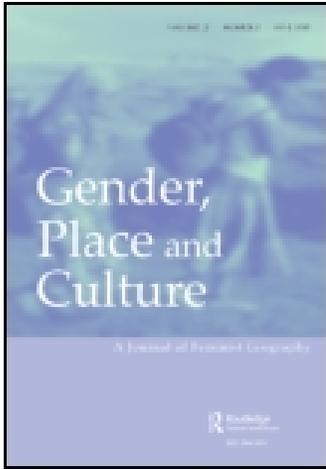


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### Waiting for what? The feminization of asylum in protracted situations

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## Waiting for what? The feminization of asylum in protracted situations

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Millions of refugees are stuck in camps and cities of the global South without permanent legal status. They wait in limbo, their status unresolved in what the United Nations (UN) calls 'protracted refugee situations' (PRS). The material conditions and depictions of such refugees as immobile and passive contributes to a *feminization of asylum* in such spaces. In contrast, refugees on the move to seek asylum in the global North are perceived as threats and coded as part of a masculinist geopolitical agenda that controls and securitizes their movement. Policies to externalize asylum and keep potential refugees away from the affluent nations of the global North, in which they may seek legal status, represent one strategy of exclusion. This article traces these divergent trajectories of im/mobility and demonstrates how humanitarian space for both groups is narrowing over time. For those seeking asylum in the global North, measures such as increased detention and rapid return to transit countries aim to deter migrants from arriving at all. It is contended that the discrete systems that manage asylum seekers in the global North and refugees in long-term limbo are themselves gendered. European Union policies to 'externalize' asylum and keep asylum seekers offshore dovetail with policies by EU member states to 'build capacity' for refugee protection in refugee 'regions of origin'. These represent a shifting, not a sharing, of responsibility for their welfare and prolongs their wait.

**Keywords:** feminization of refugees; protracted refugee situations; waiting; externalization of asylum

We all wait ... that waiting has become central to subaltern experience – is powerful. (Jeffries 2008, 954)

What was life like in Kakuma [refugee camp]? Was it life? There was debate about this. On the one hand, we were alive, which meant that we were living a life, that we were eating and could enjoy friendships and learning and could love. But we were nowhere. No matter the meaning of the word, the place was not a place. It was a kind of purgatory. (Valentino Achak Deng cited in Eggers 2006, 373)

### Introduction

Waiting among refugees has become the rule, not the exception. The United States Committee for Refugees and Immigrants (USCRI) reports that there were 8.5 million refugees in limbo for 10 years or more at the end of 2007 (USCRI 2008), while Bailey et al. (2002) chronicle the case of Salvadoran asylum seekers in the US who have also remained in legal limbo for decades, calling this a 'permanent temporariness'. In situations of long-term displacement, legal status is temporary and precarious and security conditions are often uncertain. Basic human rights to work and to move are suspended for years, even

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decades. Refugee camps are always only supposed to be stopgap measures, but they have proven to be persistent. The average waiting time for refugees has increased from nine years in 1993 to 17 years in 2003 (UNHCR 2006).

This article aims to make a two-part argument related to the plight of those caught in protracted refugee situations (PRS). First, we engage the ‘new mobilities paradigm’ and analyze the implications of sedentarist metaphysics in modern meanings of movement. We contend that refugees who stay in camps or safe countries of the global South on temporary status are not seen to be as great a threat as those on the move. Those who remain ‘in place’ are both feminized and depoliticized through the purported benevolence of humanitarian aid and through the suspension of refugees’ basic human rights (Durieux and McAdam 2004). Second, we argue that PRS are linked to processes that externalize asylum (i.e. exclude asylum seekers) from states in the global North to countries of the global South. In short, the article examines the disparate power relations of states and migrants, in particular the immobility and feminization of refugees in long-term limbo.

The United Nations High Commissioner for Refugees (UNHCR) defines a protracted refugee situation as one in which refugees find themselves in a long-lasting and intractable state of limbo: ‘Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile’ (UNHCR 2006: 106). When refugees live in camps for years on end, ‘refugee warehousing’ is another term used to describe the plight of waiting in confined quarters (USCRI 2008).<sup>1</sup> According to the UNHCR, 71% of the world’s asylum seekers, refugees and other persons of concern were hosted in developing countries in 2004 (UNHCR 2006). As Oliver Bakewell (2008) also notes, not all refugees in the global South are in refugee camps. In Africa, for example, many thousands of refugees are living outside the formal camps and settlements and are unassisted by UNHCR.

Verdirame and Harrell-Bond (2005, 335) argue that by ‘viewing countries of asylum as “waiting rooms” before repatriation, UNHCR has virtually given up on [local] integration, choosing instead to coerce refugees to the margins of host societies and to segregate them in camps’. While many refugees are confined to camps run by UNHCR, at least 30% ‘self-settle’ outside of camps (Bakewell 2008). Host governments stipulate the location and conditions of this refugee residence. Likewise, possibilities for the local integration of refugees are defined by the host state, a sovereign body that will negotiate with UNHCR and other international bodies in its own interests. And UNHCR’s donors, most from the global North, are the ones who pay the bills and demand input in UNHCR operations. The pressing problem of refugees in limbo, waiting in camps or without legal status to work for decades in some cases, is not simply UNHCR’s fault. PRS are symptomatic of a geopolitical landscape that no longer values refugees as it once did during the Cold War (Shacknove 1993), and of a process that aims to exclude asylum seekers from reaching the global North, as we intend to show.

In a situation of long-term, unresolved displacement, a refugee’s humanitarian ‘right to life’ is maintained, but many of her fundamental human rights – to work, to move, to educate her children and herself – are suspended.<sup>2</sup> As Halima Ali, a Somali refugee interviewed for our research project and who lived for many years in the Dadaab camps of north-eastern Kenya, says, ‘the food ration[s] given by UNHCR are not enough for the refugees; they only provide “don’t die” survival’ (Horst 2008, 10). ‘Don’t die survival’ ensures physical survival, meeting the humanitarian imperatives that protect the right to life, but does not respect other basic human rights. And yet without a government to ensure

their protection, refugees are at the whim of the international donors and UN agencies that assist them.<sup>3</sup> Options for repatriation in most cases do not exist, so they continue to wait.

