

Encamped States
The State of the Camp in Kakuma Refugee Camp and
Kalobeyei Integrated Settlement

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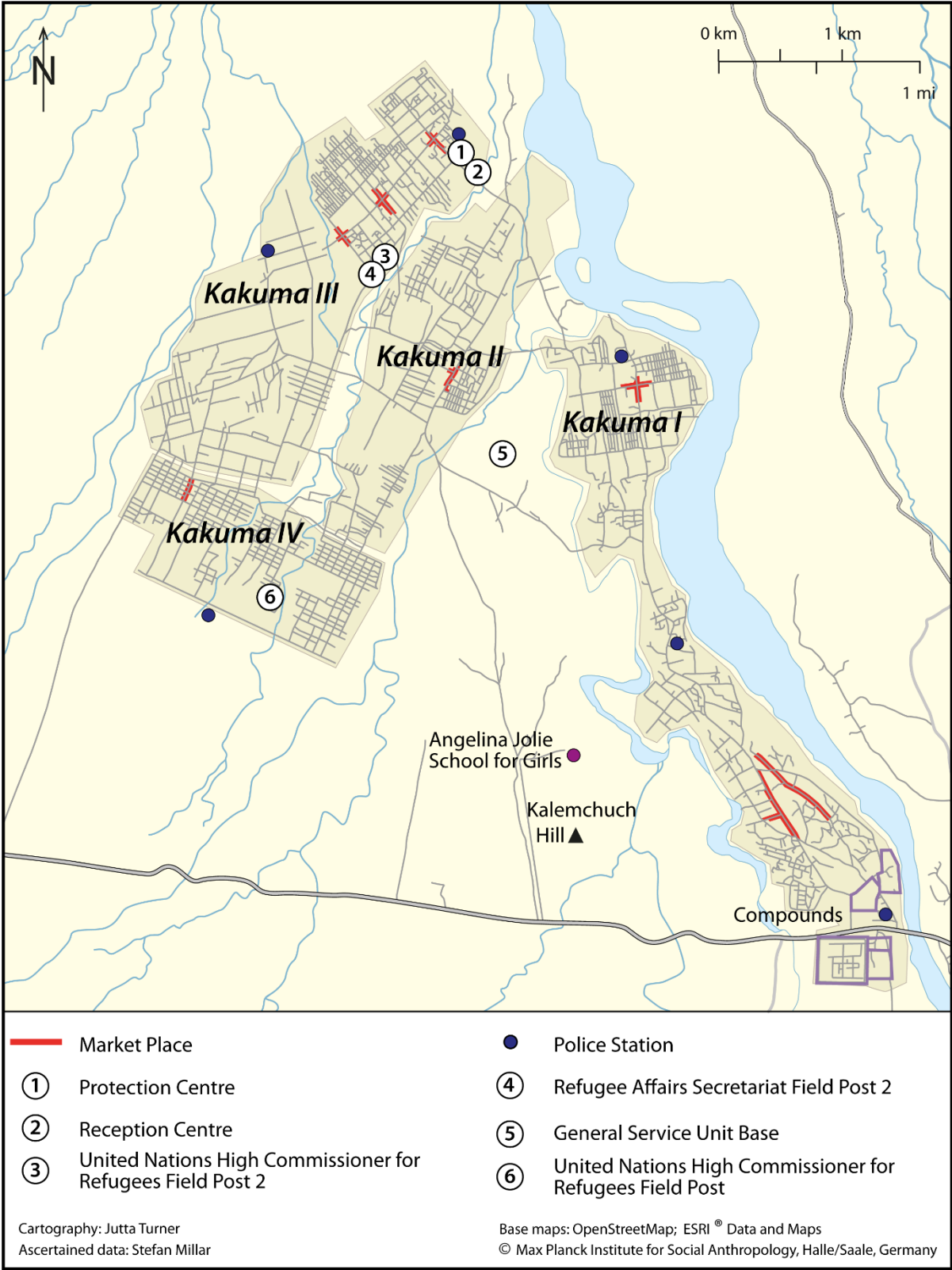
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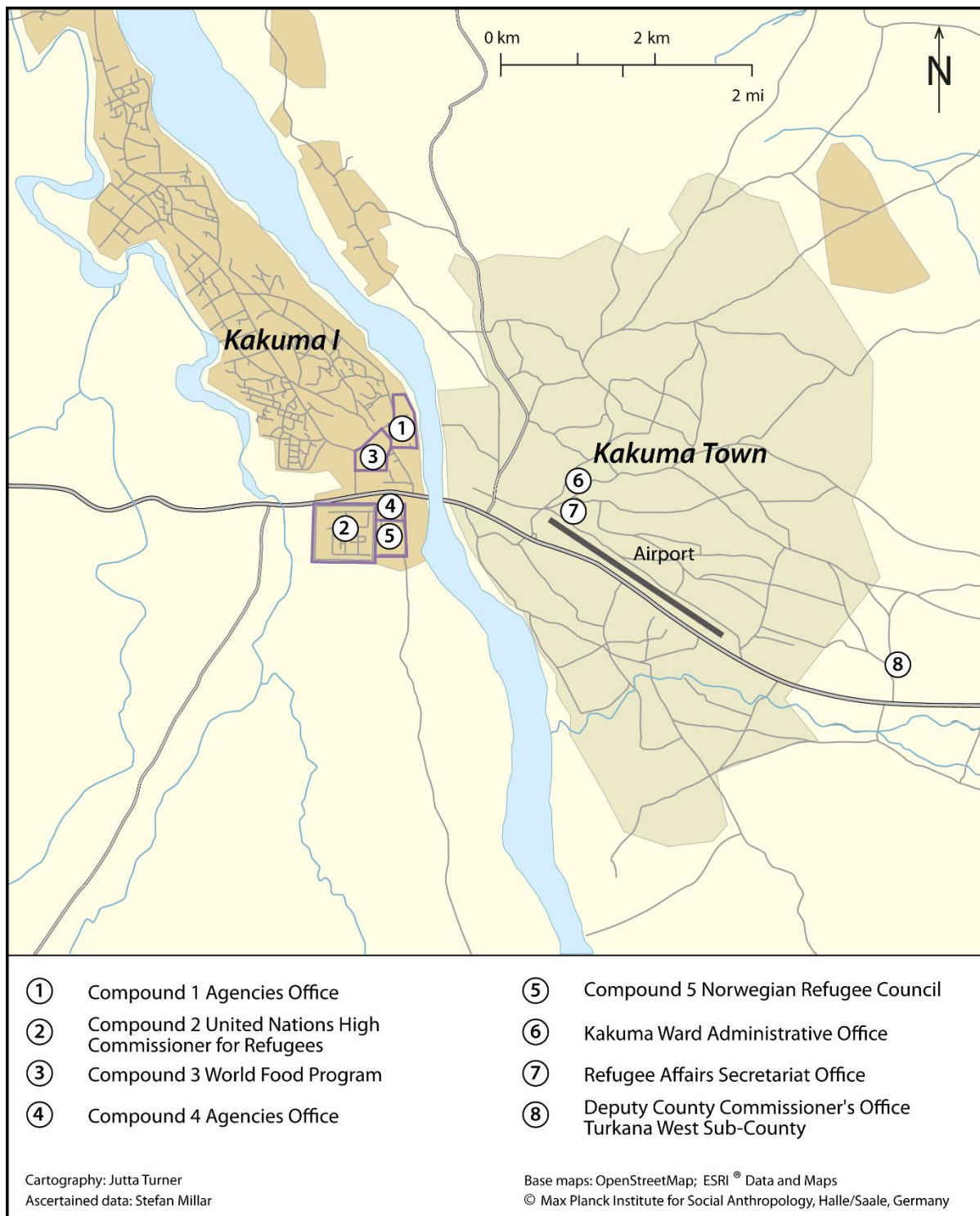
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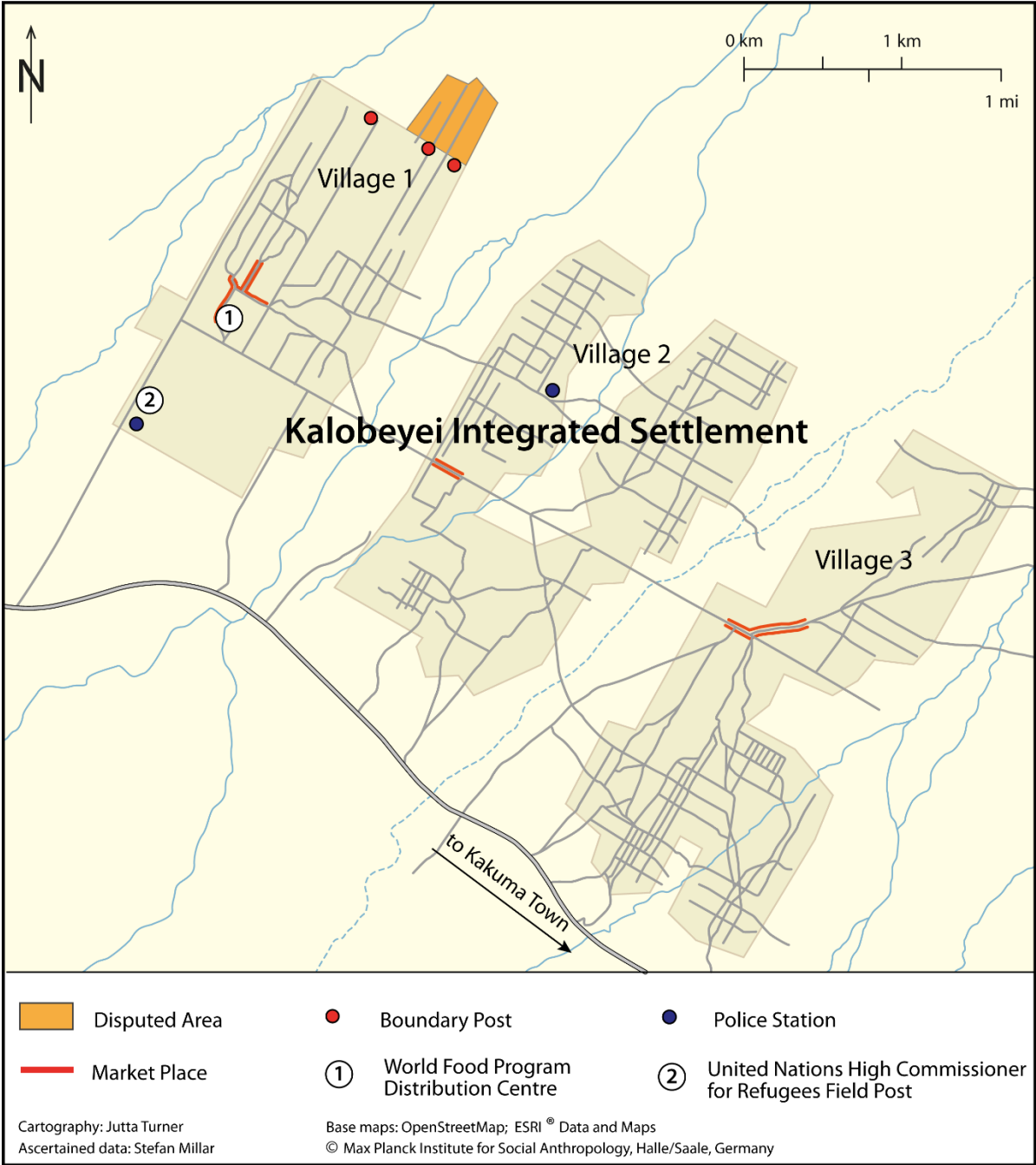
Map 1. Kenya, including refugee camps and field site.



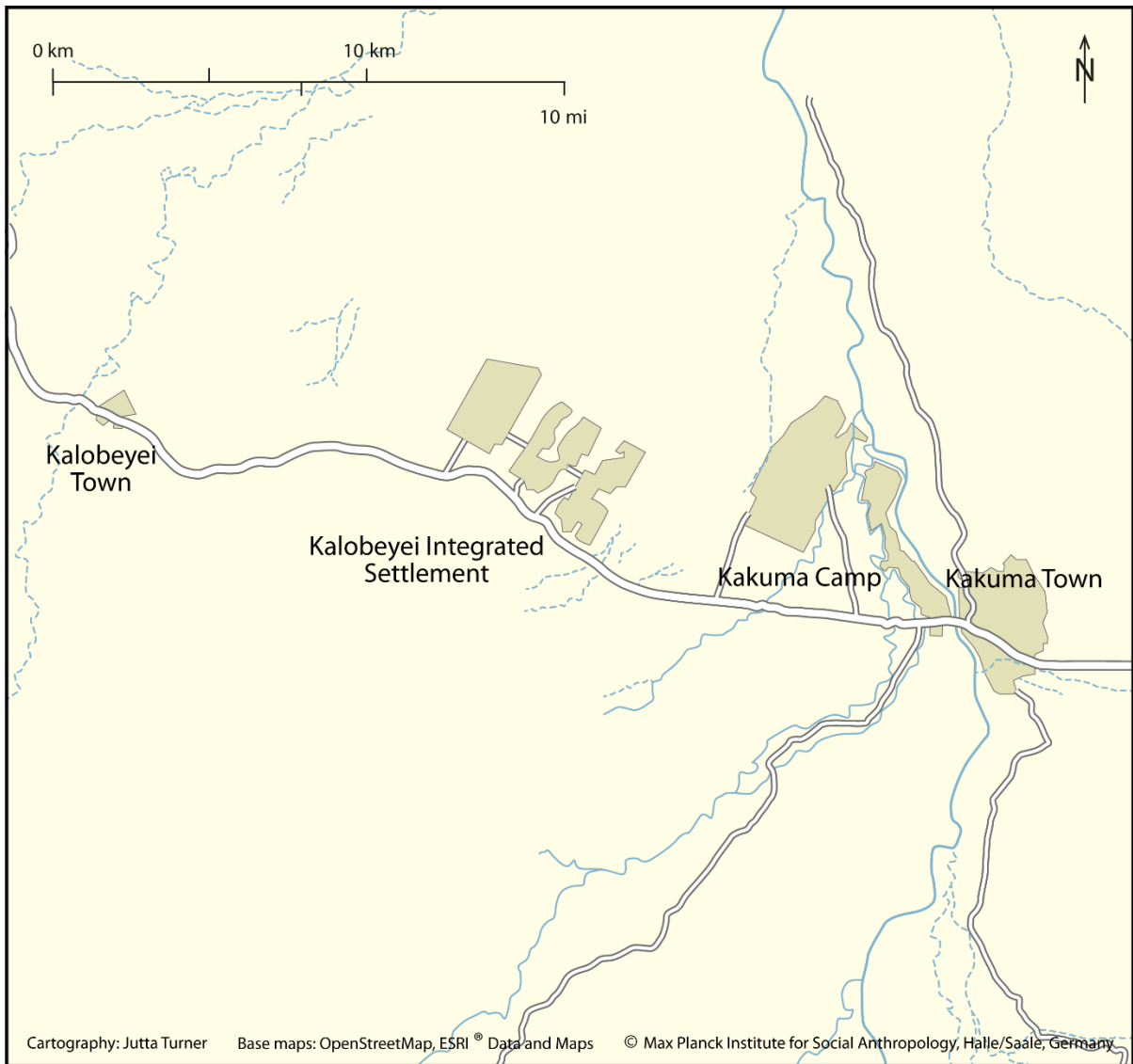
Map 2. Kakuma Refugee Camp and its administrative areas.



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List of Abbreviations

Acronyms in bold occur frequently and are crucial for the understanding of this thesis.

ADCC: Assistant Deputy County Commissioner

AMISOM: African Mission to Somalia

ATPU: Anti-Terror Police Unit

AU: African Union

BBC: British Broadcasting Company

CBO: Community-Based Organisation

CC: County Commissioner

CCCC: Chinese Communications Construction Company

CID: Criminal Investigation Department

CIDP: County Integrated Development Plan

CRRF: Comprehensive Refugee Response Framework

CSO: Community Security Officer

DANIDA: Danish International Development Agency

DCC: Deputy County Commissioner

DCI: Directorate of Criminal Investigation

DRA: Department of Refugee Affairs

DRC: Democratic Republic of Congo

DRS: Department of Refugee Services

DSI: Directorate of Security Intelligence

EU: European Union

FBI: Federal Bureau of Investigations

GSU: General Service Unit

GoK: Government of Kenya

ICC: International Criminal Court

ICLA: Information, Counselling and Legal Advice

IEBC: Independent Electoral and Boundaries Commission

IFMIS: Integrated Financial Management Information System

IMF: International Monetary Fund

IPOA: Independent Policing Oversight Authority

IRC: International Red Cross

JRS: Jesuit Refugee Service

KDF: Kenyan Defence Force

KISEDP: Kalobeyei Integrated Social and Economic Development Program

KNCHR: Kenyan National Commission on Human Rights

KRA: Kenya Revenue Authority

KUSP: Kenya Urban Support Program

LAPSET: Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor

LGBT: Lesbian, Gay, Bisexual and Transgender/Transsexual

LWF: Lutheran World Federation

MCA: Member of County Assembly

MP: Member of Parliament

NCCK: National Council of Churches of Kenya

NCSTI: National Commission for Science, Technology, and Innovation

NFD: North Frontier District

NFDLA: Northern Frontier District Liberation Army

NGO: Non-Governmental Organisation

NIIMS: National Integrated Identity Management System

NIS: National Intelligence Service

NORAD: Norwegian Development Agency

NRB: National Registration Bureau (NRB)

NRC: Norwegian Refugee Council

NRS: National Refugee Service

NSIS: National Security Intelligence Service

NUDP: National Urban Development Policy

OAU: Organisation of African Union

OCS: Officer Commanding Station

ONLF: Ogaden National Liberation Front

RAS: Refugee Affairs Secretariat

ROOLA: Road/Railway, Oil Pipeline, Oil Refinery, Lamu Port and Airports

RSD: Refugee Status Determination

SPCP: Strengthening Protection Capacities Project

SPLA-IO: Sudan People's Liberation Army-in-Opposition

List of Abbreviations

SPLA: Sudan People's Liberation Army

SPLM-IO: Sudan People's Liberation Movement-in-Opposition

SPLM: Sudan People's Liberation Movement

SPP: Security Partnership Project

UK: United Kingdom

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNMISS: United Nations Mission in South Sudan

USA: United States of America

WFP: World Food Programme

Transcriptions, Orthography, Citations, and Pseudonyms

During the research for this thesis, I recorded interviews, speeches, and informal conversations where my informants gave their explicit permission. In addition, I was able to take notes during conversations that I transcribed later. Most interviews and conversations were conducted in English. Sometimes, interviews would be conducted in Kiswahili, Arabic, Thok Naath, Somali, Amharic, or Oromo. In interviews not conducted in English, I often relied on the assistance of a translator. Both interviews and conversations would be directly recorded and transcribed as their English translation.

Only a few Kiswahili, Somali, and Thok Naath words and expressions are used throughout the thesis. Italicised Kiswahili words are utilised to emphasise specific terms commonly used throughout the camp, such as “*Mzee*” (elder). In addition, Somali and Thok Naath terms also feature in the thesis, as they are culturally relevant to the scenarios I am describing. Kiswahili and English were the most commonly used languages within the Kakuma Refugee Camp and Kalobeyei Integrated Settlement. Pronunciation of Kiswahili varied, often reflecting Kenyan dialects such as Nairobi Sheng. For example, informants in Kakuma pronounced the word “*Matatu*” (minivan taxi) in Kiswahili in two forms: 1. *Matatu*; 2. *Mathree*. Somali, Kiswahili, and Thok Naath orthography use Latin letters that allow the pronunciation to be approximated, enabling them to be transcribed as they are pronounced.

The citations of my interviews, my fieldwork diary entries, videos, etc. are categorised and catalogued in text and ordered the following way: [type of record]: [interlocutor’s name], [place of record], [date]. The place of record or name of the informant are often omitted to protect the identity of those involved.

All names are pseudonymised to protect the identity of those involved. Names were replaced with pseudonyms reflecting their religion, ethnic identity, or personal preference.

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the proper respect they deserve. However, protecting their identity and critical voices against the powers that be within Kakuma, Kalobeyei, and beyond continue to be of the utmost importance.

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Deutsche Zusammenfassung

In der vorliegenden Dissertation zeige ich, wie Staaten im Kontext des Flüchtlingslagers Kakuma und der Integrierten Siedlung Kalobeyei konstituiert werden. In der bisherigen Forschung zu Flüchtlingslagern wird die Präsenz von Staaten größtenteils nur am Rande betrachtet, und Lager werden als „Ausnahmezustand“ („state of exception“; Agamben 1998) überzeichnet. Diese Tendenz ist zum Teil der traditionellen Rolle des UNHCR zuzuschreiben, das anstelle des jeweiligen Staates als Verwalter solcher Lager fungiert. Deshalb wird das UNHCR zuweilen als „Staats-surrogat“ (Slaughter and Crisp, 2008) für Flüchtlinge bezeichnet. Seit 2016 übernimmt jedoch der kenianische Staat zunehmend Verantwortung für den Schutz von Flüchtlingen innerhalb seiner Grenzen, und die Flüchtlinge müssen daher mit einem bisher fernen Staat umgehen und verhandeln. Darüber hinaus können Flüchtlinge selbst Vertreter:innen anderer Staaten sein und im Namen externer Staaten innerhalb des Lagers handeln. Im Kontext des Flüchtlingslagers kann sich somit eine Art Staatenbildung vollziehen, die durch die Vielzahl der Staaten und die Mobilität ihrer Akteur:innen gekennzeichnet ist und die ich als „eingelagerte Staaten“ (encamped states) bezeichne. Die vorliegende Dissertation analysiert, wie derartige Staaten in ihrer Vielfalt durch Beziehungen, Praktiken, Bilder und die Mobilität von Akteur:innen und Institutionen konstituiert werden.

Der Fokus der Dissertation liegt auf der Rolle von Staaten im Flüchtlingslager Kakuma und in der Integrierten Siedlung Kalobeyei, wo ich zwischen Mai 2018 und August 2018 sowie zwischen November 2018 und Juli 2019 Feldforschungen durchführte. Zu Beginn meiner Forschung ging es mir um Fragen zu Technologien der Eingrenzung und nicht um die Präsenz von Staaten. Ich hatte nicht erwartet, den Staat hier vorzufinden, denn bisherige Erkenntnisse deuteten auf eine Abwesenheit des kenianischen Staates im Lager hin (Jansen, 2018). Zu meiner Überraschung war jedoch neben dem UNHCR auch der kenianische Staat in Form einer ganzen Reihe verschiedener institutioneller Einrichtungen, darunter regionale Regierungen und Flüchtlingsbehörden, auffallend präsent. Darüber hinaus waren auch fremde Staaten im Lager aktiv – beispielsweise transnationale Akteur:innen und Organisationen – die entweder im Lager ansässig waren oder es häufig besuchten. Im Flüchtlingslager begegnete man Staaten täglich in verschiedenen Funktionen und auf unterschiedliche Weise. Beeinflusst durch die sich verändernden Dynamiken der Politik in Kenia und darüber hinaus, wurden Staaten mittels ihrer Praktiken, Bilder und Beziehungen konstituiert.

Die Feldforschungsorte dieser Studie – das Flüchtlingslager Kakuma und die Integrierte Siedlung Kalobeyei – befinden sich in Turkana County (Kenia), das – wie der Name

impliziert – überwiegend von der Volksgruppe der Turkana bewohnt wird. Während der Kolonialzeit wurde die Region durch ein System der indirekten Herrschaft von Distriktkommissaren regiert, die die Führung an lokale Oberhäupter übergaben (Anderson and Killingray, 1991). In dieser Zeit diente Kakuma als Verwaltungszentrum für den umliegenden Bezirk (Rodgers, 2020). Die Region wie auch der Rest von Turkana wurde vom Kolonialstaat wirtschaftlich weitestgehend ignoriert (Eriksen and Lind, 2009). Nach der Unabhängigkeit Kenias wurde Turkana von der Zentralregierung weiterhin vernachlässigt. Aus diesem Grund war Turkana District stark auf Entwicklungshilfe und Wohlfahrtsdienste der Katholischen Kirche und der Norwegischen Agentur für Entwicklungszusammenarbeit (NORAD) angewiesen.

Die Gründung des Flüchtlingslagers Kakuma 1992 war im Wesentlichen das Ergebnis der bevorzugten Vorgehensweise des UNHCR, nämlich der Unterbringung von Geflüchteten in Lagern (Abuya, 2004; Verdirame and Harrell-Bond, 2005). Bis 1990 war der kenianische Staat für den Schutz der Flüchtlinge verantwortlich. Nachdem nach 1990 die Anzahl von Flüchtlingen aufgrund des Krieges und der Hungersnot in Somalia (Abuya, 2004) sowie der Auflösung von sudanesischen Flüchtlingslagern in Äthiopien (Deng, 2011) dramatisch anstieg, gab der kenianische Staat die Kontrolle über den Flüchtlingsschutz an das UNHCR ab (Verdirame and Harrell-Bond, 2005). Von den 1990er Jahren bis Anfang der 2000er Jahre war das UNHCR Verwalter von Kakuma und verhielt sich wie ein „Souverän“ (Jansen, 2018). Das „care and maintenance“-Modell des UNHCR hatte zur Folge, dass die Flüchtlinge besser versorgt waren als die lokale Turkana-Bevölkerung (Slaughter and Crisp, 2008, p.8).

Über einen Zeitraum von 25 Jahren (1992 bis 2016) war das UNCHR hauptverantwortlich für die Verwaltung des Lagers; danach übernahm der kenianische Staat größtenteils die Kontrolle. Schon Anfang der 2000er Jahre waren das kenianische Amt für Flüchtlingsangelegenheiten (Department of Refugee Affairs, DRA) und die kenianische Polizei in Kakuma stationiert. Obwohl sie vom UNHCR finanziert wurden (Betts 2005), stellten sie dennoch eine Repräsentation des kenianischen Staates (Mwangi, 2006; Brankamp, 2019; Walkey 2019) dar, wenn auch in einem sehr begrenzten Umfang. Das kenianische Flüchtlingsgesetz von 2006 und die Einrichtung des DRA bildeten die Grundlage für eine schrittweise Übergabe der Verantwortung für den Schutz der Flüchtlinge (Walkey, 2019). Die aktive Kontrolle über den Flüchtlingsschutz in Kenia übernahm der kenianische Staat allerdings erst 2016 nach Gründung des Sekretariats für Flüchtlingsangelegenheiten (Refugee Affairs Sekretariat, RAS) innerhalb des Innenministeriums. Das Sekretariat wurde als

Deutsche Zusammenfassung

Reaktion auf die zunehmende Bedrohung durch den Terrorismus in Kenia (Lind, Mutahi and Oosterom, 2017) gegründet und ermöglichte es der Zentralregierung, größere Kontrolle über den Flüchtlingsschutz in Kenia auszuüben, mit eingeschränkter Einflussnahme des UNHCR (Walkey, 2019). Die wichtigsten Schwerpunkte bei dieser Übernahme waren die Rückführung somalischer Flüchtlinge (Mutamo, 2016), die Verwaltung des Lagers, die Bestimmung des Flüchtlingsstatus und die Registrierung der Flüchtlinge. Auf der Grundlage des Flüchtlingsgesetzes von 2006 war die RAS dazu berechtigt, das Lager entsprechend der Weisungen des Innenministeriums zu verwalten. Bis heute stellt die Präsenz des RAS – mehr als die aller anderen staatlichen Organe im Lager – eine Verkörperung des kenianischen Staates dar.

Das RAS war jedoch nicht die einzige staatliche Behörde in Kakuma und Kalobeyei; die regionale Regierung von Turkana County war ebenfalls vertreten, wenn auch in geringerem Maße. Die Verfassung von 2010 etablierte die Counties als halbautonome regionale Einheiten des Staates in Kenia (D’Arcy and Cornell, 2016; Orr, 2019). Die Regierungen der Counties sind der Zentralregierung formal nicht untergeordnet, sondern sollen als beratende Instanz mit ihr zusammenarbeiten (Kanyinga, 2016). Der neuen Verfassung zufolge muss die Nationalregierung 15 Prozent ihrer Einnahmen an die Counties weitergeben und weitere fünf Prozent müssen für die Hilfe für marginalisierte Gemeinschaften – wie die der Turkana – bereitgestellt werden. Somit erhält auch Turkana County beträchtliche Zuschüsse der Nationalregierung und ist nicht mehr auf die Patronage des Präsidenten für die Umverteilung von Fördermitteln der Zentralregierung angewiesen (Kanyinga, 2016; Orr, 2019). Die Finanzierung durch die Nationalregierung schlägt sich beispielsweise im ersten Integrierten Entwicklungsplan (County Integrated Development Plan I, CIDP) von Turkana für die Jahre 2013 bis 2017 nieder, der unter anderem die Errichtung von Schlachthöfen, Rindermärkten, Gesundheitseinrichtungen, Schulen usw. ermöglichte.

Infolge der Schaffung des Kalobeyei Integrated Social and Economic Development Program (KISEDIP) beschäftigt sich die Regierung von Turkana County verstärkt mit der Flüchtlingssituation in Kakuma. KISEDIP ist Teil des CIDP II (2018–2022) von Turkana, der in Zusammenarbeit zwischen der Regierung von Turkana County, dem UNHCR und der Weltbank mit dem Ziel durchgeführt wird, die Entwicklung in der Region Kakuma und Kalobeyei voranzubringen (UNHCR, 2018). KISEDIP stellt das Rahmenprogramm für den Bau der Integrierten Siedlung Kalobeyei dar, eines neuen, permanenten Lagers, das fünf Kilometer von der Grenze des Flüchtlingslagers Kakuma entfernt entsteht. Durch das neue

Lager sollen Flüchtlinge und die lokale Turkana-Bevölkerung weniger auf Hilfe angewiesen sein, sie sollen mehr Eigenverantwortung erhalten, und das Wachstum der Privatwirtschaft soll gestärkt werden (Betts, Omata and Sterck, 2020). Die Integrierte Siedlung Kalobeyei wurde 2018 als Wohnort sowohl für ortsansässige Turkana als auch für Flüchtlinge gegründet, allerdings wird sie bisher nur von Flüchtlingen bewohnt. Die Siedlung soll die lokale Integration von Flüchtlingen fördern und darüber hinaus, so die Hoffnung der Vertreter:innen der Regierung von Turkana County, den Übergang für die lokale Turkana-Bevölkerung erleichtern, falls das Flüchtlingslager Kakuma aufgelöst wird. Wenn die Flüchtlinge Kakuma verlassen, geht die neu gebaute permanente Siedlung vom UNHCR an Turkana County über.

Zum Zeitpunkt des Verfassens der vorliegenden Dissertation existiert das Flüchtlingslager Kakuma bereits seit 30 Jahren. Obwohl das Lager als kurzfristige Lösung für einen vorübergehenden Zustrom von Menschen aus dem Sudan, Äthiopien und Somalia vorgesehen war, wird es heute mit dem Bau der Integrierten Siedlung Kalobeyei zunehmend zu einer permanenten Einrichtung. Nach Angaben des UNHCR lag die Gesamtbevölkerung von Kakuma und Kalobeyei zum 31. Dezember 2021 bei 219.875 registrierten Flüchtlingen und Asylsuchenden, die vor allem aus Südsudan, Somalia, der Demokratischen Republik Kongo, Äthiopien und Sudan kommen (UNHCR, 2021). Das Flüchtlingslager Kakuma ist eines von zwei Lagern in Kenia. Das zweite befindet sich in Daab in Garissa County und weist eine Bevölkerung von 236.254 überwiegend somalischen Flüchtlingen und Asylsuchenden auf (UNHCR, 2021). Insgesamt gab es zum 31. Dezember 2021 über eine halbe Million registrierte Flüchtlinge in Kenia. Die Verwaltung und letztlich auch die Kontrolle einer solchen Bevölkerungszahl sind zum Gegenstand zunehmender Besorgnis auf verschiedenen Ebenen der kenianischen Regierung geworden.

In der vorliegenden Dissertation zeige ich, wie Staaten im Kontext eines Flüchtlingslagers konstituiert werden. Ich argumentiere, dass der „Staat“ am Besten als nicht abgeschlossener Prozess zu verstehen ist, der aus verschiedenen miteinander verbundenen Praktiken und Dingen besteht, die dem Staat eine konstituierte Form geben. Der Staat hat zudem eine materielle Dimension, die durch Institutionen oder politische Organisationen repräsentiert wird; diese wiederum sind durch soziale Beziehungen strukturiert. Akteur:innen innerhalb politischer Organisationen und Institutionen erheben Anspruch auf solche staatlichen Praktiken und Bilder, um ihre Ausübung von Macht zu legitimieren. Wenn man Politik als breite Palette von Praktiken begreift, die Menschen für die Aushandlung von Machtverhältnissen nutzen, so kann man Beziehungen zwischen Staaten als die ungleiche

Verteilung von politischer Macht und des Zugangs zu Ressourcen verstehen. Somit dient die Verhandlung über solche Ressourcen mittels Staatsbildern dazu, die Idee des Staates zu verfestigen und gleichzeitig ihre Grundlagen durch Praxis zu manifestieren. Auf diese Weise wird nicht nur bekräftigt und bestätigt, welche Akteur:innen und welche Institutionen zu einem bestimmten Staat gehören, es werden auch die Grenzen dieses Staates markiert, und wer in ihn eingebunden ist. Dadurch wird der Staat gleichzeitig im jeweiligen Kontext transformiert.

Aufbauend auf den relationalen Ansatz von Thelen, Veters und von Benda-Beckmann (2017) sowie auf Bierschenks und Olivier de Sardans (2014) Konzept der „states at work“ (Staaten in Arbeit), argumentiere ich, dass die Staaten in Kakuma und Kalobeyei multipel und mobil sind. Die Vielzahl und die Mobilität von Staaten im Kontext des Lagers schaffen eine Eigenschaft, die ich als „encamped states“ – also „eingelagerte Staaten“ – bezeichne. Der Begriff beschreibt, wie Staaten im Kontext von Flüchtlingslagern konstituiert werden. Das relationale Umfeld, in denen Staaten konstituiert werden, ist durch die lokalen politischen Systeme und den historischen Kontext geprägt (Krohn-Hansen und Nustad, 2005). Die Art und Weise, wie frühere Staatsbeziehungen in einem solchen Kontext entwickelt wurden, drückt sich in Erwartungen für die Zukunft und in erlernten Praktiken aus. Der Staat spiegelt somit den Kontext wider, in dem er sich befindet und ist somit bereits Ergebnis früherer Aushandlungen. Der Kontext des Flüchtlingslagers ist hierbei keine Ausnahme. Ich behaupte nicht, dass Vielfalt und Mobilität von Staaten spezifisch für Flüchtlingslager – oder speziell Kakuma und Kalobeyei – sind. Vielmehr sind solche Merkmale wesentliche Bestandteile der Konstituierung des Staates im Kontext von Flüchtlingslagern.

Staatliche Akteur:innen in Flüchtlingslagern sind sehr mobil, da ihre Anwesenheit in den Lagern durch wiederholte Besuche oder vorübergehende Einsätze charakterisiert ist. Grund dafür ist die behelfsmäßige Struktur vieler Bereiche des Lagers, die zum Teil Ergebnis der temporären Vorstellung und Grundlage seiner Errichtung sind. Insofern sind die Beziehungen, die die Flüchtlinge zu staatlichen Akteur:innen aufbauen, oft sporadisch oder von kurzer Dauer. Staatliche Akteur:innen, die über längere Zeiträume präsent sind, setzen häufig die Arbeit der früheren Belegschaft fort; die Flüchtlinge müssen sich somit ständig anpassen und mit einer neuen Gruppe von Mitarbeiter:innen des kenianischen Staates oder des UNHCR verhandeln. Darüber hinaus sind viele Flüchtlinge im Lager ebenfalls mobil und verwenden eine ganze Reihe von Strategien, um das Lager zu verlassen, wie beispielsweise Verwandtschaftsnetzwerke (Horst 2007) oder den strategischen Einsatz von Dokumenten

(Nakueira, 2019a). Für Viele im Lager ist Mobilität höchst politisch und die massenhafte Umsiedlung einer ethnischen oder nationalen Gruppe ist oft von Korruptions- oder Hexereivorwürfen begleitet (Nakueira, 2019b). Die Temporalität der Flüchtlingslager kommt somit in den dadurch generierten staatlichen Beziehungen und Praktiken zum Ausdruck. Die relationale Präsenz hängt auch mit den sich verändernden politischen Dynamiken zusammen. Politische Veränderungen und Richtlinien müssen zwischen den Akteur:innen herausgearbeitet werden. Aus diesem Grund muss eine neue Regelung oder ein neues Rahmenwerk auch reisen und im lokalen Kontext angewendet werden, um wirksam zu sein. Die Mitwirkung des kenianischen Staates im Lager ist vielleicht das beste Beispiel dafür: nachdem er zunächst nur sehr begrenzt präsent war, wird seine Anwesenheit jetzt durch die Rolle des RAS bei der Verwaltung des Lagers rapide ausgebaut. Die Mobilität von Akteur:innen ist also ein Hauptmerkmal der Konstituierung von Staaten im Kontext des Lagers.

Die Vielfalt ethnischer und nationaler Identitäten mit jeweils eigenen politischen Organisationen sowie diverse humanitäre Organisationen und Institutionen des Aufnahmelandes sorgen für eine Vielzahl von Staaten in den Lagern. Die verschiedenen politischen Flüchtlingsorganisationen können entweder für die Lagerverwaltung arbeiten, oder auch nicht, je nachdem, welche relationale Strategie von der jeweiligen politischen Organisation oder den Verwaltungsorganen des Lagers verfolgt wird. Die Verwaltung von Flüchtlingslagern ist häufig von Patronage und Gewalt geprägt, weshalb Flüchtlingsorganisationen selektiv in der Mobilisierung ihrer Aktivitäten sind. Politische Akteur:innen geben sich taktisch – je nach Situation – als Vertreter:innen verschiedener Staaten aus und behaupten beispielsweise, im Namen des kenianischen Staates, einer Hilfsorganisation oder auch eines Drittlands wie Südsudan oder Somalia zu handeln.

In Kakuma und Kalobeyi sind die Staaten multipel und haben verschiedene Erscheinungsformen sowie ihre jeweils eigenen relationalen Dynamiken. Wie bereits angemerkt, sind Kakuma und Kalobeyi in dieser Hinsicht nicht einzigartig; die Vielfältigkeit und Form sind Ergebnis des politischen Kontextes. Ich betone diesen Punkt, nicht nur um zu zeigen, wie sich Staaten im Kontext des Lagers konstituieren, sondern auch um die Rolle der Flüchtlinge als Mitwirkende in diesem Prozess hervorzuheben. Flüchtlinge haben politische Handlungsmacht (agency); sie sind weder Beispiele des „nackten Überlebens“ noch kann das Lager als ein „Ausnahmestand“ (Agamben, 1998) gekennzeichnet werden. Lager sind ihrer Konzeption nach temporär, und können aufgrund dessen bisweilen besondere Eigenschaften

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haben, aber sie sind auch politisch fließende Konstrukte, die die Fähigkeit besitzen, sich zu verändern und sich an den politischen Kontext, in dem sie existieren, anzupassen. Die Staaten, die im Lager tätig sind, es umgeben oder sich in ihm bewegen, haben ähnliche Eigenschaften. Dieses transformative Merkmal des Staates, wie das vom UNHCR verwaltete Lager, ist jetzt unter verschiedenen Organen des kenianischen Staates aufgeteilt oder zum Teil von ihnen dominiert.

Die Feldforschungsmethoden in Kakuma lassen sich unter der Kategorie „Ethnographie des Staates“ (Sharma and Gupta, 2006) zusammenfassen; genauer gesagt, beschäftigte ich mich mit den täglichen „Praktiken und Interaktionen“ (Bierschenk and Olivier de Sardan 2014: 54) zwischen staatlichen Akteur:innen und Flüchtlingen. Dabei lag der Fokus nicht nur auf staatlichen und humanitären Akteur:innen, sondern auch auf den Flüchtlingen selbst und ihren Ansichten über den Staat. Ein Teil der Forschung wurde in Form von teilnehmender Beobachtung in den Verwaltungsinstitutionen (z.B. humanitäre und staatliche Organisationen) durchgeführt. Insbesondere interessierte ich mich für flüchtlingsgeleitete Organisationen, beispielsweise kommunale Organisationen, Religionsgemeinden, Leitungsorgane der Zonen und Sektoren des Lagers sowie ethnische, politische und traditionelle Organisationen. Ich besuchte und beobachtete sowohl besondere Veranstaltungen als auch die gewöhnlichen alltäglichen Abläufe in diesen Organisationen. Durch meine Forschungstätigkeit erkannte ich, wie die Idee des Staates in den Interaktionen zwischen den Akteur:innen genutzt wurde, vor allem dann, wenn Flüchtlinge die Rolle des Staates übernahmen, um im Namen der Lagerverwaltung zu handeln und Regeln durchzusetzen. Ich führte meine Untersuchungen in verschiedenen Teilen des Lagers durch und achtete darauf, mich nicht überwiegend auf eine ethnische oder nationale Gruppe zu konzentrieren, sondern bewegte mich zwischen den Gruppen, um die unterschiedlichen Dynamiken zu erfassen. Die teilnehmende Beobachtung ergänzte ich durch informelle und formelle Interviews mit Vertreter:innen der Organisationen. Auf diese Weise konnte ich die sich verändernden politischen Strömungen wahrnehmen, denen diese Organisationen ausgesetzt waren, als der kenianische Staat zunehmend die Kontrolle über die Verwaltung des Lagers übernahm.

Ein Großteil meiner Forschung bestand darin, auf informelle Weise Zeit mit den Flüchtlingen zu verbringen („hanging out with refugees“, Rodgers, 2004). So konnten die Flüchtlinge für sich selbst sprechen und agieren, ohne die Einschränkungen, die mit einer wissenschaftlichen oder humanitären Agenda einhergehen. Viel Zeit wurde in sogenannten „Hotels“ (d.h. öffentlichen Räumen, Bars, Gaststätten und Cafés) verbracht, in denen Männer und zuweilen

auch Frauen sich entspannen, vielleicht etwas essen oder einen Tee oder Kaffee trinken und vor allem globale oder lokale Politik und Ereignisse diskutieren können. An besonderen Tagen – wenn etwa Lebensmittelrationen verteilt wurden, Umsiedlungsinterviews geführt wurden oder Staatsbeamte das Camp besuchten – drehten sich die Gespräche fast ausschließlich um diese Ereignisse. Gelegentlich besuchten kenianische Mitarbeiter:innen humanitärer oder staatlicher Organisationen ebenfalls solche „Hotels“, bestellten Essen und nahmen an den Gesprächen teil; solche Interaktionen mit Flüchtlingen entsprachen nicht den Normen der humanitären Arbeit. Mitunter kamen kenianische Polizist:innen in die Hotels und verlangten kostenloses Essen und Getränke. Diese Vorfälle verdeutlichten das Machtgefälle zwischen den Flüchtlingen und den staatlichen Akteur:innen. Nachdem die staatlichen Akteur:innen wieder gegangen waren, wurden Geschichten und Gerüchte über diese Personen – beispielsweise über ihre Arbeit oder ihre korrupten Praktiken – erzählt. Andere Orte, an denen ich viel Zeit mit Flüchtlingen verbrachte, waren private Wohnräume. Hier konnten meine Gesprächspartner und vor allem meine Gesprächspartnerinnen freier reden und sich mit weniger Angst vor Repressalien über politische Spannungen im Lager äußern. In diesen Privaträumen sammelte ich auch Lebensgeschichten der Flüchtlinge im Lager.

Ein weiterer Teil meiner Forschung basierte auf schriftlichen, archivischen und visuellen Quellen. Während meines Aufenthaltes in Kenia sammelte ich Archivmaterial von verschiedenen NGOs in Kenia und von staatlichen Einrichtungen in Nairobi wie dem RAS oder der EU-Vertretung in Kenia. Auf Wunsch meiner Gesprächspartner:innen machte ich zudem Foto- oder Videodokumentationen von Veranstaltungen. Darüber informierte ich mich mittels Druckmedien und Social-Media-Plattformen über politische Ereignisse in Kenia. Nach Abschluss der Feldforschung hielt ich mich auf der Grundlage eines breiten Spektrums an Quellen – wissenschaftlichen Tagungen, Zeitschriften und Büchern, aber auch Onlinemedien, Social-Media, Umfragen, Berichten und grauer Literatur – auf dem Laufenden. Besonders wichtig war der Kontakt mit meinen Gesprächspartner:innen in Kakuma und Nairobi, den ich über Online-Netzwerke aufrechterhielt. Auf diese Weise war es möglich, die Berichterstattung in den Medien mithilfe von Informationen der Kontaktpersonen vor Ort zu verifizieren.

Die Feldforschung führte ich in Englisch, Kiswahili und Juba-Arabisch (dem südsudanesischen Dialekt des Arabischen) durch. Englisch war die wichtigste Sprache für die Interviews und das Sammeln von Information im Allgemeinen. Im Alltag konnte ich einfache Gespräche in Kiswahili und Juba-Arabisch führen, aber mein Wortschatz reichte nicht aus,

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um auf diese Weise tiefgehende Informationen zu sammeln. Während meiner Zeit in Kakuma und Nairobi erhielt ich Sprachunterricht in Kiswahili, Arabisch und für eine kurze Zeit Somali und Nuer (Thok Naath). Interaktionen fanden auch über Sprachbarrieren hinweg statt, und einige Gesprächspartner:innen haben oftmals für mich gedolmetscht. Mit vielen Menschen konnte ich auf Englisch oder Kiswahili kommunizieren, denn diese Sprachen dienen als Verkehrssprachen im Lager und viele Menschen in Kenia haben beide Sprachen entweder während der Schulausbildung oder im Alltagsleben erlernt.

Die Hauptforschungsorte waren das Flüchtlingslager Kakuma und die Integrierte Siedlung Kalobeyei. Meine Forschung beschränkte sich allerdings nicht auf das Lagergebiet. Ein signifikanter Teil der Forschung fand in den umliegenden Dörfern statt. Zudem stellte Nairobi ein wichtiges Informationszentrum dar, insbesondere für die Vereinbarung offizieller Interviews mit RAS, dem UNHCR oder anderen Institutionen. Darüber hinaus waren Kontakte mit Flüchtlingen in den Bezirken Eastleigh, Pagani und Ruaraka in Nairobi entscheidend, um die Netzwerke über die Grenzen des Lagers hinaus zu verstehen. Die Möglichkeit mobil zu sein und den Standort zu wechseln, war für meine Forschung sehr wichtig, sodass ich reisen oder meinen Gesprächspartner:innen auf ihren Wegen durch Kenia folgen konnte. Durch Begegnungen an verschiedenen Orten, wie Treffen mit Mitarbeiter:innen einer humanitären Organisation in einer Bar am Turkana-See oder mit Mitgliedern der Sudanesischen Volksbefreiungsbewegung in Opposition (SPLM-IO) in einem Nebenraum eines Restaurants in Nairobi konnte ich die umfangreiche Rolle dieser Akteur:innen begreifen. Dadurch wurden sowohl die Mobilität der Akteur:innen und ihre Verbindungen mit Kakuma deutlich, als auch die Art und Weise wie Flüchtlinge den Staat in verschiedenen räumlichen Kontexten erlebten.

Es war äußerst wichtig, die Sicherheit und den Schutz meiner Forschungsdaten zu gewährleisten. Bei der Niederschrift meiner Notizen und der Durchführung von Interviews wurden Namen und Orte stets anonymisiert. Die Daten wurden in einem Tresor in Kakuma und später an einem sicheren Ort in Nairobi aufbewahrt. Medien mit sensiblen Daten wurden auf einem verschlüsselten Datenträger gespeichert. Dieses Verfahren wurde nach meiner Rückkehr aus der Feldforschung beibehalten. Alle in der Dissertation erwähnten Personen wurden pseudonymisiert und auf detaillierte Information über die Orte wurde weitestgehend verzichtet, um die Privatsphäre der Betroffenen zu schützen. Alle Pseudonyme wurden von den Kontaktpersonen selbst gewählt.

Im ersten Kapitel, der Einführung, wird der theoretische Ansatz der Dissertation vorgestellt. Ich setzte mich kritisch mit Agambens Konzept des „Ausnahmezustands“ (1998) auseinander, das ich als Ausgangspunkt für meine Analyse als unzureichend betrachte, da dieser Ansatz unseren Blick auf andere Phänomene einschränkt, die sich im Kontext des Flüchtlingslagers entfalten – nämlich, die Transformation von Staaten. Ich skizziere die für meine Forschung wesentlichen Aspekte eines Staates und entwickle mein Konzept des „eingelagerten Staates“: das heißt, ich frage, wie Staaten im Kontext eines Flüchtlingslagers konstituiert werden. Dabei werden die Vielfalt von Staaten und die Mobilität der Akteur:innen hervorgehoben.

Das zweite Kapitel beschäftigt sich mit der expandierenden Rolle des kenianischen Staates im Flüchtlingslager Kakuma und in der Integrierten Siedlung Kalobeyei. Anhand des Konzepts der eingelagerten Staaten wird erläutert, wie der kenianische Staat im Lager und darüber hinaus durch Mobilität konstituiert wird. Das Kapitel beginnt mit einer detaillierten historischen Übersicht des Flüchtlingsschutzes in Kenia, beginnend mit der Kolonialzeit bis hin zur Gegenwart. Es wird dargelegt, wie der kenianische Staat nach und nach wichtige Bereiche des Flüchtlingsschutzes wieder unter seine Kontrolle brachte. Dazu gehörten beispielsweise die Verwaltung des Lagers, die Flüchtlingsregistrierung und die verstärkte Rückführung somalischer Flüchtlinge. Es wird danach gefragt, in welchen Bereichen der kenianische Staat die Kontrolle übernahm, und wie sich die Sichtweise der Flüchtlinge auf den kenianischen Staat dadurch geändert hat. Nach einer Analyse der Arbeit der kenianischen Polizei und des RAS wird in einem Fallbeispiel der Weg eines Flüchtlings von der Beantragung seines Flüchtlingsstatus bis hin zu seiner Rückführung nach Somalia nachgezeichnet. Es wird gezeigt, wie mobile Interaktionen mit staatlichen Akteur:innen und ihrer Arbeit einen Einfluss darauf haben, wie der Staat konstituiert wird.

Der Fokus des dritten Kapitels liegt auf der neuen Integrierten Siedlung Kalobeyei. Es wird analysiert, wie Kalobeyei durch die Errichtung von permanenten Unterkünften zu einem urbanen Raum gestaltet wird, und wie Flüchtlinge und staatliche Akteur:innen diesen Raum nutzen, um Souveränitätsansprüche zu erheben. Die Analyse stützt sich auf meine Kritik an Agambens Konzept der Souveränität. Souveränität sollte weniger als Form der Exklusion verstanden werden, sondern eher aus der Sicht der Akteur:innen betrachtet werden – als ein Bestreben, souverän zu sein bzw. Souveränität zu beanspruchen. Das Kapitel beginnt mit einem kurzen Abriss der Geschichte von Turkana County, betrachtet dann die Herausbildung der Verwaltung des Countys und seine Zusammenarbeit mit dem UNHCR bei der Errichtung der Integrierten Siedlung Kalobeyei. Ich untersuche den Bau von permanenten Unterkünften,

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und welchen Einfluss dies auf lokale Konzepte der Souveränität hat. Während die Flüchtlinge diese Unterkünfte nutzen, um ihre Souveränität durch das UNHCR zu behaupten, liefern die Gebäude für die Regierung des Turkana County ein Argument für die Beantragung des kommunalen Status für die Siedlung – mit der Perspektive, Kalobeyei in eine Stadt umzuwandeln.

Im vierten Kapitel beleuchte ich die Beziehungen zwischen Flüchtlingen und staatlichen Akteur:innen. Die Arbeitsbeziehung der Nuer-Verwaltung, der Leiter:innen und Sprecher:innen von Zonen und Blocks sowie gemeinschaftsbasierter Organisationen (community-based organisations, CBOs) mit dem kenianischen Staat und dem UNHCR wird untersucht. Es wird dargelegt, welche Auswirkungen der Übergang von der UNCHR-Ära zur Ära der Verwaltung durch den kenianischen Staat auf das Verhältnis der Flüchtlinge zum Staat hatte. Frühere Erwartungen gegenüber dem UNHCR wurden auf den kenianischen Staat übertragen und zeigen die relationalen Modalitäten zwischen den Flüchtlingen und der Lagerverwaltung. Darüber hinaus wurde die vorher schon eingebettete Arbeit einiger Flüchtlingsakteur:innen in bestimmten Bereichen der Verwaltung und der Sozialhilfe von einigen Flüchtlingen als Bestandteil des kenianischen Staates betrachtet. Dies trägt nicht nur zur Konstituierung des Staates im Lager bei, sondern auch zur Neudefinition der Grenzen, im Hinblick auf die Frage, wer zum Staat gehört.

Das fünfte Kapitel untersucht die Vielfalt der Staaten in Kakuma im Zusammenhang mit dem Verschwindenlassen von politischen Aktivist:innen im Lager. Die Kontinuität dieser staatlichen Praxis wird von ihrem Ursprung in der Kolonialzeit bis in die postkoloniale Zeit nachgezeichnet. In Kenia wurde das Verschwindenlassen als Instrument gegen koloniale Subjekte, regimiekritische Bürger:innen und jetzt gegen Flüchtlinge eingesetzt. Der Fall Marko Lokidor wird erläutert, dessen Verschwindenlassen zur Folge hatte, dass viele politische Aktivist:innen und Vertreter:innen anderer Staaten in Kakuma untertauchten und auf religiöse Räume als Vehikel für die politische Mobilisierung auswichen. Es werden zwei Gruppen unter die Lupe genommen, die als staatliche Vertreter auftreten: eine somalische politische Partei und die Mitglieder der SPLM-IO in Kakuma. Zusammenfassend wird erläutert, wie der kenianische Staat die Wirkung des Verschwindenlassens als Mittel benutzt, um einen gewissen Grad an Kontrolle und Dominanz über die Lagerpolitik aufrecht zu erhalten.

Das sechste und letzte Kapitel widmet sich den Gerüchten unter den Flüchtlingen über den Huduma Namba, einen neuen Sozialversicherungsausweis, der von der kenianischen

Regierung eingeführt wird. Es gibt drei verschiedene, aber austauschbare Gerüchte über den Hudama Namba: erstens, dass er zur Besteuerung von Flüchtlingen diene; zweitens, dass Flüchtlinge mittels dieses Ausweises zu kenianischen Bürger:innen gemacht werden sollen; sowie drittens, dass er vom Teufel sei. Alle drei Gerüchte zeigen das Misstrauen der Flüchtlinge gegenüber diesem Projekt. Ich argumentiere, dass dieses Misstrauen gegenüber dem Ausweis mit einer vorgefertigten Sicht und Erwartungshaltung gegenüber dem kenianischen Staat in Verbindung gebracht wird. Obwohl das Projekt in keinerlei Beziehung zur Arbeit der kenianischen staatlichen Akteur:innen in Kakuma steht, wurde es dennoch mit den bereits vorhandenen Sicht- und Denkweisen über den Staat assoziiert.

Chapter 1. Introduction: The Camp's States

World Refugee Day 2019, Kakuma Refugee Camp. A large crowd of refugees had gathered alongside the fenced compound of Angelina Jolie Girls' Primary School (see map 2). As I approached the pedestrian entrance, I saw a Kenyan police officer armed with a large rubber baton strike and push at a group of young men who had begun to encroach the gate. One of the men, with notable Nuer scarification, saw me and shouted, "It is the day for refugees, but refugees cannot enter." From behind the fenced perimeter, I could see my friend Luke, a refugee from Sudan, waving to me and smiling. Pointing to his official name tag given to him by his humanitarian employer, he shouted, "You need one of these to get in." At the gate, the slightly fatigued officer was only allowing refugees with name tags or letters from their community leader entrance to the event. Initially the police officer denied me entrance, but as the crowd grew, the officer shouted out to me "Researcher?" and with my reply he quickly waved to me "Kuja kuja (Come [quickly])."

Inside the compound, I met with Luke, and we started to make our way to the event's main stage. Along the way, we came across various performing groups of dancers and musicians, each representing a particular national or ethnic group. One group of Somali women formed a circle, singing and dancing to the rhythm of a large gurbaan drum. Those dancing in the centre of the circle were adorned with either the Somali or Ogaden regional flags, ululating as the tempo of the music accelerated. Another group of Burundian musicians marched past, each decorated in their national colours and balancing a karyenda drum upon their heads. The performance grounds were cordoned off by stands, stales, and seating venues, all decorated with the Kenyan national colours or humanitarian agency banners. In the centre of the grounds, two flag poles jutted upwards, one flew the Kenyan flag and the other with the UNHCR (United Nations High Commissioner for Refugees) flag.

Various humanitarian agency staff and Kenyan state officials intermingled with one another, distinguishable by their notable outfits. Kenyan RAS (Refugee Affairs Secretariat) agents wore black caps and t-shirts trimmed in Kenyan national colours and emblems. In contrast, the UNHCR agents wore white t-shirts with a picture of a Turkana woman's face, captioned "I can do or have everything." With the assistance of a UNHCR agent I knew and Luke's official name tag, we found some seats situated under the shade of a tarp gazebo. The Burundian troupe took to the central stage and began playing. A group of dancers performed to the music for an overwhelming refugee audience that stood and watched in the late morning heat. Slowly humanitarian and Kenyan staff began taking their seats, quickly filling

up the gazebo Luke and I found ourselves in. The distinction between those who stood in sun and those who sat in the shade spoke to the entrenched power differences between refugees and humanitarian/state agents.

To our right was another seating venue, more heavily decorated in Kenyan national colours and adorned with tilting Kenyan flags. Taking front and centre of the seating arrangement was Josphat Nanok, the Governor of Turkana County, who sat upon an embroidered red leather chair. He was surrounded by an entourage of officials, such as a representative from the United States Embassy in Kenya, the UNHCR Head of Sub Office in Kakuma, the RAS Camp Manager, Officer Commanding Station (OCS) (who commanded the local police station), and the Assistant Deputy County Commissioner (ADCC) dressed in full military uniform. As the Burundian band concluded, the ADCC took a microphone and stood to attention. “Ladies and gentlemen”, his voice boomed through an amplifier, “the national anthem.” To this, the audience stood, while the ADCC and stationed police officers saluted.

Next, prayers were given by both a priest and an imam. Then a young Somali refugee, representative of the youth parliament of Kakuma, was given the microphone. He did not take to the podium but instead turned to face the officials positioned with the Governor of Turkana County. “On behalf of the refugees of Kakuma and Kalobeyei we welcome you all. We want to especially thank the Kenyan government, Kenyan citizens, and the host Turkana people...”. His speech proceeded to illustrate various achievements and issues facing refugees in Kenya, before thanking Kenyan state agencies. Once the speech was finished, the podium was handed over to the USA representative, who thanked the Kenyan government and UNHCR for protecting refugees and emphasised that the US had given “over eight billion to refugees [globally].”

As the US representative finished, the head of the UNHCR Sub-Office and UNHCR ambassador jogged enthusiastically straight into the centre of the performance grounds. The Sub-Office head took the microphone and announced, “Before I talk, I want to call up all our Rio Olympians.” With this, a group of young refugee athletes in UN blue and white uniforms came running to the grounds. The head of the UNHCR Sub-Office continued, “Nowhere else in the world is there so many Olympians... we are extremely proud of you.” The Sub-Office head then handed the microphone to the Kenyan UNHCR ambassador for refugees, who also happened to be a known Gospel singer. She spent a considerable amount of time thanking the present Kenyan state officials individually. “I hope I have not left out any members of the Kenyan government”, she noted when concluding her speech. Turning to face the press

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cameras, the UNHCR ambassador then announced, “Now we will do a song!” With this cue, a group of dancers in UNHCR shirts ran out onto the stage and began to dance in time with her. The ambassador shouted, “What do you love about this place?” to which the audience remained silent.



Figure 1. RAS agents prepare the podium, Kakuma.

As the fanfare of the UNHCR’s address finished, a series of Kenyan state officials took to the podium, from the RAS Camp Manager, the Officer Commanding Station (OCS), to local and regional representatives. As they began their address, a series of UNHCR vehicles were driven into place along the edge of the grounds, displacing most of the refugee audience. The disturbance of the cars did not dismay the Kenyan state officials, who each painstakingly thanked and greeted one another in their speeches, before turning to address the refugee audience. The OCS concluded by making demands on refugees, “For Kalobeyei to work, it is important for you to respect the rule of law and local culture.” A local MP for Turkana County took on a different tone, stating, “Kalobeyei Integrated Settlement is our vision, brethren, this is your home as long as you need to stay.” Finally, the podium was given over to Joshat Nanok, the Governor of Turkana County. His speech focused on the need for

refugees to consider “Integration... especially if you marry a Kenyan.” He concluded his speech with a declaration towards the refugees, “If you stay here, you must leave your politics at home, don’t bring your politics here.”

The speeches ended, and the various dignitaries, state officials, and heads of humanitarian agencies in Kakuma posed for photographs together. All the officials then walked to respective UNHCR vehicles as the press continued to photograph them. Gradually their cars took off towards the airstrip where their flight to Nairobi waited (see map 3). Moving with the refugee audience that left the compound, Luke and I agreed to meet the next day at our favourite café, and then I took my bicycle and started cycling towards Kakuma Town. Entering the town, a large crowd had assembled on the road. I saw a woman being carried away. I found out that a UNHCR car had knocked her over but had not stopped, instead opting to drive on towards the airstrip. Possibly the diplomatic immunity of the UNHCR meant they could not be held responsible for the incident, leaving the woman injured (or worse). (Field diary, Kakuma, 19.07.19).

The next morning, I met with Luke and our common friends Robert and Lam, from Ethiopia and South Sudan respectively, at an Oromo café in Kakuma Refugee Camp. We took our usual seats with an order of *bun* (coffee) or macchiato, that Maashoo, the Oromo owner, served. Luke reflected on the previous day’s event. “Eighty percent of the speakers were from the Kenyan government”, he remarked, “...only one was a refugee. Even that speech made by the refugee was written by a Kenyan. All the speeches were praising the government, why is that?” Robert, who had listened intently, replied, “When you are drowning any options are good, integration, education...” Luke interrupted, “Maybe the governor wants to govern refugee affairs. RAS and Turkana government take top place yesterday. In 2012 only one government member took part.” Lam, who had not attended the event, attempted to change the topic. “Have you heard the Camp Manager and OCS are in disagreement over the harassing of refugee businessmen entering the town?” he asked. Robert replied, “That disagreement only favours the police, they just want money.” (Field diary, Kakuma, 20.07.19).

When reflecting on the state, events such as this were particularly relevant. I started fieldwork in Kakuma Refugee Camp and Kalobeyei Integrated Settlement with the intention of studying technologies of containment, not the presence of states. My interest in states was unexpected, because previous research in Kakuma alluded to the Kenyan state being absent in the camp (as discussed below). However, to my surprise, the Kenyan state, alongside the UNHCR, was

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strikingly present in a whole array of different institutional bodies from regional governments to refugee agencies. Moreover, foreign states were active in the camp, taking form as transnational actors and organisations who either resided in the camp or frequently visited it. In the camp, states were experienced and encountered daily, and in varying degrees and capacities. Shaped by the changing political dynamics in Kenya and beyond, states became constituted through their practices, images, and relations.

The events of World Refugee Day were reminiscent of Haugerud's description of the baraza or public gatherings in Kenya. A political spectacle, the baraza acts as an 'institutional window on contending forces in Kenyan social and political life.' (1997, p. 7). As noted by Luke, the presence of the Kenyan state was more prominent than ever before. The array of different Kenyan state actors represented was a window into the changing direction of Kenyan involvement in refugee management. The experience of Luke and I regarding the Kenyan state at World Refugee Day alluded to how the state is constituted from an array of different actors and institutions, whose symbolic presence and practices seem to constitute a unified form (see chapters 2 & 6). Images and practices of states are constituted depending on one's relational interaction and past expectation (Thelen, Vettters and Benda-Beckmann, 2014). Thus, encounters with states are relationally unique (see chapter 4). Where others were denied entry to World Refugee Day and pushed back by a police officer's rubber baton, Luke's name tag granted him access and an entirely different experience of the states that day.

Although the Kenyan state dominated the event, its presence was not hegemonic, as other state actors, images, and practices were present. From the UNHCR ambassador to the ululating woman draped beneath a Somali flag, the multiplicity of states was not only recognised or symbolically performed but actively present (see chapter 5). As evidently inscribed onto woman's body, knocked down by a diplomatically immune UNHCR vehicle, demonstrated the legitimized forms of violence from one of many sovereigns within the camp, none of which were territorially bounded but instituted through practiced claims of legitimate power (see chapter 3). State(s) presence is never permanent, as state actors can be changed from official to unofficial (Benda-Beckmann and Benda-Beckmann, 1998), temporally altered to suit political desire, or simply driven out of town (see chapter 4). Therefore, such relationality to the multiplicity of states is dependent on temporal political changes and the active agency and mobility of agents (see chapter 2). Thus, examining how different states are constituted within the context of the Kakuma and Kalobeyei refugee camps is the objective of this thesis. By utilising the concept of encamped states, I analyse how states

are comprised and formed through relations, practices, images, and the mobility of actors and institutions.

1.1 The Changing Role of States in Kakuma

Kakuma Refugee Camp and Kalobeyei Integrated Settlement, the fieldsites of this study, are located in Turkana County, Kenya (see map 1). As the name suggests, Turkana County is ethnically identifiable to the Turkana people in Kenya. Owing to the territorialisation of ethnicity in Kenya during the colonial period, the British delineated grazing lands and territories for the various pastoral groups of Kenya, ‘as they perceived them’ (Schlee, 2013). The Turkana people were therefore defined and territorially anchored to the Turkana District. The District was governed through a system of indirect rule, with district commissioners¹ who outsourced command (Anderson and Killingray, 1991) to local chiefs, an ethnic leader position introduced by the colonial government (Tignor, 1971). However, if the Turkana chiefs were unable to enforce British rule, forms of collective punishment were utilised in an often brutal fashion (Holtzman, 2013). During the colonial period, Kakuma operated as an administrative centre for the surrounding Ward (Rodgers 2020). The region, such as the rest of Turkana, was largely ignored economically by the colonial state (Eriksen and Lind, 2009). After independence, Turkana continued to be neglected by the central state, making the Turkana District heavily dependent on development aid and social services provided by both the Catholic Church and the Norwegian development agency (NORAD).

The creation of Kakuma Refugee Camp in 1992 was largely a result of the UNHCR’s preferred mode of operation of encampment (Abuya, 2004; Verdirame and Harrell-Bond, 2005). Prior to 1990, the Kenyan state was responsible for refugee protection. However, after 1990, when the number of asylum seeker claims drastically increased with the war and famine in Somalia (Abuya, 2004) and the disbanding of Sudanese refugee camps in Ethiopia (Deng, 2011), the Kenyan state relinquished control of refugee protection to the UNHCR (Verdirame and Harrell-Bond, 2005). From the 1990s to the early 2000s, the UNHCR was the managing agency of Kakuma and behaved like a ‘sovereign’ (Jansen, 2018). A consequence of the ‘care and maintenance model’ meant that refugees ‘were better resourced’ and provided for than the local Turkana population (Slaughter and Crisp, 2008, p. 8). Slaughter and Crisp argue that ‘In doing so, this model created a widespread perception that the organization was a surrogate state, complete with its own territory (refugee camps), citizens (refugees), public services

¹ The current Deputy County Commissioner’s (DCC) office in Kakuma is a direct descendant of the colonial and post-colonial District Commissioner (DC) of Kakuma.

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(education, health care, water, sanitation, etc.) and even ideology (community participation, gender equality).’ (Slaughter and Crisp, 2008, p. 8). As a result, refugees received better social welfare than the local Turkana population, which contributed to the escalating conflict between the two groups in the early 2000s (Ohta, 2005; Jansen, 2018; Rodgers, 2020).

The UNHCR was the primary manager of the camp for 25 years (1992 – 2016), governing the camp, organising the distribution of aid, and finding durable solutions for refugees either through repatriation, resettlement, or integration. However, since 2016 the Kenyan State has largely begun taking over these responsibilities from the UNHCR. Already in the early 2000s, the Deputy County Commissioner (DCC) and the Kenyan Police were also stationed in Kakuma. Although the Kenyan Police were funded by the UNHCR (Betts, 2005), they were not directly controlled by the UNHCR (Mwangi, 2006; Brankamp, 2019; Walkey, 2019). In 2006, the Kenyan Refugee Act and the subsequent creation of the Department of Refugee Affairs (DRA) established grounds for the Kenyan state to gradually take responsibility for refugee protection (Walkey, 2019). It was not until the formation of the Refugee Affairs Secretariat (RAS) in 2016 under the Ministry of Interior that the Kenyan state actively took control of refugee protection in Kenya. The Secretariat was formed in response to the increasing threat of terrorism within Kenya (Lind, Mutahi and Oosterom, 2017). The formation of RAS enabled the central government to have increased control over refugee protection within Kenya, with limited UNHCR interference (Walkey, 2019). A major focus of the takeover was Somali repatriation (Mutamo, 2016), camp management, refugee determination, and registration. The 2006 Refugee Act established grounds for RAS to govern the camp according to the Ministry of Interior’s will. RAS’s presence in the camp came to embody the presence of the Kenyan state, more than any other Kenyan state agency to date.

RAS was not the only agency of the Kenyan state in Kakuma and Kalobeyei; the Turkana County also represents the state in the camp, albeit to a lesser extent. The 2010 Constitution established the county government in Kenya as an interdependent yet not separate sector of government in Kenya (D’Arcy and Cornell, 2016; Orr, 2019). As a result, county governments are technically not subordinate to the central government and instead are expected to operate through consultation (Kanyinga, 2016). Under the new constitution, the national government must allocate 15 percent of national revenue to the county governments, and an additional 5 percent of the national revenue must be used to assist marginalized communities, such as the Turkana people. As a consequence, the Turkana County has been a major beneficiary of funding from the national government, no longer relying on Presidential

patronage for the reallocation of central government funding (Kanyinga, 2016; Orr, 2019).

The national government funding has materialised in, for example, Turkana's County Integrated Development Plan I (CIDP 2013–2017), which established abattoirs, cattle markets, health care facilities, schools, and so on.

The Turkana County Government became increasingly engaged with the refugee population in Kakuma with the establishment of the Kalobeyei Integrated Social and Economic Development Program (KISED). KISED is a subsection of Turkana's CIDP II (2018–2022), a collaboration between the Turkana County Government, the UNHCR, and the World Bank to develop regions of Kakuma and Kalobeyei (UNHCR, 2018a). KISED is the framework for the construction of Kalobeyei Integrated Settlement, a new and permanent camp, situated five kilometres from the boundary of Kakuma Refugee Camp. The new camp intends to make refugees and local Turkana less reliant on aid, encourage self-reliance, and generate private sector growth (Betts, Omata and Sterck, 2020). Kalobeyei Integrated Settlement was first established in 2018 to host both local Turkana and refugees, but to date it only houses a population of refugees. While Kalobeyei Integrated Settlement serves as means for local integration of refugees, the Turkana County officials are also hopeful that the new settlement will ease the transition for the local Turkana population if Kakuma Refugee Camp is disbanded. If the refugee population leaves, the UNHCR's newly constructed permanent settlement will be handed over to the Turkana County Government.

At the time of writing, Kakuma Refugee Camp is thirty years old. Despite the camp intended to be a short-term solution to the immediate influx of people from Sudan, Ethiopia, and Somalia, it is now becoming seemingly a permanent fixture with the construction of Kalobeyei Integrated Settlement. According to the UNHCR, as of 31st December 2021, Kakuma and Kalobeyei have a combined population of 219,875 registered refugees and asylum seekers, predominantly from South Sudan, Somalia, the Democratic Republic of Congo, Ethiopia, and Sudan (UNHCR, 2021a). Kakuma Refugee Camp is one of two camps within Kenya, the second being the Dadaab in Garissa County (see map 1) with a population of 236,254 of predominately Somali refugees and asylum seekers (UNHCR, 2021a). Nairobi, the capital of Kenya, also hosts 83,939 registered refugees and asylum seekers (UNHCR, 2021a). In total, as of the 31st of December 2021, Kenya hosts over half a million registered refugees. The management and ultimate control of such a population have become an increasing concern for various levels of the Kenyan government. The expanding presence of

the Kenyan state into refugee management in Kakuma and Kalobeyei has influenced the theoretical underpinning of this thesis.

1.2 The Camp as a Stateless Exception

Refugee protection in Kenya is interconnected to wider global, regional, and national politics. At the end of the Cold War, parts of the Horn of Africa experienced varying degrees of political and economic instability. This instability contributed to the mass displacement of people across the Horn of Africa, forcing some to traverse state borders seeking refuge from the ensuing political turmoil. During this period many states in the Horn of Africa were forced to adhere to World Bank and IMF economic readjustments, which oversaw the shrinkage of state institutions and expansion of 'Western' interference and models of governance (Markakis, Schlee and Young, 2021). As a result, the capacity for states in the Horn of Africa to manage the influx of displaced persons crossing their borders was limited. This resulted in the proliferation of refugee camps across East Africa (Crisp 2003), and their expanded application was imposed by the enlargement of the UNHCR, the humanitarian arm of the UN (Hammerstad 2000). Not surprisingly, the extensive presence of the UNHCR has meant that the presence of states has often been obscured in refugee management, appearing distant, or simply ignored in the anthropological literature on refugee camps.

Existing scholarship on humanitarian governance in refugee camps has emphasised the camp as an exceptional space and biopolitical technology (Malkki, 1995; Agamben, 2005; Agier, 2011; Jaji, 2012; Bulley, 2014). This is often made in reference to a refugee's limited agency, a consequence of the legal parameters of their host country. In the case of Kenya, for example, refugees do not have freedom of movement, the right to gain full employment, or the means to engage in their home countries' politics (Jaji, 2012). However, as many camp ethnographers have noted, refugee camps are much more than a biopolitical or exclusionary space (Ramadan, 2013; Jansen, 2018, p. 44), they are sites of transnational networks (Horst, 2007), identity (Malkki, 1995), politics (Turner, 2010), gender dynamics (Grabska, 2014), future-orientated aspirations (Grayson, 2017), and humanitarian urbanism (Jansen, 2018). Despite the range of social and political contexts observed within refugee camps, there has been limited anthropological research into the role of states within camps, apart from a few notable exceptions (see Zitelmann, 1991; Mwangi, 2006). To understand the reason for the limited of attention given to states within camps, it is important to initially turn to some of the earlier scholarly contributors on the camp, namely Giorgio Agamben (1998) and Liisa Malkki (1995) to understand why later ethnographers overlooked the state.

A theoretical starting point for many camp ethnographies has been the work of Agamben (Agamben, 1998). Popularised by Minca (2005), Agamben's concept of the camp as a 'state of exception' (1998, 2000), and Goffman's 'total institutions' (1961), have tended to characterise camp inhabitants as devoid of political agency. Of particular importance for many anthropological works on refugee camps has been Agamben's (1995, 1998) concept of sovereignty. Agamben builds upon Schmitt's (1985) concept of exception which defines sovereignty as the power to exclude or give exceptional status to particular categories of people. The capacity to suspend the rule of law in the state of exception defines the sovereign, who is concurrent 'outside and inside the juridical order' (Agamben, 1998, p. 15). The sovereign is defined by their capacity, or monopoly to suspend the rule of law and declare a state of exception. Building upon Foucault (2007), Agamben argues that within the state of exception one is reduced to bare life, a mere biological subject. This does not consider the capacity of one's political agency. The refugee in this sense is beyond the law, yet the sovereign still governs. Agamben argues that the refugee is a contemporary *Homo sacer*, a person who is banned and may be killed by anybody, in sum someone reduced to a biological component and outside the political community (1998). Thus, by enacting a state of exception, subjecting refugees to bare life within a camp, is by this logic a means to demonstrate or ground one's sovereignty.

Refugee camps, Agamben notes, have a different function from concentration camps (1998). Where the refugee camp's biopolitical purpose is to sustain life, the concentration camp is to eradicate it (Ramadan, 2013). However, Agamben posits that the concentration camp and refugee camp both reduce their inhabitants to bare life, erasing the distinction between biological life and political life (1998). Agamben illustrates this through the similarities between refugee camps and concentration camps, commonly referring to them both as 'camps' (Williams 2014). The camp, according to Agamben, '...is the space that opens up when the state of exception starts to become the rule... Inasmuch as its inhabitants have been stripped of every political status and reduced completely to naked life, the camp is also the most absolute biopolitical space that has ever been realized — a space in which power confronts nothing other than pure biological life without any mediation... The camp is the fourth and inseparable element that has been added to and has broken up the old trinity of the nation (birth), state, and territory.' (Agamben 2000, p. 38 – 43). Due to the function of the refugee camp to sustain life, this form clashes with what Agamben calls the 'trinity' of nation, state, and territory (2000). As Agamben argues, a refugee only retains a biological life and not

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political life, since camps expose the fiction, fantasy, and primordial assumptions anchoring a people biologically to a national state (Agamben, 1995).

Malkki's work with Burundian refugees in the Mishamo refugee camp and Kigoma township in Western Tanzania speaks to Agamben's conceptualisation of the refugee camp, yet simultaneously complicates it. 'The national order of things', Malkki argues, is a 'commonsensical system of ordering and sorting people into national kinds and types.' (Malkki, 1995, p. 6). Being a part of the national order means being ethnically or biologically rooted to a place, or more specifically a nation-state. Malkki builds upon Mary Douglas's concept of purity (1966), suggesting that refugees pollute or become 'matter out of place' to the nation-state (1995, p. 8). By placing refugees into ethnically designated camps, Malkki demonstrates how those within the camp strengthen the national order of things by reinforcing themselves as Hutu and inherently tied to the Burundian nation-state, while those refugees inhabiting Kigoma township, a multi-ethnic and regional economic hub, demonstrated a 'lively cosmopolitanism' by blending in with the local inhabitants (Malkki 1995, 3). This perspective shows that camps are not only products, but also producers of new politics.

The camp, for Malkki, is a technology of 'care and control' (1995, p. 170), that manages people outside the national order of things. Malkki describes the refugee camp as a space that enables the continued classification of 'refugee' where the UNHCR controls the resources that sustain human life. The 'technology of power' that the camp enforces, on one hand, 'helped to constitute "the refugees" as an object of knowledge and control', and on the other hand 'the camp served to produce "the refugees" as a categorical historical subject empowered to create a mythico-history of a people.' (Malkki, 1995, pp. 236-7). In later works, Malkki would clarify that the camp operates as a 'state of exception' which maintains 'the national order of things' (Malkki, 2002). According to Malkki, then, the camp operates as a technology of power with the intention of creating refugees as pure biological subjects, but at the same time reinforces the nation-state logic that people are inherently tied or connected to a specific place. This, as Malkki explains, created 'a chronic tension between bare life... and political subjects' (2002), where camp administrators wanted to see 'objects of humanitarian and development assistance' and refugees simultaneously play into this, while retaining or reinforcing their fixed ethnic identity. Therefore, Malkki complicates and builds upon the 'state of exception' illustrating the political agency of those who inhabit it, by demonstrating how Hutu refugees in the camp co-produce their identity that has fixed belonging to Burundi.

Simon Turner's (2010) ethnography of Lukole refugee camp in Tanzania also addresses the tension between bare life and political agency as noted by Malkki (2002). By utilising Agamben's 'state of exception', Turner argues that the Tanzanian state created the camp as 'an island outside Tanzanian law' while humanitarian agencies led by the UNHCR 'exerted a caring biopower' (2010, p. 9). Turner, alike Malkki, demonstrates that the refugees have agency to politically manoeuvre within the 'temporary space' (the camp) 'thus creating pockets of sovereign power outside the reach of either the camp commandant's restrictions or the UNHCR's benevolent control.' (Turner, 2010, p. 9). Where Malkki addressed this as a 'tension' between bare life and political agency (2002), Turner appears to suggest that the political agency expressed by refugees is a consequence of an Agambenian 'state of exception'. While Turner is to some extent building upon Malkki's observations, the political agency of refugees to create sovereign pockets does not work with Agamben's understanding of sovereignty. Instead, I concur with Ramadan (2013) that the Agambenian 'state of exception' cannot account for the multiplicity of sovereignties in some refugee camps. This is not to say that multiple sovereignties do not exist within refugee camps, instead I argue that the Agambenian concept of sovereignty based on exclusion is ill-equipped to address the political diversity within refugee camps.

In suggesting so, I do not wish to do away entirely with Agamben's conceptualisation of the 'state of exception' (1998). Rather, it remains a useful starting point for understanding the exceptional status of those in containment. Minca (2005), for example, famously demonstrated the return of the camp in reaction to Guantanamo Bay, illustrating the continuity of the camp and its return 'home'. Guantanamo Bay camp complex expressed an intensified sovereign power where the normal legal system was suspended by the sovereign (Minca, 2005). Such an application of Agambenian theory has been useful when thinking about asylum seeker detention centres (Diken, 2004; Puggioni, 2005, 2014; Darling, 2009), particularly when one's agency is drastically limited by the state. Moreover, when thinking about the state's reaction to refugees as a pollutant to the 'national order of things' (Malkki, 1995) or 'trinity' of nation, state, and territory (Agamben, 2000), has been applicable in understanding the categorisation and problematisation of refugees into an object that requires state intervention to be managed (Stepputat, 1994; Soguk, 1999; Hyndman, 2001). That said, I do consider there to be a liberal application of Agamben's 'state of exception' (1998), when considering the relationship between states and certain refugee camps, particularly in East African context. Therefore, I agree with Ramadan (2013) and Owens (2009) that there has been a latent orthodoxy in the application of Agamben in the studies in refugee camps.

