

The construction of illegality in Nairobi

An analysis of urban refugees' coping mechanisms



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Abstract

This paper explores the conditions under which refugees live in Nairobi, Kenya. Departing from a state level analysis, it is given that the particular relationship that Kenya has politically and historically with its neighbour Somalia spills over in a political securitization of all Somalis in Kenya. It is argued that this further spills over to the whole of the refugee population in Kenya, thus also the urban refugees in Nairobi. For over two decades, Kenya has been hosting a significant refugee population. The high amount of refugees paired with repetitive terror attacks have resulted in a hostile management of refugees. As a consequence, the encampment policy depicts all refugees in Kenya as potential criminals and that have to stay in the designated camp areas.

From this perspective where urban refugees are de facto illegal, it is explored how they develop coping mechanisms to reduce their vulnerability and to better cope under these circumstances; discrimination, illegal status, poor protection and assistance. In other words, this paper continues the analysis at the civil society level, where social change and social mobilisation are scrutinised in relation to how urban refugees are adapting and by that impacting the host society. The intention is to underline the exceptional resilience this group of people is capable of exercising and to what extent their contribution to the society is changing and sometimes benefiting local environments and people. The social and economic spheres are analysed to evaluate in what ways they can be seen as being integrated into the society yet deeply excluded from it. The complexity of the urban refugees' presence in the city is stressed and questioned.

The two levels of analysis described in the above are useful to get an in-depth picture of the situation. This paper explores, on the one hand, the interface between the state of Kenya and the refugees by analysing policy, history and political discourses. On the other hand, it explores, at the level of the civil society, the coping mechanisms developed by the refugees living in Nairobi. Overall, this paper seeks to understand the experiences of urban refugees by examining their own actions and perceptions in response to the policy and political context in Kenya.

It is concluded that the urban refugees are finding creative ways to adapt to the environment in Nairobi; e.g. engaging in informal work and negotiating the police's authority. It is shown that the urban refugees develop both negative and positive coping mechanisms, where a negative coping mechanism is the act of staying inside most of the day and hiding from the police. A positive coping mechanism

that the urban refugees in Nairobi have developed is the informal work and trade that contribute to the local economy.

Two general issues are argued and assumed throughout the paper: Somalis are a particular case in Kenya and the securitization of them spills over to the rest of the refugee population. Somali refugees share the same living conditions as the rest of the urban refugees (of same socio-economic status), and are treated in the same way in Nairobi.

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Abbreviations

AMISOM - The African Union Mission to Somalia
AP - The Administration Police
CBK - Central Bank of Kenya
CID - The Criminal Investigations Department
DRC - Danish Refugee Council
DRC - Democratic Republic of the Congo
EU - European Union
FGD - Focus Group Discussion
GSU - General Services Unit
HRW - Human Rights Watch
IDMC - Internal Displacement Monitoring Centre
IPOA - The Independent Policing Oversight Authority
IRC - The International Rescue Committee
IRIN - Integrated Regional Information Networks
MRP - Money Remittance Provider
MSF - Medicines Sans Frontier
NGO - Non-governmental Organisation
NRC - Norwegian Refugee Council
OAU - The Organisation of African Unity
ODI - Overseas Development Institute
RCK - Refugee Consortium of Kenya
RMMS - Regional Mixed Migration Secretariat
RP - The Regular Police
UN - The United Nations
UNHCR - The United Nations High Commissioner for Refugees

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Introduction

A significant part of the world's displaced people is located in Africa. Most have been driven from their homes both as a result of interstate and intrastate conflicts. Such coerced migration often violate people's rights and freedoms, and most have been displaced into settings where conditions fall far short of what is required to live with basic human dignity (Hollenbach 2008: 1). In Kenya there are 585,363 people of humanitarian concern (UNHCR 2015b). Out of these, 20,000 are stateless people, 550,506 are refugees and 32,751 are asylum seekers (UNHCR 2014). The majority of refugees are from Somalia and South Sudan but also from Ethiopia, The Democratic Republic of Congo, Eritrea, Rwanda and Burundi to lesser extents (UNHCR 2015a). A significant number of refugees in Kenya are residing in urban areas and in particular in Nairobi where 51,757 registered refugees live and an unknown number of unregistered refugees that is said to exceed 50.000 (Pavanello et al. 2010: 7). The majority of these registered refugees are Somalis, but also many Congolese and Ethiopians live in the capital as well as a smaller number of Eritreans (UNHCR 2015a).

Kenya has been a generous refugee hosting state for several decades and the country has hosted many refugees fleeing from insecurity and instability in its many neighbouring countries. Prior to 1991, refugees in Kenya enjoyed full status rights, including the right to reside in urban centres, to move freely throughout the country, the right to obtain a work permit and they could access educational opportunities, as well as the right to apply for legal local integration (UNHCR Nairobi 2003 & Verdirame & Harrell-Bond in Campbell 2006: 399). The political crises in Sudan, Somalia and Ethiopia in 1991-92 and later in Burundi, Rwanda and the Democratic Republic of Congo, led to a large-scale influx of refugees into Kenya. This significant migration movement overwhelmed the Kenyan government's refugee protection capacity, resulting in the handover of the responsibility of registration to the UNHCR and the withdrawal of Kenyan authorities from all refugee affairs. If the pre-1991 refugee regime in Kenya can be characterised as generous and hospitable and with an emphasis on local integration, the post-1991 regime has been less hospitable, characterised by growing levels of xenophobia and few opportunities for local integration (Campbell 2006: 399) which is deemed to be seen as a result of the growing national insecurity.

Due to a significant amount of migrants fleeing to Kenya especially from Somalia due to internal political instability since the early 90s, the Kenyan government has been employing a de facto encampment policy requiring refugees to live in the designated areas (the refugee camps) and restricting their movement to the limited confines of these camps (HRW 2013; Karanja 2010; Pavanello et al. 2010; Hollenbach 2008; RMMS 2013). By definition, all urban refugees in Kenya are illegal. Faced with limited or non-existent assistance and protection, all of these urban refugees are left with their own resources in order to meet the basic needs of food and shelter and eventually move beyond a survivalist existence (Bailey 2004: 3).

Kenya is a signatory to the 1951 UN Refugee Convention and its 1967 Protocol as well as the 1969 OAU Refugee Convention. Kenya is also a signatory to other international and regional human rights instruments that are relevant to the refugee regime in relation to protection. However, on the domestic front Kenya lacked national refugee legislation until 2007 when the Refugee Act (2006) came into force (Campbell et al. 2011).

On December 13 2012, Kenya's Department of Refugee Affairs announced that because of many recent attacks allegedly from the Somali terrorist group al-Shabaab in Kenya, all urban refugees were ought to redirect to the country's refugee camps, as part of their general encampment policy. All Somalis in Kenya are therefore seen as potential criminals, and the portrayal of this particular group is spilling over the entire refugee population in the country.

Moreover, the encampment policy directive required at this time that NGOs and the UN transferred their refugee programs to the refugee camps to avoid attracting refugees to urban areas (HRW 2013). That the NGOs in Nairobi are being restrained by the government and its directive has a big impact on the urban refugees considering that if the NGOs were allowed to assist and support the refugees, arguably they would benefit from it, e.g. from livelihood programs or judicial advice services. The NGOs in Nairobi working with urban refugees are also impacted in their work and need to tread carefully in their relationship to the government in general (RCK interview 22:31), and some of them are even not necessarily terminating their urban refugee programs (Refuge Point, Danish Refugee Council, Refugee Consortium of Kenya 2014).

Furthermore, in response to a growing insecurity in Kenya, on the 5th of April 2014 the government launched an internal security operation called “Operation Sanitization of Eastleigh”, publicly known as “Usalama Watch” (meaning ‘peace’ or ‘safety’ in Kiswahili). Eastleigh is a suburb in Nairobi inhabited by refugees from many countries and a large Somali population. The purpose of this operation, carried out by the national police service, was to track down ‘illegal migrants’ in order to deter terrorism (IPOA 2014: 2) and thus, this included both Somalis and other urban refugees. This action, which was supposed to enhance security and protect Kenyan citizens, has been highly criticised for transgressing fundamental human rights (HRW 2013). Police agents have been accused of arbitrary arrests, harassment, assault, unlawful detentions and deportation of individuals (IPOA 2014: 3; HRW 2013). On top of this, in the so-called “sanitisation process” they were doing a racial profiling and targeting a specific ethnic group, namely the Somalis, which is unlawful (IPOA 2014: 3). The reason for this particular targeting on Somalis is the political, historical and current tensions that there are between the two states and the particular focus that there is on Somalis in Kenya by result of these.

This operation is a part of the enforcement of the Kenyan encampment policy. The policy has required the refugees to live for over two decades in closed refugee camps with only few authorisations to temporarily move to other parts of the country (HRW 2013: 43). Kenya has never been willing to integrate refugees into the society (Hyndman & Nylund 1998: 4) despite the more generous law prior to the 90s that allowed refugees to live freely and legally in the city. The camps (Dadaab and Kakuma) were originally seen as temporary solutions for people returning to their homes however, the protracted situation that it became turned the camps into a permanent residence where some people have lived the majority of their lives.

Considering this, the reasons why so many refugees worldwide but in particular in Kenya are residing in urban settings today are varied. Some want to escape this temporality of life, and the insecurity in the camp is an often cited reason for leaving it, as well as the search for further education (RCK 2005: 8). Though the reasons for leaving the camp are important it is beyond the scope of the study.

One of the essential rights being violated with the encampment policy is the freedom of movement (HRW 2013: 47). Additionally, according to Kituo Cha Sheria, a Kenyan NGO, this policy is breaching Kenya’s international obligations under the 1951 Convention (Kituo Cha Sheria 2013). Both Kituo Cha

Sheria and other agencies have been opposing this policy and filing petitions in the Kenyan High Court, which shows that even though the encampment policy is running in force today and Kenya has been employing it de facto since the 90s, there has been some opposition to it, also recently. The High Court of Kenya acknowledged in July 2013 that the encampment policy was violating both fundamental freedoms enshrined in the domestic Constitution and also a number of international human rights laws. These included the violation of the freedom of movement and the right to dignity, and the Court also argued that it threatened to violate the principle of non-refoulement (Asylum Access 2013). The High Court issued orders stopping the government from enforcing the policy until there had been a full hearing (Kiama & Karanja 2013). Later, in June 2014, the same judge ruling the policy to be in contradiction with international and national law in 2013, now found that the policy was fully constitutional (Amnesty 2014). The appeals are continuing (ibid.), but nevertheless it is possible for the government to continuously carry out its enforcement of the policy, especially since the insecurity in the country calls for strict measures.

All this being said, the broader geopolitical picture needs to be painted and emphasis placed on Kenya's state of affairs. At the time of writing, Kenya indeed finds itself in a critical and serious situation in terms of national security. The numerous attacks throughout the country¹ since the 90s along with the more recent and devastating attack in the Westgate Shopping Mall in Nairobi are today counted as the mere beginning. The attack on the Garissa University College on the 2nd of April 2015 is the deadliest attack, with at least 147 dead, since the US Embassy attack in 1998 (Adow in Al Jazeera 2015a) and it puts the country in an even more urgent state. As a result of the recent attacks, the Deputy President William Ruto recently announced that the Dadaab refugee camp should be closed within 3 months by the UNHCR and that the government would do so themselves if the UN Agency did not (Mwakilishi 2015). He announced this a few days after a series of County Leaders, including the Garissa County leader, demanded the shutdown of the camp on the background of the claim that al-Shabaab² is recruiting through it and planning the attacks in the camp (ibid.).

¹ though mostly in the cost area near Mombasa, in Nairobi and Garissa and Wajir counties near Dadaab

² "al-Shabaab, meaning "The Youth" in Arabic -- is the largest group among several armed Somali organisations that were started with the goal of toppling Somalia's U.N.-backed Transitional Federal Government and imposing Islamic law." (Al Jazeera 2013b)

The current Kenyan government has in most of its sitting period been struggling with accordingly securing the country and seems forced to take these extreme measures as closing Dadaab. The international community deems it impossible and only time will show if they succeed and if they are serious in these proclaims.

The tense relationship between Somalia and Kenya and especially with regards to al-Shabaab needs to be seen in the broader historical sense, since tensions between them has remained since the British left (Lonsdale 2008), and furthermore, Kenya's military presence in Somalia needs to be considered. Kenya is part of the AMISOM Peacekeeping mission³ in Somalia and has been there since 2011. This is one of the main reasons why al-Shabaab is attacking the country, as they themselves claim. Kenya joined the AMISOM coalition in order to defend their borders and work for peace in Somalia, which at the same time would ease the repatriation of refugees. These circumstances have had a remarkable and justified impact on Kenya's both foreign and national affairs and policies. The current critical situation faced by Kenya with regards to national security, leaves the government not less strict in terms of the refugee policies. The government is currently under high pressure since they were deemed incompetent to secure the state. This failure has increased a sense of insecurity among nationals in the country and, as a reaction to this escalating instability and fear, the President of Kenya is taking strict measures that have important consequences for people's lives, both refugees and Kenyan citizens. With the amendment of the security bill, the government wanted for example to reduce the amount of refugees in the country from around 600.000 to 150.000 (Security Bill 2014)⁴. Adding this to an already strict national refugee law and policy, the refugees' situation in Kenya is very critical. Allegedly, Kenya is currently having the strictest asylum and refugee law in (East) Africa comparable to the strict refugee regime in Europe.

³ The African Union Mission in Somalia

⁴ This was nullified in February 2015 (UNHCR 2015a)

Problem Statement

As a result of insecurity, lack of perspective for the future and the over-population in the camps, a growing number of refugees in Kenya have moved to the city over the years in search for better and safer livelihoods. This migration influx however is contradictory to the encampment policy that confines all refugees in Kenya to be in the camps. Despite the domestication of the international refugee laws in 2007 which, in theory, is a step in the right direction in terms of human rights, in reality, the urban refugees' situation is highly critical since the strict encampment policy does not entirely recognise them as refugees. Despite a relative assistance provided by some local NGOs in Nairobi such as Kituo cha Sheria and the Refugee Consortium of Kenya, urban refugees are not entitled to any protection from the Kenyan government. These strict measures taken by the Kenyan government in the attempt to have control and insure security of the nation state complicates the urban refugees' situations. The asylum and refugee laws adopted by Kenya have gradually become stricter along the years which have followed from the tense relationship with its Somali neighbours. As a consequence of these raising tensions, Kenya has taken extraordinary measures which are in many ways impacting the urban refugees' lives. These considerations have led to the following research question:

How is the portrayal of refugees in Kenya impacting the urban refugees in their navigation of their space and status in Nairobi?

The understanding of the research question is intended as such:

The concept of securitization is used to analyse the portrayal of refugees in Kenya which will enable an analysis of the urban refugees' coping mechanisms, understood as their navigation of their space and status. Space refers to the geographical space the refugees inhabit in the city, but also their mobility. Status refers to their status as refugees, but also their status as human beings.

Objectives

In order to answer the research question, the following points are going to be examined in the first chapter, “Setting the stage: The Construction of Illegality in Kenya”:

1. How is the refugee status being constructed in Kenya?

Looking at both historical and empirical past and present facts, this part is an introduction of how refugees are being perceived by the Kenyan government. In this matter, due to historical and political context, the Somali community plays a significant role. The aim is to investigate how the management of refugees is influenced and shaped by politicised processes. This is dealt with in “securitization”.

2. What are the consequences of this construction for the persons involved?

The following part “construction of space, construction of power?” introduces the specificity of being a refugee in urban settings. The purpose is to shed lights on how policy and political discourses about refugees is highly impacting them in their daily lives.

3. How are the urban refugees reacting to this construction?

The goal is to show how refugeeeness is not about being but about becoming. This part is theoretically examining in what ways urban refugees can be said to have agency despite the hardships they are facing. This is discussed in “agency”.

While the first chapter is based on a state level analysis, the second chapter, “Urban Refugees’ Coping Mechanisms”, examines a particular case of urban refugees based on qualitative interviews and aims at answering the following questions:

4. Are the urban refugees interviewed in this case study aware of their status and if yes how do they use it?

In the part about victimisation, the intention is to examine how the refugee construction at the state level is received by the persons concerned. This part analyses how the respondents are portraying themselves and their situations.

5. How are they adapting to the state of exception they are facing and what does it give them?

This part is analysing how the urban refugees interviewed for this case study are finding creative ways in order to cope with their exceptional status and situation in the city. Whether their coping mechanisms are a way of being integrated into the society is discussed.

Methodology

Introduction

The following is an outline of the methodological background used in the paper where theory, key concepts and empirical data are extensively presented.

Structural choices

The structure of this following paper consists of two levels of analysis that are related but are having an individual overall focus. The first part is analysing the way refugees have been portrayed in Kenya and what outcomes that constitute for the current situation of refugee in Kenya. Thus, this analysis is applied on a macro-level and it aims at categorising the environment for refugees in Kenya. This enables, in the next part of the analysis, on a micro-level to dig into a small part of this reality and environment of the urban refugees in Nairobi. Whereas the first part can stand by itself, the second is linked to the first.

Use of the term ‘refugee’

A broader concept of refugees is adopted rather than the strictly legal definition provided in the 1951 Refugee Convention related to the Status of Refugees and the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. As many refugees do not fit this narrow definition, the term ‘refugee’ is used in its larger sense. In other words, this paper comprehends the concept of refugees as proposed by Betts with his concept of survival migration: *“persons outside their country of origin because of an existential threat to which they have no access to a domestic remedy or resolution”* (Betts 2010: 362). Therefore, both registered⁵, unregistered refugees and asylum seekers are referred to as being “refugees”. Additionally, in line with Liisa Malkki, refugees and refugeeness is believed to be a complex and dynamic process of becoming rather than a static identity that one acquires permanently as a result of crossing an international border (Malkki 1995).

⁵ with UNHCR and the Kenyan government

Choice of focus - why urban refugees?

Diverse motivations have led to the focus on the urban refugees' situation. First, despite a notable increase in refugees living in urban settings worldwide⁶ there is a significant lack of focus on and information about urban refugees (Pavanello et al. 2010; HRW 2002; Metcalfe et al. 2011). Secondly, a research project conducted in 2014 in Nairobi has led to more research on urban refugees. Being well-equipped thanks to a sound literature background on the urban refugee situation in Kenya, it appeared relevant to keep this focus of research.

