

IO Power from Within? UNHCR's Surrogate Statehood in Kenya, Tanzania, and Uganda

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Abstract

This thesis examines the role of international organisations (IOs) at the domestic level. While International Relations (IR) offers an extensive literature on IOs, with understandings of IOs ranging from instruments of states to autonomous actors, it tends to ignore the role of IOs working at the domestic level, with an 'on-the-ground' presence of their own, and what this means for the IO's relationship with the state.

The thesis develops a heuristic framework for understanding what is called IO 'domestication', which outlines a range of ways an IO can work domestically. It then focuses on one type domestication in particular: surrogate statehood, or cases where an IO substitutes for the state by providing services, executing functions of governance, and assuming authority in a given locale. The framework identifies indicators of surrogacy, the conditions for IO surrogacy, and reasons why it is sustained. It also considers the various types of relationship that can emerge from IO surrogacy between the IO and the state, ranging from states that willingly choose to abdicate responsibility to the IO, to states that partner with the IO. Empirically, the thesis examines these relationships through the case studies of the United Nations High Commissioner for Refugees (UNHCR) in Kenya, Tanzania and Uganda, which present a spectrum of UNHCR's surrogacy over time.

Ultimately, the thesis puts forth a counterintuitive claim: IOs that take on surrogate state properties actually have less influence on the states in which they are working. The analysis draws on two mechanisms to help explain this outcome: marginalisation of the state, and responsibility shifting.

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List of Abbreviations

C&M	Care and Maintenance (UNHCR)
CSR51	1951 Convention Relating to the Status of Refugees
DAR	Development Assistance to Refugees (Uganda)
DRA	Department of Refugee Affairs (Kenya)
DRC	Democratic Republic of the Congo
DV	Dependent Variable
EAC	East African Community
IDP	Internally Displaced Person
GoK	Government of Kenya
GoT	Government of Tanzania
GoU	Government of Uganda
IO	International Organisation
IP	Implementing Partner
IR	International Relations
IV	Independent Variable
LI	Local Integration
MHA	Ministry of Home Affairs (Tanzania)
MNC	Multinational Corporation
MNOC	Multinational Oil Corporation
NEP	Northeastern Province (Kenya)
NGO	Non-governmental organisation
NNT	Newly Naturalised Tanzanian
OAU	Organisation of African Unity
OPM	Office of the Prime Minister (Uganda)
PRS	Protracted Refugee Situation
RSD	Refugee Status Determination
SP	Settlement Policy (Uganda)
SRS/DAR	Self-Reliance Strategy (Uganda)
TCRS	Tanganyika Christian Refugee Service (Tanzania)
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USG	U.S. Government
WFP	World Food Programme

IO Power from Within? UNHCR as a Surrogate State in Kenya, Tanzania, and Uganda

Chapter One: Introduction

- 1.1. Introducing the puzzle
- 1.2. Overview of the framework
- 1.3. Methods of inquiry, the empirics, and the structure of the thesis

1.1. Introducing the puzzle

International Relations (IR) theory understands the role of international organisations (IOs) in a variety of ways, ranging from a mere instrument of states to an autonomous actor in its own right. However, most of the debate remains focused on IOs working at the global level, despite many IOs also having a domestic-level ‘field’ presence. For example, IOs focusing on humanitarian relief, development or human rights, such as the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Development Programme (UNDP), often work on multiple levels, having headquarters in one place, in addition to an ‘on the ground’ presence. The closest IR literature has come to examining the domestic-level behaviour of IOs relates to norm dissemination (Acharya 2004; Checkel 1997; Cortell and Davis 1996, 2002), a process which examines how IOs impact on the spread of norms, often through other domestic actors, rather than analysing the domestic role of the IO itself. Moreover, comparative politics and other disciplines offer some insight into IO’s working domestically, but tend to lose sight of the ways organisations act ‘...as simultaneously domestic and international actors’ (Keck and Sikkink 1998, 6). None of these literatures theorise specifically about the domestic-level role of an IO with an ‘on-the-ground’ presence, how such a role may differ from the IO’s international roles, and what this means for the IO’s relationship with the state in which it is working.

These questions thus speak to larger, unanswered scholarly debates about the ways in which IOs work on multiple levels (ranging from ‘on the ground’ to internationally), and how domestic-level IO roles can shift with the passing of time. Furthermore, the focus on IOs operating domestically expands IR literature on IOs, to consider not just how it is working from a global level, but in a given locale. In some cases, the IO’s local presence morphs into something far different than originally intended in its international form. In many relief and development settings, for example, IOs headquartered in Geneva or New York with a very specific mandate may find themselves taking on different roles in the context of remote, impoverished areas with little state presence or capacity. These IOs may perform their traditional activities, may work in partnership with the state, may act as an instrument of the state, or may take on responsibilities far beyond their mandates, in some cases becoming surrogate states of their own. The IO may be reluctantly filling a void left by the state’s absence, or it may be grabbing power more directly. This phenomena can most easily be seen where the IO takes on governance functions or service provision responsibilities, including everything from providing clean water, paving roads, settling land disputes or paying police salaries. How this happens and what it means for state behaviour are questions that have been largely neglected in IR literature.

The United Nations High Commissioner for Refugees (UNHCR) provides an excellent example of an IO working on multiple levels, from the commonly studied global level, to an extended domestic presence through its work in long-term refugee camps. Indeed, its history since the mid-twentieth century is marked with expansion, from an organisation working at the international level, to one that is now largely operational in the field. What started as a small office in the 1950s as a response to refugee movements in Europe now has a budget of over US\$3.5 billion and more than 7,600 staff in more than 125 countries, of which some 85 per cent work in the field (UNHCR 2012). And while UNHCR still remains a

predominantly hierarchical, top-down organisation headquartered in Geneva, a number of forced migration scholars have outlined the complexities of this multi-leveled role, including the ways in which UNHCR's operational role at the domestic level can morph into other things, including a surrogate state (Kagan 2011; Crisp and Slaughter 2009; Harrell-Bond 1986; Turner 2010; Stevens 2006). This is especially evident in protracted refugee situations, where it may begin its involvement with the expectation that it is there for temporary emergency relief and immediate refugee protection, but as the emergency drags on and years pass, it may absorb more responsibility and permanence through a care and maintenance model that can lead to substitution for the state, or surrogacy.

How can IR account for examples such as this? Despite an expansive literature on IOs, it struggles to explain how and when an IO like UNHCR takes on a domestic-level role like surrogate statehood over time, how this role differs from the international role it simultaneously holds, and what the broader implications are for the IO's relationship with the state in which it is working. With respect to the latter question, it is unclear as to whether an IO's increased presence and responsibility positively affects its ability to influence the state. Indeed, intuitive logic would seem to imply that an actor with a large presence that takes on responsibility and provides services and funds would have greater political leverage. In many states, for example, large companies, organisations or political constituencies are more powerful because of their expansive presence. However, a closer look at the phenomenon of IOs engaging in surrogate statehood questions this logic, demonstrating that influence is not as clear-cut.

This thesis is therefore guided by two central questions, one descriptive and one explanatory: **How and when does an IO take on surrogate state properties? And if they do, how does this affect its ability to influence the state ('so what?')**

To engage with these questions, this research offers a heuristic framework for understanding IOs working domestically. It develops a concept of ‘domestication’ to understand the range of roles IOs take at the domestic level, before honing in on one particular domestic-level IO role: surrogate statehood. The framework outlines indicators of IO surrogacy, conditions under which it is likely to occur, and factors that sustain IO surrogate state roles over long periods of time. It then describes the various types of relationships that can emerge from IO surrogacy, including states that engage in partnership with the IO versus states that engage in abdication of the situation in which the IO is working. Finally, it presents a counterintuitive claim: **IOs that take on more surrogate state properties tend to have less influence on the states in which they work.** It does not claim that surrogacy alone affects an IO’s influence on the state—certainly a number of variables determine this, as discussed further in Chapter Two. However, recognising that surrogacy does not lead to greater IO influence is in and of itself an interesting and useful contribution to IR, given that no other literature has fully assessed the ramifications of IO surrogacy. Thus, this study considers whether and how the dependent variable, IO influence over state behaviour, is affected by the independent variable, IO surrogate statehood.

To bring the framework from the theoretical to the empirical, this study examines the role of the United Nations High Commissioner for Refugees (UNHCR) as a surrogate state in protracted refugee situations (PRS), looking at case studies of Kenya, Tanzania and Uganda. These cases offer variation in UNHCR’s surrogacy and its ability to influence the state, and demonstrate a spectrum of state behaviour toward refugees, with different attitudes and policies ranging from open to restrictive. The framework is applied to each case by first demonstrating when and how UNHCR takes on surrogate state properties over time and second, by considering how this surrogacy affects its ability to influence state behaviour. Chapter Two discusses how to measure these variables. While this study will focus only on

UNHCR in protracted refugee situations, the potential for further studies of this nature within IR literature on IOs is expansive. For example, one might examine development actors or NGOs with similar ‘on-the-ground’ roles. The ‘generalisability’ section later in this chapter further discusses applying UNHCR-related findings to other organisations.

Proving that UNHCR takes on surrogate state roles, then, is only the first step of this research. The second, more challenging question is what this means in terms of influence on the state. In other words, an IO like UNHCR might take on a surrogate state role, but it is not clear how, if at all, this affects its ability to influence the state on issues it cares about, such as refugees. Moreover, it is not clear how the surrogate state properties of UNHCR morph over time in protracted refugee situations, giving UNHCR a reach and scope it otherwise might not possess, and for which current IR theories on international organisations do not account. Thus, the framework has broader implications for IR literature on IOs, including new ways of thinking about IO influence and power. The next sections will reveal several layers of inquiry, spanning from the theoretical (IOs acting domestically) to the empirical (UNHCR as a surrogate state in PRS). The rest of this chapter provides an overview of the gaps in the literature on IOs’ domestic role, before outlining the methodology employed and the structure of the thesis.

Theoretical context and contributions

This thesis begins with the question of how IOs work at the domestic level. As discussed further in Chapter Two where IOs are defined and discussed, IR literature on IOs is extensive, but tends to examine IO behaviour at the global level and thus struggles to account for IOs like UNHCR that hold different roles at the domestic level. Scholarship on IOs varies, from those that see international institutions as mere instruments through which states act, created for the sole purpose of serving state interests (e.g. rationalist, realist and neorealist

approaches), to views that see IOs as affecting state behaviour by promoting cooperation (e.g. liberal institutionalists), to views of IOs as authoritative, autonomous actors with their own political agency (e.g. some constructivists). Despite this wide array of approaches to IOs, few consider IO behaviour at the domestic level, and those that do (e.g. Acharya 2004; Cortell and Davis 1996; Risse, Ropp and Sikkink 1999; Keck and Sikkink 1998; Skogstad 2011) focus on norm diffusion and institutionalisation, often thinking of IO domestic behaviour through networks, domestic actors or partners, but seldom by looking at the IO itself working *within* the state. In response, this research responds to a gap in the literature that neglects to consider IO roles at the domestic level, and subsequently what that role means for the IO's relationship with the state. This encompasses the unique component of an IO's physical presence on the ground and the ways in which it takes on roles at the domestic level that are different from its roles at the global level.

Broadly speaking, this research is derived from a central question within IR: why and how do international institutions matter, and in particular, how can an international organisation influence state behaviour? The discussion of the literature in Chapter Two points out how key authors in IR have answered this question, and in turn how this study offers new knowledge. In particular, this study embraces a constructivist approach, understanding IO influence in terms of relational, or constitutive, aspects between the IO and the state. Indeed, constructivist perspectives are well suited to consider processes that constitute IO identity and roles (Ascher 1983; Barnett and Finnemore 2004; Barnett and Coleman 2005; Reinalda and Verbeek 1998). Moreover, constructivism enables an analysis of an IO's changing role over time, considering how it socialises and morphs with the passing of time (Checkel 2005). Thus, rather than seeing them as static, this study acknowledges that IOs take on different roles at different times, constantly being reconstituted.

The concept of ‘domestication’ helps explain these dynamic roles that IOs assume when working in a given locale. However, it is beyond the scope of a single study to fully analyse every single role that an IO can take at the domestic level, and therefore this research focuses on a more extreme IO domestic-level role: surrogate statehood. Thus far there is no IR literature on IO surrogacy, and only a small number of studies within forced migration literature consider UNHCR as a surrogate state (Kagan 2011; Crisp and Slaughter 2008; Stevens 2006).

In addition to engaging with these empirical studies, this research interfaces with some comparative literature. Indeed, part of this inquiry seeks to understand how an IO’s role (particularly a surrogate state role) at the domestic level—with a physical presence in a given locale—can affect state behaviour. Given that domestic political decisions are part of this equation, comparative literature has helpful insights as well and is referenced along the way. Finally, the questions posed in this research are also relevant to a range of issues in International Relations today, not least the relationship between international, domestic, and local actors, as well as questions of sovereignty, norms, human rights, humanitarian intervention (especially in ‘failed’ or ‘weak’ states), international law, globalisation, global governance, the politics of citizenship, the locus of power, and transnational actors. While this research will not undertake each of these topics in full, it will relate to these broader bodies of literature, hoping to shed light on a new area of research.

1.2. Overview of the framework

Chapter Two develops a framework for understanding the domestic role of IOs, and also provides a deeper analysis of UNHCR as an organisation that can act as a surrogate state. It also unpacks what is meant by ‘surrogate state’ and the range of variables examined in this thesis. By way of introduction, this section restates and refines the guiding research

questions, points out underlying assumptions, and introduces the framework that responds to the puzzle. The framework employs the concept of ‘domestication’ to provide a broad spectrum of roles that IOs can take on at the domestic level, ranging from working on a small scale to working as a surrogate state. It then hones in on surrogacy, addressing theoretical and empirical questions on two levels:

Level 1 (Broader IO-theory level): When and how do IOs take on surrogate state roles, and how does this affect their relationship with the states in which they work?

Level 2 (Empirical UNHCR-focused level): When and how does UNHCR take on surrogate statehood, and how does this affect its relationship with the state vis-à-vis the refugees with whom it is working (or, put simply, how does it affect state behavior toward refugees)?

In light of these questions, two different, but related arguments are at play in each level of the framework. The first is descriptive, demonstrating that IOs can take on surrogate statehood at the domestic level—one of a range of domestic roles IOs can take—and exploring under what conditions this is likely to occur. This can be in contrast to, or complementary to, its global roles, which are already well documented within IR. This is a unique contribution to IR literature in and of itself, as no previous studies have focused on this. The second rests on affirmation of the first (that an IO takes on surrogacy), and analyses the implications: what difference does it make if an IO takes on surrogacy? It examines this question by looking at the IO’s ability to influence the state, drawing on both material and non-material indicators (again, extrapolated upon in Chapter Two). Thus, the latter question is only considered upon demonstration that the former occurs. Both questions speak to IO influence domestically (from *within*), contributing more broadly to IR’s understanding of the role and influence of IOs.

Empirically, then, this research is more about *how* UNHCR’s domestic, surrogate state role affects (or has no effect on) the state’s behaviour toward refugees. This is not to say that its surrogacy is the sole factor dictating how much a state will be influenced on refugee

matters by UNHCR—certainly state behaviour toward refugees is affected by a range of variables, many of which are outlined in the case studies. Indeed, with so many factors playing a role in a state’s policy decisions toward refugees, it would be naïve to assert one cause amidst so many variables and contexts; it would also be very difficult to control for and test the variables as separate units. Consequently, this research does not propose an exact causal ‘recipe’ for why one state treats refugees one way and another treats them in a different way, but rather seeks to engage with the full context, carefully tracing the relevant variables in order to gauge the relationship between UNHCR’s role ‘on the ground’ and its influence on the state’s behaviour toward refugees. In this respect, the research is more focused on *process*, and the ways in which surrogacy can play a role in a broader causal story—not as the sole cause, but in conjunction with other variables. Thus, a parsimonious causal explanation—one where the research proclaims with certainty that ‘x causes y’ is not the intention (or within the scope) of this research. Rather a descriptive account of what surrogacy looks like, when and how it occurs, and how to identify it, followed by a discussion of its effects on the IO’s relationship with the state (thus demonstrating some of the effects of IO surrogacy on the relationship of influence between the IO and the state) is the goal. Causation is part of the discussion, but seeks to add to the picture of influence, rather than negate the many other explanations of influence.

Interestingly, the findings of the research lead to a counterintuitive claim: that IO surrogacy tends to result in less, not more, influence on the state. Such findings are certainly surprising. Indeed, at first glance, one might expect an IO that has taken on surrogacy to translate to greater influence on the state. After all, if the IO is funding and carrying out a range of projects—in some cases administering entire regions, perhaps paving roads, providing water, education and health resources, as well as being perceived as an authority by locals—this would seem to render it more leverage. In reality, the opposite seems to be true.

An IO that takes on surrogacy tends to have *less* influence on the state. The framework applies several mechanisms (drawn from scholars like Juma and Suhrke 2002, Dolan and Hovil 2006, and Landau 2008) to help unpack why this is the case, including responsibility shifting and marginalisation of the state (also unpacked in Chapter Two).

From an academic standpoint, these findings speak to broader theories about IOs, sovereignty, state policy decision-making, transnationalism and other themes. They suggest that an IO that has, over time, become autonomous, authoritative, and surrogate state-like in a given locale, may not have more influence or leverage when it comes to state behavior. As the case studies show, the framework is a starting point for understanding IOs in a different way, particularly in terms of the relationship between the IO and the state in which it is working.

The framework is based upon the following assumptions:

1. **IOs ‘matter’.** Leaning on constructivist and neoliberal institutionalist perspectives, this study approaches the question with an understanding that IOs can affect state behaviour, focusing on *how* they ‘matter’, instead of whether or not they do (rehashing the debate over whether IOs ‘matter’ at all would be far too lengthy to undertake here and is already thoroughly discussed in IR literature).
2. **IOs have some degree of autonomy.** Building on scholars like Barnett and Finnemore (1999), this research assumes that IOs are more than mere instruments of states, and can have their own spheres of autonomy.
3. The state is viewed as **rational and self-interested**, driven by both material and non-material factors.¹ Power and influence are not zero-sum (see Chapter Two for a lengthier discussion of the state and power/influence).
4. **Both international and domestic factors can shape state policy choices.** This study does not pledge allegiance to the ‘first image’ or ‘second image’ schools of thought, instead remaining open to the notion that policies can be affected by both international and domestic factors.
5. **UNHCR is an IO, which is an international institution.** It is possible that the claims here are generalisable to large NGOs or other actors, but that would require further analysis.

¹ This study, though focused on IO roles at the domestic level, is also state-centric in that it studies these roles vis-à-vis their effects on the state. However, a broader understanding of the state is applicable here, because, as Milner writes, the state should be understood by ‘...both domestic and international characteristics, with a conceptualisation broad enough ‘to encompass not only the relationships between the internal dynamics of individual territory-government-society packages, but also the larger systemic dynamic of the way in which these packages relate to each other’ (Buzan 1991, 60). Such a conceptualisation of the state is particularly important in the context of refugee movements, which are, by their very nature, both domestic and international events’ (2009, 9).

At the empirical level, this study does not assume any moral or value judgments about UNHCR and its intentions or attempts to influence states' attitudes or policies toward refugees. It is possible that UNHCR may always behave with refugees' best interests in mind, and it is also possible that it seeks to influence a state in a way that benefits its organisational interests. There is certainly literature portraying both (and everything in between) versions of UNHCR. Similarly this study does not assume that governments and UNHCR are the only actors involved in forming policies. Refugees have their own voice, capabilities and agency, and in many cases have found ways to make their voices heard against the odds. Likewise there are numerous other actors—individuals, civil society, NGOs, donor governments, and various non-state actors—that affect decisions as well, and may partner with UNHCR, be sub-contracted by UNHCR, or even have larger roles on the ground than the government or UNHCR.

This research will also refrain from assuming that domestic IO roles can 'trump' international ones. After all, the empirical case examined here, UNHCR, is known as a top-down, hierarchical organisation that does not always grant its field offices a lot of agency. Indeed, pressure from Geneva may easily trump pressure from the field. The additional explanations section below helps to further unpack some of these considerations. Finally, as discussed in Chapter Two, this study does not assume that distinctions between 'international', 'national', and 'local' are rigid. Instead, reality proves that the layers bleed into one another (Barnett 2001). While for the sake of discussion this thesis uses these terms categorically, the assumption behind their use will be that they have some fluidity.

1.3. Methods of inquiry, the empirics, and the structure of the thesis

Overarching approach

Because this study deals with a small-N population (UNHCR in protracted refugee situations), qualitative methods were applied. In addition to a thorough literature review of academic, humanitarian, and policy sources, semi-structured interviews with UNHCR, government, and NGO officials at local, national and international levels were conducted. These interviews, discussed in detail below (also see Appendix A for a list of interviewees), provided firsthand accounts of how UNHCR functioned ‘on the ground’, how it was perceived by other actors (including refugees and locals), and the ways in which surrogacy affected its relationship with the state. Following George and Bennett’s (2005) model for developing a methodology with case studies and theory building, the first phase of this research focused on the objectives, design and structure of the inquiry; the second carried out the case studies in accordance with the design; and the third drew upon the findings and assessed their contribution to the research objective (2005, 73).