We contend that refugees from long-term camps and other protracted situations are feminized based on 1) their location; and 2) their legal lack of status. By contrast, refugees on the move to more affluent states in the global North are positioned as potential threats to 1) security; and 2) the welfare state. We are particularly interested in the construction of difference between these two groups, noting that those who stay still are viewed as genuine, immobile, depoliticized, feminized, while those on the move are potential liabilities at best, and security threats at worst. Refugee protection and state security are framed as contrary projects.

In doing so, we draw upon the concepts of masculinist knowledge production and feminization from feminist theory, but also on postcolonial and anti-racist/homophobia scholarship. Commenting on the treatment of prisoners detained at Abu Ghraib prison in Iraq, for example, Jasbir Puar demonstrates how the male prisoners of Abu Ghraib were feminized, sexualized and Orientalized through humiliation and torture. She argues that such violence is not an exception or an extension of imperialist occupation: 'Rather, the focus on purported homosexual acts obscures other forms of gendered violence and serves a broader racist and sexist, as well as homophobic, agenda' (Puar 2004, 523). Puar is concerned with the Orientalist 'othering' processes that are at play in the representation of imprisoned Iraqis. In the context of contemporary wars in Iraq and Afghanistan, Derek Gregory (2004, 323) has likewise argued that there 'has never been a greater need to untwist the separations between "us" and "them" than the present moment of danger'. We speak of a different us/them: the citizens of global North and the non-citizens of the global South who are the flotsam and jetsam of such wars, but the dualisms and their persistence traverse both contexts. Feminist thought has long challenged such binaries, especially in conditions of war and displacement (Cockburn 1998), and we aim to extend that work here.

Nancy Fraser's (1989) early work is useful in siting 'the social', the metaphorical place where competing discourses and various institutions meet and where the politics of policies and knowledge production are meted out. We draw on Fraser's work to show how systems of entitlement and charity are valued differently, how the beneficiaries of such assistance are gendered subjects and how this gendering feminizes some programmes more than others. Feminization can lead to the attribution of certain programmes, practices and identities as passive, helpless, static, but it can also signal the gendering of labour market segmentation and the production of inequalities. The 'feminization of poverty', for example, refers to the fact that women rather than men are especially at risk of being poor in industrialized countries. Their impoverishment is described as a result of their *position or definition as women* in a sex-segregated occupational sphere, where they are channelled into jobs with lower wages, less prestige and less opportunity for advancement (Cassidy, Lord, and Mandell 2001, 97).

Thus the feminization of a phenomenon refers to a shift in gender relations toward those considered 'female' or feminine. However, it need not refer to women; men can be at once emasculated through job loss or loss of status as a breadwinner, and feminized if they become, for example, stay-at-home fathers. In nationalist discourses, the humiliation and feminization of men, especially as failed protectors of the nation, is often a clear aim of an antagonist (Mayer 2004). Feminist political geography shows how widespread civilian fatalities in Afghanistan and Iraq are feminized and devalued in comparison to the military deaths of male US and British soldiers (Hyndman 2007). The gendered construction of difference occurs across geographical and discursive divides laced with tropes of patriotism and terrorism, respectively. 'Us' and 'them' is a powerful binary that constructs

geopolitical valence through difference in ways that rely upon essentialized identities (Roy 2002; Achar 2006).

Several other strands of feminist scholarship inform our approach and are woven into the text throughout our analysis. Wendy Brown (1995), for example, signals the end to the innocence of giving voice to less powerful others, of testifying to their injury and of empowerment as a solution to disparate power relations. Her analysis of the exclusionary work that identity categories create suggests a critique of the use of 'refugee' at all. Similarly, Martha Kuwee Kumsa (2006, 241–2) shows how Oromo refugees from Ethiopia in Toronto, Canada refuse to call themselves 'refugees' once they have settled with permanent status: 'When somebody calls you a refugee, it's like somebody is telling you, . . . you don't know anything, you're stupid. . . . If somebody calls you a refugee it's an insult' (Jaba, young woman, former refugee). While such an analysis is beyond the scope of this article, Kumsa's findings point to some of the 'wounded attachments' of which Brown speaks.

This article is divided into three sections. First, we discuss the ways in which mobilities and displacements are produced. The 'new mobilities paradigm', recently touted by sociologists (Sheller and Urry 2006), builds upon and parallels work about the meanings of movement in sociology and geography (Urry 2000; Cresswell 2001, 2006). Here, 'Human mobility implicates *both* physical bodies moving through material landscapes *and* categorical figures moving through representational spaces' (Delaney cited in Cresswell 2006, 4). Refugees in protracted situations are produced and represented in purportedly universal humanist discourse and among international humanitarian players. They are an expression of a metaphysics of presence and of sedentarism that depict them as an aberration of state order. In so doing, refugees become a feminized notion of the non-citizen as 'out of place'.

Second, after contextualizing the significance and scope of PRS, we turn to an examination of asylum seekers on the move. European externalization policies among EU countries aim to keep asylum seekers out, using administrative and legal measures to keep migrants offshore and to detain them if they do arrive (Dikec 2009). Specifically, we trace relations between externalization and PRS, probing its fallible assumptions: 'real' refugees stay put and wait for a solution to their plight; asylum seekers who approach the global North must be kept at bay. Externalization efforts may not cause protracted refugee crises, but they certainly reproduce them.

In the final section we bring our analysis to bear on African refugees in limbo, specifically in Tanzania and Kenya. We demonstrate that PRS has links with the externalization of asylum in Europe and both are expressions of state interests in more affluent European countries. Conditions of long-term human displacement are distinctive. Historicizing the lived situations of refugees in these locations and disaggregating the generic concept of PRS constitute a first step toward finding a sanctioned place to call home.

### **On the move: mobility, displacement and asylum**

Mobility, or lack thereof, is political. It is a useful tool for analyzing displacement and asylum because it recognizes the disparate access to movement of refugees and other migrant subjects. Geographers have long theorized mobility (Massey 1993; Hyndman 1997; Cresswell 2001, 2006), building on the efforts of anthropologists (Clifford 1986, 1997) and sociologists (Urry 2000; Sheller and Urry 2006). Tim Cresswell (2006, 46) contends that,

Mobility has become the ironic foundation for anti-essentialism, antifoundationalism and antirepresentation. While place, territory and landscape all implied at least a degree of

permanence and flexibility, mobility seems to offer the potential of a radical break from a sedentarist metaphysics.

