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Gaps in Geneva, gaps on the ground: case studies of Somalis displaced to Kenya and Egypt during the 2011 drought

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Introduction

While most East African countries were badly affected by drought in 2011, the situation was almost beyond imagination in Somalia with famine being declared in several regions (FSNAU and FEWSNET 2011a). It was the most severe humanitarian crisis in the world in 2011 and Africa's worst food security crisis since Somalia's 1991 and 1992 famine. Throughout 2011, large numbers of destitute agro-pastoralists and others fled the country in search of assistance. This study explores the experiences of, and responses to, some of the Somalis displaced to Kenya and Egypt.

Among relevant law we find international, regional and domestic refugee law and human rights law. For those displaced to another country in the context of natural hazard-related disasters, however, international law experts in Geneva and elsewhere have identified a normative protection gap (IASC, 2008). Those persecuted for certain listed grounds should be protected as refugees according to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. A wider group of people, including those fleeing generalised violence and events seriously disturbing public order, should be protected as refugees according to the 1969 African Union Convention governing the Specific Aspects of Refugee Problems in Africa. According to the experts, however, there is currently no international law providing a clear and secure base for protection for those displaced in the context of natural hazard-related disasters (IASC, 2008). This is becoming ever more acute as climate change is affecting the intensity and frequency of natural hazards (IPCC, 2012).

Certain initiatives to address this normative gap exist, including the Nansen Initiative, which is a state-driven, multi-stakeholder process (Saboor, 2012). The Nansen Initiative arranges regional consultations, and the Horn of Africa is in the plan. While the initial focus was on sudden-onset disasters, there is an increasing understanding that slow-onset disasters such as drought cannot be ignored.

The Kenyan and Egyptian contexts provide the possibility to explore what existing laws and normative gaps can mean for people on the ground. Perhaps the gap identified in Geneva by legal experts is not the same on the ground. Perhaps there are other gaps on the ground. In this sense the study focuses on "the living law" (Ehrlich, 1936/2009). Eugen Ehrlich, widely considered one of the founders of sociology of law, wrote that, "living law in contradistinction to that which is being enforced in the courts and other tribunals [...] is the law which dominates life itself (Ehrlich, 1936/2009: 493)."

Doctrinal lawyers largely argue and establish what the law is by following the method they believe a judge would. The 1945 Statute of the International Court of Justice article 38 is therefore considered a general expression of what sources we can use when determining international law. This will not necessarily tell us what "the living law" is, however. As Ehrlich wrote,

Only a tiny bit of real life is brought before the courts and other tribunals; and much is excluded from litigation [...] Moreover the legal relation which is being litigated shows distorted features which are

quite different from, and foreign to, the same relation when it is in repose [...] The sociological method therefore demands absolutely that the results which are obtained from the judicial decisions be supplemented by direct observation of life (Ehrlich, 1936/2009: 495).

The primary motivation for this study is the understanding that we need to explore the experiences of those directly affected as well as responses by governments and other actors on the ground to enhance the effective rights of those displaced. For any new state-created laws or policies to be effective, we must also consider how they fit with the larger context, including “the living law” (Ehrlich, 1936/2009).

In the following, I present the research questions and methodology of this study, and its main findings. Finally, I highlight some of the most interesting findings and discuss what implications the study may have for initiatives to enhance rights.

Research questions and methodology

This study is inspired by a rights approach and in particular the structure of the 1998 Guiding Principles on Internal Displacement: First, the Principles address protection from displacement, then protection during displacement, and finally, durable solutions to the displacement. This study was driven by the following questions: How did Somalis experience the 2011 drought and movement out of Somalia? And, indirectly, what could have been done to prevent the displacement? What were their experiences of entering and being exiled in Kenya and Egypt? What are the responses from the government, UN and other humanitarian actors, and the civil society? What are the Somalis’ and other actors’ thoughts about future solutions to their displacement?

There have been some studies exploring environmental change and human mobility on the Horn of Africa. Morrissey (2008) explored how environmental change can be one of several factors contributing to rural-urban migration within Ethiopia. Zetter (2011) explored the capacity of legal and normative frameworks in selected countries, including Kenya, with regards to environmental change and human mobility. Kolmannskog (2010) explored experiences of internal as well as cross-border disaster-related displacement, and the responses from governments, UN agencies and NGOs in Somalia, Kenya and Burundi. Afifi et al. (2012) interviewed displaced people in Uganda and Ethiopia and explored how environmental factors influenced their decision to move. The present study is an important addition to the increasing research base. In comparison to the other studies it focuses on Somalis displaced to Egypt as well as Kenya and is carried out within the context of the 2011 drought.

The two case studies presented here are from Dadaab, Kenya, and Cairo, Egypt. Kenya is the African country with the largest Somali displaced community, hosting more than 500 000 Somalis (Lindley, 2011). Egypt was chosen partly due to its status as a destination and transit country and partly due to differences from Kenya in terms of geographical distance, legal frameworks, conditions for Somalis in general and the socio-political context more broadly.

