying citizenship for Kenyans themselves could perhaps be part of the discussion when we attempt to qualify the experience of urban refugees. Save for carrying Kenyan IDs, participating in local and national elections or carrying Kenyan travel documents (such as passports); Ethiopian refugees seem to more or less enjoy similar social and economic rights like Kenyans.

This is not to argue that Ethiopian refugees are fully integrated into Kenyan society. That is not the case. In fact, the study found out that Ethiopians retained their collective identity by establishing (or replicating) their own unique economic, religious and cultural institutions and practices. There are two Ethiopian Orthodox churches and around seven Ethiopian evangelical churches. They have charity and care giving associations like “Maedot”. These institutions are not only engaged in spiritual ministries and services but also provide the social and cultural milieu for refugees. They offer help for the poor, the sick and the elderly. They provide trainings in language and business skills to help refugees integrate. They comfort refugees when a family member passes away. They support refugees who choose to go back to Ethiopia by defraying travel costs. Refugees also have fraternity and sorority associations known as “Mahibers.”

They also founded the Ethiopian Community Association (ECA) legally in 1996 which was active in terms of providing health assistance for sick refugees, preparing laissez-passé forms for Ethiopians who wanted to repatriate, and managing funeral services for the deceased. This elucidates how refugees have been initiating, developing and institutionalizing organizations of faith and mutual support while facing immense challenges. Refugees are constantly involved in creating social practices and structures on the move from their country of origin and en route to a third country of final settlement. Their temporal and spatial suspension in Nairobi did not deter them from such “creative” transition. It is also essential to note that different cohorts of refugees come and go via Nairobi but the institutions that they founded outlast their “stay” in Nairobi. The institutions expand, become more formal and sophisticated through the passage of time.

In addition to their inkling to retain and reinforce their collective identity as Ethiopians, refugees also face a number of challenges from their host society that force them to cluster together. Most of them do not speak Swahili (which is the national language) or good English that most Kenyans fluently speak. And in many instances, they are harassed, asked for money or arbitrarily detained by Kenyan police officers. This stands out as the major problem and a major cultural shock to Ethiopian refugees in Nairobi. Corruption is a big problem in Kenya. It runs through the government bureaucracy ranging from private police officers and their commanders to the clerks, department heads, commissioners and ministers of the Kenyan state. This holds true also for the city council of Nairobi where the bureaucrats are accused of using their office prerogatives to ask for bribes and kickbacks.

Given these unique set of conditions, the second research question looms even larger. Can the ‘Right to the City’ approach adequately explain the everyday struggle of Ethiopian urban refugees for rights and resources in Nairobi? To answer this question, we need to recap the basic premises of Lefebvre’s argument for the “Right to the City”. Purcell’s three point summary comes in handy. First, Lefebvre established his notion of urban citizenship on inhabitation. This is a radical departure from the two traditional ways in which citizenship is defined i.e. *ius soli* (being born in the territory) or *ius sanguinis* (descent from citizen parents). Second, Lefebvre posited that everyone should have the right “full and complete usage of the city”. All inhabitants of the city should be able to “live in, play in, work in, represent, characterize and occupy urban space” (Purcell, 2002:106). Last but not least, “right to the city” implies the right to directly participate in the democratic management of the urban space. Needless to mention that Lefebvre’s approach to democratic management is a critique of liberal and representative democracy. For him, representation (via electoral practices) alienates the urban citizen. The antidote is what Lefebvre dubs the *right to difference*. This entails the right to claim rights, to struggle and conflict with the powers that be while managing one’s own city.

I have earlier indicated that all but three of our respondents came straight to Nairobi. Camp refugees also left and settled in Nairobi without duress. Even though the UNHCR and the government of Kenya insist that refugees should primarily be kept in camps, there is no strict rule or law that confined refugees to these premises. Movement into and residence inside the city of Nairobi has not therefore been sanctioned against refugees. In fact, beginning from the year 2006 the Kenyan government took the step of registering all urban refugees in Nairobi and issuing them an alien certificate card which confirmed

their legal residence in the city. To use Lefebvre's qualifier, *inhabitation* was always granted and has never been denied to urban refugees in Nairobi. Seen from this vantage point, urban refugees will pass the first test for urban citizenship unequivocally. Ethiopian refugees do "live in, play in, work in, represent, characterize and occupy urban space" (Purcell, 2002:106).

If anything, this chapter went further and explored how urban refugees occupy urban space in Nairobi. Here again, Lefebvre's three fold taxonomy of urban spaces serves us a great deal. In his other book *The Production of Space (1973)* Lefebvre introduced three main ways of understanding space i.e. "perceived, conceived and lived spaces." Elden and Brenner elaborated on this schema of Lefebvre stating that it unites "physical, mental and social space". Perceived spaces, that Lefebvre also calls 'territorial practices' and 'territorial representations' include : "the physical, material spaces of state territory, from the borders, fences, walls and barriers erected to mark its external limits"(Brenner and Elden, 2009:365). Conceived spaces , whom he also calls 'representations of territory' refer to, "a range of imagined senses of the body of a nation translated into political practice, including maps and charts; abstract ways of representing territory cartography, and otherwise diagrammatically"(Brenner and Eden, 2009:365). Thirdly, lived spaces refer to the individual and social experience of living through the physical and mental world of spaces. For Purcell, lived space represents "the complex amalgamation of perceived and conceived space. It is the everyday life of the city dweller (Purcell, 2003:577)."

In Nairobi, refugees regularly construct urban spaces in all the three ways Lefebvre outlined. They occupy recognizable and crudely delineated *territorial representations* i.e. physical and geographic areas where they physically dwell clustered. They produce goods and services. They trade with fellow Kenyans and other African refugees. They occupy apartment buildings, churches, mosques, bars and restaurants disproportionately in Nairobi's municipal wards like Eastleigh North, Eastleigh South and Killimani. These perceived urban spaces translate into *representations of territory* or *conceived spaces* that refugees create through their routine interactions with territory, the fringes of the Kenyan state and the host community. For instance, Kenyan officials usually refer to Eastleigh as "*their*" neighborhood marking and addressing it as the neighborhood of outsiders (i.e. refugees). Speaking of Eastleigh, informants come with words like "crowding", "illegal human trafficking", "Somali and Ethiopian businesses", "Islamic Fundamentalism", "bomb attacks" , "security threats" etc. These "conceptions" speak volumes about how the physical abode of urban refugees is interpreted by the Kenyan state and the public at large. Eastleigh is implied as that wild neighborhood whose governmentality is suspect due to its overwhelming refugee population.

Also, this chapter went to great length to document and analyze what Lefebvre termed as the *social space* of inhabitants i.e. "the everyday life of the city dweller (Purcell, 2003:577)." Here I described their economic activities and business ventures. I outlined their basic expenditure patterns. I looked at the religious and community organizations that they have created during their stay in Nairobi. In short, I depicted how refugees muster their social networks and economic resources to negotiate rights and resources in Nairobi. Three words will summarize the nature of these urban social spaces:

“resilience”, “innovation” and “cooperation”. Refugees come through difficult conditions only to unpack and innovate new livelihood strategies of survival. They also offer a tremendous amount of economic, social, cultural and spiritual support to each other. This definitely helps cushion the pain of adjusting to the grim reality of being a refugee. To paraphrase Lefebvre, Ethiopian urban refugees stand out as active inhabitants who are constantly engaged in the creation and restructuration of *perceived*, *conceived* and *social* spaces in Nairobi.

But such practices will not lead us to automatically conclude that urban refugees are urban citizens. This is because Lefebvre brings in a second and more important qualifier to what he means by “right to the city”. In addition to the appropriation and creation of urban spaces, Lefebvre stressed “the democratic management of the city through the direct participation of society (Mathivet, 2010:25)”. In fact, Lefebvre recommends a “contemporary formula for social citizenship, expressing a ‘social project’ which requires a new political contract between the state and citizens”. In short, state- refugee relations and the latter’s ability to participate in the management of the city should be examined thoroughly. Here, I have found that the relationship between refugees and the Kenyan state is not that rosy at all! None other than the problem of police corruption and harassment substantiates this assertion. Refugees and their business leaders spoke bitterly about the problem of corruption and police harassment repeatedly.

Refugees stand out as targets of police harassment and corruption because of their vulnerable position as the “other” i.e. aliens or foreigners. According to one of my respondents, “There is an undercurrent among Kenyan police officers that refugees come

to Kenya either because they are rich or to make money off of Kenyans!” Hence Kenyan police officers are not reluctant to harass and discriminate against refugees. But refugees insisted that they face the specter of discrimination and exploitation not from ordinary Kenyans but rather from the foot soldiers of the Kenyan state! The State through its punitive organs (or shall we say “law enforcement officials”?) appears to be the single most institution that draws the contours of a refugee-citizen divide in Nairobi. The political, therefore, takes the centre stage in defining the rights and capabilities of a refugee vis-a vis its limitations and vulnerabilities. The following chapter therefore dwells on the relationships between the Kenyan state and urban refugees reflecting mainly on the policies and practices that delineate the scope and content of political rights for refugees.

CHAPTER V

THE POLITICS OF RIGHTS: THE STATE AND URBAN REFUGEES

Overview

In previous chapters, I traced the genesis of the term “citizen” from liberal renditions that describe an individual (i.e. a free subject) who claims a bundle of civic, political, social and economic rights from a respective state. In turn, the citizen is expected to pay taxes, elect his or her political representatives, and stand in defense of that state in case of aggression. Critics of liberalism such as civic republicans argued to expand the notion of a citizen. For the latter, a citizen should be more than a tax payer or a voter and should actively participate in the public and cultural affairs of his or her nation devoutly. It is that sense of emotional and cultural allegiance to the “nation” that counts more to them than mere birth or residence in a country. Still others challenge the entire premise of locating citizenship on membership in the nation-state arguing that we are “citizens of the world” before we become citizens of nation-state. For these who espouse cosmopolitan citizenship, our allegiance to universal human rights and dignity should never be compromised even when our respective nation-states trample on the rights of “other” states or communities.

Qualifying “citizenship” therefore hinges on the notion of nation-state i.e. the power of the state to determine and sanction the rights of its citizens vis-a-vis “aliens” (guest

workers, immigrants, illegal immigrants, refugees, stateless persons, etc). This brings the politics of rights to the forefront of the discussion. The analysis from extensive interviews with Ethiopian urban refugees did point in that direction too. Refugees kept reiterating that they face the specter of discrimination and exploitation in Nairobi not from ordinary Kenyans but rather from the officials of the Kenyan state. The Kenyan Police appears to be the single most institution that draws the contours of a refugee-citizen divide in Nairobi.

The following chapter therefore pays a discriminate emphasis to the relationship between the Kenyan state and urban refugees. It aims to explore the policies and practices that delineate the scope and content of political rights for urban refugees in Kenya. The chapter posits two important questions. First, what are the bundles of political rights that urban refugees in Nairobi enjoy (or are supposed to enjoy) and how do these differ from the rights of citizens? Second, how do Ethiopian refugees in Nairobi relate to the Kenyan state, and its law enforcement agencies? Accordingly, the first section provides a thorough summary of the international, national and local *right regimes* that urban refugees in Kenya operate under. The second section delves into how urban refugees explain their relations with the auxiliaries of the Kenyan state.

5.1 Global, Continental and National Regimes of Refugee Rights

5.1.1 The United Nations Declaration of Human Rights (UDHR)

An ideal point to start reviewing the international legal framework on urban refugees would be the 1948 Universal Declaration of Human Rights (UDHR) adopted and proclaimed by the United Nations General Assembly. This document enshrined basic,

universal and inalienable rights to *all* human beings, including refugees. These inter alia include: a) the right to life, liberty, and security of person (Article 3); b) the right to recognition everywhere as a person before the law (Article 6); c) the right to freedom of movement and residence within the borders of each State (Article 13); and d) the right to own property alone as well as in association with others. (Article 17)

The declaration is also unequivocal about human dignity and the importance of protecting it by law. Article 7 of the UDHR stipulates this vital notion by stating that “All are equal before the law and are entitled without any discrimination to equal protection of the law.” Article 9 qualifies this provision stating that “No one shall be subjected to arbitrary arrest, detention or exile.” More importantly, the UDHR enshrined that every human being has “the right to seek and to enjoy in other countries asylum from persecution.” (Article 14) Clearly, the UDHR is the first international policy instrument which recognized the right of refugees and recalibrated it as a human rights issue. In short, refugees, simply by virtue of being human beings, have fundamental rights to life and security, to adequate legal protection, to move around freely, create and own wealth. Finally, even the right to be a refugee is qualified for the first time as a basic human right. (UN Gen Assembly Resolution 217A (III), 1948)

The only provision of the Universal Human Rights Declaration that delineates and confines the rights of the individual within the nation-state is Article 21. Stipulating a bundle of political rights for a citizen-person of a given country, Article 21 boldly states that:

- 1) Everyone has the right to take part *in the government of his country*, directly or through freely chosen representatives.
- 2) Everyone has the right to equal access to public service *in his country*.
- 3) The will of the people shall be

the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Seen from this vantage point, refugees can enjoy all but political rights of participation, election and access to public services in their host city or country.

5.1.2 The United Nations Convention on Refugees (1951) and the Revised Protocol (1967)

Three years later (1951), the United Nations adopted its Convention on Refugees where it also decided to establish the United Nations High Commission for Refugees (UNHCR). Article 1 of the 1951 convention defined a refugee as a person, who fled his or her country “owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” and “is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” Sub Article 4C of the first article qualifies that a ‘refugee’ may lose his or her title is if “He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution.” Hence, the Convention recognizes the possibility of refugees settling in permanently and becoming citizens of the country they fled into.

Even more, Article 7(1) states that host countries “shall accord to refugees the same treatment as is accorded to aliens generally”. For instance, contracting states should have favorable policies for refugees with regards to “the acquisition of movable and immovable property”. (Article 13) Industrial, artistic, literary and scientific works of a

refugee “shall be accorded in the country in which he has his habitual residence.” (Article 14) A refugee can also have gainful employment in the host country, if “1) he has completed three years’ residence in the country, 2) he has a spouse possessing the nationality of the country of residence, or 3) he has one or more children possessing the nationality of the country of residence.” (Article 17(2)) And refugees have broader rights to access public education and housing in favorable terms and by the standards that other aliens in the host country or city are treated. (Articles 21 and 22) A few amendments were inserted into the 1951 Convention when the UN General Assembly adopted a Protocol on 31 January 1967.

The 1967 Refugee Protocol starts by lifting the time and geographic limits mentioned in the 1951 Refugee Convention. This Protocol is more explicit and forthcoming when it comes to the legal protection of refugees and the duties and responsibilities of the host state for refugees. Article 16 sub-article 1 discusses that a “refugee shall have free access to the courts of law on the territory of all Contracting States”. Sub article 2 further stipulates that “A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts.” We have to mention two more important obligations of any signatory state here. Article 26 commits host states to afford refugees the freedom of movement. It states that host states should “accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory.” Article 27 also mandates the contracting states to “issue identity papers to any refugee in their territory who does not possess a valid travel document.”

We can conclude by stating that the Refugee Convention (1951) and the 1967 Protocol on the Status of Refugees cover three main subjects. First they detailed the basic refugee definition, and specified the circumstances under which one cedes a refugee status. Secondly, they outlined the legal, economic, social and cultural rights of refugees alongside their duties and obligations. Particularly the 1967 Protocol stressed the right of refugees to be protected against forcible return, or refoulement, to a territory where their lives or freedom would be threatened. Thirdly, both the Convention and the Protocol discussed the contracting state's obligations to cooperate with the newly formed United Nations High Commission for Refugees (UNHCR). Kenya is a signatory to UDHR, the Convention and Protocol on the status of refugees.

5.1.3 The Organization of African Unity (OAU) Declaration on Refugees

Two years later, African Heads of States met in Addis Ababa on 10 September 1969 and endorsed the OAU Convention on African Refugees, which is the first legal and policy instrument of the continent. The OAU convention endorsed the UN Convention and Protocol but included new concerns and provisions which were not discussed before. For instance, the Preamble (Clause3) states that the refugee problem has become “a source of friction among many Member States.” Hence, Article 3 stated that “the granting of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State”. Written in the context of the Cold War and African civil wars, it speaks about the difficulty to “make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside.” (Preamble (C4))

The OAU declaration brought in very helpful ideas to the international upkeep of refugees in general. For instance, it enshrined the principle of non-refoulement. Article 2(3) stated that a “person fleeing his country shall not be subjected to such measures as rejection at the frontier, return or expulsion.” Second, Article 2(4) introduced the idea that an OAU Member State can “appeal directly to other Member States and through the OAU” to assist in granting asylum to refugees if it finds it overwhelming or difficult. It also encourages other Member States to respond to such calls “in the spirit of African Solidarity and international cooperation” and “lighten the burden of the Member State granting Asylum”.

Despite these constructive additions, the security concern of member states about subversion from neighboring countries is evident in the wording of the declaration. Accordingly, Article 3(1) states that any African refugee “shall also abstain from any subversive activities against any Member State of the OAU.” The penultimate sub article stresses that

Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio.

The African continent, it seems, was the first to realize that refugee outflow due to forced displacement could be used as an ideal opportunity to mobilize political dissent and combat operations against the incumbent of a neighboring state. Unfortunately, this became the case in the 1970s and 80s where guerilla fighters and insurgents began to exploit refugee camps as recruiting and resource mobilizing grounds for civil wars raging

inland. The escalation of such wars, in turn, resulted the further outpouring of refugees to the neighboring countries unleashing a vicious cycle of conflicts and refugee-cum-combatants. This was more so in countries like the Democratic Republic of Congo, Uganda, Rwanda, Angola, Mozambique, and Ethiopia. In most of these cases, the global superpowers (USA and USSR) were each supporting rival factions and staging brutal proxy wars.

Last but not least; the OAU convention legalized the ‘encampment’ approach to refugees stating that, “For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.”(Article2(6)) Otherwise, ‘encampment’ has never been enshrined as a legal prerogative of contracting states in the UN Convention of refugees (1951) and the 1967 Protocol. To sum up, all of these international legal instruments play a pivotal role in articulating the rights and duties of refugees, contracting states, the UNHCR and the African Union. They have also inspired the development of national policies and laws on refugees by such countries like Kenya and South Africa.

5.1.4 The Refugee Act of Kenya (2006)

The Refugee Act of Kenya became the law of the land in December 30th, 2006. The Act begins by defining what a refugee is, the category of people who are not eligible for the status of a “refugee”, and the conditions under which a person cedes his or her refugee status. The Act drew a lot both from the UN Convention on Refugees and the 1967 Protocol while qualifying categories and concepts. To its credit, the Act outlines its provisions in plain English with few esoteric legal terms. It also formally instituted the Department of Refugee Affairs (DRA) to be “responsible for all administrative matters concerning refugees in Kenya, and shall, in that capacity, co-ordinate activities and programs relating to refugees.” (Article 6 (2)) It also enshrined the prerogatives of the Commissioner for Refugee Affairs who is going to head the DRA. Inter alia, the Commissioner is delegated to: a) “formulate policy on refugee matters in accordance with international Standards”, b) “register all refugees”, c) “issue refugee identification cards and travel documents to refugees”, and d) “manage refugee camps and other related facilities”. DRA is also designated to liaise with UNHCR.

The Act also declared the formation of a Refugee Affairs Committee (RAC) and the Refugee Appeal Board (RAB). RAC’s mandate is to assist the Commissioner for Refugees in matters concerning the recognition of persons as refugees as defined in the Act. The RAC comprises of 12 members, a third of whom must be women. All twelve members are drawn from government ministries and departments. All but two of the bureaus represented are from the national security corps of the cabinet. They include representatives from the Police, National Intelligence Service, Ministry of Interior,

Ministry of Local Government, Ministry of Foreign Affairs, and of course the Department of Refugee Affairs. Besides the provision for the incorporation of one representative from the host community and civil society, refugees are not represented at all. This means, refugees are “left only with DRA (whose competence is broader) and the courts of law as the legal forums through which to represent their issues and concerns.” (Munene, 2010:19) The Refugee Appeal Board comprises a chairperson with a background in law, plus six other members. Refugees can appeal to this board if they are not satisfied with the decision of the Department of Refugee Affairs. (Refugee Act, Section 10 (1))

Articles 16 and 17 constitute the core of this Act for they posit refugee encampment as the center piece policy of the Kenyan government when it comes to refugees. There is no mention of urban refugees in the legislation. In fact, Article 16(2A) speaks of establishing “transit centers for the purposes of temporarily accommodating persons who have applied for recognition as refugees”. Since immigration processes are undertaken in Nairobi, lawmakers seem intent to establish “transit centers” (a euphemism for camps) in urban areas too. Section 16 (4) also provides that “...every refugee and member of his family in Kenya shall, in respect of wage-earning employment, be subject to the same restrictions as are imposed on persons who are not citizens of Kenya”. This implies that the refugees have the right to acquire work permits. However, Munene (2010:17) argues that “not many refugees will be able to secure work permits” for two reasons. First, “The government will consider the skills that a migrant has to offer before a work permit is given” (Munene, 2010:17). In most cases, refugees do not have formal credentials of

training and skills. Secondly, “The work permit has to be paid for”. Most refugees may not have the money to access the permit (Munene, 2010:17).

More troubling provisions of the Refugee Act are articles 19 and 21. Article 19 states that the Commissioner can “withdraw the refugee status of any person where there are reasonable grounds for regarding that person as a danger to national security or to any community of that country”. Furthermore, Article 21 states that the Ministry of Immigration can “order the expulsion from Kenya of any refugee or member of his family if the Minister considers the expulsion to be necessary on the grounds of national security or public order.” These provisions provide extraordinary (and extrajudicial!) prerogatives to the office of the DRA. It is also not clear what a “reasonable ground” constitutes to withdraw a refugee status or expel refugees as national security threats. Ironic enough, the law does not also specify where expelled refugees can go afterwards. To sum up, the Refugee Act is a policy blue print that privileges national security concerns and encampment. It reads more as a monitoring and punitive device and is rather very skeptical about refugees in general. It also rides roughshod over the reality of urban refugees in Nairobi and how they have become a part of the economic and social fabric of the city.

5.1.5 The New Kenyan Constitution (2010)

After years of wrangling and controversy, the Republic of Kenya has ratified a new Constitution of Kenya following the referendum on 4th August 2010. The Kenyan Parliament has now taken the responsibility of forming various legal and policy task forces to streamline national Acts, Bills and Proclamations passed in previous years according to the new Constitution of Kenya. In fact, I learned from our interview with an official of Refugee Coalition Kenya (RCK) that the Parliament has actually delegated RCK to create the task force that would review the 2006 Refugee Act and streamline it in the spirit of the new Constitution. The fact that the national Parliament has actually entrusted a local NGO to head this initiative is very commendable.

I have also looked into the Chapters, Articles, Sub-Articles and Clauses of the Constitution to see if there are relevant chapters that touch upon or deal with the issue of refugees in Kenya. Only the chapter that deals with citizenship matters (chapter 3) seems to be tangentially related to our focus. The new Constitution defines citizenship in the two traditional ways i.e. by descent from Kenyan parents (*ius sanguinis*) and by place of birth (*ius soli*). Article 14(1) stipulates that “A person is a citizen by birth if on the day of the person’s birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen.” Article 14(4) continues that “A child found in Kenya who is, or appears to be, less than eight years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth”.