The idea that mobility is the new metaphysical norm in modern social and geographical life, and therefore a critique of more static notions of society and culture, is a provocative one.

John Urry (2000, 35) demonstrates how mobilities have transformed the historic subject matter of sociology as a discipline. He calls his book a 'brave manifesto' for a discipline that has lost its central concept, namely 'society'. Networks, flows, technology and mobilities have undermined the idea of a fixed society and Urry focuses on 'movement, mobility and contingent ordering, rather than upon stasis, structure and social order' (Cresswell 2006, 55). Thus,

If we rethink culture ... in terms of travel then the organic, naturalizing bias of the term culture – seen as a rooted body that grows, lives, dies, etc. – is questioned. Constructed and disputed historicities, sites of displacement, interference, and interaction come more sharply into view. (Clifford 1992, cited in Cresswell 2006, 43–4)

Echoing John Urry (2000), Cresswell notes that stillness and sedentarism are valorized over nomadism and movement in modern western cultures. He writes, 'The metaphysics of sedentarism is a way of thinking and acting that sees mobility as suspicious, as threatening, and as a problem. The mobility of others is captured, ordered, and emplaced in order to make it legible in a modern society' (Cresswell 2006, 55). The processes of ordering people 'out of place' (Cresswell 1996) are central to the management of refugees in protracted situations and to the politics of asylum more broadly.

Mimi Sheller and John Urry (2006) coined the 'new mobilities paradigm' with reference to the scale and scope of human movement globally. They argue, 'It is not a question of privileging a 'mobile subjectivity', but rather of tracking the power of discourses and practices of mobility in creating both movement and stasis' (Sheller and Urry 2006: 211). The authors draw specifically on transnational feminist studies to account for processes and politics of exile, migration and transnationalism. Caren Kaplan (1996), in similar vein, uses the concept of 'deterritorialized nomadism' as a way to marginalize the centre and unsettle white, masculinist, imperial cultures of the west.

One of Sheller and Urry's most interesting observations is the distinction drawn between places and those travelling to such places:

Places are presumed to be relatively fixed, given, and separate from those visiting. The new mobility paradigm argues against this ontology of distinct 'places' and 'people.' Rather, there is a complex relationality of places and persons connected through performances. (Sheller and Urry 2006, 214)

Displacement is the underbelly of mobility, a kind of movement that expresses the violent political relation of people to place. Pushing the mobilities literature to focus specifically on those dispossessed of much access to mobility, and to theorize such disparities, is one of our goals in this article.

In subtle contrast to Urry (2000), Cresswell (2006), and Sheller and Urry's (2006) arguments that mobilities constitute the prevailing metaphysics of modern life, then, we contend that 'place' remains central to and salient in western notions of ordering people, specifically refugees in conditions of long-term displacement. Allying our work with that of anthropologist Liisa Malkki (1992), a sedentarist bias still tacitly characterizes modes of managing displaced people, one underscored by the 'family of nations' and dominant state-centrism in refugee law and forced migration policy (Hyndman 2000).

### Representing refugees

The state logic that runs throughout the discourse of 'refugeeness' can also be understood as a power of capture: subjects of the classification regime of 'refugeeness' are caged within a depoliticized humanitarian space. (Nyers 2006, xiii)

Refugees in long-term limbo are stuck within a shrinking humanitarian space, many without access to livelihoods, mobility and the protection of citizenship. As Nyers argues, refugees and their movements regularly emerge as 'problems' in the legal world order, yet when they are settled for years at a time in camps, the threat and potential burden they once posed dissipates and their plight is depoliticized. Thus, 'Refugees stop being specific persons and become pure victims in general. ... Humanitarian practices tend to silence refugees' (Malkki 1996, 378).

Hyndman (2000) extensively documents the ways in which humanitarian practices standardize a wide variety of refugee conditions in documentation, such as the situation report or 'sitrep' and how management exercises such as 'headcounts' have been construed as neocolonial strategies that insulted refugees in the context of Kenyan refugee camps. Transposing the field into text or image is concerned with the two tasks of a politics of life: micropolitical analysis and micropolitical intervention (Stamp 1994). Thus,

The observer, or observing colonizer, commands a knowledge of groups such as institutional inmates, welfare recipients, and the colonized, that is intimately linked with a classification and diagnosis of the inferiority or inadequacy of the latter, that establishes the need for management. (Miller and Rose, cited in Thomas 1994, 56)

Such governmentality is concerned with the 'conduct of conduct', as Foucault (1982, 220–21) famously stated. It inquires by means of management, whereby order is produced and coded as information.

Malkki (1996, 385) argues that 'history tends to get leached out of the figure of the refugee, as imagined by their administrators'. She adds that these standardizing discursive and representational forms that have the tendency to silence people categorized as 'refugees' have made their way into the media that report on forced migration. In her earlier work, Malkki (1992) contends that refugees are designated as liminal in the categorical order of nation-states. With a bias towards sedentary social norms, refugees become an aberration of national order and become the object of therapeutic interventions. Refugees are organized in camps where a technology of 'care and control' are employed in what has been termed the 'management of space and movement for "peoples out of place"' (Malkki 1992, 34). The sedentarist bias she identifies, later echoed by Urry (2000) and Cresswell (2006), is critical to our argument. While displaced, the norm is nonetheless for refugees to stay put, albeit in a purportedly safer place. This bias also reveals how refugees who stay put in large camps are *authenticated* as more benign or acceptable compared with those who move, seeking asylum in a better place.

On the topic of metaphysics, but not specifically sedentarist ones referring to refugees, geographer Matt Sparke (2005, xxix) describes how a particular pattern or mapping effaces the multiple relations of power that *produce* that pattern. He writes,

When geographers and whomever else set out to describe a particular geography, and even more so, when they invoke geography and space metaphorically, there is a metaphysics of presence at work – what might be called a metaphysics of geopresence – that fixates on the 'geo' of a particular spatial pattern or a particular poetics of location while simultaneously downplaying the geographic diversity of the constitutive processes that produced it.