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There is a tendency for authors to 'feel obliged' to use Agamben (Owens, 2009). This is not inherently a problem, but when a concept, much like a knife is unnecessarily overused its edge becomes dull and less effective in picking apart the particularities of a phenomenon. The theory of the 'state of exception' (Agamben 1998) has become overstretched and overused, that other aspects that could help us understand the camp has been lost. Instead, the 'state of exception' appears to have become more of a floating or empty signifier in some scholarly works on camps. Where the central concept or idea has lost its original significance, so overused, and at times glossed over, its capacity to be effectively applied is neglected. In doing so, authors tend to refer to Agamben, applying their ideas without carefully considering how it might impact other phenomena they are describing within their ethnographic works. This, I argue, has occurred when referring to states within refugee camps.

The role of states, and how they become constituted within refugee camps, has been largely unaddressed within camp ethnographies. Despite their frequent mention, states, or more commonly put 'the nation-state', is often side-lined as a power that imposes the containment, exclusion, and biopolitical ordering of refugees (Malkki, 1995; Hyndman, 2000; Turner, 2010; Agier, 2011; Jansen, 2018). This deflates the state to a coherent 'thing' (Krohn-Hansen and Nustad, 2005), rather than an assemblage of practices, images, and relations which constitute it. Moreover, such an approach ignores the variety and historic complexity states take forms in different contexts, particularly in the African continent where the state is assumed to be 'weak' or underdeveloped (Bierschenk and Olivier de Sardan, 2014; Markakis, Schlee and Young, 2021). When the state appears absent, it does not mean that a void exists, rather other powers may exist in its place (Bierschenk and Olivier de Sardan, 2014). The UNHCR, for example, is often portrayed and depicts itself as a lone sovereign that maintains the 'state of exception' limiting state involvement in camp management (see Turner, 2010; Jansen, 2018). However, the UNHCR neither has jurisdiction to enforce laws nor the capacity to contain refugees independently, instead it often works in regions on behalf of the host-state which it depends on to enforce encampment and find durable solutions for the refugee population (Mwangi, 2006; Brankamp, 2019). Considering this, and depending on the context, the UNHCR could be an extension of the state, rather than being constituted as an authority 'vis-à-vis' the state (Jansen, 2018, p. 45).

The UNHCR is enigmatic for its role in camp governance and managing the distribution of humanitarian aid in a state-like fashion. As noted above, it is not remarkable when previous works examining the camp have used the managerial role committed by the UNHCR to

explain ‘the state of exception’ (see Diken, 2004; Hansen and Stepputat, 2006; Turner, 2010; Weizman, 2011; Jansen, 2018). Some scholars have gone as far as to suggest the UNHCR acts like a substitute or proxy-like state (Wilde, 1998; Slaughter and Crisp, 2008; Agier, 2011). Take for instance, Turner (2010) and Jansen (2018), who have both examined the state-like presence of the UNHCR. Jansen, notably influenced by Turner (2010), argues that ‘the camps were like islands within the Kenyan state...’ where the ‘UNHCR became a de facto substitute for the state’ (2018, p. 44). Turner has described ‘the governmental practices of international relief agencies had the effect of ‘producing’ refugees as manageable citizens. In daily practices it is the UNHCR that takes the state-like position in the camp.’ (Turner, 2004, p. 246). Both Turner (2004) and Jansen (2018) describe the UNHCR as a state yet limit themselves from calling it a state, nor do they explore how the UNHCR can be a state for refugees. Rather, for Jansen (2018) and Turner (2004), the UNHCR is assumed to be state-like due to the refugee’s assumed exclusion, or the ‘state of exception’ (Agamben, 1998), which they use to define sovereignty.

Jansen’s (2018) ethnography of Kakuma Refugee Camp was mainly conducted between 2004 and 2006, during what could be described as the peak of UNHCR authority within the camp. Therefore, it is understandable that the UNHCR takes a central stage in Jansen’s analysis. However, as noted above, during the period Jansen conducted fieldwork, the Kenyan state was present in the form of the institutions such as the DCC and the Kenyan police (see Mwangi, 2006). Moreover, Jansen (2018) notably downplays the role played by the Kenyan state during this period, possibly due to the minor role played by Kenyan state actors in the management of the camp. I suggest this is more likely a result of Jansen’s theoretical point of departure using the ‘state of exception’, rather than the context of the camp Jansen was working in. As a result, the use of the ‘state of exception’ (Agamben, 1992) has reduced the Kenyan state to a producer of exclusion, rather than examining how it is constituted socially.

1.3 Encamped States

Categorising the state is a difficult task. It is both an emic category used by actors in daily life and an analytical term. The state is a concept that combines a whole array of disjointed and diverse institutions, political organisations, and actors presented as a monolithic and united form. As noted above, the Kenyan state delegates in the opening vignette represent a snapshot of this, an amalgamation of actors from a whole array of different government bodies and state institutions each with their own perspectives and interests. For those observing the speeches, the concept of the state is maintained, reinforced, and transformed through such

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relational interactions. However, not all actors may agree upon what entities belong as a state or within a state, for example, the UNHCR. While UNHCR actors may not define the UNHCR as a state, its practices, images, functions, and relations to refugees help constitute it as a state to the refugee population of Kakuma and Kalobeyei. Many refugees often referred to the UNHCR as their 'government' or parent figure. As such, some institutions, such as the UNHCR, may express traits of 'stateness': a quality of having a state-like image ascribed to an organisation or possessing a function of a state apparatus (see Beek, 2016, p. 9). Yet stateness is not a unifying qualifier for all state forms. In Kakuma and Kalobeyei, South Sudanese and Somali political actors make claims to state representation, but only form a part of a state apparatus at strategic moments. The presence of such actors who claim state representation, not only demonstrates the multiplicity of states as noted before, but also reveals how the state is a process that must be worked upon within relational settings.

In this thesis, I demonstrate how states become constituted within the context of a refugee camp. To do so, I build on Thelen, Vetter, and Benda-Beckmann's 'stategraphy' (2017) and Bierschenk and Sardan's 'states at work' (Bierschenk and Olivier de Sardan, 2014), to argue that the state is best understood as an incomplete process, made from an assortment of practices and images bound through relations which give the state a constituted form. Social relations form the material dimension of the state, characterised by the various institutions or political organisations that compose a given state. Actors within political organisations and institutions make claims to such state practices and images to legitimise their exertion of power and domination (Scott, 1990). If we consider politics is the vast array of practices that people rely on to negotiate power relations. Then state relations can be understood as the unequal distribution of political power and access to resources, thus negotiation over such resources by utilising state images not only solidifies the state idea but ground it simultaneously through practice. This not only helps reiterate and confirm which actors and their respective institutions belong to a given state, denoting its boundaries and who is embedded within, but also transform the state according to a particular context. To help define my understanding of the state, I now briefly demonstrate the different anthropological approaches that have influenced this thesis.

Anthropology is considered relative latecomer to the analysis of the state (Sharma and Gupta, 2006). Where political science was fixated on the state and how it created a social order in modern societies, anthropologists illustrated that political order was also possible in stateless societies and cultures (Bierschenk, 2010). This breakthrough was demonstrated in Evans-

Pritchard's (1940) work in southern Sudan, which showed how cultures did not require a state to create political stability. In the preface, Radcliffe-Brown declared the state 'does not exist in the phenomenal world; it is a fiction of the philosophers. What does exist is an organization, i.e. a collection of individual human beings connected by a complex system of relations [...] and some are in possession of special power or authority, as chiefs or elders [...], as legislators or judges' (1940, p. xiii). Radcliffe-Brown's point is that the state is a political organisation, and as such formed from a system of relations. Moreover, Radcliffe-Brown's declaration, and Even-Pritchard's work, although dismissive of the state as an arena for anthropological study, were always shaped by the state due to their fascination with stateless societies. This prompted Bierschenk to remark, 'the state was the midwife of modern political anthropology' (2010, p. 3).

According to Sharma and Gupta, (2006), anthropologists have showed limited or little interest in state phenomena. However, this is simply not true (see Marcus, 2008), as is evident with the many structural-functionalist, Marxist, and anthropologists particularly from the Manchester School in the 1980s who became interested in the state (Vincent, 1990; Nugent and Vincent, 2007; Bierschenk, 2010; see Thiemann, 2016). Later anthropological efforts to explore the state focus on the daily negotiations and practices of the state (see Fuller and Bénéï, 2001), the state as a form of Foucauldian governance (see Roitman, 2004), or the state as existing most potently in the margins (Das and Poole, 2004). However, despite the diversity of interest in the state in anthropology, there was no encompassing theory for the state (Thiemann, 2016, p. 35).

The main challenge has always been to conceptualise the state. Two scholars, in particular, are often cited in their approach to dealing with the state, the sociologist Abrams and the anthropologist Mitchell. Abrams argues the difficulty defining the state is primarily been the distinction between 'state-system and the state-idea' (Abrams, 1988, p. 79). For Abrams, the state is 'an ideological project' that obscures and masks a state-system of incoherent government institutions (police, health care, education, etc.) (1988). Abrams summarises that the state idea stems from claims to power and domination, claims act like a mask that hides the various institutions that substantially exist behind the idea of the state (1988). Thus, by acting in the name of the state, these institutions create an appearance of a unified whole and grant themselves legitimate power. Mitchell, on the other hand, suggests that the state is a 'metaphysical effect of practices that makes structures appear to exist' (1991). Mitchell coined the term 'state effect', an organisation of time and space through routine and repetition

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of practices that allow the state-idea to have a structure (1999). He illustrates this with the example of state borders, by 'exercising absolute control over movement across it, states practices define and help constitute the national entity... everyday activities that constitute it, appearing as a structure containing and giving order and meaning to people's lives' (Mitchell, 1991). Mitchell suggests the state has a 'structure', and Abrams argues the state as 'an ideological project', yet they both demonstrate the state as not an inherent thing, but something which must be constituted.

Mitchell and Abrams's approaches resonate with many 'Anglo-American' anthropologists (see Marcus, 2008) who fitted within the wider cultural turn. Akhil Gupta's foundational article 'Blurred Boundaries', for example, emphasises the examination of 'powerful cultural practices by which the state is symbolically represented' through everyday practices and 'discursive construction of the state' (1995). Hansen and Stepputat (2001) shortly after developed 'languages of stateness' to understand 'how the state tries to make itself real and tangible through symbols, texts, and iconography' (Hansen and Stepputat, 2001, p. 5). And, Sharma and Gupta, while attempting to capture both representations and practices of the state, tend to emphasise how the 'cultural representations and performance of statehood crucially shape people's perceptions about the nature of the state.' (2006, p. 18). Images, symbols, and representations were potent aspects for how the state became constituted as a cultural artifact or effect for many scholars. However, while their approach helped 'demystify' the state as a thing (Abrams, 1988, p. 82) and give anthropology a coherent state theory, its scope failed to connect state images with concrete state practices (Thelen, Vettters and Benda-Beckmann, 2017).

Such approaches within the 'Anglo-American' tradition have tended to ignore certain approaches towards the state (Marcus, 2008), which has arguably resulted in the overemphasis of state images over practices (Thomassen, 2008; Thelen, Vettters and Benda-Beckmann, 2017). State practices are not only important for constituting the state into an experienced and seemingly coherent form (Krohn-Hansen and Nustad, 2005), but they are also essential for the working of state institutions (Bierschenk, 2010). The work and daily encounters of street-level bureaucrats with clients are required to give seemingly abstract state policies form (Lipsky, 2010). Therefore, the examination of state practices emphasises actors and the institutions and political organisations they work within. Thus, to bridge the connection between practices and images, any examination of the state must focus on actors.

‘States at work’ refer to the everyday practices of state actors, as well as the ‘always incomplete nature of state formation process.’ (Bierschenk and Olivier de Sardan, 2014, pp. 4–5). For Bierschenk and Olivier de Sardan (2014), the state ‘should be seen not as an entity but as a bundle of practices and processes in a field of complex powers... And such processes can run in different directions with diverse effects’ either strengthening or weakening the state image (2014, p. 15). The conceptualisation of the state as a ‘building site’, enables the study of the transformative and sometimes contradictory work of state actors. Moreover, it anchors the state on previous structural forms that may have had different power interests. The various ‘historical trajectories’ from colonial to postcolonial in the African context have ‘resulted in the emergence of heterogeneous and fragmented bureaucracies.’ (Bierschenk and Olivier de Sardan, 2014, p. 223). Such an approach allows an examination of state work as a landscape marked by complex arrangements and negotiation. State actors are recognised as being embedded within local cultural norms, as they must work between informal agreements and formal regulation, while their work is constantly building upon previous infrastructures and institutions of colonial and post-colonial origin.

For Bierschenk and Olivier de Sardan, the pivotal role played by state actors in shaping state practices and processes is essential for understanding not only how the state works, but how it is constituted through its work (2014). Nevertheless, noticeably missing from Bierschenk and Olivier de Sardan’s analysis is the role of state images and representations. Little is mentioned by Bierschenk and Olivier de Sardan on how state actors use representations or images. Just like state practices, state images and representations are also derived from the cultural and historic context in which they are found (Krohn-Hansen and Nustad, 2005). Moreover, how state images are claimed and utilised in conjunction with practices is an essential part of legitimising a state actor (Hansen and Stepputat, 2001; Thelen, Vettters and Benda-Beckmann, 2017). A major difference between state images and practices lies within the frequency in which they change and transform. For example, in many African states, the continued use of certain colonial practices and tactics in certain state institutions demonstrates how state practices can change at different rates in various institutions. Practiced norms and laws also change and become adapted according to context. While across many states, state images may seemingly remain the same, rarely changing or adapting until a new order or regime takes over. The reason is that state practices and laws are essential for the function of state institutions and therefore tend to adapt more frequently. Where the two interconnect, state images and practices, is within the relational setting between actors.

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Thelen, Vettters, and Benda-Beckmann's 'stategraphy' (2017) take a relational approach to amend the disconnection between state practices and images, drawing from their focus on actors and the relations between them to constitute the state. In line with the Manchester School approach of examining ties between actors (see Kapferer, 2005) and following a European tradition of analysing the state (Thiemann, 2016, p. 36) through 'power relationships, everyday practices, and meanings' (Krohn-Hansen and Nustad, 2005, p. 5), Thelen, Vettters, and Benda-Beckmann detail a relational approach to the anthropology of the state. Their approach describes how the state is a relational setting, in which actors negotiate over legitimising power by utilising state images which are reaffirmed through state practices. Moreover, Thelen, Vettters, and Benda-Beckmann (2017) reaffirm Bierschenk and Olivier de Sardan's (2014) argument that states are not static, but instead can be understood as processual and everchanging. From this perspective, states demonstrate their transformative capacity within 'institutional settings that are structured by social relations in interactions characterized by different state images.' (Thelen, Vettters and Benda-Beckmann, 2017, p. 7). Thelen, Vettters and Benda-Beckmann propose a theoretical tool kit to study the state with three modes of enquiry: relational modalities, one's expectations of the state based on past interactions; boundary work, who belongs to the state and when; and embeddedness, the various intersecting relations within the state, such as kinship.

Building upon Thelen, Vettters, and Benda-Beckmann's (2017) relational approach, and drawing inspiration from Bierschenk and Olivier de Sardan's 'states at work' (2014), I argue states in Kakuma and Kalobeyei are also multiple and mobile. The multiplicity and mobility of states within the camp context is the foundation for a concept I call encamped states. Encamped states is a conceptual approach to examine how states are constituted within the context of refugee camps. The relational setting in which states are constituted are shaped by the political systems and historic contexts in which they are found (Krohn-Hansen and Nustad, 2005). How previous state relations have been developed within such a context is reflected in future expectations and learned practices. State practices are guided by pre-existing and newly introduced norms, laws, procedures, and principles, developed upon the various mobile actors and institutions creating plural orders (Benda-Beckmann and Turner, 2018; Dahlvik, 2018; Foblets, Leboeuf and Yanasmayan, 2018). Thus, the state reflects the context in which it is found, it is something previously worked upon, and within the setting of the refugee camp, this is no different. I am not claiming that the multiplicity and mobility of states are unique to refugee camps, or Kakuma and Kalobeyei, rather that such features are endemic to how the state was constituted within the camp context.

State actors in refugee camps are highly mobile, as their presence within camps is marked by periodic visits or temporary assignments. As demonstrated within the opening vignette, some state actors often visit the camp for a ceremony before leaving again. The reason for this is that many aspects of the camp are temporary, owing in part to the temporal idea and foundation the camp was constructed on. As such, the relations refugees develop with state actors are often short-lived or sporadic. State actors who stay for longer periods often develop upon the work of previous staff, forcing refugees to constantly adapt and negotiate with a new retinue of Kenyan state or UNHCR staff (see chapter 2). Moreover, many refugees in the camp are also mobile, utilising a whole array of different tactics to move beyond the camp, such as kinship networks (Horst, 2007) or strategically using documents (Nakueira, 2019a). For many in the camp, mobility is highly political, and the mass resettlement of one ethnic or national group is often met with accusations of corruption or witchcraft (Nakueira, 2019b). Thus, the temporality of refugee camps is reflected in the state relations and practices generated. Such a relational presence is also bound to changing political dynamics (see chapter 4). For example, new policies must be worked out between actors. Therefore, for the new policy or framework to be functional, it must also travel and be applied within the local context (see chapter 6). The Kenyan state's involvement in the camp is possibly the best example of this, while its presence was previously limited, it has now rapidly expanded with the role of RAS in the management of the camps (see chapter 2). Thus, mobility of actors is a key feature in how the state is constituted within an encamped setting.

The diversity of different ethnic and national identities, each with their own respective or sometimes numerous political organisations, coupled with the array of humanitarian agencies and host-country institutions maintain the presence of multiple states in the camps (see chapter 3 and 5). The various refugee political organisations which reside in the camp can either work for the camp management or not, depending on which relational strategy is deployed by either the political organisation or camp governing bodies. Camp governance is often marked by patronage and violence, as political organisations depend on funding from managing agencies, but also made responsible if the camp experiences bouts of violence (see chapter 5). Thus, this makes refugee political organisations selective about how they mobilise their activities and when. Refugee political actors may make claims to different state representation at tactical moments, either working on behalf of the Kenyan state, a humanitarian agency or claiming to be a third country state representative such as South Sudan or Somalia (see chapters 4 and 5).

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The various political organisations and humanitarian agencies within the camp each serve a particular state function. These organisations vary in size and scale, from multinational humanitarian organisations such as the World Food Programme (WFP) who distribute food rations, to state agencies such as the Kenyan Police Service who maintain Kenyan political order. Refugee-led organisations form the bulk of state functions within the camp, in particular governance and welfare (see chapter 4). Grassroots organisations such as community-based organisations (CBOs) give free local services, while Community Leaders often service other institutions such as the UNHCR or RAS. Community Leaders, such as traditional leadership, or elected block and zonal leaders, are delegated governance roles within the camp with the intension of maintaining both Kenyan state and UNHCR rule. However, some actors who serve the state functions within the camp, in particular governance, are often involved in other extra-legal political organisations. Some of these organisations may represent other states. For example, actors belonging to the SPLM-IO (Sudan People's Liberation Movement-in-Opposition) are also state representatives as they form a part of the South Sudanese government opposition (see chapter 5). Thus, these various state functions within the camp not only produce varying contradictory or complementary normative and legal orders, but also can represent the multiplicity of states within the camp.

In Kakuma and Kalobeyei, states are multiple, come in various forms and have unique relational dynamics. As noted prior, this is not unique to Kakuma and Kalobeyei;² rather their multiplicity and form are the result of their political context. I make this point not only to demonstrate how states are constituted within the camp context but also to illustrate how refugees are collaborators in the process. Refugees have political agency, they do not exhibit a 'bare life' nor is the camp a 'space of exception' (Agamben, 1998). Camps are originally designed to be temporary. As a result, they may at times possess exceptional qualities, but they are also politically fluid constructs with the capacity to transform and adapt to the political context they exist within. The states which inhabit camps, surround them, or move through them exhibit similar qualities. Consider the opening vignette, how Luke reflected on the presence of the Kenyan state, from one of near absence to then a dominating presence. This is the transformative feature of the state, much like the camp, one in which the UNHCR ruled, is now shared or to an extent dominated by a series of Kenyan state agencies.

² I would argue that other sites in Kenya with a high volume of transnational and migratory communities share common features of the relational state with Kakuma and Kalobeyei refugee camps. For example, Eastleigh in Nairobi has a large population of Somali nationals and refugees. Present within such a setting are Kenyan and Somali state actors, in particular Somali government representatives, who are themselves highly mobile.

Therefore, the context this research was conducted in has contributed to and help generate the theoretical approach of encamped states.

1.4 Methods of a Camp Ethnography

This thesis builds upon a robust lineage of published camp ethnographies based on Kakuma Refugee Camp (Grabska, 2014; Grayson, 2017; Jansen, 2018). Kakuma is arguably an over-researched site, and I do not dispute this. However, the camp is a hypersensitive space to the dynamic and constantly changing political context of East Africa. Arguably, Kakuma serves as a lens for understanding wider geopolitical events within East Africa and beyond. For example, in 2005 the peace process between the northern Sudanese government and SPLM (Sudan People's Liberation Movement) prompted the repatriation of southern Sudanese. Before this, the resettlement of Somali Bantus to the USA prompted many Somalis to settle in Kakuma in the hope of resettlement (Besteman, 2016). Such demographic shifts transformed the research of earlier camp ethnographies of Kakuma. Grabska, for example, conducted her fieldwork in Kakuma during the repatriation process of Sudanese (2014), and Grayson's (2017) later fieldwork focused on Somali youth aspirations to resettle. The political context not only shapes the research project but can also impact the theoretical approach one uses. As noted before, when Jansen (2018) conducted fieldwork in Kakuma, the Kenyan state had a limited presence, prompting him to propose the camp as an exceptional space. Despite this, the camp has changed, as to date RAS, the Kenyan state agency, is now the main managerial body in Kakuma, and the construction of the Kalobeyei Integrated Settlement demonstrates a regional policy shift towards integration of refugees. The camp is a site of hyper-change. Its population makeup, physical layout, active staff, programs, and policies are constantly being reassessed and adapted to the unfolding political context. Recognising the camp and its inhabitants' capacity for change makes it an important site to understand the wider political changes in East Africa and beyond.

During my fieldwork, gaining access to Kakuma Refugee Camp and Kalobeyei Integrated Settlement was permitted through RAS, and not the UNHCR as previous applicants had required. Arguably, my interest in the Kenyan state emerged from these early encounters. To be eligible to conduct research in the camp, I first needed affiliation letter with a Kenyan research institute, a research permit from the National Commission for Science, Technology, and Innovation (NCSTI), and a research visa from the Directorate of Immigration Services. After receiving the documentation, I had to submit them with my research plan to the RAS Commissioner in Nairobi. After receiving a letter of acceptance, I had to show my

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documentation to the RAS Camp Manager in Kakuma. I underwent an interview with the Deputy Camp Manager, who ask questions about my research plan, required me to know where I would be staying, and the contact details of those I knew in the camp. Once finished, I received an official document that I needed to carry at all times when in the camp. On one occasion, when interviewing the Assistant Deputy County Commissioner (ADCC), the RAS Camp Manager entered the room and demanded to see my documentation or, “I will have to arrest you” (field diary, Kakuma, 08.04.19). From my very first visit to the camp, the state took the central stage, and as such, had a great impact on my research.

I conducted fieldwork in Kakuma between May 2018 and August 2018, returning in November 2018 and staying until July 2019. I lived in various locations during my time in Kakuma, predominantly in Kakuma town at Tarach or Narus Guest House, or with Jesuit Refugee Service or Peace Winds Japan in compound 1 (see map 3). Living in the town and the compound both had their benefits and drawbacks. In the guest houses, I maintained greater independence from the UNHCR or NGO association. At the guest house, I had the freedom to invite refugees to my room, speak privately, and discuss difficult topics. Moreover, guest houses employed local Turkana and often hosted temporary NGO workers and former refugees visiting relatives at the camp, allowing me to engage with a range of perspectives. On the other hand, the compound, while problematic for its guarded entrances, was an excellent source of direct information with long-term NGO staff. While staying within, I had the freedom to move around the compound and visit the offices of NGO staff I wanted to interview. Moreover, the security at the humanitarian compound I stayed within had the most relaxed security, particularly after becoming acquainted with the guards, they allowed me to bring informants and language tutors onto the grounds and local canteens.

My partner Jenni Viitala, a Social Anthropologist and PhD candidate from the University of Helsinki accompanied me during my fieldwork for approximately six months between December 2018 and May 2019. During her stay in Kakuma, she worked as a volunteer for the Jesuit Refugee Service (JRS), assisting students with writing and applying for university positions and scholarships in Kenya and Europe. Her position granted me greater access to the various humanitarian agencies who worked in Kakuma and Kalobeyei. As a result, Jenni was able to describe to me the inner workings of various humanitarian agencies within the camp. Moreover, some of the students she assisted would later become some of my best informants and research assistants, in particular Luke from the opening vignette. When Jenni was not working, and accompanied me to the camp, many informants came to see me within a more

intimate setting that helped build trust. Jenni's position as a JRS volunteer and a woman granted her unique insights into aspects of the camp I could never reach. The aspects of the camp she described to me would become instrumental to the formation of this thesis.

I mainly travelled into the camp by bicycle, and sometimes by foot, *boda boda* (motorbike taxi), or on a very rare occasion with a humanitarian vehicle. Cycling in the camp was reminiscent of Newhouse's 'footing it' (2012), a reflection on how our modes of travel and mobility transform our research and inform our theory. Traveling by bicycle shaped how I did research, allowing me to 'improvise' (Cerwonka and Malkki, 2008) to unfolding events within the camp and adapt my research while on the move. Moreover, cycling helped me understand the camp as a space, as it allowed me to observe its various political and ethnic areas, where the state was most present and active. Cycling gave me a sense of freedom in my research, mental respite, but most importantly cemented my position as independent from the camp's international organisations. Traveling in a humanitarian vehicle was only done several times in the early stages of the research. I only accompanied agencies if there were no other means to access a certain space or organisation. Doing so allowed me to understand the world in which humanitarian staff lived in Kakuma, often in airconditioned vehicles, some visiting the camp on rare occasions, and living in comparative luxury to their surroundings. Moreover, it illustrated the different groups which worked within the camp, UNHCR employees, state employees, non-Turkana Kenyan agency staff, and the Turkana who often worked as security guards or local government administrators.

My methods of fieldwork in Kakuma could be described as an 'ethnography of the state' (Sharma and Gupta, 2006), specifically the examination of daily 'practices and interactions' (Bierschenk and Olivier de Sardan, 2014, p. 54) between state actors and refugees. However, the focus was not only on state and humanitarian actors, but more importantly the refugees themselves and their reflections on the state. A proportion of the research was conducted through participant observation within institutions that governed the camp, such as humanitarian and state institutions. More importantly, I was specifically interested in the refugee-led organisations, such as community-based organisations (CBO), religious congregations, zonal/block administration, ethnic, political, and traditional organisations. I made sure to attend and observe both special events and the mundane everyday work of such organisations. Through such work, I came to realise how the state as a concept was used between actors, specifically when refugees took on the role of the state to impose and govern on behalf of the camp management. I made sure to spend considerable time in different areas

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of the camp, not focusing on one specific ethnic or national group, rather moving between them to understand the different dynamics. Combined with the use of informal and formal interviews with organisation representatives and participants, I was able to gauge the changing political undercurrents faced by such organisations, as the Kenyan state took increasing control over camp administration.

A large proportion of my research was conducted by what can be described as an 'extended case method' (Evens and Handelman, 2006, p. 29) through 'hanging out with refugees' (Rodgers, 2004) in informal settings. The process of spending time and conducting participant observation with refugees over an extended period, allows for of micro-history description of events and interactions with state actors and institutions. In addition, the informality of such work, allows for refugees to speak and act for themselves without the constraints from a research or humanitarian agenda. A lot of time was spent in *hotels* (a colloquial term for public spaces, bars, restaurants, and cafes), where mainly men, but sometimes women would either relax, maybe eat, drink tea or coffee, and most importantly discuss global or local politics and events. On specific days, when food rations arrived, resettlement interviews took place, or a state official visited the camp, conversations would often be fixated on those specific events. On some occasions, Kenyan humanitarian and state officers would come to such *hotels*, order food, and engage in such conversations, interacting with refugees outside of the humanitarian norms. Sometimes, Kenyan police would come to *hotels* to demand food and drinks without paying for them, demonstrating the power imbalance between refugees and state actors. When state actors had left again, stories and rumours concerning that specific state officer would be shared and retold, remarking on their work or corrupt practices. Another location I spent time with refugees was at private residences, where informants, particularly female informants, could speak more freely and remark on political tensions within the camp without or with limited fear of reprisal. It was within private residences that I collected life histories from refugees who inhabited the camp.

My positionality and mode of conducting research have guided my theoretical analysis. I agree with Bierschenk and Olivier de Sardan that ethnographic research on the state naturally draws the ethnographer to the examination of state institutions, bureaucracies, and political organisations (2014, pp. 17–18). However, I would go further and suggest that participant observation has informed my perception of the state. Anthropologists, including myself, tend to observe the state in an actor-orientated position, which in turn informs our theoretical perspective to examine state practice, images, and particularly relations. Moreover, my

position as a *mzungu* (white) male researcher, shaped who wanted and was permitted to speak with me. Not only did my positionality create specific ‘power dynamics’ between myself and my informants (Bilotta, 2021), but it also shaped my perspective of the different powers in Kakuma and Kalobeyei. For example, many refugees often felt comfortable confiding in me their complaints about the camp, how it was managed, and its daily politics. In contrast, some state and humanitarian actors – except for a reasonable few – were cautious speaking with me due to fear of risking their positions.³ This limitation to information from state and humanitarian actors, while openness from refugees guided how I conducted research, but also how I would come to understand the state predominately from a refugee perspective.

Another part of the research was archival work with print and visual media. While in Kenya, I attempted to obtain as much archival information from the various NGOs based in Kakuma and government bodies in Nairobi such as RAS and the EU Delegation in Kenya. I also extensively photographed or filmed events when asked to do so by my informants. Moreover, I kept up to date with political events within Kenya, through print newspapers and social media platforms. After completing fieldwork, I continued to obtain information from a wider variety of mediums, such as academic conferences, symposiums, journals, and books, but also online media, social media, surveys, reports, and grey literature. Most importantly, I maintained contact with many informants in Kakuma and Nairobi through social media. Doing so allowed me to verify media reports with local information on the ground.

While conducting fieldwork, I used English, Kiswahili, and Juba Arabic (South Sudanese Arabic dialect). English was the predominant language used for interviews and general information gathering. For day-to-day basic conversations, I could converse in Kiswahili and Juba Arabic, but my ability to gain in-depth information was limited by my lack of vocabulary. Throughout my time in Kakuma and Nairobi, I had several language teachers in Kiswahili, Arabic, and for a brief period Somali and Nuer language (Thok Naath). However, I did not restrict my access to information based on language. On many occasions, I was assisted by many key informants to translate. Moreover, my use of English and Kiswahili enabled me to communicate with many people in the camp. English and Kiswahili were the *lingua franca* of the camp, as many people have learned both languages in Kenya, either through the education system or as a part of their lives in Kenya.

³ RAS agents in Kakuma were forbidden to be interviewed by me. However, I was permitted to speak with RAS staff in Nairobi.

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Kakuma Refugee Camp and Kalobeyei Integrated Settlement were my main field sites (see maps 2 and 4), and that makes this thesis join a lineage of camp ethnographies. However, my research was not bound to the camps, as a significant proportion of my research was also conducted in the adjacent Kakuma and Kalobeyei towns (see maps 3 and 5). Nairobi was an important hub for information (see map 1), particularly when organising official interviews with RAS, the UNHCR, or other agencies. Moreover, meeting with refugee contacts in the Nairobi districts of Eastleigh, Pagani, and Ruaraka, was extremely important to understand the networks that extended beyond the camp. Being able to move and change location was vital, as it allowed me to travel or follow many informants across Kenya. Meeting at various sites, such as with humanitarian staff at a bar at Lake Turkana or members of Sudan People's Liberation Movement-in-Opposition (SPLM-IO) in a side room of a restaurant in Nairobi, helped me connect the wider role played by such actors. It demonstrated the mobility these actors had, their networks to Kakuma, and most importantly how refugees experienced the state in different spatial contexts.

The main research subjects of this thesis were the refugee population of Kakuma Refugee Camp and Kalobeyei Integrated Settlement. Importantly, I recognise the immense problems with using the term "refugee". I understand how the term might depoliticise an actor, reducing them to a humanitarian subject that lacks history (Malkki, 1996). However, I use the term "refugee" as an emic category that emerged from my field site. From this perspective, the term refugee can be better understood as an identity frame (Eidson *et al.*, 2017), that can be used tactically and that intersects with other frames and alignments of identity, such as nationality, religion, and gender. It combines the legal category that might grant one access to limited humanitarian resources but can also be used by people outside such a legal framework. For example, while conducting fieldwork in Kakuma, I encountered a man who originated from the coastal region in Kenya. He was, legally speaking, a Kenyan citizen, yet by marriage to a Somali refugee, he defined himself also as a refugee. Despite not owning any documentation or legal rights as a refugee, he used refugee as a frame to identify himself through kinship. His 'refugeeness' (Ikanda, 2018), was not defined by vulnerability or legal definition, but his kinship to a refugee through marriage. In other cases, the term refugee might be avoided, such as with Somali refugees living in Eastleigh Nairobi (Lowe and Yarnell, 2019). Thus, what I define as a refugee, is an actor's self-ascription, this may include people using the legal category, but also other frames and alignments of identity ascription beyond the static legal definition.

A select group of key informants and friends helped me understand life in the camp from an intensely personal experience. Lam, Omar, Robert, Maashoo, Luke, and Ali were all extremely influential in giving me a unique perspective on the camp. Their assistance and personal insight from the various political, managerial, humanitarian, ethnic, national, and religious organisations they were either involved in or associated with helped guide and shape the research. Being able to spend time, eat, sleep, drink, chew miraa (a narcotic leaf), move, and at times work with them in various areas of the camp opened so many avenues for my research. Their presence and insights help guide me to see different perspectives of the camp, beyond that of the humanitarian gaze. While some aspects of camp life may not have yielded any results, other avenues snowballed into some of the foundational perspectives of this thesis. Lam, Omar, Robert, Luke, Maashoo and Ali were all deeply concerned with the expanding role played by the Kenyan state in the camp. Their interactions with the various organisations of the camp helped me understand how the states became constituted within the camp. Even after leaving the camp, I have kept in contact with them through social media. Being able to maintain contact keeps me up to date with unfolding political changes in Kakuma, Kenya, and beyond. While some of them have left the camp for Nairobi, Uganda, Canada, and the United States, they all continue to assist me tremendously by reading, suggesting changes, amendments, and developing the theoretical argument of the thesis.

Keeping my fieldwork data safe and secure was of the utmost importance. When writing fieldnotes and conducting interviews names and places were always anonymised. All data was secured in a safe in Kakuma, and later stored in a safe house in Nairobi. Any media with sensitive information was stored on an encrypted drive. Returning from fieldwork, sensitive data has continued to be stored on an encrypted drive and fieldnotes stored in a secure location. All persons in this thesis have been pseudonymised, and detailed information on locations has been mostly omitted in order to secure the privacy of those involved. The pseudonyms used have been chosen by those involved.

1.5 Thesis Structure

In this introduction, I have outlined the theoretical approach this thesis will follow. I reject the use of Agamben's 'state of exception' (1998) as a starting point to understand the camp. Instead, I argue such an approach limits our appreciation for other phenomena which is unfolding within the camp context, namely the transformations of states. I detail the contours of what I regard as the state and develop the concept of encamped states, namely how states

Chapter 1. Introduction: The Camp's States

can be constituted within the context of a refugee camp, drawing attention to the multiplicity of states and the mobility of actors.

The 2nd chapter of this thesis examines the expanding role of the Kenyan state in Kakuma Refugee Camp and Kalobeyei Integrated Settlement. Using the concept of encamped states, the chapter explores how the Kenyan state becomes constituted within the camp and beyond through mobility. The chapter opens with an in-depth historical overview of refugee protection in Kenya, from the later colonial period to the contemporary. It then outlines how the Kenyan state gradually retook control of key areas of refugee protection, such as camp management, registration, and encouraging Somali repatriation. The chapter examines these arenas in which the Kenyan state took control and how this has transformed refugees' understandings of the Kenyan state. Initially, it examines the work of the Kenyan Police Service and RAS, then follows the case of Robert as he attempts to receive his refugee status, and finally the Somali repatriation process. It demonstrates how mobile interactions with state actors and their work transforms how the state is constituted.

The 3rd chapter focuses primarily on the new Kalobeyei Integrated Settlement. In this chapter, I explore how the construction of permanent shelters in Kalobeyei Integrated Settlement creates it as an urban space and how refugees and state actors use such a space to make claims to sovereignty. This approach builds upon my original criticism of Agamben's concept of sovereignty. Rather than being a form of exclusion, sovereignty should be understood from an actor's perspective, as a form of aspiration to be or have sovereignty. I give a brief historic overview of Turkana County, before moving on to the formation of the Turkana County government and its cooperation with the UNHCR to create the Kalobeyei Integrated Settlement. In this chapter, I examine the construction of permanent shelters and how they shape local concepts of sovereignty. Where the refugees use such shelters to claim UNHCR sovereignty, the Turkana County Government uses them to apply for municipal status, making the camp a possible city.

The 4th chapter examines the relations between refugees and state actors. It studies the relational work of the Nuer administration, zone and block community leaders, and community-based organisations (CBOs) with the Kenyan state and the UNHCR. This chapter demonstrates the temporal shift from the UNHCR to the Kenyan state being the main managerial body within the camp, and how it has transformed refugees' relations to the state. The past expectations of the UNHCR that were projected upon the Kenyan state demonstrate the relational modalities between refugees and the camp governance. Moreover, the

embedded work of some refugee actors in certain governance and welfare roles come to be considered a part of the Kenyan state by other refugees. Not only does this help constitute the state in the camp, but redefines the boundary of who belongs to it.

The 5th chapter investigates the multiplicity of states in Kakuma, while detailing the impact of enforced disappearances on political activists within the camp. This chapter initially explores the continuity of the colonial origin of the state practice of enforced disappearances, tracing its application from the colonial period into the post-colonial. The chapter shows how enforced disappearances have been used against colonial subjects, dissident citizens, and now refugees in Kenya. Then the chapter details how the enforced disappearance of Marko Lokidor caused many political activists and foreign state representatives in Kakuma to take to hiding and use religious spaces as vehicles for their political mobilisation. The chapter follows two groups who claim state representation: a Somali political party and members of the SPLM-IO in Kakuma. The chapter summarises how the Kenyan state maintains a degree of control and domination over camp politics through the affective impact of enforced disappearances.

The 6th chapter explores refugee rumours concerning the Huduma Namba, a social security card introduced by the Kenyan central government. Two distinct, yet interchangeable rumours circulate the camp concerning the Huduma Namba: the first, suggests it could turn refugees into Kenyan citizens; and second, it was the devil. These rumours all demonstrated refugees' mistrust towards the project. I argue that this mistrust results from the social security card becoming associated with a preconceived understanding and expectation of the Kenyan state. Despite the project being disconnected from any of the work conducted by Kenyan state actors in Kakuma, it still became associated with the refugees' previous understandings and rationalities of the state.

In the 7th and final chapter, I conclude my main findings concerning the state and the camp. In this section, I outline the conceptual contributions of encamped states and the concept's application in Kakuma and Kalobeyi. Using encamped states, I reflect on the wider refugee regime in Kenya, considering the different forms of durable solutions and how they are shaped by a territorial state logic. Then I consider how the 2021 Refugee Act might shape refugee protection in Kenya, before turning to alternatives such as camp abolition. Finally, I conclude with possible avenues for future research.

Chapter 2. Kenyan Refugee Protection: State Mobilities

As I was on the back of a motorcycle traveling from Kakuma to Kalobeyei in April 2019, the driver Jean pointed to the newly tarmacked road. “UN?” he asked, to which I replied, “No, China” (field diary, Kakuma, 14.04.19). He nodded approvingly and then took a wide turn along the bend of the road, no longer having to dodge the occasional pothole. Two weeks later, I was sitting in an Oromo restaurant to meet my Juba Arabic teacher and key informant Lam. He appeared agitated, sat down next to me, and ordered tea. He explained: “Today I was so surprised, I went past the UNHCR field-post for registration, but the flag of Kenya was flying. I don’t know if it is an institution for humanity anymore or government work. I can’t believe UNHCR has become so weak. It’s the first time since I came to Kakuma to see big interference of government into the affairs of the UNHCR. It was not like this before...” (field diary, Kakuma, 26.04.19). In these two separate encounters, a recurrent theme underlines them: the diminishing presence of the UNHCR in the face of the Kenyan state’s active expansion. Many refugees in Kakuma and Kalobeyei remarked on how the Kenyan state had taken control over key institutions for refugee protection. Nowhere was the Kenyan state more prevalent for refugees than through the control over their mobility within and beyond the camp. Such as security checks along the new road or having to negotiate with Kenyan state officers for a travel pass. Mobility was a key relational feature for how refugees constituted the Kenyan state.

Although these two encounters were rather mundane – a minor passing query from Jean or a complaint by Lam – both echoed something larger at work. Firstly, they both illustrate the UNHCR’s significance as an expected regional provider of protection and humanitarian infrastructures, such as the expectation to construct roads and conduct refugee registration. Secondly, the newly tarmacked road signified another change, the presence of the Chinese and the expansion of the LAPSSSET⁴ corridor, a major development project connecting the Kenyan coast to South Sudan and Ethiopia. And finally, the Kenyan flag at the field post (see map 2) represented the Kenyan Refugee Affairs Secretariat (RAS) takeover of refugee protection infrastructure from the UNHCR. While the road and field-post may seem two distant material forms of the state, they were both deeply rooted in an increasing attempt by the central government of Kenya to incorporate the marginalised county of Turkana into the fold of the “state”. Where once the UNHCR acted like a ‘surrogate state’ (Slaughter and Crisp, 2008) in this region on behalf of the Kenyan state, now the Kenyan state was

⁴ Lamu Port and Lamu-Southern Sudan-Ethiopia Transport Corridor.

expanding its presence through direct control of refugee protection and outsourcing development to the Chinese.

The new road constructed by the Chinese Communications Construction Company (CCCC), was an ongoing development project throughout my twelve months of fieldwork. Every time I passed from Kakuma to Lodwar the road would change. New patchworks of the tarmacked road would shape the landscape, making travel exponentially faster between the camp and Lodwar. The road was built upon the former body of a humanitarian corridor road used by Operation Lifeline Sudan, which connected the regional capital Lodwar to the most northern town, Lokichogio, where the operation had its former headquarters (see map 1). When I first arrived in Kakuma the road was almost impassable, forcing many buses and *matatus* (minivan taxis) to traverse the adjacent dirt roads or skilfully zigzag the enormous potholes. By the time I had left Kakuma, the road was almost complete. One Chinese employee for the CCCC mentioned in conversation, “We are here to open up markets... we are not colonisers”. (Field diary, Lodwar, 01.04.19). What was once a broken road with a former humanitarian purpose had now become a highway with an extractivist goal of reaching South Sudan.



Figure 2. Jean on the side of the road with *boda boda* between Kakuma and Kalobeyei.

Chapter 2. Kenyan Refugee Protection: State Mobilities

The peripheral and neglected former province of Turkana has contained a refugee population since the early 1990s. Thus, while ongoing development projects are being enacted within the region, what to do with the refugee population has been of concern for various levels of government. The newly devolved Turkana County Government has sought to include the refugee population into the wider development scheme through the creation of the Kalobeyei Integrated Settlement, a housing project that will be discussed in chapter 3. However, for the Central Government, the refugee population is considered at times to be problematic or possibly dangerous due to its association with Al-Shabaab terrorism. Such anti-refugee rhetoric, commonly attributed to Somalis, has materialised into the voluntary repatriation program for Somali refugees in Kenya. The contrast in the two responses to the refugee population by the central and Turkana governments could not be more different. Where one actively encourages repatriation, and another embraces integration, they illustrate the incoherence of the state, an array of different political institutions and actors, each with their own perspective and aims.

In this chapter, I examine how the Kenyan state is constituted within the camp. Refugee protection in Kakuma and Kalobeyei are experiencing a powershift away from the UNHCR and towards Kenyan state institutions, such as RAS. To understand the increasing role of the Kenyan state in refugee affairs in Kakuma and Kalobeyei, particularly the impact it is having on refugees, I utilise the framework of encamped states as outlined in the introduction of this thesis. I examine how the Kenyan state is experienced differently across contexts, depending on relational and temporal experiences with it. Examining the historic context of refugee protection in Kenya is essential for understanding refugee's past expectations of the UNHCR and situating refugee's current experiences with the Kenyan state. Focusing on the mobility of state actors and refugees is important to understand this historic process, specifically how temporal mobilities transforms one's relationship to the state and how it is constituted within the camp and beyond. This helps explain how the Kenyan state is not a unified form but is a constituted idea made from a multitude of different institutions and organisations. The work of such institutions, and how they work in different contexts, transform refugees' relational understanding of the state, but can also solidify it with previous expectations.

Mobility as a concept captures a whole array of different fluctuating processes, not just the movement of people, but cultures, objects, diseases, information, media, images, and ideas that travel across the globe (Salazar and Smart, 2011). I argue that the state is also mobile, its actors and therefore institutions can move, transforming relations (Thelen, Veters and Benda-

Beckmann, 2017), identities (Schlee, 1989), and adapting state practices and images to suit the setting in which they are utilised (Krohn-Hansen and Nustad, 2005). In addition, one's relationship with the state can be transformed and renovated through mobility. Mobility brings into contact a whole array of different state actors, from regional, national, and at times transnational institutions, such as the UNHCR. While nation-state borders are possibly the most evocative example of mobile people's interactions with states (Andersson, 2014), refugee camps are also important sites for understanding states' control over mobility. The often ambiguous and temporary nature of refugee camps shapes the type of relational settings generated. State relations in refugee camps are shaped by temporal mobility (Dalakoglou and Harvey, 2012), and prone to change by regional political dynamics. Much like the gradually expanding presence of RAS in refugee protection infrastructure, it demonstrates that state relations within refugee camps are often volatile, unstable, and prone to change.

Refugee camps do not exist in isolation despite their remote locations (Turner, 2016), rather they are sites of containment defined by displacement and mobility. Refugees and Kenyan citizens move in and out of Kakuma Refugee Camp for varied reasons, such as to access healthcare, education, and trade (Jansen, 2011). In addition, establishing transnational kin networks is an essential coping strategy to deal with displacement (Horst, 2006). However, the capacity, means, or choice to be mobile is not equally distributed, rather refugees of different social strata have access different regimes of mobility (Glick Schiller and Salazar, 2013). In Kakuma Refugee Camp, the capacity to be mobile is strongly influenced by refugees' relationship to state actors. Gaining access to travel documentation to move beyond the camp is unequally distributed, often prioritizing refugees with business licences. Refugees can utilise various social resources and state practices such as clan affiliation, bribes or utilising paperwork to help facilitate the process (Nakueira, 2019a). For example, Somalis in Kakuma belonging to the Darood and Hawiye clans, utilise clan-based social networks to gain access to mobility beyond the camp (Iazzolino, 2020), whereas Somali Bantus depend on a demonstration of their vulnerability for the chance of resettlement (Besteman, 2016). Being mobile, refugees interact with different state actors and relations, and if outside the camp, they can be without the inherent 'refugeeness' the camp produces (Ikanda, 2018). This disconnection to the camp and possibly being categorised as a refugee has its benefits and pitfalls for accessing state and humanitarian resources.

Mobility is not only helpful in understanding how the state is constituted within the camp, but also how the camp as a space is conceived and created. The refugee camp has been dogged in

academic and media discourses as the symbolic ‘protection space’ (Lyytinen, 2015), a site of protracted containment (Hyndman, 2000; McConnachie, 2016), and a place of ‘warehousing’ refugees (Verdirame and Pobjoy, 2013). The camp can be defined by its ability to limit refugee mobility beyond it. Despite space being geometrically the same for everyone, places are made through power relations which establish rules and define boundaries (Massey, 1993; Green, 2014). The camp and its boundaries are demonstrated through negotiations between refugees who reside within the camp and state actors who control and limit their mobility to move beyond it. Thus, the active attempt by the Kenyan state and UNHCR officers in limiting refugee mobility actively creates the camp. Examining mobility not only allows us to examine how the state is constituted but also how the camp as a space is socially constructed.

This chapter serves to give an in-depth demonstration of the presence of the Kenyan state in the camp. I initially give an in-depth historical overview of refugee protection in Kenya, before moving on to the ethnography itself. Within the ethnography, I first examine the state practices of the Kenyan Police Service and RAS that limit the freedom of movement of refugees in Kakuma and Kalobeyei. Then I follow the case of Robert, an Ethiopian refugee as he attempts to gain his refugee status for private sponsorship to Canada. He, like many others, must navigate and negotiate with multiple state actors to gain some form of recognition within Kenya. And finally, I turn to Somali repatriation – the process in which people voluntarily return to their home country – examining why people choose to leave the camp and consequently lose their refugee status if they return to it.

2.1 Origins of Kenyan Refugee Protection

The origin of migration controls within Kenya can be traced back to the colonial management of the East African Protectorate and later the Colony of Kenya. With the advent of the Ugandan Railway reaching Lake Victoria from Mombasa in 1901, the Crown Lands Ordinance of 1902 granted freehold and leases of agrarian lands in Kenya. By 1915, this Ordinance was updated, restricting the lease of this land to those of European descent and inhibiting Indians who had worked on the railroad from applying (Morgan, 1963). By 1920, the Colony of Kenya was formed and with it the formation of the ‘White Highlands’ and the different ‘Native Reserves’ were established, institutionalising the racial and tribal territories within the Colony. These were subdivided into particular districts and tribal reserves, such as the Northern Frontier District (Schlee, 2013), the largest of the districts created in 1909 as a buffer zone between the agrarian ‘White Highlands’ in central Kenya and southern expansion of the Abyssinian Empire (Elliott, 2016). Movement between such territories was controlled

through the 1915 'Registration of Natives Ordinance' that established fingerprint pass controls for African males over the age of fifteen. The Kipande system (discussed further in chapter 6), as it was commonly termed, became a site of contention as it allowed individuals to be easily tracked by colonial officials (Anderson, 2000).

Some of the earliest forms of refugee protection in Kenya can be traced to the Italian invasion of Abyssinia in 1935. Colonial British authorities only accepted those who they deemed to be in danger, such as Italian-Eritrean deserters and Ethiopian soldiers, while civilians were rarely granted temporary protection. British Colonial Officers of Turkana District were noted to have turned away Ethiopian civilians as they were not considered in immediate danger from the Italians. Those who were offered refuge would be held in a refugee camp in the Northern Frontier District town of Isiolo (Shadle, 2019) (see map 1). With the onset of war between Britain and Italy, the Colony of Kenya was a staging ground for the containment of Italian Prisoners of War (POWs). The British defeat over Italian forces in East Africa between 1940–1941 not only saw the repatriation of Ethiopian refugees but also brought with it 64,000 Italian POWs. Unprepared for the mass of captives, the British colonial authorities rushed to build detention and transit camps between Eritrea and Kenya to house the Italian POWs (Bellina, 2020).

In 1941, Poles were released from Soviet camps to either fight alongside the Allied or be transferred via Iran to British East African colonies. Across twenty-two, British colonial administrations and subordinate Polish administrations established and governed camps across East Africa. In Kenya, Polish refugees had their movement restricted, they were not allowed to leave, and Kenyan "natives" were not allowed to enter unless explicitly allowed by British authorities. With the end of the war, most Poles had left the colonies and were resettled in the United Kingdom, Poland, Canada, and Australia, while approximately one thousand Poles were allowed to settle locally (Lingelbach, 2017, 2020).

In the post-war period, the use of *manyattas* (forced villages) and punitive camps was a common tactic across the British Empire, such as with the Malay Emergency (1948–1960) and the Mau Mau uprising (1952–1960). The Mau Mau uprising (1952–1960) in Kenya, was an armed revolt by the Land and Freedom Army against the colonial state use of reserves, the kipande system, and the refusal to allow "native" populations to grow cash crops (Anderson, 2000). A large part of the conflict was fixated in the central highlands of Kenya and predominately involved Kikuyu communities. The colonial state declared a state of emergency in 1952, resulting in forced villagization of 'problematic' areas or mass arrest of

suspected ‘terrorists’ into camps (discussed further in chapter 5). Certain aspects of villagization or punitive encampment were tied to socio-economic reform, attempting to appease loyalist factions and co-opt with Kikuyu communities in order to retain colonial control (Berman, 1992). However, villagization forcefully relocated over a million people between 1954 and 1955 into some 854 villages. Despite defining these villages as a space to protect loyalists’ populations, Anderson notes that they were little more than concentration camps (Anderson, 2005).

The use of collective punishment, punitive camps, and enforced villagization may have been introduced by the colonial state, yet their continued practice has been developed and expanded upon by the post-colonial state (Whittaker, 2012, 2014). Sixteen days after gaining independence, the newly formed Government of Kenya declared a state of emergency on the 28th of December 1963 in response to the growing support for the Somali Succession of the North Eastern Province. Those living within the North Eastern Province were required to register and carry identity papers. In addition, movement restrictions and curfews were established, security forces could detain any person without a warrant for 28 days, and villagization was enforced (Whittaker, 2012). The continuation of such tactics, to contain populations and limit their mobility was not only a security tactic but also evident in refugee containment. Introduced during the colonial period, containment either through encampment or villagization would continue into the post-colonial period.

2.1.1 Post-Colonial Kenyan Refugee Protection before the 1990s

Prior to 1990, the Kenyan state managed refugee protection within the country with some limited support from the UNHCR and NGOs. In 1989, Kenya had approximately 14,000 refugees registered, a comparatively small number to contemporary estimates. The first asylum seekers arriving in the newly independent Kenya came in the late 1960s from Uganda. The number of Ugandan refugees in Kenya would gradually increase with the regime of Idi Amin (1971–1979) and later Milton Obote (1980–1985) (Abuya, 2007). Despite the repatriation of Ugandan refugees after 1985, the number of asylum seekers continued to increase in Kenya with the arrival of Ethiopians fleeing famine. National Refugee Service (NRS), under the Ministry of Home Affairs and National Heritage, was the Kenyan state’s primary office for refugee protection (Verdirame *et al.*, 2005, p. 31). The NRS managed the Thika reception centre, approximately forty kilometres Northeast of Nairobi, where asylum seekers could reside while their refugee status was being determined. From the post-independence period until 1990, the Kenyan state did not interfere with the movement of

refugees, allowing them to settle where they deemed reasonable (Verdirame *et al.*, 2005, pp. 31–32). Many of the Asian refugees expelled from Uganda had family networks in Kenya and settled in many urban areas (Abuya, 2007). Before 1991, the Kenyan state also made little or no attempt to refrain refugees from seeking employment or education. Many refugees could form successful industries and businesses within Kenya, particularly in textile, transport, and education (Verdirame *et al.*, 2005, p. 32).

Although Verdirame *et al.* (2005) consider the Kenyan state primarily in charge of refugee protection from independence in 1964 until 1990, the extent to which it participated in refugee status determination is uncertain. Verdirame *et al.* have suggested that the Kenyan state conducted refugee status determination with the UNHCR, operating an advisory role (2005, pp. 31 & 80). Refugee status determination was conducted by an Eligibility Committee made up of staff from the Ministry of Home Affairs, Office of the Vice-President, the Immigration Department (Verdirame *et al.*, 2005, p. 80). In contrast, Walkey notes that the UNHCR may have actively engaged in the refugee status determination decision-making process during the 1980s (Walkey, 2019). Furthermore, although refugee status determination was under the control of the Ministry of Home Affairs, most funding came from the UNHCR (Abuya and Wachira, 2006, p. 187; Walkey, 2019, p. 117). Regardless of UNHCR's role, both Verdirame *et al.* and Walkey accept that the final decision came down to the Kenyan Special Branch, an intelligence agency formed during the colonial period (Shaffer, 2019) under the supervision of Frank Kitson (see chapter 5). The Special Branch was a subsection of the Criminal Investigation Department (CID)⁵, providing the CID with civilian intelligence (Africa and Kwadjo, 2009) and its power over refugees' status.

Despite the relaxed attitude to refugee freedom of movement during this period, refoulement of refugees and asylum seekers did occur. The dictatorship of Moi (1978–2002) became increasingly repressive to Kenyan citizens as well as refugees after the failed coup attempt in 1982. Harassment and corruption were a common experience for refugees in Kenya, but after the failed coup this intensified. Verdirame *et al.* give the example of one large-scale refoulement effort in 1987 after Moi utilised nationalist sentiment to win support, publicly declaring 'Kenya was for Kenyans', resulting in large numbers of Ugandans and Rwandese rounded up and forcefully transported by train across the Ugandan border (2005, p. 32).

⁵ The CID has access to refugee status determination process and is possibly responsible for the enforced disappearance of multiple political active asylum seekers (see chapter 5).

2.1.2 UNHCR takeover

After 1990, the number of asylum seeker claims in Kenya drastically increased as the war and later famine in southern Somalia intensified local insecurities (Abuya, 2004; Verdirame *et al.*, 2005, p. 32). By 1992 over 400,000 refugees had been registered (Abuya, 2007), part of which were southern Sudanese who had been expelled from Itang, Funyiido, or Dimma refugee camps in Ethiopia after the overthrow of the Mengistu regime (Deng, 1995). According to Verdirame *et al.* the reception centre at Thika had become ‘an embarrassment’ with 8000 asylum seekers housed in a complex intended for a maximum of 350 persons. The worsening situation created a ‘tug-of-war between [the] UNHCR and the government, UNHCR considering the government too corrupt, insisting that the management of Thika should be handed over to an NGO, sub-contracted by the UNHCR, rather than the government.’ (Verdirame *et al.*, 2005, p. 33). The Kenyan government relinquished control of refugee protection over to the UNHCR and provided land for the UNHCR’s ‘preferred modus operandi’ (Verdirame *et al.*, 2005, p. 51) of encampment. Camps were initially established around Mombasa, the Dadaab (see map 1), Mandera and Kakuma. However, by 1999 only the Dadaab and Kakuma remained after the Mombasa camp was closed due to political concerns over insecurity and the Mandera inhabitants were moved either to Kakuma or the Dadaab as a cost-saving measure of the UNHCR (Verdirame *et al.*, 2005, p. 35).

Handing over refugee protection to the UNHCR occurred across the global south in the early 1990s (Loescher, Betts and Milner, 2008). During the early 1990s both Kenya and Tanzania handed over the protection of refugees to the UNHCR. Abuya (2004) suggests that the Kenyan government granted the UNHCR control over refugee management and protection because of the sheer number of people seeking asylum in the country. In addition, Verdirame *et al.* note that another possible reason is that donor countries preferred to fund the UNHCR due to accusations that the Kenyan government was corrupt (2005, p. 273). In any case, the economic downturn in Kenya exacerbated by IMF and World Bank restructuring during the early 1990s (see Markakis, Schlee and Young, 2021) certainly played a role in reducing the Kenyan state’s capacity to provide refugee protection. The financial decline of the Government of Kenya may have resulted in the Government of Kenya handing over control to the UNHCR, as it could not afford to fund additional staff to process the increasing asylum claims (Abuya, 2007). Regardless of the reasoning, the outcome essentially removed the Kenyan state from refugee protection and management.

The 1990s is often remarked as a period when the UNHCR acted as a ‘surrogate state’ (Slaughter and Crisp, 2008) for the refugee camp population, as the UNHCR provides basic welfare and governmental needs. From the early 1990s until the late 2000s, it appears that the UNHCR became a sort of sovereign entity within the area the camps. Accusations of corruption and abuse of power were rampant, while Kenyan authorities were responsible for keeping the UNHCR in check had limited access to the camp and UNHCR facilities. This is somewhat evident in how a senior NRS staff in 1997 had to negotiate with the UNHCR to even visit the camps (Verdirame *et al.*, 2005, p. 33). And by 2001 it was revealed that the UNHCR Sub-Office in Nairobi had been issuing resettlement to third countries in exchange for corrupt payments of \$1500 to \$6000 per refugee (Parker, 2002).



Figure 3. Anti-corruption service announcement inside UNHCR compound, Kakuma.

The short-lived period of UNHCR acting like a surrogate state would gradually change as the Kenyan state slowly began taking back certain refugee protection procedures. In 2003, a Secretariat for Refugee Affairs was created (Walkey, 2019, p. 120). The Secretariat for Refugee Affairs presence was extremely limited (Abuya, 2007), essentially existing as a desk within the Ministry of Home Affairs (Walkey, 2019), until its subsequent expansion in 2009.

2.1.3 2006 Refugee Act

In 2006, the Government of Kenya passed legislation to formalise refugee management within the country. The 2006 Refugee Act set up the legal framework for the Kenyan state to increasingly take responsibility for certain aspects of refugee affairs, such as refugee status determination and camp management. Furthermore, it established grounds for the development of a Department (section 6), a Commissioner for Refugee Affairs (section 7), and a Committee (section 8). The Commissioner acted as the head of the Department, and according to the act was established as a ‘liaison with the United Nations Agencies’ while acting as the ‘secretary to the Committee’ (section 7). The Committee was established to ‘assist the Commissioner in matters concerning the recognition of persons as refugees’ (Government of Kenya, 2006). It was intended to consist of representatives from Ministries responsible for refugee affairs, foreign affairs, local government, health, finance and planning, provincial administration, and internal security, but also a representative from the Attorney-General, Department of Immigration, National Registration Bureau, Police, and the National Security Intelligence Service (predecessor of the Special Branch) (section 8).

The 2006 Refugee Act also established a format for refugee status determination. Setting up procedures for legally defining “refugee” (section 3), the disqualification of granted refugee status (section 4), and its cessation (section 5). According to the Act, refugee status could be claimed on a ‘well-founded fear of being persecuted’ and ‘*prima facie* refugee for purposes of this Act if such person owing to external aggression, occupation, foreign domination or events seriously disturbing public order in any part or whole of his country of origin or nationality is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.’ (section 3). However, the Act did outline certain parameters in which the Commissioner may withdraw refugee status (section 19) and expel them ‘necessary on the grounds of national security or public order’ (section 21).

The Act developed a legal basis for Kenyan involvement in the management of refugee camps. Refugee Camp Officer (section 17) is intended to: manage camps; ‘receive and register all asylum seekers and submit to the Committee’; issue refugee identity cards; co-ordinate security and protection; issue movement passes, in order to leave the camp legally (Government of Kenya, 2006). This aspect of the Act set up the legal format for the Kenyan state’s gradual involvement in refugee camp management and ultimate control of refugee movement. Where before, the UNHCR was primarily in charge of camps, this section granted

the Kenyan state further powers to access camps and administer them. In addition, it solidified RAS and ultimately the Ministry of Interiors control over the containment of refugees.

Although the act was a cornerstone for refugee management in Kenya, its similarity to the international law suggests strong UNHCR influence through civil society lobbying (Walkey, 2020, p.125). Some have suggested that the UNHCR strongly influenced the 2006 Refugee Act by advocating for certain features and changes to be considered (Campbell, Crisp and Kiragu, 2011; Walkey, 2019).

2.1.4 DANIDA & the DRA

Within the European Union, increasing politicization of asylum and migration emerged in the early 2000s with state officials in the United Kingdom, the Netherlands, and Denmark proposing ‘protection in the regions of origin’ initiatives in the Global South (Betts, 2005). This politicization focused on the externalization of protection, with the use of detention, carrier sanctions, and visa controls that had existed since the 1980s (Crisp, 2003). However, these early attempts in the 1980s at externalisation did not produce the intended result to halt or slow the movement of people seeking asylum. Despite this, the rise of the Far-Right encouraged the United Kingdom, Netherlands, Denmark, and the European Commission to develop their approaches and projects for an extraterritorial approach to people seeking asylum in Europe (Betts, 2005).

The Danish model, pushed by the Danish Ministry of Foreign Affairs in 2003, encouraged maintaining refugee populations within countries they had first arrived in. In Kenya, this would include Somalis and South Sudanese as key populations to contain and inhibit from moving further north. According to the Danish Ministry of Foreign Affairs:

‘...the provision of assistance to refugees and the host communities during the refugee crisis may also have indirect effect on Danish and European migration and asylum priorities, as these efforts help preventing irregular onward movement towards richer and more stable countries further afar, just as it helps creating favourable conditions for the return of rejected asylum seekers’ (Danish Ministry of Foreign Affairs, 2008, p. 10).

This Danish approach was applied within the Kenyan context. The Department of Refugee Affairs (DRA) enlarged and expanded its capacities in refugee management and protection through the implementation of a project initiated by the Danish Government. The Danish International Development Agency (DANIDA) project termed ‘Capacity building of the Kenyan Refugee and Asylum System – Institutional Capacity for Implementation of a New

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Refugee Act (2009-2013)' was negotiated between the Danish Government, Royal Embassy of Denmark and the Kenyan Ministry of Immigration and Registration of Persons from as early as 2003 (DANIDA, 2013). In 2004, a Memorandum of Understanding was signed between the Government of Kenya and the Royal Embassy of Denmark in Nairobi, which included by March 2005 a grant of DKK 19.7 million to 'strengthen the capacity of the GoK [Government of Kenya] to take over the responsibility for refugee administration and implementation of the Refugee Act' (DANIDA, 2013).⁶

DANIDA's involvement with the DRA brought considerable changes to Kenyan state involvement in refugee management and protection. This is partly due to, as noted by Walkey, DANIDA having less 'institutional tension' than the UNHCR since it had a 'commitment to ensuring state control as it had been linked to their interest in reducing migration to Europe' (Walkey, 2019, p. 129). Through DANIDA counselling and partial funding, the DRA staff increased from 30 to 120 from 2009 to 2013 with additional funding for staff coming from the UNHCR (Walkey, 2019, pp. 129–131). Furthermore, this period saw the establishment of seven reception centres in Kakuma, Dadaab, Shauri Moyo, Nakuru, Mombasa, Malindi and Isiolo (DANIDA, 2013, p. 4). Most of these are notably not within the confines of refugee camps. According to the DANIDA review from 2013, the major changes came in the form of expansion of capacity to take over Refugee Status Determination and processing ID cards from the UNHCR:

'A major achievement, which has enhanced protection for both camp and urban-based refugees, is the issuance of asylum seeker and refugee ID cards. However, the Review observes that the current procedural layers and involvement of many actors, such as DRA, the National Registration Bureau (NRB) and the Immigration Department of the Ministry of Immigration and Registration of Persons may cause delays for issuing permits. This may affect protection of refugees who are awaiting their documents or travel authorisation documents prior to resettlement.' (DANIDA, 2013, p. 5).

In addition, the Review also highlights the establishment of a Camp Management Committee and how the DRA was placed in charge of land allocation within the camps: 'The Review finds it an achievement that the DRA has formally taken over some aspects of camp management, resulting in the establishment of monthly Camp Management Committee meetings and enhanced coordination with stakeholders' (DANIDA, 2013, p. 6). Here we can

⁶ The Danish Government had already set aside a grant for the expansion of the DRA and implementation of the 2006 Refugee Act prior to its approval in Kenyan parliament.

see the gradual development of Kenyan involvement in camp management, gaining a foothold as a camp authority. The Camp Management Committee was the highest point in which refugee zonal leaders could relay issues ongoing in the camp to the managerial institutions (see chapter 4). It was made of refugee representatives from the camp's zonal leaders elected from their respective camp zone. In 2012, the first election offered a position of a chairperson to a single zonal leader to represent the entire refugee population. However, after accusations of meddling by the DRA in the election process, the position was revoked.

Land allocation for the camps was initially established by the Kenyan government in response to the UNHCR's initial encampment policy in 1992. However, concerns over tensions between host-communities and refugees both at the Dadaab and Kakuma resulted in some reconsiderations regarding how further expansion of the camps should be handled. Thus, under the DANIDA project, the DRA was established as the body to negotiate for land allocation either for the expansion of the camp or the transfer of property and plots within the camp:

'Moreover, the issue of land allocation is a government function and key element to avoid conflict within the camp and with host communities. The role of the DRA in resolving land-related conflicts is critical considering both Dadaab refugee camp (hosting approximately 600,000 refugees) and Kakuma refugee camp (with approximately 106,000 refugees) are becoming very congested and susceptible to encroachment and illegal occupancy' (DANIDA, 2013, p. 6).

Land allocation continues to be a point of contention within the Kakuma camp to date between resident refugees and local Turkana. The foundational practice of using the DRA to distribute plots and negotiate on behalf of the Kenyan state would later become the established practice of RAS.

By the end of 2011, the DANIDA project ended, and the UNCHR began funding the DRA through the Kenyan government, expanding upon their pre-existing arrangement of funding its staff. This meant funding was done through 'project' cycles of one year, as opposed to salary-paid positions that come with other civil service roles. Furthermore, as funding for DRA activities came directly from the UNHCR, it could determine what the DRA could engage in. UNHCR's control over the department would eventually become a site of contention between UNHCR and the Government of Kenya.

2.1.5 Geopolitics and Repatriation

The Kenyan government's stance on durable solutions for refugees is primarily focused on repatriation (even though many have settled across the country without humanitarian assistance (see Carrier and Scharrer, 2019)). Resettlement to third countries is limited to a small minority of less than one percent of the refugee population in Kenya (Jansen, 2008; Balakian, 2020). As discussed above, already in the colonial and earlier post-colonial periods repatriation rather than integration was the main durable solution for refugees.⁷ The repatriation of southern Sudanese can be considered a continuation of this practice.

After the signing of a tripartite agreement for the repatriation of southern Sudanese between the Sudan People's Liberation Movement (SPLM), the Government of Kenya, and the UNHCR in 2005, one month after the signing of the Comprehensive Peace Agreement with Sudan. In April 2008 a census conducted across Sudan helped determine where some of the boundaries of South Sudan would lie (Santschi, 2008; Nyaoro, 2019). As the border regions between Sudan and South Sudan were still in dispute, populating such areas with SPLM sympathetic voters was increasingly important as they held many key natural resources such as oil, water, and cattle pastures (Rolandsen, 2013; Wassara, 2015). The tripartite agreement would see some 90,000 refugees repatriate officially with UNHCR assistance to Sudan from Kenya before the South Sudanese referendum for independence (Nyaoro, 2019). Thus, making the repatriation of southern Sudanese a political priority for the SPLM.

The movement of people from Kenya to South Sudan before the census and the referendum was not only important for the SPLM, but also the Government of Kenya. Firstly, tribal politics in Kenya has resulted in a great deal of unrest in the country, thus there is a recognisable concern about how the integration of refugees is could destabilise the existing political system (Ajulu, 2002; Kagwanja, 2003). Secondly, the Government of Kenya encouraged repatriation to maintain close ties with the newly formed government of South Sudan to access the possible taxable revenue of exporting South Sudanese oil through Kenyan ports (Anderson and McKnight, 2015). As elaborated by Browne 'oil prices and increasing production in the southern oilfields in the mid-2000s encouraged the idea that an alternative route, through Kenya, could become economically viable, as well as economically attractive to southern Sudanese politicians who saw independence from Sudan as their goal' (Browne, 2015, p. 19). Maintaining the internal power balances within

⁷ Note Polish refugees were allowed to be resettled to the United Kingdom, Australia, Canada etc.

Kenya and expectation of taxable oil exports could explain the Government of Kenya's warm relations with the SPLM and later Government of South Sudan, complying with their request to repatriate refugees.

Accessing oil from South Sudan would require a rather large investment from the Kenyan state. Lamu Port–South Sudan–Ethiopia Transport (LAPSSET) project (see map 1), encompassing a network of highways, oil pipelines, and possible railroads to connect with the new industrial harbour in Lamu and developing oil fields in Turkana and South Sudan (LCDA, 2017) would require a considerable amount of resources. Although the project was initially devised in the early 2000s under the acronym ROOLA (Road/Railway, Oil Pipeline, Oil Refinery, Lamu Port and Airports), it would take the deterioration of relations between the governments of South Sudan and Sudan before the signing of LAPSSET in March 2012 by the Governments of Kenya, South Sudan and Ethiopia (Browne, 2015, p. 16 - 20). However, South Sudan already has pre-existing oil pipelines which reach to Port Sudan. Thus, the oil appears to be a pretext for something else, possibly the expansion of oil production in Turkana. Despite this, the LAPSSET project became a cornerstone for Kenya's 2030 Vision, with modernist expectations to establish Kenya as a middle-income economy through the development of overseas trade and acting as a 'land bridge' connecting the continent from the east coast to the west coast (Enns, 2018).

The LAPSSET project is also a part of the wider global geopolitics, making Kenya a focal point of East Africa trade and resource export. In April 2013, the Kenyan government announced that the China Communications Construction Company (CCCC), 'had won a USD 480 million contract for the initial phase of port construction—the first three berths' (Browne, 2015, p. 20). China's input has been immense to the ongoing LAPSSET project, with the construction of Lamu industrial port and the highway construction across the country from Lamu through Isiolo where it diverges off to South Sudan via Turkana County and a second route to Addis Ababa, Ethiopia (Farooq *et al.*, 2018). Since the 2000s, China has had a warming of relations with Kenya, and LAPSSET is only one of many infrastructural projects the county has developed, from North and East Ring Road in Nairobi to the financing of Kenyatta University Teaching, Research and Referral Hospital Project in 2011 (Lumumba-Kasongo, 2019). The LAPSSET project then became integrated into the larger '21st Century Maritime Silk Road Initiative' started by Chinese President Xi Jinping in 2013 'to enhance China's influence across Asia and Africa' (Lumumba-Kasongo, 2019). The initiative interlinks Southeast Asia, South Asia, Africa, the Middle

East, and the Mediterranean through commercial cooperation, port development, trade agreements, and the expansion of the Asian Infrastructure Investment Bank (Farooq *et al.*, 2018).

The fragility of the LAPSET mega infrastructure project is an ongoing major concern for the Government of Kenya. The falling of oil prices, the civil war in South Sudan, and the possible threat posed by Al-Shabaab in neighbouring Somalia have all posed to jeopardise the project (Browne, 2015, p. 74). On the 16th of October 2011, Kenya's military invaded Somalia with the purpose 'to capture the port city of Kismayo', defeat Al-Shabaab and secure Lamu county from potential Al-Shabaab threat (Anderson and McKnight, 2015). Kenya's invasion of Somalia started without any major regional support, but after one month into crossing the border, the Kenyan Defence Force (KDF) integrated within African Mission to Somalia (AMISOM) led by Uganda and later significantly supported by Ethiopia (Anderson and McKnight, 2015). Despite initial gains by Operation Linda Nchi⁸, it took the Kenyan Defence Forces (KDF) approximately one and a half years to take Kismayo port from Al-Shabaab Islamist militants. By April 2013, the KDF had over 4,000 personnel 'each being paid for by the EU at a rate of US\$1,028 per month' (Anderson and McKnight, 2015). Securing southern Somalia from Al-Shabaab has been repeatedly affiliated with economic incentives, such as establishing a secure route for South Sudanese and Turkana oil, alongside enabling Kenya to claim to the disputed maritime border with Somalia considered to have considerable oil and deposits (Anderson and Browne, 2011; Reitano and Shaw, 2013; Anderson and McKnight, 2015; Muiruri, 2021; Trigg, 2021).

2.1.6 Somali Repatriation and RAS

Within days of the KDF invasion of Southern Somalia, Al-Shabaab claimed responsibility for a series of attacks across Kenya: with a bomb blast in Garissa (see map 1); attacks on police posts and checkpoints around Mandera; an explosion in the Dadaab refugee camp; a grenade attack on a Nairobi bar; and another at a bus stop in Nairobi (Anderson and McKnight, 2015). Unfortunately, these attacks only developed into deadlier tactics. On the 21st of September 2013, Al-Shabaab attacked Westgate Mall, an upmarket shopping centre in the Westlands district of Nairobi. The Recce Unit (the Presidential Guard) of the police paramilitary General Service Unit (GSU) promptly responded, but without a clear command structure the siege went on for two days resulting in 175 injured and 67 deaths. On the 2nd of April 2015, four Al-Shabaab gunmen stormed Garissa University, taking

⁸ Meaning 'Protect the Nation' in Kiswahili.

over 700 students hostage and killing many non-Muslims before security forces intervened (Onguny, 2020). At times these attacks were downplayed by the Government of Kenya as political tribalism. On the 15th of June 2014, armed men in vehicles attacked the village of Mpeketoni in Lamu County, putting the bank, police station, and two *hotels* ablaze. They departed the village three hours later, leaving approximately 50 villagers of mostly Kikuyu descent dead. What was evident from these attacks was the limited coordination between Kenyan security agencies, which Al-Shabaab has manipulated to their advantage (Lind, Mutahi and Oosterom, 2017).

Instead of improving coordination between the state's security agencies, Kenyan political actors placed the blame on Somali citizens and refugees, despite most of the attackers being neither refugees nor Kenyan citizens (Lind, Mutahi and Oosterom, 2017; Scharrer, 2018). In March 2014, the Kenyan Interior Minister ordered all refugees residing in cities to move to the camps (Lind, Mutahi and Oosterom, 2017). This was followed by 'Operation Usalama⁹ Watch', an operation which saw residents of the Nairobi district Eastleigh - predominately Kenyan Somalis, Somalians, Ethiopian Oromo, and other regional migrants - round up and forced into makeshift detention centres (Lowe and Yarnell, 2019, p. 192). Smaller such operations had occurred before, but none to this scale. Roughly a thousand individuals were held in a nearby football stadium without food or sanitation, and many experienced violent harassment, torture, rape, and extortion (Balakian, 2016; Millar, 2016; Wairuri, 2018). Approximately 400 Somalis were expelled from Kenya, three of whom were registered refugees. Some of those expelled claimed their refugee or alien cards were destroyed during the process, breaking the non-refoulment principle in the process (Mwangi, 2018).

The same year of the KDF invasion of southern Somalia (Anderson and McKnight, 2015), the UNHCR and the Government of Kenya formalised a security arrangement with the Security Partnership Project (SPP). Within the first three years of the SPP (2011–2014), the UNHCR provided over twenty-five million US dollars of work subsidies to local police in Kakuma. Moreover, they included housing, vehicles, fuel, and personal allowances for the police officers they hired. Although the General Service Unit (GSU) – a paramilitary regiment – had been stationed in Kakuma (see map 2) since the early 2000s (Brankamp, 2019), now the Kenyan police bolstered their ranks to control and manage the camp. In the wake of further Al-Shabaab attacks in Kenya, the Government of Kenya stationed the

⁹ *Usalama* meaning "security" in Kiswahili

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Anti-Terror Police Unit (ATPU) and the Directorate of Criminal Investigation (DCI) to deal with issues relating to serious crimes and supposed terrorist threats (Brankamp, 2019). The UNHCR was in alignment with Kenya's 'war on terror' (Lind, Mutahi and Oosterom, 2017), demonstrating that they were actively working on behalf of the Kenyan state.

The repatriation of Somalis was established in December 2013 with a tripartite agreement between the UNHCR, the Government of Kenya, and the Federal Government of Somalia. With this agreement, Somalis were no longer considered *prima facie* refugees within Kenya. Thus, if any repatriated and then attempted to re-enter Kenya they would have to apply for refugee status, rather than be automatically eligible. The agreement established means for Somalis living in the Dadaab and Kakuma to 'voluntarily repatriate' back to Somalia with financial and transport assistance from the UNHCR. Again, repatriation was utilised by the Kenyan government for political means. The agreement not only was an attempt by the Federal Government of Somalia to appear like a legitimate state (Nyaoro, 2019), but it was also an attempt by the Kenyan government to be solving the growing security problem within the country (Lind, Mutahi and Oosterom, 2017). Furthermore, it again helped maintain the political status quo within Kenya, repatriating rather than integrating Somalis into the electoral system. However, by May 2016 only 5,200 refugees had repatriated with UNHCR assistance back to Somalia (Mutamo, 2016). Despite the national government framing LAPSSET to bring Northern provinces and their peoples into the nation (Elliott, 2016), its attempts to secure the mega-project from a possible threat produced further ambiguities for Somali belonging, citizenship, and refuge in Kenya.

On the 6th of May 2016, the Government of Kenya announced it would cease to host refugees in Kenya. The Ministry of Interior stated it would close both the Dadaab and Kakuma because of security concerns. Shortly after the announcement, the DRA was disbanded (Lowe and Yarnell, 2019, p. 189). Several months later the DRA would be replaced with the Refugee Affairs Secretariat (RAS). Walkey notes the possibility that DRA was disbanded and later replaced by RAS to 'expediate' the repatriation of Somalis, but also notes how the DRA may have been disbanded for security reasons (Walkey, 2019, pp. 138–139). It is difficult to gauge the true intention, as security and repatriation may be part of the same puzzle for political actors within the Government of Kenya.