At the time of the visits, Kenya had troops in Somalia and was experiencing security incidents labelled as terrorist attacks and was planning to have elections in a year’s time. The situation in

post-revolutionary Cairo, Egypt, was characterised by tension and change with many people discontent with the run-up to presidential elections and recent (lack of) sentencing of Mubarak and other ex-officials. While refugees were very much part of the political discourse in Kenya, they were not so much the focus for Egyptians.

Disaster-related displacement is a complex and inter-linked social, political and environmental phenomenon. The case study approach allows for a process where the researcher seeks to describe and explore a phenomenon in qualitative, complex and holistic terms over a certain time period (Yin, 2003). While the previous as well as this section has sketched out a certain conceptual background, the case studies presented are largely inductive, i.e. the studied empirical reality is the basis of successive discovery of connections and explanations.

Field visits were undertaken from 28th to 30th May 2012 in the Dadaab refugee camps, Kenya, from 31st May to 3rd June 2012 in Nairobi, Kenya, and from 4th to 6th June 2012 in Cairo, Egypt. Methods of data collection included semi-structured individual interviews (8 in Kenya) and group discussions with displaced people (3 people in a group in Egypt). Following a phenomenological approach, their subjective experiences were in focus. The selection criteria included originating in Somalia, being displaced, and having moved partly due to the 2011 drought and famine (self-identified). We wanted a balance in gender and age, and people with refugee status as well as people with less regularised status. Interviews were mainly carried out by the author of this paper with some assistance from the climate adviser of the Norwegian Refugee Council (NRC), Tine Ramstad.

NRC Kenya assisted with identifying interviewees in Dadaab. The agency has no role in status determination or resettlement decisions, but their participation could be problematic since they are among the service providers in the refugee camps. We also chose to have an NRC representative present during most interviews in Dadaab. This was due to interpretation needs, NRC Kenya's ability to provide experience-based comments along the way and to ensure that critical issues that were raised by interviewees could be noted and addressed by NRC or another agency.

The interviews took place in NRC offices in the camps. Although movement was severely restricted due to security concerns, there were some visits in the camps and a certain level of participatory observations. In Egypt, the Arab Network for Environment and Development (RAED) and the Psycho-Social Training Institute in Cairo (PSTIC) provided support. The group discussion took place in the offices of RAED due to security concerns.

In addition interviewing the displaced Somalis, a short desk-study and other key stakeholder interviews were undertaken. Interviewees included NRC, UNHCR and other humanitarian and development agency staff in Kenya and Egypt as well as government officials. We also had one discussion group (10 people) in Dadaab consisting of people belonging to the host community. The information from the interviews with the displaced people informed the desk-study and these other interviews and vice versa so there was a constant dynamic between the different methods and data sources used. The study also draws on some existing quantitative data (Enghoff et al., 2010; Refugee Consortium of Kenya, 2012).

The triangulation – both in terms of the variety of data sources and methods – and the exploration of two cases comparatively increase the credibility and quality of the findings. The study must be read against the several limitations mentioned, however, including the short field visits which did not enable trust and relationships to build and much participatory observation to be carried out, as well as NGO participation in selection of interviewees and interpretation (See Jacobsen and Landau, 2003, for these and other typical flaws of refugee research).

After analysing the information gathered, the study identified a number of key findings that have been organised into a structure that also works as a chronological narrative: perceived causes for the drought and displacement, challenges of crossing the border and fitting into the refugee category, basic needs and experiences during displacement, and thinking about the future. These key findings are presented and discussed in the following sections using quotes from the displaced persons and supplementary references from other interviews and literature.

Perceived causes for the drought and displacement

Livelihoods and coping mechanisms during drought

The concept of sustainable livelihoods can be defined as the means, activities, entitlements and assets by which people make a living including natural, social, human, physical and financial capital (Scoones, 1998; Ellis, 1999). Without exception the interviewees mentioned (lack of) livelihood options as one of the main reasons for leaving Somalia. Most interviewees in Dadaab were pastoralists, farmers or agro-pastoralists. The interviewees in Cairo had had other livelihoods, but they as well had agro-pastoralist family backgrounds.

The climate-sensitive livelihoods, poverty and conflict make people very vulnerable to natural hazard-related disasters. At the same time, the agro-pastoralist lifestyle has traditionally been an adaptation to the environment. “During previous droughts, we could live of livestock or even sell livestock to survive. Now all the livestock was dying – even donkeys. It is the worst drought I have experienced,” said Yussuf (72).

As in previous studies (Kolmannskog, 2010; Afifi et al, 2012) interviewees had perceived shifts in the weather over the last decades – including increased frequency and intensity of droughts and floods – and explained how this had direct impacts on those involved in agricultural and pastoral livelihoods and affected others indirectly through shortage of products and higher prices. The Food Security and Nutrition Analysis Unit (FSNAU) and the Famine Early Warning Systems Network (FEWSNET) reported that one of the main causes for the famine was the total failure of the October-December 2010 *Deyr* rains and the poor performance of the April-June 2011 *Gu* rains (FSNAU and FEWSNET 2011b). The lack of rain resulted in the worst annual crop production in 17 years, high animal mortality, and soaring food prices.

