Restricting refugee movement

The political motivations for the Kenyan and Ethiopian encampment policy approached from exclusion theory: the Somali refugee case

Fabian Ebbers

The cover picture shows Somali refugee children residing in Dadaab refugee camp Kenya running inside IFO camp during sunset. Within this designated area these children are allowed to move freely. Movement beyond the camps is restricted due to encampment policies, but why is the government stopping them from moving into Kenyan society?

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Acronyms

9/11:	The September 11th attacks in New York and Washington DC.
AMISOM:	African Union Mission in Somalia
ARRA:	Administration for Refugees and Returnees Affairs (Government of Ethiopia)
AU:	African Union
CORD:	Coalition for Reform Democracy
DRA:	Department of Refugee Affairs (Government of Kenya)
ICC:	International Criminal Court
KDF:	Kenyan Defence Forces
NGO:	Non-Governmental Organisation
NISS:	National Intelligence and Security Services (Government of Ethiopia)
RMMS:	Regional Mixed Migration Secretariat
UK:	United Kingdom
UN:	United Nations
UNHCR:	United Nations High Commissioner for Refugees
UNITAF:	Unified Task Force
UNOSOM I:	(First) United Nations Operation in Somalia
UNOSOM II:	(Second) United Nations Operation in Somalia
US:	United States

Abstract

In 2013, Nairobi became world news when four Al-Shabaab gunmen entered the Westgate shopping mall and killed 67 people. The attack shocked the world, not only because of the numbers of death, but also because of the poor response of the Kenyan Defence Forces. It took three days before the situation was under control. Unfortunately, the Westgate attack in Kenya is not an incident. The attack is part of a series of terrorist attacks that haunted Kenya since its army invaded Somalia in 2011. The density and numbers of attacks in the past three years are comparable to conflict-affected regions. The most recent peak in attacks was at the end of 2014, when 64 people were killed in two attacks near the Somali border. The wave of terrorism has far going consequences. It created fear and anxiety among Kenya citizens and put pressure on the government to address the insecurity. The government's response has focused on one particular group: refugees. Kenya has a large number of Somali refugees and the government suspects that they are involved in the terror attacks. By taking the refugees back to the camps, the government argues that it addresses the insecurity. This thesis will examine the motivations behind this encampment policy. Is the encampment policy a solution for the terrorism in Kenya, or do other political motivations explain this phenomenon?

The link between terrorism and refugees is not unique to Kenya. The literature on migrant detention acknowledges that all kinds of migrants are scapegoated in the post-9/11 era. As a result, migrants are targeted by restrictive policies. The most debated of these policies is migrant detention. This thesis takes the encampment policy as a form of migrant detention. It does not make a legal statement, but compares political motivations for the encampment policies in Kenya and Ethiopia to migrant detention in the West. The comparison between Kenya and Ethiopia is chosen, because both countries deal with an extensive influx of Somali refugees. However, Kenya is heavily affected by terrorism, while Ethiopia is not. Since terrorism is a central element in the migrant detention literature this difference could provide new insights in the motivations for migrant detention.

Central in this thesis is the exclusion theory of migrant detention. The exclusion theory suggests that migrant detention excludes the refugees from the local societies. This is done for symbolic reasons, because the scapegoating does not lead to any visible results. The process of exclusion is called 'the ordering of space'. In the literature, this process is driven by a crisis of state sovereignty and a wish of states to re-emphasise their power. This thesis divides the ordering of space into three separate, but interconnected processes: 'bordering', 'ordering' and 'othering'. Thereby it argues that the ordering of space of Somali refugees in Kenya and Ethiopia is not the outcome of a crisis of state sovereignty, but driven by the game of politics. In democratic Kenya, the government is depended on public opinion for its political legitimacy. Thereby the encampment policies are a method to reduce the public pressure on the government that was created by the terror attacks. The underlying motivations and reasons for the encampment policies differ according to the type of the political system. In Kenya, this is the democratic system and in Ethiopia the authoritarian system. Therefore, the Ethiopian government does not depend on the public opinion, but on population control. Thereby encampment policy functions within the security network that ensures political legitimisation. This means that the encampment policies in Kenya and Ethiopia are driven by the preservation and amplification of political legitimacy and not a crisis of state sovereignty.

Acknowledgments

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Chapter 1

Introduction

The picture on the Chapter 1 cover gives an overview of Dadaab refugee camp in Kenya, which is home to 350.000 refugees almost exclusively from Somalia. It used to be the largest refugee camp before the Syria crises of 2014. This camp is illustrative for the extensive and protractive Somali refugee case.

Source: WFP, *WFP website* <http://www.srdf.org.uk/news/one-year-later-conditions-improve-at-dadaab-camp-in-kenya/> (12 February 2014).

1. Introduction

A) Thesis introduction

This thesis will exam the political motivations for the encampment policies in Kenya and Ethiopia from the exclusion theory in the migrant detention literature and will take special regard to the Somali case in both countries. This thesis introduction will give a guideline for the set-up of the master thesis. The thesis is divided into six chapters. Chapter 1 introduces the thesis, the Somali case in Kenya and Ethiopia and the literary debate in which this research is placed. Finally, Chapter 1 will explain the social and scientific relevance of the research and give the research objectives and research questions. The research questions will form the backbone of the thesis structure and are the basis of Chapter 3, 4 and 5. The introduction to the case and the literary background are necessary to explain the main question of the research:

> "What does the difference between the processes of bordering, ordering and othering of Somali refugees in Kenya and Ethiopia tell us about the political motivations behind the encampment policies?"

Respectively the introduction to the case will give the reader the background of the Somali refugee case in Kenya and Ethiopia and will explain the refugee policies that can be found in these countries. The literature debate will explain how encampment policies in Kenya and Ethiopia can be linked to the exclusion theory in the literature on migrant detention. It will also introduce the border studies concepts of bordering, ordering and othering to the exclusion theory.

In Chapter 2, the methodology and the methods used for the empirical part of the research are explained and justified. To answer the research question, interviews were held in both Kenya and Ethiopia with organisations working closely with refugees. The interviews are the most important data source for the analytical part of this research. Besides the interviews, literary studies, policy documents, observations and focus groups are used as data in this thesis. Two methods are used to analyse this data. In Chapter 3, data is analysed with a qualitative analysing method of open coding. This chapter will explain the context in which encampment policies take place in Kenya and Ethiopia. Chapter 4 will go in-depth on the underlying motivations for the encampment policies. It will use Objective Hermeneutics to analyse the meaning of the interviews. Objective Hermeneutics is an ideal method to reveal motivations behind policy. By combining the methods used in Chapter 3 and 4, this thesis will create a comprehensive representation of the political motivations behind the encampment policies in Kenya and Ethiopia.

Chapter 5 takes the conclusions from the analytical part of the research back to the literature. It will explain how the processes of bordering, ordering and othering of Somali refugees in Kenya and Ethiopia can give new insights in the exclusion theory of the migrant detention literature. In the final chapter, the research results and reflection is presented. Thereby it explains the main conclusion of the research that the encampment policies in Kenya and Ethiopia are driven by the preservation and amplification of political legitimacy.

B) The Case introduction

In order to explain the motivations behind encampment policies and how they relate to the public perception of refugees in Kenya and Ethiopia it is important to describe the context in which these policies are created. In this paragraph, an overview is given of the Somali refugee crisis, the Kenyan context and the Ethiopian context. The Somali refugee crisis is important for the geopolitical perspective of the research and to explain why this case is interesting for researching encampment policies in both Kenya and Ethiopia. The Kenyan and Ethiopia context will focus on the refugee management situation in both countries. It will argue that both countries have a comparable refugee situation, but seem to deal with the Somali case differently. The reasons for these differences could give insights in the motivations behind refugee management.

The Somali refugee crisis

For the geopolitical perspective of the research, it is important to explain how and why the Somali refugee case became important in contemporary Kenya and Ethiopia. Therefore, this case introduction starts with the political history of Somalia and the refugee movements that have taken place as a result of that history. The current political situation in Somalia is chaotic. This situation is the outcome of the civil war that began in 1988. The civil war started over the market-oriented structural reforms of the economy and the consolidation of personal political authority of former president Mahammed Said Barre. The oppressed opposition led to revolt that led to the outset of the president. By January 1993, the country was effectively fragmented under the control of twelve clans. The war resulted in an exodus of Somalis from their country.[1] Since 1992, this exodus led to a considerable influx of Somali refugees in neighbouring Kenya and Ethiopia, and this seems to continue up till this date. The last major influx of Somali refugees in Kenya and Ethiopia took place in 2011, when a major drought stroked the Horn of Africa. In Kenya alone over a 150,000 Somali refugees entered the country.[2] The Somali crisis of 2011 was also indicated by several of the interviewees during the research. UNHCR representative in Dadaab indicated this year as the height of the Somali refugee crises with 468.000 people living in Dadaab. Since then the flow of refugees stabilized, and refugee numbers have gone down.[3] However, in 2014 warning signs for a new humanitarian disaster in Somalia make it likely that more flows of Somali refugees will arrive in Kenya and Ethiopia in the future.[4]

To this day, the clan structures remain the most notable form of political authority in Somalia. Therefore, the government is unable to provide the necessary provision for its citizens in order to overcome a humanitarian crisis. For this reason, Somalia's political state is associated with a state of anarchy.[5] Exceptions to this state of anarchy are the self-proclaimed state in the North of the country

[1] N.J. Fritzgerald, 'Somalia: issues, history and bibliography' (2002) 18-19.
[2] Regional Mixed Migration Secretariat, 'Mixed migration in Kenya: the scale of movement and associated protection risks', *Regional Mixed Migration Series* 2 (2013) 33.
[3] Expert, 'Personal communication', *interview 15* (Dadaab – 16 July 2014). {Atlas TI Kenya P10 line 178}.; Regional Mixed Migration Secretariat, 'Mixed migration in Kenya', 33.
[4] Anjli Parrin, 'Somalia at "risk of collapse"', *IRIN webite* < http://www.irinnews.org/report/100051/somalia-at-risk-of-relapse> (7 May 2014).
[5] Fritzgerald, 'Somalia', 18-19.

Somaliland and the autonomous region Puntland.[6] For this reason, Kenya, Ethiopia and most Western countries give *prima facie* refugee status to all Somalis coming from South-Central, but not to those coming from Somaliland and Puntland.[7] In this regard, it is good to acknowledge that when we speak about Somali refugees, we often speak of Somalis coming from South-Central. Within this South-Central case, the Somalis are divided by the clan-based structure as well. So the Somalis do not form one identical case as is sometimes presented by Western media.[8]

The political situation in Somalia had its effect on the East African region as a whole. The effects of conflict on the region are called spill-over effects. The insecure situation in one country destabilises the national security in the surrounding states. This spill-over effect is also created by the emigration flow due to the conflict in Somalia. Brons names the massive emigration flows since the nineties an "exodus of Somalis". He acknowledges three different types of migrants. The first group of Somalis have the means to leave the country. They fled to Western Europe, the United States, Australia or the Arab countries. The second groups are those that remain within the Horn of Africa. The group of Somalis is unable to leave Somalia and become internally displaced.[9] This thesis will focus on the second group, which is an extensive group compared to those migrating outside the Horn of Africa. There is a literary debate on how migration influx can cause or defuse conflict in neighbouring countries. According to Whitaker, two ways can be identified in which refugees cause or diffuse conflict. First refugees can shift the balance in a country by changing the demographics in a country. This demographic shift can change the political or economic power balance and will cause conflict within the host country. Secondly refugee camps can create a haven for rebel movements to rearm or regroup, which can diffuse the conflict in the country of origin.[10] This thesis will show that refugee camps are also a haven for those armed groups that form a security threat for the host country. This line of argumentation could, for instance, be found in the Kenyan media and with the Kenyan government.[11] This argumentation is much less emphasised in Ethiopia in the literature, the media and the research data. The change in demographics is likely to be applicable in both countries since they deal with an extensive Somali minority. A large influx of Somali refugees could thus be considered a security threat in both countries. According to Salehyan & Gleditsch, the management of the refugee influx by the host countries is of major importance to the creation and diffusion of conflict.[12] It will not be the main objective of this research to identify the way in which Somali refugees create and diffuse conflict in Kenya and Ethiopia, but in a broader context the research will exam security in relation to motivations for encampment policies. In this regard, the notions of Whitaker are important to bear in mind.

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[6] M. Brons, 'Political developments in post-1991 Somalia', *Migration development in the Horn of Africa: Health expertise from the Somali diaspora in Finland* (2009) 63-64.

[7] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 83}.

[8] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 15}.

[9] Brons, 'Political developments in post-1991 Somalia', 66.

[10] B.E. Whitaker, 'Refugees and the spread of conflict: contrasting cases in central Africa', *Journal of African and Asian Studies* 38 (2003) 213.

[11] S. Mkawale, 'MP calls for closure Dadaab refugee camp', *The Standard online Kenya* < http://www.standardmedia.co.ke/?articleID=2000094572> (15 August 2014).; A. Whiting, 'Dadaab refugee camp: hotbed for terrorism?', *Thomas reuters Foundation website* < http://www.trust.org/item/20140513162358-94p8r/> (15 August 2014).

[12] I. Salehyan and S.K. Gleditsch, 'Refugees and the spread of civil war', *International Organization* 60 (2006) 225.

The interest in Somalian conflict is not limited to regional actors like Kenya and Ethiopia. The political chaos in the country has also gained international attention. Due to the proximity to the Suez Canal the political situation formed a security threat to economic powers like the United States. This led to three UN interventions in Somalia from 1992 onwards: UNOSOM I, UNOSOM II and UNITAF (well-known under the code-name 'Operation Restore Hope'). All three were mandated to provide, facilitate and secure humanitarian access and monitor the ceasefire, but also aimed to secure a more lasting peace in Somalia. Although UNITAF was partly successful, generally the three missions could not create secured peace and reconstruction of state authority. This failure resulted in a complete pullback of the mission in 1995.[13] Currently, the African Union is leading a peace mission in Somalia called AMISOM.[14] However in Somalia this peace mission is very much seen as an intervention of its neighbours more than an African Union intervention, since it largely involves Ugandan, Kenyan and Ethiopia troops.

The Kenyan and Ethiopian involvement in AMISOM and the spill-over effects of the conflict troubled the relationships between Somalia and the two nations. Because the government of Somalia has no effective control over its territory the diplomatic relations between Somalia and the neighbouring countries is a bit foggy. Ethiopia has a long and troubled history with Somalia. The most notable is the Ogaden war of 1977 and 1978. The war started after Said Barre tried to "regain" the Ogaden territory which is largely populated by Somalis. Before the colonial era, the area was part of the territory which Somali nomads used for their migration flows.[15] The war ended dramatically for Somalia and was not only a political, but also an economic setback for the country. A peace agreement was signed in 1988, but the relationship between the countries remained troubled for many years.[16] In recent years, the relationship between the governments has improved. However, the political situation in Somalia remains a problem for the Christian government in Ethiopia. They fear a growth of Al-Shabaab in Somalia will strengthen the Islamic anti-government forces in the country. In 2006, this led to the first intervention of Ethiopian forces in Somalia. Ethiopia occupied the Southern part of the country for two years and was eventually outset by Somali nationalist and Islamists.[17] The human rights abuses, which occurred during the occupation, have turned a large part of the Somali population against the Ethiopian government and strengthen the hold of Al-Shabaab in many parts of Somalia.[18] Ethiopia intervened in Somalia again in 2011 as response to continuing threats of spill-over effects. The relationship between both countries is thus complicated. Both governments are on good terms, but the political and military more influential Somali nationalists and Islamist heavily oppose any interference of Ethiopia in their country.[19] Kenya has a similar relationship with Somalia, but a less troubled history. Somalia and Kenya never fought a war and tension only arose in recent years due to the spill-over effects of the Somali conflict. Kenya, like

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[13] United Nations, 'Somalia UNOSUM II background', *UN website* <http://www.un.org/en/peacekeeping/missions/past/unosom2backgr1.html> (3 March 2014).
[14] M. Muhumed, 'Somalis balk at plans for Ethiopian troops', *Aljazeera website* <http://www.aljazeera.com/indepth/features/2014/02/201422122028512719.html> (3 March 2014).
[15] Brons, 'Political developments in post-1991 Somalia', 61.
[16] Fritzgerald, 'Somalia', 22-24.
[17] Muhumed, 'Somalis balk at plans for Ethiopian troops'.
[18] J. Gentleman, 'Ethiopian troops said to enter Somalia, opening new front against militants', *New York Times website* <http://www.nytimes.com/2011/11/21/world/africa/ethiopian-troops-enter-somalia-witnesses-say.html> (3 March 2014).
[19] Muhumed, 'Somalis balk at plans for Ethiopian troops'.

Ethiopia, has sent a military intervention into Somalia in 2011. Later on these forces integrated into AMISOM. This intervention caused tension between the countries. Also in the regard of Kenya it mostly affected the relationship between the Kenyan government and the powerful Somali nationalists and Islamist.[20] Both the interventions of Ethiopia and Kenya did not lead to more national security. It even worsened the situation, since both countries have a high risk of terrorist attacks by Al-Shabaab. However, when you look at the actual attacks, then it seems to affect Ethiopia much less then Kenya.[21]

Somali refugee situation in Kenya

This thesis will focus on encampment policies in two African countries: Kenya and Ethiopia. The thesis will make use of the exclusion theory in the literature on migrant detention. Within this literature, the focus has been mostly on migrant detention in Europe, the United States and Australia. So far little has been written on migrant detention on the African continent. Kenya and Ethiopia are relevant countries for research on migration policies, since they are major host countries for migrants, especially when you look at refugees. Before the Syria crisis, Kenya and Ethiopia were the second- and third-leading host countries in the world in relation to their economic capacity, with Pakistan being number one at the time.[22] As of August 2014, Ethiopia overtook Kenya as the biggest refugee hosting country in Africa with 629,718 refugees. Kenya remains an important case with an estimated 575,334 refugees according to United Nations High Commissioner for Refugees.[23] The increase of refugees feeling to Ethiopia is due to the open-door policy of the government that practically allows all refugees for neighbouring countries on the basis of *prima facie*.[24] Due to the importance of Kenya as a regional migrant centre, academic literature on migration policy of the Kenyan government and the effects on refugees are available.[25] The important role of Kenya in the region is one of the reasons for the case to be selected. A second reason is the shift in migrant policies of the country. In the eighties and nineties, the policy of the Kenyan government was considered open and welcoming towards refugees. Participation and assimilation in the society were promoted by flexible laws on freedom of movement, housing and employment.[26] In the nineties, Kenya experienced a dramatic shift in the amount of refugees entering the country. The Kenyan government was overwhelmed, unprepared and unable to manage the refugee influx according to Campbell. In 1992 alone 400,000 Somali refugees entered the country. The refugees added to the

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[20] Gentleman, 'Ethiopian troops said to enter Somalia'.

[21] The Kenyan Department of Refugee Affairs, 'Press statement 13 December 2012'.; A. Maasho, 'Ethiopia on heightened alert for Somali militant', *UK Reuters website* <http://uk.reuters.com/article/2013/11/05/uk-ethiopia-somalia-idUKBRE9A411620131105> (9 March 2014).

[22] IOM, 'East Africa and the Horn of Africa' *IOM website* <http://www.iom.int/cms/en/sites/iom/home/where-we-work/africa-and-the-middle-east/east-africa.html> (13 February 2014).; UNHCR, '2014 UNHCR country operations profile – Pakistan', *UNHCR website* <http://www.unhcr.org/pages/49e487016.html> (17 August 2014)

[23] UNHCR, 'Ethiopia overtakes Kenya as Africa's biggest refugee-hosting country', *UNHCR website* <http://www.unhcr.org/53f31ebd9.html> (19 August 2014).

[24] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 5}.

[25] R. Horn and K.T. Seelinger, 'Safe haven: sheltering displaced persons from sexual and gender based violence', *Human Rights Centre publication* (2013).; E.H. Campbell, 'Urban refugees in Nairobi: problems of protection, mechanisms of survival and possibilities for integration', *Journal of Refugee Studies* 19 (2006) 396-413.; I. Lambo, 'In the shelter of each other: nations of home and belonging amongst Somali refugees in Nairobi', *UNHCR Research Paper* 233 (2012).; S. Sytnik, 'Rights displaced: the effects of long-term encampment on the human rights of refugees', *Refugee Law Initiative working paper* 4 (2012).

[26] Campbell, 'Urban refugees in Nairobi', 399.

demographic pressure and this created discomfort towards the refugees in Kenya. The discomfort is furthermore driven by the proximity to Somalia and the extensive Somali population in the border camp Dadaab. Arms smuggle and border crossing movement of militia is common.[27] In 2006, this led to the Refugee Act, which was supported by the erection of the 'Department of Refugee Affairs' (DRA). In cooperation with UNHCR, the DRA was assigned to manage the refugee problems. One of the outcomes was a renewed statement of the 'encampment policy'.[28] With this encampment policy, the government stated its intentions to relocate all refugees to the refugee camps Dadaab and Kakuma.

In recent years, kidnappings on Kenyan soil linked to Al-Shabaab have worsened the situation. According to Lambo, terrorist acts by Al-Shabaab did not only lead to a discussion in the political arena, but also in public spheres. Lambo states that the Kenyan government blamed the Somali refugees and turned them into a scapegoat. One of the accusations was that the refugee camps provide shelter for the Al-Shabaab militia.[29] The kidnappings, arms smuggle and cross bordering of militia were direct reasons given by the Kenyan government for the military intervention of Kenya in Somalia in 2011.[30] Instead of stabilizing the situation, the intervention seems to have raised an even bigger wave of terrorist acts in the country.[31] The grenade attacks, that took place in Kenya in 2012, were the argument for the Kenyan government to start implementing the 'structure encampment policy'. This policy meant that all urban Somali refugees and asylum seekers had to "return" to the Dadaab refugee camp and were no longer allowed to receive any direct services from UNHCR.[32] However, the 'structural encampment' policy was challenged in 2013 by refugees with the support of NGO's. The High Court declared the directive an infringement of fundamental freedoms and dignity and therefore quashed the directive in July 2013.[33] In March 2014, the government again restated its encampment directive, with the main revision being that the Kenyan government gazetted Dadaab and Kakuma as designated areas for refugees. This time the restatement was followed by a security operation aimed to identify illegal migrants in Kenya: Operation *Usalama* Watch. Beyond identifying illegal migrants, the government was also able to identify the refugees residing in urban areas and send them back to the now gazetted areas.[34] The operation is highly debated in the Kenyan media and by international organisations, because of accusations of corruption, arbitrary detention and harassment of migrants. These accusations are also summarized in the report of the Independent Policy Oversight Authority. [35] The Operation *Usalama* Watch ended on the 12th of August 2014, but

[27] Idem

[28] Lambo, 'In the shelter of each other', 3-4.

[29] Ibidem, 4.

[30] D.W. Throup, 'Kenya's intervention in Somalia', *CSIS website* <https://csis.org/publication/kenyas-intervention-somalia> (13 February 2014).

[31] Regional Mixed Migration Secretariat, 'Mixed migration in Kenya', 41.

[32] The Kenyan Department of Refugee Affairs, 'Press statement 13 December 2012'.

[33] Asylum Access, 'A victory for urban refugees: high court quashes Kenyan encampment directive', *Refugee Work Rights website* <http://rtwasylumaccess.wordpress.com/2013/07/29/a-victory-for-urban-refugees-high-court-quashes-kenyan-encampment-directive/> (23 March 2014).

[34] I. Kushkush, 'Kenya's wide net against terror sweeps up refugees', *New York Times online* <http://www.nytimes.com/2014/04/18/world/africa/kenyas-answer-to-terrorism-sweeping-roundups-of-somalis.html?_r=5> (17 August 2014) .; Regional Mixed Migration Secretariat, 'June 2014 – RMMS monthly summary', *RMMS website* <http://www.regionalmms.org/fileadmin/content/monthly%20summaries/June_2014_RMMS_Monthly_Summary.pdf > (17 August 2014).

[35] M. Njeru, 'Monitoring report on operation sanitization Eastleigh publicly known as "Usalama Watch"', *IPOA*

this does not mean that the encampment policy has ended as well. The urban refugees are still directed to the camps. [36] The March 2014 directive was also challenged in High Court, but this time it was stated to be lawful on the 30th of June 2014.[37] According to the International Detention Coalition such policy can lead to even more xenophobic attitudes towards the Somali refugee population in Kenya.[38] The scapegoating of Somali refugees makes encampment policies in Kenya an interesting case for this thesis, because it seems to make Kenya a very comparable case to the Western countries. According to the literature on migration detention, the migrant policies in Europe, the United States and Australia are contributed to terrorism and the xenophobia towards migrants after 9/11.

Refugee situation in Ethiopia

To make the research more comprehensive, Ethiopia is selected as a second case for encampment of Somali refugees. Since little empirical research on encampment exists in the region, a comparison between two countries could give a better overview of the situation of Somali refugees. There are two main reasons for the selection of Ethiopia. Firstly after Kenya's Somali refugee population, Ethiopia has the second largest Somali refugee population in the world. As of July 2014 of 426,367 registered Somali refugees live in Kenya and 244,995 Somali refugees live in Ethiopia. [39] Furthermore, Kenya's Somali refugee population is declining while in Ethiopia the refugee population is increasing. Ethiopia is thus becoming a more important destination for Somali refugees. The second reason is the geographical position of Ethiopia. Like Kenya, Ethiopia shares a vast borderland with Somalia, and the Somali refugee camps are located close to this border. Next to the refugee camps a small number of Somali refugees live in the capital Addis Ababa. In contrast to Kenya, these refugees have never been registered in the past as urban refugees. The demographic composition of the Somali refugees is Ethiopia is thus comparable to Kenya. That makes Ethiopia the most appropriate country for a case comparison in this research.

While the Somali refugee demographic in Ethiopia is comparable to Kenya, the management of refugees is very different. Until now much less has been written on the migrant policies in Ethiopia, because their policy is less contested by international organisations. Kibret Markos has published an article on the situation of Somali refugees in Ethiopia, but this article is more focused on international law than government policies and is over twenty years old.[40] Therefore, this research will depend more on the empirical data collected in Ethiopia. The refugee laws in Ethiopia are different that in Kenya. Although Ethiopia has no provisions under the law for local integration, migrant policies are fairly open. The so-called open-door policy of the government has allowed a

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report (2014) 5-7.

[36] Mixed Migration Task Force meeting summary, 'Personal communication' (21 August 2014).

[37] Star reporter, 'Lenku's order for refugees to return to the camps lawful', *The Star online Kenya* <http://www.the-star.co.ke/news/article-173903/lenkus-order-refugees-return-camps-lawful-court> (15 August 2014).

[38] International Detention Coalition, 'Kenya, asylum seekers and refugees face arbitrary detention', *IDC website* <http://idcoalition.org/kenya-asylum-seekers-and-refugees-face-arbitrary-detention/> (14 February 2014).

[39] UNHCR, 'Refugees in the Horn of Africa', *UNHCR website* <http://data.unhcr.org/horn-of-africa/regional.php> (15 August 2014).

[40] K. Markos, 'The treatment of Somali refugees in Ethiopia under Ethiopian and international law', *Refugee Law* 9 (1997) 365-391

constant flow of humanitarian access and protection to those seeking refuge.[41] In the interviews conducted, the open-door policy is mentioned by all the participants as the "trademark" of the Ethiopia refugee management. An NGO representative working with refugees in Ethiopia described the refugee environment as "accepting and open, with a genuine desire to assist where possible".[42] The positive view of the Ethiopian refugee policies does not mean that there is no encampment policy in Ethiopia. Indeed the encampment policy has been much more applied in Ethiopia then in Kenya for a number of years. A good indication for this is that no urban registration has been done in Addis in contrast to Nairobi.[43] However in recent years a new policy, the outer-camp policy, seems to indicate a change in the dynamic of the encampment policy in Ethiopia. The outer-camp policy means that some refugees will be allowed to settle outside the camps if they can find a sponsor to provide them financially. So far the policy only applies on the Eritrea case in Ethiopia, but it is not unlikely it will be applicable to Somalis in the future.[44] In other words, whereas in Kenya you saw a tightening of the encampment policy, in Ethiopia you see it opening up. Besides, the encamped refugees in Ethiopia enjoy freedom of movement in practice.[45] Markos agrees with UNHCR that the freedom of movement of refugees in Ethiopia is guaranteed. However, employment opportunities in the formal sector are not allowed, and income generating activities are limited. Therefore, he concludes that quality of the freedom of movement is low in Ethiopia.[46]

Lastly, the political and security situation in Ethiopia is very different from Kenya. Ethiopia has a regime that has firm control over its territory and its population. Freedom of speech is limited, and this has its effect on the public opinion. Kenya as opposed has a lot of space for the media to operate independently. Kenya is also divided by political debates, which are mostly shaped by ethnicity. Furthermore, there is corruption in security forces and they are unable to control the cross-border movement. As a result, the security apparatus in Kenya has been labelled much weaker by those interviewed in Ethiopia.[47] When it comes to terrorism Ethiopia seems much less effected by the presence of Al-Shabaab, with only two attacks mentioned throughout the interviews.[48] This is the case even though the political relation between Ethiopian government and Al-Shabaab hardly differs from the relation between Kenya and Al-Shabaab. The November 2013 the Ethiopian NISS stated that there is a serious terrorist threat in the country. This statement is the only indication of heightened

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[41] UNHCR, '2014 UNHCR country operations profile - Ethiopia', *UNHCR website* <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483986&submit=GO> (16 February 2014).