The downgrading from a Department to a Secretariat was significant as it limited the potential of the institution but also placed it further under the control of the Ministry of Interior. Where a 'department' is established by law, such as within the 2006 Refugee Act,

in contrast a ‘secretariat’ is an office within a Ministry and must be established by a Minister. As Walkey elaborates:

‘The functions of the Head of a department are provided for by the law so they have more power to resist the Minister, faced primarily only with the threat of transfer, where as a Secretariat has no such legal parameters... RAS therefore toed a delicate line between UNHCR and the Ministry within which it sat: between UNHCR’s pressure to use registration and RSD [Refugee Status Determination] to manage refugees through bureaucratic functionality and the Ministry’s pressure to use repatriation, police round-ups and encampment to address its security concerns.’ (Walkey, 2019, pp. 139–140).

Furthermore, many senior positions were replaced with members from the Military (Walkey, 2019, p. 139) and Secret Service. As noted by a RAS officer (former DRA officer) in Nairobi who stated how “security took over after the collapse of the DRA.”

In the end, neither the Dadaab nor Kakuma were closed. However, RAS was under a firm security focus Ministry of Interior. Within the Ministry, RAS began openly encouraging repatriation of Somalis, while refugee status determination and registration slowed to a near halt. RAS utilised the 2006 Refugee Act to establish itself within many key positions in camp management, such as a Camp Manager. Having such a foothold enabled the Ministry of Interior to take control of refugee protection within Kakuma and the Dadaab. Not only was repatriation encouraged and refugee status determination slowed, but it also enabled registered refugees to be tracked and traced by Kenyan security agencies associated with the disappearance of many South Sudanese political dissidents (see chapter 5). The impact of this policy shift would have a profound effect on how refugees in Kakuma and Kalobeyei would come to constitute the Kenyan state. The effect of RAS’s takeover or the state’s return as the primary agency for refugee protection is actively shaping the relational setting in which the state is understood.

In March 2021, the Government of Kenya announced it close all refugee camps in Kenya by June 2022 (discussed further in chapters 3 and 7). The threat to close both Kakuma and the Dadaab refugee camps was observed by some analysts as an attempt by the Government of Kenya to pressure the Federal Government of Somalia over their maritime border dispute (Muiruri, 2021; Trigg, 2021). The roadmap to closing both Kakuma and the Dadaab refugee camps coincided with the ongoing 2021 Refugee Act. On the 17th of November 2021, the President of Kenya Uhuru Kenyatta signed into law the 2021 Refugee Act. The Act has the potential to allow refugees to have the right to work and integration within Kenya, but also

includes ‘designated areas’ refugees must be contained within (Government of Kenya, 2021, sec. 30). In addition, the 2021 Refugee Act would see the reform of RAS into the Department of Refugee Services (DRS), expanding the Kenyan state’s arm of refugee management into a department once again (Government of Kenya, 2021, secs 6–9).

2.2 The Kenyan State in the Camp

During my fieldwork, the presence of RAS and the Kenyan state was obvious. How refugees negotiated with the state to access a range of humanitarian resources became a fundamental question for my thesis. Somali repatriation, although enacted by the UNHCR and other agencies, was a process associated with the Kenyan state. The slow pace of refugee registration not only had a tremendous effect on people’s plans for the future or ambitions, but also their understanding of state procedures. Moreover, the efforts by Kenyan state actors to control the movement of refugees created and reinforced the boundaries of the camp. How the state was constituted within Kakuma Refugee Camp and Kalobeyei Integrated Settlement was profoundly shaped by these selected political processes and policies. Although I could have used multiple other ethnographic examples to demonstrate how the Kenyan state was constituted within the camp, none were as pronounced as refugee registration, policing mobility, and Somali voluntary repatriation for the refugees I met in Kakuma and Kalobeyei.

In Kakuma and Kalobeyei, I was struck by how the Kenyan state was appreciated as something relatively novel for many refugees within the camps. As noted above, the Kenyan state’s expanding presence was mostly experienced through the reformation of the DRA to RAS in 2016. However, the Kenyan state’s presence always worked in conjunction with other agencies, such as non-government organisations, political movements, religious associations, community-based organisations, etc. Each took on a role within the camp, be it governance, welfare, and so on (see chapter 4). As demonstrated in the opening vignette, past expectations influenced refugees’ response to the growing presence of the state, such as when asking whether the new road was being constructed by the UN. In this chapter, I give special attention to this temporal change and its impact on refugees, by focusing on two Kenyan state agencies: RAS and the Kenyan Police Service. I will examine both organisations in unison, examining from the perspective of refugees as they interact and negotiate with such agencies and their staff. This is achieved by following three distinguished themes associated with both agencies: policing mobility; refugee registration; and Somali voluntary repatriation.

2.2.1 Policing Mobility

Control over refugees' mobility within and surrounding Kakuma and Kalobeyei was a primary concern of the Kenyan Police Service and RAS. This was evident in a series of ways, such as checkpoints, curfews, travel passes, and the allocation of shelter. This resulted in refugees having to navigate and negotiate with a multitude of Kenyan state actors, gauging expectations through experiences of others in how they access mobility. This section follows an amalgamation of state practices that control mobility, rather than a single procedure. With the gradual takeover of RAS during my fieldwork and the expansion of the police force in 2011 through UNHCR funding, the ability to negotiate and navigate the state practices became increasingly important for refugees seeking better conditions for themselves and others.

Negotiations with Kenyan state actors sometimes resulted in refugees giving a gift or bribe. This practice of gift giving or better put a bribe was common throughout Kenya, often facilitating access to various and limited state resources. For refugees, their ambiguous status within the country resulted in the demand for a bribe to be exceptionally common. Two informants were very important in helping me understand such state practices, Omar and Robert. Omar is Darfurian and Robert from Ethiopia, both refugees who had fled their respective homelands to Kenya. I had met Omar early into my fieldwork at a social service meeting in Kalobeyei offered by the Jesuit Refugee Service (JRS). Omar was acting as a translator and social worker for JRS, and it was he who introduced me to Robert. Over time we would develop a bond and friendship, regularly meeting either at *hotels* or Omar's house under the shade of the tree.

One cool afternoon, resting under the shade of the tree at Omar's home, Robert who had recently recovered from an illness was explaining how he first came to understand corruption in Kenya. He explained: "The Kenyans have taught me corruption. When I was a new arrival in the camp, the police would say, you don't speak our language so just put your hand in your pocket. Another Ethiopian explained to me that you have to buy them a soda¹⁰". Police, RAS officers, and others might ask in Sheng¹¹ or Kiswahili: *Wacha wa macho* (leave the eyes or turn a blind eye); *Niachie chai* (gift me tea); or *Kuja tuskizana* (come we agree). These terms

¹⁰ Cash equivalent to the price of a refrigerated beverage, approximately 100 - 50 Kenyan shillings or 80 to 40 eurocents at time of writing.

¹¹ A central Kenyan dialect mainly spoken in Nairobi.

had to be learned and decoded. They referred to specific prices and norms as to how a bribe might be paid.

The practice, despite being extremely common, could not openly show the transferal of money, which allowed refugee participants to deceive it and manipulate the actual amount given. As Omar explained:

“You can trick Kenyans with their corruption. Once at the RAS field post, I was receiving a document and the officer told me to bring 1000. I was well dressed that day, looking smart, that is why it was so high. I only had 300 in my pocket. So, I left the field-post and got change of two 50s. When I returned for my document, I slipped the two 50s into his hand. The Kenyans do not look at the bribe.”

Omar went on to mockingly demonstrate how the officers slip the money into their pockets without looking as we laughed. These narratives and jokes of bribes often centred around state functions, often sites of resource distribution or mobility, which the Kenyan state controlled. These practices often facilitated refugees’ ability to be mobile, while in turn came to constitute how the Kenyan state should be engaged with.

2.2.1.1 Police Check Points and Curfew

Police checkpoints encircled Kakuma and Kalobeyei. At these points, refugees negotiated with state actors to pass and travel to other parts of the camp. They were set up either along the only tarmacked road passing the camp or at various trails available to *boda boda* drivers entering the camps or connecting them. These police check posts were little more than officers standing under the shade of a tree or by a partly constructed hut. They were stationed at peak hours in the morning and the 7 pm camp curfew. Police officers often waited at these points armed with canes, sticks, rubber hoses, and Kalashnikov rifles, waving down passing *matatus* and *boda bodas*. I witnessed on regular occasions humanitarian vehicles passing idly by as police would demand bribes from refugees moving between the camps. However, *boda boda* drivers were resilient and often attempted to avoid demands for bribes. They had various hand gestures to warn other drivers that passed, such as pointing down to the earth if there were waiting officers on the path ahead. While we were driving from Kakuma 1 to Kakuma 3 along a bushland pass, another *boda boda* driver stopped Jean and me, explaining that some police were hiding along the paths ahead. In response, Jean skilfully turned us around and took off for an alternative route.

The use of curfews was introduced by the UNHCR during the early years of Kakuma but was implemented by the Kenyan General Service Unit (GSU)¹² and later enforced in cooperation with the Kenyan Police in 2011. During my fieldwork, the implementation of curfews was still enforced by the Kenyan Police Service. The enforcement of the curfew came in the form of police patrols and round-ups of people still congregating after 7 pm. According to multiple informants, these patrols and roundups can often become excessively violent. I spent several nights sleeping in the camps, either Kakuma or Kalobeyei (see chapter 3). After dark, it was extremely rare for people to move between people's houses, precisely for fear of the police. *Boda boda* drivers would often rush home, driving exceptionally fast to avoid being caught by police after dark. If caught moving in the camp after dark refugees would be forced to pay a bribe or face violent and legal repercussions.

By setting up checkpoints or curfews within the camp, the Kenyan state and the camp's boundary became co-constructed. However, where the boundary of the camp could be blurred by outmanoeuvring such checkpoints, the idea of the state could not. It was the active participation in or avoidance of checkpoints and curfews that helped reinforce the presence of the Kenyan state within the camp. For *boda boda* drivers to actively avoid the police, they relied on past expectations of where they set up checkpoints or interactions with other drivers where they might be stationed or hidden. The relational setting in which the state was understood and constituted was through the active practice of avoidance. This did not guarantee that they could not avoid the police forever, regularly *boda boda* drivers could be caught at key checkpoints along rivers or for driving past curfew. In these instances, the state was solidified through such temporal mobility, making the practice of giving a bribe between actors, connected to other pasts experiences and expectations.

2.2.1.2 Travel Pass

The issuing of travel passes was first administered by RAS in 2016. Refugees may apply for travel passes under certain criteria: medical or educational reasons, visiting an embassy, a friend or a relative, travel related to business or trade, or "other" accepted travel reasons, such as religious gatherings (NRC, 2018). When applying for a travel pass, refugees must fill in a document and supply evidence for their reason to travel, with information on where they will travel to and for how many days. After submitting an application, applicants will be interviewed by a committee (NRC, 2018), often first a RAS officer and then the Camp Manager or Deputy Camp Manager. Many refugees depended on the travel pass to attend

¹² GSU is a paramilitary unit formed during the colonial period.

appointments at embassies in Nairobi, gain access to government documents at administrations in Lodwar, go to major hospitals, universities, visit family, or conduct business or trade beyond the confinement of the camp.



Figure 4. "Green Gold" *probox matatu* at Lodwar airport filling up with freshly arrived miraa bound for Kakuma Refugee Camp.

Gaining one's travel pass was a major obstacle for many wanting to leave the camp. In order to gain a travel pass, a refugee had to first convince a RAS officer that their case was genuine before being brought to the Camp Manager who had the final say. On one occasion, Robert had invited me to a *hotel* in Kakuma town to have lunch with him and an Oromo *Mzee*¹³ who owned a *hotel* in Kakuma Refugee Camp and wished to gain a travel pass. I arrived, Robert greeted me, and he kindly paid my *boda boda* driver. He explained that the *Mzee* and he had just been to the RAS office around the corner trying to receive a travel pass (see map 3). As we chatted a man slipped behind Robert and entered the *hotel*, when we entered the man was sitting in front of the *Mzee*. Unknown to me at the time he was a RAS officer the *Mzee* had met with earlier. We sat down at the table joining them. I overheard the man state to the *Mzee*

¹³ A respectful term for elder in Kiswahili.

“If you don’t tell us today your case is not genuine”. Seeing Robert and myself sit down at the table with the *Mzee* made the man look nervous, but he continued “... you must follow proper procedure” as he opened his palms on the table before retracting them. Robert began explaining that the *Mzee* had been to the RAS office earlier, but this came with no answer. Eventually, the *Mzee* would stand up and walk with the man to the exit of the *hotel*. Shortly, the *Mzee* returned to our table and informed us he had paid a “bribe”.

The *Mzee* had been attempting to finalise a protection case for him and his family to leave the camp after receiving death threats from a South Sudanese man who had lost his child in an accident involving the man’s son. That morning the *Mzee*, his son, Robert, and their zonal chairlady had gone to the RAS office to finalise an agreement where the *Mzee*’s family could leave the camp for protection in Nairobi. However, the RAS office was busy and by the time they met the RAS officer the son and the chairlady had left, so the *Mzee* tried to arrange another time to meet. The RAS officer insisted on assisting them, the *Mzee* explained his situation, but the RAS officer wanted to go somewhere private. The *Mzee* refused and insisted upon returning in two days. Robert and the *Mzee* had left to eat and meet with me. “He appeared like a devil!” Robert noted about the moment the RAS officer slipped past him when Robert was greeting me (for more on meanings of the devil see chapter 6). As we sat at the *Mzee*’s *hotel*, Robert reflected on the process “We did not want him, but his face changed when you were there. He only wanted money... We gave him the money as we did not want to anger him”. Then the *Mzee* interrupted “I want a UNHCR, a *mzungu* [white person], not a Kenyan”. Robert replied, “This is Kenya, you cannot move one step without paying something.” (Field diary, Kakuma, 21.06.19).

The Kenyan state became reaffirmed through Robert and the *Mzee*’s negotiations with the RAS officer. The practice of giving the bribe became a single practice – among many – that came to constitute the state with an array of similar interactions. Despite it being an interaction with one individual, it came to represent an entire amalgamation of experiences associated with “Kenya”. Bribes and gift-giving demonstrate a method of gaining access to state resources, in this case, the travel pass. The travel pass offers a means to move legally within Kenya within a set number of days but does not inhibit police and other state officials from asking for further bribes while traveling. However, possessing a travel pass limits the amount a Kenyan officer might demand. Thus, a bribe is a form of ritualistic negotiation, a practice demonstrated within a relational setting that comes connected or infused to a whole

amalgamation of different state practices, such as checking documents. The state becomes constituted as a form in such a relational setting, solidified as an entity through practice.

2.2.1.3 Land Allocation

Across Kakuma and Kalobeyi the occasional residential or commercial shelters might have “RAS” sprayed black on the corrugated metal door or compound gate. Emmanuel, a Congolese community-based organisation (CBO) (see chapter 4) manager explained that those marked “RAS” were formally occupied by refugees, but they had moved away, giving the building over to RAS. Although these structures were constructed as temporary, it was common for those who leave Kakuma to sell or give their home to relatives or friends. This was particularly true for those who lived within ethnic or tribal compounds. Omar, for example, lived in a solely Darfurian compound of approximately eight households. Omar had purchased his house from another Darfurian who had granted resettlement to the United States. For Omar, he merely had to report notify the then DRA that he would move into the house. With the formation of RAS, trading, selling, or giving of one’s housing became under their mandate. In passing, Robert commented that “Even when you have your own house, RAS make you pay to have the house transferred to your relatives. If you have flight¹⁴ they can delay you if you do not [pay them]”. The threat that RAS could slow one’s “flight” or resettlement case demonstrated the power dynamic between refugees and state officers.

This practice of selling and trading temporary shelters by RAS officers was most prevalent in profitable real-estate within Kakuma and Kalobeyi, such as shelters within market areas. Kakuma 1, being the most mercantile district of Kakuma due to its longevity and proximity to the tarmacked road, was a notably common site for such practices. I became acquainted with one trader, Moti, who had been removed from his shop by RAS agents. Moti had agreed to purchase a shop from a man who had received resettlement. Over the course of several years, he paid a series of instalments.

“So I paid from 2013 to about 2016. I’m giving 5000 each time... It’s a lot of money. So, in the end, he sold it without giving me information. So, one day, a guy came and told me to leave the house— the guy who bought the shop... They brought police... They arrested me, and they gave me conditions: if you leave the house, we’ll set you free. If not, we’ll take you to Lodwar¹⁵. The cell was very small, and inside the small space were around 40 or something people. There were some criminals, thieves, rapists. A lot of

¹⁴ “Flight” or having “flight” meant that one was to be resettled or in the resettlement process.

¹⁵ Lodwar, the regional capital, houses the local courts.

people are accumulated in a very small area. Imagine with that temperature. Have you ever visited that station? It's horrible, it's kind of like hell. So, my wife was pregnant during that time, like three months or four months. So, we have no one, we don't have any remittance, we don't have anyone who can support us... UNHCR is not the one to protect us." (Interview, Moti, Kakuma, 01.02.19)

Upon leaving the cell, Moti found himself homeless, having his pregnant wife stay with friends and relatives within the camp while he attempted to find somewhere new to live. In the meantime, the man who bought the property sold it to a Kenyan. "The problem is the regulation; the problem is RAS and the UNHCR. There is no clear regulation or clear legal framework. In short, we don't have any rights, and they can come and do anything that they want." RAS agent's control of the land allocation and the property market has been enabled by – as Moti notes – no clear legal framework for its management. The lack of transparency and means to allocate legal ownership over such "temporary" structures within a refugee camp reproduce an atmosphere where bribing the local state actors enables legitimate ownership.

In a similar case, I had been introduced to an elderly Ethiopian man who had been expelled from his home and shop. In an interview, he explained how he began paying taxes to the County Government 2013, which formalised his business and allowed him to later secure a travel document. However, in 2015, as he explains he was removed from his home by two RAS agents:

"I have a family, a proportion got resettlement while the rest of us remain. We shared a house in the market, but now the government is claiming it's theirs... Two officers from RAS claimed the house three days after my family left. They forced their way into the house through the neighbour's house and locked the door with a chain. They demanded that we must pay for our house, or they will sell it. CID [Criminal Investigation Department] arrested some of my family when they tried to make a video of the incident. I believe they do this because RAS tells them to. RAS has power to arrest refugees now...". (Interview, Kakuma, 03.02.19)

The man had arrived in Kakuma in the early 1990s after the collapse of the Mengistu regime in Ethiopia. Throughout the interview, he reflected on various policies of the UNHCR and different levels of the Kenyan Government towards refugees, such as Turkana County Governments taxation to police harassment, and now, RAS taking control of key properties. Despite residing within the property and having legal tenure to the property from the Turkana County Government, RAS had ejected him from it because members of his family left.

RAS control over personal space within the camp reflected the temporary formation of refugee infrastructure that defines Kakuma. The temporality of the shelters ensured there was no prolonged ownership. When someone leaves a property, the shelter falls under the control of RAS agents. Thanks to the temporary formation of the camp, the space of one's home or business, much like the boundaries of the camp, can become instantly redefined. RAS's takeover of shelters cuts through social life, reaffirming state control of even the most intimate of spaces such as ideals of "home". Displacing Moti and the elderly Ethiopian man from their homes and businesses, interactions with Kenyan state actors reconstituted space within the camp. Space such as the home, personal business, and the camp, were defined simultaneously through such interactions with state actors.

Actors representing the Kenyan Police Service and RAS enact practices that limit refugees' capacity for mobility. These come in the form of checkpoints, curfews, issuing travel documents, and controlling the sale and trade of property. These state processes and practices are not the results of singular policy, but generally the consequence of UNHCR funding for camp policing in 2011 and the Kenyan state takeover of refugee protection since 2016. The practices of giving bribes and the relations formed through such interactions come to constitute the state as a collective whole for refugees within the camp. As a result, the Kenyan state's presence within the camp has become increasingly prevalent in everyday life for refugees, demonstrating the importance mobility is for refugees and their ambiguous presence in Kenya.

2.2.2 Refugee Status Determination

RAS conducts refugee status determination (RSD), alongside its preceding and subsequent steps such as reception, registration, and issuance of documentation. During my fieldwork, the RSD process began when an asylum seeker registers their application for asylum with RAS. All asylum-seekers (except for South Sudanese due to their *prima facie* refugee status) then must complete an interview with RAS in either Kakuma or Nairobi (Dadaab is excluded from the process). Once an asylum seeker's interview is complete, RAS staff send a letter of recommendation to the quarterly review, and a final decision is given by the Commissioner for Refugee Affairs. Applicants whose applications are rejected can appeal to the Appeal Board or the High Court of Kenya. The UNHCR finances and grants technical assistance to the RSD process, such as training, coaching, and advice. However, since the takeover of RSD by RAS the process has slowed (see Walkey, 2020), causing some to wait more than seven years to receive their refugee status (field diary, Kakuma, 26.03.19).

Attempting to be registered under the RAS refugee protection regime has become increasingly difficult for many refugees. So much so, that RAS has been remarked as an ‘indifferent’ administration to the concerns of refugees during the RSD process (Walkey, 2019). The takeover of RAS has reorganised the RSD process, forcing many to find alternatives to combat the extensive waiting time for registration. Those without *prima facie* refugee status have difficulty with lengthy waiting times. For those returning from Somalia and many others, negotiating for refugee status becomes an extensive ordeal, as the attempt to be recognised as refugees may require negotiating with different powers within the camp.

Returning to Kakuma after visiting Nairobi, I had heard that Robert had been severely sick during my absence. I went to visit him at his home and found him lying outside on his UN-issued mattress. Next to him on a small plastic chair was our common friend Omar. Outside his small mudbrick house with all his belongings laid about him, Robert stood up and welcomed me into his compound. Despite his frailty recovering from the severe illness, he welcomed me graciously and offered me a seat. He explained that his home had recently been fumigated by the NRC (Norwegian Refugee Council), and this was why he and his belongings were laying outside. He was still suffering from mild pains in his stomach, so Omar and I agreed to let Robert rest, while we left for a restaurant in another part of Kakuma.

Omar and I travelled via *boda boda* to a *hotel* in another part of Kakuma. There we met with Lam, a young South Sudanese man. Lam had recently been selected for resettlement to Canada, like Omar who was going to be resettled to the United States of America until it was stalled by President Trump’s travel ban. As we sat down to a plate of *ful* (a bean dish) and cold water, Omar noted to Lam: “You should be careful what you share on Facebook.” He continued, “they are connected to Safaricom, they know how many accounts and sims you have”. Omar referred to the time he had an interview with the United States embassy. They had asked many questions, particularly about his online presence. A Somali man in a wheelchair at the neighbouring table heard Omar’s words and interrupted, “I was there yesterday. They kept me from 2pm to 5.30pm. I left exhausted from all the questions they asked.” Omar agreed, noting how the questions we’re often difficult and the interviews long. By the end, Lam began taking a nap when Omar and myself decided to return to his home.

At Omar’s housing compound, we sat in his compound under a large tree. Zahir, the neighbour of Omar had seen me and approached laughing. “Steve”, he shouted, “look at this”. He handed me a hard-plastic ID card, pulling himself a chair to join us under the shade of the tree. On the top of the card was a light blue emblem of Kenya and it read ‘Refugee ID Card’.

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Zahir commented with a smile, “I just received this today, look at the expiry date”. To my surprise, the card was almost six months out of date. It had been issued in 2016, expired in 2018, and given to Zahir in March 2019. I handed Zahir the card back and he said “They give us more work, you cannot fly¹⁶ with it... this will only cause more waiting for me. UNHCR gives them work and they [RAS] don’t do it.” Robert, who had arrived moments earlier, commented: “This sickness comes from this place. They are trying to kill us. This sickness comes from the time my waiting paper was thrown in the bin.” Robert, unlike Omar, Lam, and Zahir was not a refugee according to the Kenyan state and the UNHCR, but legally a asylum seeker. He associated his bout of sickness with multiple attempts to receive his refugee status. (Field diary, Kakuma, 26.03.19).

Robert originated from the Lower Omo Valley in Southwestern Ethiopia. He belonged to one of the many tribes that lived along or near the Omo river, depending upon it for their livelihood. Robert was well educated, with a degree from a university in Addis Ababa, and spoke English fluently. Prior to moving to Kenya, Robert worked for various NGOs in the Lower Omo Valley region. However, with the construction of the Gibe III Dam and the development of the Omo-Kuraz sugar development project (OKSDP), many communities along the river were either forcefully ‘villagized’ or simply displaced by the government (Gebresenbet, 2021). Robert was outspoken against the government about the abuses, criticizing their failed promises to provide basic social services to those displaced by the sugar plantations. Unfortunately, Robert began receiving death threats and fled to Kenya.

Upon arriving in Kenya, Robert first travelled to Nairobi before being relocated to Kakuma by the UNHCR in 2013. After his first week arriving in the camp, Robert was registered by the UNHCR as an asylum seeker, given a manifest and a ration card. It took until early 2016 before Robert would receive his eligibility interview for refugee status from the UNHCR. He described how he had to go directly to a UNHCR field-post and confront staff directly, and only then was he granted an interview a month later. Robert described to me that on the day of the interview he did not eat breakfast to arrive early, but he was forced to wait for several hours in the sun before being called for his appointment. He noted how the interview was “tricky” and his hunger made him uncomfortable. Since the interview, Robert had checked the notice board every Friday to see if his ration card number would appear. By the time I first met Robert, it had been over two years since his first interview. However, as time passed, he

¹⁶ “Fly” or “take flight”, much like “flight” also referred to resettlement.

became depressed and desperate, considering either suicide or travelling north to the Mediterranean. (Interview, Robert, Kakuma, 25.06.19).

Robert's case was rather unique to others I had met in Kakuma as he did not yearn for the traditional mode of resettlement through the UNHCR. Instead, he wished for refugee status as to enable him to apply for private sponsorship to Canada. Robert's work in Ethiopia, prior to moving to Kenya, had often brought him in contact with many "white" researchers, as he referred to them. These contacts had supported him since his arrival to Kakuma, with both financial support and helping him organise his private sponsorship to Canada. However, to be eligible for private sponsorship to Canada, Robert required refugee status or another form of status besides his UNHCR asylum status. Unfortunately for Robert, shortly after his eligibility interview with the UNHCR, the DRA was disbanded and replaced with RAS. One of the main responsibilities of the newly formed RAS was Refugee Status Determination.

I first met Robert through Omar in early July 2018, but it wasn't until early 2019 when he began to open up to me about his lack of refugee status in Kenya. Sitting in a small Ethiopian café along one of the main artery roads of Kakuma, he explained his latest attempts:

"UNHCR has not kept me well, seven years I have been here... Birkii¹⁷ has one friend, and I have another person in Nairobi who works at the headquarters of RAS. But, I don't want to get robbed again, I already gave 10,000 [approximately 75 euro] to give my fingerprints at the field post. I called the guy in Nairobi, but he also needs 10,000 which he will divide amongst other staff to speed up the process and update the database in Kakuma. Because they cannot give you a card with no data. So Birkii paid the 10,000 to his friend because he wants to be sure I get the card. As soon as I see the pass with my own eyes, then I pay Birkii back." (Field diary, Kakuma, 18.02.19).

Robert attempted to gain his refugee status through three different avenues of negotiation. Firstly, he tried going directly to a field post in Kakuma and negotiating with RAS officers directly. This resulted in paying a bribe to a Kenyan officer for his fingerprints to be taken and receiving a 'waiting paper', but nothing after that. Secondly, he tried to negotiate through an Ethiopian broker at the RAS office in Nairobi, with who he got in contact through his Canadian contacts. And thirdly, Robert had his friend Birkii contact another broker connected through kin and tribe to negotiate on Robert's behalf. This gave Birkii the confidence to pay the broker as a guarantee to Robert.

¹⁷ Robert's neighbour and friend.

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Over the course of several weeks, I would meet with Robert and keep up to date with his progress. The day of his appointment with RAS, he unexpectedly arrived at a *hotel* where Lam and I were drinking coffee. We invited Robert to join us, and he explained with distress that the meeting at the field post had been postponed for another week. Security personnel at the field post had explained to him that only new arrivals would receive their ration cards and be processed. Lam confirmed, noting the large number of new arrivals from South Sudan recently arriving in Kakuma since the civil war in South Sudan continued. (Field diary, Kakuma, 02.03.19). Another week passed, and I met with Robert again. This time he explained how he got access to enter the field post of RAS. While waiting in the mid-day heat, he handed over his ‘waiting paper’ to the staff, only to notice the staff put the appointment slip in the bin. “I went to the office door with one Somali guy, he spoke with one of the officers he knew. The RAS officer told him if the waiting paper is in the bin, then their card is not ready. Now I am tired of going to field post, I will call my person in Nairobi.” Robert had proceeded to call the contact in Nairobi, who informed him the card was ready but had not been sent to Kakuma yet. Robert appeared frustrated, saying, “it’s all very crazy Stefan, we have no power, everything is money”. (Field diary, Kakuma, 06.03.19). Soon after Robert suffered health problems again, associating the illness with his waiting paper being thrown in the bin.

Robert is imaginative, he constantly sought means to gain refugee status. After several attempts through brokers of different ethnic and national identities, Robert adapted his strategy. This was impacted by him meeting Zere, another member of his tribe who was in a similar predicament. Robert was informed of Zere’s arrival to the camp through a friend living in Kakuma 1. This came as a surprise to Robert, as there were very few people from Robert’s tribe compared to other Ethiopian groups in Kakuma. When Robert met with Zere in person, other Ethiopians present asked them to speak in their native language to hear what it sounded like. Zere came to Kakuma because he lacked a UNHCR manifest. He had been registered as a refugee by RAS in Nairobi but was informed he needed recognition from the UNHCR to be accepted by the Canadian embassy for private sponsorship. Robert liked to joke about Zere, “he is half refugee and half asylum seeker”. However, Zere was not accepted at the reception centre in Kakuma because his identification papers were expired (see map 2). He was instructed to travel to the RAS office in Kakuma Town. However, the RAS office then proceeded to inform him he should travel back to Nairobi to have his papers updated. Zere decided to try and negotiate through an Ethiopian broker that worked at a RAS field post in Kakuma. (Field diary, Kakuma, 25.04.19). After a week, Zere returned to Nairobi in order

to attend his interview with the Canadian embassy without his UNHCR manifest. Fortunately for Zere, he was accepted for private sponsorship despite the lack of UNHCR recognition. This had a profound and emotional effect on Robert. The example of Zere charged him with hope and guided his future actions.

When I visited Robert at his home after Zere had left, he regretted the amount of money he had spent on various brokers in Kakuma and the failure in trust between them. “Those related to Birkii, are connected to a tribe member working in RAS. As Birkii trusted them, he just sent the money.” Despite the expense to Robert and his friend Birkii, Robert had now seen an alternative route to access refugee status. “When I talked to Zere my boy, he said come and pay here [in Nairobi] ... I want someone to go to RAS and negotiate an ID and we use the number of the waiting paper. Zere knows people from the church who are connected, and they cannot eat my money. He said you can say you lost your ID and it can be negotiated and pay to be made in two months. You have to say Kakuma is not a good place, tell them you are alone as a tribe and say you are getting abused. People you are related to are in Nairobi, and in Kakuma you are alone, it is not good he said... one year and Zere is already on medical check, and I am here seven years. Now I lose hope from UNHCR, they are meant to be our parents.” (Field diary, Kakuma, 07.06.19). Here Robert showed distrust for other Ethiopian tribes but his own. The association of being “alone” in the camp without any tribal connections was suggested to him as a route to leave the camp and seek bureaucratic assistance in Nairobi. Furthermore, the case of Zere offered a feeling of hope, a possible future through Nairobi, while the camp and the protection under the UNHCR had failed him.

Over the next weeks Robert would consistently visit the field posts just in case there were any changes to his status. One afternoon I met him at an Ethiopian *hotel*, just returning from a RAS field post. He appeared notably frustrated and complained “... my status on the computer has changed, it now says in progress before it said ready for collection, so it has gone backwards! This is all making me stressed.” (Field diary, Kakuma, 18.07.19). The lack of hope, the obscure process of refugee status, and corruption were driving forces in encouraging Robert’s movement to Nairobi.

Robert planned his departure according to the food distributions in Kakuma, as to be not removed from the camp’s population register. Speaking with his friend Omar, Robert noted how he will leave just after the next ration distribution. Omar reassured him saying “missing one ration or two is fine, but three might become a problem. If your card is not active, it will be deactivated.” (Field diary, Kakuma, 26.06.19). Robert then scheduled a meeting with the

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Camp Manager to negotiate his travel pass just after distribution, allowing him an extended period between distributions. Furthermore, Robert needed a valid excuse to be allowed to travel to Nairobi. Although Zere's suggestion of posing as being alone and unsafe was a genuine excuse and possibly could be accepted, instead, Robert opted to pose as a businessman who intended to buy goods for Birkii's *hotel* in Nairobi. Fortunately for Robert, it worked, although required some negotiation. I met with him and Omar the day after his meeting. Robert explained to us what had happened: "I went to the RAS office in town, but first they refused me saying they will only take medical issues. But I met a friend there who works in firewood distribution, he then assisted me and got a meeting for 400. Finally, I got to talk to the Deputy Camp Manager – this is very much Kenya you can't get anything without money – he said I am hungry, give me something for breakfast. So, I had to pay 1000, he said this is just bureaucracy." Omar commented, "in Kenya this is lucky, 5000 is the normal price". Robert agreed and noted, "I am leaving my money with people here, they can then send it to me via M-Pesa¹⁸ when I reach Nairobi so the police don't take it from me". Robert would eventually make it to Nairobi, receive an alien card, and begin his process for private sponsorship to Canada before being stalled by coronavirus lockdown measures in Kenya. All interactions with the state for refugee status were always entangled within state practices.

Robert's access to Nairobi was made possible through his tribally framed networks and relations with Kenyan state actors. He manipulated the negotiation with the Camp Manager by posing as a merchant, and in turn the Camp Manager granted him a travel pass. With the travel pass, Robert had a greater agency and capacity to be mobile. His mobility enabled him to access RAS agents outside of Kakuma, changing the relational setting with the state from the camp to the capital city of Kenya. In Nairobi, the use of bribes was far more effective in getting access to limited state resources. He was able to go directly to the source of RAS administrative power and receive an alien card. The state practices in Nairobi contrasted to those in Kakuma as they granted him something in return for his bribe. Mobility reconstituted the state for Robert, although he engaged with the very same institution in Nairobi that he did before in Kakuma (RAS), his interaction was remarkably different, as it finally granted him some form of legal recognition. Thus mobility, and the ability to change the space, both have a transformative effect on how refugees experience and constitute the state.

¹⁸ M-Pesa is a mobile phone-based money transfer service managed by Safaricom.

2.2.3 Somali Repatriation

Somalis in Kenya have had a rather ‘ambiguous’ belonging within Kenya since the colonial period (Scharrer, 2018). The majority of Somalis in Kenya resided within the closed district of the North Frontier District (NFD). Those who resided within the urban centres outside of this area were termed by the colonial officials as ‘Alien Somali’ (Turton, 1974; Scharrer, 2018; Whittaker, 2019), often working as clerks, traders, and soldiers within the Kings African Rifles. With the arrival of Somalis from Aden and Somaliland, this term would later come to be adopted to categorize all urban Somalis (Scharrer, 2018). As noted above, since Somali secessionists attempted to break away from Kenyan rule during the commonly termed “Shifita War” (1963–1967), the state of emergency measures used during this time forced many Somalis within the NFD to prove their belonging to Kenya (Whittaker, 2014). Despite the dictator Moi’s incorporation of Somali elites into his government after the failed coup of 1982, the state of emergency regulation in the NFD continued to use collective punishment (Scharrer, 2018). Such as the Wagalla massacre in 1984, where between 1000 to 5000 Kenyan Somalis were detained on an airstrip and left to die by Kenyan Defence Forces (Anderson, 2014).

As Scharrer notes, the ‘ambiguousness of citizenship’ for Somalis in Kenya ‘was further complicated’ after the 1990s with the influx of refugees from Somalia. Anti-refugee sentiments emerged from the 1990s, predominately at the Somali population. Initially associated with insecurity with the refugee camp around Mombasa, anti-Somali sentiment became exaggerated with the later Al-Shabaab terrorism in Kenya (Anderson and McKnight, 2015). While a sense of Kenyan nationalism and belonging may have improved for many Somali Kenyans through events like the 2013 elections, where northern Kenya became a particular ‘swing’ region (Carrier and Kochore, 2014). For many Somali refugees, a sense of security within Kenya did not improve with the increased securitization after the Kenyan invasion of Somalia in 2011. As noted before, the various security operations by the Kenyan state targeting Somali’s in Kenya, such as Usalama Watch exacerbated feelings of insecurity in the country. During this period, Kenya was, after Somalia, the second largest recipient of USA anti-terrorism funds in Sub-Saharan Africa between 2013 and 2015 (Scharrer, 2018).

In December 2013, as note prior, the tripartite agreement would be signed for the voluntary repatriation of Somalis from Kenya to solve the growing insecurity within Kenya (Lind, Mutahi and Oosterom, 2017). However, on the 6th of May 2016, the Government announced it would no longer host refugees in Kenya declaring it would close both the Dadaab and

Kakuma, later disbanding the DRA (Lowe and Yarnell, 2019, p. 189) and, as noted above, eventually forming Refugee Affairs Secretariat (RAS) to ‘expediate’ Somali voluntary repatriation program (Walkey, 2019, p. 139). The camps were never forcefully closed, but the threat still lingers.

2.2.3.1 Seeing like a State – Somali Voluntary Repatriation

In Kakuma town, an airstrip is located alongside the main tarmacked road that entered the town from the South (see map 3). Arriving by the airstrip on a morning of a repatriation flight, I initially noticed clusters of Somali families waiting along the outside fence. I went to join them. There, waiting amongst the families, I noticed a shaded space where police officers sat on the other side of the fence. Soon police vehicles entered the airstrip, and a police Major disembarked the lead vehicle. A Sergeant came out of the shaded room and saluted the Major. A young Somali boy jokingly imitated him near me, and I laughed. Seeing a group of Somali boys congregate and joke, I approached them and asked if they knew anyone flying out today. One of them said his family was leaving but he would stay in Kenya to finish his education. Another older boy noted a large amount of security present and said it was because the vice president was arriving by helicopter. A second crowd of Turkana men had begun to gather, away from the Somalis but still along the fenced area. An older Turkana man, standing next to his motorbike, confirmed that the vice president was arriving that day. “I am not his supporter” he explained, “I support Raila Odinga”.

Moments later, a series of NRC and UNHCR vehicles arrived, unloading repatriating Somalis and their belongings. The Somalis were directed into a nearby waiting room. An NRC staff came to the main gate and began calling out names. Some of those waiting by the fence was then allowed to enter the waiting room and speak with those repatriating. Some spoke through the fence at others peeping out of small windows of the waiting room, saying their farewells. They were soon interrupted by a World Food Programme plane flying in overhead. Once landed, the plane was refuelled, boarded those waiting within the waiting room, and took off. Shortly after the Somalis remaining behind the fence boarded motorbikes or set off by foot back to the camp. Only the crowd of Turkana men remained. Now within the airstrip compound were several black SUVs and police vehicles. Women wearing the Jubilee party colours, black, red, and green, began warming up, lightly dancing and singing. Eventually, a helicopter arrived and a group of men in fine suits ejected the helicopter. They walked directly into the black SUVs and drove off towards the regional capital, Lodwar (see map 1). Reportedly, Vice President William Ruto visited the newly constructed roads before attending

a televised event in Lodwar, where he addressed the crowds to announce further developments for Turkana County. (Field diary, Kakuma, 09.08.18).



Figure 5. Somali voluntary repatriation flight, Kakuma.

Despite the ongoing conflict within Somalia, the Refugee Affairs Secretariat (RAS), the UNHCR, and the Norwegian Refugee Council (NRC) established means for Somalian nationals to voluntarily return to Somalia. Institutional actors from RAS, UNHCR, and others each rationalised repatriation from a state-centric perspective. The reasoning was explained to me by one of the only two RAS officers I was permitted to speak with.

“At the same time, the reason why the government wanted to close the camp, is because of the continuous intelligence that points at Dadaab being a planning centre for terrorists. Planning for radicalisation, planning for attacks. They may not be necessarily refugees, because some of them are imposters, claiming to be refugees but they’re not. So, these are the people that are actually poisoning the camp. Therefore, the government felt that it has lost its humanitarian nature, and it has become morphed up into a dangerous area.”

(Interview, Nairobi, 15.03.19).

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The RAS officer described the camp as “lost” as if the state could no longer control it, somehow beyond the sovereign territory of the Kenyan state. For state actors, the repatriation of Somalis was always rationalised from a top-down perspective and often produced an evocative response. The Somali refugees were out of place, or ‘outside the national order of things’ (Malkki, 1995), not because they were refugees, but because they had been designated as a security risk to the state.



Figure 6. World Food Programme (WFP) plane arriving at Kakuma airstrip.

‘Seeing like a state’ (Scott, 1998), a top-down and state logic to operating societies is an apt description to understand the perspective of the officer. The top-down view of the Dadaab refugee camp as a lawless and uncontrollable place, that needed the dismantling as it was infecting the region. This is reflected further by the same officer who rationalised the invasion of Somalia and the later security measures within Kenya:

“When Kenya started getting attacks in 2011; there were attacks in Lamu and the coastal areas... So apart from that, we started getting attacks inside the country, after we moved them to Somalia. It’s kind of activated the terror, then we started getting attacks in Nairobi, the Eastleigh area, and many other parts of the city... And Dadaab was already there, but after the increase of the attacks, the government of course was also using

different instruments, we traced these attacks to Dadaab... The Usalama Watch, 2014. Yes, so the directive [agreement for Somali repatriation] came out in around 2013, and then the implementation now started in 2014. The directive said that all refugees were supposed to reside in Dadaab and Kakuma Refugee Camp.” (Interview, Nairobi, 15.03.19).

The RAS officer was following a state logic to rationalise the Kenyan state's response. The securing of borders, protecting key industries such as tourism, and stabilizing of Somalia through military means reflected this. The Somali population had become a dangerous phantom that needed to be managed and controlled through security measures. Despite the RAS officer recognising that the camp existed long before the Al-Shabaab attacks, there was a reanimation of colonial state practices (discussed further in chapter 5). For the RAS officer, the Somali population needed to be removed from Kenya, to ensure the security of the state.

The UNHCR Head of the Sub-Office in Kakuma, mirrored such an argument in an interview regarding the repatriation of Somalis:

Interviewer: “Yeah, [Somali repatriation] didn’t seem to have the full effect as the Kenyan government wanted, essentially.”

UNHCR Sub-Office Head: “Why would you say so? And actually, it was half a million people who were living there at one point. Now there’s two hundred thousand. A lot of people left. So now, if you set your thing as zero, I have never seen anywhere as zero, but I don’t know, it’s 200,000 or 100,000, or 50,000 I don’t know what the numbers will be. But the government, the Kenyan government, believes in certain areas there is room for return. And as a matter of fact, a good number of people returned. Good, bad, numbers enough or not, all other discussions. I mean we can’t really say it didn’t, as a significant number of people returned.” (Interview, UNHCR Sub-Office Head, Kakuma, 11.06.19)

For UNHCR Sub-Office Head, if people were returning then the matter of if the country was safe did not matter. The choice of “return” was still guided by the logic that if people are returning, then it must be safe. This state-centric perspective guided by population statistics came to characterise humanitarian rationale towards Somali voluntary repatriation. As I shall demonstrate below, the choice to voluntarily repatriate was not because people considered Somalia safe, but because the conditions in the camp were no longer bearable.

2.2.3.2 The Voluntary Repatriation Process

Ali, my Somali research assistant, was instrumental in assisting me to meet with those considering voluntary repatriation within his block. When I first met Ali in 2018, he was

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employed as a UNHCR field-post observer, reporting issues and complaints that he collected from his block directly to the local UNHCR field post (see map 2). I had asked Ali if he could assist me in meeting with people who considered voluntary repatriation, he agreed and set about arranging several meetings. One of the initial meetings Ali arranged was planned at his home with a man who ran a small business in the marketplace. When the man arrived, he appeared uncomfortable. When he saw my recorder on the floor, although it was not turned on, he refused to speak with me about why he was taking repatriation. He briefly spoke aloud in Somali for both of us and then kindly asked if he could leave. Ali then explained that the man did not want to talk for fear of the police. According to Ali, a Somali man complained about the hardship in the camp for a BBC report. The next day the man was arrested. Unknown to me at the time, this fear of security personnel and insecurity in the camp was a major encouragement for those considering repatriation.

The voluntary repatriation process of Somalis is a carefully monitored system. This was achieved through maintaining a roll call, fingerprinting attendees, and each attendee having their own small yellow slip that needed to be signed after each meeting. According to an NRC staff member, participants “are free to drop out at any time” and “they would not be followed up for doing so”. The meetings were in a series of steps initiated by the NRC (Norwegian Refugee Council) on ‘Country of origin’ information then safety information, to housing, land, and property rights. Then the UNHCR would interview to assure there had been no pressure to leave on the returnee. This was then followed by an IRC medical check before receiving their cash assistance. In return for repatriating from Kakuma, returnees would receive an initial \$150, a flight from Kakuma to Nairobi, followed by another flight to Somalia, and then an additional \$200 upon arrival in Somali with foodstuff and basic supplies, all funded by the UNHCR. Returnees had a choice of locations in Somalia that were deemed safe enough to return to, such as Puntland, Somaliland, Mogadishu, Kismayo, parts of lower Juba, and several other locations in Central and Southern Somalia. Upon arrival they could again apply for assistance from the UNHCR or NRC Somalia, being offered building materials for the construction of semi-permanent structures, basic household materials, and utensils.



Figure 7. Advertisement for Somali voluntary repatriation, Kakuma.

Although strongly advocated for by the Government of Kenya, the actual Somali repatriation process was predominately undertaken by NRC staff. After being given formal access by the NRC, I was able to attend a meeting held in Kakuma 3, Somali Bantu market, with Bobby, a Kenyan NRC staff member, and his two Somali interpreters. Those attending ranged in age groups and genders, representing families who considered repatriation to Somalia. The interpreters – refugees themselves – opened the meeting with a roll call, collecting and writing down the names that had previously been registered. As they went through the list of names, they notice one family was not in attendance. Bobby and one of the interpreters adjourned to the back of the hall to record this, while the other interpreter maintained calling out the names of the attendance. Bobby then took centre stage, placing his orange NRC vest over his shirt, and began addressing the audience, with one of the interpreters translating: “We understand that in Somalia there was war, and those explosives used in the war is what we are going to talk about today. The second objective is to reinforce behaviours to keep yourself safe from landmines. Mohammed will now take you through the pictures so you can understand more.” Mohammed then proceeded to speak in Somali, going through a list of symbols, pictures, and signs written in English on A3 printed black and white sheets. These sheets displayed different types of landmines to “Improvised Explosive Devises” and the different types of

physical injuries and psychological effects they cause. Finally, the meeting ended with explanation on what to do if these explosives are found, what authorities can be contacted, and what warning signs mean. At the end of the meeting, those who attended had their fingerprints are taken and small yellow tokens signed, to indicate that they willingly attended each info session. (Field diary, Kakuma, 15.08.18). The entire procedure seemed wilfully ignorant that the war was certainly not over in Somalia. It mentioned idle explosives rather than active combatants. The war and the insecurity in Somalia were merely a reference to the past rather than an actuality of the present.

I attended several other meetings in order to grasp what the NRC and UNHCR considered important to inform Somalis before they travelled to Somalia. The other meetings generally followed the same pattern, information would be shared and translated to the audience in Somali. This would be followed by information booklets being shared, fingerprints taken, and yellow tokens signed to show attendance. On one occasion, when staff were explaining the process of land reclaiming and the different legal routes returnees that can be taken, a woman interrupted and asked that if she returns to Somalia, could she still come back to Kenya. Bobby replied, “if you go back to Somalia, you will become a Somali citizen, you can return but you will have to be reprocessed with UNHCR.” The meeting continued with one of the translators’ taking photographs as another explained which Federal Governments agencies could be contacted to trace land deeds. One man then interrupted because he was concerned with the photographs being taken and that people in Somalia might see them. Bobby intervened again and attempted to reassure him that the photographs were for donors only. (Field diary, Kakuma, 23.08.18). The procedure emphasised land, returning to places some families had fled possibly over thirty years ago. While the question regarding return to Kenya ignored any reference that Somalis who returned to Kenya would not be treated the same as they had done before, without *prima facie* refugee status they would have to undergo the slow process of registration.

In one of these information meetings, I noticed the man who had refused to speak with me before, sitting silently listening. Although he did not agree to talk with me, with the assistance of Ali, I made a series of interviews with families and individuals who were either considering repatriation or had committed themselves to the process. I wanted to gauge the reasoning behind leaving the camp for Somalia. Many I spoke with referred to the insecurity of the camp as the primary reason for leaving. One elder woman explained:

“There are many ways to kill a rat. Even though the Kenya government is not making it [forcing people to repatriate] directly, but there are reasons we should believe they are during it indirectly. We refugees are frequently attacked in the night and the police do not respond, and the victims are not legally assisted. One time at distribution, I asked them why the ration was so small – because I am a chairlady. I was told by one of the distribution agents, who is Kenyan, if you do not want the food, go back to your home country. I believed that those words are not their own, but someone else’s.” (Interview, Kakuma, 15.08.18).

Claims that there was Kenyan involvement in the insecurity, either through wilful ignorance or direct contribution, were excessively common. What is important here is not whether the Kenyan state is actively encouraging violence against Somalis to make them leave, but that they are associated with the violence and insecurity in the camp. As noted in the quote by the Somali chairlady above, connecting the violence in the camp goes beyond the insecurity itself and intersects with a whole array of different facilities of camp management, such as the distribution of food management. Experiences of violence and comments from a state actor at the food distribution centre, all connect with a common identifier: the state. The state was constituted from a series of different relational encounters, encoding an array of practices and images to the monolithic idea of the state.

Although insecurity was a prominent feature in why many considered repatriation, it was not the only reason. Many saw it as an alternative for mobility. With the travel ban from the Trump administration in the USA, many saw no option for possible resettlement in the future. This feeling of hopelessness fuelled many young Somalis to consider repatriation, as explained to me by a group of male Somali youth in a group interview:

“Many [Somalis] were resettled to the USA, while some others were denied resettlement. I am among those who were rejected. In the case of repatriation, most of the people take it due to insecurity in the camp. The second issue was when President Trump declared a travel ban to Muslim majority countries which our nation includes. Thirdly, education, is no longer free in the camp. Refugees cannot afford to pay school fees! This makes people lose hope...” (Interview, Kakuma, 03.08.18).

Experiences of insecurity in the camp were relevant for some actors. It appeared that for many, it was the feeling of hopelessness, and a lack of future that caused many to consider repatriation. With resettlement options reduced especially after Trump’s travel ban, limited social services such as health care and education, many Somali refugees saw repatriation as a possible means to be mobile.

Chapter 2. Kenyan Refugee Protection: State Mobilities

Previous experiences in Somalia also guided the decision-making process. One day when accompanying Ali, he suggested we visit one family who he described as having a “security issue”. Ali took me through his block, eventually reaching a corrugated iron wall that encircled a household compound with a barricaded shop front. Within we were greeted by a Somali family who offered us seats from the shade. Ali’s role as a UNHCR field-post observer and my “whiteness” as a *mzungu* likely contributed to her openness to our arrival and how she described past events. After initial greetings and pleasantries, Ali explained that the family had recently been robbed and then encouraged the mother of the family to explain what had happen. And she explained:

“I had a hope that I would get security and good life here in the camp, but it hasn’t happened as I expected. I was personally raped here in my house during a robbery. My husband had also sustained a lot of injuries as he was beaten with the butt of a rifle. Since then, my daughters and I have been stigmatized, at the watering points or the schools [...] My foster son was almost killed as he tried to escape, they shot him. Now he has lost his job at LWF [Lutheran World Federation] security because they stole his handheld transceiver.” (Interview, Kakuma, 06.08.18).

The father and mother went on to explain how a group of men broke through their fence armed with rifles and knives, raping the wife, beating the husband, and shooting at their stepson who tried to escape over the neighbour’s compound wall. During the attack, the armed men stole from the husband’s pharmacy and other valuables from the house. What was peculiar, was that the attackers spoke in Kiswahili, not Turkana the regional language. Once shots were fired, neighbours in the surrounding block began shouting and banging on their corrugated iron walls that defined their compounded homes. The armed attackers then fled, leaving behind bullets, bullet casings, and a sheathed knife that had fallen from the rapist’s trousers.

According to the husband and wife, the police arrived two hours after the attack and demanded to have the bullet casings as evidence. Their late arrival and demand to see the bullet casings was a common practice, as noted by the family and other informants with similar cases in Kakuma. However, after the husband refused to produce the evidence, he was arrested. As he notes: “I was even arrested and beaten up in a police cell because I would not produce the shells. It took three days until they released me from prison. I just kept insisting I did not have them”. The wife went onto explain: “We suspect that it was the police who attacked us... Even if someone was shot and the bleeding severely, the police do not assist to

take the victim to the hospital, but instead, they inquire about the shell of the bullet only.” (Interview, Kakuma, 06.08.18). The lack of care and extension of punishment towards the victims demonstrated by the police indicated to the family a possible complacency towards the attack.

The suspicion the attackers were police went beyond the demand for the bullet casings. The attackers use of Kiswahili the *lingua franca* of Kenya possibly indicating the attackers came from a variety of tribes, not just one, thus unlikely to have been a Turkana raid. Furthermore, the father was a gynecologist and owned a small pharmacy that opened onto the street. The police collect an informal “tax” from the family once a month equal to 10,000 Kenyan Shillings, which was collected through another Somali pharmacist or “broker”. Thus, his business was considered known to the police. I asked the father of the family if he considered the payment a government tax and he replied: “Yes, but this one is not so official. The Turkana County Council also comes in and asks for tax across to all shops, but only a small amount like 1500, not near the same amount the police do. The Turkana County Council also gives out documents showing that one has paid, but the police do not.” (Interview, Kakuma, 06.08.18). The informality of the police tax, its amount, and the mistrust they developed through a lack of paperwork enabled a solidification of their association with the attack. Other details, such as speaking Kiswahili and the demand for the bullet casings only reaffirmed this suspicion.

What is important here is not if the attackers were police officers or not, but the association of the police or the state in the act. The relational past experiences with the Kenyan state enabled the association of police in the act, just like with those who considered repatriation. I asked the father if he considered repatriation, to which he responded: “I wanted to and my wife wants to, but I cannot because since I worked for NGOs in Somalia and was threatened by Al-Shabaab. Because they believe that any person working for government or NGOs is a Christian.” (Interview, Kakuma, 06.08.18). Here the insecurity became associated with the Kenyan state, the connection of corrupt practices and the violence became an assemblage of different experiences that constituted the state through relations, everyday experiences, and emotional representations they produced.

Somalis in Kakuma and Kalobeyei decided to relocate to Somalia because the options to develop one’s future in the camp had become limited. The end to free education and the insecurity provoked some to take the voluntary repatriation option. Voluntary repatriation merely offered another route to be mobile for those who could not afford to travel. I had met

several Somali refugees who frequently left the camp for Somalia and returned, without the assistance of the voluntary repatriation program. Repatriation was a means to be mobile for those who lack the financial or social networks to facilitate the process. However, that mobility came at a cost to their legal status in Kenya.

2.2.3.3 Camp “Returnees”

When inquiring about the repatriation process, Ali my research assistant introduced me to three men who had repatriated to Kismayo Somalia and then returned to Kenya. Each left Kenya for their own reasons, such as visiting family and attempting to reclaim farmland. However, for each man, it had become too dangerous to remain in Somalia because they had either been threatened with their lives or their family members had been attacked. One of them noted how on the first night upon arrival armed men stormed his family’s house, accused them of being Kenyan infiltrators, and killed his mother-in-law. Upon returning to Kenya, each of the three men crossed the border and made their way to the Dadaab. However, upon entering Kenya each discovered that they were no longer *prima facie* refugees and could not receive immediate refugee status.

One of the three men reflected upon his journey to Somalia and return to Kenya. He described how upon returning to Kenya through the Dadaab he was no longer registered as a refugee and found it difficult to receive assistance or food. As he explained:

“That is why I decided to travel back here to Kakuma. When I returned, I went to the Camp Manager and explained my case. They said they would call me if I will receive my manifest, but I am waiting and still no call... Not being registered is still a worry because I am not a legal person in the camp... I did not want to surrender my ration card through repatriation, but because I had no money I took repatriation for a free journey to Kismayo... My main motive to go was to see family and my farm, but those the repatriation committee often tells you there is peace in Somalia, I never assumed there is still conflict. So, I just trusted them, according to me this committee is lying and misdirecting refugees. Maybe the Kenyan government is pushing this because they are tired of hosting refugees.” (Interview, Kakuma, 30.08.18).

Trust was placed in the NRC and the UNHCR that the information provided to them was correct, that Somalia was safe. However, as this man described, it was not for him.

Upon returning, those men each noted how they no longer held the rights of a refugee anymore, since *prima facie* refugee status had been revoked for Somalis. As also noted by another of the men:

“When I arrive in the Dadaab, I attempt to register to get a ration card. They told me you were once registered in Kakuma, so you must return to Kakuma. They assisted me to get a travel document at the RAS office. I could afford to get to Nairobi, when I got there, I went to Eastleigh 7th street Mosque with my children and they give me enough to get to Kakuma. It was a Monday when I got here, and immediately I went to the Camp Manager. They referred to the reception centre... It has been two months and I am still waiting to be registered... Later I went to the field post, where I was interviewed and now I waited two weeks and I haven’t received any feedback. I was advised to go to reception and await their call. My family and I, we are still in reception waiting, we don’t know what is happening.” (Interview, Kakuma, 30.08.18).

With their refugee status revoked after leaving Kenya the men who had returned from Somalia had to either reside within the reception centre (see map 2) or be housed by friends or family before being allocated a lot. Insecurity within Somalia made some return to Kenya, and upon returning their legal status had been transformed. They had been cut from a legal framework, no longer refugees. Although repatriation may have offered alternative mobility, offering an alternative for their future, those who faced insecurity in Somali and returned to Kenyan experiences a whole new state apparatus. Where previously they had been registered by the UNHCR and automatically granted refugee status, now they were being subjected to the slow process of Kenyan state refugee registration.

In sum, those who chose to undertake voluntary repatriation, and became mobile were transformed into new legal subjects. The process cut them from their social ties and reconstituted them as they moved. For those who stay, violent state practices came to constitute the state for some. It did not matter if violence was conducted by the Kenyan state or not, but the fact that it was associated with the violence. Such association comes from a relational experience that connects past expectations, emotions, and representations with the present practices of violence and voluntary repatriation. Such practices and processes allow the state to take form within the camp. While those who partook in the voluntary repatriation process to Somalia, and returned to Kenya, experienced the process of refugee registration.

The condition within the camp is what made Somali refugees consider repatriation and subsequent mobility, it shaped their understanding of the state. The lack of possibilities for further education, employment, the threat of violence, and limited alternatives for mobility elsewhere, beyond East Africa forced many to consider repatriation. It made Somalis encounter an array of actors from the NRC and the UNHCR, yet the actual process was deemed the work of the Kenyan state. Voluntary repatriation became a way of experiencing

the Kenyan state. This is because the conditions within the camp, were associated with the state, and as such, became the reason for voluntary repatriation. Their choice of repatriation, the process of mobility, was another method of interaction or engaging with a state process. Their mobility, and for some return to Kenya, constituted the state. The state and its state-centric territorial logic defined the Somali population as a pollutant, or ‘matter out of place’ (Malkki, 1995, p. 8).

2.3 Conclusion

As illustrated above, the Kenyan state is very much present within the Kakuma context. Mobility, or the lack of it, relationally constituted the state for refugees in Kakuma. Robert’s attempts to gain refugee status outlines how the state becomes understood and realised through relational encounters and negotiations. Robert came to understand the Kenyan state, and how it must be engaged with, through everyday practices such as giving bribes and gifts to various state officers. However, it was his mobility, ability to move out of the camp that allowed him to gain recognition as a refugee. This was in contrast to those Somalis who voluntarily repatriated to Somalia and then returned to Kenya. As a result, they lost their refugee status, and now no longer *prima facie* many returned Somalis were left in a similar predicament as Robert in Kakuma. Their mobility transformed their relationship with the state differently, as they were no longer refugees, they lost the political agency the legal category granted them previously. The inability to gain legal status limited one’s capacity to access humanitarian and state resources, reinforcing camp power dynamics between state actors and refugees. This sort of power indifference allowed for acts of violence to be associated with the state. The association and amalgamation of past experiences helped constitute them as acts of the state. Representations and past experiences of state practices became reinforced through emotional attachment to the violence. While the camp, its boundary checks could be outmanoeuvred, their very experience and the practices to escape it merely became another social currency in which the state and the camp became made. Thus, the Kenyan state was very much present within the camp, it was not a mere ‘bare life’ but a rich political space, where actors and agents utilised the idea of the state to enforce unequal power relations.

Chapter 3. Making a Municipality: Kalobeyei Integrated Settlement and Self-Reliance

‘Self-reliance is the social and economic ability of an individual, a household or a community to meet essential needs (including protection, food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity. Self-reliance, as a programme approach, refers to developing and strengthening livelihoods of persons of concern, and reducing their vulnerability and long-term reliance on humanitarian/external assistance.’ – UNHCR Handbook for Self-Reliance (UNHCR, 2005).

Approaching the Kalobeyei UNHCR field post (see map 4), I noticed people in a partial line outside the fenced compound and taking positions of shade underneath nearby trees. The field post was on the outskirts of Kalobeyei Integrated Settlement, a long walk for many of the refugee community leaders who had arrived by foot. Marco, my UNHCR contact had invited me to attend a meeting between UNHCR agents and refugee community leaders from Kalobeyei Village 1. Marco was the managing agent who oversaw the construction of new permanent shelters within Kalobeyei. The blaring air-conditioned car we arrived in masked the intense mid-day heat that the community leaders endured outside. Leaving the vehicle, we were ushered in by the security guard who proceeded to check the name tags of all the waiting community leaders.

The UNHCR field post was a fenced-off building with a single large square room, kitted out with benches and a modern projector. I sat at the back as community leaders from neighbourhoods in Village 1 took seats in front of me. The UNHCR staff I had accompanied to the meeting stood up front, greeting the community leaders as they entered. Marco introduced himself and the other UNHCR agents before turning on the projector for a ten-minute introductory video. The video animation demonstrated the process of constructing permanent shelters in Kalobeyei in Kiswahili and English. It gave a general overview of how the community leaders were to manage the construction of the shelters for their entire neighbourhood, followed by details on how to open a bank account with their UNHCR biometric card, then on how to hire a mason and negotiate with one’s supplier before construction began. As the video ended, many in the audience began complaining in Arabic that they could not understand it. This was then relayed to someone sitting at the front who translated the complaints to English for the UNHCR staff. The UNHCR staff then turned to one Kalobeyei chairlady, Janet, to ask her to stand up and translate to the overwhelmingly South Sudanese audience.

Chapter 3. Making a Municipality: Kalobeyei Integrated Settlement and Self-Reliance

With the help of Janet, Marco and other UNHCR staff attempted to reiterate many of the key points raised in the short film. “I hope you understand how important your role is as community leaders” Marco announced, followed by Janet’s Arabic translation. “You must first register your phone number with the UNHCR, then register yourself with Equity bank.” Marco handed out some sample bank cards, with the bank and UNHCR logos, to be passed around. Marco went on to explain how as neighbourhood leaders, they must negotiate with suppliers and contractors. “...But you must keep your house built to a specific height. If you look to the neighbourhood [omitted] they are being built right now. When one neighbourhood starts construction, all houses must be constructed at the same time... At each stage of construction, UNHCR engineers will assist you, but it is up to you to make this succeed.”



Figure 8. Self-reliance seminar with community leaders, Kalobeyei.

Marco finished explaining the process, offering the floor to another UNHCR agent. “Kalobeyei is meant to create self-reliance!” she declared. “We want you all to stop calling UNHCR our mother or our father! Make the house your own, paint it purple if you want! We give you the basics to at least build it.” Marco then turned to the audience and asked for questions or queries. One woman raised the point “Some leaders don’t have phones. How can

they register?” One of the UNHCR staff replied, “We give you a small investment, so you can be self-reliant”. In response, a man from the back shouted, “Hey *mama*, answer her question!” However, his remark went unanswered. Another man from the audience then noted how someone had moved into a shelter next door to him but was not registered to it. Marco commented that it was his responsibility as a leader to ask the man to leave. Marco then announced to the audience “If you cheat, we will know, because you are registered biometrically, and we will find out!” At the end of the meeting, an elderly man stood up and angrily said that he did not want to be self-reliant. There was general chatter in the room, but a UNHCR staff member’s response could be heard above it. “Too bad”, she said before walking out. (Field diary, Kalobeyei, 29.06.18).

During my time conducting fieldwork in Kalobeyei Integrated Settlement, I observed the process in which the UNHCR and their partner agencies granted refugees’ access to social amenities such as Bamba Chakula (food vouchers), business grants, agricultural prospects, vocational training, and cash for shelter schemes (permanent shelters). These social amenities were designed to foster what the UNHCR described as self-reliance amongst refugees and the “host-community”. Self-reliance, as outlined above in the UNHCR Handbook (2005), was intended to fortify one’s access to a livelihood, and to reduce vulnerability and reliance on humanitarian assistance. The assumption is that one’s access to amenities and programs would foster self-reliance. Yet, access to such amenities depended on residence within Kalobeyei Integrated Settlement. For example, many local Turkana had limited access to such amenities due to not inhabiting the camp. Thus, residing within Kalobeyei Integrated Settlement and having access to such amenities was designed to generate self-reliance amongst refugees, making them less reliant on humanitarian aid. However, as I will demonstrate, programs for self-reliance only reinforced a paternal relationship with the UNHCR.

The Kalobeyei Integrated Settlement is a state-of-the-art refugee camp. It is the first refugee camp to be developed on a combination of humanitarian, development, and market principles. Refugees are intended to become petty entrepreneurs, grow their food, develop new skills, build their shelters, and sell them if they intend to repatriate. The Kalobeyei Integrated Social and Economic Development Program (KISED) is based on UNHCR’s Comprehensive Refugee Response Framework (CRRF), which seeks to support host-communities, create opportunities for self-reliance, and encourage market-orientated forms of assistance (UNHCR, 2018b). KISED is a collaborative project between the UNHCR, the Turkana County

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Government, and the World Bank to develop the local economy over 14 years until 2030 (UNHCR, 2016). As such, the KISEDIP project fits within the wider County Integrated Development Plan (CIDP) II led by the Turkana County Government, which itself is a regional component of the Kenya Vision 2030 programme.

A major component of this new refugee camp is its permanence. Unlike Kakuma, Kalobeyei Integrated Settlement was intended to last and proceed after the refugee population left. Through the construction of permanent shelters by refugees, the camp could develop beyond its initial humanitarian function. To achieve permanence, refugee households were given bank accounts and financial grants to construct their permanent shelter to a set design specification. Community leaders, who represent neighbourhoods, were made responsible to negotiate prices with local contractors and suppliers. The capacity to negotiate for a better deal on construction and supplies meant that refugees from a neighbourhood could afford additional modifications to their homes, such as whitewashing interior walls or cement flooring. To maintain the construction of permanent shelters to a set standard and ensure the grants were used on construction, the UNHCR established a policy of collective punishment on entire neighbourhoods if one household either did not comply with the standards or spent their grant before construction. Despite the UNHCR's intentions for the new camp to be a model of self-reliance, refugees utilised the space for their own purpose. Refugees often resisted UNHCR or Kenyan urban planning, instead often used the urban environment for their own communal activities and illicit economic advantage. By circumventing the governing structures or stealing humanitarian resources, refugees used the components intended to foster self-reliance for personal or communal gain, which did not create the self-reliance the UNHCR had intended.

During the initial testing phase of Kalobeyei Integrated Settlement, a series of test permanent shelters were constructed by Peace Winds Japan using local contractors. Unbeknownst to any agency at the time, those shelters alongside a series of temporary shelters were built beyond the boundary of Kalobeyei. Upon receiving this information, the Turkana County Government with assistance from UN-habitat built a series of beacons or boundary posts to mark the boundary of the camp. The discovery of the shelters resulted in a dispute between the UNHCR and the Turkana County Government. For those who inhabited the disputed area (see map 4), access to social amenities, namely permanent shelters, public lighting, and water was threatened and at times cut off. As a result, many made relocation demands, desiring to be placed within the boundary of Kalobeyei Integrated Settlement. To access the same amenities

as those within the camp, these actors made consistent claims to belong to the camp and that the UNHCR was responsible for them. In sum, they argued that the UNHCR was their responsible sovereign, and it was the UNHCR's duty to relocate them to access the social amenities offered in Kalobeyei.

While the newly constructed permanent shelters offered an opportunity for local state actors. The permanence of Kalobeyei Integrated Settlement enabled Turkana County officials and UN-habitat staff to propose constituting Kakuma Town, Kakuma Refugee Camp, Kalobeyei Integrated Settlement, and Kalobeyei Town as a municipality (see map 5). The municipal status became a desire of local state officials to access additional World Bank grants to urbanise the hypothetical Kakuma-Kalobeyei municipality. Although the status of the municipality is still not achieved at the time of writing, it is the process and aspirations of those applying that are of interest here. The claim for municipal status made by state actors was only possible through the existence of the refugee camps in Kakuma and Kalobeyei. The permanent infrastructure, population, and capacity for Kalobeyei to exist after the refugee population left, enabled County and UN-habitat officials to apply for municipal status. In sum, Kalobeyei Integrated Settlement became the foundation for state officials to argue for municipal status. In doing so, the camp facilitated the creation of a possible city and raised new insights into the 'city-camp' debate.

Within this chapter, I build upon Jansen's concept of 'humanitarian urbanism' (2018). Humanitarian urbanism examines the social and spatial practices of both humanitarian and refugee actors as they conceive the space in which they are situated. For Jansen, camps are in a flux of autonomy and control, where refugees can carve out spaces or "pockets" of autonomy from the overarching humanitarian institutions. However, I disagree with the physical metaphor used by Jansen and other scholars and suggest instead an actor-orientated approach to sovereignty. Taking inspiration from Bryant & Reeves 'sovereign agency' (2021), I argue that to understand the camp as a concept it is critical to move away from seeing sovereignty as a thing, fact, or the capacity to suspend one's rights (see Agamben, 2005). Instead, sovereign agency examines the aspirations to be sovereign or have sovereignty. In the context of the refugee camp, claims of belonging to the camp and access to its social amenities requires camp residence and refugee status. While Turkana County Government officials argued for a particular municipal status, is also a desire for state recognition. Therefore, sovereignty is not only created by the sovereign, but also by potential subjects. The focus of this chapter is the action of subjects for sovereignty. These claims to or

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aspirations, both from refugees and state actors for urban sovereignty coincide with practices of humanitarian urbanism.

The focus of this chapter is how sovereignty is generated from the subject's perspective. Claims to sovereignty are not exclusively defined from above, rather sovereignty presupposes subjects. After all, subjects are the source of legitimation that sovereignty implies and relies on. In this chapter, I demonstrate how people who reside in and around Kakuma and Kalobeyei make claims to be specific kinds of subject, such as Turkana, refugees, and urban citizens. These subject categories are tied to a variety of political institutions, the Kenyan state, the UNHCR, County Government, and the possible city. Different actors make claims to specific subject and sovereign belongings within Kalobeyei. In doing so, urbanisation of the camp is generated from the range of different sovereign claims by a range of actors.

In this chapter on Kalobeyei Integrated Settlement, I give special attention to the construction of permanent shelters and their consequences. I argue that the UNHCR policy of self-reliance is having a counter effect, as refugees retain their paternal affiliation to the UNHCR and reaffirm the UNHCR as their sovereign. To explore this, I will first introduce the background to Kalobeyei Integrated Settlement, followed by a theoretical outline, and finally present ethnography. The ethnography comes in three parts: the first, examines the process of constructing permanent shelters; the second, details the case of the disputed area in Kalobeyei; and the third, deals with the role of the Turkana County Government and UN-habitat in creating the municipality.

3.1 The Making of Kalobeyei Integrated Settlement

Kakuma, and Turkana in general, has had a long history of marginalisation by both the colonial and post-colonial states. During the colonial period, Turkana District was governed through a system of indirect rule through the Provincial Administration hierarchy of district commissioners, district officers, and chiefs (Anderson and Killingray, 1991; Agade, 2015). Kakuma served as one such colonial outpost (Rodgers, 2020), operating a commissioner's office within an overwhelmingly pastoralist population. The predominantly pastoralist North of Kenya has rarely received public funds during the colonial and early post-colonial periods (Eriksen and Lind, 2009). Instead, public funds have tended to favour the traditional 'White' highlands of central and western regions of Kenya (Leys, 1975). After independence, the Catholic Church and Norwegian development agency (NORAD) became the primary source of development for the region. The Norwegian NORAD programs included fisheries, road infrastructure, forestation, and agricultural projects, while the Catholic Church tended to

support education and famine relief. At the height of the 1980 drought, roughly half of the estimated 160,000 Turkana population were on famine relief. At the same time, a total of six secondary schools within the Turkana District were established and managed by the Catholic Church. In Kakuma, the Catholic Church established a missionary centre and an aid relief camp and built Turkana's first hospital (Rodgers, 2020).

Prior to the creation of Kakuma Refugee Camp, Kakuma's population of around 2000 (Ohta, 2005) was made up of professionals working for the Catholic Church, Somali traders, and settled Turkana. The establishment of Kakuma Refugee Camp in 1992 brought with it a mass influx of people to the remote town of Kakuma. Itaru Ohta, an anthropologist who had worked in the region surrounding Kakuma since 1978, documented the transformation (2005). In 1993, upon returning to Kakuma, Ohta noticed how the camp had drastically altered the landscape of the town with the immense inflow of goods, services, and jobs. The camp, Ohta writes, had a 'profound impact' on the local Turkana. It accelerated the cash economy as the demand for goods, such as the price of meat increased. Those Turkana without a flock began to settle along the edges of the camp, finding work selling charcoal, milk, and building materials.

Ohta noted how the camp did not resemble his idea of a camp, but a town:

'It bears all the characteristics of a large town. People of different nationalities and ethnic identification, speaking multiple languages all live there. Their cultural and religious backgrounds are also different. The camp has kindergartens, primary and high schools, vocational schools, a hospital, clinics, libraries, community centers, churches, and mosques. People engage in business briskly at restaurants, general stores, butcheries, and vegetable shops. There are theatres that show videos of various movies and promotion videos of popular singers like Michael Jackson. Several restaurants have satellite broadcast dishes, and we could watch soccer games taking place in Italy. There are also copy services, international telephones, and international remittance services. Bicycle-taxis come and go busily on the roads of the camp.' (Ohta, 2005, p. 231).

Kakuma town was transformed by the camp, offering employment and commercial opportunities with the rising population. Those formally educated by the Catholic Church found employment as schoolteachers, clerks, and guards for various agencies such as the UNHCR. Despite the physical barrier of the Tarach river, the camp and town would eventually become deeply interconnected through commercial and kinship ties.

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Despite the acceleration of the camp's construction and economic transformations it had for the region, violence between refugees and Turkana particularly in the early 2000s was not uncommon. In 2003, violence between Turkana and refugees resulted in 12 deaths and the relocation of 30,000 people within the camp (Rodgers 2020). Jansen (2018, p. 17) attributes the violence in the region to a series of factors, such as the famine-prone environment, the proliferation of small arms, and the spill over of political conflict in the camp from neighbouring states. Agencies in Kakuma often claimed the reduction of hostilities and violence to be a part of their humanitarian efforts (Jansen, 2018, p. 17), such as prohibiting refugees from collecting firewood from outside the camp, enabling Turkana to monopolise the selling of wood and charcoal. However, as Ohta demonstrates, Turkana and refugees created means for coexistence with their cultural "others" through frequent interactions and negotiations. Conflict and violence, Jansen concludes, was an 'ordering act' (2018, p. 17), in which boundaries, norms, and rights to specific resources and economies were established.

The term "host-community" in Kakuma emerged as a response to the violence between refugees and Turkana. Although the use of the term "host" is not new and has been used to refer to the local populations in Sub-Saharan African and East Asia since the 1970s, its adoption in Kakuma was the result of local political and historic dynamics (Rodgers 2020). Between 1992 and 1998, UNHCR protection solely focused on the refugee population of Kakuma, while aid to the surrounding population was supplied by the Kenyan state, the Catholic Church, and the World Food Programme (WFP). However, food aid to the Turkana population was only provided during periods of drought, while the refugees received food throughout the year. This created a notable distinction between the refugee and local Turkana population. In the early 2000s, the UNHCR acknowledged that the violent clashes between the different populations were a security threat, and that the plight of the local Turkana population needed to be recognised (Rodgers, 2020). As a result, the term "host-community" was adopted by the UNHCR and other affiliate agencies to distinguish the Turkana population who reside around the camp. The category often ignored other residents of Kenyan citizenship who may also reside within the camp or beyond the camp, most notably Somali and Kikuyu traders.

"Host-community" was uniformly enforced by the UNHCR in Kakuma after the adoption of the Comprehensive Refugee Response Framework (CRRF) in 2016. An application of the New York Declaration for Refugees and Migrants, the CRRF had three major components: first, to ease pressure on so-called "host-communities"; second, to enhance self-reliance

amongst refugees; and third, to adopt a development-based approach to assistance (UNHCR, 2018b). The CRRF approach was strongly influenced by the pre-existing Ugandan method to hosting refugees (Betts, Omata and Sterck, 2020), in which refugees have the right to work and freedom of movement. However, in contexts such as Kenya, where refugees do not have the right to work or movement this form of self-reliance would be difficult to achieve. To mitigate this problem, the CRRF approach emphasised the necessity to not only include host communities but also involve host governments (UNHCR, 2018b). The involvement of the state in hosting refugees could, in theory, encourage the Kenyan government to adopt a Ugandan model in exchange for involving their citizens in development programs.

The Kalobeyei Integrated Settlement became the pioneering project of the CRRF model in Kenya. The premise was to transition refugees from aid-dependent to self-reliant actors through the gradual construction of the camp. The Kalobeyei Integrated Settlement had five underlining principles which related to CRRF: first, it was to be a ‘government led project’; second, be guided by ‘community-identified priorities’; third, involves ‘host’ and refugees; fourth, be sustainable; and lastly, ‘stimulate private sector investment’ (UNHCR, 2018b). The push for private investment, as confirmed by one UNHCR agent, was intended to become a cost-effective measure for the UNHCR (interview, Marco, Kakuma, 04.05.19). The so-called Syrian and European migrant crises had a tole of UNHCR distribution of funds, prompting the agency to push for affordable and long-term measures (interview, Marco, Kakuma, 04.05.19). This new approach to refugee containment, which encouraged humanitarian, development, and private investment, was, however, still fixed on the containment of refugees.

European involvement in the Kalobeyei Integrated Settlement project can be traced to the Valletta Summit on Migration in 2015, during which the European and African member states agreed to set up an Emergency Trust Fund for ‘development’ in African countries to stem the flow of migration as well as to encourage those countries to take back migrants who arrived in Europe. Later in 2015, at the request of the Kenyan Central Government, the Turkana County Government granted 15 square kilometres of land for the building of Kalobeyei Integrated Settlement near the Kalobeyei Township. The European Union’s ‘Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa’ has been the primary funder of the Kalobeyei Integrated Settlement, intending to create long term and sustainable development for the refugee population. Kalobeyei Integrated Settlement, therefore, fell within the Valletta Action Plan for improving ‘resilience, safety, and self-reliance of refugees in camps and host-communities’ (Valletta Summit, 2015;

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Barana, 2017). The Kalobeyei camp model for ‘self-reliance’, offering refugees and “host communities” permanent shelters, possible livelihoods, and agricultural prospects, suited both the CRRF approach and the European Union.

The ongoing devolution process in Kenya meant the Turkana County Government was a major component in the planning and implementation of the new settlement. In 2015, the Turkana County Government, UNHCR, and partners established the Kalobeyei Integrated Socio-Economic Development Programme (KISED P) in Turkana West. KISED P is a merging of the County Government Development Plan II and the ongoing humanitarian work establishing the Kalobeyei Integrated Settlement. The implementation of KISED P is directed by the Turkana County Government and the UNHCR, with financial support from the European Union. To date, the Kalobeyei Integrated Settlement has established a series of permanent facilities such as schools, clinics, water pipelines, dams, and shelters.

Self-reliance and inclusion of “host-communities” have been the core principles of Kalobeyei Integrated Settlement since its inception. The initial master plan of Kalobeyei Integrated Settlement designed by UN habitat envisioned local Turkana and refugees living side by side. Transferal from Kakuma to Kalobeyei was planned to be conducted voluntarily, giving refugees the option to engage in the UNHCR’s experiment. However, intensified outbreaks of violence in both South Sudan and Burundi resulted in hundreds of new arrivals throughout 2016 and 2017 (Betts, Omata and Sterck, 2020). As a result, the local Turkana were never settled within Kalobeyei Integrated Settlement. Due to pre-existing overcrowding within Kakuma, the new arrivals had to be swiftly relocated to Kalobeyei. Although no Turkana reside within the settlement, the UNHCR, partner agencies, and the Turkana County Government continued to refer to the settlement as “integrated” between “hosts” and refugees. The intention is that when the refugees leave, the local Turkana could move in.