There is little theoretical literature on IO surrogate statehood more broadly, and only a small amount on UNHCR surrogate statehood. Thus this study built a framework via heuristic case studies, inductively identifying new variables and potential mechanisms, while also interfacing with broader theories about IOs (George and Bennett 2005, 75). The method of inquiry was thus deductive and inductive at the same time, using case studies to refine the claims. It was carried out via structured, focused comparison: ‘...‘structured’ in that the researcher writes general questions that reflect the research objective and that these questions are asked of each case under study to guide and standardise data collection, thereby making systematic comparison and cumulation of the findings of the cases possible’ and ‘...‘focused’ in that it deals only with certain aspects of the historical cases examined’ (George and Bennett 2005, 67). This method helped lead to congruence among the cases, which standardises data requirements with the same variables and units (George and McKeown 1985 in King, Keohane, and Verba 1994, 45).

Causality, mechanisms and process tracing

While the framework starts broad, outlining how IOs ‘domesticate’ and the various roles they may take, the methodology concentrates on one phenomenon in particular: IO surrogacy. It offers a design to examine how the dependent variable (IO influence over state behaviour, empirically taken as UNHCR’s influence on state policies toward refugees) varies according to the independent variable (the domestic-level role of IOs as surrogate states, empirically viewed as UNHCR’s role in protracted refugee situations). As described in the next chapter, a range of indicators help to identify and measure IO surrogacy, including service provision, forms of governance, and the perception of authority. Likewise, both material and non-material indicators help to identify and measure IO influence on the state (e.g. direct policy shifts, changing the behaviour of individual actors, and rhetorical shifts).

To understand the causal relationship between IO surrogate statehood and influence over state decisions, two main mechanisms are employed: marginalisation of the state (Juma and Suhrke 2002; Rutinwa 2002) and responsibility shifting (Landau 2008). In thinking about these mechanisms, this thesis looks to George and Bennett, who understand a causal mechanism as ‘...ultimately unobservable physical, social, or psychological processes through which agents with causal capacities operate, but only in specific contexts or conditions, to transfer energy, information, or matter to other entities’ (2005, 137). Variation across cases is also crucial to understanding causation in different contexts and with different actors. This thesis does not proclaim IO surrogacy as the sole cause of the level of influence an IO has on a state. As discussed below, there are a range of interwoven variables that combine to have the causal impact. Even if one did want to point out one, sole cause for state behavior toward refugees, isolating the variables would be very difficult. Instead, this thesis

draws on the secondary and primary research to understand how the dependent variable (IO surrogacy) combines with other variables to have some effect on state behavior.

Process tracing has been the main tool used in identifying causal processes for within-case analysis, and to see how initial causes translate into decisions (George and McKeown 1985). George and Bennett understand process tracing ‘...as a procedure for identifying steps in a causal process leading to the outcome of a given dependent variable of a particular case in a particular historical context’ (2005, 176; see also Brady and Collier 2010, 201). It is also useful for understanding decision-making and policy processes, and is strong on the ‘how’ questions and interactions that this study seeks to unpack (Checkel 1997). Moreover, process tracing is helpful in identifying causal mechanisms between variables, forcing the consideration of alternative paths, or equifinality, through which the outcome could have occurred (George and Bennett 2005, 207). It is particularly important in a case such as this, where so many different variables and mechanisms are at play, and it is impossible to hold them all constant in order to isolate one. Thus, tracing the historical context helps clarify the causal relationships explored here, clarifying them amongst the many other variables and potential causes.

While this study did not employ quantitative methods to this small-N analysis, Ragin’s ‘fuzzy set’ logic is also useful. Indeed, the research compares across cases, and yet they are not all like units and conditions stem from a range of causes. In response to what Mill (1843) called the problem of ‘plurality of causes’, Ragin’s (2008) work on ‘multiple causation’ also proves useful, as some cases are likely to have the same outcome caused by combinations of different independent variables, particularly with such different historical contexts (King, Keohane and Verba 1994, 87). Being open to complex causation is thus an important facet of this methodology, as well as being mindful that outcomes can follow from different combinations of causal conditions (Ragin 2008, 23). This is especially important for

understanding influence as exhibited in policy outcomes, which have a number of causes, all of which are contextual. Thus, counterfactuals and multiple explanations are key to this analysis, and are an important part of each case study (Brady and Collier 2010, 230).

Case selection

UNHCR was selected as the IO to study because it exemplifies an IO that has taken on a host of roles at domestic and global levels. Indeed, Chapter Three outlines its historical trajectory, demonstrating the different roles it takes and its ‘toolbox’ of influencing states, whether it is through moral authority, persuasion between individual leaders, or ‘naming and shaming’ states. There is also extensive literature written on UNHCR’s role, including some of the only scholarship on surrogate statehood, also making it a good choice to engage with for theoretical and empirical purposes. Finally, as discussed later in this chapter, studying the role of UNHCR at the domestic level is not only academically interesting, but speaks to an important set of issues for practitioners and policymakers alike. Shedding light on its role and its ability to influence states, therefore, might better inform the policies pertaining to some of the world’s most challenging political, economic and humanitarian situations.

This research narrows its focus to UNHCR’s involvement in protracted refugee situations (PRS). Examining protracted cases (as opposed to newer refugee crises) makes inherent sense, given that IO surrogacy tends to occur with the passing of time as an IO like UNHCR accrues more and more responsibility. PRS are also very different from emergency situations where states and IOs may take on temporary roles to respond to a crisis, but would not have enough time to assume the duties and responsibilities of a surrogate state. Moreover what is most needed during the immediate crisis phase of an initial influx is very different many years into a refugee camp. The rights denied over longer periods of time, and the choices and wishes of those in exile also differ greatly from the first months in a camp to,

say, ten years in. Thus, looking at an emergency situation would not provide the timeframe or context relevant to study UNHCR's surrogacy. In contrast, PRS provide adequate windows of time to trace the historical presence of UNHCR, tracking how and under what conditions it assumed surrogacy, and how that affected its influence on the state. In other words, looking at longer-term cases enables the study of observable variance, the evolution of surrogacy, and the conditions that bring about surrogacy.

While the study of PRS has gained traction among forced migration scholars in the last decade, most PRS receive less and less international attention as years pass and new emergencies take precedence. UNHCR and most scholars define a PRS as a situation where '...a refugee population of 25,000 persons or more has been living in exile for five years or longer in a developing country' (2008, 5). It is a situation where:

'...refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance' (UNHCR 2008, 5).

According to this definition, nearly two-thirds of today's refugees, or some 6.4 million people, are considered to be in a protracted situation (UNHCR 2012). As of 2008, some 30 states hosted PRS, with the average length of time in exile at nearly 20 years (Forced Migration Online 2011).² This study uses the same definition to remain consistent with other studies, and because it is the best gauge of differentiating 'newer' and 'older' PRS. Of course one might debate the terms further, as any numeric cut-offs can be questioned. Likewise it is difficult to maintain accurate counts of the number of people residing in such settlements, as some camps are more closed than others, and refugees may go through cycles, some living in the camps for one period of time before escaping to live elsewhere, and possibly returning to the camp again at some point. Thus, the definition ought not to be taken as concrete fact, but

² This definition does not include Palestinian refugees, internally displaced people, or urban self-settled refugees.

as a guide for analysis and case selection. Below is a table of all PRS as of 2008. Many of these refugee numbers have drastically increased since this data was compiled (case studies reflect the most recent data, but this at least provides an overview).

Table 1.1. Major PRS as of January 2008, according to UNHCR Statistics from the end of 2006

Country of Asylum	Origin	Refugee numbers (as of end of 2004) ³
Algeria	Western Sahara	90,000
Armenia	Azerbaijan	113,200
Azerbaijan	Armenia	188,400
Burundi	Dem. Rep. of Congo	12,600
Cameroon	Chad	7,100
Central African Rep.	Sudan	7,900
China	Vietnam	300,900
Congo	Dem. Rep. of Congo	46,300
Côte d'Ivoire	Liberia	25,600
Croatia	Bosnia and Herzegovina	2,100
Dem. Rep. of Congo	Angola	132,300
Dem. Rep. of Congo	Rwanda	37,300
Dem. Rep. of Congo	Sudan	6,200
Egypt	Occupied Palestinian Territory	70,200
Ethiopia	Somalia	16,600
Ethiopia	Sudan	67,000
Ghana	Liberia	35,700
Guinea	Liberia	21,800
Guinea	Sierra Leone	5,300
India	China	77,200
India	Sri Lanka	69,600
Iraq	Islamic Rep. of Iran	11,800
Iraq	Occupied Palestinian Territory	15,000
Islamic Rep. of Iran	Afghanistan	914,300
Islamic Rep. of Iran	Iraq	54,000
Kenya	Somalia	173,700
Kenya	Sudan	73,000
Liberia	Sierra Leone	3,600
Malaysia	Philippines	45,100
Mexico	Guatemala	1,200
Nepal	Bhutan	107,800
Pakistan	Afghanistan	1,044,000
Rwanda	Dem. Rep. of Congo	46,300
Saudi Arabia	Occupied Palestinian Territory	240,000
Senegal	Mauritania	19,600
Serbia	Bosnia and Herzegovina	27,400
Serbia	Croatia	71,100
Sierra Leone	Liberia	27,300
Sudan	Eritrea	157,200
Sudan	Ethiopia	11,000
Thailand	Myanmar	132,200
Uganda	Sudan	215,700
Uganda	Dem. Rep. of Congo	113,290 ⁴
United Rep. of Tanzania	Burundi	352,600
United Rep. of Tanzania	Dem. Rep. of Congo	128,000
Uzbekistan	Tajikistan	39,200
Yemen	Somalia	91,600
Zambia	Angola	42,700
Zambia	Dem. Rep. of Congo	60,900

³ Note: not all of these are in camps, and UNHCR's presence varies in each. Also Palestinians that fled to Jordan are not considered refugees anymore, as most were given Jordanian citizenship. Thus, they are not considered a PRS, even though many might still identify themselves as refugees in a protracted situation.

⁴ This number was inserted from UNHCR's current 2013 statistics.

In light of this data, the greatest PRS populations were: Afghans in Pakistan, Afghans in Iran, Burundians in Tanzania, Sudanese in Uganda, Somalis in Kenya, Eritreans in Sudan, Angolans in the Democratic Republic of the Congo, Burmese in Thailand, Congolese in Tanzania, and Bhutanese in Nepal. UNHCR also reports that while numbers appear to have decreased due to repatriation initiatives, there are many that remain uncounted.

The cases were first narrowed down to those with UNHCR ‘on the ground’ involvement. This includes both ‘small’ and ‘large’ (later considered under the criteria for surrogate statehood, and in light of the framework’s spectrum) levels of involvement. The cases were then further concentrated in one region in order to minimise incongruent variables and facilitate better comparison across cases. Thus, Africa was selected because it has hosted some of the largest numbers of refugees for long periods of time, and has seen some of the highest ‘on the ground’ domestic involvement from UNHCR. Focusing on Africa also presents many cases where states experience a proliferation of IO and NGO involvement. As Callaghy, Kassimir and Latham write,

‘The scope and diversity of these forms of intervention and connection make Africa a particularly trenchant place not only for viewing the intersection of “the global and the local”, but also for revealing the assumptions and folk theories that various international actors have with regard to the way orders and authorities “work” in Africa. The region thus provides an arena for recording and analysing how these institutions and networks become insinuated in political structures and relations “on the ground”’ (2001a, 11).

Next, Tanzania, Uganda and Kenya were selected for a structured, focused comparison because they demonstrate variance on the independent variable (degree of surrogacy). They provide both within and across case comparison: UNHCR was a strong surrogate state in Kenya (in the case of Somali refugees); a strong surrogate state in Tanzania (in the case of Burundian refugees from the 1990s); a strong surrogate state in Uganda (in the case of Sudanese refugees); less of a surrogate state in Uganda (in the case of Congolese

refugees); and not a surrogate state in Tanzania (in the case of Burundian refugees from 1972). They thus demonstrate a range of UNHCR's surrogacy, from little involvement to a full-out surrogate state. These cases were also chosen for several other reasons: each have hosted a large refugee population for long periods of time (decades, in these cases); they are relatively similar economically speaking; and each have had a long-term UNHCR involvement. They have each had policies of encampment for refugees, but now have varied policies toward refugees and their access to rights. Indeed, they demonstrate variance both in how they have responded to refugees, and in how they have reacted to UNHCR's presence.

The study also followed the cues of previous scholars, who have found these three cases useful for comparison. The purpose of comparison across cases is not to make sweeping generalisations or to make them all fit into specific categories; on the contrary, the spectrum examined here is far from parsimonious, but does paint an interesting picture of IO influence vis-à-vis state behaviour toward refugees. Rather, comparison helps to highlight differences that showcase the relationships between UNHCR and the state. Finally, the case studies prove useful for comparative analysis in future theory building of this sort. For example, while this thesis will focus only on forced migration, other studies might consider the role of large multinational corporations influencing trade policy. Certainly globalisation, global governance, humanitarian intervention, human rights, environmental studies, international political economy, development studies, and transnational civil society would also be areas of study with case studies relevant to this theory on the relationship between IO domestic involvement and the state.

Primary and secondary research methods

This thesis relies on both primary and secondary research. In addition to the relevant IR and UNHCR-specific literature, interviews were conducted in each of the case study

locations—Kenya, Tanzania and Uganda—and via phone or Skype.⁵ Given that the researcher had worked in the region before, various methods of identifying interviewees were used, including using previous connections, snowballing, and contacting others identified through research. While the researcher spoke with a number of refugees, this study's interest in policy decisions led to more interviews to be conducted with NGO, UN and government officials. Thus, field-level, mid-level and senior-level government, UNHCR and NGO officials were interviewed.

There were few ethical considerations to be concerned with for this research, given that all interviewees gave their consent to be interviewed and freely indicated whether they wanted their explicit views included in the thesis or not. Given that refugees were not the primary interviewees, there were fewer issues of power dynamics/incentives (the researcher had little to offer the officials being interviewed, and thus they were freely sharing information and opinions, rather than doing so out of concern for their own wellbeing). They were, of course, fully informed of the nature of this research; namely that it was a doctoral thesis, and that it would, ideally, be published at some point in the future.

Interviewees were given the choice to speak anonymously, and for the sake of uniformity, in the end all were listed with their identities anonymous, as reflected in Appendix A. They raised no concerns with being seen speaking with the researcher, which posed no risk to them. One insisted on being off the record entirely, and therefore those views informed the general thrust of the research, but have not been incorporated into the finished product. Interviews were generally conducted in the interviewee's office, though a few were conducted at nearby coffee shops or restaurants. Most interviewees insisted that they felt able to speak freely and without concern for their job, but of course bias must always be taken into

⁵ See Appendix A for a list of interviewees.

account. For this reason, primary interviews are complemented by secondary literature and other methods, such as process tracing or historical analysis.

Interviews in the case study countries were conducted at the headquarter level (Nairobi, Kampala and Dar es Salaam) with most mid- and senior-level officials, and in field offices with lower-level officials. The researcher tried to make sure that similar officials were interviewed in each case (e.g. senior-level officials in Uganda paralleled those in Kenya and Tanzania) and generally speaking, this was manageable (although, as is always the case, some interviewees gave more time than others, and others were simply more useful or more engaging than others). Equal time was spent in each location over several trips in 2012 and 2013, although the researcher was inherently more comfortable and knowledgeable in Tanzania, given past work there. An exception to this was the fact that Dadaab was ultimately considered too unsafe for the researcher to reach. While travel there had been planned, the UN flight was canceled at the last minute due to security concerns, and officials were not able to arrange other transport, nor were they comfortable with the safety conditions there. However, interviews with those officials were conducted via telephone/Skype, and given that most interviews needed were carried out in Nairobi, the Kenya case study is still well-represented by interviewees. The nature of the research also required speaking to officials that had worked in their positions in the past, but may have since moved on to other locations. For this reason, several Skype and telephone interviews were necessary (e.g. a high-level UNHCR official that had worked in Dadaab a decade ago was now in the Middle East).

Falsifiability, generalisability and other concerns

Heeding Popper (1968) and more recent calls for falsifiability (King, Keohane and Verba 1994), this research constantly considers alternative explanations along the way, and in

the end, actually embraces the opposite of what was originally expected. After all, initial assumptions expected IO surrogate statehood to garner greater influence, not less. Similarly, the methodology ensures that the research stays open to a wide range of indicators and ways to measure influence, including both material policies, and non-material indicators like rhetoric or public perception. Thus it is not dependent on one variable to denote influence. Moreover, each case study chapter is rigorous in outlining the other variables influencing state behaviour, serving both as alternative explanations and variables relating to the causal mechanisms. As much as positivist approaches would seek finite, clear-cut answers and relationships, findings of this nature would likely miss many of the nuances important to each of the cases. Therefore, because this is a process-focused study, the research engages extensively with how surrogate statehood comes about (the conditions driving it) and how this role affects its ability to influence the state. Likewise, endogeneity, selection bias, and omitted variable bias are always worthwhile concerns in any social science research, and this study has therefore been cautious about how causation is described, and has made a point of drawing on a spectrum of cases to draw out variation where possible (King, Keohane and Verba 1994, 189).

Indeed, Chapter Two emphasises that the causal relationship is not isolated from other variables. IO surrogacy is one of a complex cocktail of variables—some variables that weigh more heavily than others—that determine state behaviour toward refugees. As much as one may try to isolate the variable of IO surrogacy, it is inherently woven into a wider context of economic, social and political variables. That does not mean, however, that there are not ways of demonstrating that some form of a causal relationship is present, when done with caution. First and foremost the research depends on information garnered from interviewees. Second, the research relies on historical process tracing—examining ways in the which behavior was affected through the role of the IO (UNHCR in this case). Finally, the research

backs up claims about the IO-state relationship by drawing on secondary literature and previous studies as evidence. Throughout it continues to ask counterfactuals and the extent to which surrogacy and influence are endogenous or have spurious relationship. Chapter Two delves into these issues further, demonstrating that they are neither endogenous nor spurious in their relations. Moreover, the causal relationship, though important, is only one facet of the contribution made with this thesis. Simply identifying when, how and under what conditions surrogacy occurs is the first contribution to IR knowledge of IO-state relations.

Regarding generalisability, several layers are relevant: how generalisable the study is to UNHCR working in other places; and how generalisable the study is to IOs more broadly. First, the question of whether the cases selected are generalisable to UNHCR working in other areas besides the cases of Kenya, Tanzania and Uganda is important. This thesis posits that the theory does apply to UNHCR's work elsewhere—in other words that the theory put forth on surrogacy and the cases tested should be generalisable to UNHCR's work in other cases. Certainly UNHCR takes on a host of roles and works differently in every country context, but in terms of protracted cases where it is working for long periods of time 'on the ground', and carrying out care and maintenance, the spectrum of surrogacy and concepts of domestication put forth in Chapter Two do apply to its work elsewhere. This is in large part because UNHCR is a very top-down organization (Loescher 2001) and thus follows the same procedures regardless of where it is working. Likewise many staff that have worked in Tanzania, Uganda and Kenya have also worked in Thailand, Eastern Europe, Nepal or Latin America, for example, and could thus confirm generalisability across continents. Moreover, many of the most acclaimed studies on UNHCR take a similar route: basing generalisations off of a smaller number of case studies about UNHCR because UNHCR works so uniformly on the global scale (e.g. Harrell-Bond 1986; Loescher 2001, 2006; Loescher and Milner 2005, 2007; Loescher, Betts and Milner 2008; and more relevant here, see, for example,

Grabska 2008 in Kagan 2011). Crisp and Slaughter (2008) also discuss UNHCR's surrogacy across the board, drawing on a range of cases from different time periods and around the globe to demonstrate the ways in which UNHCR's behaviour in certain cases is representative of its behaviour more broadly.

This does not mean that UNHCR is the same in every country; there is variance, as past studies and the case studies examined here show. But the variance demonstrated here is also representative of UNHCR's variance on a global scale. It takes on a range of roles, while at the same time honing the same mandate, language, methods of protection, organisational structure and bureaucracy. Variance in the cases helps demonstrate the causal relationship, but does not refute the power 'at the top' that dictates how UNHCR carries out its work on the ground. Thus, while further examination should always be done to more fully confirm generalisability, the theory can expand beyond Kenya, Tanzania and Uganda.