Assumption

The first part of the analysis is focusing especially on Somali refugees in Kenya and in Nairobi. It is believed that the Somali refugee population plays a significant role in Kenya for three main reasons: first, they are representing the majority of the total refugee population; secondly, due to historical and political factors they have a specific relationship with Kenya, and finally, the majority have been living in Kenya for more than 20 years. Thus, this paper is beginning with an analysis of the Somali refugees in Kenya to give a picture of the government's perception of this specific group as it is believed that this group is used by the government as a catalyst on how the refugee population in general is treated in Kenya. This assumption derives from conclusions made on a study on 300 unregistered refugees in Nairobi which is one of the main arguments in this paper (see appendix for the study and its data).

Overall discipline

Social constructionism is the overall discipline of this paper where the access to reality is constructed by individuals interacting with one another. Objects simply gain meaning through discourses. Language creates representations that are not just reflections of a pre-existing reality, but rather contributes in creating that reality (Andrews 2012: 39f). The data are analysed in line of this conceptual framework. Each actor of this case study plays a role in the construction of common truth and competes about what is true and false knowledge. As a result, some actions become natural while others are deemed unthinkable. This is the reason why, construction has social consequences that can lead to the legitimization of extraordinary treatment.

⁶ 1 out of 2 refugees today live in an urban setting according to UNHCR 2015 and EU Commission 2012

The data of this paper are therefore not analysed as being the objective “truth” (if that exists at all) but as being constructed socially and discursively in a specific cultural, historical and political setting.

Choice of theory

With what has been explained in the above, it is argued that discourses of fear and insecurity are shaping and feeding xenophobia among the population especially in periods of intense political crisis. The concept of securitization developed by Ole Wæver (1995) is in particular useful to show how an issue such as forced migration can become the centre of attention in the media and politics, and how politicians are attempting to use discourse of fear and insecurity as a way to legitimise politics of exclusion. Ole Wæver developed the concept ‘securitization’ together with other theorists under the Copenhagen School and that is why this original sense of the concept is used and applied in this paper.

The underlying assumption of this phenomenon is the shift from a human to a national security focus. This concept is used to analyse, at the state level, how certain political discourses become mainstream in the society. The interaction between the sender (the Kenyan government) and the recipient (people in Kenya) of this discourse is scrutinised in order to understand how this construction can be legitimised and accepted.

With this concept, it is intended to show how processes of marginalisation⁷ are constructed and developed towards a particular group in Kenya and how practices of exclusion are born out of a society of fear and insecurity. This first part of the theoretical framework is therefore an analysis of the political atmosphere in relation to refugees in Kenya.

The second part of the first chapter aims at creating an understanding of the particularity of being an urban refugee in Kenya while examining how they cope in their daily lives. To explain the critical situation the urban refugees are facing, Giorgio Agamben’s notion of the ‘state of exception’ is used to show how the Kenyan government is treating urban refugees. In the same line, it is demonstrated how informality and illegality are two notions being constructed and deconstructed depending on the state’s own interest. Considering the urban refugees as being illegal due to the enforcement of certain laws is

⁷ Following Katarzyna Grabzka, processes of marginalization are comprehended as being legally restrained in terms of access to rights and services by the host government, being discriminated against by the host society and excluding oneself from the host society (Grabzka 2006: 290).

the state's strategy to better control them. In opposition to this way of dealing with the notion of illegality, this paper comprehends this concept as the inability for refugees to claim human and judicial justice as a result of their insecure legal status. Different theorists and their concepts are applied in order to show how this construction is spatially present in the city. In other words, it is examined how a certain use of mobility and space is contributing to the management and tracking of urban refugees in Kenya. However, within this restrained framework, this paper is looking closely at how the urban refugees are responding to a discursive and spatial exclusion.

These theoretical discussions are leading to the examination of how urban refugees cope under these circumstances and what their strategies are to oppose these restrictions and struggle for a better life. To do so, three different theoretical concepts are discussed and applied in the context of the urban refugees in Kenya. Simon Turner's concept of 'hope', Axel Honneth's concept of 'recognition' and Liisa Malkki's concept of 'victimisation' are relevant to grasp how the urban refugees negotiate their agency. In comparison to life in camps, it is discussed whether being in the city enables the refugees to be proactive and more confident about their future. Malkki is arguing that refugees are unfairly being portrayed as "victims" and "speechless" by the mainstream discourse. Drawing on her view, it is questioned whether urban refugees in Nairobi are using this victimisation in a subversive way for their own good. The analysis of the aspects that Malkki's concepts are contributing to was found necessary in order to assess a critical adaptation of why refugees are portrayed in these ways and what it entails for them.

The importance of being recognised is also relevant and connected to their self-construction in the city, and Honneth is chosen because he has brought some ground-breaking work on social and psychological aspects of human interaction. More than being defined by external actors, it is wondered, how urban refugees are themselves finding meanings and recognition within their social, national or ethnic settings.

Agency

In the analysis, the concept 'agency' is used extensively as it is one of the key concepts of this paper. This concept is paradoxical to examine in the case of refugees because most would argue that being in this state of forced migration has nothing to do with free choice, and with the role of UNHCR and the international system, refugees are forced to do what the system requires. A distinction is being made

between two levels of agency: agency for people who live their “normal” everyday lives free from fear of persecution, conflict and war, and then, agency for people who live with the status of being refugees. In the following, a definition of the way agency is being understood in this paper is going to be laid out. This type of agency refers to all individuals who either perceive themselves as refugees or are being perceived as refugees by the local society and government and/or the international community.

Agency for refugees

For the sake of this paper, the term agency has to be contextualised in order to be used in an appropriate way. Having agency can cover a broad spectrum of meaning; however in this paper agency is defined as the coping mechanisms the urban refugees are developing in their daily lives to face the difficulties they are confronted with. In other words, urban refugees, in spite of their precarious situation that limit their freedom, still have some capacity to make certain decisions that enable them to act in one way or another. This is the perimeter of relative freedom that it is referred to when the term agency is used.

Coping in relation to urban refugees

Furthermore, it is found necessary to explicit how the concept ‘coping’ is used since the traditional way of understanding ‘coping’ refers to psychological coping which is not the case in this paper. What is meant with the traditional understanding is psychological coping mechanisms in mastering, minimising and tolerating stress or conflicts on a mental level. In this paper, when there is a reference to ‘coping’ it is in relation to practical coping mechanisms e.g. engaging in casual work when not allowed to work formally. What is being analysed in this paper is the urban refugees’ ways of coping in Nairobi while being de facto illegal.

Some of the coping mechanisms that the urban refugees develop can also entail some aspect of psychological coping, namely, the urban refugees cope by using their communities which can be interpreted as both a psychological and practical way of coping. This is accounted for in the analysis.

Coping is furthermore seen in relation to agency as described. By coping with a particular condition e.g. the permit to work, urban refugees in Nairobi show that they have some agency, even though it is relative agency; they show that they can actively change a certain condition by working their way around it.

Methodology and Method on Empirical Data

The following is an outline of the primary and secondary data and the use of it. The data collection of the primary data is accounted for extensively.

Levels of Generalisation

While the first chapter of analysis is intended to give a general picture of the refugees' situation in Kenya, the second, which is based on a case study, aims at examining some urban refugees' coping mechanisms. Although the representativeness of the primary data at times could be questioned, as is inevitable when researching on a highly vulnerable population, nonetheless, based on existing knowledge of the urban refugee community in Nairobi and on analysis of the data, certain general trends can be identified. The claims made out of it give an in-depth, even if incomplete, picture of the situation.

The first chapter of analysis is mainly based on secondary data and is a theoretical discussion. When referring to (urban) refugees the intention is not to claim that all of them are experiencing the same but rather to present a general picture of the situation. In other words, this part is laying the grounds for further in-depth analysis.

The second chapter of analysis is mainly based on qualitative data and even if they can be verified by secondary data it is not possible to generalise their accounts to the entire urban refugee population which is very diverse in terms of social, economic and cultural backgrounds. Moreover, this is not the aim of this part but rather the goal is to have an insight on micro-scale of their experiences.

Summing up, there are two levels of analysis: The first chapter is mainly based on a theoretical background and is a discussion on a macro level, while the second chapter looks at a specific case within this general context, on a micro level. In order to distinguish between the two levels of analysis explained in the above, it is specified throughout the paper if the analytical points being made refer to (urban) refugees in Kenya in general or if it deals with the (urban) refugees' accounts interviewed for this case study.

In relation to social constructionism, this analysis is constructed within a specific context and is dependent on who we are as researchers. The analytic points being made are small parts of this

“reality” and the aim is not as such to determine if these parts are “true” or “false”; they are representative of the “reality” within this context.

Use of data

Assuming that the reliability of data can vary depending on several factors which may impact the participants responses, it seems relevant, for confirmation purposes, to use the concept of data triangulation. The concept is defined as “the use of multiple data sources in the same study for validation purposes” (Hussein 2009: 3).

As explained, the second part of the analysis is mainly based on qualitative interviews from primary data collected in Nairobi with urban refugees. Since most of the people interviewed were highly vulnerable and in a state of despair, their discourses might have been exaggerated or amplified when confronted with two western women. Haraway is mentioning that everything is situated in who we are as researchers, or rather, individuals (Haraway 1988) and no matter what, we will be impacting the situation and the people involved just by being there and in the way we construct the situation and the interview. Moreover, other factors might have impacted the respondents in their answers: The environment where they were interviewed might have influenced them as well as the time the data were collected. Therefore, to avoid biased analysis, the use of data triangulation is needed. To apply this, the primary qualitative data collected in Nairobi are backed up by other sources found in reports, news articles, journals and videos on the same subject. The qualitative data are also backed up by quantitative data which have been conducted at the same time as explained in the following.

Data collection – primary data

The primary data consists of 2 focus group discussions and 11 semi-structured qualitative interviews with urban refugees and 1 semi-structured qualitative interview with an officer working in an agency dealing with refugees. The methods of data collection will be elaborated in the below.

In relation to the quantity of the primary data it is here referred to the principle of triangulation explained in the above. It is believed that 14 interviews is not enough to analyse on a general level but the analysis made on that is seen as a possible catalyst on the rest of the urban refugees in Nairobi. A major part of the interviews has been conducted by the authors of this paper while the rest has been done by local research assistants.

Description of primary data

11 semi-structured qualitative interviews with urban refugees in Nairobi

The 11 semi-structured interviews were conducted by this paper's authors on the 16th, 20th and 26th of January 2015 at different sites in Nairobi. Due to practical reasons 2 of these interviews were done at a later stage by an assistant. The interviews are done with 2 Eritrean, 2 Somali and 7 Ethiopian refugees. This part of the data collection was carried out before the research question had been established, due to practical reasons. This chronological way of carrying out data collection has had a great impact on the progress and execution of this paper since the data have helped to narrow down the focus of the research question. For the privacy of the participants all names have been changed. All the transcripts are added in the appendix.

2 Focus Group Discussions with registered refugees in Nairobi

The Focus Group Discussions (FGDs) were conducted on the 19th of January 2015 in Kayole area in Nairobi. One of the research assistants had established the contact and had mobilised around 25 registered refugees who wanted to participate. One FGD was with French-speaking Congolese and one with English-speaking Congolese with some translation into Kiswahili. Both FGDs lasted for approx. 1 hour and 15 minutes. Transcriptions are added in the appendix. Sound files are also available.

1 semi-structured qualitative interview with an RCK officer

The interview with an RCK officer was conducted on the 23rd of January 2015 by this paper's authors. The aim was to get the point of view of the agencies working with refugees in Nairobi as well as their relation to and/or cooperation with the government. This focus was also a part of the first broad focus before the execution of the dissemination had started. Therefore the interview is about the Global Refugee Regime and in general about RCK's work. Transcription of the interview is added in the appendix.

300 quantitative interviews with unregistered refugees in Nairobi

The 300 quantitative interviews were conducted in different parts of Nairobi in the period the 11th of December 2014 to the 7th of January 2015. The interviews were conducted by 5 research assistants and the data entry and raw analysis was done by another assistant. The number of interviews that ended up being valid was 298 with a ratio of 58,4% males and 41,6% females among the respondents. The interviews were done with the following nationalities: Ethiopia (29,6%), Somalia (21,9%), South

Sudan (19,5%), DRC (7,4%), Eritrea (7,1%), Sudan (6,1%), Rwanda (4,7%), Uganda (3%), Burundi (0,3%), Tanzania (0,3%). The questionnaire consisted of 15 questions with several sub-questions and a screening tool. The scope of the study was to find why so many refugees in Nairobi are unregistered, and the overall conclusion made on basis of this data was that 1) the majority wants to register, but 2) they cannot because of the government directive and the fact that the registration posts are now located in the camps, and 3) that lack of money and job impacts their lives tremendously, and 4) that police harassment is a serious daily concern for both registered and unregistered refugees.

The raw data from the interviews and 5 copies of the filled-out questionnaire are added in the appendix.

Methods of data collection

Semi-structured qualitative interviews

This method was used for the 11 interviews with urban refugees, the interview with the RCK officer and the FGDs. This was decided in order to keep the interviews open and allow for unexpected directions of the conversation. A set of questions was developed for the 11 urban refugees, for the RCK officer and for the FGDs adjusted accordingly to the desired focus. This method of interviewing was further found necessary in order to give the urban refugees the opportunity to express themselves and tell their stories. As explained, creating a situation where the urban refugees' answers can take the interview in a new direction, should unexpected revelations reveal themselves, is intended. This is done partly to avoid creating the answers and the analysis beforehand, based on assumptions, but aim instead at letting the interview be informing rather than confirming assumptions (Brinkmann 2010: 36).

Snowballing

The snowballing method was used in finding and mobilising the urban refugees in Nairobi with the help of an Ethiopian research assistant who was himself a refugee. The choice of this strategy was chosen since it appeared even more difficult as "outsiders" to approach and gain the trust of urban refugees, who are in an insecure situation, hence, not necessarily willing to share their stories. This is why the research assistant was very valuable since he fostered confidence which helped to establish a good relationship with the respondents.

The selected areas

The urban refugees in Nairobi are scattered all over the city even if some parts are seen as “refugee hubs” such as Eastleigh or Kayole area. The FGDs were conducted in Kayole. Some interviews were conducted in an Ethiopian Church in Kilimani since the possibility of getting in contact with some refugees was possible. Furthermore, some interviews were conducted in Eastleigh mainly for practical reasons since the assistant was familiar with the area.

Translator

For many of the semi-structured interviews a translator was used. The use of a translator has to be taken into consideration since through the translation process a part of the respondents’ answers can be lost or transformed. Sometimes the translator employs words that the respondents most likely would not have used but no analysis is made on the background of this. Thus, the impact that the translator could have had on the participant has been minimised.

Transcriptions

All the interviews are transcribed. Due to surrounding noise, the speed of which the respondent were talking or inaccuracy in pronunciation some of the transcriptions are not 100% accurate. However, none of the content of the interviews has been manipulated in any way or meaning “stretched” from the original.

Description of the secondary data

In addition to the primary data conducted for and used in this paper, a series of secondary data is added for confirmation and validation purposes. In the process of finding additional data on urban refugees’ coping mechanisms and levels of agency a distinction is made between reports that deal with this subject (second-hand sources) and direct accounts and testimonies by urban refugees (first-hand sources) such as the primary data. The first-hand sources are used in the same way as the primary data as elaborated in the below. Adding to this, second-hand sources are used to back up arguments made with primary data and secondary data first-hand sources. Furthermore, secondary data are also used to analyse. An outline of the first-hand sources can be found in the following.

The following is the main secondary data. References to relevant news articles such as Al Jazeera, Daily Nation, Reliefweb, The Guardian, The Standard, IRIN are done throughout the analysis. The cross-checking done with different newspapers is a way to increase the reliability of the information

available, hence the principle of triangulation. On top of that, reports on urban refugees' livelihood in Nairobi written by or in collaboration with Human Rights Watch, Danish Refugee Council, Regional Mixed Migration Secretariat, Refugee Consortium of Kenya and the UNHCR are useful to add other sources in the process of data verification.

The following is a brief description of the reports used in the second part of the analysis to back up the qualitative interviews the analysis is based on. These papers have been chosen for their relevant information on urban refugees as well as urban poor in Nairobi.

Sanctuary in the city – Urban displacement and vulnerability in Nairobi, Victoria Metcalfe and Sara Pavanello with Prafulla Mishra, September 2011: This study is part of a work on urban displacement conducted between 2010 and 2012 by the Humanitarian Policy Group at the Overseas Development Institute (ODI), in collaboration with the Internal Displacement Monitoring Centre (IDMC) and the International Committee of the Red Cross. Overall, this report examines the Kenyan government and the international actors' responses to urban poor and displaced populations. This report is used in the analysis because it gives a good presentation of how people living in slums are living. Even though the focus is not only on urban refugees, this report has been chosen as a way to give a general picture of the urban conditions.

Living on the Edge: A Livelihood Status Report on Urban Refugees Living in Nairobi, Kenya, UNHCR & Danish Refugee Council, May 2012: This report is an evaluation of the social and economic life of asylum seekers, refugees and urban poor in Nairobi. This report is used to highlight the particularity of being an urban refugee.

You are all Terrorists – Kenyan Police Abuse of Refugees in Nairobi, New York, HRW Human Rights Watch 2013: "This report, based on 101 interviews, documents abuses during this period in Eastleigh that directly affected around one thousand people. Witnesses and victims of abuse told Human Rights Watch that police personnel from the General Services Unit (GSU), the Regular Police (RP), the Administration Police (AP), and the Criminal Investigations Department (CID) committed the abuses, which included rape, beatings and kicking, theft, extortion, and arbitrary detention in inhuman and degrading conditions." (HRW 2013: 1). This report is used to prove the seriousness of the harassment that the urban refugees are victims of.

Formalising the informal economy: Somali refugee and migrant trade networks in Nairobi, Campbell, Elizabeth H. 2005: This paper is a research on urban refugees in the Global South that aims at contextualising urban refugees locally within the specific history and development of Nairobi and globally within the framework of economic globalisation and transnational migration flows (Campbell 2005: 2). This report is used to reflect on how the urban refugees constitute a significant part of the overall economy of the country.

First-hand sources

As explained, what is referred to as ‘first-hand sources’ are direct accounts and testimonies by urban refugees but conducted and published by secondary sources. The following is a brief outline of these sources.

The International Rescue Committee (IRC) produced the video “*Hidden Voices: Urban Refugees in Nairobi, Kenya*”⁸ in relation to the report “*Hidden and Exposed: Urban Refugees in Nairobi, Kenya*” by IRC 2010. The video displays different urban refugees, primarily residing in Eastleigh, who are telling about their struggles for daily survival, the lack of work permits and what that entails. The police abuse and harassment is also highlighted. There are no names on the urban refugees appearing in this video so in the analysis they are referred to accordingly.