In the backdrop, the Kenya Urban Support Program was established by the World Bank to support counties in their attempt to create urban centres through the formation of new towns, municipalities, and cities (World Bank, 2017). The World Bank will reward counties with financial support to set up municipal institutions and infrastructure. However, to receive World Bank funding counties must set up municipal institutions, have a certain amount of pre-existing infrastructure, and a population of 50,000 or above. The Kenyan Urban Support Program was planned to coincide with the Kenyan Population and Household census of 2019. The total population figures of the census will come to determine which settlements will be liable for World Bank funding. As a result, the UN-habitat who originally designed the

Kalobeyei Integrated Settlement, alongside the Turkana County Government, has cooperated in establishing Kakuma-Kalobeyei municipality. Although the establishment of the municipality is still not guaranteed at the time of writing, the prospect of receiving additional funds for the local government has been an appealing prospect for government officials.

In March 2021, a sudden turn of events unfolded as the Government of Kenya declared that all refugee camps in Kenya were to be closed. A road map for the closure was planned with the UNHCR, aiming to have the camps closed by June 2022. This included the Dadaab refugee complex, Kakuma Refugee Camp, and the newly established Kalobeyei Integrated Settlement. The closure of the camps was planned and announced after the spatial profile of Kalobeyei Integrated Settlement had been planned and implemented. This was not the first time the Government of Kenya had announced the closure of the camps, in 2016 and 2019, similar threats were made but never materialised. When speaking with an UN-habitat agent concerning the closure, they remarked that “it is all geopolitics.” They explained that the reason behind the Government of Kenya’s threat to close the camp were the ongoing maritime disputes with Somalia (interview, Daniel, Kakuma, 07.10.2021). Despite the assurances from the UN-habitat staff that the camp would not close, the ambiguity surrounding the future of Kalobeyei Integrated Settlement resulted in the UNHCR to begin preparing for “host-communities” to take residence within the settlement after the refugees leave. As a part of the UNHCR roadmap, would allow local Turkana to make use of the remaining infrastructure left by the camp. Combined with the possible creation of the municipality, it appears that the Turkana County Government was always prepared for such an eventuality.

However, alike everything in Kakuma, nothing is for certain. Despite the plan to conclude Kenya’s commitment to hosting refugees with the abrupt closure of both Kakuma and Dadaab refugee complexes, the Government of Kenya has also discussed the possibility of integrating refugees as a durable solution. On the 17th of November 2021, the Kenyan President signed into law the 2021 Refugee Act (as noted prior in chapter 2). The Act intends to grant refugees in Kenya a means to integrate within “host-communities” and the right to work (Government of Kenya, 2021). The Act was passed by Parliament already in 2019, but was later rejected by President Uhuru in September 2021 because it did not consider the inclusion of police stations and prisons within planned refugee transit centres (Business Insider, 2021). This earlier rejection of the 2019 Refugee Act was likely because of the ongoing maritime dispute with Somalia. Now passed, the Act could pose an alternative to the encampment policy initially established by the UNHCR (see chapter 7).

The future of Kakuma and Kalobeyei is ambiguous. The closure of the camps and the 2021 Refugee Act are compatible with one another. Both, either enacted simultaneously or separately, could see the gradual end to the encampment policy in Kenya. Both pose a challenge to UNHCR's hegemony over the control of refugee populations, as without camps to house refugees, the UNHCR would lose its primary function within Kenya. At the time of writing, both the 2021 Refugee Act and the closure of camps are uncertain and not finalised. Encampment continues, but for the first time with the establishment of Kalobeyei Integrated Settlement, the camp offers an alternative to the future. Camps have always been a temporary solution, something that would disappear after the refugee population left. However, with Kalobeyei Integrated Settlement it would be the local Turkana or "host-community" who would be urbanised after the refugees repatriate.

3.1.1 The Physical Layout of Kakuma and Kalobeyei

The two camps that make up the Kakuma Refugee Camp complex, Kakuma Refugee Camp and Kalobeyei Integrated Settlement, starkly contrast one another in their physical layout, humanitarian planning, and practical use. Kakuma is separated from Kakuma Town by a large riverbed (see map 3), annually flooding in the rainy season between March and May. Without such a natural barrier, a newcomer would be hard-pressed to determine where the camp begins and the town ends. Physically Kakuma Refugee Camp is characterised by its informal and diverse array of temporary shelters, some forming makeshift marketplaces filled with a vast array of goods and services. On a map, areas with Kakuma are zoned and divided into blocks, but on the ground, it is difficult to distinguish where one zone begins and another ends (see map 2). Instead, locations are distinguished with unofficial names such as Hong Kong, Fuji, and Kalifornia. Markets are marked with national and ethnic identifiers, such as the Somali and Ethiopian markets at the entrance of Kakuma One, or the Somali Bantu and Darfurian markets near to the reception centre in Kakuma Two. Houses are in compounds that are separated by walls made of either corrugated iron sheets or the invasive long thorn bush (*Prosopis juliflora*). Generally, one to ten households are situated within a compound, and the inhabitants usually share a single ethnicity or nationality. Within larger compounds, a church or a mosque might be situated in the centre of the compound. Shops, market stalls, *hotels*, and restaurants generally occupy the busiest streets, often connecting into residential compounds from the back. While humanitarian structures such as schools and field posts have their own fenced compounds, permanently structured into the temporary landscape.

Kalobeyei Integrated Settlement (see map 4) contrasts physically with Kakuma on many levels. Situated adjacent to the Lodwar-Lokichogio road, Kalobeyei Integrated Settlement notably differs from the Turkana *manyattas*, hamlets of squat nomadic huts that intermittently surround Kalobeyei. The newly designed settlement is designed of neatly rowed houses divided into neighbourhoods, connected with wider paths lit with solar-panelled lampposts. At the time of my fieldwork, Kalobeyei was distinguished into three villages, with each neighbourhood and shelter marked with signposts and addresses. Unlike Kakuma, Kalobeyei's map is easily recognisable from the ground. Initially, when I arrived in Kalobeyei 2018, most of the shelters were still temporary square tarp tents with corrugated iron roofs. Over my year of fieldwork, those tents would be transformed into permanent shelters of stone. However, notably different from Kakuma, the ability to build walls or gated communities was prohibited in Kalobeyei. Churches, mosques, shops, market stalls, or other public works created by refugees had to be designated within special zoning, while pre-designed schools and agency field posts took centre stage in development. Everything was marked and identifiable with an intention for permanence, simultaneously easy to navigate, and an almost picturesque scene for the naive donor.

3.2 The City, the Camp, and Humanitarian Urbanism

The protracted and long-term existence of refugee camps in Kenya has been strongly debated within academia. The long-term and city-like existence of these camps has been credited as unique with an array of facilities and governance functions. The range of social and political infrastructure found in refugee camps has prompted Wilde to describe them as 'development camps', with 'sophisticated politics, with market places, schools, hospitals, mosques, churches, running water, and decision making fora' (1998). Agier built upon Wilde's idea, to coin the metaphor 'city-camps' to distinguish camps as unfinished cities, urbanisation that cannot be fully attained or reached (2002). Using the Dadaab refugee camp in Kenya as an example, Agier examines the economic transformations and creation of identities as evidence of 'urban sociability' (Agier, 2002). Alike the South African townships, Agier claims the Dadaab refugee camp has the dimensions of a city, yet it remains 'a city-to-be made'. Thus, '[T]he city...' Agier argues '... is in the camp but always only in the form of sketches that are perpetually aborted. A parallel tension divides the international organizations that set up and manage camps.' (2002). Stuck within the humanitarian space, the camp is an incomplete city for Agier. It has the components to be a city, but its humanitarian foundation and management hinder its urbanisation, making it a sort of penultimate city-camp hybrid, or a city in waiting.

Malkki (2002) contends Agier's 'camp-city' metaphor. In an often-misquoted passage, she reflects on her fieldwork with Burundian Hutu refugees in western Tanzania, stating, 'I would not argue, of course, that no refugee camp can be city-like, but I do know that I did not conduct field research in a city' (Malkki, 2002, pp. 158–159). For Malkki, it is not that refugee camps could not have city-like features, but the category of a refugee cannot be an urban citizen of the camp. Moreover, what distinguished a refugee camp from a city, for Malkki, was the lack of cosmopolitan elements (2002). Malkki questions Agier's reasoning, noting that the distinction that makes a camp is 'not newly emergent phenomena' but something that still relies on national and state-centric logic. 'The very notion of displacement implies emplacement, a 'proper place' of belonging, and this place has long been assumed to be a home in a territorial, sovereign nation-state.' (Malkki, 2002). Following Agamben, Malkki notes how the refugee camp works as a biopolitical space where one is reduced to a 'bare life'. Although she does recognise that refugees have agency within such a framework, it still distinguishes them as the legal category of refugee and as such outside 'the national order of things' (2002). Within this biopolitical framework, the camp cannot be a city, because the status of camps cannot be considered cosmopolitan.

The method of urbanisation that distinguishes cities and camps has been widely debated. Within the debate, the city and camp tend to be analysed as a dichotomy, the camp taking on an exceptional status in comparison to the city which tends to be the standardised norm (Katz *et al.*, 2018). Weizman, in following Agier (2002), suggests the camp lacks the political capacity to be a city (2011). However, what camps are, and what they will develop into remains uncertain (Turner, 2015). Therefore, to determine that the city is the natural conclusion for the refugee camp is unfounded and short-sighted. For Alsayyad and Roy, the camp is instead 'constituted outside' the city, or in contrast to the city (2006). The camp comes to constitute the city through its exceptionalism and its distinction of refugees as a non-citizen, not in its managerial layout (AlSayyad and Roy, 2006). In earlier work, Roy and AlSayyad suggest that the urban informality experienced in refugee camps or slums is a 'way of life' (AlSayyad and Roy, 2004), or in other words an alternative method of urbanization. This urban informality is defined or examined through an urban or city's physical structure, system social organisation, and/or the ideals and behaviours of those living under such conditions (AlSayyad and Roy, 2004). Roy and AlSayyad push the debate away from the camp-city dichotomy and towards asking how urbanism is made. While Malkki raises important points that the refugee camp is uniquely different from cities, she does not attempt to define how this process unfolds (2002). By paying attention to how urbanisation occurs,

over time, and in what format, be it informal, humanitarian and so on, we can begin to identify the social conditions that distinguish a camp from a city.

Examining how urbanisation unfolds, particularly through spatial and political practices, some scholars have attempted to observe the social dimensions that distinguish a camp. Sanyal, for example, examines how refugee camps across the Middle East and South Asia become formalised through the practices of those who inhabit them (2014). By constructing camps, refugees 'recover' their agency through creating or 'producing' the camp as an informal space, 'both physically and politically' (2014). In India, Bengali refugees actively set up settlements and pressured the state for formal recognition and citizenship (Sanyal, 2014). For Sanyal, the spatial production of the camp is an important means of doing or 'articulating' politics that challenge the idea of the refugee camp as pure biopolitical space. Building upon Roy and AlSayyad's (2004) work on informal urbanity, Sanyal makes the point that camps create their sovereignty, be it through humanitarian agencies or refugee political actors and groups.

Not all camps urbanise in the same way. Those camps examined by Sanyal were unique for the informality, while others appear to be shaped by humanitarian efforts or by the urbanisation of cities they are situated within. The humanitarian work associated with the creation of camps in often rural and remote localities has been criticized for constructing 'spaces of aid' (Apthorpe, 2005, 2011). These 'spaces of aid' or 'aidlands' have their own political and moral economy of humanitarianism that produce (and reproduce) power relations through material and spatial practices (Smirl, 2015). These spaces often represent humanitarian field posts and compounds managed by agencies, where refugees must appease agency staff for access to limited resources and social support (Nakueira, 2019a). In contrast to cities, such as Beirut, Palestinian refugee camps have become interconnected structurally within the city's infrastructure, relations, and use (Martin, 2015; Oesch, 2017). These refugee camps have become blurred within the city's boundaries, altering ideals of belonging and identity within (Oesch, 2017). As a result, these camps although retaining some frame of association with the camp, have become a part of the city in other respects (Martin, 2015; Katz *et al.*, 2018).

In Kakuma, there has been a clear presence of humanitarian governance since its inception by the UNHCR. 'Humanitarian urbanisation' as Jansen frames it, is '... the production and navigation of space through roles and practices that are both constitutive of and produced by humanitarian governance.' (2018, p. 27). Through describing his fieldwork in Kakuma

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Refugee Camp, Jansen examines both how humanitarian actors and refugees constitute the camp as an urban space through social and spatial practices. However, Jansen is less concerned with the exact physical layout of the camp, instead ‘the ways in which people relate to and navigate the camp environment’ (2018, p. 13). Camps, he argues, are fixed between the flux of control and autonomy, and how one evades certain controls is important in understanding their reach into the daily lives of refugees (Jansen, 2018, p. 24).

Jansen (2018) builds upon Lefebvre and Nicholson-Smith’s (1991) production of space as the trialectic of: daily spatial practice; conceived space; and lived space. Conceived space and lived space feature heavily in Jansen’s understanding of control and autonomy. Conceived space, for Jansen, are the biopolitical spaces constructed by humanitarian governance, such as the urban planning of the camp that decides where police stations and shelters are established or where food rations are distributed. In contrast, lived space is what ‘shapes resistance and an alternative imagination of perceived and conceived spaces’ (Jansen, 2018, p. 25), such as how some refugees use public spaces such as taps and roads for business opportunities. In doing so, refugees in Kakuma form ‘pockets’ of authority (Jansen, 2011). For Jansen, humanitarian urbanism is about governance, and specifically a hybrid form of governance ‘in which refugees come to co-govern the social and spatial environment.’ (Jansen, 2018, p. 26). In sum, the camp is a spatial and social process rather than a fixed archetype, guided by humanitarian urbanism which is founded both ‘theoretically and methodologically in an actor orientation’ (2018, p.30), or a bottom-up approach to understanding of control and autonomy over the construction of urban space.

By paying attention to the social production of urbanism, be it humanitarian or informal, we can move away from the dogged dichotomy of camp and city. Instead, it may prove fruitful to examine the links or means in which one form of urbanism may shape another. Refugee camps, for example, have been described as physically part of cities, while remaining separate from them in different ways (Sanyal, 2014; Martin, 2015). In contrast to the ‘city-camp’ (Agier, 2002) dichotomy, the city and the camp may shape one another’s urbanisation process. One form of urbanism may contribute or complement another form to develop. Katz et al. assess how European cities such as Paris, Berlin, and Calais have contributed to the unique formation of urban refugee camps (2018). Instead of considering the city in opposition to the camp, they look at how the city and its urban actors contribute to the construction of camps. They describe how camps become ‘spatial and governmental instruments’ with their own ‘urban realities created and administered primarily by urban actors as a way to manage

and contain migrants in the city' (Katz *et al.*, 2018, p. 63). By building upon the different means urban space is socially composed by actors, we can start to pick apart the conditions that lead to the formation of camps and the particularities of their urbanisation.

3.3 Sovereign Agency

The idea that the camp and its inhabitants exist outside state sovereignty, within an exceptional space, is common across many of the works that examine camps. For a large proportion of existing work that examines the modes of governance and power relations within camps, there is a tendency to describe such camps as having or being “hybrid,” “pockets,” “graded,” and “patched” sovereignty (Turner, 2005; Hansen and Stepputat, 2006; Jansen, 2011, 2018; Ramadan, 2013; Oesch, 2017; Katz *et al.*, 2018). This approach has been both prevalent when studying camps that exist within cities (Katz *et al.*, 2018, p. 64) and in anthropological literature that examines camps in remote locations (see Malkki, 1995; Turner, 2005; Jansen, 2018). Yet, these “pockets” or “enclaves” inherently tie sovereignty to the state, or sovereignty from the perspective of the state. In other words, these so-called “pockets” of authority are always viewed in contrast to the state, rather than looking at the actual process of how such sovereignty might be constituted. I argue that not only urbanism should be examined from the actor-orientated perspective, as suggested by Jansen (2018), but also sovereignty should be examined from the same starting point.

Within the literature that investigates camps, many examples contradict the singularity of the state controlling people within a territory. These are often described as “enclaves” or “exceptions” that stick out of or hide between sovereign territories. International relations literature tends to view such entities as supplementary to the ideal and not contradictory, such as Agnew’s argument that territory is never uniform (1994) or Lake who noted that relations between states tend to be hierarchical (2003). However, with the proliferation of breakaway states, and their inability to be internationally recognised since the end of the Cold War, some scholars began to criticize the Westphalian ideal of state sovereignty as a normative framework (Paul, 1999). Despite this turn, anthropologists and political geographers who deal with camps have tended to still observe the sovereign as whoever can exclude certain groups or peoples.

Important to anthropology and political geography approaches to camps and ultimately sovereignty has been Schmitt’s state of exception and Agamben’s application. For Schmitt (1985), the sovereign is whoever can determine the state of exception. According to Schmitt, the sovereign maintains the legitimacy of the law, while simultaneously being themselves

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outside of it. For Agamben, this paradox implies that sovereignty not defined by their capacity to create law but to suspend it (Agamben, 1998). The state of exception for Agamben (1998) works as a form of exclusion, which is maintained through a relation to the sovereign that suspends one's rights and enables the sovereign the capacity to kill those excluded with impunity. As noted before in chapter 1, the work of Agamben has been instrumental for anthropologists to understand and describe the unique characteristics of camps. However, I argue it has at the same time reaffirmed a particular ideal of sovereignty that relies on exception or exclusion, rather than allowing us to engage with actors or groups who may desire or actively attempt to create or gain sovereignty.

When critically engaging with sovereignty, particularly in a period of increasing transnationalism, Comaroff and Comaroff (2006) argue that Agamben's approach is limited in scope:

'... we take the term "sovereignty" to connote the more or less effective claim on the part of any agent, community, cadre, or collectivity to exercise autonomous, exclusive control over the lives, deaths, and conditions of existence of those who fall within a given purview, and to extend over them the jurisdiction of some kind of law. Sovereignty, pace Agamben (2005), is as much a matter of investing a world with regulations as being able to suspend them, as much a matter of establishing the normative as determining states of exception.' (2006, p. 35).

Comaroff and Comaroff actively illustrate the limitations of Agamben's overemphasis on law and violence required to implement sovereignty. However, there is a tendency in Comaroff and Comaroff's argument, as noted by Bryant and Reeves, to still perceive sovereignty from the perspective of the sovereign (2021, p. 8). When considering sovereignty from an actor-orientated approach, I argue we cannot rely on definitions of jurisdiction and violence. Instead, we must examine sovereignty from the perspective of the subject, examining their claims to sovereignty, rather than from the sovereign itself.

A productive response has been the reification of sovereignty, considering it as a discursive or a practiced ideal, rather than a thing, fact, or a status position. As Walker frames it '... sovereignty may, or may not be found, except as a discursive framing of space, time and identity constructed in relation to the self-affirmation of someone, somewhere, sometime else that is also difficult to locate... It is because sovereignty is not a thing.' (Walker, 1996). In addition, the historians Howland and White have noted that 'sovereignty is a set of practices' and '... contested because it is continually negotiated on the ground – over what a state does,

to whom, and where' (Howland and White, 2009). From this perspective, sovereignty works as a performance, dependent on discourses and practices which claim something in relation to themselves.

As opposed to examining what makes a state sovereign or not, or who has the power to exclude people from legal recognition as a definition of sovereignty, I opt to turn to the concept of 'sovereign agency' as outlined by Bryant & Reeves (2021): 'We take sovereign agency to denote the variety of practices, strategies, and future orientated claims that constitute institution and subject in ways that make the latter politically recognizable and capable of agentive action.' (Bryant & Reeves, 2021, p.2). For Bryant and Reeves, sovereign agency prominently takes on an aspirational tone, rather than something that is necessarily realised. A part of this is the means actors and politically active groups seek recognition from political institutions or legislative bodies for effective change. Bryant and Reeves term this as 'state desire' (2021, p. 2). Thus, sovereign agency takes desire at central stage for either something lost or something to be gained politically. Instead of asking what sovereignty is or who is sovereign, they turn attention to what is being desired by groups who seek recognition from institutions or sovereigns. For Bryant and Reeves this approach arises from ethnographic research, 'where we find the lives and hopes of people we study so often tied to aspirations to "be" sovereign or "have" sovereignty.' (2021, p.3).

The term 'sovereign agency' therefore 'is intended to capture the desire for a political formation that allows groups to gain a sense of control over their lives' (Bryant & Reeves, 2021, p.4). Sovereign agency moves away from the exclusive focus on sovereign violence, which has been present in so many works influenced by Agamben. Instead, sovereign agency identifies that sovereignty can attach to forms outside the state, looking to institutions and agencies with possible transnational or multinational features. The state is not inherent to sovereign agency, nor is jurisdiction or who can enforce it. Sovereign agency instead looks at what is being asked, demanded, or claimed when sovereignty is sought by groups. Thus, the communal agency, especially in contexts 'where the form of the state is not assumed' (2021, p.13), is central to understanding how groups collectively create aspirations to have sovereignty or be sovereign. By examining the desire as the central point when groups claim sovereignty, we can examine the moments when sovereign desire does or does not turn its attention to the state. In turn, this can assist us in understanding how non-state institutions may be called upon by actors for recognition.

Taking an agent-orientated approach to humanitarian urbanism not only helps us pick apart the autonomy, agency and ownership refugees have in constituting space around them, but also helps us recognise when certain controls might be enacted by managerial agencies, such as the UNHCR. As I will demonstrate below, refugees create their own lived spaces within the camp, reimagining and using the humanitarian space for their purpose. This may create a certain degree of autonomy, but I argue that the actors are not creating “pockets” or “enclaves” of sovereignty precisely because they do not claim it nor desire it. Instead, as I argue elsewhere (see chapter 4), such seemingly autonomous agents tend to act on behalf of an agency or state in Kakuma. This was evident when refugees were placed outside the confines of the camp, without access to amenities, as they turned to the UNHCR and claimed to be the subjects of UNHCR sovereignty. Moreover, when local state agents apply for municipal status, the same claim-making process occurs, but towards the Kenyan state. Turkana County officials applying for municipal status are not trying to create new sovereignty, but to be recognised or accepted by a pre-existing one. Both groups, the refugees in the disputed area and the Turkana County officials, collectively create an aspiration for political recognition that either comes in the form of city status or UNHCR recognition.

3.4 The Permanent Shelters of Kalobeyei

The planning, construction, and use of permanent shelters in Kalobeyei Integrated Settlement, I argue has created new forms of navigating the humanitarian urban environment, not only for the UNHCR and associate agencies but also for those refugees who inhabit them. The social and spatial practices which come to constitute Kalobeyei are improvisations of the ‘self-reliance’ model. The intention of making refugees capable market-conscious agents becomes a framework in how the UNHCR governs refugees in Kalobeyei (see chapter 3). However, this approach still maintains paternal control of refugees by UNHCR agents. Through their standardization of house planning and construction, they limit refugee choice in the permanent housing layout. Despite this, within this urbanisation process, refugees still shape their urban environment by creating alternative uses for the shelters and their facilities. As such, I build upon Jansen’s (2018) notion of humanitarian urbanism within this transforming context in Kalobeyei. This section explores the process in which permanent shelters were constructed, used and the forms of controls enacted.

The process of urban planning for Kalobeyei Integrated Settlement and the primary designers for the permanent shelters was subcontracted to UN-habitat. Daniel, a UN-habitat agent based in Kakuma explained how the UNHCR and the Turkana County Government approached

UN-habitat about the planning of a new settlement. According to Daniel, the urban plan for Kalobeyei culminated from a series of workshops that consulted refugees and the host-community. Later, when housing had to be established, field trips and workshops were used to determine “cultural adequacy and accessibility, in terms of cost and how people are willing to use that kind of a shelter.” Daniel detailed how this was achieved through a series of assessments of housing in South Sudan, Turkana, and Somalia. This considered the various amenities, such as toilets, and how they could not “face Mecca as the Somalis would have a problem with this”. When I asked Daniel, why not allow people to design and build their own houses, he noted how “... it’s very expensive to allow everybody to do their own housing. Reason is, for example, the typologies that you saw for UNHCR, they have a particular price.” (Interview, Daniel, Kakuma, 28.03.19). Once the housing was designed, UN-habitat alongside Peace Winds Japan tested and located local materials to be used in the construction. Then, Japan Peace Winds was subcontracted by the UNHCR to construct a series of test shelters which refugees already residing in Kalobeyei could move into. Once these were approved by the UNHCR, they became the template for the permanent houses in Kalobeyei. These templates, intended to reflect a design suitable to Turkana and refugees alike, would become the framework for UNHCR control of the urbanisation process.

Kalobeyei Integrated Settlement was located approximately ten kilometres from Kakuma Town where I resided, making access in the early stages of my research difficult. Unlike getting access to Kakuma Refugee Camp where I could simply walk or cycle into the camp, initially getting to Kalobeyei I relied on the assistance of agencies such as the Jesuit Refugee Service and the UNHCR. Thanks to one UNHCR agent Marco, I was able to observe the construction of permanent shelters in Kalobeyei. Marco was employed by the UNHCR to oversee and manage the developing of the Kalobeyei housing project. I had been introduced to him through a common contact. After becoming acquainted and seeing my interest in his work, Marco invited me to join a “field mission” to Kalobeyei.¹⁹ On the morning I had agreed to meet Marco, he had instructed me to meet him at the UNHCR compound (see map 3).

The UNHCR compound was a highly secured and double-walled complex, kitted out with floodlights, barbed wire fencing, and guard towers. To enter, one had to first pass through two fortified walls and a central checkpoint, which would later during my fieldwork be expanded by the construction of a Kenyan police post. Passing through the checkpoint required passport identification and prior authorization from the head of security. The level of security had not

¹⁹ Marco was the only UNHCR staff to ever invite me to observe the work of the UNHCR.

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always been as high. As one UNHCR officer noted, “some recent fraud scandals” had led to increased security, attempting to stop UNHCR officers from selling resettlement or “inviting prostitutes” (field diary, Kakuma, 28.06.18). Between the guarded walls, there was a large painted mural depicting a Turkana woman in traditional garb. She was surrounded by a Kenyan landscape with wild animals, enveloped by a random assortment of flags belonging to UN member states. The painting looked like one from a tourist brochure. It was originally designed for the 2018 TEDx event hosted within the UNHCR compound.²⁰ The mural was enigmatic for UNHCR branding, as it was situated between the security walls and thus could not be viewed by any refugee instead, it served as a propaganda campaign for visiting donors. The offices and housing within the compound contrasted the living standards surrounding it. For visiting donors, staff, and associated researchers, the UNHCR compound offered spacious, air-conditioned accommodation and social amenities such as a bar, restaurant, and running track. The apartments had well-equipped kitchens, spacious bedrooms, furnished living spaces, and bathrooms with heavy security doors. Running water and electricity was usually always available within the UNHCR compound, while the refugees in Kakuma could only receive water twice a day at the common water pumps and less in times of drought. There had even been a swimming pool within the UNHCR compound, but it had been abandoned due to the repeated droughts. One UNHCR officer bemoaned how the empty pool had become “full of snakes”. Overall, the UNHCR compound seemed very luxurious in comparison to the housing of the refugees and most local Turkana population. The compound resonates with Smirl’s ‘aidlands’ (2015), it was a designated space where humanitarian actors lived in contrast to their surroundings, a space where decisions about the camp are made within air-conditioned rooms, detached from the reality of those living in it.

I met Marco on the other side of the compound’s security gates, and he quickly took me to his office. We sat by his desk he showed me a map of Kalobeyei, pointing out the various sites he would visit that day. On the wall, a timetable indicated the expected phases of each section of Kalobeyei. Besides the timetable, there were photos of a series of houses of different sizes, made of quarried stone and blue corrugated iron sheets. Marco explained that each head of household receives a biometrically verified bank account from the UNHCR, with funds to build their own house to a predesigned specification based on the number of persons registered to that household. However, it was the work of the community leaders²¹ to

²⁰ TEDx event was held within the UNHCR compound, not Kakuma Refugee Camp as it advertised.

²¹ The governance strata for Kalobeyei worked much the same as Kakuma, but instead of blocks they were termed neighbourhoods, and instead of zones they were termed villages.

negotiate on behalf of their neighbourhood for a collective price of materials with the supplier and construction cost with the contractor. Neighbourhood leaders would be given contact details for suppliers and local contractors recommended by the UNHCR, and openly encouraged to negotiate for a better price than was cost evaluated by the UNHCR. Marco then showed me a large excel sheet on his computer, which detailed the price of building materials within the Turkana West sub-county. “We are monitoring the local inflation” he explained, “as long as we don’t overexpand the market can bring about cheaper options for refugees and the host community”.



Figure 9. Marco showing the Kalobeyei Integrated Settlement plan, Kakuma.

We left the office and took a UNHCR vehicle to the Kalobeyei village 1. At this stage, most shelters were still in a temporary condition, mainly made of tarp with the UNHCR logo and corrugated iron roofs. However, some had already been dismantled, leaving only the roof set aside as quarried stone bricks and bags of cement lay in waiting for construction. I noticed

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that some houses had already been built, but Marco explained that these were constructed by Peace Winds Japan, test structures to estimate cost and efficiency. Along the way, the vehicle stopped at various locations, dropping off other UNHCR personnel. Outside a World Food Programme's distribution centre (see map 4), we could see long queues of people waiting and receiving soap rations. Marco looked at the snaking queues and commented, "Bamba Chakula – the cash rations – will get rid of all this. They wait two or three hours, in rain, heat, whatever the weather. It doesn't matter what soap you want; you get WFP's soap."

Eventually, we made it to the centre of village one. I could make out tarp houses with corrugated iron roofs being dismantled and slowly being replaced with square structures of cement and stone. Marco and I departed the vehicle and went to inspect the permanent shelters being built. Marco went to speak with some neighbourhood leaders, as I talked with some of the construction workers or *mafundi*. Thomas, a young man originally from South Sudan, had been working as a *fundi* (construction worker) for the past week. He complained about how the work was hard and paid very little. He had hoped to earn enough to afford a semester of secondary school education. However, he was grateful that he too would be building his own house soon, as he lived in the adjacent neighbourhood. I left Thomas and promised to meet with him again in the coming weeks. Looking for Marco, I found him in conversation with a neighbourhood leader. "What do you mean, you save thousands [of Kenyan shillings]?", Marco said. The neighbourhood leader looked disgruntled and replied, "But we cannot collect water to complete the task, the pipeline has not been completed in our neighbourhood." Marco seemed to sympathize and then suggested to the neighbourhood leader to ask another block for water before leaving me alone with the leader. The community leader looked disappointed. He informed me that he wanted to whitewash the inside of the houses to keep scorpions out, but they did not have enough funds for the necessary water and lime. Later, I asked Marco why whitewashing was not factored in the construction costs. He explained, "We give them the money for the bare basics, and the rest is up to them". (Field diary, Kalobeyei, 29.06.18)

After the visit to Kalobeyei, I met with Marco again for an arranged interview. During the interview, I asked him what the biggest challenge was in the housing project. "Changing the mindset", he replied, "Meaning if you ask refugees around Kalobeyei, they still look at UNHCR as their mother and WFP as their father. And this is exactly what we would like to change." (Interview, Marco, Kakuma, 29.06.18). It was evident the program – to an extent – attempted to involve refugees in the process, making them active agents in the scheme.

However, with the attempts to grant refugees more agency, there was always a measure of control over the use of funding. As Marco noted:

“The Compound Construction Committee has a mitigation measure, it is the key actor to guarantee the peer pressure among the compound... We transfer in instalments because the transfer is between \$1,400 – 3,000 in three instalments. Three different instalments according to each phase of construction that meet specific requirements, making sure everyone builds at the same time... Because of course, [if] I give you the first instalment, and then you can just take the money and run, leaving all the others in shit. And so, this guy tried. And the moment, the day when we transferred the first instalment to that compound, this guy tried to go and withdraw all the money through Equity at the ATM. And Equity was the one that opened a bank account with that guy, and they said, ‘I know you, are you sure you want to do that?’ So, Equity Bank called me, and I called the neighbourhood leader. I mean, we don’t want them to do that, but we can’t stop them. We cannot stop them; we can just mitigate the risk.” (Interview, Marco, Kakuma, 29.06.18).

Mitigating risk did not fall on UNHCR itself, but the neighbourhood assigned to construct houses. If one person in the neighbourhood failed to finish a house to a specific specification or spent their finances on something else than the house, the rest of the neighbourhood would not receive their next instalment to construct their shelters. In essence, the UNHCR mediated control of the housing project to the refugees themselves, while still maintaining the power to control how the house was constructed.

When I met with Janet, the chairwoman from Village 1, she had recently received her final instalment to finish her house. She was one of the first to be informed in Kalobeyei about the plan to construct permanent housing, and Marco had told me how extremely helpful she was during the pilot housing program. However, despite being happy with her new house, Janet did complain about the lack of freedom over the design of the house:

“They say anybody will have the freedom to do their own house, but we don’t have the budget. Like now when they told us that you can do your design, but you still don’t have the freedom. When it came to the construction of our houses, we had to do exactly what is written on the plan. So now you wonder where this freedom is, they were talking about it ... For example, I wanted to do a fence for my family and kids to stay inside my plot to help me to maintain my children, but they said no fence.” (Interview, Janet, Kalobeyei, 12.07.18).

With a limited budget and design specifications inspected by UNHCR engineers, the actual freedom to construct a house to a personal preference was very limited. The refugees were

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dealing with suppliers themselves, arranging builders and managing their funds for the house. For UNHCR, the refugees were self-reliant. However, any choice outside the constraints of the standardized shelters was only available if you could bargain and deal with suppliers and builders for a better price. This is market-orientated humanitarianism, outsourcing the work to refugees with the pretence that those who can adapt to the market system can get a better deal. A better deal in this context can mean whitewashing your house to keep scorpions out.



Figure 10. Shelters in Kalobeyei awaiting construction.

Over several weeks, I would visit Thomas again and observe the gradual construction of his own house. He, alongside his neighbours, had completed the basic construction of his home according to the UNHCR design specifications. It had taken approximately two weeks since the foundation of the house was made for the walls to be constructed and the corrugated iron roof to be installed. By this stage, Thomas was using some leftover cement to make a thin layer of plaster for the floor. I joined him, taking the cement from a bucket and smoothing it across the floor. When the floor was complete, Thomas suggested we go visit his newly born child and wife living in one of the Peace Wind Japan model houses as the cement dried. Upon arrival, I was introduced to his wife's family and child. As Thomas and I sat, he began

pointing out the faults of the house his wife lived in, noting the missing cement between quarried bricks and how sections of the wooden frame were not properly fashioned to the house. “One time, one day, this house will fall just like the neighbour’s”, Thomas commented. Amongst the houses built by Peace Wind Japan, one house had lost its roof to a storm, and the wall of another house had collapsed. Thomas accounted this to the use of Kenyan builders, who he believed built the houses improperly to steal as many supplies as they could. In comparison, those houses built by refugees themselves were of superior quality. (Field diary, Kalobeyei, 12.07.18). Therefore, what was a cost-effective measure for the UNHCR to have refugees negotiate for themselves, also worked as a quality standard to ensure the shelters were properly built.



Figure 11. The construction of permanent shelters, Kalobeyei.

A weeks later, I arrived at Thomas’s house to find significant changes to his neighbourhood. The courtyard had trees planted and some of the leftover quarried stones and bricks had been broken down to make improvised patios, some with tarp hanging over them to extend shade. In Thomas’s home, he had used his spare tarp to cover his inner roof to prevent leaks. He had also installed a small solar panel to provide light and a phone charger. Many of the houses

now had cut pipes working as gutters that could feed water into containers. While there existed on one level and a degree of improvisation in the houses, such as the gutters, patios, trees, tarp shade, and later small pens for fowl and allotments, there still existed the presence of UNHCR control. As I sat with Thomas, I noticed blue paint had been added to the outside wooden beams of the houses. Asking Thomas, he mentioned, “the UNHCR came and brought us blue paint for the houses.” Moreover, when I reminded Thomas of his interest to construct a fence outside his house, he noted how he had wanted one to protect his solar panel, but this required permission from his neighbourhood leader who had already not allowed it. (Field diary, Kalobeyei, 18.07.18). Despite the active attempts by refugees to improve their homes and expand their physical capacity to support their needs, certain controls hampered it. The controls in place resonate with Jansen’s (2018) ‘conceived space’. These spaces are the direct consequence of UNHCR governance, demonstrated in the lack of fencing. The blue paint and the specific design specification of the permanent shelters illustrated how Kalobeyei, its spatial layout, and design was a result of the UNHCR’s their control over those who inhabited it.

Despite attempts by the UNHCR to determine the physical characteristics of the shelters and their physical layout, Kalobeyei still had a quality of humanitarian urbanism that reflected a ‘lived space’ as discerned by Jansen (2018). Later into my fieldwork, I was invited by Thomas to visit the christening of his son, a prerequisite for his wife to move in with him. The christening was taking place at his wife’s Peace Wind Japan household. Arriving at the christening, Thomas and I sat with the other men at one side of the house, while the women were separated from us on the other side. Amongst the men, I became acquainted with Thomas’s uncle and the area's neighbourhood leader. We sat together squeezed around a single small table shaded by a sheet of tarp draped between two houses.

Central to the men’s side was a game of checkers set upon the central table. The winner played on, making the competition fierce and quick. Taking a turn resulted in a quick loss and some jeers from the other competing men. *Merisa*, a sorghum-based beer, was served from the house in jugs that were communally shared and passed around before being refilled. Sitting next to me, Thomas pointed to another man wearing sunglasses. “He is a soldier”, he whispered, “In the army, he was using a machine gun”. Thomas demonstrated the firing action of the gun. Throughout the evening, this man took precedence whenever wanting a turn playing checkers or asking for *merisa*. When Thomas’s uncle took to making a speech to the men, many sat in silence and listened, but the soldier stood and left, taking a call from his

phone, without apparent care to the proceedings. Women either sat on the other side of the house or worked within the house's kitchen. The house was a shared ground for both men and women, but it was dominated by Thomas's mother-in-law who managed younger women serving *merisa* and food. While sitting with the men, I could hear shouts and laughter from the women's side. Thomas's uncle turned to me and said, "Don't worry, they are not fighting". Sitting from my vantage point, I could see one woman jokingly acting as a hunter with a spear, chasing another. Thomas's uncle scolded me and told me not to watch.

As the evening drew in, and it gradually became dark, the tall solar-panelled lamppost began beaming light down into the courtyard of the neighbourhood, signalling the 7 pm curfew was drawing near. In defiance of the curfew, the sound of singing and rhythm continued to be made from various utensils and drums from the women's side of the house. Looking to Thomas, he said, "They are calling the men". In front of the house under the light of the lamppost, two circles formed from a mix of men and women, one for drummers and singers and the other for dancers. The rest of the evening proceeded with dancing and songs.

Unfortunately, as it got later into the night, Thomas's uncle came to me and suggested it was best that I leave. He noted how he had not agreed with the police to host such a gathering, and since it was long past the curfew my presence might complicate matters for those present and myself. Walking back with Thomas through the dark, I could make out each neighbourhood being lit up by their solar-panelled lampposts. Some lampposts had people sitting underneath chatting in the cool evening breeze of the evening or had children out playing. Noticing that some lampposts were not working or had been toppled, Thomas mentioned how some people might break them to steal the inner components to sell them on. (Field diary, Kalobeyei, 11.08.18).

The construction of permanent shelters was shaped by roles taken on by refugee community leaders in their navigation of UNHCR rules and negotiations with building contractors and suppliers. The physical urbanisation process was produced through such negotiations, where a "good deal" could result in better amenities for a neighbourhood. The rules and standards for construction, however, had been created by the UNHCR within compounds separate from the realities of camp life. In effect, the refugee community leaders were governing on behalf of the UNHCR to ensure stages of the construction process were achieved to predesigned standards. Thus, not only was the construction process outsourced to refugees, but the very means to govern it also. However, this control went beyond the context of the standardized

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house, as the same leaders would ensure rules such as no fencing were maintained even when no monetary benefit was involved.

I never met a community leader in Kalobeyei who actively resisted UNHCR's structural plans or commands for the permanent shelters. The adherence to UNHCR standardization of shelters was ensured through the collective punishment they could enact upon an entire neighbourhood if one person within the neighbourhood did not comply. Combined with the capability and threat to trace one's biometrics, the UNHCR could trace refugees' use of funds intended for the construction of permanent shelters. The controls for 'self-reliance' by the UNHCR also maintained an aspect of care, as demonstrated in the permanent shelters constructed by refugees being of a much higher standard than the model houses constructed on their behalf. Therefore, the UNHCR's so-called 'self-reliance' was still entwined with parental or state-like care, on one hand granting independence to refugees to construct their shelters, and on the other maintaining UNHCR's control over the project through collective punishment of those who failed to adhere to it.

The shelters also took on a lived space, as actors constituted Kalobeyei as a space beyond UNHCR and UN-habitat predesigned specifications. For example, the gender norms practiced at Thomas's child's christening indicated this, where the space of the shelters could be used as points of gender separation during the celebration. Yet it is the acts of resistance that make Kalobeyei a lived space, a space where refugees make it their own and beyond the fixed ideals of the UNHCR. When the celebration continued into the night, the lamppost light offered a space to openly resist the curfew. In addition, the shattered remains of other lampposts demonstrate where refugee and host-community 'self-reliance' turns on the humanitarian infrastructure itself. However, while I agree with Jansen that alternative use of space is guided by forms of governance, I would not consider this necessarily a hybrid form of governance. As demonstrated in the example of Thomas's uncle, a neighbourhood community leader who was responsible for enacting UNHCR controls yet ignored curfew rules concerning the christening. I would not call this hybrid, or separate from UNHCR control, instead it may be more realistic to consider his role as community leader being 'switched off' (Benda-Beckmann and Benda-Beckmann, 1998). In this instance, he was acting as Thomas's uncle, an elder and not an agent of the UNHCR. This relational aspect to the UNHCR constituted him as a representative in certain contexts, but not all. This relational aspect of the state is explored further in chapter 3, but it is important to note here that such resistance did not create

a ‘pocket’ or ‘hybrid’ form of autonomy or governance, as it was not being actively desired or enacted by the participants.

3.5 Kalobeyei Boundary Dispute

On the Northern fringe of Kalobeyei Integrated Settlement, a series of shelters inhabited by refugees jutted beyond the boundary of the camp (see map 4). The area in question was on community land, the space designated for the local Turkana to use for grazing but inhabited by refugees. I term this land the disputed area to emphasize the dispute over ownership of the land between members of the Turkana County Government, who claimed it as community land, and the UNHCR, who wanted it a part of the camp. The focus of the disputed land was the refugee population who occupied shelters. Those refugees primarily wanted to be relocated to avoid conflict with local Turkana and to access amenities offered by living within the confines of the camp. Many of those refugees who inhabited the disputed area repeatedly made claims for UNHCR sovereignty, by demanding relocation into the confines of the camp. Despite their desire for sovereignty within the camp, the refugees’ requests were repeatedly ignored by UNHCR agents, who informed them they would remain on the disputed area. The focus of this section is on those refugees as they made repeated attempts to be recognised as subjects of the UNHCR.

The disputed area emerged in 2018 when a member of Kalobeyei Ward (an electoral area within Turkana County) reported allegations of land encroachment to the Turkana County Government. In response, UN-habitat mapped Kalobeyei Integrated Settlement, finding a total of 47 acres had encroached onto community land. To mark the disputed area out, UN-habitat constructed cement beacons or boundary posts around the settlement without any financial assistance from the UNHCR (see map 4). Only when the area was spatially planned, the County Government officials realised the extent of permanent and temporary shelters that existed beyond the boundary of the camp. The same UN-habitat staff reported an approximate total of “81 permanent houses and almost 200 temporary shelters” within the disputed area (interview, Kakuma, 20.07.19). The reported permanent shelters were the test structures built by Peace Winds Japan.

When I asked Daniel from UN-habitat about the disputed area, he reflected on how UN-habitat and sections of the County Government had been left in the dark concerning the dispute.

“UNHCR was not committed to talking to the county government. A Member of the County Assembly from Kalobeyei sent a letter suggesting that the refugees could stay if

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permanent houses could be constructed for host communities in Kalobeyei Town... UNHCR sent it back to us to discuss with County Assembly. But this is a breach of the Terms of Engagement for the settlement. We held our position that, even if refugees are given that piece of land to stay, we cannot include that piece of land in the camp... KISEDPA is a part of the County Integrated Development Act. So that means any discussions concerning planning must be discussed in the quarterly meetings led by the Minister of Lands. So that means anything that has transpired within that period, any controversy, anything that needs some oversight from the county government must be discussed within those forums.” (Interview, Daniel, Kakuma, 20.07.19).

The UNHCR refused to discuss the disputed area in any of the open forums as noted by Daniel, preferring secrecy and discretion to their attempted deal with the Member of County Assembly (MCA) from Kalobeyei. However, as Daniel explained, even if a deal was struck those refugees within the disputed area could still not be a part of the camp, unless the KISEDPA spatial planning was renegotiated.

Daniel put me in touch with an MCA from Kakuma, claiming that they could have more information on the possible discussion between the UNHCR and the MCA from Kalobeyei. Unfortunately, the MCA did not know any more than Daniel, only that recently he had signed an agreement with the UNHCR on behalf of the Kalobeyei MCA that eighty permanent shelters would be constructed in Kalobeyei Town (see map 5). When I asked him about the disputed area, he replied:

“The UNHCR was to ensure the refugees are within the 3km by 5km, not outside that. That was the issue... We went round to ensure the refugees are in their place. But what surprised us is that we find some of the houses, especially Village One encroaching on community land. That was the reason why we wrote a letter, reminding the UNHCR of the Terms of Engagement... We are still waiting to hear back from the UNHCR... at the beginning of the process of that land, the community was involved. We’ve been participating in a lot of meetings, because that land took around two years, people discussing over it, the importance, we don’t want this settlement to be like that of Kakuma, you know... if they are out of the beacon, it means they are for the host community.” (Interview, Kakuma, 23.07.19)

The Turkana County Government was meant to be in partnership with the construction of Kalobeyei Integrated Settlement, but it was apparent the UNHCR was not proceeding through the official procedure and reorganising the spatial planning. Instead, the UNHCR made a backdoor agreement that the refugees would remain in the disputed area in exchange for

eighty permanent shelters in Kalobeyei Town (see map 5). Despite this attempt of circumventing procedure to acquire the land they had encroached, it appeared that such a deal was in no way binding to the KISED spatial planning. This made those who inhabited the disputed area still on community land and not officially within the boundary of the camp.



Figure 12. Beacon marking the disputed area, Kalobeyei.

I became aware of the disputed area in the later part of my fieldwork through Lam, who informed me that his relatives living in Kalobeyei were to be relocated by UNHCR as they had been settled beyond the boundary of the settlement. I was naturally curious and agreed to visit his relatives with him. I had met them several months before while researching the permanent shelters. It had been over four weeks since my last visit to Kalobeyei and upon arrival, I was struck by the amount of newly constructed permanent shelters in village one. Many permanent shelters had been either completed or were still being constructed, leaving only an area on the Northern fringe of Kalobeyei where temporary shelters remained. It was here, amongst the last temporary shelters that Lam's relatives resided.

Arriving with Lam, we were kindly greeted by his extended family and encouraged to sit under the shade of a tarp porch. We sat and exchanged news from Kakuma, and in turn, they too shared news from Kalobeyei. Lam's cousin informed us of a motorbike taxi driver from Kalobeyei who had been killed allegedly by local Turkana. "The police at the checkpoint do

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nothing”, he complained, claiming that the murder lacked proper investigation. However, apart from this incident, the cousin described Kalobeyei as a “peaceful place” when compared to Kakuma. I asked what he knew about being relocated and the reasons for it. Lam’s cousin stated he only knew that a year prior UNHCR agents had come to their area to count the houses and told the community leaders they would be relocated. Since then, he had not heard anything about the relocation and felt uncertain about their belonging in the settlement. “We are just on standby and cannot do anything to our homes”, Lam’s cousin explained. He then suggested that I speak with one of the neighbourhood leaders, Kamel, as he had been there when the UNHCR told them of the news.

Kamel was a neighbourhood leader, but not by choice. Due to his previous experience working in the South Sudanese civil service, his neighbours nominated him for the role. He openly disliked being a community leader as he found the treatment of refugees by UNHCR staff demeaning. The aforementioned visit by UNHCR staff to count the existing structures was no different, as Kamel explained:

“I went, greeted them, but nobody paid any attention to me. I said, please can I help? And they said no... They started counting the houses, they counted this compound and noted nine houses. I told them no there are ten houses... the wind blew that one’s roof off, but it is still being accommodated by people... They then told me that we would be transferred to a new place, but even if we wanted to stay we cannot.” (Field diary, Kalobeyei, 11.04.19).

Several months after the incident, Kamel recalled another meeting organised by LWF (Lutheran World Federation) and UNHCR on the status of the shelters and how they had been built beyond the boundary of Kalobeyei.

“They came and said they would clarify. So, we asked if we would be moved. You see this place is not refugee land, this is for the host community... And they said no, there is nothing like that. You are not going to be moved, you will stay here... The land is the land of the Republic of Kenya, and it is the national government that has accepted that you get hosted here, so you get hosted. So please continue your life as normal.” (Interview, Kamel, Kalobeyei, 29.04.19).

Despite the reassurance that they would remain in the area, Kamel noted how they had not received the same amenities as neighbouring areas within the camp. “We had started to receive water gutters by the World Food Programme to feed into containers... They started fixing them, but in the end, the workers were told to go and remove them... they said our

houses would be demolished.” Other amenities such as solar-powered streetlights no longer continued to be repaired, the water pipe pressure reduced, and signposts for the area were never installed. Kamel suggested, “...the reduction or ceasing of services was because we are the forgotten neighbourhood, not a part of the UNHCR plan or area.” (Interview, Kamel, Kalobeyei, 29.04.19). One mother from the area reiterated Kamel’s point: “No longer services are being given because the UNHCR does not own this land.” (Interview, Kalobeyei, 29.04.19). Being beyond the territory of the camp, recognisable by the cement beacons, those inhabiting the disputed area could not access local amenities. The lack of amenities and services in the local area illustrated their lack of belonging to the camp. This prompted many to aspire for relocation, or in other words, to be subjected to UNHCR rule.

For many living within the disputed area, the lack of amenities and the uncertainty over their belonging reinforced anxieties of abandonment by the UNHCR. A neighbour of Kamal and widow with four children explained:

“Now this issue of moving to another area is disturbing me, we cannot be calm because we must move again to another area... UNHCR is not good, even they cannot build this camp correctly... When you see people are humiliated, they are unhappy here under the UNHCR. The UNHCR is the government responsible for refugees.” (Interview, Kalobeyei, 29.04.19).

Such sentiment towards the UNHCR in the disputed area was very common. Repeatedly I heard similar responses about how the UNHCR had failed to protect refugees there. Contexts of uncertainty made many refugees reiterate that the UNHCR was their mother, government, or better put their state. Such uncertainty of belonging encouraged many to seek UNHCR recognition in times of crisis (see also chapter 6).

Kamel and others within the disputed area wanted recognition from the UNHCR for relocation, not to prolong their uncertain placement on Turkana community land. “Yes, the land is theirs [the Turkana].” Kamel argued “Even if you have food on your table, inside your house, it is theirs... You can make noise, you cannot stop.” Kamel noted how the disputed area was community land for the Turkana, not the refugees. Although Kamel exaggerated how Turkana could take anything from his house, he was illustrating their lack of rights on the Turkana community land. When I asked if he thought the Kenyan government was partly responsible, he explained: “It is the sovereignty of each country... We don’t blame the Kenyan government for us being here, we blame the UNHCR. If it was planned from the very beginning... The government told them, here is for refugees and here is not!” (Interview,

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Kamal, Kalobeyei, 14.07.19). Kamal noted how the Kenyan state was a sovereign over the land they occupied, while simultaneously noting refugees were responsibility of the UNHCR. Kamal demonstrates the multiplicity of sovereignties, where the Kenyan state is territorially bound, the UNHCR was a sovereign over the refugee population.

For those who inhabited the disputed area, it was not just the lack of social amenities that made them want to be recognised by the UNHCR, but the threat of violence towards them from the local Turkana or “host community” who also claimed the land they inhabited. While sitting under the shade of a tarp porch with Lam and his cousin during a regular visit to Kalobeyei, we heard shouting from a nearby block. We could make out a highly intoxicated Turkana man coming walking in our general direction. Lam’s cousin told me to step into the house, as to not draw the man’s attention towards us. I could hear and understand him making profanities in Kiswahili as he moved through the neighbourhood. Lam remarked that the man appeared agitated and openly hostile to the refugees in the area. Speaking with Kamel later that day, he mentioned how he had been speaking with LWF that day about the insecurity in their area. “Turkana relations are not good,” he remarked “...they have been abandoned for years. They see refugees being given food by the UNHCR and they get very little by selling charcoal.” (Field diary, Kalobeyei, 29.04.19).

Local Turkana, much like those refugees in the disputed area, reiterated concern for the lack of amenities beyond the camp confines. While some Turkana did receive permanent shelters scattered amongst the various *manyattas* that bordered the settlement, their distance to the camp limited their access to welfare provisions. According to a representative for Turkana West Sub-County, it was because RAS agents refused to allow Turkana to own businesses within the settlement. A group of Turkana men and women I met at the outskirts of Kalobeyei Integrated Settlement explained how they also wanted access to Bamba Chakula payments, and better access to water, schools, and healthcare facilities. An elder from the group believed that the refugees receive more because: “UNHCR is their mother and was always on their side...”, while the “County Government only supports us during the time of election” (field diary, Kalobeyei, 18.06.19).

The disputed area was surprisingly well known amongst the Turkana I met living in proximity of Kalobeyei Integrated Settlement. Speaking with a group of men and my translator Maz, they all took turns to explain how the land was not promised to the UNHCR. One of the men noted, “We do not feel good nor bad about the area, only that we are waiting for it to be returned by the UNHCR. But, if they do not give a final agreement, we will fight for it.”

Another explained that if the land was not given back to the Turkana, then it would be the fault of the UNHCR if they attacked the refugees. (Field diary, Kalobeyei, 18.06.19). In private Maz explained that the area now called Kalobeyei Integrated Settlement used to be grazing land for the local Turkana, noting that "...when you are attacked from the Ugandan border [to the west] and the refugees are pushing you from your land, that means you don't have any land to stay with. The little that remains is not enough to graze on." (Interview, Maz, Kalobeyei, 18.06.19). With changing dynamics for grazing land within the region, the community land around Kalobeyei Integrated Settlement could become increasingly important. The Turkana I spoke with expressed that the land was occupied by the refugees, a seeming subject of the UNHCR. As noted above, even Turkana referred to the refugees as paternally belonging to the UNHCR. For them, the threat of violence towards refugees was an act of claim-making to the disputed area, a means of putting pressure on the UNHCR for its return to them.

Questions concerning the disputed area to UNHCR staff were often rebuffed or evaded. The only UNHCR agent to answer my questions concerning the disputed area was the Head of the UNHCR Sub-Office. When I probed him about the disputed area, he simply replied:

UNHCR Head of Sub-Office: It was given to us.

Interviewer: It was given to you? They have decided to leave it with the refugees there.

UNHCR Head of Sub-Office: Correct.

Interviewer: And what about the refugees on the ground there? Have they been informed?

UNHCR Head of Sub-Office: They stay.

Interviewer: Okay.

UNHCR Head of Sub-Office: We didn't move the... so they stay.

(Interview, UNHCR Head of Sub-Office, Kakuma, 11.06.19).

The interview was abruptly ended after my questioning. At the time I was unaware of any deal between the UNHCR and MCA for 80 permanent shelters in Kalobeyei town.

After the interview with Sub-Office Head, I phoned Kamal and informed him what I had been told. Kamal seemed not to care, thinking the Sub-Office Head had been lying about the community remaining. He then informed me that the night before the lamppost in his neighbourhood was knocked down and someone stole the solar panel components. In response, Kamel had phoned an NRC agent, who forwarded him to the UNHCR. "I phoned the UNHCR, but before I could explain anything they said they would call back and hung

up.” (Field diary, Kakuma, 11.06.19). After waiting, the NRC agent returned his call and promised to speak to the UNHCR on his behalf.

When I visited the disputed area again with Lam, I noticed many of the broken lampposts in the area had been replaced or repaired. We went to meet Kamel at his house. He greeted us and ushered us to join him for coffee. I asked about the new lights, and Kamel replied “Yeah, these lights were brought in. They [the UNHCR] had refused to bring the lights, but we told them if we remain here, we are under your responsibility. And in fact, we could be the people who deserve to have light. Because we are in the outcast, and a lot of criminal activities do happen to our areas...” Kamal used the neighbourhood’s insecurity to claim to UNHCR amenities and recognition. (Field diary, Kalobeyei, 14.07.19). Despite the initial dismissal of UNHCR agents not returning Kamel’s call, his relations to other agencies such as the NRC granted him at least some influence for social amenities.

Taking a small walk around the neighbourhood, Kamal showed Lam and me the various small allotments that he and his neighbours tended to despite living in the uncertainty of the disputed area. “Look here” he pointed to a budding plant “the sorghum is flowering.” “The land”, Kamal explained, “is fertile because the animals walk here a lot. We just need rainfall.” Then Kamal showed us his netted greenhouse. The small structure has various saplings of beans hanging in a bed of animal manure. “The World Food Programme was in the area with many cars giving out this equipment.” Believing they would be relocated, I asked Kamal how he could build the greenhouse. He simply shrugged. “It was last week, they told us we would not be moved. They [UNHCR] had a conversation with National Government...” (field diary, Kalobeyei, 14.07.19). Kamal explained how he had confronted Sub-Office Head in Kalobeyei as he was showcasing the newly constructed permanent shelters to donors:

“I asked when we would be relocated and receive a [permanent] house. He said my friend you are not going to be moved... I was not satisfied with that. So, I could see the UNHCR head of protection she got scared, I was saying things I was supposed not to say in front of the donors... They said your area will become part of the camp, there is no place in Turkana County that can be restricted for the refugees... You will receive a [permanent] house. But this did not satisfy me.” (Field diary, Kalobeyei, 14.07.19).

Kamal openly confronted UNHCR staff in front of visiting donors, making a demand for belonging within the camp. Kamal effectively used the situation to his advantage, an act of defiance demonstrating his desire for belonging within the camp confines.

Digging allotments, demanding lampposts, and confronting UNHCR staff in front of donors were all tactics or acts of claim-making for political recognition by the UNHCR. The active creating of the camp, practicing urbanism through growing food and requesting lights showed their capacity to circumvent the boundary of the camp and create space that suited spatial planning of the camp. By actively making the gardens and requesting lampposts through other agencies, those within the disputed area were circumventing governmentality, by demonstrating they were active participants of the UNHCR's 'self-reliance' program. In sum, those inhabiting the disputed area were trying to mimic the rest of the camp. Kamal demanded to be a subject of the UNHCR, his desire for either relocation or be officially recognised within the camp, was a demand to be a sovereign subject of the UNHCR. Those within the disputed area had a desire for sovereignty, to have a sense of control over their lives. To be under the sovereignty of the UNHCR, meant access to amenities and protection.

I left Kenya in August 2019, keeping in close contact with Lam and to a lesser extent Kamal since then. Just under a year after I left, UNHCR relocated those within the disputed area to a new area where they could access amenities and construct permanent shelters. According to Kamal, after I left Kenya, they still had to confront UNHCR staff about their relocation. They continued to resist remaining in the area as they continued to be refused access to permanent shelters and other amenities guaranteed under the KISEDIP project. However, those from the disputed area were not relocated and placed within the camp because of any deal between the UNHCR and members of the Turkana County Assembly, but because they actively made future-orientated claims for relocation. By claiming the UNHCR responsible, they actively created the UNHCR as their sovereign.

3.6 Making a Municipality

The World Bank Kenya Urban Support Program (KUSP) intends to guide and assist the Government of Kenya in operationalizing its National Urban Development Policy (NUDP), a major component of Kenya Vision 2030. KUSP mainly works and supports county governments in establishing new urban areas with policies and institutions for urban management. Newly established urban areas such as towns, municipalities, and cities will benefit from Urban Development Grants from the World Bank to be used to finance a set 'menu' of infrastructural projects (World Bank, 2017). The infrastructural projects in new

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urban areas could apply for funding from waste management, storm drainage, roads to social and economic infrastructure.

Gaining access to such financial grants is of major economic significance for many marginal counties in Kenya. Turkana County, for example, only has one officially recognised urban area in the region, the capital Lodwar (see map 1). Lodwar has a population of approximately 47 thousand, within a county of approximately one million inhabitants (excluding the refugee population). The County Assembly of Turkana approved the Integrated Strategic Urban Development Plans for eight towns: Lokichoggio, Kalokol, Lorugum, Lowarengak, Lokichar, Lokori, Lokitaung, and Kakuma-Kalobeyei. Per section 9 of the amended Urban areas and Cities Act 2019, bestowing the town, municipality, or city status requires meeting particular standards. Much of this depended on the outcome of the Kenyan Population and Household census of 2019. In the case of Kakuma-Kalobeyei, gaining municipal status in some respects made more complicated with the refugee population, while in others enhanced.

Here I examine interviews with different actors from UN-habitat, the UNHCR, and Turkana County Government as they were in the process of applying for municipal status for Kakuma Town, Kakuma Refugee Camp, Kalobeyei Integrated Settlement, and Kalobeyei Town. Much of the conversations concerning the municipality were about possible futures and how the municipality could transform not only the camps but also the surrounding towns of Kakuma and Kalobeyei. Despite my attempts to fully comprehend the impact a possible municipality might have on the refugee camps during my fieldwork, a lot of new information was later revealed to me during the writing process. At the time of writing, the area's municipal status has still not been granted, nor denied. In conversations with UN-habitat and Turkana County Government staff after fieldwork, there appears to be a continued desire for municipal status.

For Kakuma-Kalobeyei to be established as a municipality, it must fulfil all the legal requirements as outlined in the amended Urban Areas and Cities Act of 2019 under section 9(1) to (4):

- '(1) The county governor may, on the resolution of the county assembly, confer the status of a municipality on a town that meets the criteria set out in subsection (3), by grant of a charter in the prescribed form.
- (2) The procedure set out under section 8(1) to (4) shall apply with necessary modifications to the conferment of municipal status to a town, except that the conferment shall be done by the county governor.
- (3) A town is eligible for the conferment of municipal status under this Act if the town

satisfies the following criteria—

- (a) has a population of at least between seventy thousand and two hundred and forty-nine thousand residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the grant;
 - (b) has an integrated development plan in accordance with this Act;
 - (c) has demonstrable revenue collection or revenue collection potential;
 - (d) has demonstrable capacity to generate sufficient revenue to sustain its operations;
 - (e) has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule;
 - (f) has institutionalised active participation by its residents in the management of its affairs;
 - (g) has sufficient space for expansion;
 - (h) has infrastructural facilities, including but not limited to street lighting, markets and fire stations; and
 - (i) has a capacity for functional and effective waste disposal.
- (4) Notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection (3)(a).’ (Government of Kenya, 2011)

In October 2020, an ad-hoc committee of surveyors, architects, lawyers, and city planners was established by the County Governor of Turkana to review if Kakuma-Kalobeyei met the requirements of the Urban Areas and Cities Act. However, before the formation of the ad-hoc committee, members of Turkana West Sub-County, Turkana County Government, and UN-habitat had already taken some aspects of the Urban Areas and Cities Act into the planning of Kalobeyei Integrated Settlement.

Early into my fieldwork, both County Government officials and UN-habitat staff predicted that the population of Kakuma Town alone would be enough for municipal status. Moreover, before the census, there was hope that the refugee population would be included in the census to bolster the numbers and support their claim for municipal status. As noted by one UN-habitat agent:

“According to the projections, the population projections given by the county government, Kakuma has more than 50, 000 people, so it can become a municipality... Currently, the national government, county government, and UNHCR are having discussions to see how the refugees can be included in this year’s census... The governor said that they can send a consultant, to help the county government define the area which

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will be Kakuma town, Kakuma camp, and the Kalobeyei area. Then they can define the boundary of the municipality.” (Interview, Kakuma, 28.03.19).

However, when the results of the Kenyan Population and Household census of 2019 were released, the total Kenyan population of Kakuma town was only 22,984 (KPHC, 2019), not enough for municipal status. Moreover, the refugee population of 196,666 (UNHCR, 2020), despite being considerably bigger than the Kenyan citizen population, would not be eligible for an urban claim since it had not been included in the Kenyan Population and Household census of 2019.



Figure 13. Kakuma Ward Administration, Kakuma.

Kalobeyei Integrated Settlement became the basis on which Turkana County, Sub-County, and UN-habitat agents could make the case for municipal status for Kakuma-Kalobeyei. The Kalobeyei Integrated Settlement became an unexpected advantage when applying for municipal status. According to both Sub-County and UN-habitat officials, Kalobeyei Integrated Settlement planning interconnected the administrative area of both Kalobeyei and Kakuma Wards of Turkana West. Moreover, the permanent shelters of Kalobeyei reinforced their claims to municipal status as it required a certain amount of permanent structure. As noted by one Turkana Sub-County official:

“I think we appreciate KISED P because very soon we will be able to apply for municipal status... For Kalobeyei settlement to be also part and parcel of the municipality there is a requirement for permanent structures. Because the permanent structures are required for achieving the qualifications to become a municipality... So, for those houses that have been constructed inside the Kalobeyei settlement, they will be formed as part of the municipality. Although Kalobeyei settlement is not in Kakuma, it’s a different ward. But within the spatial planning, it is within the municipality.” (Interview, Kalobeyei, 20.07.19).

A consequence of the spatial planning for Kalobeyei Integrated Settlement had expanded the Kakuma Refugee Camp complex beyond the confines of Kakuma Ward and into Kalobeyei Ward²². As such, the spatial planning made an inadvertent connection between two administered areas through the development of the Kakuma camp complex. To put it another way, the camp became a bridge for urban planners to connect Wards of the Sub-County. Although refugees would not be included in the population threshold, the camp complex would be included in the municipal planning. As a result, the urban planning of the camp, its permanent shelters, and spatial zoning allowed urban planners to combine both Kakuma and Kalobeyei Wards in the municipal administered area, coining the potential municipality Kakuma-Kalobeyei (see map 5).

The spatial planning of the camp complex connecting the two Wards enables planners to include the populations of both Kakuma Ward and Kalobeyei Ward into their request for municipal status. Although the municipal boundary was still being discussed in 2019, there was consensus that Kakuma Town, Kakuma Refugee Camp, Kalobeyei Integrated Settlement, and Kalobeyei would all be included in the municipality. The Kenyan population of both Kakuma and Kalobeyei Ward came to 131,242 according to the population census (Kenya National Bureau of Statistics, 2019), enough to pass the population threshold for municipal status. According to a UN-habitat agent, since the Kakuma Refugee Camp complex bridged both wards, this allowed the inclusion of both Wards populations into the case for “special municipal status” (interview, Daniel, Kakuma, 28.03.19) but left the UN-habitat agent uncertain of the future status of refugees under such a municipality.

In accordance with the World Bank Kenya Urban Support Program (KUSP), newly created urban areas required governance structures preestablished to be legible for infrastructural grants. The amended Urban Areas and Cities Act (Government of Kenya, 2011) had

²² Counties are divided into Sub-Counties, which are subsequently divided into Wards.

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established legal grounds for establishing urban governance. For newly established urban areas to receive such grants, municipalities must be represented by a board made of nine members, four of whom are appointed by the county governor and the remaining five elected. Of the nine board members, five members must represent one of the following: an umbrella organisation for a professional association, private sector association, informal sector association, neighbourhood association or an association of the urban area. To qualify for board membership, one must be either a citizen of Kenya, a resident or permanent dweller, have a business licence within the municipality, or have lived in the municipality for five years.

UN-habitat and County Government staff reviewed how refugees could be involved in the governance structure. One Turkana West Sub-County officer suggested that RAS could be the representative for refugees, while an UN-habitat agent suggested someone from UNHCR. Daniel, on the other hand, did consider some alternative options for refugees:

“They can be represented by community-based organisations. Because refugees have alien cards, they are allowed to form a CBO [community-based organisation], so those people can become part of the representatives for refugees in this urban board... However, the act says a member of that board must have lived in Kenya for 5 years... But it’s not explicit whether this person has to be a citizen of Kenya.” (Interview, Daniel, Kakuma, 20.07.19).

Under the current Urban Areas and Cities Act, refugees could be represented by CBOs (see chapter 3) as noted by Daniel, or other refugee-led governance institutions such as community leaders. At the same time, being a resident for over five years did pose an option, but how this would be implemented or materialise in actual practice for those with refugee status remained uncertain. Although what will happen with the municipality remains to be seen, I would speculate that many of the pre-existing refugee-led institutions involved in camp management will be utilised in the governance of the municipality. The pre-existing state relations between refugee-led organisations and the state, will likely continue to be an effective means of governing the refugee population (see chapter 4).

No matter the outcome, under the conditions of the current policies refugee status would remain precarious. The lack of mention of refugees within the Urban Areas and Cities Act left a lot of room for interpretation. Daniel suggested changes:

“The problem is the Urban Areas and Cities Act and the lack of explicit mention of refugees. Our support will be writing policy guidelines on how the implications of having

such a municipality... There is a bill that could expand refugee rights, so they can have similar rights as Kenyans. Meaning they will have the flexibility to work and do business. Technically refugees can do business, but they don't own business or the intellectual property.” (Interview, Daniel, Kakuma, 20.07.19).

For Daniel, changing the existing policy was the main solution for solving the lack of representation refugees could have under the potential municipality. This would involve alteration to the current Urban Areas and Cities Act to include refugees and the anticipated 2021 Refugee Act that had the intention to give refugees a legal pathway for integration and possible residence within Kenya. In doing so, refugees would automatically be included in municipal governance and could have full ownership over their businesses. However, if refugees were granted residency, and given the right to freedom of movement within Kenya, it would be ambiguous if they would stay in Kakuma and Kalobeyei.

This uncertainty about refugee status within the municipality relates directly back to the very ambiguous nature of refugee camps and their inhabitants. “All humanitarian projects are supposed to end,” Marco noted when I interviewed him concerning the creation of the Kalobeyei Integrated Settlement (interview, Marco, Kakuma, 29.03.19). Kakuma Refugee Camp is predicted to end, its refugee population leave, and the Turkana population, who had to some extent become intertwined with the camp, are expected to endure such a transformation. Daniel from UN-habitat informed me that when in meetings with the Turkana County Governor Joshat Nanok, the Governor remarked how he “did not want another Lokichogio.” (Interview, Daniel, Kakuma, 20.07.19). Lokichogio had been the base of operations for Lifeline Sudan (see map 1), a massive humanitarian operation established in 1989. When the humanitarian project there ended in 2005, so too did the local economy that had depended on it.

Kalobeyei Integrated Settlement and its permanent shelters were foundational in preparing for what many humanitarian agents saw as the “inevitable” conclusion to the humanitarian project in the region. In an interview with the UNHCR agent directly involved in managing the KISEDIP project, she explained the distinction between Kakuma and Kalobeyei:

“Kakuma was set up as a camp from the setup, it was never something that was meant to stay, which is kind of typical of how camps work. While Kalobeyei was set up as a settlement. From the very beginning when they allocated the land, the idea was that this will stay. Even if the refugees go, this will stay... Let's take a scenario, if next year there are no more refugees, they all want to go back, then you would have all these houses that

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the county can use for the people of Turkana, to urbanise the Turkana... It's the whole way Kalobeyei was designed is completely different from a camp... Like Kakuma One, Two, Three, Four already gives you the indication that there was no plan in the development process... While Kalobeyei from the very beginning... They already looked much further and much more from an integrating perspective. Okay, also the location that they selected is potentially where the city would evolve." (Interview, Kakuma, 04.05.19).

The creation of Kalobeyei Integrated Settlement to make refugees 'self-reliant' is only one aspect of the story. The support for KISEDIP amongst Turkana County officials generally stems from an acknowledgement that when the humanitarian project ends, the impact will be lessened on the local Kenyan population. This may explain in part why the Kalobeyei Integrated Settlement was included in the County Government Development Plan, as it acted as a kind of buffer to what was considered an inevitable outcome of the Kakuma Refugee Camp.

The desire to make or claim municipality status emerged from the existence of the camp itself. Kalobeyei Integrated Settlement enabled the process of making a municipality possible, connecting Kenyan populations, permanent infrastructure, and its capacity to exist after the end of the humanitarian project. This is not to say the camp complex was a city, as it was still very much a refugee camp. Moreover, under municipal status, it would not lose its camp status, as illustrated in the lack of clarity towards refugee participation in the governing municipal board. Instead, Kalobeyei Integrated Settlement allowed state and non-state actors to make a claim for municipal status for the camp and the surrounding area. That claim to municipal status could only occur because the Kalobeyei Integrated Settlement was not a typical refugee camp. Its intention to exist beyond the humanitarian project gave it the grounds to claim municipal status. Whether Kakuma-Kalobeyei will become a municipality remains to be seen, but the very attempt to make a municipality proves the uncomplete and ever-changing nature of urbanism. The model for self-reliance and its material consequences, namely Kalobeyei Integrated Settlement, as evidentially noted above has transformed the political imaginaries and landscapes of various actors in Kakuma and Kalobeyei. In sum, Kalobeyei Integrated Settlement, has reinforced and created new politics, exposing the claims to sovereignty within and surrounding the camp.

3.7 Conclusion

The Kakuma Refugee Camp and Kalobeyei Integrated Settlement established grounds for Turkana County representatives and UN-habitat agents to apply for municipal status. In sum, the camp provided state agents with the means to apply for a new urban status. The camp

could create a city but would remain a camp within its boundary. Thus, I join many other scholars, in arguing that the camp-city hypothesis as outlined by Agier (1998) is incomplete in analysing the unfolding urbanisation within refugee camps. Despite not knowing what will happen to the camp at the time of writing, if it will close, become a municipality, or remain the same, illustrates how the camp is in a constant tension for its existence. This is not to say that the camp is somehow in a ‘state of exception’ (Agamben, 1998), and outside the sovereignty of the state, but instead suggests illustrates its temporal structure. However, the actual process of state actors making future-orientated claims for municipal status does pose something novel. It illustrates the adaptability of camps to be used by the state actors for a state purpose. The intended goal of the camp is to end and the population of refugees to repatriate. Before Kalobeyei, little attention has been given to the local population and what happens to them when the hypothetical end of the camp takes place. Kalobeyei Integrated Settlement is best understood as an attempt to redress the issue of what happens to the local Kenyan population after the refugees leave.

The program of self-reliance was designed to reduce ‘long-term reliance on humanitarian/external assistance.’ (UNHCR, 2005, 1). Instead, the attempts to foster self-reliance were counterproductive and reinforced the paternal or state-like relationship between refugees and the UNHCR. This was achieved through the actual practices used by UNHCR agents to enforce standardisation and uniformity of the Kalobeyei Integrated Settlement. Methods of communal punishment and utilising community leaders as agents of the UNHCR maintained the UNHCR as a sovereign power within Kalobeyei. Moreover, such governance practices reinforced the ‘conceived’ humanitarian space of the camp (Jansen, 2018), making it easily navigable with the use of a map. Despite the UNHCR’s ability to govern the spatial formation of Kalobeyei, refugees had the agency to create their own lived spaces within the camp. By hosting celebrations past curfew, or simply stealing the components from solar powered-lamps, refugees circumvented some of the controls over their lives and utilised the space of the camp for their own and communal purposes. This, however, did not produce “pockets” of autonomy, authority, or sovereignty, but merely illustrates how agents create the urban space through the navigation of rules, either through conformity, negotiation, or resistance.

By examining future-orientated claims of sovereignty, in the form of state agents desires for municipal status for Kakuma-Kalobeyei, or refugees demanding to be settled within the confines of Kalobeyei settlement, exemplifies how sovereignty can be understood as a

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practice, rather than a thing. Such claims to sovereignty constitute institution and subject intending to make the subject politically recognised. Taking such an approach to sovereign claims helps us move away from the Agambenian definition of exclusionary sovereignty. The refugee camp is not an exclusive space, nor is it outside the nation-state. Even when the UNHCR acts like a sovereign, it does so on behalf of the Kenyan state or with the Kenyan state's permission. Instead of examining "pockets" of sovereignty, I argue that it is more fruitful to examine the desires of those claiming some form of sovereignty, be that either to be sovereign or have sovereignty. Because sovereignty is not a physical thing defined by space, it requires interaction, relations, and practices to make one a subject to an institution.

The UNHCR is a sovereign power within the camp. The work of Jansen (2011; 2018) indicates this. Yet, the UNHCR is not a sovereign because it excludes refugees from the rest of the Kenyan population. Nor is it a sovereign because it rules over a given territory, like the camp. To describe the UNHCR or the camp as an "enclave" within Kenyan territory is inadequate. The UNHCR is a sovereign because both refugees and the UNHCR make claims for it to be their protector. Although the UNHCR worked in collaboration with Turkana County Government on the Kalobeyei Integrated Settlement, refugees still made claims to the UNHCR as their sovereign and protector. This is because the practices of punishment, giving aid, welfare, and other provisions reproduce a state-effect (see chapter 1), that those who classified themselves as refugees associated themselves with. The UNHCR may not be a sovereign in a classical Westphalian sense, but for refugees, their interaction and historic relationship to the agency reinforces it as a sovereign to them.

Chapter 4. Camp Governance and Welfare: The Relational State

When entering Kakuma town from the regional capital Lodwar, usually either by bus or *probox matatu*²³ one would pass the Deputy County Commissioner's (DCC) office for Turkana Sub-County West (see map 3). The DCC office is a large rectangular building, distinct from the surrounding *manyattas*²⁴ that border its wire fenced compound. The DCC is in command of security in the Sub-County and as such maintains a constant police presence. During my twelve months of fieldwork in Kakuma, I became acquainted with the staff at the Deputy County Commissioner's office. They were more accessible and willing to answer my questions than other agencies in the area, such as RAS and the UNHCR.

Often, when I needed clarity on a particular issue relating to camp governance or security matters, I would cycle to the office on a Friday morning when I knew the staff of the DCC was least busy. The Assistant Deputy County Commissioner (ADCC) often accepted me graciously and regularly noted how the Deputy County Commissioner was in Nairobi, sometimes due to illness or work (during the entire time I was in Kakuma I never once met the Deputy County Commissioner (DCC)). The Deputy County Commissioner's office was lengthy room with a large wooden desk flanked by chairs and carpeted royal red floor. On the wall opposite the desk of the Deputy County Commissioner was a hefty display titled Turkana West Sub-County. Before leaving one morning I asked if I could take a photograph of the diagram. The assistant said yes and noted, "This is how we handle this area here" (interview, ADCC, Kakuma, 15.02.19) (see figure 14). The display was dominated by a diagram of a carefully planned network resembling a hierarchy, starting from the Deputy County Commissioner at the top, the assistant with whom I spoke with, and followed by the four-division assistants of the sub-county. Below each division were the respective chiefs, each with their location and phone numbers designated below their title. To the right of this diagram was a list of all the thirty-three humanitarian agencies located in Kakuma. To the left was a small map of Turkana west, noting the locations of each division within the Sub-County. It exhibited the network of the Deputy County Commission's office, with the chiefs and humanitarian agencies across the region of Turkana it operated within.

During my meetings with the Assistant Deputy County Commissioner, we would often be interrupted by staff members from various agencies and organisations that operated in

²³ A square shaped Chinese automobile, a popular choice of car in Kenya and was a common vehicle used for short distance public transport.

²⁴ Small compounded hamlets fenced off by a wall commonly used by the Turkana.

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Turkana West Sub-County. These moments were unanticipated but opportunistic as they revealed the formal and relational work performed by the Assistant Deputy County Commissioner. On one occasion a Kenyan member of staff for the Chinese Communications Construction Company (CCCC) Engineering Group, which at the time was constructing the road between Lodwar and Lokichogio (see chapter 2), came personally to the office. He asked in Kiswahili for police assistance when dealing with a local who resisted the road construction on their supposed property (field diary, Kakuma, 15.02.19). Regularly humanitarian staff had to make courtesy calls upon arrival via airplane, introducing themselves, bringing small ornamental gifts from their home countries, and explaining their work to the Assistant Deputy County Commissioner directly (field diary, Kakuma, 26.06.19). On another occasion, a representative of RAS visited and discussed with the Assistant Deputy County Commissioner the need for organising a security meeting with refugee zonal and block leaders (field diary, Kakuma, 08.04.19). Humanitarian staff, Kenyan state actors (see chapter 6), and refugee representatives all had to have a relationship to some extent with the Assistant Deputy County Commissioner, utilising him for accessibility and security in the region.

