TEMPORARY PERMANENCE: THE USE OF REFUGEE CAMPS IN PROTRACTED REFUGEE SITUATIONS AND ITS EFFECT ON HUMAN RIGHTS PROTECTION

A Thesis Submitted to the

Centre for Migration and Refugee Studies

in partial fulfillment of the requirements for

the degree of Master of Arts

by Samantha Angwenyi
(under the supervision of Prof. Alexandra Parrs)

September 2013
DEDICATION

I would like to dedicate this thesis to my family. Without their support, I would never have started or finished this masters degree. I truly appreciate their sacrifice and love that has carried me through.

And to my best friend Kris, for always reminding me that quitting is not an option.
ACKNOWLEDGEMENTS

Without God, I am nothing.

I would like to thank my supervisor Dr. Alexandra Parrs for her blessing me with her guidance and knowledge through this process and the rest of my committee for gifting me with their time and wisdom. I would also like to thank Eman Moursy for always being there to lend a helping hand to all CMRS students and for always solving all our problems. A special thank you to my dear friend Ainslie Avery for providing great support and wisdom through the writing process. And finally my undying gratitude to my friends; Sarah, Re’em, Elena, Juergen, Iman, Samar, Alyaa, Faith and many others who provided their unconditional support when I needed it most.
ABSTRACT

Refugees are considered a vulnerable population. As they lack protection from their own countries, it leaves them in need of international protection. This protection is carried out under the international refugee regime which is based on general international human rights law as well as the more refugee-specific international refugee law, both of which strive to ensure human rights protection. Refugee camps are set up as temporary methods of providing protection while durable solutions are sought. However, in recent times, this temporariness is brought into question as protractedness has grown to become a common feature of most refugee situations. The resulting reality is that refugees end up living in camps for longer and longer periods of time. Therefore, it is safe to assume that when refugee camps meet protracted refugee situations, a clash between temporariness and permanence is bound to exist. This thesis aims to explore the effect of this clash has on the refugees in terms of human rights protection. Economic, social and cultural rights were concentrated on as they are believed to have a major impact on the quality of life which resonates with ensuring adequate protection. The analysis is done through drawing examples from different refugee camps around the world. This is followed by a discussion of the findings and suggestions on how refugee agency and participation can be utilized to minimize the effects of this clash of temporariness and permanence.
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CHAPTER 1: INTRODUCTION

“I truly honour the support they offered to all the refugees, specifically the Somali community, which makes up the largest refugee population in Kenya. There is nothing I can compare to Kenya’s generosity for hosting us more than two decades...But when we first arrived here, we didn’t realize that the camp would unfortunately become our permanent home.”

– From “14 Years in a Refugee Camp: One Somali man’s story”

Statistics show that the average time that refugees spend in refugee camps awaiting durable solutions is 17 years. With the fact remaining that refugee situations are now more protracted in nature, approaching them as being largely temporary, which is essentially what refugee camps do, is bound to have certain implications. The choice of using camps as a method of providing protection for an extended period of time can come at the expense of safeguarding human rights. A major reason for this is that camps are meant to be temporary. This thesis explores how the temporariness exhibited by refugee camps affects human rights protection in protracted refugee situations (PRS).

Such an analysis is important because protecting refugees through ensuring their human rights is essentially the main role of the international refugee regime. For that reason if there is a compromise on rights, then there needs to be a further exploration of whether it can still be claimed that protection can be ensured in refugee camps. This analysis therefore acts as an audit of the protection that these camps provide in over extended periods of time. If there is a compromise on protection, it would mean that refugee camps are not an efficient method of providing protection in protracted refugee situations.

Refugee camps are set up so as to provide temporary protection for refugees while in the countries of asylum. The temporariness of camps is visible in their physical characteristics as well as in how they are operated. To review the effect of this temporariness in PRS, different temporary characteristics of the camps was identified. The choice of concentrating on PRS was based on the

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premise that an effect is bound to exist once a refugee situation becomes protracted as refugee camps represent temporariness. Therefore, a whole chapter is dedicated to an analysis of the effect that this temporariness has on the lives of refugees who live in these camps for extended periods of time.

It is also important to note that although refugee camps are set up to protect refugees, they are also often challenged for their lack of regard for particular human rights of these same refugees. When you have refugees living in this perceived state of temporariness for extended periods of time, there are bound to be consequences. Studies show that it affects their daily choices and interactions and can have a major impact on their lives. These could be choices such as whether or not to learn the local languages of the host country which could improve ease of integration into the host country or the choice of whether or not to send their children to school they are to believe that their stay in the asylum country is only temporary. This leaves their futures largely uncertain and often out of their control. Another problem with refugee camps arises as they are often not only temporary in structure but unfortunately also more and more temporary in the mind. In PRS, resources and aid tend to decrease the longer the refugee situation perseveres and such situations usually result in the inhabitants of these camps often being consigned to oblivion.

To understand refugee camps as they have evolved to be and so as to understand their protection aims, it is important to look at the background upon which they are based. Therefore as a prelude to the analysis, it is important to explore the international refugee regime and specifically the international human rights law (IHRL) and the international refugee law (IRL) both of which serve as guides for refugee protection. While IRL deals with refugees in particular, IHRL deals with human rights in general. This means that even countries that do not ascribe to the IRL are still likely bound by IHRL.

Some of these human rights violations that are common in almost all camps include a lack of respect for the right of movement, the right to earn a living and the right to proper education.

Katarzyna Grabska, Who asked them anyway? Rights, Policies and Wellbeing of refugees in Egypt, Forced Migration and Refugee Studies, American university in Cairo, Egypt, pg30
Several academics and practitioners alike have engaged in the discourse on the collapse of the IRL regime and the millions of refugees who remain displaced in the protractedness are a testimony to this. The breakdown of the IRL has been characterized by the failure of its three durable solutions, the creation of more rigid borders, increased policies of containment, a general lack of burden sharing and the continued push towards repatriation which sometimes ends up not being too voluntary. Fingers are continuously pointed in blame across countries and international organizations on who is responsible to assist in refugee situations. All the while, refugees remain trapped within this failed system with limited rights availed to them and as no actual improvements are made to improve their situations.

Simultaneously, protractedness is now fast becoming the usual in refugee situations. It has been identified that two-thirds of the world’s refugee population are as a result of protracted refugee situations, meaning that the conflicts or cause of their displacements have been on-going for at least five consecutive years without “immediate prospects for implementation of durable solutions”\(^5\). Therefore it is safe to say that protracted refugee situations serve as a good demonstration of the failure of the international refugee regime. These two-thirds mean that approximately 6 million refugees are living in a state of limbo. This is exacerbated by the fact that the three durable solutions - voluntary repatriation, local integration and third-country resettlement, which are meant to be afforded to them through the IRL, often do not work out largely due to the lack of will amongst the main actors. As it has come to be, this state of limbo is also characterized by grave human rights violations. This remains to be a major source of concern especially since the international refugee regime is supposed to provide protection.

Even though more and more refugees are now being self-settled away from refugee camps, one third of the entire refugee population remains hosted in various refugee camps around the world.\(^6\) The

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refugee camps are set up with the intention of being temporary solutions to the displacement that is caused and at the same characterized by humanitarian crises. In such situations, camps were initially preferred by the international refugee regime due to their ease and speed in disseminating the crucial as well as necessary aid, such as food, medical aid and protection to refugee populations. The assurance that they are only ‘temporary’ which again is highly visible from the structure of these camps - often characterized by rows after rows of tents-, also works in the convincing argument of refugee protection organizations such as the United Nations High Commissioner for Refugees (UNHCR) when they have to solicit approval from asylum countries to allow for the hosting of refugees within their borders. Temporariness is often demanded by host countries before they agree to providing asylum. In such cases, refugee protection agencies are able to give the argument that the asylum countries will only have to host them for only a temporary period of time. It is also believed that the temporary nature of the camps promotes repatriation and resettlement whilst it discourages local integration. Drastic measures have been taken to discourage local integration. For example, in some cases the cessation of assistance provision followed by the closing of camps and at many times provision of transportation of refugees back to their origin countries have been used. Such repatriation is often much harder to do with self-settled refugees as they are less visible within the host countries. This is another reason why some host countries still prefer refugee camps rather than allowing for self settlement as they feel that they would be more in control of the situation. Unfortunately with the durable solutions not always being available and some asylum countries insistence on refugee camps, the consequence is the warehousing of refugees. Warehousing is a major problem as within these camp structures, refugees are majorly unable to access many of the human

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rights that they are entitled to. Of course some protection is afforded to refugees in these refugee camps or else the refugee camps would not exist at all.

The definition of a refugee found in the 1951 Convention Relating to the Status of Refugees which is the definition most people ascribe to defines a refugee as any person who,

“...owing to well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

Although not all countries hosting refugees are signatory to the 1951 Refugee Convention, UNHCR does play a major role in almost all camps around the world and as they use the above definition, it serves as an adequate definition for the point of this paper. From this description, we find that whilst refugee camps may safeguard refugee’s civil and political rights through granting them the protection from persecution by the state or due to the lack of protection from the state for the reasons stated in the Refugee Convention, these same camps may infringe on their economic, social and cultural rights such as the right to work, right to education and the right to an adequate standard of living which are the rights which this thesis will focus on.

In PRS, many of these rights are denied over a long period of time. This denial of rights does not only begin after a long period of time. During the initial emergency period as the appropriate organizations try to quickly set up aid, several human rights tend not to be guaranteed or protected. For example, refugee camps are often swiftly set up to deal with an influx of people requiring protection as well as humanitarian assistance. Their aim of providing protection from persecution which is essentially

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what gives refugees their refugee status⁹, resonates as some of the rights refugees are assured in camps. However there are also rights that are not protected in this emergency phase such as the right to work due to the logistics required that cannot be sorted during the emergency period. Unfortunately, in most cases, this disregard of rights persists even after the situation is no longer considered an emergency. In protracted refugee situations we find that refugee camps are no longer as temporary as initially expected and having many times crossed over from being emergencies; we find economic, social and cultural rights being ignored for vast periods of time. Therefore, such solutions which David Kennedy refers to as “refugees’ temporal route from flight to solution”, in reality are not so temporary¹⁰.

Despite all this, camps continue to exist although this layout of temporariness has caused many protection problems. My argument therein lies that many of these human rights violations are caused by the application of temporary solutions, such as refugee camps as they currently exist, to problems that are themselves not temporary i.e. protracted refugee situations. This is explored further through this paper through the analysis of problems commonly ascribed to camps. These are problems such as dwindling standards of medical healthcare, increased cases of diseases and death, inadequate education systems, the creation of dependency and rampant insecurity to name a few all be connected to the long-term disregard of economic, social and cultural rights which come as a consequence of the temporary characteristic of camps.

Research Questions and Objectives

Refugee camps continue to host a large number of the world’s refugee population. Therefore research on how to ensure maximum protection for this population is important. As protractedness

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⁹ Not to be confused with removing the persecution itself as that would involve the cessation of the injustice that has befallen them in their origin county at which point voluntary repatriation would be the advocated durable solution.

increasingly becomes a feature of many of the current refugee situations around the world, it has rekindled dialogue on whether protection methods such as refugee camps which are commonly used are still relevant in these cases. This paper hopes to contribute to and participate in that discussion. This was done specifically through exploring one major question of whether the temporary features of refugee camps affect the human rights protection of refugees in protracted situations. The main characteristic of camps that shall be investigated in this analysis is temporariness which will be explored as both a physical as well as mental feature.

When attempting to fully and adequately answer such a question, one must explore more than the present circumstances. In many situations, we find answers for present questions lie in the past. Therefore in this thesis, the research shall include exploring the history of the refugee camps. Based on that, the main objectives of this research are:

1. To explore how and why the international refugee regime promotes temporary protection in form of camps.
2. To examine and understand how protractedness of refugee situations has come about and the implications of refugeehood not being as temporary as earlier expected.
3. To analyze whether there are the implications of this temporariness in refugee camps on the human rights protection of these refugees.

Through achieving all the three objectives, this paper hopes to have accomplished the even bigger objective of creating a well-rounded research that fully analyzes the topic at hand and geared towards creating an audit to improve and insure the best protection of refugees in such cases with possible suggestions presented in the final chapter of the thesis.
Methodology

This research was fundamentally conducted through an extensive desk review. Due to the objective of applicability, an information-rich analysis was sought and implemented. A qualitative design was chosen in the exploration of three main areas and their interaction which made up the analysis and paper as a whole. These main concepts are: protractedness, refugee camps and human rights. All three of these concepts were examined through the role that they play in international refugee regime and the overall protection of refugees.

The materials for the analysis and the research in general were mainly extracted from secondary data sources such as international, regional and local legal instruments, reports and statistics from relevant organizations, journal articles and media sources all of which were first validated for credibility. Online searches and databases were utilized as much as possible due to the large amount of information that they hold as well as the fact that they presented a higher probability of having more up-to-date material which is essential in this particular topic as it is on current matters.