The IRC has also in collaboration with the European Commission and Andrew McConnell produced a campaign called “Hidden Lives – The Untold Story of Urban Refugees”⁹ with for example small exhibitions placed in public places with the stories of urban refugees displayed. Kenya and Nairobi is one of the places they including while also Malaysia, Mexico, Thailand, Jordan and Burundi are included in the project. Their aim is to give a more realistic image of urban refugees than the traditional of life in tented, sprawling camps which is no longer truthful as 1 out of 2 refugees now live in urban settings. Movie clips and small stories from refugees are available online. For this paper, small stories are used in the analysis on the same level as the primary data. The stories that are used in this paper is told by Abdi Mohamed Ahmed, Oromo Ethiopian refugee from Dire Dawa, now living in Eastleigh; Ayantu Jarso Kufa, Ethiopian Oromo refugee from Shasame now living in Nairobi; Mahabuba Mohamed Bacar, Refugees from Jarso, eastern Ethiopia now living in Nairobi; Amina Abdi Hassan,

⁸ <http://www.rescue.org/kenyafilm>

⁹ <http://www.hidden-lives.org.uk/countries/Kenya/index.asp>

Refugees from Mogadishu, Somalia; Sahro Ilmi Muhumed, Refugee from Jijiga, Ethiopia, now living in the neighbourhood of Eastleigh; Mohammed, Somali refugee now living in Nairobi.

Tamuka News¹⁰ is a media programme designed to give refugees a voice to speak about the realities of their lives. It is a programme of three phases that enables refugees to publish, learn from and interact with unbiased information anonymously and without necessarily having to access the internet. On the website many different small stories and articles are available. In this paper's analysis, accounts from Pierre who is a 17 year old boy from Democratic Republic of the Congo living as a refugee in Nairobi, is used. Also accounts from Alexandre who is 15 and from DRC also lives in Nairobi as a refugee, alone after his parents were taken to Dadaab, is used.

¹⁰ <http://www.tamuka.org/>

Setting the Stage: The Construction of Illegality in Kenya

As being explained in the methodology, the Somali community is seen as a particular population in Kenya due to their historical relationship. The following analysis begins with a deeper inquiry into the Somali population in order to be able to deal with the level of securitization that exists in Kenya. The reason for beginning with outlining the situation with Somalis in Kenya is that they are seen as the main group targeted by the government in relation to the securitization. As the following will demonstrate, securitization of the Somali community in Kenya spills over to the whole of the refugee population, thus also the urban refugees in Nairobi.

Somalis in Kenya

Somalis in Kenya is a wide reference. Emphasis needs to be added on whom in particular is referred to since in this case it could potentially refer to many different groups of people. Somali refugees are being referred to in this paper as the registered and unregistered refugees living in Nairobi and in the camps in Kenya. They are officially, in the media and in politics, being referred to as “refugees” even though the majority of them have been residing in Kenya for many years (Kenyatta 2014). In Eastleigh in Nairobi, among the refugees, some of them are wealthy business men who possess a well-known status. These (mostly) men might have come to Kenya as refugees, or they might have come because of the prosperous business opportunities, but no matter what, they do not depend on either the official protection or assistance system for refugees. They are well-off and manage thriving businesses.

It is important in this context to emphasise on the large extent to which Somali businesses especially in Eastleigh and Nairobi are contributing to the Kenyan economy; albeit some of it is informal, it shows significantly in the national economy (Campbell 2005; Abey 2013). The business community in especially Eastleigh is flourishing with many entrepreneurs, sales men and the Eastleigh Business Association with e.g. Vice Chairman Hussein Mohamed forging ahead together with Ahmed Mohammed who also speaks very fondly about Eastleigh as a thriving business community (Rift Valley Institute 2014).

Also on the political front, Somalis are largely represented in the Parliament of Kenya which should follow naturally from being a great part of the Kenyan society since Independence; socially,

economically and culturally. Somali politicians have significant impact as for example former Deputy Executive Director of the UN Environment program Amina Mohammed who is now Cabinet Secretary for Foreign Affairs of Kenya. Amina Mohammed was born in the British Kenya to an ethnic Somali family in the rural Kenyan town Kakamega and has been a Kenyan all of her life. Some of the Somali politicians get bad publicity, as Aden Duale, the Majority Leader of the National Assembly of Kenya. Mr. Duale is demanded to step aside by both the President Uhuru Kenyatta and the Deputy President William Ruto after allegations made in Parliament that link Mr. Duale to al-Shabaab (Standard 2015).

As with the politicians, many of the Somali business men are possibly Kenyan Somalis. Kenyan Somalis are here defined as being of Somali origins but holding Kenyan citizenships. It is very important to add great emphasis on the fact that Kenyan territory is home to many Kenyan Somalis who have been living in particular in the Northern Frontier District (Garissa, Mandera and Wajir counties) since the border between Somalia and Kenya was artificially drawn by the British (RCK 28:00). This population, exceeding 2.3 million people (2009 Census), is a big part of Kenya but has been neglected in many ways since Kenya's independence (Adow in Al Jazeera 2015a). The historical tensions will be expanded later, but in this context the importance of ethnicity should be noted.

Great emphasis is being put on ethnicity in Kenya, hence the historical tensions. Both in the public discourse and perception where Kenyan Somalis are not considered "real" Kenyans (RCK 29:50), but also regarding statements from government officials. In particular current President Uhuru Kenyatta often refers to "them" (Somalis) and "us" (Kenyans) in his public speeches about the attacks in Kenya by the al-Shabaab, and emphasis is being put on the difference between Somalis and Kenyans which translates into daily discourse in the country. For the President it makes sense to keep a division between the Somalis and the Kenyans as it will be shown in the analysis on securitization.

Nevertheless, the perception of "them and us" among the population can show to be completely different. For example, Garissa County, which formerly was a part of Jubaland before the border was set, consist of many different ethnicities, namely people with different Somali ethnicities but also many Kenyan ones. It is a very complex composition of ethnicities which translates into intermarriage and communities of mixed ethnicities and so forth. There is no right answer in this context and no right or wrong perception, but as Mohammed Adow asks when referring to a confusion about the identity of the

people of Garissa: “Who are Kenyan Somalis?” (Adow 2009). He is asking this in 2009 when Kenya was accused of recruiting young Kenyan Somalis to fight in Somalia even though those young boys felt no attachment to Somalia. The confusion in the boys in this situation arises because they have been in Kenya all their lives, but are nonetheless not considered as Kenyan nor do they belong to Somalia where they have never been, and thus it becomes an identity issue. This shows signs that the matter of ethnicity is complex and the question “who is who?” emerges notably as a result of the official political discourses about the matter. Furthermore, it is also being argued that financiers of al-Shabaab and the recent attack of Garissa University is to be found in the Kenyan communities which also points to the complex matter of sense of belonging (Al Jazeera 2015b). Conclusively, the reality is very complex and there are no straight lines drawn by ethnic ties and belonging.

With the previous facts in mind, one can wonder what the status of Somali refugees living in Kenya is. Should all Somali refugees be considered as forced migrants after being residing in the country for over two decades?

Alexander Betts is, with his concept of ‘survival migrants’, criticising the general assumption which categorises migrants either as economic migrants or as refugees (Betts 2010: 362). He uses ‘survival migrants’ to re-question the meaning of forced migration. Doing so, Betts is giving the example of people who are not in their native country and are falling outside the refugee/voluntary economic migrant dichotomy but at the same time are not returnable to their country of origin, hence the principle of non-refoulement (Betts 2010: 364). He is arguing that this category of migrants have not been given enough consideration and protection by the international community despite the complementary protection developed in the international human rights law (Betts 2010: 365). Turning back to the previous question, it is interesting to contemplate how Somalis who came in the aftermath of the Somali Civil war can be categorised. For more than twenty years, Somalis have been leaving their country and seeking asylum and/or better living conditions in other countries for numerous reasons such as civil war, breakdown of law and order, difficult economic conditions, drought and famine, to name but a few (Moret 2006: 14). Therefore, even if some of them can be defined as refugees *stricto sensu*¹¹, a significant part does not fit this categorisation since, they have, with time, built a new life in exile and developed economically and socially in their host countries. Somali refugees and asylum-

¹¹ as defined in the 1951 Convention and its 1967 Protocol

seekers are said to be amongst the largest refugee populations globally, and the Somali diaspora is widely scattered. The Somali diaspora has even developed its own system of transferring remittances, called the Hawalad, which is a safe and efficient method of sending and receiving money (Moret et al 2006: 16). This system which has prospered during the years has enabled members of the diaspora to economically help their friends and family living inside or outside Somalia¹² (Moret et al 2006: 16).

With the above explanation in mind, some Somali refugees in Kenya is neither totally fitting the stricto sensu refugee definition nor the economic migrant's category. This is the reason why, in line with Betts, it is important to re-question their status in Kenya to understand first, how they are perceived by the state but also how they are treated as a result of their given status. Even though a concrete answer to this question will not be provided in this paper, the following part will attempt to shed lights on how both Somali refugees and refugees in general are perceived and treated in Kenya with some of the implications that follow in their cases.

Securitization

The following part will show the power of strategic political agendas and the consequences of such mechanisms when coupled with a growing fear towards a certain part of the population. This part will focus especially on the way the Somali community and the refugee population in Kenya are being securitized.

The particular relationship Kenya has had with its Somali neighbour at the time and after the independence of the country will shed lights on and portray past and present tensions between the two nations. This will enable a better understanding of the current security situation that the state of Kenya is facing and having a general picture of the political attitude towards its Somali refugees.

Somalis, a historically distinct group in Kenya

In order to understand present tensions between the two countries, one has to comprehend the historical background behind those tensions. First, it is important to remember that in the 19th century, the area that became "Kenya" was stateless and different ethnic groups were co-existing without any central

¹² "Somalis from around the world send approximately US\$1.3 billion to Somalia to support families and friends. This represents 24-45 percent of the country's GDP and more than all annual humanitarian aid, development aid and foreign direct investment combined. Studies have shown that money received from overseas is used to meet basic needs, including food, water, healthcare, and education" (Relief Web 2015)

power. It is the European rivalries who have imported “the nation state” assembled by force and driven by self-interest (Longsdale 2008: 1). Thus, the border between Kenya and Somalia has naturally not always been fixed, and it was officially politically negotiated around Kenya’s independence in 1963 and 1964. The region in Kenya which is bordering Somalia is loaded with a long-standing history of tensions resulting from British colonial isolation and underdevelopment of ethnic Somalis in Kenya (Ringquist 2011: 100). An important point to note is that the British colonial authorities present in the country in the 60s considered the Somalis as a homogeneous population: “Muslim by religion and with a warrior culture of proven ability and a history of martial prowess” (Ringquist 2011: 101). In other words, since the independence of Kenya in 1963, the Somali community residing on the Kenyan side of this newly defined border were isolated and pictured as a distinct ethnic group among others, both by the British and then by the Kenyan government. At the time of independence, this Somali community was resisting being governed by Kenya and were aiming at reuniting all five Somali lands into the Greater Somalia (Ringquist 2011: 100). “This resulted in the Shifta War (Ringquist 2011) and since then, fights, tensions, propaganda and marginalisation of the Somalis in Kenya has followed, including massacres of ethnic Somali people (Garissa 1980 and Wagalla 1984) for which the Kenyans who were responsible have never been prosecuted (Weru 2013). These historical and colonial facts need to be considered when understanding Kenya’s ethnic tensions today (Elkins 2008), and not only focus on the current state of affairs in Kenya and the instability in Somalia.” (Clapier & Winterø 2015: 18). As mentioned by Abdi Hassan Abey, despite being well-integrated into the local economy, Somali refugees remained as a noticeably distinct group, even after decades of settlement in Nairobi (Abey 2013: 24).

The current Somali-Kenyan relationship

With the previous historical backgrounds in mind, the ongoing tense relationship between Somalia and Kenya is going to be scrutinised.

Concerned over border security and justifying this fear as a consequence of the al-Shabaab repetitive attacks in the country, the Kenyan Government has deployed its military forces in October 2011 in Somalia¹³. Kenya advanced in relation to this, the argument of the country’s right to self-defence as embodied in Article 51 of the UN Charter (Miyandazi 2012: 1ff).

¹³ The AMISOM Peacekeeping Mission

Since this incursion, security in the north-eastern part of Kenya has deteriorated. In December 2011 at least 15 incidents occurred in the regions of Garissa, Wajir, Mandera and Dadaab (IRIN 2012). The Westgate attack by the al-Shabaab terrorist group on the 21st of September 2013 left at least 67 dead and 175 people wounded. Allegedly, it is a consequence of Kenya's military presence in Somalia (Al Jazeera 2013a). More recently, the 2nd of April 2015, at least 147 people, mostly students, were murdered in a university campus in Garissa in an attack that al-Shabaab claimed responsibility for (IRIN 2015). As a reaction to this bloody attack, Kenya's Deputy President William Ruto has threatened to repatriate hundreds of thousands Somali refugees: "We have asked the UNHCR to relocate the refugees in three months, failure to which we shall relocate them ourselves." (IRIN 2015). This quote is showing how the refugees in Dadaab, who are in majority Somalis, are portrayed as one homogeneous group which is of urgent security concern.

As showed in the above, due to historical, political and societal factors the Somali community in Kenya are of special concern to the Kenyan Government. The increased violence resulting from the al-Shabaab group has confirmed and consolidated fear and anxiety towards the entire Somali community in Kenya, both from the government's side and from the population. Refugees from Somalia are the first victims of the political conflicts as their presence in the country is less and less accepted on the ground that they are all potential terrorists according to the government. Consequently, as Somali refugees are perceived as a threat, their presence in Kenya challenges the current security issues in the country and the government's ability to secure the nation. Ethnic tensions as well as a strategic political agenda lead to the securitization of the refugees in general and of Somalis community in particular. Taking a social constructivist approach, this part is an attempt to explain how refugees are being securitized by the government.

The concept of securitization¹⁴ is developed within a social constructivist approach to security. Securitization is a discourse and a speech-act, or a language game (Wæver in Lipschutz 1995: 6), and it implies two steps. The first step is an attempt from a securitizing actor to frame something or someone as a threat, but for this framing to be perceived as real or as the truth it implies that the audience accepts it as the truth, which is the second step. Within the social constructivist thinking, the threat only exists

¹⁴ The following inquiry on Securitization is developed in "The Kenyan government and refugees" by Léa Clapier and Julie Winterø 2015

by virtue of someone believes it; it is the shared believe that makes it real (Luckman & Berger 1966¹⁵). As Ole Wæver puts it: “In naming a certain development a security problem, the "state" can claim a special right, one that will, in the final instance, always be defined by the state and its elites” (Wæver in Lipschutz 1995: 6). With securitization the securitizing actor extends the borders of ordinary politics and it becomes extraordinary (Wæver in Lipschutz 1995: 4).

The speech act

Alexander Betts explains that “In Kenya, the government has been historically hostile toward hosting Somali refugees. This is partly because they have been perceived as a threat to the regime, being associated with irredentism, the spill-over of conflict, and competition for resources” (Betts 2009: 73). It is further argued that Somalis in general are conceived by the government to threaten the Kenyan society as a whole (RCK 6:17+30:50). In a press statement by Uhuru Kenyatta in 2014, the Somali community is being framed as a threat to the nation state as seen in the following quotes:

“Our country and our people are under attack. A war has been waged against ALL Kenyans by an enemy hiding behind religion, and much innocent blood has been shed. Kenya has been subjected to a long history of murder and violence at the hand of bandits, terrorists and extremists.” (Kenyatta 2014).

Here only the words ‘bandits’ and ‘terrorists’ are being used and by that the President is not directly linking Somalis and terrorists together and targeting the Somali community, however he continues by saying:

“For over two decades now, Kenya has endured immense vulnerability owing to the collapse of the Somalia Government in 1991. This led to civil war in that country, and provided space for bandits to roam the entire region at will.” (Kenyatta 2014).

Here, the President is directly referring to Somalia and connects the collapse of the government and the civil war in the country with the so-called bandits that he also previously referred to. In this way he is discursively connecting imbalance, bandits and terrorists with fear and threats.

¹⁵ *The Social Construction of Reality* (1966)

As a security measure taken against these alleged Somali bandits, Kenya officially closed its border with Somalia in January 2007 (IRIN 2011). Once again this measure can be seen as a political discourse in the name of security with no real results in terms of securing the country, or an actual closure of the border for that matter (RMMS 2013: 11f). On top of it, as being stated by Amnesty International and Human Rights Watch refugees have continued to stream in, vulnerable to abuse by gangsters or by Kenyan law enforcement officials (IRIN 2011). Therefore, not only the official closing of the border is not improving the safety of the country but it also weakens the safety of the people attempting to cross it.

In the same line of thoughts, more recently, the government has publicly announced its decision to build a wall along the Kenyan-Somali border to separate the two countries in order “to block terror” (World Affairs Journal 2015; Daily Nation 2015b). This act by the government is here analysed as another speech act attempting to reassure the population that they are taken serious measures to secure the state but that nonetheless probably will not be implemented in reality. The border is already deemed too costly and too absurd by both the international community and the Kenyan population (Daily Nation 2015a; The Guardian 2015), and it is very unlikely that the government will pursue building that wall.

Securitization is a speech act, a discourse and a language-game, as Wæver explains (Wæver in Lipschutz 1995: 6). The actor of the speech act is stating something *in the attempt* to frame someone as a threat. It is to a large extent up to the receiver of the speech act, the audience, to interpret it and receive it in a certain way. Thus, the actor does not have to directly express what he desires to express, but a big part of the act lies in the process of the reception and is left with a matter of interpretation. Clearly, in the case of Kenyatta’s press statement, he cannot officially proclaim that all Somalis are terrorists or that they should be targeted particularly. Allegedly though, this is the outcome of his speech act: Somalis are being connected with these negative connotations. The President frames the scenario in such a way that it is very easy for the receiver to do the rest of the equation.

In this way, these quotations by Kenyatta are seen as a securitization of Somalis in Kenya and an example of how it is being carried out in the Kenyan political landscape.

The audience

The act of securitization depends a lot on the receiver, or, the audience, as explained. The people being exposed to the speech act play a big part in the language game since it is up to them to interpret and make the necessary links and connotations in the discourse. It is an unconscious reading between the lines and connecting the information received to conclude about the issue. It is important to note that it is indeed an unconscious act done by the audience as it refers back to the point that the actor sends the message in such a way that it is very easy for the receiver to do the rest of the equation – more or less automatically.