In addition, the Constitution warranted the possibility of citizenship by naturalization too. Article 15(2) states that “A person who has been lawfully resident in Kenya for a

continuous period of *at least seven years*, and who *satisfies the conditions* prescribed by an Act of Parliament, may apply to be registered as a citizen”. The two factors (outlined in broad strokes) that would lead to Kenyan citizenship through naturalization therefore are a) 7 years of inhabitation, and b) satisfying conditions prescribed by a subsequent Act of Parliament. Both of these provisions would definitely make urban refugees who have lived in Nairobi for more than seven years very optimistic about securing Kenyan citizenship. But still, turning this possibility into reality solely depends on a future legislation “establishing conditions on which citizenship may be granted to individuals who are citizens of other countries.” (Article 15(4))

The Constitution vests all political rights and freedoms on Kenyan citizens only (Article 38). These include the rights to (a) form, or participate in forming, a political party; (b) participate in the activities of, or recruit members for, a political party; or (c) campaign for a political party or cause. Every citizen, the Constitution states, has the right to vote and be voted into public office. That these rights are exclusive to Kenyan citizens is discussed under Article 78(1) which states that “A person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya”. Even more, the Constitution states that “A State officer or a member of the Defense Forces shall not hold dual citizenship.” (Article 78(2)) To conclude, the new Constitution is not that different from other Constitutions, International Protocols and Conventions which carve out political rights as the exceptional domain of citizens. But it is progressive in that it left the door ajar for urban refugees when it comes to naturalization and claiming full Kenyan citizenship at a later stage. The ratification of a Kenyan Naturalization Act would

ultimately determine the opportunities or perils of such a course. Nevertheless, the writer believes it is a commendable step in the right direction.

5.2 The Politics of Refugee Rights in Nairobi

5.2.1 Legal Recognition for Urban Refugees

Despite the flurry of international and national conventions, protocols and acts with regards to refugee rights, both the Kenyan government and the UNHCR were not keen to formally recognize and address refugees who live in urban areas before 2006. This was reflected in the interviews both with officials and refugees. This benign neglect of urban refugees gave the leeway for brazen harassment directed especially at those who did not have a refugee mandate in Nairobi. One of my informants summarized the history of state-refugee relations in Nairobi as follows,

We can speak of three different time frames when Ethiopian refugees began to arrive in Kenya. The first phase of Ethiopian refugees came in the early 1970s following the collapse of the Imperial regime in Ethiopia. Their number was quite small and most of them were political refugees. But the second and major phase of refugee influx to Nairobi happened in 1991 when thousands of demobilized soldiers, supporters and high officials of the military regime in Ethiopia fled to Kenya. University students and journalists who were very critical of the rebel fighters also began to flee to Kenya in the following years. Following the 2005 post –election crisis in Ethiopia, another wave of political refugees happened. But 1991 represents a major benchmark where Nairobi began hosting thousands of Ethiopian refugees whose number now stands next to Somali refugees.

Beginning from 1991 up until 2003, the Kenyan Police was very hostile to urban refugees. They used to arbitrarily arrest refugees, ask for money, and threaten to detain if refugees do not cave into their demand. Things have improved since the Kibaki administration came to office in 2002. But in 2005, a prominent Kenyan politician Mrs. Martha Karuwa who was then Kenyan Minister of Justice came with a drastic draft bill that aimed at summary expulsion of refugees. Most refugees were shocked and began to flee to South Africa and Uganda. The Ugandan government explicitly stated its readiness to host refugees and the UNHCR threatened to move its regional office to Kampala. The Kenyan

government made a complete turn around and decreed all urban refugees to register and get their alien certificates. In just a day, more than 4000 Ethiopian and Eritrean refugees got their alien certificates from the Kenyan authorities.

One of the refugee informants described the situation in 2005 as follows, “I got the alien certificate in 2006. Before that Martha Karuwa ordered us to leave the country. But it brought an international outcry from UN agencies here and the government changed its mind”. It has now been more than 6 years since the Kenyan government begun to issue a legal certificate of residence to urban refugees that it calls “Alien Certificate”. The policy reversal by the Kenyan government and its gesture to legalize and formalize the residence of urban refugees is highly regarded by Ethiopian refugees. One of my respondents who arrived in Nairobi in the middle of the 2005 crisis recounts the policy change as follows,

Ethiopian refugees used to have a lot of problems with Kenyan police officers who used to detain and harass us for money. The situation has improved since 2006 when the majority of urban refugees were issued alien certificates by the Kenyan government. This was good news for me because in 2005 I applied for a refugee status mandate at the UNHCR but was rejected by the UN. Fortunately, the Kenyan government granted me the alien certificate which has given me the legal status to reside in the city and engage in business legally.

The alien certificate has a number of useful functions which I summarized as follows. First, the alien certificate grants an urban refugee the legal right to reside in the city of Nairobi. It serves as an identification card and helps a great deal in protecting refugees from random harassment by rogue police officers. Now, the police have less excuse and leverage to harass refugees who carry their certificates around. The alien certificate is also vital if one wants to secure business permits from the city council. It is required by banks if a refugee wants to open a bank account. Kenyan schools and colleges require the

alien certificate in order to process admission for applications of urban refugees. And more importantly, refugees are granted Kenyan exit visas to settle in western countries only if they have mature alien certificates. Refugees are not allowed to leave Kenya if their alien certificates are forged or have expired. Hence, refugees underscore how vital the alien certificate is. One of the respondents stated, “The alien certificate protects you from police harassment. You can open up your own bank account and manage your finances without fear of dispossession. It serves as your ID card anywhere else”. One of the female respondents engaged in cross border clothing trade also mentioned, “The alien certificate is very crucial. Without it you cannot cross the border for trade purposes.”

Before 2005, it was only the United Nations High Commission for Refugees (UNHCR) that was solely involved in refugee registration. It also had the mandate to undertake what is known as Refugee Status Determination (RSD) process. Refugees are summoned to be registered. They are asked to submit relevant documents and records that attest about their identity and the reasons why they fled the country. They sit in for personal interviews where UNHCR officials try to determine whether the applicant has faced real and eminent threat of political persecution in their country of origin.

The RSD process takes a long period of time mainly because the UNHCR Kenya office processes the applications of hundreds and thousands of camp refugees in Daddab and Kakuma in addition to the urban refugees located in Nairobi. Also, the UNHCR office caters for refugees from Eritrea, Ethiopia, Somalia, Southern Sudan, and Northern Uganda. More than 15 of the refugee informants had to wait for more than two years to pass through the RSD process and finally secure what is popularly known as the “refugee mandate” from the UNHCR. In fact, most refugees who have not yet received final

results about their UNHCR applications bitterly complain about the slothfulness of the process. One of the respondents stated,

To secure “mandate” from the UNHCR takes a very long time. After years of waiting, your application can actually be rejected. There is an interview and screening process which is quite long. Usually, journalists, political refugees and those active in human rights organizations in Ethiopia get their mandates rapidly. Even then, the actual process of securing third country settlement and processing the entry visa takes a long period of time. I know of people who have waited for more than 10 years for this process to be completed. The rule says that you should not be waiting for more than 2 years but they are actually processing applications of the year 1999 right now.

These sentiments of refugees are supported by UNHCR’s own assessment of the process. The Global Report of the UNHCR (2011:91) admits about how slow third country settlement from Kenya has been as follows,

Almost 8,700 cases were submitted to resettlement countries in 2011: over 80 per cent to the United States followed by the United Kingdom, Sweden and Australia. However, only about one third of them (2,725) were able to depart, mostly to the United States, Canada, Sweden and Australia. Delays in departures to receiving countries were due primarily to exhaustive background security checks and clearances. A total of 111 persons repatriated voluntarily, mostly to Somalia and South Sudan.

Given the incredible backlog of the UNHCR system, refugees find the alien certificate to be much more helpful. In most cases, refugees managed to secure both the alien certificates and the UNHCR mandate. For instance, one of our refugee informants reported,

The UNHCR has already approved my application for a refugee status and has given me the document that we here refer to us “mandate”. The UNHCR is also processing my relocation process into a third country. I am actually waiting for the relocation process to be finalized but I also have the alien certificate which is very useful because it is your ID card.

But in some cases, refugees whose UNHCR applications were refused have managed to stay in Kenya wielding their alien certificate only. One of the female respondents explained her situation as follows,

I received the Kenyan alien certificate in 2006 when I was actually waiting for the final result of my application for a UNHCR mandate. Unfortunately, the UNHCR rejected my application but I still use my alien certificate to stay in Nairobi. Most of us who arrived here before 2006 managed to secure alien certificate even though we did not get the UN mandate as a refugee.

Over the last three years, however, the Kenyan government and the UNHCR have collaborated to close this legal loophole, which will adversely impact some urban refugees. A UN official in Nairobi described the new process of securing legal residence in Nairobi as follows,

We streamlined the refugee status determination process with Kenya's Department of Refugee Affairs (DRA). Upon arrival, refugees should now get registered with the DRA to get a provisional ID locally known as the "Shiromoyo". That identification card serves only for a year and in the mean time the refugee has to apply at the UNHCR to get a refugee mandate. UNHCR calls for interviews almost every six month. Once it is granted, then the Kenyan government offers you the alien certificate. Usually it takes a minimum of two years for the UNHCR to process your relocation in a third country.

Two of my informants who are also community leaders in the refugee community confirmed the same about the new system of registration that the Kenyan government and the UNHCR have introduced.

In the past, anybody can directly go and apply for a refugee mandate from the UNHCR. Now the process has changed. You have to first get your provisional ID from the Kenyan government before heading out to the UNHCR. After rigorous interviews, the UNHCR officials either grant or reject your applications for refugee mandate. If accepted, the UNHCR also offers a list of countries who have agreed to take refugees as hosts (most of these countries have quotas). The refugees then choose a country. The UNHCR then works with the immigration department of the respective host country and begins to process entry visa for the applicant. This process usually takes between 2 to 8 years (depending on the case) for refugees to finally be issued immigrant visa into western countries. After

securing the mandate, though, the refugee should appear at the Kenyan Ministry of immigration to get his alien certificate. The certificate is crucial because it is the sole document that warrants exit visa from Kenya when refugees leave the country.

It is important to underscore here that in the past, the UNHCR was unwilling to process mandate and relocation to urban refugees insisting that they should go back to refugee camps! One of the informants described the situation as follows,

Earlier, the UNHCR insisted on accepting and processing the application of camp refugees only. Urban refugees used to play a tricky game with the UN system. They had contacts in the camps who telephone them about upcoming visits of UNHCR officials and interviewers days ahead of these planned visits. Most of the urban refugees used to go to Kakuma (which is almost a two days journey from Nairobi) to get counted, interviewed, and follow up on the status of their relocation applications. Then, they sneak back to Nairobi on the next immediate bus.

Right now, Nairobi hosts urban refugees some of whom have both the alien certificate and the UNHCR mandate. There are others who managed to secure the alien certificates pre-2009 even though the UNHCR rejected their refugee mandate applications. And post-2009, we have refugees who are waiting for UNHCR decisions for mandate and do not have an alien certificate either. The latter only have their provisional IDs. One of the respondents belongs to this group. Asked whether he has the certificate, he responded, “I don’t have Kenyan ID because I have been waiting for the UNHCR decision for a refugee status to apply for the alien certificate.” There, of course, were some outliers when it comes to why they do not have alien certificates in Nairobi. Another respondents added, “I managed to secure the Kenyan passport illegally and it was helpful for me to travel at least to other African countries. Frankly, I do not need it!” Note how the state which happens to predate on the weakest and most vulnerable sections of its population (refugees) is itself very weak, informal and transactional. The so called “aliens” can buy

their way into Kenyan citizenship (at least nominally) securing passports and travel documents from corrupt officials.

Two of the business leaders that I interviewed also reported that they are now Kenyan citizens and carry Kenyan passports. Both stated that they applied to the Ministry of Immigration Affairs in Kenya for naturalization and managed to secure Kenyan citizenship. Asked about the criteria the Kenyan authorities considered to grant these people the citizenships status, both respondents outlined the following factors. The reasons include: their long years of stay and work in Nairobi, the fact that they had legal business/work permits, they paid taxes in time, and they were known to Kenyan authorities as peaceful and law abiding business people in Kenya. One of my respondents who owns her own high end beauty salon in downtown Nairobi narrated the process as follows,

For so many years, I used the UNHCR travel document to fly to Europe, other parts of Africa and the Gulf region for business. But it was so hard to secure visa from embassies because of my refugee status. So in 2005, I applied for Kenyan passport at the Ministry of Immigration. The Kenyan officials requested a letter from the Ethiopian embassy declaring that I have rescinded my Ethiopian citizenship. But the Ethiopian Ambassador was unwilling to give me such a letter and I had to plead him via the Togolese ambassador to get the letter. Finally he relented. The authorities looked at the fact that I have lived there for 17 years as a legal permanent resident and reviewed my business profile. I understand they also did security checks. They finally agreed to issue me a Kenyan passport.

Another respondent, a manager of a high end Ethiopian restaurant in Nairobi also explained about the naturalization process as follows.

Until very recently refugees used to go the UNHCR to register and get a residential permit. In my case, I had to go to the Kenyan Ministry of Immigration to get a Class M residential status which also allowed me to open up and run my restaurant business. But in 2007, I went to the Kenyan Ministry of Immigration to apply for Kenyan citizenship. The senior officials knew me, checked my profile

and agreed to grant me citizenship. But they first demanded that I revoke my Ethiopian citizenship which I did. Now I am Kenyan citizen.

It is, however, important to state that I only stumbled on three cases where refugees stated that they have Kenyan citizenship and travel documents. Otherwise, the overwhelming majority of Ethiopian refugees still carry their alien certificates.

Often, refugees stress the importance of having the alien certificate in Nairobi for security purposes. This is especially true in the context of the Horn of Africa where Somali based Islamic extremist groups have launched bomb attacks in Nairobi. Given these attacks, massive police raids and arbitrary arrests are commonplace in the neighborhoods of Eastleigh where the majority of Somali and Ethiopian refugees reside. The Kenyan security officials suspect that Eastleigh is the hideout spot for the jihadists to plan and execute attacks in the city. The problem is innocent Somali and Ethiopian refugees get caught in the cross fires. In the post 911 order of the “War on Terrorism”, urban refugees are now subject to more police scrutiny than ever. In a condition like this, not having legal alien certificate means landing in prison. One of the refugees from Eastleigh North described the situation as follows:

Just two weeks ago, we had bomb attacks in the city that the jihadist group in Somalia known as Al Shabab claimed responsibility for. Following that attack, the Kenyan police conducted random raids to find Al Shabab operatives in Eastleigh. Houses were ransacked and properties were confiscated or in some cases simply stolen by the Police. Hundreds of Ethiopian and Somali urban refugees were also arrested. Later, however, only those refugees who have their alien certificates were released and those who did not are still detained for further investigation.

I also inquired whether Ethiopian refugees with alien certificates face other legal prohibitions during their stay in Nairobi. All but two of my respondents replied that they face no restrictions or prohibitions owing to their refugee status. One of the respondents

stated, “This is a land of freedom to me. There is no limitation on where I live, where I work or move in Nairobi.” Another respondent added, “No, there is no restriction regarding our rights here.” Two respondents stated otherwise. One of them replied saying, “I was told by one of the Kenyan immigration officials that we should stay in a 40 kilometers radius around Nairobi. But nobody checks and I have not faced any problem even when I travel to cities like Mombasa which is hundreds of kilometers away from Nairobi.” The other respondent added, “The Kenyan officials do not allow you to go out of the city. You are actually expected to apply for an additional travel document to make such travels. However, the officers do not strictly implement these laws. You can go anywhere you like.”

5.2.2 Policing, Prejudice and “Terrorism”: Refugees and the Kenyan State

I started off asking refugees how they characterize their relationship with police officers. All respondents described their relation with the Kenyan police as something which is not affirmative at all. One of the refugees defined it as follows, “The relationship between the police and the refugees is like cat and mouse. The police always ask for money when they meet any refugee. We prefer to hide whenever we see the Kenyan police and we do everything to avoid contacts with them.” Another respondent joked about it as follows, “We play hide and seek with the police! Let alone us, refugees, even Kenyan citizens do not like to face the police in whatever circumstance they are in”. In fact, one of my informants said, “The police have their own calendar when it comes to refugee harassment. The last week before the end of the month is when they run short of money. And so, we joke Kenyan policemen promise their wives that they are going to go out and get the money from a refugee to buy groceries!”

The following comments from an Ethiopian community leader summarize the sentiments of urban refugees when it comes to abuses of power by the Kenyan law enforcement officials. He stated,

The government agency infamously known for harassing refugees is the Kenyan Police. They arrest refugees arbitrarily. They release you only if you give them bribe. Up until 2006 they used to take money and valuable items such as the rings and necklaces of refugees. This is especially the case at the end of every month where the officers have little money left in their pockets and struggle to make ends meet or during holidays when they want to buy presents for their family.

It is a very tragic thing to witness that the so called ‘law enforcement officers’ are the most illegal people who violate the human rights of refugees! To their credit, though, the Kenyan police do not torture or physically assault refugees. But there were incidents where female urban refugees were sexually assaulted and raped by police officers. Refugee protection is a big problem both in camps and cities. When a famous Oromo²⁰ political activist by the name Jateni was killed in Kakuma camp; the UNHCR did not investigate or name the perpetrators.

It is not only the detentions and corruption that refugees detest about the Kenyan police. The humiliation and “degradation ceremony” that some rogue police officers commit upon refugees is tragic. Here is an anecdote from one of the respondents,

I know of a girl who was working without permit as a waitress. The police came in and threatened to arrest her if she does not give them money. When she gave them the 1500 Kenyan Shillings, they complained it was not enough. They tied her up and roamed the streets with her in a very embarrassing way until her friends manage to collect more money and bargain her release. Imagine how painful this is for a woman who is dragged around like a sex slave, shackled before thousands of people. I am telling you, the police have no respect for human dignity!

A priest of one of the Ethiopian Orthodox churches also disclosed how rampant police corruption is and how sophisticated it got over the years. In some instance, police officers contact Ethiopian refugees to spy on other refugees and know who has money. He described the problem of police harassment in Nairobi as follows.

²⁰ The Oromo are largest ethnic group in Ethiopia some of whose elite have been fighting for liberation and secession from Ethiopia under a veteran political organization known as the Oromo Liberation Front (OLF). Mr. Jateni was an activist of the OLF.

Police officers have been harassing refugees in this city for so many years. They may arrest you arbitrarily and insist on getting money to release you. It does not really matter even if you show them your Ethiopian passport. They view Ethiopian refugees as their extra source of income. I remember officers saying, “Why do you wait for your salary when there are Abyssinian refugees?” Actually, they used to wait outside our church compound to arrest people.

They also used to spy on Ethiopian refugees who have completed their emigration process to fly to the West. I remember an incident when they spotted an individual whom they heard is flying out of Nairobi that evening and arrested him. They know the refugee will pay anything to be released and catch his long awaited flight. So they asked to be paid 80000 Kenyan Shillings (approximately 950 US Dollars!). The individual did not have that amount of money. So people had to actually bargain over the amount of the bribe for the police men and got him released in time.

The pastor of one of the Evangelical churches also reflected on the problem of police harassment underlining how pervasive and systematic it has this far been. He stated,

Corruption is so rampant in this country and so is police harassment. The police just want to extort money from these people who are strangers and very insecure about their condition in Nairobi. In fact, they used to do this brazenly and in broad day light before 2005. I remember an incident where friend of mine went to a local money transfer bureau, the Western Union, to collect some money sent to him from abroad. The Police ambushed right outside the office and arrested my friend knowing he received some money. It was shameful because he had to negotiate the amount he gave them as bribe. When his relatives called from the US to check if he received the money, he jokingly answered, “Yes, they (the police) did receive the money!”

There were a number of instances where I was called to police stations to negotiate the release of a detainee. Most officers cooperate the moment they know that you are a pastor. But I was also arrested by the police when I was a student at the Pan African Christian University (2001). The Vice Chancellor sent a worker from campus to get me released from prison. It became a newspaper headline where the Chancellor gave an extended interview on the Daily Nation about refugee harassment in Kenya.

Refugees were asked whether police harassment is related to xenophobia and discrimination. While 17 out of 30 informants responded that police reaction to refugees is primarily driven by xenophobia and discrimination; the remaining thirteen (13)

respondents replied that it has more to do with corruption than xenophobia. Here are some of the reactions to this particular question. One of the informants stated,

Police harassment and corruption is not something primarily driven by xenophobia. I think the police are paid very poorly and they think refugees have a lot of money. It is also easy for them to racially profile Ethiopians and Somalis who have a lighter skin complexion with tall and skinny figures than other Kenyans. Hence they usually set out to get money misusing their official position. But police harassment does not go into excesses like assault or beating. They usually let you go free once they get money.

One cannot but appreciate the “fair” judgment of some refugees when they argued that police behavior is not out of racism but because their pay is low and they exploit undocumented refugees for financial gain. But the fact is the Kenyan police racially profile refugees. They identify Ethiopian and Somali refugees with lighter skin complexion and other physical features as the fat cats who can be fleeced easily. They conduct extrajudicial detentions and arrests. They also release detainees without any legal due process. And in some cases, some police officers concocted trumped up charges against refugees that refused to give money. Here is an account from one of the refugees,

I remember of an incident when a refugee refused to give money to corrupt police officers. They put heroine in his pocket, photographed them as exhibits, and filed false charges against him as a drug trafficker. You cannot appeal to the higher officials because they are steeped in corruption to their eyeballs too! If you insist talking to the top level commanders, then you may have to pay a much bigger amount of money by way of a bribe. So, refugees “resolve” the matter at the station level giving a small amount of money to the foot soldiers of the Kenyan Police Force.

All of these deliberate, extrajudicial and corrupt acts by the Kenyan police make us wonder whether we can absolve such institutional practice from xenophobia and racism. Two leaders of prominent Kenyan non-governmental organizations that work on refugee matters agree that we should not. One of them commented,

It is obvious that the police harass especially Ethiopian and Somali refugees. I do not think refugees from the Great Lakes region (Rwanda, Uganda and Congo) are subject to the same kind of police maltreatment as Ethiopians and Somalis. It could be because of the latter's language (most speak Swahili) and cultural affinity to Kenyans and even the similarity of their physical features with native Kenyans.

Another representative of an international NGO working on refugee affairs added, "I think Ethiopian and Somali refugees are more subject to police harassment due to their looks and physical features. People guess that they are not locals and think that they have a lot of money."

Yet, some refugees fault their fellow refugees for not standing up to their rights and not resisting this illegal practice of extorting money from refugees. One of the community leaders commented about this stating,

Many Ethiopian refugees do not prefer to stand up for their rights or take the case to court. This, I think, is for two reasons. There is the language barrier and the feeling of insecurity and vulnerability as a refugee. So people pay whatever amount they are cajoled to pay (sometimes they negotiate the amount) and leave detention centers. Technically, a refugee can summon the UNHCR to his or her aid to provide him or her legal assistance and protection. But people do not want to suffer in jails while all of this is bound to happen. In addition, it is quite difficult to get the ears of the UN officials who are not even willing to talk to a refugee unless they issue you an appointment. The bureaucratic red tape at the UN is very frustrating. So nobody takes the UNHCR seriously when it comes to legal aid and protection in Nairobi.