[42] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 5}.

[43] Idem {Ethiopia P6 line 108}.

[44] Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 5}.; NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 278}.

[45] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 285}; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 70}.

[46] Markos, 'The treatment of Somali refugees in Ethiopia under Ethiopian and international law', 374-377.

[47] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 249}.; NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 11}.; NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 218}.

[48] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 219}.; NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 1}.

alert for terrorism.[49] This make the cases of Kenya and Ethiopia even more applicable for researching how political motivations for encampment policies are related to terrorism, because in the literature on migrant detention in Western countries this is the most debated issue. This debate on migrant detention will be explained in the following paragraph.

C) Discussion of the relevant literature

Encampment policies are part of a broader scope of migration policies. Motivations behind these policies are subjected to a broad variation of scientific debates on migration. This research will use the literature of migrant detention to explain motivations behind encampment. This paragraph will outline two different debates within the literature on migrant detention: the legal debate and the exclusion theory. It will then explain why the exclusion theory is the most suitable angle for explaining the political motivations for encampment policies in Kenya and Ethiopia. Before addressing the two debates, it is important to outline the terminology used in migrant detention literature. In the scientific debate, the terminology used for the group of migrants who become subjected to detention is often asylum seekers. The type of migrants subjected to detention in Western countries is thereby different than in Kenya and Ethiopia.[50] They are not considered refugees, but irregular migrants. Since different terminology is used in the literature, this thesis will use the neutral term migrants when it regards policy in the literature. The term refugees will be used for encampment policy in Kenya and Ethiopia specifically. Secondly there is the terminology for detention itself. 'Administrative detention' is a commonly used term in migrant detention literature.[51] Administrative detention emphasizes the aspect of a trial-less detention, it is not crime related and does not involve a jurisdictional verdict. Administrative detention can take place in two forms: 'prison-like detention' and 'camp detention', the second being another word for encampment. Prison-like detention is often applicable to detention of migrants in Western countries. In this regard, migrants are held in detention centres comparable to prisons, but with a different legal status. Camp detention often occurs in countries with major refugee communities and mostly regards refugees. According to Hamilton, Anderson, Barnes and Darling the restriction on freedom of movement determines if encampment is a form of detention.[52]

Scientific literature on migrant detention has become extensive in the recent decade. In most articles, the rise in scientific attention for the subject is due to the changing policies of liberal democratic governments since the events of 9/11.[53] What is necessary to remark, is that most of this

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[49] Maasho, 'Ethiopia on heightened alert for Somali militant'.

[50] C. Mainwarring, 'Constructing a crises: the role of immigration detention in Malta', *Population, space and place* 18 (2012) 688-690.

[51] A. Leerkes and D. Broeders, 'A case of mixed motives? Formal and informal functions of administrative immigration detention', *British Journal of Criminology* 50 (2010) 830-831.

[52] C. Hamilton, K. Anderson, R. Barnes and K. Darling, 'Administrative detention of children: a global report', *Unicef Discussion Paper* (2011) 64.

[53] M. Coleman and A. Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', post 9/11', *The Geographical Journal* 177 (2011) 229.; P.K. Rajaram and C. Grundy-Warr, 'The irregular migrant as homo sacer: migration and detention in Australia, Malaysia and Thailand', *International Migration* 42 (2004) 46.

literature focuses on countries that can be regarded as "Western", especially the United States, the United Kingdom and Australia.[54] Little is written on migrant detention in countries in Africa. This is a gap in the literature, because in Africa migration is much larger in quantity, and it varies more in forms of migration. Kenya and Ethiopia are good examples of this. Therefore, it is expected that migration affects Kenya and Ethiopia differently than Western states and that political motivations for migrant detention policies are also different. Moreover for the exclusion theory 'camp detention' has been under-researched, since it focuses on prison-like detention, which is the most common detention form in Western countries. This research will add a new perspective on exclusion theory by taking the dimension of encampment into the exclusion theory debate. In this manner, a different context could provide new insights into the growing literature on this topic. In this chapter, two different approaches in the literature on migrant detention will be outlined: the legal approach and the exclusion theory. It will be argued that the approach from exclusion theory is of the most interest to this thesis. Furthermore, this thesis will connect this approach to border studies. The perspective of auteurs like Newman, Van Houtum and Van Naerssen on the functionality of borders is comparable to the exclusion perspective of the authors writing on migrant detention. The thesis will use their concepts of 'bordering', 'ordering' and 'othering' to separate the process of exclusion.[55] Hereby it will try to create more insight in the process of exclusion by means of migrant detention and thereby contribute to a further development of the exclusion theory.

Literature on migrant detention: the legal approach

The literature dealing with the detention of migrants is very diverse and comes from different scientific backgrounds, like criminology, law studies, anthropology, human geography and sociology.[56] However, it can roughly be divided into two approaches, those that focus on legal aspects and those that focus on exclusion. To explain why the research focuses on exclusion theory, it is important to explain what can be considered as 'the legal approach' and why it is less appropriate to explain the motivations behind encampment in Kenya and Ethiopia. In the legal debate, the migrant detention is researched in the international law framework.[57] This literature acknowledges rights of sovereignty of states and their duty to protect their citizens, but only by proportional methods.[58] Administrative detention is only seen as proportional when it is in the interest of the migrant, as the last resort and only for a limited amount of time. However, states do

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[54] S.J. Silverman and E. Massa, 'Why immigration detention is unique', *Population, Space and Place* 18 (2012) 677-678.

[55] D. Newman, 'Borders and bordering: towards an interdisciplinary dialogue', *European Journal of Social Theory* 9 (2006).; H. van Houtum and T. van Naerssen, 'Bordering, ordering and othering', *Tijdschrift voor Economische en Sociale Geografie* 93 (2002).

[56] Silverman and Massa, 'Why immigration detention is unique', 678.

[57] For literature with a legal approach on migrant detention see: International detention coalition, 'Captured childhood: introducing a new model to ensure the rights and liberty of refugee, asylum seeker and irregular migrant children affected by immigration detention', *IDC report* (2012).; Hamilton, Anderson, Barnes and Darling, 'Administrative detention of children'.; A. Edwards, 'Back to basic: the right to liberty and security of person and 'alternative to detention' of refugees, asylum seekers, stateless persons and other migrants', *UNHCR: Legal and Protection Policy Research Series* (2011).; J. Taylor, 'Refugees and social exclusion: what the literature says', *Migration Action* 26 (2004).; Mainwarring, 'Constructing a crises'.

[58] A. Nerthery, 'Partialism, executive control and the deportation of permanent residents from Australia', *Population, space and place* 18 (2012) 738.; Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', 233-234.

not meet these criteria and migrant detention is sometimes even unlimited.[59] There is a constant debate between the partialists, those defending the interest of the state and its citizens, and impartialists, those defending the international human rights.[60] Within social science, the impartialist view is clearly dominant on this topic. The literature that acknowledges the impartialist view sees migrant detention as a criminalization of migration.[61] Those scholars strengthen their argument by referring to international law. International law prohibits the administrative detention for asylum seekers, since seeking asylum is a basic human right.[62] For these scholars, the occurrence of migrant detention can be seen as a failure of the implementation of international law. There are no tools available to punish states for not upholding international detention law. Besides, there is a clear problem with the coordination, since there is no single international organisation that deals with detention laws.[63] Social science and international law scholars mostly agree on the illegal status of migrant detention and the fact that states should be more aware of their legal duties toward migrants.

The discussion on encampment could be taken from a legal approach. Among international organisations, there is a discussion whether encampment could be considered a form of detaining migrants, and therefore should be contested under international law. The argument of linking encampment to migrant detention is very much debated within this discussion, but it is possible to make such an argument. A good example is the statement of UNHCR in the 'Revised Detention Guidelines':

> "Detention can take place in a range of locations, including at land and sea borders, in the 'international zones' at airports, on islands, on boats, as well as in closed refugee camps (…) Regardless of the name given to a particular place of detention, the important questions are whether an asylum-seeker is being deprived of his or her liberty *de facto* and whether this deprivation is lawful according to international law".[64]

Migrants being *de facto* deprived of their liberty can be explained in many ways. Hamilton says when a refugee camp is a closed camp and refugees are not allowed to exit the camp, it can be regarded as migrant detention. Important for detention is the restriction of freedom of movement.[65] Edwards adds that for the freedom of movement it does not matter whether migrants are restricted by a fence or regulations. However, according to her, UNHCR does make a distinction between deprivation of liberty and designation to a specific area. The latter is not the equivalent to detention, but *de facto* detention and a violation of the freedom of movement according to the 1951 Refugee Convention.[66] Most interviewees of this research would agree with the latter statement. A good illustration in this case is that the Danish Refugee Council representative makes a clear distinction

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[59] Hamilton, Anderson, Barnes and Darling, 'Administrative detention of children', 72-78.
[60] Nerthery, 'Partialism', 729-730.
[61] E. Kaufman, 'Finding foreigners: race and the politics of memory in Britsh prisons', *Population, space and place* 18 (2012) 711-712.; M. Griffiths., 'Anonymous aliens? Questions of identification in the detention and deportation of failed asylum seekers', *Population, space and place* 18 (2012), 720-722.
[62] Mainwarring, 'Constructing a crises', 693-694.
[63] Silverman and Massa, 'Why immigration detention is unique', 677.
[64] UNHCR, 'Detention guidelines: guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention', *UNHCR report* (2012) 9.
[65] Hamilton, Anderson, Barnes and Darling, 'Administrative detention of children', 64.
[66] Edwards, 'Back to basic', 16-17.

between migrants in Nairobi subjected to arbitrary detention during Operation *Usalama* Watch and those subjected to encampment in Dadaab and Kakuma.[67] Encampment is not the equivalent of detention, yet it is a violation of the freedom of movement. In this regard, it is the involuntariness of the returns to the camp that is the problem to international organisations.[68]

Encampment in Kenya and Ethiopia has very important practical differences when compared to the prison-like detention in Western countries. The most notable feature is that encamped refugees are not fenced. This thesis will not try to make a legal argument in order to prove that encampment could be regarded migrant detention under international law. It is not focused on the partialists and impartialists jurisdictional battle between international law and national sovereignty. This jurisdictional battle is another scientific debate more in the interest of criminologists and law studies, rather than social sciences. The question in the thesis is not so much if encampment is legal or not, but why encampment is implemented. It has an interest in the motivations for migrant detention and the social outcome it could have. When it regards these aspects of encampment, then it is very comparable to the motivations emphasised for prison-like detention. For example, both are justified with security and economic motives.[69] These elements are part of the exclusion theory. In this regard, it is not necessary to justify encampment being the equivalent of detention, as long as it functions within the framework of the exclusion theory.

Border studies literature on migrant policies

The exclusion theory focuses on the political and social construct of exclusion. This approach is central in this case study research.[70] The exclusion theory is not exclusively used in literature on migrant detention; it is also an important aspect within border studies. Brunet-Jailly says that border literature emphasizes the unifying, but also dividing and exclusionary role a border can have in society.[71] The rights attached to citizenship and the sovereignty of states is a basic aspect of exclusion in border studies as well as the literature on migrant detention. Border scholars Van Houtum and Van Naerssen use the concepts of 'bordering', 'ordering' and 'othering' to understand the motivations behind these aspects.[72] This thesis will make use of these border concepts to add a new dimension to the exclusion theory debate within the migrant detention literature. This paragraph will explain how these concepts are introduced into the migrant detention literature and

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[67] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 374}.

[68] Asylum Access, 'Kenya's forced encampment of refugees violates human rights and quashes self-reliance', *Asylum Access website* < http://rtwasylumaccess.wordpress.com/2013/01/03/kenyas-forced-encampment-of-refugees-violates-human-rights-and-quashes-self-reliance/> (20 August 2014).

[69] Sytnik, 'Rights displaced', 10.

[70] For literature with exclusion theory on migrant detention see: Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer'.; Taylor, 'Refugees and social exclusion'.; Leerkes and Broeders, 'A case of mixed motives?', 836-838.; Mainwarring, 'Constructing a crises'.; Silverman and Massa, 'Why immigration detention is unique'..; Griffiths., 'Anoymous aliens?'.; A. Klein and L. Williams, 'Immigration detention in the community: research on the experience of migrants released from detention centres in the UK', *Population, space and place* 18 (2012) 741-753.; M.J. Gibney, 'Asylum and the expansion of deportation in the United Kingdom', *Government and Opposition* 43 (2008) 146-167..; M. Welch and L. Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy: a critical view of the globalization culture of control', *Criminal Justice* 5 (2005).; Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US'.

[71] E. Brunet-Jailly, 'Theorizing borders: an interdisciplinary perspective', *Geopolitics* 10 (2005) 639.

[72] Van Houtum and Van Naerssen, 'Bordering, ordering and othering'.

how this can contribute to further development of the exclusion theory in migrant detention literature.

Border studies emerged in the eighties and nineties when economic and technological progress seemed to drive the international political order to a borderless world. Globalisation had a very positive connotation for these auteurs.[73] The events of 9/11 changed the perspective of globalisation. The attacks triggered an immediate response to politicians. They felt the need to tighten their border policies.[74] To explain this phenomenon, border scholars changed their perspective as well. This new border perspective started to emphasize the negative effects of the globalisation process. Newman calls this shift the "Renaissance of border studies".[75] Most important to border scholars are the deterioration of state authority and the crises of sovereignty as a result of the corrosion of borders.[76] Globalisation and the opening of borders created this crisis of sovereignty. The globalisation process could create a shift in the power balance within nation states, and therefore states became anxious. Mass migration and the rising refugee flows are part of this process. Although Newman suggests that the opening of borders is still controlled by the old elite in power of these states.[77] Andreas remarks that border control has taken place since the creation of states, what changes is the intensity and enforcement of border control; and the level of public anxiety and policy attention.[78] He argues that the events of 9/11 are not the main driver behind the restriction of border policies, but are seen as a benchmark for when this process became visible.

Border scholars explain the restriction created by borders as a way to create an 'outside', a place for those not belonging to the state. This creation of an outside is the process of exclusion. By creating this 'outside', states can re-emphasize their sovereignty and state authority. Technically migrant detention is part of this border control system. Therefore, migrant detention can be explained as providing a solution to the crises of state sovereignty. The process of exclusion can be divided into three main concepts: 'bordering', 'ordering' and 'othering'.[79] This thesis understands 'othering' as a process of creating separate identities, 'ordering' as a process of fixing these identities in a legislative order and 'bordering' as a process of creating mobility/immobility by means of this order. Together these processes lead to exclusion. In this thesis, this regards the exclusion of refugees. In border studies, it is the anxiety for loss of sovereignty that drives the bordering, ordering and othering processes. For most of the border scholars this concern is driven by elites.[80] However van Houtum and van Naerssen criticize this assumption: "In democratic societies borders are not 'made from above', rather they represent an implicit, often taken-for-granted, agreement among the majority of the people".[81] According to these scholars, territorial strategies of 'bordering, ordering and othering often, but not necessarily, take place on the spatial scale of states. This means that some border

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[73] Brunet-Jailly, 'Theorizing borders', 641-642.; P. Andreas, 'Redrawing the line: borders and security in the twenty-first century', *International Security* 28 (2003) 82-84.
[74] Andreas, 'Redrawing the line', 91.
[75] Newman, 'Borders and bordering', 171-173.
[76] Ibidem 172-173.; Van Houtum and Van Naerssen, 'Bordering, ordering and othering', 125.; Andreas, 'Redrawing the line', 91.
[77] Newman, 'Borders and bordering',175.
[78] Andreas, 'Redrawing the line', 79.
[79] Van Houtum and Van Naerssen, 'Bordering, ordering and othering'.
[80] Newman, 'Borders and bordering', 174-176.
[81] Van Houtum and Van Naerssen, 'Bordering, ordering and othering', 126.

scholars leave space for the assumption that policies leading to bordering, ordering and othering could also be demanded by society at large and are politically driven.

A critical nuance in the statement of Van Houtum and Van Naerssen is that it accounts for democratic societies. Both Kenya and Ethiopia do not have the same democratic institutions as most Western states. Ethiopia is an authoritarian state. Here the public opinion is oppressed by a strong security network.[82] The influence of public opinion will thus be different in this case. Kenya has a democracy, but it functioning is not without critique. The political parties have an ethnic background, and political violence is not uncommon. Lastly, due the economic situation in the country, the independent civil society is not as strong in Kenya as in most Western states.[83] Therefore, it has to be acknowledged that the democracy in Kenya is not fully comparable to the democracy in the migrant detention literature. Nonetheless, Kenya does have a relatively independent media and knows political opposition.[84] The government thereby needs the support of the public opinion in order to govern. Moreover, this public support is not self-evident, because there is no dominant political party. Therefore, this thesis will exam Kenya as a democracy, while Ethiopia will be examined as an authoritarian state. By using contrasting political systems, this thesis aims to clarify the influence of public opinion on the policy making process. Thereby it is expected that the political motivations for the encampment policy in Kenya are comparable to motivations for migrant detention in Western countries, while in Ethiopia these political motivations will be different.

The concepts of bordering, ordering and othering are not used by scholars writing on migrant detention. However, the border studies perspective on the crises of sovereignty is shared by Agamben. Agamben's book, "Homo Sacer: Sovereign power and bare life", is very influential in the scientific debate on the exclusion of migrants by means of detention.[85] In his book, Agamben introduces the concept of 'bare life'.[86] 'Bare life' refers to those that live outside of the law, or those without citizenship. In today's modern world, this refers to those who have no place in the conceptual framework of the nation state: migrants.[87] Birth is a vital concept of bare. The nation is based on the element of birth and it is at the very heart of its political community. Birth means citizenship and citizenship means rights, according to Agamben.[88] Migrants bring crises to the discourse of citizenship rights and the sovereignty of the state created on the basis of these rights. What makes it even more essential is that refugees are no longer individual cases, but a mass phenomenon. Organisations and individual states prove themselves unable to deal this problem.[89] It becomes a problem of ordering or as Agamben names: "the ordering of space".[90] Part of this ordering of space is not only the ordering of migrants, but also what van Houtum and van Naerssen indicate as bordering and othering. It is the creation of an outside, an exception. For scholars on

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[82] L. Aalen and K. Tronvoll, 'The end of democracy? Curtailing political and civil rights in Ethiopia', *Review of African Political Economy* 36 (2009) 203.

[83] F. Holmquist and A. Oendo, 'Kenya: democracy, decline and despair', *Current History* 100 (2001) 203-204.

[84] A. Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya', *Studies in Conflict and Terrorism* 37 (2014) 913.

[85] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer'.; Mainwarring, 'Constructing a crises', 687-688.; Klein and Williams, 'Immigration detention in the community', 749; Sytnik, 'Rights displaced', 23.

[86] G. Agamben, 'Homo Sacer: Sovereign power and bare life' (1995).

[87] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 39.

[88] Agamben, 'Homo Sacer: Sovereign power and bare life', 76.

[89] Ibidem, 77-78.

[90] Ibidem, 19.

migrant detention, the outside is a migrant detention centre. In this thesis, the outside will be the refugee camp. The refugee camp is the place of exception within the borders of the nation state.[91] In this regard, the concept of bare life is used to emphasize the ambiguous space of a migrant in detention.[92] When it regards the political motivation for migrant detention, than Agamben argues that states use it as a solution for the crisis of sovereignty. It is a method to order and control those who have no place in the state system. Therefore, migrant detention in Agamben's theory is motivated through the crisis of state sovereignty. His argument is comparable to the border perspective of Newman. However for Newman this crisis of sovereignty is a post-9/11 phenomenon, while Agamben sees the crisis as fundamental to the state system. Thereby the crisis of sovereignty is unaffected by time and the political situation for Agamben.[93]

The literature on detention with a focus on exclusion is largely based on Agamben's concept of the ordering of space. The ordering of space is comparable to the processes of bordering, ordering and othering. While Agamben's concept is comprehensive, the border studies concepts are separated, but connected. This separation can give better insight in the mechanisms of the ordering of space as a whole. Hence to investigate the motivations behind encampment, as a tool for exclusion of migrants, it is useful to introduce the concepts of bordering, ordering and othering. By examining the causality between the bordering, ordering and othering, this thesis aims to identify the main drivers behind encampment in Kenya and Ethiopia. Thereby this thesis will research whether the crisis of sovereignty, as emphasised by Agamben and the border scholars, is the political motivation for the encampment policies in Kenya and Ethiopia, or that another phenomenon motivates these policies.

Literature on migrant detention: approached from exclusion theory

According to Rajaram and Grundy-Warr detention is a method used by state governments to emphasize the state power. Migrant detention demarcates the line between those who are included and those who are excluded.[94] To explain how detention of migrants and the process of bordering are connected, it is important to look at the motivations behind the policy of migrant detention. There is a clear consensus in the literature that the policy of detention does not serve practical reasons.[95] Andreas argues that this does not only account for detention, but for all territorial control mechanisms.[96] One of these practical reasons is to support the implementation of deportation. Deportation is the outset of migrants from the host country. Literature on detention suggests that detention does not make the process of deportation more efficient. Indeed detention is making the deportation only more expensive. In Western countries, the detainees awaiting deportation are often asylum seekers who are rejected or marked as illegal. This thesis focuses on refugees in Kenya and Ethiopia, which is another type of migrant then the asylum seekers. A difference between asylum seekers and refugees is that refugees are recognised as temporary residents in the host country. The refugees in Kenya and Ethiopia are thus legally allowed to stay, while the asylum seekers in Western countries are not. This legal status of refugees' means that they will not be deported immediately, but are expected to return to their home country when the situation

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[91] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 40.
[92] Griffiths., 'Anonymous aliens?', 715.
[93] Ibidem, 72.
[94] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 33-35.
[95] Leerkes and Broeders, 'A case of mixed motives?', 832.; Mainwarring, 'Constructing a crises', 691-694.
[96] Andreas, 'Redrawing the line', 80.

becomes safe. So their legal status is different, but they do not enjoy full citizenship either, even if the prospect for return is not in sight.[97] A second practical goal is to reduce the influx of irregular migrants, by scaring migrants off with strict policies. In this case as well, the literature suggests that the effects of detention policies are limited. The continuing mass influx of refugees in Kenya and Ethiopia underlines this suggesting for encampment policies in these countries. So when you look at the practical motivations behind migrant detention there are only slight differences between detention of asylum seekers in the West and refugees in Africa, but these might be important in explaining the different motivations for the detention policies.

According to most exclusion theory scholars, detention has a symbolic political motivation, more than a practical reason.[98] Those scholars refer to the post-9/11 society in which anxiety and xenophobia towards migrants are common. Politicians anticipate on these feelings by making migration policies tighter.[99] Detention is part of this process. The intention of the process is to create a sense of security for the state and its citizens, but by intensifying the migration policies, the anxiety and xenophobia actually become self-perpetuating. In this process, refugees become an excluded group within the society. Detention is thus very much part of the bordering process. In border studies, bordering is often the outcome of elite process and power relations. In this regard motivation behind policies is the protection of the state.[100] In the literature on migrant detention, public opinion is the driver behind the process.[101] This contradiction raises the following question: is detention policy influenced by public opinion or is public opinion influenced by the policies of elites?

Globalisation and the loss of sovereignty is a process existing for several decades, yet policies for limiting migration have only become visible after 9/11. Coleman and Kocher suggest that the public opinion was never in favour of such policies and that this blocked the implementation.[102] The events of 9/11 changed the public opinion in Western countries. After the event, there was an outcry for security measures.[103] In this light, migrants became the scapegoat. There is however some debate of the effect of 9/11 on this shift.[104] Welch and Schuster, for example, do not want to overstate the effect of terrorism on public opinion. They speak about a 'moral panic' over immigrants and asylum seekers from the nineties onwards, for them this process is led by the political elite.[105] This can be supported by the argument of Campbell. She states that restricted migrant policies in Kenya towards Somali refugees is largely based on economic motives.[106] These motives have been present before 2001. Nonetheless, migrants have become the 'other' in the public opinion. To facilitate the public outcry new migration policies, like detention, were erected. In this regard, detention can serve the ideology of punishment from an individual perspective, but could also serve for certain moral needs

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[97] Sytnik, 'Rights displaced', 13.

[98] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 42-28; Leerkes and Broeders, 'A case of mixed motives?', 842-844.; Silverman and Massa, 'Why immigration detention is unique', 678-680.; Griffiths., 'Anoymous aliens?', 722-723.; Gibney, 'Asylum and the expansion of deportation in the United Kingdom' 149-154.; Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation'.

[99] Mainwarring, 'Constructing a crises', 690-691.

[100] Newman, 'Borders and bordering', 174-175.

[101] Kaufman, 'Finding foreigners', 702-703.

[102] Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', 230-233.

[103] Ibidem, 228-229.; Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 43-45.

[104] Gibney, 'Asylum and the expansion of deportation in the United Kingdom', 166-167.

[105] Welch and Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy', 344-347.

[106] Campbell, 'Urban refugees in Nairobi', 396.

from society.[107] Politicians respond to this public outcry by creating restrictive migrant policies. These policies do not even have to be fully implemented. For example, Campbell states that in Kenya the presence of Somali urban refugees benefits the government, even though the encampment policy states that all refugees such be removed from the city. The government uses the presence of Somalis as a scapegoat for a variety of social and economic issues.[108] This means that detention has not only a pragmatic reason, but also a symbolic reason.

The literature focusing on encampment policies in Kenya and Ethiopia seem to have a special feature when compared to migrant detention in Western countries. According to Black, migration policies in the South are driven by donors and humanitarian actors, while they should be driven by spontaneous refugee settlement or allocation by the government.[109] Indeed Sytnik suggests in her article that Kenya has left the determination of refugee status procedures as well as refugee policies into the hands of UNHCR. The government of Kenya turned to the international community for assistance in 1991, because of the increasing refugee numbers and declining resources.[110] According to Black this is problematic, because donors and humanitarian organisations have their reasons for encampment policies. They want to make humanitarian assistance to the refugees more accessible, efficient and transparent. Encampment of refugees is a manner to achieve these goals.[111] This adds a third perspective for looking at motivations for encampment. Encampment can be based on elite or state based motivations, demanded by society, or motivated by the interest of donors or humanitarian organisations. Motivations for the latter however are very different than the first two, which are based on political and security implications of refugee settlement.[112] This thesis will deal with these political and security implications. It will investigate the relationship between the elite based motivations and public outcry for encampment policies and will not focus on the motivations of donors or humanitarian organisations.

Migrant detention is dealing with the moral panic and security related issues.[113] Detention seems to have a clear symbolic function to emphasize the power of states.[114] It separates the 'wanted' from the 'unwanted', while at the same time creating a border to prevent integration. This exclusion occurs in the West regarding migrant detention of asylum seekers, but also in the context in Africa regarding encampment of refugees.[115] The first process is a process of 'othering', which creates a division in society between those within the law and those outside. In this process the migrants become part of the bare life. The second process is a process of 'ordering', which is the creation of legislation to control migrant behaviour. The last process is the process of 'bordering'. Thereby detention does not only create a physical border, but migrants can also become excluded from opportunities. Administrative detainees, unlike criminal detainees, have no rights to education, labour or any form of societal participation.[116] The social exclusion of migrant detention is

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[107] Leerkes and Broeders, 'A case of mixed motives?', 832-833.
[108] Campbell, 'Urban refugees in Nairobi', 401.
[109] R. Black, 'Putting refugees in camps', *Forced Migration Review* 2 (1998) 5.
[110] Sytnik, 'Rights displaced', 14.
[111] Black, 'Putting refugees in camps'
[112] Sytnik, 'Rights displaced', 15.
[113] Welch and L. Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy', 346-347.
[114] International detention coalition, 'Captured childhood', 31-33.
[115] Sytnik, 'Rights displaced', 22.
[116] Taylor, 'Refugees and social exclusion', 5-6.

consciously part of the migration policies. Migrants in detention are to be prepared to be deported, and thus there is no incentive to prepare them for a return into society.[117] Refugees, being regarded temporary citizens, are no exception to this. The migration policies especially changed from inclusion to exclusion after 9/11 when security concerns started to dominate the migration debate.[118] This research will look at one form of migrant detention most applicable to Somali refugees in Kenya and Ethiopia: encampment. The comparison is interesting, because Kenya seems to follow the trend of creating more exclusion with the 'structural encampment policy' of 2012, while Ethiopia goes in the other direction with the outer-camp policy for Eritreans. It is interesting to see if the arguments supporting the symbolic function of migrant detention could be upheld when the comparison is made, or that more practical reasons can better explain the policy directions taken by both countries.

D) Research objective

This chapter has introduced the case and positioned the research in the scientific debate in order to be able to explain the following objective of the research:

> "To give an explanation of the motivations behind encampment policies for Somali refugees in Kenya and Ethiopia, by looking at the processes of bordering, ordering and othering and the actors playing a role in these processes."