Furthermore, the speech act is only successful if the audience receives and accepts the speech act as intended by the sender: as being true (Wæver 1995). Thus, the threat only exists if the audience believes that it does.

As discourses not only are written but more importantly spoken in the public, it can in some cases be hard to trace the sounds of discourses. Especially in a case where a specific group is directly being targeted, because in this case, people will tend to tread cautiously and be more discreet in particular when acting and speaking publicly. Having said this, a particular discourse can still prove to be a common belief (RCK 6:17+29:50+30:50) and a view that to a large extent is being taken for granted.

As the Independent Policing Oversight Authority (IPOA) refers to in their report about the Usalama Watch, there exists a “widespread feeling of alienation and discrimination” on the Somali in Kenya, and in this case in particular in Eastleigh:

“While this large number of Somalis may have been contributed to by the large number of ethnic Somalis resident in the areas targeted, it certainly contributed to the widespread feeling of alienation and discrimination among this group.” (IPOA 2014:13).

Here, IPOA refers to how many people in Eastleigh were screened, how many were deported and how this correlates with the population living in Eastleigh. What is important to emphasise is that not only Somalis were targeted in this operation but all urban refugees. Nevertheless, the quote speaks into the same discourse: Somalis are in particular being targeted, and further IPOA refers to it as a widespread idea. Furthermore, Human Rights Watch also argues that Somali refugees in particular are being

perceived as constituting a security threat in their report about the Usalama Watch and the Kenyan police abuse of refugees in Nairobi (HRW 2013: 12). On top of that, the title of the Human Rights Watch's report in itself refers to the securitization as it reads "*You are all Terrorists*". Kituo Cha Sheria argued in relation to the same operation that there was not being made a distinction between "various classes and categories of refugees resident in urban areas." They argued that the police targeted "refugees who are professionals or businesspeople, those who have married Kenyans, those residing with their families, those who need and require and are currently undergoing medical treatment that cannot be offered in the camps and those pursuing education" (Kituo Cha Sheria 2013: 6).

Finally, as a notion that fortifies the discourse where Somalis are being targeted especially, is by referring to the history of tensions between Somalia and Kenya, as analysed previously in the paper. Here, it was argued that these tensions to a large extent still play a big role in today's Kenya and its policies and view on the Somali population.

A social constructivist approach to security points out the importance of perception and explains that security and insecurity do not exist as purely objective standards. Moreover, threats are important and have political consequences insofar as perceived and believed to be threats (Betts 2009: 65). This perspective is worth mentioning in the Kenyan context. The language used to frame a particular population as a threat is also crucial to understand the parallel made between this category of people and the threat to the national identity and security.

Consequences of securitization

As a result of the recent attacks and of the long history of tensions with Somalia, security is seen as urgent and fundamental by the government as the amendment of the security bill is showing (Security Bill 2014) as well as the idea of repatriating all Dadaab refugees to Somalia and the construction of the wall along the border separating Kenya and Somalia. Although the securitization of the Somali community and the refugees in general is one of the consequences of past and existing tensions in the country, the fear created by this rhetoric is dangerous since it can lead to a production and re-production of this sentiment against a particular population. The association of fear to a certain group of people not only enables fear to be reproduced but lead also to the production and re-production of

violence¹⁶ against a perceived enemy. Although the threat is sometimes imagined, the consequences of it are always real. An illustration of the production of strict measures taken against a certain group of the population is underlined with the following example: “On April 7th, 2015 the Central Bank of Kenya (CBK) revoked the licenses of 13 Money Remittance Providers (MRPs) based in Nairobi, in an effort to curb the financing of terrorism” (ReliefWeb 2015). As explained earlier in the part classifying urban refugees, the Somali diaspora is using remittances as a way of coping with their daily lives. With the closure of MRPs, Somali families are losing their only formal channel through which to send and receive money. They are thereby losing their ability to sustain themselves. This clearly shows that fear towards terrorism, leads to violence against an entire group, as these radical measures taken by the government is proving.

To conclude, securitization represents a speech act with real political effects. Designating (directly or indirectly) a group of people or an entire nation as being of “security concern” can have devastating consequences. Securitization gives an issue (here, forced migration) a special status which enables the government to act in a way that would probably not be legitimised otherwise (Betts 2009: 71). In this part it has been argued that the Somali community and refugees in Kenya are securitized by the government. Furthermore, as a concluding remark, securitization of the Somali refugees in Kenya is spilling over on the refugee population in Kenya, thus also the urban refugees in Nairobi.

Urban refugees – who and where are they in Nairobi?

In Kenya, the population of the capital, Nairobi, has grown more than ten-fold since 1960, representing some of the highest population growth rates in Africa (Mishra et al. 2011: 1). Despite the encampment policy, a considerable number of refugees have been moving to urban centres with time. The number of urban refugees has been increasing over the years, and today in the capital Nairobi there are around 51,757 registered refugees and an unknown number of unregistered migrants which seemingly also exceeds 50.000 (Pavanello et al. 2010: 7). The term ‘urban refugees’ is defined as “persons from recognised refugee producing countries who have settled in urban centres” (RCK 2005: 8). For the purposes of this paper, urban refugees refer to the individuals who have settled specifically in Nairobi

¹⁶ Here the term violence is used broadly, but an example of the violence produced and re-produced could be the police harassment and rape towards refugees.

which might include both asylum seekers, refugees and rejected asylum seekers (RCK 2005: 8)¹⁷. “Unlike in camp situations, there are no clearly demarcated boundaries signifying a singular refugee community in Nairobi. Refugees are widely dispersed throughout the city and intermix with a variety of local Kenyans, immigrants, asylum seekers, and foreigners – and often hold a variety of documents. Where the refugee community starts and stops is hard to define.” (Campbell 2005: 2). As underlined by Campbell, the group “urban refugee” is very diverse in its nationality, ethnicity and socio-economic background. It goes without saying that low income refugees, who represent the majority (ibid.: 21) are the most vulnerable and thereby the ones who suffer the most being victims of extortion or bribery. This is the specific group which constitutes the focus of this study.

The vast majority of Nairobi’s urban refugees live in Eastleigh: a densely populated low-income area of Nairobi where the informal economy is flourishing: “As Little (2003: 166) writes, Eastleigh is ‘openly informal,’ neither hidden from authorities nor entirely consistent with an official, public place of business. At the same time it is integral to the service economy of Nairobi...” (Campbell 2005: 22).

Eastleigh is popularly referred to as ‘Little Mogadishu’ and is dominated by Somalis but also other African refugees and immigrants. Throughout the 1990s Eastleigh was transformed, largely by Somali businessmen, from a residential community to the commercial centre of the Eastlands area, and increasingly much of Nairobi. These refugees bought residential blocks and turned many of them into multi-million shilling retail malls, hotels and commercial enterprises. Throughout years and even decades of protracted political crises, urban refugees in Nairobi have found ways to tap into trade networks and build businesses as part of an informal economy - an economy that has mushroomed in response to global economic structural changes (Campbell 2006: 402ff).

Despite these general facts, there is an important dearth of available information on urban refugees’ profiles on a global scale (Bailey 2004: 29). In Kenya, the same is true as the following quote shows: “there is scarce knowledge about how many they are, who they are, where they are, where they come from, how they survive and earn a living, their refugee status is also unknown. UNHCR estimates, 50,800 mostly Somali refugees currently reside in Nairobi” (Akin-Aina 2014: 28). In contrast to a significant number of urban refugees residing in the city, the information about them is scarce.

¹⁷ This definition is borrowed from the report *Self Settled Refugees in Nairobi - A Close Look at their Coping Strategies*, conducted and published by Refugee Consortium of Kenya in 2005

Allegedly, the reason for this might be that the government ignore them as they are not supposed to be in the city, thus not willing to use resources on them.

What is the urban refugees' legal status?

Due to the encampment policy, urban refugees have not since the 90s been systematically registered, since they are largely ineligible for assistance outside the camp and theoretically do not exist. If urban refugees want to keep their legal attachment to the refugee regime they are obliged to return temporarily to the camps during population counts to register with UNHCR (Campbell 2006: 400). However, even if they do so and obtain official documents, from the state's point of view, none of the refugees living in the city are considered legal as the following quote shows. The Kenyan Government authorities regularly make statements highlighting the illegality of urban refugees in the local press or at events relating to refugee protection. Already in 2004 Kenya's Vice President and Minister of Home Affairs, Moody Awori, remarked:

“I am asking all refugees to report to the camps and those that will be found to be in the city and other urban places without authorization will be treated like any other illegal alien. The government will soon mount a crackdown on these illegal aliens with a view to flushing them out.” (Campbell 2004: 9).

Official statements ordering urban refugees to return to the camps or face the consequences are also often found posted in public spaces in Eastleigh (Campbell 2006: 400f), and the current President Uhuru Kenyatta and other members of Parliament frequently address the refugee issues in public speeches (Kenyatta 2nd December 2014; Lenku 26th March 2014). At the time of writing, inevitably it should be noted that the government's enforcement is likely to increase after the attack on the Garissa University College on the 2nd of April 2015. Also noted in the introduction, the latest measure that the government has taken is the announcement by Deputy President, William Ruto, that the Dadaab refugee camp should be closed which leaves the destiny of the urban refugees even more uncertain.

Nevertheless, their illegal presence in the city makes them continuously vulnerable towards authorities and they have no recourse to means of protection apart from bribing the police. Therefore their insecure legal status impacts them in terms of access to rights. Taking this into consideration, it can therefore be argued that urban refugees living in Nairobi are struggling to live a normal life and access basic rights

that are out of reach in their own country and that is not provided in the host country neither. A basic right can be defined as a right without which no other right can be enjoyed. There are three kinds of basic rights: basic liberty, basic security, and basic subsistence (Betts 2010: 365). With what has been said so far, it is argued that almost none of these basic rights are accessible to urban refugees living in Nairobi. The encampment policy restricts them in terms of movement (HRW 2013: 47), therefore their basic liberty¹⁸ is not fulfilled; they do not have basic security either since they have no assistance in the city and harassment from the police is a daily concern (IPOA 2014; HRW 2013). Some of them do access basic subsistence when their coping mechanisms allow them to survive, e.g. community help, informal work and running small business etc. However, the prevalence of their basic rights is extremely low. It can therefore be questioned: How can a domestic law put some human beings in a situation where their basic human rights are not fulfilled? This question goes beyond the aim of this paper, however, the following part is going to shed lights on how processes of marginalisation deeply engenders the urban refugees' lives.

Construction of space - construction of power?

As the part about securitization has shown, the Somali community and more generally the entire refugee population in Kenya are securitized by the government notably due to a growing xenophobia in the public discourse as a result of an escalation of violence and terrorist attacks in the country. National political mechanisms to secure the country are arising in Kenya and securitization is one example that has heavy implications for the entire society and especially for refugees. Understanding the concept of securitization has helped to understand processes of discrimination¹⁹. However, discrimination can also appear through other means. Management of space is another important element that needs to be considered.

A brief description of Nairobi and Eastleigh will introduce an analysis of what informality means in a place that contains numerous refugees from different nationalities. Furthermore, it will be questioned how this particular space can be understood as containing the unwanted refugees, comparing with a life

¹⁸ Refugees' freedom of movement is enshrined in Article 26 in the 1951 Refugee Convention as well as in the Universal Declaration of Human Rights (Article 13(1))

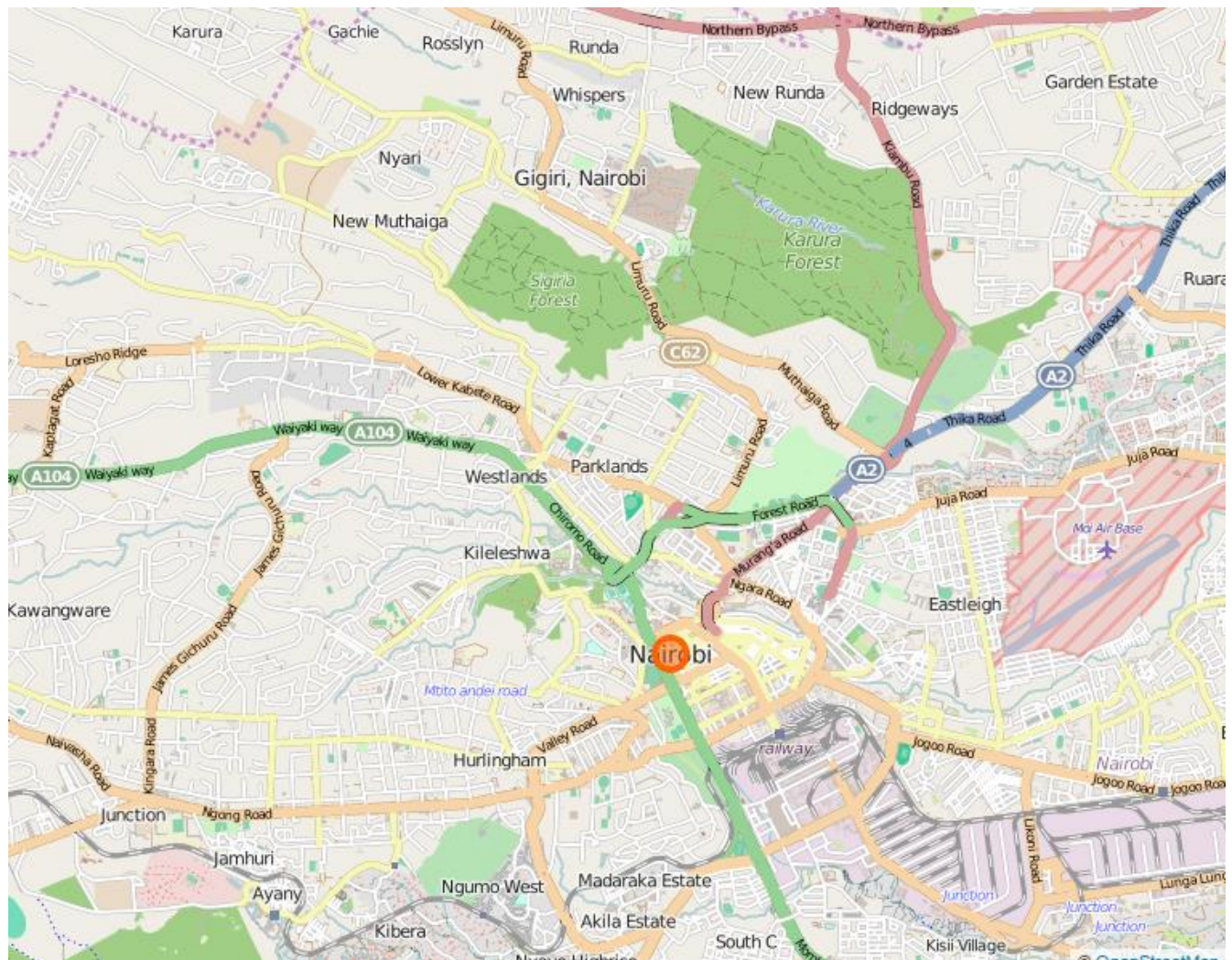
¹⁹ Here defined as "the practice of treating somebody or a particular group in society less fairly than others" (Oxford Dictionary)

in camps. The last part will question the meaning of this place in practice for people residing in and how refugees navigate the spaces of the city to better cope with their ambiguous situation and status.

Introducing Nairobi

Nairobi is, as many other urban centres and capital cities, consisting of many different types of spaces and is by far socio-economically structured. “Town”, as it is locally referred to, in central Nairobi is a sporadic and busy area with Kenyatta Avenue running down through an area of banks, hotels, shops, supermarkets, busy streets and people with many different agendas of the day. Lavington and Kilimani in the Western part of Nairobi are also busy areas with heavy traffic most of the day as people are coming to and from work in the area. The infamous Kibera slum is juxtaposed to a green golf course area and close to “Prestige”, a big shopping mall. Runda is a good and beautiful drive away from town, driving through the green and fresh Karura forest, to the area where the UN and Embassy officials reside and is comfortably located next to the UN city in Gigiri. Runda is both gated with fences and barbed wire, and it is guarded with armed security personnel who are safeguarding the international wealthy expatriates, UN personnel and Embassy staff living and working in Nairobi. This stands in contrast to Kibera slum or Eastleigh areas where no guards or fences are surrounding or protecting the many poor people and refugees who are residing in congested and limited space.

Eastleigh, is known for its refugee population and a thriving business community, or, “a place with many illegal refugees” depending on whose perspective it is. However, Eastleigh is located rather centrally and not in the outskirts of Nairobi as one could think of a place with many refugees, like the camps – marginalised and out of place. Eastleigh is arguably a lively and thriving area in many ways. The place is as mentioned not in any way gated or guarded like Runda, and the control and management of the space is negotiated between the refugees, the police and the government among other actors.



Simon Turner is in his paper *The Barriers of Innocence* (2001) dealing with Burundian refugees in a Tanzanian refugee camp, arguing that the space of the camp is consisting of many paradoxical relations. From the outside, the camp is representing ordered space and is governed by UNHCR's bureaucratic practices while from the inside, seen from the refugees' perspective, "there is a sense of social and moral breakdown and chaos" (Turner 2001: 67). Arguably, Eastleigh can be seen as the opposite: from the outside perspective – people visiting the area or seeing pictures from there – Eastleigh could be characterised as a chaotic, unorganised space of many people coming from many

different backgrounds and at first sight no order, social or moral system is represented. From the inside, the people residing there, refugees and nationals, they would explain how everything works, socially and practically, and they are able to make sense of all of the elements of that place. As Joselyne Chebechi argues about the Somali refugees, they are both socially and economically integrated in Eastleigh (Chebichi 2009:23). This affirms that Eastleigh to a large extent can be characterised as a place with an underlying agreement on the social and moral systems among a very diverse population such as Kenyan citizens, the Somali community, Ethiopian and Congolese refugees to mention just a few.



A busy street in Eastleigh, Nairobi

Urban refugees, informality and the regulation of space

Despite the arguably relative harmony and structure among the inhabitants of Eastleigh, in periods of intense political crises, this area is highly targeted by the police as it is known to be a hub of refugees and especially Somalis who are the “common enemy”, as elaborated in the previous part.