This metaphysics of presence risks reducing multiple processes, contextual factors and power relations into a single map or explanation for a particular phenomenon. In relation

to refugees, for example, PRS may be the phrase that captures a definable group, but the definition is also exclusionary and dilutes meaning through aggregation. In analyzing conditions of long-term displacement and the people living under these conditions, we risk 'fixing' both in ways that may, on the one hand, essentialize refugee locations, especially camps or, on the other, reduce displaced people to the dehistoricized category of 'refugee'. In refusing to focus solely on refugees or the places in which they find themselves as subjects of study, Malkki (1995) chooses to see the camp as a 'technology of power' within a field of metaphysics that privileges sedentarism over mobility, rather than as a fixed place of given meaning. The camp becomes a field of governmentality that orders refugee life and produces a grid of intelligibility to those who manage its refugee population (Hyndman 2000). To employ the moniker of PRS is to risk effacing the specificities of distinct political and cultural geographies of long-term displacement and of diverse groups of people who have fled their countries for a variety of reasons. And yet concern over PRS has also brought greater visibility to chronic conditions of displacement that have long been neglected.

PRS are, by definition, an assemblage of humanitarian assistance, legal limbo and geopolitical interests – a particular mapping of displacement that can efface the multiple power relations that produce it. Our main point is that neither refugees nor camps can be the fixed 'object of inquiry' for scholars or the 'problem to be solved' for policymakers. We use this shorthand frequently without realizing that we, as researchers and writers, may *produce and reproduce* a voiceless, passive refugee subjectivity. Without vigilance, we may well feminize refugees in these long-term situations, representing them as helpless or in need of solutions to problems that are not of their own making.

As Malkki (1996, 387–8) has demonstrated, refugees are represented and read in specific ways by most state actors as sedentary and passive. This, 'is a spectacle of "raw," "bare" humanity. It in no way helps one to realize that each of the persons in the photograph has a name, opinions, relatives, and histories, or that each has reasons for being where he is now.' While a situation of long-term displacement may be comprised of men, women and children displaced by war, it can nonetheless be feminized as a space of vulnerable 'womenandchildren' (Enloe 1993, 165–6). Mona Domosh and Joni Seager (2001) eloquently show how spatial binaries are gender-coded: the feminine, domestic space of home, the masculine, public space of the battlefield. They elucidate the simplistic ways in which binaries *produce* such bifurcations: e.g. culture is masculine and nature is feminine; white is masculine and black is feminine.

When individual refugees decide to divorce themselves from the scripts of sedentary camp life and move on, they become potentially threatening as 'asylum seekers' or 'migrants' who are seen as simply seeking a better life, not necessarily protection. The legitimacy of a refugee on the move, beyond such spaces, changes political valence dramatically, from innocent, helpless and deserving to politically dangerous, self-interested and undeserving. Viewing refugees in long-term limbo from afar is a more comfortable and masculinist representation (Sundberg 2003).

Building on universalisms and particularly the liberal discourse of humanism, the composite figure of the refugee is at 'once feminine and maternal, childlike and innocent ... an image that we use to cut across cultural and political difference' (Malkki 1996, 388; see also Pratt 2004). Refugees in long-term limbo are helped because they cannot help themselves. The relation is almost always one of philanthropy or humanitarian obligation, not entitlement. While refugees are nominally covered by human rights covenants and refugee law, 'temporary' camps have become extra-legal spaces of liminality where rights are optional. This exceptionalism is tolerated, in our view, because of the theoretically

finite temporality of refugees' stays in such conditions. Recall that camps are technically only a stopgap, temporary measure: 'Not only does a mobilities perspective lead us to discard our usual notions of spatiality and scale, but it also undermines existing linear assumptions about temporality and timing' (Sheller and Urry 2006, 214).

Without legal status and the mobility, employment and education it affords, refugees are destined to depend on a host state or an international community that will speak for it. As Valentino Achak Deng, a young man who once lived in Kakuma refugee camp, notes: 'I could not live in the camp anymore. I had been at Kakuma for almost ten years and would not live out my life there. Any risk, I felt, was acceptable' (cited in Eggers 2006, 518). The UNHCR has acknowledged the risk that people in PRS may well exercise their own options if no formal, organized pathways out of camp life exist, leading to human smuggling and possibly trafficking (Crisp 2003). And, as UNHCR (2006) points out, refugees in limbo can be, or be seen to be, a security risk to host countries or nearby neighbours (Betts and Milner 2006). Only occasionally do refugees in long-term camps protest at the conditions of their keeping. More often such actions take place at processing points where refugees are rejected for resettlement (Nyers and Moulin 2007).

Fraser's (1989) take on the 'site of the social' locates it as the discursive location where battles to sway public opinion, government policy and private initiatives take place. She examines how two government income assistance programmes are gendered or rather how one is feminized and the other coded masculine in the US context, by tracing the embedded assumptions and meanings of unemployment insurance, an employee-contribution *entitlement* that workers who lose their jobs can access. In a similar vein, refugees come to affluent countries in one of two ways, either by arriving in the country as an asylum seeker and filing a claim for status or by being selected from a camp, detention centre or other institution in an area of prolonged refugee displacement for resettlement.<sup>4</sup> The first mode of arrival confers legal rights and entitlements once a refugee claim is made, though there is no guarantee of the success of that claim. The second is an *option* states have. They *may* resettle refugees as a humanitarian gesture, but are not required by law to process their claims or accept them at all. In short, resettling refugees or supporting them in camps is a discretionary act of humanitarian goodwill or charity. Many states in the global North choose to take few or no refugees through resettlement channels.

Recent comments from the Minister of Citizenship and Immigration Canada, Jason Kenney, for example, underscore the differential valuing of these two streams. In September 2009, Minister Kenney stated that 'fake' applications in Canada are hurting those waiting abroad (Payton 2009). The legitimacy of refugees in protracted situations are both more legitimate and more urgent for Mr Kenney:

It's a question of a compassionate allocation of resources away from massive legal costs and social support for *de facto* immigrants who are gaming our system and abusing our generosity to additional resources for real victims of persecution abroad, most of whom are living in untenable situations in UN refugee camps. (cited in Payton 2009)

The minister has created a sizeable backlog of more than 60,000 claims, ostensibly as a deterrence measure for potential asylum seekers in Canada.