Many Somalis put their pride in the pastoralist lifestyle. Changing to another livelihood is therefore also a challenge to cultural and socio-psychological notions of identity. Especially younger interviewees, however, shared their thoughts about the limitations of Somalia’s current economy and livelihood options. Ahmed (32) felt that “there should be vocational training for the youth so that they have some way of surviving other than through livestock and farming.”

Before leaving the country the interviewees had tried their best to cope in their place of origin and move internally. This is consistent with the findings in other studies (Kolmannskog, 2010; Afifi et al., 2012). Many reported to have sold the little livestock they had left as well as part of their land, worked for farmers who had access to borehole water, fetched and sold firewood, moved internally – especially into towns – to get assistance in IDP camps or work in the markets. Some got assistance from local NGOs and Arab organisations that were allowed in, but “we were too many to support” as one interviewee put it.

Normal support mechanisms such as clan and community networks also broke down. “You can only get assistance from someone who is in a better position than you. During the last drought, everyone I knew was in the same bad situation,” said Fartun (34). Some interviewees reported that they had to stay and suffer for a long time because they did not have the necessary resources to make the journey out of the country. Often families sent some members to seek assistance. Some people stayed behind to care for an aging mother or father. Others, especially the old and weak, were left behind.

Getting training and new skills in Dadaab was mentioned as a main reason for going there rather than elsewhere. One could therefore say that livelihood options or the lack of these was both a “push” and a “pull” factor; such terminology should not overshadow the agency and complexity involved in decisions to move, however.

Armed conflict exacerbated the drought and famine

In Somalia, it is difficult to separate drought and conflict. “I believe drought and civil war are twins that have come together to plague my country,” said Ahmed (32). A statement by Abdinoor (49), community leader in one of the refugee settlements in Dadaab, was representative of many people’s views, “When there is only a drought, the government or international agencies will come in and give assistance so you can cope. When there is a conflict, agencies cannot come and help. People fled because there was no assistance, and the reason was the conflict.”

While many believed that natural hazard-related disasters are the will of God, all interviewees were also clear about the human factor. Previous studies also describe how state failure and violent conflict exacerbate natural hazard-related disasters and reduce people’s adaptive capacity (Kolmannskog, 2010; Afifi et al, 2012). FSNAU and FEWSNET (2011 b) also claimed that the lack of humanitarian assistance and access was one of the main causes of the famine. Humanitarian assistance was extremely limited until September due to inadequate funding and intervention by the international community, and armed groups severely restricting humanitarian access. As Amartya Sen (1999) has pointed out, famines rarely happen in democratic countries.

Armed groups were not only hindering humanitarian access and thereby forcing people to move, they were also seeking to hinder people in moving (See also Lindley 2011). Several interviewees had not been allowed to leave and finally got away by saying they had a funeral to go to or sneaking away at night. The armed conflict played a role in both triggering and hindering the movement of people.

Crossing the border and fitting into the refugee category

Forced displacement

It is a challenge to delineate when or how we can talk of forced displacement rather than voluntary migration in slow-onset, gradual disasters. In law, policy and practice displaced persons are treated differently, often as a category of persons more in need, and therefore with stronger rights, than migrants. The answers from the interviewees varied but all said they had been forcibly displaced. “Yes, I was forced because I needed assistance. No, nobody forced me to leave,” said Aden (27) illustrating the complexity of force. “One of my uncles became sick due to lack of food and died. I was on the verge of a mental breakdown,” said Ahmed (32). “I was forced to leave by the drought. I wanted to stay in my home country. I became desperate.” The fact that movement out of the country only happened as a last measure also supports the view that the movement was forced.

One can also question how one can speak of displacement in a pastoralist context. The Somali pastoralists have always been moving. It is their way of life. According to Yussuf M. (72), last year was different, though. It was not like previous droughts when they could still go to the traditional areas of pasture and let the animals graze. “I was forced to leave by the circumstances,” he said. Ruth Haug (2002: 76) also talks of displacement in a study about the nomadic Hawaweer in Sudan, but underlines that “what was forced and not forced can vary within the same group” with some people forced or choosing to stay and some people forced or choosing to leave. Kolmannskog (2010) also explored this issue.

Crossing the closed border to Kenya

A main challenge for people displaced is to be able and allowed to enter another country and get a legal status with rights there. The Kenyan-Somali border has been officially closed since 2007. The Kenyan government argues that this is needed because of the armed conflict in the neighbouring country and the risk of combatants moving into Kenya. According to the Refugee Consortium of Kenya (2012), the continued refusal by the government of Kenya to open the border and the lack of access to nutrition, health, water, transport and other essentials at the border was an extraordinary protection failure, contributing for several months to excess mortality in the first days of arrival in the camps. 27 per cent of interviewees in their survey who met police reported arrest, threats or extortion.