As a consequence of repetitive terrorist attacks in the country, the state of Kenya has had to take strict and sometimes exceptional measures in the name of security. Giorgio Agamben develops the notion ‘state of exception’ defined as “a political action or dictate by an executive or state body, which contravenes the rule of law of that same state” (Agamben 2005). The current state of exception is

embodied in the encampment directive by the government of Kenya. Thus, this law enforcement is in direct contradiction and violation of national and international human rights law. In other words, the state of exception is the point of fissure between political fact and the rule of law. Following Agamben, Akin-Aina is explaining that the encampment policy is therefore a means to establish order in the midst of chaos (Akin-Aina 2014: 28f). Referring to President George W. Bush's reaction in the post 9/11 period, Agamben explains:

“What is new about President Bush's order is that it radically erases any legal status of the individual, thus producing a legally un-nameable and unclassifiable being. Neither being prisoners nor persons accused, but simply “detainees”, they are the objects of a pure de facto rule.” (Agamben 2005: 3 in Akin-Aina 2014: 29)

Drawing on this, it can be asserted that urban refugees in Nairobi are “legally unclassifiable beings” (ibid.) as a result of the government's policy. In other words, the state has the power to determine what is informal and what is not because it has the capacity to construct and deconstruct categories of legitimacy and illegitimacy (Roy 2005: 149). This means that informality must be understood not as the object of state regulation but rather as produced by the state itself (ibid.). This understanding of informality helps to comprehend how the illegality of urban refugees is constructed by the state in the attempt to discourage processes of integration and isolate them geographically (confined to camps) and economically (no access to work permits). It is argued that organised settlements are the government's preferred means to control and track refugees in order to lessen the security risks both for refugees and for the local population; it is however, also a way to discourage processes of integration. Despite the strict rules aiming at keeping refugees counted and monitored in rural camp settings, a significant amount are residing in the city. Eastleigh is one of the most famous and large areas in Nairobi dominated by asylum seekers and refugees. The ones from Somalia are the most populous followed by a sizeable Ethiopian Oromo community and a minority from the Great Lakes, Eritrea, and South Sudan. The influx of refugees into Eastleigh dates back to the early 90s triggered by insecurity in Somalia, Ethiopia and the Great Lakes region. Eastleigh is the preferred location for Somalis migrating to Nairobi, where the substantial indigenous Kenyan Somali population eases integration into the social and economic life. Ethiopian Oromos are drawn to Eastleigh by social ties, and a good proportion of them are Muslims sharing a religious identity with the Somalis (UNHCR & DRC 2012: 15).

When scrutinising how Nairobi is spatially organised, one quickly notices the striking contrasts from one area to another as showed in the introduction. It becomes apparent that the city is organized in terms of socio-economic criteria where the different “classes” do not intermingle despite their geographical closeness. Nairobi is compared as a “perfect apartheid city” when a description of the different residential areas separated in terms of income status is given by Abdi Hassan Abey (2013: 26). In other words, the socio-economic differentiation is highly shaping the urban settings where ‘gated communities’, to use Blakely and Snyder’s concept (1999), juxtapose informal settlements. Blakely and Snyder define ‘gated communities’ as “residential areas with restricted access in which normally public spaces are privatised. [Gated communities] are security developments with designated parameters, usually walls or fences, and controlled entrances that are intended to prevent penetration by non-residents” (Blakely & Snyder in Hook et al. 2002: 4). These privatised and securitized areas are contrasting with informal settlements. Abey is arguing that informal settlements in Nairobi are not a natural phenomenon but originated when the European settlers arrived and hustled for large tracts of land (2013: 18). In the same line, Metcalfe et al. are explaining that the outcome of the racial segregation policies of the post-colonial era was the spatial segregation that characterised settlement patterns in Nairobi (Metcalfe et al. 2011). In the same line, what can be said about the spatial organisation of Nairobi is that a certain part of the population lives behind fences controlled by security guards. This group of persons living behind highly secured walls are not criminals as the description could suggest, but people who have chosen to prevent penetration by non-residents in their private sphere. In other words, whereas the upper and middle class are enclosed in gated communities where they withdraw to live among themselves, on the other side, the informal settlements are open spaces, far less regulated and free of access. In other words, what is being pointed out is the segregation²⁰ de facto imposed by a privileged group of people who have the means and power to manage the space of the city. This pattern is not a recent phenomenon as it can be traced back to the beginning of 20th Century when the Europeans who lived in Nairobi created their residences away from Asians and Africans (Abey 2013: 17). Thus, the undesired migrants are kept aside and confined in some areas where the police easily can track them. Thus, Eastleigh could be analysed as an area where urban

²⁰ “the separation or isolation of a race, class, or ethnic group by enforced or voluntary residence in a restricted area, by barriers to social intercourse, by separate educational facilities, or by other discriminatory means” (Merriam Webster Dictionary)

refugees' mobility easily can be controlled by the government. As a consequence of this, they are also highly vulnerable to the police. Doreen Massey argues (1993) with her notion of 'politics of mobility and access', that different groups of people have distinct relationships to mobility: "Some are more in charge of it than others; some initiate flows and movement, others don't; some are more on the receiving end of it than others; some are effectively imprisoned by it" (Massey in Hyndman 2012: 247f). In this line of thought, it is argued that urban refugees living in Eastleigh are imprisoned by their lack of freedom to movement. By being prevented from accessing certain areas both physically and socially they find themselves "locked outside". This is highly paradoxical put in this way, but when one scrutinises the meaning of exclusion which comes from the latin word *excludere*: *ex*- 'out' and *cludere* 'to shut', it perfectly fits the urban refugees' situation. The invisible but very present barriers erected between upper classes and refugees in the city are comparable to the delimitation between refugees living in camps and the humanitarian workers on the ground. The humanitarian staff are indeed in need of protection and security measures in the same way the upper class in Nairobi are enclosed behind fences as the following quote describes: "I slept in the MSF compound and every morning was taken to the camps, a dozen kilometres away, in the vehicles of that NGO, travelling as part of the 'humanitarian convoy' escorted by the Kenyan police. For security reasons I had to leave the camps in the evening (...)" (Agier 2002: 323). This quote has been written by Michel Agier when he described the fieldwork he has done in Dadaab camp in 2000. In an opposite but relative way, Michel Agier describes camps as being naked cities in *Between war and city* (2002). Agier is seeing the camp as being comparable to the city in its organisation and constitution (Agier 2002: 322). Turning the author's development upside down, it can be wondered whether the organisation of the city Nairobi is comparable to the highly regulated space in the camps where the refugees are grouped in the various blocks according to their place of origin, ethnicity and sometimes their clan of origin (Agier 2002: 325). The city Nairobi is organised in terms of socio-economical grounds but also in terms of national and ethnic basis. In comparison with the camp refugees, urban refugees are choosing themselves whether they gather according to their ethnic or national ties. To sum up, urban refugees are on the one hand contained and constrained by a certain management of the space comparable to the regulated space of camp settings. On the other hand, and as it will be further elaborated, urban refugees take part in the management of the space and they are themselves significant actors in the negotiation of the space in the city.

Coming back to the first argument about Eastleigh in this chapter, that it is a place of an unwritten agreement on the social and economic conducts, Eastleigh can be seen as a place where the refugees are acquiring power. The existence of that place, inhabited predominantly by refugees, is in itself representing the relative power that the urban refugees have in Nairobi. Despite enforcing the encampment policy, the government is failing to fully control the space of Eastleigh, and the fact that so many refugees continue to reside there is showing the relative power of the people. Further, it points to that no matter how illegal the government is trying to make them, stripping them from their rights of protection, they still manage to stay and cope with the situation. The fact is that they are still in the urban centre despite the encampment policy, despite the harassment from the police and the government's opinion about their presence in the area, and this begs the question: How much agency do they have in this sense?

Staying together supposedly brings them some agency and ability, and maybe, as Turner refers to, they are “suffering for a common cause” (Turner 2001: 239). He is arguing that sometimes the refugee status can be perceived as more attractive than national citizenship because it gives the refugees access to the international community and a “hope of a new ideal-nation rather than the tainted citizenship of any actually existing nation” (Turner 2001: 239). The refugees in Eastleigh could be understood in the same way: they choose to stay together, in Eastleigh and out of the legal status and thereby the official protection. What are those reasons? What do they get out of it? Is it making them stronger by standing together, and do they develop coping mechanisms by it, or is it a coping mechanism in itself? This will be analysed in the below.

Allegedly, the refugees are to a large extent controlling Eastleigh and thus, as David Harvey (1990) argues, “those who command space can always control the politics of place” (Harvey 1990: 234) while the government is trying to control it, but is failing. Furthermore, this is about representation and the one who have the means of representation of a place, considerably the power also goes to that party (Harvey 1990: 233). The refugees, the Somalis, the Kenyans, or simply the inhabitants of Eastleigh, do not command the techniques of the concrete and official mapping, but they command the social and physical mapping on the ground, meaning that they “design” the place automatically and/or

deliberately with their livelihoods. Thus, they command the techniques of representation because the representation of Eastleigh is reflecting how the concrete place works socially and economically.

Agency, coping mechanisms

The following will be an outline of theoretical conceptions that can be used to analyse the coping mechanisms that urban refugees in Nairobi develop and employ. Their coping mechanisms show how the urban refugees are able to have agency in an insecure everyday life where they are not officially protected. It furthermore gives an inquiry into their levels of agency at different stages and in different situations.

In the following chapter, the coping mechanisms and the extent of agency of urban refugees in Nairobi will be theoretically analysed. How much agency can be said that the refugees have? What concrete coping mechanisms have they developed and are using? A comparison with camp refugees will be done to relevant extents throughout the chapter.

As a point of departure, it is assumable understood that refugees who reside in urban areas are just as muted (Malkki 1996), if not even more, as camp refugees, but on the other hand, the urban setting offers the refugees another set of possibilities, and light is going to be shed on whether the urban refugees have more agency than the camp refugees.

Camp refugees vs. urban refugees in a framework of hope

Because hope is understood as a cognitive sentiment that opens up for thoughts about a positive future, hope leaves room for a certain level of agency since it is argued that with hope for a prosperous future most people will act accordingly in the present and “do something”. This will be shown in the following.

In his paper about clandestine Burundian refugees in Nairobi (2014), Simon Turner deals with the levels of hope versus suffering that is characterising these urban refugees’ lives. The comparison between camp refugees and urban refugees’ levels of hope helps laying the ground for an analysis of this paper’s primary data. Turner argues that the refugees in the camps live lives with no hope because they are locked in the predictability that the camp offers with the UNHCR services; food rations, relative comfort and security (Turner 2014: 2). The camp refugees have lost all hope under these

predictable conditions. He is comparing with the urban refugees that contrarily live a life of unpredictability, thus they possess hope. The 'open-ended' hope (Webb 2007 in Turner 2014) leaves an important window for the unexpected and it is exactly what fosters the hope (Turner 2014: 2). Furthermore, Turner is showing how the urban refugees focus on their suffering which, he claims, also fosters their hope for a future positive development. Or rather the other way around: their hope for the future is dependent on their suffering and hardship in the way that it is important for them to keep the suffering alive, and to turn their backs on their past and wait for a better future (Turner 2014: 5).

With this in mind, it is evident that waiting and hoping is an essential part of living as a refugee in Nairobi. With the encampment policy the refugees are de facto illegal and thereby finding themselves in a deadlock. Turner is arguing that coming from the camp to the city, refugees have more possibilities and means of fostering hope for the future. On the one hand, this is indeed true. The refugees, even though in an illegal position, have possibilities of engaging in work and social life better than in the camps where their day is structured and scheduled on their behalf. But on the other hand, because they are illegal and the government restricts them from getting a work permit, they find themselves tied on their hands this is and forcing some of them to engage in informal work. Even their rights to movement are restricted as a result of the police harassment and general discrimination and prejudice towards refugees in Nairobi that forces a lot of the refugees to stay at home. This will be further developed in the below.

Furthermore, the urban refugees' state of suffering is important to them as Turner claims, and it is paradoxically connected with their sense of hope. The connotations of hope are usually positive ideas of prosperity, but as Turner explains, the urban refugees tend to focus on their passionate suffering (Turner 2014: 5). In other words, their hope feeds on the recognition and empathy that they get through their accounts of suffering. By explaining how and to what extent they suffer, they harness empathy and recognition from the people who listen, who here can be said to represent the society. This will be further analysed in relation to the primary data later on. What is important to emphasise at this stage, is the concept of recognition developed by Axel Honneth in his *The Struggle for Recognition* (1995). The empathy that the urban refugees might get by expressing their suffering that Turner emphasises, could within Honneth's conceptions be seen as a form of recognition that the urban refugees need and which

fosters their hope. They are portraying themselves as victims which enable them to get the recognition and energy from the people who listen.

Recognition

Honneth's concept of recognition can be used as a framework to understand how urban refugees in Nairobi by being de facto illegal are not being recognised as social actors, and how this is important for the basic recognition of a human being. Honneth emphasises 3 notions – love, rights and solidarity – that he presents as the enabling tripartite that allows development of basic self-confidence, self-esteem and self-respect in the individual. It follows that for an individual to have legitimacy in society, these three elements must necessarily be present (Honneth 1995: 95).

In the case of the urban refugees who emphasise on their hardships in their lives (Turner 2014: 5), it can be said that they do this and they feed on this in order to be recognised as individuals. The element of victimisation can be said to be an effective way of getting empathy and thereby being recognised even though it is given to them on a basis of negative conditions, i.e. to get empathy because the person is in a bad situation is not necessarily seen as a positive foundation of getting recognition. Whether or not urban refugees use their position as victims is an important part of the analysis because it helps to shed light on their coping mechanisms.

That is why, additionally, the element of victimisation will be further analysed with the help of Liisa Malkki. In her work (1996) she is dealing with the universal victimisation of refugees in general and the way that media and discourses are taking away their agency by just “objectively” portraying them out of their historical, cultural and political contexts as one big blurred group – a sea of humanity (Malkki 1996: 388). In this way refugees in general are not offered a voice and their accounts are not included when the stories about the atrocities are being told, or rather, portrayed (Malkki 1996: 390). By that they are silenced and thus become mute victims (Malkki 1996: 384). Malkki is dealing with refugees in general and the global image of refugees, and here it is also argued that the urban refugees - globally but also in Nairobi - are just as mute since their accounts are to a far lesser extent offered an official voice than the “traditional camp refugee”, and that there are far too little attention on the fact that 1 out of 2 refugees today live in an urban setting (UNHCR 2015a; EU Commission 2012).

Agency

A big part of having agency is being offered a channel to speak through and with that, the possibility of the story being heard and recognised. Malkki argues that humanitarian actors tend to ignore the voices and accounts of the refugees and focus primarily on their physically wounded bodies - their visual representation. Humanitarian actors view the refugees' wounds as more reliable than their accounts of what they have just experienced. The refugees' narratives are looked upon as hysterical, exaggerated, and compromised by the violence they have just endured. Also refugees are often portrayed as dishonest, untrustworthy and liars, and their accounts are seen as unusable and a well of troubles which would complicate the work of the camp's administration and their projects (Malkki 1996: 383ff). Camp refugees are living a dependent life, as Turner also argues, and Malkki argues that this is taking away their agency. They have no possibilities and there is no possibility that they can make any changes in their lives themselves and cope with the circumstances in a progressive manner – they depend solely on the humanitarian actors managing their lives in the camps. When dealing with urban refugees it was previously argued that refugees enter a field of more possibilities exactly because their lives are not being managed in the same way as in the camp. But as it was also previously argued in this chapter, urban refugees are in many ways still very restricted in their daily lives. The important factor to note in this matter, is the way the refugees, being in the camp or in the city, are using their status for their advantages and how in both cases they adapt.

Malkki is emphasising the different ways that refugees inhabit their status depending on if they live in the camp or an urban setting. She argues that camp refugees tend to rely more on their status and focus on that as a means to get by in their daily lives as opposed to town refugees who do not focus on this status but focus on coping in new ways. Also, while camp refugees perceive their situation as temporary where waiting and expecting to go back to their home country is profound, town refugees do not in the same way expect to go back but focus on their lives here and now and what they can make of it (Malkki 1996: 381). This is not in tune with Turner's argument that urban refugees are focusing on their future lives and by that, are seeing their lives in the city just as temporary (Turner 2014: 2). It can be argued that the urban setting leaves room for agency because most people inhabit the need to do something, act to adapt and cope in their daily lives.

Returning to Turner's arguments, the victimisation that the urban refugees experience can be something positive for them and they can, first of all, be aware of their position of being victims and second, that they use this position in their advantage. In other words, they understand the position of being a victim, which should also be understood in relation to securitization, and know how this can benefit them and how they can obtain empathy and recognition with it. This is further leading back to Honneth and his emphasis on the importance of being socially recognised.

The urban refugees in Nairobi can both be seen as socially recognised and not. They are not recognised in the way that they are de facto illegal because of the encampment policy and thus, officially they are not recognised in Nairobi. Officially here means not recognised by the Kenyan government and even some Kenyan nationals if they are impacted by the discourse and politics. But on the other hand, the urban refugees can be seen as being socially recognised in the local societies where they live side by side with people who are either in the same position; poor Kenyans who equally are fighting to keep an essential everyday life and to cope with tough socioeconomic circumstances; or in general people who have empathy for their situation and does not engage themselves with prejudice and misconceptions of refugees. A local society could in the case of Nairobi be the business hub, Eastleigh, where a lot of Somali refugees live and cater to their business as a means of coping in their daily lives. Here it can be added that more than only coping, some Somali refugees have economically thrived and are in many ways better off than some locals as George Owino is mentioning "These Somali refugees are very helpful to Kenyan local communities in the area. I am one of the beneficiaries of Somalia business in Eastleigh I am an employee of a Somali refugee businessman who sells clothes at Mash business centre in section II of Eastleigh" (Owino in Abey 2013: 40). What this quote is pointing out is that despite their rejection from the society, a part of the refugees has succeeded with integrating economically. The Somali refugees living in urban areas are referred to as being "a very powerful group in the city" (Abey 2013: 39). This fact points out the potentiality of urban refugees and the fact that if they were better socially integrated they could fit in the society and bring prosperity.

It has been argued by help of Turner, that residing in the city opens up more possibilities and by that, hope for the future. It is explained that this hope is leaving room for some level of agency which can be seen as incentive to act in the present, and by this, the urban refugees can be said to have some level of

agency. It has also been argued that by emphasising on their suffering, the urban refugees receive empathy and recognition which is linked to the hope.

Furthermore, it was shown, by help of Malkki, that an important element of having agency is to be heard and recognised, not silenced and ignored. The following analysis will reflect on this particular element and analyse if the urban refugees emphasise on their refugee status and for what purposes.