We contend, then, that refugees in long-term limbo, effectively waiting for the cessation of hostilities at home or an opportunity to be granted legal status in exile, are feminized by, first, the discretionary and/or charitable systems that manage them and, second, through their treatment as 'rights-optional' subjects. Without the protection of a government, human rights encoded in international law, even as they are applicable to PRS, are virtually worthless. Refugees who stay still are housed through relatively

inexpensive 'care and maintenance' programmes, often in camps and paid for by donors of the global North.<sup>5</sup>

This feminization of refugees in protracted situations is a material condition, a representational issue and a political dilemma. It is linked to the rise of the externalization of asylum in Europe, Australia and North America, signalling the desire of Northern states to return asylum seekers to transit countries and regions of origin before they access legal rights associated with seeking refugee status (Mountz 2010). Refugees on the move are largely seen as a threat, to prosperity and the viability of welfare states in the global North and to security in those same states.

### **Refusal: externalization, neo-refoulement and the outsourcing of protection**

Bonnie Honig's (2003) book shows how classic political thought signifies foreignness as a threat of corruption that must be contained for the sake of stability and identity. The postnational, feminist impulse of her work aims to create a more positive position towards 'the foreigner'. Current policies toward the foreigner in affluent states reflect Honig's diagnosis of foreignness as a problem in need of a solution. Section 33 of the 1951 Convention Relating to Refugees, for example, enshrines the sacred principle of non-refoulement or no forced return to danger in one's country of origin. In conditions of long-term limbo, the protection non-refoulement affords remains intact, but at the expense of other fundamental rights. Why, for example, does article 33 (non-refoulement) of the 1951 Convention appear to trump article 26 (freedom of movement)?

Most people in PRS are not allowed to come and go from camps and other institutional settings. This points to a legal distinction between *prima facie* refugees who are designated as such on a group basis, usually for the purposes of temporary status before a solution to their situation can be found, and Convention refugees, whose eligibility is determined on an individual basis. The bar for rights and entitlements of a Convention refugee is much higher than for *prima facie* refugees. In Kenya, for example, *prima facie* refugees must reside in camps and refrain from paid work. Although Kenya has signed the 1951 Convention Relating to the Status for Refugees, the legal basis for Convention refugees, it has not processed any claims by refugees on its territory for such status since 1990.

If and when a refugee in limbo decides to leave a protracted situation and seek asylum with fuller rights and possibilities elsewhere, a different tactic of return comes into play. Mustafa Dikec (2009), for example, traces the consolidation of detention and deterrence measures that apply to asylum seekers who reach EU countries. In December 2008, the directive 'on common standards and procedures in Member States for returning illegally staying third-country nationals' was published in the *Official Journal of the European Union*. EU member states, excluding the UK, Ireland and Denmark, have until December 2010 to bring their domestic legislation in line with the standards and procedures defined by the directive. It was first approved by the European Parliament back in June 2008 and later adopted by the Council in early December of the same year. Dikec (2009) notes that the 'Returns Directive' explicitly increases detention capacity, enhances border management and makes expulsion more efficient for states. It does nothing to enhance refugee protection.

As Shacknove (1993, 521) writes, 'Control over population increasingly means limits on entry and exclusion'. Hyndman and Mountz (2008) call the exclusionary effect of tactics to exclude asylum seekers from accessing territory which grants them access to such claims, 'neo-refoulement', a geographically based strategy of preventing the possibility of asylum through a new pre-emptive form of forced return. Neo-refoulement

differs from non-refoulement, the legal term that prohibits a signatory state from forcibly repatriating a refugee against its commitment in the 1951 Refugee Convention.

The principal architects of the externalization agenda are the European Commission, Denmark, the Netherlands and Britain (Betts and Milner 2006). In 2003, intense debate emerged over Britain's proposal to adopt extraterritorial approaches to asylum processing and refugee protection. Offshore 'transit processing centres' in states such as Albania, Croatia and the Ukraine were vetted as acceptable places for asylum seekers because they were *outside* the EU, yet these were met with strong opposition from some quarters of the EU membership and from humanitarian organizations.

Extra-territorial protection takes two geographical forms: first, in third country processing centres; and, second, in regional protection areas, normally close to countries of refugees' origin. In both cases, exclusion from the sovereign space of Britain was paramount. Betts (2004), for example, traces how a political space for special agreements on the secondary movement of refugees and asylum seekers was created by the UN High Commissioner for Refugees, Ruud Lubbers, through the 'Convention Plus' initiative in 2002. The initiative aimed to provide a space that enhanced refugee protection 'in the region', but simultaneously limited access to protection on European soil. This suggests a system of migration management aligned with development assistance in third countries (Samers 2004, 43). Cooperation by transit countries and states of migrant origin is rewarded handsomely with development assistance from more affluent countries (Hyndman and Mountz 2008).

One tool of the externalization agenda is Regional Protection Programmes (RPPs), paid for by the global North to improve refugee protection in the global South. Emma Haddad (2008) contends that externalization *expands* protection options for refugees. She argues that the RPPs introduced by the European Commission in 2005 accomplish this task. Haddad links RPPs to PRS. She contends that the RPPs would be a key policy toolbox to address PRS, comprising projects that could improve protection capacity in host countries, establish an effective procedure to determine refugee status, improve reception conditions, benefit the wider local community and provide training in protection issues for those dealing with refugees (Haddad 2008).

Haddad mentions two pilot RPPs undertaken, one in the Great Lakes region of East Africa and the other in Eastern Europe. The former project, based in Tanzania, exists on a larger scale and consists of projects designed to strengthen the capacity of national authorities to protect refugees in camps through voluntary return (of Burundian refugees), enhanced access to resettlement and registration of refugees. Haddad (2008, 201) notes that '[n]ow protection has become something that states believe they can guarantee close to a refugee's home'.

We contend that RPPs are one piece of the externalization effort, keeping refugees at bay geographically and protected in the most minimalist sense in regions of origin by relatively poor countries with purportedly enhanced capacity to meet the legal obligations of protection outlined by the 1951 Convention, which most African states have signed. Haddad calls for close monitoring of RPPs. International refugee law is increasingly supplanted, or supplemented, by national legislation, regional directives and offshore practices. Samers (2004) has called this 'soft law', a bundle of policies and practices that make *access* to the provision of international refugee law difficult.