While there were instances of *refoulement* – returning refugees to an area where their life and freedom would be threatened – the Kenyans could not patrol the whole length of the border and it was highly permeable. None of the interviewees in the present case study had encountered police or military personnel when crossing the border. People seemed to take more dangerous routes – perhaps to be to cross unnoticed – and some reported being attacked by bandits. By September 2011, Dadaab in Kenya had received more than 140 000 new Somalis.

Prima facie refugees in Kenya – but not registered

Kenya is a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as well as the 1969 African Union Convention governing the Specific Aspects of Refugee Problems in Africa. There is also domestic legislation such as the 2006 Refugees Act and the 2011 Refugees Bill. Kenyan authorities have delegated most matters to UNHCR, including refugee status determination, but are increasingly assuming responsibilities. Due to the generalised violence in South Central Somalia, the government and UNHCR Kenya consider that all people coming from this area are (*prima facie*) refugees according to the African Convention definition.

Interviewees for this case study along with 43 per cent of surveyed new arrivals said that they had come to the camps as a result of the drought and famine, in search of livelihoods, resettlement, family members or some combination of these reasons (Refugee Consortium of Kenya, 2012). This did not go unnoticed in government circles. Last year, the government of Kenya (2011) stated that, “[t]he current influx of refugees into Kenya is of Somalis seeking food and not people running away from violence. The refugees are coming into Kenya to get food due to the severe drought situation in Somalia.” The Refugee Consortium of Kenya believes that the large numbers of people coming for reasons that are not recognised in any of the refugee conventions can undermine the *prima facie* status in the long run.

On the other hand, it is worth noticing that the official statement from the government of Kenya (2011) last year employed the refugee label for this group as well, and claimed that, “Kenya has welcomed all refugees and assisted them.” One could argue that many of the Somalis were in fact traditional refugees because armed conflict and persecution played a role in their displacement (See also Kolmannskog, 2012). “In 2011 most people came due to drought and the fighting. Since there are two reasons, we accept them. The fighting is the reason considered,” said one Department of Refugee Affairs interviewee. Moreover, law is only one of many tools in negotiations on the ground. Diplomacy from UNHCR, the tight relationship between the agency and the government, a sense of African solidarity in the face of extreme suffering and the world watching them weighed heavily in Kenya’s decision, according to interviews and observations. Zetter (2011) also found that the 1951 Convention worked as a protection instrument for disaster-related displacement in Kenya, and emphasized the importance of contextual factors apart from formal law.

The Kenyan response was complex, however. Already having closed its borders, Kenya stopped registering new arrivals in October 2011 referring to security concerns. One UNHCR interviewee believed this might also be because most people seemed to fall outside the traditional refugee concept and said that UNHCR were negotiating with the government to start registration again. Several interviewees were still not registered at the time of the case study. Officially they only qualified for basic food assistance. While some agencies focused more on their needs than their official status, the lacking registration had an undisputed effect. The needs and challenges during displacement are discussed further below.

Getting to Egypt

Egypt is a refugee-receiving as well as transit country. According to a UNHCR interviewee, there was a slight increase in Somali asylum seekers during 2011 that might be attributed to the

drought and famine in Somalia. Another explanatory factor is that many foreigners were prompted to register as refugees due to the revolution and uncertain situation that entailed. The numbers are minimal compared to the numbers in Kenya. In January 2012 there were 6 600 refugees and 1 400 registered asylum seekers from Somalia (UNHCR Egypt, 2012). “To get here, you need resources. Those who walked went to Dadaab,” said the UNHCR interviewee. In addition the government often detains people moving in an irregular manner, including asylum seekers (UNHCR Egypt, 2012).

The interviewees in Cairo were single and male. They had been working in the transport sector in Somalia, but their family backgrounds were agro-pastoralist. This is in line with other studies on Somalis in Cairo which state that “[t]he current groups are a more heterogeneous mix of Somalis of rural and urban background. They also have much less education (al-Sharmani 2003: 7).”

Among the interviewees for this case study, some had managed to get a student visa through family connections and a flight ticket, but others had – contrary to the assumption of the UNHCR interviewee – walked all the way. Together with his family, Ahmed (32) first went to a camp for internally displaced persons in Mogadishu in search of basic assistance. Because there was no assistance to be found and they got increasingly desperate, he left the country. “I started in Ethiopia where I met some Oromo people. I went with them through Ethiopia. We travelled through Sudan for three months. I crossed the desert.”

Qualifying for refugee status in Egypt

Egypt is also party to the 1951 Refugee Convention, its 1967 Protocol as well as the 1969 African Union Convention; and, registration, documentation and refugee status determination are carried out by UNHCR (UNHCR Egypt, 2012). A major difference from Kenya is that there is individual refugee status determination rather than *prima facie* group determination. Each individual must meet all criteria in the refugee definitions, including showing that the reason for the displacement is persecution or generalised violence.