The broader layer is how well this study on UNHCR is representative of other IOs. As discussed in greater detail in Chapter Two, IOs can be defined in a range of ways. Scholars like Pease (2012) take a broad approach, understanding IOs to potentially encompass IGOs, NGOs, regimes and MNCs. This thesis does not refute that a broad understanding of IOs could be applicable here—indeed, the theoretical framework could apply to MNCs, NGOs and regimes, though further testing would be needed to confirm this. However, **this thesis takes a more cautious route and focuses solely on IGOs as IOs**, drawing on Dai (2007), Hurd (2011) and Abbott and Snidal (1998) for definitional reference. This has direct implications for how far generalisations are taken: conclusions about UNHCR drawn here can be translated, albeit with caution, to other IGOs like UNDP, ICRC, IOM, or WFP. It should not be applied to NGOs, MNCs or regimes without a much deeper and rigorous analysis.

Of course there are many differences among IOs, which makes generalisations difficult. Certainly UNHCR is unique from other IOs: it is normative (its mandate is based on refugee protection as enshrined in the Convention Relating to the Status of Refugees⁶); it serves mainly non-citizens (refugees); it works on multiple levels (globally/internationally, nationally and locally); and it plays multiple roles (donor, negotiator/liaison between states, lawyer of refugees, humanitarian relief organisation etc.). Thus, in many respects—particularly when looking holistically at UNHCR—it is not a typical case of all IOs working domestically.

That said, when zooming in to the local level, IOs working ‘on the ground’ do share a number of traits with UNHCR that make it comparable (this study follows studies like Barnett and Finnemore (1999), who have also drawn conclusions about IOs based on examples from UNHCR; other scholars have used UNHCR in similar ways). IOM, UNDP, WFP, or ICRC, for example, have different mandates, structures, methods and systems, but do work on multiple levels and interface with the host state like UNHCR. They must serve local populations while also maintaining politically advantageous relations with the host state. They also work operationally on the ground, but also work through a number of partners and sub-contracted organisations (some literature even discusses surrogacy in relation to NGOs, as examined in the case study chapters⁷). There will never be complete uniformity when comparing IOs across cases, but the framework, as discussed in Chapter Two, is built to apply to any IO taking on an ‘on the ground’ presence whilst also working nationally and globally.

There are also broader claims that can be made about how IR understands IOs. At the very least, conclusions about the role and effects of an IO on state policy are brought into

⁶ See Chapter Three for an in-depth discussion on UNHCR.

⁷ In Kibondo, Tanzania, for example, Tanganyika Christian Refugee Service carried out many of the governance and service provision functions on behalf of UNHCR. The concluding chapter discusses sub-contracting in greater depth, and what it means for the theory on IO surrogacy.

question. The theoretical conclusions are valuable for IR, given that considering an IO's role as a surrogate state expands the ways in which IO influence on states can be understood and raises new questions on the ways in which IOs behave, have influence, and ultimately 'matter'.

Alternative/Additional explanations

This study acknowledges that there is no one single explanation for variance in the theoretical question of surrogate state IO's ability to influence states, or the empirical question of whether UNHCR as a surrogate state is better able to influence state decisions toward refugees. On the contrary, process tracing within each case study fosters a broader view of the historical, political, economic and social contexts, embracing a number of explanations for outcomes. The main mechanisms—marginalisation of the state and responsibility shifting—help explain the processes by which the causal relationship emerges, but are not meant to explain policy decisions entirely. Thus, additional explanations are an important part of this research because they complement the argument. Furthermore, alternative explanations help show how well the framework fits the cases, and issues of falsifiability—how the study recognises it may be wrong or incomplete.

Translated to the theoretical question of influence, a parallel list of additional explanations emerges. For example, IO influence on a state is dictated by any number of factors that have little to do with its role as surrogate state or not, such as: domestic politics (how willing a state is to listen to an IO might relate to politicians' calculations about what is politically useful; Putnam's (1988) two-level game helps describe the international and domestic constraints officials may feel in their decision-making); personal relationships (the extent to which individual leaders within the IO have close relations with officials in the government, granting them more influence); reputation (the state may allow the IO to

influence its decisions in order to improve its international reputation among other states that respect that IO); or material gain (the state may reject or allow greater IO influence because it is to their material advantage to do so). These are just some of many additional explanations, which do not juxtapose, but rather complement the assertions of the framework and create a fuller picture.

Thus, this thesis does not argue that IO surrogate statehood fully explains state behaviour toward refugees and that other explanations do not—that would be far too narrow—but rather engages with each of these explanations through process tracing in each case’s historical context to understand the relationship between the dependent and independent variables. In other words, they are not necessarily ‘alternative’ explanations because they do not replace the explanations put forth, but rather run complementary to the causal relationships investigated here. In terms of alternative and additional explanations for the empirics, Chapter Three, which focuses on UNHCR, acknowledges additional explanations for its level of influence on the refugee-hosting state and how these work in tandem with the dependent variable to affect state behaviour.

Why the empirical work is important

On an empirical level, one does not have to look far to see why this study is important. Protracted refugee situations are linked to some of the most devastating conflicts in the world. Not only are they indicative of ongoing political strife and states’ inability to solve both intra and inter-state crises, but they are often both a result and a cause of these conflicts. Refugees are key elements to many of the world’s most highly complex puzzles of war and peace. Likewise, PRS represent some of the direst humanitarian situations, with generations of some refugee populations growing up in confinement with little access to many of their most basic human rights. Generally these situations become protracted as

political conflicts continue, and one of the three ‘durable solutions’ (return, local integration or resettlement) has failed.⁸ In most PRS, return is seen as the most desirable solution, and thus refugees remain in camps and wait for decades in hopes that conditions for return will emerge. At the core of this research, then, is a very pressing issue that goes beyond intellectual interest: how states react to refugees matters, and how states interact with the IOs that serve refugee populations, like UNHCR, matters a great deal to refugees. In addition to human suffering that takes place in refugee camps, there are security, economic and social concerns, and thus, understanding the role of an IO like UNHCR is both timely and important.

Studies on PRS have become more prevalent over the last decade, depicting them as unique and deserving individual attention. While this research will not advocate for specific policies, or assert a specific viewpoint, it is undeniable that the subject matter of refugees has ethical implications.⁹ After all, studying why and how refugees might obtain better access to their basic human rights, including freedom of movement and the right to work, is important, just as states seeking better, safer responses to refugee populations is also a pressing question. This study, though academic in nature, hopes to help policymakers, practitioners and refugees to better understand the broader relations between states and IOs like UNHCR, perhaps generating insights on how states can find better policies for their refugee populations and ultimately improve conditions for refugees while also alleviating host state concerns.

⁸ According to the 1951 United Nations Convention Relating to the Status of Refugees, a refugee is a person who (according to the formal definition in article 1A of this Convention) ‘...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country’ (UNHCR 1951). The definition goes hand-in-hand with the principle of *non-refoulement*, or the notion in international law that one cannot be forced back to a place where their life or freedoms may be threatened.

⁹ David Turton, for example, writes, ‘I cannot see any justification for conducting research into situations of extreme human suffering if one does not have the alleviation of suffering as an explicit objective of one’s research. For the academic this means attempting to influence the behaviour and thinking of policy-makers and practitioners so that their interventions are more likely to improve than worsen the situation of those whom they wish to help’ (1996, 96).

The structure of the thesis

The thesis will proceed as follows: the next chapter will introduce the theoretical framework proposed. It provides a brief overview of the relevant IR literature and gaps this research seeks to address. It then introduces the framework offered in response to the puzzle outlined here, explaining the relationships, variables and mechanisms at work. Chapter Three applies the framework to the empirical case of UNHCR, introducing the relevant forced migration literature on UNHCR's surrogate statehood and providing some background to UNHCR's history, its 'toolbox' of influence over states, and its operational presence. Chapters Four, Five, and Six provide case studies of UNHCR's surrogacy, looking at its role and varied levels of influence in Kenya, Tanzania and Uganda. The final chapter concludes the study by pulling together overarching themes, considering the findings in light of the framework, and drawing out areas for further research.

Chapter Two: The Theoretical Framework

- 2.1. Introduction
- 2.2. Building on the literature, identifying the gap
- 2.3. The Framework: Domestication and IO surrogacy
- 2.4. Conclusion

2.1. Introduction

The previous chapter presented the overarching questions guiding the research. First, how can International Relations understand IOs working at the domestic level, and in particular those that appear to be surrogate states? And second, how does surrogacy affect the IO's ability to influence the state? Many IOs working operationally 'on the ground' now carry out activities far beyond their original mandates, doing everything from providing social services and security, to paying police salaries and settling land disputes. In some developing countries, populations may see an IO, not the central state, as the authority governing in their given locale. In light of this, the first chapter noted that IR needs to better account for IOs working domestically in capacities of this nature (as surrogate states or otherwise). It then highlighted the empirical case of UNHCR's surrogate statehood in protracted refugee situations, raising questions about when and how it becomes a surrogate state, and how this affects its ability to influence the state on refugee issues. It then laid out a methodology for moving forward with the theoretical and empirical research of this thesis, outlining how to examine UNHCR's role in Kenya, Tanzania and Uganda. It also outlined alternative explanations, and provided some of the potential academic and policy-related contributions of this research.

This chapter introduces a theoretic framework on IOs at the domestic level, focusing specifically on IO surrogacy. It begins by stepping back and taking stock of IR literature on IOs. In particular, it explores how the literature understands the role of IOs working at the domestic level. In general, most IR literature on IOs does not consider how they work

domestically, and those that do, tend to focus on norms and transnational networks, still neglecting to examine the role of IOs themselves working domestically—operationally on the ground, with a field presence, and as both global and local actors at the same time. In response, the framework focuses on IOs working domestically. It begins by presenting a spectrum of IO roles at the domestic level, explained by a concept called ‘domestication’, which describes both properties of and processes through which IOs take on different roles at the domestic level.

The framework then focuses on a more extreme end of the spectrum: IOs as surrogate states. It outlines the ways in which an IO takes on surrogacy, including conditions and indicators, and the ways in which states tend to react (by abdicating responsibilities to the surrogate state IO or partnering with it). The framework then considers how IO surrogacy affects its ability to influence the state in which the IO is working. It presents the counterintuitive claim that IO surrogate statehood works inversely to its influence over the state: the more an IO takes on surrogate statehood, the less capable it is to influence state behaviour. Finally, the chapter seeks to understand this relationship by setting out two mechanisms: marginalisation of the state and responsibility/blame shifting.

2.2. Building on the literature, identifying the gap

IR offers a wealth of literature on IOs from every theoretical perspective, but lacks substantial analysis of IO behaviour at the domestic level. This is particularly clear when trying to draw on IR theory to understand the ways in which IOs take on surrogate statehood, and what that means for the relationship between the IO and the state. Indeed, cases where UNHCR takes on surrogate statehood, as outlined in the introduction and examined in the case studies, are difficult to explain with IO literature. For example, IR’s global focus of IO influence might struggle to explain the ways in which UNHCR morphs into a surrogate

state—taking on responsibilities often attributed with the state or even substituting for the state in tasks such as providing water, paving roads or paying police salaries. This section highlights the gap in the literature on IOs at the domestic level, showing how the framework argued in this thesis, which is focused on IO surrogate statehood, can offer a new view of IO behaviour at the domestic level.

Most IR literature on IOs approaches international institutions at the global level.¹ Indeed, across the theoretical spectrum, IO analyses tend to focus on ‘state-level interactions’, considering IO influence only at the global level (Cortell and Davis 1996, 451). Early IR scholarship on IOs focused on IOs as state creations for specific functions, and as mere tools through which states act (Keohane 1984 in Barnett and Sikkink 2008, 70). Indeed, rationalist, realist and neorealist approaches (Morgenthau 1948; Waltz 1979; Mearsheimer 1994) see international institutions as extensions of state interests, incapable of independently affecting state behaviour from domestic or global levels. As Barnett and Sikkink point out, these views see IOs as passive structures through which states exercise power (2008, 71). In contrast, liberal institutionalists (Krasner 1983; Keohane 1984; Oye 1986; Axelrod 1984) see greater potential in the influence that international institutions can have over state behaviour. Regime theory and cooperation theory, for example, demonstrate ways in which international institutions can help incentivise states to overcome collective action problems and promote cooperation that would have otherwise been unlikely (Betts 2009, 26). Abbott and Snidal

¹ In this section international institutions are discussed in tandem with IOs. This study will understand international institutions similar to Xinyuan Dai (2007, 15), who sees international institutions as international agreements or international organisations. Of course, in the empirical part of this study, international organisations are the focus. See Pease (2012) for additional definitions of IOs. She notes how IOs can encompass IGOs, NGOs, regimes, and MNCs (2012, 5). As noted in Chapter One, this thesis focuses on IGOs like UNHCR, and while the framework may extend to NGOs, regimes or MNCs, further testing would be needed to confirm this. Thus, generalisability, as discussed earlier, extends only to other IOs (or IGOs as some one prefer to classify them) for the purposes of this thesis, and this thesis follows in the traditions of scholars like Barnett and Finnemore (1999) in making broader claims about IOs by looking at UNHCR. Hurd (2011) also provides a useful overview of IOs, categorising three views of IOs: contractualism (focusing on the decisions states make and obligations they bind themselves to, and interests), regime theory (focusing on the web of rules and network of rules, norms and regimes that bind, empower or impend on state agency), and constructivism (focusing on interaction between states and IOs, looking at how states shape and are shaped by the rules around them through the processes of interaction between the two) (2011, 24-25). Finally, Abbott and Snidal (1998) also provide an excellent overview of theoretical views of IOs.

(1998) also outline the various functions of IOs, focusing on two functional characteristics of IOs that lead states to choose to work through them: centralisation and independence. These understandings of IO function, use and influence, however, still focus on IOs interacting at a global level, rather than in a domestic capacity.

A newer wave of scholarship in the 1990s sees IOs as having authority, autonomy and agency, and as political creatures (Barnett and Sikkink 2008, 71). IOs are not limited to the functions assigned to them, but ‘construct the social world in which cooperation and choice take place’ (2008, 71). This line of thinking is consistent with constitutive approaches like constructivism, which understand IOs according to ‘how rules and norms are created and disseminated throughout the international system’ (Pease 2012, 12). These norms and rules can vary according to what individuals and states perceive to be in their interest at a given time, and are fluid as IOs ‘socialise individuals and states as to how to behave in international relations’ (Pease 2012, 12; 107).

In this view, because states’ interests and identities are socially constituted as a result of norms and ideas, IOs, NGOs and academics can play important roles in influencing state behaviour (Betts 2009, 33). Constructivist views of IOs often focus on processes (Hurd 2011, 30), and might look at how norms affect state behaviour through the presence and work of IOs (Finnemore 2004; March and Olsen 1998), or the socialisation of international actors (Checkel 2000, 2005; Eaton and Stubbs 2006; Narine 2006; Pease 2012, 108). While this perspective may consider how norms and ideas translate into domestic policies (see below), it still neglects to consider how the IO itself may act at the domestic level—i.e., independently of the norm in question. Thus, none of these approaches to IOs gives a full picture of IO behaviour at the domestic level—cases where the IO itself has a presence ‘on the ground’ that can be studied through perspective other than the traditional global lens.

That said, there is some existing IO literature that looks at how IOs can have domestic effects. However, these studies tend to look at norm diffusion and institutionalisation, not the domestic-level behaviour of the IO itself. Scholars like Acharya (2004) and Cortell and Davis (1996), for example, look beyond the global level to understand IO influence. Cortell and Davis, for example, look beyond ‘state-level interactions’ in thinking about IO influence over state behaviour, arguing that domestic political actors can appeal to international rules and norms, and incorporate these rules and norms into national policy debates and possibly national choices. They assert that domestic structure and salience of international rules and norms determines how well these rules and norms will be incorporated into national policy (1996, 451). Likewise, Risse, Ropp and Sikkink (1999) explore how international human rights norms become embedded within domestic politics and, in turn, affect state behaviour (Betts 2009, 33). They argue that the diffusion of international human rights norms depends on the establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes and alert Western public opinion and governments (1999, 4).

Other IO literature on transnationalism also draws on norm diffusion to understand the ways in which IOs can ‘bring the international to the domestic’, but also neglects to look specifically at the IO working on the domestic level. Keck and Sikkink, for example, examine how ‘transnational advocacy networks’ rally around a principled issue for the diffusion of international human rights norms, and can build links among civil society, states, and IOs, and multiply the channels of access to the international system (1998, 1). Their research demonstrates how networks can bring the international to the domestic by making resources more available, and that networks can both participate in and shape politics, and, they argue, ‘bridge the...divide between international and national realm’ and ‘participate in domestic

and international politics simultaneously' (1998, 4).² Likewise Skogstad considers transnational actors and norms in domestic policymaking, arguing that transnational actors are sources of norms, and that some policy domains are more fertile for transnational political actors than others (2011, 17-19). She asserts that the influence of transnational actors is contingent upon characteristics of the domestic polity and political actors.

Sikkink and Finnemore (1998) also look closely at how norms and ideas at international and domestic levels are entwined, asserting that international norms must always work through the filter of domestic structures and norms (see also Risse-Kappen 1995; Risse, Ropp and Sikkink 1999). They write, 'Even in situations where it might appear at first glance that international norms simply trump domestic norms, what we often see is a process by which domestic 'norm entrepreneurs' advocating a minority position use international norms to strengthen their position in domestic debates' (Sikkink and Finnemore 1998, 893). Borrowing from Putnam (1988), they understand domestic and international norms via a two-level game.³ Studies such as these—though valuable in their contribution to knowledge on norm-diffusion—are not positioned to speak to cases where the IO itself works at the domestic level, and in being solely focused on norms, might miss other avenues of influence that might surface when considering how an IO can influence state behaviour by working on the domestic level.

Norm-diffusion literature also tends to box the IO into the 'international' category and relies on domestic actors to translate international norms and rules into the domestic. For example, Risse-Kappen (1995) finds that domestic institutional structures determine the

² 'By thus blurring the boundaries between a state's relations with its own nationals and the recourse both citizens and states have to the international system, advocacy networks are helping to transform the practise of national sovereignty' (1998, 1-2). They argue that because networks are motivated by values more than resources, they can go beyond policy change to even change the nature of the debate by 'framing' issues and targeting accordingly (1998, 2). They also go so far as to reject the separation between IR and comparative politics, focusing instead on sociological traditions that focus on complex interactions among actors, frames of meaning, and the negotiation and malleability of identities and interests.

³ See Appendix A for a review of how comparativists and literature focusing on domestic politics examines these questions.

policy impact of transnationally operating non-state actors, determining how well they can link up with domestic actors and have access to political systems. Other literature on human rights, trade policy, and environmental policies also offer normative approaches to understanding IO influence on states, but tend to focus on IO influence from abroad via tools like treaties that help domestic actors to implement norms and rules at the state level (Dai 2007; Simmons 2009; Downs, Rocke and Barsoom 1996).⁴ Similarly, Acharya's study on the importance of localisation in norm diffusion in Asia explains how foreign norms can be incorporated into local ones via 'localisation', or '...a process by which norm-takers build congruence between transnational norms...and local beliefs and practises' (2004, 241). Like the other literature discussed above, this study is norms-focused, and neglects to consider how IOs working at the domestic level might influence the state (rather than an IO through domestic actors).

Literature on IO function and behaviour also provides important foundations for this research—in particular demonstrating that IOs can act as autonomous political actors at the global level—but still does not consider the IO itself working domestically. Barnett and Finnemore, for example, offer a view of IOs as autonomous actors in their own right, assuming power beyond what states originally intended upon their creation (1999, 699). Drawing on constructivism, they argue that regimes literature does not go far enough because it only sees IOs as mechanisms through which others act. They discuss IOs as bureaucracies that make rules, but also create social knowledge, define shared international tasks, create and define new categories of actors, and transfer models of political organisation around the world (1999, 699).⁵ Most importantly, the autonomous nature of many IOs enables them to

⁴ See the end of this chapter for a discussion on labels of 'domestic', 'local', 'international', and 'global'.

⁵ In light of this, they argue that IOs can be dysfunctional and inefficient, bogged down with pathologies like the 'irrationality of rationalisation', 'bureaucratic universalism', 'normalisation of deviance', 'insulation', and 'cultural contestation'. They also maintain control over technical expertise and information, classifying and organising information and knowledge, fixing meanings, diffusing norms and transmitting 'good' behaviour models.

shape norms even when they lack material resources, exercising ‘...power as they constitute and construct the social world’ (1999, 700).).⁶ Their research is helpful in understanding how IOs working on the domestic level might expand to carry out tasks beyond their mandate, but it does not speak to IO behaviour at the domestic level, as considered in this thesis.

IR literature on international territorial administrations (Caplan 2005) also provides some insights relevant to IOs working domestically by looking at how IOs take on authority and responsibility over a territory in war-torn situations. However, these studies tend to focus on formal settings where an IO is officially working in a post-conflict situation where a state presence is not available or capable of governance because of war. These are considered special or outstanding circumstances where an IO (e.g. the UN) administers a disputed territory for what is intended to be a temporary length of time. While this type of research does provide insights into how an IO governs and administers a specific territory (and moves from supervisory roles to direct governance), it focuses on cases where an IO like the UN has officially been asked to step in after conflict, which is very different than the situation of most IOs working domestically. Thus this literature offers guidance, but does not speak broadly enough to encompass the situation of many other IOs, such as that of UNHCR studied here.