It was also important that the data chosen for the literature review was inter-disciplinary ranging primarily from refugee studies journals and materials to papers on international human rights law as well as reviewing work from other fields such as the psychosocial field as well. The psychosocial material was mainly used for assessing the effects of temporariness on the refugees’ well-being when exploring the effect of mental temporariness. The psychosocial journals on refugees were also more likely to have the personal narratives from refugees that the paper incorporates to attempt to compensate for the lack of primary data. Narratives from refugees found from secondary sources give accounts of their experiences and views on the situations in refugee camps instead of from the voice of the policy makers and researched who can try but may not fully be able to understand the things the undergo. In such a topic, it is also important to have the refugee voice represented which should
essentially be considered the most important of all especially when writing about the problems they face.

The analysis of cases and common problems faced in relation to human rights violations in different camps around the world was also important in portraying a comprehensive picture of life in these camps. There were recurring themes or problems found in different camps that were analyzed for a relationship to temporariness. In trying to accomplish general applicability as well as not being constrained by having to collect primary data, several camps were used as examples rather than concentrating on one camp as a case study.

**Limitations and ethical issues**

The lack of access to primary data served as the main limitation to this research. However, this was compensated for by the use of a lot of secondary data on the topic covering different refugee situations around the world and therefore this limitation in this particular case did not have a big impact on the research findings. Also by relying on secondary data, the research is able to draw examples from a wide array of refugee camps which would otherwise not be possible if it were primary research due to logistical constraints. Drawing from several cases also helped in finding common problems in such situations and so as to try and ensure a greater generalizability of the research findings. All the same, as each refugee camps are often each different from the other, generalizability can be dangerous on some issues. On matters where a generalization would be inappropriate or misleading, a special note of the situation is made in the paper. This also required extra precaution to be taken when evaluating the large pool of information and data available so as to ensure nothing important was left out and that again there was a good valid and reliable representation.

With secondary data you are always faced with the issue of decoding the existing data to find exactly what you are looking for. One can definitely not expect to carry out a search and just be
presented with a comprehensive list of articles on situations in refugee camps around the world and so the researcher might have to do some more digging. Getting up to date or similarly dated secondary data was also a great challenge of lack of control of when the information they accessed was published.

All the same, the lack of direct access to the refugee population of camps reduced any ethical concerns the research might have been faced with. Any secondary information accessed and referenced in the research was however used with the utmost academic integrity and in cases where the information collected is not for public access, consent shall was sought and confidentiality and anonymity were be maintained in their use in this paper as well.

Summary

*Disconnect: a lack of or a break in connection, consistency or agreement.*

(Merriam-Webster Dictionary)

The international refugee regime portrays refugee-hood as a temporary state. This is reflected by the interventions and protection accorded to refugees within the system. However, the reality is that more refugee situations are becoming protracted in nature. Therefore a disconnect appears where the situations themselves are in reality not as temporary as they are theoretically assumed to be. Throughout this paper, we will explore what impact this disconnect has on human rights protection of refugees within refugee camps. Although several articles and studies have touched on the issue of temporariness of camps in PRS, this thesis will be fully devoted to the topic and therefore aims to give a more in depth analysis of such situations and create an even deeper understanding. Most of the papers on refugee camps and their disregard of human rights also tend to focus on the right to work and the freedom of movement but this thesis hopes to explore a different array of rights as well.

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As research shows that the refugee situations themselves are rarely temporary one can presume that if refugee camps have to continue to exist, they should at least adapt to the fact of protractedness. This paper is geared towards coming up with applicable research on information on how to improve the overall protection of human rights of refugees who continue to be hosted in refugee camps if it can at all be done in camp hosting situations. Without a doubt, human rights are vital in the creation of both international and local laws and therefore should be respected along all levels and kept at the forefront when seeking any solutions.

To better understand the issue of refugee camps and so as to be able to analyze their effectiveness, one must explore their past. Therefore the first chapter of this paper shall begin with a short recap of the international refugee regime and how refugee camps came to be chosen as a method of offering protection to refugees. This shall be followed by the analysis of protracted refugee situations and how they come to be and then finally a combination of the two; refugee camps and PRS so as to discover what level of provided in refugee camps that host refugees in protracted situations. The final part of this chapter will touch on the history of human rights protection in the international refugee regime.

The second chapter shall then explore the effect temporariness of camps has on human rights protection. This shall be done in two parts. The first part will explore physical temporariness while the second part will look into mental temporariness. Examples shall be drawn from different camps in protracted situations to adequately show this and so as to enable a proper analysis of the protection offered. This shall be followed by the final chapter which will be a discussion of the results from chapter the second chapter as well as a discussion on possible solutions of how protection can be improved in refugee camps during PRS.
CHAPTER 2: LAW AND DISORDER

2.1 The International Refugee Regime and Its Failure to Protect

There continues to be a large debate and overall criticism among academics and practitioners alike, of the international refugee regime and its effectiveness or rather ineffectiveness in dealing with many of the refugee situations that have manifested post 1980s. This period of the international refugee regime is characterized by a shift of refugee protection from a largely accommodative refugee regime to a much less accommodative one. The shift is attributed to the change in terms of origin of the refugee flows as this period was characterized by refugees mostly originating from the geographical South while pre-1980s refugees mainly came from the geographical North which was essentially Europe.\(^{12}\)

A major unfortunate feature of this new phase of the international refugee regime is that many Western countries now excessively debate the genuineness of many refugees. They claim that a large number of those who allege to be refugees are actually economically motivated migrants\(^{13}\) and as a consequence, the overall the tolerance of refugees and asylum seekers has greatly reduced. Western countries have therefore constructed a more restrictive regime of migration in general. This has been borne out of fear that a more open regime will lead to more clandestine migration or as Hathaway and Neve put it, these countries worry that opening their borders up to refugees shall serve as “a ‘back-door’ route to permanent immigration”.\(^{14}\)

Chimni\(^{15}\) has frequently discussed the failure of the IRL regime and its three durable solutions. He had attributed it to the non-entrée policies by the West, which are reflected in a policy of containment. He further adds that this policy is perpetuated by the continuation of “the myth of


difference" based on the fact that as earlier mentioned, most refugees unlike before are now coming from the geographical South. Countries are making it harder for refugees and migrants alike to cross their borders often disregarding the difference between the two. Unfortunately, this mainly comes at the expense of refugees as they are believed to be more in need of international protection. Similarly, Bader speaks of how arguments for closed borders have been based on the frequently assumed threat that countries will be flooded with refugees and migrants if these receiving countries make their borders more open. However, this fear is largely unwarranted for several reasons including migrants’ personal will and cost the cost of migration in that even with more open borders not everyone would want to or would be able to afford to migrate.

To therefore deal with the injustice of closed borders, Bader brought about the controversial statement of “Open your wallet or open your borders” the concept of which was initially suggested by Hathaway and Neve as a way to solve the disregard of Western governments in participating in burden sharing. Although this suggestion brought out a lot of backlash against the authors, it is still a legitimate suggestion seeing as richer states continuously try to buy their way out of providing asylum for refugees. At the same time, their contribution is not always consistent or comparable to the need in refugee situations. This in turn leads to a retraction in terms of willingness to open their borders to asylum seekers by the developing countries which currently are already hosting a majority of refugees. There is still a general lack of will by states to participate in burden sharing both in terms of hosting refugees as well as in contributing financially to assist countries that host large numbers of refugees. In fact in many

17 Veit Bader, “The Ethics of Immigration,” Constellations, 12, no.3(2005): 331-361
18 Ibid., 341
cases, neither the borders nor the wallets are in fact open! All in all, there generally appears to be a regression in states’ interest in burden sharing when it comes to refugee matters.\textsuperscript{19}

The failure of the international refugee regime has also been attributed to the international refugee law regime. The IRL regime can essentially be traced back to the late 1940s to the early 1950s which saw the creation of UNHCR and drafting of the Refugee Convention in 1951 which although initially being very Euro-centric, became more internationally relevant through its subsequent protocol in 1967. The 1967 Protocol Relating to the Status of Refugees made required amendments to expand the time and geographical jurisdiction of the 1951 Refugee Convention to enable it to be exported to the international context. However, even with the 1967 geographical and temporal expansion, burden sharing and general will of states greatly decreased leaving IRL struggling to remain relevant within the greater international refugee regime and often with unsuccessful results.

Hathaway recounts the drafting process of the Refugee Convention pointing out that many states rejected the idea of IRL being based on human rights protection for all refugees. He states that instead, what influenced the process was self-interest and efforts to promote burden sharing in dealing with the “problem” of refugees.\textsuperscript{20} This has led to several consequences in the quality of protection and is visible in the inadequacy of protection of several refugee populations such as for those in camps, a problem which this paper aims to delve further into.

Schuck expresses that he strongly believes that this lack of burden sharing endangers the idea of an efficient international protection regime for refugees.\textsuperscript{21} This in turn has led to a lack of support especially for developing countries which are the countries that continue to host the majority of

\begin{itemize}
\item Peter H. Schuck, "Refugee Burden-Sharing: A Modest Proposal". Faculty Scholarship Series. Paper 1694(1997), 246
\end{itemize}
refugees. In addition, it is these same countries that are usually already grappling with problems attributed with still developing and so often end up not having the resources required to adequately provide for their hosted refugee populations. Therefore, due to a major lack of will among states to offer permanent residence for refugee populations, in most cases temporary solutions are sought.

What the above has resulted in is the warehousing of refugees which as Hathaway and Neve point out became and in many cases still is the go-to method when it comes to hosting refugees.\(^2\) Warehousing leaves refugees in a temporary protection state over extended periods of time because few states are willing to either locally integrate their refugee populations or open up opportunities for third-country permanent resettlement. Voluntary repatriation is also often off the table as in many situations, the cause of persecution in the origin countries cannot be removed by external agents. It is therefore usually a wait-and-see situation for most refugees as they wait for voluntary repatriation to open up as a viable option.

Through exploring the evolution of the international refugee regime, one gets a clearer idea of where the refugee regime currently stands and it builds a base as we further explore how refugee protection eventually settled on camps as an option. The lack of burden sharing appears to be a major reason that has pushed governments to go for temporary solutions such as hosting refugees in refugee camps. When camps are set up, the option of UNHCR or non-governmental organizations running it means that the government can be offset of some of the financial responsibilities of hosting the refugee population. They might just instead usually have to provide security and law options.

\(^2\) Hathaway and Neve, International Law, 115.
2.2 Refugee camps

The UNHCR Statute, which lays out the organization’s functions, in its very first chapter, states that the role of the UNHCR is “providing international protection to refugees”.\(^23\) How this is to be achieved is however not specified. Refugee camps are not mentioned in the 1951 Refugee Convention or its subsequent 1967 Refugee Protocol which are the most common source of reference when it comes to dealing with refugee matters. However, they have been considered necessary by the UNHCR and host countries to assist in handling particular refugee crises effectively.

Currently, there are an estimated 700 refugee camps around the world\(^24\). They are usually set up by either the host government, international organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the ICRC (International Committee for the Red Cross) and/or by Non-governmental Organizations (NGOs). These camps are usually set up as a quick response to deal with impromptu influxes of refugees. Refugee camps as we essentially know them today were first erected after World War II to accommodate those displaced by the war. The camps are put up with the aim of providing refugees with the basic amenities required for survival - food, clothing, basic medical care and clothing or what Gallagher refers to as care-and-maintenance.\(^25\) It is from here that refugees usually wait for one of the durable solutions to become available for them.

In some situations, refugee camps are considered by UNHCR to be the only way to go so as to enable them to carry out their mandate albeit only partially\(^26\). Weiner refers to such decisions as

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resulting from a “clash of norms.” He states that international organizations such as the UNHCR in this case may be forced to partly compromise on their protection mandate which makes up their norms, by taking actions such as hosting refugees in camps where their rights are not fully guaranteed thereby to an extent going against their own norm of providing protection. This is often the case if camps are the only option available such as if the host government refuses to allow asylum seekers to self-settle in any other areas of the country for any reason such as the fear of their sovereignty being challenged.

Camps have also been adopted in some situations by asylum countries so as to assert pressure on other states to implement one of the durable solutions. This is so as to escape having to take responsibility of the entire camp by a particular government if burden sharing is to fail as it has shown to in many cases. Most times you find that countries will hand over the management of camps to UNHCR or other organizations especially when the camps exist over a long period of time. Unfortunately, this pressure game to try to attain burden sharing often does not fare well and therefore there are still millions of refugees in camps for extended periods of time.