This chapter has been an attempt to introduce the context within which the following case study will be analysed. The portrayal of refugees in Kenya has been examined with the help of both historical and empirical facts. Despite an emphasis on the Somali community considering their special relationship with Kenya, it has been argued that the entire refugee population is securitized by the government. Being a refugee is synonymous with being an outsider no matter the circumstances. When residing in the urban centre, these persons are even more rejected as they are considered as being illegal. The particularity of residing in the city has been scrutinised using the example of Eastleigh in Nairobi where processes of spatial marginalisation have confirmed the deep exclusion of refugees in the city. Finally, the last part has reflected on how the urban refugees' status is shaped both by external actors but also by themselves. In other words, this part has looked into how refugees living in the city are fostering hope and developing coping mechanisms that enables them to have some agency.

The following chapter is an insight into some of the urban refugees' lives. It will be analysed how they represent themselves and the particular situation they are facing. The intention is to understand how being in the city impact them and what they make out of it.

Urban refugees' coping mechanisms

With the previous analytical discussions, it is assumed that life in the city for urban refugees is highly difficult as urban refugees in Nairobi are restricted and vulnerable to an external domination. They are discriminated against (securitization), segregated (living in informal settlements) and highly defenceless towards the police.

As seen in the previous chapter, the entire refugee community is being marginalised: while the camp refugees are overly assisted and being victimised, the urban refugees are not given any assistance and being criminalised. The result of it is their high level of dependency towards an external authority which is deeply affecting their lives.

The assumption resulting from the previous chapter is that urban refugees are facing hardships while being in a state of exception. They can be compared with the camps refugees on the ground that they are highly vulnerable and restrained in the enjoyment of their rights and ability to act freely.

This assumption is going to be confronted with primary data conducted with urban refugees living in Nairobi. In this way it will be evaluated whether this hypothesis can be verified within the limits of the interviews available. With this, an analysis of how urban refugees are negotiating their space and status in the city will help to have a better comprehension of their actual agency and state.

Victimisation

The following chapter is analysing to what extent the urban refugees of this case study are victimising themselves and further, what it brings them to emphasis on their hardships. Different theoretical concepts are being used to shed light on these matters but the key concept 'victimisation' is lent from Malkki (1996). As explained, she is dealing with the portrayal of refugees on a global level and how they are victimised. Here, this concept is turned around as it examines if the urban refugees are victimising themselves, hence, seeing themselves as refugees.

It is questioned whether the urban refugees interviewed are referring to their status as refugees and to what extent they focus on their hardships and if they do, what that entail for them. As described in the past part about agency, it is an important part of the analysis whether or not urban refugees use their

position as victims because it helps to shed light on their coping mechanisms and whether or not they use their position in any way.

Focus on refugee status

As it was demonstrated in the first chapter of the analysis, Malkki has argued (1996) that there is a difference in the way camp refugees and urban refugees tend to focus on and use their status as refugees. Camp refugees tend to focus more on their status because they are dependent on the camp management and the services provided, and they perceive their situation as temporary and are waiting for change: preferable going back to the country of origin. Urban refugees, or town refugees, she argues, do not tend to focus on their status, but rather that they see their situation as more permanent and focus on their capabilities of coping here and now (Malkki 1996: 381). The following analysis will show that the urban refugees of this case study also tend to focus on their status as refugees. It will be further questioned if they are using this status to their benefit and how.

According to this paper's data, urban refugees in Nairobi focus on and refer to their status as being refugees. The majority of urban refugees interviewed refer to themselves as being refugees in one way or another. As an example, many explain certain circumstances on the basis of the dichotomy of being local vs. a refugee but also explaining matters as being a person of refugee status (fx Amanuel 12:54+18:00; Elsabeth 1:30; Beza 4:20; FGD1 55:51; FGD2 23:05). In the prologue of the video "Hidden Voices: Urban Refugees in Nairobi, Kenya" by IRC, the woman says: *"Now I am here, a refugee, living in a strange city and life is hard"* where she is referring to herself as a refugee. Beza is also referring to the status as refugee when explaining *"Because a refugee is someone who left his country, and living in another country, so I left my country because of persecution (....) I am refugee living here in Kenya"* (Beza 4:20) where she is emphasising that she is a refugee and the reason for it. Fayza is talking about protection and human rights where she is referring to the status of being a refugee under international law and the difference between the protection of locals and refugees. In general she is painting a picture of 'them' and 'us' and how the Kenyan society is marginalising the refugees (Fayza 15:40). One participant in one of the focus group discussions is also referring to the difference between Kenyans and refugees when asked about their rights in the country and with a laugh emphasises on their downgraded status as refugees: *"To vote cannot change anything, the ones who vote are the nationals but we are not nationals (laughing) we are refugees."* (FGD1 55:51). Elsabeth is

referring to how one as a refugee need to bribe the police, and furthermore she is linking being a refugee and having no money: *“we don't have money of course, we are refugee”* (Elsabeth 1:30). Many of the refugees interviewed focus on the difference between them and the Kenyans as this quote from one of the FGDs is showing:

“Yeah, if I am having right I can get a job like Kenyans, but I cannot get a job like Kenyans. Yeah, because I am a refugee, I cannot. But the Kenyans, they get a job, they are doing many things but for me, I cannot do it, because I am a refugee. (...) I am a refugee from DRC, yeah, there is some limitation for me” (FGD2 23:05).

He is here outlining the marginalisation of refugees as he sees it, and in the end he is emphasising on his status as refugee that entails limitations for him, although the Kenyan poor also have difficulties finding jobs with a high unemployment rate in the country.

Conclusively, it is argued that by focusing on their status as refugees they are aware of what their status implied. This leaves room to use it beneficially as the following will demonstrate.

Focus on suffering and hardship

A possibility of focusing on one's hardship and suffering is linked to being aware of the status of being a refugee. As outlined in the previous part about agency, Turner is arguing that the Burundian clandestine urban refugees in Nairobi tended to emphasise on their hardships which he argued is a part of keeping their hopes alive. Their hope for the future is dependent on their suffering and hardship in the way that it is important for them to keep the suffering alive, and to turn their backs on their past and wait for a better future (Turner 2014: 5). This is understood as a coping mechanism for mental survival: the urban refugees are using their emphasis on their hardship to confirm their current suffering and misery which is in turn giving them a sense that “everything is going to be better” implicitly in the future, hence it is giving them hope as hope is understood to be a sentiment that is generating a good feeling about the future. They are having what Turner refers to as an open-ended hope which is not targeted at anything specific other than the opposite of what they have now; they want a life without suffering and the description of the suffering has become a discursive presentation of their self (Turner 2014: 5).

Examining this paper's primary and secondary data many examples of the urban refugees emphasising on their hardships show. The following is a general outline on to what extent and about what the interviewed urban refugees were emphasising on in relation to their suffering.

The general discourse throughout the primary qualitative interviews, the FGDs and the secondary data is that "life is hard" and "very very difficult" and that "everything is bad". These comments usually follow an explanation of something or just as an emphasis (Abel 19:29; Beza 8:22; Woldu 11:23+13:45; Samira 2:00+6:00+10:55+14:03; Fayza 12:58+19:31; Elsabeth 3:32; Ayda 3:23; Amanuel 18:44; Amina Abdi Hassan (IRC); IRC Video 3:44; FGD2 16:03+16:37+17:12+20:57; FGD1 58:17). The police in Nairobi is also often referred to and complained over especially in relation to the harassment and the bribes (e.g. Abel 16:19, Fayza 2:22; Elsabeth 1:30). Elsabeth is explaining how it is hard since they do not have a lot of money: "*of course, we are refugee*" as she explains (Elsabeth 1:30) and as previously shown she is making a direct link between being refugee and having no money. The money issue is greatly related to not being able to work and obtain a work permit (Yoseph 19:59; Fayza 2:22; Amanuel 1:17+12:54; IRC Video 6:40) which in general is a big problem for the urban refugees in Nairobi (Study 300: 2014). A lot of the urban refugees in this case study also refer to some kind of injustice; in general or compared to the Kenyans (Abel 11:07; Yoseph 19:59; Woldu 9:56; Fayza 15:40; Amanuel 18:00+27:30; FGD2 47:05; Faaruq 6:55). Especially Fayza explains how she feels badly treated in the Kenyan society, receiving no protection but rather being marginalised as a refugee (15:40). Lastly, a general tendency in their discourse is hopelessness (e.g. Woldu 12:52; Fayza 4:12; Ayda 2:06+11:40). As an example, Ayda explains how she does not have hope anymore after she was rejected in her second attempt to get registered as a refugee in Nairobi: "*that completely darkened my life and I felt helpless and hopeless, now I am in a state of hopeless and helpless*" (Ayda 2:06).

Yoseph is emphasising how he is actually still in a state of flight and persecution from his country of origin, Ethiopia, and how he is faced with only bad options: "*you see, when you face 2 worst things, you chose worst to the worst*" (Yoseph 11:54). He sees the 2 bad things as 1) to be in Kenya, Nairobi, because he perceives that as a bad thing and 2) going back to Ethiopia which would be worse for him because he believes he would be persecuted and killed if he did. Earlier in the interview he is also explaining what happened to him and while doing it he is trying to sound a bit tough and proud while at the same time his wording is showing how hard it is for him:

“I spent 13 years in detention, it shaped me, it moulded me very well, I ran away from my home land to the country that I have never dreamed to go to, without any assistance, without any help, even not knowing the language of that country, imagine how much difficult, I did everything for sustenance, (...) that is how I am surviving, because life taught me a lot” (Yoseph 9:24).

It is seen how he is explaining how he is surviving and how he is sounding proud when explaining how it has shaped him and taught him a lot in life. Yoseph is spending a lot of time explaining his situation and most of all what happened to him and he remembers many things in details and he knows important dates and many names by heart. In general it can be said that as interviewers we are giving him a voice and a chance for him to express his frustrations. It seems that in the case of Yoseph in particular, it is really needed as he is emphasising a lot on how much he hates the Ethiopian system, using the word “hate” many times, and emphasising in the end that *“the situation is very bad”* (Yoseph from 15:27).

Beza’s situation is very bad in a different way. At the time of the interview she was around 16 years old and she came to Nairobi 2 months earlier, fleeing Ethiopia (Beza 0:19-0:42). She fled on her own to Kenya after gruesome things happened to her family in Ethiopia and she is getting some help from the Ethiopian community in Nairobi (Beza 3:07+5:00). Interviewing her was very touching and at times heart-breaking when imagining what she has gone through and being separated from her family, although it was not said exactly what had happened. She is explaining how she feels at the time of the interview:

“Really, I am in a big mess and struggle, because life I am living here right now is very, it is not good, I am suffering a lot, especially I am psychologically depressed, because I don't have anyone to support me and also not registered and not have any hope to meet my family and to live in another country, I know that I have several things, several plans and ideas for my future but that's ideas who are not going to their destiny because of the situation going through my life right now, but I hope the other day will change something, the next day or tomorrow will bring something else.” (Beza 11:13).

Her strength, despite what she is going through, is significant. She is emphasising on how she is struggling and suffering while at the same time reflecting on her dreams and ideas for the future that she at this point is deeming impossible, yet she is still able to keep a feeling of hope that someday some kind of change and opportunity will come. This is, first of all, showing the human complexity: being able to hope amidst of all the misery and hopelessness. Secondly, it is also showing that she sees herself as a victim in the way that she is deeming her ideas for the future impossible because of her situation.

Yoseph is seeing all refugees as victims in the way he is self-victimising them when he is pointing to the relation between refugees and the national and international organisations that work for them:

“Actually, eh, for refugee, life of refugee, ehm, is, I can call it a kind of eh, the results of income for the other, not for refugee, without refugee no UNHCR, am I right? Without refugee no UNHCR, without refugee no RCK, Refugees Consortium of Kenya, without refugee no HIAS, without refugee no DRC, Danish Refugee Council, without refugee no NRC, Norwegian Refugee Council, and also other organisation working with refugee matter. But, the thing refugees are getting is the minimum, it's the minimum” (Yoseph 21:19).

It seems that he is arguing that these organisations depend on the refugees, or put differently, being in a state that makes a person recognised as a refugee is necessary for these organisations to have activity and ultimately for the people working there to have a job. He is explaining how refugees get the minimum, seemingly implying that they are being exploited in favour of these organisations and in this way he is seeing all the refugees as victims. Arguably, his quote could also be interpreted in the way that Yoseph sees the refugees not only as victims but also valuable in the way that they are contributing to the existence of these organisations.

Ayda's situation is also very serious. As she is explaining: *“I am disabled, I cannot work, let alone working I cannot walk, I need assistance, I don't have any assistance from anybody, no work I am disabled. Even in the stage of my life that you can see me I was raped” (Ayda 3:49).* She is a middle-aged woman with two children and was at the time of the interview having a very hard time finding solutions for sustenance in Nairobi. She had been living there since 2003 and as she explained, she was still struggling after 12 years: *“I came to this country in 2003 and still now I am here, my problem is*

also there with me since 2003, that means for 12 years” (Ayda 0:38). Throughout the interview she was emphasising a lot on her hardship and one could feel the hopelessness as well as understand the despair it must be with children to sustain while not physically nor legally being able to work which is seen in the following quotes: *“I don't have, or I don't know which place I start my problem I suffer a lot, suffering and my suffer is continuing, before it was me, now it passed upon my children”* (Ayda 6:39) and *“The kind of life I am living now is very hard and very serious, a bitter life I am living here without hope and help”* (Ayda 11:40). The despair and hopelessness is showing when she uses words such as “problem”, “suffering”, “very hard and very serious” and “a bitter life”. She is emphasising on her suffering in the interview.

The participants in both FGDs also emphasised a lot on their hardships. There were several tendencies that were recurring in both FGDs and one of them is that they seemed to be feeling ignored, unjustly treated and that the perception of refugees is that they are useless: *“yeah you see that is, because we are refugees, we are useless, we do not have value”* (FGD2 1:02:56) and *“you are a refugee, that's all”* (FGD1 14:14) and *“To vote cannot change anything, the ones who vote are the nationals but we are not nationals (laughing) we are refugees”* (FGD1 55:51), in the last quote implying with a laugh that refugees are worth less than nationals. Furthermore, there was a situation where they were asked about sustenance and if they had jobs and in general if it was easy or hard to live in Nairobi (FGD2 44:22). There is a long pause where nobody really knows what to say yet some are mumbling until the translator explains that they think life is bad to which everybody is reacting with laughter (FGD2 from 43:21). He continues explaining: *“life is hard. According to the Kenyan government rules they are not supposed to employ refugees, so it is very hard for them to live here, to earn a living, it is very hard”* (FGD2 44:33). It is understood that it feels awkward for the urban refugees to put themselves in the position of being victims and therefore they laugh, yet, they feel this hardship and furthermore, they want to talk about it and explain it to people who ask. As it has been mentioned and as it will be developed further in the below, by interviewing them they are given a voice and a chance to be heard and tell their story, and in a state of suffering, this can be received positively as it opens up a space of empathy and recognition.

As it is argued by help of Turner (2014) in the theoretical analysis, urban refugees focus on their suffering and hardship which gives them hope. Further it was argued that they get a feeling of hope

because they receive empathy and recognition through their accounts of suffering, lending Honneth's concept of recognition (1995). It has here been shown that the urban refugees interviewed also emphasise on their hardships and suffering. In the following it will be analysed in what ways the urban refugees in this case study express their hopes for the future.

One important notion to make before leaving this part, is that after noting all these examples of the urban refugees who emphasise on their hardships, it is very important to underline that the role as interviewers is crucial as by interviewing these refugees there is being made a room for them to talk about their suffering and further, when the questions are dealing with their everyday lives and how they sustain themselves, it evidently opens up for them to talk about their hardships. This needs to be said and it can be seen as a justification of why the urban refugees in this case study talk about it. As with the extent to which they focus on their refugee status, it is impossible with this data to analyse whether the urban refugees interviewed are focusing this much on their hardships in their daily lives, when they are talking to their families and friends, or if they actually do not emphasise on it in their everyday lives. Paradoxically, researchers have to ask the questions to get the answers, and they cannot eliminate themselves from the research's equation, hence there will always be an impact when one individual is interviewing another individual.

Suffering and Hoping

Turner is arguing that it brings the urban clandestine refugees from Burundi in Nairobi hope to emphasise on their hardship in the way that to focus on the suffering is a way of momentarily looking at the present and past of suffering in order to look ahead on a life without suffering, thus hoping for better circumstances (Turner 2014: 5). In the following it will be analysed in what ways it can be said that their focus on their suffering could be bringing them hope. It is understood that with this form of data it is not possible to determine if it actually brings them hope as it is not the aim.

A general tendency discovered in the interviews with the urban refugees is that in their discourses they often link their suffering with a notion of hope. After explaining some conditions in their life they often follow up with either a sort of hopelessness, stressing that they have no hope at all (Woldu 12:52; Fayza 4:12; Ayda 2:06+11:40) or they might end by explaining how they have hope in God (Amanuel 12:54; Mahad 0:20; Fayza 7:39; Woldu 13:17, Faaruq 5:43). To a large extent, the urban refugees express an open-ended hope that is seen as a form of hope that is not goal-oriented and thus has no

specific object connected, and as Turner argues the open-ended hope leaves an important window for the unexpected and it is exactly what fosters the hope (Turner 2014: 2). The urban refugees interviewed express the open-ended hope in different ways: *“if you wait something in something, in some place, I hope I will be successful”* (Abel 28:58); *“but I hope the other day will change something, the next day or tomorrow will bring something else”* (Beza 11:13); *“I hope soon or later you have options, I mean solution..I hope so”* (Elsabeth 7:28); *“My future. I don't give up, I don't surrender for life. I don't give up, I don't surrender for life, because life is there, tomorrow is another day, today is today, yesterday passed”* (Yoseph 10:37). What these quotes are examples of is the different ways hope can be expressed and perceived but also how the urban refugees in this case study keeps a certain level of hope in their discourses no matter the level of misery. Furthermore, it is important to stress that these are the same individuals who a short while before this comment could have expressed how miserable they were feeling and how they were having no hope. It shows how complex human beings are and in a personal interview many mixed emotions can come into play. It also shows that they see their situation as potentially being improved.

As pointed out, it is not possible to analyse if their focus on suffering actually brings them hope, but as it was argued in the theoretical chapter, they harness empathy and recognition through their accounts of suffering. It is believed that by being interviewed one is shown recognition, and this recognition is seen as positive energy that the urban refugees receive in the listener's acknowledgement of their struggles. This will be expanded in the following examples.