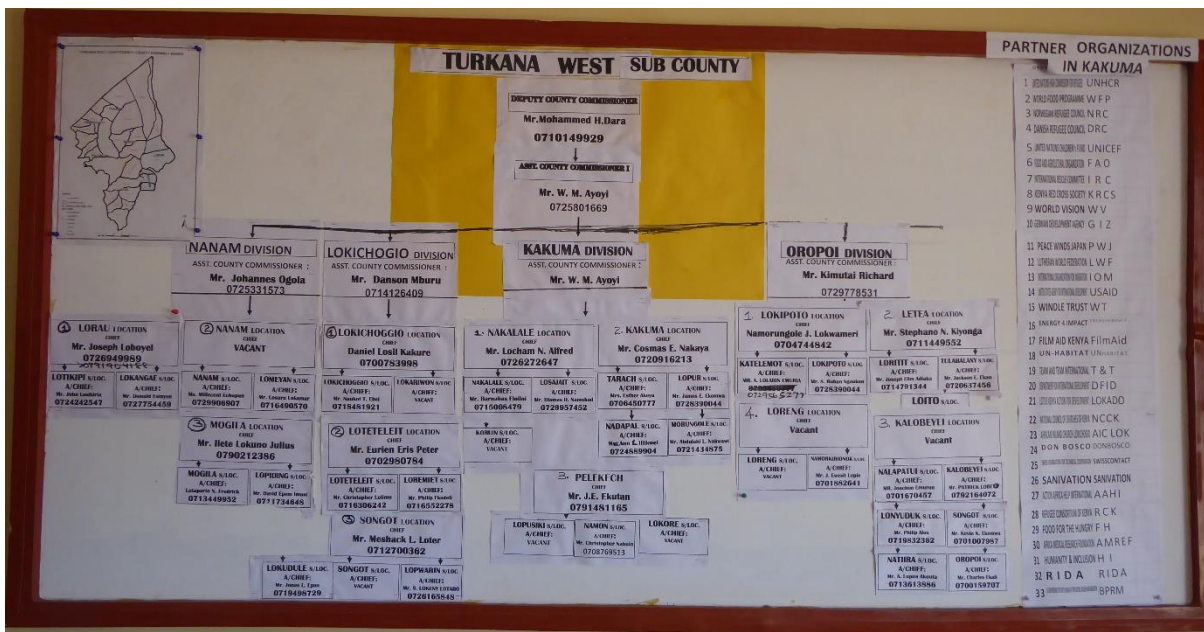


Figure 14. Diagram of Turkana West Sub-County, Deputy County Commissioner's office, Kakuma.

The diagram of the Turkana West Sub-County (see figure 14), a cartography of the political hierarchies linking individual chiefs in rural locations to the DCC, contrasted with the everyday interactions I witnessed between the Assistant Deputy County Commissioner and the various individuals and agencies that visited the office. The diagram of the Sub-County was in effect an imagined view of the state that made populations and territory legible (Scott,

1998), a symbolic representation of state emergence (Sureau, 2019). The different agencies and names of chiefs with their phone numbers and locations was to some extent a link to these personal ties, but they were encased within a strict hierarchical display. However, what the diagram did not resemble were the networks and relations the office cultivated through its management of Sub-County security, particularly the relations developed between the Assistant Deputy County Commissioner and refugee representatives.

Within the display's layout, there was not a single mention of the camp or refugee representatives from community-based organisations (CBOs), ethnic administrations, or block or zonal leaders. The only reference to the refugee camp was the array of different agencies that were located in Kakuma, and even these were partly not on the diagram but jaunting out of the frame. The Deputy County Commissioner's office did not see fit to display a connection with the refugee population or their governing structures. This could be the consequence of it not being the official body to deal with the refugee governance structures, often the role held by Lutheran World Federation (LWF) and the Norwegian Refugee Council (NRC). Official or not, I knew the Deputy County Commissioner and his assistant to have relations with refugee leaders and to have been directly involved in resolving conflicts within the camp, in particular the fighting between the Bul and Dok Nuer clans (see chapter 5). Their exclusion from the Deputy County Commissioner's office's legible display illustrated its perception of itself within traditional forms of governance to manage the local citizenry, but not the refugees. The territory on display was a mere masquerade that contradicted the relational statecraft that emerged in actual practice.

In this chapter, I will illustrate the workings of refugee-led state functions within Kakuma and Kalobeyei, detailing their relational work with the refugee population, Kenyan state officials, and humanitarian actors. Much like the DCC office, these refugee organisations were embedded within the relational work of the Kenyan state and the humanitarian organisations that managed and controlled the camp. I examine three forms of camp governance and welfare structures: firstly, an ethnic and traditional organisation, commonly referred to as the Nuer administration; second, the spatial block and zone managerial system; and third I will detail the work of refugee-led humanitarian projects, locally termed community-based organisations (CBOs).

Refugee-led governance in Kakuma and Kalobeyei is split between two frameworks: the first, is "traditional" or "customary" forms of administration for religious, national, and ethnic affairs; and the second, are elected block and zonal leaders who represent and manage spatial

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areas on behalf of the camp managerial agencies. Governance in Kakuma can be traced back to some of the first Sudanese refugees arriving at the camp in 1992, many of whom were associated with or directly belonged to the Sudan People's Liberation Army (SPLA). These early ethnic, national, and religious groups formed a series of informal administrations that reflected the various peoples living in Kakuma. The administrations were formalised by the UNHCR and Lutheran World Federation (LWF) in 1996, granting them each special status within the camp's managerial framework (Jansen, 2011, 2018). The result was a governance structure akin to indirect rule, a framework epitomised by Lord Lugard's influential book *The Dual Mandate in British Tropical Africa* (1922). Indirect rule delegates day-to-day governance to local and ethnically identifiable leaders (Furnival, 2014), within territorial rural reserves or urban spaces (Christopher, 1988). Those governed through indirect rule are considered subjects, not citizens (Mamdani, 2018), as such are not entitled to the same political participation as citizens. LWF and the UNHCR continue to utilise the practice of indirect rule when governing subject refugees, mimicking forms of governance still utilised within post-colonial Kenya.

In 2012, LWF and UNHCR introduced a more "democratic" model of governance – termed block and zonal leaders – in an attempt to reduce ethnic and national conflicts amongst refugees and the Turkana populations. The original ethnic and national administrations remained in place but were reduced to "traditional" roles of governance. During this period, the Kenyan state's representatives were the Deputy County Commissioner (DCC), the local Kenyan police force, and the fledgling DRA (see chapter 2) who oversaw electoral proceedings of block and zonal leaders. In 2016 the Refugee Affairs Secretariat (RAS) was formed, replacing the DRA, and by 2018, RAS took a more active role in governance responsibilities through establishing the position of a Camp Manager (as originally established under the 2006 Refugee Act, see chapter 2), which they control.

Refugee-led community-based organisations (CBO) in Kakuma and Kalobeyei are grassroots organisations that have functioned in Kakuma since the early 2000s, offering basic welfare and humanitarian services to refugees through foreign and national remittances (Betts, Easton-Calabria and Pincock, 2020). The growth of CBOs coincides with the 'NGO-isation' of Kenyan welfare provisions since the late 1980s (Hearn, 1998), a consequence of economic restructuring that saw the reduction of state services for NGO provisioning (see Bratton, 1989; Fowler, 1991; Brass, 2012). Following the 2013 Westgate Mall attack by Al-Shabaab militants (as previously described in chapter 2), who were allegedly funded through such

foreign remittances (Betts, Easton-Calabria and Pincock, 2020), the Deputy County Commissioner's (DCC) office in Kakuma stopped any further CBOs from being registered. This was enacted without any proven connection between Kakuma based CBOs and Al-Shabaab activities. Then in 2018, the DCC and RAS established a tentative agreement with CBOs, forcing them to comply with particular organisational standards, such as not receiving international funding unless explicitly accepted by RAS. Alongside this precarious framework by the Kenyan state, the UNHCR was attempting to marketize and outsource humanitarian work to refugee-led CBOs, offering them funding for projects in Kakuma or Kalobeyei. This was conducted under the new policy for 'self-reliance' fronted by the Kalobeyei Integrated Socio-Economic Development Plan (KISED) (see chapter 3). Unintentionally, the Norwegian Refugee Council (NRC) became the impromptu mediator between RAS, the DCC, and the UNHCR on behalf of the refugee CBOs in Kakuma and Kalobeyei. However, the NRC and CBOs still had to negotiate for their registration with the DCC and RAS, before they could receive any funding from the UNHCR.

Both refugee governance and community-based organisations in Kakuma and Kalobeyei must manoeuvre between humanitarian and state bodies to access particular resources to function. Doing so, they attempt to determine where state boundaries lie and with which organisation or actor does power originate. They position themselves within the various political, religious, ethnic, and humanitarian networks, enabling such an array of varying relational webs to gain access to scarce social and material resources. However, with the increasing presence of the Kenyan state in the managerial process of Kakuma and Kalobeyei, refugee organisational members find themselves in constant negotiation either with Kenyan state officials directly or through humanitarian agency proxies. This relationship with particular state and humanitarian bodies changes over time, making the state seem distant or even non-existent at times, and omnipresent on other occasions.

To understand this, I argue that the current refugee managerial system can be best described as a relational setting that transforms over time. Within this relational setting, states within the camp are constituted. Building upon the concept of encamped states (see chapter 1), I examine how the states with the camp come to be understood, experienced, and reproduced by meetings and engagements between actors. This means, not only do Kenyan state actors represent the state, but at strategic moments, humanitarian and refugee actors can represent the Kenyan state due to their relationship to the state. In sum, the work of refugees within camp governance and community-based organisations can be considered a state function. I am

unconcerned whether camp governance or community-based organisations is or is not the state. Instead, my focus is on how relations between actors within or delegated between agencies transform rule and create an understanding of the state for the camps refugee population.

4.1 A Relational Setting

As noted prior in the introduction of this thesis, refugee camps and their inhabitants are commonly considered exceptional and distinctly disconnected from the nation-state (Agamben, 1998, 2005; Turner, 2010; Agier, 2011; Jaji, 2012; Bulley, 2014; Jansen, 2018). This is often demonstrated through the subjectification of refugees to specific rules and legal categorisation (Jaji, 2012), instituting them as subjects outside the ‘national order of things’ (Malkki, 1995). Such categorisation arguably emerges from the very act of crossing borders, making displaced persons, refugees and migrants disrupt the perceived natural order of citizen and state (Soguk, 1999). Only through the categorisation of them as ‘refugees’ can the state bring order, making the displaced persons governmental objects that can be controlled and managed (Hyndman, 2000). This portrayal of the camp, as ‘a state of exception’ (Agamben, 1998), can sometimes overlook the political agency of refugees in co-creating governance within the camp. While the encampment of refugees is central in this process of classification of refugees, they do not simply become subjects to the new governing order, but rather have the capacity or political agency to form alternative forms of governance. Previous works have demonstrated the agency and capacity for refugee actors to manoeuvre within the refugee regime (see Turner, 2010; Jansen, 2018), yet they still rely on the ‘state of exception’ (Agamben, 1998) to explain sovereignty and exclusion of such refugees (see chapter 1). I do not dispute that refugees are treated differently from the national citizenry at large, such as through the common use of humanitarian organisation to manage them, however I consider this to be a particular form or allocation of rule rather than an exceptional status.

Turner examines the role played by refugees in the governance of Lukole camp in North-western Tanzania (2010). While he considers the camp to be an exceptional space, he also recognises refugee political agency:

‘[T]he refugees themselves seek to manoeuvre in this temporary space, thus creating pockets of sovereign power outside the reach of either the camp commandant’s restrictions or UNHCR’s benevolent control. Although they are positioned as bare life by the Tanzanian state they are not paralyzed. And, likewise, as much as the biopolitics of UNHCR attempts to create moral apolitical beings, it never succeeds and history and politics strike back. Although the refugees themselves also conceive of the camp as an

exceptional space—a temporary pension of the moral order—they are constantly working on constructing their political subjectivities—their own sovereign decisions.’ (Turner, 2010, pp. 313–314).

For Turner, certain refugees are capable of creating their own ‘pockets of sovereignty’ within the camp (2010). Here, Turner appears to suggest that the Tanzanian state, UNHCR, and refugees can create unique layers or zones of sovereignty within the camp.

Jansen (2011; 2018) expands upon Turner’s concept of ‘pockets of sovereignty’ (2010), to examine the agency refugee actors have within Kakuma Refugee Camp. Examining the work of refugee actors within the national/ethnic administration in Kakuma, Jansen argues that they exist within two ‘parallel’ orders, either working on behalf of the UNHCR or for themselves (2011, p. 72–73). The ‘interface’ between the ‘refugee regime’ (refugee administration) and the refugee population, is where ‘pockets of authority’ emerge for refugee authorities to traverse or ‘maneuver’ between the interfaces (Jansen, 2011, p. 72–74). The result of such manoeuvring for Jansen (2011; 2018), combined with the governing role of the UNHCR has made the camp a sovereignty outside of the realm of the Kenyan state. For Jansen, the UNHCR in Kakuma acts like ‘a state within a state’, demonstrating its power to rule over its citizenry (2011, p.46).

As I have noted elsewhere in this thesis (see chapters 1 and 2), Jansen’s argument that the UNHCR is a lone sovereign is rather incompatible with the context of the camp at the time. The Kenyan state was present in Kakuma Refugee Camp during Jansen’s fieldwork, namely in the form of the Deputy County Commissioner office and the Kenyan Police (Mwangi, 2006). However, Jansen (2011; 2018) is correct that camp governance during his fieldwork was primarily managed by either LWF or the UNHCR when dealing with refugee traditional/national administrations. Jansen describes UNHCR governance in Kakuma as actively contributing ‘to the creation of pockets of authorities that form interfaces between themselves and their programs, and the larger refugee population’ (Jansen, 2011, p.73). According to Jansen (2011; 2018), the absence of the Kenyan state in camp governance meant that Kakuma was outside the sovereignty of the Kenyan state. However, such a formation of rule and governance is not the consequence of the camp being outside of Kenyan sovereign space. Rather, the UNHCR governed the camp in a state-like manner, prior to the Kenyan state takeover.

The period of Jansen’s (2011; 2018) fieldwork (2004–2006) was during a period when the Kenyan state had limited control over refugee protection. This was a consequence of

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International Monetary Fund and World Bank Structural Adjustment Programs (Wangui, 2013; Markakis, Schlee and Young, 2021), which gave way to the reduction of public services for NGOs and international organisations to fill the welfare provisional gap (Bratton, 1989; Fowler, 1991; Hearn, 1998; Brass, 2012). The number of NGOs within Kenya steadily rose, in 1974 Kenya had 125 NGOs registered in the country, and by 2006 this number has risen significantly with over 4,200 registered (Brass, 2012). Some have noted how this has shaped state-society relations, suggesting a change in civil society and state relations where civil society (being NGOs in this case) is becoming more prominent than the state (Bratton, 1989; Fowler, 1991). Others have rightfully noted the expansion of NGOs in Kenya as an alternative form of neo-colonialism, where the Kenyan state is made dependent on external forces such as donor aid (Kiprono, 2008; Wondirad, Tolkach and King, 2020). Jansen's (2011; 2018) and Turner's (2010) arguments are fixed within this 'NGO-isation' and globalisation context, where the state is perceived as shrinking (Sharma and Gupta, 2006). It is a combination of this context, and their theoretical point of departure using Agamben's 'state of exception' (1998), that encourages them both to draw the conclusion that the camp is a sovereign island outside the state.

The problem with terming sovereignty and the state as having 'pockets' (Turner, 2010; Jansen, 2011, 2018) – in addition to my remarks in chapter 3 – is that it tends to have some inconclusive theoretical pitfalls that have been extensively discussed within anthropological literature. Firstly, there tends to be an overemphasis on the state as a coherent object or thing (Krohn-Hansen and Nustad, 2005), rather than an assortment of institutions (Abrams, 1988), images (Sharma and Gupta, 2006), actors, and practices (Bierschenk and Olivier de Sardan, 2014). Secondly, there is a tendency to exoticize states in the margins of the global south (Bierschenk and Olivier de Sardan, 2014), as "distant", "weak", or "failed" (Abukar Mursal, 2021). For example, Lukole and Kakuma refugee camps are both located in remote border regions, perceived by Turner (2010) and Jansen (2011, 2018) to be exceptional spaces ruled over by the UNHCR, rather than another form of state rule being outsourced to third parties. And third, the 'absence of the state does not mean that a void exists in its place' (Bierschenk and Olivier de Sardan, 1997), as alternative forms of rule may exist that do not bear the image of the state, such as the UNHCR.

Jansen (2011; 2018) demonstrates how refugee actors interact with the governing powers of the camp and create their own authority, beyond the Kenyan state. However, I do not consider refugees nor the UNHCR to be beyond the Kenyan state, rather that the Kenyan state was not

active in its form of governance at the time of Jansen's fieldwork. A lack of Kenyan state involvement in camp governance does not mean the state is absent, merely that it is relationally distant. In the context of Kakuma, the ethnic, religious, and traditional administrations were once managed by the UNHCR and the LWF, but in 2016 the same form of governance was adopted by RAS. The role of the Kenyan state relationally changed; it was once distant, but now is overwhelmingly present in refugee governance, demonstrating that the camp is not outside the Kenyan state sovereignty.

I suggest a means to address the perspective of the state having 'pockets' (Turner, 2010; Jansen, 2011, 2018) by expanding upon Jansen's study of refugee governance in Kakuma with my own data. Instead of relying on the theoretical framework of the 'state of exception' (Agamben, 1998), I argue for a relational approach to understanding the changing role of the Kenyan state. I draw on Thelen, Vettters and Benda-Beckmann's notion of 'stategraphy' (2014) as a theoretical lens to analyse the relationship between Kenyan state actors and refugee organisations within Kakuma and Kalobeyei. Thelen et al. (2014) describe the state as a relational setting that cannot be considered simply a hierarchy or through frames of centre and periphery. Instead, the state 'exists within relations between actors' that have unmatched access to particular resources, be they 'material, social, regulatory, and symbolic', and that 'negotiate over ideas of legitimate power by drawing on existing state images – at once reaffirming and transforming these representations with concrete practices' (Thelen, Vettters and Benda-Beckmann, 2014, p. 7). Thelen et al. characterize these relations as being ever changing and adapting to processual settings, making them non-static or fixed to a particular temporality or archetypical political formation. As such, state institutions and their social settings are structured by social relations and networks categorised according to particular state representations or images.

Stategraphy utilises three modes of inquiry: relational modalities; boundary work; and embeddedness. Relational modalities emerge from different normative ideas of 'what a state should be and how it should act and embody past experiences in structural environments that translate into contingent expectations for the future' (Thelen, Vettters and Benda-Beckmann, 2014, p. 7). In sum, relationships help connect an idea of a large coherent state with daily interactions of state actors; those practices may appear in contrast with the imaginary, even contradictory, but it is the known and occasionally interactive relation that can maintain this sometimes-contradictory whole.

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Boundary work, the second of the modes of using stategraphy, is the negotiation of who belongs to the state and when. It is established through ‘the constant negotiation of state images in and through social relations that brings the state into being’ (Thelen, Vettters and Benda-Beckmann, 2014, p. 8). Considering who and what is representative of the state is where boundary work emerges. Actors may actively work for the state at strategic moments, actively ‘on’ or ‘off’ (Benda-Beckmann and Benda-Beckmann, 1998). Based on actors past experiences and personal understandings of the state, who represents the state and who does not changes. Particular practices and symbols may grant certain confirmation about who belongs to the state, but not necessarily to all. Boundary work is important because it opens our understanding of how one can become attributed with the state – despite not officially wearing the uniform.

Lastly, embeddedness, is how actors are entangled between an array of varying different relationships, such as kin, political and other networks that may intersect with those who work for or on behalf of state institutions. As Thelen et al. note ‘state actors struggle with structural constraints and their discretionary powers while being embedded in many other relations within the local community that involve different sets of norms.’ (2014, p. 8). Embeddedness links actors to an array of varying state, kin, and religious networks that display varying potential for resources, be they symbolic or material. These webs or networks help form certain boundaries where inclusion and exclusion can be enacted, detailing who belongs and who does not. However, this embeddedness with a particular group or organisation may change and alter over time, and this temporality can help give the state a sense of coherence.

Thus, I argue that Jansen’s concept of the ‘state within a state’ (2011, p.73) does not adequately describe the governance and refugee-led welfare distribution within Kakuma during my fieldwork. Instead, I propose to relationally examine how the encamped states have changed over time. Depending on how one’s relationship with state actors, agency, or organisation unfolds over time, can shape the different degrees of boundary work and embeddedness with the state can be shaped. At different temporalities, state boundaries, embeddedness, cross-cutting ties (Gluckman, 1956, p. 11; Schlee, 2004) and identity frames may be utilised (Eidson *et al.*, 2017), according to particular relations. How actors define the boundary of the state and who is connected or embedded at particular intervals is key, as it may help us unravel how state images and practices become interwoven into a collage of a coherent ideal of the state over time. Examining temporality of state relations can help explain Jansen’s ethnographic accounts of Kakuma governance (2011), where the Kenyan state may

seem to be distant from refugee management, but to date, the Kenyan state is intensely connected. From a relational perspective, we can begin to see how rule is formulated and how the idea of the state comes to be made through relations that change over time.

4.2 Camp Governance

During my fieldwork, refugee-led governance in Kakuma and Kalobeyei appeared somewhat unique, a syncretic form mixing East African political institutions with statist humanitarianism. It was distinguished between two formations: firstly, the traditional, ethnic/national, and religious administrations; and second, the “democratic” humanitarian block and zonal leadership. The ethnic and national administrations were mostly adaptations of pre-existing political organisations from refugees’ countries of origin. The administrations were the sole form of refugee governance in Kakuma until the formation of the block and zonal leaders emerged in 2012. Despite the humanitarian attempt to induce “democratic” standards with the creation of block and zonal leaders to the governance structure, it instead reinforced power dynamics between the refugee population and the governing institutions.

Kakuma refugee camp was formed in 1992 as a response to the influx of southern Sudanese crossing the Sudanese border into Kenya. Many of those initial refugees who crossed the border of Sudan into Kenya had a strong or direct association with the SPLM (Sudan People’s Liberation Movement), which shaped the initial refugee-led governance structures in Kakuma (see Jansen, 2011; 2018). Jansen describes the early governance through refugee-led structures:

‘The refugee administrations were organized according to nationality or ethnicity and location in the camp, depending on the size of the group. As such, refugee administrations existed at various levels and had various sub-divisions, roles, and tasks. The Sudanese and the Somalis each had an overall community leadership structure, with different ethnic sub-administrations one tier lower in the administrative hierarchy. The overarching Sudanese leadership consisted of a chairman, a secretary, a vice chairman and a chairlady [...]. One level lower, there was a Nuer administration, an Equatorian administration, and, representing the Dinka as the biggest Sudanese ethnic group, Kakuma One, Kakuma Two, and Kakuma Three/Four leaderships, each of them followed the same setup as the overall administration.’ (Jansen, 2011, pp. 62–63).

Jansen notes how refugee administration functioned as a form of governance for the UNHCR, while at the same time serving out their own forms of punishments and operating their own prisons (2011, p. 72 - 73). Jansen describes how the Sudanese administration formed its own sovereign space in the camp, a distinct order or a ‘pocket’ of authority (2011, p. 73). He

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details examples, such as an elopement which involved a Sudanese groom informing the Kenyan police before a bride kidnapping; and, Sudanese refugees unable to report a crime to the police without the presence of a member of the Sudanese administration (Jansen, 2011, pp. 66–72). Jansen uses these cases to carefully demonstrate how the Sudanese administration was a separate entity outside of the sovereignty of the Kenyan state (Jansen, 2011, p. 73). However, these cases also demonstrate the presence and involvement of Kenyan police in camp governance.

After the formation of RAS (Refugee Affairs Secretariat) in 2016 (see chapter 2), the management of refugee governance was still managed by the Lutheran World Federation (LWF). Maud, the Peace Building and Conflict Resolution Officer for LWF who coordinated and managed community leadership in Kakuma and Kalobeyei, helped explain this process. Her office was in compound two (see map 3), a walled-off area of offices and residences for humanitarian staff from an array of different agencies, such as LWF and Jesuit Refugee Services (JRS). The area is wedged between Kakuma camp and Kakuma town, serving as one of the original agency compounds in Kakuma. In Maud's office, there was desk space for two other members of staff, all working in "protection" as indicated by the sign above their door. Next to a large fan circling the room, Maud noted how she wanted air conditioning like in the offices at the UNHCR compound, but due to the limited power the local generator produced this could not be sustained (field diary, Kakuma, 13.02.19).

Maud was supportive in helping me understand the function of LWF and the role community leaders had in the camp. In an interview she explained the origins of the camp and how the management has changed over time:

"We have been managing the camp, the way RAS is doing now, it has been LWF that was doing that before RAS. So, after a few years around 1996/1997, that's when community leaders started, the staff, the national staff couldn't run the camp. We needed the support of community leaders, so community leaders are as old as the camp, in 1992, but these leaders were self-appointed. But from 1996/97, that is when they began having elections for the positions. [...] LWF has been running the camp since 1992, we have been solely responsible for governance in the camp. For the last 26 years, LWF has been running the camp until two years ago when RAS came in and took over the running of the camp." (Interview, Maud, Kakuma, 13.02.19)

Maud notes the inability of national staff to manage the camp, referring to a period of unrest that saw a series of violent outbreaks between various ethnic groups. As a result, block and

zonal leaders were formalised and administrated by LWF. Maud also remarked on how RAS had become the final authority in deciding who could be accepted as a leader after a rigorous vetting procedure (interview, Maud, Kakuma, 13.02.19). At the time of my fieldwork, this screening of refugee candidates was chaired by RAS with the collaboration of the UNHCR and LWF, and it determined which applications would be accepted as candidates for camp leadership positions. In essence, it gave RAS the power to grant or restrict access to governance positions and their resources.

LWF still maintained a limited role of managing the governance of the camp; the only difference was they were now under RAS and not the UNHCR. By still maintaining their position, LWF's work had essentially been usurped by the Ministry of Interior and RAS. In a sense, LWF had become an extension of the Kenyan state by working on their behalf. This form of delegative rule was reflected throughout the camp's governance structure, as explained by Maud:

“Governance involves a lot because in governance we equip leaders to be self-sufficient and they can solve the cases in the community themselves. As you look at the population here in the camp, it is very difficult for us three to go and meet every problem in the community. [...] The UNHCR came up with having community leaders so that they can assist in handling issues in the community. And governance is not only about block leaders, but also about women leaders, it's about youth parliament, it's about youth councils. They are all in governance.” (Interview, Maud, Kakuma, 13.02.19).

This delegation of work from RAS to LWF and finally to the community leaders is not unique to the Kakuma context. It reflects a rather normal procedure in Kenya, as demonstrated in the opening vignette with the Deputy County Commissioner office, which delegated governance to regional chiefs. Such delegation, reflected a colonial logic of indirect rule, initially established by the British, had now become utilised within the camp. When RAS took over operations of governance from LWF, they did so by replicating the method of governance already practiced by the UNHCR, which in turn replicated the work of the DCC.

4.2.1 Nuer Administration

Camp governance was highly dependent on “elders” or “traditional” forms of governance to rule the camp. For example, for the Nuer population, the Nuer administration was an essential part of governing their affairs within the camp. When I mentioned to Maud the football fight that erupted into a violent dispute between the Bul and Dok clans of the Nuer (see chapter 5), she remarked on the necessity of elders in maintaining peace within the camp:

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“Elders are involved because they know their culture. They can speak to them in a language that they can understand, and they know the root of the problem. [...] Even with the Nuer we are involved, especially the elders, because we know in South Sudan and Somalia, they respect the elders. And whatever they say, it is final.” (Interview, Maud, Kakuma, 13.02.19).

For Maud, elders formed a definitive feature in governing Kakuma. Unlike block, zonal, or youth leaders, elders, and other forms of “traditional” or “customary” leadership formed their own sub-strata of governance. This is not to say they were outside of the governance structure, but merely that they had a greater deal of freedom or social manoeuvrability to resolve so-called “internal”, “ethnic”, “religious”, “traditional” or “cultural” issues and disputes.

Since South Sudanese independence in 2011, the former Sudanese administration split along national lines. This occurred a second time after the outbreak of civil war in South Sudan in 2013, when the Nuer administration of Kakuma 4 split from the South Sudanese administration. Due to the ethnic associations attached to the war, the Dinka administrations became associated with the government of South Sudan and the Nuer administration of Kakuma 4 with the SPLA-IO (Sudan People’s Liberation Army-in-Opposition). The Nuer administration or *Luk*²⁵ was also divided over political ties in South Sudan; the administration in Kakuma 4 was associated with the SPLM-IO (Sudan People’s Liberation Movement-in-Opposition), and Kakuma 1 administration was non-aligned. As explained to me by one female member of the Kakuma 4 Nuer administration, “those Nuer of Kakuma 4 mainly came to Kenya in 2014 while the Nuer administration in Kakuma 1 had arrived in 1992” (interview, Kakuma, 28.07.18). However, the Nuer administration for both Kakuma 1 and 4 still possessed the capacity to sit together and resolve internal pan-Nuer disputes (as demonstrated in chapter 5). Yet, this was only possible because such institutions are inherently adaptable, able to change and alter their formation accordingly enabling the Nuer administration to be represented together. Thus, the South Sudanese administrations, although split according to either their ethnicity and/or their political allegiances, still possess cross-cutting ties that enabled them to resolve internal ethnic and national disputes. While these political ties were embedded and interconnected to the ongoing political changes occurring in South Sudan, they could be activated by members of the ethnic administration or the camp’s governing bodies.

²⁵ The term *Luk* is the Thok Naath term for the Nuer administration or traditional court in Kakuma and Kalobeyei.

During my research into enforced disappearances of SPLM-IO political activists in the camp (see chapter 5), I became acquainted with several members from the Nuer administration (*Luk*) in Kakuma 4 who displayed important relational and intermediary roles between the camps governing institutions (RAS, DCC, and UNHCR) and the population they represented (the Nuer in Kakuma 4). The Nuer elders of the administration were selected to represent different states from within South Sudan, each forming their council for each respective state, and this council would then select representatives for the Nuer administration to represent the entire Kakuma 4 Nuer community (interview, Kakuma, 10.07.18). These representative councils represented a bridge to a ‘homeland’, a socially rooted place in South Sudan, reflecting their perception of what governance should be. In this case, it embodied past experiences of the South Sudanese state and reproduced them within the Kenyan camp setting. The Nuer administration was emulating the state functions from South Sudan within Kenya, while simultaneously working on behalf of the UNHCR, the DCC and RAS to resolve disputes. Here they worked as a dual state function, working on behalf of the Kenyan state and UNHCR while simultaneously reproducing the South Sudanese regional administration.

What was distinguished as a matter for the Nuer administration or *Luk* was dependent on an interpretation of binary between what was traditional governance and what was not; or what they were allowed to govern or not. “Traditional” Nuer forms of governance, as I understood from the Kakuma context, dealt with matters that did not require a humanitarian agency or the Kenyan state and were considered “ethnic” matters. They were simply resolved by the *Luk* irrespective of the existing power structures. As described by one elder and member of the *Luk*:

“When we come to Kenya, it is different in the refugee camp than in South Sudan. Here we do not have chiefs, we now replace chiefs with elders, if there is something that is beyond our capacity building then we forward it to the Kenyan government. Like if there is a death, then we forward that information to the Kenya government, something based on the refugee in statistics. [...] if something requires UNHCR then we call the block leaders, and they deal with that problem. If it is traditional problem and then we deal with it [...] the elders will deal with that and even Kenyans allow it. They [the Kenyan government] say that if it’s your tradition then nobody will interfere with it.” (Interview, Kakuma, 13.02.19).

The authority described by the Nuer elder to allow for “traditional” practices was the Kenyan state. Such a practice was common across both former British colonies, South Sudan and Kenya. The UNHCR and later the Kenyan state in Kakuma had merely continued such

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colonial practice of indirect rule. In this respect, the *Luk* became a functionary extension of the state.

The Kakuma 4 Nuer administration's main activities were primarily concerned with resolving bridewealth, minor disputes, or paying police fines. Unfortunately, I was never invited to any of the proceedings held by the Kakuma 4 Nuer administration to witness the practices of the organisation. Despite this, I was able to interview the chair of the Nuer administration in Kakuma, to understand their daily practices:

“I am involved in a lot of disputes, the main one being when a girl gets pregnant outside of wedlock. [...] Because getting married in our country is very expensive. Here we only ask for a young man to give two to three cows and we leave the rest of the case pending until we return to our country and complete the dowry later. [...] Or, if you break the rule for example young man insults an elder, we have to punish them.” (Interview, Chair of the Nuer Administration, Kakuma, 11.07.18).

The extent of autonomy for the Nuer administration in deciding bridewealth and enforcing respect from the youth, I believe, is a result of the pre-existing function of the Sudanese self-administration before the Kenyan states expansion (see chapter 2). The “traditional” governance represented ‘off-state’ practices (Benda-Beckmann and Benda-Beckmann, 1998), a form of autonomy within the camp governance structure to manage and deal with internal ethnic affairs.

Maintaining some autonomy enabled the Nuer administration to resolve its disputes to a certain extent, but when issues went beyond their capacity, they relied on interpersonal networks with Kenyan state officials. This was evident in the way the Nuer administration reported cases to the Kenyan police, RAS, or the UNHCR. For example, if an incident of minor violence broke out in Kakuma 4 and the Nuer administration was involved in resolving the dispute, the administration would tend to report it to the police, issuing that the case had been resolved. If not reported, and the police intervened or found out about the violence, they would arrest those involved holding them in jail until their respective “community” paid for their release. This would stop the case from going to trial and the case to be dismissed. To avoid paying the police, the Nuer administration would prefer to resolve disputes internally or between different ethnic leaders before police involvement. This relative form of autonomy was aptly expressed by one female member of the Nuer administration: “If we reported such a case, there is no blame on us for what happened, but also because we have no power, gun, or order, people fear for order...” (interview, Kakuma, 28.07.18). Thus, the dual state function

of the Nuer administration in Kakuma 4 could only be extended so far, as demonstrated with their apparent lack of capacity to enact “order” through violent means.

RAS state actors had a vested interest in maintaining security in the camp and often utilised such “traditional” forms of governance to resolve conflicts. Minor issues would be left to LWF to resolve, while security problems were intervened by the RAS Camp Manager and Deputy County Commissioner. As one Nuer elder described: “Yes, they have a connection if something is occurring in the camp the coordinator of LWF protection calls us and the others to talk with them and they solve problem. [...] When a fight breaks out, he [the Camp Manager] calls me directly to make an agreement between the two sides.” (Interview, Kakuma, 10.07.18). Engaging with the state depended on the scale of the issue. Violence and conflict in the camp often involved the RAS Camp Manager, the Deputy County Commissioner, and/or the Kenyan police, while minor disputes involved LWF. During these interactions depending on the scale of the issue at hand, members of the Nuer administration would engage with the state and humanitarian actors, illustrating the extent of delegation of responsibility and power. Minor disputes would be delegated to non-state actors such as LWF and community leaders, while extensive violence that challenged the very idea of Kenyan legitimacy would involve state actors, such as the Camp Manager (see chapter 5). The state boundary became apparent in the face of intense politicized violence that threatened state actors’ power to control.

The Nuer administration demonstrates a degree of autonomy, while still relationally working on behalf of the Kenyan state during violent periods. This temporal binary, at one moment, acting independently, and the next serving the Kenyan state demonstrates the active relations between members of the Nuer administration and the Kenyan state. This explains why the Kenyan state might appear distant and then in another moment overlapping or deeply interconnected with an institution, such as the Nuer administration. The state relies on ties and networks that are activated at particular temporal moments, illustrating where, when, and with whom the state boundaries lie. This explains the contrast between my own data and Jansen’s (2011); it is not that the camp is a type of exception, where the state is distant, but that the state is relationally activated at particular moments.

In sum, the Nuer administration in Kakuma 4 worked at times as an extension of the state, delegated with the task by RAS and the Deputy County Commissioner’s office to end politically violent disputes, as demonstrated with the Bul and Dok conflict. Their capacity to do so came from the use of ‘off’ and ‘on’ state practices (Benda-Beckmann & Benda-

Beckmann, 1998), distinguished through a legal plural framework of customary and state roles (Benda-Beckmann and Turner, 2018) that formed from a method of indirect rule. Within the framework of being an ethnic or “traditional” institution, with a degree of autonomy, RAS still maintained the capacity to delegate and control their members through the vetting procedure. Despite this, the Nuer administration for Kakuma 4 still maintained an association with the SPLM-IO, even administrating their governance structure based on regions within South Sudan. The Nuer administration illustrates the transnational element of a state institution. It may work on behalf of the Kenyan state at the time, activated by particular relational powers, but they remained connection to South Sudan and the ongoing civil war. By demonstrating their connection to South Sudan, the administration and its actors’ illustrated their political manoeuvrability and dual state function. In sum, one administration could serve two or multiple states.

4.2.2 Block and Zonal leaders

Block and zonal leaders were introduced to Kakuma as an alternative method to governance outside of the established framework of national and ethnic administrations in 2012. ‘The Constitution of Kakuma Refugee Camp’ dated November 2011 states that the objectives and aims for block and zonal leaders are ‘to strengthen and promote self-management of refugee community; [...] to reduce the influence of clan-, ethnicity and nationality based interests; [...] to work with the government of Kenya, UNHCR and other refugee agencies around the camp for the better of the members; and to generally, ensure the welfare, wellbeing and rights of refugees at the camp are upheld.’ (Lutheran World Federation, 2011, p. 2). In the document, block and zonal leaders are stylised to be liaisons between refugees and the governing agencies of RAS, UNHCR, and LWF. For example, issues related to humanitarian work, such as education, sanitation, protection, and so on, are supposed to be relayed to the governing institutions. Block and zonal leaders are the democratically elected representatives who are intended to operate without ethnic, religious, or national interests and whose mandate is to report and convey humanitarian concerns to the camp’s governing bodies.

Kakuma’s block and zonal management system is comprised of three committees, the first being the block management committee, above this was the zone management committee, and lastly at the very top the camp management committee (see figure 15). Kalobeyei Integrated Settlement has a similar structure, replacing block for neighbourhood and zone for village (henceforth any reference to block or zone will be made in reference to both forms in Kakuma and Kalobeyei, unless stated otherwise). Kakuma is subdivided into 4 sections (hence

Kakuma 1, 2, 3 and 4 (see map 2)). Each section has a varied number of zones ranging from two to four; and, each zone consists of a varied number of blocks, depending on the size or population density of those zones. Kalobeyei, on the other hand, has three villages each with a varied number of neighbourhoods (see map 4). Each block managerial committee is comprised of ten members with two block managers of both genders, and eight sectoral committee members representing different sectors for that block, including: Shelter and Infrastructure; Health, Nutrition, Sanitation and Hygiene; Food and Firewood; Environment and Water; Peace and Security; Education and Youth; Gender and Children; and, Persons Living with Disabilities. The zone management committees are formed from the block leaders of that zone, comprised of a chairman and chairwoman each with a vice representative and a single secretary. Those elected as chairman and chairwoman would then serve as zone rather than block leaders, being replaced by whoever came second in their block. Finally, through the camp management committee, zonal leaders relay their issues to the camp’s humanitarian and state bodies. The 2011 constitution drafted by LWF and the UNHCR notes how the camp management committee of zonal leaders elects amongst themselves a camp chairperson, vice representative, and a secretary.

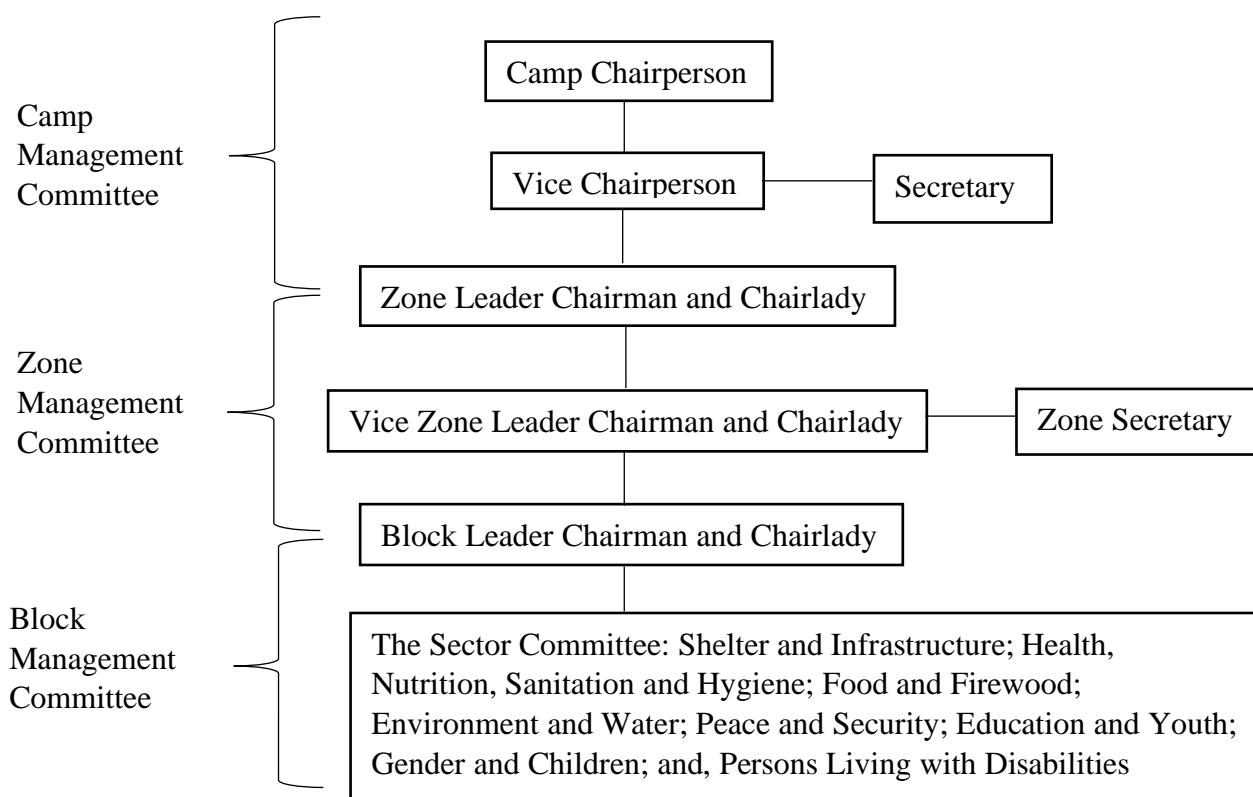


Figure 15. Community Leadership Governance Structure.

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The camp management committee was the pinnacle point in which refugee zonal leaders could relay complaints to the governing bodies, granting whoever controlled the position a great deal of power. In 2012, after the first election tensions for the position of chairperson arose. According to two sources, a Somali businessman had won the position of chairperson despite not having the majority of support of the zonal leaders, and many had attributed his victory to the Kenyan state meddling in the election (interview, Kakuma, 28.05.20; 31.05.20). True or not, it represents a perceived and changing presence of the Kenyan state before my arrival. Later in 2018, the position of Camp Manager had been taken over by RAS from LWF, cementing the Kenyan state's role in camp governance. I had made repeated attempts to gain access to the camp management committee meetings by asking LWF, UNHCR, and RAS for access. However, every time I was either denied access, lied to about the timing or accepted access only to be informed later that I could not attend. This proved rather frustrating as I could not witness the interactions between agencies and the zonal leaders, which may have been the camp managerial agencies' intention.

The elections of block leaders are held every two years in Kakuma and Kalobeyi, but to become a block leader one must be vetted prior to running an election campaign. Initially, the vetting procedure was conducted by LWF and overseen by the UNHCR. In 'The Constitution of Kakuma Refugee Camp' (Lutheran World Federation, 2011), several requirements are set out in order to run for the position of block leader: '1. must be registered as a resident of the concerned area [...] 2. must 21 years of age and above; 3. must be of sound mind; 4. must not have any criminal record or have been found guilty of fraud/malpractice by the government of Kenyan or agencies; 5. must have a good command of both spoken and written English and preferably Kiswahili; and 6. must not hold any other position(s) in the community leadership structure including Council of Elders'. By 2018, the vetting procedure had been procured by RAS, while the UNHCR and LWF still maintained some oversight.

Those wanting to run for election would have to be interviewed by RAS, as described to me by one block leader in Kakuma:

"So, we go there and apply, you'll be given a form to apply and afterward you do your interview with RAS, UN, and LWF, and if you pass, they shortlist you. Then they release a clearance certificate that says you are declared as a candidate, then you are allowed to campaign in the block you reside in. On the election day, people go to the police station to vote, and you can campaign that day." (Interview, Kakuma, 09.07.18).

However, if one is caught without the clearance certificate, they can be imprisoned for not having the clearance certificate to run in the election (field diary, Kakuma, 19.12.18). This enables the managerial bodies to control who can run for election, essentially granting access to some of those they deem suitable for the position. The extent to which RAS, UNHCR, or LWF limit someone from participating in the block or zone managerial system is unclear, but the capacity to stop someone from running as a block leader is plausible on the grounds of their language skills, having a criminal record, or association with another political organisation.



Figure 16. A Lutheran World Federation (LWF) staff preparing for a meeting with block and zonal leaders, Kakuma.

When block or zone leaders are elected, they are required to attend several trainings organised by the LWF, giving instructions on how to handle various cases, from domestic abuse to obtaining services such as sanitation. Block and zone leaders must go through the chain of command; block leaders report to zone leaders, and zonal leaders report to the camp's authorities. The LWF training is to ensure one form of reporting was maintained within the camp, as one could not circumvent the reporting of a block or zone leader. The pretence was that zone and block leaders were apolitical and were not associated with the same ethnic or national ideals of ethnic or elder administrations.

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Once the education is complete, the zonal leaders are to form their sector committee from the different ethnic and national groups of their block. This sector committee is intended to represent the various “minorities” that may exist in each block, which meant to relay their concerns up the hierarchy of the block and zone managerial system. Riek, a South Sudanese zone leader, described his position in state terms:

“...you know a zonal leader is like a president of a country. Because where we have a zone, it is like a country... it is not only one tribe, it is not one nationality but different nationalities that reside in that area [...] zonal leader is like a governor and the block leader like an MP. When an issue arises, the block leader collects those issues and forwards them to the zonal leader. [...] The zonal leader will go to certain agencies and explain to them the case.” (Interview, Riek, Kakuma, 17.07.18).

Riek's described zones being like countries and block leaders alike to members of parliament, was rich with state imagery (see Hansen and Stepputat, 2001; Sureau, 2019). The rationale of Riek referencing to himself as a governor and not a president or prime minister is fitting, as the position is electoral yet limited to a particular space and still under the president (or in his case the Camp Manager). Here the state imagery is derived from a particular relational modality, one which is based on pre-existing expectations of governance, such as the Turkana County Government. This imagery feeds into the relational setting to which block and zonal leaders are ascribed, determining their unequal access to symbolic and regulatory resources. As Riek notes, block leaders cannot go directly to agencies with an issue, as it must be passed onto the zone leader. Only the zonal leaders may establish relations with agencies, granting them unequal access to humanitarian resources. It is therefore delegated through a zonal leader what information may be passed on; they must perform certain state functions that are known to them to receive humanitarian support.

During block and zone management committee meetings I attended, I became aware of the relational dynamics within the block and zone management systems and their embeddedness within local ethnic associations. The meetings took place in a primary school, with block leaders filling up the hard-wooden school benches. LWF pens and notepads were handed out to whoever needed them. One of the block leaders volunteered to hand out bottles of soda, water, and small packets of biscuits provided by LWF to the attendees. Regularly, these minor tokens of biscuits and soda were mocked by block and zone leaders, often remarking how it was patronizing and that they wished to be paid for the work they do. Block and zonal leaders were unpaid, their positions were voluntary, only compensated with such minor tokens. Riek,

the chairlady, and the zone secretary sat at the front of the room, facing the audience of male and female block leaders who made up their zone. Most of those attending were dressed in suits, colourful shirts or dresses, seemingly elevating the event to the same standard of a cultural or religious event. Many wore small name tags on their necks. Although block and zonal leaders did not receive official necklaces like those worn by humanitarian agencies, they occasionally wore agency necklaces with their block or zone leader tags placed within (field diary, Kakuma, 15.07.18). This performative effort to elevate one's status through dress represented a means to embody an official status, and the symbolic utilisation of the tags typified a particular status belonging to a state function.

Riek, the zonal chairman, wrote on the blackboard the day's date, followed by 'dissemination meeting' and the meeting's agenda: '1. Issues affecting our blocks; 2. Who to refer the issue; 3. The way forward.' At this point, the secretary and chairlady began to introduce themselves, while Riek handed out an attendance list. Riek then introduced himself while the secretary and chairlady began forming a document to record complaints, taking a large sheet of paper and drawing sectioned lines into a legible format. Once the registration was taken of all those block leaders attending, the meeting started with a Christian prayer. After this, the block leaders were given one chance each to raise the concerns within their block, while the secretary wrote down each of these complaints onto the large ledger he had just drawn. The complaints were presented predominately in Arabic or Nuer. Many of the block leaders greeted the room with *Male*²⁶ prior to expressing their issues to the zonal chairman and chairwoman.

The complaints were mainly concerned with security and sanitation. Some referred to the inter-clan conflict of the Bul and Dok. A female block leader noted how a Turkana had raped a woman and nothing had been done by the police, and many others noted the lack of pit latrines in the zone. One block leader tried to speak a second time, but he was shouted down by the others for using up their time to speak. Another block leader used the chance to speak by explaining to other block leaders how they should directly go to the police with security complaints. After the complaints were recorded, Riek read them all aloud to ensure each point had been noted properly before concluding the meeting. (Field diary, Kakuma, 15.07.18). The zone Riek represented was predominately South Sudanese and particularly Nuer, and the absence of any Muslim prayer and the extensive use of Nuer language (Thok Naath) illustrated how the meeting was associated along these ethnic and religious lines. Despite the

²⁶ Greeting in Thok Naath, the language of the Nuer.

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UNHCR and LWF's attempt to make the block and zonal leaders not associated with an identity or denomination, ethnicity and religion played an important role in where people settled within the camp²⁷. However, despite the embeddedness of Nuer identity, when one woman raised the issue of rape by a Turkana, another man advised her to bring the case to the police, due to the rapist being a Kenyan citizen. Under other circumstances, sexual violence may have been addressed differently through norms associated with Nuer's "tradition" such as paying a victim's family compensation. However, such a "traditional" response was kept in check by the zonal meeting members, who imposed regulatory standards set out by the 'The Constitution of Kakuma Refugee Camp' (Lutheran World Federation, 2011). While the zonal committee was predominately ethnically Nuer, particular legal practices belonging to the Nuer community were actively dismissed due to the case belonging to the Kenyan legal order. Several days after the meeting, I met with Riek and two block leaders from the zone committee in private. At Riek's home, we sat around on small plastic chairs and were served coffee by his wife. Relaxed, the other block leaders and Riek appeared more comfortable discussing the issues mentioned in the meeting:

Riek: "There are no new latrines within our block, what we have is not enough, even when we report it to NRC [Norwegian Refugee Council] the NRC does not work on it. But recently NRC has been very difficult since they have no budget."

Block leader: "Yeah, there is a lot of mess in this camp. You know we went for a meeting this year at Kakuma 4, with the NRC, and I was surprised when we were given a budget cut and we were told that the whole of this year we only have 88 latrines for the entire Kakuma 4. And we look at 88 latrines and we compare with the population here; it is not good. We asked so many queries, but they failed to answer us." (Interview, Riek & Block Leader, Kakuma, 17.07.18).

The lack of latrines was a common complaint by many block and zone leaders. As commented on by another block leader: "In 2014 each block had 15 or 16 pit latrines dug by NRC. But, this year, each block was given 2 new latrines. [...] No organisation tells us what the budget is, if they have a budget, they never tell us. You know as a refugee; they don't read to us the budget of the agencies." (Interview, Kakuma, 09.07.18). Riek, and many other block and zonal leaders often commented on the "budget" and how they were excluded from

²⁷ This is part to do with the periods when people migrated to the camp and in some respects the result of ethnic and sectarian violence. For instance, Nuer lived predominately in Kakuma 1 and Kakuma 4, while Dinka lived in "Hong Kong" a section of Kakuma 1, the furthest point from both Nuer communities. Furthermore, Kakuma 2 was predominately occupied by those who identified as Somali Bantu, as Kakuma 2 was constructed during the relocation of Somalis from the Dadaab to Kakuma (see chapter 5).

knowing its precise details. They very often perceived this to be the fault of Kenyans or Kenyan state officials, such as RAS officers, who either were “eating the budget” or intentionally reducing it (interview, Kakuma, 08.07.18; 09.07.19; 11.07.18; 13.07.18; 25.02.19).

This exclusion of block and zonal leaders from the camp’s managerial budget allowed Riek to imagine the Kenyan state’s involvement in its reduction. As a result, the leaders input into governance was merely to report inefficiencies and hope this may create some change within their block or zone. However, with the expanding presence of the Kenyan state within camp governance, the reduction of the pit latrines became associated with the Kenyan state. The expectations refugees had were based on past experiences, but when these expectations were not met, perceptions of corruption associated with the Kenyan state intersected. Through delegation of tasks, from RAS down to the NRC, they could be associated with or considered within the boundaries of the Kenyan state. NRC staff associated with the Kenyan state masked the delegated relationship between agencies, instead, the NRC was made a part of the state through the symbolic reduction in funds considered to be “eaten” by Kenyan state actors. Corruption or the symbolic act of “eating” humanitarian funds became characteristic of the Kenyan state (see chapter 2). Thus, the reduction of funds, a result of corruption or not, becomes an outlier of Kenyan state involvement and an indicator of its state boundary.

While block and zonal leaders may themselves attribute some humanitarian agencies with the Kenyan state, refugees who did not belong to these governing structures also attributed block and zonal leaders with the Kenyan state. During a visit to one of my regular *hotels*, I met with Lam, an inhabitant of the reception centre (see map 2). I informed him about an upcoming interview with a block leader, to which he irately replied, “Block leaders are a part of the Kenyan government”. He continued, “they are brokers, if you have a house for a family member or someone to move into, they will be the ones who get RAS to sell it” (field diary, Kakuma, 06.02.19). What Lam was referring to was the illegal practice by some RAS agents to sell the property of refugees who had left Kakuma, having been either resettled or repatriated (see chapter 2).

The boundary work of the state is conducted by block and zonal leaders themselves. They are considered agents of the Kenyan state, or to be more precise, brokers of RAS. Thus, the state is polymorphic as it is activated at moments through the process of associating symbols and practices within a relational setting. Within the context of RAS gaining further powers in refugee management since 2016, we begin to see the relational temporality of the state. In

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Jansen's case (2011), the Kenyan state was seen as distant, primarily concerned with policing and security. Here, we see a transformation of the Kenyan state becoming more prominent in camp governance.

Block and zonal leaders were introduced to Kakuma in 2012 to govern outside of the established framework of national and ethnic administrations. To some extent block and zonal leaders are still embedded within the traditional framework associated with ethnic, national, political, and religious identities. However, this embeddedness with certain identity groups had limited capacity to be acted upon due to the structural constraints of block and zonal management. These structural constraints can limit block and zonal leaders' manoeuvrability to provide for their given block or zone. As I have illustrated above, it is within these interfaces between camp administration and the population that block and zonal leaders either become considered a part of the state or not. The boundary of whether one is associated with the state or not is contextually derived and temporally attributed. Be it performing a particular role in order to receive humanitarian support, or the symbolic practice of corruption arbitrated by block and zonal leaders, these practices and symbols require certain relations for the association to be connected.

4.3 Welfare and Community-Based Organisations

Community-based organisations (CBOs) are non-profit grassroots organisations that perform services for local communities in Kenya. I became acquainted with multiple refugee-led CBOs in Kakuma through pre-existing contacts. The different CBOs based in Kakuma Refugee Camp were loosely structured on the idea to provide services to refugees, but each organisation had unique means to enact it. During my fieldwork, I followed the work of four different CBOs in Kakuma. However, I have selected the work of one CBO, as it exemplifies the structural constraints faced by many organisations when attempting to register with RAS. Due to the sensitive information concerning the work of some CBOs, their organisational and actor names have been pseudonymised.

The use of CBOs in Kenya can be associated with the 'NGO-isation' of Kenyan state services, in particular the welfare provisions since the late 1980s (Hearn, 1998). This was a result of the International Monetary Fund and World Bank Structural Adjustment Programs (Wangui, 2013; Markakis, Schlee and Young, 2021). Fowler has noted how this has shaped state and civil society relations, resulting in civil society (NGOs in this case) becoming more prominent in Kenyan society (1991). However, this dichotomy of state and civil society has been remarked as being over-simplistic and ignorant of colonial models of rule in East and

South Africa (Mamdani, 2018). This is not to say the African context is unique in this formation (Bierschenk and Olivier de Sardan, 2014), but to question the very notion of civil society/state binary. Thus, I am not concerned with whether CBOs are a part of civil society or not. What is important is how they may be influenced by the political and economic situation they find themselves in, how this alters their relational networks, and in what way these relations create a boundary between state and non-state actors. In Kakuma and Kalobeyei, refugee-led CBOs constantly negotiate with relational powers, be it the Deputy County Commissioner, the Turkana County Government, RAS, or the UNHCR. How these relations formulate the state is of interest here, not where the dichotomy between civil society and state emerges.

During my fieldwork, two major changes were ongoing that directly affected the operations of refugee-led CBOs. The first was the increased securitization of refugee-led CBO registration and operations in the camp, a response by the Central Government to allegations that the Al-Shabaab terrorist attacks in Kenya were partly funded by international funds sent via the Dadaab refugee camp (Betts, Easton-Calabria and Pincock, 2020). In Kakuma and Kalobeyei, the Refugee Affairs Secretariat (appointed by the Ministry of Interior) and the Deputy County Commission (appointed by the Executive Office of the President) enacted a series of reforms to limit CBO funding. The second major change was an interest in marketizing refugee-led CBOs by the UNHCR. With the ongoing development of the Kalobeyei Integrated Settlement under the Kalobeyei Integrated Socio-Economic Development Plan, there was a push for the development of “self-reliance” among refugees and encouraging the growth of the private sector in Kalobeyei and Kakuma. The result was a push for refugee-led CBOs to monetarize their work to other agencies, such as the UNHCR. In this section, I will look into how refugee-led CBOs in Kakuma dealt with these changes, but first I will turn to the humanitarian and state agencies who work with CBOs. I give a background to their work, focusing on how they addressed and enacted these changes through their delegated networks. Then I will turn to the CBOs, detailing their work and how the state came to be understood through interpersonal relations.

For a community-based organisation (CBO) to operate legally within Kakuma and Kalobeyei it requires registration by Turkana County Government Social and Development Department in Lodwar²⁸. However, since the disbanding of the DRA (Department of Refugee Affairs) in 2016 and the consequential establishment of the Refugee Affairs Secretariat (RAS), the

²⁸ Lodwar is the capital of Turkana County, approximately 125 kilometres from Kakuma (see map 1).

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responsibility to register refugee CBOs was shared with Turkana County Government Social and Development Department, Deputy County Commissioner (DCC) and the newly formed RAS office in 2018. Even prior to this expansion of the CBO registration process, verification of CBOs was not occurring between 2016 and 2018 since RAS had been granted the power to issue travel permits for refugees in Kakuma and Kalobeyei (see chapter 2). To gain the travel permit to register a CBO in Lodwar, refugees were told to bring a letter from the UNHCR as a proof that they were CBOs, but the UNHCR would not do this without the certificate of registration from the Turkana County Government Social and Development Department in Lodwar (Betts, Easton-Calabria and Pincock, 2020; field diary, Kakuma, 30.03.19). However, by December 2018 RAS and the DCC assumed their roles for the registration of refugee organisations in Kakuma and Kalobeyei.

Since December 2018, refugee-led CBOs must sign a letter of agreement between themselves and RAS, stating rather tentative arrangements to register. An example of a letter of agreement was sent to me via WhatsApp. It asked for the CBO's name, organisation structure, mission statement, and required that all members had to be registered refugees with the UNHCR. Furthermore, it stated how each CBO had to hold yearly elections for the positions of chairman, treasurer, and secretary, of which RAS had to be informed beforehand. The CBO would also have to hold monthly meetings, of which RAS and the police would have to be informed about one week in advance. In addition, some subsections stood out stating:

‘11. Quarterly and financial report

Our group will on a quarterly basis prepare quarterly financial report and monthly progress report. This will include a copy of the bank statement from Equity Bank will be furnished to RAS/Social Development Officer and the officials will account for all transactions in the bank account. The reports and the bank statement will be shared to the social development officer and RAS management.

12. Foreign remittances and international funds transfer

As group, we will **NOT** engage in foreign remittance and international funds transfer. We will submit certified copies of bank account to RAS/ Social Development Officer on quarterly basis to confirm this and account for each and every transaction in the bank account.

[...]

15. Anti-money laundering and Counter terrorism

The group DECLARES that it will not engage in terrorism activity and money laundering activity. The group will submit quarterly bank accounts to RAS/Social Development for verification [...].’ (Field Photographs, 04.08.18).

The letter ended with the signatures of the chairman, treasurer, and secretary. The letter illustrated the intention of the RAS and the DCC to track and monitor international funding coming into the camp, but the result was the end of international funding for refugee-led CBOs. Many CBOs in the camp had networks outside the camp, some outside Kenya, which could support them with minor funds for activities. The consequences of this are rather complex and dependent on different CBOs in the camp, as some were already certified with the Turkana County Social and Development office in Lodwar prior to the involvement of RAS, while others have been active since 2016 but still have not been registered.

The Norwegian Refugee Council (NRC), which had established an Information, Counselling and Legal Advice (ICLA) team in Kakuma, coincidentally became an intermediary between RAS and the refugee CBOs in Kakuma and Kalobeyei. Initially, the ICLA workgroup was to assist refugee and Kenyan citizen initiatives with the legal requirements of establishing CBOs in the Turkana West Sub-County (this includes Kakuma and Kalobeyei). However, the ICLA soon became the established mediator between RAS and the refugee CBOs seeking registration since 2016. As explained to me in an interview with a member of staff from NRC ICLA:

“Normally what we do, a group will come to us in the field, say they want to register this CBO. So, we shall tell them these are the requirements: you ought to have above 25 members, this is the minimum age, a mixture of nationalities, a mixture of genders, what are your objectives, what are you going to do? [...] So, from there now we shall take them, now after you have fulfilled these conditions, these are the next steps for your CBO/self-help group to be registered. Then RAS comes in, the department under social protection comes in. UNHCR must come in to verify these are the refugees. So, we have done our part then they do their piece. [...] So over and above assisting refugees to draft it, we need to also take them through the implications. So, they need to understand the role of each leader they have, what are the implications of not following the constitution to the letter, yes.” (Interview, Kakuma, 11.02.19).

NRC ICLA staff’s work was primarily to assist refugees in their legal requirements to be registered as CBOs. It often required them to establish standards that CBOs had to follow, such as gender equality, proportional representation of different nationalities, and so on. If refugees could fit these requirements – on paper – they could establish themselves as CBOs.

These requirements could only go so far, as noted above, the new establishment of requirements developed by RAS somewhat hindered the registration progress and appeared to disappoint the well-intended NRC staff. As one explained:

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“I think to be honest it’s not RAS slowing down registration, it is the government of Kenya, under the deputy county commissioner [...] So, RAS has its checks and balances, which include trying to ensure that the beneficiaries indeed are refugees, and then two, they have indeed an existing informal setting, this particular CBO. And then after that, they forward their names to the Deputy County Commissioner, who does a security check.” (Interview, Kakuma, 11.02.19).

NRC staff were optimistic that international funding to CBOs may continue in the future if CBOs performed well and met their legal requirements. However, as one member of staff noted, he believed the lack of registrations of certain CBOs was the fault of the Deputy County Commissioner's office, as opposed to RAS.

The Deputy County Commission (DCC), alongside the police, oversaw security in the region, with the DCC as the chairperson of the security committee for Turkana West Sub-County (Oyugi and Ochieng, 2020). According to the National Government Coordination Act (2013), the DCC is to accommodate the ongoing devolution process in Kenya (see chapter 3). The DCC continues to be appointed by the Executive Office of the President but must function alongside the newly formed and elected County Governments. In sum, DCC is representative of the Central Government in the County. In an interview with the Assistant Deputy County Commissioner, he explained the security procedure for refugee-led CBOs:

“Community-based organisations within the camp, when they are being registered, they are supposed to give the information to RAS. So, when they have money from international funding, they are to notify RAS — not that the money goes to RAS. It is a preventative measure because we have some organisations which can be terrorist organisations. [...] If you want to register a community-based organisation, you must apply through RAS. Then RAS brings the list to the committee. So, they now give it to the people doing background checks, to find out which of these are real organisations. [...] And also, it helps to counter terrorism, *kwa sababu* (because) the biggest difference with our developing country, we are neighbouring Somalia, which has been very unstable for a long time. It’s not like Ireland; the people who are running there, maybe are running from ISIS [Islamic State of Iraq and the Levant], so you can vet them.” (Interview, ADCC, 15.02.19).

No explanation was given why the procedure to register CBOs was taking such an extended period, but the officer did note that background check requires “intelligence gathering”. What this means exactly is not clear, but one can speculate this involved the work of the Criminal Investigation Department (CID) (see chapter 5). Regardless, such state practices of

“information gathering” could be extremely time consuming and result in extended periods of refugee CBOs not being registered. No matter the reason, the extended period without registration was having a profound effect on refugee CBOs.

One of the motivations for refugee-led CBOs to have the correct documentation was the UNHCR’s recent push for the marketization of CBO work in the camp. This coincided with, rather than was a result of, the new policy for ‘self-reliance’ spearheaded by the Kalobeyei Integrated Socio-Economic Development Plan (KISED P) (see chapter 2). The Head of the UNHCR Sub-Office in Kakuma, at the time of fieldwork, was a strong proponent of the use of refugee-led CBOs in conducting the work for the UNHCR and other agencies in the camp by subcontracting their work:

“Let’s say, I need to have a film to be made, to explain for example the reception centre, we discuss what is the role of each agency at the reception centre. So now what I do is try to find somebody to do it, or my staff will do it. [...] But it’s not a charity, it’s not humanitarian work. It is a job. [...] So, it’s a normal procurement process: we will take it, listen, look at all the applications, we look at how much money that they ask, whether they have all the necessary qualifications to do the job as they say. [...] This is the idea of bringing the private sector more into the camp. We believe that this can be done, and eventually if something, they will have the ability to do the services. [...] Because like cash for shelter project that we have, we gave directly money to the refugees; they built themselves the house, and they have 9% more or fewer savings, the houses are better-built than with the partner, and it was done probably the same day. So, if I cared for that one, and I have a budget for it, I need to do this anyway, I need to find a way: either I do it through the private sector, or through a partner, you know.” (Interview, UNHCR Head of Sub-Office, Kakuma, 11.06.19)

The Head of the UNHCR Sub-Office in Kakuma was very enthusiastic to have CBOs and the private sector involved in doing the subcontracted work in Kakuma and Kalobeyei, but the budget and possibilities to contract work to CBOs were limited. The UNHCR Sub-Office Head referenced the “cash for shelter project”, a program that granted refugees funds to build their own permanent shelters in Kalobeyei (as discussed in chapter 3), but this program was a centre point of the Kalobeyei Integrated Socio-Economic Development Plan (KISED P) and not related to CBOs. Mentions of CBOs in the blueprint policy outline developed by the UNHCR and the Turkana County Government were limited to several minor subsections (UNHCR, 2018a, pp. 51 & 97). Despite this, the Head of the UNHCR-Sub Office referred to

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the CBOs as the private sector, an expected provider and major component of the Kalobeyei project.

Although it has been noted that the UNHCR had funds to support and work with refugee CBOs in Kakuma and Kalobeyei by late 2018, this never materialised during my period of fieldwork in 2019. As Betts et al. note:

‘... [The UNHCR] created a one-off CBO fund of \$25,000 and set-out a tender for applications for five one-off grants of \$5,000 each. [...] However, UNHCR did not have time to disburse the allocated funds before the end of the financial year in 2018 and so it re-opened the call again in February 2019. UNHCR Kakuma claims to have used the exercise to support CBO registration in Lodwar’ (Betts, Easton-Calabria and Pincock, 2020).

However, how this support was supposed to work or be used was never clarified, and in the case of those CBOs I became acquainted with, they never received any support from the UNHCR. When I spoke with NRC staff about the registration of refugee CBOs, they noted how the UNHCR had started the sponsorship program, but it did not materialize due to the lack of registered CBOs (interview, Kakuma, 11.02.19).

Consequently, the UNHCR's interest in involving refugee-led CBOs, combined with RAS and DCC becoming involved in the registration process, had a hampering effect on refugee CBOs' operations. They were left to function between these limiting factors, either unfulfilled promises of work from the UNHCR, or RAS and the DCC slowing down registration to an apparent halt. Their contradictory positions illustrated the attempts from both sides to control, manage, and ultimately govern CBOs. Here I will demonstrate how actors within CBOs navigated relations within their organisations, the Kenyan state, and humanitarian agencies. Below I detail the work of one pseudonymised CBO as they attempted to be registered with RAS.

The CBO was described to me by Axmed, a young Somali member, as attempting: “...to find new arrivals and we inform them about life and services in the camp. We are well connected with community leaders, but some of them have received inadequate information so we make sure they receive the correct info.” (Field diary, Kakuma, 04.08.19). Many of the CBO's membership were graduates from Jesuit World Learning Arrupe Programme, on ‘community development’ that encouraged proactive cross-community development, such as how to form a community-based organisation. The CBO volunteers were predominately Somali, something which coincided with their financial capital coming primarily from charitable funding from

wealthy Somali business owners in Kakuma or Eastleigh, Nairobi. The practice of *zakat*, a type of religious alms used in Islam to support the vulnerable and poor, was a method utilised by the CBO to gain funds to support their work. However, it appeared that the CBO was having difficulty maintaining themselves financially, as they could not afford the rent to the office they were using. Despite this, the CBO continued their work without paying rent, seemingly in constant negotiation with the owner (interview, Kakuma, 17.12.18).

I was personally introduced to the CBO through Tahiiil, a Somali Bantu living in Kakuma 3, who brought me to the CBO's office for the first time. Tahiiil was one of the first persons I met in Kakuma, through a contact in Eastleigh, Nairobi. He phoned me late one afternoon, mentioning a CBO he was a part of and would like to take me to see it. I agreed and we decided on a date to meet. On a hot December day, I met him outside his home in Kakuma and we walked together towards the market veering off to a side street. Off from the market, a large multi-roomed building made of corrugated iron, tarp, and wood was the office of the CBO. The office had several rooms veering off from the main hall at the entrance. Each room was distinguished from the other with A4 pages above each door frame, each with the CBO's logo indicating different rooms, such as 'Room 2 Finance Office', 'Room 4 Human Resources', 'Room 5 CEO & Deputy Office' and so on. (Field diary, Kakuma, 21.12.18). The entrance into the CBO's office was the main hub of activity, filled with plastic chairs, a desk, and a writing board, while the other rooms were connected to electricity with desks and personal laptops of the volunteers.

The CBO's main operation I witnessed was the distribution of goods and sharing of basic information concerning camp operations and services to new arrivals. When I arrived at the office for the first time, the main hall had some people sitting in plastic chairs holding their ration cards and manifests. One at a time, they were called to the front desk to receive soap, and their information was taken. Tahiiil explained it was an information session: "We tell them about the work we do and other agencies in the camp, we mostly help the new arrivals." (Field diary, Kakuma, 14.12.18). I visited the CBO on multiple occasions and witnessed their practices. Most of the administrative and demonstrative functions were conducted by the Somali staff, while non-Somali staff mainly served as interpreters. During such distributions, Yuusif, the CEO of the CBO, would often lead the demonstration with the assistance of another volunteer and an interpreter translating the information for the new arrivals. Here Yuusif would explain the functions of the different NGOs and humanitarian organisations within the camp, detailing which agencies distribute what, and wherein the camp they can be

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accessed and when. Usually, these encounters included the local block and zonal leaders from the new arrival's particular blocks or zones, most of whom were also Somalis. Yuusif would introduce them and explain their functions to the new arrivals who had recently been relocated to a particular block, giving out their leader's phone number and making them say a few words. Afterward, soap would be distributed to all present, while their details such as their ration card number would be recorded in a ledger at the front desk. The information would pass onto another volunteer in the Human Resources office that recorded it onto a laptop. (Field diary, Kakuma, 14.12.18; 17.12.18; 21.12.18).



Figure 17. CBO staff planning a distribution, Kakuma.

This process of recording new arrivals, disseminating information, and distributing soap often required some degree of improvisation. For instance, when one of the interpreters could not communicate with one of the new arrivals, they asked another new arrival for assistance in translating the process (field diary, Kakuma, 17.12.18). Another instance occurred again during an information session for new arrivals. I was conversing with some of the volunteers in the finance office when Yuusif entered holding three ration cards. He looked to the other volunteers and asked, “Can we add these people even if they arrived in 2017?”. None of the other volunteers replied. Yuusif began flicking through the manifests, saying “I will just take the pregnant lady at least” and rushed out of the room to return to the apparent “new arrivals”.

The volunteers and I continued to converse when Yuusif returned with a list of the new arrivals. Axmed, one of the volunteers, began to put the information into an Excel sheet on the laptop. The information included ration card number, telephone, sex, and location. Yuusif came back into the office and noted, “We should add the date of arrival because that is what we are about”, referring to the excel sheet being filled in by Axmed. Some of the other volunteers agreed unenthusiastically, while Axmed pointed out rather irritated, “I am filling in the information we have now, and we don’t have this information for all the other new arrivals”. Yuusif then replied, “We can do it next time then”, and left the office. (Field diary, Kakuma, 21.02.18). The work of the CBO not only emulated humanitarian work in the camp but also entailed a great deal of improvisation, from getting the help of the new arrivals to translate, assisting a pregnant woman by bending the meaning of “new arrival”, to the inclusion of date of arrival in their database. However, this emulation or mimicry of humanitarian work by the CBO was always done within the constraints of the material and social resources the CBO had.

After the distributions, the group sometimes held meetings to discuss ongoing issues that they faced. In ‘Room 3 Operation and Execution Sector’ we sat around a small wooden table on some of the plastic chairs taken from the main hall. Yuusif started the meeting by stating “I met with the owner [of the office], he said from January we have to pay the rent and I told him that it would be difficult for us... but he let us know, look at the reporting, the members are expecting that information.” Yuusif then opened the floor to the other members, but Axmed interjected, suggesting a group prayer. After the prayer, another volunteer noted the possible connection to another humanitarian organisation: “We also met with different NGO, like UNHCR, they want us to submit a concept note with our full budget. Up to now, we have been waiting for a reason why they require this. We also met with African Action about possible collaboration but got nothing back from them yet.” The opportunity to partner with another humanitarian organisation or NGO offered the CBO a way out of their financial difficulty. However, as Axmed went on to illustrate, two-thirds of the expenditure was in debt and some of the receipts did not have the CBO’s official stamp or were stamped wrong. This would be a problem for the CBO, as RAS required clear financial reports by the start of the new year, to prove that they were not a security threat. Yuusif explained “RAS, I have already spoken to them, they said to me if we can get a certificate then we can get land for our own office, but as you know we are still waiting for a certificate. The donors will send money if you have a certificate.” (Field diary, Kakuma, 21.12.19). The certificate referred to by Yuusif was the community-based organisation Verification Letter, issued by RAS.

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The precarity caused by the lack of documentation was a severe problem for the CBO. At another board meeting, held at their office, the members went into great length discussing the issue. The meeting was opened by Axmed:

“I have been given the task to report to you, but I do not have a hard copy of my report because I got no funds from the Chair. [...] we discussed fees to register with the government, we paid them, and we were not given any receipt for the registration, only a verbal acknowledgement from the government staff. Still, we have not received any certificate... We have talked with NRC about our situation, they have an empty office, but we have received no reply from them on this matter.”

Once Axmed finished, the Chair interjected: “He did not send me the request for printing. [...] Furthermore, the receipt, we did not go to the government office for, that was NRC. Once they chat and see we are not a terrorist organisation, then we will get the certificate.” Axmed responded: “The main thing is to get the certificate, so we are legal in Turkana County.” Yussif continued, “I am sure the members are wondering why we have no certificate, we are struggling because of this. But, four members of the government came, the Camp Manager said you just do your work. Once we have the certificate the office won’t look like this. Secretary, I am telling you how to do your work, but please tell me what your problem is?” (Field diary, Kakuma, 21.12.18). Funds that were meant for daily CBO operations and work, such as having a printed report, had been used as gifts to “government” staff.

The issue of funds continued to be discussed within the meeting, when Tahiiil was asked to produce the “hard copies” of receipts, listing to all members where the funds of the CBO had been spent. As the receipts were being produced and explained to each member, a volunteer openly questions, “Why are so many visitors getting refreshments bought?”. The finance officer casually responded, “We want our guests to have an easy time when visiting.” Then Yussif interrupted “The focal staff [NRC]... the guy I asked to come, he required transport and something to drink. And we gave him 5000 for him to connect us to the correct offices [within RAS].” Axmed seemed rather annoyed and responded, “So much of our finances are used for transport and refreshments for visitors. We spent 10,000 over this!” The financial officer attempted to defend himself, “Like you said we are in the process of learning.” Yussif closed the argument, “If we want to get the certificate from Kenya, then we need to take money from the CBO for transport”. (Field diary, Kakuma, 21.12.18).

The “government” came to be understood within the relational setting between CBO members, NRC, and “government” or RAS officers. The relationship was facilitated through

providing “refreshments”, “transport”, essentially gifts or bribes (see chapter 2). The Chair was attempting to gain the letter of verification for the CBO and have the CBO not considered a “terrorist” organisation. To do so, they had to place their gifts or bribes expenditure under the ledger of “transport” and “refreshment”. Despite agency staff of NRC and RAS having their own vehicle transport, and no soda²⁹ costing more than 5000 Kenyan Shillings, ironically the CBO had to ledger the expense under false pretences to pass RAS’s vetting procedure. This gift giving to RAS through NRC had economic repercussions for the CBO, leaving them without funds to print the report or to pay their bills for the rented office. Paying such gifts or bribes was done under the promise of a new office space either offered by NRC or RAS. The CBO’s process of attempting to become a legitimate CBO was costly on their resources, which in turn impacted their capacity to work as a CBO.

The association of NRC as the “government” illustrates the delegative form state relations take. NRC staff were considered by some in the meeting as conducting state work and as such being within the state boundary. Here the boundary work is associated by working on behalf of RAS, being delegated to the task of assisting verification, and the active engagement with bribes and gift giving. Bribes, gift giving, and their relative association with the Kenyan state (see chapter 2), is integral to a lack of ‘social capital’ and personal networks with those working within particular agencies (Olivier de Sardan, 1999). The reliance on giving bribes and gifts, to put it simply, is the manifestation of lacking social connection with the individual being bribed. As with many in Kenya – in particular refugees – the lack of ‘activatable’ personal networks within particular administrations means that they cannot rely on social favours to gain access to certain state functions. That said, social relations are still necessary to enact the bribe, as networks between actors enable the practice of corruption to be associated with the state. Here the use of the bribe and placing it within the expenses of the CBO report as “refreshments” and “transport” is a form of state practice. In sum, the practice of giving a bribe or gift is an attempt to maintain and simultaneously gain legitimacy as a state function.

The CBO’s networks and relations went beyond the state. The CBO was deeply embedded with links to the wider Somali identity: the location of their office was in a Somali area of the camp; their primary source of funding came from *zakat* or alms from wealthy Somali merchants; the block and zonal leaders they introduced to “new arrivals” were of Somali identity; and, it was the Somali staff which always took the lead roles in meetings,

²⁹ The average soda costed 50–100 Kenyan shillings.

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distributions, and dissemination of information to new arrivals. The CBO was in most forms – apart from the name – a Somali CBO. Somali identity was associated with and embedded in the organisation; it was the foundation from which they received funds and determined how work was allocated. However, the use of humanitarian terms, such as dealing with “new arrivals” enabled them to draw on categories and ‘frames’ of solidarity (see Eidson *et al.*, 2017). Within interaction with “new arrivals” who predominately came from South Sudan during my fieldwork, the use of such humanitarian terms allowed the members of the CBO to connect to them through a humanitarian logic. The very concept of a refugee, like a citizen, can work alike to a cross-cutting tie, serving as a means of coping with the consequences of violent conflict (see Schlee, 2008). Here the tie, becoming termed a refugee, was being enacted through the category of “new arrival”. Using humanitarian identity frames, allowed the CBO to disassociate from their Somali identity. Using such humanitarian terms allowed the CBO to mobilise people according to humanitarian categories, and not reliant on ethnic or national ones.

The capacity to adapt and improvise the term “new arrival” illustrates a utilitarian ability to use the term beyond the humanitarian standard. The case of the pregnant woman being placed into the excel ledger as a “new arrival” despite being in Kakuma since 2017 demonstrated an ability to adapt certain guidelines to suit moral reasoning. This instance also prompted Yuusif to consider adding a date of arrival into the excel ledger. This illustrates the CBOs ability to learn and adapt their function according to contextual changes in their operations, adapting informal and practical rules (Bierschenk and Olivier de Sardan, 2014). As the CBO was relatively new, I argue that the gradual learning process of norms and rules was a part of their legitimizing process of becoming a recognised state function. For instance, the CBO’s method of information dissemination regarding the various services in Kakuma was relatively unheard of; they were the only organisation I knew of that actively introduced new arrivals to their block and zonal leaders. At this intersection, two-state functions coincided, the various state apparatuses – governance and welfare – could be introduced simultaneously for new arrivals into the camp. As the CBO staff detailed the various agencies operating in Kakuma, and what services each provided to “new arrivals”, at this instance they established themselves as a part of this array of agencies. Here the CBO established these relations between new arrivals and block leaders, which contributed them to be a part of the wider state functions.