In several cases, due to lack of will or the unjustified fear of losing sovereignty, UNHCR usually has to implore states to open their borders up to asylum seekers and refugees. To overcome this obstacle preventing them from carrying out their mandate, they often have to prepare a sales pitch of sorts. A common feature in this sales pitch is that the hosting of refugees in the state will only be a temporary feature. This is because as we have seen, governments continue to be more and more against the idea of hosting refugees within their countries permanently over fears that this would be the beginning of local integration which many are against. Chimni gives an example of the Foreign Ministers

of the Association of the Southeast Asian Nations in 1979 that only allowed for the acceptance of hosting refugees if their resettlement after a “reasonable” amount of time was guaranteed. One way this has been done is through hosting refugees in camps and not allowing them to mix with the local population.

Integration of refugees into host countries is constantly viewed as a threat. The developing countries that host the majority of the world’s refugees see this group as potentially harmful to their economic and social status which has led to another reason for many countries preferring to go for the encampment route when hosting refugees. Jacobsen argues that integration of refugees in the host country would be the ideal case instead of encampment. However, she does also suggest that there are particular cases where encampment would be the preferred option.

Wisely, Chimni cautions that the path of encampment can be a dangerous one especially when the situations are not so temporary. For these cases, a new strategy must be employed to improve the human rights of refugees within refugee camps. To put it more blunt, refugee situations more times than not protracted and therefore are not temporary and therefore neither should refugee camps which are either way set up to deal with these same situations.

### 2.3 Protracted Refugee Situations

Protractedness of refugee situations is now a reality with more and more refugee situations already either in a protracted state or on their way to becoming protracted. UNHCR has highlighted this problem severally, including in the December 2008 High Commissioner’s dialogue on Protection Challenges held in Geneva. The document also makes a great step in its acceptance that the choice of the care and maintenance model, which is employed in refugee camps, was flawed as it has resulted in

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31 Ibid., 114.
33 Chimni, Refugee Law, 144.
millions languishing in this temporary camps indefinitely, with no durable solutions being viable for a vast majority of them. It also highlights further flaws of the model highlighted in its reliance on funding which can and is often compromised due to lack of burden sharing as well as donor fatigue.\textsuperscript{34} The latter is especially the case in protracted situations as donations and resources many times tend to move to newer and more high profile crises which means that funding is rarely constant.

There needs to exist clear guidelines on what temporary protection entails and also guidance on what happens once a situation stops being temporary and moves into a state of protractedness\textsuperscript{35}. These are problems and situations that the Refugee Convention does not map out and therefore there is a major lack of consistency across different refugee camps. One must also keep in mind that not all asylum countries have ratified the Refugee Convention.

Having defined steps on handling protection in refugee camps might help stop the human rights abuses that exist. However if the refugee regime provided a rights-based protection then this would not necessarily have to be defined. This is because a compromise on refugee’s rights would not exist in the first place as human rights would serve as the standards. If this was the case, even asylum countries that have not signed on to the Refugee Convention would still be held to these standards. Additionally, even though the protection and assistance is believed to improve with time as the relevant measures are set up; there might be fewer repercussions if the full rights assurance was guaranteed in the first place as funding for such situations tend to reduce over time.

The 2008 document on protection challenges also promotes UNHCR’s shift to the self-reliance model. While this model is becoming more advocated for by international organizations as well as other players in the international refugee regime, the reality is many of the asylum countries or host states that do have encampment policies in place are still highly reluctant to move from these restrictive


\textsuperscript{35} Kennedy, \textit{International Refugee Protection}. 

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Reasons for this can be attributed to the fear of the cost of integration which is also influenced by uncertainty of whether the international community will also step up and play its role in terms of burden sharing of the situation once the refugees are integrated into the host country. The fear of other countries not contributing is justified as there has been little to show by the international community in terms of burden sharing even in highly visible humanitarian crises such as those presented by refugee camps whether protracted or not. This unfortunately leads to the continuation of encampment.

2.4 Human Rights and Refugee Protection

All the same, some protection is afforded to refugees in these refugee camps as refugees benefit from some aid and protection. Camps have to meet international humanitarian standards before they are open to receive refugees. These standards can be certified by the UNHCR and other international human rights bodies. For example in January 2012 in Iraq the inspection of the newly opened camp which was formerly Camp Ashraf, was conducted by the UN Assistance Mission for Iraq in cooperation with UNHCR.\textsuperscript{37} International human rights law instruments such as in the United Nations Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights both “recognize the right of all individuals to an adequate standard of living, which includes the

\textsuperscript{36} The few and most commonly referenced examples of countries that have successfully managed to move from encampment policies to local integration of their refugee populations are Tanzania and the fairly recent local integration of the 1972 Burundian refugees and that of Liberian and Sierra Leonean refugees in West Africa within the ECOWAS region, the latter being suspended by the government in August 2011. Even with these examples, local integration was only offered once the option of voluntary repatriation was also available and camps were to be closed.

\textsuperscript{37} Inspection was done in late 2011 for the new Camp Liberty to which several Iranian exiles were voluntarily relocated from an older camp. UN News Service, “UN certifies that new camp for Iranian exiles meets international standards”, 31 January 2012
provision of food, clothing and accommodation."\textsuperscript{38} Refugee camps are therefore set up to accomplish these basic needs.

One of the main concerns in international law on the issue of refugee camps is that they are considered to violate international human rights law. Some human rights are commonly not ensured in camps. The Universal Declaration of Human Rights, Article 13 states that, "Everyone has the right to freedom of movement and residence within the borders of each state."\textsuperscript{39} This freedom is not limited to the home state of an individual and should be allowed for to any person once they have gained lawful entry into a country. However, most countries hosting refugee camps do not allow free movement out of the camps within the host country. Because mobility in is restricted within these refugee camps, many camps deny refugees the right to move within the borders of their host state. When the right to freedom of movement is denied, it compromises the attainability of other rights such as in the UDHR Article 23 (1) which states that, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."\textsuperscript{40} Job opportunities in camps which are mostly with the international organizations and NGOs within the camp are generally few.

However, those who manage the refugee camps have taken this into account and refugees within the camps are provided for with their basic needs, which is on track with UDHR Article 25 (1).\textsuperscript{41} Since refugees in the camps cannot leave to go look for jobs they then remain unemployed and most are

\textsuperscript{38} UNHCR, Global Consultations on International Protection/Third Track: Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems, 4 September 2001
\textsuperscript{39} Universal Declaration of Human Rights, UN General Assembly Resolution A/RES/217A(III), (10 December 1948), arts 13, 23.
\textsuperscript{40} UNHCR, Global Consultations, 2001.
\textsuperscript{41} “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”
fully dependant on aid. This may be acceptable for a short period of time but for long periods it can prove to be expensive and cultivates dependency amongst the refugees. They are unable to save and do not learn to be self-reliant which will be vital for survival outside of the camps come repatriation or resettlement.

2.4.1 Some protection vs. Full protection: Prioritization of Human Rights

A level of protection is provided in camps in PRS. The question remains whether simply providing a certain degree of protection rather than full protection is good enough. Whilst refugee camps may safeguard refugee’s civil and political rights through according to them the protection from persecution as stated in the Refugee Convention of 1951 and its subsequent 1967 protocol, these same camps may infringe on their economic, social and cultural rights. This two-tier system of human rights leaves a lot to be desired especially since the second-tier rights are often fully ignored.

The Universal Declaration of Human Rights (UDHR) in its very first article states that, “All human beings are born free and equal in dignity and rights”\(^\text{42}\). Both the UDHR and the Refugee Convention list the human rights that every person in general or refugee in the latter case should be accorded to. Baloch states that just because there are two different organizations dealing with human rights and refugees does not mean that the two are not connected.\(^\text{43}\) This is definitely true as well of both regional and international documents which dealing with refugee rights and human rights. Refugee rights cannot be differentiated from human rights and rather both should be referred to so as to ensure maximum protection.

Unfortunately, even though these rights are meant to be universal to all, they are still within themselves prioritized. Therefore we find that civil and political rights are considered first-tier rights and


the economic, social and cultural rights are considered to be second-tier rights. Refugee camps thus strive to protect refugee’s first-tier human rights largely at the expense of the second-tier rights. This creates the illusion that refugee rights and overall human rights are different which is untrue. While this prioritization of rights in itself is an injustice, it does seem to be condoned in emergency situations, such as when dealing with a large number of newly displaced persons, thus the reason why refugee camps were allowed to exist as an option to begin with. However, whilst a prioritization of rights is condoned in emergency situations, what happens when that situation becomes extended over time such as with camps in PRS?

The camp response to refugee crises is reflective of the prioritization of human rights. The system seems to first ensure the protection of certain civil and political rights. This can be traced back to the Western influence in the set up of the international refugee regime. Although Paech believes that this creation of “inferior” and superior human rights is outdated it is hard to fully agree with him because most of the refugee regime remains unchanged and therefore this prioritization does continue. This distinction is believed to be attributed to the post Cold War era with the Western liberal democracies taking the stand than the civil and political rights are indeed meant to take precedence over the economic, social and cultural rights. For the former Socialist Bloc countries, the opposite holds true for them with the economic and social rights as well as cultural rights to a lesser extent considered more important.

Although there is the Universal Declaration of Human Rights stating all rights as equal, we find that there are two covenants for these rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). While just the splitting of the rights into two covenants does not show a prioritization, the arguments for this split

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44 Norman Paech. Social, economic and cultural human rights within the legal system of the international economic and trade regime. (Bonn: Friedrich Ebert Foundation, 2003)
do. Those who advocated for the split did so because they felt that civil and political rights were more pragmatic in terms of universal applicability while the other rights were more state-specific and pushing for them could impact state sovereignty. Another argument is that the civil and political rights are more immediately achievable while the economic, social and cultural rights take longer to achieve as certain measures have to be put in place and therefore are only realizable progressively. Krishan states that because of that reason economic, social and cultural rights are more resource intensive than civil and political rights. 45

The longer the time one spends in asylum in a host country it is believed that the rights they are entitled to receive are meant to increase. 46 This was decided on by the drafters of the refugee convention and is based on the idea of logistically it might not be viable to grant or ensure all the refugee rights. For that reason, security and safety might be the first to be granted and assured but it often takes much longer to set up other rights such as voting rights and self-sufficiency. Seeing as the international refugee protection regime is largely based on donations, this might serve as a reason to why civil and political rights are often given precedence. All the same this is very unfortunate especially over long periods of time. Social and economic rights are also attributed to permanence by some governments which believe if some of these rights are granted to refugees they might refuse to leave the country once repatriation opens up as an option. 47 Chimni states that therefore these rights are often not granted as they fear they promote integration and the cost that it would be accompanied with. This is supported even as UNHCR in its definition of integration as a social and economic assimilation into a new asylum country 48 while some believe that these rights should be tackled under

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46 Hathaway, Rights of Refugees, 156.
47 Chimni, Refugee Law, 144.
48 Grabska, Rights, 11.
development assistance and not humanitarian assistance.\textsuperscript{49} This will frequently be seen in the following chapters, where only some rights are granted to refugees and thus we have refugee camps having temporary characteristics which are inconsistent with PRS.

The Palestinian refugee camps although they do not fall under the UNHCR are a great example of this as the Palestinian case is the largest and most protracted refugee situation in the world. Jamal & Sandor refer to these camps as simply “temporarily permanent” which is a simple representative phrase for a complex problem\textsuperscript{50}. Long-term disregard of economic, social and cultural rights leads to dwindling standards of medical healthcare, lacking education systems, increased cases of diseases and deaths, creation of dependency and rampant insecurity among several other problems that are commonly ascribed to refugee camps. The UNHCR Africa Bureau stated that in PRS ensuring civil, social and economic rights become of greater importance in providing adequate refugee protection\textsuperscript{51}.

\section*{2.4.2 The Right to Seek and Enjoy Asylum: Full Protection in Refugee Camps}

Article 14 of the UDHR states that everyone has the right to seek and enjoy asylum\textsuperscript{52}. There are two parts to that right. One is to be able to actively seek asylum while the second comes in once that asylum has been granted which is to enjoy it. However, the latter part of that right, as Edward argues is often forgotten as more attention is placed on the former.\textsuperscript{53} There are reasons for this such as what we have already explored in that states are not all interested in granting refugees asylum and therefore with the first part of the right being in jeopardy, concentrating on the second part would in essence be redundant. Edwards argues that the created difference between IRL and IHRL is another reason for the

\textsuperscript{49} Ibid., 48.
\textsuperscript{50} Sarah Jamal and Adam Sandor, “Temporarily Permanent: Agamben and Palestinian Refugee Camps in Lebanon,” (Paper presented at the Canadian Political Science Association Annual Conference, Concordia University, Montreal, June 1 – 3, 2010).
\textsuperscript{52} UNGA, UDHR, Article 14.
lack of recognition of the right to enjoy asylum and that even though the right to seek and enjoy asylum in not directly worded in the 1951 Refugee Convention, it is strongly implied as the entire purpose of the refugee convention is laying down laws to ensure the right to seek and enjoy asylum for refugees\textsuperscript{54}. It is also important to keep in mind that there are large amounts of refugees granted asylum and therefore the right should be granted in its entirety and that only when both parts of this right are ensured will refugee protection be fully achieved.