Beyond IR, comparative literature offers a range of scholarship that is relevant to IO’s working domestically, but, not surprisingly, tends to be missing the international component.⁷ Bueno de Mesquita (2002), for example, sees the international system as shaped by domestic political actions, and therefore maintains focus on domestic actors, preferring to look at leaders and other actors as the units of analysis, rather than the statist approaches that are common in IR (2002, 4; see also Rosendorff 2006). Likewise Putnam’s (1988) two-level games, though focused on the way states negotiate at the national and international level at

⁶ For additional analyses on IOs in general, see Archer (2001) and Barnett and Adler (1998).

⁷ See Appendix A, ‘First Image, Second Image and Second-Image Reversed’ for more context.

once, does not extend to the ways in which IOs might also work on multiple levels at once, particularly in the domestic realm. Even IR scholars that have bridged the IR-comparative divide, seeing domestic politics and IR as ‘inextricably interrelated’ (Milner 1997, 3; Autesserre 2008), still neglect to see where IOs can work domestically and internationally simultaneously.

The general ‘gap’ in the literature, therefore, is in understanding how an IO acts domestically, all the while remaining an *international* organisation. As demonstrated above, most of the literature on IOs remains at the global level, and those scholars that do consider domestic level dynamics are mostly focused on norm-diffusion and institutionalisation, not the domestic behaviour of the IO itself and what this might mean for its influence on the state. It is possible that IO behaviour at the domestic level is not very different than what is already known about IO behaviour internationally, but there is no literature confirming or denying this.

And yet reality demonstrates that many IOs work domestically—not just through other actors, but as their own actors ‘on the ground’. The case examined in this thesis, UNHCR, for example, has a large operational presence in refugee hosting countries, and empirical studies (Kagan 2011; Crisp and Slaughter 2009) show that its roles are different at the domestic level than at the global level. Other IOs like UNDP or MSF share similar, multi-leveled roles, exhibiting both the traditionally studied international-level work, but also a physical presence at the domestic level.

In response to this gap, the framework posited here tries to understand the roles IOs may take at the domestic level and furthermore what this means for its influence over state behaviour. This research therefore considers an extra layer: a case where the IO is not simply partnering with or influencing domestic actors, or affecting the state through norm diffusion, but where it *itself* is working domestically, ‘from within’ the state. This study is not refuting

the previous literature, but rather building upon it and filling in the gaps where it fails to understand IOs working at the domestic level—arguably in a different facet than IR literature on IOs tends to understand them. It also brings together some IR and comparative views, given the focus on an international actor operating domestically, and, as the case studies later demonstrate, interfaces with Africanist and forced migration literature, which also provide further insights into the role of IOs in the African context. As the next section shows, the framework describes a range of roles it takes at the domestic level, before focusing on a particular domestic-level role: surrogate statehood.

2.3. The Framework: Domestication and IO surrogacy

The previous section outlined the shortcomings of IR's understanding of IOs at the domestic level. While there are a number of IOs working domestically, most IO literature looks at IO behaviour and influence from a global level, and the IO literature that does engage with the domestic level tends to be focused on norm-diffusion and institutionalisation, not the domestic role of the IO itself. Thus, there is a gap in the literature addressing IOs at the domestic level—what roles they take and what these roles mean for relations with the state. In response, the framework offered here critically analyses the role of IOs at the domestic level, by concentrating on a specific IO domestic role: surrogate statehood.

This framework suggests that IOs can 'domesticate', or take on various roles at the domestic level (e.g. instrument of the state, autonomous actor in its own right, transterritorial deployment, surrogate state), and that states react in a range of ways (e.g. abdicationist or partnership). Of these domesticated types, this research focuses on the most extreme end of the spectrum: surrogate statehood. The framework considers what it means for the IO's relationship with the state, namely the extent to which IOs as surrogate states can exert influence over state behaviour. Thus, as noted in the first chapter, it looks at the dependent

variable, IO influence on the state (empirically understood via a combination of material and non-material indicators, described below), which varies according to the independent variable, the role of IOs domestically as surrogate states (empirically taken as UNHCR, see Chapter Three for more). As the sections on alternative explanations and causality demonstrate, this research does not purport that IO surrogate statehood is the only factor influencing the policy decisions states make. Of course, a number of important variables are relevant in these decisions, which vary according to context. They are drawn upon in the case study chapters, and are traced as much as possible in order to examine the relationship between the variables focused on here.

The findings uncovered by this framework lead to a counterintuitive claim that has interesting theoretical implications. At first glance, one might initially expect an actor with a large presence, lots of funding and responsibility for a large number of people to have more political influence. This was, after all, the initial assumption of the research: actors that take on state-like properties (surrogate statehood) at the domestic level garner greater influence. Instead, the framework suggests that IO surrogacy has an inverse relationship to influence over state policy decisions; the closer to surrogacy an IO gets, the less influence it tends to have over the state in which it is working. This outcome can be explained via two primary mechanisms—marginalisation of the state and responsibility shifting—both of which are explored below. Thus, besides contributing to understandings of IOs working domestically, focusing specifically on surrogate statehood reveals not only that IOs *can and do* work domestically as surrogate states, but that surrogate statehood does not necessarily increase influence over the state.

Thus, two interrelated questions are at play in the framework. First, how and under what conditions can IOs become surrogate states? When they do, the second question addresses what this means for the relationship between IOs operating domestically and the

states in which they work. This study looks specifically at IO influence on the state, and, surprisingly, finds an inverse relationship where ‘less is more’; lower levels of IO surrogacy translate to greater possibilities for influence, and higher levels of IO surrogacy translate to lower levels of influence.

The sections below unpack what is meant by surrogate statehood and some of the characteristics attributed to an IO assuming surrogate statehood. However, it is important to begin the analysis by noting that surrogate statehood is not binary, but rather falls along a spectrum. Surrogacy is measured via both material things (e.g. the IO provides services that the state would normally provide; it may pay policy salaries or pave roads; it may even administer or adjudicate, such as helping to broker land deals) and non-material things (e.g. the IO is perceived by local communities to be an authority; rhetoric may indicate that it is seen as having state-like power). Influence, also discussed further below, is defined as the ability to affect outcomes, to sway decisions that might otherwise take a different direction, and even to pressure, impact, and hold some level of authority.

Given these concepts and forms of measurement, this thesis is focused implicitly on power relations, which touches on IR’s core preoccupation with ‘power as a relationship of influence’ and ‘type of causation’ (Bially Mattern 2008, 692). However, it also draws on non-material understandings of influence, embracing constructivist notions of power and influence as social processes of signification (Bially Mattern 2008, 694). These processes necessitate looking closely at things like perception and rhetoric to understand influence. As a result, the case studies will examine how a host community’s perception of UNHCR’s role affects its work and ability to influence refugee policy; even if the state still has sovereign authority, UNHCR may hold other forms of power and influence via the way it is perceived. The rest of this section extrapolates on the framework by outlining the causal relationships claimed, as well as variables, indicators and mechanisms composing the framework.

Before moving forward, however, three caveats are in order. First, while the scope of the framework is generalisable to other IOs as noted in Chapter One (IGOs, not necessarily NGOs, MNCs or regimes, per the Pease (2012) understanding of IOs, as discussed earlier), the focus of the thesis is on one IO in particular: UNHCR (discussed further in Chapter Three).⁸ The framework does not, however, apply to IOs working in emergency situations such as war, famine, or natural disasters, which in turn would exhibit an entirely different set of political variables, different actors, and different roles for the state and emergency response IOs. Rather, the focus on surrogacy is by definition something that evolves with the passing of time, and therefore should not be examined in emergency settings.

Second, the framework helps unpack one aspect of IOs working at the domestic level: the way in which an IO can take on surrogate state characteristics, and what that means for its relationship with the host state. Thus, it is important to stress that the framework and the causal relationships are narrow in scope: as indicated below, they are not meant to explain all of the different variables that go into policy processes and decisions on the part of states. Finally, the framework cannot be generalised to imply that less IO involvement from an international standpoint would have the same effects (more or less influence) as less involvement from a domestic standpoint—in other words, the ‘domestic’ IO claims offered here do not necessarily translate to ‘international’ IO behaviour (it is possible that they do, but further study would be necessary to confirm this).

⁸ As noted in Chapter One, this thesis is well-aware that in many cases UNHCR’s field presence is made up of a conglomeration of actors, including local and international organisations. Thus UNHCR is not always a single actor. However, it follows the lead of scholars like Barnett and Finnemore (1999) who use examples of UNHCR to argue their broader conclusions about IOs, similar to what is done here. In other words, while UNHCR is not always representative of other IOs in every case, the cases put forth here do demonstrate parallels to other IOs that are generalisable within the scope of this inquiry (of course further testing would need to be done to make broader claims).

‘Domestication’ of an IO: A spectrum of IO roles at the domestic level

The literature discussed earlier outlines some of the ways IOs are viewed by IR scholars, including as an instrument of states, as an autonomous actor, as a network or transnational actor, as a forum for debate and discussion, as an interlocutor, as a norms-setter, as a creator and generator of knowledge, and any number of other roles (see Hurd 2011, 16).⁹ This study argues that IO literature lacks an understanding of how IOs act at the domestic level—not simply through the diffusion of norms or through other domestic actors, but as an actor in its own right at the domestic level. Zooming in from the global to the domestic level, then, this section sketches a spectrum of roles IOs may take at the domestic level, using the concept of ‘domestication’.

Domestication points to the ways in which an IO becomes embedded into a given locale in a way that is unique to its otherwise international status. It thus describes different degrees to which an IO can be involved domestically, and furthermore the different labels and characteristics it might assume. Being mindful of Barnett’s (2001) argument on avoiding analytical entrapment from the rigid categories of ‘local’, ‘national’, ‘global’, and ‘international’ (see below), domestication helps uncover the processes by which an IO’s role can be altered from its international roles when it works operationally on the ground. Working within the domestic level does not mean that the IO ceases to be ‘international’ and *becomes* a domestic actor entirely, but it does imply that an IO can straddle multiple identities at once. Kassimir’s (2001) depiction of the Catholic Church as a multi-leveled institution parallels the concept: just as the Catholic Church maintains an international presence, with the Pope in Rome, it also works domestically, in a sense holding multiple identities at once. Numerous IOs, from the ICRC to UNHCR, can be described this way.¹⁰

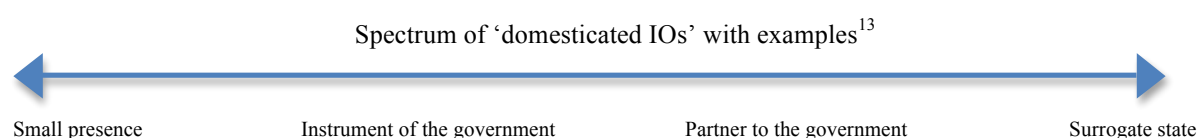
⁹ ‘IOs can be actors in their own right, or tools in the hands of other actors (presumably states), or places where states come to hold meetings with other states’, or in other words, an actor, resource, or forum (Hurd 2011, 16).

¹⁰ This may even extend to some large INGOs like the IRC, but testing whether this holds is beyond the scope of this thesis and would need further research.

Domestication is therefore a descriptive concept relating to IO behaviour.

Operationalisation or having a field presence is not the same as domestication—indeed they are part of it, but there are also deeper implications relating to responsibility, authority and status, as described below.¹¹ In contrast to other uses of the word, it is not meant to imply that the IO is somehow ‘tamed’, but rather points to the process by which it takes on properties at the domestic level. These properties may or may not differ from all of its international properties, and could include a range of behaviours (e.g. participating in local politics, hiring local staff and conducting business according to local customs,¹² or governing a given locale). All require a physical presence on the ground—not through partners or networks, but of the IO itself (though this thesis does have some discussion of working through sub-contracted organisations). As the spectrum shows, an IO at the domestic level can take on a range of roles from working undercover in a small capacity to being a surrogate state, all while maintaining its international identity and global role.

Figure 2.1. Spectrum of ‘domesticated IOs’ with examples



Each type of ‘domesticated IO’ could be the subject of its own thesis, harboring its own nuances and complexities. IOs can move in any direction along the spectrum, or remain

¹¹ On the flip side, one might instead consider ‘internationalisation of a locality’ rather than domestication of the IO. For example, Latham writes that in Africa in particular, supralocal rule (making claims of responsibility over one or more locales) is considered weak, as are many African states, and thus ‘...merchants, missionaries, and humanitarians, in their transterritorial deployments, could confront *Africans as subjects of international order rather than guardians of their own robust national projects*’ (2001, 89, emphasis added). Treating Africa as ‘one big internal frontier’ many IOs have therefore deployed and are ‘...directly intervening in local contexts’ where ‘...African rulers must share their *internationally constituted national territories*—or claims on the locales within—with organisational platforms ranging from NGOs and IOs to states in the West’ (2001, 89, emphasis added).

¹² Though this is certainly not always the case. Juma, for example, discusses how many international humanitarian actors, including UNHCR, impose western ways of operating in local contexts, further dwarfing local relief structures (2002, 160).

¹³ These are just examples, and are not a typology of exact categories. Additional IO domestic roles could be added.

static. Moreover, IO surrogate statehood is not the automatic outcome (and may in fact be the rarest of outcomes). Furthermore, it should be noted that all IOs do not domesticate. Indeed, many work solely through domestic partners, which is well-documented in the literature and not the focus of this research.

Looking at the spectrum of domestication helps unpack how an IO becomes a surrogate state. Although few scholars have employed the term, Obi (2001), for example, uses ‘domesticated’ to describe how some multi-national oil companies (MNOCs) in Nigeria act in partnership with the state, but operate directly in the community (2001, 176).¹⁴ He argues that some MNOCs actually ‘govern’ local communities by exercising power and allocating resources, and by influencing local and national decisions. These MNOCs may work in conjunction with the central authorities, or may overshadow them completely. Similarly, Onishi (1999) writes how MNOCs can carry out state-like roles, including the provision of services and facilities of education, agriculture, health and water (Obi 2001, 175; Juma and Suhrke 2002, 9).¹⁵ Other scholars within forced migration literature (Crisp and Slaughter 2009; Kagan 2011) have hinted at the concept, as will be examined in the next chapter, but none have related their findings to IR theory on IOs.¹⁶

Perhaps the most relevant scholarship to the concept of domestication considered here is Latham’s (2001) research on transterritorial deployments. He looks specifically at where international, global and transnational actors bump up against political and social life ‘on the ground’ (2001, 69). According to Latham, transterritorial deployments are ‘...hinges joining global and local forces around the exercise of power and responsibility and the pursuit of political projects across boundaries’ (2001, 71). Transterritorial deployments are externally

¹⁴ While this thesis does not extend the framework to MNOCs, it is a useful parallel that provides context.

¹⁵ Further research might look to literature on ‘domesticated’ MNOCs as a conceptual model for IO domestication or surrogate statehood.

¹⁶ As the next chapter will show, forced migration literature offers some of the only research on an IO (UNHCR) as a ‘surrogate state’ (Crisp and Slaughter 2009; Harrell-Bond 1986; Harrell-Bond and Verdirame 2005). Again, however, this is not in relation to IR, nor does they discuss broader implications for state behaviour.

based, meaning they have ‘...relatively thick organic links back to some outside point of origin’ (2001, 76) and usually involve ‘...the purposeful forward placement of a unit, division, or representative of an organisation or institution in some local context’ (2001, 76). By definition they are specialised in relation to any local social order they enter ‘...since they rest on the forward placement of a defined and delimited organisation from outside....they move along relatively narrow bands of intervention or engagement with local order’ (2001, 76).¹⁷ Organisations working via transterritorial deployment, therefore, have a ‘dual face’ as they interact on multiple levels, representing identities and interests to authoritative institutions (the state, IOs and other ‘local’ organisations); and govern their own members through internal politics of legitimisation, resource allocation and social control, influenced by extra-local connections (Kassimir 2001, 96). Even when there is technically political authority in a municipal administration over a local polity, transterritorial deployments can take responsibility, carrying out their own systems of order. This is related to how ‘domestication’ is used here. Latham even uses the term, ‘domestication’, at one point:

‘A deployment such as a church mission, a transnational oil corporation installation, or an international NGO office can also become a node in a translocal network. The organisational form in this case is no longer simply an external entity: a mission becomes a diocese, a company affiliate becomes “domesticated”...and a factory becomes a town. Connections to platforms such as headquarters may take on both network and deployment qualities’ (2001, 80, emphasis added).

Transterritorial deployments do not, however, go so far as to be surrogate states, nor does the literature on them consider some of the nuances of governance, power/influence and service provision as examined in this study.

¹⁷ The most extreme versions of this would be when a transterritorial deployment is ‘extra-territorial’, carrying out its own culture, laws, and juridical authority (e.g. military or consular). Extra-territorial status is mirrored today in the near immunity possessed by some humanitarian workers who increasingly employ their own security forces (de Waal 1997, 190)’ (2001, 76). He goes on to mention ‘camp havens’ for traders profiting from war and extra-territoriality emerging from some African rulers operating in zones outside formal state boundaries (2001, 76).

Domestication also helps explain varied levels of influence and authority that IO surrogate states acquire over time. Indeed, surrogate statehood does not occur immediately upon an IO's arrival in a country, but rather happens with the passing of time. Latham's transterritorial deployments offer some clarity here as well. The passing of time can transform an IO that is initially a transterritorial deployment into a surrogate state with some semblance of authority, governance and power. Latham looks at authority in terms of whether the transterritorial deployment is seen as temporary or permanent.¹⁸ This relates to the status and scope of their specialisation on the ground. Latham writes, 'Status, like scope, has a bearing on the question of responsibility for local order. It also serves as a marker for what an outside agent thinks it has a right to do in some place' (2001, 77). With temporary status, the transterritorial deployment is not expected to be the 'ultimate and lasting authority over local order', and it is certainly still susceptible to pressures from other state and non-state actors (2001, 77). However, local actors are less likely to cooperate with international efforts if they know a withdrawal will happen soon (Latham 2001, 77). In a similar way, domesticated IOs, particularly those that become surrogate states, need others—be it local populations, civil society groups or local government officials—to recognise their authority. Domestication looks further, however, in accounting for the 'domino effect' over time—cases where an IO may unintentionally move along the spectrum, taking on more and more responsibility with the passing of time, heading toward surrogacy (or vice versa).

How an IO domesticates certainly depends upon other important facets of IOs, including their nature and characteristics. How 'top-down', hierarchical, and bureaucratic it is, or what type of leadership it has (and the power of individuals), for example, can all have influence. Whether it is a normative organisation, and the nature of its partners—especially NGOs that are its implementing partners on the ground—are others in a long list of variables

¹⁸ In thinking about authority and power, Latham refers to expanded understandings of power under Foucault, moving away from understanding power in terms of Weberian definitions ('power over another's choices' versus via structures that constitute social existence).

that explain when and how domestication might occur. These are not directly analysed here, but are discussed in the context of the case studies. In addition, domesticated IOs may subcontract some work to domestic actors (e.g. NGOs), which give the IO a local presence (though working through partners alone does not constitute domestication; as noted earlier, a physical, local presence of the IO must be necessary).

Defining the variables and how to measure them

As highlighted in the introduction, IOs work in a range of ways at the domestic level, some with minimal involvement, some as instruments of the state, and others taking on expansive operations. In order to begin to understand how IOs work domestically, this study narrows the scope to the most extreme, focusing on one type of domestic IO role: surrogate statehood. For the purposes of this study, the dependent variable (DV) is IO influence on the state in which it is working domestically, and the independent variable (IV) is IO surrogate statehood. These variables address the gap in the literature by not only identifying and describing one of many ways that IOs can work domestically, but also highlighting its effects on the state. As the next chapter demonstrates, while any number of organisations could be used to study these processes, this thesis examines UNHCR because it provides an array of cases where it approaches surrogacy, and some of the only literature written on IO surrogacy (Kagan 2011; Crisp and Slaughter 2009). Moreover, it provides an interesting and provocative puzzle of surrogacy in the context of refugee protection, and understanding its role as it approaches surrogacy not only has implications for academic understandings of IOs, but also has potentially helpful implications for practitioners and policymakers working with UNHCR. The next section outlines how IO surrogacy can be measured and identified. The DV, IO influence on the state, includes a combination of material and non-material indicators, as outlined below.

1) Measuring the independent variable: Surrogate statehood

The framework seeks to explain the nature and effects of IOs acting domestically. Building on the literature above, this research has demonstrated that IOs can take on a number of roles, one extreme being a surrogate state, which is the focus here. It does not understand surrogate statehood as binary, but rather as a general category occupying the far end of the spectrum; IOs approaching surrogacy can be 'more' or 'less' in the direction of surrogacy, but it is not a clean-cut category with an exact cut-off. However, there are some helpful indicators that help reveal the extent to which an IO is approaching surrogate statehood, thus giving some semblance of a threshold for the category. These are described below. Moreover, as the section above indicates, surrogacy is not automatically the outcome that occurs with domestication. Many IOs work domestically and never approach surrogacy.