With the research objective, this thesis aims to create a better understanding why Somali refugees are subjected to encampment in these countries. This is relevant because there is a growing concern among human right organisations in the region that encampment will lead to human rights violations. Especially in the case of Kenya where continues harassment of Somali urban refugees exposed the weak position migrants have in defending their legal rights.[119] Scientific research could give support to international and local organisations who would like to advocate against these practices. By offering a better understanding of why encampment policies are enforced, this research will help organisations to improve the focus of their advocacy. For example, this thesis will give an explanation of the correlation between public opinion of refugees in Kenya and Ethiopia and the government's motivations to implement encampment. If the public opinion is a strong driver for encampment policies, then public advocacy will be a better tool to counter human rights violations than advocacy in government fora and vice versa. This societal relevance of the thesis is discussed with the RMMS. Through its regional position, the RMMS has a good overview of the needs for specific scientific data on migrant studies in the region. Besides the non-governmental organisations, political actors in the region could benefit from the research, since it will address the effectiveness of the encampment policy in relation to the motivations given for encampment by the government of

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[117] Silverman and Massa, 'Why immigration detention is unique', 678-680.; Klein and Williams, 'Immigration detention in the community', 741.

[118] Taylor, 'Refugees and social exclusion', 9.

[119] Human Rights Watch, 'You are all terrorists, Kenyan police abuse in Nairobi', *HRW report* (2013).; Njeru, 'Monitoring report on operation sanitization Eastleigh publicly known as "Usalama Watch"'.; M. Kagari, 'Kenya: Somalis scapegoated in counter-terror crackdown', *Amnesty International website* <http://www.amnesty.org/en/news/kenya-somalis-scapegoated-counter-terror-crackdown-2014-05-26> (1 September 2014).

Kenya and Ethiopia. For example, the practical differences, which are denounced in the literature on migrant detention in the West, could prove to be useful in Kenya and Ethiopia. In this regard, the research can give insight in the legitimacy of the motivations given for encampment policies by both governments.

The thesis will contribute to the scientific debate on migration detention by introducing the border study concepts of bordering, ordering and othering. As described in the previous paragraph, these concepts are all processes of the exclusion of migrants in detention. In this thesis, these concepts will be used in the context of encampment policies for Somali refugees in Kenya and Ethiopia. Dividing the concept of exclusion into three separated processes might give a better understanding of the motivations. It is especially interesting to see how these processes are related. Is there a causality and in which order? The thesis hypothesis is that, in the case of encampment, ordering and bordering are state driven processes, but othering is driven by public attitude towards refugees. The causality and order in which the three processes take place could thus be of vital importance. Another contribution of this research to the existing scientific debate is the context of Kenya and Ethiopia. The context is different in two ways. Firstly the existing literature is focusing on Western countries with liberal democratic institutions and principles. These democratic institutions are partly comparable in Kenya, while Ethiopia is an authoritarian state. This difference in political institutions can have a major effect on policy making. Besides, the motivations for encampment policies for refugees can be different from the motivations for migrant detention of asylum seekers. This might be influential in the way encampment is perceived by the state and society at large. This could change the motivations for encampment in relation to migrant detention in the West. At the same time, security related issues could be more present, because of the situation in Somalia and the recent threats of terrorism in both countries. Therefore, it is hypothesized that the encampment policies in Kenya and Ethiopia occur for more practical reasons than the migrant detention in Western countries. The political context is thereby important for the scientific debate, because in the current literature the practical advantage of detention is marginalized. In this literature the symbolic function of detention is highlighted. Therefore, it is interesting to see if this argument maintains in a context where practical reasons are more present.

With the thesis objective, the research aims to contribute to the scientific field of migrant studies and be relevant to organisations and politicians working on refugee-related issues, especially in the Horn of Africa. To enhance the objective of the master thesis stated above, the following research question will be central in the research:

> "What does the difference between the processes of 'bordering', 'ordering' and 'othering' of Somali refugees in Kenya and Ethiopia tell us about the political motivations behind the encampment policies?"

To be able to answer the research question, the thesis is divided in three chapters. These chapters are based on three sub-questions that are related to the thesis objective. The first question is answered in Chapter 3. It will outline the research findings on the extent in which encampment is present in Kenya and Ethiopia and make a comparison between the forms encampment. It will also draw conclusions to what extent effects of encampment can be compared to the effects of migrant detention described in the literature:

"Is there a difference regarding the extent to which Somali refugees are subjected to encampment policies in Kenya and Ethiopia and to what extent can these policies lead to exclusion of refugees?"

The second question is central in Chapter 4. It will be an analytical question that is answered by using the method of 'Objective Hermeneutics'. Thereby the chapter gives an explanation for the motivations behind encampment policies in Kenya and Ethiopia:

"What are the underlying motivations for encampment in Kenya and Ethiopia?"

The sub-question in Chapter 5 links the analysis of the motivations behind encampment policies in Kenya and Ethiopia to the literature debate. It will reflect the findings of the research on the explanation given by exclusion theory. By doing so, the thesis aims to provide new insights in growing literature migrant detention:

''How can the differences in the motivations behind the encampment policies of Somali refugees in Kenya and Ethiopia give better insight in the processes of bordering, ordering and othering and contribute to the literature on migrant detention?"

Before addressing the sub-questions, it is important to justify and explain the methodology and methods that are used during the research. Therefore, the next chapter explains the set-up of the empirical part of the research and how this methodology can help to provide an answer to the sub- and main questions of the research.

Chapter 2

Methodology

The picture on the Chapter 2 cover is taken during one of the focus groups held with refugees in Ifo camp Dadaab (faces of refugees are deliberately not shown, the lady on the right is not a refugee). The focus groups were held to get an understanding of the effects of encampment on the daily lives of Somali refugees in Kenya.

Source: F. Ebbers, *primary source* (17 July 2014).

2. Methodology

The previous chapter clarified the thesis objective to give an explanation of the motivations behind encampment policies of Somali refugees in Kenya and Ethiopia. In this chapter, the methodology chosen to develop the research objective is explained. The research makes use of qualitative research methodology, because it is a study of reasons, meaning and sense behind actions. Qualitative method allows a more in-depth insight in the case at hand and is, therefore, a better way to research motivations.[120] Within qualitative research, there is a broad variety of methodologies that can be used.[121] This thesis is a case study research that makes use of literature study, interviews and observations to gather qualitative data. A qualitative analysing method outlined by Creswell and Objective Hermeneutics are used as analysis methods.[122] The first paragraph of this chapter will explain why case study research is the most appropriate qualitative research methodology for a study on encampment policies in Kenya and Ethiopia. Also, it explicates Objective Hermeneutics as a suitable method for analysing policy research. The second paragraph will outline how the qualitative methods are used during the research.

A) Research methodology

Case study research

Case study research is not always acknowledged to be a methodology, but according to Creswell this is unjust. He gives the following definition of case study research to clarify his statement:

> "…a type of qualitative research that may be an object of study, as well as a product of the inquiry. Case study research is a qualitative approach in which the investigator explores a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth collection involving multiple sources of information, and reports a case description and case themes."[123]

In the definition of Creswell, the important aspect of case study research is the exploration of a real-life, contemporary bounded system or multiple bounded systems. The intention of a case study is to develop an in-depth understanding of the case, rather than to determine general phenomena. This is a unique aspect of a case study. For example, in ethnographic research an entire culture-sharing group is chosen as a case, but the research goal is to determine how culture works and not the case

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[120] S.M. Wagner, P. Lukassen and M. Mahlendorf, 'Misused and missed use: grounded theory and Objective Hermeneutics as methods for research in industrial marketing, *Industrial Marketing Management* (2009) 1.

[121] J.W. Creswell, 'Qualitative inquiry and research design: choosing among five approaches' (2007), 12

[122] For literature on the Objective Hermeneutics method see: U. Oevermann, 'Objektivität des Protokolls und Subjektivität als Forschungsgegenstand', *Zeitschrift für qualitative Bildungs-, Beratungs- und Sozialforschung* 5 (2004), 311-336.; S. Mann and J. Schweiger, 'Using the objective hermeneutic method in policy evaluation', *Evaluation* 15 (2009), 445-456.; S. Mann, 'Understanding farm succession by the Objective Hermeneutics method', *Sociologia Ruralist* 47 (2007), 369-382.

[123] Creswell, 'Qualitative inquiry and research design', 97.

as such.[124] This thesis investigates motivations for encampment policies in Kenya and Ethiopia and compares the results to migrant detention in exclusion theory. The conclusions of this research will only account for the cases at hand. It is not the intention to make general conclusions. Therefore, the thesis suits Creswell's description of case study research. Yin adds to Creswell's description by stating that generalised conclusions in a case study are contrary to the external validity of the research, because a case study is not designed for this purpose.[125] Although the conclusions of the research will only be applicable to the research cases, the situation in Kenya and Ethiopia does give insight in the functionalities of exclusion theory. Thereby this case study research contributes to the development of broad theory without making any conclusions beyond the context of Kenya and Ethiopia.

This thesis will consist of multiple bounded systems, namely the cases of encampment policies for Somali refugees in Kenya and encampment policies for Somali refugees in Ethiopia. The advantage of multiple cases is that a cross-country analysis can be made. A cross-country analysis will give better insight in the motivations explaining policy choices made by the Kenyan and Ethiopian governments. Ideal for a cross-country analysis would be four to five cases. At the same time, every case over one will dilute the level of detail that the researcher can provide. Therefore, it is a balance between the quantity and quality of information.[126] This balance is taken into account during the case selection of this thesis. Due to the size of the thesis and resource limitations, two cases are most suitable. Beside the number of cases, the type of cases is important as well according to Patton. He notes that cases can be selected because they are extreme, typical, critical, have maximum variation or minimum variation.[127] This thesis selected Kenya on the basis of being an extreme case. This means that researching this case could offer lessons from being an unusual case. Indeed Kenya is unusual, because of its vast amount of Somali refugees, the proximity to the country of origin of the refugees and the terrorist acts linked to Somalis within Kenya's borders. Therefore, Kenya is an extreme version of the situation in Western countries. This thesis selected Ethiopia on the basis of maximum variation in comparison to Kenya. Ethiopia shares the conditions of its neighbour Kenya when it comes to refugee size and proximity to Somalia, yet the political conditions, the security situation and the public perception of refugees differ. In the literature, these aspects are important motivations for migrant detention and indeed the type of encampment is very different in Kenya than it is Ethiopia. In this regard, it is expected that a case comparison between Kenya and Ethiopia is well suited for explaining motivations behind encampment.

The type of case study chosen for this research is the last issue to be addressed. Creswell uses the definitions instrumental, intrinsic and collective case studies. This research is a collective case study, because it is a study of multiple cases to illustrate one issue. [128] However, the definition collective case study does not fully emphasize the intention of the research. Berg and Lune differentiate case study research by three other definitions: exploratory, descriptive and explanatory case studies.[129] Exploratory case studies explore a new field or phenomena. This research is not an exploratory case

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[124] Idem
[125] R. Yin, 'Case study research. Design and methods' (2003) 35-39.
[126] Ibidem 157
[127] M.Q. Patton, 'Qualitative evaluation methods' (1980).
[128] Creswell, 'Qualitative inquiry and research design', 99-100.
[129] B.L. Berg and H. Lune, 'Qualitative research methods for the social science' (2004), 327-328.

study, because it will take the phenomena of migrant detention to a new situation: encampment in Kenya and Ethiopia. A descriptive case study gives a description of a case without giving an interpretation of the situation. This research will be an explanatory case study, because an explanatory case study explains the complex interconnections and various factors.[130] This research will try to explain why certain factors lead to certain motivations for encampment. The explanation is thereby the most important aspect, since the research will try to go beyond a description of the situation, by given an interpretation of the situation. Important for explanatory case studies is the internal validity. Causal connections made in the explanatory case have to be justified and not assumed. Addressing rival explanations is a way to avoid this issue.[131] In the analysing method of Objective Hermeneutics addressing all explanations before drawing conclusions is one of the basic principles, as will be explained in the next paragraph. Hereby this thesis addresses the issue of internal validity.

Objective hermeneutics

Objective Hermeneutics is used as an analysing method in Chapter 4. Objective Hermeneutics is seen as an ideal starting point for analysing public policy and is, therefore, a suitable method for analysing motivation behind the encampment policies.[132] According to Wagenaar, the problem with public policy is that it is intrinsically indeterminate, heterogeneous, contested and action driven.[133] In other words, with analysing public policy one has to take into account the bias of producers of a text. Objective Hermeneutics is a methodology that can be used to discover the structures of meaning and reconstruct decision patterns of individuals, groups or organisations.[134] Objective Hermeneutics is designed by Ulrich Oevermann for whom texts are 'protocols' of reality. We cannot research this reality, but we can use the text as mediators.[135] The aim of the method is to analyse the objective meaning structures of a text. In this regard, the word objective does not mean uncovering the truth, but rather that what the producers of a text thought, wished, hoped or meant is irrelevant. What is important in science is not the intention of, for example, the interviewee or a policy document, but the motivations and underlining meaning behind these texts.[136] In this research, the interviews held during the research are seen as the most important data for uncovering the motivations behind encampment. The interviews are held with three groups: NGO representatives, government officials and experts. The first two groups are especially vulnerable for the concerns emphasised by Wagenaar. Therefore, the method of Objective Hermeneutics is a suitable method for analysing this part of the data, since it can uncover the underlining meaning behind these texts.

Objective Hermeneutics is well applicable for analysing policy research, because of its aim to look at the deeper meaning of texts. Besides this characteristic, there are some other elements that are at the heart of the methodology of Objective Hermeneutics. First of all, the method has its roots in German speaking countries where it is widely used, while in English speaking countries grounded

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[130] Yin, 'Case study research', 35-39.
[131] Idem.
[132] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 446.
[133] H. Wagenaar, 'Meaning in action: interpretation and dialogue in policy analysis' (2011) 241.
[134] Wagner, Lukassen and Mahlendorf, 'Misused and missed use', 2.
[135] Oevermann, 'Objektivität des Protokolls und Subjektivität als Forschungsgegenstand', 323.
[136] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 447.

theory is often applied to similar questions.[137] Where grounded theory differs from Objective Hermeneutics is in its aim to discovery new theory from empirical data.[138] Objective Hermeneutics does not aim to make a standardised statement; instead it is case based. This means that the outcome of an Objective Hermeneutics analysis will not lead to a theory, but only offers an understanding of the case at hand.[139] In cases study research, new theory cannot be developed as well. For this reason, Objective Hermeneutics is well applicable on a case study methodology. According to Mann, Objective Hermeneutics is reluctant of making any generalisations beyond a single case, but this does not mean one could not use multiple cases. Although a focus on one particular case is common, a case comparison is possible as long as the analysis of the cases does not intermingle.[140]

Another element of Objective Hermeneutics is that it is very interpretative. It is even seen as the most qualitative approach imaginable.[141] To contain the subjectivity and to make Objective Hermeneutics scientific, the analysing method is strictly guided by principles and has to follow certain steps.[142] According to Wagner, Lukassen and Mahlendorf there are five principles that have to be taken into account during the analysis: 'freedom of context', 'verbatim approach', 'parsimony' , 'extensivity' and 'sequentially'. With the principle 'freedom of context', the authors mean that the texts have to be approached without any pre-contextual knowledge. Firstly the motivations for a policy have to be taken from the words of the text alone; this is the 'verbatim approach'. These two principles are linked to the principle of 'parsimony', which means that the only interpretations allowed are those that do not require additional information beyond the text. By doing so, the analysis hopes to include as many meanings of a text as possible before making any conclusions. In other words, it does not make one single interpretation of the text, but multiple. This is called the principle of 'extensivity'. Lastly, all the interpretations have to be put 'sequentially' for further analysis. [143] These five principles are guiding during the analysis, which is divided into eight steps. The eight steps taken during the analysis are explained in the paragraph 'Research methods'. They ensure that the researcher has taken into account as many perspectives as possible and without being predetermined by contextual knowledge.

What will be unique for this research is that not all the data will be analysed by the Objective Hermeneutics method. Not all the case themes are suitable for the Objective Hermeneutics analysis. Therefore, they will be analysed through an analysing method of open coding as outlined by Creswell.[144] What is analysed by the Objective Hermeneutics method are the motivations behind encampment of Somali refugees. The two methods work together in this thesis to make a more comprehensive analysis of the cases. The method of Creswell is suitable for analysing the context in which encampment takes place in both countries, because it covers a wide variation of data and perspectives. Its limitation is that the method does not provide an in-depth insight in the data, and this makes it difficult to unravel the underlying meaning of texts. The Objective Hermeneutic analysis

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[137] Mann, 'Understanding farm succession by the Objective Hermeneutic method', 370.
[138] Wagner, Lukassen and Mahlendorf, 'Misused and missed use', 1.
[139] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 446.
[140] Mann, 'Understanding farm succession by the Objective Hermeneutics method', 371.
[141] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 446.
[142] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 454.
[143] Wagner, Lukassen and Mahlendorf, 'Misused and missed use', 7.
[144] Creswell, 'Qualitative inquiry and research design', 179-213.

as opposed is aimed to provide this in-depth insight. However, this method only makes conclusion based on a limited number of texts. Therefore, it is important to compare the underlying meaning revealed in the interviews to the context created by the open-coding analysis. If the storylines created for Kenya and Ethiopia fit the context of each country, then the interpretation by Objective Hermeneutics is more scientifically justifiable.

B) Research methods

Data collection

There are several data collection approaches in case study research. Creswell names four important approaches: interviews, observations, documents and audio-visual materials.[145] Phillips and Johns add questionnaires and focus groups to these approaches.[146] This thesis will make use of literary studies on the topic, interviews, policy documents, observations and focus groups. Hereby the thesis includes multiple source information, which is necessary for the research validity of a case study and a good tactic to make sure that the research is not based on impressions just. Eventually, these multiple sources will form a chain of evidence in the conclusions of the case study.[147] The policy documents are public government documents that are directly related to refugee management in Kenya and Ethiopia. The observations were done to get an overview of the public attitude towards and public opinion of refugees in both Kenya and Ethiopia. For the research, I have spent three months in Kenya and three weeks in Ethiopia. During this time, I collected noteworthy observations in a diary.[148] Next to the diary, a news article database is set up to capture the public opinion and the environment for refugees. The database includes articles that were published between the 1st of April and the 31st of July. The Kenyan database includes prominent news articles collected from websites of humanitarian organisations and all articles related to encampment, security incidents, Somalis or refugees from four local newspaper websites: The Standard, The Daily Nation, The Capital and The Star. The Ethiopian database was much harder to set up, because press freedom is non-existent in Ethiopia. Therefore, I made use of prominent news articles on websites of humanitarian organisations and all articles related to encampment, security incidents, Somalis or refugees on the internationally based news hub All Africa under the heading Ethiopia and the local independent news websites: Nazert and Ethiomedia. Lastly focus groups were held in Dadaab refugee camp with refugees that have been affected in their livelihoods by the encampment policy of the Kenyan government. I organised these focus groups, because it provided a different perspective on the effects of encampment on the camp refugees. This perspective lacked in the other data.

Interviews form the backbone of the collected data, because it provides the in-depth insight that will be necessary to research the motivations behind encampment policies. Besides, interviews are considered to be the most useful data for the Objective Hermeneutic method.[149] Prior to the

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[145] Creswell, 'Qualitative inquiry and research design', 160.
[146] R. Phillips and J. Johns, 'Fieldwork for human geography' (2012) 146.
[147] Yin, 'Case study research', 35-39.
[148] Dairy master thesis, 'Personal communication' (25 June 2014).
[149] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 449.

research, government officials, NGO's representatives and experts were selected as sub-groups to get different perspectives from the participants. According to Creswell, maximum variation of perspectives is an important element of case study research.[150] It is expected that government officials would give a positive, NGO's a more negative and experts a mixed view towards encampment. In a discussion with the internship organisation, the number of interviews was set on six in Nairobi and six in Addis Ababa. For the method of Objective Hermeneutics this figure is sufficient. Sometimes even one or two interviews can contain enough information to execute the analysis, because Objective Hermeneutics can derive a lot from a little.[151] According to Philips and Johns, the type of interview can be highly structured, semi-structured or unstructured.[152] The Objective Hermeneutic method of analysis disallows highly structured interviews or questionnaires. Instead, semi-structured interviews are preferable.[153] The interviews used for this research are semi-structured, but with a lot of space for new directions. The interviews are based on formats of questions and topics made before the start of the data collection. Two examples of the formats are added to appendix A.[154] However they have been adjusted according to new leads that were discovered during the data collection process. The average time of the interviews was between 45 and 50 minutes.

Appendix B gives an overview of the interviews conducted.[155] Instead of two locations, interviews were held on three locations: Nairobi, Addis Ababa and Dadaab refugee camp. Furthermore, sixteen instead of the expected twelve interviews were held. The increase in the amount of interviews is due to unexpected possibilities and only strengthened the research credibility. Three of these unexpected interviews were held in Dadaab. These interviews are not part of the Objective Hermeneutic analysis. The objective of these interviews is to collect information about the effects of encampment on camp refugees and not to recover the motivations behind the encampment policy. Thereby they enhance the focus groups held in Dadaab. For the other thirteen interviews, it turned out that getting the different perspectives on the same frequency is difficult. For experts and NGO officials no real problems were experienced, but government officials were hard to reach. Therefore, only one government official was interviewed throughout the research. Besides this aspect, Ethiopia turned out to be a more difficult research environment then Kenya. In consultation with the internship organisation, no government officials were approach in Addis Ababa due to the sensitivity of conducting research. Since Objective Hermeneutics is used as an analysing tool, it is expected that the effects of the imbalance in perspectives can be contained. This approach is aimed to look beyond the content and to unravel the underlying motivations for policies through a systematic method. In this way, the influence of the bias of the participants can be minimalized.

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[150] Creswell, 'Qualitative inquiry and research design', 156.
[151] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 445.
[152] Phillips and Johns, 'Fieldwork for human geography', 151-152.
[153] Wagner, Lukassen and Mahlendorf, 'Misused and missed use', 6.; Mann, 'Understanding farm succession by the Objective Hermeneutic method', 372.
[154] Appendix A: Interview questionnaire.
[155] Appendix B: Interview index.

Data analysis

The data is analysed in Chapter 3 and 4. Both chapters will make use of a different analysis method to answer the sub-question central in the chapter. In Chapter 3 the qualitative analysing method of Creswell will be use to answer the following question:

> "Is there a difference regarding the extent to which Somali refugees are subjected to encampment policies in Kenya and Ethiopia and to what extent can these policies lead to exclusion of refugees?"

Chapter 3 will explain the influence of the political context on the encampment policies and refugee situation in Kenya and Ethiopia. Hereby the chapter goes beyond the case introductions given in the first chapter of this research. It will look closely at the data, compare the cases, reveal new insights and look at the issue from an exclusion theory angle. Objective Hermeneutics will not be a suitable analysing method for this chapter, since it is designed to look at the policy as such and therefore not suits this chapter's objective. For this reason Chapter 3 will make use of an analysing method in qualitative research based on opening coding. [156] In this method, all the case study data is put in a database and labelled through codes and categories. Firstly, all the data collected is put into transcripts and other texts. Hereby the problem arose that due to cultural and political sensitivity, no focus groups and not all interviews could be recorded. Therefore, the non-recorded interviews and focus groups were transcribed into summaries. These summaries were all made within twenty-four hours after the data was collected, in order to preserve the information. The texts of the interview, the diary and the focus groups are placed into a database in the analysing system Atlas.TI. The news article database is placed in a separate database, because it was too extensive for a full text analyse. The second step consisted of a reduction of the data to a set of six themes: 'national security', 'internal politics', 'public perception of refugees', 'economics', 'the government's conduct of refugees' and 'the refugee situation'. These themes are created after a process of open coding, since it is important for case studies to keep an open mind towards new issues instead of determining them in advance.[157] The texts of the interview, the diary and the focus groups are analysed, and codes are given to each complementary text part. The news article database is analysed by each article as a whole, but coded in the same manner. The final step in the analysis is the interpretation and representation of the data. In this part of the analysis direct interpretation is used to pull the data apart and put it back together in the discussion of Chapter 3.[158]

Chapter 4 applies the objective hermeneutics method, because it will look at the motivations behind the encampment policy as such. The question that is answered in this chapter is:

> "What are the underlying motivations for encampment in Kenya and Ethiopia?"

Since different cases cannot intermingle during the analysis in Objective Hermeneutics, Chapter 4 will first deal with the cases separately.[159] The analysis follows eight steps for each of the interview selected.[160] During the steps, the five principles of Objective Hermeneutics are taken into account.

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[156] Creswell, 'Qualitative inquiry and research design', 180.
[157] Ibidem 185
[158] Ibidem 199
[159] Mann, 'Understanding farm succession by the objective hermeneutics method', 371.
[160] Wagner, P. Lukassen and M. Mahlendorf, 'Misused and missed use', 6-7.

The first step is the question phrasing and the determination of the text and the fragments of the text. These fragments are selected, because only the elementary parts of the text will be analysed.[161] Besides, only three interviews per country are selected for this analysing method, since three interviews is sufficient for Objective Hermeneutics. The summaries of the interviews in Ethiopia could not be used, because the method requires full transcripts of interviews. The second step is to determine the 'protocol' of the text. In other words, what relevant insights are expected from the text? The third step is the start of the interpretation. As is most common in Objective Hermeneutics, all the six interview interpretations started with the fragment at the beginning of the text, since it sets the scene for the rest of the interview.[162] For each fragment, seven questions are used to examine the underlying meaning behind the text. These seven questions are standard questions for the Objective Hermeneutic method and given in box 1 on page 33. The fourth step is the creation of short sequences (sentences or stories), which are taken from each paragraph. In the fifth step, these sequences are categorised according to their similarities and structures. The sixth step is to confront the sequences with each other in order to draw the first storyline. After one paragraph had been interpreted in this manner, I continued to the next paragraph. The seventh step is to combine the sequence of the first paragraph and the others. In this step the final storyline is created. The last step is the creation of a meaningful interpretation of the storylines to the thesis. During the analysis, most of the steps were done implicitly, in order to enhance the reading quality of the thesis. What are made explicit in Chapter 4, are the different storylines and the meaningful interpretation. After the meaningful interpretation, the last part of Chapter 4 will look at the consistencies between the storylines of Kenya and the storylines of Ethiopia and thereby give an answer to the main question of the chapter.

This paragraph has explained the methods and methodology used in this thesis. It is a case study research on the political motivations behind the encampment policies in Kenya and Ethiopia. Thereby this thesis will not make general conclusions on the functionality of migrant detention, but will provide new insights in the literature on migrant detention. The conclusions made in research will only account for the cases at hand: Kenya and Ethiopia. In order to unravel the motivation behind the encampment policies in both countries, this thesis will make use of literary studies, interviews, policy documents, observations and focus groups. This data is analysed by two different qualitative analysing methods. The opening coded method outlined by Creswell will provide a broad contextual insight in the cases, while the Objective Hermeneutic method will provide an in-depth insight on the political motivations behind the encampment policies. In this regard, the analysing methods are complementary to each other and strengthen the validity of the conclusions made in this research.

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[161] Mann and Schweiger, 'Using the Objective Hermeneutic method in policy evaluation', 447.
[162] Idem

Box 1

The seven analytical questions for objective hermeneutics.

1. How can the meaning be paraphrased?
2. What does the person speaking wish to present or invoke?
3. In what could this result?
4. What do further details mean?
5. What else might the statement mean in different contexts?
6. What role distribution arises from the unit?
7. What options are available for the next meaning unit? [163]

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[163] The questions are taken from: H.J. Kooij, 'Qualitative research: reflection on grounded theory and Objective Hermeneutics assignment', *Geography, Planning and Environment subject Qualitative Research* lecture 8 (27 February 2014).

Chapter 3

The social-political situation of Somali refugees in Kenya and Ethiopia

The encampment policies of the Kenyan and Ethiopia government seem to go in the opposite direction. Whereas the Kenyan government tightens its encampment regulations, the Ethiopia government relaxes the policy. In the picture on the Chapter 3 cover young urban refugees in Addis Ababa are joining a session held by the Jesuit Refugee Council in 2011 to help them to integrate in their new country. But do Somali refugees actually have more opportunities in Kenya than in Ethiopia, or is this a misconception?

Source: C. Fuchs, *JRS website* <http://jrsea.org/news_detail?TN=NEWS-20110905035313> (10 September 2014).

3.   The social-political situation of Somali refugees in Kenya and Ethiopia

This chapter will focus on the elements that determine the social-political situation of Somali refugees in Kenya and Ethiopia. It will look at the extent to which Somali refugees are subjected to encampment and to what extent this encampment leads to exclusion of the Somali refugees from Kenyan and Ethiopian society. The chapter is mainly based on the data collected during the empirical part of the research, but it will also use literature to strengthen the argumentation and fill gaps if necessary. The research data is coded and six themes that contextualized the social-political situation of Somali refugees in Kenya and Ethiopia are developed from these codes. The themes 'national security', 'politics' and 'economics' refer to important elements that influence the social-political situation of the refugees indirectly. It will be argued that for the refugee's situation, politics is the most important of these three elements. Hereby the different political situation of Kenya and Ethiopia determine the different refugee environments. The political situation in democratic Kenya is vibrant and changes according to political events, while in Ethiopia the authoritarian government creates a stable and uncontested environment for Somali refugees. Thereby the political situation reflects on the way refugees become excluded from Kenyan and Ethiopian society.