In law, the term “enjoy” is used to convey that the refugees’ human rights continue to be protected in asylum. In some cases states have chosen to interpret ‘enjoy’ asylum as simply granting asylum. Therefore as long as one is granted refuge it is taken they are enjoying asylum (pg44)\textsuperscript{55}. Such interpretations are very dangerous. The refugee convention itself does not simply end after defining who is a refugee and speaking of non-refoulment, it goes on to establish certain minimum standards that states should maintain when it comes to refugees. Edwards considers the term ‘enjoy’ in this particular right to mean that the person who has sought asylum should “benefit from” the asylum that they have been granted.

In a resolution adopted by the UN Sub-Commission on Human Rights\textsuperscript{56}, it is implied that the right to enjoy asylum is achieved with when asylum seekers and refugees are “treated humanely and with dignity in full accordance with their basic human rights”. These are the rights that are listed beyond Article 1 of the Refugee Convention and are rights that should be guaranteed to a person once they have been identified as a “true refugee”. Consequently, it is safe to choose the right to enjoy asylum as an umbrella right when exploring the rights that asylum seekers and refugees are entitled to once in the country of asylum and in the case of this thesis, while they are in refugee camps. We shall specifically

\textsuperscript{54} UNHCR, \textit{Refugee Protection: A Guide to International Refugee Law}, (1 December 2001), accessed on 7 September 2013, \url{http://www.refworld.org/docid/3cd6a8444.html}

\textsuperscript{55} Immigration control platform. The universal declaration of human rights. Article 14 (asylum) \url{http://www.immigrationcontrol.org/humanrights.html}, pg44

\textsuperscript{56} UN Sub-commission on the Promotion and Protection of Human Rights Resolution 2000/200 on The right to seek and enjoy asylum (18\textsuperscript{th} August 2000) \url{http://www.refworld.org/pdfid/3dda65824.pdf}
explore how the temporariness brought out by refugee camps affects refugees’ right to enjoy asylum. UNHCR acknowledges the importance of this right and other rights that relate to refugees as an important basis when coming up with solutions\textsuperscript{57}.

If the well-being of refugees is what the international refugee regime is striving for when it comes to protection of refugees, then they must be able to ensure well-being fully. Restricting well-being to just the physical well-being is therefore inadequate. The mental well-being of refugees should be just as important as it goes hand in hand with the physical. Refugees might be healthy physically yet mentally and emotionally struggling which still means that they will be unable to benefit from their asylum. Refugees might also appear to have physical illnesses due to problems they are undergoing psychologically. The two inevitably go hand in hand and none can be achieved without the other.\textsuperscript{58} This was noted and the mid-1980s saw humanitarian agencies start to provide psychological assistance to refugees\textsuperscript{59}.

For the refugees, temporariness can affect how they adjust into their new situations and their daily interactions. They are affected by daily stressors brought on by the disregard of human rights. Daily stressors are considered to be just important as the traumatic experiences undergone in impacting the psychosocial well-being of refugees. Especially because although not every refugee might have directly undergone a traumatic experience prior to or during flight, almost all continue to be challenged by daily stressors. Porter and Haslam found that factors such as poor accommodation and restricted economic opportunities count in the predicting of psychological distress among refugees\textsuperscript{60}. Refugee status has not

\textsuperscript{57} UNHCR, \textit{Protracted Refugee Situations}, UNHCR/DPC/2008/Doc. 02 (20 November 2008)


\textsuperscript{59} Carola Eyber. “Psychosocial issues”, Forced migration online. (October 2002), accessed on 7 September 2013, \url{http://www.forcedmigration.org/research-resources/expert-guides/psychosocial-issues/alldocuments}

only been characterized by limbo but also great vulnerability brought on by the lack of surity in several aspects of their lives be it legal status or job status.

Rebecca Horn’s (2009) study on internal displaced persons in Uganda in her findings discovered that the problems frequently mentioned by the respondents in the camps that they believed affected them were “perceived to primarily stem from the way the camps were structured and resourced” (pg 110).⁶¹ She states that although life in the camps no matter the situation is definitely expected to contain a degree of difficulty, these difficulties could be reduced with adequate services. Through these reports from actual field work, we get a clearer idea of the feelings of refugees on the topic at hand. Temporariness in permanent situations also shows that protection of refugees is based on states and their will and not on the human rights protection of refugees. The psychosocial impacts that such decisions have on refugees should count as motivation for a shift in this. The overall protection of rights of refugees can in effect in the end be for the betterment of the host country itself.

2.5 Summary

All the same it would be naïve to believe that if the situation within the refugee camps would be improved then the overall well-being of refugees would also wondrously improve. The fact remains that refugee camps are part of a bigger system, the international refugee regime and if the regime in itself is flawed, fixing single aspects of it will not necessarily mean that it will experience improvements as a whole. Other parts of the regime might in fact ruin the progress such as with the greater respect for human rights in camps. This too shall be kept in mind throughout the research.

This chapter has provided the background of the formation of refugee camps and the protection offered in the camps placing it line with the contribution of the international refugee law regime as well

as the international human rights. Through that analysis, we have seen why refugee situations are now more protracted in nature and how protection has evolved when handling refugee situations. The chapter has also covered the preference of temporariness when it comes to dealing with refugees as well as how this impacted the level of protection provided in refugee camps. The next chapter will pick up from there and delve from the past into the present with an exploration of the temporary characteristics of refugee camps and their effect on refugee protection in protracted refugee situations.
CHAPTER 3: EFFECT OF PHYSICAL & MENTAL TEMPORARINESS ON HUMAN RIGHTS PROTECTION

“When you come to a camp you think you will not stay for a long time, because the conditions tell you that no one can live for a long period in such environment. You think that you can manage for a short time.” (Mtabelle Camp, 1998/9962)

The consequences of having large numbers of human beings in a static state for prolonged periods of time and essentially locked up in refugee camps include wasted lives, squandered resources and increased threats to security. These consequences have an effect on the refugees themselves, international organization and donors as well as the hosting country and directly or indirectly hamper the right to enjoy asylum. As explored in the previous chapter, the reasons behind setting up refugee camps as temporary have mainly been for logistical purposes in terms of both cost and efficiency when dealing with an emergency situations and a large number of displaced persons. Agier explores why camps are still chosen as a go-to response in certain situations stating that, “For the international sponsors of such camps...the camps incontestably represent the best emergency arrangement in operation: they make it possible to group people effectively, ensure protection and a minimal level of care for exiles who arrive en masse, hungry, destitute and often in very poor health”. 63

However, one might argue that this protection that the camps initially set out to ensure decreases as the refugee situation gets more protracted, especially because as Agier mentions, they are meant to provide a minimal level of care. This minimal protection can be attributed to a lack of financial resources available for running the camps which again fall under the larger problem of a lack of burden sharing. Jamal argues that it is these camps which are set up to protect human rights that in the long term end up denying those same refugees their human rights. Chimni expresses similar sentiment stating that, “Clearly conditions which are appropriate for a period of several weeks cannot be

62 Mans Fellesson, Prolonged Exile in Relative Isolation: Long Term Consequences of Contrasting Refugee Policies in Tanzania. (Uppsala Sweden: Uppsala universitet.), pg207
prolonged for months or years without prejudicing the human rights of the people concerned”.

Therefore in protracted situations, the tents that were initially quickly set up so as to allow refugees have a place to rest their heads after a long and often traumatic journey post-displacement now after time turn into inadequate shelters that struggle to accommodate growing families and that are inadequate in combating the changing weather and climate patterns. In such cases the tents move from protecting rights to being the cause of human rights violations.

This chapter will show that the rest of the refugee structures are just like these tents, as they no longer provide protection in PRS as they are only designed to provide minimal care which is inadequate in such situations. So what exactly is meant by a minimal level of care? Agier suggests that camps are set up to provide “security, food and health” which ensure a minimal life until a durable solution is made available. When looking for a definition of minimum standards, Jamal settled on them being the “baseline standards that ensure human survival”. With these definitions in mind, this chapter goes further to prove that simply providing a minimal level of care to refugees is inadequate especially in protracted situations and ultimately negatively affects the level of protection provided. The UNHCR Africa Bureau stated in a 2001 discussion paper on PRS that minimum standards are static and therefore do not adapt to the growing needs of refugees in such situations. It then says that basing protection and assistance on this concept is simply not enough in such cases. Despite this, what is mentioned is basically the reality of warehousing of refugees at this present time.

All this due to the fear of permanence and that asylum may be seen as a durable solution if it is made more permanent in its features, such as if permanent housing structures were provided for the

64 Chimni, Refugee Law, __
65 Agier, Margins, 45.
refugees.\textsuperscript{68} Therefore, in line with the research questions, the first part of this chapter shall explore the effect of physically temporariness of camps in particular and their effect on human rights protection.

When speaking of physical temporariness, we are looking at physical structures within the camps. In particular, the types of structures in camps shall be analyzed. These are housing for the refugees, health care facilities and education centres such as schools. The rights that are linked to these can be found in different human rights instruments under the right to adequate standard of living. The second part of the chapter shall look at the more intangible aspects of temporariness under the subheading of mental temporariness. The factors analyzed under this will include lack of adequate funding, lack of employment opportunities and overall effect of warehousing on the refugees’ psyche.

3.1 Effect of Physical Temporariness on Human Rights Protection

Adequate Standard Of Living: The Right to Shelter, Health and Education

Article 25(1) of the UDHR states that,

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

This right is again mentioned in the ICESCR in Article 11(1) that,

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent."

As earlier mentioned, there seems to be a fear of permanent structures when it comes to refugee camps. The physical temporariness in refugee camps exists with the refugees’ homes, the camps hospitals and medical centers and even with the schools. Whilst this temporariness is expected within

\textsuperscript{68} Fellesson, \textit{Prolonged Exile}, 70

\textsuperscript{69} UNGA, UDHR, Article 25.

the first period of setting up the camps, they do tend to exist in camps that have been in existence for more than five years as well.

3.1.1 Housing

Although UNHCR has set uniform guidelines and standards for refugee camp conditions, you find that depending on the circumstances, the implementation is usually quite different among the different camps that exist\textsuperscript{71,72,73}. This is largely due to the international refugee regime being majorly aid dependent and that different refugee situations receive attract different amounts of funding. The implementation is also influenced by the host governments and their policies which although quite restrictive in many cases also vary in levels. For example, although not a PRS, Zaatari camp in Jordan has managed to relatively quickly move a larger proportion of its population into more permanent housing in the form of trailers, which provide improve sanitary conditions as well as better protection from the elements than tents and in which refugees can enjoy more privacy. This was made possible by a generous donation of the trailers from Gulf States\textsuperscript{74}. Due to the long period they have been in existence due to their long period of existence as well as the high profile of the situation tend to have more permanent-type housing. However, even in such cases the infrastructure and amenities such as electricity, water and sanitation facilities are lacking or if they do exist are highly inadequate making the refugees’ lives more stressful and making them more susceptible to diseases.

Another complicating factor is as protracted refugee situations mean that the cause of displacement in the origin country still exists, the number of refugees from those countries may increase which usually leads to overcrowding in camps. A joint publication between UN OHCHR and

\begin{footnotes}
\item[73] UNHCR ExCom, *Protracted Refugee Situations*, Preamble
\item[74] Integrated Regional Information Networks, “Behind the scenes of the ‘most complex’ refugee operation in the world,” *IRIN*, 9 July 2013.
\end{footnotes}
UNHABITAT\textsuperscript{75}, acknowledges that in refugee camps, shelter and services availed are in most times inadequate due to them often being “dilapidated and overcrowded.” Crowded camps brought on by population increase which is expected in PRS also create additional problems as PRS often do not attract much funding which is necessary so as to provide extended services. The document also points out that disadvantaged groups such as women are likely to suffer negative consequences due to these inadequacies especially in terms of ensuring personal safety within their homes. The way that camps are structured often makes it hard for the refugees to set up their social structures as they were back home and thus affecting their adaptation.

The remote location of many of these camps poses another problem especially in protracted situations. Refugee camps are often set up close to borders of the refugees’ countries and are often in remote and underdeveloped areas. Although this is usually determined by the host country, the aid and protection organizations are the ones left struggling as resources must be transported to the camps often from far away. When this supply is interrupted or delayed for any reason as it occasionally has in several camps due to reasons such as poor weather or impassable roads, the whole camp is left to suffer. Bruijn\textsuperscript{76} points out that even providing water to camps is often a problem even in protracted situations. The remoteness of camp locations make it hard to ensure aid and protection is availed to the refugees. Host states insist on not allowing refugees free movement or the permission to formally work meaning that they have to fully rely on aid yet they also insist on remote locations of these camps which then complicates the process of delivering to them that same aid.