This means that some people adjust or highlight certain parts of their narratives. “People would not come to the office and say that they came due to drought,” said the UNHCR interviewee. “In Egypt the Oromo took me to the UNHCR office in Cairo,” said Ahmed (32). “I told them how I lost family members in the drought and fighting. Now I am waiting to have my case decided.” At the time of the field visit the status of several of the interviewees was undecided and they were in a state of waiting.

In Egypt and the Arab world there is another relevant regional convention being developed. The Arab Convention on Regulating Status of Refugees in the Arab Countries article 1 explicitly recognises as refugees those who flee “because of natural disasters or grave events resulting in major disruption of public order in the whole country or any part thereof.” The convention must be ratified by the Arab Parliament before it is presented to each Arab state for ratification. At the time of the visit, its current status was just a draft and not applicable in any country. UNHCR was working with the Arab states to have it ratified.

The case of the Somalilanders

Many Somalilanders would in theory fall outside the currently binding refugee definitions since their home is considered to be relatively peaceful. “My father is originally from the North, Somaliland. He went there,” explained Ahmed (32). “But I don't know Somaliland. I didn't want to go.” All interviewees for this study said they were from South Central Somalia. Information about the Somalilanders is based mainly on the interview with the UNHCR Egypt official.

“I am sure we have recognised many of the Somalilanders as refugees,” she said. “There has even been conflicts within the Somali community because they are seen as taking the resettlement places from other Somalis. But the Somalis keep it to themselves rather than taking it to UNHCR and spoiling the whole group's opportunities.”

UNHCR Egypt asked their headquarters in Geneva whether they should make any changes with regards to returns to Somaliland during the 2011 drought but did not get any clear advice. “Since Egypt does not deport people anyway, it was not so important to request a stop of deportations,” said the UNHCR interviewee.

After the recent political changes in Libya many refugees and migrants fled the country, some to Egypt. Among them there was also a group of Somalilanders who are not recognised as refugees. “They talk about the drought a lot and say that they should not be returned on humanitarian grounds. Originally they said they were from South Central Somalia. When we found out that this was not correct, they admitted that they were from Somaliland and could not go home due to the drought and lack of economic opportunities,” said the UNHCR interviewee. “We have said to them that if Egypt allows them in, ok. Otherwise they have to go home. We can understand that they don't want to go home, but no resettlement country would take them either. They would rather go back to Libya or try to get smuggled elsewhere than go back I think.”

Basic needs and experiences during displacement

Shelter, security and sexual violence in Dadaab

Kenya gives refugees temporary protection and contains them in camps run by UNHCR and NGOs in remote areas of the country. Kenyan official law restricts refugees' freedom of movement. Dadaab, in Kenya's North Eastern Province, consists of several camps and is home to the world's largest refugee settlement with almost 500 000 refugees, most of whom are Somali.

While the need for shelter and security is universal, women face particular challenges. When the drought of 2009 struck, Fatima's (21) husband left her and their new-born – allegedly to find better opportunities for them. Fatima got herself and the baby through the droughts of 2009, 2010 and 2011 by fetching and selling firewood and receiving assistance from an Arab NGO. Early 2012 someone told her that she might find her husband in Dadaab. She went there but did not find him. At the time of the interview she was not registered and hardly received any assistance. “I don't know anyone here. I am depending on the good will of strangers for food and shelter. I am sleeping outside with my child. We are afraid.”

In Dadaab there is wind, dust, hot days and cold nights, wild animals, rapists and thieves. Several female interviewees mentioned their fear of sexual and gender-based violence due to lack of proper shelter. They also risked such violence when they went outside the camps to collect firewood. Fatima Y. (30) said that she bought firewood from a neighbour with food rations because she feared rape. Women also had to leave the relative safety of the camps to relieve themselves since latrines in the camps were not gender-sensitive. In a survey 14 percent of respondents said that they had themselves been exposed to gender-based violence, whilst 31 percent said they knew of somebody else who had had such an experience (Refugee Consortium of Kenya, 2012). Proper shelter, safe access to firewood, water and sanitation are crucial also for the protection against sexual and gender-based violence.

While women face particular challenges, safety is a general concern. 56 percent of respondents in the survey felt unsafe in the camps (Refugee Consortium of Kenya, 2012). Among the reported reasons were the increase in bombs and improvised explosive devices and the presence of Somali armed groups. Ten percent felt there was insufficient police presence in the camps. However, 11 percent felt the Kenyan police actually posed a threat to the security of the camp population. According to interviews undertaken for this case study, the police sometimes target the refugee population in an indiscriminate manner after security incidents or attacks from Somali armed groups.

Food, training and livelihoods in Dadaab

When people were arriving from famine severely malnourished, food distribution and health care was imperative. At the time of the interview, most interviewees in Dadaab said that they were happy that they were receiving food rations, but they would have preferred to work.

Yussuf (72), who had been a pastoralist his whole life, said, “I would prefer to have some livestock and a small farm here or trade animals since I am used to livestock and farming.” Formally, their right to work is restricted in Kenya. “There are not many opportunities for livelihood interventions,” said a UNHCR interviewee. “Sadly, Kenya equates self-reliance with local integration, and they don't want that. But self-reliance will be helpful also for a potential return.” Still, some refugees have animals and small plots of land – and this is tolerated in Dadaab – others have businesses, and still others work for the agencies in the camp as “incentive workers” on a lower salary than that given to Kenyans.