To describe an IO as a 'surrogate state' first requires a working understanding of what a state is. This is, of course, a subject of extensive literature within IR and beyond. This research will not rehash the debate in detail, but draws from Milner (2009) in conceiving of a state as consisting of a '...territory, a population that inhabits that territory, and an authority that governs that population and which has a monopoly over the use of force to exercise its authority' (Milner 2009, 9, citing Gibney 2004, 198-201; Migdal 1988; Weber 1994). He also adds that recognition by other states and sovereignty is important, and draws on Buzan (1991) to understand a state via three components: physical (population, territory, resources); institutional expression ('the machinery of government, including its executive, legislative, administrative and judicial bodies, and the laws, procedures and norms by which they operate' (Buzan 1991, 83); and the 'idea of the state, rooted both in the nation...and in organising ideologies' (Milner 2009, 9). He differentiates it from 'regime', which refers to the ruling elites (citing Job 1992, 15), noting that they can be the same, but are not always.

Buzan's first component, the physical protection and security of the territory and population, tends to be the first priority.

While surrogate statehood has not been written on within IR,¹⁹ a few forced migration scholars have examined it (Kagan 2011; Crisp and Slaughter 2008; 2009). Building on their analyses, this study proffers that IO surrogate statehood is best understood in relation to state functions of service provision, security, and governance functions in a given territory. Crisp and Slaughter (2008), for example, discuss surrogate statehood in terms of '...territory (refugee camps), citizens (refugees), public services (education, health care, water, sanitation, etc.), and ideology (community participation, gender equality)' (2008, 131-2). Other scholars have described the same idea with different terms (e.g. Lund 2007 and 'local shadow government'; Juma 2002, 8-9). Surrogate statehood also requires a higher level of local responsibility than other IOs assume, which may or may not translate into authority, autonomy, governance or power, as examined below. Thus, key indicators (necessary, but not sufficient on their own) of IO surrogate statehood include:

- **Service provision:** The IO may take on total or partial service provision, often services normally expected to be provided by the government (e.g. health, education, infrastructure, water etc.)
- **Forms of governance:** The IO may take on functions of governance usually carried out by the state, including administrative or adjudicatory functions (relates to power/authority)
- **Perception of legitimacy:** The IO is visible, perceived as a legitimate authority, perhaps because of its presence or resources
- **Territory:** The IO has a physical presence 'on the ground', in a given locale

First, one indicator of IO surrogate statehood is the provision of services, particularly substituting for services often expected to be fulfilled by the state (Kassimir 2001, 99). This might range from services relating to health, education, infrastructure, water or other public goods often expected from state authorities. Examples of IOs providing services are not hard

¹⁹ As noted above, Caplan (2002), comes the closest with his scholarship on the international administration of war-torn territories. This is slightly different, however, because it occurs in an emergency phase, and most notably in the absence of a national government (unlike IO surrogacy).

to find. In Africa, for example, ‘...the provision of services is not simply a domestic affair’, but one that commonly includes international humanitarian actors (Semboja and Therkildsen 1995, 18). Indeed, the provision of services in Africa by IOs has grown in the context of decolonisation and globalisation, which have led the international aid community to concern itself with more conflicts and disasters than ever before (Juma and Suhrke 2002, 6). As a result, IOs ‘developed into large, professional institutions with stable bureaucratic procedures’, many becoming ‘...reliable welfare providers in what Mark Duffield (1994) has called an international safety net’ (Juma and Suhrke 2002, 6-7). Moreover, cases where states abdicate responsibilities for service provision and turn them over to IOs, or where IOs take over state responsibilities without the state’s consent, can also point to IO surrogate statehood. In the cases here, this is generally seen via an IO filling a void where the state is lacking, rather than a power grab (however some, like Harrell-Bond (1986), see the latter as the more likely story; Chapter Three addresses this further).

Finally, when the international community deems a state as ‘failed’, ‘weak’ or as having low capacity, it might not even consider drawing on that state to provide humanitarian aid, instead preferring an IO to provide service and thus opening the door to surrogate statehood. Suhrke writes, ‘In some semi-permanent emergencies, the international aid community *de facto* took over social service and welfare functions normally provided by states’ (2002, 29).

However, providing services alone does not mean an IO is a surrogate state. There are cases where some services may be provided to portions of the population, but the IO is not a surrogate state. Additional key components of IO surrogate statehood are in the form of adjudication and administration, or governance, and the perception that the IO is a legitimate authority. For example, Semboja and Therkildsen write that an IO’s legitimacy as a political actor could be seen in the behaviour of some political candidates who sought popularity

based on their perceived ability to assuage an IO—not government authorities—to provide local services (1995, 207).

This type of legitimacy to govern also requires that an IO have a physical presence in a given locale. Kassimir, for example, discusses how organisations govern and gain legitimacy by taking on the role of both *representing* a portion of the population and being recognised *as one that represents* (2001, 102). Latham’s (2001) ‘transterritorial deployments’ also provide an example of how an IO can produce the necessary physical presence in a locale, and ‘...intentionally or not, these non-state organisations often become bound up in local processes of governance...’ (Kassimir 2001, 105). In reference to the Catholic Church in Uganda, for example, Kassimir points out the multi-leveled parts at work in this representation:

‘...Its permanent presence allows it to be seen both as an international organisation with local branches and as a local organisation ‘networked’ globally. The Ugandan Church is thus a local “representative” both *of* and *to* a global institution, its bishops appointed by the Vatican, its administrative structure and its doctrine provided externally by a model that is formally similar everywhere, its funding largely provided by overseas agencies, even some of its personnel provided from outside...’ (2001, 105).

One might draw similar conclusions to the role of an IO at the domestic level, both representing a particular group to the state and the world, and representing the response of the world to that group (the next chapter, for example, applies this to UNHCR, which both represents refugees to the world/host state, and the world to refugees).²⁰ Thus, varied representation on different levels helps unpack IO authority domestically, further informing surrogate statehood at the domestic level, and differentiating it from other roles at the international level.

An IO surrogate state exercises its ‘statehood’ over a specific population (as would an actual state), but this population does not have to be a specific group. In the refugee/UNHCR

²⁰ Other parallels might be drawn with transnational oil companies vis-à-vis national governments and local communities (see Kassimir 2001, 107ff for more on how INGOs have altered local politics).

example discussed in Chapter Three, the population over which UNHCR has surrogate statehood is refugees (Crisp and Slaughter 2008). In theory the state should be responsible for all people within its borders, including refugees, but in this example, the IO assumes some forms of statehood in the absence of the state's presence. Thus, the IO surrogate state may only extend over a specific group of people (in some cases, a group that appears not to 'belong to anyone') and might not affect the daily lives of other citizens. In other cases, particularly where the national authorities are absent, both citizens and refugees (in the UNHCR example, at least) may see UNHCR behaving as their surrogate state. Non-refugee examples may include examples where an IO working on development in a remote area where there is little state presence may assume surrogacy. It may not be uniform to the UNHCR example, but have enough semblance to still be explained by the framework.

IO surrogate states tend to occur when several conditions are present. First, they are more likely to occur when there is some type of void left by the state or other actor. This may occur because the state requests the IO to assist because it lacks the capacity or will to carry out activities in this area, or in response to a critical juncture event such as an enormous refugee influx overnight. It may also occur because the IO feels morally responsible to act in an area where the state cannot. Likewise the IO may expand responsibilities into a void left by the state because it is a means to carry out other tasks. For example, in cases where a state is unable or unwilling to pave roads in rural areas, UNHCR may take on the task in order to get its supplies to refugees that it seeks to serve. In other cases the IO may actually crowd out the state in a certain area (Rutinwa 2002; Juma and Suhrke 2002), grabbing power or responsibility for its own interests (see the next chapter's section for more on this). The fact that surrogacy tends to occur over long periods of time—it is not a one-off event that happens overnight—also demonstrates how IO surrogacy can occur with 'mission creep' or domino

responsibilities: an IO wants to carry out one project, which is related to another, and another, until it takes on responsibilities far beyond its original intent.

Other conditions that can set the stage for IO surrogacy include broader trends, such as shifts in the perception of sovereignty (Landau 2008) describes how IOs in the humanitarian sphere view intervention differently; literature on the responsibility to protect is also relevant here), the privatisation of social services (Semboja and Therkildsen 1995), and the desire of donor states to channel funds through IOs rather than through governments, either as foreign policy or because of distrust (Rutinwa 2002). Each of these trends represents important shifts in how states interact with other states and IOs, and help create conditions whereby an IO might develop into a surrogate state. The next chapter outlines specific conditions that can contribute to IO surrogacy, particularly in Africa, including how centralised a state is or how well it can broadcast power to remote areas (Herbst 1999; Clapham 1996).

In addition to conditions that make IO surrogacy more likely, there are also factors, which tend to *sustain* surrogacy. As the case studies show, one reason IOs may remain surrogates for long periods of time is that once an IO becomes a surrogate state, it is hard to go back to a non-surrogate existence. This might be rooted in institutional design of the IO, or individuals who simply do not want to scale back their work or ‘put themselves out of a job’ once the IO has expanded to take on surrogacy. IO staff may also make a moral argument, noting that if they were to leave after years of doing ‘x’, it would be disastrous. There is also financial incentive to maintain surrogacy; one interviewee stated that substitution for the government is more profitable than simply supporting the government (UNHCR Official N 2012). Another stated that donors are less interested in giving to projects that do not involve surrogacy (Kamstra 2013). This is in part due to donor governments continuing to give funds for certain projects and not others, or the IO wanting to continue to raise money for certain

projects it has taken on as a substitute for the government. Finally, an IO may sustain surrogacy because the government may become further and further removed from carrying out tasks the IO has taken over, and thus it may not have the expertise or capability to take over if an IO were to pull back from surrogacy.

IO surrogate statehood is thus not easily measured or defined, but these indicators and conditions help to unpack what is meant by the concept. Indeed, it is less about the label, and more about the underlying ideas. As Kassimir writes, ‘Whether or not one characterises the activities of non-state entities as “state-like”, these organisations are, in some sense, “politics” that engage in “governing”’ (2001, 94). These indicators and conditions are not purely scientific, but they do outline some of the ways an IO approaches surrogacy in more extreme or less extreme ways, and thus maintaining a view of the spectrum helps understand this variable, and the concept more broadly. To recap, the first step is showing how IOs can take on surrogacy (just one of a range of domestic roles an IO may take on); this is relatively descriptive in nature. The second step is understanding what this means for its relations with the state (measured in terms of influence, as outlined in the next section). While the case study chapters are focused on measuring variation in (DV) influence, it is also important to recognise that there is some variation among surrogacy as well.

2) Measuring the dependent variable: IO influence on the state

While the previous section outlined how IO surrogacy might be identified, the second task of the thesis is to examine the causal relationship between the IV (IO surrogacy) and the DV (the IO’s ability to influence state behaviour). As noted in the introduction, causality in this thesis is not meant to imply that all levels of IO influence on state behaviour are explained by IO surrogacy, nor is it meant to imply that causal arrows work in both directions (for example, more surrogacy paired with less influence does not necessarily imply that less

surrogacy always means more influence; obviously an IO with no presence or activity in a state would not have influence—rather, there is likely a balance where an IO has maximum influence—something worth further research). Certainly a large number of variables explain how well an IO can influence a state’s behaviour toward refugees, and some to greater degrees than others. The challenge, then, is teasing out the ways in which IO surrogacy may or may not have an effect, and avoiding falling victim to spurious or endogenous relationships. Without being able to isolate it from the other variables, careful process tracing of each cases history of decision-making toward refugees is the best method for this inquiry (partnered with interviews, as well, of course). This section, then, unpacks some of the ways of measuring and identifying the dependent variable of IO influence on the state, which ultimately help parse out the causal relationship (e.g. ‘how can the researcher know that it is this variable causing the outcome and not the others?’), and revisit falsifiability, generalisability and concerns of endogeneity.

At the core of measuring influence lies a long-standing IR debate over power and authority, with power often being measured in terms of a relationship of influence (Bially Mattern 2008, 694-5). Given that this research draws on constructivist understandings of power via social relations between actors, it understands an IO’s ascension to surrogacy (moving along the spectrum with the passing of time) as a result of two processes: socialisation (Checkel 2005 in Barnett and Sikkink 2008, 71) and a shift in social identity (Wendt 1992, 397 in Hurd 2008, 303). This view of power (and by extension influence) is in contrast to other views of power, which might only view it in terms of tangible, material things (e.g. realists like Mearsheimer 1994, Morgenthau 1948 and Waltz 1979; Bially Mattern 2008, 692). It builds on the notion that there is a ‘...distinction between potential versus actual power in which actual power was a ‘type of causation’ rooted in the capacity of actor A to get actor B to do what it would otherwise not do (Baldwin 2000, 178)’ (Bially

Mattern 2008, 692). This means that non-material factors, like the scope and norms of states' relationships matter as well. Bially Mattern writes that this has brought about understandings of power as relationships of influence—as examined here (2008, 692).²¹ It is not necessarily thought of as zero-sum (though in some cases it may be), nor is surrogacy viewed as inherently implying some form of power or influence (though this may be the case); these are both topics that are discussed in greater detail below. Barnett and Duvall's (2005) research on power typologises power in different ways, viewing it ultimately as 'the production, in and through social relations, of effects that shape the capacities of actors to determine their own circumstances and fate' (in Bially Mattern 2008, 695). This is useful for mirroring the multiple forms of power (or relationships of influence) that are used here.²²

In light of this, measuring influence in a qualitative study such as this is crucial to understanding how well the theory describes the realities within the cases. And yet it is elusive and complex. On the one hand, the easiest way to see influence is through concrete policy decisions—a direct material result. Indeed, the case studies do spend significant amounts of time considering if and how an IO has had direct policy influence over the state, and if its role as a surrogate state increases or decreases its ability to influence the state. However, only looking at material influence would miss the many non-material aspects of influence, and thus this study does not argue that a concrete policy decision is the sole measure of influence. Rather, considering ideas, beliefs, norms, expectations, and social relationships between actors provides a fuller picture of influence. Indicators of IO surrogate state influence on a state include:

²¹ See Hurd (2008, 692ff) to read about the four faces of power, which move from materiality, institutionality, social structures (markets and class, rather than relations between states) and finally discourses that create social meaning.

²² More specific to IO power and the role of IOs in global governance (at international and local levels), see Barnett and Finnemore's (1999) understanding of 'constitutive' and 'regulative' power.

Table 2.1. Potential Indicators of IO Surrogate State Influence

Indicator of influence	How it might be measured
Change in perception	Perception (by local populations and other authorities) of who is in authority. Perception of authority may translate into direct or indirect influence.
Shifts in responsibility, blame, and expectations	The IO might not directly change states' decisions, but may reshape the way responsibility, accountability or blame are attributed.
Material shift	Adjustment or change in policy—either an outright about-face in policy decision, stated clearly as a result of the IO's involvement, or a visible shift in some other way.
Change in individual leaders' demeanor	Influencing individual policymakers via one-on-one relationships, who in turn may influence state policy choices.
Change in rhetoric	Rhetorical influence, such as the way the IO may change the terms or language of the debate, possibly symbolically.
Change in other actors' behaviour	Influencing other actors (e.g. NGOs, IPs, donor governments, or civil society) to apply pressure in a certain direction, and thus having an indirect means of influence.
Carrying out governance functions	Administration and adjudication of specific territories or locales (also an indicator of surrogate statehood) may show influence.
Directly writing policy	Helping to negotiate and write policy by being 'in the room' (writing it up, meeting with leaders, lobbying).

These are not necessarily the only indicators of influence, but demonstrate some of the ways of measuring IO influence vis-à-vis its surrogacy. They are applied in each of the case studies to highlight the relationship of influence. These indicators also point to the importance of process tracing in understanding the steps that go into forming state behaviour toward refugees, and thus where and how influence is present. Moreover, as noted in the introduction, the research acknowledges that there are a number of variables that explain IO influence on a state, and thus surrogacy is only one of many. The next section discusses causality more thoroughly, including how to know whether there is a spurious relationship, or an endogenous relationship, as well as falsifiability questions.

Relationships and causality in the framework: Less is more

Thus far, this chapter has outlined the gap in IR literature on IOs, noting how it neglects to understand how IOs act at the domestic level. In response, the chapter offered a spectrum of IO behaviour at the domestic level, explained by the concept of 'domestication'. This concept demonstrated a range of IO domestic roles, stretching from an IO with a very

small presence, to one acting as a surrogate state. It then zeroed in on one of these roles, IO surrogacy, identifying it as the independent variable and outlining how it can be identified and measured. Finally, it discussed the dependent variable, IO influence on the state, setting up the question of how the DV varies with the IV: how does IO surrogacy affect its ability to influence the state?

The rest of this chapter focuses on the two relationships—one descriptive and one causal—that emerge from the framework: 1) IO surrogate states tend to be paired with abdicationist states (and inversely IOs that are not surrogate states are more likely to be working in partnership with the state); and 2) IO surrogacy results in less influence on the state than other relationships between IOs and states. The framework shows that states tend to have different relationships with IOs across the surrogacy spectrum, ranging from ‘partnership’ models (working in partnership with the IO) to ‘abdicationist’ (ignoring the IO and letting it do everything). As shown below, the framework ultimately suggests that the relationship is, surprisingly, inverse: the more an IO takes on surrogate state properties, the less it is able to influence the state.

1) IO surrogacy and state role

The first relationship of the framework describes the link between IO surrogate statehood and state reaction to the IO. This is important to the overall question because how the state reacts to the IO is indicative of how much influence the IO is likely to have on the state. The framework holds that IOs that have taken on less of a surrogate state role tend to work in greater partnership with the state, and conversely IOs that have taken on a more expansive surrogate state role see greater state abdication. Caution should be used, however, in inserting causal arrows in this relationship. It is difficult to generalise which causes which, and further research would be necessary to confirm, for example, whether IOs take on more

surrogate state roles in the face of state abdication, whether states move toward abdication in response to IO surrogate statehood, or whether a combination produces such relationships. For the purposes of this framework, however, simply recognising that the two are paired, as demonstrated in the case studies, is enough for moving forward with the questions posed here.

Future studies may be able to incorporate all types of domesticated IOs into one study, but this study focuses only on surrogate state IOs, honing in on the right half of the spectrum because it is among the most under-researched parts of IO literature. In addition, those working with a smaller presence are less likely to reveal influence on the state, which is the core question here. This research argues that those approaching surrogacy tend to be more likely to be paired with an abdicationist state:

Figure 2.2. Sub-view of the ‘surrogate state’ end of the spectrum paired with state disposition



These relationships are important because they set the context for the relationship of influence. States that engage in partnership work more directly with the IO, facilitating its work, even as the IO may approach surrogacy as it pays the bills, carries out its own projects and bears much of the responsibility. This tends to occur when the IO has fewer surrogate state properties. In contrast when an IO is on the more extreme end of surrogacy, the state is more likely to be abdicationist, completely ignoring and avoiding the IO, letting it carry out its work with little interference or government oversight.

Again, there are cases where state abdication brings about IO surrogacy, and cases where IO surrogacy encourages state abdication, so causal arrows may not be in one direction. There are also cases where the two may emerge simultaneously. Moreover, a

state's reasons for abdication or partnership are far beyond IO surrogacy, and relate to capacity, resources, motives and context. For example, in the case study of Kenya, the state was happy to abdicate refugee responsibility in Dadaab to a surrogate state UNHCR in large part because Dadaab's geographic location is a remote, undesirable location that the government preferred to ignore for political and historical reasons. Moreover, these relationships are mere labels that help structure the analysis; they are not meant to simplify highly complex relationships between the state and the IO. The relationships are not fixed, and amidst partnership or abdication, the state may still use the IO, restrict the IO or try to manipulate the IO. What they do help uncover, however, is the nature of the relationship, and, most importantly, build context for how the IO might be able to influence the state.

2) The relationship between IO surrogacy and influence on the state

The second causal relationship advanced by the framework is between IO surrogate statehood and level of influence on state behaviour. This study argues that an IO's ability to influence state behaviour is inversely related to its level of surrogate statehood. In other words, the more an IO acts like a surrogate state, the less influence it is likely to have over a state. The case studies confirm this counterintuitive suggestion, and the mechanisms below explain why this result occurs.

Figure 2.3. Relationship between IO surrogacy and influence on the state



Caution should be used when extending this relationship too far beyond the issue-area relating to the IO. In other words, if, for example, UNHCR (the IO studied in this thesis) works on refugee protection, it would not be relevant to try to measure the IO's influence

over the state via a completely unrelated issue area, such as banking regulations. And again, further research should also examine where a point of highest influence occurs (as noted earlier, it is not likely that an IO with no presence has the most influence—this would be a false dichotomy—but rather that the place of highest influence is somewhere else on the spectrum, not at either extreme end).