The question of whether to leave refugee camp housing as temporary or to make it more permanent goes in line with the question of providing funding for aid versus providing it for


development when it comes to camps existing in PRS\textsuperscript{77}. The temporariness of housing in camps has been a pressing matter in PRS. UNHCR and other refugee protection and assistance agencies have realized that temporary shelters continue to have negative effects on the refugee population and in recent times have introduced transitional shelters. In Somali refugee camps in Ethiopia, refugees were consulted in the matter. Anicet Adjahossou, a UNHCR shelter specialist commented on this relatively new venture, stating that, “We invited refugees to be part of the solution rather than blindly packaging a shelter model for them.”\textsuperscript{79} Although the new housing is not fully permanent, it closer resembles their housing back in Somalia as well as it provides better protection against the elements and gives refugees more privacy which gives the refugees more peace of mind even though still restricted in camps.

However, even when funding is attained for improving shelter in refugee camps, host countries insistence on temporariness can hamper such projects from being successful. Such an example is in Dadaab camp in Kenya where in 2002 the UNHCR tried to provide better, more permanent housing to refugees but the project was soon discontinued after the Kenyan government stopped the project because they believed that the houses “looked more like permanent dwellings than temporary shelters for refugees.”\textsuperscript{80} This was despite the initially suggested housing providing better protection against the elements and bound to improve the quality of life within the camps. UNHCR then had to go back to the drawing board to attempt to create structures that are more permanent than tents yet still temporary enough to comply with the Kenyan government’s insistence on temporariness.

\textsuperscript{77} This is after the initial emergency period where temporary structures are preferred for rapid response.


\textsuperscript{79} Rocco Nuri, ‘Refugees in Ethiopia choose their own housing – and create jobs”, \textit{UNHCR news stories}, 8 April 2013.

\textsuperscript{80} UNHCR Dadaab and Alinjugur official Facebook page, Accessed on September 7, 2013, \url{https://www.facebook.com/photo.php?fbid=459071720834672&set=a.351965274878651.80173.351953844879794&type=1&relevant_count=1}
Whenever there are funding shortfalls, it is the projects aimed at improving the quality of life for the refugees that tend to suffer. They may include self-reliance projects and such improved housing projects which often take a long time before they are implemented. However, when funding is secured, improvements such as new types of less temporary housing are some of the results and such

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**Picture 1:** ISSB shelters initially suggested by UNHCR housing. Made of inter-locking stabilized soil blocks.

**Picture 2:** Transitional shelters (T-shelters) designed with plastic sheeting as an adjustment to the ISSB to counter the “permanence” that flawed the former design.

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81 Ibid., Photos
82 Ibid., Photos
demonstrate an increase in the standards in refugee camps. At the same time, such cases also show that it is not just about fixing one part and the entire problem being solved. Agencies are struggling to secure funding for these better housing but in some cases, even if they do, the host governments’ policies can hinder any improvement. All in all it is important to note that adequate shelter also affects other aspects of the refugees’ lives. These may be physical for example health wise which shall be discussed in the next section as well as mentally which shall be discussed in the following chapter.

3.1.2 Health

Refugee camps continue to be plagued with health problems some which are as a result of the camp environment. Overcrowding and poor housing that are common in PRS due to population increase and lack of camp expansion. In camps such as the Burj Barajneh camp in Lebanon that has been hosting Palestinian refugees since it was opened in 1948, inadequate shelter has led to continuous medical problems among its population. A major health issue within camps is the wide-spread of diseases among the camp populations as the conditions created make it easy for epidemics to spread within them. The temporary structure of the camps does play a major part in this. Many camps lack proper sanitation facilities, often lacking running water and waste management systems. That added on to the lack of adequate nutrition, poor shelter and the overall cramped conditions which are again are characteristic of many camps create a breeding ground for diseases. Diseases that have spread within different refugee camps due to such conditions include diarrheal diseases, measles, malaria, tuberculosis, hepatitis and nutritional deficiencies just to name a few. Even with all these problems to deal with, the hospitals in the camps are often also built and run as temporary structures.


Although UNHCR and the other organizations hosting camps have standards in terms of providing adequate housing and food, they are often unable to meet these due to a lack of funding or difficulty in accessing these camps due to them being based far away from major cities. For example, in protracted situations, UNHCR standard is to have one latrine per family when it comes to sanitation levels within camps. However there are still camps in some countries such as Kenya and Bangladesh that still struggle with meeting those standards and still currently rely on community latrines.\(^{86}\) The next chapter will delve deeper into the problem of lack of donor funding for camps hosting protracted refugee populations.

Medical services within the camps have to keep up and manage the many physical as well as mental illnesses brought about as a result of the conditions of long-term life in sub-par conditions. Rape caused by insecurity within the camps as well as increased cases of prostitution as a desperate means to earn money due to insufficient job opportunities also result in the spread of HIV/AIDS and other sexually transmitted diseases. These range from having to set up services to provide psychosocial support, GVB support\(^{87}\) and to deal with disease epidemics as well as recurring problems such as malnutrition that often plague refugee camps. Yet at the same time the medical healthcare provided also remains underdeveloped as they are meant to continue to operate in a temporary set-up. This temporary set up is represented in different ways. For example, professionals are usually only posted there to specific camps for only a certain number of months at a time due to the posting system employed by protection and assistance organizations within refugee camps. This disrupts continuity and undermines the level of care presented to the population.

During particular times where certain diseases might be rampant such as during the rainy seasons, the hospitals within the camps might be overwhelmed by the number of refugees seeking

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\(^{86}\) de Bruijn, Living conditions.

medical assistance. Unlike cases where one has the freedom of movement, these refugees do not have the option of going to another hospital that might be less crowded. The hospitals within the camps also have to make do with below optimum sanitation levels. Simple challenges such as maintaining vaccines at an adequate temperature or operating with scarce water have been reported by workers in these hospitals again negatively impacting the level of services they are able to provide. To add onto that, camp diets may also create additional problems when dispensing treatment. It makes it difficult to prescribe treatment in certain cases such as if some medication is to be accompanied by a particular diet which the refugees are unable to access within the camps either because of lack of availability or due to high cost.

“The doctor told me I had to take nice food with those tablets, but where would I get that nice food? I just went from place to place begging for food and sometimes people would give it to me and sometimes they would not.”

In countries such as Kenya where the law does permit refugees to travel out of the camps for special health matters which they cannot be addressed in the camp, the costs run high in the long run if the camp organization has to continuously cover costs for as long as the PRS persists. Secondary health-care or more specialized treatment often cannot be handled within the camps and therefore referrals have to be made to hospitals outside of the camp. Some countries allow for refugees to exit camps under special circumstances, medical emergencies being one of them. However it is not feasible

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89 Médecins Sans Frontières, “Conditions in Dadaab refugee camp worsening – 63 children admitted to intensive care this week alone – proposed new influx of refugees will only worsen dire situation”, Médecins Sans Frontières report (28 Dec 2012).
when people are spending decades within the camps and it can cause strains on both the individuals as well as the families as they are unable to exercise simple freedoms such as spending time together through difficult periods. Regional hospitals may also not be an option either as too may not be too well equipped as refugee camps are often in remote areas of the host countries.  

Time is not of any comfort or assistance for those in protracted refugee situations because many continue to live in those same camps and those same situations for decades at a time. The insecurity that flourishes especially when camps have been in existence for long periods of time also compromises the healthcare of the refugee. International organizations have been known to pull out their operations in cases where they feel that their staff members’ security is overly compromised. A known case where this has occurred was in Daadab refugee camp in Kenya when Médecins Sans Frontières suspended some of their medical services operations in the camp after two of its workers were kidnapped from inside the camp in 2011. Therefore temporary characteristics also affect the health of refugees as well as impacting the level of medical services they receive and thus we can conclude that in such cases, refugees are unable to benefit from having good health while in asylum.

3.1.3 Education

Along with being considered a human right, education has also been found to help create as well as return a sense of normalcy to people whose lives have drastically changed such as is the case with refugees. It can also provide a form of protection preventing people from engaging in bad habits. In addition to that, education also creates a sense of continuity as it acts as a slight sense of familiarity in a new and different environment. Restriction of movement means that a majority of refugee children are not allowed to leave the camps to attend local schools. As a result, schools have to be set up within

the camps. Even with camps having their own schools, some problems exist that prevent the children from benefiting from these education opportunities. In some camps, the problem is one of accessibility as there may not be enough schools for the children especially when it comes to higher levels of education. In other cases the problem it is that of quality of education and of course it could also be a combination of both.

**Education in protracted situations poses extra challenges.** A major one is which country’s education system should be taught. If local integration seems a likely possibility, the host country’s system might be chosen. Some host countries will also simply offer their own system for the ease of providing teachers and materials to the schools in the camp. If repatriation is the end ideal solution, then parents may prefer their children to be taught their origin country’s education system as they will return to that country and their transition back will be easier. However, when generations are born into camps, teaching a system based on a land they have never actually been to poses some difficulty. Even when they learn the host country syllabus, there are fears of what will happen if they are to be repatriated and in some cases some may feel it as a waste as integration has not been given as an option to them. As for resettlement, most of the time refugees are not sure of whether they will be resettled or if they will be resettled but most of the time would rather the curriculum teach their children to be conversant with English.\(^98\) Therefore each of the three possible durable solutions may pose a different teaching system; to allow for continuity after repatriation, local integration or after resettlement and this shows that even the knowledge that refugeehood is a temporary state affects the education within the camps. Unfortunately in PRS, this decision is made harder as there is great unsurity of the way things may go.

Besides the choice of curriculum, UNHCR advises that refugee populations should be presented with at least primary education and in line with “minimal care” many host states will only provide that

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\(^{98}\) Grabska, Rights.
much. An example can be found within the Thai government that does not allow for education to be offered past the sixth schooling year due to the fear that secondary school might encourage permanency in the camps. Instead they US funded American high schools in the areas so as to promote resettlement to the US. Mtabila refugee camp in Tanzania also experienced similar problems where schools faced irregular attendance due to parents keeping their children home so as to help with chores such as collecting firewood. Felleson mentions activities such as looking for firewood which had become sparse due to deforestation by the camp population over time.

For the children themselves, one has to wonder just how well they are expected to concentrate on their studies while living in such uncertainty. However when they do manage to concentrate on their education, it is believed that this can greatly deter them from engaging in dangerous activities such as being recruited to fight in the wars back in their origin countries. Again with there being limited opportunities for further education available, some vulnerable groups such as the girl child may be marginalized. There are cases where parents feel that the going to school would be a waste since it would not go beyond that to higher education and so many girls may be asked to stay at home and help with the family duties or be married off. For example in Ban Vinai refugee camp in Thailand, Long reported that, “Most girls drop out after the second year [of school]. Many Hmong prefer that their daughters contribute to household labor – drawing water, child care, cooking and cleaning, and production – primarily sewing, which constitutes 90 percent of non-black market income[in the camp]”. This has contributed to a high illiteracy rate among the Hmong women in that particular camp.

For those who do manage to secure a place in these schools, they are often faced with a second problem of the quality of education that they receive. Quality of education provided is often compromised due to the decrease in funding that is common in protracted situations. Lacking enough

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100 Fellesson, *Prolonged Exile*, 215.
101 Long, *Ban Vai*, 78.
qualified teachers and inadequate teaching facilities are common problems encountered in such situations.\textsuperscript{102}

Education is important especially in camps existing in PRS because of the vulnerability of the people. Refugee camps are always under the threat of military and rebel recruiters who prey on the refugee youth when recruiting for fighters as they try to convince them to join resistance movements or the wars from the countries they escaped from\textsuperscript{103}. In such unsure situations, education can play a major role in influencing the lives of young refugees in camps. It can help them begin to recover from their traumatic pasts, counter an unsure present and even has the ability to prepare them for a bright future. That is only if this is executed well. Proper execution is influenced by host country policy restrictions as well as funding which insist on maintaining temporariness in the camps even in PRS. The temporariness when it comes to education does impact whether the power of education will be harnessed appropriately and whether the refugees in such situations will benefit from that education and therefore benefit from asylum.