While some wanted to continue with agro-pastoralist livelihoods, others were hoping to get new skills. Despite the grim prospects of getting a job, education and training can provide some purpose and hope for the future. “My children are now in school and get an education so that they can work. This is my hope for the future,” said Fatima Y. (30). NGO staff said that there were challenges, however. “Not everyone gets a place in the schools or training programmes, and even if they do, not everyone can afford school books and uniforms.” According to the Refugee Consortium of Kenya (2012), the right to education is compromised in the context of chronic overcrowding, and the lack of opportunity for refugees to work causes frustration and generates further protection risks.

Shelter, education, livelihoods and health in Cairo

Generally, Somalis are welcomed and positively regarded by Egyptians. They share the same religion, Islam, but there are significant ethnic, cultural and linguistic differences. Egypt has made reservations against several of the social and economic rights in the refugee conventions. Refugees have limited access to work, health services and education and no right to permanent residency.

Rent is often one of the main expenses for asylum seekers and refugees in Cairo. The interviewees said that often the newcomers lived together in a shared apartment. Some lived with friends or distant relatives or did housework in exchange for free shelter. The Al-Azhar school was also mentioned as an institution that offers residence through school enrolment. UNHCR also has some education grants.

“Most refugees do some sort of work, mostly informal and among themselves,” said a UNHCR interviewee. Other studies have also found that much of the income-generating activity is carried out within the Somali refugee community, and includes selling clothes and food, housekeeping and teaching (al-Sharmani, 2003). Ahmed (32) said, “We are young so UNHCR says we should go and work. I don't get any assistance. I clean. I do anything to survive here. It is tough since foreigners are not really allowed to work. We work with Egyptians. Most of them are good people.” Abdi (25) had a different experience, “I clean in a bakery. Sometimes my boss changes the terms of our agreement. I cannot complain because I am afraid of losing the job and insecurity.” The interviewees also mentioned that remittances were important to their survival. This is well known from other literature (al-Sharmani, 2003).

About a quarter of the refugee population receives some financial assistance from UNHCR. “We are working on creating livelihood interventions,” said the UNHCR interviewee. “It is part of the urban refugee policy to encourage self-reliance even where there is no formal right to work.”

Mental health, and the importance of services to address this, was raised by several of the displaced Somalis as well as other interviewees. “One of the main challenges is that all of us are very depressed,” said Ahmed (32). He identified both the drought and their current situation as causes. “Every time I hear the word drought I feel miserable. I felt depressed and was unable to speak. I was on the verge of a mental breakdown. Here we are in the middle. If we try to go to Europe, we die in the Mediterranean. In Somalia we die of conflict and drought.” Interviewees also reported that *buufis*, an over-weaning preoccupation with resettlement had psychosomatic effects, which are also known in existing literature (al-Sharmani, 2003; Lindley, 2011). UNHCR gives refugees some support to access health care.

Thinking about the future

Returning to peace and better livelihoods

“If the situation improves in Somalia, the only solution is voluntary repatriation,” said a Kenyan Department of Refugee Affairs interviewee. In 2011 the government of Kenya (2011) had also advocated for solutions inside Somalia with food drops and feeding centres where the security was assured by the Somali Transitional Government and the African Peace Keeping Force

AMISON. According to the government of Kenya (2011), this solution “would also enable the refugees to return to their homes as soon as the drought situation improves so that they not remain as refugees.”

But the situation still remains too unstable for mass repatriation, and most refugees are not willing to return under the current conditions (Lindley, 2011; Refugee Consortium of Kenya, 2012). “I would rather be a refugee than return to Somalia,” said Fatima Y. (30). Many Kenyans sympathise with them. Hassan (27), a youth leader in the host community in Dadaab, said, “I could not ask the refugees to go back. I see on internet how bad the situation is in Somalia.”

For some interviewees their aim was to eventually return. “They say that everyone wants resettlement. Not me!” said Ahmed (32). “As long as I am not home, I am losing time. If there is security and I had a ticket in my hand, I would return home today!” A stable government and peace was a prerequisite for all interviewees. All of the interviewees in Dadaab still had some land in Somalia that relatives or neighbours looked after. Many had sold their farm tools and animals and would need assistance in obtaining such resources. Improved access to water through for example boreholes and irrigation was also mentioned.

As Haug (2002: 71) writes, “The return process is not about going home or back in time to regain something that once existed, it creates an entirely new situation.” For many, it was important that they or their children had some new skills before returning. “I could go back when my children have some education and skills and can make a better life for themselves than I could,” said Abdinoor (49). Abdi (25) dreamt of a future Somalia: “In the future I would like to open a tourist hotel and restaurant on Kismayo beach. Tourists could come and swim, sunbathe, eat and stay at my hotel.”