Another respondent also remarked that urban refugees are partly responsible for worsening the situation by agreeing to pay bribes to police officers. He added,

Part of the reason why police harassment became common is the fear and insecurity of Ethiopian refugees themselves. They do not hold their ground and ask to see a legal advisor when such unjust acts happen. They immediately resort to give bribes and get released from detention centers as soon as possible. This makes corrupt police officers more arrogant and rogue.

I tried to contact and interview police officers at ward station, division and metropolitan levels. But in all instances the officers declined the interview asking the researcher to get

an official permission from higher offices. Trailing the chain of police command, I ended at the Kenyan National Police Commission seeking support from the Head of the Public Relations Department. The officer was not willing to be interviewed. Neither did he cooperate to write me a letter of introduction to the lower echelons of police command which made it virtually impossible to interview officers.

However, all the civilian government officials the researcher interviewed denied the proposition that police corruption is partly fuelled by racial profiling and xenophobic attitude towards refugees. One of the ward level officials summarized the government's line of defense as follows,

We understand that refugees are harassed by police officers. But we should remember that the harassment is by a few rogue officers and not by the entire police force. Plus these officers harass refugees as single individuals and not as a group. We should also remember that some officers also harass Kenyan citizens. We should therefore differentiate between individuals and institutions. So the argument that Kenyan Police has xenophobic attitude is completely unfounded. Let us also remember that big police reforms are underway in Kenya right now. In fact the new Inspector General of the Police force is about to be appointed by Parliament. We expect new and constructive changes will take place following these appointments.

Another official reacted to the complaints and accusations of many urban refugees very cautiously. He phrased his argument as follows,

I cannot say the police force is entirely corrupt and xenophobic. But I cannot also say that all police officers are good and doing their job responsibly. However, you should remember the national security risk we are facing in Nairobi which is partly linked to urban refugees in Kenya! Last Sunday, we had a blast in Eastleigh outside a church compound. Police had to close in on a perimeter where they first detained potential suspects and had to conduct the investigation to find potential leads and suspects behind this attack. If you do not have a legal identification card, and you are not a Kenyan, then the police would think of you as a suspect. Refugees would definitely complain about these arrests, detentions and investigations as something unfair. But this is what the police should do in order to find evidence, leads and perpetrators who do these senseless bombing attacks.

Other officials insist that the problem of police harassment is on the decline since the ratification of the Kenyan Refugee Law in 2006. They mention a series of trainings and awareness creation programs conducted among police officers to reform the establishment. They also indicate the issuance of the alien certificate as one major protection for refugees since the latter can use it to prove their legal residence in Kenya.

To the officials' credit, most refugees also agree that the problem of police harassment has actually declined in recent years. One of the refugees stated, "A few years back, the relationship between refugees and police was very bad. I think the situation is improving since President Mwai Kibaki came to power". Another reason that Ethiopian refugees mention as a positive development is the joint Ethio-Kenyan military operations to weed out jihadists in Somalia. These measures, refugees argue, have changed the mood of the Kenyan police towards Ethiopian refugees. Here is how one of the refugee informants described this phenomenon,

I keep hearing that the police used to be really rough to refugees six or seven years back. Now, however, the police do not detain as many refugees unless they find you doing something politically sensitive. I remember some of the officers asking me a token for coffee or tea. Later they befriend you! I remember a policeman who stopped to tell me that I should not walk in one particular avenue because it is not safe. So yes, there is an improvement.

Part of this can be explained by the fact that the Ethiopian and Kenyan government both sent troops to Somalia in the fight against Al Shabab. This spirit of solidarity is reflected among men in uniform here in Nairobi. For example, the police raided the entire Eastleigh conducting door to door checks and investigations following bomb attacks in downtown Nairobi. They let most of the Ethiopian refugees free, while most Somalis stayed for more investigation.

But refugees reiterate that the decline in police harassment does not mean that there are no incidents of police harassment and arbitrary detention anymore. There still are. In fact,

the 2011 Global Report of UNHCR states that refugee harassment and detention has actually increased in Kenya from previous years. The report (2011:90) states,

The number of arrests and detentions of asylum-seekers and refugees rose in the wake of the heightened state of security alert in Kenya. Most arrests were for the lack of civil documentation (such as the asylum-seeker pass or refugee identity card), illegal presence, or alleged involvement in terrorist activities. In such instances, refugees usually contribute money to bribe police officers and get the person released. Neither do the refugees prefer to litigate the case or take the police to the courts. They think it is a long, arduous and fruitless venture since high ranking officials are also corrupt. In the word of one of our informants, “Nobody wants to hustle with the big vultures!!”

5.2.3 Civil Society and the Legal Protection of Refugees

Given the rampancy of police harassment and corruption in Nairobi, the study explored whether refugees have some form of legal assistance and protection from civil society organizations (CSOs) in Nairobi. Most refugees mentioned a few organizations that they are familiar with. I later had the opportunity to discuss this with the leadership of some of these CSOs. The three oft-mentioned NGOs are the Refugee Coalition of Kenya (RCK), Refuge Point, and Hebrew Immigrant Aid Society (HIAS). One of the informants described the situation as follows, “There are only a few NGOs like RCK and Refuge Point who assist when refugee get into trouble with the police. However, most refugees have no information about these organizations”. Another respondent outlined the type of assistance these organizations provide stating,

I do not know of many NGOs that provide assistance to refugees save for Refuge Point, RCK and HIAS. I know Refuge Point provides health services for refugees and that it also assists in third country relocation process in collaboration with the

UNHCR and the International Organization of Migration (IOM). I know that RCK provides legal assistance. And HIAS is another agency under which some refugees managed to finalize third country relocation. I think the UNHCR seconds the refugee status determination process to these organizations too. They therefore participate in resettling urban refugees to other countries most of which are found in the West.

The three other CSOs that were tangentially mentioned in our discussions with refugees are the German Technical Cooperation Agency, popularly known as GTZ, a Kenyan outfit known as “Kituo Cha Sheria” and the International Rescue Committee (IRC). One of my respondents indicated the role of GTZ by saying, “There are not many NGOs and local CSOs who vouch for the rights of urban refugees here in Nairobi. I know that GTZ provides a few scholarships for refugees with proper documents to go to colleges and institutes”. “Kituo Cha Sharia” (KCS) is a Kenyan Non Governmental Organization (NGO) whose name translates into English as the “Centre for Legal Empowerment”. Just two years ago, KCS launched its Urban Refugee Intervention Project (URIP) which is based in Eastleigh through support by the United Nations High Commission for Refugees (UNHCR) and the International Rescue Committee (IRC). The main objective of the program is to “offer legal advice to a number of vulnerable immigrants on all legal issues, legal representation, and assist refugees in obtaining work permits, birth and death certificates, identity cards etc.²¹”

One would expect international organizations like the UNHCR and IOM to be more involved in the provision of legal as well as economic services to urban refugees in Nairobi. Sadly, these organizations are not at the forefront providing assistance. Only a handful of organizations (not more than ten) are currently involved in providing services to urban refugees whose population size is estimated to be in tens of thousands. One of

²¹http://www.kituocheckboxeria.or.ke/index.php?option=com_content&task=view&id=13&Itemid=5

my respondents lamented the lack of international assistance for urban refugees by saying, “The United Nations High Commission for Refugees (UNHCR) was supposed to cater for the rights and interests of refugees. But they seldom provide such protection even in their own camps let alone cities”. UNHCR’s own document discusses why it has been reluctant to address the plight and issues of urban refugees in Nairobi until 2005. The study (UNHCR, PDES, 2011:9) reports,

As a result of its tacit agreement with the encampment policy, UNHCR knew relatively little about the situation of refugees in Nairobi and was not well placed to devise protection and solutions strategies for them. UNHCR did not enjoy a constructive relationship with the urban refugee community, a situation that was both revealed and reinforced in 2000-2001, when a highly publicized resettlement scandal erupted, involving, amongst others, the corruption of UNHCR staff in the Kenyan capital.

This situation began to change in the wake of the resettlement scandal, when a strengthened UNHCR team launched the Nairobi Initiative, a concerted attempt to examine, understand and respond to the needs of refugees living in the Kenyan capital. As a first step in the reorientation of its approach, UNHCR identified those NGOs, community-based organizations and self-help groups that were working with refugees in the city and completed an informal (and yet highly informative) study of the refugee population. This was followed up with an inter-agency urban refugee workshop, convened in association with the Refugee Consortium of Kenya, and three participatory assessments with the urban refugee community.

It was only in 2006 that the UNHCR first embarked on a number of urban refugee initiatives in Nairobi. It began to underwrite initiatives by local NGOs such as the Refugee Coalition of Kenya (RCK) which include:

1)The publication of an information booklet for refugees and asylum seekers, 2) cooperation with the City Council Clinic on refugee access to healthcare, 3) strengthened advocacy on the issue of free primary education for refugee children; 4) the establishment of a micro-grant program for refugees, and 5) the provision of refugee rights training to the police.”(UNHCR, PDES, 2011:9)

It is this belated response of the UNHCR and its current work via a few local NGOs that makes it invisible to urban refugees.

Once again, I inquired refugees for feedback about the role of the UNHCR in protecting and promoting the rights of refugees in Nairobi. Most of my informants were very skeptical about the role of the UNHCR. One of our informants summarized this sentiment of urban refugees as follows,

The UNHCR should have played a major role in spearheading initiatives to legally protect urban refugees and advocate for our rights everywhere. But the UNHCR has a closed door policy to complaints and appeals from urban refugees. They only talk to you about your refugee status determination process or about the relocation in a third country. The security guards do not even welcome visitors if they happen to be refugees who are not slotted in for interviews. They do not even treat us with dignity. So I do not see how they would be able to come and protect us from police harassment when we need it. In short, our condition is very precarious and vulnerable because no international organization or government agency is taking the responsibility to stop police harassment in Nairobi.

Two senior officials of Refuge Point (formerly known as Mapendo) and Refugee Coalition of Kenya (RCK) agreed to be interviewed. They provided useful information on the type of project activities their respective organizations carry out to relieve the plight of urban refugees in Nairobi. I have taken two excerpts from each of these interviews which provide very good summary of relief and development ventures that NGOs carry out among urban refugees in Nairobi. The first excerpt is taken from a senior official of Refuge Point Kenya. The second excerpt is taken from our interview with another Kenyan official of Refugee Coalition Kenya (RCK).

Excerpt I

Senior Official of Refuge Point (Mapendo) Kenya

Refuge Point was formerly known as Mapendo which in Swahili meant “Great Love”. We changed our name for funding purposes. It started off in the 1980s because of the unmet needs of refugees in East Africa. HIV AIDS positive refugees from South Sudan were denied admission to the US and this prompted people to found an advocacy organization for refugee rights.

Health

Once we became operational, we started supplying Anti Retro Viral (ARV) drugs for HIV positive refugees in Nairobi followed by food assistance. We still work with HIV patients and have also established a medical clinic that provides service to refugees free of charge. We have a separate health clinic in “Kayole” affiliated with the Catholic hospital. We also have contacts with St Mary Mission hospital here in Nairobi.

In addition to providing curative health services in these clinics and hospitals, we have community health workers who are also urban refugees. The UNHCR has actually seconded its urban health service component to us. We also conducted the malaria vaccination programs in Eastleigh because the Kenyan health workers have language problems and refugees were also suspicious of these campaigns.

Urban Protection Unit

This is our newest unit that aims to provide assistance to the livelihood of refugees. Here

we 1) provide assistance to approximately 1000 households in the city of Nairobi, 2) we also conduct home visits and provide rental assistance for vulnerable refugee families who couldn't afford to pay their home rents, 3) we also second officers who assist in the UNHCR to screen and process third country resettlement programs. Our workers are also posted with UNHCR not just in Nairobi but also Cairo, Northern Ethiopia, Daddab, Kakuma, Mozambique, Malawi and Pretoria.

Child Protection Unit

This unit conducts a regular assessment of vulnerable children. This could for instance be the case of children in abusive situations and finding ways of accelerating their relocation in a third country. The unit provides counseling services and minor psycho-therapeutic diagnosis of children in difficult circumstances.

Research Unit This far we have conducted studies on gender based violence among refugees. We have just started a project on new arrivals looking at the routes, the strategies of cross border movement, and the forms of assistance refugees must in order to survive in harsh living conditions particularly in camps.

Excerpt II

Senior Official of Refugee Coalition Kenya (RCK)

Origin

RCK was founded in 1998 by Kenyan legal professionals who worked in different NGOs dealing with human rights issues. The protection of refugees became an important issue at that time. There were incidents where even the UNHCR was not respecting the rights of refugees. So RCK started out as an advocacy forum.

Since then RCK has taken the lead to advocate the plight of refugees and expand the bundle of rights that refugees should be having in the Kenyan context. We were behind the Refugee Act which was passed in 2005. We are now charged with responsibility by the Kenyan Parliament to review that Act and stream line according to the new Constitution of Kenya.

We have offices in “Dadaab” and “Kakuma” (the two refugee camps in Kenya) and we are headquartered in Nairobi. The RCK head office serves the urban case load of refugees who are found in ‘Tika”, “Kitangela”, “Ruiro” and Nairobi Central. We have three major programs.

1. Legal and Psycho Social Care

1.1 Legal Care

This unit provides legal aid services and clinics to refugees. We hear issues of refugees,

consult them and try to provide solutions.

We also counsel refugees before they go to their interviews and assessment for refugee status determination by the UNHCR. And if applications for RSD are rejected, we appeal on behalf of refugees and represent their case. In case they have court cases, we provide pre-trial counseling for our clients. We also serve as legal attorneys for them representing them in confidence. If refugees want to enter legal agreements or business contracts with Kenyan counterparts, we brief them about the Business Code of the country and brief them on how they should go about such ventures.

1.2 Psycho Social Support

Many refugees suffer from trauma and many women from sexual abuses when they reach the camps. RCK does conduct primary psychoanalytical diagnosis and refer serious cases to hospitals in the Nairobi.

2. Advocacy/ Capacity Enhancement

2.1 Advocacy

As we mentioned earlier, RCK raised awareness to come up with a Refugee Act (2006) for the country and works with other stakeholders, including UNHCR and IOM, to support the passing of the Act.

In 2010, the New Constitution passed and the Refugee Act is being reviewed as the Refugee Bill 2011. After the endorsement of the new Constitution, a Constitutional Implementation Committee was founded in 2010 that officially requested RCK to take the task of streamlining and revising the 2006 Act according to the New Constitution. We

took the assignment and created a pool of stakeholders that work on refugee matters to meet regularly over retreats and panels and improve the 2006 Act. The network is known as Urban Refugees Professional Network (URPN)

But we also do other kind of advocacy campaigns. This year the Ministry of Education (MOE) insisted that students sitting for A-Level and O-level national exams present birth certificates in addition to school IDs. This puts thousands of refugee students out of the equation for two reasons. Most refugees are born in rural areas where birth certificates are not readily issued! Second, even if they have one; refugees will not be able to carry them in their flight from their home country. Hence we lobbied about these issues and made the MOE change its instructions regarding the administration of national exams.

2.2 Capacity Enhancement

RCK has been active in training Kenyan Law Enforcement agents about the Geneva Conventions, refugee rights, and international practices on refugee protection. We have collaborated with the Kenyan Association of Magistrates; the Kenyan Court Users Association and the Police to provide these trainings. We have done this because the level of police harassment is embarrassing for Kenya. While the financial motivation is mainly behind these harassments; we believe ignorance about refugees and their rights also plays a role. We have trained station heads, district level police officers, and officers at the City Police Command and the national level. These trainings have also helped us create a network of police officers who have served us as watchmen when violations and infringements happen against refugees. They blow the whistle and we contact the district level officers; explain what happened and ask to contact refugees. This usually happens when refugees are summarily detained by officials (the usual excuse being roundups and

security check against terrorist elements) and are later asked to pay money in order to get released. This year we have also trained prison wardens.

3. Information and Research

We conduct studies on refugees' welfare both in camps and the cities. We publish, disseminate and blog about these findings. So we are contributing to knowledge production and dissemination too.

The project activities and program concentration of these local and international NGOs to provide some form of a social safety net for urban refugees is laudable. Particularly, their emphasis on providing health services to children and women is very vital. They also focused on providing legal assistance for refugees in their dealing with Kenyan law enforcement agencies like the police and the magistrates. But the contribution of these organizations is like a drop in the ocean given the staggering size of urban refugee populations in Nairobi and their continuous inflow to the city. Second, the limited capacity of these organizations in terms of finance and human resources means they can only reach out to hundreds or thousands of refugees on a yearly basis. They also are very few in number. An informant from a Kenyan Human Rights organization known as "Haki Jamii" explains these constraints as follows,

To be honest, I think the idea of refugees as rights' holders is pretty much a new thing here in Kenya. Partly because, refugees themselves feel that they cannot ask for more and enjoy their basic human rights like Kenyan nationals. So the issue is less visible and less vocal.

Yes, there are the international conventions on refugees that Kenya is a signatory to. But despite these beautiful conventions, national governments do what they want to do and the UNHCR makes inconsequential noises. The only organization

that I hear is doing some serious work is RCK which provides legal aid for refugees. But even that kind of legal aid does not aim at broadening the legal framework of the country or negotiating broader rights for refugees. Instead, it is providing refugees legal help within the existing legal framework.

I think the notion of rights to refugees can come forth only in one condition. That is if the refugees organize themselves into collective political action groups. Unless the motivation and the drive come from the refugee communities themselves, I do not think local or international NGOs can do very much.

The official's remarks about the need to have refugee driven initiatives encouraged me to ask whether there are Ethiopian grassroots organizations that work on human rights and development issues in Nairobi. All of my respondents responded that there are no such organizations. I then asked refugees why such collective initiatives have been non-existent in Nairobi. One of my respondents replied as follows,

I do not know of any community association or youth group that works to protect and promote the rights of Ethiopian refugees here. You may wonder why. But you should realize that here everybody has double challenges. On the one hand, we have our collective identities and associations (national or ethnic) as refugees. On the other hand, there is a lot of fear and suspicion among refugees themselves. Each refugee thinks that the other may be a government agent or an unknown quantity that could hinder or block his or her emigration process. So everybody is tightlipped and fearful not to divulge much information about their past background, their true identity and their future plans. Therefore, it is so hard to form collective associations and initiatives amongst urban refugees.

Refugees also mentioned how hard building such grassroots community associations could be because people seem to privilege their ethnic origin and base their social and political affinities on it even when they are in another country. So there are small informal associations of various Ethiopian ethnic groups in Nairobi. The "Oromos", the "Tigrayans", the "Amharas" and the "Guraghes"²², for instance meet and greet in their informal circles of mutual assistance. A good example for that is the case of ethnic refugee churches. In Nairobi, for instance, there is an Ethiopian Coptic church which

²² "Oromo", "Tigray", "Amhara" and "Guraghe" refer to the prominent ethnic groups in Ethiopia.

used to provide services for both Ethiopian and Eritrean Orthodox Church goers. A recent scuffle however forced the Eritreans to establish their own Eritrean church. Among the evangelicals, there are Oromo ethnic churches where sermons and prayers are exclusively conducted in Oromo language, thus excluding non-Oromo Ethiopians. This has made it difficult to imagine a pan-Ethiopian community association which brings them all for the common good of urban refugees. This is partly because the Ethiopian government undermined such independent initiatives. Here is a testimony from one of the community leaders,

In 1996, we founded the Ethiopian community association in Kenya. This association functioned until 2003 as an independent and nonprofit outfit. It was active in terms of providing health assistance for sick refugees, preparing laissez-passé forms for those Ethiopians who want to repatriate, and managing funeral services for the deceased and comforting families of the deceased. However the Ethiopian embassy began to interfere in the management of the association. It wanted to assign people who are sympathetic to the regime in power in Addis and use the network for political cooptation purposes. So many people who were active in the organization resigned from participating.

Regardless of these challenges to found grassroots organizations for advocacy and legal protection, Ethiopian refugees stressed the importance of establishing them. They also underscored the need to have some form of political representation i.e. an elected body that can be mandated to communicate with the Kenyan government. One of the respondents stated, “We would lead a better life in Nairobi if we have a chance to create our own association and elect our own representatives. We will have a united voice against harassment and corruption. We can also secure help and assistance from relief and development organizations if we organize ourselves.” Another informant added, “I think we can move freely without fear of the Kenyan police if we have a formal representative that speaks to Kenyan officials.” But here again, some refugees discussed

how mobilizing refugees for collective political representation could be a challenging task.

One of the refugees discussed these potential challenges as follows,

I think it is hard for us to get any kind of formal political representation for many reasons. First and foremost, most people use Kenya as a transit corridor and not as the last destination. Our life is pretty much suspended. Secondly, the majority of Ethiopian refugees who come here are uneducated and find it difficult to even speak English let alone discuss political matters with Kenyan officials. Thirdly, many refugees fear for their life here in Kenya because the Ethiopian government could send agents to target them. There are instances when this happened to Oromo dissidents in Nairobi who were undercover. But they were identified by the government spies and murdered. So, the idea of being more active and visible in Kenyan politics would call for a number of problems both from the Kenyan and Ethiopian side.

To conclude, the ubiquity of police harassment and corruption in Nairobi, and the constant fear and insecurity of urban refugees with regards to Kenyan law enforcement officials speaks volumes about the level of exploitation and abuse they encounter on an everyday basis. Even more, there are few local organizations that provide some form of legal aid and protection services to these refugees. The limited capacity of these organizations coupled with the neglect of international organizations like the UNHCR to seriously address the problem of urban refugees means refugees continue to be “victims” of rogue officials. As far as their relation to the Kenyan state is concerned, we can summarize that urban refugees are suspended between constant insecurity and unjust exploitation.

CHAPTER VI

COMPARATIVE ANALYSIS: URBAN REFUGEES AND “RIGHT TO THE CITY”

Overview

This chapter is an analysis of how urban refugees are “governed” in Kenya. It begins by revising the major findings of the study both in chapter 4 and 5. It then utilizes the arguments of the “right to the city” approach to consider whether the “urban citizenship” literature speaks to the experience of Ethiopian urban refugees in Nairobi. These discussions lead to the final section of the chapter which underscores the need to have a critical look at power and governance at the “nation-state” level in Africa since it is directly, if not more influentially, involved in the urban governance of refugees. Section 6.4 is therefore a critique of the emphasis that “the right to the city” literature proffers *only* at the “urban” level. In lieu, the section up scales and engages with alternative perspectives about the highly extractive and authoritarian nature of the nation-state in Africa. In short, this chapter aims to abstract from the empirical narratives and reflect on the heuristic value of the “right to the city” approach to explain the condition of urban refugees in an African city.