3.2 The Effect of Mental Temporariness on Human Rights Protection

Temporariness of camps is not only physical but can also be mental. Refugee camps can also create a sense of temporariness within the minds of refugees as well as donors. This can result from direct interaction with the physical aspects and the policies within which camps operate. Mental temporariness among donors is best exhibited in the reduced funding that is a common feature of protracted refugee situations. Attention tends to be quickly turned over to new crises and the aid is also soon to follow. The entire protection system for refugees in camps is thereby compromised as those who run the camps may not be able to simply afford adequate protection and assistance. As a result,

\textsuperscript{102} Hathaway, \textit{Rights of Refugees}, 588.
\textsuperscript{103} Barbara Zeus, “Exploring Paradoxes around Higher Education in Protracted Refugee Situations. The Case of Burmese Refugees in Thailand” (MA diss., Institute of education, University of London, 2009), 20
this affects even the physical aspects of the camps such as the level of shelter, health services and education as has been reviewed.

More than physically though, refugees are also affected psychologically which will be further explore in this section. During initial displacement, most people do not believe that it would be for overly extended periods of time. They are then placed in camps which are temporary structures and which therefore affirm their initial beliefs of temporariness. However, their assumptions change over time as with every passing year it turns into being warehoused in these same refugee camps that were only to exist temporarily. Their reaction to this protracted temporariness determines their enjoyment of asylum if per se they develop negative adaptations and reactions as a result of the disconnect between reality and what they have personally believed or been made to believe by other. It becomes a case of being alive versus living.

In this chapter to analyze the effect of mental temporariness of camps on refugee protection, three representations of temporariness shall be explored; donor fatigue in PRS, disruption of social life of the refugees and the overall psychosocial well-being of the refugees. These three were chosen so as to adequately represent the mental temporariness that refugee camps exhibit both from the refugees and the IRR that ultimately determines the protection accorded to refugees.

3.2.1 Donor Fatigue

The international refugee regime cannot operate without the donor community. Countries offer their countries to host refugees and fund the organizations that directly provide the aid and protection to the refugees. Unfortunately, the over reliability on aid is a major disadvantage of camps as refugees are unable to secure future investments for themselves as most host governments do not allow refugees to formally work within the asylum country. The result is that refugees in camps are almost fully reliant on aid. The effect of the reliability on aid is worse in protracted situations as with time, aid

tends to decrease due to donor fatigue with donors shifting their concern to newer and more high profile crises.\footnote{UNHCR, \textit{Refugee Protection: A guide to international refugee law}, 1 December 2001, 44.}

Donor fatigue or compassion fatigue as it is also referred to as is characterized by a decreased or stagnated aid funding.\footnote{Jeff Crisp, No Solutions in Sight: The problem of Protracted Refugee Situations in Africa. New issues in refugee research No. 75(2003), 10.} There is meant to be a positive correlation between the minimum standards applied in refugee camps and the time spent within the camps. Therefore if refugee rights are meant to increase or improve with the protractedness of a situation, a decrease of aid would create the worst possible scenario and does greatly negatively impact agencies’ protection capabilities.\footnote{Jamal, \textit{Minimum Standards}, 157.} Even if the camps were to operate at a similar level in terms of minimum standards as during the initial set-up period, stagnated funding would still pose a major problem as there is bound to naturally be a population increase over time which would impact operating costs and therefore even result in less services being offered that when it the situation was still considered a crisis.

Donor fatigue has been witnessed in many PRS. Peteet points out that for refugees in refugee camps in Lebanon, Syria and Jordan, “compassion fatigue set in within a year or two and was directly related to the length of stay and the impact on the host economy, society and environment”.\footnote{Peter Kagwanja & Monica Juma. “Somali Refugees: Protracted Exiles and Shifting Security Frontiers.” in \textit{Protracted Refugee Situations. Political, human rights and security implications}, ed Gil Loescher et al, (United Nations Press):229} Kagwanja & Juma also highlight the case of Dadaab Refugee camp where a decrease in funding from 1999 to 2001 led to a 20% decrease in the food budget for the camp thereby causing massive disruptions in the rations system.\footnote{Amy Slaughter and Jeff Crisp. “A Surrogate State? The Role of UNHCR in Protracted Refugee Situations, \textit{New issues in refugee research}, No. 168(2009).} Protracted refugee situations tend not to receive as much attention when it comes to funding a phenomenon which Crisp attributes to a preference of donations being more concentrated on “moving” people rather than dormant populations in refugee camps\footnote{Amy Slaughter and Jeff Crisp. “A Surrogate State? The Role of UNHCR in Protracted Refugee Situations, \textit{New issues in refugee research}, No. 168(2009).}.
Therefore, in protracted situations, even the initial advantage of refugee camps being visible which enables them to attract aid is no longer valid. Similar to the Dadaab case there have been other cases where the feeding programmes in several camps were affected due to lack of adequate funding and led to refugees’ rations being reduced and thereby falling below the UNHCR substandard.\textsuperscript{112} As one could imagine, this is drastic to a population which is fully reliant on aid.

Adding to these examples there is also the case of Bhutanese refugees being hosted in Nepal who were once issued a warning from UNHCR that they (UNHCR) could not assure the refugees that the organization would be able to provide “continued assistance indefinitely” due to the organization being fully reliant on voluntary contributions. Lama writes that the result of this statement was an increased “level of gloom, despondency and frustrations in the camp”.\textsuperscript{113} In the case of Rohingya refugees in camps in Bangladesh where the lack of agreement on durable solutions and with no end in sight to the protractedness, donors cut their funding to UNHCR and other programs in the camp.\textsuperscript{114} This was as a response to the Bangladeshi government that refused to improve camp conditions or allow for any solutions that would create longer stay in the camps i.e. permanency. Here we see an interesting case where the host country’s insistence on temporariness impacted the aid to the camps. It is a case of a willing giver but an unwilling taker. However, a common feature of both stories is the impact of temporariness.

Due to the recent trend of protractedness and the continuation of hosting refugees in camps, there has been increased dialogue on ensuring adequate protection for these populations. UNHCR therefore started advocating that in long-term refugee hosting cases, aid should be channeled to more

\textsuperscript{111} Crisp, No Solutions, 6.
\textsuperscript{112} de Bruijn, Living conditions, 20.
developmental assistance rather than humanitarian assistance in the hope of making the refugees more self-sufficient. However, the limited rights refugees are entitled to make this difficult to achieve.

Therefore, whichever developmental assistance would be decided on would have to be done within the confines of the camp space. This is a problem as development agencies often refuse to provide aid in such circumstances stating them as humanitarian problems and not developmental ones. Thus there is limited humanitarian aid as well as development aid being channeled into these camps. Even when developmental aid is channeled to camps this is also met with several problems such as host states who fear that the developmental aid to refugee communities they host will reduce the amount of developmental aid they will receive and also the question of UNHCR which is a humanitarian agency coordinating and funding developmental activities which is outside of its mandate even though it would essentially still be the protection of refugees.

There is also the worry that development activities in camps will encourage permanence witnessed with the examples given above as well as in the first part of this chapter where host countries did not want to give education past a particular level. The situation is further compounded in some cases where host countries refuse aid and projects for refugees in camps so to curb the camps from being more permanent or at least enjoyable in the fear that it will encourage refugees to stay in the host country even once a durable solution is identified. Such a case was seen with refugee camps in Dadaab where in 2011, the Kenyan government office of ministry dealing with security raised concern over improved infrastructure in the camp areas and over fears that it would encourage refugees to stay in the country which is against the temporariness they seek. With all camp protection and assistance

117 Crisp, No Solutions, 7.
118 Hathaway, Rights of Refugees, 469.
119 Provost ,Dadaab.
activities being funded through donations, donor fatigue directly impacts the quality of life refugees in PRS are ensured. With PRS no longer in the mind of donors, the chances of refugees in the camps benefiting from their asylum are greatly minimized.

3.2.2 Psychosocial Well-Being

“Angola, Afghanistan, Cambodia, Somalia, Burundi, Rwanda, Sierra-Leone, Kosovo, Chechnya are a few examples of prolonged human destabilization and psychosocial dysfunctioning caused by traumatic life events...Life in overcrowded camps, deprivations, uncertainty over the future, disruption of community and social networks led to psychosocial dysfunctioning.”

Throughout this paper, we have explored what impact the disconnect between the theoretical part and the reality of refugee protection has on human rights protection. In line with the right to enjoy asylum we must look at more than just the refugees’ physical wellbeing. Meeting their basic daily needs is the just the beginning but definitely not enough when trying to ensure adequate protection. Only when we look at the refugees’ psychosocial state as well, are we able to see the effects of the interventions and be able to analyze whether they are in fact adequate. Therefore this section will look at the effect of temporariness on the psychosocial well-being of refugees who are hosted in refugee camps over long periods of time. By psychosocial well-being, we are referring to “the psychological adjustment of an individual in relation to his or her social environment”. This is basically how the social aspect of people’s lives, in this case refugees’ experiences, affects their thoughts and actions. Some of these psychological effects that have been identified in refugees include “feelings of helplessness, grief, anxiety, depression, somatisation, shame, anger shattered assumptions, sensitivity to injustice and survivor guilt”.

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Many refugees do not necessarily believe that they will be displaced for very long periods of time when they initially flee their homes and countries. However, statistics show that many actually do end up being displaced for long periods. Therefore what happens to refugees when a situation that is supposed to be temporary goes on for much longer than expected? This section shall try to answer that question specifically through exploring the relationship between temporariness and daily stressors that refugees face in their host countries. Daily stressors have been found to have an impact on the psychosocial well-being of refugees. Some identified daily stressors include social isolation, lack of social support, poverty, unemployment, inadequate housing and domestic violence and several factors lead to the creation of these stressors.¹²³

For those in refugee camps, employment opportunities are extremely few within the camps and they are already not allowed to move out of the camps to seek employment opportunities. Working not only enables refugees to be self-sufficient but it also helps them improve on their feelings of self-worth¹²⁴ and increases their ability to look after themselves. McMorran suggests that not being able to work or provide for themselves affects their sense of identity as they are unable to exercise their independence.¹²⁵ This temporary state of not being able to earn a living when continued for longer period of time has an effect on the people. Agier gives the example of how Ethiopian and Somali refugees in Kenyan camps who previously held jobs and even had careers no longer know what to do. As there seems to be no close end in their asylum, there is an overall feeling of uselessness which has harsh effects such as some refugees even contemplating suicide.¹²⁶

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¹²⁴ Edwards, Right 'To Enjoy'.


¹²⁶ Agier, Margins, 53.
There is a general lack of surity in refugee situations be it in terms of legal or formal status, their entitlements once they have refugee status or their general future in terms of how long they will be refugees for. A majority of the refugees have little or no access to information about their rights or what they are entitled to which takes away from their peace of mind and adds to frustrations which can even escalate to anger towards aid organizations when the refugees feel they are not receiving what they should. This is because the refugees themselves are largely unable to control any of the durable solutions available to them. They cannot simply decide to resettle, give themselves citizen rights in the host country or directly stop the cause of their displacement from their countries. Dow believes that this lack of clarity about refugees’ rights in their host countries can also greatly affect their psychosocial well-being. Many feel that they will soon either go back home or move on to a third-country of resettlement both of which may not immediately happen or might not even happen at all and is majorly out of their own hands. These daily stressors that are created by the perceived temporariness of the refugee system are bound to increase when the situation is protracted.

Daily stressors are believed to have such a big impact on refugee’s psychosocial well-being because as the name directly suggests, they happen ‘daily’ and this frequency has an impact. This insinuates that they occur repeatedly and their chronic nature as Miller and Rasmussen put it “may gradually erode people’s coping resources and tax their mental health” and as a result of this, thereby creating a great impact on their psychosocial health. These daily stressors are enhanced by all the issues that have been highlighted to exist within refugee camps. Unfortunately, because daily stressors are on-going, it does mean that there is a possibility of them being altered. This is in comparison to trauma and stressors that occurred pre-displacement and during flight which cannot be undone.

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127 Grabksa, Rights, 35.
128 Ibid., 39.
Rasmussen states that reducing the above mentioned daily stressors should be considered part of humanitarian assistance and in a similar way that relief agencies strive to remove other stressors such as hunger and disease.\textsuperscript{131} On a report on the effect of armed conflict on children, Grace Machel wrote that, “All phases of emergency and reconstruction assistance programmes should take psychosocial considerations into account...”\textsuperscript{132} Therefore steps should be taken to reduce or eradicate daily stressors if they aim to provide full protection to refugees.

Another aspect to be taken into account is the effect of warehousing on a refugee even once a durable solution is achieved. Especially for those born in the camps, they either hope to be resettled or locally integrated as they might not feel a connection to their home countries which they have never visited. There are also those adults who have only experienced camp life and therefore for them it never felt as temporary as those who were born in their home country and therefore assumed that asylum would only be for a short while. They therefore have to experience the opposite where their permanence is all over sudden considered temporary.