The paragraphs are divided by the other three themes. They contextualize the social-political situation of Somali refugees in Kenya and Ethiopia. The themes are: 'the refugee situation', 'the government conduct of Somali refugees' and 'the public perception of Somali refugees'. In the first paragraph, the encampment policies and the responsible governmental institutions will be discussed. The second and third paragraph focuses on the rhetoric of government towards refugees and compares this to the public attitude towards refugees in Kenya and Ethiopia. In the last paragraph, the outcome of encampment will be discussed from the side of the refugees. The paragraph will thereby look at the exclusion encampment creates for Somali refugees. What will be left undetermined in this chapter are the motivations behind the encampment policy in both countries, this is discussed in Chapter 4.

A) Encampment in Kenya and Ethiopia

To determine the social-political situation of refugees in Kenya and Ethiopia, it is important to look at how the encampment policy fits the political situation in both countries. Therefore, this paragraph will discuss the refugee institutions responsible for the refugee management. It will be argued that both institutions have a security background, but that their history is very different. This influences the reasons for encampment and changes the way encampment is enforced. The encampment policy in Kenya becomes stronger enforced to close a security gap, while in Ethiopia this security gap is non-existent. This allows the Ethiopian government to relax the encampment policy and focus on other interest as the economic benefits of refugee hosting.

The refugee institutions

The authority and position of the refugee institutions in Kenya and Ethiopia indicate the importance of refugee management for both governments. Since the refugee institutions are the creators of the encampment policies, it is important to explain why and how these institutions were erected. Both Kenya and Ethiopia have a refugee department within the security apparatus of the country. Therefore, security is an important element of their policy making. In Kenya, the Department of Refugee Affairs (DRA) is responsible for humanitarian coordination and refugee determination. However, the DRA functions under the Ministry of Interior and Coordination of National Government, which is also the responsible governmental organisation for the national security.[164] The Administration for Refugee and Returnee Affairs (ARRA) is the refugee department in Ethiopia. Thereby ARRA functions directly under the National Intelligence and Security Services (NISS).[165] So both the DRA and ARRA are directed by security institutions, and this influences their refugee management. The encampment policy in Kenya was not directed by the DRA, but came as a direct order from the Ministry of Interior.[166] That became clear during the security operation *Usalama Watch*, in which the encampment policy was enforced.[167] This operation was directed personally by Joseph Ole Lenku, the Cabinet Secretary of Interior and Coordination of National Government.[168] It was clearly stated to be a security operation that occurred in the light of the terrorist attacks sweeping Nairobi at the time.[169] Moreover, the DRA itself also includes security officers, besides the people with a humanitarian background.[170] Therefore, encampment is more likely driven by concerns of national security and less by humanitarian concerns. The situation sketched in the interviews is the same in Ethiopia. This is indicated by the way ARRA controls the camps. ARRA, unlike the DRA, is more than just a coordinating partner for humanitarian organisations. It is a humanitarian organisation itself. The Ethiopia government uses this position to monitor the refugee movement in the camps. [171] Like the DRA, ARRA also includes security officers among their staff members. Because they are involved on the ground, these security officers can keep an eye on the situation.[172] In this regard, ARRA seems to play a double role, that of a humanitarian organisation and a security service.[173] So both in Kenya and Ethiopia the refugee institutions are subjected to their superior state

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[164] Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Atlas TI Kenya P7 line 64}.; NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 23}.

[165] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 125-137}.

[166] Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Atlas TI Kenya P7 line 76}.

[167] Regional Mixed Migration Secretariat, 'August 2014 – RMMS monthly summary', *RMMS website* <http://www.regionalmms.org/fileadmin/content/monthly%20summaries/RMMS_Monthly_Summary_August_2014.pdf> (17 September 2014).

[168] Reuters, 'Kenya orders Somali refugees back to camps after attacks', *Thomas Reuters website* <http://www.trust.org/item/20140325185231-85xsl > (17 September 2014).; Xinhua, 'Kenya partly blames refugees for spate of insecurity', *Coastweek website* < http://www.coastweek.com/3714-special-report-07.htm> (17 September 2014).

[169] Idem

[170] On this statement the participant wished to remain unquoted.

[171] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 3-6}.

[172] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P7 line 117}.

[173] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line

institutions, who are both responsible for security concerns. Therefore, it is likely that national security is an important element of refugee policy making.

Although both the DRA and ARRA are directed by security institutions, they have a very different history. Their history explains the different reasons for refugee policy making in both countries. The DRA is a relatively new organisation, established in 2007 under the provision of the Refugee Act.[174] Since the nineties, Kenya has received a large number of refugees, yet it was not concerned about guiding the management until 2007. Instead, the management was left to UNHCR.[175] In the interviews, two reasons were given why the government of Kenya decided to enact the Refugee Act in 2006. Firstly the government became aware that the growing number of refugees put pressure on the demographics and secondly it was urged by humanitarian organisations to domesticate the international refugee conventions signed by the Kenyan government.[176] Although terrorism was not a major concern at the time, the erection of the DRA did mean an increase in the concerns of national security. At the same time, there was a decrease in the protection space for refugees.[177] It was under this development that encampment appeared as a refugee management strategy.[178] ARRA has a very different origin. It was not created by pressure of humanitarian organisations and has been active for over 25 years. The organisation has always played an important role in the provision of humanitarian aid and was even on the ground before UNHCR in Ethiopia.[179] Besides the security aspect, ARRA is also involved in humanitarian aid delivery, because of the foreign currency it brings into the country.[180] Namely, as humanitarian organisation ARRA is entitled to international aid.[181] The acquiring of foreign currency, especially dollars, seemed to be a returning concern for the Ethiopian government in the interviews.[182] By controlling the camp and executing projects, ARRA seems to benefit financially from having refugee camps within its borders. Thus for the Ethiopian government financial benefits and security are important factors, while in Kenya the DRA was erected to deal with the impact of refugee hosting.

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[174] The Republic of Kenya, 'The Refugee Act 2006', *Kenya Gazetted Supplement* 97 (2007).

[175] Sytnik, 'Rights displaced', 13-18.

[176] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 138}.; NGO representative, 'Personal communication', *interview 7* (Nairobi – 16 June 2014). {Atlas TI Kenya P15 line 86}.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 188-202}

[177] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 41}.

[178] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014).{Atlas TI Kenya P5 line 23}.

[179] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 137}.; NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 308}.

[180] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 141}.

[181] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 143}.

[182] Dairy master thesis, 'Personal communication' (25 June 2014) {Ethiopia P8 line 10}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 141}.

The encampment policy

Since ARRA and the DRA are part of the security institutions, it is important to explain how the encampment policies function within a wider range of refugee and security regulations. The encampment policy in Kenya was stated publicly in 2012 as a necessary action to ensure the national security in the urban areas.[183] This policy statement came a year after the Kenyan Defence forces (KDF) had entered Somalia, because it wanted to stop the weapon smuggling at the border with Somalia.[184] The Kenyan government at that time had lost control over its borders as well as the refugees within its borders. Because of the decade-long urban registration programme, refugees had settled in the Kenyan communities and the government lost track of them. So in a way the government of Kenya created this situation itself.[185] When it comes to refugee management at the border, the same chaotic situation exists. The border between Kenya and Somalia is officially closed, but there is no border police to control the cross-border movement. Somali refugees are still coming into the country, only now they do not get registered and remain invisible.[186] This situation is due to the poor functioning of the security forces in Kenya and the large scale corruption.[187] The encampment policy is presented as a way to regain the control over these Somali refugees. It places the refugees into designated areas to control their movement. This goal became clear with Operation *Usalama* Watch. This operation was a verification mission to see which foreigners lived in the urban areas and where they should be placed after verification. In this regard, the verified refugees were sent to the designated areas Kakuma and Dadaab.[188] This situation is very different in Ethiopia. Whereas Kenya has problems to control its border, Ethiopia has firm control.[189] The interviewees indicted that the Ethiopian government is very much aware of the possible spill-over effects, which the presence of Somali refugees creates. Their management of refugees is therefore part of a larger set of security regulations controlling cross-border movement.[190] They manage their borders by having eyes everywhere. While ARRA is present in the camps; other security units control the cities.[191] What can thus be concluded is that encampment in Kenya is presented as a solution to overcome a security gap, while in Ethiopia this security gap is absent, because encampment is framed within a well-functioning security system dealing with all parts of society.

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[183] The Kenyan Department of Refugee Affairs, 'Press statement 13 December 2012'.

[184] P. Mugo Mugo, 'Operation degrade Al-Shabaab capacity: Kenyan mission with no winners, but losers', *University for Peace and Conflict monitor website* <http://www.monitor.upeace.org/archive.cfm?id_article=842> (21 October 2014).

[185] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 125}.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 83}.

[186] Ibem {Kenya P6 line 191}

[187] K.A. Mkutu and K Sabala, 'Private security companies in Kenya and dilemma's for security', *Journal of Contemporary African Studies* 25 (2007) 400-401.

[188] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 246}.

[189] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 206}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 188}.; Dairy master thesis, 'Personal communication' (25 June 2014) {Ethiopia P8 line 7}

[190] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 10-11}.

[191] Idem {Ethiopia P3 line 6}.

Regarding the security element of encampment there is also a notable change in both Kenya and Ethiopia. Whereas the encampment policies in Kenya became stronger enforced through the Operation *Usalama* Watch, in Ethiopia encampment policies are starting to ease. Since the security network of Ethiopia also controls the urban areas, encampment does not need to be strictly enforced.[192] Therefore, a couple of thousand Somali refugees have found their way into the neighbourhood Little Mogadishu in Addis Ababa.[193] These refugees are not officially allowed to live there, and therefore they are not registered as refugees. Nonetheless, the government tolerates their presence in the urban areas, as long as they provide for themselves.[194] An important condition for this mild enforcement is that the national security is not compromised. Thereby the relaxation of the encampment policy is only allowed, because the overall security network can deal with the security implications.[195] Another development that indicates a relaxation of the encampment policy is the outer-camp policy. The outer-camp policy is a recently started initiative of the Ethiopian government that allows refugees to reside outside refugee camps, as long as they have an Ethiopian sponsor that can provide for them. That means that refugees will not be allowed to start their livelihoods, but they can officially reside outside the camps.[196] So far the outer-camp policy only applies for Eritrean refugees, because of the history between Eritrea and Ethiopia. They have the same cultural background, but even more important; they are part of an unresolved conflict. The Eritrean independence war might be over, but the Ethiopia government still find it hard to accept the separation. Ethiopia hopes to destabilize Eritrea, by creating a pull factor for Eritreans to leave their country. So the Eritreans are likely to be favoured by this policy for this political reason.[197] Somalis, as a refugee group, are not politically interesting for the Ethiopian government. This explains why the outer-camp policy is not yet applied to Somali refugees.[198] Whether the outer-camp policy will apply to Somalis as well is for time to tell, but at least it will be a slow process. Nonetheless, the outer-camp policy is an indication that Ethiopia is capable of and willing to relax the encampment policy.

International organisations push the government in Kenya to uphold a semi-open camp policy, but despite these efforts the policy is going into the other direction.[199] In this regard, the process is not a slow transition as in Ethiopia, but rather motivated by the vibrant political situation. For decades, Kenya had an urban programme, in which refugees were allowed to register and reside in Nairobi. This policy had benefitted the government financially, because the Somali refugees are quite successful businessmen. In Nairobi alone they provided for a quarter of the cities taxes.[200] The end of

[192] Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 11}.

[193] UNHCR, '2014 UNHCR country operations profile- Ethiopia'.

[194] Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 7}.

[195] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 218}.

[196] Idem (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 17-53}.

[197] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 17}.; Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 5}.; Dairy master thesis, 'Personal communication' (25 June 2014) {Ethiopia P8 line 10}.

[198] Idem.

[199] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 121}.

[200] K. Lindijer, 'Bang Kenya begint klopjacht op Somaliërs', *NRC* (19 May 2014).; J. Wanga, 'Eastleigh traders relocated with billions in crackdown aftermath', *Daily Nation online* <http://www.nation.co.ke/news/Eastleigh-traders-relocate-with-billions-in-crackdown-aftermath/-/1056/2349118/-/vsbve2/-/index.html> (14 June 2014).

the urban programme came in 2012 with the restatement of the "structural encampment policy".[201] The 2012 directive led to harassment of refugees, but not to an enforcement of the encampment policy. According to UNHCR, no refugees were relocated back to the camps in this year.[202] In 2013, the directive was brought to court by a number of NGO's.[203] The directive was quashed by the High Court, and the situation started to cool down. In March 2014 the encampment policy was again restated. The directive followed after a month with an extreme amount of terrorist attacks inside the urban areas.[204] The 2014 directive was followed by Operation *Usalama* Watch. During this operation, encampment was actually enforced, and refugees were sent to the camps. After July 2014 the enforcement of the encampment policy started to relax, and fewer refugees were sent to the camps.[205] This erratic process of enforcement seems to be a trend in Kenya. [206] The encampment policy is thereby subjected to the political situation and changes overtime. However, the general trend remains a tighter enforcement of the policy.

There is a clear difference between the institutions and the enforcement of encampment of Somali refugees in Kenyan and Ethiopia. In Kenya, the DRA was only established in 2006 as a result of a continuing influx of refugees that could no longer be controlled. This loss of control means that the encampment policy becomes stronger enforced over time, since it needs to close a security gap. The situation is very different in Ethiopia. Here ARRA has been part of the government institutions for twenty-five years and functions within a wider security network of the government. This network allows the government to relax the encampment policy and, this slowly becomes the trend in Ethiopia. This difference in enforcement indicates the different political contexts of Kenya and Ethiopia. Kenya has no strong security network and is politically vibrant, while Ethiopia is stable and secure. This means that Somali refugees in Kenya are subjected to an unsecure situation, while their position in Ethiopia is hardly contested.

B) The government's rhetoric towards Somali refugees

According to the exclusion theory, the government's rhetoric of migrants plays an important role in the creation of exclusion of refugees from society.[207] Governments often focus their rhetoric on the danger of the migrant for the host society and thereby creating an anti-migrant tendency. This paragraph will look at the rhetoric of the Kenyan and Ethiopia government towards Somali refugees. Kenya follows the trend in the migrant detention literature, because it emphasizes the negative effects of refugee hosting. In Ethiopia, this narrative is not opposed, but can best be described as absent. This also means that the Ethiopian government has a stable narrative, while the rhetoric in

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[201] The Kenyan Department of Refugee Affairs, 'Press statement 13 December 2012'.
[202] Dairy master thesis, 'Personal communication' (12 June 2014) {Kenya P14 line 40}.
[203] NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 191}.
[204] NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 11}.
[205] Idem {Kenya P10 line 76}.
[206] Dairy master thesis, 'Personal communication' (19 June 2014) {Kenya P14 line 54}.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 95-107}.
[207] Leerkes and Broeders, 'A case of mixed motives?', 832-833.

Kenya towards Somali refugees reflects the vibrant and insecure political situation described in the first paragraph.

Refugees and security

The news article database of Kenya demonstrated clear media attention for the terrorist attacks and the perpetrators behind these attacks. The statements by the government in particular suggest a connection between the attacks and Al-Shabaab. The refugees in this case are portrayed as enablers and sympathizers of the Al-Shabaab militia.[208] They are responsible for the smuggling of weapons and other material from Somalia. Therefore, Dadaab and the Somali refugee neighbourhood Eastleigh are described as hideouts for terrorists.[209] Since Al-Shabaab is a Somalia based organisation, it could be expected that the rhetoric focuses on Somalis as a whole, but this is not publicly done.[210] Instead, the link between Al-Shabaab and Somalis is made implicitly. The enforcement of the encampment policy is an example of this. Encampment in Kenya is not officially focussed on Somali refugees, but on refugees as a whole. However, when you look at the way encampment is enforced, then the argument can be made that the government does focus on Somalis specifically. During the interviews and also in the news article database it became clear that Somalis are the most targeted group during Operation *Usalama* Watch.[211] Somalis form the vast majority of the refugees in Kenya, and this is one explanation. However, for the same reason refugees are often mixed up as being Somalis and vice versa. The terms refugee and Somali are, therefore, often interchangeable in Kenya.[212] An example of this was the mass arrests of Somalis during Operation *Usalama* Watch. The majority of the crackdown on foreigners took place in Eastleigh and not the other Nairobi neighbourhoods.[213] Thereby the police targeted people on their Somali characteristics. This profiling is not limited to the security forces, but is widely done by the Kenyan public.[214] So by blaming publically Al-Shabaab and the refugees for the terror attacks, the government actually blames Somalis in Kenya as a whole.

The government in Ethiopia never issued statements about refugees and Somalis in public.[215] Throughout the news article database of Ethiopia, only one article focused on the refugees in the

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[208] NGO representative, 'Personal communication', *interview 7* (Nairobi – 16 June 2014). {Atlas TI Kenya P15 line 248}.

[209] NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 11}.; Whiting, 'Dadaab refugee camp: a hotbed for extremism'.

[210] K. Migiro, 'Kenia denies it is targeting Somalis as 4000 terror suspects arrested', *Reuters website* <http://www.trust.org/item/20140408153413-lig7t> (2 May 2014).

[211] Amnesty International, 'Kenya: Somalis scapegoated in counter-terror crackdown', *Amnesty International website* < http://www.amnesty.org/en/news/kenya-somalis-scapegoated-counter-terror-crackdown-2014-05-26> (28 May 2014).; L. Matata, 'Xenophobia becoming reality in Kenya', *The Star online Kenya* <http://www.the-star.co.ke/news/article-166884/xenophobia-becoming-reality-kenya> (13 may 2014).

[212] R. Jaji, 'Religious and ethnic politics in refugee hosting: Somalis in Nairobi, Kenya', *Ethnicities* online published (2014) 2.; NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 115}.

[213] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014).{Atlas TI Kenya P5 line 256}.

[214] Human Rights Watch, 'You are all terrorists'.

[215] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 206}.; Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 5}.

country, and this does not include a positive or negative sentiment.[216] This is partly due to the absence of violence, but also partly because refugees and Somalis are not influential in Ethiopia. Since there are no public statements, the government's rhetoric towards refugees is best described through its refugee management. The refugee management in Ethiopia is marked by its open-door policy. In practice, this means that Ethiopia allows almost all refugees on the basis of *prima facie*.[217] Therefore, the environment for refugees in Ethiopia is best described as "welcoming".[218] The open-door policy can be upheld, because Ethiopia is a more populated country than Kenya and refugees hardly influence the dynamics of the country. This is also the case for Somalis specifically. Their political and economic influence in the country is quite insignificant.[219] Besides, Somalis are not the majority of the refugees as is the case in Kenya. Eritreans and South-Sudanese are the other two major refugee groups in Ethiopia.[220] The terms refugee and Somali are thus not interchangeable in Ethiopia. One NGO representative noted that Ethiopian government is trying to include the Somalis politically and culturally. According to him, it is therefore unlikely that the government would turn its rhetoric against Somali refugees in case of terrorism.[221] His statement is opposed by other interviewees who presume that the absence of a link between refugees and security is also the outcome of a lack of terrorist attacks in the country. They see the possibility that this link can be made in the future.[222] What can thus be concluded from government's rhetoric towards refugees and security is that in Kenya the government implicitly blames the Somalis for the terror attacks, because they form the majority of the refugees. This rhetoric is absent in Ethiopia, partly because there are no attacks and partly because Somalis are not influential.

The refugee burden and threat

Welch and Schuster emphasize that migrant detention is not only publically motivated by security reasons, but governments also use other narratives of refugees.[223] Campbell states in her article that economic motives override security in Kenya. She emphasizes that the refugee situation is depicted as a very costly business for the Kenya society.[224] Throughout the interviews and the news article database of Kenya and Ethiopia this economic narrative was not emphasised by the government. The Kenyan government is focusing on the security related issues and not so much the economic costs, while in Ethiopia both narratives are absent. The absence of an economic rhetoric can be explained by the fact that the actual cost for the Kenyan and Ethiopian society is very debatable. In Africa,

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[216] All Africa, 'Dr. Tedros meets US assistant secretary for the bureau of population, refugee and migration', *All Africa online* < http://allafrica.com/stories/201407140141.html> (11 July 2014).

[217] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 5}.

[218] Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 1}.

[219] Idem {Ethiopia P 5 line 9}.; NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 65}.

[220] UNHCR, '2014 UNHCR country operations profile - Ethiopia'.

[221] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 15}.

[222] Dairy master thesis, 'Personal communication' (25 June 2014) {Ethiopia P8 line 10}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 218}.; Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 9}.

[223] Welch and L. Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy', 344-347.

[224] Campbell, 'Urban refugees in Nairobi', 396.

refugee hosting is often financed by international organisations.[225] Besides, it could be argued that Kenya is also profiting from refugee hosting. The RMMS representative states in this regard: "We all know the economic powerhouse that Eastleigh is meant to be, and we also have so many refugees in this country that have attracted a lot of international support over the years, a large number of NGO's, local and international, all with funding, all with frank staff positions to graduated Kenyans".[226] So although the narrative might exist in Kenya it is not a rhetoric given by the government. This situation is the same in Ethiopia. The government is not negatively depicting refugees as an economic burden for Ethiopian society. As opposed their narrative about refugee hosting is aimed at receiving foreign funding. The best example is the open-door policy, which created a suitable environment for NGO's and other refugee organisations to provide support. These organisations come with international funding, and that created a lucrative refugee economy in Ethiopia.[227] So because Kenya and Ethiopia benefit from hosting refugees, Somali refugees are not depicted as an economic burden by the governments.

Besides being an economic burden, refugees can also be a threat to political and economic power.[228] As argued in this paragraph, this is not the case in Ethiopia, but the data collected in Kenya showed that the Kenyan government does use this narrative. There is a fear among the Kenyan government that Somali refugees are changing the demographics of the country, making the Somali population in Kenya a more powerful ethnicity.[229] Since political power in Kenya is based on the ethnicity, this demographic shift could be important.[230] An example of this narrative was given during a meeting, where a government official stated: "Somalis are taking over parts of Kenya, look at Eastleigh for example, it is not a myth".[231] He further illustrated his comment with the example of Tanzania, where the government feared that the Rwandan refugees would become too powerful. They were eventually outset by the Tanzanian government for this reason. The Kenyan government official used this story to enhance their intentions to return Somali refugees back to their home country. Encampment can be seen as a first step of this process, since it creates control over the refugee movement within the country.[232] A representative of a local NGO working on refugee issues confirmed the fear of an increasing political and economic power of Somali. He states that there is a long-lived believe that Somali refugees are performing well, while half of Kenya is still underdeveloped. The interviewee pointed at a certain jealousy and fear for the Somalis in the country, he says: "people might not be very willing to accept that foreigners, who come here for asylum, are doing better than they are".[233] This might explain the rhetoric that refugees are a threat. This narrative could not be identified in Ethiopia. Somalis do not have any power and are just one

[225] Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 83}.
[226] Idem {Kenya P4 line 77}.
[227] Dairy master thesis, 'Personal communication' (25 June 2014) {Ethiopia P8 line 10}.;
[228] Whitaker, 'Refugees and the spread of conflict', 213.
[229] Campbell, 'Urban refugees in Nairobi', 399.
[230] Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 285}.; O. Ayandike, 'Analysis: Conflict dynamics on Kenya's coast', *IRIN website* <http://www.irinnews.org/report/100394/analysis-conflict-dynamics-on-kenya-s-coast> (23 July 2014).
[231] Dairy master thesis, 'Personal communication' (15 May 2014) {Kenya P14 line 30}.
[232] NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 284}.
[233] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 131}.

ethnicity among many.[234] As opposed, the government is implementing a policy of political empowerment.[235] So in Ethiopia this political element is absent and therefore the government has no reason to have a public rhetoric about Somalis, while this political threat is important in the government's rhetoric in Kenya. This can explain why the rhetoric in Kenya reflexes more on Somalis, than it does on refugees as a group.

The changing rhetoric

The last significant finding in the data about the government's rhetoric was a shift in the rhetoric of the Kenyan government when it regarded the terror attacks. Although the changes in the rhetoric of the government did not influences encampment policies directly, it does say a lot about the politics in the country. The shifting rhetoric is best explained by two examples from the news article database. At the start of the research, the database included many articles in which the government linked the terror attacks to Al-Shabaab. The terror attacks were presented in these articles as a mass phenomenon that could be contributed to the presence refugees in the country. This remained the overall trend, but on two occasions the narrative shifted. The first occasion was the upscaling of the security warnings of Western countries. On the 15th of May, Great Britain, the United States, France and Australia restated their travel advices and discouraged all travels to certain areas in Kenya.[236] These travel warnings had a devastating effect on the economy, and the Kenyan government was very aware of this. This can be illustrated with the response of Kenyan government, since it kept much quieter about the attacks that occurred in the weeks that followed. An example was a major twin blast attack on the 16th of May that hardly got any media attention as opposed to much smaller attacks earlier in April.[237] Besides a decline in media attention, the government also came with statements that terrorism is a global phenomenon and not unique to Kenya. This narrative is opposed to the narrative that Kenya suffers, because it hosts a unique amount of Somali refugees.[238] The Kenyan government used this rhetoric to promote Kenya as a safe tourist destination.[239] Thereby refugees and terrorism were less of an issue for a moment.

The second time the government shifted its rhetoric was during a wave of attacks that occurred in Lamu County. Lamu is in the east of Kenya, and the majority of the population is Muslim. The attacks started on the 15th of June in Mpeketoni town. Here 48 people were killed by gunmen waving an Al-

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[234] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 65}.

[235] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 15}.

[236] Reuters, 'Kenya fumes as Western security warnings drive tourist out', *The Standard Digital* <http://www.standardmedia.co.ke/?articleID=2000121358&story_title=kenya-fumes-as-western-security-warnings-drive-tourists-out&pageNo=1> (15 May 2014).

[237] Dairy master thesis, 'Personal communication' (19 May 2014) {Kenya P14 line 35}.

[238] S. Ndonga, 'Kenya slams travel bans Britain, US', *Capital News online* <http://www.capitalfm.co.ke/news/2014/05/kenya-slams-travel-bans-by-britain-us/> (15 May 2014).

[239] G. Mosoku and E. Wainaina, 'President tells off West on advisories', *The Standard Digital* <http://www.standardmedia.co.ke/article/2000121587/president-tells-off-west-on-advisories?articleID=2000121587&story_title=president-tells-off-west-on-advisories&pageNo=1> (19 May 2014).

Shabaab flag.[240] This attack was followed by a wave of attacks that lasted until mid-July.[241] At first the government used its rhetoric about security, Al-Shabaab and refugees to explain the Lamu attacks, but this shifted quickly. At the time of the attacks the biggest political opposition party of Kenya, Coalition for Reform Democracy (CORD), organized a large-scale protest. Under the leadership of opposition party leader Raila Odinga, CORD asked for a national dialogue. This call created tension in the political landscape of Kenya.[242] It is against this background that the narrative around the Lamu attacks changed. The Cabinet Secretary of Interior Ole Lenku started this when he said that the attacks could be politically linked.[243] After the statement of Ole Lenku, this political narrative became the rhetoric of the Kenyan government. Hereby the identity of the perpetrators of the attacks was highly debated. They were claimed to be mercenaries hired for political ends, or the link was made between the local political parties and the Al-Shabaab.[244] The internal political theory of the Lamu attacks took away the rhetoric of the Kenyan government that the refugees were involved in the attacks. This example indicates that politics is always an overriding factor for the government in Kenya and questions the sincerity of the government's refugee rhetoric.[245]

The political dynamics are very different in Ethiopia. From the interviews and the news article database, it can be concluded that no major shifts took place in the rhetoric of the government when it involved issues around refugees. The government always had an open and accepted mind towards refugees.[246] This stable narrative is possible due to the lack of opposition forces in Ethiopia. Ethiopia is an authoritarian state, and the government controls the population and the political landscape.[247] In this regard, the government's rhetoric about refugees is never questioned and so they have no incentive to change it.[248] Moreover, this paragraph has shown that there is no political or security motivation for the government to depict the Somalis or the refugees negatively. Instead, there is an economic motivation to promote the country as a stable and hospitable environment for refugee hosting.

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[240] AFP, 'Mpeketoni attack: death toll rises to 48', *Daliy Nation online* <http://www.nation.co.ke/news/mpeketoni-Lamu-gunfire-al-shabaab-terrorism/-/1056/2349860/-/yf5qvgz/-/index.html> (17 June 2014).

[241] Star reporter, 'Lamu attackers steal six guns, burn school and raid drug store in fresh wave of terror', *The Star online* <http://www.the-star.co.ke/news/article-176051/lamu-attackers-steal-six-guns-burn-school-and-raid-drug-store-fresh-wave-terror> (12 July 2014).