6.1 Henry Lefebvre: On the Politics of Rights

This study took off by fleshing out the three conceptual dimensions of Henry Lefebvre's "Right to the City" approach. It is a theoretical scheme which grappled with the idea of re-configuring citizenship in three major ways i.e. scale, essence, and scope. Let us consider his take on the scale of citizenship. By speaking of the "City", Lefebvre weds the idea of citizenship to the urban scale in contrast to the nation-state. He posited the City as that prominent agora where people enjoy rights and benefits. The City is that space where people constantly engage with and contest against the powers of capital in their struggle for further rights and amenities. It is the space where people practice the art of collective self-government that Lefebvre calls *autogestion*. This view is unique in its own right for since Westphalia the Social Sciences (particularly Political Science) consider the nation-state to be the ultimate (and in some cases the *only*) scale on which the struggle for meaningful citizenship is waged and articulated.

Secondly, and most importantly, Lefebvre viewed the notion of citizenship as a liberal social contract between the political establishment and voters inadequate. Liberal democracy hollows out the participation of citizens in the politics of their City. In essence, representation alienates ordinary citizens from the process and outcomes of politics. Substantively, therefore, Lefebvre defined urban citizenship as a "new" social project which confers rights like: "right to information, to expression, to culture, to identity in difference (and equality), and to self management." (Gilbert and Phillips .2003:319) Fernandez (2007:207) did an excellent job in summarizing Lefebvre's departure from that liberal contractual narrative citizenship stating,

If Rousseau distinguished between politics and the social pact, considering politics to be a mere circumstantial effect of the 'general will' underlying the social pact, Lefebvre proposed a contemporary formula for *social citizenship*, expressing a 'social project' which requires a new political contract between the state and citizens in order to reduce the gap between state and government, and between the institutional power and the power of civil society.

Lefebvre's project of urban citizenship does not stop at re-scaling its focus and re-defining its essence. It gets more fascinating in that it widens the scope of citizenship beyond the confines of national borders and passports. While it seems to have localized the scale of citizenship, it leaps forward and universalizes the scope of citizenship. It anchors the criterion of inclusion to urban citizenship not by place of birth or ancestral descent but by inhabitation (the sheer presence of an individual) in that particular urban scale. In the words of Purcell, Lefebvre vouches for "full and complete usage of the city" by granting equal political and economic rights to all inhabitants. This means, "guest workers", "illegal" immigrants, "immigrants" or "refugees" will have equal say and access to "live in, play in, work in, represent, characterize and occupy urban space" the same way people born or brought up in that space have. (Purcell, 2002:106)

In chapter 4, I discussed how Ethiopian refugees fared in terms of inhabiting and altering Nairobi's economic and social space. I delved into great detail to depict how refugees are engaged in both the formal and informal sectors of Nairobi's economy. Some toil as restaurant managers, barbers, hairdressers, cooks, waiters, "makangas" or "matatu" conductors. Others thrived as small business owners like beauty salons, barber shops, audio and video stores, boutiques, and cafeterias. Still others have managed to break into the formal economy running high end businesses and construction companies. It is this active participation of Ethiopian refugees in Nairobi economy that brings a pressing

question to mind. Would this be reason enough to conclude that Ethiopian urban refugees are indeed “urban citizens” of Nairobi? This question prompted us to further probe into the politics of rights and the relationships between the Kenyan state and Ethiopian urban refugees in chapter 5.

Here, it is important to justify why such focus on the politics of rights is imperative before indulging with a summary of my empirical findings and reflections. This is important because the state, in all circumstances, stands out as the single most powerful institution whose bearings on the scale, essence and scope of urban citizenship are inescapable. The state also becomes a primary target whose constitution would be altered if one picks a Lefebvrian project to reconfigure citizenship at the urban scale, through participatory democracy and social citizenship. It is the elephant in the room. Even more, we cannot speak of the state in generic terms attributing it to be “liberal” and “democratic” in all contexts. This is more so for postcolonial states of Africa which in most cases are run by authoritarian regimes of strong men and patron-clientelism. What does the “right to the city” then mean if African states do not represent legitimate social contracts between “citizens” and the political establishment?

There is a flurry of works (Simone A, 2001; Nyamnjoh, 2007, 2006; Chachage and Kanyinga, 2003, Nyaoro, 2010) that point to the dismal record of African states when it comes to respecting and protecting the rights of refugees and immigrants. For instance, Nyamnjoh discussed the case of South African and Botswanan cities stating that “disaffected nationals, in conjunction with the state, direct their resentment against immigrants and ethnic minorities.” (Nyamnjoh, 2007:74) But this should not deter us to dig further and explore “the hierarchies and relationships of inclusion and exclusion” that

determine “accessibility to citizenship in *real* terms.” (Nyamnjoh, 2007:79) It is in this spirit that I analyzed refugee-state relations in Kenya and how that speaks back to Lefebvre’s politics of rights.

6.2 Governing “Strangers”: Speak Inclusion and Practice Exclusion

The problem of refugees, stateless persons, and internally displaced people (IDPs) emerged as an outstanding issue in the aftermath of the Second World War. The United Nations took the lead in developing a gamut of conventions, and protocols on human rights and refugees, which members states became a signatory to. The post War era of reconstruction dovetailed with the emergence of numerous independent states in Asia, Africa and Latin America. Most of these countries also incorporated the fundamentals of these conventions into their respective constitutions.

The United Nations Declaration of Human Rights (UDHR) and Convention on Refugees (1951) stand out in this regard which also influenced the new Constitution of the Kenyan Republic (2010) and its Refugee Act (2006). Close to home, the Organization of African Unity (OAU) which has now evolved into the African Union (AU) ratified its first Convention on Refugees in 1969 whose legal provisions and underlying tenets have also informed the policies of Kenya. The format of these conventions is very similar for they address three major concerns. They outline a portfolio of rights for refugees; they declare and constitute institutions to oversee implementation; and they address procedural matters such as appeal and collaboration with other government or international organizations.

Despite trivial differences in procedure, however, we notice two overriding and contradictory undercurrents beneath this global architecture of rights for refugees. On the one hand, the post colonial state has consented to the *protection and upkeep* of international refugees. This it did through the formal recognition and accenting to international and continental conventions. In the case of Kenya, the State has gone further to officially articulate and ratify a national Act of Refugees which duplicates most of the UN conventions and beckons towards greater inclusion of refugees in the domestic political space. Hence there is *de jure recognition* about the problem of refugees and readiness to host and protect refugees as a host state.

The trend for recognition and inclusion began from endorsing the UDHR (1948) that canonized the right to life, liberty and security of person, and also outlined the civil, political, social and cultural rights of all human beings. For the first time in human history, UDHR enshrined the right to be a refugee as human right. All human beings have “the right to seek and to enjoy in other countries asylum from persecution.” (Article 14) The 1951 Convention (that Kenya is a signatory) also outlined the right of refugees to be rightful owners of industrial, artistic, literary and scientific works. It stated that refugees can have gainful employment at least after three years of residence. It recognized that they can become citizens of their host state through naturalization, affinal (marriage) or consanguinal ties (if they have children with a spouse from the host country).

The conventions assign the state to be the responsible agent to provide legal protection and security for refugees. The UDHR, for instance, upholds the principle of “equality before the Law” and protection by the law “without prejudice or discrimination.” States should also ensure that no refugee shall be subjected to arbitrary arrest or detention by

law enforcement officials. The 1951 Convention on refugees reiterates and extends these fundamental liberties to refugees. For instance, the Convention stressed that a refugee “shall have free access to the courts of law on the territory of all Contracting States.” The Conventions and Protocols also enshrined the freedom of movement. In fact, the 1951 convention urges all states to “accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory.”

To its credit, the OAU Convention pioneered in making the principle of non-refoulement as a policy cornerstone. It unequivocally stated that no refugee shall be rejected at border entry or face expulsion back to the country of origin that he or she fled away from. It also introduced the concept of “refugee transfer” to another African state if it finds the refugee inflow overwhelming to address or cater for. It is the first blueprint which stressed the need to have regional cooperation to tackle refugee crisis. It is truly comforting to realize that mankind has come a long way to enshrine, declare and protect the basic and inalienable rights of refugees throughout the world. It is also encouraging to note that most African states are signatories to the UDHR, the 1951 UN Convention, and the OAU declaration on refugees. Post World War II, we can safely argue that there is a concerted effort on the part of states to recognize the problem of refugees, provide them with adequate legal protection and enhance their welfare. The Refugee Act of Kenya accedes to this trend of *inclusion and recognition* for it endorses the aforementioned conventions and protocols as legally binding documents.

But there is another policy undercurrent which runs through the fabric of these global, regional and national policy instruments which to a certain extent contradicts the previous gesture of host states towards the recognition and upkeep of refugee rights. It is this

undercurrent that I refer to as the *securitization and exclusion* of the refugee phenomenon. From the outset, the international architecture of nation-states sanctions people to enjoy political rights of participation, election and access to public services only in their country of origin. The Universal Declaration of Human Rights (Article 21) declares political rights to be the exclusive domain of citizen-persons only. Refugees would have to suspend their political rights until they re-establish their former citizenship or change it. To their chagrin, host states do not find refugees turning apolitical once they cross a borderline. To the contrary, they usually become politicized. That is the reason why the OAU convention stated about the difficulty of making “a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside.” One can read subversion as the shorthand for political activism here.

In fact, Article 3(1) of the OAU convention urges that any African refugee “shall abstain from any subversive activities against any Member State of the OAU.” African states, it seems, were the first to realize that refugee outflow could be used as an ideal opportunity to mobilize political dissent and combat operations against the incumbent of a neighboring state. This happened in the 1970s and 80s where guerilla fighters and insurgents began to exploit refugee camps as recruiting and resource mobilizing grounds for civil wars raging inland. Policy wise, therefore, states began to redefine refugees as national security threats leading to what we call the securitization of the refugee problem. This undercurrent translated itself into national laws and regulations whose primary intent is to monitor, regulate and impose stringent sanctions on refugees.

Here again, the OAU Convention on refugees was the first to legalize “encampment” as the most ideal approach to handle refugees. It is ideal not from the perspective of providing health or educational services to refugees. Rather, the need to secure the borders and the hinterland from “refugee subversion” made encampment the unrivalled modus operandi. Interestingly, encampment has never been enshrined as a viable option for refugee protection in both the UN Convention of refugees (1951) and the 1967 Protocol. Kenya’s Refugee Act (2006) accedes to the same notion of securitizing the refugee problem. Encampment is its centermost stratagem of refugee management (Articles 16 and 17). Even the national Refugee Affairs Committee (RAC) is populated by representatives from the Police, National Intelligence Service, Ministry of Interior, Ministry of Local Government, and Ministry of Foreign Affairs. In fact, the Refugee Act (2006) does not mention anything about urban refugees. Given the remarkable population size of urban refugees and their significant participation in Nairobi’s economy; their omission from the law of the land is staggering. It seems Kenya’s policy for urban refugees is one of benign neglect.

Apparently, the securitization of the refugee phenomenon has brought far reaching negative consequences than encampment and benign neglect. None attests to this fact than the Refugee Act (2006) which confers extraordinary (and extrajudicial!) powers to the office of the Department of Refugee Affairs to revoke the refugee status of individuals or expel them out of Kenya, if there is “reasonable ground” to do so. The Act does not however make clear what constitutes a “reasonable ground” to rescind a refugee status or expel refugees. Ironic enough, the law does not also specify where expelled

refugees can go afterwards. These draconian provisions erode the basic rights and freedoms of refugees, particularly their right to legal protection and due process. They also force refugees to live under the shadow of fear and insecurity since they could be expelled by the stroke of pen from the Department of Refugee Affairs. In short, the Refugee Act is a policy blue print that attests to the securitization of the refugee phenomena which privileges encampment and control. It reads more as a monitoring and punitive device that invokes fear on the part of refugees.

Here it is important to note that public opinion is also shifting to view refugees more as security problems. A Kenyan researcher described this sentiment as follows,

Unfortunately, the face of refugees in Kenya is the Somalis who are being viewed as security threats in Kenya. Even Kenyan Somalis get pulled out first because they look Somali. Second they are asked for money to secure Kenyan ID, something which they should be able to get freely. The Kenyan government also tightened the process stating that you now need a birth certificate and parental IDs to get Kenyan IDs. But imagine how many people have IDs in the rural Eastern provinces of Kenya with birth certificates and parental IDs? It simply does not work!!

I think there is also rising anti-refuge sentiment in Kenya. I was in Nakuru town (180 Kilometers outside Nairobi) when I saw a mob of angry street boys chanting and saying “They killed one of us” after the Eastleigh church bombing happened. Coincidentally, they found two Somalis on their way that they beat up and mugged in broad day light! This is new to Kenya and very disturbing too.

The Kenyan state therefore is in a double bind. It straddles two opposing viewpoints and policy commitments. On the one hand it speaks about the recognition and upkeep of refugee rights and welfare. On the other hand, it considers refugees as national security threats meant to be excluded and confined in refugee camps. This is an unsavory art of governing “strangers”.

6.3 A Faustian Bargain: Incarcerate or Predate

The situation gets even bleaker when we consider the findings from the interviews. Asked about their relations with state officials, refugees view the officials not as guarantors or protectors of their rights but the very violators. First of all the benign neglect of urban refugees by the Kenyan Government and the UNHCR until 2006 should be viewed as depriving the support and amenities urban refugees deserved. Willful and deliberate exclusion of urban refugees from the existing safety net of protection and provision is itself a violation of human rights. It is violation by omission. But even for those who are found in the refugee camps, one can hardly argue that their rights are protected and amenities are adequately provided by the state or international agencies. In fact, their living conditions are terrible. One of the community leaders among the Ethiopian refugees described encampment as follows,

The camps do offer housing (usually tents), and they ration foods (grain and water). But the camps are like concentration camps. The climate is so hostile and the places are usually infested with tropical diseases and plagues. The quality of shelter and food refugees receive is horrible. And security wise, Ethiopian refugees fear for their lives because the government infiltrates spies and assassins to attack its political foes. Actually, people know that the person who used to organize intelligence and counter offensive missions inside Kenya is now officially appointed as a political attaché by the Ethiopian government inside the Kenyan embassy.

In fact, many refugees argued that they prefer to live in urban areas without any support from the Kenyan government or the UNHCR rather than stay in the camps. Refugees are confident that in urban areas they are able to find jobs or establish their own small businesses to cater for their needs. They are also better placed to contact their relatives abroad and seek some financial assistance in urban areas. One of the respondents described it as follows, “There is plenty of advantage that urban refugees have. They rent better houses; and they have access to educational and health institutions as long as they

afford to cover their own expenses.” The Kenyan state and the UNHCR insist on concentrating people in these camps but have failed to provide the basic nutrition, housing, health and educational that refugees need.

Had camps been more attractive care and protection units than cities, then refugees would have flocked to them. But the camps neither provide the services nor the protection refugees need. As indicated above, the Ethiopian government infiltrates these camps to spy on, intimidate and in some cases even assassinate political refugees that fled into the camps. While the conventions speak of subversion on the part of refugees against the host state, the Kenyan case is a complete reversal where refugees are targets of infiltration by agents of the very state that chased them out! To sum up, the analysis clearly shows that the Kenyan state shows little or no enthusiasm to address the conditions of urban refugees. Neither does it commit resources and personnel to cater for the thousands of refugees which are found in the camps. It is a watchman state bent on confining and monitoring strangers than recognizing their rights and including them into the social and economic fabric of the Kenyan public.

Obviously, that visceral urge of the states to confine, monitor and control refugees has a lot to do with the *securitization* of the refugee problem. But it is crucial to recognize that the meaning of securitizing the refugee problem has evolved through time in Africa. During the 1970s and 80s, African states viewed refugee camps as breeding grounds for armed rebel movements. In the case of Ethiopia, for instance, the military junta that ruled Ethiopia until 1991 lost the civil war to two rebel groups namely the Eritrean People’s Liberation Front (EPLF) and the Tigrayan People’s Liberation Front (TPLF). Both the TPLF and EPLF used neighboring Sudan and its refugee camps (which were

overpopulated with Ethiopian refugees) as recruiting and fund raising grounds to continue the armed struggle against the military regime. The Cold War context also means the global superpowers were also involved in aiding their preferred armed group to stage an assault on states that lean towards the East or the West. But the collapse of the Soviet Union and the end of the Cold War brought peace dividends in Africa where protracted civil wars came to an end in Ethiopia, Angola, Mozambique and Liberia. And new security challenges began to emerge from the dying embers of the Cold War.

Post 9/11, the refugee issue is being *re-securitized*. States re-rationalized the need to encamp refugees and couched it in the language of “war against terror” and fighting “international terrorism” in the Horn of Africa. This is not to down play the security threats of Kenya from Islamic extremist elements. The Kenyan state does face real, and imminent national security threats from jihadist armed groups. Nairobi was one of the cities which became the first victim of Al Qaeda bomb attacks following the 1998 bombing of the US Embassy building. Since then Al Shabab, a Somali Islamic Jihadist group and an affiliate of Al Qaeda, declared war on Ethiopia and Kenya calling them satellites of the “evil” West. Eastleigh, the biggest hub of urban refugees in Nairobi, has now become the theatre where groups like Al Shabab wage their “mini-jihads” against powerful actors like the Kenyan state.

Let us consider attacks made only in the second half of the year 2012. In July 2012, at least 15 people were killed inside a church in a Kenyan northeastern town Garrissa when Al Shabab militants threw hand grenades in the middle of a Sunday church service.

In August, 2012, a suicide bomb attack by a Somali man in Eastleigh killed one person and injured 6 more Kenyans. The attack coincided with Secretary Hillary R Clinton's visit to Nairobi. And on November 20, 2012 a bomb thrown into a "Matatu" exploded to kill ten (10) innocent civilians and injure around 20 people in the refugee populated Eastleigh. Actually, riots erupted for three days in Eastleigh when Kenyan youth started mob lynching, destroying and ransacking the houses and businesses of Somali refugees in Eastleigh. It took more than three days for the riots to end. The recurrence of these bomb attacks in crowded concentration points and public transport vehicles has definitely increased xenophobia in Eastleigh. Two days after the incident, the Daily Nation, the most popular daily newspaper in Kenya reported,

Ten (10) women had been raped as a result of Monday's skirmishes, which was concentrated in Eastleigh Section I. At least nine people were injured and property worth millions of shillings destroyed when angry mobs went on the rampage in the wake of the matatu explosion. Business premises closed for most of yesterday as police battled rioting youth who were targeting residents from the Somali community.

Another bomb attack rocked Eastleigh on December 7, 2012 "killing two people and wounding at least eight" while I was writing this²³. Unfortunately, both the Kenyan state and Kenyan nationals pour their wrath on innocent refugees who have nothing to do with such concerted bomb attacks. Incidences of rape, vandalism, looting and mob lynching on refugees in Nairobi are a stark proof about the rise of xenophobia. It is also a testament on how Kenyan state governs. If it cannot confine them, then it predates on them. Munene (2010:4) described the rise of xenophobic attacks in Nairobi as follows,

Xenophobia is on the increase. Refugees are considered a threat to the socio-economic stability of developing host countries because they compete with local

²³ <http://www.dw.de/kenyan-bomb-blast-kills-two-in-nairobi/a-16438435>

communities over resources, markets and jobs. This might lead to tension and conflict over resources between refugees and hosts, a situation often exacerbated by xenophobia.

However, it is wrong to assume that police harassment in Nairobi comes only as a response to only the bomb attacks and subversive activities of extremist elements based in Somalia.

The findings from interviewing a range of informants clearly show that police corruption and harassment of refugees is a long standing problem which has more to do with the structural problems of the Kenyan police itself. The interviews came up with evidence that the Kenyan police racially profile refugees. They identify Ethiopian and Somali refugees with lighter skin complexion and other physical features and threaten them for money. When refugees refuse to do so, they risk arbitrary arrest. They conduct extrajudicial detentions until the friends and relatives of the refugee bring the ransom money. Refugees do everything they can to avoid these officers and do so at particular days of the month. The last week of each month and the eve of weekends are days when the Kenyan police go out in full force to extort money from these vulnerable refugees. The police also release detainees without any legal due process if the latter concur to pay bribes.

The study also brought cases when some police officers concocted trumped up charges like drug trafficking against refugees that refused to give money. Some of the officers have no qualms for they even wait outside church yards and auditoriums to harass refugees for money. They even spy on refugees who are about to leave the country detaining them for a staggering amount of money. They understand the refugees will do

anything to catch their long awaited emigration flights from Nairobi. Given all these, refugees live in fear and security. They do not divulge such information like their plans for departure and emigration.

In fact, the rise of political Islam in the Horn of Africa and terror attacks in Nairobi now gives ammunition for the Police to arbitrarily arrest and threaten refugee charging them as suspects for terrorism. Being a refugee can almost pass for being de facto “terrorist”. The securitization of the refugee problem has therefore shaped two major strategies of the Kenyan state when it comes to governing refugees. It encamps and monitors those in camps. And when it comes to urban refugees, state officials either prey on them (via corruption and exploitation) or threaten to incarcerate them. In fact, incarceration is routinized so much so that refugees immediately start to collect contributions to get a fellow refugee released once detained.

6.4 Re-thinking the “Nation-State”: Critique of “Right to the City”

The “right to the city” literature considers the re-scaling of citizenship at urban levels as a truism. This, the protagonists argue, is the case owing to globalization where the nation-state is relinquishing some of its powers to supra-national entities(like the European Union), sub-national entities(devolution of power to regions and localities), and also to the global corporate class (retrenchment of the public sector owing to processes like privatization. (Purcell, 2003; 2002) In fact, it has now become trendy to emphasize the role of “global cities” and develop a hierarchy of them. The plethora of literature around Global and World Cities (GaWC) testifies to this trend (Sassen, 1991, 1995, 2006; Friedman, 1986, 1995; Taylor, P.J., G. Catalano and D.R.F. Walker, 2002a, 2002b).

Sassen(2006:230), for instance, writes about the “denationalization of state agendas” in today’s hyper-connected global era arguing,

There had been a considerable institutionalizing, especially since the 1990s, of the “rights” of non-national firms, the deregulation of cross-border transactions, and the proliferation of privatized systems of law internal to specialized fields, most notably the reinvented *lex mercatoria* and new *lex digitalis*. These are systems of private rules to govern specialized domains. Except for the most powerful, states today also find their work constrained by the growing influence and power of several supranational organizations, particularly IMF and the WTO. If securing these rights, options and powers entailed an even partial relinquishing of components of state authority as constructed over the last century and more, this signals a necessary engagement by national states in the process of globalization, even as this same process also enables the formalization of non-state normative orders where the state once had exclusive authority.

For Sassen and others, this process of “denationalization” is destabilizing the notion of citizenship at different levels resulting in the “debordering and relocalizing” of citizenship primarily in urban centers. Sassen (2006:314) continues,

The national as container of social process and power is cracked, opening up possibilities for a geography politics that links sub-national spaces. Cities are foremost in this geography.

Obviously, these arguments dovetail with the premises of the “right to the city” literature and the new era of “urban citizenship” it speaks about. However, a recurrent theme which surfaced during the analysis and write up of this thesis is the *predominant role of the nation-state* in crafting, legislating, and enforcing laws when it comes to urban refugees. Considering the case of urban refugees in Nairobi, therefore, much of the hype about globalization and the decline in the power of the nation-state appears to be, at least uninformed, or utmost exaggerated.