It seems both complicated and simple at the same time. It is simple because the problems have been identified and there are solutions to fix those problems. One would be safe to imply that the answer lies in making protection and assistance more permanent and if not so then making it at least less temporary. The issue is however also complicated because the problems are perpetuated by the international refugee regime. It has long operated as a temporary fixer and that it is a regime that is excessively slow and largely rigid in terms of change. Therefore, UNHCR and other refugee protection agencies are unable to say that protection needs to be more concrete and permanent and for countries to respond accordingly. With little wiggle room, international agencies have had to find solutions within this tight space. This has been through excessive use of negotiation and taking advantage of loopholes to try and provide the best protection that they can.

\textsuperscript{131} Ibid.
3.2.3 Disruption of Social Life

“Situations such as lack of space, reduced livelihood opportunities, breakdown in community social support, dependence on aid and erosion of cultural values may all contribute to the emergence or increase of social problems.”

A majority of the decisions about the refugees’ lives in camps are made by other people other than the refugees themselves. These are decisions such as what foods and how much they are to eat which are determined by the rations they receive, where they are to live which is determined by the plots and space allocated to them within the camps and even what type of housings they are to live in which is determine by the type of building materials that whichever aid organization offers them. One thing that the refugees for certain determine on their own, are their reactions to those decisions. Another example of this is, theoretically the host government may not allow refugees the opportunity to formally be employed which would make them jobless and idle. However in reality, it is a much more complicated response as human beings react to their environments. Therefore although the aid and assistance provided in the camps might keep refugees alive, how they live and how they interact with the temporariness for long periods of time determines how they are living.

In a similar way that education can serve as a slight return to normalcy, self-reliance or working can serve the same purpose for adults. Hathaway states that productivity plays a big role in survival after one is displaced which is a major life shift. He goes on to say that it might even be “critical to survival”.

Many agree with this statement and the lack of employment opportunities available to refugees in general has been given much attention. The situation in camps is worse as there is also a restriction of movement and generally little decision-making left to refugees although it is their lives. Therefore their right to work has already been taken away and this is an injustice in itself. It is made even worse when this goes on for an indefinite period of time.

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Prolonged temporariness has an impact on the refugees’ social lives. Camp dynamics may not allow them to fully express their cultures and social norms as they had before displacement. This has different impacts. For example, the lack of employment opportunities within refugee camps in some cases has lead to the growth of illegal work fields such as prostitution and might also lead to the increase of problems such as domestic violence. This has been reported in several camps such as in Tanzania, a majority of refugees seeking protection inside a particular camp were victims of domestic violence.\textsuperscript{135} Early marriages may also increase due to the circumstances with women and children’s vulnerability increasing within camps\textsuperscript{136}. Prostitution and early marriages become are born as clandestine ways for people to earn some money. Again, women and children tend to be vulnerable populations within camps. For example, the new almost full dependence on aid causes a shift in gender roles as women may be more able to find income generating activities within the camps.

The inability of men to maintain their role as the providers in the homes can lead to domestic violence as husbands get more aggressive with their wives.\textsuperscript{137} The job of provider is instead taken over by relief organizations within the camps. In patriarchal societies, which most of the refugee groups belong to, men find themselves no longer being the bread-winners due to the lack of job opportunities and almost full reliance on aid and it has been found that this can impact their position of power within their families. This is exacerbated by unsurity about their futures and lack of activities to do in the camps. In some cases it has been found to lead to increased levels of domestic violence and also cases of rape\textsuperscript{138}. With an increase of such attacks in refugee camps hosting Burmese refugees in Thailand, there have been initiatives by the International Rescue Committee that provide marital counseling due to the

\textsuperscript{135} Ibid., 444.  
\textsuperscript{136} UNHCR, \textit{World’s Refugees 2006}, 115.  
\textsuperscript{137} Hathaway, \textit{Rights of Refugees}, 444.  
large number of reported cases\textsuperscript{139}. This shows that full normalcy is hard to achieve if simple human rights such as the freedom of movement and the right to work are not ensured.

"In refugee camps, the damaging effects of these conditions [spread of HIV/AIDS] are only intensified. Refugee situations are conducive to forced, high-risk sexual behaviour and sexual abuse. Women and girls are often coerced into sex to gain access to basic needs such as food, shelter and security. Women and children are also exposed to a greater risk of violence, including rape."\textsuperscript{140}

In Burmese camps, alcohol use amongst both adults and the youth has been reported\textsuperscript{141}. This has been liked to boredom within the camps as well as frustrations and stresses from having to spend long periods of time in refugee camps\textsuperscript{142}. The situation in these camps got so dire that NGOs such as the Drug and Alcohol Recovery and Education Network (DARE) and similar programs were set up within the camps to help prevent and treat substance abuse and the associated social issues amongst the camp inhabitants\textsuperscript{143}. Some women also engage in alcohol brewing as a way of earning an income as Streel and Schiperood found to be the case in refugee camps in Guinea\textsuperscript{144}. Identified causes of high engagement in drug and alcohol abuse in camps include frustration over expectations for their futures as well as the general stress that living in refugee camps for extended periods of time brings. Drugs and alcohol are seen as a way of coping with the breakdown of the social structures they are used to and at the same time affects their on-going lives in the camps\textsuperscript{145}.

Not only do camps and their temporary nature lead to security problems for the refugees but also for humanitarian and aid workers because as an environment of desperation is created, lawlessness is easily left to breed. With nothing to do for long periods of time, refugees and especially youth may get

\textsuperscript{139}IRC blog, Keeping-family-peace. Implementation of the Peace-Keeping Initiative
\textsuperscript{140}Hathaway, Rights of Refugees, 444
\textsuperscript{141}Nadine Ezard, Annabel Debakre & Raphaele Catillon, “Screening and Brief Intervention for High Risk Alcohol Use in Mae La Refugee Camp, Thailand: A Pilot Project on the Feasibility of Training and Implementation, Intervention, 8, no. 3(2010): 233-244.
\textsuperscript{142}Ibid.
\textsuperscript{144}Street, Perspectives.
\textsuperscript{145}DARE Network.
coerced into joining militias and armed groups in an effort to join the fighting in their home country if that is the case. When there are attacks within camps and insecurity becomes a problem, relief organizations may pull out their workers due to fear of what might happen to them. This again leaves the refugees at a major loss as it might affect the services and support that they receive.

The next chapter explores what exactly UNHCR and other agencies are doing about these problems. It is will be done hand in hand with a critique of their actions and followed by recommendations on what could be done better.
CHAPTER 4: DISCUSSION AND CONCLUSION

“Continued human rights violations, hinders reconstruction, reconciliation, peace and development.”

4.1 Discussion

Following the analysis in chapter 2, it is clear that the use of refugee camps in protracted refugee situations does compromise the protection granted to those refugees. The examples given in the previous chapter play testament to this. It reaffirms what several academics and practitioners alike have pointed out as a failure of camps in providing adequate protection to refugees, as there are rights that are not granted in such restricted settings. Most take the standpoint that refugee camps should not exist at all and even more so when it comes to PRS.

Camps promote the concept of giving refugees the minimum protection available. This means allowing them to stay in the asylum country so as to keep to the principle of non-refoulment and providing minimum standards so as to ensure that they stay alive but little more than that. The quality of life ensured for refugees in countries of asylum such as in camps is often not considered a priority of many governments. These governments many a time leave aid organizations to handle the responsibility with only one condition, which is that temporariness is maintained.

From that we move on to another research question which was the main question that this thesis set off to answer. Can we attribute where camps fall short in terms of protection to the characteristic of temporariness that camps entail (physical temporariness) and the temporariness it creates (mental temporariness)? The answer to this question is a strong yes. From the analysis, it is obvious that temporariness of camps does affect protection especially when the refugees have been in the country of asylum over an extended period of time. When looking at rights protection in refugee camps and specifically the right to enjoy asylum, the research showed it to be greatly restricted in refugee camps and worsened in PRS. It also showed that the right to enjoy asylum is linked to several

146 World Health Organization. Mental Health of Refugees.
human rights and therefore if the right to enjoy asylum is not ensured, then protection is compromised. However, even though full protection in such situations is not assured, we find that protection agencies such as UNHCR are still unable to move away from this temporariness due to countries insistence of maintaining it.

From this, a new question arises. How exactly are UNHCR and other refugee protection agencies supposed to carry out their mandates and provide optimum protection in refugee camps in PRS? Especially in cases where they cannot impede the temporariness that is greatly impacting their protection efforts. The answer so far has been compromise. Compromise has become a major facet in enabling UNHCR continue to carry out its work. The agency’s lack of independence coupled with host states sovereignty leaves it largely unable to make strong and absolute stands on matters especially if they are to still want permission to be able to operate within these host states or need nation states’ donations to keep operating.

One middle ground is coming up with ways to improve the lives of refugees while in the camps while maintaining a slightly temporary frame of mind. An example to make this concept clearer is providing education in fields that will enable refugees once a durable solution is found. This might be self-reliance projects. Host countries have been found not to oppose projects that are catered to prepare refugees for repatriation or resettlement and although they often do not fund them, they allow them to exist. These are some ways that UNHCR and other aid organizations are employing to try and improve refugee protection in a system that allows for limited action.

Compromise is necessitated in Weiner’s reference to a clash of norms. He argues that national interests come first to nation states and therefore it serves as their norms in relation to the policies they create and standpoints they take on any issues. Therefore as we have seen, for many states, their interests lie in keeping refugee camps as temporary spaces. On the other side though, humanitarian organizations dealing with refugee crises have their norms majorly based on international human rights
and the legal instruments based on them. So for organizations such as UNHCR, their interest based on their norms and according to their mandate is to protect refugees. Therefore if refugee camps are inadequate in helping achieve this then the UNHCR is therefore likely to be against camps and so would not use them. That is in an ideal case.

However, what happens in reality is often different. When a clash of norms occurs, compromise tends to be on the part of the humanitarian organizations as they are often unable to operate without permission as well as funding from nation states. Compromise is also chosen over the risk of gambling with human lives. Quantity in refugee situations seems to take precedence over quality as organizations prefer to save as many lives as they can rather than compromise lives to try ensure higher standards of living. Unfortunately this then leads to large numbers of refugees who are technically alive but not really living according to the refugees themselves. The result is large numbers of miserable refugee populations. Although misery is not a measure of effectiveness protection, it does affect protection as we have seen. And so we find refugees still being hosted in camps for excessively long periods of time.

A discussion paper by UNHCR Africa Bureau confirms the existence of such dilemmas when trying to ensure protection in PRS. In the case of this thesis, the clash as we have mentioned is having to host refugees in camps even in PRS where full protection has to be compromised due to the violations the temporariness of the structures promotes. In the context of this paper, it is the pragmatic answer to the question of what happens when maintaining temporariness is the only way to ensure at least minimum protection.

However, there are those who argue that humanitarian organizations should fully stick to the norms that they have been established on and in no case should they compromise on them. Instead, the organizations should insist on enforcement of these norms and therefore the full upholding of human rights especially when dealing with states that are signatories to legal instruments such as the refugee

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conventions. Of course this would be a gamble as not compromising might mean that even minimal and at times crucial protection of refugees would be put at risk if nation states also decide not to compromise on their own norms.

This is often where academics and practitioners clash. Practitioners are indeed the ones directly faced with the problems and the practical aspects of solutions may not always be in line with the theoretical parts, the latter of which academia deals with more. Practitioners although heavily criticized do play a major role in protection and even the UNHCR which is one of the most criticized, has on occasion complemented its aid budget deficits by using its own working capital therefore proving its commitment to protection and assistance of its populations of concern.\footnote{148} All the same, the practical field needs academia to keep it on track and to challenge it to maintain the highest of standards thus ensuring maximum protection for the benefit of the population that both teams are trying to protect. Therefore the suggestions and recommendations given within this paper are written with the aim of once again holding practitioners accountable and to push them to maintain the highest standards of protection.

All in all, the use of refugee camps to host refugees in PRS leads to many human rights violations as we have seen. However, with nation states unwilling to compromise, the question remains, what is the way forward?

4.1.1 Reviving Protection: Back to the Start

The first chapter explored how the problem lies in the larger international refugee regime framework. Following that, one would well assume that a complete solution to the problem would therefore lie in rectifying the wider international refugee regime itself. History does not vouch well for the pragmatism of this option though. IRL for example has been very resistant to change (at least of the positive kind). This leads us to wonder if therefore solutions can be found within the camps themselves.

\footnote{148} Human rights watch 2000. Unhcr at 50: what future for refugee protection
Understandably, this option is not enthusiastically explored due to the limited room for negotiation in such situations.

With host countries demanding temporariness to be a major feature of camps coupled with a decrease of aid, reactions are limited. However it is important to remember that many more factors are in play as well within the camps. The biggest of those factors being the refugees themselves. The people hosted in camps do not lose their agency or power because of being in the camps. They still react to their environments even though their decisions are limited.