The CBO staff portrayed themselves as a state function within the camp. As Tahiil suggested to me they functioned “better than other NGOs” and that they brought competition (field

diary, Kakuma, 17.12.18). The CBO staff often remarked dismissively how they were not legally recognised because of “security” concerns. I often considered this due to their embeddedness with the wider Somali community and their ethnic association with Al-Shabaab (see chapter 2). However, their situation of not being legally recognised was not unique, but their Somali identity may have been attributed further to their uncertainty. They maintained their CBO status through their work, despite RAS’s lack of legal acceptance and their debt, as to simply stop would cost them their legitimacy as a CBO. They were enacting a kind of boundary work to be recognised as legitimate, requiring constant work and practice through relations to be connected to a state function. Being considered within the state boundary is contextual, in this case, the lack of formal recognition from RAS did not inhibit the CBO from attempting to demonstrate their ability to be a state function. To be recognised as a legitimate state function, they had to maintain their CBO despite the financial restraints. This was not only to convince “new arrivals” and block leaders but also RAS. This process of legitimization is slow it requires constant work through relations that change over time and according to new political settings.

4.4 Conclusion

Based on the analysis provided in this chapter, I argue that governance in Kakuma and Kalobeyei, cannot be considered the image of a ‘state within a state’ (Jansen, 2011, p.73) nor, can the welfare provisions provided by CBOs simply be described as civil society. Instead, by using a relational perspective when analysing these institutions of welfare and governance, the state can be understood as existing within relations between actors. Actors involved in camp governance and welfare provisions clearly demonstrate how the state is constituted between actors over negotiations concerning unequal access to resources and ideas of legitimacy. This process, I argue, is highly temporarily contextual, as at different moments in time the state boundaries may stop or start according to particular relations. How people understand the state and who is connected to it can help us disentangle how state images and practices become interconnected into a whole ideal. The power to “turn on” certain state or humanitarian functions is intertwined with this process, allowing some to replicate, emulate, and embody certain key state functions, or impose power and control onto others.

Traditional administrations were instrumentally used as a form of indirect rule in Kakuma. The ethnic, religious, or traditional administrations were initially established by the UNHCR and LWF, only to be integrated with RAS as it suited their capacity to govern the camp. This is demonstrated with RAS vetting of traditional administrations, effectively turning on their

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interaction with the Nuer administration at particular moments in time. Furthermore, disputes and extensive violence that challenged the very idea of Kenyan legitimacy activated engagement with key state actors, such as the Camp Manager and the Deputy County Commissioner. At this intersection, the state boundary became apparent in the face of intense politicized violence that threatened Kenyan state actors' control.

Alike traditional forms of governance in Kakuma block and zonal leaders were also associated with the camp's respective identities and religions, despite the UNHCR and LWFs attempts to distance them from such associations. Yet the embeddedness of particular identity norms was kept in check by the state's regulatory structure, enacted through block and zonal committee members. Furthermore, block and zonal leaders were also excluded from state functions that directly impacted them. Where the Nuer administration had a degree of autonomy over certain "traditional" roles, block and zonal leaders were excluded from knowing how their budget for local services would be distributed, leading to accusations of corruption associated with the Kenyan state. This relational modality has emerged from the changing of humanitarian welfare. The reduced budget became associated with the Kenyan state. The formation of the state by employing the delegation of tasks, from the RAS or UNHCR to other agencies such as NRC or LWF became considered within the boundary work of the Kenyan state. On the other hand, corrupt practices enacted by block and zonal leaders such as selling property, also encouraged some refugees to associate block and zonal leaders with the state. Taking a relational perspective with regards to the state illustrates how the state can be 'on' and 'off' from different contextual and temporal perspectives.

Alike governance, refugee-led CBOs also perform a state function. These had been learned from attending camp education and from working for various humanitarian organisations within the camp. Developed from the daily face-to-face interactions with other refugees, CBOs legitimized themselves as a state function. The CBO discussed in this chapter also utilised humanitarian and state terms such as "beneficiary" and "new arrival". While this was also used to reaffirm their practices as a state function, it further enabled them to draw on categories and frames of solidarity. Through their dissemination meetings with new arrivals, the CBO explained the various agencies operating in Kakuma and what services each provides. Here, the CBO established relations between new arrivals and block leaders, contributing to them being part of the state function through such interaction. However, the CBO's lack of recognition from RAS left this recognition at a point of uncertainty, making them operate in a form of 'informal' accountability (Bierschenk and Olivier de Sardan, 2014).

The CBO's situation of not being legally recognised was not unique, but may have attributed further to their uncertainty. The volunteers maintained their CBO and legitimacy as a state function through their work, creating a boundary that distinguished them as a part of humanitarian and state assemblage.

In sum, the vetting procedure set up by RAS worked as a form of establishing governance over CBOs. This financial vetting induced CBOs to rely on granting RAS "gifts" through NRC to hasten the vetting procedure. Through this gift giving, orchestrated through NRC relations, bribes again became considered within the boundary work of the Kenyan state. The lack of 'social capital' and 'activatable' favours from social networks made CBOs turn to gift giving to secure their chance of being verified as a CBO by RAS and the DCC. In sum, the emergence of RAS into the affairs of ethnic administration, block/zonal leaders, and the work of CBOs, all demonstrated the increasing presence of the Kenyan state in camp governance and welfare distribution. It was an attempt to govern through indirect rule, utilising the pre-existing networks of the humanitarian administration of the UNHCR. The Kenyan state became constituted within these relations, defining the boundary and embeddedness of who belonged to the state.

Chapter 5. Enforced Disappearances and the Multiplicity of States

On an August morning in 2018, I had been with Ali meeting with people considering repatriation to Somali (see chapter 2). Ali declined my invitation for lunch, deciding to stay at his home instead. I decided to contact Omar, a Darfurian informant, and arrange to meet at an Ethiopian *hotel*. In the backroom, behind a curtain, Omar and I sat in relative privacy, Omar got up to wash his hands at the tap behind the *hotel*. Moments later a man approached me and greeted me in English while shaking my hand, then asked what I was doing here which I replied that I was simply waiting for my friend to return. He then left and returned to his seat with another man. Omar then returned and I informed him what had just happened, as I was doing so, I could see the man staring at us between the crack in the curtain. Omar looked concerned and told me they were members of the CID (Criminal Investigation Department). We then decided it was best to leave the *hotel*.

We reconvened at his house, being careful we were not followed pausing briefly and looking back before moving again along the main roads. Within the narrow passageways through Omar's block, we began to feel safe and unwatched. Once at Omar's home he explained the need for caution, "I know those are police, I have seen them before in uniform. But now with a *mzungu* [white person] around, they are in normal clothes. These CIDs are dangerous people, you will be killed and the UNHCR will not know... One day I heard the police came into the community with a vehicle and killed people." (Field diary, Kakuma, 17.08.18). Omar was referring to Marko Lokidor, a Sudan People's Liberation Army-In-Opposition (SPLA-IO) politician in the camp who was kidnapped by unknown assailants. Reactions to the presence of "CIDs" or CID agents displayed by Omar and others were not uncommon, they often sparked stories and rumours of police killings, kidnapping, and enforced disappearances.

Early into my fieldwork, I had become interested in the topic of the disappearance of political actors from South Sudan. I had mentioned to Marco, a UNHCR member of staff that I had begun looking into the enforced disappearances of a South Sudanese man in the camp. He quickly replied, "You should not be looking into this." (Field diary, Kakuma, 14.07.18). Reflecting upon this, I consider he was thinking of my safety and was concerned that I even suggested investigating the matter. However, the ongoing complacency of the UNHCR towards enforced disappearances of refugee political actors highlights their inability to protect them. I ignored the UNHCR agent's advice and through a series of serendipitous encounters became acquainted with members from two political organisations within the camp who had either been threatened with or escaped possible enforced disappearance.

The two political groups in Kakuma were a branch of the SPLM-IO (Sudan People's Liberation Movement-in-Opposition) and a grassroots Somali Bantu group (hereafter referred to as the Somali Party). These political organisations were not obvious at first, only through attending church and becoming acquainted with a Somali Bantu youth group did I gain access to non-accepted or so-called 'subversive' political organisations. Non-accepted, illegal, or 'subversive' political groups refer to non-recognised political organisations by the camp's authorities as they are concerned with 'home' country politics. This contrasts with the accepted politics of the camp, such as religious, elder, to block, or zonal leaders that deal with camp affairs (see chapter 4). Being an illegal or 'subversive' political organisation, the actors involved in these political groups risked state violence. The members of the SPLM-IO and the Somali Party both operate in religious spaces as a response to the threat of disappearance. From these spaces, both political organisations practiced politics and relayed their political aspirations within the security of a church or Sufi lodge.

The political organisation of the SPLM-IO and the Somali Party both made claims to represent their "people" and country of origin. Both organisations positioned themselves as political movements in exile. The SPLM-IO acting in opposition to the ruling party in South Sudan, and the Somali Party is a political organisation with aspirations for office in Somalia. Each group claimed state representation in the camp, be it either in South Sudan or Somalia. As such, the actors, and the political organisations, were foreign state representatives in Kakuma. Their practices, images, discourse, and political community in which they claimed to represent, demonstrated the multiplicity of states (see chapter 1) within the camp. However, this representation could only go so far, as I mentioned above such political practices were deemed illegitimate and 'subversive' to the camps governing bodies. Therefore, their political practices had to be maintained in hiding, only being revealed at strategic and opportune moments.

In this chapter, I examine the impact of enforced disappearances on foreign state representatives in Kakuma Refugee Camp. Members of the SPLM-IO and the Somali Party each had their unique aspirations for their 'home' countries. However, for these political actors and respective political organisation, they had to keep their political practices secret or risk being deemed 'subversive' by the camp authorities. Here I explore this relationship between the threat of enforced disappearances and the constant reshaping of political communities and their practices. Those who survive or experience enforced disappearances reorganise themselves accordingly, becoming dependent on trust-based relations and religious

communities for their personal safety. Their practices mutated, shifting their appearance and movement from one of high status to low. The means political communities reorganise themselves are primarily for security. The tangible change to their lives mainly involves moving political activities into religious spaces. Despite attempting to remain unseen, these organisations sometimes spilled into the public arena, either with public displays or bouts of politicized violence, which brought the attention of the state to their activities.

To understand the reactionary practices and discourses concerning enforced disappearances that emerge, I first trace the historic trajectory from which state terror tactics such as enforced disappearance originate. Examining the early colonial practices, their theoretical underpinnings from ‘warrior-scholars’ such as Frank Kitson (Bennett and Cormac, 2013), and their contemporary usage against the displaced. Then I will outline my theoretical considerations, examining the affect of enforced disappearances have on state representatives in Kakuma. Employing Scott’s concept of domination within the public and private transcripts (Scott, 1990), I analyse how enforced disappearances shape public and private political practices and discourses of foreign state actors and their respective communities. Then, I examine how the securitization of Kenyan refugee protection, namely the use of containment and registration of refugees in Kakuma and Kalobeyei enables disappearances. And finally, I move on to detailing the political practices that emerge out of these disappearances and how they shape or transform the two political organisations identities, political formation, religious practices, and understanding of the state. In doing so, I demonstrate how the camp is occupied by a multiplicity of states, but also demonstrate how states are performed in certain spaces to specific audiences.

5.1 In the Footsteps of Kitson

The state terror tactics used in contemporary Kenya were originally deployed and developed by the British colonial powers to coerce and rule strategic populations within the imperial regime. The tactic of kidnapping, torture, interrogation, killing, and subsequently making bodies disappear termed as enforced disappearance, was not a British invention, but the application of such a military method used during the late colonial and post-colonial period is frequently noted. Here I will outline the trajectory of state terror tactics utilised by the British Empire during the late colonial period illustrating how these state terror tactics – including enforced disappearances – were adopted by the Kenyan post-colonial governments and regimes. Tracing the use of such state terror tactics, I argue that enforced disappearances, alongside many other colonial tactics, are in essence technics of rule. In particular, I am

interested in how a colonial tactic such as enforced disappearances, is still utilised by a post-colonial Kenyan state against its own citizenry and refugee population.

Instances, where state terror tactics were utilised and developed, include but are not exclusive to the Malaysian Liberation War 1948–1960, Mau Mau Uprising 1952–1960 to the Northern Irish Troubles 1968–1999, each of which represent forms of ‘low-intensity conflicts’ (Kitson, 1971), which the British armed forces utilised state terror tactics. State terror is a culmination of varying violent tactics used by states to coerce and control populations, then enforced disappearances is one such tactic in the arsenal of coercive practices. Although the tactic was not explicitly termed as ‘enforced disappearance’ by the British military, I use the term to describe any abduction of individuals by state actors. Comprehensive to this, but not explicit, is the use of torture, forced confinement, and killing of those who disappear under state supervision.

The use of state terror tactics within Kenya, I argue can be traced to the military theories developed during the colonial era. Frank Kitson, who notably served in Malaya, Kenya, Aden, Cyprus, and Northern Ireland is considered one of the founding figures in contemporary British and Kenyan counter-insurgency. Kitson was one of the major developers of the Kenya Colony Special Branch by expanding its intelligence operations (Shaffer, 2019). The Special Branch was a subsection of the Criminal Investigation Department (CID) and had its origins within the organisation, providing the CID with civilian intelligence (Africa and Kwadjo, 2009). Kitson would go on to shape the Kenyan Special Branch and subsequently the operations of the Criminal Investigation Department, which in turn shaped his thinking towards counter-insurgency in other colonial settings within the Empire.

Kitson’s counter-insurgency tactics were primarily developed and practiced during the Mau Mau Uprising and later utilised in other contexts, such as Northern Ireland. A key concept employed by Kitson when waging asymmetric warfare was the ‘counter-gang’ or ‘pseudo-gang’ (1960). Kitson expanded upon the concept of the ‘government gangs’ strategy by Orde Wingate a British army officer who developed the concept when in Anglo-Egyptian Sudan (1928–1933) and British Mandatory Palestine (1936–1939). The basis of Kitson’s concept was an intensive intelligence network formed out of ‘counter-gangs’, units made of the army’s counter-insurgents and former members of guerrilla forces. The tactic was for these ‘counter-gangs’ to infiltrate guerrilla movements, gather information for military databases, and then use that information to capture, torture, and then kill or recruit enemy combatants.

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‘Very often our pseudo gang would be making routine visits to the small support groups in the Reserve or in labour lines. We had to do this so that the local Mau Mau would get to know us and trust us. Otherwise they would not keep us informed of the movements of the real gangs or put us in touch with the leaders when they visited the area.’ (Kitson, 1960, p. 149).

Kitson developed the concept when fielded in Kenya during the Mau Mau Uprising. His writings are blatantly racist and are infused with imperialist overtones that coincide with his military position for the period. Kitson’s practices and theories developed during the Mau Mau Uprising served as the basis for later counter-insurgent thinking in other contexts in the British Empire and post-colonial Kenya.

The Mau Mau uprising (1952–1960), was an armed revolt by the Land and Freedom Army against the colonial state and its draconian legal regime that placed native populations into reserves, enforced identification or kipande, and inhibited the growth of cash crops forcing the indigenous population into abject poverty. The Land and Freedom Party who were commonly termed ‘Mau Mau terrorists’ by the colonial state (Elkins, Lonsdale and Triulzi, 2005), were a breakaway movement from the Kenyan African Union after failed attempts to attain significant reforms. The consequence was a seven-year low-intensity guerrilla conflict in the central highlands of Kenya combined with a brutal response by the British colonial government. After a state of emergency was declared in 1952, the colonial state began forcing whole populations into detention camps where they would be used as forced labour and, in some cases, tortured for information. Furthermore, the British utilised the use of villagization like the Malaysian Liberation War, where loyalist populations would be forcefully moved to secured settlements. In villagized settlements collective punishments such as curfews were more severe, while malnutrition and starvation were reportedly rampant (Elkins, Lonsdale and Triulzi, 2005, pp. 252–260).

The military practices developed during the Mau Mau Uprising not only shaped contemporary counter-insurgency theory developed by Kitson, but also contributed to the post-colonial Kenyan responses to future political movements. Kitson is considered one of the founding thinkers towards counter-insurgency tactics in security and military studies (Kilcullen, 2006; Strachan, 2007; Bennett and Cormac, 2013; Cline and Shemella, 2015). In *Low Intensity Operations: Subversion, Insurgency, Peace-Keeping*, Kitson describes how the state must ‘win hearts and minds’ of the population while utilising ‘counter-insurgent’ agent is to infiltrate ‘subversive’ non-violent and violent organisations (Kitson, 1971, pp. 102–109).

Alike Kitson's concept of 'pseudo-gangs' (1960), here the 'counter-insurgent' is to extract a vast amount of information before 'contact' or an attack is to be made (Kitson, 1971, pp. 106–108). How exactly interrogation or extracting information from 'subversive' actors is achieved is never detailed in Kitson's writings, Kitson only notes that for interrogation to be useful a central computer system with all relevant information on the suspect is necessary (Kitson, 1971, p. 142). In Kenya, Kitson allowed for the torture, execution, and disappearance of approximately a thousand individuals for simply 'consorting with terrorists' or 'illegal possession of firearms' (Ramsey, 2020) while containing them within gulags. In Northern Ireland, Kitson was in command of the 39th Airportable Brigade which actively had its regiment fire on civilians while in plain cloths to exacerbate sectarian tensions (Fields, 1980), and was in command during the Ballymurphy massacre.

Kitson's legacy lives on within contemporary Kenyan counter-insurgency practices, during the Shifta War (1963–1967) a conflict that emerged shortly again Kenyan independence. The Shifta War enveloped the Northern Frontier District and was fought between the Northern Frontier District Liberation Army (NFDLA) and the Kenyan military. The war can be described as a secessionist conflict for the Northern Frontier District to be merged with the Somali Republic, which actively supported the NFDLA. The response by the Kenyan state resembled that of the British Colony during the Mau Mau Uprising. In 1966 the Kenyan government introduced forced villagization to counter NFDLA raids. 'It was argued by the Kenyan government that this would facilitate security force operations against shifta, whilst winning over hearts and minds of northern Kenyans through the village development.' (Whittaker, 2014, p. 107), or forced villagization. During the operation the Kenyan government secondment British officers to serve as battalion, bridge, police, and intelligent commanders (Whittaker, 2014, pp. 109–110). For example, Derek Franklin served as a special branch officer during the Mau Mau Uprising and again during the Shifta Wars. In Derek Franklin's memoirs during the Shifta Wars, he remarks on the use of 'pseudo-gangs' to infiltrate and gather information on the NFDLA (Franklin, 1996), resembling tactics of his former superior Frank Kitson. Derek Franklin would eventually leave Kenya for Botswana, but the model for dealing with counter-insurgents was in place. The consequences of Kenya's response during the Shifta War starkly resembled that of the repression enacted during the Mau Mau Uprising. The forced villagization produced abject poverty and the brutal repression of Kenyan security forces would last long after the war, such as with the Wagalla massacre killing approximately 500 to 1000 people in 1984 (Anderson, 2014). The use of extrajudicial killings and enforced disappearances became increasingly common (or began to be accounted

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for) after this period, tactics I argue that originated from the colonial model and emerge as a prominent tactic of the early post-colonial period.

Under the dictatorship of President Moi (1978–2002), oppression of political opposition intensified. Most notable of his legacy was the Nyayo house, meaning ‘footsteps’ in Kiswahili which Moi claimed to be following in the footsteps of the first President Kenyatta (Widner, 1993). Nyayo house was designed in consultation with the Special Branch, which had specific torture chambers installed within its basement. From here political opponents would disappear, such as the Mwakenya, (Union of Nationalists to Liberate Kenya) an illegal pan-tribal opposition democratic movement (Shaffer, 2019). Under Moi, the Special Branch would undergo a series of reforms, the first in 1986, a presidential charter was renamed the Special Branch to the Directorate of Security Intelligence (DSI). In 1998, the US embassy in Kenya was attacked by Al-Qaeda, the aftermath saw the CID working closely with the United States Federal Bureau of Investigations (FBI). This second reform of the DSI was in 1999 when the DSI had its police functions revoked. The DSI was later renamed the National Security Intelligence Service (NSIS) and without its power to arrest which would be left to the CID (Shaffer, 2019).

In 2010 a new constitution was adopted after the stepping down of Moi in 2002 (see chapter 3), this period saw some attempts to reform the police service and NSIS. NSIS was renamed once again to the National Intelligence Service (NIS) and through the reforms would gain an expansion of an additional 300 staff with extensive training (Shaffer, 2019). Under the National Police Service Act of 2011, the Kenyan police force – including the CID – would be centralised under a single hierarchy and gain a civilian oversight in recruitment and review of complaints through the Independent Policing Oversight Authority (IPOA). Further, Article 41 of the National Police Service Act has placed limits on the amount of lethal and non-lethal force a police officer can use (Africa and Kwadjo, 2009). Despite the reforms, Kenyan security forces maintained a reliance upon state terror tactics to coerce and control Kenyan citizens and political organisations.

In 2013, the Kenyan security forces were caught unaware when Al-Shabaab attacked the Westgate Mall, an elite shopping resort within Nairobi (Shaffer, 2019). Although Al-Shabaab militants had committed attacks across the North Eastern District and within Eastleigh, this had been the first time they had focused an attack within an affluent district of Nairobi city. Despite the government’s attempt of replacing certain senior figures within the Kenyan Police and NIS (Shaffer, 2019) to improve their efficiency, Al-Shabaab attacks continued to

intensify within the country, in particular the Garissa University attack in 2015 that left over 150 students dead (Anderson and McKnight, 2015). Again, Kenya's response to such attacks has resembled those of the British colony during the Mau Mau Uprising.

In response to the increased Al-Shabaab activity, the Kenyan state initially targeted religious leaders and later began targeting Somali populations across Kenya. Religious actors, such as the Muslim cleric Aboud Rogo, killed by Kenyan security forces in 2012, and Sheik Ibrahim Ismael killed in 2013 were both alleged Al-Shabaab supporters. In 2014, Operation Usalama Watch, a Kenyan counter-terror response targeting Eastleigh residents in a mass roundup (as previously mentioned in chapter 2). Over one thousand predominately Somalis were detained and held in overcrowded makeshift cells at a nearby football stadium without food or sanitation. During the roundup, excessive violence was used by security personnel, such as beatings, torture, rape, and extortion (see Balakian, 2016; Millar, 2016; Scharrer, 2018; Wairuri, 2018). In the aftermath of the operation, less than 400 Somalis were expelled from Kenya, three of whom were registered refugees. Some of those expelled claimed their refugee or alien cards were destroyed during the process. These practices of the Kenyan security during Operation Usalama Watch breached the principle of non-refoulement (Mwangi, 2018). Despite the post-Moi reforms of Kenya's security apparatus, the state still utilised such tactics against Kenyan citizens, but also refugees.

Other actions used by the state were less dramatized and subtler in their approach during Operation Usalama Watch. Such atrocities have been documented by the Kenyan National Commission on Human Rights (KNCHR) in their report *The Error of Fighting Terror with Terror*:

'This report documents over one hundred and twenty (120) cases of egregious human rights violations that include twenty-five (25) extrajudicial killings and eighty-one (81) enforced disappearances. As detailed in the foregoing, these violations are widespread, systematic, and well-coordinated and include but are not limited to arbitrary arrests, extortion, illegal detention, torture, killings, and disappearances. KNCHR has heard multiple narratives of suspects being rounded up and detained for periods ranging from a few hours to many days in extremely overcrowded and inhumane and degrading conditions. Many have been tortured while in detention sustaining serious physical injuries and psychological harm as a result. The torture methods include beatings, waterboarding, electric shocks, genital mutilation, exposure to extreme cold or heat, hanging on trees, mock executions, and exposure to stinging by ants in the wild, denial of sleep and food.' (KNCHR, 2015).

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These atrocities have been conducted primarily within the counties of the North Eastern District and the residents of Eastleigh Nairobi, predominately targeting ethnic Somalis (some of whom are recognised refugees within the country). Although the KNCHR does not clarify if any of those who were abducted ever reappeared, the tactic of enforced disappearance is a common security method during this period. The round up and force detainment of a particular ethnic group combined with the enforced disappearance and extrajudicial killings illustrate a commonality between contemporary anti-terror tactics of the Kenyan state and those used against insurgents during the colonial period.

The enforced disappearance of refugees, asylum seekers, and non-Kenyan nationals legally within the country has become an increasingly reported occurrence. According to Human Rights Watch, Ethiopians have been targeted by Kenyan security personnel since 2014. One case, in February 2014 describes how one man was detained by Kenyan police in Nairobi, he was then taken to a police station where he was beaten and interrogated by an Ethiopian in front of Kenyan CID agents. He would be released two weeks later without charge. In October 2015, Mr. Dabasso Guyo, an Oromo Ethiopian elder disappeared in Nairobi. Witnesses later revealed that he had been kidnapped by Kenyan police and later seen in detention in Addis Ababa. Again, in January 2014, Kenyan and Ethiopian security forces arrested Sulub Ahmed and Ali Hussein in Nairobi. Both were members of the Ogaden National Liberation Front (ONLF), and one was registered as a refugee with the UNHCR in Kenya. Both were kidnapped in Nairobi and later held in Addis Ababa for approximately sixteen months before being released. According to Human Rights Watch, most cases of disappearances begin with phone calls or text messages that harass or threaten the individual, either in their national language, English, or Kiswahili. (Human Rights Watch, 2017).

In recent years, South Sudanese political and human rights activists have also been targeted. On 23rd and 24th January 2017, Aggrey Ezbon Idri and Dong Samuel Luak were kidnapped in separate instances in Nairobi. Aggrey Ezbon Idri, a Sudan People's Liberation Movement-In Opposition (SPLM-IO) official, and Dong Samuel Luak a human rights activist and registered refugee were both considered missing until 2019, when Amnesty International sources revealed they had been executed in Juba on the 30th of January 2017. Both Kenyan and South Sudanese authorities both claim they did not sanction such actions while placing the responsibility on the other state (Amnesty International, 2019). The UNHCR was asked to support an investigation into the cases but did not, instead called on the respective and likely involved Governments to investigate. Again, in December 2017, Marko Lokidor was

kidnapped in Kakuma Refugee Camp (Amnesty International, 2019) by Kenyan security officers and handed over to South Sudanese authorities at the border. Marko Lokidor is the Sudan People's Liberation Movement-in-Opposition governor of Kapoeta state. Marko Lokidor was later released on the 25th of October 2018, in accordance with the 2018 peace agreement in South Sudan (Radio Tamazuj, 2018).

The lack of protection for refugee political activists, such as the cases of the Oromo and South Sudanese can relate to the African Union Refugee Convention. The legal restrictions for refugees practicing politics of their 'home' country relate to Article 3 in the Organisation of African Union (OAU, and later African Union (AU)) refugee convention (1974):

- '1. Every refugee has duties to the country in which he finds himself, which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the OAU.
2. 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.'

When investigating the effect of enforced disappearances in Kakuma, I received no comment from UNHCR staff. The UNHCR's apparent complacency and lack of action illustrated in their reluctance to interfere with state affairs, is possibly due to their practice of using diplomatic channels to raise concerns. However, this is a troubling situation, where the Kenyan state could not be brought to account publicly by the agency meant to protection refugees and asylum seekers. Instead, we have the agency meant to protect refugees, remaining silent for the sake of keeping good relations with the Kenyan state.

5.2 The Political Affect of Enforced Disappearances in Public and Private Spaces

Enforced disappearances are one of many state terror tactics, a tactic utilised by certain state agencies to produce a desired impact upon populations on varying scales and within different localities. Those agencies representing states can turn on their citizenry using enforced disappearances for a desired effect to silence and coerce (Sluka, 2010). In Kakuma, enforced disappearances almost seem to simultaneously materialise beyond state boundaries amongst diaspora or upon non-citizens within the camp creating 'spaces of death' (Taussig, 1991).

This hidden process can give rise to powerful imaginaries and emotive responses to the state (Aretxaga, 2003) of South Sudan, Kenya, and so on. It is capable to continue under the guise

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of patriotism and reactionary responses to a hidden enemy such as “terrorists” or “traitor”, the result is a disguise of power and its multiple layers to fight the mutual adversary on behalf of the nation(s) (Aretxaga, 2003). Thus, when someone disappears, the state is imagined for multiple audiences, for those who support such actions the disappearance becomes a patriotic act, while others who condemn it, can come to fear it. Such actions are only enabled due to transforming transnational and global networks, these ‘shadow’ networks (Nordstrom, 2004) enable states to strike with impunity upon unsuspecting targets and produce such responses that alter social and political life. In Kakuma, the relationship between the Kenyan and South Sudanese state networks is elusive, but it can be traced from the lived experiences of those who survived or witnessed such atrocities.

Enforced disappearances have been discussed before in the anthropological literature, mainly examining its use, effect, and cause. Sluka argues that enforced disappearances are ‘cases where individuals are seized by the military, paramilitary or police agents of the state, who secretly murder and dispose of the bodies of their victims, often after torture, always without legal process, and without acknowledgment and admitted responsibility of the state’ (Sluka, 2010, p. 4). Others, such as Alwis, see it as a violent practice of elimination of people and their bodies, with the intended result to produce an intensification of grief for kin, networks, or whole societies of the missing (De Alwis, 2009). This contrasts with the perpetrators who are empowered in the process through the successful removal of the body enhanced by the ability to appear invisible (Robben, 2005). In recent years, there has been a growing literature that deals with the enforced disappearance from Cambodia, Argentina, Guatemala, and Colombia (Sanford and Barbour, 2003; Hinton, 2005; Robben, 2005; Rozema, 2011), demonstrating the range and variety of the practices use across cultural contexts.

In Kakuma and Kalobeyei, enforced disappearances influence how actors conduct themselves politically within the public and the private. Katherine Verdery explains how the dead have immense symbolic potential that can reorganise societies' moral and political order (1999). However, in the case of the enforced disappearance, there is no dead body to carry such symbolic potency, this results in ‘the ambivalence of absence’ that ‘affects many practices around the missing’ (Huttunen, 2016). Huttunen, rightfully notes how enforced disappearances grant power through fear, while simultaneously allowing for states and the power to maintain a façade of respectability or a legitimate actor within contemporary global politics (2016). I follow Huttunen’s call ‘to understand the ways in which the liminality of the missing give rise to various new social practices.’ (2016). I want to understand how those left

behind witnesses and survivors of enforced disappearance ‘reinhabit the world’ (Das *et al.*, 2000, p. 223) and reorganise it politically. Alwis examines the enforced disappeared in Sri Lanka and the poignant attempts by mothers to gain political recognition of their missing through public displays (De Alwis, 2009). The suffering of Sinhala women who use material and visual objects to reassert the presence of the disappeared through public displays (Alwis, 2009). Huttunen, on the other hand, examines the practices of remembering and the commemoration of the missing in post-war Bosnia (2016). Using the concept of liminality, Huttunen inspects how a moral *communitas* based on the reburial ceremonies are framed by ethnonational terms, as opposed to ‘all-encompassing humanity’ (2016). Here I want to examine such an unexplored facet in relation to the disappeared, how the affective production of disappearances shapes political public and private life.

The affective potency of the state induced by enforced disappearances and its social consequences for political activists and foreign state representatives in Kakuma is what this chapter is anchored on. The state is an emotional object that requires the investment of fear (Aretxaga, 2005). For Aretxaga, the material ‘technologies of control’ are ‘are animated by a substrate of fantasy scenes that betray complicated kinds of intimacy, sensualities, and bodily operations. If the state is constituted as an effect of discourses and practices, this is an embodied and sensual effect.’ (Aretxaga, 2005, p. 264). Institutions, their objects, actors, and practices can ‘discharge’ effective and affective responses (Navaro-Yashin, 2012, p. 33). Political affects are the product of ‘interaction’, interconnected to and ‘within the contingencies and historicity of those specific interactions’ (Navaro-Yashin, 2012, p. 159). However, the uncertainty over the exact cause or responsibility for the disappearance (Strasser and Piart, 2018), can enable a whole array of different responsible actors, institutions, and states to become associated with the affect (Laszczkowski and Reeves, 2017). Making the affect to have political substance ‘that structures both opportunities and challenges for political actors and is constitutive of the acting subjects themselves’ (Laszczkowski and Reeves, 2017, p. 2).

This affective potency or ‘state affect’ is much more than an epiphenomena moment of the political, affects and emotions are critical for constituting the state image (Laszczkowski and Reeves, 2017). I consider affects and emotions such as fear and paranoia to be a particular technique of rule (Richard and Rudnyckyj, 2009), the practice of making someone disappear as a technology of governance is the induction of an individual, family, or community to fear and state terror. Yet, emotions are important in the shaping of the self (Rudnyckyj, 2011), to

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challenging or reinforcing power differences (Lutz and Abu-Lughod, 1990), the formalisation of social movement (Jasper, 2011) to emotive self-shaping of piety practices (Mahmood, 2011). Fears are notably contextual and difficult to generalise, as they are not necessarily negative and can be used consciously as a strategy, moral code, or lifesaving virtue in authoritarian contexts (Bozzini, 2015).

The use of enforced disappearances, I argue is a political strategy of colonial origin utilised to control and govern populations. Disappearances produce a powerful impact not only on individuals directly related to the disappeared but also on the wider communities to which they belong. By paying particular attention to the practices of individuals and communities impacted by disappearance, I demonstrate how their practices are shaped by imaginaries of and interactions with institutions associated with the disappearance. These actors mediate the threat of disappearance through adopting or utilising spaces, practices, and roles, which not only demonstrates the different survival mechanisms adopted by actors but also reflects how the enforced disappearance comes to govern their lives. The cases I examine in Kakuma deal with actors threatened with enforced disappearance or survivors of such actions. These political actors are representative of foreign states in Kakuma, namely South Sudan and Somalia. They represent the multiplicity of states within the camp context. The consequence of enforced disappearances is shaping the political practices and discourse of such foreign state actors in the public and private arena. To do so, I utilise Scott's concept of domination on subordinate groups. For Scott domination is utilised by elite groups by means of claim making over public and, in some respects, private life (1990). The contrast between the hidden and public practices can show the 'impact of domination' (Scott, 1990, p. 8). Scott's thought builds upon Gramsci's use of hegemony, how the ruling class – the bourgeoisie – establishes and upholds political and social control.

The two groups detailed in this chapter, are both representative of states in Kakuma, yet their political practices are shaped in relation to enforced disappearances. I examine the impact of enforced disappearances, how it reshapes actors' practices and speech within private and public spaces. Scott details four varieties of political discourse amongst political subordinates: firstly, the 'self-flattering of elites'; second, represents the hidden transcript or offstage 'where subordinates may gather outside the intimidation gaze of power' where 'a sharply dissonant political culture is possible'; third, 'is the politics of disguise' a space between public and private where rumour, gossip and jokes take on a code or 'euphemism'; and lastly, when the hidden transcript enters the public, such as denunciations and true feelings that were

expressed in private become expressed in public arenas (Scott, 1990, pp. 18–19). Scott argues that an infrapolitics analysis can offer ‘us a way of addressing the issue of hegemonic incorporation’ (Scott, 1990, p. 19). In essence, in spaces of domination, the study of micro-political practices and discourse in private settings by dominated class can help in the understanding of hegemony in the Gramscian sense.

The public transcripts of the subordinate require maintenance and manipulation to be accepted by the dominant class. Some acts of obedience or impressions of conformity can be habitual, ritualised, or ‘performed automatically’ (Scott, 1990, p. 24). On the other hand, it can require careful calculation and manipulation to conceal true intention. Moreover, as Scott notes power relations can be ‘generated among subordinate groups’ to offset dominant groups from recognising behavioural practices and speech ‘from above’ (Scott, 1990, p. 27). The performance of speech, linguistic phrases to the conformity of ‘facial expression and gesture as well as practical obedience to commands that may be distasteful or humiliating’ (Scott, 1990, p. 29). These constant forms of discourses and practices are forms of conformity and manipulation ‘...become an actual political resource of subordinates’ (Scott, 1990, p. 34) to manage the power of elites and dominant groups. While open hatred ‘must either be insinuated cleverly into the public transcript to avoid retaliation or else be expressed offstage. The hidden transcript comes, in this way, to be the repository of the assertions whose open expression would be dangerous.’ (Scott, 1990, p. 40). Scott is rather explicit in highlighting that the public practices and discourses of the subordinate are not a simple play of acceptance of power, but a game of concealment of hidden meaning. Power in this sense is a theatre of words and practice belonging to social cues that require study to understand.

The hidden transcript grants some refuge from domination and allows the subordinate to ‘have a shared interest in joint creating a discourse of dignity’ and solidarity through its concealment (Scott, 1990, p. 114). Within these social spaces, common ideology to religion is shaped in response to the hegemonic narrative. However, for this to occur, the subordinate hidden transcript needs an audience and ‘must carve out for itself social spaces insulated from control and surveillance from above.’ (Scott, 1990, p. 118). Scott makes clear that the hidden transcript is a product of both resistance to domination and power relations among subordinates that requires enaction, practice, and dissemination within offstage hidden transcripts. At the same time, for a hidden transcript to be effective it requires a certain degree of freedom from surveillance and solidarity amongst those it involves. ‘The creation of a secure site for the hidden transcript might, however, not require any physical distance from

the dominant so long as linguistic codes, dialects, and gestures – opaque to the masters and mistresses – were deployed.’ (Scott, 1990, p. 121). The power of autonomous sites, social language, or physical spaces, can almost be measured by the ‘strenuous effort made by dominant groups to abolish or control such sites.’ (Scott, 1990, p. 124). To observe the extent of hegemonic power, Scott reiterates the analysis of infrapolitics between the hidden and public transcript of subordinate groups.

Utilising Scott’s ‘infrapolitics’ can help examine the different political practices and discourses used in public and private spaces. I intend to illustrate how affect of state terror in the form of enforced disappearances shapes the practices and discourses of foreign state representatives in Kakuma. The focus here is the response to such state terror, in the form of differing hidden and public practices and discourses, and how they shape political discourses, religion, piety, identity, and the notions of the state.

To understand this, I will firstly examine the Kenyan security apparatus and how it works within refugee management. Then, I will illustrate the case of two actors and their encounters with abductions or threat of murder, Deng and Ali. Both actors have experienced either direct threats of enforced disappearance or survived encounters. By tracing their experiences with enforced disappearances, I want to illustrate how they are socialized and give rise to forms of practice. Then, I will move on to how the missing give way to existing forms of political organisation, state representation, and practice that safeguard foreign state actors. Members of the SPLM-IO (Sudan People’s Liberation Movement-in-Opposition) in Kakuma, the Somali political party, both operate in religious spaces as a response to the threat of disappearance. From these spaces both political organisations practice politics considered “subversive” by the camp managerial bodies. Despite attempting to remain unseen, these organisations sometimes spill into the public, either with public displays or bouts of politicized violence.

5.3 Registration and the CID, Infrastructural Enablers of Enforced Disappearances

Enforced disappearances within Kenya emerged out of colonial rule and its attempts to subvert political dissidents. As demonstrated above, the historic development of Kenya’s security apparatus has the potential to produce disappearances, its historic use of containment and counter-insurgent ‘gangs’ enable such work. The temporal dimension of extended disappearance spans across political landscapes illustrates its effectiveness in maintaining coercive control of specific subjects. From originally being a means to repress colonial subjects, and now citizens, refugees, and exiled political dissidents on the behest of

neighbouring states demonstrate the transformative capacity of the tactic. However, certain settings appear to correlate with its use, namely encampment and registration. The use of camps and identity cards, be it forced villagization and the Kipande system during the colonial period to the contemporary use of refugee camps and refugee registration, illustrates how camps and registration facilitate state actors' ability to track and trace political dissidents and foreign state activists.

Refugee registration was inadvertently a means to track and trace suspected 'subversive' political actors. Much like the Kipande system (see chapter 6), refugee registration allowed Kenyan security forces to locate foreign political activists and state representatives. Refugee registration, the apparatus used by RAS to conduct surveillance and monitor refugees is enabled by the pre-existing structures established by the UNHCR and later developed by the Danish International Development Agency (as discussed in chapter 2). I became acquainted with the use of refugee registration to track and trace dissidents through an interview with a RAS officer. The officer was annoyed that she was selected to answer some of my questions, tactically appearing to be working by stamping a large pile of forms when I interviewed her at the Nairobi office. I was at the time interested in refugee registration and how it functioned for refugees with *prima facie* status:

“We have high profile people who were fighting in [South] Sudan, we normally send their case and for them to be interviewed by CIDs. The high-profile applicants, it is CID that decides if they should be registered, those working in government or the war. If they are accepted they are registered.” (Field diary, Kakuma, 15.03.19).

Although it is common for states to use intelligence agencies to determine if someone is eligible for refugee status – as I will demonstrate below – many refugees in Kakuma attributed the work of CID (Criminal Investigation Department) agents within refugee registration to have caused the disappearance of political dissidents within the camp.

How these CID staff operate within Kakuma relates to containment. Registration allowed for the identification of 'subversive' political actors, while containment is the means to locate and control their movement. In Kakuma the reception centre (see map 2) is a sorting facility for new arrivals in the camp, where they can begin to either claim asylum or be granted *prima facie* refugee status. Once within the reception centre they must await until a locality of land or a structure is allocated to them either in Kakuma or Kalobeyei (see chapter 2). The reception centre is administered by the Lutheran World Federation that operates strict limitations to movement in and out of the centre. Curfews for times of entry and leaving are

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regularly changed at the will of the present head of the centre. This almost arbitrary regime of movement enables the centre to control the movement of new arrivals, keeping them contained in the overcrowded facility. This additional feature in the camp's control of movement enables CID agents and other state actors to gain access to 'subversive' actors, sometimes prior to their release into the general populous of the camp.

I was never granted access to the reception centre, although Lam my key informant lived in the reception centre for an extended period. He originated from South Sudan and was critically aware of the disappearances happening within the reception centre:

“There are many [political activists] who I used to help. [...] When the Kenyan government took over registration – was given to RAS – then a lot of big changes happened for South Sudanese or foreigners who worked for the Ugandan government. You see Uganda and South Sudan; they are the one who takes back a lot of their politicians. Because the Kenyan government will assess these people through registration, RAS will assess them like this, when I get the name is Stefan Millar was one of the guys working in South Sudan. So, they will just register the new arrival of today, they go and call CID and South Sudan personally [...] Now people are monitoring you and they know where you will be relocated. [...] They know exactly which block they put you in. So, in the night they kidnap you without any warning.” (Interview, Lam, Kakuma, 04.07.19).

From the reception centre to the camp, these strata of containment enable CID agents, as Lam described, to monitor foreign political dissidents. From the reception centre, political actors, dissidents, and foreign state representatives can be tracked and traced to a specific housing block within the camp. The reality of this circumstance is the lived experiences of Deng and Ali, the consequence of enforced disappearances then reshapes their social and political lives.

Containment and encampment did not cause disappearances, nor are they necessary for it to happen, but they have the capacity to facilitate the state agency's ability to make foreign state representatives disappear by tracing their whereabouts. When discussing the influence of Frank Kitson, Sakai argues: 'Intelligence-gathering doesn't quietly precede repression as its own stage of well-behaved activity, rather it itself is the product of constant intervention and repression in peoples lives.' (2014). Sakai argues that Kitson's actual tactic during the colonial period was not a simple infiltration of certain movements, but a combination of such pseudo-gangs with the mass incarceration of people into guarded settlements. The containment of people into vast encamped structures built the foundations for better capacity to track and trace. The refugee camp, in which Deng and Ali lived mirrored or mimicked the

same institutions and infrastructures used during the colonial and early post-colonial period. As I will demonstrate, the presence of CID agents within the refugee camp helped amplify the affective impact of enforced disappearance making the extended disappearance radiate through infrastructures.

5.4 Deng & the SPLM-IO

The Sudan People's Liberation Movement-in-Opposition (SPLM-IO) is a South Sudanese political party with a military wing (Sudan People's Liberation Army-in-Opposition) that split from the Sudan People's Liberation Movement in 2013, due to political tensions between President Salva Kiir and Vice President Riek Machar over leadership of the SPLM (Sudan People's Liberation Movement). The tensions were exacerbated between forces loyal to Salva Kiir and Riek Machar, which instigated the South Sudanese Civil War. The SPLM-IO, led by former Vice President Riek Machar belongs to the second largest ethnic group in South Sudan, the Nuer. The war is often essentialised as being an ethnic conflict between the two largest ethnic groups in South Sudan, the Dinka and the Nuer.³⁰ During my time in Kakuma, a series of attempts for peace were made between the two warring factions. In June 2018, talks between the South Sudanese government and the SPLA-IO resulted in a ceasefire, but this would be violated a few hours later by pro-government forces in Wau State. Again, efforts for peace were made, and by September 2018, Riek Machar signed a peace agreement technically ending the conflict but not the violence. On the 31st of October 2019, the agreement was ratified, but Riek Machar would not return to the Capital Juba and take up office until the 22nd of February 2020 due to security concerns. It was within this liminal political setting, neither peace nor full-scale war that I became acquainted with members of the SPLM-IO in Kakuma.

Deng was a member of the SPLM-IO and Nuer elder in Kakuma 4, involved in a series of different activities such as the *Luk* and a Protestant church committee. Prior to living in the camp, he was a political advisor and had his own logistics company in South Sudan. During the war for independence from Sudan, Deng claimed to be a commander of a battalion in the SPLA. After South Sudan gained independence from Sudan in 2011, he was employed as an advisor for Riek Machar and other prominent South Sudanese political figures. He informed me that he had studied in the United States and visited Europe, this was reflected in our conversing in English. When the civil war broke out in South Sudan, he fled to a UNMISS

³⁰ The South Sudanese Conflict is more complex than the often prescribed 'ethnic conflict' between Nuer and Dinka. There are a multitude of factors which contribute to the conflict, ethnic tensions (Ylonen, 2017); control of oil fields (Anderson and Browne, 2011; Le Billon and Savage, 2016); ethnic elites in Juba (Nyadera, 2018); the colonial legacy; the pre-existing divide within the SPLM (Koos and Gutschke, 2014); etc.

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(United Nations Mission in South Sudan) camp before making his way to Kenya. In Kenya, he continued as a political advisor before he decided to come to Kakuma to see his family. Due to limited personal funds, his ability to continue political activity outside the camp was stifled. Despite the financial difficulties, he has attempted to maintain his presence within the SPLM-IO.

In August 2018, talks between the SPLM-IO and the South Sudanese government were ongoing for possible peace between the two major warring factions. Deng had been invited to a meeting in Nairobi concerning these talks, however due to his lack of financial capacity he could not afford the journey. As Deng explained:

“I am stuck here, they invited me to go but I don’t have the transport. I think there are three of us were invited, two of us left already and those are not the politicians [...] They went over there because they are military branch, and somebody coordinated their ticket but mine is not yet to be coordinated. It is supposed to be organised by the chairman, but the chairman now is busy with the peace talks... The time when our leader was detained in South Africa and the money run out, we don’t have the money making it difficult to coordinate things. That detention ruined a lot of things so those are the things going on.”
(Interview, Deng, Kakuma, 11.07.18)

Deng never made it to the meeting in Nairobi as the chairman never allocated him the funds. His political career depended on the flow of information and funds from other SPLM-IO members. A lack of financial support from his networks within the SPLM-IO meant he could not afford travel, phone credit, or internet data to maintain contact with his political colleagues in the SPLM-IO, somewhat isolating him in Kakuma. Therefore, Deng was contained in Kakuma, and as such his political agency was limited to the camp. Despite this, Deng was active in various affairs within Kakuma 4, his status within the SPLM-IO still granted him respect amongst sympathisers there.

My first encounter with Deng was at a church committee meeting that included church leaders, elders, zonal and block leaders from Kakuma 1 and 4. At the meeting, Deng was introduced to me as a “politician”. When he arrived at the church committee meeting, he was one of the few offered a chair in the room, alongside some of the elders and priests. Furthermore, he was distinguished from the others with the title politician that denoted something special or different about Deng. Later, when meeting Deng privately in a back room of a local *hotel* I asked him about this status of politician and what it meant:

“Yes, they see me that way, because they knew me before they came here. And they respect me also and when something comes up in the community conflict or whatever they call me to intervene, and I must advise them on what to do. Actually, the community leaders and the young people who usually have conflict from football field grounds and church [seek my advice].” (Interview, Deng, Kakuma, 11.07.18)

With the status of being a “politician” Deng had been elevated above his Kakuma peers. It granted him a special place above the “accepted” politics of the camp, such as zonal and block leaders. However, his association with the SPLM-IO and subsequent higher status as a “politician” made him a target for enforced disappearance.

The threat of disappearance shaped Deng’s life in Kakuma. After meeting him for the first time at a church committee he invited me to visit him, not at his home but at a *hotel* in the marketplace. At the time, I thought it odd to be invited to a public place. I had become accustomed to visiting informants in private localities where we could talk freely and without disturbance. Walking through the market to find Deng, he phoned me and from his vantage point watching me he instructed me where to go. I met him in an alleyway off shooting the main market road and followed him to a small *hotel* where South Sudanese men with notably Nuer scarification sat in front of the *hotel* drinking tea and coffee. Inside we sat together in a secluded room, and he encouraged me to record our conversation. Here, he appeared comfortable to explain his experience of near abduction:

“It is a problem because they run after the people and they have to pay some money to the Kenyan government and even though the central government may not know it, the local authorities usually hand you over to them when they get whatever they want. This is very bad because I witness three of my colleagues who were returned [to South Sudan]. [...] So, they came first to my house and fortunately I was lucky I left, so they asked my family, my family told them our father went out to a friend’s house and we don’t know which house. And, then they went to capture that person his name is Marko. They took him we just heard the news he got killed, that Marko is from Torit. That is the life we have here if you are lucky it will stay as it is if you are not one day you may be caught by the government agents but here sometimes I don’t show up in public places, very rare I only come to this end of the camp to play chess with people I know, after that I go back to my house.” (Interview, Deng, Kakuma, 11.07.18)

Deng was lucky, as he claimed the men had come for him and his neighbour Marko Lockhapiro, but only found Marko at his home. On another occasion, Deng revealed that the two men who took Marko spoke with his children in Arabic and their car had a South

Sudanese number plate. According to Deng, the driver “was Kenyan, maybe CID but I don’t know.” (Field diary, Kakuma, 13.08.18). Deng described the police as being in collaboration with the South Sudanese agents. Predicting their actions was difficult for Deng, and with a small matter, they could bring you to the police station with false intentions. The state, be it the Kenyan or South Sudanese became blurred and entangled, an intentional effect of disappearances. For Deng to survive and not be traced by South Sudanese or Kenyan agents he required the trust and support of those he lived amongst, this was his security against enforced disappearance.

The reason I had met Deng in a marketplace *hotel*, and not at his family’s home, was for protection. Since the attempted enforced disappearance, Deng described that he would only spend his days in “public spaces” such as backrooms in *hotels* where I met him. He avoided marketplaces and dressed modestly wearing clothes that would not make him stand out. Moving amongst friends he had a sense of security, but it also made the South Sudanese agents and the police visible to him. It brought with it a sense of predictability for Deng. However, the enforced disappearances were consequential for shaping his practices. His movement was limited, and his presence could only be secured in semi-public spaces where he trusted the inhabitants. When I met with Deng we were never truly alone, he was always either accompanied by someone and never answered his phone in public. During our interview in the *hotel* where we met, I had asked Deng if the locals kept him safe:

“They try, if they [CID agents] come during the daytime they [the community] will try to protect me, I don’t know how good that would be. Because one day they came with two motorbikes, I left and went inside the community, but they waited for me by the junction. I know them and they know me so they were just trying to talk to me saying please let me ask you a question. I would not listen to them and just went into the community, where they are afraid to go. There was one of my friends in his house nearby, I went behind his fence and then inside the house and I stay there for two hours then left for my house until I didn’t see anybody... You know being here is not easy. It is not easy for so many reasons, if you make yourself a known person it is very likely one day they will get you. You should make yourself as simple as you can. Myself I am very simple I walk together with my friends, with ordinary people who are not politician I don’t make myself look expensive. My friends, they look like my protection, and I feel comforted with them, that the way it is.” (Interview, Deng, Kakuma, 11.07.18)

Going into the ‘community’ denotes a space with a population that Deng has common trust and feeling of protection, an autonomous safe space that enabled the formation of a ‘hidden

transcript' granting freedom from the 'dominant groups' (Scott, 1990, p. 124). In this context, I believe it related to his Nuer identity and political ties of the 'community' or the block Deng inhabited. To go 'inside the community' denotes an aura of protection, in response to the threat of enforced disappearance or surveillance. Deng did not spend his days at his family's home because of his neighbour's abduction. The agents appeared to know where his home was and it could not be trusted as a safe space. Instead, the enforced disappearances made Deng move within the community amongst those he could trust. However, appearing not like a "politician" and consistently moving amongst the community had to be maintained, staying put placed him in danger of disappearance.

The source of this danger was constantly being considered by Deng. His association as a "politician" with ties to the SPLM-IO, made him a target for government agents from South Sudan and Kenya. Deng's consideration why the Kenyan state was involved was varied. For Deng the motive was financial, but the exact process or manner the government was involved was convoluted. He explained this to me in two separate interviews:

"These are CIDs you cannot identify them. Maybe they can question me. They get people, by calling you at the police station telling you here to come and just arrest you. But you know to predict something is not easy. If it is too hard to take your information from the people, they just call you... they would just call it a simple case. You know for the different ways they can take people. They would then hand me over to those in South Sudan." (Interview, Deng, Kakuma, 11.07.18)

"When the peace process starts, I don't know if the Kenyan Government will continue killing, but you know people rely on money. Some were Kenyan, some South Sudanese are doing this. You know I was very close to being captured with Marko. It was a narrow escape. They were wearing ordinary clothes, but they had their guns in their cars. These are CIDs you cannot identify them." (Field diary, Kakuma, 13.08.18)

For Deng, he rationalised Kenya's involvement in the disappearances of his comrades was for profit. The state image manifested in the form of so called "CIDs" or CID agents, hitmen for other states, elusive yet profiteering from the death of political dissidents in foreign lands. It was the disappeared, those kidnapped from the camp, and the fear felt by Deng that constituted the Kenyan and South Sudanese state simultaneously. The possible presence of CID agents, the disappearance of his comrade Marko, and the constant threat to his own life illustrate the affective potency for constituting the state image. Simultaneously, the fear and

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paranoia instilled by such ambiguity conducted by CID agents worked as a technique of rule by subversively controlling Deng.

The affect of Marko's disappearance shaped Deng's daily practices and mobility. The disappearance transformed the conditions of life for Deng in the camp, it shaped his daily practices and how he interacted with the powers around him. Deng noted how CID agents and police could be collaborating with agents of the South Sudanese government. This collaboration represents the elusive yet ubiquitous presence of states. The state became a constant phantom, represented in the two motorcyclists, induced an affected response with Deng avoiding them, moving into the "community" instead. The multiplicity of states was not only constituted in Kakuma by the variety of political actors in the camp (see chapter 1), but also through the threat of disappearance. As the illusiveness of state actors and to which states they belonged to kept victims constantly guessing, an intended and lasting effect of the tactic of enforced disappearances. This was reinforced by the supposed financial networks established between the South Sudanese and Kenyan states that traded in the disappearance of 'subversive' political actors. As a result, the affect of Marko's disappearance was shaping Deng's social life, transforming his public and private practices.

The network between the Kenyan and South Sudanese states was interlinked with other cases occurring across Kenya. He connected his experience with that of Aggrey Ezbon Idri and Dong Samuel Luak who disappeared in Nairobi on the 23rd and 24th of January 2017:

"You mean the Kenyans? Of course, if you are in a different country you know the regulations no one can come from outside as a foreign authority to take someone from your country without your consent. They have something to do about it because we have one of the most famous lawyers his name is Samuel Dong he was captured and our secretary for humanitarian affairs his name is Aggrey Idri he was captured also the same time and we had been a person for our rebel leader office his name was Gadet he was taken he is the first person who was taken.[...] So, you know these people disappear in Kenya the government agent took them from Kenya... They were big politicians, there is no way the foreign agents can take them without knowledge of the government. Meanwhile, life is not easy for me the politician here even some of us we have one of the MP he is called [anonymised] he escaped from here he went to Uganda because of this threat we face here." (Interview, Deng, Kakuma, 11.07.18)

For Deng, none of this could have occurred without the Kenyan state's knowledge. As the cases in both Nairobi and Kakuma illustrate, one does not necessarily need containment nor

registration to make someone disappear but being confined to a place such as Deng was, does make one feel more at risk to state violence and prone to its affects. Instead, it is the confusing mixture of Kenyan and South Sudanese security personnel and their ‘shadow networks’ (Nordstrom, 2004) that enabled them to move with impunity. Such confusing amalgamation, between South Sudanese and Kenyan states, somewhat replicates Kitson’s tactics (1960, 1971) of ‘pseudo-gangs’. Their phantom presence makes a confusing array of who is exactly responsible, except a firm knowledge that is the state who is against you. The result is a reformation of practices in response to the threat of disappearance, creating the formation of alternative practices in private spaces.

5.4.1 SPLM-IO, the Church, and its Networks

Discovering the extent of the SPLM-IO organisation and network in Kakuma was a gradual process that emerged out of a single Protestant church committee I had become acquainted with. Deng revealed his connection to the SPLM-IO through his admittance relatively early on. However, locating the rest of the network and how they related to Deng relied upon building trust. This emerged out of the Protestant church committee that I gradually gained access to through a serendipitous encounter, and slowly they revealed to me – intentionally or not – who was a member and how they operated.

Meeting Abraham for the first time in Kakuma 1 was such a serendipitous moment during fieldwork. In a small Ethiopian *hotel*, I met an elderly Nuer man with who I quickly became familiar. From here Abraham informed me about a church he was helping to establish in Kakuma 4 but lacked the funds for the construction. After our coffees, I decided to accompany Abraham to Kakuma 4 and meet with the other church committee members, such as Steven. Steven was a prominent member of the church committee, at the time I could never tell why he held such esteem amongst the group, he was not an elder, a religious figure, or had connections to any formal political groups in the camp, such as block or zonal leaders. Yet, the church committee meetings were always held within his large compound. It would only be later revealed to me in Nairobi that Steve was a prominent member of the church committee because of his SPLM-IO membership.

The establishment of the church was an ongoing affair during my time in Kakuma involving the congregation and different groups to fund its construction. When visiting the grounds of the church for the first time only the walls of the church were complete. Over several months, timber would be added over the roof followed by corrugated iron sheets gradually put in place to form the roof. In a group interview, with the church committee, they explained that the

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collection of funds came down to two elders who collected and kept safe the money for building the church, while Mary a schoolteacher and member of the *Luk* recorded such donations. The construction of the church was conducted by congregation construction workers or *fundi* that were paid in food rations collected from each member of the congregation, collecting “a cup” from each household (interview, Kakuma, 06.07.18). The funds for the materials came from “local people” selling part of their food rations and from wealthier patrons living abroad in the United States or Europe (interview, Kakuma, 09.07.18).

Gaining the allocated space and founding the church grounds required the assistance of zonal and block leaders the church committee had a connection to. During one church meeting, I was introduced to Mark and Mathew, both block and zonal leaders from Kakuma 4. They both identified as Nuer and belonged to the same branch of Protestantism as the church. It was Mark and Mathew’s responsibility to gain the allocated land and planning permission for the construction of the church. In an interview with them, they informed me about the process: “you have to first apply to the government [RAS] at the field post, then if approved goes to NCKK” (interview, Mathew, Kakuma, 09.07.28), after the approval the NCKK (National Council of Churches of Kenya) will visit the site for inspection accompanied by a UNHCR field monitor. I asked Mark why he thought it was accepted and he replied: “because of our vulnerability they accept. And that’s why to see that there is a lot of churches.” (Interview, Mark, Kakuma, 09.07.18). Churches for Mark represented spaces of security where one was free of vulnerability, the large number of churches in Kakuma only mirrored the extent of that feeling of vulnerability. The “vulnerability” Mark was referring to was the distance of travel to another church of the same denomination, having one close to a particular “community” ensured a degree of security (interview, Mark, Kakuma, 09.07.18). Later speaking with a member of staff from NCKK, he explained that “we don’t want to see churches everywhere... that is why we have conditions: don’t encroach onto other plots and maintain the original purpose. As long as the UNHCR, RAS, and NCKK all accept those conditions are met the church is accepted” (field diary, Kakuma, 02.08.19). Thus, the church was established with the work of elders, religious actors, zonal and block leaders. This was the initial formal political membership that made up the church committee.

Mark described the reason for building the church was because of the “vulnerability” posed to the local population if they had to travel a long distance, but this did not include Abraham. Abraham lived in Kakuma 1 within a predominately Nuer block, although he was registered and received his food rations in Kakuma 4, he lived in Kakuma 1 because a house was gifted

to him there by a relative who left Kakuma for Khartoum, Sudan. Within the compound he lived there was an already existing Protestant church of the same denomination as himself, however Abraham refused to attend this church and instead through the church committee established the new church in Kakuma 4. I asked Abraham why he chose to travel across Kakuma to attend a different church, he noted “The government [South Sudanese] bribed them... poverty makes people hungry, what will people eat” so I asked, “What are you going to eat?” and he replied, “We endure.” (Field diary, Kakuma, 14.02.19). As noted in chapter 4, the Nuer population was predominately split between Kakuma 1 and Kakuma 4: Kakuma 1, represented the earlier arrivals to the camp during the 90s to early 2000s, displaced from Western Ethiopia and Sudan; and Kakuma 4, were some more later arrivals post-2013 with the South Sudanese civil war. For those in Kakuma 4, the ongoing South Sudanese civil war, had greater prevalence over their lives than those living in Kakuma 1.

Over the months of getting to know Abraham and the others belonging to the church committee, I gradually came to realise their empathy and eventual open support for the SPLM-IO. On the 25th of December, Christmas day 2018, I had agreed to attend church with Abraham at the almost complete church in Kakuma 4. He informed me that night mass was cancelled for fear of violence, so an extended service was planned the following morning. The next day we met near his home just after sunrise and travelled together to the church. At the church, I was given a seat on the side with some high-ranking men including Mark, Mathew, Steve, and Deng facing the left side of the altar, opposite us at the far side sat the elder women like Mary, and in the middle behind the altar esteemed members of the clergy sat such as Abraham and Reverend Paul. The rest of the church gradually filled with the rest of the congregation, sitting facing the altar on mats. Most of the congregation were dressed in colour coded uniforms representing different congregational choirs: the elder women in white and blue; red and white for a mix of young men and women; to yellow and blue for young women. Throughout the service, these choirs sang in Thok Naath at different intervals to the rhythm of a large drum. Between the different songs were speeches conducted over a megaphone, each speech was read by either a pastor, an elder, or a high-ranking male addressing the audience in Thok Naath with *Mal Yen* (greetings) and the audience would reply with *Mal mi gua* (greetings to you). The address would continue in Thok Naath, which I, unfortunately, had limited knowledge of, but I was assisted by Steve who translated sections of the service for me. (Field diary, Kakuma, 25.12.18).

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The initial speeches were primarily concerned with reading the New Testament and Old Testament by the various pastors, but later in the sermon, political messages began to emerge and reveal the political function of the church. Initially, I was unaware of the political addresses in the room, only after Mark went to the altar and read from his phone. It was the Christmas message of Riek Machar, which he would read first in English as it was written and then translate it into Thok Naath for the audience:

“Since December 2013 war has been raging, it is only two months ago that the guns have gone silent for the first-time people are not only celebrating Christmas all over the country but the peace that was signed on December 12th, 2019. It has been five long bloody years of endless disagreement, struggle, and displacement. It is my greatest joy to announce to you that the SPLM-IO will endure that the agreement is fully implemented in spirit and letter. [...] On behalf of SPML-IO I wish you all a Merry Christmas and a happy New Year wherever you are in rural areas or towns, in protection civilian sites and in the refugee camps in neighbouring countries. [...] Finally, we call on the peace to take ownership of the agreement and participate in it in order to have a lasting peace and stability. Yours Truly, Riek Machar PhD, Chairman and Commander in Chief of the SPLM-IO, December 24th, 2018.”

After Mark’s reading of Riek Machar’s Christmas message, Deng took to the altar. He spoke about the peace negotiations within South Sudan and the need for unity amongst the SPLM-IO. Then Abraham took to the altar and called for retaliation or punishment on those who committed atrocities upon Nuer living in Juba. Several others continued to mention the attacks against Nuer within South Sudan and the work of the SPLM-IO for the ongoing attempted peace process. (Field diary, Kakuma, 25.12.18). It became remarkably clear how the church operated as a space for political mobilisation within the camp. I would continue to visit this church over the next months, as the peace agreement seemingly at times fell apart calls for retaliation and punishment were maintained, they were not as lengthy as the Christmas day sermon yet continued to reveal how religious spaces serve as political vehicles in Kakuma. The church was the space for the conveying of political messages from the SPLM-IO, especially for those who identified as Nuer.

The church offered political activists and foreign state representatives a safe space to perform their political beliefs safe from the threat of enforced disappearance. It required the combination of formal political actors, such as religious, elders, zonal, and block leaders to organise its construction. More importantly, this construction required negotiation between these formal political actors and the powers that dominate the camp, such as the UNHCR,

RAS, and the NCKK. Formal or accepted political actors utilised discursive tactics to gain the allocated space for the church, arguing it was for the security of the congregation due to their vulnerability. The zonal and block leaders spoke the humanitarian language and norms of the camp management to be allocated church grounds. Using the linguistic codes of the elites (Scott, 1990, p. 18), denoting their vulnerability, a kind of euphemism for the vulnerability of their informal political actors such as Deng. Their act of obedience was ritualised and performed, in accordance with the camp regulations for the allocation of land. Zonal and block leaders, actors who tread this line between public and hidden transcripts of the subordinate, are well versed in the function of manipulating these camp managerial functions (Scott, 1998, p. 34). The result was the creation of the church and the formation of a space for political mobilisation, hidden from the camp managerial body.

Within the church, the use of the religious space and the choice of language granted the church committee a space free from surveillance to enact their political messages. The church, being a site of religious freedom under Kenyan law granted some freedom away from the ominous threat of surveillance. However, it was the combination of other factors, such as language and ethnicity which reinforced this. The utilisation of predominately Thok Naath language helped hide the political messages to untrained supervisors. While the various identity frames (Eidson *et al.*, 2017) of those who attended the service, such as Nuer and the particular denomination of Protestantism helped mask the political messages. These collective identities, within the religious space, are activated by political activism to align themselves to the SPLM-IO. This joint creation of discourse, amongst priest, elder, and foreign state representatives belonging to the SPLM-IO form a bond of solidarity along with these identity frames, where Protestantism, political activism, and Nuer ethnicity is united. The activation of this framing of identities has occurred precisely because of the threat of state terror, resulting in a communal affect of the enforced disappearance across shaping the practices of actors across different public and private spaces.

Much like the revealing of the political use of Churches in Kakuma, the network of the SPLM-IO connecting to the church committee was also a serendipitous act. Over the course of knowing Steven, he left Kakuma several times for what he informed me to be either attending his brother's wedding in Nairobi (field diary, Kakuma, 11.07.18) or visiting his sick mother in Uganda (field diary, Kakuma, 26.12.19). These reasons may have been true, he did have a brother living on Mombasa Road in Nairobi and according to other sources his mother was living with his sister in a refugee camp in Uganda. Despite this, the timing of his

departure outside the camp coordinated with the meetings in Nairobi noted by Deng. I began to realise he was not telling me the full truth after Abraham informed me that Steven was in Nairobi for the SPLM-IO meeting concerning the peace talks in August 2018.

This suspicion was confirmed when I met Steven's brother Dak in the Central Business District of Nairobi two weeks after Christmas. I met Dak in a busy upmarket café, he was remarkably tall and had the distinctive Nuer scarification, together we left the café and went to an Ethiopian restaurant on the outskirts of the district. In a quiet back room, we enjoyed injera and coffee, then I probed him what he does in Nairobi and he openly replied, "I work for Machar, Riek Machar is my boss". He explained how he came to Nairobi after independence to study at university and worked as a diplomatic aid for the government of South Sudan but noted that, "...when they started killing my people, I joined the SPLM-IO". I asked Dak, how he was funded, and he clarified that a half-brother in the United States sponsors him and that he was resettled from a refugee camp in Ethiopia. Despite the good rapport Dak and I enjoyed together, he was cautious in revealing the work of the SPLM-IO only noting that five other SPLM-IO agents were working in Nairobi. However, he did mention that the relationship with the Kenyan government was "50 50" and that the Kenyan Government had better relations with the Government of South Sudan. I then tried to ask about the SPLM-IO's work in Kakuma, and he replied, "ask Steven he is our representative there". (Field diary, Kakuma, 10.01.19). The networks of the SPLM-IO, appearing first in a church committee to Nairobi and then the United States illustrate its global connections. Despite this being but a mere snapshot into the SPLM-IO network, it illustrated its reach through a kin-based relational network of an organisation claiming state representation. Moreover, the kinship connection, reaffirmed trust, necessary protection, and security against the threat of enforced disappearances.

After Christmas Day 2018 I never met Steven again, he had left for Uganda and I never got the chance to ask him more as his brother suggested. Despite this setback, the network that emerged out of my serendipitous encounter with Abraham illustrated the variety of networks such as the church committee circulates the hidden transcript of the SPLM-IO. With the Nuer elders, pastors, zonal and block leaders the church was able to be established, creating a space for political aspirations outside of the camp's accepted norms. The church which they constructed served as a basis for political information sharing, a safe space from the threat of enforced disappearance, where political actors could rely on the trust and safety of the congregation for protection. These networks and the church services, I consider being the

encompassing ‘private transcript’ (Scott, 1990) of the political community. The networks are deployed to hide meaning, much like the church service, the networks form around kin masking their function to the powerful. They conducted their networks and political messages within a social setting that was partly secluded from other social arenas of the camp. This offered a degree of security from the threat of enforced disappearances. However, sometimes these political messages would not be strictly kept within the private spaces, and on occasion spilled into the public arena.

5.4.2 Political Violence within the Public Arena

A display of political violence erupted several weeks before my first arrival in Kakuma when a football match in Kakuma 4 had turned violent. According to various sources, the cause of the football violence was rather clear, two teams each representing a different clan of the Nuer: one the Dok, and the other the Jikany, had a dispute over who the victor was. The Jikany team was declared the winner by the referee and member of the Bul clan of the Nuer, yet this was disputed by some of the players from the Dok team. A small fight ensued but did not escalate on the football field. Later in the same week, the referee who belonged to the Bul clan was attacked in the marketplace apparently by members of the Dok clan. What ensued was allegedly a series of escalating revenge attacks between members of the Dok and Bul clans. (Interviews, Kakuma, 11.07.18; 13.07.18; 28.07.18, field diary, Kakuma 13.08.18; 16.08.18). However, the escalating violence became essentialised to ongoing tensions between the Bul and Dok related to conflict within South Sudan.

Speaking with those who were impacted by the fighting, mostly Nuer from Kakuma 4 they mainly claimed the conflict was related to ongoing tensions within the SPLM-IO. Those I spoke with claimed the fight began as a “football fight” or misunderstanding, for instance, Mary, being neither a member of either Bul or Dok clans stated that the fighting was mainly related to football but “moved into the community” (interview, Mary, Kakuma, 28.07.18). This movement was represented more graphically by Bul and Dok members. For example, an elder from the Bul clan described the situation as a form of discrimination for the actions of one prominent member of their clan: “By the way, it is not the first time Bul and Dok fight. It happened in Juba in the UN camp. The reason, there was a politician from Bul who have left the SPLM-IO for the government. [...] Now they blame the Bul wherever the Bul is, whether in Nairobi, whether in America they say that Bul people are dangerous.” (Interview, Kakuma, 13.07.18).



Figure 18. Football match in the late evening, Kakuma.

The sentiment that the Bul clan were traitors to the SPLM-IO was a common analysis amongst ethnic elites, as one youth activists from the Bul clan described it: “they are just saying we have sided with government, but I do not support the government!” (Field diary, Kakuma, 16.08.18). The subsequent fight from the football fight became synonymous with political changes and the conflict in South Sudan. Although I never witnessed a call for revenge attacks against Bul or Dok, when I compare this to the speeches made during the Christmas Day 2018 church sermon, I can perceive similar processes occurring in clan affiliated spaces. The semi-private spaces, such as churches, served as sites for identity elites (elders, religious figures etc.) to distribute political messages and maintain particular narratives. However, in this context, the ethnic identity frame of Nuer was not a uniting feature. Instead, the clan identity frame of Bul and Dok became a site of contention. Here the cross-cutting tie between the group was activated for conflict (Schlee, 2004), with a prominent member of the clan defecting causing those with exhibiting that clan affiliation to be associated with the identity frame of siding with the government rather than the SPLM-IO. Here, the clan identity of Bul had come to crosscut the identities pro-Government and anti-

Government. It was used against those of Bul clan, placing them under pressure to re-assert their anti-Government and Nuer loyalties (field diary, Kakuma, 16.08.18).

The Kenyan state's capacity to end the violence between the Bul and Dok relied on such identity elites and their networks. Approximately three weeks after the football fight and two weeks of escalating revenge attacks within Kakuma 4, the Camp Manager demanded the rounding up of Bul and Dok leaders. Mary, the *Luk* member, and elder was informed by RAS to round up the Bul and Dok elders and for them to each send 20 members to a reconciliation meeting within the UNHCR compound (interview, Mary, Kakuma, 27.08.17). With those 40 elders from both the Bul and Dok, 10 other elders would be chosen from the Nuer of Kakuma 4 who belonged to other clans, among them was Deng and Mary (interviews, Kakuma, 13.07.18; 27.08.17, field diary, Kakuma, 18.08.18). The initial attempt held in the UNHCR compound involving the Camp Manager from RAS and the UNHCR Head of Sub-Office failed to end the violence. Then a series of “leaders” from each community were arrested. Some from Dok elders claimed that they were targeted by the Kenyan security forces and falsely arrested because the Bul had bribed them (interview, Kakuma, 13.07.18), reflecting similar remarks made by Deng concerning the financial networks used to make Marko disappear. What appeared to have happened according to all sources was that actors deemed leaders of both Bul and Dok were arrested to apply pressure to cease the hostilities (interview, Kakuma, 13.07.19; 27.08.18).

The second round of negotiations occurred in the Deputy County Commissioner’s office. One Dok elder noted how when they were brought to the office it was with a police convoy and “maybe they expect us to fight again, but they can kill us” (interview, Kakuma, 13.07.18). Again 20 members of each clan and 10 members of non-affiliated clans were brought to the Deputy County Commissioner’s office. Those who I spoke with who attended the meeting all noted how Deputy County Commissioner stated that the Kenyan President knew of the violence and that they had been discussing the situation with the government in South Sudan, then threatened those leaders of the Bul and Dok with further imprisonment if the violence did not cease (interview, Kakuma, 13.07.18; 27.08.17, field diary, Kakuma, 18.08.18). Speaking with the Assistant Deputy County Commissioner (ADCC) about the incident, he detailed it somewhat differently:

“So that is where now, they agreed here that the areas that they differ, and then they’ll try to negotiate, so that they don’t end up fighting over football, over small issues, over girlfriends. You see our role now, is to facilitate that forum. And then you get a fair

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hearing, you make that decision. And then also, you put some mechanisms in place [...] Because you see now our role is to ensure the sub-county is secure. [...] We have even our own people who do the groundwork there, to find and give intelligence information. NIS, National Intelligence Service, and then we have CID [...] Criminal Investigation, those who investigate crime.” (Interview, ADCC, 15.02.19).

To resolve the conflict the Deputy County Commissioner’s office, RAS and the UNHCR relied on the use of these Nuer elites and their networks. The “follow up” by LWF the Assistant Deputy County Commissioner (ADCC) mentioned was a series of “peace” training for Nuer youth, also relied on those same Nuer elites to mobilise.

This mobilisation of the ethnic elites required a great deal of information. To “ensure the sub-county is secure” for refugees – halting the fighting between Bul and Dok – the Assistant for the Deputy County Commissioner notes that they need information, which derives from the “groundwork” of the CID and NIS. The very same agencies that are blamed for the continually enforced disappearances are also used to possibly identify those very elites who can bring about the end of the conflict. This was also alluded to by one of the Dok elders I spoke with, he stated: “Money talks and money kills, that is a good example, I think. We don’t want to go deeply into that you know what had happened. When you have a problem, but you have money your problem will be solved easily.” (Interview, Kakuma, 13.07.18). The threat of violence, imprisonment, and murder against the elites of the groups was a means for the Kenyan state to control these political actors, they utilised the threat of disappearance for political mobilisation. The Kenyan state means of ruling required coercive tactics along ethnic lines, either you adhered to the commands of the state or risk further violence.

The means by which the conflict was resolved mimicked colonial tactics. The Kenyan government relied on the “groundwork” of CID agents and Nuer elites such as Mary to identify particular clan elders. Those clan elders selected from the conflicting clans were systematically rounded up and arrested when hostilities did not cease, which in turn affectively evoked the threat of enforced disappearance. The use of Mary, and others, to identify those clan elders who could be held responsible, illustrates a transformed continuity of Frank Kitson’s tactics ‘pseudo-gang’. Mary and other members of the Luk were conscripted by the state to identify those who could be made responsible for ending the conflict. Moreover, the threat of disappearance was evoked through the presence of CID agents, imprisonment, and roundups loomed over the participants of the meeting. Despite not being directly threatened with kidnapping and disappearance, the roundups and convoys

discharged an affect associated with the disappearances of other South Sudanese political actors. The extended disappearance associated with the enforced disappearance of Marko enabled the Kenyan state – intentionally or not – to govern the Nuer elites. The disappearances had an affective potency that enabled the Kenyan state to enact control and govern the camp.

5.5 The Somali Bantu

The term Somali Bantu denotes a particular ethnic group of Somalis that has a contemporary origin. In Kakuma, this ethnic category was widely present in the camp, many self-identified with the term, using it to describe their political organisations such as Somali Bantu youth, elders, and so on. The very infrastructure of the camp resonated with their established presence, such as the Somali Bantu Secondary School or the Somali Bantu market in Kakuma 2. The earliest example of the use of Bantu when referring to Somalis was by colonial Italian officials referring to Jubba valley villagers as labour for plantation work. The term Bantu remerged again in 1991 during the Somali civil war when foreign aid workers used the term for all farmers within the Juba and Shabelle Valley most of which were Jareer (lower clan members). During the Somali civil war, some educated Jareer Somalis began using the term Somali Bantu, encouraged apparently by a UNOSOM (United Nations Operation in Somalia) officer. (Besteman, 2016, pp. 79–81).

Upon arrival in refugee camps in Kenya, such as the Dadaab, some Somali Jareer elders tried for relocation of Mushungulis (a particular clan amongst the Somali Bantus that claim heritage in Southeast Africa) to Tanzania and Mozambique. These attempts failed, but as Besteman (2016) notes the prolonged experience of living in the Dadaab, being educated through the Kenyan school system helped develop a positive association with the term Bantu that emerging a generation adopting the term and encouraged their elders to do the same. In 1999, the US government decided to grant ‘Somali Bantus’ status for a special resettlement program. The Dadaab was considered too dangerous for United States personnel due to apparent Al-Shabaab activity, so approximately 12,000 Somali Bantus had to be transported over 1500 kilometres to Kakuma at the cost of 2.7 million US dollars. Gaining resettlement required claiming to belong to one of five tribal enslaved ancestors and be able to speak Jubba Valley dialect or Mushungulis, while also exhibiting personal trauma and having phenotypical features of a ‘Bantu’ or Jareer such a ‘hard hair’ or ‘broad nose’. Coupled with the problematic and dubious means by which resettlement interviews are conducted, many Somali Bantus were not granted resettlement in the United States. (Besteman, 2016, pp. 78–

91). Those Somali Bantus still residing in Kakuma continue to adapt and channel the identity of Somali Bantu.

5.5.1 Ali

Ali has lived in Kenyan refugee camps since adolescence, first the Dadaab and later being relocated to Kakuma with the Somali Bantu's resettlement program in 2002. I became acquainted with Ali through a network of contacts in Eastleigh, Nairobi. When I first met him in June 2018, he was employed by the UNHCR as a field observer, taking complaints and issues from those living in his block and reporting them to his UNHCR field post. Alongside his employment at the time, Ali was involved in a Somali Bantu youth organisation. Only later, in March of 2019, did Ali and the other members of the Somali Bantu youth organisation reveal to me that they had been actively establishing a political party for office in Somalia. The reason for the secrecy was as Ali understood, "political parties were not allowed in the camp" (field diary, Kakuma, 17.12.18). They hid their plan for a political party initially from me mainly because they were concerned for their safety and their trust in me had not been fully established. The formation of the party combined with the senior members of the Somali Bantu youth group becoming elders and no longer considered youth. As such, the rite of passage the Ijazah (permission) after which they would "officially" launch their party. Despite Ali's secrecy in the early stages of fieldwork, I had access to other aspects of Ali's life, such as his work with the UNHCR.

Ali regularly invited me to join him while he conducted his field observations on behalf of the UNHCR. We normally convene at a security field-post close to his home and from there move within the block collecting social issues for the local UNHCR field-post. Those we visited were mainly elderly, disabled, and others who could not go to the field-post themselves.³¹ In August 2018, Ali was following up on some reports of forged Australian resettlement documents he had heard about in his block. The documents were fake and the individuals who received them paid large sums of money to a Kenyan claiming to be employed by the UNHCR. The documents were then reported to the UNHCR field-post, and Ali received no feedback concerning the corruption case.³² (Field diary, Kakuma, 10.08.18).

In December 2018, I had returned to Kakuma after a period of absence, and like normal Ali called for me to meet with him. However, on this occasion, Ali would not meet with me at the security field post but instructed me to come directly to his home. I found Ali standing at the

³¹ Most of those we visited were Somali or identified as Somali Bantu.