[242] T. Chanji, 'Religious leaders say Kenya needs national dialogue', *The Standard Digital* <http://www.standardmedia.co.ke/thecounties/article/2000124225/religious-leaders-say-kenya-needs-national-dialogue> (11 June 2014).; B. Sanga, 'I have secrets on security system: Raila', *The Standard Digital* <http://www.standardmedia.co.ke/?articleID=2000124289&story_title=Kenya-i-have-secrets-on-security-system-raila> (12 June 2014).

[243] J. Muraya, 'Political link likely in Mpeketoni attack Lenku', *Captial News online* <http://www.capitalfm.co.ke/news/2014/06/political-link-likely-in-mpeketoni-attack-lenku/> (17 June 2014).

[244] Standard team, 'Confusion reigns Al-Shabaab and Mpeketoni link', *The Standard Digital* <http://www.standardmedia.co.ke/?articleID=2000125298&story_title=confusion-reigns-over-al-shabaab-and-mpeketoni-link&pageNo=3> (17 June 2014).

[245] Jaji, 'Religious and ethnic politics in refugee hosting', 7-10.; NGO representative, 'Personal communication', *interview 7* (Nairobi – 16 June 2014). {Atlas TI Kenya P15 line 357}.

[246] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 1}.

[247] Aalen and Tronvoll, 'The end of democracy?', 203.

[248] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 11}.; Human Rights Watch, 'Ethiopia: brutal crackdown on protests', *HRW website* < http://www.ethiomedia.com/16file/4567.html> (7 May 2014).

The refugee rhetoric of the Ethiopian government reflects the stable and secure refugee environment discussed in the first paragraph. As opposed the Kenyan government's rhetoric of Somali refugees reflect the vibrant and unstable political situation in Kenya. Two important issues for this rhetoric of Somali refugees have been discussed in this paragraph: terrorism and the political and economic power of the Somalis. These narratives are used by the Kenyan government to create a negative environment for the refugees, which are interchangeably connected to Somalis. As the enforcement of the encampment policy, this is done in an ambiguous fashion. The rhetoric hereby depends on the political events, as is illustrated by the Western travel bans and the Lamu attacks. The explanation for the difference between Kenya and Ethiopia is that Kenya is a democracy and not an authoritarian state. The Kenyan government depends more on the public opinion of its people for political legitimacy and therefore it changes its rhetoric according to these political events.

C) The public attitude towards Somali refugees

The previous chapter showed that political systems in Kenya and Ethiopia explain the different rhetoric of the governments towards refugees. In this paragraph, the government's rhetoric of both countries is connected to the public attitude towards Somali refugees. Furthermore, it will explain the relationship between the two. It will demonstrate that in Ethiopia the influence of the public attitude on refugee policy making is minimal, while in Kenya the public attitude is a major driver for refugee policy. Therefore, this paragraph makes a difference between 'public attitude' and 'public opinion'. In public opinion research, 'public attitude' represents a midrange between values and opinions. Values are deeply rooted believes, while opinions are shallow and easily changed.[249] In other words, the public attitude towards Somali refugees is the overall sense that exists of Somali refugees, while the public opinion is more dynamic. It is the public opinion that is ventilated through the media, and this influences policy making. This paragraph will give an answer to the question in the introduction: is exclusion of refugees driven by the state, or initiated by the public opinion?

The position of Somali refugees in the countries

Before comparing the public attitude with the government's rhetoric on refugees, it is important to outline the public perception of Somali refugees by the other groups in the Kenyan and Ethiopian society. As argued in the previous paragraph, Somalis in Ethiopia are an ethnic minority of insignificant political and economic importance. As opposed to the situation in Kenya, there is no significant Somali minority present in the urban regions of the country. Somalis are therefore not as interactive with other social groups in Ethiopia as in Kenya.[250] As a result, there is no noticeable public attitude of Somali refugees indicated by the interviewees.[251] Instead, the participants indicated a divide in society between the 'Highlanders' and the 'Lowlanders' in Ethiopia. 'The

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[249] Encyclopedia Britannic, 'Public opinion', *Encyclopedia Britannic website* <http://www.britannica.com/EBchecked/topic/482436/public-opinion/258756/Components-of-public-opinion-attitudes-and-values> (6 January 2015).

[250] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 5}.

[251] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 15}.

Highlanders' are people of mostly Amharic and Tigrian decent and they are the dominant political, economic and cultural group. They have a Christian orthodox background and are the majority in the Addis Ababa and the Northern provinces of the country. 'The Lowlanders' consist of the ethnic groups that inhabit the rest of Ethiopia. The Somalis in the Oganden region are among them.[252] Most of these ethnic groups are Muslim, and they are marginalized in political, economic and cultural terms.[253] The Lowlanders cannot be seen as a united entity, but are fractured among the lines of their ethnic composition. The largest ethnic group opposing the government are the Omoro. As a result, the government in Addis is not so much concerned about the Somalis or Somali refugees, but more with the Omoria region.[254] What can thus be concluded is that Somali refugees are not an issue in the public attitude of Ethiopians, because they are not a visible group in society and do not pose a threat to the political and economic dominance of the Highlanders. The public opinion is thereby fully in line with the government's rhetoric.

The situation is very different in Kenya. The Somalis in Kenya are present in the urban areas, and they are politically and economically emancipated.[255] Therefore, the Somali refugees interact more intensively with other social groups in Kenya, and this creates a public attitude towards Somali refugees. Unlike in Ethiopia this public opinion is not uniform and not necessarily in line with the government's rhetoric. The interviewees indicated that the predominant public attitude of Somali refugees is negative.[256] The interaction between the Somali minority and the other Kenyan ethnicities does not mean that the Somalis are well integrated in the Kenyan society. They integrate in terms of economy, but they don't integrate socially.[257] This makes the Somalis a vulnerable group for discrimination in Kenya.[258] Indeed Somalis refugees have been discriminated since the early nineties, right at the time when they became a major refugee case.[259] The terror attacks, that swept the urban areas in the last two years, have worsened this negative perception. Since the attitude towards Somali refugees is negative, the public is generally in favour of the encampment policy as a solution

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[252]H. Tobias, 'Beyond clannishness and colonialism: understanding political disorder in Ethiopia's Somali region, 1991-2004', *Journal of Modern African Studies* 43 (2005) 514-515.

[253] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 113}.; G. Peebels, 'When enough is enough: rise up people of Ethiopia', *Nazret* <http://nazret.com/blog/index.php/2014/05/24/when-enough-is-enough-rise> (25 May 2014).

[254] Idem.; Amnesty International, 'Ethiopia: ethnic Omoros, arrested, tortured and killed by the state in relentless repression of dissent', *Amnesty online* <http://www.amnesty.org/en/news/ethiopia-ethnic-oromos-arrested-tortured-and-killed-state-relentless-repression-dissent-2014-10?linkId=10231544> (29 October 2014).; S. Amare, 'Ethiopia: a nation on crossroads', *Ethiomedia* < http://www.ethiomedia.com/17file/6024> (9 June 2014).; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 87}.; NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 113}.

[255] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014).{Atlas TI Kenya P5 line 65}.

[256] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 162}.; NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 131}.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 41}.

[257] Jaji, 'Religious and ethnic politics in refugee hosting', 4.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 71}.

[258] D. Phillips, 'Minority ethnic segregation, integration and citizenship: a European perspective', *Journal of Ethnic and Migration studies* 36 (2009), 222.

[259] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 131}.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 65}.

for refugee management.[260] The government's rhetoric thereby complies with the negative attitude towards Somali refugees. The news article however revealed that a negative public opinion is not uniform in Kenya. It included quite a number of articles that opposes the negative image of Somali refugees and defends their presence in the urban areas. [261] While the public attitude is negative, the public opinion is ambiguous.[262] Kenya is a democracy, and this can be noted from this ambiguity of perceptions. The role of the media is thereby just as significant as the government's rhetoric.[263] This means that public attitude influence the government's policy making. As a result, the government in Kenya uses the dominant public attitude towards refugees, instead of creating an own narrative. The government's rhetoric thereby reinforces the negative public perception of the Somali refugees in Kenya. This suggests that the relation between the government's rhetoric and the public opinion in Kenya is different than in Ethiopia.

Government's rhetoric in relation to public opinion

The public opinion of refugees in Ethiopia is hardly of any influence to the government's rhetoric. Instead, the public seems to take over the government's rhetoric towards refugees. This was noted by the participants during the interviews.[264] To the question whether there is a public narrative of Somali refugees in Ethiopia, a representative of a humanitarian donor said: "Not in general, as well here it is something that is the situation of the federal state. The government is pretty straightforward: if there is an open-door policy then there is an open-door policy, there is no discussion."[265] Due to the absence of a public attitude towards Somali refugees, it is difficult to illustrate the relation between the government's rhetoric and the public opinion with a clear example in Ethiopia. Instead, the relation between the government and humanitarian organisations can illustrate this aspect. NGO's are welcomed into the country for their financial support, but the government is hesitant to any international organisation that pressures the government's control over the country. An NGO representative working on refugee issues stated: "They want organisations here to come in, do a good job, [….] they don't want Amnesty people coming in and reflex in any way negatively on Ethiopia or the government of Ethiopia."[266] So the opposition to the government is minimal in Ethiopia and therefore the government controls the narrative about refugees. This can

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[260] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya', 913.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 41}.

[261] M. Mathui, 'When you meet the next Somali or Muslim, hug him; he's also a victum', *Daily Nation online* <http://www.nation.co.ke/oped/Opinion/-/440808/2323732/-/5en6gyz/-/index.html> (10 October 2014).; H. O. Naando, 'Constructive engagement is crucial in war against terror', *Star online* <http://www.the-star.co.ke/news/article-165472/constructive-engagement-crucial-war-against-terror> (10 October 2014).

[262] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya 913.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 95}.

[263] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 149}.; NGO representative, 'Personal communication', *interview 7* (Nairobi – 16 June 2014). {Atlas TI Kenya P15 line 248}.

[264] NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 11-15}.; Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 5}.

[265] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 164}.

[266] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 149}.

also be seen from the non-critical attitude of UNHCR in Ethiopia.[267] In this regard, the government is mostly concerned about maintaining power and silencing opposition forces, either external or internal. The external situation, illustrated by the influence of humanitarian organisations, thereby reflects on the internal situation. The Ethiopian government is hesitant to change the power balance and is able to do so, because of their well-functioning security system. This security system is the main legitimiser of the government, and they fear that opening up the system would mean a loss of their control.[268] Therefore, it is in the political interest of the Ethiopia government to maintain a status quo in the country, instead of creating the vibrant political situation that marks the situation in Kenya. This reflects on the uncontested narrative the government creates of Somali refugees.

In democratic Kenya the situation is different. Here you see that the public opinion influences the government's rhetoric, because the government relies more on the people for its power rather than a strong security system.[269] It is a vibrant political situation, in which the government tries to influence the public opinion in their favour. The news article database illustrates this. The articles demonstrate a clear frustration over the functioning of the Kenyan security apparatus and the way the government deals with security. This frustration is especially noticeable about the large-scale corruption of the security forces in the country.[270] For example, multimedia lecture Walubengo stated: "The real culprit behind our terror attacks is not new and did not start yesterday. It is corruption".[271] It illustrates the fact that the public in Kenya is pressuring the government by targeting its functioning. Moreover, this is believed to be a more reasonable explanation for the insecurity by both participants in Kenya and Ethiopia and was a noticeable feature in the focus groups.[272] To counter the negative public opinion of the government, the Kenyan government came with their rhetoric around the insecurity. It thereby tries to distract the people from their failure to provide security. The previous paragraph illustrated that this rhetoric focuses on either political opposition, lack of foreign support or the Somali refugees. Therefore, the narrative is not uniform and stable as it is Ethiopia, it is dynamic and changes according to different situations and political events. In the case of the Somali refugees, it uses a narrative that resonates well with the

[267] Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 129}.; NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 11}.

[268] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 224}.

[269] J. Hassid and J.N. Brass, 'Scandals, media and good governance in China and Kenya', *Journal of Asian and African Studies* online published (2014) 4-5.

[270] Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 243}.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 114-119}.

[271] J. Walubengo, 'Taking a matatu these days is like playing Russian roulette', *Daily Nation online* <http://www.nation.co.ke/oped/blogs/dot9/walubengo/-/2274560/2320786/-/11y3pdoz/-/index.html> (21 May 2014).

[272] NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 83}.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 243}. Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 188}.; NGO representative, 'Personal communication', *interview 9* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P3 line 17}.; NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 206}.; Focus group discussion students and businessmen, 'Personal communication' (17 July 2014).; Focus group discussion urban returnees, 'Personal communication' (17 July 2014).

predominant public attitude towards Somali refugees.[273] Thereby the relation between public opinion and government rhetoric is an interactive one and not like in Ethiopia dominated by the government's rhetoric.

The question raised in this paragraph is whether the process of exclusion of Somali refugees is driven by the government's rhetoric or demanded by society. Van Houtum and van Naerssen also reflected on the question by stating: "In democratic societies borders are not 'made from above', rather they represent an implicit, often taken-for-granted, agreement among the majority of the people".[274] When you look at Kenya and Ethiopia an important notion in this quote is in democratic societies. In this regard, the political situation in Kenya and Ethiopia is radically different. Kenya is a democracy where the government depends on the people for its legitimisation, while Ethiopia has an authoritarian regime that depends on a strong security system.[275] This has a major effect on the relation between the public opinion and the government's rhetoric. This relation is interactive in Kenya. The narrative of Somali refugees in Kenya is thereby predominantly negative. That is due to long lived believes of the majority of the people, but has become exacerbated by the government's rhetoric. Thereby the rhetoric is driven by a political motivation, since it distracts the people from the government's failure to provide national security. In the next paragraph, it will be argued that this process leads to the exclusion of Somali refugees in Kenya. In Ethiopia that is not the case. The government controls the public opinion and thus the relation is not interactive. For political reasons, it favours not to create a public narrative of Somali refugees. Therefore, in Ethiopia Somali refugees do not become excluded by either the public attitude or the government's rhetoric.

D) Exclusion through encampment

So far this chapter discussed the social-political situation in which exclusion of Somali migrant takes place in Kenya and Ethiopia. It thereby showed how encampment is institutionalised and enforced and how the Somali refugees are presented in the government's rhetoric and the public attitude in both countries. The last paragraph of this chapter will look at the outcome of encampment policies. It will explain how encampment leads to the exclusion of Somali refugees, from the viewpoint of bordering and ordering. It will hereby look at the boundaries encampment creates for Somali refugees. Considering the previous section, it seems fair to conclude that the Kenyan refugees become excluded in a process of othering. The Somali refugees are framed as the 'other' in this process, those who do not belong to Kenyan society. This is due to the predominant negative public attitude and government's rhetoric in Kenya. Since this element is absent in Ethiopia exclusion through othering does not take place in this country. The process of 'bordering' takes place in both Kenya and Ethiopia, but is differently shaped due to the diverging approaches of the two

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[273] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 131}.

[274] Van Houtum and Van Naerssen, 'Bordering, ordering and othering', 126.

[275] Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 95}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 164}.; Human Rights Watch, 'Ethiopia'.; H. Abdul, 'Ethiopia: silencing the zone by hook or crook', *Nazret* <http://nazret.com/blog/index.php/2014/05/21/ethiopia-silencing-the-zone-by> (23 July 2014).

governments. Bordering is the creation of the limitations of access for refugees in comparison to citizens of Kenya and Ethiopia. According to Sytnik, refugees can thereby become bordered in freedom of movement and opportunities.[276] The bordering process is the outcome of the institutions that order the refugee management. The strictly enforced encampment policy creates a physical boundary for refugees in Kenya, while boundaries in Ethiopia are more implicate. This means that refugees in Kenya are limited in their freedom of movement and opportunities, while refugees in Ethiopia are only limited in opportunities.

Bordering of refugees

The freedom of movement for refugees in Ethiopia is not limited by encampment policies. Interviewees indicated that refugees are not stopped when moving in and out of the camps.[277] The encampment policy does not strictly regulate the movement of refugees in Ethiopia, but rather does not acknowledge urban refugees. Every refugee outside the camp is not registered and is not provided for, except the Eritreans that fall under the outer-camp policy.[278] In this regard, encampment differs from migrant detention in Western countries. Asylum seekers in many western countries are placed in detention facilities, which are confined areas.[279] Refugees in Ethiopia are placed in open camps, these areas are not fenced.[280] This is also the case in Kenya, but here freedom of movement becomes limited in another fashion.[281] During a field visit in Dadaab, it became clear that encampment policies had more consequences for the freedom of movement then the relocation of urban refugees alone. The freedom of movement had become restricted to the designated area. For Dadaab, this designated area is Dadaab town and the five different refugee camps.[282] A movement pass needs to be issued by the government for refugees to be allowed to move out of these areas. According to UNHCR, these passes are relatively easy to get, but in the focus group discussions a different situation was sketched.[283] Previously the movement passes were issued without much trouble to refugees who needed to travel outside the designated areas for business, studies, medical issues or protection issues. Movement was thereby not so regulated. Since the structural encampment policy in 2012 refugees without a movement pass are stopped at checkpoints and are arrested.[284] Thereby the movement passes are still issued in theory, but it has become more difficult in practice. It has even become impossible for the businessmen.[285] Thus, the encampment in

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[276] Sytnik, 'Rights displaced', 11-13.
[277] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 282}.; Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 3}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 70}.
[278] Idem {Ethiopia P7 line 70-76}.
[279] Kaufman, 'Finding foreigners' 701-701.
[280] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 41}.
[281] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 363-374}.
[282] Sytnik, 'Rights displaced', 17-18.; NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 190}.
[283] Expert, 'Personal communication', *interview 15* (Dadaab – 16 July 2014). {Atlas TI Kenya P10 line 94}.
[284] Expert, 'Personal communication', *interview 16* (Dadaab – 17 July 2014). {Atlas TI Kenya P11 line 291}.
[285] Focus group discussion students and businessmen, 'Personal communication' (17 July 2014) {Kenya P12 line 40}.

Kenya creates a physical boundary in the lives of refugees, since it blocks the refugees' movement, while this movement has never been regulated in Ethiopia.

The limitation of freedom of movement in Kenya has its effect on the income generating opportunities for refugees, but Ethiopia shows that even with freedom of movement, income generating opportunities can be limited.[286] Interviewees indicated that the Somali refugees in Ethiopia have little to no income generating opportunities.[287] They are aid dependable, and this is one of the reasons why the encampment policy functions without strict enforcement. Somali refugees stay in the camps, because they depend on the provisions in these camps.[288] Furthermore, remoteness limits the livelihood opportunities for refugees in Ethiopia. This limitation differs per camp and refugee group. Again the Eritreans in the Northern camps do not face this limitation, but the Somalis in the Dollo Ado camps do.[289] Travelling to the nearest urban area is difficult, because of a lack of good infrastructure. Because of this remoteness the Somali refugees become bordered without any enforcement. The situation is different in Kenya. Although employment for refugees is not allowed Kenya, private businesses are tolerated.[290] Moreover, Somali refugees in Kenya also have the economic means to do so. Therefore, most of the urban refugees were self-sufficient. However, the enforcement of the encampment policy bordered the refugees from these opportunities. Most of the 3900 Somali refugees that are relocated by Operation *Usalama* Watch were a small shop owner in Eastleigh. By taking them back to the camps, they have been discomposed of their ownership and livelihoods opportunities. For them they encampment policy has a major effect on their lives. It turns them from successful individuals to dependable refugees. A former Nairobi shop owner explained his situation: "Here I have nothing; there is nothing you can do and nothing to start a new live with, just look around you. I am just completely demoralized".[291] The encampment policy does not only affect the lives of urban refugees, but also of the camp refugees that depend on the movement outside the designated areas for their livelihood. During the Dadaab field visit, local businessmen were interviewed on their experience with the encampment policy. The businessmen indicated that it had become impossible to get any movement passes since 2012. This affects their daily lives, because most of the commodities for their shops are not available in the designated area. They depend on Kenyan nationals as middlemen to run their shop, making their products too expensive to sell. Therefore, many businessmen have been put out of business in the last two years.[292] So in Kenya the bordering process is an outcome of the strict enforcement. In the past, Somali refugees had all the opportunities to participate in society and were self-sustainable, but by regulating the freedom of

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[286] Markos, 'The treatment of Somali refugees in Ethiopia under Ethiopian and international law', 374-377.

[287] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 41}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 17}.

[288] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 5}.; Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 7}.; Expert, 'Personal communication', *interview 13* (Addis Ababa – 11 July 2014). {Atlas TI Ethiopia P7 line 41}.

[289] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 29}.

[290] NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 83}.; Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Atlas TI Kenya P7 line 190-220}.; Wanga, 'Eastleigh traders relocated with billions in crackdown aftermath'.

[291] Focus group discussion urban returnees, 'Personal communication' (17 July 2014) {Kenya P13 line 28}.

[292] Focus group discussion students and businessmen, 'Personal communication' (17 July 2014) {Kenya P12 line 48}.

movement this became impossible. This leads both to physical bordering and the bordering of opportunities. In Ethiopia this physical bordering is absent, but opportunities are bordered by the economic situation of the Somali refugees and the remoteness of the refugee camps.

Othering of refugees

Besides the process of bordering, there is also a process of othering that has changed the live of Somali refugees in Kenya. Here the negative sentiment in the public opinion of Somalis becomes exacerbated almost to the level of xenophobia.[293] The role of the government's rhetoric in this process is discussed in the previous paragraph. The government uses long-lived believes among the majority of the Kenyans, to exacerbate the situation instead of trying to calm it down. Besides the government's rhetoric, the encampment policy also contributes to this process. As is argued by Coleman and Kocher migrant detention sends the message to the public that migrants do not belong in society. They are the 'other' and become criminalized.[294] This is what the 2012 encampment policy has done for Somali refugees in Kenya. During a focus group in Dadaab, a group of university students from Nairobi explained how they have become criminalized in urban areas. One of the students of Somali decent mentioned the '*Nyumba Kumi* Initiative'. The initiative is called the 'neighbourhood watch' in English and was erected at the time of Operation *Usalama* Watch. The initiative was a call to all Kenyans to report every foreigner and other unknown neighbours. This initiative can well show how Somali refugees become othered in Kenya. The student explained that since the *Nyumba Kumi* Initiative he is afraid to go out, when he is in Nairobi for studies. People report him, because of his Somali appearance.[295] He was backed by another Somali refugee student: "As a Somali I can no longer stay in the city. People look at you even at the university as if you are a criminal. […] We are afraid to go out. We just go for class and for food that is it. In this regard, I think 90% of us students from Dadaab decided to do distance studying and not move back to Nairobi".[296] The situation sketched by these Somali refugee students is backed by the report "You are all terrorist" by Human Rights Watch. [297] The report explains in detail the effects the restatement of the encampment policy had on the Somalis. This process of othering is not identified in Ethiopia. This is partly because there is no narrative about Somali refugees and partly because encampment is not depicted negatively. Encampment is seen as humanitarian solution and not a security measurement.[298] In this situation, the encampment does not send the message Coleman and Kocher emphasize. That explains why Somali refugees in Ethiopia are not criminalized like in Kenya.

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[293] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya', 915-916.; Matata, 'Xenophobia becoming reality in Kenya'.; Dairy master thesis, 'Personal communication' (19 June 2014) {Kenya P14 line 23-26}.; Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Atlas TI Kenya P7 line 106}.

[294] Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', 230.

[295] Focus group discussion students and businessmen, 'Personal communication' (17 July 2014) {Kenya P12 line 13}.

[296] Idem {Kenya P12 line 20}.

[297] Human Rights Watch, 'You are all terrorists, Kenyan police abuse in Nairobi'.

[298] Expert, 'Personal communication', *interview 10* (Addis Ababa – 25 June 2014). {Atlas TI Ethiopia P4 line 10}.; Expert, 'Personal communication', *interview 11* (Addis Ababa – 27 June 2014). {Atlas TI Ethiopia P5 line 11}.

The last paragraph has shown that the encampment has a very different outcome on the Somali refugees in Kenyan than in Ethiopia. The outcome of encampment thereby emphasises that Kenya and Ethiopia are critically different environments for the Somali refugees. The exclusion of Somali refugees is present in both cases, but it differs in intensity and appearance. By dividing the process of exclusion into bordering an othering the paragraph has shown that 'othering' of Somali refugees only takes place in Kenya, while bordering takes place in both countries. Thereby the process of bordering can be divided into the physical bordering and the bordering of opportunities. Only the last aspect is present in Ethiopia.

E) Determining the social-political situation of Somali refugees

This chapter started with three themes that influence the social-political situation of refugees in Kenya and Ethiopia indirectly: 'national security', 'politics' and 'economics'. Throughout the chapter, these elements have proven to be important, with one being more important for each specific case than the other. National security is a prominent part of the government's rhetoric in Kenya. Indeed Kenya has been subjected to high levels of terrorism, and national security might be one of the most prominent issues. This can also be concluded when you look at the public attitude towards Somali refugees in Kenya. Although there is also opposition to the idea that Somali refugees are the cause of insecurity, a significant part of the Kenyan's support the government's encampment policy. In Ethiopia, economics is an important element that influences the refugee social-political situation. Ethiopia benefits from having refugees, because it receives foreign currency in exchange for humanitarian work in the camps. The element of economics is much harder to identify in Kenya. Undoubtedly somebody will benefit from the encampment policy, but on a larger scale the 50,000 urban refugees were beneficial to the Kenyan economy and the encampment policy would crush this economic stronghold. Economics is thus not a clear element of the encampment policy in Kenya.

Politics, as opposed to national security and economics, is an important element of the social-political situation of Somali refugees in both countries. This element can also explain why the other two elements are only prominent in one case. The political situation in Kenya and Ethiopia is radically different. The authoritarian regime of Ethiopia has firm control over its borders and the people within these borders. Therefore, terrorism rarely occurs in Ethiopia and is not a prevalent element of the encampment policy. From a political viewpoint, the government has other issues to worry about, like the opposition of the Omoro.[299] So the Ethiopia government uses a loose encampment policy for other political ends. For example, they create the narrative of Ethiopia as a welcoming nation for refugees in order to benefit financially from the foreign investment. Thereby the government uses the stable political situation to create a stable and uncontested narrative about Somali refugees in the country. Therefore, the environment for Somali refugees in Ethiopia is experienced as positive; even though exclusion of the refugees is present. The political environment is very different in Kenya. The democratic government has no firm control over its borders and its people. Therefore, the situation is very vibrant. The government in Kenya cannot secure the national security in the country, and this puts political pressure on the government. Since the refugee narrative of the government

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[299] Peebels, 'When enough is enough: rise up people of Ethiopia'.

resonates well with the public attitude towards Somali refugees, the government of Kenya uses this as a political tool to create support for the government. Thereby the Kenyan government distracts the people of the government's responsibility. Furthermore, when it was in their political advantage, the government made two shifts in its rhetoric about insecurity. Apparently the refugee narrative only matters when it serves a political goal. This political situation reflects on the social-political situation of refugees. The process of exclusion of Somali refugees is much more felt here, because their situation is constantly changing according to the political events. So when you look at the cases of Kenya and Ethiopia, politics is the most important element that determines social-political situation of the refugees. In the next chapter, this thesis will use that conclusion to further exam the motivations behind the encampment policy in Kenya and Ethiopia.

Chapter 4

Unravelling the motivations for the encampment policies

The picture on the Chapter 4 cover shows the Somali neighbourhood 'Little Mogadishu' in Addis Ababa. Compared to the Somali neighbourhood Eastleigh in Nairobi these Somali refugees live in the shadows of political landscape. So why are Somali refugees a major political issue in Kenya, while in Ethiopia there is no narrative? In other words what underlying motivations drive the Kenyan and Ethiopia government to implement an encampment policy?

Source: T. Tigabu, <http://www.thereporterethiopia.com/index.php/living-and-the-arts/society/item/1582-little-somalia-%E2%80%93-home-away-from-home> (17 October 2014).

4. Unravelling the motivations for the encampment policies

In Chapter 3, politics is the important element to explain the social-political situation for Somali refugees in Kenya and Ethiopia. The social-political situation for Somali refugees determines the context in which the encampment policies are shaped. In this chapter, the thesis will look more in-depth into the motivations behind the encampment policies. In the final paragraph, these motivations will be linked to the conclusion of Chapter 3. Thereby the in-depth analysis of the Objective Hermeneutics works together with the wide-scale data analysis in Chapter 3 to create a comprehensive picture of both cases. It will argue that, in Kenya the refugee fatigue is an important underlying motivation for the encampment policy, while the encampment policy in Ethiopia is motivated by national security concerns. In this regard, encampment in Kenya is a tool to enhance the return programme of Somali refugees. The government exacerbates this fatigue and uses encampment to create more political legitimacy for itself. The Ethiopian government uses encampment as a tool to enhance the population control, which is the basis of their political legitimacy. So while different underlying motivations were revealed in Kenya and Ethiopia, encampment in both cases is driven by the preservation and amplification of political legitimacy.