De facto, gradual integration in Dadaab

Kibreab (1989: 469) defines integration as the “economic, social, and cultural process by which the refugees become members of the host society on a permanent basis.” al-Sharmani (2003: 4) refers to Frechette (1994) and stresses the importance of viewing integration as “a continuum, as a process of varying degrees and forms of ‘acceptance, participation, and change’ in which both the refugees and host society are involved.”

Some refugees have been living in Dadaab for 20 years. The camps have become a bustling business centre. With formal economic opportunities so limited, many engage in informal trade. The localisation of the refugee camps in Dadaab is not without importance. The North Eastern Province is ethnically Somali, it is arid to semi-arid and has historically been marginalised. Interviewees from the host community emphasised that the relationship between the two groups was good, including inter-marriage.

While complaining of loss of grazing land, increasing environmental degradation and that refugees were getting more attention and assistance than them, the interviewees also admitted that the camps had benefits. A socioeconomic survey in 2010 confirms that, while there are some negative environmental impacts in the immediate vicinity of the camps, the total economic benefits are some 14 million USD annually, around 25 per cent of the average per capita income in the province (Enghoff, M. et al., 2010).

Formally, the chances of upgrading one's status from *prima facie* refugee to citizen are slim, but some had obtained Kenyan national ID cards from corrupt officials, and others taken up IDs offered by MPs who wanted their vote (See also Lindley, 2011). Despite the restrictions in freedom of movement, some moved to Nairobi and elsewhere. It also happens that members of the host community register as refugees to get access to certain camp services (See also Enghoff, M. et al., 2010). Refugee and citizen seem to be less rigid categories than one would first think. The majority, however, does not have resources to make these changes. As already mentioned, many of those arriving after October 2011 were not even registered and had problems accessing the most basic services. With bomb explosions and other security incidents occurring more frequently, there is also rising xenophobia in Kenya (Wambua-Soi, 2012).

A Department of Refugee Affairs interviewee admitted, "Some local integration may be taking place. But setting aside land and opening up for naturalisation is very difficult. In Kenya land is very emotive." According to an NGO staff in Dadaab who was also a native of the area, there was no question about it: "Of course local integration is happening. It's just that UNHCR and the government don't want to talk about it."

As Lindley (2011: 37) recommends, "Options for piecemeal approaches (i.e. identifying eligible subgroups such as very long-term refugees/qualified professionals) or gradual approaches to integration (i.e. identifying progressive pathways to fuller legal status, contingent on the fulfilment of particular conditions) merit exploration. A rather modest example would be the easing of work permit requirements."

Considering the bigger picture of how the camps and refugees have benefited the host community, Lindley (2011: 41) suggests that, "Rather than trying to 'compensate' host communities to prevent conflict, a better approach would be to adopt wider development approaches targeting refugee-hosting areas." The new Kenyan constitution provides greater devolution of power to the districts, something which may provide a better context for economic development and integration. Some Somali Kenyans have become prominent in Kenyan politics, prompting hopes for better representation. Overall, the Somali influx may have contributed to the development of the North Eastern Province.

No future in Egypt

The interviewees in Cairo reported that they had little interaction with Egyptians – although some worked for them. All interviewees lived in Somali areas of Nasr city. They did not speak Egyptian Arabic. Some reported that Egyptians made fun of their accent or that there had been instances of racism. They did not see any future in Egypt.

Resettlement and onward movement to third countries

The resettlement process rests on a two-fold rationale (Lindley, 2011). Some refugees' protection may be better secured in a third country. Second, through resettlement, other countries share the international responsibility for protecting refugees. UNHCR refers cases to national immigration boards. 86 percent in the study of the Refugee Consortium of Kenya (2012) said they wanted resettlement if the current situation continues inside Somalia; 59 percent listed it as a preferred

option even if the situation improves. Some of the interviewees for this case study also mentioned resettlement as a reason for coming to Dadaab. The hope of resettlement may defuse some frustration in the camps, but can easily slip into *buufis* (Lindley, 2011).

Kenya's position is to promote resettlement as long as return is not possible. With security concerns increasing, several Kenyans are questioning the wisdom of Kenya hosting so many Somalis. As Hassan (27) said, "There are people who hide in the camps. I think Western countries should take more refugees. Kenya has a border with Somalia, and I am afraid Kenya can change if it continues the way it is now."

Most interviewees in Egypt were also hoping for resettlement. With a higher proportion of Somalis being resettled, that may be a reason why many come, according to a UNHCR interviewee. With the current anti-immigration sentiments in developing countries, there is less will to resettle, however. This does not stop people from trying to make it onwards on their own.

As mentioned before, Ahmed (32) felt that their current situation, being "in the middle", was part of the reason for their depression: "We are not sure if we will be resettled. We cannot continue living in Egypt. A friend of mine tried crossing from Libya over to Italy and died in the Mediterranean. If we try to go to Europe, we die in the Mediterranean. In Somalia we die of conflict and drought. The solution is in the hands of God."