In the Kenyan context, the Department of Refugee Affairs (which is under the Office of the Prime Minister) is the only agency which has jurisdiction over matters of refugee registration, and camp management. It is the only agency which liaises with the UNHCR and has a say in the resettlement of refugees in a third (usually Western) country. When it comes to security, it is the national police force of Kenya and the intelligence bureau that have regular contacts with urban refugees. The only other government agency interacting with refugee affairs is the City Council of Nairobi that issues business permits to refugees, collects annual fees and conducts a regular check up of their business premises.

These facts show the need for a more comprehensive and deeper analysis about the structure and functions of the Kenyan state, itself a post-colonial creation. It was *not* within the remit of my research questions to deal with this issue. I am however convinced that a deeper dive to look at the creation and the workings of the Kenyan state is absolutely essential if we need to better explain state-citizen and state-refugee relations in Kenya. This is for two practical reasons.

First, the historical processes that led to the creation of states in Africa are unique and somewhat different from the history of state formation in Europe and North America. For instance, Lefebvre is critical about the liberal democratic states in the West which in his opinion alienate and dis-empower urbanites from self government and collective decision making i.e. autogestion. Ironic enough, much of the debate among African scholars is how to turn the page on authoritarian rule in many African states and ensure legitimate

democratic social contracts between the people and their governments. In fact, the demand for urban citizenship (if it only implies right to the local city-state) may sound a far cry seen from that vantage point. We will come back to some of these debates on the nature of the African state shortly. But secondly, the state is the single most powerful institution whose bearings on the scale, essence and scope of urban citizenship are inescapable. It becomes a primary target whose structure would need to alter if one picks the Lefebvrian project to ensure formal urban citizenship for immigrants, refugees, guest workers etc.

The Kenyan state offers us a number of contradictions in its treatment of refugees. It has placed encampment as the center most strategy of governing strangers. But at the same time, it has allowed thousands of refugees to reside in cities like Nairobi. It has issued legal alien certificates for these refugees that enabled them to open up businesses, enroll in colleges and schools, or get health treatment in public hospitals and clinics. Yet again, it has become more hawkish due to repeated bomb attacks by Islamist extremist groups most of whom allegedly use Eastleigh as a hideout and a launching pad for such operations. But at the same time, the state apparatus is too weak and corrupt that refugees can illegally “buy” legal travel documents such as Kenyan passports.

This is happening when the upcoming Kenyan parliament (elections will be held in March 2013) is given the mandate to ratify national Act of Naturalization for Kenya. Ironically, “accessing” Kenyan citizenship has become possible for the powerful “others” even when the national rules and regulations are not yet in place to manage it! Also, state officials harp on the need to include, empower and integrate urban refugees. But in reality, public officials ranging from sanitation officers of the city council to officers of

the Kenyan police force use their discretionary powers to harass urban refugees, ask for bribes, arrest the latter arbitrarily, and release them without any legal due process. These are not isolated incidents but structured processes which do force us to question the structure and functions of the post-colonial state in Kenya.

We would also be wrong to assume that the Kenyan state is an exception when it comes to rampant corruption, exploitation and blatant violation of human rights including refugee rights. As we indicated in previous chapters, a number of authors (Simone A, 2001; Nyamnjoh, 2007, 2006; Nyaoro, 2010) pointed out the dismal record of African states when it comes to respecting and protecting the rights of refugee. The following arguments would therefore be starting points to re-engage the task of understanding and explaining the *authoritarian and adversely extractive nature of African states*.

The modernization Thesis

Going back to the classics of Marx and Weber and to the writings of Barrington Moore (1966) and Samuel Huntington (1991), there is a conventional assumption that a liberal democratic state is most likely to emerge in industrialized modern economies. According to Osaghae(1999:17), the modernization thesis alludes to “poverty, illiteracy, economic underdevelopment, low levels of industrialization, urbanization, and national cohesion” as explanatory factors for the pervasiveness of authoritarian regimes in the Third World. Modernization theory had its own share of criticisms beginning from the early 60s but its fundamental problem is that the supposed “empirical relationship and positive correlation between economic development and political development” does not always hold true (Abbott, 2009:179). Abbott, for instance, explains how the economic growth and

development of Malaysia was not accompanied with democratization but rather with increased authoritarianism. In a similar vein, Osaghae(1999:17) criticizes the development-democratization thesis as “tentative and unproven.”

Neo-Institutionalism

Another popular way of explaining authoritarianism in Africa is the weakness of watchdog institutions that should have overseen and enforced a democratic process. In many instances, incumbents “handpicked partisans to serve on so-called independent electoral commissions and invent new electoral rules and qualifications to exclude critical segments of the opposition.” (Osaghae,1999:11) Complaints and appeals of the public or the opposition to higher courts fail on deaf ears for court judges are handpicked and appointed by the executive whose independence and non-partisanship gets compromised. A common feature in Africa, Osaghae(1999:16) argues, is “the weakness of representative, oversight and judicial institutions.” Perhaps, the litmus test of authoritarianism in Africa is “the failure to grant equality of access to state-controlled resources to the various groups” (Osaghae, 1999:16). Incumbent regimes in Africa use the state resource for their party efforts. Often, it is difficult to see the dividing line between the state and the party organizations.

Neo-institutionalism is a very descriptive way of explaining what is going on in the continent instead of explaining it. Institutions do not become strong or weak in their own. Rational and strategic political actors with vested interests tinker and manipulate them. Institutionalism fails to bring in this dynamics and expose the underlying factors behind the excesses of the executive. It does not, for instance, explain how the rural peasantry,

the urban middle class, the incumbent elite, and the army are vying for influence and benefits each time elections are held.

Neo Patrimonialism

Another explanation of authoritarianism in Africa is that the incumbents “maintain authority through personal patronage, rather than through ideology or law.” (Bratton and Van de Walle, 1994:458) Patrimony is “the award by public officials of personal favors, both within the state (notably public sector jobs) and in society (for instance, licenses, contracts, and projects).” (Bratton and Van de Walle, 1994:458) In such a scenario, elections become, “violent factional struggles over patronage rather than by divisions of political ideology.” Svasand and Randall (2001:21) concur stating, “the foundations of political accountability in Africa are both collective and extra-institutional: they rest on the particularistic links between Big Men, or patrons, and their constituent communities.”

According to Bratton and Van De Walle, “the prospects for democracy are better in transitions from regime types other than neo-patrimonial ones. This is so because greater progress has been made in other regimes in routinizing participation.” (Bratton and Van De Walle 1994:487) The problem with the argument for neo-patrimonialism (Bayart, 1997; Chabal and Daloz, 1999; Bayart, S Ellis and Beatrice Hibou, 1999) is that it inclines to explain patronage and corruption in Africa in culture deterministic ways. Simplified, the protagonists state that African officials exploit the people and embezzle public funds for private gains and ostentatious spending because they are traditionally predisposed to do so.

This argument has come under fire from many African scholars. Thandika Mkandawire's piercing criticism of neo-patrimonialism and its cultural deterministic underpinnings stands out in this regard. According to Mkandawire(2002:183-4),

In some essentialist (and often poorly veiled racist) accounts, it is suggested that there is something fundamentally wrong with African culture - and that senseless violence is an undisavowable excrescence of that culture. Such accounts attempt to search some distant past for culturally encoded genes for the perpetration of atrocious acts and plunder to explain the recurrence of such deeds today. Some authors even resort to what borders on instant historical anthropology: having identified cases of plunder in Liberia's troubled past, Stephen Ellis (1998: 169) concludes: 'There is an obvious echo of this historical tradition in the practice of present-day warlords.' Patrick Chabal and Jean-Pascal Daloz (1999: 2) concur with Ellis when they conclude that the 'seemingly "barbaric" violence' is 'an instrumentally plausible re-traditionalisation of society'. That is how 'Africa works', and all the conflicts 'are part of everyday calculus of power in contemporary Africa' (ibid.: 82). Much of this writing takes historical continuity and cultural relativism to absurd extremes, to say the least, and in its journalistic rendition attains racist proportions.

But there is an older and still problematic explanation about neo-patrimonialism too. (Bates, 1981; Jackson and Roseburg, 1983; Callaghy, 1984; Kasfir, 1984; Young and Turner, 1985; Ergas, 1987; Chabal, 1988; Rothchild and Chazan, 1988) This school speaks of "rent-seeking" by the African elite as a rational but adverse capital accumulation stratagem. Olukoshi (2005:183) draws a very useful line between these two patterns of explaining neo-patrimonialism in cultural and economic terms. He states,

For some of the contributors to the development of this perspective, rent-seeking is integral to the very nature of African culture and/or society, while for others the political/policy elite are the self-conscious producers of niches of opportunity which they exploit. Some of the rent-seeking niches are also held to arise from the nature of African economies, which have been structured within a state-interventionist model of development that allocates an important role to the exercise of policy discretion, facilitates oligopolistic practices, and discourages the emergence of market-driven pricing regimes.

But one thing is clear. Whether one takes the “culturalist” or the “economic” route of explaining neo-patrimonialism in Africa, both approaches portray a very cynical image about the prospects of economic transformation and democratization in Africa. Olukoshi (2005:183) spells this out eloquently stating,

There is widespread agreement among them that Africa’s economic development and political transition from authoritarian rule have been stymied and obstructed. The intellectual roots of Afro-pessimism can be traced to this perspective insofar as it represents a frame which, in treating rent-seeking behaviours, neo-patrimonialist practices and post-colony syndromes as ubiquitous and all-pervasive, almost sees no way out of the “dead end” to African development.

This tone of explaining the nation-state in Africa as a “cultural other” leaves a bitter taste in the mouth of many who charge the protagonists of neo-patrimonialism as Afro-pessimists.

The Disjuncture Thesis

For many (Gibbon *et al* 1992; Chole and Jibrin 1995; Mkandawire and Olukoshi 1995), the crisis of states in Africa resulted due to cavalier attempts to transplant the liberal democratic model of the west riding roughshod over the cultural, economic and political particularities of the continent. This was the case with the implementation of structural adjustment programs (SAPs) where poor nations were summarily ‘advised’ to democratize by powerful external actors. So, liberal democracy is imported in the same “de-rooted manner the African state evolved in colonial Africa.” (Osaghae, 1999:20) This created a historic disjuncture between the political elites and the state on the one hand, and society and ordinary people, the masses, on the other.

According to Osaghae (1999:20) the elite has also failed to take into account the multi-ethnic character of their countries and craft “their own forms of ‘multi-ethnic democracy’ (Horowitz 1994; Lijphart 1977) or what post-modernists call ‘difference democracy’ (Dryzek 1996).” Claude Ake (1993:244) stood out in this calling for “a consocietal arrangement—the use of ethnic groups, nationalities and communities as the constituencies of representation” This, for Ake, “would be a highly decentralized system of government with equal emphasis on individual and communal rights”.

A good example in support of the disjuncture thesis would be the “culture” of manipulating elections. Many African scholars argue that rigging elections and manipulating results started from the colonial times. Colonial masters introduced local and regional elections making sure the ‘elected’ are agents of colonial domination. For Adejombi (2000:63), “colonialism by its very nature and character is antithetical to the logic and philosophy of elections and democracy, having been constructed on a base of authoritarianism and domination.” After independence, the African state began to serve “as the focus of capital accumulation and the fulcrum of social control” making it nearly impossible to allow genuine democratic elections from within. (Adejombi, 2000:63) Even worse, the Cold war “de-emphasized the object of real elections and genuine democracy” where both the East and West allied with tyrants for strategic reasons. Up until the early 90s, therefore, Africans were “denied democracy by a confluence of internal and international factors.” (Adejombi, 2000:63)

Putting the Kenyan State to the Test

I do not pretend that these explanations about the root causes of authoritarianism in Africa sufficiently explain everything about the Kenyan state. Neither am I arguing that this is an exhaustive list of explanations mainly because the history of state formation varies between African states themselves. The way the Ethiopian state emerged is for instance remarkably different from the Kenyan state materialized. Also, none of these explanations go far when considered each at a time. An eclectic framework is in order. National politics in Kenya is featured by intense and sometimes violent competition between the elite of the various ethnic groups (Kagwanja et al, 2008; CSIS, 2011; Anderson, David M, 2002). There is resentment on the part of the non- Kikuyu elite that the latter have controlled the resources and power of the Kenyan state disproportionately since independence.

The 2007 post election violence in Kenya brought these schisms to the forefront when supporters of Mwai Kibaki (an ethnic Kikuyu) violently clashed with supporters of Raila Odinga (an ethnic Luo). The Center for Strategic and International Studies report (2011) aptly summarized the conditions which led to the outbreak of violence that shook the core of the country. The study argues,

The violence of January 2008 laid bare the principal fault lines of Kenyan Politics. These fault lines break mainly along ethnic lines and are the product of the convergence of three factors: first, the number and relative size of Kenya's principal ethnic groups, particularly the fact that Kenya's politics are driven by shifting coalition amongst the largest groups; second, a highly uneven geographical pattern of economic development which has divided the country into rich and poor areas, and which has meant that several ethnic groups, particularly the Kikuyu, are relatively rich while others are relatively poor; and this the fact that since independence, Kenya's political leaders have invariably sought to mobilize electoral support on the basis of ethnic appeals. (CSIS, 2011:3)

The CSIS (2011:1) reported that “more than 1500 were killed and nearly a third of a million were displaced” by the crisis. The United Nations intervened and former Secretary General of the United Nations, Mr. Koffi Annan, brokered a power sharing deal where Mr. Kibaki retained the Presidential post and Mr. Odinga became the Prime Minister. Each faction fought hard to appoint its supporters to key ministerial portfolios like foreign affairs, defense and finance. The coalition government has survived so far but elections are due to be held in March 2013. The future of Kenya is hanging in the balance and talking to ordinary Kenyans in the streets of Nairobi, one easily feels simmering tension building up to the election date.

Given this background, neo-patrimonialism and institutionalism could help partly explain the workings of the Kenyan state. Kenyan parties are coalitions of de facto ethnically organized parties. They represent coalitions of elite who peddle their ethnic identity as the single most political capital to wield power. There obviously are incentives and rewards in doing so. (Kagwanja, M, 2009) But also, the state infrastructure has very weak institutions such as the Kenyan Electoral Commission. The 2007 post election violence saw massive vote frauds and rigging especially in the rural parts of the country. Both President Kibaki’s party and Raila Odinga’s Orange Democratic Movement (ODM) declared themselves as winners. Eventually, violence broke out in the Rift Valley region of Kenya where people “burned and looted factories, shops and homes, and chased those perceived to be supporters of Kibaki (mostly, but not exclusively, members of his Kikuyu tribe) away.” (HRW, 2008:4) The independence of the judiciary was compromised and the police force was incapable of maintaining law and order.

Even more, the fact that the international community intervened to stop the violence; that it forced the contestants to settle for shared government; and charged six prominent political leaders for crimes against humanity at the International Criminal Court (ICC) in Hague; speaks volumes about how weak and deferent the Kenyan state is to outside influence. Political legitimacy, it seems, does not come from popular sovereignty (the Kenyan people themselves) but rather from powerful foreign countries in the West that call the shots. One definitely needs a huge dose of history about the colonial origins and the neo-colonial relations of the Kenyan state with the West to partly explain its authoritarian and predatory proclivities. All said, I cannot stress more about the need to conduct serious and comprehensive studies to look into the historical roots of the Kenyan state and its political economy. As painstaking and costly as they would be, only such research ventures could provide us better explanations about state-citizen and, by extension, state-refugee relations in Kenya.

Seeing like a State, Seeing like a City

A caveat is important here. This is not to argue that citizenship is not entirely contested at an urban level at all. Rather, it is to argue that urban refugees employ their individual and collective agency as well as resources to chip away from the confining, monitoring and fixing acts of the state both at urban and national levels. Hence, struggles for “right to the city” do not happen exclusively or detached from parallel struggles for “right to the nation-state”. These processes are happening altogether at once. They are intertwined both in essence (what urban refugees demand) and in scale (whether they demand it at national or urban levels). Our task should therefore be to explore the inter-linkages

between these registers of political action. It is in that spirit that I call for a re-focus also on the politics of the nation-state.

Warren Magnusson (2011) has done an excellent job in underscoring the need to look at politics both from the optic of the “nation-state” and “the city”. He stresses that “seeing like a state” (2011:3) has always been the preoccupation of political scientists with such conventional assumptions like:

- 1) The world is divided into states, each of which has its own territory and claims sovereignty in relation to it.
- 2) Within each state, there is a hierarchy of authority, so that there is always a final authority with respects to issues in dispute.
- 3) Within each state, everything and everyone is ultimately subject to the state’s authority: in that sense, the state is sovereign.

This approach, Magnusson argues, ignored the importance of studying power relations outside the prism of the sovereign and “see like a city”. “Seeing like a city” (2011:4) he adds recognizes

- (1) The world is characterized not only by its division into sovereign states, but also by the presence within it of a multiplicity of political authorities in different registers, ones that are there for different purposes and heed the call of different drummers.
- (2) Many of these authorities claim that they are not political – only cultural, economic, religious, communal, or whatever – and such a move often enhances their autonomy, not least in relation to authorities that claim sovereignty.
- (3) Only some of the political authorities are arranged in a neat hierarchy: most are not.
- (4) The space of the state is only one of many. Other histories are enacted in spaces that are qualitatively different, and cannot be assimilated to the space of the state. In fact, what we call social movements are ones that generate new spaces of action and new histories, in relation to which new identities, interests, and forms of authority are established. The result is a pattern of interaction that defies easy modeling.

Magnusson (2011:120) privileges “seeing like a city” which he argues “is to accept a certain disorderliness, unpredictability, and multiplicity as inevitable and to pose the problem of politics in relation to that complexity”. However, he recognizes that we

already live in a world of states and a world of cities, pointing out the need to consider them *both* in terms of their complexity and inter-linkages. My findings about the role of the Kenyan nation-state and its direct involvement in the urban life of refugees confirm this. We need to see both like a “city” and a “state” shedding light on their complexity, interfaces and inter-linkages.

CHAPTER VII

POLICY RECOMMENDATIONS

A number of policy recommendations came out of the interviews and discussions with refugees, representatives of civil society organizations working on the issue of refugees, and government officials. I clustered these recommendations into thematic areas. This chapter is therefore divided into two major categories of policy recommendations. The first dwells on recommendations put forth by refugees themselves while the second category refers to recommendations made by government officials and leaders of the various civil society organizations.

7.1 Refugee Recommendations

Promoting Economic Rights and Opportunities

The majority of refugee informants underscored the need to further enhance economic opportunities for urban refugees. These recommendations revolved around two major themes i.e. jobs and business permits. Seven of my informants stated that there is bureaucratic red tape when it comes to issuing business permits for urban refugees in Nairobi. Accordingly, they argued that the process of getting business permits in Nairobi should be made simpler. One of the informants summarized this argument as follows,

We are grateful that the Kenyan government has made it possible for us to have legal alien certificates and opening the leeway for refugees to open up small

businesses. But having the alien certificate should not be seen as an end in itself. I recommend that the Kenyan government extend its support by letting us to be active in doing business.

Another informant explained why having business and work permits is essential for the urban refugee community. He stated, “I think the remittances we get from relatives abroad create some dependency in our minds. I suggest different organizations plan to assist refugees to be self-reliant and independent by giving them job opportunities.”

I probed more to find out whether refugees aspire to be employed by the government itself or only private sector jobs. One of my respondents indicated, “There are many educated doctors, engineers, and professionals who if given the chance by the Kenyan government can work here. Remember, this benefits not only the refugees but the Kenyan government too.” Others mentioned that there was precedence in the 1970s where the Kenyan government employed hundreds of Ugandan professionals who fled Idi Amin’s brutal persecution in Uganda. One of the officials of “Hakki Jammi” recounted this saying, “The first wave of refugees to Kenya is from Uganda in the late 70s. I used to have Ugandan professors here in the University of Nairobi and there were Ugandan teachers in primary and secondary schools in Kenya”. He stated that these refugees filled a very important and critical gap in Kenya when it was lagging behind in terms of its skilled manpower development.

Promoting Legal Recognition and Inclusion

Another set of recommendations were made around political rights, in general, and the need for more legal recognition and protection of urban refugees, in particular. A number of urban refugees stated that the refugee alien certificate has been very helpful for their stay in Nairobi. But they lamented about the long period of time the UNHCR takes to

issue “mandate refugee certificates” (MRCs). Others emphasized the need to cut red tape in the UN system when it comes to third country settlement programs. One of the informants expressed the need for reform as follows, “The UNHCR should improve its handling of refugees and particularly the third country relocation process. It is not fair for people to be stranded for more than a decade and wait till they get relocated in another country”. In general, the UNHCR is viewed as an opaque organization which does not respond to the plights and challenges of urban refugees in Nairobi.

But the most recurrent and major recommendation that urban refugees made was about the need to combat police harassment and corruption. This theme dominated most of my discussions with refugees. Here is how one of the refugees described the urgent need for police reform, “I want the police to respect our human rights. I want the exploitation and arbitrary arrests by the police to end. Someone has to force the police to respect the law of their land!” Some refugees mentioned that this should start by educating the police force not to violate the rights of refugees. Others indicated the need to punish corrupt police officers and deter other officers from following course. In light of the recent police raids to Eastleigh to clamp down on Al Shabab operatives, Ethiopian refugees insist that the police should be able to differentiate between them and Somali refugees (the argument being Ethiopians have nothing to do with the bomb attacks in Nairobi). One of my informants summed up this argument as follows, “We are Ethiopian refugees and not Somali terrorists! Why should we be harassed, raided and interrogated by the police for things our community has nothing to do with?”

Even more, eleven informants recommended that the Kenyan government grant citizenship to those who want to live in the country. One of the refugees stated, “Some of us have lived here for more than ten years. Our children go to school here and we have our businesses. It would be very helpful if the Kenyan government grants citizenship.” In fact, most of these refugees expressed their optimism that the new Kenyan constitution will offer them the gateway for naturalization. Another respondent added,

The new constitution has a provision that the naturalization process will be undertaken following an Act of the Kenyan Parliament. We think this is a very good idea! Many people who first set out to migrate into another country have changed their mind and settled to live here for the long haul.

Another refugee spoke about the public debate about naturalization which was undertaken before the ratification of the new constitution. The constitution, he argued, has made naturalization a realistic option for urban refugees. He continued,

There was a lot of debate among the Kenyan elite about the future of refugees. There were some who insisted that refugees are living here, working and contributing to the economy of Kenya and argued that Kenya should provide citizenship to the refugees. There were others who viewed us as security threats to the country; and people who compete for the jobs of Kenyan nationals. Some Kenyans hold this view strongly because they already think white settlers and Indians have unfairly benefited and thrived in Kenya. So they view the influx of refugees negatively. But the new constitution has already stipulated that: 1) a foreigner who married a Kenyan national can be naturalized as a Kenyan if she or he lived in the country; 2) there is a provision that someone who worked as a legal and permanent resident of Kenya can be naturalized as a Kenyan after 7 years of stay here. These are very encouraging developments for many Ethiopian refugees who now lived here for more than 7 years and think of settling here permanently!