This chapter will make use of the qualitative analysing method of Objective Hermeneutics to unravel the underlying meaning. This method requires a unique form of description. Therefore, it is important first to explain how this chapter is shaped. The thesis will follow the eight steps of objective hermeneutics in analysing the texts. These steps have been outlined in Chapter 2 and are not explicitly described in this chapter. What is made explicit in this chapter is the creation of the storyline. Firstly three interviews are selected from each case. From these three interviews, three to four relevant fragments are selected. They are selected because they provided an insight in the underlying motivations for encampment. These fragments are analysed in detail by each sentence that is described in a sequence in this chapter. This is the start of the interpretation of the interviews. In the course of the analysis, these sequences create a storyline after each interview. The three interview storylines combined create a narrative explaining why encampment takes place in Kenya and Ethiopia. None of the contextual knowledge created in the previous chapter is used for these storylines, besides the thesis has separated the storyline for Kenya and Ethiopia. In the final paragraph, the two storylines are taken together and compared to the conclusion drawn in Chapter 3. Thereby this comparison will give an answer to the question central in this chapter: "What are the underlying motivations for encampment in Kenya and Ethiopia?"

A) Motivations for the Kenyan encampment policy

Before this paragraph deals with the underlying motivations for the encampment policy in Kenya, it will address the selection of the interviews used for the Objective Hermeneutic analysis. The Objective Hermeneutic method assumes that true meaning of a text can be revealed, by looking at

the text in-depth. During the interpretation of the text, the bias of the participant has to be taken into account.[300] When this is taken into account, then the same meaning should reveal in each fragment of each text. In the case of this thesis, the meaning of the texts is focused on the underlying motivations for the encampment policy. The three interviews selected from Kenya represent a positive, critical and moderate view on encampment policies. The three different perspectives are deliberately chosen to see if the same underlying motivations can be taken from each interview. The first interview analysed is the interview with a DRA spokesmen.[301] The government official is likely to favour the encampment policy and justify it within an international context. The second interview analysed is an interview with a UNHCR representative.[302] Since 2009, UNHCR has globally adopted urban areas as legitimate places to settle and the recent "Alternatives to Camps" policy obligates the organisation to search for urban settlement whenever possible.[303] The participant in the second interview is thus unlikely to favour an encampment policy in Kenya. Furthermore, this participant is not a Kenyan. Therefore, she might view the encampment policy as an outsider, since the outcome of the policy does not affect her life as such. The last interview selected is conducted with a spokesman of the Legal Resource Foundation, a local NGO focused on advocacy for legal issues in Kenya.[304] The participant gave a moderate view on the encampment policy, highlighting both negative and positive elements of the policy. This participant is a Kenyan national and this affected his view on the government's policy making. In the name of his organisation, the participant emphasised the violation of human rights, but when he discusses politics he supports the government. The thesis acknowledges that the selection of these interviews affects the interpretation. However, the Objective Hermeneutic analysis is a suitable method to minimalize the effects of the participant's biases. This becomes clear when the same storyline is created for each of the three interviews. The narrative created is that the encampment policy in Kenya is politically strategic response to the growing Somali refugee fatigue.

The refugee fatigue

The first interview analysed is with the DRA official.[305] The first fragment in Objective Hermeneutics is taken to reveal the positons taken by both the interviewer and the participant. In the first fragment, the participant positions his organisation in an international framework. According to the participant, the Refugee Act and the DRA are the outcome of a domestication of the International Protocols and Instruments. I questioned this narrative at the end of the first fragment: "it [the convention] was signed a number of years ago, why did the government decide to set up the DRA in 2006 and not earlier?"[306] At first the participant is reserved in answering this question, something he is throughout

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[300] Wagner, Lukassen and Mahlendorf, 'Misused and missed use', 2.

[301] Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Transcript OH interview 1 (Kenya)}.

[302] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014). {Transcript OH interview 2 (Kenya)}.

[303] K. Siegfried, 'Alternatives to refugee camps: can policy become practice?', *IRIN website* <http://www.irinnews.org/report/100691/alternatives-to-refugee-camps-can-policy-become-practice> (8 October 2014).

[304] NGO representative, 'Personal communication', *interview 7* (Nairobi - 11 June 2014). {Transcript OH interview 3 (Kenya)}.

[305] Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Transcript OH interview 1 (Kenya)}.

[306] Idem {Transcript OH interview 1 (Kenya) – fragment 1}.

the interview, but eventually he states that it is the issue of too many people coming into the country. This would mean that the DRA and the Refugee Act were not motivated by an outside force, but by an inside force. This is contradictory to his earlier statement that the establishment was initiated by the international conventions. That the DRA is established, because of the international conventions is what the participant wishes to provoke. The fact that is the DRA was established because of a continuous influx of refugees is more likely to be the underlying motivation. This can be concluded with the sequences from the second and third fragments of the interview.[307] The refugee fatigue becomes the returning storyline in these fragments. The storyline thereby focuses on the Somali refugee case specifically, because the participant addresses the Somali refugees and no other groups. In the second fragment, the refugee fatigue is motivated through the Kenyan public opinion and in the third fragment this is motivated by the durable solution he offers for Somali refugees. The only returning element of the first fragment is the participants' tendency to justify governmental decisions by pressure outside the government. The international obligation was the drivers in the first fragment and the public opinion in the second fragment. In the last fragment, the participant justifies a return policy of Somali refugees as a durable solution.[308] He thereby suggests that it is Somalis wish to return to Somalia and that is, therefore, Kenyans obligation to cooperate with them.

In the second fragment, I start the discussion with a question about the public opinion on the encampment policies. Here the refugee fatigue narrative becomes more visible. The participant describes this perception as a "general discomfort" between the Kenyans and the Somali refugees.[309] According to him this explains why the public is demanding the government to adopt the encampment policy. For the participant, the encampment policy is, therefore, driven by the public attitude towards Somali refugees. This suits the participant's tendency to justify policy by non-governmental pressure. The refugee fatigue is again the most important element in the third fragment.[310] I ask the participant about the durable solutions he sees for the Somali refugee case. The participant mentions three different durable solutions: returning Somali refugees to their home country, resettlement of Somali refugees in a third country or settlement in Kenya. The last solution to him is not desired and only an option for a small group and under strict conditions. As opposed the participant favours the return policy. The focus on the return policy can be linked with the refugee fatigue. Throughout the third fragment, the participant suggests that the time has come for the Somali refugees to return home, since they have been in Kenya for too long. The participant motivates this be stating: "We live in a time when Somalia needs its people back, so we have no options than to encourage them to go back".[311] Looking at his earlier statements on the international obligations and the public opinion, it is likely that this "wish of Somalia" is something he would like to provoke. This becomes clear when I ask how the encampment policy fits in the return policy. According to the participant encampment is not a durable solution, but a refugee management strategy. At first the participant states that the strategy is aimed to enhance the humanitarian assistance, but in the line of his argumentation he slips that it is also aimed to profile refugees. It is a method to control the refugees' movement and to know where they are. This method can enhance the return process, because Somali refugees have to be identified before they can be returned. By

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[307] Idem {Transcript OH interview 1 (Kenya) – fragment 2 and 3}.
[308] Idem {Transcript OH interview 1 (Kenya) – fragment 3}.
[309] Idem {Transcript OH interview 1 (Kenya) – fragment 2}.
[310] Idem {Transcript OH interview 1 (Kenya) – fragment 3}.
[311] Idem {Transcript OH interview 1 (Kenya) – fragment 3}.

mentioning the profiling of refugees, the participant breaks in his tendency and it becomes clear that the encampment policy is also beneficial to the government.

The storyline created from the first interview is that the encampment policy in Kenya is motivated by a refugee fatigue. This refugee fatigue has incited the government to pursue the return of Somali refugees. The return solution might not be stated as an official policy, but is the underlying motivation that emerges from the interview. Since encampment is a management strategy that is aimed to profile the Somali refugees, it can be regarded as the first step in this return process. It is unclear what causes this refugee fatigue. Is it a government's response to the public opinion, or is it created by the government? The second and third interview will give an answer to that question.

Emotional and rational policy-making

The second interview analysed for Kenya is an interview with the UNHCR representative.[312] In the first fragment, she is very critical towards the government's refugee policy, in specific the Operation *Usalama* Watch.[313] The wording she uses in this fragment even suggests emotional involvement in what the participant describes as having a "serious impact on human rights".[314] This position towards the Operation *Usalama* Watch can explain the narrative she provokes of the Kenyan refugee policymaking. Throughout the interview, the participant provokes the image that the Kenyan policy making is an *ad hoc* endeavour and not thought-through. For the participant, policy making is hereby based on emotion rather than political rational. In this regard, she negatively depicts the refugee policymaking in Kenya. In the first fragment, the participant uses the Operation *Usalama* Watch as an example of this. She stated: "The way things happened gave us the impression that it was more an immediate reaction to some particular events and in particular the bombing in Mombasa and the few explosions here and there and show to the public: "Yes we are doing something"." However in the second fragment, the participant uses an example that contradicts the image that policy is *ad hoc* and emotional.[315] Thereby the participant discusses the public attitude towards refugees. Her description of the public perception of Somali refugees in Kenya complies with refugee fatigue described in the first interview, but she adds another dimension to this fatigue. According to her the Kenyan public fears the economic and political strength that Somali refugees have in the Kenyan society. This fear is politically used by the Kenyan government to legitimise the encampment policy. This storyline well suits the storyline that is created in the first interview, but contradicts her representation that policymaking is *ad hoc.* Refugee policymaking is politically driven, because it is a response to the refugee fatigue. It is to show the public that the Kenyan government is addressing the refugee fatigue and could be a way to create political support. So based on these two interviews, it can be concluded that the encampment is best described as a political strategy for the Somali refugee case, rather than an emotional response to the terror attacks.

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[312] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014). {Transcript OH interview 2 (Kenya)}.

[313] Idem {Transcript OH interview 2 (Kenya) – fragment 1}.

[314] Idem {Transcript OH interview 2 (Kenya) – fragment 1}.

[315] Idem {Transcript OH interview 2 (Kenya) – fragment 2}.

The third interview analysed is with the spokesman of the Legal Resource Foundation.[316] His line of argumentation explaining refugee policy making in Kenya starts in the second fragment selected for this interview and is sequentially followed in the third and fourth fragment.[317] According to him policy making can be based on emotions or rational. Thereby he makes the same distinction that was revealed in the interview with UNHCR. According to the participant, the Kenyan government can deal with the "real issues" or get it wrong.[318] The government gets it wrong when it would base its refugee policy on emotion. The participant did not specify what these real issues are, but hinted towards rational policy-making. According to him the government needs to be able to take a step back, before implementing a policy like the encampment policy. At first the participant suggests that policy making in Kenya is emotional. He thereby states that policy making is based on a tireless pressure of the public opinion, caused by the insecurity in the country. Two sequences later he changes this narrative. Just like the participant in the second interview he states that return of refugees is at the heart of the refugee policy making in Kenya.[319] This connects to the storyline created in the first interview. The encampment policy is based on the refugee fatigue and the will to return the Somali refugees back to their home country. Also in this case, it seems likely that these refugee policies are not emotional, but rather more politically motivated. This storyline is enhanced in the third and fourth fragments of the interview. In these fragments, the participant urges me to look out for the politics.[320] Therefore, the encampment policy, driven by the refugee fatigue, is a political strategy and best described as rational.

The storyline, which is created from the three interviews, is that encampment policy in Kenya is motivated by a refugee fatigue. Thereby the encampment policy does not stand on its own, but is part of a return policy offered by the Kenyan government as a solution for the refugee fatigue. In this regard, it is likely that the government perceives that encampment enhances the return process. The refugee fatigue is something that exists within the public attitude and by the government of Kenya. The recent terrorist attacks linked to Al-Shabaab are partly to blame for this fatigue. All three interviews mention these attacks, but the rising insecurity is not the only motivation for the refugee fatigue. A good argument for this is that the negative perception is not a recent development, but existed in Kenya for a long period. As stated by the UNCHR representative, there is a fear that Somali refugees become too powerful in economic and political sense. This fear has excited for a longer time and is one of the important underlying motivations of the refugee fatigue. The refugee fatigue thus existed in Kenya for years, but had become exacerbated by the terror attacks. As a result, the pressure on the government of Kenya to address the refugee fatigue increased. Therefore, it implemented the encampment policy in 2012 as part of the return policy. So the encampment policy cannot only be seen as an emotional response by the government of Kenya on the terror attacks, but is rather a rational political strategy offered as a solution for the refugee fatigue.

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[316] NGO representative, 'Personal communication', *interview 7* (Nairobi - 11 June 2014). {Transcript OH interview 3 (Kenya)}.
[317] Idem {Transcript OH interview 3 (Kenya) – fragment 2, 3 and 4}.
[318] Idem {Transcript OH interview 3 (Kenya) – fragment 1}.
[319] Idem {Transcript OH interview 3 (Kenya) – fragment 1}.
[320] Idem {Transcript OH interview 3 (Kenya) – fragment 3 and 4}.

B) Motivations for the Ethiopian encampment policy

In Ethiopia, only three interviews had been transcribed, so these were used for the analysis.[321] As a result, the participant's positions were more uniform then in Kenya. The first two interviews analysed were held with representatives of NGO's working with refugees in the camps. The third interview analysed was held with a donor organisation that supports humanitarian reliefs in refugee camps.[322] All three participants are not of Ethiopian decent, but expatriates from Europe and the United States. Based on the interview with UNHCR in Kenya it can thus be expected that these participants will be critical towards the encampment policy. The data samples used for Ethiopia are different than in Kenya, and this might affect the comparison at the end of the chapter. The fact that all participants have an international humanitarian background means that other motivations for the encampment are highlighted. Therefore, the underlying motivations might not be equally interpreted. The thesis acknowledges this flaw in the data analysis, but because the objective hermeneutics method is aimed to minimise the effects of the bias of participant, it assumes that a scientific valuable comparison can still be made. The storyline, which was created from the interviews, is that the encampment policy in Ethiopia is motivated by security, because it is part of the national security system that is at the heart of the Ethiopian political regime.

Encampment within the authoritarian regime

The first interview analysed is with a representative of an NGO working with refugees in the camps.[323] Prior to the interview, it was expected that the participant would be critical towards encampment policies in Ethiopia, but instead encampment did not come up as an issue. As is usual for Objective Hermeneutics, the first fragment revealed this position of the participant.[324] I started the interview with a clear interest in the urban refugee issue. I brought this up, because the urban refugees are an important element of the encampment policies in Kenya. When the participant answered the question he did not go into the issue. Instead, he discussed the different set-ups of and the service provision in the refugee camps. Hereby the participant seems to avoid the issue of urban refugees. This could be done for three reasons: urban refugees are a political sensitive subject in Ethiopia, the participant does not work with the urban refugees and therefore he has limited knowledge about them, or encampment is not perceived as an issue by humanitarian organisations in Ethiopia. The first option is unlikely, because the participant openly discusses the outer-camp policy for Eritreans in the rest of the fragments. Furthermore, he seems comfortable throughout the interview when he discusses the Somali refugee situation. The second option would be plausible, but the third option is most likely to be most important. This conclusion can be illustrated with an

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[321] NGO representative, 'Personal communication', *interview 8* (Addis Ababa - 11 June 2014). {Transcript OH interview 1 (Ethiopia)}.; NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Transcript OH interview 2 (Ethiopia)}.; Expert, 'Personal communication', *interview 13* (Addis Ababa - 11 July 2014). {Transcript OH interview 3 (Ethiopia)}.

[322] Expert, 'Personal communication', *interview 13* (Addis Ababa - 11 July 2014). {Transcript OH interview 3 (Ethiopia)}.

[323] NGO representative, 'Personal communication', *interview 8* (Addis Ababa - 11 June 2014). {Transcript OH interview 1 (Ethiopia)}.

[324] Idem {Transcript OH interview 1 (Ethiopia) – fragment 1}.

example from the second fragment when the Somalis are discussed.[325] According to the participant, Somalis are also not an issue in Ethiopia. They are just a refugee group among many. Thereby he argues that the situation in Ethiopia cannot be compared to Kenya. This example revealed a misunderstanding between me and the participant. Apparently I asked about issues that were relevant during the interviews in Kenya, but are not recognised to be relevant in Ethiopia by the participant. This suggests that indeed humanitarian organisations in Ethiopia do not see encampment as an issue.

The conclusion, that humanitarian organisations do not see encampment as an issue, does not directly explain the motivations behind encampment in Ethiopia. However, this conclusion does indicate how encampment is framed within the political context of Ethiopian policymaking. Encampment is part of a security management strategy of the Ethiopian government that has been the guiding political strategy for decades. Therefore, encampment has been part of the working environment of humanitarian organisations in Ethiopia for years, and this explains why it is not perceived as an issue. The second fragment hides an important clue for this argument.[326] The most logical explanation for the mild response of the participant on the encampment policy would be that it does not violate the human rights. Namely, if human rights are not violated, then humanitarian organisations do not need to speak out against the practice. In the third fragment, one of these human rights, freedom of movement for refugees, is discussed.[327] Regarding the freedom of movement, the participant says: "the government has every right to keep refugees camps and keep refugees in refugee camps. They don't have to have outer-camp policies. According to the refugee conventions you just supposed to afford security and protection". His statement suggests that even if freedom of movement would be violated, then he would still not speak out against the practice. This means that the expectations of the humanitarian organisations in Ethiopia are different when it comes to human rights than in Kenya. The most logical explanation for this is that humanitarian organisations are used to the political environment in Ethiopia. This political environment is shaped by an authoritarian regime that uses security measurements to control the population. The encampment policy in Ethiopia is then part of these security measurements. Encampment is not seen as a concern by humanitarian organisations, because it is expected that the Ethiopian government motivates encampment by security measurements. Thus, the mild response of the humanitarian organisations indicates that encampment is motivated by the security management strategy that has been in place for decades in the country. Therefore, security is actually an important motivator for encampment in Ethiopia.

In the third fragment of the interview, the participant enhances the conclusion that encampment in Ethiopia is driven by security, but adds another dimension to the storyline. I ask the participant about the influence of security on refugee policymaking. This time the participant does not avoid the question, but instead states that security is the key to the encampment policy.[328] It is motivated by security, because the government would never be able to control the refugees without the encampment policy. This strengthens the storyline that the humanitarian organisations in Ethiopia see encampment as a logical outcome of the security network. However, the participant also

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[325] Idem {Transcript OH interview 1 (Ethiopia) – fragment 2}.
[326] Idem {Transcript OH interview 1 (Ethiopia) – fragment 1}.
[327] Idem {Transcript OH interview 1 (Ethiopia) – fragment 3}.
[328] Idem {Transcript OH interview 1 (Ethiopia) – fragment 3}.

mentions the example of the outer-camp policy for Eritreans. Because Ethiopia is in political conflict with Eritrea, this policy can better be explained by politics instead of security. Ethiopia uses the outer-camp policy to create favourable conditions for Eritreans to seek refuge in Ethiopia. By pulling these Eritrean refugees in, the Ethiopia government destabilises the situation in Eritrea. Thus, the outer-camp policy has a clear political motivation. So how does the political motivation relate to the security motivation? Most likely the encampment policy in Ethiopia is driven primarily by security. It thereby functions in a larger security network that controls all elements of society. Therefore, the encampment policy in Ethiopia does not need to be strictly implemented. Security can be guaranteed in some cases, as long as the numbers and types of urban refugees can be controlled. The political motivation for the outer-camp policy is thus subordinate to the security, but can become important as long as security is guaranteed.

The storyline, which is created for the first interview, is that security is the main motivation for the encampment policy in Ethiopia. Control over society is the power base of the authoritarian government and encampment is thereby used as a tool to control the refugee movement. This motivation is so elementary in the politics of the Ethiopian government that it is hardly noticeable to the participant. This explains why the participant does not see the issue of encampment in the light of urban refugees. Besides security other, subordinate motivations can play a role in the encampment policy, but only under the conditions that the government remains in control.

Differences between the refugee groups

The second interview is also conducted with a representative of an NGO working in the refugee camps.[329] Like the first interview, the participant in the second interview is very positive about the refugee management of the Ethiopian government. In the first fragment, he describes the refugee environment as "open and welcoming".[330] His only critical point is on the service provision. He does this in the second fragment. His point enhances the storyline that humanitarian organisation in Ethiopia are mostly concerned about service provision and not freedom of movement. Regarding the refugee environment, I asked if there is a difference between the refugee groups, because there are large numbers of Somali, Eritrean and South-Sudanese refugees in Ethiopia. This demographic composition could be important, because for different refugee groups different motivations can apply. The participant answers: "not in the way you think".[331] Hereby it seems as if the participant in the second interview also warned me not to prejudge the context of Ethiopia. He continues his argument by stating that the differences are based on "realities".[332] Thereby he tries to provoke that the difference is based on the situation on the ground. To him the most important "reality" is remoteness. Some parts of Ethiopia are still inaccessible, because the infrastructures in these areas are weak. This situation accounts for the Dollo Ado camps where majority of the South-Central Somalis are placed and the camps around Gambella where most of the South-Sudanese are

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[329] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Transcript OH interview 2 (Ethiopia)}.
[330] Idem {Transcript OH interview 2 (Ethiopia) – fragment 1}.
[331] Idem {Transcript OH interview 2 (Ethiopia) – fragment 1}.
[332] Idem {Transcript OH interview 2 (Ethiopia) – fragment 1}.

located.[333] As a result, service provision in these areas is more difficult for the NGO of the participant. This is opposed to the situation in refugee camps that holds the Eritreans.

To the participant, the differences are the result of the realities, but how did these realities come into being? It could also be argued that the remoteness of the Dollo Ado and Gambella camps is created by the government, by deliberately not investing in these areas. In this case, it would mean that there must be a reason for the government of Ethiopia to create remoteness for Dollo Ado and Gambella. The answer to this question is given by the participant in the following sequences.[334] He acknowledges that especially for the Somali case there is some concern around security. The participant states about Dollo Ado: "It is right on the border with a failed state, so there is Al-Shabaab to deal with, security is much more of an issue down there than in most of the other areas right now." This would mean that security motivates the remoteness for the Somali case. The remoteness can then be used to enforce encampment, because it creates a border to ensure that refugees remain in the camps. In this regard, the government ensures that the refugees cannot threaten the security in the urban areas. This conclusion can also be made from a discussion on the relation between the federal and the local level.[335] The participant points at the fact that there is a conflict between the two levels in Ethiopia. The host communities from the Dollo Ado and Gambella region do not associate with the federal government, because their ethnicity is not represented at that level. By keeping these areas remote the government not only creates a border for refugees, but also for the host communities. Remoteness is then a political tool for the government to avoid that ethnic fragmentation leads to violent uprising. This fits the storyline that the encampment policy is part of a security management system in Ethiopia based on population control. The Eritrean case enhances this story as well. In the third fragment, the participant mentions the cultural ties between the Highlander-dominated government in Ethiopian and the Tigrian Eritreans.[336] There is little fear that this refugee group will cause insecurity. This allows the government to have the outer-camp policy. The differences between the refugee groups are thus based on more than realities, since they are primarily based on security. The second interview adds the dimension that encampment in Ethiopia is not unified, but motivated according to the situation within the different refugee groups. It strengthens the storyline that security is the primary motivation for encampment, but that if security is ensured for a refugee group other motivations are also important.

The third interview under scrutiny here is conducted with a donor organisation that supports humanitarian reliefs in refugee camps.[337] The storyline created in the third interview complies with the storyline from first and second interview. Therefore, it will not be reviewed in detail. However, the participant mentions economics as motivation for encampment and adds this to the storyline. He as well notes the differences between the refugee groups and uses the examples of Somali case and the Eritrean case to illustrate this difference. He notes in the second fragment that security is an important element in the Dollo Ado camp, where indeed the government is concerned about Al-Shabaab. He furthermore makes the link between this security element of encampment and the

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[333] Idem {Atlas TI Ethiopia P6 line 23-41}.
[334] Idem {Transcript OH interview 2 (Ethiopia) – fragment 1}.
[335] Idem {Transcript OH interview 2 (Ethiopia) – fragment 2}.
[336] Idem {Transcript OH interview 2 (Ethiopia) – fragment 3}.
[337] Expert, 'Personal communication', *interview 13* (Addis Ababa - 11 July 2014). {Transcript OH interview 3 (Ethiopia)}.

overall security management system of the government.[338] Thus, the encampment policy not stands on its own in Ethiopia. What the participant contributes to the storyline is the economic motivation for encampment. In the third fragment, the participant argues that ARRA works as a humanitarian organisation in the camps and does this for two reasons: security and economic benefits. In exchange for foreign aid, ARRA executes relief work.[339] Therefore, if refugees would not be encamped in Ethiopia, then ARRA would not be benefitting from the aid delivery. So besides security, economics are a motivation to encamp refugees. The economic factor adds to the storyline, because it strengthens the argument that there are multiple motivations for encampment in Ethiopia. In the rank of motivations, it is likely to be the least important to the government. This can be concluded from the fact that the economic motivation is not tight to a refugee group. If it would override the political argument, then Eritrean refugees would not be allowed an outer-camp policy, but this is not the case.

The storyline created from the three interviews is that encampment policy and practice in Ethiopia is based on different motivations for the government, ranked according to importance and applied to each specific refugee group. In this ranking, security is the most important motivation, because population control is at the heart of Ethiopian politics. The encampment policy is part of this population control system, designed to avoid tension at all levels of society. In this system, encampment controls the refugee movement. The fact that the security system is so elementary in Ethiopia also explains why the participants hardly see refugee encampment as an issue. Only if a refugee group is not perceived as a threat to security, then the other motivations become important. The second most important motivation revealed in this analysis is politics. Only in the Eritrean case this is important, because they are regarded as a safe caseload. Furthermore, they are the only refugee case that is in the political interest of the government. The last motivation is economic benefits. Indeed the government also profits from the encampment policy, since it provides services in the camps. Since most refugee groups are still encampment for security reasons, this motivation hardly changes the situation. Only in the Eritrea case economics could play a role, but here the political motivation overrides the economic issue. Specifically for the Somali case, therefore, encampment in Ethiopia is driven by national security.

C) Comparing the results

The storylines created for Kenya and Ethiopia in this chapter revealed the underlying motivations for the encampment policies in both countries. The refugee fatigue is the main motivator of the encampment policy in Kenya. The encampment policy is thereby used to enhance the return programme of the Kenyan government. The encampment policy in Ethiopia is the outcome of the national security system. In this paragraph, these insights will be compared to the political environment in which encampment of Somalis take place in Kenya and Ethiopia. It will thereby link the conclusions drawn from the Objective Hermeneutic method to the conclusions drawn in Chapter 3. The paragraph will argue that both in Kenya and Ethiopia the encampment policies function

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[338] Idem {Transcript OH interview 3 (Ethiopia) – fragment 2}.
[339] Idem {Transcript OH interview 3 (Ethiopia) – fragment 3}.

according to the political systems. Thereby the underlying motivations for encampment in both countries cannot by disconnect from politics. This means cases the encampment policy that in both is enforced to enhance the political control of the government.

The political environment in Kenya is vibrant and changes according to political events. This situation is the outcome of the democratic political system in Kenya. The government needs to legitimise its power through the people. The government tries to influence the public opinion in their favour to gain legitimisation. Therefore, it constantly changes its narrative of Somali refugees according to political events. Thereby it does not only change the narrative, but also for the encampment policy itself. This seems in contrast to the storyline that the encampment policy is not an *ad hoc* response to insecurity, but this is a paradox. As argued in this chapter, the encampment policy does not stand by itself, rather is part of the return programme of the government. Only recently this return programme led to an agreement, but the intention to return the Somalis has been present ever since the nineties.[340] The government fears that the Somali refugee case changes the demographics and makes the Somalis too powerful in economic and political terms. That did not immediately lead to a drastic response, because other political events overshadowed this issue at the time. Rather the government addressed the issue by taking back the responsibility of the refugee management step by step.[341] The most visible step taken in this regard is the Refugee Act of 2006. The encampment policy can also be seen as a step towards the return the Somali refugees. In normal circumstance, this policy would not have been immediately enforced, but implemented over time. However, this process was interrupted by the sudden increase in terror attacks in 2012.[342] Because of the political event the Kenyan government was urged to address the insecurity. The Kenya government replied to this by blaming the refugees for the insecurity in the media and enforcing the encampment policy. In the two years that followed the enforcement of encampment policy and the government's rhetoric fluctuated according to new terror attacks.[343] Hereby the encampment policy itself is not subjected to the vibrant political environment, but the enforcement of the policy and the government's rhetoric is. It is this process that has been described as *ad hoc* and based on emotions by the participant in the second interview analysed in this chapter.[344] So while the encampment policy is motivated by a political strategy to return the Somali refugees, the enforcement of the encampment policy is subjected to the vibrant political situation in Kenya.

The political situation is different in Ethiopia. Here the authoritarian regime legitimises its power through a strong security network. Thereby the government controls the public opinion of refugees, and this is why encampment is uncontested. The government's control is reflected in the storyline explaining the motivation for encampment. Population control is at the centre of the government's policymaking in Ethiopia, since a loosening of the security network would lead to loss of political

[340] A.M. Abdi, 'In Limbo: Dependency, insecurity and identity amongst Somali refugees in Dadaab camps', *Refugees and Stateless Persons in Limbo* 22 (2005) 11.

[341] Government official, 'Personal communication', *interview 6* (Nairobi - 11 June 2014). {Atlas TI Kenya P7 line 11}.