When urban refugees are given a voice

As Malkki points out, one of the elements of silencing the refugees is that their accounts are not heard and they are not offered a voice (Malkki 1996: 384; 390). When the urban refugees of this case study were invited to join an interview, they were offered a chance to be heard.

In general, as noted in the above, by inviting them to participate in an interview or FGD the urban refugees are offered a voice, a channel to speak through, in which they get a chance to express themselves.

In one of the focus group discussions a Congolese man explains that the group is grateful since it is rare that they have people coming to them “with good faith” to see refugees in Kenya and he is continuing explaining that they wish that somebody will speak their case:

“so our wish is, we send you, Congolese people, we have difficult lives (...) if you are here to know our opinion and the life we are living here, if you have a good faith go to the other side and ask to the UNHCR resettlement, to save us, to leave Kenya. Secondly, we ask you to explain our distress, our poverty because in Nairobi, life is very expensive, we cannot support ourselves, so we ask you to send us or to look for help” (FGD1 from 31:56).

It is understood, by the fact that he is taking his time explaining these matters, as a sign of a hope that it will actually help explaining it. The expression “the other side” seemingly refers to the UNHCR and/or the international community and is in itself an interesting expression because it shows the way he perceives the refugees being on one side and “the ones who can help” on the other side. The quote shows how he links being a refugee with having problems with self-sustenance. Later during the same FGD a Congolese woman openly expresses her hope of change: (someone is translating for her) *“when she heard the gathering today she was very curious to come, she thinks you are going to make a big difference”* (FGD1 58:17). Here is seen a direct link between the presence of the interviewers and a change in their lives. This is interpreted in the way that by being invited to an interview where they are given a chance to explain their lives and suffering, they are offered a voice and in the above quotes it is seen how this manifest in a form of hope that their participation can bring something good with it.

Yoseph’s case is also exemplary for being given a voice and he is clearly expressing his negative feelings towards the system in Ethiopia as exemplified earlier:

“I didn't stay in the country, I left the country, because I hate the system, the system oppressed me, not only me, the whole community, I hate all that” (11:54); *“I don't want even to see that country even to turn my face to that country, I hate, and also they hate me, for the reason I hate them, because they are oppressive”* (16:15).

Yoseph has really strong feelings about his home country and he is spending a lot of time emphasising on this. In general Yoseph can be seen as an individual in a really difficult situation, but nevertheless he

is trying, on the one hand, to be and sound strong and he is not victimising himself. On the other hand, allegedly his desperate account can be seen as his way of emphasising on his hardship and seeing his chance to express himself as he is offered a voice. The way he is passionately telling his story and this passionate storytelling might be deriving from a glimpse of hope in him – that it will actually matter to tell somebody his story.

What these examples show is that by being given a voice they use the opportunity of being heard and emphasise on their status as victims. In other words, the urban refugees of this case study are matching their refugee status with being a victim. By doing so, they are reversing the general discourse which is picturing them as a threat to the nation state. In the refugees' self-description, the threat comes directly from the authority, representing the nation state. From this point, it can be argued that the political discourse that is securitizing the refugees in Kenya is also impacting the concerned persons as they are de facto part of the society. Put differently, the urban refugees are aware of the way they are being portrayed by the government. Insisting on their hardship when they are given a voice is their way of subverting the meaning of what it means to be a refugee and believe it will make a difference to emphasise on it.

Conclusively, when analysing personal and serious data like this, one must treat it with respect. It must be noted, that the intention with this chapter has not been to point out that the urban refugees in Nairobi are victimising themselves with no reason. Rather, the purpose has been to point out that the urban refugees in this case study are victims of the situation and the refugee system in Kenya.

Thus, there should be no doubt about their hardships. These refugees, as many others, do live in desperate situations and conclusively, it shows that when they emphasise this much on their suffering it is one of their only means of solutions: they have nothing (more) to lose by victimising themselves in this way in front of the people interviewing them. Different ways that the urban refugees of this case study are emphasising on their hardships and suffering has been shown.

It has also been argued that by inviting them to participate in an interview, they are being offered and given a voice that allows them to explain their hardship.

The aim of this part has been to analyse to what extent the urban refugees in this case study are victimising themselves and how urban refugees talk about their future considering their present status. In other words, what this part has attempted to show is how the urban refugees of this case study are using their status as refugees. It has been shown that emphasising on their hardship has comforted the construction of their refugee status as victims. Through their self-victimisation they are trying to foster recognition. Whether their self-construction as victims gives them hope is impossible to determine but, it is their way of portraying themselves and using their given status.

Illegality and adaptability

As the previous part has shown, despite a certain self-victimisation when confronted with strangers who are willing to listen to their stories, the urban refugees interviewed are victims of the Kenyan government's directive. As seen in the part about securitization, despite the hardship they are experiencing, they are, at the same time, criminalised by the state. It is therefore asked: How do they cope with their "illegal" status in the city?

In the following analysis, it is demonstrated how urban refugees living in Nairobi are victims of a state of exception²¹. They are criminalised and used as a scapegoat by a government which is weakened by a weak rule of law coupled with political turmoil and terrorism from al-Shabaab. The first part will show the consequences of the urban refugees' illegal status before turning to an analysis on how these non-welcomed refugees are nonetheless resisting and coping with their situation.

Urban refugees in a state of exception

Urban refugees in Nairobi can be defined as "legally unclassifiable beings" to use Agamben's words (Agamben 2005 in Akin-Aina 2014: 29). This part is attempting to show how urban refugees are paradoxically imprisoned by their exclusion from the society. Their marginal status is going to be scrutinised to show how they can be comprehended as *detainees*, *object of a pure de facto rule* (ibid.) who are consequently left in their own devices.

²¹ As referred to earlier: defined by Agamben as: the point of fissure between political fact and the rule of law (Akin-Aina 2014: 28f)

Illegal aliens or people in a state of despair?

On the basis of their illegal status, urban refugees living in Nairobi are in a position where they cannot freely enjoy their rights and freedom. While both Beza (09:18) and Amanuel (26:57) are describing that they sometimes need to stay hidden inside their homes for days in order to avoid police harassment, Fayza (15:40) mentions that she does not wear the scarf she puts on her head inside the Ethiopian church when she is in the public transportation to avoid being recognised as an Ethiopian refugee. Finally, Amanuel (15:27) explains that he avoids mentioning his refugee status: *“But if people approach me “who are you?” I don’t say I am a refugee, I only say I am an Ethiopian”*. The respondents are clearly expressing their attempts to hide their refugee status to avoid having troubles. This shows how urban refugees of this study in Kenya victims of a system which is marginalising them. What can be added to refer back to the fact that illegality is created by the state itself is the closing of the UNHCR agencies in towns which makes it highly difficult for urban refugees to get registered or to get any assistance: Fayza is explaining that the reason why she is not registered with UNHCR is due to the closing of the office in town. It is very difficult for her to access an agency but also to be informed about it (04:12). As a result of the encampment directive and being illegal because of residency in the city, Fayza has no paper enabling her to travel. She is therefore legally restrained and spatially contained.

During one of the FGDs, a certain confusion about where they can be provided with some assistance was noticed: *“You are supposed to go to Lavington. Yeah, initially you had to go to the UN, but right now they are going to Lavington, they do not know why they are going to Lavington”* (FGD2 11:12). Here the interviewee is saying that after the closure of UNHCR’s agency in town, they now need to go to another area in Nairobi (Lavington) in order to get some assistance, however getting registered is not possible anymore. On top of the confusion resulting from several changes of the agency’s place, urban refugees present at the meeting are mentioning their difficulties to get from where they live (Kayole) to Nairobi (where the office is). They are pointing out their difficulties to move freely as the translator is explaining: *“They say, they do not have any kind of help. At some times it is a very big task to move from here to Lavington, like they do not have the fare, and since life in Nairobi is very hard it is very hard for them to get from here to Lavington”* (FGD2 17:12). This quote as well as the following underline that urban refugees are restrained by their refugee status and contained by their lack of

mobility: *“the process of going there and coming back is very tiresome and the money you use you can save it and help to feed a child here. Yeah, so, it is very hard”* (FGD2 18:16).

In addition to being on the edge of the society, urban refugees are deeply lacking any form of protection. They need, as a consequence, to minimise exposure to risks. Hiding themselves at home is one of the coping mechanisms they have developed, however, they have found several other alternatives to lessen any kind of endangerment. Another characteristic classifying the urban refugees in Nairobi is their high dependency on others for sustenance:

“I do not have anything from this place around that you are seeing, I am depending on the other lady, and I am living here on dependence on another persons, I do not have anything to get, I do not have any work to sustain myself” (Beza 02:33).

Here, the interviewee is expressing her inability to be self-dependent and her deep feeling of dependency. As a way to counter this, she is finding comfort and protection in the Oromo community that she knows (Beza 03:07). Urban refugees are expressing the importance of ethnic ties (Faaruq 5:20) as a way to survive as the example of Pierre, a 17 years old forced migrant coming from DRC shows: His mother has been arrested in church and relocated to Dadaab camp leaving Pierre as head of the household. When he is asked about how he is coping without his parents now, he explains:

”Soon after they were taken, the Congolese community started giving us food and we used to cook in their house but they are not able to help us anymore. With the police patrolling around the area and taking people away, people are staying in their houses out of fear, I do not want to go out to buy any food”(Pierre 1:30).

The importance of the national or ethnic roots is exemplary for the majority of the respondents in this study. Their exile status makes them stand out among the other urban residents. As a result, they depend on each other to cope in their daily lives. Because they are in the same situation, it is easier for them to stay among themselves to find ways as a group to face their daily difficulties.

Another illustration of the dependency urban refugees are facing is shown by Fayza when she explains that the only help she gets is from her friends, it is her only way of coping. She is also mentioning that she is praying god for a better future (Fayza 07:39). In this way she is waiting and hoping but does not

think she can herself do anything to change the situation which is transcribing her dependency to others in order to survive. As being stated by Metcalfe et al.: “given the inadequate protection provided by formal law enforcement agencies and by the judiciary, individuals, families and communities have devised self-protection strategies” (2011: 16). Similarly, in this study, the urban refugees interviewed as well as the secondary data show that they are not at all or very poorly provided with assistance and consequently forced to find alternatives way of protecting themselves. Despite developing self-protection strategies with community help, the lack of money is one of the recurrent elements that the refugees are mentioning. It is especially referred to when it comes to access to health care:

“(...) health even if I become ill today the only thing I can do is pray to the god so that I have a faithful life, so that the only thing I can do. And unless, or if I have some money from my pocket I go to the chemist or the pharmacy and I ask them to give me some medicine with affordable price, with little price so that I can just take that drug and at least I will live” (Amanuel 12:54).

This quote is showing that Amanuel cannot access good medication because of a lack of money but only for example painkillers that enables him to “live”. The same can be said in Elsabeth’s case when she is talking about her child who is asthmatic and explains: *“Actually, she does not get good medication, she just use inhaler but she is very like thin you know, she gets like many medicines like not good medicines actually she does not good like..yeah”* (05:44). Even if she does not refer directly to the lack of money, it can be deduced that her child does not get proper medicine because of a lack of money.

To counter this lack, some refugees such as Elsabeth are forced to “give herself sometimes” (03:32) as she explains, when she does not have enough money to finish the month with one child to take care of. During the FGD with Congolese refugees in Nairobi another respondent is also mentioning prostitution when talking about friends of hers, as a means to survive in the city: *“so now they have a very difficult life. Some have to do prostitution (...) life is so difficult to pay rent, to have food there is no other way. During the nights, you can meet some of them in the street (talking about prostitutes)”* (FGD1 37:58). On top of turning to prostitution as a way to sustain themselves and their family, women are also highly

subjects to police harassment and abuses especially at night. Amanuel is mentioning it when he is talking about the “Usalama Watch”:

“(...) there was an operation 2014 around Eastleigh and during that operation surely I saw it by my eyes, they were just raping women and they were just taking the women out of the ... they just dropped their children and took the women and went with the women, you see” (23:42).

In a Human Rights Watch report (2013), another quote from a Somali woman is attesting the same:

“I was walking home on 4th Street when three RP [Regular Police] officers – one woman and two men – stopped me. I showed them my refugee documents and they just attacked me. (...) When we stopped, the woman and one of the men got out of the car and left me in the car with the other man who hit my legs with his truncheon and slapped me. Then he raped me.” (HRW 2013: II).

On top of being violated and brutalised, urban refugees have to bribe the Kenyan police which is the most corrupt institution in the country according to Transparency International (2010) (Metcalf et al. 2011: 9). As Pavanello et al. are pointing out, forced migrants are complaining about police harassment in a study on urban refugees in Nairobi (2010). Especially male respondents said that they were regularly arrested by the police, and released only on payment of a bribe of approximately 1,000 KES (\$12) (Metcalf et al. 2011: 9).

The above demonstrates once again the daily hardship faced by urban refugees who are left on their own devices. Portrayed as illegal aliens by the Kenyan government, this part has shown that they are in a state of despair. In spite of the relative anonymity that a city can provide as well as more opportunities than in a camp setting, urban refugees are highly restrained in their daily lives as the previous quotes have shown. They cannot enjoy their basic human rights but only just survive. However, in this state of exception, where urban refugees are detainees of a pure de facto rule, a thin margin of agency is still available to them.

Exceptional resilience

“The millions of people living in Nairobi’s slums have been left to take care of themselves. In response, they have invested in support networks based on familial, social or ethnic ties to access basic services, housing and work.” (Metcalf et al. 2011: 33).

As the previous part has shown, urban refugees in Nairobi are contained and constrained by a certain management of space and movement imposed on them by external forces and authorities of the country. These constraints render them highly vulnerable and forced to engage in the informal sector which heightens risks and makes them even more fragile. What will be investigated in this part, however, is their self-involvement in the negotiation of their space and status in the city. In other words, it is going to be analysed how urban refugees are responding to the state of exception they are facing. In spite of their marginal status this part is showing how they are coping and adapting to this exceptional situation.

Togetherness and community help as a survival mechanism

Facing hardship, and being marginalised, the urban refugees share the same burden as other urban poor. Staying together with other of same status or in the same situation supposedly brings them some strength and as Turner refers to gives them a feeling that they are “suffering for a common cause” (Turner 2001: 239). Deprived of basic needs, urban refugees who mainly live in informal settlements have to find alternative ways of sustaining themselves as this quote is showing:

“Given the general lack of formal governance in the slums, communities have organised themselves to address basic needs and provide basic services. There is a proliferation of committees, task forces and groups at different levels (...) Some key informants indicated that this may be owing to the desire of many displaced people to lose their ‘displaced’ identity and be integrated with the general community for both security and personal reasons ” (Metcalf et al. 2011: 26).

The urban refugees’ will to lose their displaced status as a way to mingle within the society shows their eagerness of being treated “normally” or at least not being identified as being different from the other citizens as also seen in the primary data (Amanuel 15:27; Fayza 15:40). However, despite wanting to lose their displaced status which marginalises them, this status is what they have in common. In other

words, the fact that they are sharing a common refugee status is crucial patterns helping them to cope in their daily lives as these following examples are showing.

When it comes to facing difficulties, data show that refugees make use of their common status in a subversive way. On the basis of their common suffering, they are gathering and engaging in community activities as the following is demonstrating:

“I am also in a women’s group, we contribute some money that we help with the one that is in a very difficult situation at that moment, it can be she is a hospital or can’t pay the rent that month or she doesn’t have food. We created the group to help each other because when you are a group it is easier to survive” (refugee woman, IRC video 5:45).

This quote shows some urban refugees’ willingness to gather in groups for a common cause. The use of the word “survive” shows that people who are in this group are suffering due to their refugee status and they are suffering together as a way of enhancing the situation and a way of coping with their daily struggles. It is important to note that the other urban poor are facing similar conditions and they also have to develop coping mechanisms. However, and as pointed out in the following with reference to urban poor in Nairobi: “For asylum seekers and refugees the odds are worse, encumbered by a lengthy asylum seeking process, limited engagement with local administrative authorities which deprives them of critical protection and support, and a business community hesitant to engage them as a potential market” (UNHCR & DRC 2012: 7). What is being argued here is the particular way the urban refugees are dealing with their situation. Despite sharing comparable living conditions with other urban poor, the urban refugees can be said to be different from other urban poor on the ground that they share a common exile status as the data clearly show when examining how national and ethnic ties are a key element in their coping mechanisms (Beza 03:07; Pierre 1:30; Amanuel 00:59-01:17; Abel 03:53-05:14).

Metcalf et al. are also pointing to the importance of community help when it comes to integrating into a new environment. They are mentioning that urban refugees and other displaced people in Kenya are finding ways of coping by certain forms of social organisation and support provided through family, social and ethnic ties (Metcalf et al. 2011: 2). This is echoing Amanuel’s way of adapting to the new setting and situation: the first thing he is mentioning when he is asked how he manages his sustenance is his refugee friends, the fact that he is sharing “things” with them (00:59-01:17). Later on, when he is

asked if he has control over his life he is once again referring to his friends: *“Yes I am controlling it directly or indirectly because when I share something with my friends this is the way I have to live”* (02:10). Last but not least, Amanuel is explaining how he has been able to be released from prison after two days of detention thanks to an Oromo community welfare association (10:42). Amanuel’s quotes are stressing the importance of ethnic ties in his daily life in the city Nairobi.

Abel is saying that he found a job in an Ethiopian restaurant thanks to the Ethiopian community that he meets when he goes to the Ethiopian church. Moreover, he is mentioning that his Ethiopian friends living in Nairobi informed him about the registration system, adding that without them he would not have known about the job (03:53-5:14). Here, Abel’s case is confirming the importance of familiar communities as a way to cope in his daily life. He is adapting to his new living conditions by listening to his pairs in the Ethiopian community who themselves are refugees. Sticking with the people coming from the same region enables him to find opportunities and stay informed about the refugee situation in the country. Later on, Abel is explaining that his Ethiopian refugee friends have all been harassed by the police and this is the reason why he is careful because he knows it could happen to him too (07:39-8:13). It is the same case with Faaruq who explains that he found his job in Eastleigh and had it secured by help of his “fellow refugees like me” (Faaruq 5:20). The above is showing how both a common origin and a common refugee status bring the group of people together.

Also Elisabeth is talking about how she is sustaining herself, “working many places” (02:29). The Ethiopian community is a big help for her: that is how she found her job. She is working in an Ethiopian restaurant at the pool department where she is taking care of the room. As she does not have any work permit it would have been impossible for her to work otherwise (02:29-03:11). For Elisabeth, the national community plays a significant role in her livelihood.