This leads to another question, partially discussed in the methods in Chapter One, and also further discussed throughout the rest of the thesis: without being able to isolate the variable of IO surrogacy, how can the thesis be confident that it has a causal relationship with the independent variable (influence on state behaviour), rather than a spurious relationship where the outcome is caused by other variables? Indeed, in one sense, surrogate statehood would seem to implicate some form of inherent influence or power. After all, surrogacy by definition involves some form of authority. On the other hand, that assumption is exactly what this research is challenging, demonstrating that bearing responsibility and some forms of localised authority do not necessarily translate into greater influence on state behaviour (this also echoes back to questions of zero-sum power relations, discussed above).

These ‘plurality of causes’ (Mill 1843) questions are at the core of any social science inquiry, and are at the heart of this research. Because the variables explaining state behaviour (in this case, in relation to refugees) are interwoven, interrelated and in some cases, inseparable, it is not entirely possible to weigh exactly which has the greatest effect on state behaviour. As many other studies of this nature purport, there are a combination of variables affecting states and finding an exact measure of a causal recipe would be very difficult, if not impossible. For this reason, careful process tracing, historical analysis of decision-making processes, secondary sources, and primary interviews are thoroughly conducted to verify whether this variable (IO surrogacy) has a causal impact on state behaviour amidst an array of other convincing variables.

There is also the concern that the variables may be endogenous and thus the study biased or suffering from reverse causation in the variables (the dependent variable affecting the independent variable). However, in reference to this framework, it is hard to imagine a scenario where an IO's level of influence on state behaviour precedes and thus determines its role (as a surrogate state or otherwise), as opposed to the direction of the causal arrows discussed here (and IO's role—as a surrogate state or otherwise—determines, in conjunction with other variables and contexts, of course, its level of influence on state behaviour).

The Mechanisms

Returning to the causal relationship outlined above, the framework presents a counterintuitive finding for IOs working domestically: the more an IO approaches surrogate statehood, the less influence it is likely to have over state policy decisions. Why? Process tracing within the case studies helps to uncover mechanisms that explain why greater surrogacy leads to less influence. At first glance, it would seem enough to simply attribute it to the fact that states generally wish to retain all of the power and none of the responsibility, thus making a state happy to let an IO do all the work and pay the bills. However, a closer look reveals that this is only part of the story, and that two mechanisms account for the inverse causal relationship: 1) marginalisation of the state; and 2) responsibility/blame shifting. These mechanisms are drawn from studies by Landau (2008), Juma and Suhrke (2002), and Rutinwa (2002).

First, marginalisation of the state (Juma and Suhrke 2002; Rutinwa 2002; Lund 2007; Dolan and Hovil 2006) occurs with IO surrogate statehood. For example, in reference to humanitarian aid, Suhrke (2002), notes that IOs often assume that there is no relevant local aid capacity, and that state institutions are corrupt and thus unable to be trusted with aid resources (see also Landau 2008; Harrell-Bond and Verdirame 2005; Juma and Suhrke 2002).

Juma argues that this has resulted in an isolation of the state's existing local capacity, whereby '...local aid structures were overwhelmed, diminished or destroyed' and '...the horde of international agencies overwhelmed the local scene and went about their activities in disregard of any prior experience or knowledge about emergency response' (Juma 2002, 169-171). In addition to marginalising local actors and continuing in the example of humanitarian aid in Africa, Juma and Surhke write that many states in East Africa have been '...systematically sidestepped by the international aid agencies', (2002, 15-16; Juma 2002 170). This has also been compounded by the creation of parallel humanitarian structures, where accountability for humanitarian aid is shifted from the host state to the IO (Juma 2002, 174; Landau 2008). They argue that this has solidified links between humanitarian actors on the ground and donors, in clear disregard of host states, thus leaving the state and local community both unaccountable and without benefit or responsibility for humanitarian assistance (2002, 174).²³

Marginalisation of the state leads to a number of outcomes that suggest an inverse causal relationship between IO surrogate statehood and influence over state behaviour. To begin, when the state is marginalised, leaders may feel that their authority and the state's sovereignty are challenged. This sentiment can result in a desire to over-compensate or over-demonstrate power and authority (Dolan and Hovil 2006). This scenario only further develops when authorities see the IO with authority over local actors that they (the state authorities) have struggled to control, or an area where they have struggled to broadcast power. When leaders of a state are anxious to show their power and authority (wanting to give the appearance of 'ruling toughly'), they are less likely to be less open to input or influence from an IO. Marginalisation of the state can also lead to state authorities not

²³ NGOs and IOs continue to seek greater influence, and donors often prefer to give to them instead of states, seeing them as '...democratic, self-reliant, poverty-oriented and efficient organisations in contrast to the authoritarian, donor-dependent and inefficient state organisations involved in service provision' (Semboja and Therkildsen 1995, 27).

knowing what is going on—not having the knowledge, skills or capacity to deal with a certain issue in a certain area within the state’s borders while the IO holds specialised knowledge and expertise (Barnett and Finnemore 1999). This in turn can make them less willing to listen to the IO working on those issues, either because they do not care or do not understand.

In addition, marginalisation of the state may lead to the state decision-makers to be content with the status quo—happy to let the IO do everything and pay for everything—and thus to have little reason to listen to anything that might change the status quo. Marginalisation of the state may also leave the IO surrogate state with less influence because it might position the IO in such a way such that it needs to stay on the good side of the state; trading moral authority to speak out against the state for access granted by the state. Indeed, IOs with surrogate state roles can become beholden to the states in which they work because their work (and hence their reputation among donors and other international actors) relies on access, which only the state—even a weak state—can provide. Thus they can be hesitant to criticise the very state that provides them with access to their work—work that they must continue in order to uphold their reputation in the eyes of their donors.²⁴ As one interviewee put it, IOs carrying out service provision often attributed with the state not only accept blame for the state’s shortcomings, but lose their ability to ‘responsibilise’ the government, or force it to take responsibility for its obligations, including refugee protection (UNHCR Official N 2012). By substituting for government services at the domestic level and embedding/entwining itself within the state, the IO can lose its ability to be an external

²⁴ This can happen with surrogate state IOs, or IOs with other roles at the domestic level. As noted later, Loescher, Betts and Milner write ‘In many instances, UNHCR has to engage with governments that are uncooperative, troublesome and even hostile to UNHCR. Given that the Office can only work in a country if it is invited to do so by the government, it ignores the importance of local politics at its peril. Governments have a range of mechanism[s] for frustrating the work of UNHCR, including preventing access to regions of the country, isolating UNHCR Representatives and denying entry for visiting missions from headquarters. An extreme consequence of ignoring these dynamics is the real danger of UNHCR being expelled from a country’ (2008, 82).

arbitrator of the state's behaviour. This weakens some of the tools it would normally use to influence a state, including the ability to 'name and shame'.

The second mechanism of responsibility shifting builds on Landau's (2008) research on UNHCR in western Tanzania, and is related to marginalisation of the state. Landau finds that many Tanzanians, over the course of the Burundian protracted refugee situation, shifted to seeing UNHCR as responsible for service provision. Thus, rather than blaming the state when services are lacking, they blame UNHCR and the international community. He asserts that this enables the population to maintain a surprisingly positive view of their national authorities (Landau 2008, 141-148). He writes,

'By blurring lines of responsibilities, officials and politicians were provided with additional mechanisms and incentives for "shirking". Both local and national officials rarely missed an opportunity to publicly blame international actors for the district's problems and the administration's own weaknesses' (2008, 141).

The unexpected result that Landau uncovers, then, is that Tanzanians have a '...heightened loyalty to their nation, territory and political leadership, while expectations of and material interactions with the state have declined' (145).

This mechanism again shows how the state has less incentive to listen to the IO regarding any policy change, as it continues to benefit from the status quo. By inadvertently propping up or benefiting a state that should be held accountable and lobbied to change its behaviour, the IO finds itself in a weaker position of influence. Instead of using its moral authority to call it out, it is on the receiving end of public criticism and blame for any shortcomings in services, governance or resources. This leaves it in a weaker bargaining position to advocate for specific policies, and can leave it with an unsure footing on how to influence a government that has no incentive to change this relationship. After all, the state receives the benefits without having to do any of the work or foot the bill, and thus has little reason to be influenced in any way that would change the status quo. While one might think

the IO's inadvertent propping up of authorities might grant it some leverage, the responsibility shifting instead seems to leave it in a weak, less-influential position. As one interviewee said in reference to UNHCR, the position that grants them the least amount of bargaining power is when they are seen as responsible for everything and pay for the government's work (UNHCR Official C 2013).

IO substitution for the state (and thus responsibility shifting) also potentially weakens the state in its ability and attitude (though not necessarily, but possibly zero-sum power dynamics) toward the work the IO may be doing (Dolan and Hovil 2006), further making it less open to policy change. For example, in being absent from the work that the IO surrogate is doing in its given issue area (e.g. refugee protection) and other issue areas (e.g. water provision), the state does not build its own capacity and staff in these issue areas. As with marginalisation, not only are they less likely to care because it is not an issue-area in which they are working (the IO surrogate state is doing it), but they do not develop the expertise and roster of professionals who might encourage policy changes. Instead, the IO may cultivate all the expertise and staff knowledge needed, in some cases even drawing highly skilled, highly educated and quality staff away from government positions (Barnett and Finnemore 1999; Juma and Suhrke 2002). In the end, this, too, can contribute to the IO surrogate state having less influence over the state because the state is so far removed from the issue-areas at stake.

Revisiting alternative explanations

IR literature provides a host of reasons for how well an IO can influence a state, some of which have been described in this chapter. Given that there is no literature on IO surrogacy and influence on a state, however, a few alternative explanations are mentioned here, and expanded upon in the case studies. First, marginalisation of the state and responsibility shifting may not entirely account for why an IO surrogate state is likely to have less influence

on state behaviour. Many of these include factors well outside the variables, including historical context, political, cultural and socioeconomic factors. Another explanation for influence may simply look at material resources, arguing that an IO is only as influential as its ‘pockets are deep’. Likewise a range of domestic explanations may account for why an IO surrogate has more or less influence on a state; if a ruler is worried about holding onto power, for example, or controlling a specific region or group of the population, their willingness to be influenced by an IO might be altered. The next chapter outlines some of these additional explanations by engaging with empirical literature on Africa, forced migration, and UNHCR. Moreover, each case study chapter also considers additional explanations that help contextualise and deepen the view of the causal relationship. These explanations are thus complementary and interwoven more than alternative.

A Note on the Levels of Analysis (International, National, Domestic)

The next chapter considers the framework in light of the main empirical actor of this thesis: UNHCR. Before moving on, however, it is important to clarify the way certain terms, concepts and ideas are used in the framework. While scholarly literature (and this thesis, for that matter) tends to use the terms ‘international’, ‘global’, ‘domestic’, ‘local’, and ‘national’ as if they are rigid categories that can be easily delineated, this is not the case. In reality, they are fluid and often overlapping categories of analysis. Some of the literature above expands on this, and this conundrum could certainly be a thesis of its own.

Nevertheless, for analytical purposes, this study will understand the terms in the following ways. The term ‘local’ is essentially drawing on a territorial understanding of space, referring to politics that take place on a smaller scale at the village, town or city

level.²⁵ ‘Local’ is generally not autonomous (it is shaped from the outside), but rather relates to a higher authority (Kassimir 2001, 102ff). Moreover, ‘local’ interacts with other factors of influence, and is ‘...a political arena where order and disorder are constructed and spheres of authority are forged and intersect’ (Kassimir 2001, 103). Similarly, this research follows Krasner when understanding ‘domestic’ as ‘...authoritative institutional arrangements of any given polity’, and domestic politics are a contestation among actors within that polity (2010, 2). Likewise ‘national’ can be understood as politics taking place at the state level, generally in the capital, involving state leaders. ‘Domestic’ therefore encompasses both ‘national’ and ‘local’, and everything in between.

‘International’ is a term more frequently used, and refers to politics occurring beyond the borders of the state, either between states or other actors. The term ‘global’ is related, but is broader, referring to something that is everywhere and anywhere, grounded in institutions and the relations that define them (Nordstrom 2001, 218). Callaghy, Kassimir and Latham’s conception of ‘shadow networks’ helps to uncover some of this ambiguity via an analysis of power. They see power as transformative, and recognise that ‘the global’ can only be produced in action, and action is by definition localised (2001, 216).²⁶ Definitions for transnational networks, policies, international organisations, and international institutions, are also quite fluid, and this study will draw on Keck and Sikkink (1998) and Dai (2007) for definitions of transnational networks, norms, international organisations, international institutions and policy. Some of these were discussed earlier in this chapter.

Most notably, as Barnett writes, IR theory often falls prey to the ‘territorial trap’ whereby it maintains a narrow view of rigid, separate understandings of ‘domestic’ and ‘international’ according to borders on the map, and sees the state as the sole authoritative

²⁵ Some scholars take a non-territorial approach to understanding ‘local’. For example, Hannerz, an anthropologist, writes that ‘local’ conjures up notions of everyday life (1996, 26 in Kassimir 2001, 102).

²⁶ They write, ‘While shadow networks work both through and around states, they are distinct from them....They form a different kind of power formation than the state does....States and shadow networks exist simultaneously, each representing distinct kinds of authority and political-economic arrangements’ (2001, 219).

actor (2001, 52). He argues that IR's attempts to integrate the domestic and global reflect this territorial trap, and that more recent scholarship on globalisation and the ways in which transnational actors and NGOs can shape outcomes without having their own material bases of power (but rather through persuasion, communication and information) all demonstrate ways of breaking away from the territorial trap (2001, 54). He further argues that critiques of neorealism and statist approaches have advanced IR away from this blunder, but that it is still a common problem. He writes that in being forced to consider theories of globalisation, which move away from the state's authority, autonomy and sovereignty, IR scholars '...have been forced to address...new connections and networks that structure interactions between state and non-state actors and generate new spheres of authority' (Barnett 2001, 54). This is certainly relevant to this study's understanding of IO surrogate state roles.

Thus, while various IR theories have moved away from a sole focus on the state, IR in general remains largely statist, even when considering domestic and international relations interwoven together. However, thinking through IO-state power relations when there are weak states, 'shadow states' or 'shell states' (Barnett 2001, 55; Lund (ed.) 2007), and particularly where international actors assume state-like functions in a local capacity, is especially relevant in Africa, where many states are deemed 'weak'. As Barnett writes by way of an introduction:

'...politics and exchange take place outside the state's purview and transcend its highly porous borders. The scholars in this volume also climb through the window of the weak African state to consider alternative ontological grids, the networks of actors that congregate and span those grids, and the overlapping and complex relationship between the various "levels" of politics that mock the neat categories of the "global" and the "local". The territorial trap is easily eluded for these scholars...' (2001, 55).

It is the goal here to also elude the pitfalls of this trap, even though some discussion of these categories is necessary to have some frame of reference, and much of the discussion is still state-focused, looking at influence on the state. The concluding chapter will also highlight

some of the similarities and differences between IO behaviour ‘internationally’ versus ‘domestically’, thus making some use of the labels necessary. Therefore, while this research will discuss ‘global’ and ‘local’ as general categories, it is important to recall that these labels are far more fluid and overlapping.²⁷

2.4. Conclusions

This chapter presented the theoretical framework of this thesis. It first identified the gap in the literature, demonstrating that IR literature on IOs, though extensive, neglects to consider the ways in which IOs operate domestically. The IO literature that does examine IOs domestically does so with a focus on norms and transnational actors, but not via an examination of the actor itself working domestically. The chapter then proposed the framework aimed at explaining these types of IOs. It employed the concept of ‘domestication’ to unpack the various roles IOs take at the domestic level, before honing in on one particular role: surrogate statehood. It outlined the ways in which IOs take on surrogacy, conditions for surrogacy, and indicators of surrogacy, before turning to the main variable in question: IO influence on the state. Thus, the first part of the framework is descriptive (understanding if and when IOs take on surrogacy) and the second asks a causal question: when IOs do take on surrogacy, what does this mean for their ability to influence the state? The framework posits that there is a surprising relationship that emerges: IOs that take on more surrogate state properties are less influential over the states in which they work. Two mechanisms, marginalisation of the state and responsibility shifting, help explain this, amidst an array of additional explanations that fill in the context and also influence the outcomes in state behaviour.

²⁷ See Lund (2007) for more on borders. Borders and maps are important to the nation-state, and territorial delimitation is equally important to twilight institutions (2007, 694). ‘The term “local” often invokes an assumed spatial mapping of “local” in contrast to “global” and of “below” in contrast to “above”’ (2007, 694). He writes, ‘Legitimation of public authority takes many forms, but it would seem that territorialisation by delimitation and assertion of control over a geographic area offers a particularly potent language’ (2007, 695).

The next chapter operationalises the framework to the empirical level, looking at the main IO of study in this thesis: UNHCR. It introduces the case study chapters that follow, and considers African, forced migration, and UNHCR-specific literature to consider the framework more thoroughly. Ultimately, the framework is meant to be a starting point to an understudied area of IOs, considering how IOs themselves work at the domestic level—not through other domestic actors, networks, norms, or transnational means, but with their own presence ‘on the ground’. The implications of this framework speak to larger debates within IR, including those relating to sovereignty, globalisation and global governance. Indeed, IOs as surrogate states have the potential to reveal new and interesting avenues within IR, both in how states relate to other states, as well as IOs and other actors.

Chapter Three: Applying the Framework to UNHCR

- 3.1. Introduction
- 3.2. UNHCR's background and 'toolbox' of influence
- 3.3. Domestication: UNHCR's varied domestic roles
- 3.4. UNHCR's surrogacy and its ability to influence
- 3.5. Introducing the case studies
- 3.6. Conclusions

3.1. Introduction

The previous chapter responded to gaps in IO literature by presenting a framework for understanding surrogate state IOs—one end of a spectrum of roles that IOs can take when they 'domesticate'. It argued that IO surrogate states do indeed occur, but that this does not translate into greater influence on the state. It drew on mechanisms of state marginalisation and responsibility shifting to help explain this relationship. This chapter applies the theoretical framework to the empirical level, focusing on one IO in particular: UNHCR. It considers its role as an IO working operationally around the world, and introduces the case studies. As the first chapter's discussion on case selection indicated, UNHCR provides a wealth of data for this research, given its long-term involvement in many protracted refugee situations, its diverse relations with states, and its commitment to refugee protection. Indeed, scholarship on UNHCR demonstrates that it has embraced a range of roles at the domestic level, including everything from an instrument of the state to an autonomous actor and surrogate state. Moreover, its ability to influence states remains elusive: at times it successfully lobbies states to respond to refugees in a specific way, and other times it is completely at the mercy of the refugee-hosting state. Understanding how and why its role 'on the ground' affects its ability to influence the state not only has interesting theoretical implications for this study, but is also a 'real world' puzzle that practitioners and policymakers seeking better solutions stand to benefit from solving. As noted in Chapter One, it also is generalisable to other IOs, when research is done carefully. Thus, UNHCR is both a

natural fit for this research, and an interesting area of inquiry with implications beyond academia.

This chapter proceeds as follows: it first provides context and background to UNHCR's history vis-à-vis its ability to influence states. It then draws on forced migration literature to trace the extent of its power and influence in light of the various roles it has taken on at the domestic level, including ways it acts as an instrument of states, an autonomous political actor, a transnational, a multi-leveled actor, and finally as a surrogate state. It focuses most heavily on UNHCR acting as a surrogate state after years of involvement in a PRS. In applying the framework—examining the relationship between the surrogate state IO (UNHCR) and state behaviour (the host state's treatment of refugees), and exploring the relationship through the mechanisms—it provides analysis on UNHCR's varied domestic roles and subsequent influence more broadly. Finally, the chapter outlines the case studies (Uganda, Tanzania and Kenya), discussing how they vary and some additional relevant empirical literature.

3.2. UNHCR's background and 'toolbox' of influence

UNHCR has been the subject of extensive study by historians, political scientists, anthropologists, sociologists, legal scholars and others. A number of studies have been carried out on its evolution in the field and at the headquarter level, and healthy debate continues about its role and relationship with donors, host states, and refugees. Gil Loescher's *The UNHCR and World Politics: A Perilous Path* provides one of the most comprehensive analyses of UNHCR, looking at its evolution over time in light of the various High Commissioners in its history. A unique facet of UNHCR has been its dual role, being a '...transmitter and monitor of refugee norms', but also an organisation that '...monitors compliance with international standards' (Loescher 2001, 5). UNHCR grew out of refugee

movements in Europe in the 1920s, and expanded during and after World War II, particularly during the Cold War (Loescher 2001, 22ff). It is a normative organisation and clings closely to its mandate and statute, enshrined in the 1951 Convention Relating to the Status of Refugees (CSR51) (Loescher, Betts and Milner 2008).