[342] NGO representative, 'Personal communication', *interview 2* (Nairobi – 23 May 2014). {Atlas TI Kenya P3 line 121}.; NGO representative, 'Personal communication', *interview 5* (Nairobi - 4 June 2014). {Atlas TI Kenya P6 line 62-83}.

[343] NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 11}.

[344] Expert, 'Personal communication', *interview 4* (Nairobi - 30 May 2014).{Atlas TI Kenya P5 line 84}.

control.[345] Therefore, the security motivation for the encampment policy is also a political motivation. This population control is not limited to Ethiopians, but deals with all the levels of society. The encampment policy is an important instrument for Ethiopian government to keep the refugee situation under control. Therefore, it has been part of the government security structure ever since the first major influx of refugees in the country.[346] At the same time, the well-functioning security system allows the government to relax the encampment policy. This chapter argued that the level of enforcement of encampment depends on the refugee cases. The Eritrean case proves that the government is willing to restrain the encampment policy. However in the case of Somali refugees the government is reserved to allow an outer-camp policy. Moreover, the government restricts the encampment policy for Somalis by keeping the Dollo Ado camps remote. National security is the main reason for this. There is an increasing threat that Al-Shabaab will also strike in Ethiopia, and therefore it is unlikely that the encampment policy for Somalis will relax in the near future.[347] So in Ethiopia security is the most prominent motivation for refugee policymaking. The policy is aimed to reduce any opposition to the government's political power. In this regard, the security motivation has to be seen as a political motivation as well. When this national security can be guaranteed, then other political and economic motivations can play a role.

By comparing the results of both Kenya and Ethiopia, it is argued that the encampment policy in both countries is motivated by politics. The government in Kenya uses the encampment policy to enhance the repatriation of Somali refugees. This return programme is the outcome of the refugee fatigue that exists among the government as well as in the public attitude. Thereby the government uses the encampment policy for political ends in two ways. Firstly it hopes to reduce the political threat Somalis form to the government and secondly it hopes to strengthen the public support for the government by exacerbating a popular perception of Somali refugees. These political motivations are the outcome of the political system in Kenya. It is a democracy based on ethnic lines.[348] Therefore, the government is desperate for popular support; while at the same time reluctant to demographic changes. The encampment policy in Ethiopia also reflects the political system. The political system in this case is an authoritarian regime. Here the government's politics are based on the repressing the population. Encampment in this regard is not more than a political tool to control the refugee population in the country. It is hereby a part of the national security system that legitimises the political power of the government. So while the political systems in Kenya and Ethiopia are very different, encampment is driven by politics aimed to enhance the government's political control over the country.

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[345] Aalen and Tronvoll, 'The end of democracy?', 203-205.

[346] NGO representative, 'Personal communication', *interview 12* (Addis Ababa - 1 July 2014). {Atlas TI Ethiopia P6 line 218}.

[347] Maasho, 'Ethiopia on heightened alert for Somali militant'.

[348] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya 916.

The exclusion of Somali refugees in Kenya and Ethiopia

The picture on the Chapter 5 cover is taken during the Operation *Usalama* Watch. In total 3900 urban refugees were relocated back to the camps. According to the exclusion theory this relocation places these refugees outside society for symbolic reasons, but how do the motivations for encampment in Kenya and Ethiopia relate to this theory?

Source: P. Moore, *Al Jazeera website* <http://www.aljazeera.com/indepth/inpictures/2014/06/pictures-somalis-exiled-from-na-201466101745898489.html> (5 November 2014).

5. The exclusion of Somali refugees in Kenya and Ethiopia

In the previous chapters, it has been argued that encampment in Kenya and Ethiopia is motivated by the preservation and amplification of political legitimacy for the government. This is despite the fact that the political systems and the Somali refugee situations in both countries are different. In this chapter, this conclusion will be linked to the scientific debate of migrant detention. It will be argued that the creation of political legitimacy drives the encampment policies, while different reasons can explain the specific policy choices. Since the thesis is a case study research, it will not claim that the research results in Kenyan and Ethiopia apply to other cases. The encampment policies in Kenya and Ethiopia are unique compared to each other and the other forms of migrant detention. Instead the results provide new insights in the growing literature on migrant detention and the border studies. This chapter is dived in two paragraphs. The first paragraph will look at the processes of bordering, ordering and othering of the Somali refugees in Kenya and Ethiopia. It will critically discuss the processes in these cases in relation to the exclusion created by the ordering of space in Agamben's theory. It argues that the encampment policy in Kenya and Ethiopia is not the outcome of a crisis of state sovereignty in the post-9/11 society as is argued by most border scholars. Instead, the encampment policy in Kenya and Ethiopia shows that migrant detention is a much older phenomenon that is a created to strengthen the legitimacy of political actors. The second paragraph will look at the practical and symbolic reasons for the encampment policies in Kenya and Ethiopia. The symbolic reasons are emphasised in the exclusion theory, while the practical reasons are disregarded. This case study shows that these practical reasons cannot be disregarded in Kenya and Ethiopia. Symbolic or practical reasons for encampment policies merely depend on the political situation. It is the democracy in Kenya and the Western states that create the symbolic reason, but the authoritarian regime in Ethiopia has a practical reason to uphold an encampment policy for Somali refugees.

A) The bordering, ordering and othering of Somali refugees in Kenya and Ethiopia

This paragraph will explain how Agamben's ordering of space takes place in the context of encampment of Somali refugees in Kenya and Ethiopia. The ordering of space in Agamben's theory is the outcome of the bare life situation of migrants in a nation state. According to Agamben, they live outside the law because they are not citizens, and citizenship is the key to civic rights. In this regard, the refugees and other migrants bring a so-called crisis to the sovereignty of states, since they have no place in the state hierarchy.[349] In the border studies, this ordering of space is divided by the three interrelated processes of bordering, ordering and othering.[350] By separating the ordering of space into these processes, this paragraph will show that it occurs for political reasons in Kenya and Ethiopia. Thereby it will argue that the crisis of the sovereignty of states has not been identified in

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[349] Agamben, 'Homo Sacer: Sovereign power and bare life' (1995) 71-72.
[350] Van Houtum and Van Naerssen, 'Bordering, ordering and othering'.

Kenya and Ethiopia, rather the crisis is a political issue. It is not the state that is concerned about the Somali refugees, but the political actors. These political actors are motivated by the preservation of their political legitimacy. When the Somali refugees bring a crisis to their political aspirations, then encampment policies are used to control the refugee flow.

The ordering of space

The ordering of space is a process that is driven by the state according to Agamben. In this process, the state legitimises its existence on the basis of sovereignty and citizenship. The migrants, who are not part of this, threaten its legitimacy and thus bring a crisis to the sovereignty of states.[351] Border scholars also contribute the tightening of border control to the crisis of sovereignty. According to these border scholars, the tightening of borders came as a response to the events of 9/11 and was aimed to re-legitimise the sovereignty.[352] From this perspective, the processes of bordering, ordering and othering are state driven processes. This was not the case for the ordering of space of Somali refugees in Kenya and Ethiopia. This can be concluded from the causality in which bordering, ordering and othering takes place in these countries. Kenya offers the best example to show how these processes can be related. The encampment policy in Kenya is not the outcome of a crisis of state sovereignty. It is the outcome of a Somali refugee fatigue that has existed for many years in Kenya. This Somali refugee fatigue was not a state-driven process of ordering or bordering; rather it was driven by the process of othering. This process of othering is compelled by the majority of the Kenyans. The othering is also not limited to Somali refugees. In Kenya, the terms refugees and Somalis are often used interchangeably. Thereby the othering process is more created towards Somalis. This also includes the Somali-Kenyans who have Kenyan citizenship and thus are not part of the bare life. Since othering in Kenya is not focused on refugees, it is unlikely that the ordering of space is the outcome of a crisis of state sovereignty. As opposed, the ordering of space in Kenya is the outcome of an inter-state struggle. This struggle is political and based on the ethnic divides and the democratic system in Kenya. It focuses on Somalis, because this minority is socially excluded, but politically and economically powerful. This social exclusion makes them a target group for discrimination.[353] Therefore, the terror attacks by Al-Shabaab that occurred from 2011 onward only exacerbated the process of othering, while it also accelerated the process of ordering and bordering.

Othering is at the heart of the ordering of space of Somali refugees in Kenya. This thesis focused on the policy of encampment as part of this ordering of space. In the theory of Van Houtum and Van Naerssen, the encampment policy is part of the process of ordering. Through the encampment policy, Somali refugees have eventually become bordered as argued in Chapter 3. So how do ordering and bordering processes relate to the process of othering in Kenya? The causality of this process has been visualized in a scheme in box 2 on page 77. The ordering of Somali refugees is the outcome of the othering of Somalis in Kenya. Since the nineties, the government of Kenya felt the need to address the growing refugee influx, because it was pushed by the public opinion to address the Somali issue. The Somali refugees were thereby targeted, because without citizenship rights they

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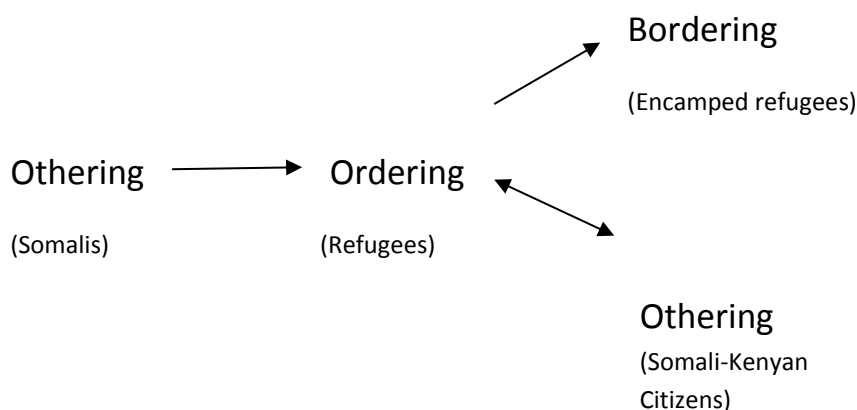[351] Idem.; Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 35-39.
[352] Newman, 'Borders and bordering', 172-173.; Van Houtum and Van Naerssen, 'Bordering, ordering and othering', 125.; Andreas, 'Redrawing the line', 91.
[353] Phillips, 'Minority ethnic segregation, integration and citizenship', 222.

are a soft target. This is opposed to the politically empowered Somali-Kenyans.[354] Ordering is the process in which these Somali refugees became regulated. This process is strictly a governmental issue. The first visual step of this ordering was the Refugee Act of 2006. Hereby the government decided to take own responsibility for the refugee affairs and slowly started to regulate the refugee flows.[355] The Refugee Act did not immediately lead to the process of bordering, since the ordering methods were only of an administrative nature. The terror attacks by Al-Shabaab that occurred since 2011 pushed the government to adopt more tightening measures. The structural encampment policy of 2012 is one example. The result of this encampment policy is that encamped refugees become bordered in their freedom of movement and livelihood opportunities. This process has been described in detail in Paragraph 4 of Chapter 3. Besides the bordering aspect, the Somali refugees also become othered by the ordering process. For instance, the encamped refugees are placed outside the society and cannot participate. As a result, they become alienated from the rest of the Kenyan society. It is this form of othering that exclusion theory authors describe as the exclusion through migrant detention.[356] Besides the encamped refugees, urban refugees become othered through the ordering process as well. The best example of this is the Operation *Usalama* Watch and the related *Nyumba Kumi* Initiative. These measurements emitted signals to the public that the Somalis are the 'other' and perpetuate the existing public attitude. In this regard, the ordering of space of Somali refugees in Kenya has become a self-perpetuating process and thus the situation for Somalis is likely to decrease over time.

Box 2

The process of ordering of space in Kenya.[357]

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[354] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 39-40.
[355] Sytnik, 'Rights displaced', 15-18.
[356] Taylor, 'Refugees and social exclusion', 5-6.
[357] The 'ordering of space' in Kenya is the outcome of a process of othering of Somalis. The othering process is thereby not state driven, but an agreement among the majority of the Kenyans. This process pushes the government to the process of ordering of refugees (arrow 1). The process of ordering leads to 'bordering' of encamped refugees and further othering of Somalis (arrow 2 and 3). Lastly the process of othering created by the ordering process leads to more public demands to order refugees. Again the government is pushed to further order the refugees (arrow 3). Thereby the process becomes self-perpetuating.
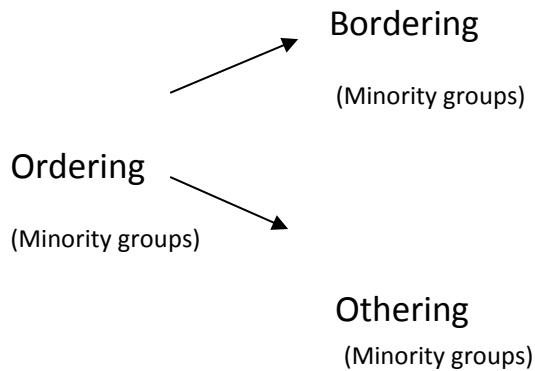
The ordering of space of Somali refugees is differently shaped in Ethiopia. In this case, there is no othering of Somali refugees and the influence of public opinion on government policies is minimal. As a result, the process of 'ordering' is not driven by the process of othering. The scheme in box 3 on page 79 outlines the causality between the bordering, ordering and othering processes in Ethiopia. The ordering process is hereby the result of the national security system that legitimises the government. In this regard, the ordering of space in Ethiopia is also the outcome of a political inter-state struggle. This is concluded from two elements in the encampment policy of the Ethiopian government: the time of implementation and the goal of encampment. The element of time is very banal. Migration control has been part of the Ethiopian government's policy for decades. The encampment policy as well is not a new phenomenon. Furthermore, this policy has opened up for some refugee groups. This trend is opposed to the 'Renaissance of border studies' by border scholar Newman.[358] According to Newman, a trend of tighter border control is the outcome of the crisis of state sovereignty that started after 9/11. This post-9/11 theory of Newman is supported by Coleman and Kocher, who see an increase in migrant detention policies since that period.[359] The encampment policy in Ethiopia cannot be seen as the outcome of this crisis of state sovereignty, because the policy started prior to 9/11 and follows a different trend than emphasised by Newman, Coleman and Kocher. So if the crisis of state sovereignty is not at the heart of the ordering process then what is? The encampment policy, as part of the ordering process, is driven by concerns of political legitimacy. It is the government and the political actors within the government that drive the ordering process. The ordering process of refugees is thereby part of a wider network of security systems that is aimed to control all elements of society. Thus, the policy not only focuses on those belonging to the bare life, but to all groups that form a potential threat to the political legitimacy of the Ethiopian government. That is why the outcomes of ordering in Ethiopia, the bordering and othering, are also not limited to refugees. As argued in Paragraph 4 of Chapter 3, bordering of opportunities are created for most ethnic groups living in the periphery of the country. So while the focus group in Kenya is mostly Somali refugees, both cases suggest that the ordering of space is not limited to refugees. As a result, the ordering of space of Somali refugees in Kenya and Ethiopia is not the outcome of a crisis of state sovereignty, but is created to enhance the political legitimacy of the governments.

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[358] Newman, 'Borders and bordering', 171-173.
[359] Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', 228-229.

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│                                                             │
│  Box 3                                                      │
│                                                             │
│  The process of ordering of space in Ethiopia.[360]         │
│                                                             │
│                              Bordering                      │
│                                                             │
│                         (Minority groups)                   │
│                                                             │
│       Ordering                                              │
│                                                             │
│     (Minority groups)                                       │
│                                                             │
│                              Othering                       │
│                         (Minority groups)                   │
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Migrant detention and politics

The processes of bordering, ordering and othering of Somali refugees in Kenya and Ethiopia have revealed that the ordering of space in these cases is not driven by the crisis of sovereignty of states. Instead the ordering of space of Somali refugees is the outcome of an internal political struggle. So which new insights can this conclusion give in the exclusion theory of migrant detention? First of all migrant detention does not occur for a single reason and is not merely a post-9/11. In both Kenya and Ethiopia the encampment policy is erected for different reasons. Therefore, the processes of bordering, ordering and othering in these countries is not similar. The policy in Kenya was pressured by the public attitude towards Somalis, which existed before the nineties and increased due to the 2012 terror attacks. Since the government is democratically elected, it felt the need to address the issue for its political legitimacy. This political reason for encampment in Kenya is comparable to the political reasons in Western countries, because they have the same democratic institutions. As opposed to Kenya and the Western democracies, in Ethiopia the encampment policy was created solely on the government terms to enhance their population control. This has been the case for several decades in Ethiopia. This means that migrant detention is not limited to the post-9/11 society, but has occurred at an earlier stage. The encampment policy in Ethiopia enhances the theory of Welch and Schuster that the effect of terrorism on migrant detention is overstated and that the policy is a much older phenomenon.[361] The second finding is that the reasons for encampment in Ethiopia and Kenya vary, but that they are used for the same goal: politics. The ordering process is

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[360] The 'ordering of space' in Ethiopia is state-driven and focuses on many minority groups. The process starts with ordering of minority groups. The government uses this process to disallow political and economic integration. It thereby leads to the 'bordering of opportunities' for minority groups (arrow 1). Besides 'bordering' the process of ordering also creates of othering (arrow 2). This othering process does not create a specific narrative for refugees, but includes all minority groups. These groups combined are often regarded as the lowlanders.

[361] Welch and Schuster, 'Detention of asylum seekers in the US, UK, France, Germany and Italy', 344-347.

thereby controlled by the government, because they create the migration regulations. In this regard, the ordering of migrants is part of the political game within states. The ordering of refugees varies according to the political system and the political interest of the actors in government. Therefore, the implementation of the encampment policy in Kenya is vibrant, because it changes consistently with the political events. Two good examples of this were the change in the government's rhetoric after the Lamu attacks and the international travel advisories mentioned in Paragraph 2 of Chapter 3. Hereby the government only use a negative rhetoric about refugees when it is in their political favour. This motivation is the same in Ethiopia. The Ethiopian government uses encampment to control the population and strengthen their political legitimacy. However, the Eritrean caseload has showed that a change in this process of 'ordering' can occur when in it is in the political interest of the government. Thus, the encampment policies in Kenya and Ethiopia have shown that migrant detention is not a new phenomenon and occurs for different reasons, but that it is often used for the preservation and amplification of political legitimacy.

B) The practical and symbolic reasons for encampment policies in Kenya and Ethiopia

The first paragraph of this chapter has looked at the origin of the encampment policy. Political legitimacy is thereby at the heart of the policy. Besides the origin of the encampment policy, there is a second debate in the literature about migrant detention. The authors, writing on the exclusion theory, argue that migrant detention occurs for symbolic reasons and does not offer any practical solutions to control the immigration flows.[362] The symbolic reasons are aimed to create a sense of security for the state and its citizens. As opposed to the theory of Agamben and Newman, the government's political aspirations could be central for the symbolic reasons. The political actors thereby respond to the public outcry for more restrictive measurements for refugees. They scapegoat the migrants in order to cover other social and economic issues.[363] This symbolic reason can be identified in the politics of the Kenyan government, while the encampment policy in Ethiopia solely functions for practical reasons. This paragraph will look at three reasons for encampment to explain this statement. Firstly the practical motivation of enhancing security will be discussed, secondly the implementation of deportation of Somali refugees and lastly the symbolic reason of scapegoating the Somali refugees to cover other social and economic issues. The paragraph will demonstrate that symbolic reasons are most important in Kenya, but that Ethiopia proves that practical reasons cannot be overlooked in explaining migrant detention.

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[362] Rajaram and Grundy-Warr, 'The irregular migrant as homo sacer', 42-28; Leerkes and Broeders, 'A case of mixed motives?', 842-844.; Silverman and Massa, 'Why immigration detention is unique', 678-680.; Griffiths., 'Anoymous aliens?', 722-723.; Gibney, 'Asylum and the expansion of deportation in the United Kingdom', 149-154.; Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation'.

[363] Campbell, 'Urban refugees in Nairobi', 401.

Security

Practical reasons for migrant detention offer a solution for identifiable problems and leads to visible results. For example, migrant detention could ease the deportation process or slow the immigration flows.[364] These reasons are often emphasised by the government, because it legitimises the migrant detention policy. According to Silverman and Massa governments also claim that migrant detention isolates potential security threats migrants bring to a country.[365] This national security argument is very prominent in Kenya and Ethiopia. The government's rhetoric connected the Somali refugees with the increasing levels of insecurity in Kenya, while national security is the underlying motivation for encampment in Ethiopia. According to Klein and Williams, this reason is only particle, if it leads to visible results. Thereby migrant detention in the West does often not serve its purpose.[366] The enforcement of encampment policy in Kenya is recently ongoing. Therefore, it is only possible to make estimations of how the encampment of refugees influences the national security. The encampment policy has been absent between the first major influx of Somali refugees in the nineties and 2011. In this period, the threat of terrorism was still marginal.[367] So in these two decades Kenya has proven that peaceful coexistence of Somali refugees and Kenyans is possible without an encampment policy. Refugees are thus not necessarily a threat to security if they are not encamped. After the KDF invasion in Somalia and the subsequent increase in terror attacks by Al-Shabaab, the government came up with the narrative that Somali refugees are involved in the attacks. The encampment policy is offered as the solution, but it did not improve security in Kenya.[368] While some refugees might be involved in Al-Shabaab activities, their presence is not the cause of insecurity. The insecurity has been induced by the KDF invasion and allowed by the weak security system. Thereby terrorist acts are not solely committed by refugees, but are mostly home-grown.[369] Therefore, encamping Somali refugees does not lead to visible results. This means that combating terrorism is not a practical reason for encampment in Kenya.

The national security is the underlying motivation for the encampment policy in Ethiopia. Ethiopia uses encampment to control the movement of refugees in order to contain the security implication they can bring. Looking at the number of terrorist attacks that have occurred in Ethiopia, then it could be argued that encampment enhances security in this case.[370] Therefore, encampment policy could have a practical reason. Important in Ethiopia however is that the encampment policy does not stand on its own. Instead, it is part of a security management strategy of an authoritarian regime. The government has an infiltration of informants into the whole society. Therefore, encampment has visible results in Ethiopia. For encampment policy to address security concerns, it needs to be placed

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[364] Leerkes and Broeders, 'A case of mixed motives?', 832.

[365] Silverman and Massa, 'Why immigration detention is unique', 678-680.

[366] Klein and Williams, 'Immigration detention in the community', 748-749.

[367] NGO representative, 'Personal communication', *interview 1* (Nairobi – 13 May 2014). {Atlas TI Kenya P1 line 81-93}.; NGO representative, 'Personal communication', *interview 14* (Dadaab – 16 July 2014). {Atlas TI Kenya P9 line 11}.

[368] Agence France Presse, 'Kenya: deadliest attacks since 2011 – chrono', *Captial News online* <http://www.capitalfm.co.ke/news/2014/07/kenya-deadliest-attacks-since-2011-chrono/> (6 July 2014).

[369] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya 869.; NGO representative, 'Personal communication', *interview 7* (Nairobi – 16 June 2014). {Atlas TI Kenya P15 line 242}.; Expert, 'Personal communication', *interview 3* (Nairobi - 29 May 2014).{Atlas TI Kenya P4 line 359}.

[370] NGO representative, 'Personal communication', *interview 8* (Addis Ababa – 24 June 2014). {Atlas TI Ethiopia P1 line 219}.

in a more structural security management strategy that includes all elements of society. Besides the security mechanism cannot be corrupt in order to function. This is not the case in Kenya. An NGO representative in Ethiopia said: "Corruption is very limited, it is nothing like the corruption in Kenya, which is probably Kenya's biggest problem with security, because they try to keep their border closed, but then you just pay the policemen, the border guards, whoever and he lets you go. So in fact it is a very poor response".[371] This comparison of both cases shows that encampment policy can serve as a practical tool to enhance security, but only when it is properly executed. The encampment policy has to be waterproof and function as part of a structural security management strategy. This is the case in authoritarian Ethiopia, but not in democratic Kenya. The functionality of the encampment policy is also different compared to the migrant detention policies in the Western countries. This has an effect on the motivations behind migrant detention in the West and the encampment policy in Ethiopia. Population control is not at the heart of the politics in the Western countries and so the structural security management strategy is not the same. Nerthery adds to this by stating that in Western countries migrant detention demands transparency and accountability.[372] These democratic values are not present in Ethiopia, making population control easier to apply. Therefore, the practical reason of enhancing security is often disregarded in the literature on migrant detention, while Ethiopia proves that it is possible under extreme conditions. However, these extreme conditions are not desirable in a democracy and therefore this practical advantage is not yet identified in the literature on migrant detention.

Deportation

Mainwarring suggests a second practical reason for migrant detention policies in the exclusion theory debate. Encampment could also be enforced to enhance deportation of the refugees.[373] This is not an issue for Ethiopia, because it has an open-door policy and refugees are allowed to stay indefinitely. The return issue has been identified as the underlying motivation for encampment in Kenya. In order to launch the return of Somali refugees, the Kenyan government signed a tripartite agreement in 2013 with UNHCR and the Somali government. The agreement was set up for the voluntary return programme.[374] This voluntary return programme is still in its infancy. So far only 2500 to 3000 refugees have agreed to the programme, and they have not been able to return.[375] Besides the voluntary programme the recent enforcement of the encampment policy through Operation *Usalama* Watch had led to the repatriation of only 359 unregistered Somalis.[376] It thus seems like there is a gap between the wish of the Kenyan government to return the Somalis and the reality on the ground. Gibney identified an equal problem for Great Britain and called this the 'deportation gab'.[377] Migrant detention is then used to facilitate deportation in order to close this gap. The main reason in Western countries is to avoid integration of the migrants into society, making expulsion at

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[371] Idem {Atlas TI Ethiopia P1 line 206}.
[372] Nerthery, 'Partialism', 738.
[373] Mainwarring, 'Constructing a crises', 691-694.
[374] The Government of the Republic of Kenya, The Government of the Federal Republic of Somalia and UNHCR, 'Governing the voluntary repatriation of Somali refugees living in Kenya', *Tripartite Agreement* (2013).
[375] Regional Mixed Migration Secretariat, 'August 2014 – RMMS monthly summary'.
[376] Idem.
[377] Gibney, 'Asylum and the expansion of deportation in the United Kingdom', 147-148.

a later stage easier.[378] Leerkes and Broeders however conclude that it does not lead to more deportations of illegal migrants, nor does it stop the immigration flows. Instead, it is a very expensive method to deport illegal migrants.[379] The facilitation of deportation is, therefore, not a practical reason for encampment. The same conclusion can be taken from the deportation figures in Kenya. Hardly any official returns of Somali refugees are taking place, and it is expected that this will not occur in the near future. The situation in Somali is still too unstable to lift the *prima facie* refugee status, and hardly any Somali refugees are willing to return voluntarily.[380] So indeed the encampment policy in Kenya does not lead to visible results in deportation of Somali refugees. In this regard, it is not a practical reason for encampment.

The encampment policy in Kenya did not lead to any visible results of the deportation of Somali refugees. According to the Klein and Williams, that means that it could not be a practical reason. However, there is one critical difference between the situation of encampment in Kenya and the migrant detention in Western countries. In Western countries, illegal immigrants can be tracked even if they are not detained. For example, Klein and Williams suggest that tracking of illegal immigrants in Great Britain is done by weekly reporting. Thereby the asylum seeker has to report to the authorities in order to monitor their movement.[381] Furthermore, it often only regards relatively small and manageable groups in comparison to the refugee numbers in Kenya and Ethiopia. The situation is much more chaotic in Kenya. Not all urban refugees are registered, and they form an extensive group in the cities. In this regard, the objective of Operation *Usalama* Watch was not directly the deportations of refugees. Instead, the operation was enforced as a verification mission, with the ultimate goal to return the Somali refugees. Thereby the motivation, to encamp refugees for deportation, is not the same as for migrant detention in the literature. It is not created to avoid social integration, but to verify the refugees. Currently, 50.000 Somali refugees are spread around the urban areas, returning them would be difficult and time-consuming process. The marginal success of Operation *Usalama* Watch is an example of this.[382] Gibney acknowledges this as a general trend for migrant detention. Thereby he concludes that deportation is not a practical reason for detention, but it might be a necessary evil in Kenya.[383] If the situation in Somalia is safe to return to, then the government of Kenya has to know who is eligible. Verifying and encamping the urban refugees is probably the only option to accomplish this goal. Therefore, the encampment policy could have a practical reason. It is created to enhance the return policy in a later stage, by now verifying Somali refugees and placing them in a controlled area.

Scapegoating

This thesis has also argued that Somali refugees in Kenya are scapegoat for the terrorism. Encamping the Somali refugees will then not enhance the security, but it does address the social unrest. The

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[378] Ibidem, 158-160.
[379] Leerkes and Broeders, 'A case of mixed motives?', 832.
[380] Regional Mixed Migration Secretariat, 'August 2014 – RMMS monthly summary'.
[381] Klein and Williams, 'Immigration detention in the community', 746.
[382] R. Rajab, 'Illegal visitors still held 4 months later', *The Star online* <http://www.the-star.co.ke/news/article-183871/illegal-visitors-still-held-4-months-later> (24 September 2014).
[383] Gibney, 'Asylum and the expansion of deportation in the United Kingdom', 149-150.