³² Not receiving any feedback concerning a corruption case is normal procedure of the UNHCR.

doorway to his block cautiously waiting for me partly behind the small corrugated iron gate. He appeared sombre and explained his lack of communication during my absence: “I did not want to tell you on email...” Ali explained, “but I received death threat” (field diary, Kakuma, 17.12.18). Ali clarified that he had received a call from someone claiming to be Ahmed Rashid, a notorious police officer who conducted extrajudicial killings on alleged members of the superpower gang of Eastleigh (*BBC News*, 2018). “He said he has my photograph on file and told me that I am on his radar, and if you are in a refugee camp or whatever, if you see me you will die” (field diary, Kakuma, 17.12.18). Ali noted that this had occurred in mid-October and that three days the death threats occurred he had heard rumours that Ahmed Rashid had been in the camp.

Ali considered the person to have made the call to have been a “CID informant” (field diary, Kakuma, 17.12.18), despite his attempts to rationalise the incident it still shaped his behaviour. As he explained: “I only move through the blocks, through people’s homes, not on the road... and because of this, I left my job with the UNHCR. Even when my wife arrived from Malindi to here, I could not go and greet her in the town.” (Field diary, Kakuma, 17.12.18). From then on, Ali would never meet me again in the market or public spaces outside his block. And, when I walked with him anywhere, we would strictly keep to alleyways through the block and quickly pass by intersecting main roads. The impact was much the same with Ali as it was with Deng. Their fear of state terror forced both to move with caution and only keeping to areas with people they trusted. Ali’s block was overwhelmingly inhabited by those who referred to themselves as Somali Bantu and as a result, he trusted those who shared the same identity as himself. Moreover, phone calls, if he received one and did not know the number, he would refuse to answer it. Instead, he would wait for the call to end and then make a request with his phone network provider for the name of the individual who the caller was. Only if he knew the person would he return the call.

Once Ali told me about when he was certain his life was going to end: “Last Monday I was walking home from the M-pesa store to pay for my child’s medication. Outside my neighbour’s house was a large group of people. There was CID, GSU³³, and Police, the Police called me into the house... I was so scared. When they said, you are *Mzee* and I was relieved.” (Field diary, Kakuma, 12.06.19). Ali was only asked to translate for the police as they were investigating why the son of the family was trying to leave Kakuma without

³³ General Service Unit, a paramilitary group used by the Kenyan state that are often comprised of ethnicities different from the region they operate in.

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permission. As Ali noted, the reason for the GSU and the CID was because they thought the boy was possibly wanting to join Al-Shabaab. For Ali, the encounter terrified him, as he remarked he truly believed he was going to die when seeing the officers until they respectfully greeted him with *Mzee* (elder).

During another visit to Ali's home, we were discussing the arrival of his sister to Kenya from the United States, when abruptly three of Ali's friends from the Somali youth group came to his house. The greetings were brief, and they did not sit down, Juma, one member of the youth group quickly conversed with Ali in Somali and left again. I asked Ali what was going on and he informed me that a Community Security Officer (CSO) working for the Lutheran World Federation (LWF) from a neighbouring block had been taking photos of people in their private residence and claiming to the police that these people were conducting illicit activities. This officer Ali believed to be working on behalf of police and CID, to "make cases" and enabling the officers to extract bribes. Ali informed me they plan to make an official complaint against the officer to the UNHCR and the Lutheran World Federation (field diary, Kakuma, 19.12.18).

About two months later after this incident, while visiting Ali again at his home he informed me that Juma had received death threats via text message. The message was in somewhat badly written Kiswahili (possibly indicating they were not Kenyan) and read:

Habari yako sisi tume patina kazi yako na kiwa hivyo maisha yako police tuko na wewe piga simu tu ongea

We are with you (or we are monitoring you), the police have your case and your life, call us we have something to discuss. (Field diary, Kakuma, 18.02.19)

Thankfully nothing ever occurred from this threat. The rather badly written Kiswahili message was thankfully just a threat, but the threat of state violence or disappearance made Juma weary, making him only move within his block and avoid public places such as roads and markets much like Ali and Deng. Juma considered that the person who sent the message was the same Community Security Officer against who he had made a complaint. This raises the issue that the mechanisms for keeping official complaints anonymous were failing.

As time passed Ali and Juma began to feel relatively secure again and began to move outside their blocks as no more threats were directed at them. It was during this time that Ali revealed to me the plan to form a Somali political party:

“We are thinking of making a political party for Somali Bantus, we will register first in Nairobi then Mogadishu. The party will be inclusive, it will be open to everyone... we started this because the Somali Bantu youth, some of us in the camp became hopeless. Juma has got flight to the US, but the rest of us are stuck here... why should we not be the leaders of our country and make change?” (01.02.19)

Over the period from joining Ali on his routes working as a UNHCR field observer to witnessing the death threats he received, I had gained the trust of the Somali youth group to be invited to the meetings of their political party. The secrecy and required trust were related to their fears of enforced disappearance. Around the same time, Ali confided in me his theories as to why he received death threats: firstly, he considered his investigation and reporting on the corruption plausibly the result of him becoming a target; secondly, he had pondered that my presence, a *mzungu*, as a cause of unwanted attention when he conducted his work for the UNHCR; and lastly, that he and others like Juma were the leaders of a Somali Bantu youth group that made several official complaints to camp authorities, resulting in their fear of sharing their political group's existence. Regardless of the cause, they had been planning the political party before I arrived in Kakuma, and their secrecy surrounding it was because of their fear of repression for forming one. Enforced disappearances or in this case the repeated threat of it, consistently altered the social practices of these political actors. Their experiences of these threats made them cautious about sharing their plan to form a political party, confining them to move within their block.

Kitson's tactic of using 'counter-insurgent' agent is to infiltrate 'subversive' non-violent and violent organisations with former members or agents of the same tribe or ethnic group (Kitson, 1971, pp. 100–130) resembles Ali's theory that whoever threatened him was a CID informant. Furthermore, the use of text messages and death threats, as in the case of Juma is similar to tactics used in Nairobi as highlighted by Human Rights Watch (2017), appears to resemble a resounding similarity of tactics across different localities in Kenya. These are the tactics of state terror that coerce and silence, originally developed in part by Frank Kitson (1960; 1971) and other colonial officers. The commonality within Kakuma and across Kenya resembles a shared and learned function of the Criminal Investigation Department. However, in the context of Kakuma, where one is contained and registered to a physical locality, I argue this heightens the production of state terror and the likelihood of being threatened with state violence. Here, the threats to Ali and Juma's life shaped their social practices, the affect of the threat of disappearance altered how they moved, how they answered the phone, in sum, it made them precarious and fearful in public spaces.

5.5.2 The Somali Party

Prior to being informed about the political party, the older members of the Somali Bantu youth group that encompassed the political party had already conducted several cultural events in Kakuma. For instance, on the 2nd of August 2018, I was invited by Ali to the “Somali Bantu celebration for King Nassib Bundo” (field diary, Kakuma, 02.08.18).³⁴ The celebration was held on a large open space in Kakuma 3, the initial arrivals carried large poles with Kenyan flags attached. In private I asked an elderly Somali *mama* who held one of the Kenyan flags what the flags were for and she explained: “We show [the Kenyans] to pretend we love them, and we can live in peace” (Field diary, Kakuma, 02.08.18). Gradually the field filled with participants, smaller sub-groups formed around different performances. Some were primarily dancing and singing, while others had string and percussion instruments amplified with a megaphone. According to Ali, each performance represented a different clan “of the Somali Bantu”. Eventually, most of the performances began to merge and the ever-increasing crowd created a large circle around the merging performances. Women with Somali flags printed on A4 sheets took the central stage while dancing to the rhythm of the music. Nearing the end of the performance I was brought by Ali in front of a group of these *mamas* holding one of the Somali flags and told to film her message for the “international community”. The woman made a speech towards the camera asking for the international community’s help to assist the Somali Bantu people in Somalia and for those in Kakuma to be resettled. (Video recording, Kakuma, 02.08.18).

The address and the series of performances served to conjure an understanding of a Somali Bantu identity while illustrating the ‘public transcript’ of the subordinates of the camp. The waving of Kenyan flags was an attempt of ‘flattery’ (Scott, 1998, p. 18) to Kenyan state powers who allowed for the performance, but the true intention of the performance was an attempt to solidify an ‘imagined community’ (Anderson, 1991) of the Somali Bantu. The Somali Bantu identity served as a frame to connect a loose collection of clans, prior to moving to Kenya these clans had limited cross-cutting ties with one another. However, intermarriage between previously physically distant Somali Bantu clans became possible within the Kenyan camp setting (Besteman, 2016, pp. 82–83), these newly formed cross-cutting ties enabled the formation of the collective identity under a common origin myth of King Nassib Bundo. The benefit of forming such an identity, the Somali Bantu, distinguishing oneself from other Somali populations is for the benefit of resettlement. Here, the Somali Bantu identity is

³⁴ Nassib Bundo, a “Somali Bantu” leader who led a resistance movement against Italian rule in Somalia (Declich, 1993).

framed with a difference from other Somalis, over the scarcity of a resource (see Schlee, 2004) such as resettlement.



Figure 19. A Kenyan flag at the celebration for King Nassib Bundo, Kakuma.

The celebration upon the field and the subsequent events organised by the Somali youth group and later Somali Party would later be utilised by them to make claims of leadership. This claim to Somali Bantu identity was made in contrast to others, in particular those coming from resettled Somali Bantu in the United States, as explained by Ali and Juma.

Ali: “Why should we not make things better for our county! Another party was the Somali Bantu Liberation Movement from the US. Even if I have grievances, what I learned – even in Europe – is you have to be open to everyone. When you look at political parties in Kenya, like Jubilee, they don’t have Kikuyu in the name.” (Field diary, Kakuma, 02.03.19).

Juma: “We have seen those in the diaspora have not been able to develop a solution for Somalia. We concluded that those in the diaspora America only want to help the Somali Bantus. Now this time we want to do something different.” (Field diary, Kakuma, 24.04.19).

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Here, Ali and Juma consider those in the United States to have failed to address the grievance of the Somali Bantu community. By forming their party, they begin to consider themselves the leaders over the imagined community of Somali Bantus.

What contrasted them from those in the United States was the inclusiveness of their party. Not to have it exclusively for Somali Bantus, but all Somalis. As explained to me by Ali when explaining the party symbolism:

“The maze is for the farmers and the Dhiil³⁵ is for the pastoralists, the scales then symbolise justice. The Star is for Somalia, the green for the farmers, blue for the ocean and the flag again.” (Field diary, Kakuma, 02.03.19).

The symbols on their logo and the name they adopted, both were meant to be representative of all ethnic groups in Somalia. As Ali explained, this was meant to be like other political parties in Kenya, which may be associated with ethnic groups but cannot openly be specific to it. I consider their openness to other ethnic identities in Somalia, to be more a symptom of living in Kenya and awareness of the Kenyan political system rather than a genuine response to be non-ethnically aligned.

Despite Ali’s excitement of establishing the party, he was always aware of the constant threat posed by police, CID, and their informants. As he noted:

“We remember that we are refugees so we need to be cautious... once we make the report we will get a Somali passport and register the party. But some Somali Bantus can report this to the Kenyan police...” (field diary, Kakuma, 02.03.19).

This was reiterated by the chairman of the political party, Omar:

“We refugees are not meant to engage in political activities, we are refugees, but what is happening in Somalia and the education we have from here is making us want to do something.” (Field diary, Kakuma, 24.04.19).

The threat posed by the possibility of state violence and disappearance shaped how Ali, Juma, Omar, and the other members of the political group conducted themselves politically. They had organised various social gatherings to create a feeling of community and Somali Bantu identity. However, the threat posed by others he also termed Somali Bantu was always real,

³⁵ A container for milk commonly used by pastoralists in Somalia.

especially if they acted as informants. Regardless of the threat from police informants, Ali and the others carried on with organising events within religious and private spaces.

Religion played an important role in how the political party members operated and rationalised themselves. I consider this to be partly a consequence to the threats of enforced disappearances but also the result of interpretations of Sufi prophecies. This was mentioned by Omar when visiting Ali at his home:

“We had an Islamic Scholar, they make a lot of praying and see into the future. And we have been told, before our birth, the fall of Somalia would happen. They foretold the Somali history, and Somali Bantus would become a special target. Later after 30 years, the scholars said they would be moved to refugee camps. When the scholar foretold the future people did not listen because it was during independence and people were happy, so ignored and considered them worthless. Then the scholar told those in refugee camps would be resettled, but those that would be the next leaders would come from a place with 7 hills, that is Kakuma.” (Field diary, Kakuma, 24.04.19).

These prophecies fitted their narrative for pious legitimacy to consider themselves the next leaders of Somalia. Similar explanations were expressed to me in other instances when visiting Somali Bantu Sheiks and elders.

5.5.3 The Wird

On the 12th of June, I met with Ali, sitting like most occasions in a side room in his large compound when he informed me about their plan to receive blessings from Allah for the launch of the party. He had just finished telling me about his close encounter with the police officers, who asked him to translate for them during his walk back from the M-Pesa kiosk. He then informed me about their decision to show their piety before Allah and had asked the Sheiks and elders about their decision to do so. However, he made it clear to inform me “the Sheiks do not know this is for a political party” and would not be informed for security reasons. “They told us [the sheiks] we have to go to each Sufi centre every Monday for seven weeks, and the last Monday we must kill a bull.” (Field diary, Kakuma, 12.06.19). Over the coming Mondays, I would join the group in their prayer meetings or Wird followed by an Ijazah (permission). The ritual was a rite of passage, from youth to elder, that combined the religious and, in this case, political aspiration to form a political party. Despite the initial plan to have the Wird in different locations, the location never changed and always occurred in the same Sufi lodge, Ali later explained this was for security and fear that someone might consider their actions suspicious (field diary, Kakuma, 17.06.19).

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After acquiring a *thawb* and scarf with the assistance of Ali in the local market, I would join the group every Monday at their local Sufi lodge to enact a Wird or Dhikr. This particular lodge belonged to the Qadiriyya order, and within I found the various party members sitting in a semi-circle conducting a Wird or Dhikr, the devotional act of repetitive phrases in remembrance of Allah. Each phrase would be repeated 33 times, firstly with *Allāhu 'akbar* the *Takbir*, then *Subranallah* the *Tasbih*, and lastly *Alhamdulillah* the *Tahmid*. Upon citing every 33 times each, the members would recite the Tahil and Hawqala simultaneously, reciting *Lā 'ilāha 'illā llah* followed by *Lā ḥawla wa-lā quwwata 'illā bi-llāh*. The members kept track of how many times they repeated each phrase using a Misbaha (prayer beads). Most of the Misbaha used consisted of 99 beads while some ranged from 100 to 200. A small sub-thread on the Misbaha assisted in keeping track of every 100 times the phrase was repeated and dried maize seeds were used to count every 1000. (Field diary, Kakuma, 17.06.19; 24.06.19)

Initially, I was rather bewildered how this was political, and so probed the members as to what the purpose of the Wird was for. Abdi, an older member of the group who was a Sheikh and teacher with the local Madrasa explained to me the purpose, with the assistance of Ali translating from Somali to English: “When we are counting, we are doing repentance, because we are looking for a victory. It is better for asking for forgiveness, the more you count the closer you come to God”. After translating, Ali then explained further in English: “This Party is our secret and now we want victory so now we turn to God to help us get our victory” (Field diary, Kakuma, 17.06.19). The reason for the Wird was private, the actual practice of the Wird was not. They rationalised their practice of the Wird to gain piety and the blessing of Allah to achieve their political aspirations. Although the party was secret, their enacting the Wird gained them status associated with youth transitioning into elders.

The practice of the Wird every Monday was always fused with a variety of practices. During the Wird some members, such as Juma became somewhat competitive with their overall count. They would aim to have a certain amount finished each session and if a member was unable to attend, they would make up for their absence by counting more that day. During these sessions phone calls would occasionally be made or received, occasionally if the phone conversation went on too long or loud another member would often tell the other off for disturbing the flow of the Wird. Sometimes at the Wird pilau, coffee, water, and soda were served, as these sessions would last from dawn until mid-day prayer. At the end of each session, each member would announce how many thousands they counted, and then this

would be calculated into a communal amount, with plans and estimates made for the following Mondays. (Field diary, Kakuma, 24.06.19; 01.07.19).

Political aspirations were often portrayed, and the management of future events was often discussed during the Wird sessions. Political aspirations became infused with the practice. For example, Ali began reciting “Let Allah assist our Party...” in Somali, fusing the repetitive piety practices of the Wird with his political vision. At the end of one Wird Ali began making a prayer on behalf of the entire group in Somali, closing his eyes and speaking aloud he wish for Allah’s blessings and pleas for Allah to hear their prayers. On other occasions, when the final Monday was approaching for the ritual of killing the bull, other non-Party members came to the Wird. They were other members of the Somali Bantu youth group, younger than those in the party, Ali explained that they were helping gather all the elders and sheiks for the upcoming Monday when the bull would be killed. However, when non-party members entered the lodge no mention of the political party would be made. (Field diary, Kakuma, 01.07.19). Within these Wird sessions, piety and politics were infused, the emulating of religious practices with political messages made the entangling of the two arenas impossible to separate. The public prestige of holding the Wird was public, while the sacred was the political aspirations of the group. Kin, elders, sheiks, and other youth members all knew about the Wird, but the exact reasoning was always kept secret from some.

The Wird emerged as a ‘private transcript’ (Scott, 1999) as a result to the threats of violence and state terror illustrated in the death threats directed at Ali and Juma. The reason for making the Wird private was because the group was self-fashioning their piety (see Hirschkind, 2006; Mahmood, 2011) for political aspiration. Within this private transcript, protected within the context of being a religious affair, the aspiring political group could plan and establish their aspiration for political office in Somalia. This is in no way to say that the religious aspect of the Wird was a guise for the political; in fact I consider the piety of the Wird merely infused the political aspiration with greater sincerity and effort. Much like the context of the church for SPLM-IO activists, the Wird was a vehicle to mobilise ‘home’ politics that is inhibited in the camp setting.

On the final Monday, a week before the bull was to be sacrificed, an elder was invited to the final Wird and swearing in ceremony of the party members. He was the first non-party member who was informed about the group’s political aspirations (apart from a few close kin). Juma claimed the elder was the second oldest man in Kakuma reaching the age of 105, and this granted him special revered status enhancing the sincerity of the practice. The

location was the same, but Ali informed me it was chosen because the Sheik who owned it apparently “had witnessed the independence and the first Somali President” (a somewhat different story from previous explanations which claimed it was for security). Each member swore an oath to the party and to Allah upon the Quran. Watching from the far end of the room was the elder, who anointed the ceremony with his presence, while feeding incense to a small fire. After each member swore upon the Quran, the elder began to tell a story concerning the hardship of life in the metaphor of a river, followed by song and prayer with the other members joining in. (Field diary, Kakuma, 08.07.19).

After the swearing in ceremony, we reconvened at Omar’s home and chewed some miraa while Ali showed me some videos from an online news channel called ‘Somali Bantu TV’. On the walls of Omar’s house hung three photographs, one of himself and his wife, and two edited photographs featuring Omar with former Somali President Siad Barre. After Ali and Omar completed their mid-day prayers, we moved again from his house to another compound of local elders. This would be their first address as the party. None of the audience was directly informed, but apparently, some became suspicious. The address was made as a part of the Ijazah, it directly concerned them leaving their status as a youth. As such, the youth members had to inform camp management that the meeting was occurring, thus the Lutheran World Federation approved the meeting because a community security officer was present.

The room was filled with elders, youth members, and prominent women who all belonged to the Somali Bantu identity. Tea and soda were served to all those attending, and a Lutheran World Federation community security, who was Somali Bantu, was placed at the door. I was made to sit in the centre with a film camera and told to point at either Omar in front of me or the elders behind me. Omar was the first to open the address crowd in Somali, standing tall above the crowd in his freshly ironed suit:

“It is a great opportunity to take this chance to welcome you elders, ladies, and gentlemen. The purpose of this meeting, while speaking to you on behalf of my colleagues here with me, is to seek your advice, knowledge, and history of our past persecution from Somalia. [...] We are greatly concerned with our histories linked to Somalia. This is because our knowledge of understanding about Somalia and our people is very little. We have been brought up in a refugee camp like this one and the Dadaab by you as our parents. We assumed that it is our time to stand and face challenges for the transformation of our society. Despite our little education that we harvested in the refugee camps with parent care support from you as our elders, but still there are gaps that need to

be bridged to reach the goals of success for our society. [...] How did our Somali Bantu society to exist in Somalia? Or which community is most indigenous between Somali pastoral and Somali Bantu farmers? What were the social life aspects of our renowned Islamic scholars?" (Video recording, Kakuma, 08.07.19).

After Omar's address, the first of the elders replied to his questions:

"Thanks for welcoming us to this meeting. I would like to assure you that Somalia is our motherland, and we are the indigenous society that belongs to Somalia. Our history could be dated before prophet Muhamad came to appear in Mecca, we, Somali Bantus have been living in the Jubba-Valley of Somalia. During that period of classic histories, Somali pastoralists never lived in the boundaries of Somalia. Somali pastoralists are from the Oromo clan lineage originating from Ethiopia. You youth, you should not be deceived with wrong historical information which says that Somali Bantu are the captives of slave trade sold into Somalia. No, that is not the case, this was a political stigma created by the Italian colonies and Somali pastoralists for the purpose of discrimination against the Wagosha farmers. [...]" (Video recording, Kakuma, 08.07.19).

The second elder responded, claiming that the recent rise in Wahhabism was "recently introduced into Somalia is a political attempt to eliminate us the Somali Bantu, our Sufi culture, our economic systems, our social rights and so on." And he referred to "digging the tombs of our scholars or prominent sheiks of Somali Bantu and abandoning the ones of pastoralists." (Video recording, 08.07.19). The third elder to speak also relayed similar complaints:

"Somali pastoralists cannot be trusted anymore. They politically deceived our ancestors during the independence up to now. They also deceive the international community. [...] For me, as far as concerning my ideas to conclude, I condemn the international community because they are the one's mastermind for the Somali Bantus to miss their rights from Somalia and continue funding the Somali Pastoralist despite this irregular political behaviour." (Video recording, 08.07.19).

The speeches made by each elder were fierce, they spoke passionately about these issues and relayed them to the Somali youth group enacting the Ijazah.

Although when conducting the Wird the members of the Somali Party openly discussed their political aspirations, this meeting was public and thus no mention of the party was made. Instead, the ritual of Ijazah enabled the ongoing project of constructing the Somali Bantu identity, while blurring the boundaries between the private and public spaces or transcripts.

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Here the first elder defined the Somali Bantu as in opposition to “pastoralist” Somalis, referring to them as “Oromo clan lineage from Ethiopia” and marking them as not Somali. While the true Somali was the Somali Bantu, who as the first elder noted, existed in Somali prior to Islam. The second elder expanded upon this, describing the Sufi Somali Bantus as almost true defenders of Islam, against foreign Wahhabism. The third defined the Somali pastoralists as corruptors of the international community, and this was the reason Somali Bantu’s had had limited power in Somalia. Here the public transcript was managed and self-fashioned under the Ijazah. It was maintenance to screen the political party through the open discussion about Somali Bantu origins and religion. Scott notes how changes in speech and practices under a guise are ‘political resource of subordinates’ (Scott, 1990, p.34) to manage the dominant groups and their infiltrators. ‘The hidden transcript comes, in this way, to be the repository of the assertions whose open expression would be dangerous.’ (Scott, 1990, p.40). Here, the presence of the Lutheran World Federation staff and very public performance was a liability to their hidden transcript, yet through the discussion of Somali Bantu identity, the members could disguise their political aspirations through the nominal political lens of identity. The two, hidden and public transcripts were not something that was turned on or off like a switch, but a dual play that illuminated a grey zone between the two, where identity became a guise for political thought.

The 15th of July, the final Monday had arrived, and I met the party in the compound of a local Sheik accompanied by a small crowd of elders and Sheiks. Shortly after my arrival in the early morning, a small herd of a dozen cows were herded down the main road by some young Turkana men. The Turkana smelt of alcohol and attempted to single out a bull, but the herd panicked and began charging down the narrow road. Fortunately, no one was trampled and one of the Turkana masterfully lassoed a rope around the bull’s leg, followed by the grabbing of the tail and another rope around a second hoof. At this stage, a crowd had gathered, and the bull was placed upon its back due to exhaustion, and its throat was slit. A congregation surrounded the bull, and a communal prayer was led by the local Sheik. Over the course of the morning, the bull would be butchered by men and cooked by the women with pilau and banana. A great communal feast was shared amongst all those who attended, including the Turkana herders. After eating, we sat together in the main lodge room. Children and older men began reciting songs and prayers. Afterwards, the elders, the party leaders, and I moved into the side room where further prayers and small speeches were made. (Field diary, Kakuma, 15.07.19).

By mid-day, many had left for prayers, while I remained in the house of the Sheik with several members of the party and some elders. There we sat and discussed dream interpretations after the elders had asked to hear them. Omar, the chairman of the party, described his: “I had a dream where we met the international diplomats, they tried to make me tell a lie, but I could not tell the lie”. Juma then excitably turned to tell me his: “I dreamt all the villages had our parties’ flag, then all the chickens and cats came out to look [...] Then I dreamt we were praying with the Misbaha, then we went to a village with coconut trees and the *mamas* and elders came out to greet us.” When the dreams were being translated into English for me, Juma turned to and said with a smile: “We don’t tell the elders it is our parties’ flag, but just Somali flag.” (Field diary, Kakuma, 15.07.19). The dreams, prayers, songs, and the age of the elders brought great reverence and piety to the objects of those conducting the Wird. During the initial days of starting the Wird, participants and practices were taken less seriously than those in later days. The closer to the final initiation ritual, greater gravity was given to pious practices; for example, phone calls were no longer answered and casual conversation between prayers were discouraged. Furthermore, the interpretation of dreams was now being associated with the formation of the party. They were interpreted as spiritual messages that combined the political aspirations of the individual.

After mid-day prayer, the party reconvened again at the lodge where we had conducted the Wird. This would be the final initiation ritual, the Ijazah of the group. I thought I was to be excluded from the ritual but found myself placed amongst the party members in a semi-circle, facing the corner of the lodge, while someone asked for my camera to film the ceremony. Behind us, some 30 Sheiks and elders stood, conducting prayers and then a series of Qasida (poetic songs) with the occasional splashing water and waving incense over our heads. While we faced the wall, the members sang along. I mumbled my way through the ritual I had not anticipated. The Qadiriyya flag belonging to the Sufi lodge was then passed from one member to the next, always a single hand had to be gripping it, while it was passed in rhythm to the beat of the Qasida. At the end of the ritual, water was poured into our hands three times for us to drink, then we arose to shake hands and greet all those in the room. (Field diary, Kakuma, 15.07.18). During the opening of the ceremony a prayer was made by the head Sheik, that Ali later translated for me:

“Blessings to our youth, those who were born during a time when we were youth and at a time that we took efforts to raise them from farming, blessed are our sons and youth. Did we not make enough effort to care and protect you from the burdens of civil unrest, a time

Chapter 5. Enforced Disappearances and the Multiplicity of States

that we had been hiding in bushes to escape from a stray bullet of armed militias fighting across the Jubba-Valley. Blessed are our sons and youth, those whom we gave much of our time to educate in a refugee camp like this, and now, our advice is to our sons and youth, in a time like this today. We permit you to be our leaders to lead our society, our advice is due to our sons and youth, that, you should be aware that our permission to lead us today is the will and great Allah. [...]" (Video recording, 15.07.19)

Only after Ali and I watched the video together did he admit to me that the Sheiks and elders knew something about their political aspirations of forming the party. They did not know the explicit details, but over the course of the Wird and subsequent partly private events with political messages, they had been led to consider something was happening. Ali noted to me "they were suspecting something was being done" (field diary, Kakuma, 22.07.19).

Despite this, the party members would continue to meet up, discuss issues and produce party documents after I left Kakuma. The fate of their political aspirations remains to be seen, but what has occurred and been detailed here is a continuous play between private and public scripts within the backdrop of state terror. Although the threat of enforced disappearance was not as severe as the case with Deng and the SPLM-IO, the danger posed by enforced disappearance was still a looming threat. The death threats and feeling of being watched by CID informants within their own community had shaped their use of the Wird, while public events were conducted under the guise of recreating Somali Bantu identity. It is by paying attention to these political and religious processes that we begin to see how 'autonomous' public and private spheres merge into one another and overlap with the state (Navaro-Yashin, 2002, p. 132). The Somali Party members constantly imagined themselves in relation to the Somali state, through dream and prophecy interpretations. Simultaneously, their practices and speech were determined according to the threat of state terror, manifest in their precarity to the threat of disappearance. The state terror that produced such disappearances shaped their public and private practices, discourses, spaces, and transcripts, while addressing their political aspirations and imaginaries of Somalia to particular audiences. Although the elders eventually became suspicious of certain activities, they too understood the gravity of their aspirations and retained their secret. Here, CID officers and informants came to 'embody' power (Das and Poole, 2004), their violent practices become to represent the state (Aretxaga, 2005), shaping how, when and where one can engage with politics of 'home' and imagine the 'home' state (Hansen and Stepputat, 2006).

5.6 Conclusion

State terror tactics, such as the utilization of enforced disappearances have a fundamental effect on how one performs politics. The two cases I have presented above and their private/public practices can be understood as a reaction to the state practices and strategies developed by Kitson (1960, 1971). Within Kenya, the tactics utilized by Kitson have changed, yet the principle remained the same; infiltrate and coerce. These state terror tactics have mutated in Kakuma as enforced disappearance of South Sudanese political actors or the death threats of Somali Bantu youth groups. The threat of disappearance created a lasting effect, shaping not only individual practices but also having a communal affect. This affect of enforced disappearances and the precarity it produces inflates within spaces of registered containment such as Kakuma. The pre-existing UNHCR measures of protection through containment and the subsequent encampment policy introduced by Kenyan in 2012, I argue, have exacerbated amongst displaced persons in Kakuma and Kalobeyei.

The threat of disappearance and its affect shaped how many political actors conducted themselves in the camp. In the case of Deng, his feeling of fear of disappearance emerged out of his inability to leave the camp and his classification as a ‘subversive’ political actor in accordance with the OAU refugee convention. This was only enhanced after the death of his comrade and neighbour Marko Lokidor at the alleged work of Kenyan and South Sudanese intelligence. Reproducing Kitson’s tactics (1960; 1971) of ‘pseudo-gangs’ appearing neither Kenyan nor South Sudanese, the threat of disappearance transformed Deng’s social and political life, forcing him to maintain political distance in public. On the other hand, for Ali, a similar response had emerged akin to Deng’s, but it was in response to death threats made to him and Juma. These threats resembled similar practices used by Kenyan CID agents in other cases reported in Nairobi and illustrated the extent of learned practice within the state security apparatus. Here, state terror tactics appear common across different localities within Kenya. The only difference in Kakuma is that people are intentionally contained and registered, exacerbating the threat and its potent affect upon their lives.

The production of disappearances, a foundation formed out of colonial rule, has shaped the social and political lives of both actors within the public and private spheres. For Deng and the SPLM-IO, the church formed the physical space of the hidden transcript and required the combination of formal political actors, such as religious, elders, zonal and block leaders. Formal political leaders, such as the zonal and block leaders, were employed to speak the language of the dominant powers using the linguistic codes of the elites (Scott, 1990, pp. 18–

19). These formal actors were used in the public transcript of the church. Their acts of obedience were ‘performed automatically’ (Scott, 1990, p. 24), in accordance with the camp managerial bodies. In contrast, the informal political groups, or ‘subversive’ according to the OAU refugee convention had to work within the private transcript – the church – to perform their political messages. The church and the networks which emerged out of it served as a ‘private transcript’ (Scott, 1990) for Kakuma SPLM-IO actors. However, those very networks, connected to Nuer identity, could be tapped into by the Kenyan state and camp managerial bodies. This illustrated the extent of surveillance by the dominant group to undermine such hidden transcripts. Although this surveillance was limited and did not reach totally into the various Nuer hidden transcripts, the threat of disappearance still serves the Kenyan state to impose rule upon the displaced population, forcing the Nuer leaders to end the fighting within the camp.

The Somali Bantu youth group mobilised their political practices within the camp in similar means, through public and private transcripts. The celebration of King Nassib Bundo was done under the guise of displaying Somali Bantu identity, solidifying a common identity across the different Somali Bantu clans while, contrasting themselves from other Somalis. Combined with the waving of Kenyan flags and public addresses, the public transcript was a form of ‘flattery’ (Scott, 1990, p. 18) to Kenyan state and camp managerial powers who accepted the performance. In contrast, the Wird emerged as a private transcript, a safe space from the threat of disappearance. In doing so, the group was self-fashioning their piety for political aspiration. While the Wird was a vehicle to mobilise ‘home’ politics that is inhibited in the camp setting, the Ijazah that ended the Wird hid its political intentions through the guise of Somali Bantu identity, much like with the celebration for King Nassib Bundo.

In sum, the threat of enforced disappearances became a distinct feature of state terror, embodied by CID agents who came to represent the state themselves. Through attempting to engage with the politics of their ‘home’ state, displaced persons find themselves at risk of disappearance. When attempting to conjure alternatives for their ‘home’ countries and states, they are made ‘subversive’ and flung into precarity by the state that manifests itself around them, in the form of security personnel, containment policies, and practices of registration. In response to the threat of disappearance, displaced persons in Kakuma reshaped their political activities to religious spaces, where they could practice and discuss their hidden transcripts with relative safety. Within this space, the state, politics, and religion are self-fashioned to maintain security from state terror and disappearances.

Chapter 6. Biometric Registration: Huduma Namba is the Devil

On the 12th of April, I arrived at the Deputy County Commissioner's office in Kakuma, hoping to speak with the Assistant Deputy County Commissioner about the ongoing devolution process within Kenya and how it related to KISED (Kalobeyei Integrated Socio-Economic Development Plan in Turkana West) (see chapter 3). Upon my arrival, I was struck by how busy the office was on a Friday. Normally, I had become accustomed to and partial to the idea that government officers are quiet and accessible on Fridays (as noted prior in chapter 4). However, today the office was bustling with activity. (Field diary, Kakuma, 12.04.19).

Entering the office, I left the intense morning heat and sat next to a tall middle-aged Turkana man dressed in a full camouflage uniform, an attire worn by the military, police, park rangers, or paramilitary groups in Kenya. Seeing a group of well-dressed Kenyans in their mid-twenties to their early thirties walk past us into the Deputy County Commissioner's office, I turned and asked the uniformed man next to me what was happening. He informed me that he would be leading these people out to several remote villages near the Ugandan border to collect "people's information", and that they were having a coordination meeting with the Assistant Deputy County Commissioner. Thinking this was a government census, I asked what it was for, and he replied, "we are going to capture everyone within the Kenyan border". Moments later, some of the young Kenyans left the office. One of them, a young man, came and sat near me. He carried a red tablet with camera and fingerprint capacities. I asked him what it was for, and he explained how everyone in Kenya would have their "details collected, iris, fingerprint, [...] even you will be collected and given a card to access services".

Unknown to me at the time, this was the beginning of the Huduma Namba exercise. (Field diary, Kakuma, 12.04.19).

After the last of the Huduma Namba agents left the Deputy County Commissioner's office, I decided to make my move and try to speak with the Assistant Deputy County Commissioner (ADCC) in his office. He seemed busy and a little stressed but welcomed me in and noted our prearranged interview. Sitting at the long desk, staff hurried into and out of the room asking him questions and leaving again. Once I got the chance, I asked the Assistant Deputy County Commissioner what the census was for, and he corrected me:

"So, this mass registration, they will get your details, because now if you want certain services, you must have several cards... this card it will be able to identify you. With security challenges, when somebody is staying here but he is not registered anywhere. They entered through the porous border. So, now when they register in that system, he'll

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be able to be identified...”

Interviewer: “...Okay. But the refugees will they get these cards as well?”

Assistant Deputy County Commissioner: “Yes. To indicate now this is a refugee. [...]

Even if they move here to Nairobi, you can identify, this is so and so, comes from maybe the DRC or South Sudan, and he is based in Kakuma. Or he’s working somewhere or has a work permit. [...] So, when you go anywhere [in Kenya], instead of asking you too many questions, producing too many cards, you can simply show [the Huduma Namba card] and it will be able to retrieve a person’s information. Then we are able to know this person is here for this purpose.” (Interview, ADCC, Kakuma, 12.04.19).

The Assistant Deputy County Commissioner (ADCC) – who was a former security officer at Jomo Kenyatta Airport – highlighted that the Huduma Namba was primarily for registering the entire population of Kenya. The ADCC and the Huduma Namba agents I spoke with that morning both considered the Huduma Namba a registration exercise, but gave different reasons how the state would use it. For the ADCC, the Huduma Namba was generally about securing the country's “porous borders”. On the other hand, the Huduma Namba agents’ aim where to register the population of Turkana County; not just the Kenyan citizens, but refugees and researchers alike to access social services offered by the Kenyan state. Here, two different Kenyan state agencies initially expressed two varying understandings of the same state process, the ADCC expressed a security focus, while the Huduma Namba agents exaggerated the intentions to provide state services. Not only does this demonstrate the different norms within various state institutions, but also illustrates how the state is a disjointed array of different institutions, actors, and relations.

Soon after this encounter in April 2019, about seven months into my fieldwork and three months after Huduma Namba was announced by the Kenyan President Uhuru Kenyatta, the new Huduma Namba became the talk of Kakuma and Kalobeyei. The Huduma Namba (Kiswahili for Service Number) is a personal registration number based on an individual’s biometrics, with the intention to become a social service card for all Kenyan citizens, refugees, and residents within Kenya. The new social service card was proposed to centralize the management of all Kenyan state services to one chip and pin card, linked exclusively to MasterCard and a select group of Kenyan banks.

However, in Kakuma and Kalobeyei, narratives against the Huduma Namba started to quickly emerge that came in distinct, yet interchangeable forms. In the following days and weeks, I became familiar with two main arguments that the refugees used to reject the Huduma Namba. The first argued that the Kenyan Government wanted to make the refugees Kenyan

citizens, and in doing so, could allow the state to tax refugees; and the second, and most common narrative, was that the Huduma Namba was “the devil”. A common thread to these narratives was that the Huduma Namba might lead to a loss of one’s refugee status if the Huduma Namba was taken, demonstrating the interconnection between the two narratives.

The Kenyan state officers tried to dispute the refugees’ Huduma Namba narratives by denying them, and openly saying that the main objectives of the Huduma Namba were to “fight terrorism” (field diary, Kakuma, 06.05.19) and/or to provide everyone in Kakuma and Kalobeyi with Kenyan social services (Field diary, Kakuma, 12.04.19). However, many residents of Kakuma and Kalobeyi were mistrustful of the state and their agents, reflecting their past negative encounters with the Kenyan state and criticising the informal means the process was conducted. Therefore, what unfolded was the Huduma agents attempting to register refugees with promises of increased access to social services, and the refugees continuing to resist the registration for fear of becoming more citizen-like and/or being marked with the devil.



Figure 20. Huduma agent shows the red tablet, Deputy County Commissioner’s office, Kakuma.

Chapter 6. Biometric Registration: Huduma Namba is the Devil

In this chapter, I seek to understand the different narratives against the Huduma Namba and how they reflect pre-developed perceptions of the state. How did the Huduma Namba take on such a potent form amongst the refugees of Kakuma and Kalobeyei, and why did they see it as the devil? To understand the potency the Huduma Namba had on the refugees of Kakuma and Kalobeyei, I engage with literature surrounding the state and its intersection with fetishism. I argue that previous experiences with the Kenyan state enabled refugees to make the Huduma Namba an object of power over them, a fetish. Through granting the Huduma Namba power, they altered their relationship with the Kenyan state to one of resistance, reaffirming and constructing what the state meant to them. Their defiance was an attempt to claim UNHCR statehood and sovereignty, distancing themselves from an increasingly present Kenyan state.

In what follows, I will initially demonstrate my theoretical framework of state fetish. Then, I give a historic overview of the Huduma Namba, tracing its colonial origin from the kipande system until the present. Finally, the ethnography is split into three sections: the first looks at how the Huduma Namba was introduced into the camp; the second examines the various resisting narratives on the Huduma Namba in more detail; and the third section assesses refugees' claims to UNHCR statehood in response to the Huduma Namba.

6.1 The State Fetish

States are constituted from an array of varying institutions and actors that become conveyed under the banner of “the state.” As I have discussed elsewhere, the states and their actors within Kakuma and Kalobeyei are mobile (see chapter 2), they move into and out of the camp, demonstrating the multiplicity (see chapter 5) and temporality of their formation (see chapter 4). States within the encamped context are multiple and mobile (see chapter 1), they do not require territory, but subjects to form sovereign domination (see chapter 3). In addition, the process of association of one state institution with the norms and practices of another is a means for how the state becomes constituted as a whole. This chapter examines the process of how one state project becomes associated and constituted as a part of the entire state imaginary. Using the example of the Huduma Namba, I demonstrate how the biometric registration project became attached to preconceived ideas, emotions, images, practices, and relations with the state in Kakuma and Kalobeyei. Fundamental to this process is that the state images and ideas are derived from the context in which it is constituted. The reactions refugees had to the Huduma Namba derive from personal predeveloped interpretations of the Kenyan state. Considering that many refugees' primary interaction with the Kenyan state

before the Huduma Namba has been within institutions and actors from RAS and the Kenyan Police (see chapter 2), this has strongly influenced their reaction and resistance to the state project.

The sometimes disjointed or contradictory formation of states is often explained in territorial terms. This often falls in line with literature that refers to states as having “para” or “quasi” formations in postcolonial societies (Jackson, 1993; Gill, 2009). However, the territorial imaginary of the state becomes problematic when we consider one form of state more “genuine”, “true” or “official” over another (Bierschenk and Olivier de Sardan, 2014), in particular break away states or independent regions, such as Somaliland (Hoehne, 2013). Such state formations are often portrayed as illegitimate or “weak” by media and international discourses, but for those who interact and experience them daily, such states are very much real and structurally encompassing (Abukar Mursal, 2021). To alleviate this problem, some anthropologists have examined sovereignty as being “nested”, “graded,” to “flexible” formations (Hansen and Stepputat, 2006; Ong, 2006), which is often used to explain the formation of alternative orders and sovereignties that might come to serve or resist the central or local governments, for example, paramilitaries (Krupa and Nugent, 2015). However, such an explanation still maintains the state as a thing tied to a territorial space (Krohn-Hansen and Nustad, 2005), rather than something which is constituted within relations between actors (Thelen, Vettters and Benda-Beckmann, 2017). It is important to reiterate that it is not “a” state that is being discussed, but a multitude of organisations and institutions, transnational and national, that can be unified or considered fractured depending on the context and who is speaking about the state.

Abrams’ concept that the state is ‘an ideological project’ that legitimates subjection through claims to domination (1988) can help untangle such an instance. He warns against seeing the state as a thing or a political reality. Instead, Abrams understands the state as an idea that is used to claim domination by an incoherent array of different state institutions. Abrams summaries that the state idea derives from institutions' various claims to power and domination. These claims, Abrams argues, are a screen that hides the formations or institutionalizations of power that substantially exist behind the idea of the state. The result is a unified perversion, that appears united, yet disjointed in its workings of political power and practices that implement ‘moral regulation’ (Abrams, 1988). In this thinking, daily practices and encounters with the state institutional actors and images maintain the idea of the state, its borders, institutions, and so on, within a unified form (Krohn-Hansen and Nustad, 2005). In

sum, to understand how various state institutions are made into a whole, it is important to examine how the preconceived ideas of the state are interlinked with other or new state institutions.

Domination is essential to understand the idea of the state and the process of state formation as making an illegitimate force become legitimate. Scott's notion of legitimate domination can be generally distinguished as claims to rule by dominant groups over a subordinate (1990). This is enforced through dominant actors' attempts to control subordinate's public and private transcripts, such as hidden or public performances, practices, and rituals (Scott, 1990; see also chapter 5). For Scott, the public transcript or the mask is used by subordinate groups to '...produce a more or less credible performance' for elites (Scott, 1990, p. 4). In contrast, the subordinate 'hidden transcript', where the subordinate speak in private amongst their own, is produced for a very different audience. The difference between the hidden and public transcript can show the 'impact of domination' (Scott, 1990, p. 8). When a subordinate hidden transcript, on the rare occasion, breaks into the public, it 'breaches the etiquette of power relations' and for the subordinate 'their social links thus provided a powerful resolving lens bringing their collective hidden transcript into focus' (Scott, 1990, p. 8). Scott's work not only speaks to forms of domination but reflects on aspects of resistance. While subordinates might generally hide their misgivings towards the state or a particular project for fear of reprisal, there generally is a tipping point when such discontent hits critical mass. If discontent grows in private, there is a point when such private moments repeatedly slip into the public, which can become open revolt or resistance.

Elites also have hidden transcripts that can contradict what appears in the public (Scott, 1990). To maintain their domination and ultimately subjugate subordinates, elites must maintain a public mask, while retaining their true intentions over those they dominate (Scott, 1990, p. 12). State actors have to maintain such a front, using state symbols to legitimize practice (Thelen, Vettters and Benda-Beckmann, 2017; Sureau, 2019), such as official hats, badges, etc. that serve to maintain their claims to power. However, maintaining domination or subjugation requires the participation of both elites and subordinate classes to effectively work. As Bloch explains, subjugation is a dual process involving both subordinates and elites (1977). It requires ritualization to mystify positions of rank and disassociate those positions from the power they control (Bloch, 1977). Returning to Abrams (1988), the state here is one such claim to domination and subjugation. Actors of institutions must utilise the symbol of

the state in order to subjugate subordinates and extract resources from the population, be it taxation, or biometric information.

State formation is the process of making illegitimate force become legitimate (Abrams, 1988). The process can have a varying impact upon subjects, depending on its ‘effect’ and ‘affect’ produced by attempts of actors to become legitimate (Laszczkowski and Reeves, 2017). In essence, how those who attempt to gain a claim to domination (Scott, 1990) and legitimize it (Bryant and Reeves, 2021) may cause subjects to react in different ways than expected. When state actors enact projects, they ‘may produce intense debate among the governed over the terms of their subjection or expose the very illegitimacy of a state that fails to make good on its own promises’ (Krupa and Nugent, 2015, p. 13). The ‘effect’ of this legitimizing process, despite its results, produces a ‘cluster of promises’ (Berlant, 2011, p. 93) which, so to speak, help create the image of the state as a totality. When actors piece together the state from past experiences (Thelen, Vettters and Benda-Beckmann, 2017) derived from evidence ‘from everyday life’ (Krupa and Nugent, 2015, p. 14), they constitute the state in that particular context.

The ‘effect’ of state projects play an important role in state formation and reinforcing a state structure (Mitchell, 1999), but additional aspects of ‘aggregation’ and ‘projection’ help ‘conjure the state into being’ (Krupa and Nugent, 2015, p. 16). Projection ‘refers to the process by which we seize on what is immediately available to us in any given encounter, and on the basis of what the encounter suggests (rather than shows) to us we project into being an entire domain of power, morality, organization, order, and discipline (or the lack thereof) that lies somewhere beyond that encounter.’ (Krupa and Nugent, 2015, p. 17). Furthermore, this projection of the state is spatially and temporally interconnected, and we locate ourselves and others in relation to this projection. Aggregation, on the other hand, ‘refers to the process of which we connect qualitatively distinct individual encounters, objects, and so on, that have nothing in common with one another and convince ourselves that they are varieties of a single, unifying experience’ (Krupa and Nugent, 2015, p. 16). Therefore, if the state is imagined, it becomes constructed through encounters like rituals, practices, objects that are not necessarily related to each other but become used by people through their encounters to create a unifying experience. The ability to create a unifying experience comes from connecting a whole series of experiences and relating it to one objectified thing (the state). For Krupa and Nugent, ‘aggregation is more usefully understood as being based on ‘fetish value’, a term relating to Marx’s use value to exchange value (2015, p.16). Basing the ‘fetish

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value' can be made from a variety of interactions, rituals, objects, etc. that become 'regarded as an embodiment of state power' (Krupa and Nugent, 2015, p. 16).

Aggregation, for Krupa and Nugent, is made possible through a fetishizing procedure, where interactions with perceived state practices, objects, rituals, and so on, are made fetishized to produce the state as being a unified whole with an enduring objectification (2015). Yet to understand the notion of the fetish, I now turn to Taussig's seminal piece *The Devil and Commodity Fetishism in South America* (1980). Taussig's central point is that the devil represents the alienation experienced by South American peasants, as they must sell off their labour with little recompense (1980). The devil, in turn, is not an archaic relic of the past but a critic by the peasantry of the exploitation they are experiencing. Taussig explores this further with the state. Alike Abrams (1988), Taussig too observes the 'fictionality' of the state, but unlike Abrams, does not consider the state to have hidden forces of power behind a 'mask'. For Taussig, the state is 'a meticulously shielded emptiness and magnificent deceit in whose making all members of the society, so it would seem, conspire' (1992, p. 132). In essence, we all commodify the state and transfer power to it, but importantly, do so in different ways. While Taussig's point is interesting, the idea of the state being empty is unfounded and ignores the vast array of practices, images, and actors that come to use the state idea. I would rather agree with Abrams (1988) that powers are operating behind a mask of the state, but I also consider that the state mask, process of mystification, or fetish to be contextually derived.

Expanding upon the term fetish, I apply the revisionist approach of David Graeber's 'fetishism as a form of social creativity' (2005). Graeber explains that fetishism is where actors attribute powers to objects through rituals, which in turn results in the objects having power over the actors and their social relations (2005). Graeber is interested in how a fetish is made, and how it functions as a means of creating relations between strangers in new social contracts by endowing objects with the power to punish violations (2005). In regard to the state, Graeber expands beyond the contract and explains alternative avenues for the fetish:

'Even when fetishes were not explicitly about establishing contracts of one sort or another, they were almost invariably the basis for creating something new: congregations, new social relations, new communities. Hence any 'totality' involved was, at least at first, virtual, imaginary, and prospective. What is more – and this is the really crucial point – it was an imaginary totality that could only come into real existence if everyone acted as if the fetish object actually did have subjective qualities. In the case of contracts, this means: act as if it really will punish them for breaking the rules.' (Graeber, 2005, p. 430).

The fetish makes bonds by bringing strangers together who co-construct objects with the power to punish violations against their new bond or organisation. The Huduma Namba is a fetish, it is endowed with powers to punish those who take it or give their biometric data to the Kenyan state. The punishment, as I will demonstrate is to be made a Kenyan citizen and/or be marked with the devil. The punishment derives from the already having a contract between refugees and the UNHCR, namely the biometric registration as refugees.

In the context of Kakuma and Kalobeyei, the Huduma Namba project was another state interaction that became constituted with predeveloped understandings of the Kenyan state. From a relational approach to the state (Thelen, Vettters and Benda-Beckmann, 2017), we can examine the fetish as another relational setting between actors where the state is constituted. The Huduma Namba became fetishized, through the narratives claiming the Kenyan state will turn you into either a Kenyan citizen and/or mark you with the devil. In this format, the claim or practice of domination for biometric information of refugees by Kenyan state actors was subverted through refugees' resistance. Resistance came in the form of narratives that suggested that refugees who took the Huduma Namba were breaking their contract or bond with the UNHCR. On another level, such narratives demonstrated refugees' rather nuanced expressions of modernity. I follow approaches that examine witchcraft and the occult as 'a metacommentary on the deeply ambivalent project of modernity' (Sanders, 2003, p. 128). In doing so, they can help reveal the discontents of modern processes (Comaroff and Comaroff, 1993). The Huduma Namba fetish represents a unique discontent with aspects relating to refugee protection (Nakueira, 2019b) and the state (Rowlands and Warnier, 1988). In this chapter, I utilise the concept of the fetish as an aspect of how the state was constituted within the camp, but also demonstrate how it reflected a wider critic by refugees concerning the state and integration as a durable solution.

6.2 From Kipande to Huduma

The method of identifying individuals with their fingerprints and creating a link between a paper trail to a body was an early biometrics technique. Biometrics were first developed by eugenicist and social Darwinist Francis Galton while employed in South Africa in the mid-19th century (Breckenridge, 2014). Biometrics were so effective in tracking and tracing African labour that their use would become commonplace across British African colonies in the early 20th century, including the Colony and Protectorate of Kenya. In Kenya, the Native Registration Amendment Ordinance of 1915, implemented in 1920, made it obligatory for

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African males above the age of 15 to register with a local administrative officer and carry a Kipande:

“This document, known as kipande, provided basic personal details and acted as a record of employment. A central registry was established, and by 1931 nearly two million kipande had been issued [...] The pass system then allowed such individuals to be more easily traced; any inspection of the kipande by an official, or even by a prospective employer, could reveal a discrepancy in the record that might result in prosecution if reported. Not surprisingly, native registration was highly popular among settlers but deeply unpopular among Africans.” (Anderson, 2000, p. 464).

The Kipande system was used to control the movement of people between allocated tribal reserves or curtail certain groups from seeking employment in the White Highlands (Elkins, Lonsdale and Triulzi, 2005; Breckenridge, 2014). In 1947, the Kipande was replaced by an identity booklet issued by the Registration of Persons Ordinance and later evolved into various Kenyan identity cards post-independence (Mutung’u and Rutenberg, 2020). The Huduma Namba card is thus the latest in a long history of biometric identifications cards used in Kenya.

The Huduma Namba card is a part of the National Integrated Identity Management System (NIIMS), the system is planned to operate as a national population register for a single source of information about Kenyan citizens, foreign residents, tourists, and refugees in Kenya. The card will combine a multitude of already existing government-issued cards, such as the Kenyan Identity card, driver’s license, birth certificate, Hospital Insurances card, and the Refugee/Alien card (van der Straaten, 2019; Mutung’u and Rutenberg, 2020). The origin of the card comes from the Kenya Vision 2030, set up by the Jubilee government of 2013, which aims to centralise public services in Kenya through the Huduma Kenya Programme. The initial stage of centralisation of government services has already taken place through the establishment of Huduma Centres. These Huduma Centres, former Kenyan Postal Service offices, are intended to be ‘one-stop’ social service centres interconnected through a common database (Mungai, 2019). The setting of Huduma Centres across Kenya was enacted by the Ministry of Devolution and Planning, which lead the Huduma Kenya Programme as a flagship program for the Kenya Vision 2030. The Huduma Centres are the first of seven steps initiated by the Huduma Kenya Programme, followed by the second phase of the project, the Huduma Namba registration, and subsequent cards. The subsequent steps after the Huduma Namba card are the setup of eHuduma (a website service), then mHuduma (a mobile app service), followed by a Huduma call centre, and finally an Integrated Payment Platform.

As the flagship program for the Kenya Vision 2030, the Huduma Namba is considered by government sources to address ‘the big four’ agenda laid out by Kenyan President Uhuru Kenyatta: food security; health care; affordable housing; and manufacturing. From the Huduma Namba website, the government highlights the aims of the project for its citizens: “The purpose of this initiative is to create and manage a central master population database which will be the ‘single source of truth’ on a person’s identity. The database will contain information of all Kenyan citizens and foreign nationals residing in Kenya and will serve as a reference point for ease of service delivery to the people of Kenya.” (Government of Kenya, 2018). For Kenyan citizens, the Huduma Namba was posed as a government program for their benefit and using the Huduma Namba as a reference point for development initiatives relating to the big four.

The mass registration process through the National Integrated Identity Management System (or NIIMS) started on the 16th of February 2019 and officially ended on May 17th, 2019. However, due to a relatively limited turnout, the government announced a second registration program (Mungai, 2019). Despite the initial resistance against the Huduma Namba, government records claimed that 39.5 million Kenyan citizens were registered out of a total of 49.7 million from the second registration period (van der Straaten, 2019).³⁶

The Kenyan state's ability to protect its citizens' data has been notably weak (Mungai, 2019), as was made evident during the contested presidential elections of 2017. For the election registration process, a French corporation OT-Morpho obtained Kenyan citizens’ biometric data. When the data was requested by the Kenyan Supreme Court, to verify the 2017 election results, it was not made available by the French corporation which claimed ownership over the data (Nyabola, 2019). The request for the data became increasingly politicized after the opposition leader Raila Odinga accused OT-Morpho of allowing unauthorized access to its servers. OT-Morpho has denied claims that the biometric information IEBC (Independent Electoral and Boundaries Commission) was hacked (Lee, 2017).

Many Kenyan citizens took to social media to vent their frustration and anger at Huduma Namba for a variety of reasons. Using a diversity of Hashtags such as #KenyaStateCapture, #BoycottNIIMs, #ResistHudumaNamba and #HujumaNamba (Kiswahili for “sabotage number”) took to non-traditional forms of media to attack the proclaimed service. The disgruntlement came in many forms and often reference the previous government’s services.

³⁶ There is no known record of the number of refugees registered under the Huduma Namba exercise.

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Data protection was a major concern among those resisting the Huduma Namba, as with an absence of data protection laws, many Kenyans were concerned that personal data could be misused or sold off to third parties. This happened during the 2013 elections when Cambridge Analytica used Kenyan personal data from Facebook to create targeted adverts to sway the elections (Warah, 2019). In addition, Kenyans attributed the new Huduma Namba with previous attempts to use biometric technology by the state. For example, the 2013 and 2017 elections both had failures in the digital voting system, either they malfunctioned or were intentionally tampered with (Nyabola, 2019). Moreover, corruption played a major role, as Kenyans feared the Huduma Namba information could be used for illicit means. Such was the case of the Integrated Financial Management Information System (IFMIS), a new digital platform that resulted in the loss of ‘billions of shillings from state coffers’ (Warah, 2019). In sum, many Kenyans had become disillusioned by the argument that digitalising government services reduce corruption; instead, it only appeared to exacerbate it.

Due to the ongoing concerns related to data protection and the non-transparent manner the government enacted the Huduma Namba, the Nubian Rights Forum, Kenya Human Rights Commission, and Kenya National Commission on Human Rights each petitioned the High Court of Kenya, Constitutional and Human Rights Division. The petitions were concerned with the lack of transparency regarding the non-competitive way the contract of NIIMS was awarded, the lack of data protection, and the potential risk of further discrimination of minorities (Mbagathi and Waikwa, 2019). The case failed to stop the Huduma Namba registration, but the High Court did respond to the litigation, informing the government that registration cannot be mandatory, DNA and GPS data should not be collected, and sharing with third parties would not be allowed. Despite this, the government still maintained a deadline and the threat that those who did not register could lose their right to state social services.

David Ndi claims that Huduma Namba was being pushed so strongly because of nepotism from the Kenyatta family³⁷. Ndi's evidence comes from a leaked document titled ‘Restoring Credit Access to Micro and Small Sized Businesses’ (2019). Within the document, Ndi demonstrates that a microcredit scheme named Wezesha (‘enable’ in Kiswahili) is intended to ‘mobile phone lending platform’ that will be managed by five banks, ‘namely NIC Bank, Diamond Trust Bank (DTB), the Kenya Commercial Bank, and Cooperative Bank under the

³⁷ At the time of writing, Uhuru Kenyatta is the current president of Kenya. He is the son of the first president of Kenya, Jomo Kenyatta.

leadership of the Kenyatta Family-owned Commercial Bank of Africa.’ (Ndi, 2019). Furthermore, the leaked document alludes to connecting the Wezesha scheme with the Huduma Namba, allowing customers to receive information and advice on micro credit opportunities at Huduma centers. Ndi concludes that the scheme is set up to make the Commercial Bank of Africa the gatekeeper to the scheme, enabling the Kenyatta family-owned bank to have overwhelming control over the market of micro and small-scale loans.

In February 2019, it was announced that the Huduma service card would be interlinked with MasterCard (Nyabola, 2019). The Huduma prepaid card would be integrated with a chip and PIN technology, connecting it to ‘Commercial Bank of Africa (CBA), Diamond Trust Bank (DTB), Equity Bank, and Kenya Commercial Bank (KCB)’ (MasterCard, 2017). A consequence of this would be that MasterCard would then have control over the server information regarding individuals’ biometrics, but possibly their financial status also. Nyabola refers to these forms of data mining as ‘digital colonialism’ (2019), referencing the problematic relationship the Kenyan state has with third party data management agencies, such as OT-Morpho as mentioned above.

With the Huduma Namba, Ndi argues we are seeing a dual process of digital colonialism by MasterCard and ‘state capture’ by the Kenyatta family (Ndi, 2019). Considering that the final stage of the Huduma steps for Kenya Vision 2030 is an Integrated Payment Platform dominated by the Kenyatta family-owned banks, we begin to see the extent of what Ndi describes as ‘state capture’ by the Kenyatta family (Ndi, 2019). Furthermore, this is excelled by the MasterCard platform that enables this state takeover while simultaneously gaining access to a vastly growing market of biometric and financial data from citizens, refugees, and residents in Kenya.

6.3 Emerging Narratives of the Huduma Namba

In late March 2019, accusations began to circulate across social media platforms and churches across Kenya that the Huduma Namba was the devil. Their arguments reference Biblical texts, suggesting that biometric information used for the service card would be the devil’s mark and this would stop them from entering the Kingdom of Heaven. The videos and images used by the online pundits frequently used the Mastercard chip and PIN card as an example, turning the misplaced “999” upside-down on the card for a “666”. Interestingly, some of the videos concerned with the Huduma Namba originated from outside Kenya, often the United States or the United Kingdom (Apostle Fred, 2019; KNOW FACTS, 2019). Within Kenya, the narratives against the Huduma Namba mainly came from Pentecostal and Evangelical

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churches, while larger and mainstream denominations such as Catholic and Lutheran churches tended to avoid such narratives. The spread of these videos and the genuine fear felt by many Kenyans prompted the Kenyan President to attempt to debunk the counterarguments on national television, but it is unapparent if this had any effect.

The use of the devil in Kenya when referring to the Kenyan state or state institutions is not uncommon. Blunt (2004) has examined the use of the devil amongst Kenyan Pentecostal congregations to explain how some attained vast material wealth during the economic downturn of the 1990s. Blunt (2004) attributes the use of the devil to the World Bank and International Monetary Fund policies that were not tailored to Kenya's moral economy and political patronage of the 1980s. This was achieved through the 'virtual undoing of moral and geopolitical boundaries: the massive importation of foreign-made goods, the devaluation of the shilling, and the export of primary commodities in exchange for foreign currencies' (Blunt, 2004, p. 314). In response, various wealthy elites began to counterfeit the already massively devalued currency. However, as the counterfeit spread, 'these fake fetishes increased in circulation, their truth value decreased in each lap of exchange' (Blunt, 2004, pp. 316–317). For the Pentecostal community, the growth retaining of patronage wealth amongst elites in contrast to the devaluation of the Kenyan shilling eroded trust in state institutions and elites who managed them, making state fetishes such as currency associated with the devil's pact. The devil became so potently associated with certain state institutions that President Moi appointed an inquiry into the presence of devil worship in the country (Blunt, 2004). However, it failed to ease the tension and the use of the devil has retained its potency when dealing with power.

Later the use of the devil discourse remerged against foreign political bodies, such as the International Criminal Court (ICC). In 2012, William Ruto and Uhuru Kenyatta were both indicted by the ICC for the 2008 post-election violence. In 2013, the two former political rivals formed a coalition against Raila Odinga. Throughout the campaign, Ruto and Kenyatta claimed that Raila Odinga had created the charges at the Hague and that together they would combat the ICC, which was referred to as the devil. (Wasonga, 2017). The result was William Ruto becoming Deputy President and Uhuru Kenyatta President of Kenya. The use of the devil in Kenyan politics has powerful connotations and can be used to connect state or foreign entities as potentially dangerous and corrupt. Those who side with foreign entities, such as Raila Odinga and the ICC, resulted in him being tarnished with the devil.

In Kakuma and Kalobeyei, unlike in other parts of Kenya, the Huduma Namba project was the first time the Kenyan government implemented a biometric registration process on the refugee population without the assistance of the UNHCR. The UNHCR, in contrast, has used biometric identity cards and papers in Kakuma since its creation in 1992. Refugees have biometric identity cards for a whole range of services, from refugee registration to food rations. The latest mass registration of refugees by the UNHCR in Kakuma and Kalobeyei has been interlinked with other states, such as the Strengthening Protection Capacities Project (SPCP), funded by the European Commission, Denmark, Netherlands, and the United Kingdom. The project was largely planned without involvement from the Kenyan government and left to UNHCR to ‘sell’ the project to them since 2005 (Betts and Milner, 2007). The SPCP provided \$1 million in funding (out of a requested \$8 million) for printing refugee ID cards and reducing the backlog of refugee registration. Intended to be implemented in 2008, it took until 2016 for the collection of biometric data to begin due to other concerns taking prevalence, such as food security, according to the UNHCR (UNHCR, 2016). Moreover, although RAS took over refugee registration in 2016, it continues to be conducted with the assistance of the UNHCR (see chapter 2).

On the 30th of January 2020, approximately four months after I returned from fieldwork, the Kenyan High Court ruled that the NIIMS would be halted until several key gaps would be addressed by the government. In particular, the lack of protection of personal data within the NIIMS system was identified, and that certain segments of Kenyan society would be at high risk of not receiving government services due to a lack of government documents. At the time of writing, NIIMS and the subsequent Huduma Namba were paused until these issues would be addressed by the government. (Wambulwa, 2021).

6.4 Huduma Namba Registration

In April 2019, the first Huduma Namba registrations had begun across the country, utilising the Huduma Centres in various county capitals, such as Lodwar in Turkana (see map 1), as bases of operations for the process. These centres served as central locations for registration and data storage, marked with Kenyan colours and the Huduma Namba logo from the outside. In areas beyond the national and county capitals, the Huduma Namba was introduced to the local populous through alternative means. In sparsely populated zones, teams of Huduma Namba agents would traverse remote villages led by local guides to collect individual data. For Kakuma town and camp, Kalobeyei, and the surrounding Turkana *manyattas*, the

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Huduma Namba registration was conducted by small mobile teams coordinated from the office of the Deputy County Commissioner for Turkana Sub-County West.

When it came to registration amongst refugees of Kakuma and Kalobeyei, very little information regarding the Huduma Namba had been disseminated within the camp. A few refugees had become aware of the Huduma Namba prior to its arrival through national television, radio, and social media. However, many only became fully aware of its existence when implementation had begun. Furthermore, normal procedures in Kakuma and Kalobeyei dictate that when the UNHCR or RAS is implementing large-scale projects, agencies such as the Lutheran World Federation and FilmAid would advertise it throughout the camps. However, in the case of the Huduma Namba, this had not occurred until several weeks into the registration exercise, after numerous complaints had been made by vocal refugees.

From the very onset of the Huduma Namba biometric exercise refugees raised concern over the lack of humanitarian presence in the procedure. In particular, the main complaint was the lack of UNHCR involvement in the process, as demonstrated in a conversation with a block leader:

“What is Huduma? Are we included? UNHCR is nowhere to be seen, that is why people are confused... According to the owners [Kenyans] they say this is for services. It is not a matter of saying services if the government does not explain what it is for. What is making it worse is UNHCR is nowhere to be seen.” (Field diary, Kakuma, 07.05.19).

The total lack of presence of the UNHCR created a feeling of mistrust towards the Huduma Namba project. A lack of UNHCR commitment to the Huduma Namba program became associated with a seeming lack of approval by the UNHCR. If the UNHCR did not approve or associate with the program, then refugees considered that it must not be correct or appropriate for them to take the biometric Huduma Namba card. Combined with the lack of advertisement through normal channels exaggerated this feeling of mistrust towards the Kenyan state project.

In addition, what caused more suspicion was the way registration also took place within the camp, such as the use of informal locations by Huduma Namba staff. For instance, Huduma Namba staff did not collect biometric data within field posts, the associated spaces of humanitarian work within the camp. Instead, Huduma Namba registration occurred in informal locations for state actors such as marketplaces, *hotels*, or restaurants along the busy streets of Kakuma and Kalobeyei. This was apparent during a Huduma Namba registration exercise in Kakuma 3 market, which a Darfurian friend Ahmed and I decided to go see

together. Ahmed was curious and wanted to make his own assessment of what the Huduma Namba was about. Outside a small shop, we found a crowd gathered around three men wearing Huduma Namba hats and vests taking refugees' personal details, fingerprints, and photographs. Ahmed approached one of the staff members and asked about the possibility of becoming a Kenyan citizen through Huduma Namba registration. The registration agent angrily denied this and explained that Ahmed would remain a refugee. When we reconvened at a nearby restaurant, Ahmed was not convinced and expressed a deep distrust towards the agent and frustration that he could not speak with him privately, something he would be able to do with a humanitarian or state agent in a field post. Ahmed concluded that he would not take the Huduma Namba. (Field diary, Kakuma, 03.05.19). The relational interactions refugees had with Huduma Namba agents were always conducted in informal settings, sites not associated with the humanitarian infrastructure, and the UNHCR. This disassociation with humanitarian work, combined with the symbolic work of the Kenyan state in the form of uniforms and associated emblems reinforced its connection to the Kenyan state.



Figure 21. Huduma agents taking refugees' biometric information, Kakuma.

I decided it would be best to experience the process of Huduma Namba registration myself, which would also give me a chance to speak with a member of staff. After gaining the contact information of one Huduma Namba agent, we arranged to meet in a small Ethiopian *hotel*.

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The agent arrived in plain clothes, only wearing a Huduma Namba hat, and we shared some formalities. He went on to explain: “It’s to know more about you... similar to the American system, it’s about security, they know everything about you”. (Field diary, Kakuma, 06.05.19). He took out a red tablet and began taking my details categorised by various sections: first, ‘Bio data’ and ‘Birth’, such as nationality and date of birth; second, ‘Citizenship, Relations’; third, my current address, including County and sub-County, followed by telephone number; fourth, ‘Education’; the fifth section asked about job status and if I owned any agricultural land; sixth, ‘Digital photo’ and ‘Capture ID/Passport’, where my photograph was taken to a grey backdrop, followed by a photo of my passport; and finally, my fingerprints and signature were taken (field diary, Kakuma, 06.05.19). A lot of the information required for Huduma Namba registration resembled similar biometric information required during refugee registration process, such as fingerprint, photograph, nationality, and citizenship, (see Abuya, 2004). This possibly contributed to refugees associating it with Kenyan citizenship, as the same information and biometric information inevitably made them refugees.

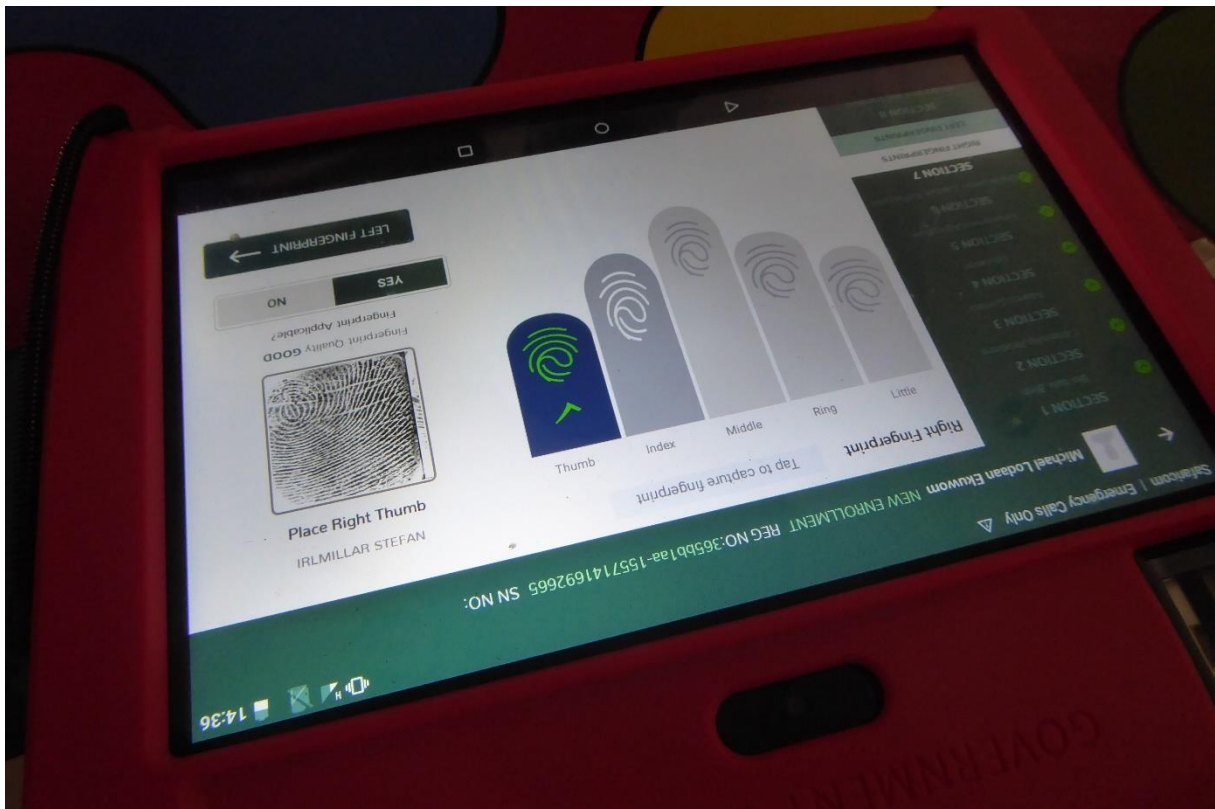


Figure 22. Inputting biometric information, Kakuma.

After I gave my biometric details to the Huduma Namba agent, I asked the agent more about the reasoning for the card. He explained:

“Huduma number is capturing all people in Kenya, its objective is for security and fighting terrorism. Secondly, to access services in the country... especially for refugees it is important. So, the reason we want refugees to take it is to access services and to show they are residing in Kenya. Another reason is to keep the truth, whereby your full details are with the government. Because the system NIIMS acts as a source of truth.”

(Interview, Kakuma, 06.05.19).

Security and the access to services were heavily emphasised by the agent. Moreover, NIIMS being the “source of truth” was a common phrase repeated by politicians at the time of fieldwork during televised addresses. This demonstrated how the state actor fell in line with the government narrative and repeated it, reinforcing his place within the wider process. Such repetition of state narratives helped interconnect interaction with a single state agent with wider government addresses that appeared on social media, television, and radio, consolidating phrases and images of the state into a seemingly coherent form. Combined with the official uniform of hats, shirts, and tablets in official Kenyan state colours, the practices and discourses of the Huduma Namba agents became constituted with an overarching understanding of the Kenyan state.

The tablet and its interconnection to the NIIMS framework was a new biometric method to interact with the Kenyan state. The distinction between biometrics for the Kenyan state as opposed to the UNCHR was distinguished by the chance at resettlement offered by the UNHCR. For example, the narrative expressed by Abraham, a Protestant Nuer pastor highlighted some of these concerns:

“One of the refugees went yesterday trying to get a pin for a person going abroad. When you put your hand in the machine your appointment for resettlement comes up. One Burundi man put his fingerprint in, and nothing came up, no picture, no ration card. They ask him did you register with Huduma Namba [...] it deletes your story with UN, only leaving the government. When he put his finger on, nothing came up. No ration card, everything, it had cleared. When people went to food distribution, they will lose their information...” (field diary, Kakuma, 01.05.2019).

The two registration processes contradicted one another for Abraham. As they had already been biometrically registered with the UNHCR, registering again with the Kenyan state could make one lose their right to resettlement. The Kenyan state not only was constituted by pre-existing interactions with state actors, but it also came to be understood in opposition to the UNHCR.

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The mistrust refugees felt in Kakuma and Kalobeyei towards the Huduma Namba resulted in some suggesting that they would rather leave the camps for South Sudan than take the biometric registration. This was expressed to me by Lam, a young South Sudanese refugee who recounted how people in his neighbourhood were resisting the Huduma Namba: “Everyone in the area is surprised, they see one picture, eye print, finger and everything has to be signed with the family also. When you get that card, it is not clear what will happen, so they will walk back to South Sudan rather than take it.” (Field diary, Kakuma, 30.04.19). The method in which the Huduma Namba appeared, informally and not officially announced, coupled with the previous biometrics of the UNHCR, encouraged refugees to resist Huduma Namba registration.

The narratives regarding the Huduma Namba are the result of refugees’ pre-existing understandings states in Kakuma and Kalobeyei.³⁸ When Huduma Namba agents entered the camp refugees attached their pre-existing understandings of the Kenyan state to the Huduma Namba. Despite the use of biometrics before by the UNHCR in Kakuma and Kalobeyei, the Kenyan state's attempt at collecting biometric information was resisted. The Huduma Namba as a part of the Kenyan state was developed in opposition to the UNHCR. The Huduma Namba became a single feature in an array of experiences that made up an image of the Kenyan state. Despite the offer of services and security by the Huduma agents - the desired effect of this new social service card - the consequence was very different. The Huduma Namba became a ‘contradictory mode of sentimental engagement with the state’ (Krupa and Nugent, 2015, p. 15). Huduma agents wanted to present the card as a new way of receiving social services and security, but this had been dismissed by refugees because of their previous experiences with the state. This is the emotional investment in state promises (Berlant, 2011), where the endurance of the state is maintained through ‘cycles of hope and despair’ (Krupa and Nugent, 2015, p. 15).

Emotional attachment towards the state (Laszczkowski and Reeves, 2017), instigated by the Huduma Namba, helps reaffirm the state’s presence. Despite the Huduma Namba being intended to be an offer for a new form of receiving social services and security of borders, it was instead met with feelings of mistrust and caution. The Huduma Namba was rejected by so many refugees because it threatened their subject-sovereign relationship with the UNHCR, in turn, it helped produced the various narratives against the Huduma Namba to emerge in

³⁸ For a more complete understanding of how refugees constitute the Kenyan state see chapter 2. To understand how refugees constitute the Kenyan state relationally, through community leadership positions see chapter 4. And, for an examination of how refugees experience Kenyan state security forces see chapter 5.

Kakuma and Kalobeyei. In the end, the lack of information regarding the Huduma Namba, no UNHCR involvement, and the informal means it was advertised within the camp reinforced refugees' understanding of the Kenyan state and their position as UNHCR subjects.

6.5 Huduma Namba Narratives: Kenyan citizenship

Huduma Namba narratives relating to Kenyan citizenship had some variation yet maintained a common theme throughout. They often related to anxieties relating to local integration, in some form or another. For example, the Kenyan citizenship narratives generally related to becoming a taxpayer, losing one's refugee status, or being integrated within the local community. Without refugee status, refugees would no longer have the right to services like resettlement, a highly sought-after resource which many refugees actively negotiated for through bribes, demonstrating vulnerability, and in certain circumstances witchcraft (Horst, 2006; Jansen, 2008; Nakueira, 2019b). Thus, by becoming a Kenyan citizen, one would lose the resources and rights associated with being a refugee in Kenya.

Most refugees in Kakuma and Kalobeyei I met did not believe the Huduma Namba was for social services or to combat terrorism, instead considered it to be something more potent and life-altering. For example, Abraham insisted it was for taxation:

“When our block leader went to UNHCR about the Huduma Namba, they said it is not to do with them. All this Bamba Chakula, rations, we suspect that they [the Kenyans] will cut all of this... When they had schools, they chased our headmasters and replaced them with Kenyans. When the children complained, and you try and approach the new headmaster, nothing happens... These people have included refugees in the Kenyan number for tax. In one year, they will be able to pay back the Chinese³⁹. When you have registered, they get you as a part of Turkana, since they have this debt from China, they will use the Huduma Namba to pay the debt with refugees' money. They don't want China taking the port. We know if we refuse the Kenyans will make some revenge on us, we know it is their plan.” (Field diary, Kakuma, 01.05.2019)

Abraham argued that the reason for the Huduma Namba was to increase Kenya's tax base amongst refugees to help pay for China's infrastructure projects across Kenya (see chapter 2). Simultaneously, he considered the Huduma Namba could remove someone from the UNHCR register, taking away the possibility to receive food rations or a chance at resettlement. Abraham had also mentioned that he and others had spoken in great length with community

³⁹ Referencing the loan the Kenyan Government took from the Chinese to build infrastructural projects across Kenya (see chapter 2).

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leaders about the Huduma Namba and that they had considered that it was not to be associated with the devil but a way to pay the Chinese. It appeared that Abraham had chosen this explanation collectively, selecting certain aspects to explain wider global phenomena.

One's right to resettlement was key to understanding what it meant to be a refugee. In opposition to being a refugee was being a Kenyan citizen or the "host-community" Turkana. For refugees, the resource which made them unique to other Kenyan citizens (especially the Turkana) was their access to the chance at resettlement. Robert, a refugee from the Ethiopian, connected the link between the Huduma Namba and losing one's chance at resettlement:

"This Kenyan ID is controversial for refugees because UNCHR says it is not theirs. Because once we get Kenyan ID, we will not get resettled. Last time the *Mzee* from the *hotel* said that Kenyan Government is forcing registration and not involving UNHCR, that is why we will not take it. Now refugees maybe will be registered as a citizen and may be able to vote for president. This will affect the leadership, but not good for refugees because you can't get resettlement. (Field diary, Kakuma, 25.05.19).

The "Kenyan ID" for Robert was the Huduma Namba, but important for Robert was the connection between the lack of UNCHR presence and the possibility that one could be created into a Kenyan citizen. The lack of UNHCR presence in the Huduma Namba registration, as noted above, helped develop the narratives surrounding changing of status in Kenya from refugee to citizen (or host-community citizen type). Therefore, to take the Huduma Namba, one lost the chance at resettlement and became closer to being a Kenyan citizen.