### **Linking externalization and PRS: exacerbating the wait**

As illustrated above, much of the debate, policymaking and financing around the externalization of asylum takes place in the global North, yet many players and tools

required to enact it are based in the global South. Alexander Betts and James Milner (2006) begin to traverse this gap by arguing that European states have fundamentally misrepresented the position of African states in the global refugee regime. They use the example of Tanzania to unsettle European assumptions about 'the African state' and to show that constraints on asylum in Africa are often not recognized. Specifically, the 'approach of the European states has so far assumed that cooperative agreements can allow Southern states to be enticed or persuaded to improve their own protection standards in order to reduce the need for the onward movement of asylum-seekers to Europe' (Betts and Milner 2006, 3–4). In resuscitating African governments as political actors, Betts and Milner show that, at a minimum, this logic is geopolitically Eurocentric.

UNHCR's Convention Plus initiative promoted the local integration of refugees in countries near their homes as a durable solution to long-term displacement, including those in protracted situations. It assumed that strengthening capacity to protect refugees in these initial countries of asylum could reduce the need for onward movement [to the global North] for refugees. Yet, if 'African states were to reduce their commitment to the principle of territorial asylum, thereby undermining access to effective refugee protection within the region, this would almost certainly exacerbate the likelihood of onward movement and global insecurity' (Betts and Milner 2006, 4). The authors observe that European states are willing to pay for, but not host, refugees; their collective views are encapsulated in the conviction that 'it doesn't matter where asylum is provided as long as it is provided' (Betts and Milner 2006, 4).

Betts and Milner's analysis illustrates the confluence of externalization, regional protection initiatives and PRS in Africa. They note that the continent hosted 22 such situations encompassing 2.3 million refugees in 2003 and add that 80% of refugees in Africa thus fall into the category of PRS. Therefore, 'European proposals will lead to burden-shifting, not burden-sharing, with African host states' (Betts and Milner 2006, 36). But how? Moreover, 90% of refugees in Africa in the 1970s were hosted in settlements where they were encouraged to be economically self-reliant. Few such arrangements remain today, but we cannot be vigilant enough in our efforts to avoid homogenizing highly selective, historically and geographically situated conditions of protracted displacement (see Loescher et al. 2008 for an encyclopaedic range of situations of protracted displacement).

Indeed, Tanzania has historically been considered a very hospitable state towards refugees, with some decisive exceptions. In 1980, during the Nyerere period, the government's decision to naturalize some 36,000 Rwandans generated a reputation of open doors, but this changed dramatically as renewed conflict and genocide crept over the Great Lakes region in the mid-1990s. Tanzania's refugee population grew from 292,100 in 1992 to 883,300 by the end of 1994 (Loescher et al. 2008). By 1998, more restrictive refugee legislation was introduced. By 2001, Tanzania hosted the greatest number of refugees in Africa, and by 2003, the government was advocating the creation of 'safe zones' within countries at war as a substitute for refugees seeking asylum in Tanzania. Yet in 2009 Tanzania announced that it would naturalize 160,000 Burundian refugees from the 1972 displacement who opted for citizenship rather than return to Burundi (UN News 2009). As in Tanzania, resettlement and refugee integration in Europe and North America are viable only as long as they are politically palatable and economically desirable in those countries.

### **Primetime PRS: Somali refugees in Kenya**

Our own current research on the geopolitics of PRS and with refugees in long-term limbo involves the study of two contexts: Somali refugees in Kenya and Afghan refugees in

Iran.<sup>6</sup> For the purposes of this article, we briefly focus on Kenya, where refugees began arriving in large numbers from war-torn Somalia in 1991–1992.<sup>7</sup> Since then it has stipulated that all refugees must live in camps located far away from major cities in remote areas. All but a few refugees cannot legally work or leave the camps, though some do. Those who do reside in the cities without authorization are subject to police round-ups, harassment and demands for money (Hyndman 2000). Almost all of our respondents, when asked, indicated that their preferred durable solution is resettlement.<sup>8</sup> A number also mentioned repatriation as a secondary possibility, if peace returns to Somalia (Horst 2008).

In the context of the three Kenyan refugee camps adjacent to Dadaab, some have lived there since their opening in 1992. The conditions and standards of living in the camps have not changed dramatically. However, secondary schooling is now offered to refugee children residing in the Dadaab camps. In the mid-1990s, offering education beyond the primary level was thought to be an incentive for refugees to stay in the camps and avoid repatriation (Hyndman 2000). Our project documents the conditions and livelihood strategies of refugees in these camps; we also interviewed refugees who have ‘self-settled’ in Nairobi, the Kenyan capital. Safety in the camps today is reportedly far better for refugees living without legal status than in the city. This also represents a major change from conditions 15 years ago, when rape and sexual assault on refugee women collecting firewood was epidemic. Sixty percent of the refugees in Dadaab camp, however, are poor or destitute and often ‘unable to meet their daily needs’ (Horst 2008, 10).

The most important income for the refugees in the camps is remittances from kin abroad. This money enables some families to move to Nairobi where access to better health, educational and employment opportunities exist, even if they are not legally sanctioned (Horst 2008). These transnational linkages are potentially important as evidence of the ‘new mobilities’ paradigm asserted by Sheller and Urry (2006): mobile money transferred through diasporic global networks becomes a way of life for those left in limbo. One family in our study, for example, opted to stay in Nairobi without legal status rather than to seek asylum abroad in one of the more affluent (but colder) resettlement countries. Nick Van Hear (2009) builds on this idea and contends that labour migration for refugees in protracted situations might be a fourth solution to displacement, even if status as a legal labour migrant is temporary. Such thinking begins to decentre the sedentarist bias of state-centric thinking about refugees in the Westphalian state system.

Legally speaking, Jean-Francois Durieux and Jane McAdam (2004, 6) have argued that

There is ample documentation of the sub-standard conditions under which many of the larger groups of refugees in the world continue to live, even after a decade or more in exile, and notwithstanding the constant reaffirmation [by Contracting States to the Convention] of the applicable legal framework.