Awareness Creation and Integration

Respondents also commented that Ethiopian refugees should first know about the pros and cons of life in countries like Kenya before they leave their country. Awareness creation, they argue, is very important so that many who are lured by the news of good

life in Kenya and West do not come to Kenya unprepared. One of my respondents stressed this point stating,

Being a refugee is very difficult. I came here hoping that my life would be better, but I ended up in worse living conditions. So I advise friends in Ethiopia to know about the challenges and opportunities of refugee life before they cross the border.

Others recommended that urban refugees in Nairobi should be forthcoming and active to integrate to the Kenyan society. Integration, they argued, cannot be realized only by state laws and regulations. According to one of my informants, “Ethiopian refugees should be more open-minded to integrate themselves with the Kenyan people. This creates a lot of opportunities for both the refugee community and Kenyans”. Part of this integration, refugees uphold, comes from finding job opportunities and being productive member of society.

I think most refugees are dependent on cash transfers from relatives who live in countries like American and Canada. This hurts the confidence and enthusiasm of refugees to find jobs here and thrive on their own. There are some who have been receiving help for 10 years. Imagine how that affects your self esteem?! Most people get addicted with alcohol and drugs because they are jobless and idle. In my opinion, integration should foster creating work opportunities for urban refugees.

7.2 Recommendations by Policy Actors

Go Beyond Encampment

Opinion about Kenya’s refugee policy swings between two extremes. There are many who argue that Kenya has the record and reputation of being the most welcoming country for refugees in East Africa. There are others who blame Kenya for benefiting from the instability of neighboring countries in two ways: 1) by hosting a myriad of international and UN organizations who are involved in humanitarian assistance in the Horn, and 2)

through income remittances from abroad to the refugees themselves. Most of the respondents graded Kenya highly when it comes to receiving refugees but they express their doubts about its center most strategy of refugee administration i.e. encampment.

One of the respondents stated,

The Kenyan government has been welcoming refugees for more than 5 decades now. The government also had peaceful relations with the Ethiopian government and people. But they insist on confining refugees to camps! They were always concerned to round up and confine refugees in remote camps which were so arid and inhospitable. Actually, I think Ethiopia, Uganda, and Tanzania have a much more relaxed policy towards refugees. In these countries refugees are not forced to stay in camps. Most live in urban areas, trade, send their children to education and at the same time process their relocation in Western countries.

The respondents recognize that the current refugee law sticks to the encampment approach and totally neglects the phenomenon of urban refugees. This, they argue, should be reversed. Some are not very enthusiastic about the implementation of naturalization as per the new constitution. They have doubts whether there is the political will to enforce the provision. One of the officials of Refugee Point explained his reason as follows,

In the current Refugee Law of Kenya encampment is put in a preferred position. Things have not changed much. I know there are new interesting provisions in the new constitution of Kenya but I very much doubt if this promise will soon be realized. Let alone refugees from Ethiopian and the Sudan, even Somali Kenyans had to now carry a second identification card proving that they are Kenyans. Hence there is still a lot of suspicion against refugees in Kenya. Let me give you an example, I am European and my wife is a Kenyan. But nobody considers our daughter as Kenyan, people call her a “Musungu” (a white person) even though this is where she is born and brought up!

Even though these actors are clear eyed about the challenges of shifting from the old encampment policy of the government, they underline that more efforts should be expended to expand the bundle of rights and services for urban refugees in Nairobi. In short, they all agree on the need to go beyond encampment.

More Freedoms and Empowerment

Respondents insist that a new policy approach to urban refugees should bequeath more freedoms, aspire to empower them economically and bring them to the fold of the Kenyan society. A senior Kenyan researcher on refugee matters in Kenya pointed,

Urban citizenship is the answer. Kenya will benefit more if we relax our regulations on refugees and give them more freedom to work. It benefits the city for the following three reasons. First of all, refugees bring a lot of skills with them. Especially urban refugees are people who are educated in their country. They have some professional training that they can turn into business when they come here. Secondly, we create more jobs for Kenyans and create revenue. Thirdly, refugees could use their global connections to bring in capital (by way of remittances or seed capital) into the country.

Another official from Danish Refugee Council in Kenya argued along the same lines stating, “We have to encourage and support the full integration of urban refugees. Especially the young people have the potential to integrate faster because they speak the language, go to school here and have Kenyan friends”. Accordingly, he listed the following specific policy recommendations which summed up the comments of the other respondents concisely. He stated,

- 1) The provision of security and protection for urban refugees should be the first priority. This means police harassment and corruption should stop.
- 2) The creation of a formal safety net for basic services provision is highly indispensable.
- 3) Awareness creation and public sympathy for refugees is important.
- 4) We should also be working towards the socioeconomic integration of urban refugees.

As far as providing security and protection for refugees is concerned, our respondents stated that there still are many refugees that do not have the alien certificate. Providing these IDs will help a long way. They also added that The Kenyan government should seriously undertake Police reform to ward off such practices like corruption, harassment, and arbitrary arrests. When it comes to the provision of a social safety net for urban refugees, my respondents indicated three major ways of doing so. First, they underscored

that linking refugees to the government institutions and providing efficient public services would go a long way. For instance, easing the bureaucratic red tape for refugees who seek trade licenses can be a good start. Secondly, the government can encourage banks to finance small business initiatives of urban refugees. Thirdly, the Kenyan government can help train and improve refugee skills for the Kenyan labor market. Last but not least, both the government and civil society organizations can work aggressively to create public awareness about the Refugee Act, their rights and responsibilities in Kenya. Such action could help stem down the fear, insecurity and also xenophobia that some Kenyans may have towards refugees. This is extremely important in light of the tension and intermittent mob violence that erupts after bomb attacks by extremist elements.

End Turf Wars and Corruption

Respondents within the International Organization of Migration (IOM) and the UNHCR indicated that there is duplication of efforts by the department of refugee affairs (DRA) and the UNHCR. This lack of a clear division of labor between DRA and the UNHCR has led to a turf war between these two agencies. The DRA insists that it should undertake the entire process of refugee registration and third country settlement. The DRA officials spoke out that the UNHCR should only confine itself to camp management and the IOM to travel arrangement. This obviously does not tally up with the international conventions and customary practice.

In addition, the relocation process of refugees is facing a lot of difficulty because the DRA insisted that refugees should secure exit visa when they leave the country. According to an IOM official,

This is a bureaucratic red tape since refugees have their alien certificates, the refugee mandate status documents, and legal travel documents with entry visas when they go the airports. Some officials inside the DRA and the department of Immigration, however, intimidate refugees and ask for money in order to issue them exit visas.

The problem of corruption and refugee harassment, common within the police force, seems to be affecting the DRA too. Unfortunately refugees will pay anything to use their long waited chance of moving to the West and not miss their final chance. They are vulnerable and eager. The issue has now become a bone of contention between the Kenyan authorities, on the one hand, and the international agencies, on the other. The turf war should come to an end and government corruption abated from the ranks of the DRA, if refugees are to lead a more secure and promising life in Nairobi.

Engage the City Council and Ward Management

Urban refugees constitute a significant portion of Nairobi's population. But the city council never engaged them in policy dialogue as stakeholders in any of its ventures. This is because the government plans are mainly designed to address Kenyan citizens via the Department of Refugee Affairs (DRA) which claims to be the sole government agency to oversee refugee matters in Kenya. However, the city council should be involved since urban refugees contribute to the local economy and also are consumers of public goods and services such as roads, schools, transport services, housing and other utilities. In fact, three of the ward managers which govern the refugee populated areas of Eastleigh and Kilimani discussed major problems part of which are attributed to the constant influx of refugees to these neighborhoods. One of the managers of Eastleigh North ward summarized these problems as follows,

We have a constant inflow of refugees into Eastleigh and our apartments are crowded. Hence we have big problem of solid waste management in the ward. Language and communication barrier is another problem we have with refugees. Most refugees do not speak very good English or Swahili. We also have security problems. Most of these refugees used to be combatants and some still have political acrimonies and clan rivalries (this is especially the case with Somalis). Occasionally, scuffles and fights break out between them. I remember two incidents where the ward management and district police were involved to stop the fights and resolve the disputes.

Given these pressing issues, one would assume that the city government will be working with representatives of urban refugees to address problems of housing, sanitation and hygiene, and public safety. But all government representatives confirmed that no such channel exists between the city government and the refugee community. A senior official at Nairobi's Social Development Bureau confirmed about this stating,

About 4 months ago, representatives of Oromo refugees from Ethiopia came to register as a group. Their objective was to raise relief and development aid for their community here in Nairobi and implement urban based community development projects. Once their association got registered by our bureau; the DRA issued a letter that they cannot be registered and that every correspondence with an individual or a group of refugees in Nairobi should be directed to it. Apparently, their certificate was suspended by higher authorities.

Clearly city and ward level managers are sidelined from refugee administration. This is despite the fact that they provide most of the services on the ground and interact with the refugee populace on a day to day basis. It is therefore very important that the city council and its leaders at the various tiers of local administration open lines of communication with urban refugees and liaise to manage these wards safely and effectively. They have not been able to do this so far.

CHAPTER VIII

CONCLUSION

It is important to recap the three major research questions of the study in order to provide a summary of the findings and reflections from the fieldwork. First, I set out to understand how Ethiopian urban refugees negotiate aspects of urban citizenship in the city of Nairobi. Secondly, I aimed to evaluate whether the conceptual tools of Lefebvre's 'right to the city' approach and his call for urban citizenship help us explain the social, political and economic processes that refugees yield in Nairobi. Finally, I set out to find out practical policy recommendations that both refugees and the researcher deem are useful entry points to better the living conditions of Ethiopian urban refugees in Nairobi.

These research questions could be redefined in ways which emphasize the theoretical inferences, and reflections the study aimed to make from the outset. Seen from such vantage point, the first research question could be rephrased as follows, "Do urban refugees have the right to participate centrally in the production of urban space?" The second research question can also be reformulated as follows, "How far can the urban citizenship literature on western cities (aiming at the inclusion and participation of immigrants and strangers) explain the situation of urban refugees in non-western cities? Last but not least, our emphasis on policy issues can also be rearranged as follows, "What

kinds of policy recommendations could be made to improve the provisions as well as the implementation of these policies?” A caveat is important here. The central research objective of the study remains the same whether one takes the empirical route of interpreting and analyzing field data or prefers the theoretical route of superimposing Lefebvre’s ‘right to the city’ model to identify patterns or anomalies. In a nutshell, this study set out to explore, qualify, and explain how refugees negotiate aspects of urban citizenship in Nairobi.

As far as methodology is concerned, I employed a case study design interviewing refugees, community and business leaders, representatives of civil society organizations that support urban refugees, and finally government officials. Nairobi was selected because Kenya has been the only stable country in East Africa hosting refugees from neighboring countries like Somalia, Ethiopia, Eritrea, South Sudan, Northern Uganda and Democratic Republic of Congo (DRC). Official figures suggest there are “around 46,000 refugees in Nairobi, however unofficial estimates are nearer 100,000 (UNHCR 2010).” The same report indicated that Ethiopians comprise the second largest nationality of urban refugees in Nairobi following Somalis.

A qualitative case study, I argued, provides a suitable platform of engaging our research questions because its epistemological assumptions are based on “interpretivism”. Interpretivism posits that “reality and meaning are constructed from the actions and reactions of society’s constituent members, the individuals” (Bryman, 2004:17). Qualitative research asserts that the researcher and the social world impact each other. Value free research is impossible to conduct for facts and values are not distinct but intertwined. But most importantly, qualitative research rebels against the excesses of

positivism which attempt to impose principles and regularities while studying human behavior. The biggest advantage of conducting this case study was therefore to study human behavior in a real life context capturing the refugees' own perspectives and interpretation of social processes but also yielding them to a coherent theoretical lens i.e. the "right to the city" approach.

Accordingly, I conducted a total of thirty (30) semi-structured interviews with Ethiopian urban refugees in three municipal wards of Nairobi. In addition I undertook a total of twenty (20) key informant interviews with three different groups of people. First, I conducted in-depth interviews with a total of seven (7) Kenyan government officials in the city council, and municipal wards. This was followed by interviews with representatives of both local (Kenyan) and international NGOs working on the issue of urban refugees in Nairobi. I conducted a total of 7 key informant interviews with members of the civil society sector. Finally, I conducted six (6) key informant interviews with Ethiopian community leaders who are active in religious, or community associations. The Refugee Coalition of Kenya (RCK) was very instrumental in helping me build rapport with the refugee community in Nairobi and facilitating the selection process of informants. All of the urban refugees that I approached were willing to be interviewed anonymously. I also used their recommendation to identify and shortlist a group of Ethiopian refugee-cum- businessmen and community leaders for the key informant interviews. Again, RCK's officials were very instrumental to introduce me to the NGO community working on refugee matters and arranging interviews.

The only setback I encountered was the refusal of station, division and metropolitan police officers who refused to be interviewed. Getting the police perspective would have

been very useful, but civilian government officials partially compensated for the lack of that perspective by explaining the government's stand on refugee matters, in general, and police-refugee relations, in particular. It is also important to state here that the anonymity of all refugee informants has been kept. I have taken extra care to transcribe the data carefully, anonymize and protect it. To the best of my ability, I was also cautious to phrase questions in broad strokes and thematic fashion avoiding personal and pointed questions which may invoke harm and pain to the respondents.

Table 7 provides a summary of the major findings of the study in relation to the three overarching research questions posited above. The depiction is followed by three consecutive sections which provide a detailed summary of the findings. Section 8.1 explains how refugees negotiate certain aspects of urban citizenship in Nairobi. Section 8.2, dwells on the lessons learned regarding the applicability of the right to the city in Africa and conversely what Africa brings to the right to the city analysis. Section 8.3 summarizes the major policy recommendations made both by refugees and policy actors in order to better protect and enhance refugee rights and wellbeing in Nairobi. Last but not least, section 8.4 provides a tight summary of what emerged as the overarching theme of the study i.e. the theme of being a "stranded stranger". It ends with a brief discussion of potential areas of research and inquiry regarding the urban citizenship literature and its applicability to the African context.

Table 7 Summary of Major Research Questions and Findings

Research Questions	Findings
<p>1. How do Ethiopian urban refugees negotiate aspects of urban citizenship in the city of Nairobi?</p>	<p><u>1. Inhabitation</u></p> <p>Despite official policy to encamp refugees, movement into and residence inside the city of Nairobi has not been sanctioned against refugees. To use Lefebvre’s qualifier, <i>inhabitation</i> is the first step through which urban refugees negotiate citizenship in Nairobi.</p> <p><u>2. Production of Urban Spaces</u></p> <p>In Nairobi, Ethiopian refugees actively construct “perceived”, “conceived” and “social” spaces.</p> <p>2.1 They occupy recognizable and crudely delineated <i>territorial representations</i> such as apartment buildings, churches, mosques, bars and restaurants in certain neighborhoods.</p> <p>2.2 These perceived urban spaces translate into <i>conceived spaces</i> created through routine interactions with territory, the fringes of the Kenyan state and the host community.</p> <p>2.3 Refugees also construct what Lefebvre termed <i>social spaces</i> on a day to day basis in Nairobi. They work both in the formal and informal sectors of the economy. They also established their own religious and cultural institutions.</p>
<p>2. How adequate is the ‘right to the city’ approach to explain the everyday struggle of Ethiopian urban refugees for rights and resources in the city of Nairobi?</p>	<p><u>3. Participatory and Democratic Management</u></p> <p>3.1 Urban refugees fail to meet the third criteria of Lefebvre’s urban citizenship criterion i.e. political rights to participate in the governance of the city.</p> <p>3.2 Policy wise, the Kenyan state speaks about the recognition and upkeep of refugee rights while considering them as national security threats meant to be excluded and confined in</p>

	<p>camps.</p> <p>3.3 The relationship between state officials and urban refugees is one of discrimination and exploitation. Racial profiling, harassment, corruption, and arbitrary arrests are commonplace.</p> <p>3.4 The right to the city literature is inadequate for it takes the liberal democratic state for granted as opposed to authoritarianism and neo-patrimony prevalent in Africa.</p> <p>3.5 Its emphasis on globalization and the reduction in the powers of the nation-state fails to explain the condition in Kenya. Here, it is national agencies like the police, the intelligence and Department of Refugee Affairs who are exclusively involved in managing refugee affairs.</p> <p>3.6 Struggles for “right to the city” do not happen exclusively or detached from parallel struggles for “right to the nation-state”. Hence the urban citizenship literature should re-focus also on the politics of the nation-state.</p>
<p>3. What kind of urban policy measures can African cities take to manage displacement driven urbanization and use it as a positive force for social change?</p>	<p>4.1 Enhance economic opportunities for urban refugees offering them both employment and business opportunities.</p> <p>4.2 Easing the bureaucratic red tape to secure “alien certificates”, and UN mandated refugee certificates.</p> <p>4.3 Explore possibilities to secure Kenyan citizenship for those who have decided to settle in Kenya permanently</p> <p>4.4. Go beyond encampment and promote the integration of refugees through economic, social and cultural means.</p> <p>4.5 Enable urban refugees to participate in urban governance and policy dialogue as crucial stakeholders, which they already are.</p>

8.1 Seeing like a City: Negotiating Urban Citizenship in Nairobi

Ethiopian urban refugees live in relative peace with regular Kenyans. They trade, supply goods and services to the Kenyan market. They also buy goods and services produced and sold by Kenyans. They have an overwhelmingly positive attitude about the opportunities Nairobi has offered them. They also are grateful about the acceptance and tolerance of regular Kenyans to the urban refugees found in their midst. I dubbed this amicable social space that refugees create in interaction with regular citizens of Kenya as *integration from below*. It is a social space featured by a teeming diversity (or *complexity* as Magnusson calls it) of actors, motives and economic strategies.

Let me start from the diversity of the refugees themselves. Often, there is an assumption (mainly by the State) that a refugee is an individual who is forced out of his or her country due to fear of persecution or eminent life threats. But this political definition faded away in our case where most urban refugees are not political refugees at all. In fact many fled to Nairobi for economic reasons. Most refugees consider Nairobi as their launching pad to settle in Western Europe and America. Others use it as transit point to travel all the way to South Africa which has now become a popular destination for illegal immigration and human trafficking. Still others arrived in Nairobi to look for a job and settle in there permanently. Of course, there were many who fled Ethiopia for reasons of political persecution. But there were also others who were lured by stories of fortune and adventure that they heard from their lovers, family members and friends to come and settle in Nairobi. Right from the outset, therefore, urban refugees defy the conventional way of defining a refugee. They are a diverse group of actors who view their hiatus in Nairobi in more ways than politics.

Urban refugees are also diverse in terms of their economic strategies. They are actively involved in both the formal and informal sectors of Nairobi's economy. Most are employed in the urban transport sectors, owning public minibuses (the "matatus") or serving as drivers, ushers ("makangas") or conductors (money collectors). Both women and men are involved in small businesses like beauty salons, barber shops, audio and video stores, boutiques, and cafeterias. These businesses are registered by the city council of Nairobi and refugees have to pay annual fees to get their business permits renewed every year. I also interviewed business tycoons who landed in Nairobi as refugees but have risen to the top. They broke into the formal economy running high end restaurants, cosmetic stores, construction companies, and import and export enterprises in Nairobi. In fact, I have realized that these businessmen have created a lot of job opportunities for Ethiopians and Kenyans too.

It is this diversity that problematizes our use of the word "refugee." I persisted in using the term "refugee" only as a signifier that we are talking about people who left their country of origin, and crossed an international boundary to live in the city of a neighboring country. Otherwise, the participation of Ethiopian refugees in the Kenyan economy complicates their status of residence in Nairobi. Most of them sought economic opportunities in Kenya either permanently or until their final relocation in a third country. They did not confine themselves to refugee camps waiting for their final settlement in another country. This makes it hard to call them only as "refugees". But we cannot define them "immigrants" either. This is because the overwhelming majority of them await resettlement in a third and preferably western country. For convenience purpose, they all carry a refugee "alien certificate" even though their real intent may not even be to

relocate. For instance, I have identified people that the Kenyan state recognizes as “refugees” but have arrived in the city to permanently settle and make a living. One is tempted to refer to this group of people as “illegal immigrants” but they are comfortable to carry a refugee ID and live in Nairobi indefinitely. Perhaps, one can qualify them as *de facto* immigrants.

Again, it is hard to define urban refugees as full-fledged Kenyan citizens. But most of these refugees have stayed in Kenya for more than decades; some have married and had children in Kenya. Some of them have children in Kenya who may claim Kenyan citizenship by birth. What would this make of their parents? The second generation of Ethiopian refugees go to Kenyan schools, speak perfect Swahili and often struggle to speak Ethiopian languages. Some of this young people perceive themselves as Kenyans and so is their social world. This reminds us of Holsten and Appadurai’s distinction about substantive and formal citizenship. Looking at this particular segment of Ethiopian refugees; one wonders whether they do not meet the ‘substantive’ criterion for Kenyan citizenship.

How do these practices speak to Lefebvre’s notion of “urban citizenship”? Lefebvre removes the ground of citizenship from descent (from citizen parents) or being born in that country; and fixes it on the notion of inhabitance. He speaks of urban citizens as people who have full rights to live in, work in, and play in the city and therefore have ownership and usership rights to the city. Third, Lefebvre speaks of empowering all inhabitants with the power to be directly involved in the management of the affairs of the city. He was skeptical about the virtues of liberal representative democracy which

alienate the regular voter and empower technocrats in the actual governing of the metropolis.

We should consider Lefebvre's three fold taxonomy of urban spaces to have a better understanding what I dubbed integration from below. In his book *The Production of Space* (1973) Lefebvre introduced three main ways of understanding space i.e. "perceived, conceived and lived spaces." Perceived spaces signify physical abodes. Conceived spaces are the impressions, biases, or in general, representations etched with such physical spaces. Finally, lived spaces refer to the everyday lived experience of the inhabitants. This they do by navigating through both the physical and mental scapes of the city. Urban refugees are very active in the creation of all three forms of urban space.

In Nairobi, Eastleigh represents that geographically delineated physical and territorial space where refugees dwell in, play in and work in. There, they produce goods and services. They trade with fellow Kenyans and other African refugees. They rent apartment buildings; go to churches and mosques, or visit bars and restaurants. These perceived spaces translate into conceived spaces that refugees create through their routine interactions with territory, the fringes of the Kenyan state and the host community. For instance, Kenyan officials usually refer to Eastleigh as "*their*" neighborhood marking and addressing it as the neighborhood of outsiders (i.e. refugees). Speaking of Eastleigh, informants come with words like "crowding", "illegal human trafficking", "Somali and Ethiopian businesses", "bomb attacks" , "security threats" etc. For the purpose of this study, it does not really matter whether these stocks of conceptions about Eastleigh and its inhabitants are valid or not. In lieu, we need to realize that even powerful actors like

the state viewed Eastleigh, a remarkable urban territory, as the abode of economic and social interaction primarily driven by the active agency of urban refugees.