Today, however, it is also well known for being largely operational in the field, which is why it is such a good empirical focus for this study of IOs working on multiple levels and with a field presence in particular.¹ What began as a small office in the 1950s now has more than 7,600 staff in more than 125 countries. It has a budget of over US\$3.5 billion, and is largely based in the global South, with some 85 per cent of the staff working in the field (UNHCR 2012). A large operational presence has not been without tensions, both within the organisation (as some voice concern about the focus veering away from refugee protection to humanitarian assistance instead), and within the countries in which UNHCR operates. Loescher writes that staff must ‘...negotiate access with national governments, implement programmes with an array of partners, and endeavor to implement global policy in a local reality’, and thus it is not surprising that UNHCR takes on many roles (2001, 82).

Throughout its development, UNHCR has generally relied on a ‘toolbox’ of several powers of persuasion and *modus operandi*. Understanding these methods of influence is crucial to examining UNHCR’s changing roles with time—including its ‘domesticated’ surrogate statehood—and to analysing its increased, decreased or unchanged ability to influence state policy choices. The general ‘toolbox’ of influence that emerges in the literature includes:

- Moral authority (e.g. ‘naming and shaming’ countries; see Loescher 2001)
- Maintaining expertise (creating and holding technical expertise, knowledge, labels and categories relevant to refugees; see Barnett and Finnemore 1999)

¹ However, many scholars would argue that it is still largely a top-down organisation, a point that will be discussed throughout the case studies. As noted in Chapter One, other IOs such as the ICRC, UNDP, or WFP might have similar roles. While the framework has not been constructed with NGOs in mind, it might also relate to large NGOs with a similar presence, such as the IRC.

- Issue-linkage (see Betts 2008; 2010) (linking political, economic and humanitarian issues to influence state's behaviour toward refugees; working with partners to achieve protection standards and/or durable solutions; e.g. Indo-Chinese CPA, CIREFCA²)
- Material assistance, including care and maintenance (C&M) (see Loescher, Betts and Milner 2008, 128).
- Individual diplomacy (see Loescher 2001) (e.g. individual High Commissioners using their political sway and personal relationships to foster specific outcomes)

First, UNHCR's moral authority in the eyes of states has generally been one of its most powerful methods of persuasion. It has always claimed 'protection'³ at the center of its mandate, focusing on the human rights of refugees and even thinking of itself as a lawyer representing refugees. Indeed, UNHCR's normative mandate makes it unique from other UN agencies and IOs. Loescher, Betts and Milner write, 'UNHCR is the only global organisation with a specific mandate to ensure the protection of refugees and to find solutions to their plight' (2008, 73). However, UNHCR's moral authority has also combined with the fact that it is an inherently political actor working with states to protect refugees (Loescher 2001, 6). It has thus had to operate with political wisdom as well. Loescher writes, 'UNHCR has, to varying degrees of success, extended its moral authority to assert its agenda of refugee protection, while also linking refugee issues to states' material interests in order to gain greater leverage over state decisions' (2001, 6).

This combination of working from both moral and political perspectives has also meant that UNHCR works with a range of partners. Indeed, the foundation for its existence lies in principles and values, which inherently link it to other political actors: 'UNHCR is....unable to pursue its mandate independently. Instead, UNHCR is structurally and operationally linked to a wide range of other actors in the international system, including donor and refugee-hosting states, other UN agencies, international, national and local NGOs', making it both an independent actor in the international system with a specific mandate and

² International Conference on Central American Refugees.

³ With a broad understanding of 'protection' and, in some cases, an expanded interpretation of what 'protection' encompasses.

an organisation ‘deeply enmeshed in a diverse and changing set of relationships with a growing number of other actors’ (Loescher, Betts and Milner 2008, 73). This is a double-edged sword, giving UNHCR the potential for more influence on state behaviour toward refugees, but also putting it in the difficult position of having to work with a large number of diverse actors with varied interests—everything from donor states to corrupt host governments to refugee groups to faith-based NGOs.

Having a High Commissioner also makes UNHCR unique to other UN agencies, and presents an interesting case of the power of an individual within an IO to affect state decisions. The High Commissioner maintains significant moral authority and legitimacy, despite having little political authority (Loescher, Betts and Milner 2008, 73). In fact, High Commissioners have exercised considerable power over the trajectory and priorities of UNHCR, and have ‘...ushered in different phases of UNHCR’s growth, its relations with states, and its relationship with the refugees it sought to protect’ (Loescher 2001, 5). High Commissioners have thus had to strike a balance between the moral and political methods of persuasion. Loescher, for example, writes, ‘Most High Commissioners have realised that in order to have had any impact on the world political arena they had to use the power of their expertise, ideas, strategies, and legitimacy to alter the information and value contexts in which states made policy’ (2001, 5). High Commissioners can also hold symbolic value as the lead figure of UNHCR, and may even draw on personal relationships to achieve their ends.

Finally UNHCR maintains technical expertise and knowledge over refugee matters, due to its specialisation (Barnett and Finnemore 1999).⁴ The sheer act of classification, fixing meanings, articulating and diffusing norms, and being the holder of ‘knowledge, training, and experience that is not immediately available to other actors’ is a powerful tool to UNHCR

⁴ However, Loescher is quick to note, ‘In recent decades, as a result of restrictionism on the parts of states, the UNHCR has lost its monopoly on information and expertise’ (2001, 5).

(Barnett and Finnemore 1999, 708; 710).⁵ This also gives UNHCR legitimacy in the world, and the ability to use these specialised skills and knowledge to benefit a refugee hosting state.

Loescher writes:

‘Many new states were willing to adapt their behaviour to UNHCR pressures for purely instrumental reasons. International humanitarian assistance has provided resource-strapped governments with the means to cope with influxes of refugees. Thus, through a mixture of persuasion and socialisation, the UNHCR has communicated the importance of refugee norms and convinced many new states that the benefits of signing the refugee legal instruments and joining the UNHCR Executive Committee—either as a member or an observer—outweighed the costs of remaining outside the international refugee regime’ (2001, 6).

Barnett and Finnemore also outline how the bureaucratic nature of UNHCR gives it autonomy: ‘Bureaucracies embody a form of authority, rational-legal authority, that modernity views as particularly legitimate and good....The very fact that they embody rationality is what makes bureaucracies powerful and makes people willing to submit to this kind of authority’ (1999, 707). In a similar vein, UNHCR is able to use framing and rhetoric as a tool of influence, and a way to carry out its mandate.

Reflecting on Its Reach Over History

UNHCR’s reach has grown since its inception, and its historical trajectory also explains its evolution to surrogate statehood. As noted above, a signature development in UNHCR’s history, and more importantly regarding its global influence, was its expansion from being a European-focused IO (emerging in response to refugees from World War II) to a global actor, beginning to work operationally on material assistance, rather than simply teaching norms of protection from a distance (Loescher 2001, 8).⁶ According to Loescher, this not only demonstrated greater autonomy on the part of UNHCR, but was a turning point in which UNHCR began to have ‘an independent influence on events at the center of world

⁵ They go on to discuss how IO behaviour is prone to ‘pathologies’ (see 1999, 715ff for more).

⁶ See Loescher (2001, 105ff) for more on the ‘good offices’ expansion.

politics' (2001, 8). By the 1980s, Cold War conflict and decolonisation meant that nearly all of UNHCR's work was in the developing world. Care and maintenance programmes (in contrast to a sole focus on protection) in Africa and Asia 'exploded its budgets' with 'the annual budget doubl[ing] each year from 1970 to 1980' (Loescher 2001, 12). Large camps became more common, and UNHCR had a role in both establishing and maintaining camps, at times on behalf of host governments. UNHCR became entrenched in the habits of encampment, finding it difficult to change course.⁷

It is not surprising that the expansion of UNHCR has faced political challenges, with UNHCR's goals sometimes in tension with state priorities. During the Cold War, UNHCR was often caught in the middle of tense ideological opposites, receiving most of its funding from Western governments with geopolitical interests against communist regimes (or countries aligned with communist regimes, and hence supporting intervention if it meant weakening a communist foothold), but continuing to expand into Africa and Asia, focusing on populations associated with those very regimes (Loescher 2001, 10-13).

In the 1990s, the securitisation of refugees became a new norm as powers like the United States were less inclined to intervene in humanitarian situations and accept refugees or asylum seekers.⁸ This caused UNHCR to further involve itself in situations of internal armed conflict as it sought temporary protection measures to contain refugees regionally, as opposed to allowing them to locally integrate or resettle elsewhere (Loescher 2001, 14-15). Consequently repatriation became a popular focus and UNHCR became less concerned with state sovereignty considerations and began to try to 'tackle refugee-producing situations at or

⁷ One NGO interviewee in Uganda, who had worked in partnership with UNHCR for decades, described UNHCR as a massive ship that takes a very long time to make even small changes in its direction. This speaks to UNHCR's 'character' more broadly. He also noted frustration in how long it could take the massive bureaucracy to act, noting an example of when Burundian refugees wanted to return to Tanzania and needed assistance, it took weeks before UNHCR could address the issue. While refugees were ready to go, they had to wait while UNHCR signed a formal Tripartite agreement. He said, in the meantime, refugees were 'walking and leaving' (NGO Official D 2013).

⁸ Note that forced migration literature uses the term 'securitisation' in a slightly different way than other IR literature. See, for example, Van Selm (2003) or Hammerstad (2011).

near their source' (2001, 14). UNHCR also became more entangled in comprehensive and integrated UN peacekeeping operations involving political and military actors of the UN, working with other displaced populations besides only refugees. This boosted the number of people of concern to UNHCR, '...from 15 million in 1990 to a peak of 26 million in 1996', of which refugees only constituted 50 per cent (Loescher 2001, 15). Consequently this meant that UNHCR now looked like a broader-based operational agency driven by emergencies and part of '...highly militarised and politicised situations' (Loescher 2001, 15). Subsequently UNHCR became '...synonymous with large-scale international relief programmes to victims of armed conflict and ethnic cleansing' (2001, 15). This also meant that technical standards of aid delivery and fulfilling material needs of refugees became the yardstick for measuring UNHCR's work, arguably taking the focus away from the original notion of legal protection and human rights (2001, 15).

UNHCR faces a number of challenges in light of its own characteristics and the global climate in which it operates. As a highly networked, transnational actor, working with an array of partners ranging from governments to NGOs, it can be subject to competition from other humanitarian players, and is also party to the well-known 'relief-development gap', where tensions between development actors and UNHCR are common and the struggle to identify when humanitarian assistance should shift into development is ever present (Loescher, Betts and Milner 2008, 87; Black and Koser 1999; Deardorff 2009). In addition, given its constant need for donor support, it is hardly surprising that UNHCR and other agencies must compete for territory, visibility and funds like its other peers, and may also be subject to pressure and political agendas from powerful donor states. An important issue that follows, therefore, is that UNHCR must not only navigate a relationship with the governments with which it is working (donor, host and sending governments) but also must

maintain leverage and working relationships with other NGOs and IOs, given increasing partnerships (Loescher, Betts and Milner 2008, 91).

Similarly, in spite of the ‘toolbox’ methods of influence outlined above, Loescher, Betts and Milner note that UNHCR is limited in how much it can assert its own autonomous agency (2008, 128-129). It has successfully used moral authority and normative persuasion, as well as appealing to state interests, however these have also been in tension with one another, ‘on the one hand appealing to the short-term realpolitik, and on the other hand to states’ normative commitments to refugee protection’ (2008, 129).

UNHCR has also struggled in balancing its responsibility to uphold the refugee regime versus its own organisational interests, which have not always been in sync with the interests of refugees (Barnett and Finnemore 1999; Harrell-Bond and Verdirame 2005; Turner 2010). This has affected its historical trajectory, as it has had to maintain a normative agenda while at times having to adapt or compromise its own mandate to remain relevant to states’ concerns (2008, 129). Overall, then, UNHCR is in a somewhat difficult, contradictory position, and thus questions remain regarding its role and influence:

‘Its precarious place in world politics has made it an international organisation that has had to respond to structural opportunities and constraints in order to survive and fulfill its mandate. Yet it has continued to maintain a significant degree of autonomy and the ability to influence states, in spite of its limited power’ (Loescher, Betts and Milner 2008, 129).

3.3. Domestication: UNHCR’s varied domestic roles

Before honing in on UNHCR’s surrogate statehood and what the framework can reveal about it, it is helpful to trace the other domestic-level roles UNHCR has taken. Indeed, some literature paints UNHCR as an instrument of states (Harrell-Bond 1989; Harrell-Bond and Verdirame 2005); others as an autonomous political actor (Barnett and Finnemore 1999); and still others as a transnational/transterritorial actor (Loescher et al. 2008; Barnett 2001). These roles are not exclusive to one another; an IO like UNHCR may take on each of these

roles at different times, or even in tandem, phasing from one to another with the passing of time. As with most IO literature, IR studies on UNHCR tend to focus on its global role, rather than the roles it takes at the domestic level. Certainly other disciplines like anthropology or sociology have undertaken some domestic-level UNHCR studies (and policy-oriented studies on UNHCR as a surrogate state, though few in number, are examined in the next section), but these generally do not relate UNHCR's domestic role with its ability to influence the state.

First, a good portion of UNHCR-focused literature describes it as an instrument of states, or an actor dependent on state interests, whether looking at the global or domestic level. Scholars like Harrell-Bond (1989) and Harrell-Bond and Verdirame (2005), for example, have often criticised UNHCR for not putting the interests of refugees ahead of state priorities and its own internal priorities, being too ready to turn a blind eye to states' mistreatment of refugees, or UNHCR itself mistreating refugees. Loescher, Betts and Milner (2008) do not find UNHCR as sinister, but do discuss constraints on UNHCR's behaviour in light of state and donor pressures. At the very least UNHCR must maintain somewhat cordial relations with the host government in order to maintain access:

'In many instances, UNHCR has to engage with governments that are uncooperative, troublesome and even hostile to UNHCR. Given that the Office can only work in a country if it is invited to do so by the government, it ignores the importance of local politics at its peril. Governments have a range of mechanism[s] for frustrating the work of UNHCR, including preventing access to regions of the country, isolating UNHCR Representatives and denying entry for visiting missions from headquarters. An extreme consequence of ignoring these dynamics is the real danger of UNHCR being expelled from a country' (2008, 82).

The Uganda case study is one example of this tension, as a senior UNHCR official was expelled from the country for speaking out against the government's refugee policy (Refugee Law Project 2003).

However, while there may be times when UNHCR acts as an instrument of state interests or at least prioritising state interests above others, this research embraces the notion

that it can be an autonomous actor in its own right at the domestic level. As Loescher writes, ‘The UNHCR has not just been an agent in world politics but a principal actor’ (2001, 6). Constructivist perspectives perhaps offer the most analytic leverage in this respect because they not only leave room for the possibility that it can act autonomously, but also focus on constitutive properties changing over time. Barnett and Finnemore, for example, emphasise how UNHCR’s autonomy can grow over time, in large part due to its ‘expert status’ in refugee matters and its ability to act independently in a given locale, often garnering greater trust from donors than the host government (1999, 705; 710). Loescher, Betts and Milner have also emphasised the ways in which UNHCR has grown in autonomy over the years, noting that it is not a passive actor with no agenda of its own (2008, 122). Still recognising the constraints from states and donors, the need to respect principles of state sovereignty and the mandate to focus on refugee rights, Loescher et al. write that it can also act independently, charting its own path:

‘Although UNHCR has limited material capabilities, it has at times influenced the international political agenda and international responses to humanitarian crises through other sorts of power, such as authority and expertise. It has played a role both in framing the importance of refugee issues for states and in initiating discussions about policy proposals in response to humanitarian crises. In this sense, UNHCR has at times been a locus of power within the international political system’ (2008, 122).

This autonomy therefore translates into some form of authority (or ‘locus of power’), particularly in cases where UNHCR is the most visible actor, such as in remote refugee-hosting areas. UNHCR’s perceived expertise has allowed it to make decisions on the part of refugees, including how they are labeled and defined (often as powerless victims), and where and how camps would be constructed (Barnett and Finnemore 1999, 710).

Harrell-Bond's (1986) work offers perhaps one of the strongest critiques of UNHCR's authority and autonomy at the domestic level.⁹ She looks critically at UNHCR's presence in Africa, noting that many governments have simply handed over '...responsibility for policy and implementation to UNHCR and/or to an international voluntary agency' (1986, 64). In this respect, UNHCR's presence on the ground also merits authority. As Barnett writes, 'Being 'an authority' and 'in authority' gives IOs and other actors the opportunity and the legitimacy to intervene in local affairs to help regulate what already exists and to help constitute something new' (2001, 62).¹⁰ They are also, therefore, able to frame their assistance vis-à-vis the state as they choose, all the while maintaining their own interests as well (2001, 61-62). Thus, UNHCR represents an IO that can be somewhat authoritative and autonomous alongside states, at both global and local levels.

Merging the domestic and international at once, other literature illustrates how UNHCR acts as a transnational/transteritorial, multi-leveled actor. Views of this nature stray from the umbrella concept of domestication, embracing both domestic and international-level roles for UNHCR. However, they are still important for this research, as they provide a partially domesticated view of UNHCR. For example, Callaghy, Kassimir and Latham's *Intervention and Transnationalism in Africa: Global and Local Networks of Power* (2001), focuses on the structures and relations 'in between' the 'global' and 'local',¹¹ and seeks to show how cross-boundary forces become directly involved in the constitution of forms of

⁹ Interestingly, she sees it both as giving in to state desires and pressures, and also acting as its own autonomous actor.

¹⁰ Of course, IO power is distinctly tied to authority both moral and expert authority, delegated or legal-rational authority, setting and voicing norms and rules, having regulative and constitutive power, classifying, labeling, investing in meaning and information and turning it into knowledge, monopolising knowledge, acquiring expert status, building coalitions with domestic and transnational actors to influence states etc. (Barnett and Finnemore 2004; Reinalda and Verbeek 1998; Biermann and Siebenhüner 2009 in Hall 2012, 29).

¹¹ They define 'global' as a term that refers to some kind of claim about the range of forces operating across space; and 'local' as being either a discrete element within that global range or simply a site or phenomenon subject to global forces that are external to it (2001, 6). They look at how 'external' and 'internal' forces intersect to alter political outcomes, and are quick to problematise notions of 'internal' and 'external' commonly made by IR and comparative scholars, choosing instead to merge them into 'transboundary formations' that link global, regional, national and local forces through structures, networks and discourse (2001, 3-4).

order and authority in social and political contexts ranging from the local, translocal, and national, to regional and transregional (2001, 6-7).¹² Among one of the most important claims appearing alongside discussions on transnationalism—and a claim that is very relevant to this research—is that one actor’s transnational nature and subsequent authority need not necessarily mean that another actor (i.e. a government) has less authority; it is not zero-sum (it may be, but this should not be assumed). In other words, the involvement and power of an IO like UNHCR need not necessarily mean that local or national authorities are undermined or somehow have less authority (though sometimes this is the case) (Barnett 2001, 63).¹³ In some cases, transnational phenomena may become ‘...part and parcel of the political logics of the state itself, contributing to its ability to fulfill essential political imperatives such as extraction and redistribution...’ a point that will be demonstrated later in the case studies (Roitman 2001, 253). Similarly, Kassimir writes, ‘Much contemporary analysis emphasises processes of the privatisation, localisation, and globalisation of authority at the expense of the state. We need not assume that such processes are necessarily in a zero-sum relationship with sovereign states’ (2001, 95; Obi 2001, 192). The case studies grapple with this further, considering different types of power platforms (e.g. power over laws, borders, people—citizens only or others, too—rhetoric, institutions, or political and socioeconomic processes) where the state may lose, gain, or share power, or be unaffected.

Transnational, transboundary and transterritorial deployments all relate to different ways of understanding actors or networks working on multiple levels at once, including the domestic. Certainly the categories cannot be divided up neatly, and thus any analysis must

¹² They avoid privileging the state, considering NGOs and IOs as equally important actors in politics. Their discussion on transnationalism is also linked to theories of globalisation, interdependence, and broader claims about authority and sovereignty. With regards to authority, for example, they write that groups and institutions establish boundaries: ‘When the UN High Commission for Refugees establishes a refugee camp in some locale it must establish who is a refugee and who is not, what it will do for them and what it will not, and how it will do it or what the effects will be if it does not’ (2001, 9).

¹³ There is no finite amount of power, and one’s increase need not mean another’s decrease (Rosenau 1990). Roitman also affirms that transnational networks or power are not necessarily undermining a regime’s power, and in some cases may even create new ways of generating wealth or be complementary or reciprocal (2001, 241-3).

take into account the ways in which they overlap. Broadly speaking this view embraces a combination of global and local actors as part of the complex picture of authority. Rather than focusing solely on the state level, Barnett argues that politics can go beyond borders and strict understandings of the state, and affirms scholars who consider different forms of networks of actors, many of which overlap on different levels of politics and thus avoid the over-simplified categories of ‘global’ and ‘local’ (2001, 55). He calls for the abandonment of the ‘territorial trap’ of IR’s tendency to follow a statist ontology, which understands authority only in terms of a sovereign state’s territorial borders, noting that authority between the global and local can emerge from a bureaucratic entity such as UNHCR (2001, 47).¹⁴ This perspective allows for a broader understanding of authority in light of IO involvement, particularly in states that may not be ideal Westphalian state types, with varied levels of political centralisation, and control over its territory. While it looks beyond the ‘domestication’ spectrum here, it does offer a view of how UNHCR can maintain its global identity, and work domestically at the same time, a point relevant to this debate.