Under international law, broader human rights instruments that apply to refugees in temporary camps run by UN agencies are not being met. Why? Because refugees do not have the protection of a state to uphold these minimally defined rights.

The very conditions of our Kenyan research, in camps that have existed since 1992 for refugees from Somalia, which has been unstable and arguably unsafe since 1991, points to a silent emergency of its own. In this article, we do not dwell on the individual responses of our informants, but note that the ‘don’t die’ conditions of the camps pushed Halima Ali to move to Nairobi with her family. Likewise, another household is getting

by in the capital with income from its entrepreneurship in the market, combined with remittances from family abroad. Yet not everyone can migrate to Nairobi: differential access to economic resources, family composition and household responsibilities more or less tie people to place. Some refugees in our study have grown up in the camps.<sup>9</sup>

Durieux and McAdam (2004) contend that there is a temporality to the humanitarian character of a refugee camp. The degree to which it is a humane and genuinely humanitarian space declines over time. For example, as a temporary stopgap measure that saves lives in the short term, a camp is an invaluable humanitarian space. But, as its temporariness becomes more permanent, this space shrinks because other basic human rights, many of them enshrined in the 1951 Refugee Convention itself, are being suspended or denied. The costs of living in such circumstances are high:

In some ways, becoming a refugee makes life desperately simple, and empty. No home, no work, no decisions to make today. And none to make tomorrow. Or the next day. Refugees are the victims of persecution and violence. Most hope that, one day, they may be able to rebuild their lives in a sympathetic environment. To exist again in more than name. (UNHCR cited in Nyers 2006, 21)

The frustration, deprivation and existential challenges of living in limbo and waiting for change constitute one dimension of PRS. A feminist materialist strategy to address these substandard conditions is critical. Providing a corrective to the passive and depoliticized representations of refugees is also urgent, and part of the same discursive economy of neglect that refugees in protracted situations face.

‘Don’t die’ humanitarianism is a political problem without much of a constituency to contest it. The policies and practices that reproduce this waiting through containment in the global South warrant further feminist scrutiny. Thus,

While some rights restrictions may be justifiable during the initial emergency phase of a mass influx, protection should, in the spirit of the Convention, improve over time rather than stagnate or deteriorate. (Durieux and McAdam 2004, 4)

For those who wait, ‘don’t die’ humanitarianism is provided, but rights that provide a foundation for employment, residence and education are discretionary in practice.

Conflict in Somalia rages on, precluding any possibility for large-scale return. The government of Kenya will not consider local integration for Somali refugees, given the antagonistic politics and history of conflict in Kenya’s northeast (Hyndman 1997). A handful of resettlement prospects by Canadian, Australian and US officials cultivate hope among some in the Dadaab camps along the Kenya–Somalia border where they are more likely to be selected for overseas resettlement. Increasingly groups designated as vulnerable or unable to return, such as large families, unaccompanied minors and those with acute health conditions, are getting priority in resettlement states.

In December 2008, UNHCR convened a consultation on the issue of PRS. Until 2007, UNHCR made a habit of estimating resettlement need on the basis of available resettlement spaces, a vast undercount. This has changed and ‘refugees in need’ have significantly increased in number, as the agency realized the absence of solutions for those refugees who continued to wait in conditions of long-term displacement. In 2010, the UN has said it will include PRS as a priority in an executive committee (EXCOM) conclusion, evidence that it has become a more visible and pressing issue at UNHCR and among its member states. Still, the Returns Directive, also called the ‘Directive of Shame’ by its critics (Dikec 2009), will ensure that only the chosen refugees will come to the west. The rest should stay home, in their ‘regions of origin’.

**Still waiting**

Camps, institutions and government programmes can be tacitly coded in gendered ways, not only in terms of those they serve, but in relation to polity and economy (Fraser 1989). Exclusionary masculinist epistemologies and geopolitics that externalize asylum seekers from the global North have been juxtaposed above with the feminized, passive representations of more legitimate refugees in spaces of protracted situations in the global South. A feminist approach to the politics of waiting employs a multi-pronged methodology that at once examines the discursive displacement of refugees in the global South; the geopolitics of externalization policies that keep them contained there; and the household conditions and strategies that refugees use to negotiate their limbo through face-to-face interviews. It puts the well-being of refugees on a par with that of states.

'Real' refugees wait in camps with temporary, *prima facie* status, whereas asylum seekers at the borders of the EU, US, Canada or Australia who seek Convention status are framed as security threats. The recent 'Returns Directive' analyzed by Dikec (2009) shows how asylum seekers in the EU can now be detained longer and removed more quickly, in sharp contrast to the policies and practices in 'regions of origin' from whence asylum seekers come. 'Offshore', beyond the borders of sovereign, legal obligation, refugees in limbo are no more legally coherent, but solutions to their situations are more optional and less clear.

Indefinite detention is an act of commission (Butler 2004). Protracted conditions of displacement for refugees may be acts of omission and neglect. Or are they? At what point does neglect constitute negligence and negligence an act of unintended detention?

There is a perception in the west that refugee camps are temporary. ... Westerners believe that these refugees will soon be returned to their homes, that the camps will be dismantled inside of six months, perhaps a year ... But I grew up in refugee camps. I lived in Pinyudo for almost three years, Gokur for almost one year, and Kakuma for ten. ... It is not the worse place on the continent of Africa but it is among them. (Deng cited in Eggers 2006, 370–71)

PRS, the externalization of asylum, RPPs: when considered together these are the pillars of the global refugee regime in its current iteration. Regional protection programmes that keep refugees near their countries of origin and externalize asylum away from the global North *depend* upon opposing representations of the threatening asylum seeker on the move and the 'real' refugee who stays put in camps. Refugees 'over there' are seen as more legitimate than those who try to claim asylum at North American, European or Australian borders. Whether countries in the global North can simply pay for refugee protection rather than provide it, in the same way they propose to buy carbon credits from poorer nations in order to offset their own production of carbon emissions, remains to be seen. The lives of millions of refugees so far refute this possibility. The links among these pillars cannot be ignored in this matrix of exclusion and containment.