More than the importance of the national community, other respondents are emphasising the importance of their ethnic community as the following shows:

“We arrived in Nairobi on July 28th 2009. We had no idea where to go or what to do. We asked the driver to drop us where we might meet Oromo refugees. He left us near the mosque in Eastleigh. Standing in front of the mosque we heard someone speaking in Oromo. We told the man that we were newcomers and we didn’t know anybody in Nairobi.

The man told us that he and his family live in a single room. He offered me a place in his home.” (Mahabuba Mohamed Bacar (IRC)).

“We had some relatives from the same clan and they contributed money, which helped us to rent a place” (Amina Abdi Hassan (IRC)).

“There is a friend of mine who we went through hardships in the camp together. He sells clothes here in Eastleigh so I help him out and we share the profits. That is how we pay rent and get other needs attended.” (Mahad 6:59).

This part has been an attempt to show how togetherness and acknowledging a common suffering and status is one of the coping mechanisms the urban refugees are developing. It can be concluded that their exile status is on the one hand a strength which allows them to better cope with their situation as they show solidarity towards one another; on the other hand, however, one can argue that by sticking together they are excluding themselves from the host society. They are both excluded from the norm, as they theoretically do not exist in the city, and excluding themselves from the society as a protection mechanism. Conclusively, they are treated as a-normal or extraordinary as a consequence of the current state of exception they are facing in Kenya. The following part will show their ability to use this state of exception to their advantages. Instead of being passive victims of a corrupt system that restrict them they are actively finding ways of counteracting.

Understanding the “rules” of the extraordinary “game”

Despite having one of the strictest refugee policies in the world which is highly restraining the refugees to live a normal life and fully enjoy their human rights, the Kenyan government is nevertheless failing to fully control who should or should not reside within its territory as the number of forced migrants living in the city is showing²².

As already mentioned, urban refugees are facing daily difficulties whereas police encountering is one of the biggest. Taking this as an example, the following is going to scrutinise how some of the

²² “A significant number of refugees in Kenya are residing in urban areas and in particular in Nairobi where 51,757 registered refugees live and an unknown number of unregistered refugees that is said to exceed 50.000” (from the introduction of this paper)

respondents are talking about their interaction with the police. This will enable to comprehend how urban refugees are coping with their situation and resisting the police.

One of the refugees interviewed is describing the interactions he has with the police:

“(...) they ask you a lot of money, not simple money, sometimes they ask you too much money, more than you can offer, so you have to negotiate and negotiate again and again, it is just like bargaining, like buying goods (laughs), they do like that, yeah” (Woldu 04:56).

Woldu is emphasising that he has to negotiate with the police the amount of money he needs to give them. The comparison between the interaction with the police and bargaining goods shows how banal bribing the police has become to him. Woldu has understood the “rules of the game” and plays along. He is adapting to the situation by trying to get the best out of it. When he is repeating the words “negotiate” and emphasising with “again and again”, it shows how persistent he needs to be in order to obtain what he wants from the interaction. This quote could be a description between a customer and a seller in a marketplace where each of the party is trying to get the best profitable cost. In other words, Woldu is presenting his interaction with the police as a banal fact which nonetheless requires strategically, persistent skills and arguably a good amount of courage. Through the money bargaining Woldu is at the same time negotiating his own space and capacity to stay in the city. What is being discussed with the police beyond the amount of money is evidently the refugee’s freedom. Despite being threatened to be imprisoned or even deported if he does not bribe, Woldu still takes the chance to raise his voice to discuss the price.

Later on, Woldu (05:24) is saying that he has a fake refugee card in order to cope with the police harassment. He is providing a detailed description of his use of it when he is encountering the police (06:27). The story he tells shows once again that it is a negotiation; a “game” that involves two opponents. However, the police, comparatively to the seller, will always have the final word. What is interesting is that Woldu is resisting the police’s authority by “playing” along in the negotiation game. Despite his weaker position when confronted with them, Woldu is trying his best to challenge the authorities and to turn the situation to his advantage. In this sense, it can be argued that he has relative agency. The strategic attempt to resist the police is in itself showing how Woldu uses his relative agency as a way to resist the restriction he is confronted to. This behaviour towards the authorities is

confirming Woldu's will to fight for his own cause; it shows that Woldu is not in a total state of despair and that he has some power because he knows the conditions. However, what Woldu's description also emphasises is the banality of the police's bribing.

An urban refugee in the IRC Video is also mentioning the banality of it: *"In Kenya everything is about money whether it is education, health sanitation housing and the police, so without money in Kenya we can't survive"* (5:20). This quote is pointing out the normalisation of an exceptional behaviour when she is enumerating what she needs money for: the bribe for the police is just one element among them.

Yoseph points out the same:

"It is daily, this is daily, it is daily base. 1000 that which is 50\$, 10.000. It is uncountable, it is common, it is common, it is daily base. Even the information that I am telling you, the reason why I am safe while I was called 7 times to CID headquarters, through money, buying my life. There is a lot of documents written about me, that I have now. I got from them, buying this (...). Yeah, to that extent Kenyan officers are like that" (18:48).

The fact that it has become so banal and daily illustrates the state of exception the urban refugees of this case study are facing. They are confronted to extreme insecurity as a result of the political turmoil in Kenya. What should be considered as an exceptional act (giving money to the police) is incorporated into the daily routines. In other words, having to bribe the authorities is showing how corruption has become the new dictum as a result of the fissure between political fact and the rule of law in Kenya²³. The refugees are both victims and beneficiaries of the corrupt police system. They are the victims because they are harassed and have to bribe them daily. They are beneficiaries because if the strict enforcement of the encampment policy was implemented following the rule of law then Woldu and Yoseph would have been confined to the camps or put in jail.

Conclusively, urban refugees have found creative ways to face their daily struggles in the city. This chapter has demonstrated how national and ethnic ties are important in relation to coping mechanisms that enable them to gain some recognition and comfort in their community as they are one group suffering for the same cause. It is however further argued that the urban refugees are retreating from the host society by forming communities and it is argued that this results in a deeper marginalisation.

²³ Agamben's definition of a state of exception

Bribing the police has become their daily routine: urban refugees have adapted to the state of exception by developing strategies to face the police. Hiding themselves, buying fake IDs or refugee cards, discussing the amount of money with the police are only a few examples of their coping mechanisms. Having to bribe the police or other authorities shows the absurdity of the system but also the fact that corruption is not only hindering the urban refugees; paradoxically, the same actors who are restraining and controlling them in their daily lives are at the same time creating room in the informal space and a situation where urban refugees can gain some power to negotiate their status and better navigate the space of the city. In other words, the informality and illegality created by the state and imposed on the urban refugees is itself, paradoxically, giving room for actions. Despite a self-exclusion from the host society due to an exceptional situation, the urban refugees are developing coping mechanisms and standing together, thereby challenging the system and re-questioning their status and meaning of their presence in the city.

Urban refugees - in the heart of the society

After having pointed to some elements and examples of relative agency among the urban refugees in Nairobi, it must further be highlighted the central position they have in the society; economically and socially as the following quote is showing:

“Contrary to official state pronouncements and local popular opinion, urban refugees are not an economic burden on the state but rather have proved themselves to be successful entrepreneurs. Today the government uses the encampment policy as a threat, both to placate a xenophobic public and as a way to exercise control over the refugees. Yet to fully remove all of the refugees and their businesses from Nairobi would result in an economic catastrophe, so firmly entrenched are they into the fabric of the city.” (Campbell 2005: 27).

As already mentioned, more than 100,000 urban refugees are said to be residing in the urban centre of Nairobi (e.g. Pavanello et al. 2010: 7). These people have, with time, established their businesses and have therefore contributed to the Kenyan economy (Campbell 2005).

The police and other officials are known to refer to refugees as ‘ATMs’, referring to the ordinary practice of extortion and bribery used upon them (Campbell 2011: 17). This unofficial procedure coupled with the police and government’s inability or unwillingness to relocate all refugees in camps

despite the strict encampment policy, leads to wonder whether the urban refugees' presence is unofficially accepted or even needed in the city.

Instead of being a threat or a burden as traditionally referred to (Betts et al. 2014), urban refugees in Nairobi can be seen as an asset. More than potentially be an economical asset to the society, it has been argued in this paper that urban refugees have found coping mechanisms to socially integrate into the urban settings, thanks to the established presence of family members, friends or even locals who facilitate or support their adaptation. In other words, urban refugees are economically and socially deeply embedded into the society, yet they are accused of being potential terrorists in the aftermath of repetitive terrorist attacks in the country.

Urban refugees – de facto integrated, yet not accepted

It will be examined in the following what can be said about the urban refugees being in the city despite the bad conditions previously examined. Why are they in Nairobi and not in the camps or in another country? Is it better to be in the city? If yes, in what way?

Escaping from the camps or fleeing their countries of origins, the urban refugees who find themselves in Nairobi are in search of a better future. Despite an extraordinary adaptation to the city, they are treated as illegal aliens. Comparatively to the camp refugees, the ones living in Nairobi are also focusing on their status and are hoping for a better life. In other words, moving to the city is not sufficient in their struggle for a better life. Despite being active participants in solving their own problems at the local level, the urban refugees of this case study are still portraying their situations in the city as temporary even though some of them have been living here for 10 years. Picturing their situation as temporary is seen when the participants express their will to move to another safe country (Amanuel 9:13; Fayza 7:39), when they hope for a better future (Beza 11:13; Woldu 10:38; Elisabeth 7:05) and also when they express their lack of opportunity of integrating in Nairobi (Woldu 9:56; Amanuel 24:48). Moreover, emphasising on their status as refugees which is described as being victims, demonstrates that their situation in the city is not what they were and are dreaming of.

The refugees are facing harassment and they are coping and struggling to survive in the city, however being an urban refugee is associated with being a criminal in the general discourse in Kenya. This is due to the securitization they are victims of, as shown throughout the analysis.

Conclusively, their adaptability and de facto integration to the city both economically and socially does not reflect the securitization they are victims of. This contradiction shows once more the power of political discourses and the impact it has on urban refugees, but on the other hand, it also shows the relative agency and strength that the urban refugees have.

Evidently, reflecting on if the refugees in Kenya are having it better or easier in the city than in the camp, it is concluded that both refugee populations are facing harsh conditions coping with sustenance, yet none of them have it better than the other: the camp refugees are finding themselves in a protracted dependent state, not being allowed to work, dependent on UNHCR's services, facing serious security issues and bad climatic conditions. It was argued by Malkki that the camp refugees see their situation as temporary, waiting to move on with their lives, while she argued that the town refugees and urban refugees are seeing their situation and presence in the city as more permanent since great opportunities for jobs and livelihood are flourishing. It is believed that in this context, the urban refugees of this case study do to a large extent not see their situation as permanent, but are also hoping and waiting for a better future, like the camp refugees. Thus, the urban setting is in this context interpreted as functioning as a camp setting just as much as the Dadaab or Kakuma camps are. An RCK officer interviewed claimed that having a new non-camp based refugee policy where advocacy for refugees outside of the camps should be enhanced in Kenya, would be good because this would open up opportunities for the refugees since they are limited in the camps (RCK 48:00). This highlights the impact that the encampment policy has on the urban refugees: while the city offers more opportunities than being in a camp, the urban refugees in Nairobi are nonetheless highly limited and constrained in their daily lives.

Conclusively, it has been argued that despite a socially and economically integrated refugee population, the refugees in Nairobi are nevertheless still carrying the analysed consequences of being refugees. It is concluded that urban settings enable the urban refugees to pro-actively finding new ways of coping and gaining some agency in comparison to a static life in camps. At the same time, as their situation is not allowing them to fully enjoy their human rights, they are portraying their life in the city as temporary, waiting and struggling to find solutions and prospects for a better future.

Conclusion

In order to understand the urban refugees' situation in Nairobi, history, policies and political tensions have been taken into consideration. It has been argued that national security has become the Kenyan government's top priority in the aftermath of political turmoil and repetitive terror attacks in Kenya. As a way to ensure peace and security, the government is targeting and securitizing a certain part of the population, namely the Somalis, who are blamed for the insecurity in the country. The Somali community has, through the recent two decades, been constructed as an enemy due to historical and political tensions. The construction of the perception of Somalis as the enemy has developed and has spilled over to the rest of the refugee population in Kenya and particularly to the urban refugees in Nairobi. Therefore, the securitization is carried out on the whole of the refugee population in Kenya. An analysis on the state level of how the government is securitizing the Somalis was needed to set the stage and outline the urban refugees' environment in Nairobi. The different ways that securitization is carried out by the government both on the Somali community and on the rest of the refugee population (entailing the urban refugees) was shown and analysed. It was concluded that since the 90s, the shifting governments have been carrying out a heavy securitization of the Somalis and that it has spilled over to the refugee population. Furthermore, the historical and political tensions between Kenya and Somalia have been laid out and analysed, concluding that these tensions are today even more current and that this is partly what is resulting in the securitization of the Somalis.

The lack of durable solutions coupled with a growing number of refugees coming to the country has participated in the construction of the perception of refugees as being a burden. The repetitive terror attacks have raised the state of emergency in relation to this and comforted discourses of fear against both Somalis and refugees in general. Therefore, the perception of refugees in Kenya is mainly shaped by political discourses that generate general preconceptions about refugees being potential terrorists. However, measures taken to secure the country are having the opposite effect: The presence of Kenyan military troops in Somalia for the purpose of protecting Kenyan territory and security is increasing the tensions between the two countries and contributes to an endless conflict. These political tensions are contributing deeply to the pejorative perception of the Somali refugees in Kenya. This paper has focused on the refugees living in Nairobi as their status is even more negatively constructed in Kenya,

notably as a result of the encampment policy. Urban refugees are victims of the state's construction of illegality in the way that with the encampment policy, the urban refugees are de facto illegal. Because of their insecure legal status, urban refugees are restrained from basic rights and are not able to access basic support and live a normal life. The urban refugees' emphasis on their status as victims is a way of subverting meaning to gain recognition when confronted with e.g. interviewers. The accounts of the people interviewed have underlined that their state of refugeeness is seen as temporary, as they perceive it themselves. The concept of agency has helped to shed lights on the urban refugees' coping mechanisms. Their exceptional situation and illegal status impact them deeply in their daily lives but paradoxically also creates room for actions. While being forced to bribe the police daily, the urban refugees have found creative ways to negotiate the police's authority. In other words, their adaptation and comprehension of their exceptional situation enables them to actively participate in the construction of their status and space in the city.

Conclusively, this paper has attempted to demonstrate that despite deeply rooted preconceptions, the urban refugees in Nairobi have found ways to gain some agency and can be portrayed as relatively powerful actors in the negotiation of their space and power at the local level. Through an analysis of the refugee status in Kenya, this paper has shown the complexity of the urban refugees' situation. What has also been underlined is how a group of people can be portrayed differently depending on the need and or incapacity of a country. In this case, it has been shown how refugees in Kenya but especially the ones living in the city are used as scapegoats.

Urban refugees have access to more possibilities than the camp refugees; possibilities meaning potential prosperous coping mechanisms that can move them further away from the negative conditions of being a refugee. A negative condition of being a refugee is e.g. having difficulties accessing work which the urban refugees obtain better possibilities for by living in the city. But having access does not mean easy and guaranteed access. With the encampment policy deeming the refugees illegal and stripping them from their basic rights, the mere presence in the city does not equal a guaranteed access to these rights in the case of Kenya and its refugee policies.

Discussion

While urban refugees are seeking and succeeding in finding ways to cope in Nairobi at the local level, their rights as human beings are not recognised and respected at the global level. With only little assistance from NGOs and other organisations, they are mostly left on their own devices to find ways of surviving in Nairobi. Despite the assistance and protection they theoretically should receive²⁴, the well-being of urban refugees is not the Kenyan government's top priority. According to the 1951 Refugee Convention, the state is fully responsible for the refugees within the borders of its territory. However, states are not equally able or willing to take on this responsibility (Wilde 1999: 109). The incapacity or unwillingness of the government of Kenya to offer proper protection and solutions to urban refugees put these forced migrants in conditions of insecurity and deprivation. Kenya has only been willing to countenance the refugees and has discharged its responsibility to protect to UNHCR (Wilde 1999: 110). The problem arising with the refugees' presence in the city is the issue of responsibility: UNHCR is not allowed by the Kenyan government to offer protection to these forced migrants and can only use its authority within the limited space of the camps despite the growing number of refugees fleeing to the city. If the international community (in the form of UNHCR) and the host government (Kenya) are not assisting the urban refugees, whose responsibility is it?

How can the urban refugees in Kenya, who represent a significant part of the country's population, be disregarded internationally, nationally and locally? How is it possible that even the highest refugee agency (UNHCR) is not able to provide help and assistance for these people who live in highly insecure situations? Is it necessary to re-question the concept of sovereignty which makes the enforcement of certain laws (e.g. the encampment policy) that breaches fundamental human rights and liberties possible?

²⁴ "Under international law, recognized refugees and asylum seekers fall under the protection of the host state, which is charged with providing them a set of rights specified in the 1951 Convention and other international instruments. These rights pertain no matter where refugees are—whether they are in camps or urban areas, and regardless of national policy requirements. Refugees do not forfeit these international protections if they move from camps to urban areas." (Jacobsen 2006: 276)

The urban refugees' situation in Nairobi is urgent to solve as they are deeply endangered and are facing harassments and threats without any recourse to (international) protection. Moreover, does their lack of legal status increase the insecurity and their ability to be heard and recognised and therefore protected. This critical situation illustrates that the current refugee law regime is lacking fundamental elements to address the challenges raised by the existence of refugees outside the camps in Kenya. In international law, only the personality of states gives rise to the full range of rights and duties (Wilde 1999: 116). In this line, UNHCR is only subject to international law (ibid.). In other words, UNHCR is in an inferior legal position since it has no authority to act without the consent of the host-state. Being obliged to follow what the state dictates can have devastating consequences for the people the agency should protect and assist. Despite its official non-political character, the Refugee Agency is often involved in political issues since the refugee phenomenon is a highly political matter (Wilde 1999: 117). The urban refugees' situation in Kenya shows the complexity of UNHCR's position: the agency finds itself stuck between its duty to protect urban refugees and the respect for the Kenyan encampment policy. In this line, it can be wondered if UNHCR should be given an equal legal position in comparison to the state. In this case, the Refugee Agency could act independently of the host state's legislation. Would this change be realistic and sufficient to stop the injustices urban refugees are victims of?

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