Ethiopian urban refugees are no less productive when it comes to the creation of what Lefebvre calls social spaces. If anything, this study recorded an elaborate account of the “lived experience” of urban refugees. It documented their economic ventures. It also analyzed the creation, and role of various religious and community organizations by urban refugees. The researcher thinks three words will summarize the nature of these urban social spaces: “resilience”, “innovation” and “cooperation”. Refugees come through difficult conditions only to unpack and embark on new livelihood strategies through cooperation. To paraphrase Lefebvre, they are restless cosmopolitans constantly engaged in the creation and restructuring of *perceived*, *conceived* and *social* spaces in Nairobi. Shall we then conclude that Ethiopian urban refugees are vintage urban citizens of Nairobi? Not really.

8.2 Seeing like a State in Africa: A Critique of the Right to the City

I have already mentioned that Lefebvre underscored “the democratic management of the city through the direct participation of society (Mathivet, 2010:25)” as another important criterion to define urban citizenship. According to Fernandez (2007:207), Lefebvre recommends a “contemporary formula for social citizenship, expressing a ‘social project’ which requires a new political contract between the state and citizens”. So my attempt to answer our central research question (whether refugees actively participate in the production of urban space) cannot be fully addressed unless we focus on the ways the

Kenyan state interacts with refugees. This is very important also because the idea of citizenship in all its theoretical renditions (liberal, civic –republican, cosmopolitan etc.) is fundamentally defined by the relationship of citizens to the state. Chapter five and six dealt extensively with state-refugee relations in Nairobi bringing the politics of rights to the fore and showing the inadequacy of the urban citizenship literature in this regard.

The analysis from extensive interviews with Ethiopian urban refugees pointed to another overarching social space which is of exclusion and discrimination in Nairobi. It is a social space created by a generation of legal and policy regimes that first set out to protect the rights of refugees. But they were gradually undermined by a counter argument which views refugees as national security threats and pushes for their confinement and exclusion. Urban refugees kept reiterating that they face the specter of discrimination and exploitation in Nairobi not from ordinary Kenyans but rather from the officials of the Kenyan state. The Kenyan Police stands out as the single most institution that draws the contours of a refugee-citizen divide in Nairobi. Ethiopian refugees are far from complete integration in Nairobi, partly due to the exclusive and punitive policies of the Kenyan state directed mainly at monitoring, regulating and penalizing them.

Let us consider these policies of governing urban refugees in more detail. Here I found out two parallel but contradictory policy directions. On the one hand, Kenya has been a signatory to the UN declaration of human rights, its conventions on the upkeep and protection of refugees; and the OAU convention on refugees. It has also developed and ratified its own Refugee Law (2006). These conventions and declarations proffer basic and inalienable human rights to refugees; and enshrine the right to be a refugee as a human right. They encourage host states to grant refugees the right to work; to own and

manage material as well as intellectual property. And most importantly, the conventions reiterate the need to provide refugees with legal protection, ensuring their access to public courts and attesting their equality before the law. They also recognized that refugees can become citizens of their host state through naturalization, affinal (marriage) or consanguinal ties (if they have children with a spouse from the host country). These official commitments of the Kenyan state are deemed to promote more *recognition and inclusion*.

But there is another policy undercurrent which runs counter to the trend for more recognition and inclusion i.e. a trend of *exclusion and securitizing* the refugee phenomenon. From the outset, the UN declaration of human rights preserves political rights only for citizens of a respective state. Refugees, it seems, are duty bound to be apolitical once they cross an international border. To their chagrin, host states do not find refugees turning apolitical. To the contrary, they become politicized. It was the OAU convention which first recognized the subversive, political potential of refugees. Its convention rushed to urge host states not to use refugee populations as cannon fodder for armed political insurrections against a neighboring regime. Policy wise, therefore, states began to redefine refugees as national security threats as early as the 1960s leading to the securitization of the refugee problem.

This undercurrent translated itself into national laws and regulations whose primary intent is to monitor, regulate and impose stringent sanctions on refugees. The Kenyan Refugee Law (2006) is undergirded by this same undercurrent of securitizing the refugee phenomenon. Encampment is its centermost stratagem of refugee management. The

highest policy making body, the Refugee Affairs Committee (RAC) is populated by representatives from the police and the national security apparatus of the state. Refugees do not have any representative whatsoever. Even more, DRA is given extraordinary and extrajudicial (in light of international law) powers to revoke the refugee status of individuals or expel them out of Kenya, if there is “reasonable ground” to do so. The Act does not make clear what constitutes a “reasonable ground” to rescind a refugee status or expel refugees. It does not also specify where expelled refugees can go afterwards. These provisions erode the basic rights and freedoms of refugees, particularly their right to legal protection and due process. They also force refugees to live under the shadow of fear and insecurity.

Interviews with urban refugees portrayed that they do not view Kenyan state officials as guarantors or protectors of their rights but the very violators. They also despise the encampment strategy of the state. Refugees resist encampment for a number of reasons. Most of these camps are located in arid and inhospitable areas with little or no housing facilities, clean water and electricity. The UNHCR offers food rations which are meager. The camps are overcrowded and they have safety and security problems. Women are exposed to sexual assault and rape. In more than one instances, spies of the Ethiopian government infiltrated camps to assassinate refugees who fled the country inside Kenya. Last but not least, there are no health and educational facilities around the camps. For all these practical reasons, refugees flee to cities.

The situation they face in cities is no less challenging. Law enforcement officials, especially the police racially profile them. They threaten refugees for bribe and in some

instances arbitrarily arrest them for money. The police also release detainees without any legal due process if the latter concur to pay bribes. The relationship between the state officials and urban refugees is one of discrimination and exploitation. The state either incarcerates urban refugees or else predares on them. Post 911, the refugee phenomena is *re-securitized* where refugees in Nairobi (especially the Somalis) are suspected of being Al Shabab operators (a Somali Jihadist group and an affiliate of Al Qaeda). The government of Kenya links refugees with bomb attacks of embassies, churches, and public transport vehicles in Nairobi. This trend has harbored fear and xenophobia in the city at an alarming rate. It has also given a new excuse for rogue police officers to intimidate arrest and threaten to indict innocent urban refugees as national security threats. To conclude, encampment, racial profiling, arbitrary arrests and rampant corruption attest that urban refugees operate under a political space which aims at discriminating and excluding them.

How do these findings speak to the premises of the “right to the city” approach? The policies of the Kenyan state and its relations with urban refugees in Nairobi show that the “right to the city” literature is inadequate when it comes to explaining the role of the nation-state on the urban. The scholarship on urban citizenship posits the re-scaling of citizenship at urban levels as something which is *fait accompli*. The protagonists argue that the nation-state is relinquishing some of its powers to supra-national, sub-national, and private-corporate entities due to globalization (Purcell, 2003; 2002). None other than the Global and World City (GaWC) literature in urban studies trumpets the decline of the nation-state. Sassen (2006:314) summarized this line of thought as follows,

The national as container of social process and power is cracked, opening up possibilities for a geography politics that links sub-national spaces. Cities are foremost in this geography.

However, this was not the case in Nairobi. In Kenya, it is the Department of Refugee Affairs (which is under the Office of the Prime Minister) which has the final say on matters of refugee registration, and camp management. The DRA also liaises with the UNHCR and has a say in the resettlement of refugees in a third (usually Western) country. The national police force of Kenya and the intelligence bureau make regular contacts with urban refugees. The only other government agency interacting with refugee affairs is the City Council of Nairobi that issues business permits to refugees, collects annual fees and conducts a regular check up of their business premises. In short, the role of the nation-state and its institutions is noteworthy, if not indispensable. There are two important reasons why the role of the nation-state and its interface with the urban should be explored.

First, the creation of states in Africa is unique and qualitatively different from the history of state formation in Europe and North America. Lefebvre is critical about the liberal democratic states in the West which in his opinion alienate urbanites from self government and collective decision making i.e. autogestion. Ironic enough, much of the debate among African scholars is how to turn the page on authoritarian rule in many African states and ensure legitimate democratic social contracts between the people and their governments. In fact, the demand for urban citizenship (if it only implies right to the local city-state) may sound a far cry seen from that vantage point. Secondly, the state is the single most powerful institution whose bearings on the scale, essence and scope of

urban citizenship are inescapable. It becomes a primary target whose structure would need to alter if one picks the Lefebvrian project to ensure formal urban citizenship for immigrants, refugees, guest workers etc.

It is this lacuna of the urban citizenship literature that prompted me to consider theoretical discussions about the origins and nature of the post-colonial state in Africa. There is a raging debate about the state in Africa with multiple explanations about its authoritarian and adversely extractive nature. Section 6.4 attempted to provide a cursory review of these debates. Some speak of it in terms of weak institutional make up. Others talk about the preponderance of ethnic and personal networks of power that forced the state to be neo-patrimonial. Still others speak of sustained but cavalier attempts to import and impose Western models of governance (like neo-liberalism) in Africa which ignore local realities and often falter. As I indicated before, these schools of thought about the nature of the post colonial state in Africa do not provide us an exhaustive list of explanations about the root causes of authoritarianism in Africa. Rather they point out to the need for a more comprehensive and deeper analysis about the structure and functions of the Kenyan state, itself a post-colonial creation. Two caveats are important here.

First, this is not to argue that citizenship is not entirely contested at an urban level at all. Rather, it is to argue that urban refugees employ their individual and collective agency as well as resources to chip away from the confining, monitoring and fixing acts of the state both at urban and national levels. Hence, struggles for “right to the city” do not happen exclusively or detached from parallel struggles for “right to the nation-state”. These processes are happening altogether at once. They are intertwined both in essence (what

urban refugees demand) and in scale (whether they demand it at national or urban levels). Our task should therefore be to explore the inter-linkages between these registers of political action. It is in that spirit that I call for a re-focus also on the politics of the nation-state. Here, I think Warren Magnusson's recent work and his call for understanding the politics of urbanism (2011) both through the optic of the "nation-state" and "the city" is a useful point to start from.

Second, the lack of integration cannot wholly be attributed to the policies of the state. Refugees' own conception of otherness and their tendency to cling to folks from their country of origin for psychological and social purposes also explains the lack of full integration. This is reinforced by the unique economic, religious and cultural institutions and practices that refugees create. For instance, there are two Ethiopian Orthodox churches and around seven Ethiopian evangelical churches. They have charity and care giving associations like "Maedot". These institutions provide assistance for the poor, the sick and the elderly. They provide trainings in language and business skills to help refugees integrate. They comfort refugees when a family member passes away. They support refugees who choose to go back to Ethiopia by defraying travel costs. Refugees also have fraternity and sorority associations known as "Mahibers."

There are two effects of this particular process. On the one hand, it proves that refugees are constantly involved in creating social practices and structures. Their temporal and spatial suspension in Nairobi did not deter them from such "creative" transition. It is also essential to note that different cohorts of refugees come and go via Nairobi but the institutions that they founded outlast their "stay" in Nairobi. But on the other hand, these institutions are exclusively for Ethiopian refugees; reinforcing that identity of 'otherness';

preventing local Kenyans from joining in, and also serving as disincentives for Ethiopian refugees to break their shell and fully integrate with the Kenyan public. In a situation where this social and cultural divide is clearly felt and pronounced by both sides, the Kenyan state would not obviously entertain the bequeathal of political rights in urban centers. In other words, the lack of integration on the part of refugees themselves dampens efforts for full urban citizenship in the Lefebvrian sense.

8.3 Policy Recommendations

Chapter 7 has dealt with policy recommendations made both by refugees and policy actors in great detail. However, most of these recommendations could be clustered into five (5) focal areas. First, refugees and policy actors stressed the need to promote economic opportunities for urban refugees offering them both employment and business opportunities. Secondly, they stressed the importance for legal recognition and protection. This, many stated, could be facilitated by cutting the bureaucratic red tape that prevents refugees from securing “alien certificates”, and UN “mandated refugee certificates” in time.

Even more, one third of our refugee respondents expressed their enthusiasm about the new Kenyan constitution which avails the opportunity for naturalization. Hence they called for legal and policy instruments that offer a path to Kenyan citizenship. Fourthly, both refugees and policy actors stressed the importance of going beyond encampment, recognizing and addressing the challenges and opportunities that urban refugees avail in Nairobi. This, they argued, could be realized not only through legislative and policy actions by the state but also by promoting the economic and social integration of refugees

into the mainstream Kenyan society. Last but not least, both urban refugees and policy actors in government and the civil society sector underscored the need to involve urban refugees in Nairobi's governance as crucial stakeholders.

8.4 Stranded Strangers

This study is about strangers who are stranded in space, time and identity in Nairobi. It is about Ethiopian refugees whose stay in Nairobi produced interesting social, economic and political practices difficult to qualify in such conventional terms like “refugee”, “immigrant” or a “citizen”. The bulk of the analysis can be summed up under this overarching theme of being a “stranded stranger”. All said, urban refugees exist and interact on *two* different spaces. On the one hand, they are aggressively involved in economic activities, social and religious affairs. They muster their skills, money, time and social networks not only to survive but also to create revenue and employment opportunities; to render social support for fellow other refugees; and to negotiate access and rights to the Kenyan state. On the other hand, refugees operate under punitive, highly exploitative and discriminatory political and policy regimes which deprive them some basic liberties and freedoms as well as the legal protection they deserve from the host nation i.e. the Kenyan state. It is this virtual state of suspension; this liminal state of existence between a refugee and an urban citizen; I preferred to call being a “stranded stranger”.

The reality of urban refugees is torn in such a way that they meet two of the criteria of Lefebvre's concept of urban citizenship (inhabitation and the production of urban spaces) but they miserably fail to meet the third criterion i.e. political rights to participate in the

governance of the city. Given these findings, the right to the city literature should expand its horizon and conduct more empirical and comparative studies in non-western cities. It needs to shed apriori assumptions about the impact of globalization on the power of nation-states. Rather it should explore how the “national” interacts with the “urban”. It also needs to grapple with the notion of post-colonial states in the South where authoritarian and neo-patrimonial regimes are more of the norm than the exception. As evidenced in this study, their history and dynamics is clearly different than the case of liberal, democratic, and Westphalian states in Europe and North America. Such ventures will not stifle attempts to develop meta theories about urbanism at a global scale. Instead, they will provide us the theoretical insights and the research techniques to understand cities better everywhere.

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Appendix 1: Interview Questions for Ethiopian Refugees in Nairobi

Age _____

Gender _____

Location _____

I. Arrival

1. How long have you been living in Nairobi? What was the primary reason that made you leave your country of origin?
2. Have you been living in Refugee camps before moving to Nairobi? If yes, why did you move to Nairobi?
3. Did you have a host family or a relative who assisted you while arriving in Nairobi? If yes, what kind of support did they provide you?
4. Do you rent your place of domicile in Nairobi? If yes, how did you contact the land lords?
5. Were there any surprises or cultural shocks that you experienced when you first landed in Nairobi? Can you share some of your anecdotes with us?

II. Economic Rights

6. What is your major source of income in Nairobi? How do you cover your monthly expenses for food, clothing and shelter?
7. Do you have preferences when it comes to who you buy your basic essentials (food, and clothing) from? If yes, please discuss?

8. Are you engaged in any remunerative economic activity in Nairobi? If so, can you tell us more about your occupation?
9. If you have a job, do you work alongside Kenyans at your work place? If yes, how do you evaluate the relationship between Kenyans and Ethiopian refugees at your job?
10. Do you have a bank account in Nairobi? If yes, how easy is it for refugees to open a bank account in Nairobi?
11. Do you have a business of your own in Nairobi? If yes, what do you sell? And when did you establish your business?
12. Do you have particular preference about who you hire in your business (Kenyans, Ethiopian Refugees or both)? In any of these cases, why?
13. Are you licensed by the city government? Can you tell us how the process works for refugees that would like to open businesses in Nairobi?
14. Do you pay taxes to the city government, the national government, or both?
15. Are there practices of corruption and nepotism in relation to the licensing, registration, and tax collection of small enterprises by the Kenyan authorities?
16. How is your business being viewed by Kenyans or other refugees in Nairobi?
17. Are you a member of any local saving and credit association in Nairobi?
18. In your opinion, do Ethiopian refugees play a key role in transforming the urban neighborhoods of Nairobi? If so, how? If not, why not?

III. Political Rights

19. Are you registered or ID'ed by the Kenyan government or the city council as a refugee? If yes, which agency is responsible? And, what are the procedures involved?
20. Do the Kenyan authorities specify your 'rights' as urban refugees? If yes, what are the main rights and protections that you have while living in Nairobi?
21. Do the Kenyan authorities specify duties and restrictions on you as urban refugees? If yes, what are these duties and restrictions that you have to abide by while living in Nairobi?
22. How do you evaluate the relationship between the Nairobi police department and urban refugees?
23. Do you think refugees are subjected to unfair scrutiny, harassment or abuse by the Nairobi police? If yes, why do you think is this the case?
24. How do urban refugees handle such incidents? How do they negotiate rights 'with' the law enforcement officials?
25. What types of civil society organizations are involved in supporting and handling legal and political matters of Ethiopian refugees in Nairobi?
26. In general, how do you evaluate the relationship between ordinary Kenyans and Ethiopian refugees in Nairobi?

IV. Social Capital

27. Do you or other Ethiopian refugees you know of attend schools or higher education institutions in Nairobi? If yes, can you mention where?

28. Do refugees have preferences for study purposes? If yes, why? (School fees, curricula, proximity, sense of community etc...) Do Ethiopian refugees have their own community schools in Nairobi?

29. Do Ethiopian refugees have their own religious institutions (churches or mosques) in Nairobi? If so, do you know how these institutions were established and managed?

30. Do you attend such religious services? If so, can you tell us the reasons why you attend these services? How do these institutions impact both refugees and the host community?

31. What other cultural associations do Ethiopian refugees have in Nairobi? How do these institutions impact both refugees and the host community?

V. Urban Refugee Policy

32. In your opinion, what kind of legal or policy reforms can the Government of Kenya (GoK) or the city of Nairobi introduce to address the conditions of urban refugees?

33. Do you have any other comment?

Appendix 2: Interview Questions for Community Representatives of Ethiopian Refugees in Nairobi

Gender _____

Location _____

I. Arrival

1. When did Ethiopian refugees start to migrate into Kenya? Can we speak of different phases of refugee inflow into Kenya from Ethiopia?
2. What are the primary reasons that instigated the outflow of people from Ethiopia into Kenya?
3. Relatively speaking, are many of the Ethiopian refugees found in refugee camps or in the city of Nairobi?
4. What are the pros and cons of staying in refugee camps?
5. Do many refugees travel into Nairobi from camps? If yes, why do they move into Nairobi from these camps?
6. What are the pros and cons of staying in cities like Nairobi for refugees?
7. What kind of support system do refugees have when they settle in Nairobi? Can we speak of different social (family, community or organizational) support schemes for new people?
8. How do people access housing services in Nairobi? And how do they cover costs related to housing?

9. Do most Ethiopians experience cultural shocks when they first land in Nairobi?
Can you share some of your anecdotes with us?

II. Economic Rights

10. How do refugees support themselves financially? How do they cover their monthly expenses for food, clothing and shelter?
11. Are there Ethiopian refugees engaged in any remunerative economic activity in Nairobi? If so, can you tell us more about these occupations and economic activities?
12. Are there businesses owned and run by Ethiopian refugees? If yes, can you tell us more about the nature of these businesses?
13. Do these businesses have particular preference about who they hire as a worker (Kenyans, Ethiopian Refugees or both)?
14. Do these businesses cater only for Ethiopians or both Kenyans and Ethiopians?
15. Do Ethiopian refugees have local saving and credit association in Nairobi?
16. Is Nairobi a business friendly city for urban refugees when it comes to the registration, licensing and operation? If yes, why? If not, why not?
17. Are there practices of corruption and nepotism in relation to the licensing, registration, and tax collection of small enterprises by the Kenyan authorities?
18. In your opinion, how do Kenyans view business owned and run by Ethiopians in Nairobi?
19. In your opinion, do Ethiopian refugees play a key role in transforming the urban neighborhoods of Nairobi? If so, how? If not, why not?

III. Political Rights

20. Which government agencies are responsible for following up on refugee affairs in Nairobi? What are their respective responsibilities?
21. Do Kenyan authorities specify the 'rights' of urban refugees? If yes, what are the main rights and protections that you have while living in Nairobi?
22. Do the Kenyan authorities specify duties, or prohibitions on urban refugees? If yes, what are these prohibitions that urban refugees need to abide by while living in Nairobi?
23. How do you evaluate the relationship between the Nairobi police department and urban refugees?
24. Do you think refugees are subjected to unfair scrutiny, harassment or abuse by the Nairobi police? If yes, why do you think is this the case?
25. How do urban refugees handle such incidents? How do they negotiate rights 'with' the law enforcement officials?
26. What types of civil society organizations are involved in supporting and handling legal and political matters of Ethiopian refugees in Nairobi?
27. In general, how do you evaluate the relationship between ordinary Kenyans and Ethiopian refugees in Nairobi?
28. Do you think urban refugees should have some sort of political representation at locations, division or Nairobi city level? If yes, why? If no, why not?
29. In your opinion, are urban Ethiopian refugees in Nairobi active in the production of urban space? If so, how? If not, why not?

IV. Social Capital

30. Do Ethiopian refugees have their own educational institutions (primary, middle or high schools etc...)
31. Do Ethiopian refugees have preferences for school purposes? If yes, why? (School fees, curricula, proximity, sense of community etc.)
32. Do Ethiopian refugees have their own religious institutions (churches or mosques) in Nairobi? If so, do you know how these institutions were established and managed?
33. In your opinion, do these religious institutions have other social functions than organized worship? How do these institutions impact both refugees and the host community?
34. What other cultural associations do Ethiopian refugees have in Nairobi? How do these institutions impact both refugees and the host community?

V. Urban Refugee Policy

35. In your opinion, what kind of legal or policy reforms can the Government of Kenya (GoK) or the city of Nairobi can introduce to address or improve the conditions of urban refugees?
36. Do you have any other comment?

Appendix 3: Interview Questions for Ethiopian Business leaders in Nairobi

Gender _____

Location _____

I. Arrival

1. When did Ethiopian refugees start to migrate into Kenya? Can we speak of different phases of refugee inflow into Kenya from Ethiopia?
2. What are the primary reasons that instigated the outflow of people from Ethiopia into Kenya?
3. Relatively speaking, are many of the Ethiopian refugees found in refugee camps or in the city of Nairobi?
4. What are the pros and cons of staying in refugee camps?
5. Do many refugees travel into Nairobi from camps? If yes, why do they move into Nairobi from these camps?
6. What are the pros and cons of staying in cities like Nairobi for refugees?
7. What kind of support system do refugees have when they settle in Nairobi? Can we speak of different social (family, community or organizational) support schemes for new people?

8. How do people access housing services in Nairobi? And how do they cover costs related to housing?
9. Do most Ethiopians experience cultural shocks when they first land in Nairobi?
Can you share some of your anecdotes with us?