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## Notes

1. Warehousing, however, connotes a 'warehouse', and there is rarely if ever a single actor or factor that keeps all refugees in long-term limbo.
2. Without dwelling at length on the human rights and legal entitlements technically available to refugees, they include the 1951 Convention Relating to Refugees, which codifies access to gainful employment (article 17), housing (article 21), freedom of movement (article 26), and the possibility of naturalization (article 34) to name but a few of the provisions (UNHCHR 2009a). The legally binding International Covenant on Civil and Political Rights states that 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development' (UNHCHR 2009b). However, this is certainly not a status afforded refugees in long-term limbo. The other international covenant covering economic, social and cultural rights underscores some of the same provisions of the first two treaties, such as employment and self-determination but adds 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health' (article 12) (UNHCHR 2009c), among others. We mention these human rights as standards agreed upon by the vast majority of the world's governments, and yet, as Hannah Arendt (1958) noted, such rights are worth little without a guarantor, a state of one's own.
3. The UNHCR assists with socio-demographic information on the numbers and requirements of a refugee population. The World Food Program (WFP) adds this data to its own research and then collects and provides foodstuffs. Both agencies are working under a mandate to address the 'temporary' humanitarian requirements of refugees.
4. North American (the United States and Canada) and Antipodean states (New Zealand and Australia) all have sizeable resettlement programmes whereas most European countries do not.
5. For a list of countries that are signatories to the 1951 Refugee Convention as of August 2008 see: <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>.
6. In keeping with our aim to historicize particular displacements and avoid lumping refugees from diverse backgrounds into the category of 'PRS', we look briefly at only the East African example where Somali refugees in rural Kenyan camps come from mostly pastoral backgrounds in Southern Somalia. In Iran, the context is very different. Most Afghan refugees live outside of camps in Tehran, the Iranian capital, many have been migrant workers in past times.
7. In 1992, the first author volunteered to help build a feeding centre in the soon to be occupied new refugee camp of Ifo, near Dadaab in north-eastern Kenya. Later that year Somali refugees from a border camp called Liboi moved to Ifo, and construction began for two more camps nearby. The same author worked for the UN in efforts to repatriate Somali refugees from Kenya back home in 1993 as refugee numbers in the country exceeded 400,000. Security in Somalia, however, remained poor and the mission failed dismally. By 1994, the tented safari-like camp to house the United Nations staff had been replaced by permanent buildings for all but the refugees who worked on 'incentives' who still stayed in tents. In 2009, the arrangement is much the same: three camps continue to house more than 300,000 Somali refugees. These settlements, for refugees and staff alike, have become a much more permanent fixture on the landscape of north-east Kenya.
8. The project involved 40 interviews with refugees in both Iran and Kenya, as well as some two dozen interviews with UN personnel, non-governmental organization staff, and related refugee experts in Britain, Switzerland, and Italy. In Kenya, Dr Cindy Horst was part of our research team and coordinated the research, conducting interviews in both the Dadaab camps of Ifo, Dagahaley, and Hagadera, as well as in Nairobi, the capital.
9. By the end of 2009, the Dadaab camps had an estimated population of 350,000, more than triple its designated capacity, as renewed conflict in Somalia drove thousands more across the border to Kenya with no sign of lasting peace in sight.

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## ABSTRACT TRANSLATIONS

### ¿Esperando qué? La feminización del asilo en situaciones prolongadas

Millones de refugiados están varados en campos y ciudades del Sur global sin estatus legal permanente. Esperan en un limbo, con su situación irresuelta en lo que las Naciones Unidas (ONU) llaman las ‘situaciones prolongadas de refugiados’ (PRS por sus siglas en inglés). Las condiciones materiales y las descripciones de tales refugiados como inmóviles y pasivos contribuyen a la *feminización del asilo* en tales espacios. En contraste, refugiados que se mueven para buscar asilo en el Norte global son percibidos como amenazas y codificados como parte de una agenda geopolítica masculinista que controla y seguritiza su movimiento. Políticas para externalizar el asilo y mantener a los potenciales refugiados lejos de las naciones afluentes del Norte global, en las que pueden buscar el asilo legal, representan una estrategia de exclusión. Trazamos estas trayectorias divergentes de in/movilidad y demostramos cómo el espacio humanitario para ambos grupos se achica con el tiempo. Para aquellos que buscan asilo en el Norte global, medidas tales como más detenciones y un rápido retorno a los países de tránsito apuntan a disuadir a los inmigrantes de arribar. Sostenemos que los sistemas discretos que administran a quienes buscan asilo en el Norte global y los refugiados en el prolongado limbo están ellos mismos generizados. Las políticas de la Unión Europea (UE) para ‘externalizar’ el asilo y mantener afuera a quienes lo buscan encajan con las políticas de los Estados miembros de la misma para ‘construir capacidad’ para la protección de los refugiados en las ‘regiones de origen’. Estas significan trasladar, no compartir, la responsabilidad por su bienestar y prolongan su espera.

**Palabras claves:** feminización de refugiados; prolongadas situaciones de refugiados; espera; externalización del asilo

### 为何等待？长期难民处境中庇护所的女性化

数以百万计未拥有永久合法身分的难民，身陷全球南方的城市与难民营之中。他们在过渡状态中等待，悬而未决的身分联合国称之为「长期的难民处境」（PRS）。他们的物质条件，以及将其视为不具能动性且消极的难民叙述，皆导致庇护空间的女性化。然而在全球北方移动以寻求庇护的难民，却被认为具有威胁性，并将之归类为需要控制以及防备此类行动的男性气概地缘政治议程。全球北方富裕国家将难民外部化并防范潜在难民寻求合法身分的政策，展现了排除的策略。我们探询这些互异的（不）流动轨迹，显示上述两者的人道空间如何逐渐受到压缩。对于全球北方寻求庇护的难民而言，延长居留和快速遣返至中转国家等政策，皆为了杜绝蜂拥而至的难民潮。我们主张，全球北方管理寻求庇护者以及身陷长期等待的难民的分离系统，本身便是性别化的。欧盟外部化庇护所并将寻求庇护者拒于边境之外的政策，吻合了欧盟成员国在难民的「原生区域」「建立难民收容量」的政策。这显示了社会福利系统的责任转移，而非责任分担，并且延长了等待时间。

**关键词：**难民的女性化、长期的难民处境、等待、庇护所的外部化