Giving a complete or absolute answer to the question of how to proceed would definitely be impossible as if one was completely clear, the problem would not exist. In my opinion to find the answer, we must go back to the beginning. This means examining what the main aim of the international refugee regime is. This involves taking a step away from all the distortion that history has created to remind ourselves of the initial goal. If we do so, we will find that the main aim of the international refugee regime has always been protection. From there we look at how this protection is defined. From the previous chapters, we see that protection is essentially ensuring that a population’s human rights are guaranteed. Therefore in the case of refugees, the international refugee regime seeks to restore the human rights of a population whose particular rights have been taken away through the persecution that they have faced. It seeks to protect persons whose home states have failed to protect.

If the aim of the international refugee regime is protection, the continued use of refugee camps in PRS should cease as it compromises protection. Human rights are the basis of refugee protection and therefore if they are being ignored, then the international refugee regime is failing in its duty. Seeing that refugee camps cannot be made permanent means that their temporariness cancels them out as an effective method of protection. Refugee camps in protracted situations seem to be a form of self-sabotage when trying to ensure protection. They make it even harder to provide protection in the long
run. The limitations brought on by having to ensure temporariness is mainly to blame. Other than the protection of human rights, Adelman believes that camps in PRS also go against UNHCR and the conventions obligation and initial commitment to finding durable solutions to refugee problems.\textsuperscript{149} There continues to be the argument that human rights can only be granted to persons belonging to a state, i.e. citizens. Therefore implying that outside of the durable solutions, full rights protection cannot be achieved.\textsuperscript{150}

As we have also seen, the refugee regime has been built around the human right to seek and enjoy asylum. The right to seek asylum has always taken precedence in the refugee regime. However, soon it was realized that being able to seek asylum amount to much if the second part of that right is not achieved. Therefore the right to enjoy asylum although not as highly advocated for was also included in when speaking of ensuring refugee protection. The importance of enjoying asylum can be seen with UNHCR as it expanded its protection mandate to include providing assistance. This means that now the full right of seeking as well as enjoying asylum was reinvigorated. Therefore these new efforts in trying to improve refugees’ lives even in PRS for example through promoting self reliance among the refugees within the camps are a step in the right direction. It also creates hope that improvements in providing protection are being sought. However, as the international refugee regime is very resistant to change, this is likely to take a few years to be fully and successfully implemented.

4.2 Conclusion

4.2.1 Recommitment to refugees: The new stakeholders

If protection is to include ensuring that the right to enjoy asylum is granted for PRS refugees being hosted in camps, it is important to figure out how to make advances to reach this level of

\textsuperscript{149} Ibid., 1.
\textsuperscript{150} Ibid., 2.
protection even while operating within a restrictive regime. Seeing that the problem seems to lie within policy and its enforcement or lack thereof, I would like to offer the suggestion that maybe assuring full refugee protection lies away from policy. Instead the solution lies with the refugees themselves. Refugees possess agency although this often forgotten. It might be within this agency that the answer to their problems and the key to adequate protection lie. This would not be independent from policy rather than it would be working together with policy and perhaps in the end even influencing future policy.

Always being viewed as a problem or burden, greatly affects the protection that refugees end up receiving\(^{151}\). Not involving refugees as stakeholders also leads to deficiencies in protection. For example, Weighill faults the International Conferences on Refugees in Africa (ICARA) which took place in the early 1980s for not including refugee participation and therefore ended up missing the mark on the most important issues\(^{152}\). Donor states, host countries and international agencies all went in with their own personal motives leaving refugees out of decision making the result being that the conferences did not bear much fruit.

Being housed in refugee camps for long periods of time results in people living in a state of prolonged temporariness, often without a say in matters that affect their everyday lives. Even though refugees are largely unable to impact their asylum decisions, once in the countries of asylum, they become important stakeholders. In the case of protracted situations, they end up living in these countries of asylum for years at a time. Therefore, the refugee system can no longer afford to ignore the voices of the people it seeks to protect.

\(^{151}\) Howard Adelman, *Protracted Displacement in Asia: No Place to Call Home*, (Aldershot; Burlington: Ashgate, 2008)

Numbers are often used in the refugee field, building on the premise that statistics can give a lot of information. For example to plan for providing assistance to the population of concern, they must have an estimate of the number of people they are to cater to. Numbers are used to set objectives as well as to measure progress. It is important to keep in mind that the numbers do have faces and stories behind them and the policies they affect also have an effect on real people’s lives. In Jamal’s discussion on realistic approaches by UNHCR to solve PRS, he states that, “Any strategy must take as its starting point respect for refugees and their potential”. In a paper discussing PRS in Africa, the UNHCR Africa Bureau states that in any discussions or implementation of any of the durable solutions or activities within the PRS, refugee participation is vital. It points out that, “…refugees’ participation in the planning, design, implementation, monitoring and evaluation of a programme to promote voluntary repatriation, resettlement, local integration or self-reliance, and their commitment to achieving this, are essential ingredients if such an approach is to succeed”.

The voice of the refugee in the international refugee regime has always been a contentious subject even before the asylum seeker is granted refugee status. We often find this in the argument between whether it is subjective or objective fear of persecution that should be taken into account during the refugee status determination process. Chimni argues that objectivism takes away the voice of the refugee and is an injustice as it “disenfranchises the refugee”. The refugee voice in this case was found with the now accepted balance of both subjective and objective evidence of fear during the RSD procedure.

Objectivism and subjectivism also comes up when repatriation is debated. Subjectivism is considered by some to be a major factor when trying to guarantee that repatriation is voluntary. All the same, it is not always taken into account. However, subjectivity is “celebrated” as Chimni puts it when

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153 Loescher et al., Protracted Refugee Situations, 150.
154 UNHCR Africa, Discussion, 4.
spontaneous return by refugees occurs\textsuperscript{156}. Subjectivity in these cases, which can be equated to the voice or will of the refugee, seems to only be respected when the result favours the concerned states. The voice of the refugee is also often taken into account when countries hope to manipulate them to reach certain decisions. This is essentially through duress. For example, if asylum states want to keep camps temporary, duress can be easily created by cutting off aid and creating unbearable conditions in the camps. This could then lead to refugees “voluntarily” choosing to leave the asylum states.

Although the management of camps is largely dependent on the host country, cooperation strategies can be undertaken so as to involve the refugees and give them a say in the every-day factors that affect their lives. Such an example can be seen with the refugee camps in Kenya. Due to the increased insecurity in the Dadaab camp, the Kenyan government and the international organizations in the camp are finding it hard to cope with the situation that seems to be quickly getting out of hand. They are now looking at ways of “shifting more responsibilities to the refugee communities”, for example through refugee community peace and security teams (CPST).\textsuperscript{157} They are the equivalent of community policing. They are looked to as a way of creating autonomy amongst the refugees in the refugee camps and giving the residents more responsibility and control over their lives.

Similarly, Bhutanese camps in Nepal were believed to flourish in terms of good living conditions and education because of “high participation of the refugee community”\textsuperscript{158}. Refugee involvement in camp management through camp committees was found to create a relatively calm camp environment. The refugees themselves also played an integral role in setting up the education system in the camps.

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\textsuperscript{156} Ibid., 62.  \\
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This is in line with Grabska’s belief that refugee participation in terms of how they perceive and understand policies related to them can ultimately affect the policies’ success or failures.\textsuperscript{159}

In 2001, UNHCR decided to follow a similar path of asking the refugees themselves what they recommend that the international refugee regime should do for them. Throughout 2001, dialogues were held with different refugee groups such as already resettled refugees and refugee women. These dialogues were referred to as “Global Consultations: Listening to Refugee Voices”. In UNHCR’s words, these talks were meant to “revitalize the refugee protection regime”.\textsuperscript{160} Although a commendable effort, the numbers of refugees represented were quite low in relation to the overall number of refugees in the world. For example, one of the dialogues which was held in Geneva in June 2001 only had 50 refugee women representatives present, another one held in Rouen in September of the same year only had 65 already resettled refugees in participation while another one in Paris also in June 2001 had a larger number of 500 refugees but all of whom had already been resettled.\textsuperscript{161} These are three out of only five dialogues with refugees that took place in 2001. However, even with the criticism of numbers; it was a step in the right direction. Sure enough one of the main concerns raised by the refugees was not having enough information about the rights they are entitled to.\textsuperscript{162} After 2001, UNHCR and other refugee protection agencies continue to try to include the refugees more as key stakeholders in protection.\textsuperscript{163} As seen from the previous chapter, not knowing adds onto the stress the refugees are faced with and impacts their psychosocial well-being and in turn their right to enjoy asylum.

All the papers on warehousing of refugees tend to give the same suggestions to end such situations. A majority of the suggestions are based on creating situations for refugees to be self-reliant

\begin{itemize}
\item Grabska, Rights.
\item \textsuperscript{161} Ibid.
\item UNHCR, Report 2010: Somalia
\end{itemize}
and an increase in international involvement and specifically through increasing burden sharing so as to ensure that refugees receive the protection they are entitled to. This is an important point. Self-reliance is considered a major way out of PRS and it is based on the fact that refugees are not just passive persons but that they have strengths and skills that can be harnessed to help themselves. Through self-reliance the refugee’s strength is harnessed as an important resource. It shows that the refugees themselves are in fact stakeholders in ensuring their protection. Alexander Betts in a short press article titled, “Put innovation at the heart of refugee protection work”, argues that the innovation could be from the refugees themselves and that this innovation is necessary to move past PRS and encampment policies and the consequences that come with it. Protection should build upon refugees’ strengths and not see them as passive victims or static populations and therefore losing out on the resources they have.

However, it is important to note that while self-reliance is a big step in trying to achieve maximum protection, it is only one aspect. If self-reliance is achieved yet there is still a lack of freedom of movement and a lack of adequate health facilities, then that self-reliance will not have done much good. In Bhutanese refugee camps in Nepal, tensions and conflicts within camps were partly attributed to anxiety among the refugee population about their futures. This shows that not knowing what comes next can also do a lot of harm. Activities set up to improve life in the camps need to take the refugees viewpoints into consideration as well. If not, they risk doing more harm than good. For example in some camps, self-sufficiency activities catered for women due to their ‘vulnerable’ status led to tensions within camps between husbands and wives as they created a major shift in gender roles. Keen conveys this well when describing the refugee relief system saying that,

“It is easy to think that ‘we’ know what ‘they’ want. But sometimes refugees’ needs are not that obvious. The question then arises: how much input are refugees able to have into operations aimed at assisting them?”

A good example of the power of refugee agency can be seen in two cases in Cairo although refugees in Cairo are self settled and not hosted in refugee camps. Katarzyna Grabska gives the example of Sudanese refugees in Alexandria, Egypt who mobilized together and rallied to attain access of Sudanese children to public Egyptian schools. This was done directly through representative groups from this refugee group and not through any refugee organization acting as an intermediary. The other case is that of Sudanese refugees in Cairo who in 2005 held protests outside UNHCR to protest the halting of RSD for Sudanese refugees amid other rights they felt entitled to such as protection from repatriation and the release of fellow refugees who had gone missing while in Cairo. The protest unfortunately ended with a crackdown on the protest by Egyptian police which resulted in the death of several protesters. This shows how refugees’ frustrations on not being in control of matters concerning them accumulate. The second case shows how the ignoring of refugees’ agency can end up with disastrous results.

Those who study psychosocial issues in displaced populations have identified the refugees’ agency as an important factor in such situations especially in building their resilience and adaptation to such situations. Therefore there is justification in believing that an answer could lie with these same people. Is refugees are given a say in determining their protection, a double fight against a failed system can be fought without fully jeopardizing human rights. One fight would be by those fighting for policy improvements and a second one by those ensuring protection of refugees and that asylum is enjoyed and beneficial to those who seek it even before changes are made to policy. Therefore while academics and practitioners or idealists and pragmatists might each believe that refugee protection should be done

in a certain way, both groups should not assume that they know what is best and should include the
refugees themselves in making decisions. Agreeing that advocacy and protection might be done by two
different groups, the vital part is that both groups take into consideration the refugees’ voices.

Camps create dependency while agency attempts to win it back and head towards the self
reliability that is now expected from them. Zeus frames it rather well saying that, “self-reliance relies on
a widening of spaces for the exercise or refugee agency”. Refugee camps and the temporariness they
present in PRS can lead to refugees losing hope that their lives could improve. Refugees cannot be
faulted for not being self-sufficient and neither can they be faulted for the poor lives they live. It is the
international refugee regime that cultivates this dependency and that propagates the uncertainty that
has such a major impact on the quality of lives refugees in camps are living. Refugee camps do not foster
an appropriate environment for refugees to live in especially in PRS. The temporariness manifested
through camps makes them an inappropriate response during PRS as those characteristics lead to major
compromises on protection. Therefore, refugee camps do not allow for refugees to benefit from their
asylum meaning that refugees in these camps are not granted the right to enjoy asylum.
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