According to UNHCR (2012), more than 1500 irregular migrants or asylum seekers drowned or went missing in 2011 while attempting to cross the Mediterranean Sea. This happens in one of the world's most trafficked waters. A series of factors influence developed countries' will to accept refugees, and at the moment the will is little. Several European countries have elaborate legislation protecting refugees. In practice, however, many of them try – through visa regulations, interceptions and other measures – to make sure that as few asylum seekers as possible ever arrive in their countries to be able to enjoy this protection. Some people in search of better lives elsewhere persevere in their journey and struggle regardless.

Conclusion

This study has explored the experiences of Somalis displaced to Kenya and Egypt and responses to their displacement. As Flyvbjerg points out,

Case studies often contain a substantial element of narrative. Good narratives typically approach the complexities and contradictions of real life. Accordingly, such narratives may be difficult or impossible to summarize into neat scientific formulae, general propositions, and theories [...] To the case-study researcher, however, a particularly "thick" and hard-to-summarize narrative is not a problem. Rather, it is often a sign that the study has uncovered a particularly rich problematic. The question, therefore, is whether the summarizing and generalization, which the critics see as an ideal, is always desirable. (Flyvbjerg, 2006: 237)

While I hope one of the main effects of these case studies is a greater appreciation of the complexities on the ground, I do want to conclude by highlighting certain findings and discussing some of their implications.

Without exception the interviewees mentioned (lack of) livelihood options as one of the main reasons for leaving Somalia and going to either Kenya or Egypt. The armed conflict and lack of humanitarian access played an important role in escalating the drought and famine. In terms of preventing displacement, this implies that livelihood interventions are necessary, and that we have to somehow address the complex, on-going armed conflict. The interviewees had all experienced the movement as forced displacement. This creates a particular humanitarian imperative to act and helps justify processes such as the Nansen Initiative. Addressing root causes of displacement is also related to the facilitation of return. For return to even be an option, peace and better livelihood opportunities were necessary.

Kenya's response to the Somali mass influx was complex. The government formally recognised all people from South Central Somalia as *prima facie* refugees. This shows how a normative gap in Geneva may have different implications on the ground. The most pressing challenges seemed to be less related to the formal recognition of refugee status. Several Somalis experienced difficulties in crossing the border and becoming registered. In terms of effective protection and assistance interviewees experienced particular challenges related to shelter, security and sexual violence in the camps as well as a lack of training and livelihood opportunities. These challenges are probably similar to those of many other refugees in Dadaab and elsewhere in large camps.

In Egypt the Somalis were subject to individual refugee status determination and had to show a clearer link to persecution or conflict. In these cases, narratives were often adjusted, and many risked not being recognised as refugees and getting formal legal protection. The interviewees in Cairo reported challenges related to shelter, work and mental health.

These findings fit with Alexander Betts' notion of "regime stretching" and own findings:

[I]t highlights how international regimes – as norms, rules, principles, and decision-making procedures governing a particular issue area – are not fixed and static entities that exist in abstraction in Geneva or New York [...] But rather they are dynamic and adaptive, and vary in their local and national manifestations. Sometimes, the norms (in this case, international refugee law) and the organization (in this case, the UNHCR) may stretch to address unforeseen circumstances but, at other times, they may not. The question is: When and why does this happen, and what does this mean in practical terms for whether (and, if so, how) the refugee regime needs to be reformed? (Betts, 2010: 363)

While there is "regime stretching" in some cases the study illustrates the importance of initiatives to address the challenges of applying the traditional refugee concept in drought and natural hazard-related disasters. Developing regional instruments such as the Arab convention, which explicitly recognises natural disasters, might be one way forward, but this requires more research. While developing new formal legislation remains important, the cases also illustrate the limitations of formal law and the importance of the overall, local context. Important factors in Kenya's complex response included security concerns, UNHCR's relationship with the

government, the extreme human suffering, a sense of African solidarity, lack of border control resources, the importance of the refugee camps for the development and power of the province and province politicians, etc.

While the Kenyan government is opposed to formal integration, a *de facto*, gradual integration is taking place for some Somalis. Options for piecemeal approaches or gradual approaches to integration merit exploration. It may be, however, that the relevant state law and policy has a “symbolic function” (Aubert, 1950; Mathiesen, 2005), that it is important for Kenya to officially say that local integration is not an option while many government officials and others at the same time know that gradual integration is happening and even tolerate this to some degree. Future research could further explore whether – and how – those who fled in the context of drought are considered differently than other refugees and face particular challenges regarding integration. Future research should also further explore what are the best ways for enhancing the rights of the Somalis in the Dadaab camps.

Several of the Somalis in both Dadaab and Cairo were hoping for resettlement or to somehow reach European and other developed countries. A series of factors also influence developed countries’ will to accept refugees, and at the moment the will is weak at best. New formal legislation may have mainly symbolic functions – “look how great and humanitarian we are” – and not change how many and who get protection in Europe and elsewhere. Again a complexity of factors must be addressed if new state-created law is to effectively enhance the rights of those displaced.

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