Similar narratives existed in the context of Kalobeyei Integrated Settlement, in particular relating to the durable solution of refugee local integration. Markus, a village leader in Kalobeyei remarked on the relationship between becoming a Kenyan citizen and the attempts to integrate refugees in Kalobeyei:

"Before Huduma we heard rumours, they told us Kalobeyei is going to be integrated. The refugees themselves say no. They are not here for integration, only here in their country. We didn't come for integration. If someone goes back, they are not here for integration. They are only here for what happened in their home country. I didn't come here to become a citizen of this country. The Huduma now, people are risking their lives to go back to their home country." (Interview, Markus, Kalobeyei, 07.05.19).

Here, the concept of integration and Kenyan citizenship became interconnected. As I have already demonstrated in chapter 3, the model for self-reliance in Kalobeyei Integrated Settlement reinforced refugees' claims to UNHCR citizenship. The Huduma Namba

exaggerated anxieties that refugees would no-longer be sovereign subjects of the UNHCR, but rather the Kenyan state. Moreover, the form or type of integration being enacted in Kalobeyei was not into the wider Kenyan country, but specific to Turkana and the so-called ‘host’ community.

In the context of Kakuma and Kalobeyei, refugees generally distinguished Kenyans in two forms, be it the host-community, Turkana in Kalobeyei, or so-called *up-country* Kenyans predominately from Nairobi working with the camp’s agencies or government jobs. The residents of Kakuma and Kalobeyei did not see themselves becoming more like *up-country* Kenyans, but more alike the host-community or Turkana. From the refugee perspective, if they were to become more Kenyan citizens, they would suffer the same economic marginalisation as the Turkana population (see chapter 3). Moreover, the Turkana who live in and around Kakuma and Kalobeyei, in most cases, have considerably less material support from state agencies when compared to support received by refugees from humanitarian agencies. Refugees receive food rations, water, and shelter from humanitarian agencies, while in contrast, the local Turkana receive considerably less support even during periods of intense drought (Rodgers, 2020). For those refugees who reside in Kakuma and Kalobeyei, to become more like a Kenyan citizen is to become more like the local Turkana.

The ability to resist the Huduma Namba came from bestowing it with power normally associated with Kenyan citizenship, such as taxation and loss of refugee status. The narratives demonstrate the social creativity that shaped Huduma Namba into a fetish, that reaffirms refugees’ relationship to the UNHCR. Losing the chance to resettlement, as noted by Abraham above, with regards to biometric technology, was a frame utilised by refugees to reaffirm their refugee identity. In contrast, Markus associated the idea of integration with becoming more like the Turkana population rather than the so-called *up-country* Kenyans. Therefore, the rumours are drawn upon as categories and ‘frames’ of ‘likeness, distinction, and solidarity’ (Eidson *et al.*, 2017). Here, refugees use their status, framing themselves as an incompatible identity in contrast to a Kenyan citizen type. The identity frame used by refugees helped distinguish themselves from the Kenyan state. The Huduma Namba had resurfaced a conversation about the collective identity frame of refugees. This was the process of reaffirming the refugee identity, a distinctive frame in contrast to other forms of citizenry that exist within the vicinity of the camp.

This sentiment and fear of being transformed into a Kenyan citizen and losing one’s right to a chance at resettlement were met with bouts of public defiance to the Huduma Namba. While

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visiting a *hotel* in Kakuma with two South Sudanese friends Paul and Lam, a Huduma Namba registration exercise was being conducted in a nearby restaurant. Next to us, a Darfurian man suggested to another refugee that if you “give your fingerprints you can become Kenyan”. The other man pointed out that if this happens, you can no longer get resettlement. Upon hearing this in the adjacent kitchen, Maashoo, an Oromo woman and owner of the restaurant, burst through the curtain door and announced in Juba Arabic dialect: I am not Kenyan, but I am in Kenya (field diary, Kakuma, 30.04.19). Despite living in Khartoum for many years, Maashoo actively spoke in a dialect that her predominately South Sudanese clientele would clearly understand.

After Maashoo announced this, two men who originated from South Sudan and worked as community leaders also declared out loud that they would not take the Huduma Namba and that they would leave Kenya. Paul, Lam, and I were drinking tea together while observing the ongoing public displays of rejection towards the Huduma Namba registration. Paul turned to Lam and myself, noting, “this is the second time I had to hear his today.” Realising that we were listening in, the two older men then explained to them in Thok Naath their reason for rejecting the Huduma Namba. Later that afternoon Lam informed me what they had said:

“This is one of the block leaders. The Kenyans came today and said the Huduma Namba was for social service. When they asked for more information, the Kenyans said they will send their servants. During the time for the Huduma information, all the block leaders left their sodas, this is something serious.” (Field diary, Kakuma, 30.04.19).

Many had agreed that they would not take the Huduma Namba, announcing it in public spaces as acts of defiance, fully aware that Huduma Namba agents next door could overhear. Furthermore, the act of refusing refreshment, in the form of a soda⁴⁰, at a meeting indicated another form of public resistance. This was a moment when narratives of resistance, normally reserved for private spaces, emerged into the public arena and brought out a collective conversation about the Huduma Namba. It breached the normal etiquette towards power relations (Scott, 1990, p. 8) and allowed refugees to collectively demonstrate their dissatisfaction with the Huduma Namba. In doing so, they collectively granted it powers associated with Kenyan citizenship, stripping them of the chance at resettlement.

When I asked Lam why the community leaders had refused the soda and would even publicly suggest that they would leave Kenya, he explained that they would receive an injection when

⁴⁰ Sodas, such as small bottles of Coke and Fanta are common gifts for those who attend meetings in Kakuma and Kalobeyei. It is a small incentive and often remarked as an unworthy exchange by those attending meetings.

registering for the Huduma Namba, and that “this injection is how Satan enters you” (field diary, Kakuma, 30.04.19). The devil and citizenship were both interlinked, none were exclusive narratives onto themselves, but could be utilised to grant the Huduma Namba greater potency and power over refugees. Abraham, Maashoo, Markus, and many others had ascribed the Huduma Namba with powers to make them Kenyan citizens. The narratives endowed the Huduma Namba with power, turning a state project into a fetish with the power to revoke one’s refugee status. As Graeber notes, the fetish is ‘appropriated for our purposes suddenly come to be seen as powers imposed on us’ (2005), as demonstrated with the narratives, they exhibited a power to make one a Kenyan citizen. This power came ‘to embody some newly created social bond’ (Graeber, 2005), or in this case, break one social bond or citizenship status by taking another. Meaning, by taking the Huduma Namba one would create a social bond between themselves and the Kenyan state, at the same time, they would break a previous bond with the UNHCR. By breaking their bond with the UNHCR, they would not be categorised as refugees and not entitled to durable solutions such as resettlement. Instead, the only durable solution available through the Kenyan state would be integration, becoming another marginalised community within Turkana County. By publicly defying the Huduma Namba, the refugees had reaffirmed their status and their belonging to the UNHCR. They had reshaped the collective conversation from one concerning refusal to register into the public arena, placing their concerns of citizenship and the devil into the forefront of the conversation.

6.6 Huduma Namba Narratives: The Devil

“The Huduma Namba is the devil” not only was the most common narrative in Kakuma and Kalobeyei but represented the most powerful and creative argument against taking the Huduma Namba. It intersected with the other narrative concerning citizenship, as expressed to me by a young South Sudanese man in Kalobeyei: “I don’t want to be Kenyan, I love my country. I don’t need 666 or Kenyan citizenship” (field diary, Kalobeyei, 28.04.2019). The Huduma Namba possessed a greater potency when it was associated with sinister and unknowable powers such as the “Illuminati”, “666” and the “antichrist” (field diary, Kalobeyei, 28.04.2019). However, when refugees ascribed the Huduma Namba with the devil it demonstrated the potency of their resistance. Associating something with the devil and other sinister forces demonstrated the sincerity of refugees’ resistance to the Huduma Namba. This sincerity comes from refugees’ pre-developed understanding of the Kenyan state, as I have noted before above and elsewhere (see chapter 2).

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The concept of the number of the beast or devil was a central argument against taking the Huduma Namba. A South Sudanese priest in Kakuma explained his theological interpretation of the Huduma Namba: “Huduma is a biblical term, anti-Christ, satanic power. Nero, the one who destroyed Jerusalem, his idea was 666. When you register you know to give that number, 666, they say it is designed for the government.” (Field diary, Kakuma, 01.05.2019). Huduma Namba as the devil's number was theologically interlinked with the concept of the mark of the beast. The religious connotations were a powerful emphasiser on the dangers of taking the Huduma Namba. When such sinister, and occult aspects were combined with or associated with the Kenyan state, it reinforced the power of the Kenyan state, and in turn the Huduma Namba as a fetish.

The predeveloped perception of the Kenyan state and its association with the Huduma Namba was reaffirmed to me when I spoke with a group of young South Sudanese men in Kalobeyei. At first, the young men only mentioned that they would not take the Huduma Namba. Only after I pestered them with questions about the devil did one of them, wearing a cross across his neck, answer me:

“Illuminati and 666, when you give your fingerprint and you will get money to your account, that is Illuminati. You will sign with fingerprint, it will remove the people from the UN register, that is how the Illuminati comes in an indirect way. How you will get money in your account, this is the Illuminati. Illuminati is the 666, the antichrist. If you give me money and I see you, it is you. But if I don't see who gives me money, that is Satan. If you did not work for the money, this is bad. But donor money, this is good we know. But this card, it is Illuminati, Kenyan ID. I don't want to be a Kenyan, I have a country and if it gets peace, I will return to it.” (Field diary, Kalobeyei, 28.04.2019).

The idea of receiving a Kenyan state-issued card granting you access to health care and social services for free seemed implausible and only could be linked to sinister forces, such as the Illuminati and Satan. In contrast, donor funds for NGOs to operate in Kakuma were not perceived with the same level of sinister threat. Registration by the Kenyan state was endowed with an unknowable and sinister power that could alter one's citizenship and sell oneself off to the Illuminati. Such narratives appeared to resonate with wider anxieties across Kenya, particularly regarding data protection such as in the case of OT-Morpho, as noted above. Furthermore, it intersected with anxieties particular to refugees, such as narratives regarding Kenyan citizenship. The devil was intersected with notions of statehood and the imaginations of the Kenyan state. By positioning oneself in opposition to the Kenya state and

the devil, refugees were repositioning themselves as refugees and citizens of other states, as demonstrated in the quote above with the reference to South Sudan.

After speaking with many refugees in Kakuma and Kalobeyei about the Huduma Namba being the devil, in particular Christian South Sudanese, I brought this topic up with Lam. I needed answers regarding the connection between receiving social services and the devil. Lam explained for me:

“Huduma is the devil number, and you will give the devil a sacrifice. By death or by blood, and still give services, services like power. It is written in the Bible, if you register 666 then you will not go to heaven. But God says those who did not register can get into the Kingdom of Heaven because they suffer a lot and take no services or assistance... Gold is very expensive and can only be obtained in a dangerous way, just like Huduma. Huduma Namba can also be like a snake because it contains poison. For people to get free services, they are expensive like at a hospital, so they give freely, and you don't know what you give back for this, like a sacrifice of your life. You might get service but with big disadvantage for your life. For refugees, but also Christians in this country, it will give you free service, but they will exploit you with your spirit or your sacrifice, like take your sperm. A lot of things, it is giving Satan control, you're going to give Satan what after your spirit, your organs... even some politician in South Sudan has no eye, and he has the devil because he has many material things. Everything expensive is the devil.”
(Field diary, Kakuma, 10.06.2019).

Here, the Huduma Namba resembles Mauss' 'Gift', and the social relations and obligations which come attached when one receives it (Mauss, 1997). By receiving such social services from the Kenyan state, refugees would become embedded within the state as citizens and/or sell off their soul to the devil. The narratives concerning the Huduma Namba were about exchange, either an exchange of status within the country and/or a pact with the devil. There was no such thing as a free gift, especially one from the Kenyan state.

Sperm, blood, to organs, these all relate to aspects concerning the body, reflected the collection of biometrics by the Huduma Namba project. Be it the infection of poison from a snake bite or the giving to Satan one's soul, the Huduma Namba intersects with these aspects of body and personhood. Lam remarks at the end about the South Sudanese politician with one eye, who gave the other for wealth or possibly power. Thus, by accepting the Huduma Namba, refugee would trade away of one's body, or in this case biometrics, as means to gain power and wealth, or in the case free social services. Biometrics, details of the body, and giving it away for proposed social services by the Kenyan government, was for Lam the same

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as a politician giving one's eye for wealth. Biometrics was what was being exchanged, either resembling the refugee registration process, that made refugees associate it with Kenyan citizenship, or an attempt to mark the body with satanic powers, selling it off for wealth or free social services.

The Huduma Namba became associated with former experienced state practices, such as acts of violence (see chapter 5), and corruption (see chapter 2). However, the Huduma Namba was different, it seemingly presented to offer social services to refugees, rather than actively trying to extort money or violently repress them. Despite this, refugees refused such an offer, infusing the Huduma Namba with satanic powers to corrupt. The same refugees received free humanitarian aid and did not resist such services, despite its use of biometric information. This is possibly due to humanitarian aid being dependent on encampment and a trade-off for forms of social ordering or influence (Kowalski, 2011). This resistance to the Kenyan state's biometrics emerged from two processes, the first was refugees' predeveloped understanding of the Kenyan state, and the second was their pre-existing relationship to the UNHCR. The fetishism of the Huduma Namba, be it the devil or having the power to change one's status in Kenya, acts as a form of resistance against a force that could change their relationship to the UNHCR. The narratives of the Huduma Namba all endowed it with a power to punish those who registered: no resettlement and no entry into the kingdom of heaven. While the Huduma Namba became infused with other predeveloped understandings of the Kenyan state and religious sentiment, there were potent cultural aspects, as demonstrated from the explanation given by Lam. Lam noted aspects relating to the Huduma Namba collection of biometrics that were specific to cultural references about the devil. Thus, to understand the Huduma Namba fetish, it is important to examine the specific cultural contexts that enabled it to emerge in Kakuma and Kalobeyei.

6.7 The Devil's Cultural Context

One morning I met with Ali at his home in Kakuma. Ali was on his phone, scrolling through messages on WhatsApp, until he then turned to me, pointing to a video playing on his screen. The video showed a man being chased into a corner by three women who then branded his forehead with the number 666. An audio track was laid over the video, explaining in Kiswahili that those who took the mark would not enter the kingdom of heaven. Ali stopped the video and put his phone down. "This Huduma Namba is confusing", he said. "I heard

some Huduma collection agents were attacked in Hong Kong⁴¹ and now it [the Huduma Namba registration] is no longer being done in the market but at the police station.” Ali then went silent, looking at his phone again. Moments later he turned to me and said: “If this was involving UNHCR they would have invited block leaders. I heard saying this is Satan and Illuminati. When someone went to their UNHCR Kazi⁴² their ID came up as a Kenyan. A government secret cannot be easily understood.” (Field diary, Kakuma, 03.05.19)

Media, especially social media, played a role in the formation of Huduma Namba narratives, but this was not unique to how the Huduma Namba was understood in the context of Kakuma and Kalobeyei. In other regions of Kenya, the Huduma Namba registration also received a hostile response from religious groups. However, in Kakuma and Kalobeyei, such resistance was unique for its fusion with ideas of Kenyan subjugation and citizenship. Across social media platforms and online video content providers, Kenyans, and refugees found a wider variety of online pundits who primarily focused on issues relating the Huduma Namba to the devil, such as the one Ali and myself watched. Despite the media portrayal of the devil, the use of the devil in Kakuma and Kalobeyei was context-specific to refugees' understanding of the devil and their experiences in the camp.

Among many refugees, there was a consistency that the Huduma Namba was the devil and associated with sinister powers, but what the devil meant to refugees depended on their cultural context. Some associated the devil with people who had an excess of wealth and power. Others tended to consider it as an animalistic spirit, like a snake or beast that would curse or poison you. Another perception was that the devil was a spirit that inhabited places, people, or objects. All these narratives varied and intersected with one another. Some seemed to originate from past experiences developed during life in their country of origin, while others were unique to life in Kakuma and Kalobeyei.

In a *hotel* in Kakuma, Omar, Robert, Luke, and I discussed taking the Huduma Namba. Omar's and Luke's country of origin was Sudan, Omar was from Darfur and Muslim while Luke was from the Nuba Mountains and Christian. Robert, on the other hand, was from the lower Omo Valley in Ethiopia and Christian. Sitting at a corner table, hidden out of view from other patrons of the *hotel*, Omar and I both admitted to Robert and Luke that we had taken the Huduma Namba. Omar explained that he had been told by his employer, the Jesuit Refugee

⁴¹ Hong Kong is a locally named area for the Northern part of Kakuma 1 (see map 2). It is generally considered to be mainly a Dinka area, but it also has a sizable Congolese and Darfurian population.

⁴² Kazi is an unmanned help desk for refugees to check their cases or resettlement process, allowing them to not have to go to a UNHCR officer at a fieldpost.

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Service, that the Huduma Namba was not the devil and that he should take the Huduma Namba. Robert then asked Omar if he should take it, and Omar replied: “Yes definitely, there is no devil or 666 there”. Robert then laughed: “I heard stories from some Somali *mamas* saying the Huduma Namba will mark 666 on your forehead, but you know, these *mamas* their stories are always crazy.” (Field diary, Kakuma, 08.05.2019).

Before the Huduma Namba registration, talk of the devil had been mentioned before during my fieldwork, but my access was limited by participants not willing to discuss the issue with me. Kalemchuch hill (see map 2), next to the Angelina Jolie School for Girls, had been mentioned by Omar to possess a devil. Although, when I probed Omar and others early into my fieldwork about the devil in the Kalemchuch hill, they had ignored my questioning. Once the issue of the devil had remerged in the context of the Huduma Namba, I began to question Omar, Robert, and Luke about how the Kalemchuch hill possessed the devil. Omar laughed at my questioning and replied: “You know people in our culture believe hills and mountains contain devils”. Robert interjected, “Yes, I heard that children at Angelia’s school had become ill and one Ethiopian community leader told me that is because the devil is there”. Omar and Luke agreed, noting how girls at the school had become sick. Omar continued: “You do not see the devil there; it only comes out in those places there at night between 1 am and 4 am. It can even appear as a man.” (Field diary, Kakuma, 08.05.2019). Although all of them associated the Kalemchuch hill with the devil, they had each ascribed it with the meaning of the devil from their cultural context.

After discussing the case of Kalemchuch hill, with Robert, Luke, and Omar, they each became much more relaxed to describe to me their unique cultural understandings and meanings of the devil. Robert described the devil using two different folk tales:

“The devil is like man and ape. One guy from our community was herding his goats and followed their tracks. In the night he was worried, then he was chased by a beast so he climbed a tree very fast with fear. Reaching up, he did not sleep the whole night. In the morning he looked down the tree to see it staring back at him, a kind of ape but like a man from the bottom of the tree. This was the devil.” (Field diary, Kakuma, 08.05.2019)

“A hunter saw the devil, it was part man and ape. Its ass was like an ape and its hair was like tall grass waving. He pointed his gun, but he was not brave enough to shoot. Again he tried but failed. The third time he shot, the bullet went through the ass and out the mouth. The devil, it turned and saw him and said you are brave, you must make a ceremony and tell your people. He went back but told no one. Then he got sick. In his

sleep, he spoke of the ceremony. His family said, why did you not tell us. They had spent all their money on doctors and traditional healers, but he died.” (Field diary, Kakuma, 08.05.2019)

Luke also expressed personal experience with what he considered a devil, noting the similarity between the spirit that resided in Kalemchuch hill and those of his childhood:

“As a child, we were walking at night near a hill when rocks began to be thrown at our feet. It was the devil of the hill, keeping us away in case we tried to hunt any of the animals that came out at night, because these are its cattle.” (Field diary, Kakuma, 08.05.2019)

The devil had developed a uniqueness in Kakuma, established from varying cultures that had been merged in Kakuma and provoked by spaces such as the Kalemchuch hill. Robert, Luke, and Omar each expressed a different understanding of the devil derived from their place of origin before Kakuma, but each interlinked their stories and understandings of the devil with one another's. Each noted that the Kalemchuch hill possessed a devil, the devil's ability to make one sick, and that the devil mainly appeared at night. These common themes, although derived from unique cultural contexts and backgrounds such as Darfur, the Nuba Mountains, and the Lower Omo Valley, all converged in Kakuma. They fused with one another, to form a unique, yet interchangeable understanding of the devil within the context of the camp.

The various cultural contexts from which refugees derived had intermingled and created their own understanding of the devil in Kakuma. For instance, the stories of a hill described by Luke seemed to have transferred to the Kalemchuch hill. The devil, described in a childhood experience in the Nuba mountains, had been transferred to the context of Kakuma and Kalobeyei. This transfer is a transnational element of the devil taking form in a new context. Yet, as we have seen above, the devil was used in Kakuma and Kalobeyei to come to understand the Kenyan state and imagine it through a fetishizing procedure. This form of aggregation ‘the process of which we connect qualitatively distinct individual encounters, objects, and so on’ and ascribe them to ‘varieties of a single, unifying experience’ (Krupa and Nugent, 2015, p. 16), was attributed to the devil in Kakuma and Kalobeyei. The devil became a unifying experience by connecting a whole array of different cultural understandings and relating it to one objective thing, the Huduma Namba. Thus, the devil formed the basis to create a fetish, despite deriving from different contexts and then used to imagine the Kenyan state. The Kenyan state and its association with the devil demonstrate a commonality, it helped solidify a unique understanding of the devil for refugees in Kakuma and Kalobeyei.

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While explanations of the devil were unique and related to different cultural contexts, their use and application to the Kenyan state was what bound them together as a common narrative in Kakuma. As explained to me by Lam, who outlined the Christian South Sudanese perspective:

“The devil is a very bad spirit that keeps you away from God with material things and magic. It is extra power to you. Your Grandfather is a spirit, and the devil is a spirit. [...] But people use the devil to give them power. The thing with devils, if you have devils, they must have things... The devil is far from human, but close to people who need it, like a snake... The devil is a negative spirit, that is how I understand it. Even a tree can be a devil or mountain, it cannot be climbed until a sacrifice is made. The river also, a ritual must be made to cross it, especially if the spirit of grandfather dwells in that area. Even some men have devils, and they must. Because mountains can have a lot of devils, snakes, and gold, these are all bad spirits. Even rivers and forests, many harmful things live in these places.” (Interview, Lam, Kakuma, 10.06.2019)

Lam expresses his understanding of what the devil meant to him in relation to his Christian belief, but it also appears to syncretise it with other meanings relating to ancestral worship and spirits, beasts such as the snake, and spaces such as mountains, forests, and rivers. Each expression and understanding of the devil I came across was unique and varied but contained intersecting themes relating to it having power over people. The uniqueness came in the contrast in stories between them, whether the devil was in a physical form a man, a herder protecting its flock, a snake, a spirit, or a beast hybrid. Regardless, the devil in each context demonstrated different cultural fetishes, that had transnationally arrived and intermingled in Kakuma and Kalobeyei.

Satan was a common term in the camp used across all identity groups I encountered, regardless of whether they believed in its existence or not. Yet, in both Robert, Omar, Luke, and Lam’s stories, the devil took on a socially creative fetish form, either a hill or a beast that held power over the actors. The devil was a fetish already used in their unique cultural contexts. It served across those different cultural contexts to punish violations. The intersecting themes the devil took enabled refugees in Kakuma and Kalobeyei to co-construct the Huduma Namba as an object of power over their lives in the temporary context of the refugee camp. Within the context of Kakuma, the common themes were applied to Huduma Namba creating a unique fetish that expressed something to the refugee experience. Despite originating from varying social contexts across the African continent and the variety of meaning the devil could derive, refugees reformulated and used their intersecting similarities

towards the devil as a social means to co-construct the Huduma Namba fetishism. Thus, the devil was a metacommentary about the state the role of states within the camp. In sum, the Huduma Namba narratives acted as a reflection about the Kenyan states increasing expansion into refugee protection.

6.8 The Stateness of the UNHCR

The lack of UNHCR involvement featured heavily in many refugees' reasons not to take the Huduma Namba. Not only did this contribute heavily to how refugees themed their narratives, but it also demonstrated a claim to being a UNHCR subject. While visiting an Ethiopian *hotel* with Robert, he began listening intently to a conversation spoken in Amharic across from us. He then turned to me and whispered: "They are talking about the fingerprints for Kenyan card, say they are against UNHCR law. This *Mzee* [elder]..." indicating behind him with his thumb while ensuring no one else saw, "...had heard the Kenyan cards for refugees was against UNHCR law and he said he would refuse to give information." (Field diary, Kakuma, 25.04.19). The idea that the Huduma Namba or "Kenyan cards" were against the UNHCR law or norm carried with it a strong distinction between the UNHCR and the Kenyan state. The "UNHCR law" reference by Robert reflected the wider political and normative order that the UNHCR has created within Kakuma for the last three decades. Taking the Huduma Namba would not only break from their relationship with the UNHCR as refugees, possibly becoming Kenyan citizens as noted above, but it would also be result in a break from the UNHCR's normative and political order. As such, the distinction between Kenyan and the UNHCR for many refugees was a claim to UNHCR statehood, sovereignty, or subjection.

For UNHCR humanitarian staff, the agency was not a state. However, as I have argued before (see chapter 1), for refugees the UNHCR appeared to be state-like, in practice and symbols, demonstrating what has been described as a 'surrogate state' (Slaughter and Crisp, 2008). Often refugees referred to the UNHCR as their government, particularly during periods of heightened Kenyan involvement in the camp. "We are here for the UNHCR that is the government we know" (field diary, Kakuma, 01.05.19) was proclaimed by Abraham, during a conversation regarding the Huduma Namba. He, like many others, claimed the UNHCR was their state while refusing the Huduma Namba. Throughout my 12 months of fieldwork, I did occasionally hear similar remarks that the UNHCR was a "refugees' government", but they became increased and more exaggerated during enlarged activity by the Kenyan state, such as the Huduma Namba registration process.

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The Kenyan state takeover of certain UNHCR functions by RAS (Refugee Affairs Secretariat) (see chapters 2 and 4), was often remarked upon by refugees claiming UNHCR belonging. Although the process of the Kenyan takeover of refugee protection was gradual, slow, and still heavily depended on UNHCR's assistance for much of the government's administration in Kakuma and Kalobeyei, it held a strong symbolic effect for the refugees. In addition, the increasing presence of the Kenyan state in the lives of refugees resulted in claims to statehood towards the UNHCR by refugees, but the lack of UNHCR apparent approval of the Huduma Namba encouraged refugees to distance themselves from the presence of the Kenyan state (as noted above). This was strongly expressed by Markus, a village leader in Kalobeyei:

“Huduma Namba, UNHCR needs to come and explain it to us. Only RAS comes from time to time. If you are not here for us, we came for UNHCR, you are the owner of this country [the Kenyans]. But now UNHCR no longer comes to us, just RAS. We cannot ask RAS, only UNHCR, what is Huduma, are we included? UNHCR is nowhere to be seen... Now in fact RAS, the people need a better explanation when they try and explain Huduma. Huduma they told us is a service, we want to know the advantage and disadvantage. They say it is just a must. We ask them to come with UNHCR because we are under UNHCR, you should not come directly to us but through UNHCR. People are expecting this from UNHCR. If UNHCR does not unveil themselves that this is not bad, why should UNHCR not tell us, this makes us think this is bad.” (Field diary, Kalobeyei, 07.05.19).

Markus's comments that RAS needs to come 'through' the UNHCR because 'we are under UNHCR' highlight here an additional claim to UNHCR subjection or statehood while again professing a distance to the Kenyan state. In a similar process to the Huduma agents who recognised the Deputy County Commissioner as a legitimate state entity in the opening vignette, so too did Markus recognise the UNHCR his current state.

For many refugees in Kakuma and Kalobeyei, irrespective of their country of origin, I found they would openly refer to the UNHCR as their “government”, “mother” or “father” (for additional claims see chapter 3). This paternal state connection was associated with the claim making of statehood towards the UNHCR. The UNHCR was for refugees their state a relationship developed over the last 29 years in Kakuma. The Kenyan state was relatively limited in its presence during this period. Although refugees recognised the Kenyan state, they did not recognise it as their state. Therefore, when the Huduma Namba arrived in Kakuma and Kalobeyei, refugees did not legitimize it with the right to their biometric information. Instead,

they made relational claims to the UNHCR as their state, a result of assemblages of social relations, practices, symbols that had been generated over the past three decades.

This claim that the UNHCR was the refugees' state went further than the refugees themselves. Turkana also recognised the UNHCR to be the state of refugees. For instance, Joseph, a Turkana who lived near to the Kalobeyei Integrated Settlement, explained:

"I also remember the time KRA PIN⁴³ came to here, they [refugees] took it then. Now with the Huduma Namba, refugees have not taken it because of the UN. Because the UN is their mother, she must conduct something or to move around all the refugees using social media, giving an alarm that you have to join Huduma Namba... they need to explain. Because when you are the mother, you must come to bring your children in, sit them down, and then you tell them, this one is good, for this and this one, you tell the reasons." (Interview, Joseph, Kalobeyei, 12.04.2019)

Joseph had close relations with refugees in Kalobeyei. They were not always positive, but he knew some on a personal level. What he expressed was an additional recognition of UNHCR statehood for refugees. Here, a Kenyan citizen who lives in proximity of the camp is denoting the UNHCR as a state for refugees. Recognition of UNHCR statehood went both ways, amongst refugees and Turkana, refugees being the subjects, while the Turkana being excluded from the refugee category.

The UNHCR was constituted as the refugee state in Kakuma and Kalobeyei. The UNHCR has been formulated as a state for refugees through its constant governance, controls, and provision of welfare throughout its tenure of the camp. The amalgamation of practices, symbols, and relations constituted the UNHCR as a state which rules over the camp and the refugee population. In sum, the UNHCR can be best described as possessing a quality of stateness for refugees, its state functions took on a state form or image constituting it as the ruler of refugees. However, as I have demonstrated refugee claims to UNHCR statehood are often reinforced and reiterated when the Kenyan state actors were involved in former UNHCR activities. It is this distinction between the UNHCR and the Kenyan state by refugees, that reaffirm the UNHCR's statehood to refugees.

Slaughter and Crisp consider the UNHCR state-like position to be the consequence of the 'care and maintenance model' as a result making the UNHCR become a 'surrogate state' (2008). However, I am uneasy with the 'surrogate' title. It claims that the UNHCR is not a

⁴³ The Kenyan tax code.

real state when compared to others, such as the Kenyan state. Instead, I argue we should look at the UNHCR's presence and refugees' claims of statehood as just one of many imaginaries of the state that emerges from a certain cultural and historic context. Instead of examining the UNHCR as a "surrogate", or "para", "quasi", "nestled", to "graded" state within a state (Jackson, 1993; Hansen and Stepputat, 2006; Ong, 2006; Slaughter and Crisp, 2008; Gill, 2009) we should examine the practices, images and relations that create forms of domination that constitute a state. Refugees and local Turkana of Kakuma and Kalobeyei use UNHCR statehood because it constitutes itself as a state in their context. And, as demonstrated above, refugees have reiterated this through the Huduma Namba narratives. Their defiance to the Huduma Namba was an attempt to reinforce their relational claim to UNHCR statehood, sovereignty, and subjugation, distancing themselves from an increasingly present Kenyan state.

6.9 Conclusion

In Kakuma and Kalobeyei, the Huduma Namba became a part of an assemblage of varying practices, encounters, relations, symbols, and discourses that accumulated an overarching image that constituted the Kenyan state in the camp. The Huduma Namba narratives came to resemble pre-existing perceptions of the Kenyan state. The stories of how it could change one's citizenship or enforce a pact with the devil reflected wider anxieties relating to corruption and violence. The infrastructure of the Huduma Namba, such as the personnel, uniforms, centres, tablets, and databases, became socially saturated with this pre-existing potency and perception of the state. The result was an 'enduring objectification of the state' that contradicted with state actors intention (Krupa and Nugent, 2015, p. 15) of providing social services offered by the Huduma Namba project. This contrasted with the pre-existing humanitarian services offered by the UNHCR, which refugees did not fetishize nor resist to the same extent.

The narratives that emerged in response to the Huduma Namba were acts of defiance against the Kenyan state's attempt to collect biometric data. However, they also fed into other anxieties relating to the Kenyan state's attempts at taking greater control over camp management. The narratives relating to the devil and citizenship were all interlinked with issues concerning the state. They functioned as a means to grant the Huduma Namba power over refugees. The narratives gifted the Huduma Namba with potency to alter social relations and form something new if taken, in this case, alter refugees' relationship to the UNHCR and their chance at resettlement.

In sum, the Huduma Namba narratives created it a fetish, granting it powers over them if they accepted it. At the same time the Huduma Namba was a metacommentary on the deep ambivalence of the state and sovereignty. The fetish reflected ongoing power shifts within the lives of refugees in Kakuma and Kalobeyei. The increasing presence of the Kenyan state in refugee protection and the decreasing role of the UNHCR caused a great deal of social anxiety for the refugees of Kakuma and Kalobeyei. If the Kenyan state eventually closed the camp, as it has threatened to do so on multiple occasions (see chapters 3 and 7), the role of the UNHCR in Kenya will be near extinguished. This poses an existential threat to refugees belonging and their rights to rations and shelter, combined with the chance to resettlement, are hinged on the refugees' state-like relationship to the UNHCR. Thus, refugee narratives towards the Huduma Namba not only act as a form of resistance but also reflect this anxiety over the increasing presence of the Kenyan state and a threat to their material and social resources.

The state fetish, the Huduma Namba, became a currency for state-making. The narratives not only helped refugees' distance themselves from the Kenyan state, but also served as means to understand and constitute states within the camp. States are constituted from a combination of a vast array of fragmented and diverse institutions, organisations, and actors presented as a united form. While UNHCR actors may not define their humanitarian institution as a state, it is their daily practices, images, and relations to refugee's that help constitute the agency as a state to refugees. When refugees refer to the UNHCR as their mother and father, they ascribe it with a stateness quality. It possesses a symbolic state-like value, draped over an institution that replicates or mimics state functions. For many refugees residing in Kakuma and Kalobeyei, this state-like quality has been a potent aspect of camp life, that has created its own political and normative order. With the arrival of the Kenyan state, suddenly an opposing institution with similar qualities dominated functions over the camp. In this sense, refugees made claims to UNHCR statehood, in response to the expanding Kenyan state presence manifested in the form of the Huduma Namba. The Huduma Namba fetish helped solidify a relational understanding of the different states in Kakuma and Kalobeyei for refugees.

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“All that remains of the UNHCR in Kenya is just a title... Kenya has taken over, even the roles of refugees they have taken over.”

(Lam, Interview, 04.07.2019)

This thesis examined how states are constituted within the context of a refugee camp. To do so, I have utilised the conceptual framework of encamped states, to highlight how states are both multiple and mobile within the camp. States in Kakuma and Kalobeyei are constituted between actors, relationally with the use of practices and images (Thelen, Vettters and Benda-Beckmann, 2017). Such relations, between refugees, humanitarian agents, and state actors, are shaped by mobility, not only through the active movement of actors and institutions, but also their temporal relations within the camp setting (see chapters 2 and 4). The multiplicity of states emerges from actors' relational claims to foreign state representation, and from conditions of stateness forming from refugee claims to UNHCR sovereignty (see chapters 5 and 6). States within the encamped context are not territorially bound sovereign units, instead they require subjects to have sovereign authority and power (see chapters 3 and 6). In sum, the mobility and multiplicity of states reflect the cultural and political context of the camp.

This thesis has demonstrated that the camp and the refugee population are not disconnected from the Kenyan state or its political context, rather it is deeply embedded to the political dynamics of Kenya. In doing so, it cautions against the over application of Agamben's 'state of exception' (Agamben, 1998) when applied to refugee camps. Such frameworks construct refugee camps as institutions that exist beyond or outside of the state. They also cast the inhabitants of these settlements as apolitical characters subjected to migratory regimes. Instead, I have argued that Kakuma and Kalobeyei are deeply ambivalent spaces, interconnected with and shaped by ongoing global and regional East African political dynamics. Far from lacking political agency, refugees in Kakuma and Kalobeyei fully participate in such global and local state politics. Routinely, they engage with or act on behalf of, as intermediaries between, or as subjects to the various states that occupy or traverse the camp.

The conceptual framework of encamped states derives from the unfolding political context of Kenya's refugee regime. The Kenyan state takeover of refugee protection from the UNHCR has been an underlining theme throughout the thesis. This gradual process has seen an expansion of the Kenyan state's control over various aspects of refugee protection, the most salient in Kakuma and Kalobeyei being camp management and refugee registration. Despite

the Kenyan state expansion, the UNHCR still retained many key roles in camp management, such as gaining donor funds, budgeting, conducting repatriation procedures, and assisting with refugee status determination (RSD). In addition, the various humanitarian agencies that worked within the camp each performed numerous humanitarian and state functions for refugees. Meanwhile, the Kenyan state was represented within the camp through different institutions with varying capacities, such as Refugee Affairs Secretariat, the Deputy County Commissioner's office, and the Turkana County Government. I argue that the practices of these institutions and actors helped establish varying and sometimes contradictory normative orders within the camp, each with their unique codified symbols, practices, and relations that constituted the state within the camp. The consequence of the growing presence of the Kenyan state not only challenged the pre-conceived exceptionality of the UNHCR managed camps but also demands a reevaluation of how we think about the state, its role in camps, and its contribution to durable solutions for refugees.

The dominance of the UNHCR in governing Kakuma Refugee Camp since its inception has been inspirational for scholarly works on the camp (Slaughter and Crisp, 2008; Jansen, 2011, 2018). However, the recent reduction of UNHCR's capacity to manage the camp is a consequence of both Kenyan state expansion and the UNHCR's push for host-country refugee management and refugee self-reliance. The embrace of the self-reliance model was an attempt to reduce the funding costs of the protracted encampment of refugees and has become a symbolic farewell from the UNHCR, as it attempted to distance itself from refugee management in the camp through the implementation of the Kalobeyei Integrated Settlement Development Plan (KISDP). As Lam remarked above, "All that remains of the UNHCR in Kenya is just a title." (Interview, 04.07.2019). However, refugees' response to attempts at UNHCR downscaling and reduction of activities in Kenya has been met with fervent claims to UNHCR sovereignty and statehood by refugees. This response demonstrates the underlining reminiscent stateness (Beek, 2016), where a state function takes on a state form, that the UNHCR produced throughout its tenure as warden of the camp.

Studying states within an encamped context such as Kakuma Refugee Camp and Kalobeyei Integrated Settlement teaches us that states are not uniform but vary in scale and capacity, they are processual and unfolding products of relationally bound practices and images. Globalisation has not produced a 'reduction' of the state (Wood, 2002), rather allowed for alternative forms of statecraft and stateness to form. The UNHCR is one example of this. Its regional significance in Kenya may have been the result of global processes, but this has not

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caused the Kenyan state to diminish but to change relationally. The state form which emerged, as I have argued, was not an exceptional space beyond the sovereignty of the nation-state (Agamben, 1998) or a ‘surrogate-state’ (Slaughter and Crisp, 2008) for the Kenyan Government. Instead, the UNHCR was attributed by the refugee population with a stateness that developed since the UNHCR’s creation of the camp. The stateness of the UNHCR was fundamentally generated in relation to the camp’s institutional mechanisms for governance, durable solution, humanitarian aid, and aggressive advertising campaign and propaganda. The relational dynamics they developed by utilising such state like functions produced practices and images that reaffirmed the UNHCR as a state for refugees. It is this structure of the camp that would come to define and shape other states which occupied or navigated its boundaries.

The variety of states within the camp, beyond the Kenyan state and the UNHCR, came in rich and a multitude of forms. Most obvious came in the shape of representatives of donor states, while other more obscure and hidden formations of states were personified by refugees. Refugee state actors could represent foreign states within the camp, or occupy the roles of block, zonal, or ethnic administrative leaders who acted as middlemen and women between the various camp powers and humanitarian agencies. However, as Lam notes above, the management of the “roles of refugees”, meaning the community leadership roles, was taken over by the Kenyan state. Refugee administrative leaders were not impervious to the effects of the Kenyan state takeover, and themselves came to be governed by or representatives of the Kenyan state within the camp.

In this conclusion, I outline how the theoretical approach of encamped states has been utilised throughout my thesis, giving a sketch of the multiple ways the states have been constituted within the camp. Then, I explore the various durable solutions for refugees in Kenya, specifically focusing on how an ethnographic approach to states can help us pick apart the variety of states and institutions involved in durable solutions, and how the solutions are shaped by a state-centric approach. Afterward, I reflect on the 2021 Refugee Act introduced by the Kenyan state, my thoughts on camp abolition, and the need to find alternatives to containment. Finally, I consider the impact the closure of the camp would have on this thesis and its ethnography, and the room for future research.

7.1 Encamping the State and Sketching its Contours

The study of the state through an ethnographic lens reiterates how states are formed through context-specific relations, which are characterized by acts of domination (Scott, 1990). In the context of the camp, the array of different deterritorialized sovereign powers adds nuance to

these relational dynamics. There is no singularity to the Kenyan state in the camp, but rather a multiplicity of organisations, institutions, and actors that demonstrate the fragmented political organisation within the camp. However, state functions within the camp are not solely managed by the Kenyan state, but rather by an array of humanitarian organisations and NGOs. As I have demonstrated, encamped states examines the variety of states in the camp, especially their form and complexity, ranging from a group of a few individuals claiming foreign representation to a single organisation that enacts claims to sovereign power, or an array of institutions that compete over patronage from a central authority. Their variety is reflected in their respective norms, customs, and legal parameters that guide the practices and habits of governance over their respective subjects.

States are processual, they are constantly being shaped and reinforced through the application and utilisation of various images and practices. Encamped states illustrate the tapestry of images and practices utilised by actors within relational settings which is a central mode for state formation and alteration within the camp. Within the context of the camp, such practices and images are prone to rapid and volatile change due to the mobility and temporality of actors. The movement of states, be it through actors' physical mobility or the temporal change in power dynamics within camp infrastructure, reflects wider regional, national, and global transformations. Despite such capacity for state transformations through mobility, preconceptions of states have a potent capacity to shape state imaginaries. Thus, states are anchored on past interaction and preconceived expectations, yet they still exhibit a strong capacity to change through the mobility and practices of state actors and institutions.

Encamped states, the conceptual framework to examine how the states are constituted within the structure of a refugee camp, has underpinned this thesis. As I have established, the diversity and array of different state forms that take shape and develop within the camp, and the temporal and mobile capacity for their actors to move within and beyond the camp's confines and boundaries, reflect the camp's formation, organisation, and political composition (as outlined in chapter 1). The 'state structure' (Mitchell, 1991) in the context of Kakuma and Kalobeyei was shaped by the various temporary infrastructures, modes of governance, and the variety of sovereign powers that occupy and encompass the camp. This was reflected in the work of humanitarian and state actors, especially in their interactions with refugees. As a result, the structure of the camp directly influenced the type of relations generated between refugees and the governing bodies. Within such relational settings, the state is a process that is worked upon (Bierschenk and Olivier de Sardan, 2014) between actors that utilise an array of

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practices and images who negotiate over allocation of social, legal, symbolic, and material resources (Thelen, Vettters and Benda-Beckmann, 2017).

Encamped states operates as an alternative approach to examining the state and sovereign powers within refugee camps. Previous scholarship concerning camps have frequently emphasised the camp as a biopolitical space (see Diken, 2004; Minca and Ong, 2016) and argued that the state is a mere producer of the camp's exceptionality (see Agier and Bouchet Saulnier, 2004; Puggioni, 2005; Ong, 2006; Turner, 2010; Jaji, 2012; Martin, 2015).

Agamben's 'state of exception' has been extremely influential for such scholarship, arguing that sovereignty is created through the suspension of the rule of law and the declared state of exception (Agamben, 1998, p. 15). A consequence of such a state of exception, according to Agamben, is the reduction of those who live within such spaces to a 'bare life' or limited political agency (Agamben, 1998). However, as I have shown throughout my thesis, refugees exhibit a capacity for political agency, even within asymmetric power relations or when threatened with extreme forms of state violence. The multitude of different sovereign powers within the camp, which refugees may claim to or subject themselves to, illustrates refugees' 'sovereign agency' (Bryant and Reeves, 2021) within the camp. Moreover, the active presence of the Kenyan state, in its various forms, demonstrates that the state is not a passive producer of exception, but that its agents and institutions are actively shape, and are in turn themselves shaped, by the camp.

In chapter 2, I have outlined how mobility transforms state relations through temporal changes and the movement of actors (Salazar and Smart, 2011), but also how such movement reconfigures the confines of the camp. State mobility not only alludes to the movement of actors but also the temporal formation of states across landscapes. The Kenyan state was not only an actively mobile institution through the movement of its actors, but also through its transformative temporal presence within the camp. Originally distant to camp affairs, the Kenyan state's presence slowly expanded in the early 2000s with the introduction of the Kenyan Police, culminating in 2016 with the arrival of the Refugee Affairs Secretariat (RAS). Examining the temporal relationship the Kenyan state had with the camp since its inception to the present helps illustrate how it was never totally absent from the camp. This temporal relationship demonstrates the shortcomings of Agamben's 'state of exception' (Agamben, 1998) in understanding the state phenomena in the context of the camp.

The active immobilisation and containment of refugees was an effective and key component for constituting the Kenyan state and the camp. Through means of policing and administrating

movement, Kenyan state actors became the gatekeepers of travel beyond the camp, requiring refugees to negotiate with them. However, refugees were not passive to this condition, finding many alternatives to being mobile, and in doing so constituted the state beyond the confines of the camp. Refugees who possessed the correct social and material resources could navigate such obstacles of movement, redefining the very boundaries of the camp and the Kenyan state in the process. However, the Kenyan state also encouraged certain forms of mobility, such as the voluntary repatriation of Somalis. Those capable of traversing beyond the confines of the camp experienced the Kenyan state differently than those within, demonstrating how the different regimes of mobility (Glick Schiller and Salazar, 2013) could constitute differing state relations (Thelen, Vettters and Benda-Beckmann, 2017). Encamped states can assist us in observing how specific regimes of mobility constitute the state differently, a consequence of the relational dynamics of camp statecraft.

Chapter 3 turned the attention towards the Kalobeyei Integrated Settlement Development Plan, a pioneering collaborative project between the UNHCR and the Turkana County Government. The project was intended to foster self-reliance amongst refugees through a series of projects including the construction of permanent shelters. The construction and negotiation for materials were delegated to refugee village leaders, while the UNHCR also included strict guidelines for the construction process. Deviation from the UNHCR spatial planning or the misuse of construction funds was met with severe communal punishment. Despite the threat, refugees still attempted to create the new urban space into a socially 'lived space' (Jansen, 2018) which reflected refugees' social lives and needs. In doing so, refugees demonstrated their political agency to redefine the urban space beyond its basic humanitarian function.

North of the Kalobeyei Integrated Settlement, some shelters inhabited by refugees were positioned beyond the boundary of the camp. The disputed land was claimed by both the Turkana County Government and the UNHCR. The centre of the dispute was the refugee population who occupied the land. Those refugees made repeated demands on the UNHCR to be resettled elsewhere within the camp to access social amenities, such as access to permanent shelters. Many of those refugees who inhabited the disputed area repeatedly made claims for UNHCR sovereignty, demonstrating their 'sovereign agency' (Bryant and Reeves, 2021) to be sovereign subjects of the UNHCR. As a result, the claims made by refugees illustrated how sovereignty was created from below, rather than being a top-down form of exclusion.

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The construction of the permanent shelters enabled state actors from the Turkana County Government and agency staff from UN-habitat to apply for municipal status for Kakuma-Kalobeyei. Here state and UN actors both made claims to the sovereign status of a municipality. However, claims to such a municipal status did not mean that Kakuma and Kalobeyei represented a ‘city-camp’ (Agier, 2002), rather than the urban environment constructed by refugees enabled the claim to municipal status. This did not mean the camp would no longer exist, merely that the camp and the city would co-exist if made legally binding. One form of urbanism can complement or shape another (Katz *et al.*, 2018), as in this case, the camp enabled the city. In sum, urbanisation process of the camp generated a range of different sovereign claims, demonstrating how sovereignty is not necessarily tied to space nor dependent on exclusion, but rather a practice.

Chapter 4 focused on state functions in the camp, namely refugee-led governance and welfare within the camps. Community leaders in Kakuma and Kalobeyei came in two variants: traditional administrations, such as religious, ethnic, and national leaders; and elected leaders, who represented spatial block and zonal areas. Community-based organisations are grassroots organisations that offer basic welfare and humanitarian provisions originally established under the UNHCR. Community leader organisations were deeply impacted by the Kenyan takeover of camp management. As a result, actors within both refugee community leaders and community-based organisations had to navigate and manoeuvre between various state and humanitarian relations which governed the camp. State relations not only constituted the state for many refugees within Kakuma and Kalobeyei, but also helped define the various state boundaries and who was embedded within them (Thelen, Vettters and Benda-Beckmann, 2017). For example, during periods of conflict or unrest within the camp, community leaders would often be delegated to restoring Kenyan state control, becoming embedded in the work of the state in the process. While community-based organisations attempted to be registered with the Turkana County Government, gift or bribe giving through humanitarian proxies to state actors imbued such humanitarian agencies within the Kenyan state. The transformation of the Kenyan state takeover was represented in the temporal relational change to camp governance, with the Kenyan state utilising former governance structures initially established by the UNHCR. Rather than the UNHCR being a ‘state within a state’ (Jansen, 2011, p. 73), the UNHCR represented how the state relationally changed over time. This demonstrates that while refugees were treated differently from the wider national citizenry, it was not because of an exceptional status, rather an allocation of rule.

Chapter 5 examined the impact of enforced disappearances upon refugee foreign state actors and representatives. This chapter demonstrated the multiplicity of states within the camp, using the example of two political organisations, a Kakuma branch of the Sudanese People's Liberation Movement-in-Opposition (SPLM-IO) and a Somali political party with aspirations for political office in Somalia. Members of the SPLM-IO operated within the camp governing structures, with sympathisers and members actively working as members of a church committee, block and zonal leaders, as well as the *Luk* (Nuer ethnic administrators). Such actors actively had to negotiate with or work alongside state and humanitarian agencies to access particular social and material resources. Members of the Somali Party were also involved in the camp governance as youth members of an ethnic association and working for various humanitarian organisations. However, their political aspiration emerged from their transition from youth to the age-grade category of elder. To accomplish this, they had to undergo the rite of passage the *Ijazah* (permission) through enacting a series of Wird (prayer meetings). They infused their Wird, a form of piety practice, with political aspiration for future electoral success in Somalia.

The use of religious spaces by both the Somali Party and members of the SPLM-IO was due to the illegality of their organisations within the camp. As a result, they were threatened by constant state terror tactics, in particular the use of enforced disappearances. The enforced disappearance of Marko Lokidor in December 2017, a prominent member of the SPLM-IO in Kakuma, and the repeated threats made by security forces in the camp produced a potent affect upon the public and private practices of political actors within the camp. The tactic of enforced disappearances in Kenya can be traced to colonial practices developed by the colonial officer Frank Kitson (1960, 1971). The affective potency of such state terror practices was amplified within the context of the camp through the camp's infrastructure, such as registration. Foreign state representatives like the SPLM-IO and the Somali Party mobilised themselves within religious spaces for protection. Disappearances produced a 'state affect' (Laszczkowski and Reeves, 2017), that causes political actors to become paranoid or afraid of certain state institutions is a technique of rule, forcing actors to operate differently within private and public spaces (Scott, 1990). In response to the threat of disappearance, displaced persons in Kakuma transformed their political activities to the relative safety of religious spaces. Within religious sites, the state, politics, and religion are transformed to maintain that security from state terror. By focusing on actors' emic perceptions of states, encamped states help pick apart the multiple formations of states within the camp.

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The final chapter 6 analysed the case of the Huduma Namba within the camp. The Huduma Namba was a proposed biometric identity card intended to grant all those who registered access to Kenyan social security. However, refugees resisted registering with the Huduma Namba, commonly associating it with other Kenyan state institutions within the camp.

Resistance towards the Huduma Namba came in two different, yet interconnected, narratives: the Huduma Namba could make you a Kenyan citizen; and, it was the devil. These narratives made the Huduma Namba into a fetish, by endowing it with the power to punish those who break a contract or social bond (Graeber, 2005). In the case of the Huduma Namba, the contract was the refugee status between refugees and the UNHCR. By taking the Huduma Namba, refugees risked Kenyan citizenship or being marked by the devil.

Many of the Huduma Namba narratives discussed by refugees reflected active demonstrations of UNHCR belonging and statehood. The Huduma Namba exhibited another relational setting (Thelen, Vettters and Benda-Beckmann, 2017) in which refugees had to actively construct through social practice (Bierschenk and Olivier de Sardan, 2014) their claims to belonging to the UNHCR state. The state fetish, the Huduma Namba, became another currency for state-making and transformation within the camp. The narratives enforced a distance between refugees and an ever-expanding presence of the Kenyan state. Moreover, the narratives also served as means to constitute states within the camp. While UNHCR actors did not define their organisation as a state, it was their continued daily practices, images, and relations to refugees over the last three decades that helped constitute the agency as a state to refugees in Kakuma. Thus, state transformations within the camp context are always reflected upon with actors' past experiences and future expectations.

7.2 The States of Durable Solutions

Deploying the theoretical approach that I have termed encamped states has generated a particular perspective for examining the role of states, their institutions, and actors, not only in refugee camps but in relation to wider refugee protection in East Africa. The concept of encamped states is useful because it dissects the multiple nuanced forms occupied by the state, shifting our attention to the processes and relational settings that constitute and mystify its presence. Encamped states demystifies the state and recognises the various powers that can utilise the idea of the state for various personal, normative, and political goals. While this thesis has focused on how the idea of the encamped state offers new angles on the analysis of refugee camps, this framework also shows promise in decoding the state within the wider regime of refugee protection in Kenya.

The normative goal of the UNHCR is to find refugees durable solutions to displacement (UNHCR, 2022). Encampment is considered a short-term solution to refugee displacement, a supposed interim period during which the UNHCR is responsible for finding an alternative for the refugee population (Verdirame and Harrell-Bond, 2005). The durable solutions considered by the UNHCR include voluntary repatriation, local integration, and resettlement. In Kenya, like elsewhere, durable solutions are dependent on the host state and foreign government concerned with finding complementary pathways to protracted displacement (Long, 2014). However, the extent of Kenyan state involvement is dependent on the different state bodies and institutions engaged (Mwangi, 2006; Gituma, 2013). Different levels of the Kenyan government are involved in providing different durable solutions. Notably, durable solutions require refugee contribution, making the role of refugee political actors essential for durable solutions to be functional (Monaghan, 2021). As I will demonstrate, durable solutions for refugees in Kakuma involve a whole array of different states and state actors, from the UNHCR, different Kenyan state institutions, to foreign state and superstate representatives. Here I outline the three different durable solutions for refugees in Kakuma Refugee Camp and Kalobeyei Integrated Settlement that have been examined throughout this thesis, while reflecting on the role of different states and their institutions involved.

The cornerstone of voluntary repatriation is the norm of non-refoulement. It is enshrined by Article 5 of the 1969 Organisation of the African Unity (OAU), which stipulates that ‘the essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.’ (OAU, 1969). The OAU Convention also reinforces the ‘safety’ to repatriation, remarking that ‘the country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.’ (OAU, 1969). Regarding the voluntary repatriation process of Somali refugees from Kenya, Crisp and Long rightfully point out that the UNHCR has ‘capitulated’ to the ‘concerns of stakeholders’ (2016). In doing so, the UNHCR is actively repatriating refugees in an unsafe and non-voluntary manner to appease security-focused agencies of the Kenyan state (Crisp and Long, 2016; Human Rights Watch, 2016).

Voluntary repatriation is largely encouraged and actively pushed for by the Kenyan Ministry of Interior (which RAS is under) but implemented by the UNHCR and other partnering agencies such as the NRC (Mutamo, 2016). However, as I have demonstrated in chapter 2, the voluntary repatriation of Somali refugees has been negotiated for by key departments of the central government, in particular actors within the Ministry of Interior. Moreover, the extent

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to which refugees actively volunteer for repatriation to Somalia is unclear (see chapter 2 and 5), especially when considering the hostile environment created by the particular agencies belonging to the Kenyan state against Somali refugees in camps and urban areas across Kenya (Balakian, 2016; Human Rights Watch, 2016; Mutamo, 2016; Mwangi, 2018; Wairuri, 2018; Whittaker, 2019). As I demonstrate in chapter 2, the UNHCR implemented and funded the repatriation of Somalis, but it was refugees who associated the process with the Kenyan state due to the historic and active hostility shown towards Somali refugees. Refugees chose to repatriate, not because they considered Somalia safe, but because they felt unsafe in the increasingly hostile environment of the camp, and because of the limited opportunities for future prospects. Thus, I concur with Crisp and Long in concluding that the UNHCR has capitulated to the demands of the Kenyan state (2016). In doing so, the UNHCR worked on behalf of the Kenyan state (Brankamp, 2019).

Integration is the attempt to naturalize refugees to their host county, either through giving them citizenship or another form of legal status that provides access to economic and civil rights (Hovil, 2014). Efforts to integrate refugees in Kenya have been almost non-existent until recently. As I outline in chapter 3, the construction of the Kalobeyei Integrated Settlement and the wider KISEDIP project demonstrates the first attempt to integrate refugees in Kenya by the Turkana County Government and the UNHCR (UNHCR, 2018c). Moreover, the approach sought to combine the integration of refugees with the UNHCR's model for self-reliance, which aims to make refugees less dependent on humanitarian aid (UNHCR, 2005). The idea was for refugees and local Turkana to live side-by-side economically, not depending on the UNHCR for aid but fostering integration and self-reliance. However, the project failed to involve any Turkana mainly due to a rush to settle a large influx of Burundian and South Sudanese refugees in 2016 and 2017 (Betts, Omata and Sterck, 2020). In addition, as I outlined in chapter 2, the model for self-reliance did not create a sense of independence amongst refugees but reinforced pre-existing sentiment of UNHCR statehood amongst refugees. The current 2021 Refugee Act stipulates refugees will have the right to integrate, but specifies within 'local' and 'host-communities' (Government of Kenya, 2021), which I will outline below. How this will be conducted in practice remains to be seen.

The attempt of integration through the Kalobeyei Integrated Settlement has opened many avenues for political engagement by different state actors and institutions, namely the Turkana County Government. The EU is one of the major funders of the KISEDIP project and the self-reliance model, making self-reliance and integration another means of externalisation of EU

borders and containing refugees in regions of origin (Betts and Milner, 2007). Moreover, the construction of Kalobeyei Integrated Settlement, with its extensive permanent buildings and public facilities has enabled the Turkana County Government to apply for municipal status for Kakuma-Kalobeyei. For many UN-habitat and Turkana County officials, the aim of such a municipal status would allow for the urbanisation of the refugee and Turkana population. However, with refugees' previous resistance towards the Huduma Namba and the idea of Kenyan citizenship (as outlined in chapter 6), I am not convinced that many refugees will accept integration. Despite this, the attempt of integration is a notably different approach from the Turkana County Government, when compared to the Kenyan Ministry of Interior's push for the repatriation of Somalis. Therefore, it is realistic to argue that members of the Turkana County Government will continue to encourage local integration as long as having the refugee population benefits them.

Resettlement is the process where a refugee is transferred from one asylum country to another state which grants them residence. For many refugees, resettlement can be described as the ideal outcome from the prolonged displacement and containment in camps, but the likelihood of receiving resettlement is extremely rare (Horst, 2006; Jansen, 2008; Ikanda, 2018; Nakueira, 2019b). This is in most part the consequence of anti-migrant rhetoric from Northern states who have become selective about which refugees they accept and when (Andersson, 2014; Savino, 2018). In 2021, a total of 1,517 refugees departed Kenya to various resettlement countries⁴⁴ out of a total population of 540,068 registered refugees and asylum seekers in Kenya (UNHCR, 2021b), approximately 0.28 percent of the current population.⁴⁵ The number of resettled refugees was significantly smaller than the so-called integrated population of Kalobeyei Integrated Settlement (43,472), but similar to the total number of refugees who repatriated (2,093)⁴⁶ and refugee newborns (1,363) in Kenya (UNHCR, 2021). I have met many in Kakuma who long for resettlement, but very few who have been accepted. For those accepted for resettlement, they actively ensure the resettlement process is uninterrupted, with many resorting to bribing state and humanitarian actors (interview, 04.07.19; interview, 03.08.18; field diary 19.07.19) (see also Nakueira, 2019a). However, complications and other issues often led to concerns of being cursed (interview, 25.06.19) or

⁴⁴ Resettlement countries included for 2021: Australia (14), Canada (283), Finland (15), France (26), United Kingdom of Great Britain and Northern Ireland (2), Germany (460), Netherlands (30), Norway (219), New Zealand (8), Sweden (131) and United States of America (329) (UNHCR, 2021b).

⁴⁵ This is not a consequence of coronavirus containment, as in 2019 a total of 2,137 refugees were resettled out of a total population of 489,747 (UNHCR, 2019).

⁴⁶ 294 Somalis and 1,024 Burundians (UNHCR, 2021b).

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accusations of witchcraft (see Nakueira, 2019b). Resettlement was such a rare and valued prospect that individuals and whole ethnic or national communities which received it often were subjected to extreme scrutiny from other refugees. The limited and rare durable solution for refugees inevitably became a highly political and sought-after life trajectory, demonstrating how the process is not an adequate means of providing lasting protection to those most vulnerable in protracted displacement and containment (Foblets and Leboeuf, 2020).

Many of my key informants would eventually leave the camp, few through resettlement, while most of those who left sought alternatives to encampment. After I left Kakuma, Omar eventually resettled to the United States after the so-called Trump travel ban had been lifted. Lam was also accepted for resettlement to Canada on account of his disability. However, with the ongoing coronavirus pandemic, his resettlement case has stalled, demonstrating another layer of containment within the migration regime. Others I met in Kakuma attempted alternative routes, onward migration North, scholarships, or travelling to neighbouring countries for better prospects. Luke, for example, received a position in an international degree program in Italy to study psychology. However, the UNHCR denied supporting his application for a travel pass and student visa to Italy on the grounds that he had no funding. In the end, Luke left the camp and has enrolled in a university in Uganda. Finally, Paul travelled north to Egypt and found work. He now plans to save money before attempting to cross the Mediterranean via Libya to Europe.

Containment has many layers; a camp and its administration are only one aspect of containment within the refugee regime. Refugees must negotiate and circumvent states that rule and govern their boundaries. The case of Robert exemplifies this (as outlined in chapter 2), as his application for Canadian sponsorship was consistently hindered by the UNHCR's inability to register him as a refugee, despite having lived in the camp for over seven years. Nevertheless, he left the camp, finding alternatives to access refugee status in Nairobi. By actively attempting to move beyond the camp, either through resettlement or onward mobility in other forms, many refugees were attempting to abolish the camp from their lives (Brankamp, 2022).

The different durable solutions – resettlement, repatriation, and integration – are used by different state institutions and actors for their respective political purposes. Refugees too adapt their ambitions, plans, and future-orientated goals towards some of these processes. However, refugees' aspirations are often side-lined or disjointed by the various powers

involved in refugee protection. Encamped states have helped demonstrate how the state is not a unified entity, but a multitude of constituted forms coming in an array of shapes and sizes. When we apply this to durable solutions for refugees, it assists in demystifying the state and instead of recognising the state as a disjointed array of actors and institutions vying for control and power over institutional processes, their resources, and power to control populations. These institutions often contradict one another, as exemplified in the Turkana County Government attempting at refugee integration while the Ministry of Interior actively encouraging Somali repatriation. At the same time, the UNHCR is involved in these two contradictory processes. Ironically, by working for the Kenyan state, the UNHCR becomes constituted as a state for refugees in the process (as outlined in chapters 3 and 6).

Durable solutions are state-centric (Oucho, 2002; Ensor and Goździak, 2016; Allsopp and Chase, 2019). They are limited in scope to find meaningful alternatives for refugees to create their futures (Glick Schiller and Salazar, 2013; Foblets and Leboeuf, 2020) and instead primarily concerned with accommodating different state institutions and actors that use the process for their normative aims (Crisp, 2003; Crisp and Long, 2016). This emerges from a 'methodological nationalism' that demonstrates this naturalisation of the territorial state as the only way of organising politics (Wimmer and Glick Schiller, 2002). While states have diversified under globalisation, the territorial state logic did not; rather than states diminishing they have demonstrated their compatibility within globalisation processes (Wood, 2002). The formation of Kakuma refugee camp and the expansion of the UNHCR in the 1990s in Kenya exemplify this. While the state in the camp changed, the territorial state logic did not. The camp emerged during a period when the state's role was diminishing in the Horn of Africa in the face of rampant economic readjustment (Markakis, Schlee and Young, 2021) and the expansion of NGO-isation (Bratton, 1989; Fowler, 1991; Hearn, 1998; Brass, 2012). The organisations that took over from the state in certain functions often reinforced the territorial state logic and reinforced the state structure. The territorial state logic came to structure the types of relations generated (Green, 2014), resulting in the developing organisations taking a state form, or impersonating a sense of stateness for those they came to govern. The construction of Kakuma Refugee Camp in 1992 by the UNHCR was no different, it too would reinforce the state-centric logic to politics, helping constitute the UNHCR as a sovereign state (Slaughter and Crisp, 2008; Jansen, 2011, 2018).

The containment and durable solutions for refugees reflect the territorial state logic applied to the camp (Malkki, 1995). In Kakuma and Kalobeyei these came in various forms. The

voluntary repatriation of Somalis was conducted to appease the Kenyan Ministry of Interior. The attempted integration of refugees and Turkana in the Kalobeyei Integrated Settlement allowed the Turkana County Government to apply for municipal status. The limited resettlement of refugees from Kakuma was a consequence of increasing border externalisation from the global North. Camps, durable solutions, and refugee protection ultimately became guided by state-centric logic. Ultimately, they did not serve the refugee population, but the state powers that used them. It is thus no wonder that camps generate such variety and multiplicity of encamped states, as the structure of the camp is negotiated through state-centric territorial frames.

7.3 Dual Power: 2021 Refugee Act and Camp Abolition

In March 2021, the Government of Kenya declared that the policy of refugee encampment in Kenya would be terminated. This was the third time such declarations had been made by the Ministry of Interior on behalf of the President, the first in 2016 and the second in 2019. A plan for the closure of the Dadaab Refugee Complex, Kakuma Refugee Camp, and the Kalobeyei Integrated Settlement was prearranged with the UNHCR, aiming to have the camps closed by June 2022. As I have noted prior in chapters 2 and 3, the Government of Kenya's threat to close the camp was likely tied to the ongoing maritime disputes with Somalia. Despite the assurance to me from a humanitarian agent that the camp would not be closed (interview, 07.10.2021), many refugees in the camp I remained in contact within Kakuma and Kalobeyei were anxious over the prospect. Although they wanted their encampment to end and seek better alternatives for themselves and their families, they had limited alternatives beyond the camp.

On the 17th of November 2021, the Kenyan President signed into law the 2021 Refugee Act (as noted prior in chapter 2) (Government of Kenya, 2021). The Act was initially passed by Parliament already in 2019 but was rejected by President Uhuru in September 2021 presumably because it did not consider the inclusion of police stations and prisons within planned refugee transit centres (Business Insider, 2021). However, this delay was more likely due to the ongoing Somali border dispute (Farooq *et al.*, 2018; Lumumba-Kasongo, 2019). The 2021 Refugee Act was hailed to be a progressive reform for refugees, giving them access to possible Kenyan residency permits, the right to work, and freedom of movement (Business Insider, 2021; IRC Kenya, 2021; Yusuf, 2021).

While the 2021 Refugee Act has been hailed as a progressive move by the Kenyan state (IRC Kenya, 2021), I am much more sceptical about its practical application. While the Act does

outline some freedoms for work and integration, its scope at enhancing the agency of refugees is constrained by the limitations placed on refugees' freedom of movement. For example, the following sections of the 2021 Refugee Act outline how refugees must still apply for travel passes (see section 8) but only to so-called designated areas: 'The Commissioner shall work with the national and county Government authorities within and around the designated areas to ensure the protection of the environment and the rehabilitation of areas that had been used as designated areas.' (Government of Kenya, 2021, sec. 30); and, 'The Commissioner may upon consideration of any special needs or conditions that may affect the refugee's protection and safety require any refugee within a designated area to move to or reside in any other designated area.' (Government of Kenya, 2021, sec. 31). What exactly these designated areas are and mean in practice remains to be seen.

Other aspects of the 2021 Refugee Act have expanded upon refugees' right to work and integration. For example, it appears that under the Act refugees will have the right to employment (Government of Kenya, 2021, sec. 28). Previously, refugees and asylum seekers did not have the right to work in Kenya. Instead, refugees could only obtain special work contracts with humanitarian organisations, which legally could not pay full wages but rather incentives. If they could not find work through humanitarian agencies, the black and grey market was the only other option available. In addition, the Refugee Act does include the means for refugees to integrate but emphasises 'local integration' within 'host-communities' (ibid, secs 34–36). The integration of refugees appears to be centred around the integration within specifically designated areas.

Another significant change within the 2021 Refugee Act would see the Refugee Affairs Secretariat (RAS) being reformed. The former Refugee Affairs Secretariat would be restructured into the Department of Refugee Services (DRS) still within the Ministry of Interior. However, as a department it would have more power and autonomy than a secretariat within the Ministry. The role of the Department of Refugee Services (DRS) remains more or less the same as its predecessor RAS, such as continuing to register refugees and issue the relevant documents. However, the DRS shall be headed by a Commissioner for Refugee Affairs, whose responsibilities will be expanded under the Act. As noted above, one of those responsibilities is the selection of designated areas where refugees can move and reside. According to the 2021 Refugee Act, the Commissioner is expected to liaison with a Committee consisting of various government ministries and a representative from the Council of Governors (County Government heads) (Government of Kenya, 2021, secs 6–9). Thus, the

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selection of designated areas for refugee mobility and residence appears to be mainly determined by the central government, with minor representation from local governments. In sum, reforming RAS into a department would mean giving it great power over the management of refugees.

This latest Refugee Act is currently undergoing regulatory procedure and is expected to be finalised in July 2022. Moreover, after the regulatory process, the Act must pass through parliament. A month before the upcoming Kenyan elections in August 2022, the act might become a target of anti-migrant sentiment and security focused MPs (see Whittaker, 2019). Therefore, how the 2021 Refugee Act will likely be adapted and implemented in actual practice remains to be seen.

In its current form, I consider that the 2021 Refugee Act offers very limited improvements for refugee agency. I do agree that the right to employment could be a benefit for some refugees who work for humanitarian agencies within the camp. However, what concerns me is the designation of specific areas that refugees can travel within. It is interesting to note that most of these so-called achievements of the Refugee Act existed in practice long before the creation of the Kakuma Refugee Camp. Most of the limitations on refugees emerged after the UNHCR created camps in Kenya following the arrival of thousands of refugees from Somalia, Sudan, and Ethiopia (as outlined in chapter 2). After the camps were established, the Kenyan state subsequently introduced laws to limit the refugees' mobility and ability to find full employment. I am not suggesting a total dismantlement of refugee camps; it is imperative to immediately shelter and feed displaced persons. However, the camp and its protracted existence have achieved extremely little in enhancing refugee agency.

While closing the camp is often met with shock from centralist and often European political elites, I do not think the Government of Kenya's proposal to end encampment is inherently a bad idea, rather it opens an interesting point to discuss camp abolition. While the members of the Government of Kenya who are proposing to close the camp are not doing so for the wellbeing of refugees⁴⁷, the end of refugee encampment would be a welcome release from refugee containment. However, camp abolition is not a sudden or swift end of camps, rather it is the end of enforced containment within camps. Camp abolition is a subset of border and prison abolition, influenced by anarchist and socialist philosophies toward migration. While critical migration studies are concerned with the technologies of immobility and their

⁴⁷ The argument to close the camp by Kenyan politicians is often based on exaggerated security concerns for political gains (D'Orsi 2019) or to encourage the repatriation of Somalis (as outlined chapter 2).

subversion (Hyndman, 2000; Jaji, 2012; Minca, 2015), border, prison, and camp abolition are more explicit and radical in their political agenda to end the violent, racist, sexist, and neo-colonial system of containment (Davis and Rodriguez, 2000; Anderson, Sharma and Wright, 2009; Gill, 2019; Ben-Moshe, 2020; Brankamp, 2022). The abolition of camps does not call for the total dismantling of humanitarian projects at the risk of migrants' welfare, rather argues for the end of containment. Camp abolition questions the repetitive reforms and innovations that attempt to, but ultimately fail to alleviate structural forms of violence inherent to containment. In short, camp abolition is less concerned with the camp itself, but the forms of containment and bordering practices that reinforce it, limiting refugees' ability to be mobile and leave its confines when they see fit.

Camp abolition has not been prevalent in this thesis because the focus was on the camp and the state. The discussion on camps and their relevance for assisting refugees is almost as old as Kakuma Refugee Camp itself (Crisp and Jacobsen, 1998). To make such a claim for camp abolition without a comparison to those who live beyond the camp would be unfounded and requires further research. However, throughout my fieldwork in Kakuma and Kalobeyei, I witnessed countless acts of resistance to containment and bordering. As I have repeatedly demonstrated throughout this thesis, Kakuma and Kalobeyei were not sites of total exclusion or bare life (Agamben, 1998), refugees possessed the capacity for politics and circumvent containment through acts of resistance.

In front of the UNHCR compound in Kakuma, refugees often staged protests tactically placed between the compound and the main road, allowing for maximum visibility to passing donors. Protesters and activists ranged from a family of Afghan refugees to the LGBT+ community, often demanding resettlement, or an end to police brutality (field diary, 20.02.19). In Kakuma, critical voices are varied in form, but generally follow similar trends, demanding greater mobility or an end to rampant violence and corruption. One such critical voice is KANERE, an independent collaborative of refugee journalists. KANERE, or Kakuma News Reflector, frequently illuminate and write against the 'warehousing' of refugees within Kakuma and Kalobeyei (KANERE, 2018, 2021). They actively publish about the plight of refugees within the camp, from issues relating from corruption to police violence. However, refugees do face threats for openly critiquing containment or becoming politically active (as demonstrated in chapter 5). Many fear the ramifications of openly resisting the camps governing bodies, forced to go through regulated channels that only offer symbolic reform at best.

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Despite potential threats, the ethnographer should be used as a tool to speak against containment and its inevitable structural violence. On one occasion, I received a call from Lam, who informed me that he had been ejected from the reception centre by Lutheran World Federation (LWF) due to overcrowding. Lam, being disabled and alone, had not been granted a shelter of his own, despite his pleas to have one. Instead, when the reception centre reached mass capacity, he was forcefully removed without a shelter to live in. Meeting him outside the UNHCR main gate, Lam told me to take out my notebook and write everything down. Shortly after a security guard came out and greeted us. Lam explained his situation, and the guard said he would see what he can do. Lam laughed, “You see the power of having a *mzungu*.” Soon after, three police officers armed with assault rifles emerged from the UNHCR pedestrian entrance. They demanded to see my documents and briefly questioned me repeatedly, stating, “You are not allowed here”. They then proceeded to force me off the UNHCR premises. That night, Lam informed me how he was later interrogated by the police before being allowed to meet with a UNHCR agent. (Field diary, 20.02.19). Shortly after, Lam would be allocated a shelter next door to a distant relative. Lam used me as a tool, my whiteness and notepad brought attention to him and the structural forms of violence he was experiencing because of his encampment. We as camp ethnographers should not only be used to illustrate the inherent violence of containment but become a part of the bonds of solidarity between ourselves and those contained within state and humanitarian infrastructures.

While giving account to the struggles of others through ethnography is important, applying anthropological perspectives is a bit more nuanced. It is important to note that many still depend on the camp for shelter, aid, or function as a place of work or business. The camp has become embedded within the lives of many refugees. It is used by many refugees for their own ambitions and future-orientated aims. Thus, despite the obvious need to move away from state-centric and territorial logics of refugee protection that produce containment, and instead focus on the actual needs and desires of refugees, we cannot ignore the camp and those who maintain it, such as the UNHCR and the Kenyan state. Instead, we must recognise and at times work within the humanitarian setting and their state-centric policies in order to move beyond them. Barry Feldman and Mason Herson-Hord call this ‘dual power’, a tactic of building popular and radical movements or institutions within civil society that purposefully use the state to create democratic alternatives away from the state (2019). While camp abolition opposes reformist approaches, I consider it essential to engage with all forms of action at our disposal to end bordering practices. Thinking in this way, I believe it is essential

to engage with state policy and legal frameworks, in an attempt to eventually move away from the containment of refugees.

Thus, I consider it imperative to urge the Kenyan government not to impose the use of designated areas within the 2021 Refugee Act. I urge the Government of Kenya to reconsider the use of travel documents, curfews, police checkpoints, and other forms of containment, as doing so merely reinforces refugee mistrust towards the Kenyan state and heightens refugees' vulnerability. In doing so, I join the call for the total freedom of movement of refugees in Kenya and beyond. In addition, the UNHCR must not excuse the Kenyan state for acts of violence towards refugees. The enforced disappearance of Aggrey Ezbon Idri, Dong Samuel Luak, Marko Lokidor, is a testament to the UNHCR's inability to protect displaced persons, asylum seekers, and refugees in Kenya. Their continued capitulation to the Kenyan state is an inherent failing of their state-centric approach to refugee protection.

7.4 Encampment Ends and Future Research

At the time of writing, Kakuma Refugee Camp is scheduled to close in June 2022. I completed fieldwork in Kakuma in August 2019, and on the 15th of March 2020, the Government of Kenya introduced coronavirus travel restrictions to and within the country (Aljazeera, 2020). While I consider it unlikely that the camp will close, its possible closure does pose a chance that this thesis could be one of the last ethnographies of Kakuma Refugee Camp. Despite the potential setbacks for the relevance of this thesis if the camp is closed, namely for future ethnographic comparison and relevance for guiding future policy, the thesis should continue to serve as an example for examining states within the context of a refugee camp.

If the camp is closed, future research will still be required to understand the unfolding dynamics of what a post-camp Kakuma and Kalobeyei would be like for those who live within and around it. For the refugee population, it would be imperative to examine how they find new alternatives to encampment, especially where they would settle and find means to sustain themselves beyond the care and control of humanitarian infrastructure. Future research should also engage with the Turkana population, examining how they cope, occupy, or engage with the camp's closure, in particular how they could use and manipulate the camp's urban environment. In addition, the continued work of Turkana County officials and their attempt to create a municipality poses new and interesting challenges to how we study the urban or possible post-camp environments. Further research is required to understand how a municipality would function after the camp and how its former humanitarian infrastructure

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could be utilised by state and non-state actors. With or without the camp exploring the future role of Kakuma-Kalobeyei municipality will be extremely important for understanding new urban environments in Turkana County.

In contrast to the uncertainty of the camp's unlikely closure, the 2021 Refugee Act does give us some indication of the future of Kenyan refugee protection, in particular local integration. How refugees, local state, and humanitarian actors negotiate the process of integration requires additional research. Under the 2021 Refugee Act, refugees will have the right to integrate within 'designated areas' with 'host-communities' (Government of Kenya, 2021). What this would mean in actual practice and to what extent refugees will be contained in such locations will need to be examined. In addition, the ongoing construction of Kalobeyei Integrated Settlement, combined with other mega infrastructural projects such as the LAPSET corridor is intended to bring development to the recently devolved County of Turkana. However, there has been limited research on the Turkana County Government actors during the process. How such actors manage, plan, and ultimately imagine the future of Turkana in this process has remained unexplored. Thus, examining the work of such local state actors could help develop a more nuanced understanding of the state at the regional level.

Mobility beyond the camp, or how refugees live without the camp or after it, is an important aspect that requires further research. There are many processes in which refugees can leave the camp, formally through resettlement, or informally by moving to other locations beyond the camp's containment. Investigating how refugees circumvent containment or live without the care and control of humanitarian institutions is essential to understanding camp abolition and its practicalities. As I have mentioned previously, many informants such as Robert would later leave the camp to seek out alternatives. The consequence of Robert's decision to live in Nairobi, and not the camp, was not explored here as it went beyond the scope of this thesis. Many refugees in Kenya live in urban settings despite the encampment policy in Kenya and the lack of humanitarian provisions offered to those who do. Thus, exploring how refugees live outside the camp could help us understand the plausibility of camp abolition, but also how the state becomes constituted in different contexts within or beyond Kenya.

The conceptual framework of encamped states offers a means to examine how states are constituted within the camp context, giving insight into the agency of actors who navigate containment and the variety of sovereign powers that attempt to govern it. In this thesis, encamped states was mainly used to examine how refugees constituted states in Kakuma and

Kalobeyi. However, the very same concept could also be applied in other social settings. For example, future research should explore how state actors, such as RAS agents, make or form the state within Kenyan camps. Alternatively, the concept could be applied to other camp settings to explore how states are constituted in other contexts, for example in transit camps along the EU borders. The framework of encamped states has many applications; wherever people are encamped, contained, or their movement is limited by states, it offers us an avenue to examine state formation and the application of the territorial state logic.

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