II. Economic Rights

10. How do refugees support themselves financially? How do they cover their monthly expenses for food, clothing and shelter?
11. Are there Ethiopian refugees engaged in any remunerative economic activity in Nairobi? If so, can you tell us more about these occupations and economic activities?
12. Are there many businesses owned and run by Ethiopian refugees? If yes, can you tell us more about the nature of these businesses?
13. Do these businesses have particular preference about who they hire as a worker (Kenyans, Ethiopian Refugees or both)?
14. Do these businesses cater only for Ethiopians or both Kenyans and Ethiopians?
15. Do Ethiopian refugees have local saving and credit association in Nairobi?
16. Is Nairobi a business friendly city for urban refugees when it comes to the registration, licensing and operation? If yes, why? If not, why not?
17. Are there practices of corruption and nepotism in relation to the licensing, registration, and tax collection of small enterprises by the Kenyan authorities?
18. In your opinion, how do Kenyans view business owned and run by Ethiopians in Nairobi?

19. In your opinion, do Ethiopian refugees play a key role in transforming the urban neighborhoods of Nairobi? If so, how? If not, why not?

III. Political Rights

20. Which government agencies are responsible for following up on refugee affairs in Nairobi? What are their respective responsibilities?

21. Do Kenyan authorities specify the ‘rights’ of urban refugees? If yes, what are the main rights and protections that you have while living in Nairobi?

22. Do the Kenyan authorities specify duties, or prohibitions on the businesses of urban refugees? If yes, what are these prohibitions that urban refugees need to abide by while living in Nairobi?

23. How do you evaluate the relationship between the Nairobi police department and the businesses of urban refugees?

24. Do you think refugees are subjected to unfair scrutiny, harassment or abuse by the Nairobi police? If yes, why do you think is this the case?

25. How do urban refugees handle such incidents? How do they negotiate rights ‘with’ the law enforcement officials?

26. What types of civil society organizations are involved in supporting and handling legal and political matters of refugees owned businesses in Nairobi?

IV. Urban Refugee Policy

27. In your opinion, what kind of legal or policy reforms can the Government of Kenya (GoK) or the city of Nairobi can introduce to address or improve the conditions of urban refugees?
28. Do you have any other comment?

Appendix 4: Interview Questions for Kenyan Officials in Nairobi

Gender _____

Agency _____

I. Laws, Policies and Political Rights

1. In your opinion, what are the reasons that make Ethiopian and other refugees come to Nairobi?
2. Do you think refugees should be allowed to settle in cities like Nairobi? Or is it more advisable to settle them in refugee camps? Why?
3. Do you think refugees should be registered or ID'ed by Kenyan officials before moving into Nairobi's neighborhoods? If so, why? If not, why not?
4. How do you evaluate Kenya's adherence to the 1951 UN Convention on Refugees to which it is a signatory?
5. Are you familiar with Kenyan national laws and policy instruments on refugees? If so, can you outline the basic provisions, policy goals and strategies of the Kenyan government on refugees?
6. Which agencies are responsible for enforcing these national laws and policies? And how successful has the Kenyan government been in implementing its policy?
7. How do you assess the role of your agency in implementing the national policy on refugees? What are its major activities and achievements? What are its challenges and obstacles?

8. How do you evaluate the relationship between the law enforcement agencies (such as the Nairobi police department) and urban refugees?
9. Do you think refugees are subjected to unfair scrutiny, harassment or abuse by the Nairobi police? If yes, why do you think is this the case?
10. How do urban refugees handle such incidents? How do they negotiate rights ‘with’ law enforcement officials?
11. How do you assess the role and performance of local non-governmental organizations working on the issue of urban refugees in Nairobi? What are the strength and weaknesses of these organizations?
12. How do you view the role and performance of UNHCR and IOM working on the issue of urban refugees in Nairobi? What are the strength and weaknesses of these organizations?
13. Do you think urban refugees should have some sort of political representation at locations, division or Nairobi city level? If yes, why? If no, why not?

II. Economic Rights

14. Are there Ethiopian or other refugee businesses in Nairobi? If yes, how do Kenyans view these businesses owned and run by refugees?
15. Do you think, Ethiopian or other refugees in Nairobi should be allowed to open up businesses and trade alongside Kenyan counterparts? If so, why? If not, why not?
16. Are businesses owned and run by refugees registered, licensed and taxed by government? If so, which authority is in charge of these duties and prerogatives?
17. In your opinion, do refugees play a key role in transforming the urban neighborhoods of Nairobi? If so, how? If not, why not?

III. Social Capital

18. Are you aware of Ethiopian or other urban refugees attending schools or higher education institutions in Nairobi? If yes, can you mention where?
19. Are you aware of any community school founded and managed by Ethiopians or other urban refugees in Nairobi? If so, why do you think refugees prefer their own schools than the Kenyan public school system?
20. Are you aware of religious institutions (churches or mosques) in Nairobi founded by Ethiopian refugees? If so, do you know how these institutions were established and managed?
21. In your opinion, how do religious institutions impact both refugees and the host community?
22. What other cultural associations do Ethiopian refugees have in Nairobi? How do these institutions impact both refugees and the host community?
23. Is there concern/fear amongst Kenyans that refugees are not ‘integrating’ to Kenyan ways of living and hence are creating isolated cultural enclaves in Nairobi? If so, can you share us anecdotes or incidents where Kenyans expressed their concern about the rising influx of urban refugees from neighboring countries?
24. In general, how do you evaluate the relationship between ordinary Kenyans and Ethiopian refugees in Nairobi?
25. In your opinion, are urban Ethiopian refugees in Nairobi active in the production of urban space? If so, how? If not, why not?

IV. Urban Refugee Policy

26. Do you think Kenyan laws and policies on urban refugees are right? If so why? If not, why not?

27. Do you think Kenyan laws and policies on urban refugees are effectively enforced? If so why? If not, why not?

28. In your opinion, what should the policy priorities of the Kenyan government be when it comes to urban refugees in neighboring countries?

29. In your opinion, what should the policy priorities of local and international organizations be when it comes to urban refugees in neighboring countries?

Appendix 5: Sample Interview Questions for Representatives of Local and International Organizations

Gender _____

Agency _____

I. Background

1. How long have you been living in Nairobi?
2. Have you come across Ethiopian refugees in your neighborhood? If yes, since when did you begin to notice these refugees?
3. Do you remember a particular year or period of time when a large number of Ethiopians started to move into your neighborhood?
4. In your opinion, what are the reasons that make Ethiopian and other refugees come to Nairobi?

II. Laws, Policies and Political Rights

5. Do you think refugees should be allowed to settle in cities like Nairobi? Or is it more advisable to settle them in refugee camps? Why?
6. Do you think refugees should be registered or ID'ed by Kenyan officials before moving into Nairobi's neighborhoods? If so, why? If not, why not?
7. How do you evaluate Kenya's adherence to the 1951 UN Convention on Refugees to which it is a signatory?

8. Are you familiar about Kenyan national laws and policy instruments on refugees?
If so, can you outline the basic provisions, policy goals and strategies of the Kenyan government on refugees?
9. Which agencies are responsible for enforcing these national laws and policies?
And how successful has the Kenyan government been in implementing its policy?
10. How do you assess the role of your agency in with regards to urban refugees?
What are your agencies major activities and achievements? What are its challenges and obstacles?
11. How do you evaluate the relationship between the law enforcement agencies (such as the Nairobi police department) and urban refugees?
12. Do you think refugees are subjected to unfair scrutiny, harassment or abuse by the Nairobi police? If yes, why do you think is this the case?
13. How do urban refugees handle such incidents? How do they negotiate rights and resources from the law enforcement officials?
14. How do you assess the role and performance of government agencies working on the issue of urban refugees in Nairobi? What are the strength and weaknesses of these organizations?
15. How do you view the role and performance of other local and international organizations working on the issue of urban refugees in Nairobi? What are the strength and weaknesses of these organizations?
16. Do you think urban refugees should have some sort of political representation at locations, division or Nairobi city level? If yes, why? If no, why not?

III. Economic Rights

17. Are there Ethiopian or other refugee businesses in Nairobi? If yes, how do Kenyans view these businesses owned and run by refugees?
18. Do you think, Ethiopian or other refugees in Nairobi should be allowed to open up businesses and trade alongside Kenyan counterparts? If so, why? If not, why not?
19. Are businesses owned and run by refugees registered, licensed and taxed by government? If so, which authority is in charge of these duties and prerogatives?
20. In your opinion, do refugees play a key role in transforming the urban neighborhoods of Nairobi? If so, how? If not, why not?

IV. Social Capital

21. Are you aware of Ethiopian or other urban refugees attending schools or higher education institutions in Nairobi? If yes, can you mention where?
22. Are you aware of any community school founded and managed by Ethiopians or other urban refugees in Nairobi? If so, why do you think refugees prefer their own schools than the Kenyan public school system?
23. Are you aware of religious institutions (churches or mosques) in Nairobi founded by Ethiopian refugees? If so, do you know how these institutions were established and managed?
24. In your opinion, how do religious institutions impact both refugees and the host community?
25. What other cultural associations do Ethiopian refugees have in Nairobi? How do these institutions impact both refugees and the host community?

26. Is there concern/fear amongst Kenyans that refugees are not ‘integrating’ to Kenyan ways of living and hence are creating isolated cultural enclaves in Nairobi? If so, can you share us anecdotes or incidents where Kenyans expressed their concern about the rising influx of urban refugees from neighboring countries?
27. In general, how do you evaluate the relationship between ordinary Kenyans and Ethiopian refugees in Nairobi?
28. In your opinion, are urban Ethiopian refugees in Nairobi active in the production of urban space? If so, how? If not, why not?

V. Urban Refugee Policy

29. Do you think Kenyan laws and policies on urban refugees are right? If so why? If not, why not?
30. Do you think Kenyan laws and policies on urban refugees are effectively enforced? If so why? If not, why not?
31. In your opinion, what should the policy priorities of the Kenyan government be when it comes to urban refugees in neighboring countries?
32. In your opinion, what should the policy priorities of local and international organizations be when it comes to urban refugees in neighboring countries?

CURRICULUM VITAE

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I. EDUCATION

Doctor of Philosophy (Ph.D) 2009 - 2013

UNIVERSITY OF LOUISVILLE
Louisville, USA

Masters of Research in International Development (M.Res) 2003 - 2005

UNIVERSITY OF BATH
Bath, UK

Bachelor of Arts in Sociology and Social Administration (BA) 1996-2000

ADDIS ABABA UNIVERSITY
Addis Ababa, Ethiopia

II. WORK EXPERIENCE

Teaching

Lecturer with Department of Sociology and Social Anthropology, **Addis Ababa University** (Addis Ababa, Ethiopia) from 2001 to 2013. I am currently on study leave beginning from August 2009.

Tasks and Achievements

I thought the following undergraduate courses: “Urban Sociology”, “Social Development: Theories and Perspectives” and “Social Identities: Class, Ethnicity and Nationalism.” I have also supervised students’ thesis and other research work in addition to teaching.

Faculty Administration

Tasks and Achievements

I was actively involved in faculty related activities during my nine (9) years of tenure in at Addis Ababa University. Accordingly,

- I was elected as a representative (2006-2008) of the academic staff of the College of Social Sciences (CSS) in the Academic Commission of the College which is the highest decision making organ of the College. In the Commission, I took part in the preparation of the Five Years Strategic Plan of the CSS; oversaw the hiring of new academic staff in the College; managed student affairs of admission, grading and graduation ceremonies. I also served as the Secretary of the Commission in charge of the documenting the proceedings of the Commission meetings.
- In 2007, I was elected by the President of Addis Ababa University to chair and lead a faculty-wide committee responsible for founding a Pan-African Studies Centre, an independent and multi-disciplinary research institute, in Addis Ababa University. As a chairperson of this body, I coordinated and led a faculty wide initiative to develop a graduate program in African Studies. I also developed an organizational development plan (ODP) which outlined the academic, administrative and finance goals of this nascent centre over a five years period of time.
- Later in 2008, I also participated in the strategic planning process of developing a five-year strategic plan for the Department of Sociology and Social Anthropology.

Research and Consultancy Projects

I have been involved in a number of research and consultancy endeavors which could broadly be summarized in three thematic areas: 1) **Urban development and the Right to the City**, 2) **Strategic Planning and Development Management**, and 3) **Well-Being and Development Interventions**.

Tasks and Achievements

In each of these academic as well commissioned studies I served in 3 different capacities. I was a **principal researcher** in some of them where I **designed the research questions, developed fitting methodological designs, oversaw the collection of field data and fully participated in the write up of reports**. In other instances, I **co-managed** such research projects. Last but not least, I was also involved as a **field coordinator and research assistance** for some of the studies. A complete list of these undertakings is listed below under Section III.

Professional Associations and Non-Profits

Tasks and Achievements

- I have served as the Deputy Head of the Research and Publications sub-committee of the Ethiopian Society of Sociologists, Social Workers and Anthropologists (ESSWA)'s Executive Committee. The subcommittee was in charge of soliciting **research funds for ESSWA, assisting in the publication of Doctoral and Masters level studies as books, and organizing monthly seminars** for discussions among Ethiopian academics and practitioners in the fields of sociology, social work and anthropology. I served in this capacity for two years (August 2007 - July 2009).

- I have served as the **Board Member** of a national non-profit organization "**Afro Flag Youth Vision Association**" founded by young sociology graduates of the AAU in 2004 to promote youth participation in electoral politics, and offer a youth platform for deliberating on issues of Pan-Africanism and good governance in the continent.

Newspaper Contributor

Aside from scholarly research and publications, I worked as free lance writer and contributor of a famous Ethiopian weekly Newspaper which operated in Ethiopia from 2007 to 2009 known as “Addis Neger”. Up until 2009, “Addis Neger” ranked top in terms of readership and sale in the fledgling private media of Ethiopia. From 2009 on, the newspaper went online (www.addisnegeronline.com) where I served as a regular blogger and commentator of current political issues unfolding in Ethiopia and the Horn of Africa in general until August 2011.

III. RESEARCH AND CONSULTING EXPERIENCE

- Principal Consultant for CIFF (Children’s Investment Fund Foundation) evaluating the Rural health Initiative of the Clinton HIV Aids Initiative-Ethiopia that CIIF has funded for over a period of three years. (November-December 2009)
- Co- researcher and writer of a Three Years Strategic Planning document developed for the Kembatta Women’s Association- Ethiopia, an indigenous Civil Society Organization working on women related development issues in Ethiopia. (October – December 2008)
- Co-Researcher of a national research project entitled “The Impact of Productive Safety Net Programs (PSNP) on Child Education” commissioned by Save the Children UK (SCUK) (November 2007- November 2008).
- Co- researcher in a research team commissioned by the Addis Ababa University to conduct an in-house self evaluation (ISE) exercise (January- May 2008).
- Editor of 5 occasional papers on “Traditional Conflict Resolution Mechanisms in Ethiopia” written by Ethiopian academics commissioned by an Ethiopian NGO namely “The Peace and Development Committee” (October - December, 2007).
- Co-researcher in a research project entitled: *Improving Planning of dam Operation: Using decision support systems to optimize livelihood benefits, safeguard health and protect the environment*” commissioned by the International Water Management Institute, the Ministry of Water Resources and Addis Ababa University. (March-December 2007)

- Principal Researcher in a study entitled “The Status of Governance, Academic Freedom and Teaching Personnel in Ethiopian Higher Education: A case study of two private Ethiopian Higher Education Institutions” commissioned by the Forum for Social Studies (FSS). (September, 2006- August 2007)
- Principal Researcher for a policy review study commissioned by the Aklilu Lemma Foundation on its scholarships and research grant schemes (August, 2006- January 2007)
- Co- researcher and writer of a Three Years Strategic Planning document developed for the Ethiopian Nile Basin Discourse Forum, an indigenous think thank group founded by the CRDA, Inter Africa Group and Christian Aid Ethiopia. (June – September 2006)
- Field researcher on an evaluative research on UNDP-Ethiopia’s partnership with local NGOs in southern Ethiopia on community based HIV/AIDS prevention and control initiatives. [September 1st- December 15 2004]
- Adjunct Researcher in the University of Bath [UK]based, Wellbeing In Developing Countries [WED] Research Project which is an interdisciplinary research group that explored the relationships between poverty , inequality and the quality of life in Ethiopia, Bangladesh, Peru and Thailand(Oct,2004-December 2005).
- Research assistant in a study commissioned to the Christian Michelson Institute [University of Bergen, Norway] by the Norwegian Parliament to study the project activities, associational networks and achievements of Save the Children-Norway in Ethiopia, March- April 2003.
- Research assistant in a baseline survey launched by African Medical Researchers Foundation [AMREF]-Ethiopia in the Liban and Afhder Zones of the Somali Regional State from May the 28th 2001 to July the 20th 2001
- Researcher in a mid-term evaluation of an urban development project in Addis Ababa run by the Integrated Holistic Approach/Urban Development Project [IHA/UDP], January 2001-March 2001.
- Principal Researcher in an evaluative study of the Aklilu Lemma Fund for Scholarship and Research Grants, September – December 2000.

- A student intern in a local NGO namely Alem Children Support Organisation [ACSO], June- August 1999.

IV. PUBLICATIONS

- Derese Getachew Kassa, Alp Ozerdem and Richard Bowd(2010), ‘A Theoretical and Practical Exposition of “Participatory” Research Methods’, **Participatory Research Methodologies: Development and Post Conflict/Disaster Reconstruction**, edited by Richard Bowd and Alpasalan Ozerdem, Ashgate Publishers.
- Derese Getachew Kassa (2009) “**Resettling the Discourse on “ Resettlement Schemes” Towards a new approach**”, In *Proceedings of the 16th International Conference of Ethiopian Studies*, ed. by Svein Ege, Harald Aspen, Birhanu Teferra and Shiferaw Bekele, Trondheim.
- Derese Getachew Kassa (2007), “**The Status of Governance, Academic Freedom and Teaching Personnel in Ethiopia: The Case of Two Private Higher Education Institutions in Ethiopia**”, published by Forum For Social Studies (FSS), Addis Ababa, Ethiopia.
- Derese Getachew Kassa (June, 2004), “**Peasant Reflections on Ethiopia’s Agricultural Development Led Industrialization (ADLI) Program**”, Working Paper, Wellbeing in Developing countries- Ethiopia (WED) project, University of Bath, The United Kingdom. (Posted on the web)
- Helland, Johan and Derese Getachew (October, 2004), “**Study of the Impact of program initiatives by Save the Children Norway in Ethiopia: Building Civil Society**”, published by Christian Michelsen Institute, University of Bergen, Norway.

V. ARTICLES AND PRESENTATIONS

- Derese Getachew Kassa (2012), “**Cities of Refuge: African Refugees and the struggle for Urban Citizenship**”, Bergen Summer Research School 2012 PhD conference, University of Bergen, Norway, held from 20-22 June, 2012.
- Derese Getachew Kassa (2011), “**The Right to the City in Africa: The quest to theorize urban otherness in the South**” in the Annual Conference of the American Political Science Association held from September 1-4, 2011.

- Derese Getachew Kassa (2010), **“An Old Wine in a New Bottle? Ethiopia’s experiment with Urban and District Level Decentralization”**, paper presented at the **53rd** International Conference of the African Studies Association, San Francisco, Nov 18-21, 2010.
- Derese Getachew Kassa (2008), **“A Tragedy of the Urban Commons? A case study of 2 Public Spaces in Addis Ababa”**, paper presented at the 12th Biennial International Conference, by the International Association for the Study of the Commons (IASC) held at the University of Gloucestershire (UK), Cheltenham, from 14-18 July 2008.
- Derese Getachew Kassa (2007), **From OAU to AU: Relevance for Civil Society Organizations in Africa/Ethiopia**, occasional paper read at an International Workshop Organized by African Centre for Humanitarian Action(ACHA), African Rally for Peace and Democratization, Oxfam UK and the Afroflag Youth Vision, November 22-23, 2007.
- Derese Getachew Kassa (2007), **African Citizenship and the Challenges to Realize the United States of Africa**, occasional paper read at an International Civil Society Forum organized by Afro Flag Youth Vision, Oxfam UK, May 26, 2007.
- Ayalew Gebre (PhD), Derese Getachew, and Matthew McCartney (PhD), **“Stakeholder Analysis on the Chara Chara Weir Structure of the Blue Nile”**, commissioned by the International Water Management Institute, the Ministry of Water Resources and Addis Ababa University, August 2007.
- Ayalew Gebre (PhD), Derese Getachew and Matthew McCartney(PhD), **“Stakeholder Analysis of Koga Irrigation and Watershed Management Project in the Amhara National Regional State, Ethiopia”**, commissioned by the International Water Management Institute, the Ministry of Water Resources and Addis Ababa University, August 2007.
- Derese Getachew Kassa (September, 2005) **“Rethinking Ethiopia’s agriculture extension program: A sociology of state-peasant relations”**, Masters of Research dissertation, Department of Economics and International Development, University of Bath, the United Kingdom.
- Derese Getachew et al (August 2003), **“ A Systemic Analysis of the Rwandan Genocide”**, Paper presented for the Peace Research Institute of Oslo, International Summer School, Oslo, Norway.

- Derese Getachew Kassa (June 2000), “**Impact Assessment of Indigenous Interventions on Child Welfare**”, Bachelor of Arts Thesis, Department of sociology and social anthropology, Addis Ababa University, Addis Ababa, Ethiopia.

VI.CAPABILITIES

Excellent Communication Skills

Experience in Program Development, Management and Evaluation

Experience in Organizing, and Managing Research and Consultancy Groups

Excellent Networking and Collaboration skills across and within Agencies

VII.TRAINING AND WORKSHOPS

Transnational Migration and Global Development 2012

Bergen Summer Research School PhD Conference, University of Bergen, Norway, 20-22 June

Developing Peace Research Skills in Africa 2007

United Nation’s University of Peace (UPEACE) and Organisation for Social Science Research in Eastern and Southern Africa (OSSREA)
Addis Ababa, Ethiopia

The Market and the City: Commercialization and Urban Restructuring 2006

Central European University
Budapest, Hungary

Peace Research and Conflict Management 2004

Peace Research Institute of Oslo [PRIO] and the University of Oslo
Oslo, Norway

Social Science Research Methodology	2001
Organisation for Social Science Research in Eastern and Southern Africa Ababa, Ethiopia	Addis
Conflict Prevention and Reconciliation	1996
World Vision International Taiwan	Taipei,

VIII. ADDITIONAL INFORMATION

Member	American Political Science Association
	African Studies Association
	Afro Flag Youth Vision Association
	The Ethiopian Society of Sociologists, Social Workers and Social Anthropologists [ESSWA]
	Organization of Social Science Research in Eastern and Southern Africa [OSSREA]
Language	Amharic and Oromiyfaa (Local Languages) and English

REFERENCES

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Professor Vogel is Professor of Politics and Public Policy at the Department of Politics at Ryerson University and the former Chairman of the Department of Political Science in the University of Louisville. I have worked as his research assistant from August 2009 to August 2011. He is currently the Chair of my PHD committee.

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Professor Ayalew is a former colleague of mine and chairperson of the former Department of Sociology and Social Anthropology at the Addis Ababa University. He is a now full time faculty member at the Department of Anthropology in the same University.

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Mr Workneh is an independent consultant and CEO of WORKOD Consults who has done a lot of consulting and research work for civil society organizations, international aid agencies and government bureaus in Ethiopia. I have had the chance to work with him in more than one of such undertakings as an affiliate.