Kenyan public opinion had turned against the Somalis, and the government used this negative public perception to scapegoat the Somali refugees.[384] This reason for the encampment policy in Kenya is a clear example of a symbolic reason for migrant detention.[385] Thereby migrant detention is not used to create visible result, but addresses a feeling of discomfort of the public. Coleman and Kocher call this a social control project that encourages the disappearance of immigrant bodies from the public sphere.[386] This is the process of bordering and othering of Somali refugees in Kenya, which is the outcome of the ordering process.[387] The encampment policy in Kenya is used to exclude the Somali refugees. They are marked to be responsible for the insecurity and by excluding them the government shows it is addressing the public fear and anxiety. Hence, the government goal is to gain political support. The exclusion of Somali refugees is merely a side-effect of that method. This side-effect however needs to be taken seriously. The othering process becomes self-perpetuating and increases over time. The scapegoating of Somali refugee will thereby turn into xenophobic attitudes.[388] With this symbolic reason, Kenya follows the trend of the exclusion theory in migrant detention. Somali refugees are detained for non-practical reasons and used as a scapegoat for other social and economic problems. The danger of this symbolic reason is that it does not offer a solution to a problem.[389] Terrorism will continue to exist in Kenya, even when all Somali refugees are encamped or deported. Besides, this symbolic reason will lead to more social unrest and creates a self-perpetuating process of bordering, ordering and othering.

The symbolic reason of scapegoating the Somali refugees overrides the practical reason of deportation in Kenya, because the return policy as well is the outcome of public demand. Thereby the encampment policy in Kenya is always driven by political legitimacy. Hereby the encampment policy does not differ from migrant detention policies in the Western states. The governments respond to a certain demand from the majority of the citizens to address an existing fear and anxiety. This fear and anxiety often focuses on poorly social integrated groups and can become exacerbated after terrorist acts.[390] In a democratic political situation, governments have to listen to this demand, because their political legitimacy depends on the majority of the citizens. Therefore, the migrant detention policies are not the outcome of crises of state sovereignty, but are a logical outcome of the political system. This means that the enforcement of the encampment policy in Kenya, through Operation *Usalama* Watch, was a direct outcome of a change in political events. The grenade attacks increased the level of fear and anxiety, which demanded a direct response from the Kenyan government. If the government had decided not to scapegoat the Somali refugees, it would have been likely that the public opinion blamed the failing security system. Therefore, the structural encampment policy was offered as the solution to avoid a public discontent with the government. Hereby the symbolic reason of scapegoating the Somali refugees for terrorism also suited a long term goal repatriating the Somalis.

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[384] Lambo, 'In the shelter of each other', 4.
[385] Leerkes and Broeders, 'A case of mixed motives?', 842.
[386] Coleman and Kocher, 'Detention, deportation, devolution and immigrant incapacitation in the US', 235.
[387] See box 2: 'the ordering of space'.
[388] Mainwarring, 'Constructing a crises', 694-695.
[389] Botha, 'Political socialization and terrorist radicalization among individuals who joined Al-Shabaab in Kenya 915-916.
[390] Jaji, 'Religious and ethnic politics in refugee hosting', 3-4.

The political situation in Ethiopia is different, and this reflects on the practical and symbolic reasons for encampment. In this case, the government's legitimacy does not depend on the public opinion. Therefore, the symbolic reason of scapegoating refugees is not present. This allows the Ethiopian government to maintain a practical version of the encampment policy. The policy is aimed to strengthen the intelligence and block potential security threats. Since it addresses all levels of society, and not only the Somali refugees, Ethiopia proves that this method can be successful. Therefore, practical reasons for migrant detention cannot be disregarded, even though the literature suggests that they are not present in the current Western political context. What Kenya and Ethiopia have in common is that migrant detention does not occur when it is not in the political interest of the ruling government. Therefore, these cases show that migrant detention is merely an outcome of politics. Logically political actors act in their interest, and this is justifiable. However, it is also in their interest to overlook the negative effects of migrant detention and avoid the negative spiral the 'othering' process can create.

Chapter 6

Research results and reflection

The picture on the Chapter 6 cover is taken during the attack on Westgate mall. The attack brought the Al-Shabaab terrorism in Kenya on the world map, but even before this attack the encampment policy was applied for Somali refugees. So what political motivation was at the heart of this policy and is it a suitable method to avoid terrorist acts in the future?

Source: J. Straziuso, *Standard online Kenya*
<http://www.standardmedia.co.ke/thecounties/article/2000094000/state-house-rescue-operation-underway-at-westgate-shopping-mall-nairobi> (21 November 2014).

6. Research results and reflection

A) Conclusion

Before this conclusion answers the main question of the research, it reflects briefly on the comparison made between the political motivations for encampment policies in Kenya and Ethiopia and the motivations are migrant detention in the exclusion theory debate. The comparison between migrant detention and encampment policies has hardly been researched, and as a result, it is experimental. When it regards the political motivations for the encampment policies and migrant detention policies, this thesis has proven that a comparison can be made. Within the exclusion theory, it does not matter whether it regards asylum seekers or refugees. The essential element is that migrants do not enjoy full citizenship. Without citizenship refugees are part of the 'bare life' and bring a crisis to the state sovereignty in Agamben's theory. Furthermore, by separating the process of ordering of space into the processes in bordering, ordering and othering, this thesis has proven that encampment policies in Kenya and Ethiopia also lead to forms of exclusion. In this regard, this thesis has made a valid comparison between the two forms of migrant policies, which provided new insights in the political motivations behind migrant detention. The insights give an answer to the following research question:

> "What does the difference between the processes of bordering, ordering and othering of Somali refugees in Kenya and Ethiopia tell about the political motivations behind the encampment policies?"

The previous chapter has shown that the processes of bordering, ordering and othering differ in Kenya and Ethiopia. These processes are all part of the ordering of space of Somali refugees in Kenya and Ethiopia through the encampment policy. By separating the process of ordering of space into bordering, ordering and othering, this thesis has argued that the preservation and amplification of political legitimacy is the most important political motivation for the Kenyan and Ethiopian government to implement the encampment policies. However, different underlying motivations lay at the heart of the encampment policy in Kenya and Ethiopia. The refugee fatigue is the underlying motivation for the policy in Kenya. In this country, there is a long existing discomfort between the majority of the Kenyans and the Somali population within Kenya. The Somali population exists of both Kenyan-Somalis and Somali refugees. The Somali population is successful in economic and political sense, but socially poorly integrated. Therefore, they are a vulnerable group for discrimination. Indeed this is the case in Kenya were the Somali population is feared, because of their political and economic influence. The major influx of Somali refugees since the nineties added to this discomfort and resulted in a so-called refugee fatigue. This refugee fatigue can be seen as more than a refugee fatigue just, because Somalis and refugees are used interchangeably in Kenya. In other words, this fatigue should be understood as a process of othering of Somalis by the Kenyan citizens. In the public attitude, they became the 'other' and placed outside the Kenyan society. Since Kenya has a democracy, the government could not ignore this othering process. The public opinion has an

important role in the policy making of the government, because the public creates their political legitimacy. In order to address the refugee fatigue, the government took control over the refugee management through the Refugee Act of 2006 and the erection of the DRA. This act is the start of the ordering process of refugees in Kenya. At first, this ordering process did not include an encampment policy, but when the terrorist attacks by Al-Shabaab in 2012 exacerbated the public pressure on the government, then the structural encampment policy was developed. Thereby the government did not only address the public anxiety, but also fuelled it. It used the Somali refugees as a scapegoat for the terrorism, in order to distract the public of its weak security system. This symbolic reason for the encampment policy compares to the reasons for migrant detention in Western states. It is a relatively easy short-term solution to calm the public sense, which will not lead to long-term results. Thereby the political motivation to implement the encampment policy in Kenya is not to address insecurity, but to conserve the political legitimacy of the Kenyan government.

The encampment policy in Ethiopia is also driven by the preservation of political legitimacy of the government. However, the process of bordering, ordering and othering in this case is very different. The ordering of space of Agamben is thus not a uniform process. Reasons, to implement the encampment policy, differ per political system. In this case comparison, there is a clear difference between the democratic political system in Kenya and the authoritarian political system in Ethiopia. Whereas the government's political legitimacy in Kenya depends on the public opinion, the government's legitimacy in Ethiopia depends on a strong security network. This security network is infiltrated into every segment of the Ethiopian society. The government can exclude political pressure, if it controls the minds of their population. This tactic is also visible in the encampment policy of Ethiopia. Security, as part of population control, is the underlying motivation for encampment in Ethiopia. The encampment policy is thereby not a response to an othering process, but starts with ordering of population groups in Ethiopia. Encampment of refugees is then not only aimed to avoid terrorism, but every form of insecurity that could threaten the government's political grip on the country. When it regards refugees, ARRA is infiltrated in the camps to control the refugee movement. Moreover, the Somali refugees are economically underdeveloped, and the Dollo Ado refugee camp is remote in order to avoid possible integration. Since these security tactics function in a wider security strategy, this form of encampment is successful and thereby serves as a practical reason for migrant detention. Thereby the reason for the encampment policy in Ethiopia differs from the symbolic reasons emphasised in the migrant detention literature. The case thus proves that practical reasons for migrant detention cannot be overlooked. Somali refugees are also not portrayed as an issue by the government's rhetoric. The government benefits from an uncontested and invisible notion of the Somali refugees. As long as there is no narrative about them, then Somali refugees cannot pose a threat to the political legitimacy of the government. Besides, the absences of a negative perception create a favourable environment for humanitarian NGO's. The Ethiopia government makes good use of this image and benefits financially from refugee hosting in camps. These financial benefits can also be used to strengthen the position of the government. Thereby the encampment policy in Ethiopia strengthens the political legitimacy of the government.

By arguing that the encampment policy is motivated by the preservation and amplification of political legitimacy of the Kenyan and Ethiopian government, this thesis has opposed the motivation for migrant detention as emphasised by Agamben in his exclusion theory. The encampment policies in Kenya and Ethiopia are not established as a response to a crisis of state sovereignty, because the

underlying motivations for the encampment policies are not solely focused on migrants. Besides, Ethiopia proves that the encampment policies are not the outcome of a post-9/11 trend, but are rather a timeless political phenomenon. Governments and other political actors are always likely act out of self-interest in order to preserve power. The scapegoating of Somalis leads to encampment policies for refugees in Kenya, because refugees are a soft target for the government. They do not enjoy full citizenship and are, therefore, limited in political and jurisdictional power. Targeting them will have fewer consequences for the political legitimacy of the government, than targeting Somali-Kenyans. As a result, the solution for the Somali refugee fatigue offered by the government focuses on refugees. Thereby the major influx of Somali refugees does not bring a crisis to the state sovereignty, but exacerbates the existing discomfort between Somali-Kenyans and other Kenyan ethnicities. The encampment policy is thus not aimed to re-legitimise the state sovereignty of Kenya, but to address an inter-state issue. By addressing this inter-state issue, the government of Kenya hopes to create political support to remain in power. The public opinion of Somali refugees is less relevant in Ethiopia, because the government legitimises its control with a security mechanism. However in Ethiopia as well, the encampment policy is not the outcome of a crisis of state sovereignty. Here the government has firm control over its border and even welcomes new refugees with the open-door policy. Rather the encampment policy is a logical outcome of the authoritarian politic system, in which all elements of society are ordered. The reason for refugee policy making in Kenya and Ethiopia is thus very banal. It is the outcome of the game of politics in which political actors use policy making to preserve or strengthen their political legitimacy.

B) Research reflection

For scientific research, it is important to reflect on the validity of the conclusions. Firstly I would like to reflect on the data used for this thesis. This thesis has mainly used primary data to get an overview of the encampment policies in Kenya and Ethiopia. No scientific literature has been written on the subject so far. As a result, the conclusions on the encampment policy are based on limited data and further research is necessary to confirm these conclusions. This is most applicable to the perspective of the two governments engaged in dealing with the Somali refugees. The government's perspective in Kenya is limited to one interview and some policy documents, while it is absent in Ethiopia. The reason for this limitation is the sensitivity of the topic in Ethiopia and time constraints. For example, there was no access to government officials in Ethiopia. Methodologically, the thesis filled this gap by using Objective Hermeneutics. This method of analysis takes the bias of the participants into account. In this regard, the thesis has assured the scientific relevance of the conclusions made for the political motivations behind the encampment policies. However, more extensive research on the encampment policies in Kenya and Ethiopia would enrich the research with a more central role for the government agencies in analysing encampment policies.

Secondly the manner, in which Objective Hermeneutics is used in this research, has to be reflected on as well. This research has used a tailored description of the analysed interviews. Although it has used the essential steps in Objective Hermeneutics, it did not visualize the full process of analysis. A full description of the process takes a lot of space. In this thesis, six instead of the usual one or two

interviews have been used for the analysis. This means that a full description of each text fragment would have invalidated the readability of the thesis. A limitation of this method of description is that it impaired the transparency of the interpretation. Another element of the Objective Hermeneutic method in this thesis is that it has combined the method with a qualitative analysing method of open coding. This combination is experimental. The outcome in this thesis has proven that both analysing methods can be combined. The results from Chapter 3 and 4 shed a different light on the same issue. Thereby the two analysing methods strengthened the validity of the conclusions made on the political motivations behind the encampment policy. The method of Creswell provided a contextual description of the political motivations behind the encampment policies in Kenya and Ethiopia, while the objective hermeneutic method provided an in-depth insight in the cases. The thesis thus addressed both the context in which encampment policies take place and the underlying motivations behind them.

A final element of this research, which needs to be reflected on, is the type of encampment policy found in Kenya and Ethiopia. This research revealed that the encampment is Ethiopia is differently shaped than the encampment policy in Kenya. Therefore, it is important to explain why a case comparison between Kenya and Ethiopia is valued for researching the exclusion theory of migrant detention. The encampment policy in Kenya is officially stated and strictly enforced. In this regard, the encampment policy in Kenya visibly restricts the freedom of movement for the Somali refugees. As opposed the encampment policy in Ethiopia is more subtle. There is no official policy and the restriction on the freedom of movement is not directly enforced. Instead, the government uses two other tactics to enforce the encampment policy: the restriction of livelihood opportunities and the remoteness of the camps. This difference would trouble the case comparison for the legal debate on the encampment policy, because the legal situation of the Somali refugees is the same. However in the debate on the exclusion theory this difference can be explained through the political motivations for encampment. Thereby the encampment policies' goal to preserve political legitimacy is the same, but different reasons for the policies lead to the forms of encampment in Kenya and Ethiopia. Kenya has a symbolic reason to uphold the encampment policy. This symbolic reason is comparable to the migrant detention in Western states. Political legitimisation can be obtained through public opinion. So by showing the public that the encampment policy is addressing a security issue, the government creates legitimisation. To convince the public a visible and strictly enforced form of encampment is required. In Ethiopia, the enforcement does not depend on the visibility of the policy, but on the level control. This control is much more present in Ethiopia, and this explains why a different form of encampment policy is found here.

C) Recommendations

Finally, I will make some recommendations on the basis of the conclusions of the research. Firstly I will make policy recommendations that are based on the results and findings of the thesis; secondly I will make scientific recommendations for further scientific research on the subject of migrant detention and refugee policies.

Policy recommendations

1. In Kenya, a symbolic reason motivates the encampment policy. The structural encampment policy of 2012 presents the encampment policy as a solution for the rising terrorism in the country. Implementing the encampment policy is not going to close the security gap. The element of terrorism in Kenya is also home grown and does not evolve from refugee hosting. With the latest wave of terror attacks in November 2014, the government will be further pressed to address the issue. Instead of blaming the refugees it would be wise to acknowledge the weak security system and revise it functioning. First and foremost the government has to address the corruption within the security departments. The border control and actions like Operation *Usalama* Watch are deficient, because Al-Shabaab insurgencies can buy their way out. In this regard, only innocent refugees are targeted by the operations. Secondly it would be wise to invest in an advanced intelligence service. Ethiopia has proven that such a service decreases the chance of terrorist acts. Of course, a security system as in Ethiopia is not desirable for a democratic country like Kenya. A proper balance between freedom, privacy and security always has to be taken into account.

2. Besides the fact that the encampment policy in Kenya does not address the insecurity, it also leads negative outcomes. By separating the processes of bordering, ordering and othering, this thesis has argued that the encampment policy exacerbates a negative spiral for Somalis in Kenya. Thereby the Kenyan government has to be careful that its rhetoric towards refugees does not exacerbate the feeling of discomfort towards Somalis into xenophobic attitudes. The encampment policy excludes Somali refugees from the Kenyan society, and this can lead to feelings of frustration and alienation among the whole Somali population. This situation creates an ideal environment for terrorism to evolve further, because Somalis are more likely to associate with the extreme political stance of Al-Shabaab in this environment. Instead, a more inclusive policy could reduce fear. The government should exclude any statements generalizing refugees and Somalis as part of Al-Shabaab and include statements that they are Kenyan and also victims of this terrorism. Thereby the assistance of the Somali population is necessary to overcome the extremism of Al-Shabaab.

3. If NGO's would like to advocate against the human rights violations that come along with the encampment policy in Kenya, then it would be wise to focus on public advocacy. The main driver behind the encampment policy in Kenya is the public opinion. If the public opinion would turn against the practice of encampment, then the government would have no incentive to uphold the policy. Namely the policy has a symbolic function to create political support, instead of a practical function to enhance security. The political system in Ethiopia limits the advocacy space for NGO's. Indeed it is wise for these NGO's to focus on humanitarian concerns and not address politically sensitive subjects.

4. One area on which NGO's could focus in Ethiopia is the outer-camp policy of the government. Since the international community funded the project, the Ethiopian government can be pressured to apply the policy to all refugee groups. The outer-camp policy could offer a durable solution to the shrinking donor funding for refugee hosting in

Ethiopia, since refugees could become self-sufficient. It is then important to convince the government that an outer-camp policy does not compromise the security and offers an economic solution to the problem.

5. In line with the argument for the outer-camp policy, it will be wise for the Ethiopian government to review the open-door policy critically. Since Kenya's restrictive refugee policy leads to a decrease in migration to this country, Ethiopia has become the major hub for migration in the region. With the major crisis in South-Sudan and a still unstable situation in Somalia, it is likely that the refugee flows to Ethiopia will continue to increase. With the reduction in donor funding, this could lead to an uncontrollable situation. Therefore, the government could review their situation and consider whether they will be capable of hosting more refugees in the future.

Scientific recommendations

1. I will recommend further research on the political motivations behind migrant detention in the Western context, from a perspective of politics. Instead of focusing on the outcome of migrant detention, it will be interesting to see if the political motivations for the encampment policies in this research also account for migrant detention in the West. Do political actors use migrant detention in these cases as well for the preservation and amplification of political legitimacy? This could strengthen the argument that migrant detention is not a post-9/11 phenomenon and is not the outcome of a crisis of state sovereignty, but merely an outcome of the political game.

2. Furthermore, I recommend a more extensive research in the legal debate on the encampment policy in relation to migrant detention and freedom of movement. So far only view scientists have connected research on both forms of migration policies, but I presume that a legal case can be made. In order to do so, one has to look beyond the legal documents and focus on the outcome of encampment policies. Thereby the process bordering, ordering and othering needs to be further examined.

3. Lastly, I would like to recommend an extensive research on the economic benefits of refugee hosting for developing countries. During this research, several participants indicated that both Kenya and Ethiopia benefit from refugee hosting. This economic element could be important motivations for refugee policy making. This research has hinted how this could be the case in Ethiopia. However, this is a very opaque situation in Kenya. The informal sector and corruption in the country make it difficult to get a hold of the interest of individuals. This became clear with the Operation *Usalama* Watch that clearly benefited security services, by means of corrupt practices. An extensive in-depth research could give insight in the beneficiaries of refugee hosting. Such a research could thereby add a new dimension to the conclusions made in this research.

Appendix A: Interview questionnaire formats

Two interview questionnaires are added to the appendix, in order to give the reader an insight in the topics and issues discussed during the interviews. The questionnaires only present an insight, because the interviews were semi-structured and the format was constantly adjusted during the empirical research according to new leads. In total six different formats were used, three for Ethiopia and three for Kenya. These formats have been tailored according to each type of participant: expert, NGO representative or government official. The differences between the formats within each country are minor and not substantively, therefore only one interviews format for Ethiopia and one format for Kenya are included in this appendix.

Interview format Kenya – Government officials working on refugee policies

Pre-interview

- (Welcoming the interviewee) Introduce myself and trying to create a relax atmosphere. Welcoming him/her to sit down.

- 'First of all, thank you for your cooperation, by means of this interview. Your participation is very valuable to me; it will help to reach my research objectives. Just to make you aware of the research objective: the interview will be focused on how the Kenyan government manages the Somali refugees living within its border. '

- 'I would kindly like to ask you if it is a problem if I record the interview. I will only use these recordings personally for this research; it will not be made public. Beside your name and identity will not be revealed in the final article. This is declared in this form as well' (give the form to the interviewee)

- 'Do you have any further questions, before I start the interview?' (start the recordings in case of permission and no further questions) 'I would like to start the interview than'

Opening questions (icebreakers)

- 'You have been working in the department of ….. . What is your role in the department?'

- 'What is the government's policy on refugees?'

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- 'How has it changed over the past ten years?'
- 'Can you give an illustration of this change?'

- 'Your department is involved in policies for refugees. What are the objectives of your department on this topic?'
  - How do you experience your work with refugees?

Refugee policies

- 'Which factors are important for the government in making refugee policies?'

- 'Can you tell me how you experience the implementation refugee policies?'

- 'How are refugee policies reflected in the public debate in Kenyan society?'
  - 'How does this debate take place in the public sphere? For instance is there a lot of media attention for the subject?'

- 'How does the Kenyan public opinion influence the way refugee policy is shaped?'

- 'The government of Kenya and the Somali National government promote return of Somali refugees, how is this reflexed in the government policies?'

Refugees in relationship to security issues

- 'What challenges pose the care and responsibilities for refugees on the Kenyan government and society?'
  - 'Have Somali refugees a specific set of challenges compared to others or not at all?'
  - 'Can you give an example of the difference?'
- 'In the past decade there have been deadly attacks in Kenya, which were claimed by Al-Shabaab, how did it affect the refugee policy making in Kenya?'

- 'How did the attacks affect the way Somali refugees are perceived by the Kenyan public opinion, you think?'
  - 'In this regard do Kenyans perceive Somali refugees and the Kenyans of Somali decent differently, you think?'

2012 Encampment policy

- 'Can you tell me which rights for refugees in Kenya you find important to up held?'

- 'How are the Kenyan refugee policies perceived by national or international actors working with refugees, you think?'

- 'In 2012 the department of 'Department of Refugee Affairs' introduced the 'structural encampment policy' for refugees, what was the aim of the policy?'
  - 'Can you indicate how this policy proposal was received by the Kenyan public?'

Post-interview

- 'Those were the questions from my side, do you feel there is something left undiscussed that you would like to add?'

- 'Do you have any questions to ask me?'

- 'Any other final remarks, before I end the recordings?' (If not end the recording)

- Thank him/her for the interview and show appreciation. Maybe ask about the interview and have a final chat.

Interview format Ethiopia – Experts on encampment policies

Pre-interview

- (Welcoming the interviewee) Introduce myself and trying to create a relax atmosphere. Welcoming him/her to sit down.

- 'First of all, thank you for your cooperation, by means of this interview. To be clear, the research focuses on how the Ethiopian government manages the Somali refugees living

within its border, with a specific focus on encampment policies. In this regard your knowledge can help me to reach my research objectives. Therefore your participation is very valuable to me'.

- 'I would kindly like to ask you if it is a problem if I record the interview. I will only use these recordings personally for this research; it will not be made public. Beside your name and identity will not be revealed in the final article. This is declared in this form as well' (give the form to the interviewee)

- 'Do you have any further questions, before I start the interview?' (start the recordings in case of permission and no further questions) 'I would like to start the interview than'

Opening questions (icebreakers)

- 'You have been working on refugee policies in Ethiopia, what is your main area of focus?'

- 'How do you experience working on your topic in Ethiopia?'

- 'Can you explain the government policy towards refugees?'
  - 'How has it changed over the past ten years?'
  - 'Can you give an illustration of this change?'

- 'Can you give an indication of the general public feeling of refugees in Ethiopia?'
  - 'How has it changed over the past ten years?'
  - 'Can you give an illustration of this change?'

Refugee policies

- 'Which factors are important for the government, you think, for making refugee policies?'

- 'How are refugee policies reflected in the public debate in Ethiopia society?'
  - 'How does this debate take place in the public sphere? For instance is there a lot of media attention for the subject?'

- 'How does the Ethiopian public opinion influence the way refugee policy is shaped?'
  - 'Does this only account for refugee policies, or for policy making in general?'
  - 'How do you see the relationship between refugee policy making and public perceptions?'

- 'How does the Ethiopian government see the Somali refugees; as temporary residents or permanent citizens and how does this reflex the policy regarding Somali refugees?'
  - 'In this regard how is the distinction made between the Somali refugees and the Ethiopians of Somali decent?'

Refugees in relationship to security issues

- 'What challenges pose the care and responsibilities for refugees on the Ethiopian government and society?'
  - 'Have Somali refugees a specific set of challenges compared to others or not at all?'
  - 'Can you give an example of the difference?'
- 'Recently the NISS of Ethiopian announced a high risk for terrorist attacks by Al-Shabaab in the country. Can you indicate what of measurements can or will be taken in this regard by the government of Ethiopia?'

- 'How can this announcement by the NISS change the way Somali refugees are perceived in Ethiopia?'
  - 'Can you give an example of this?'
  - 'In this regard do Ethiopians perceive Somali refugees and the Ethiopians of Somali decent differently, you think?'

- 'How can the announcement of the NISS influence the refugee policies of the government?'

- 'How do you think refugee policies from neighboring countries, for example Kenya, influence the refugee policy making in Ethiopia?'

- 'How are security issues reflected in refugee policy making of the Ethiopian government?'

Encampment policy

- 'How are the Ethiopia refugee policies perceived by national or international actors working with refugees, you think?'

- 'Do you know of any laws or practices within the Ethiopia refugee policy that are in any form restricting the freedom of movement of refugees?'

- 'In 2012 the Kenyan government tried to implement the 'structural encampment policy', mostly aimed at the refugees living in the cities to improve the security, are you familiar with this policy?' (If not explain further)

- 'How do you think such an encampment policy would be perceived by the government in Ethiopia?'
- 'How do you think such an encampment policy would be perceived by the public in Ethiopia?'

- 'If implemented in Ethiopia, how do you think encampment policy would affect the way Somali refugees are perceived in Ethiopia?'

- 'Would you consider encampment a form of migrant detention and if so why or why not?'
  - 'What difference could it make if encampment was regarded migrant detention?'

Post-interview

- 'Those were the questions from my side, do you feel there is something left undiscussed that you would like to add?'

- 'Do you have any questions to ask me?'

- 'Any other final remarks, before I end the recordings?' (If not end the recording)

- Thank him/her for the interview and show appreciation. Maybe ask about the interview and have a final chat.

Appendix B: Interview index

The empirical research of the thesis consists largely of sixteen interviews held in Nairobi, Addis Ababa and Dadaab refugee camp in Kenya. To make the research as transparent as possible this 'interview index' is added to the appendix. The interviewees agreed to participate, but under the condition that their names will not be published in the final thesis. In the case of the interviews in Addis Ababa the organisations will remain anonymous as well.

Name thesis	Place	Date	Organisation	Type[391]	Document[392]
Interview 1	Nairobi	13 May 2014	Danish Refugee Council	NGO	Transcript
Interview 2	Nairobi	23 May 2014	Refugee Consortium Kenya	NGO	Transcript
Interview 3	Nairobi	29 May 2014	RMMS	Expert	Transcript
Interview 4	Nairobi	30 May 2014	UNHCR	Expert	Transcript
Interview 5	Nairobi	04 June 2014	Kituo Cha Sheria	NGO	Transcript
Interview 6	Nairobi	11 June 2014	Department of Refugee Affairs	Government	Transcript
Interview 7	Nairobi	16 June 2014	Legal Resource Foundation	NGO	Transcript
Interview 8	Addis Ababa	24 June 2014	Confidential	NGO	Transcript
Interview 9	Addis Ababa	25 June 2014	Confidential	NGO	Summary

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[391] 'Type of interview' refers to the basic interview questionnaire used.
[392] 'Document' refers to the type of document used for analyses, since some Ethiopia participants did not allow recordings of the interview summaries are used instead of transcripts.

Interview 10	Addis Ababa	25 June 2014	Confidential	Expert	Summary
Interview 11	Addis Ababa	27 June 2014	Confidential	Expert	Summary
Interview 12	Addis Ababa	01 July 2014	Confidential	NGO	Transcript
Interview 13	Addis Ababa	11 July 2014	Confidential	Expert	Transcript
Interview 14	Dadaab	16 July 2014	Refugee Consortium Kenya	NGO	Transcript
Interview 15	Dadaab	16 July 2014	UNHCR	Expert	Transcript
Interview 16	Dadaab	17 July 2014	IOM	Expert	Transcript

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