Recalling that transnational actors can be sources of norms (Skogstad 2011, 17) and can affect state policies (Risse-Kappen, ed. 1995), domestic views of UNHCR can thus also consider its role as a transnational actor, working across boundaries and on multiple, overlapping levels from domestic and local, to international. The historical discussion of UNHCR’s expansion above demonstrates how UNHCR works on multiple levels—from international offices in Geneva to national country offices to field and sub-field offices (Loescher et al. 2008, 74). Moreover, its transnational, multi-layered nature collapses the space between the global and local in the context of IOs, demonstrating that the effects of authority are not just regulative, but constitutive, and that the constitutive effects are bound

¹⁴ He problematises rigid understandings of ‘global’ and ‘local’, arguing that it generates simplistic ‘domestic/foreign’ distinctions or ‘inside/outside’ views of global politics (citing RBJ Walker 1993).

up with power to intervene in domestic spaces to alter the political and economic landscape (Barnett 2001). Thus, UNHCR's domestic roles are inherently tied to its international ones.

An IO like UNHCR can therefore assert this authority domestically or internationally by holding 'specialised knowledge' (also mentioned in the 'toolbox'), creating rules, and embodying rationality and technical knowledge, as well as maintaining the appearance of being apolitical, presenting itself as impersonal, technocratic and neutral, and the appearance of not exercising power but serving others instead (Barnett 2001, 60). An IO like UNHCR can thus be viewed as a self-deprecating actor, denying and asserting its authority at the same time (Barnett 2001, 60; Barnett and Finnemore 1999, 708). In this respect, it is '...delegated, layered, and textured, generated from organisational capacities and discursive linkages to the community, and effectively asserted and denied at the same time' (2001, 60). Thus, its transnational nature allows it to '...intervene in local affairs to help regulate what already exists and to help constitute something new' (2001, 62). Finally, UNHCR's transnational nature points to another important theme in the theoretical and empirical research, which is that 'domestication' of an IO like UNHCR does not mean that it ceases to be international, but rather that it is acting in roles and on issues that are both foreign and domestic in nature. UNHCR's work with refugees is, after all, domestic in the sense that it takes place within the borders of the state; and foreign in that working with refugees is an act toward people of another state—an inherently international act.¹⁵

3.4. UNHCR's surrogacy and its ability to influence

'Several million Africans in refugee camps were effectively governed by the UNHCR, rather than by any state administration' (Clapham 1996, 257).

3.4.1. Independent variable: Surrogacy

¹⁵ Milner, for example, writes that refugee movements are by nature both domestic and international events (2009, 9).

Recalling that the framework first considers the domestic roles IOs can take, and then zeros in on IO surrogate statehood, this section begins by describing how UNHCR takes on surrogate state properties more generally, drawing on the indicators discussed in the previous chapter, and engaging with forced migration literature to demonstrate when and how this occurs. The second part of the framework—measuring how IO surrogacy affects its ability to influence the state in which it is working—is applied in each of the case studies. It is not possible to generalise all UNHCR influence in one fell swoop, but rather it varies according to each case. The section does, however, operationalise the measurements of influence, taking the wider theoretical indicators of perception of power, rhetoric, direct policy influence, and affecting other actors' behaviour, and relating them to the empirics of UNHCR in PRS. This section, therefore, paves the way for the case studies by proving that UNHCR does indeed take on surrogate statehood, and considering when and how this occurs.

When and how UNHCR's surrogacy occurs

Forced migration literature is one of the only literatures with some scholarship on UNHCR's surrogate statehood (and even this literature does not relate it to IR theory more broadly, nor does it look beyond UNHCR). Variations on the idea have been written on from anthropological perspectives (Harrell-Bond 1986) but not in relation to IR theory or in relation to how IOs acting like surrogate states can affect state behaviour. This section considers how UNHCR domesticates into a surrogate state through the empirical analysis of UNHCR's physical presence on the ground, taking it beyond a discussion of norms and ideas descending from an international actor to domestic actors. After all, UNHCR and other actors with similar structures do not just influence domestic structures from Geneva, Washington or New York, but become 'domesticated', hiring local staff, lobbying local and national authorities, and even acting as a surrogate state by providing goods and services on the

ground (in this example, managing camps or contracting others to help manage camps, but also administering non-refugee sectors; e.g. paying local police salaries or paving roads). Indeed, in many of the remote areas in which it works, UNHCR is the most visible authority, not the state. UNHCR maintains its ‘international’ standing while accumulating a ‘local’ presence as well.

Drawing on Chapter Two’s framework of ‘domestication’, UNHCR can take on various roles along the spectrum, the most extreme of which is surrogate statehood. Recalling the indicators of surrogacy (service provision, forms of governance, perception of authority and physical presence) UNHCR has approached surrogate statehood in different cases. Indeed, recent studies have examined how UNHCR can take on the properties of states, in a sense governing and carrying out duties (e.g. service provision) that a state would normally be expected to provide in a given locale (Crisp and Slaughter 2008; Turner 2010). Kagan, for example, cites refugees stating, ‘We live in a country of UNHCR’ (2011, 4).¹⁶ Other studies show how common it is for UNHCR to take on state functions, doing everything from settling land disputes to paving roads or paying local police salaries—all in the name of refugee protection and indirectly connected to refugees, but certainly beyond the original purview of its work. Sometimes its surrogacy can even expand beyond refugee areas into local areas. As noted earlier, Crisp and Slaughter discuss UNHCR’s surrogacy in terms of ‘...territory (refugee camps), citizens (refugees), public services (education, health care, water, or sanitation) and even ideology (community participation, gender equality)’ (2008, 131-2). Its ability to control resources (i.e. being the funder of many projects) also contributes to its surrogacy (this idea resonates with broader IO scholarship, such as Latham 2001, 80-83; Obi 2001, 176).

¹⁶ Citing Grabska’s (2008) research with refugees in Egypt.

As noted earlier, UNHCR does not take on surrogate state properties immediately, but rather in phases over time—an important variable discussed in each case study. Crisp and Slaughter write:

‘...UNHCR and other humanitarian organisations have assumed a primary role in the delivery and coordination of support to refugees, initially by means of emergency relief operations and subsequently through long-term “care and maintenance” programmes. Host country involvement has generally been quite limited...’ (2008, 124).

They also note that in these cases, over time the ‘...notion of “state responsibility”...has become weak in its application, while UNHCR and its humanitarian partners have assumed a progressively wider range of long-term refugee responsibilities...’ (2008, 124). Thus, they depict UNHCR as transitioning from a humanitarian actor to one that ‘shares certain features of a state’ with the passing of time (2008, 124-125). As noted in the case selection section, protracted refugee situations with UNHCR involvement are the most useful for examining instances where UNHCR takes on surrogate state properties.

This evolution to care and maintenance (C&M) and eventually surrogate statehood can be demonstrated by looking at changes in UNHCR’s history. As highlighted earlier, UNHCR expanded from an organisation originally focused only on refugees in Europe, to one that worked all over the world. With seemingly larger influxes, refugees began to be perceived as a source of political instability and social tension rather than victims of external aggression (Crisp and Slaughter 2008, 126). Developing countries were also being asked to bear a larger part of the refugee ‘burden’, as European and other western countries became increasingly closed to ‘burden-sharing’, instead favouring ‘regional solutions’ that contained refugees. Developing countries followed suit, placing more restrictions on refugee admissions, ultimately bringing about more restrictions on refugee rights, closed or semi-closed encampments (rather than open rural settlements), fewer prospects for local integration and self-reliance, and the threatening of *refoulement* unless the international community met

all refugee needs (Crisp and Slaughter 2008, 128). Coupled with ongoing conflicts and few possibilities for a durable solution, UNHCR was thus left to ‘run a network of huge camps’ by the mid-1990s (Crisp and Slaughter 2008, 128, referencing Stevens 2006). By this time, new humanitarian intervention norms were also in full swing, applying a rights and protection-based doctrine that superseded state sovereignty, thus enabling UNHCR to maintain an identity and role that approached surrogate statehood. Thus, there are links between long-term encampment and UNHCR’s surrogacy. States also had some incentive to keep refugees in camps, wanting them to remain visible as a way to discourage permanent settlement, and to maintain development aid separately from refugee aid.

UNHCR’s role in C&M programmes of the 1990s is thus a clear example of its path to surrogate statehood, and illustrates increased responsibility. Crisp and Slaughter write:

‘A defining characteristic of the “care and maintenance” model was the extent to which it endowed UNHCR with responsibility for the establishment of systems and services for refugees that were parallel to, separate from, and in many cases better resourced than those available to the local population. In doing so, this model created a widespread perception that the organisation was a surrogate state, complete with its own territory (refugee camps), citizens (refugees), public services (education, health care, water, sanitation, etc.) and even ideology (community participation, gender equality). Not surprisingly in these circumstances, the notion of state responsibility was weakened further, while UNHCR assumed (and was perceived to assume) an increasingly important and even preeminent role’ (2008, 131-132).

They point to Tanzania in particular, saying that people were living ‘...like babies in UNHCR’s arms’ or referred to UNHCR as their ‘father and mother’ (2008, 132; Harrell-Bond 1986, 91).

Hand-in-hand with C&M programmes, UNHCR’s extensive operational presence in the field also demonstrates how it can act as a surrogate state, or even a territory of its own. Again, Crisp and Slaughter write:

‘The ubiquity of UNHCR’s personnel, offices, vehicles and logo in many long-term refugee camps often leads to confusion on this matter, a situation exacerbated by the fact that many government assets also carry the prominent inscription, “donated by UNHCR”. When coupled with the physical separation

of refugee camps, it is hardly surprising that refugees, local people and government officials should perceive such locations as extra-territorial entities, administered by an international organisation with greater visibility and resources—and even legitimacy—than the state’ (2008, 137).

Their study considers refugee camps to be the embodiment of UNHCR surrogate statehood, but as some of the case studies show, UNHCR’s surrogacy can and has gone beyond refugee camp borders, extending its authority to local populations as well.

Why UNHCR becomes a surrogate state (motives, conditions): Filling a void, passing of time, moral concerns

This research argues that UNHCR generally does not intentionally seek to take on surrogate statehood, but rather finds itself filling a void with the passing of time and in the absence of the state. Of course some argue that UNHCR cannot help but take on more and more projects as it seeks more territory as a bureaucratic IO, sending it on a road to surrogacy, but as the case studies will show, rarely is UNHCR so intentional in its expansion—unaware of its presence, perhaps, but not necessarily intentional in its surrogacy. Scholars like Kagan (2011), for example, see UNHCR’s surrogacy as a reluctant filling of a void—not a power grab. Kagan even outlines cases where a state prefers UNHCR to take over some aspects of governance. He writes, ‘...when state-to-UN responsibility shift happens, we should not hastily assume that it is the UN that wanted the shift to occur. There are powerful political forces that lead states in the south to want to transfer their responsibilities to the United Nations for their own benefit’ (2011, 6). In other cases, the state may want to fulfill its obligations toward refugees, but it may be unable to do so, leaving UNHCR to ‘fill gaps in the international refugee regime that were not envisaged at the time of its establishment’ (Crisp and Slaughter 2008, 123). This picture of UNHCR as a ‘reluctant filler of a void’ was echoed in many interviews for the case studies.

Pertinent to the African cases studied here, literature on African statehood also helps reveal why some states may be ripe for an IO like UNHCR to take on surrogacy (though, as the introductory and concluding chapters argue, this case is generalisable beyond Africa, as various authors and interviewees demonstrate, e.g. Kagan 2011, 4; UNHCR Official C 2013). Indeed, many African states struggle to govern remote areas, leaving power voids open for IOs like UNHCR. Scholars like Herbst (2000), for example, consider how geography and population distribution are directly linked to how well central authorities can consolidate power, noting that smaller states tend to have an easier time consolidating power (2000, 146).¹⁷ This relates in part to ethnic makeup; minorities concentrated in single geographic areas can be difficult to govern (2000, 146). Similarly Clapham (1996) understands governance in Africa in part as a function of population density. He asserts that Africa is a sparsely populated, resource rich continent that is difficult to govern because maintaining authority over population clusters and expansive unpopulated lands is challenging (1996, 28-9). This, too, helps explain some conditions favouring IO involvement, and potentially leaving an open door for UNHCR surrogacy in particular.

Population distribution and geography also have a direct bearing on how centralised a regime is, relations between the central and local authorities, and the extent to which remote areas ‘feel’ a state presence. These factors also provide conditions that might favour an IO like UNHCR to expand its work in a state, be welcomed by the state, or act as a surrogate state. For example, Herbst writes that many African states struggle to project power over long distances (2000, 173). He also considers how far centralised states in Africa have been able to

¹⁷ He develops a typology of African states based on population-distribution maps. In his first group, he finds that countries with certain political geographies (e.g. large countries with a high population density that is not contiguous) find it difficult to consolidate power. His second group includes ‘hinterland’ countries: those that are large, but do not have dispersed areas of high population density. This group may have its highest population density in small areas of the country, making it hard to govern. His third group, that which has a geography most favourable for the consolidation of power, has most of the power in the capital. These countries tend to be small, though not always peaceful. The final group in Herbst’s typology includes countries with neutral political geographies (e.g. Kenya, Uganda and Zambia) (2000, 161).

broadcast power into rural areas by examining ongoing disputes over land tenure, and notes that the role of local elites in the distribution of land is critical to their autonomy from the central state (2000, 174). As the case studies will show, how well a central state apparatus can broadcast power to a remote, refugee-hosting area has direct bearing on the role taken by an IO like UNHCR and the policies adopted. Namely, if there is a void, an IO like UNHCR may see little choice but to fill it (possibly as a surrogate state) in order to continue its work.

Likewise, Agbese and Kieh (2007) write that a large proportion of Africans experience political life with little state presence, a key factor when examining the role of an IO like UNHCR taking on surrogacy and its subsequent influence on the state. This is due in large part to what they call state decay or ‘inversion’, a state where the bureaucratic infrastructure is unable to perform even the most fundamental policymaking and policy-implementing functions outside a severely restricted national urban core—often the capital city and its environs, plus one or two rural zones’ (Agbese and Kieh 2007, 46).¹⁸ They argue that state inversion results in a radical decentralisation of authority because the state cannot carry out its functions (2007, 54). In turn, this leaves room for other actors—local social and cultural structures or other actors like UNHCR—to assume some of these functions.¹⁹

This void leaves many post-colonial African states ripe for foreign intervention, external governance, and/or a proliferation of NGOs and IOs like UNHCR. As Agbese and Kieh (2007) argue, many African states are shells of authority, not able to fully deliver goods or services without a combination of other actors’ involvement. Drawing on their ‘inverted state’ concept, there are some cases where state power is a mirage.²⁰ They write:

¹⁸ Lund (2007), for example, mentions taxation as one indicator of state formation (Mbember 2001; Tilly 1990), but adds that ‘...in places where central government institutions do not reach at all, alternative forms of tax may emerge’, including services provided by organisations (695).

¹⁹ See Clapham (1996, 44-55) for more on post-independence governance in Africa and the ways in which states began to rule as top-down, one-party, monopoly states. This arguably further sets the scene for forms of governance that are ripe for IO surrogate states.

²⁰ Agbese and Kieh write, ‘Scholars have recently depicted African states in decline as ‘soft’, ‘weak’, ‘collapsed’, ‘failed’, ‘shadow’, or ‘quasi’ states (Rothchild 1987; Forrest 1994; Zartman 1995a; Helman and Ratner 1992-3; Reno 1995b; Jackson 1990)’ (2007, 45). They prefer the concept of ‘state inversion’, which

‘Inverted states provide international actors with a relatively familiar pretend-administrative structure and a pretend-set of bureaucratic rules and offices. This familiarity encourages foreign powers and external actors to treat these political entities as states, but they fail to fulfill the “positive sovereignty” function of states’ ability “to declare, implement and enforce public policy” (Jackson 1990, 29). In such cases, the bare remnants of a public sector remain, as communication and coordination of activities between state institutions largely ceases. The signpost “Ministry of X”, the edifice of a government office building, and a weighty stack of (often dusty) official policy papers represent mere physical mirages of stateness. In inverted states, the state—as a collective set of national authoritative institutions monopolising authority and military power and exercising policy on a national basis (Weber 1947; Dyson 1980)—is no longer recognizable as such’ (Agbese and Kieh 2007, 47).

Furthermore, they highlight an increase in privatisation of both domestic and international state functions as a result of this, in particular in relation to service provision. This has, in some ways, transferred decision-making power to other actors, and ultimately resulted in ‘state contraction’ (or the absence of central authority in a given locale) across the board (Semboja and Therkildsen 1992). These conditions help set the stage for an IO like UNHCR to assume surrogacy when there is a void left by the state.

Other scholarship points to this void by looking to post-independence conditions as factors that weakened African states, leaving them ripe for IO involvement as mediators from western governments. Clapham, for example, describes IOs’ filling of a void where the state was unable to broadcast power as a ‘destating of external relations with Africa’, noting that Africa’s relations with the outside world were privatised by politicians and the displacement of traditional state-to-state relations as a result of the processes of globalisation (1996, 256). In addition, he notes that western states often prefer to work through IOs rather than directly with states, implying that IOs can be proxies by which western states interact with African states. He finds the proliferation of NGOs as a symbol of privatisation between North-South relations (1996, 258).²¹ Clapham also argues that globalisation helped bring about the arrival

depicts state decay in stages over time, and is marked by a withdrawal from state institutions (2007, 45-6; Azarya and Chazan 1987).

²¹ He attributes the expansion of NGOs in Africa to post-Cold War changes in international politics, as well as a decline in respect for national sovereignty, and a merging of humanitarian assistance with military protection

of numerous NGOs, noting that this was yet another way in which western states reduced their direct interactions with African states (1996, 258).

Taken in the refugee context, some scholars (e.g. Harrell-Bond 1986, 13) argue that this lack of donor state engagement with the host state may be due to the assumption that host government institutions are too weak to respond to refugees, or that they are too corrupt, oppressive or exploitative to engage with (in Milner 2009, 5). Thus, North/South political relationships can also create openings for IOs like UNHCR to take on larger functions, including substitution for the state, partially conferred upon it by donor states that prefer to work with it instead of the state. This is particularly likely when western states may prefer to work through an IO like UNHCR instead of working directly with the state.

Other literature on institutions in Africa and power also reveals how an IO like UNHCR can assume surrogacy based on a void left by the state. Lund (2007), for example, reexamines how to understand power and the state in Africa, looking at institutions vis-à-vis state power. He finds power and authority to be fluid and elusive, in many cases in the hands of international institutions more than the state. He writes, 'It seems that the closer one gets to a particular political landscape, the more apparent it becomes that many institutions have twilight character; they are not the state but they exercise public authority' (2007, 1).²² The

from the international community (1996, 259). He goes on to discuss how NGOs affected Western civil society's ways of shaping the management of African external relations, which ultimately affected the distribution of power. Even NGOs that appear to be non-political can easily shape the political landscape, particularly on multiple levels (at the local and national levels):

'...the "de-stating" of Western relations with Africa led to the establishment of institutions through which to reduce the role of the state both in the internal management of African societies, and in their relations with the outside world. To the extent to which they became effective and autonomous organisations, these "southern NGOs" in turn became intermediaries which took African international relations beyond the sphere of the state' (Clapham 1996, 264).

²² 'The blurred boundary between state and non-state is often more conspicuous in Africa than in other places because of the many challenges to a grand state formation project' (Lund 2007, 679). He continues, '...it is not only institutions of public authority that provide representations of the state....one is struck by the irony of a systematic myth of the unity and coherence of the state. An idea of a powerful state with intention, a higher rationality and a project is manifested in receptions, seminars and inaugurations, draped in the ineluctable banners with slogans of determination, designed to instill trust in its capacity to do what states are supposed to do. This is contrasted with the incoherence and incapacity of the state, the multiple parallel structures and alternative sites of authority (chiefs, vigilantes, political factions, hometown associations, neighborhood groups) that deny any notion of unity or rationality in the singular' (2007, 689).

notion that the state has absconded itself (by choice or otherwise) from some forms of governing, providing services and even protection in certain parts of its territory is perhaps the most relevant point to this research. Indeed, it directly relates to the ways in which the framework understands surrogacy to develop.

Changes in conceptions of sovereignty also help explain the evolution of UNHCR (and by extension IOs in Africa more broadly) to surrogate statehood. Indeed, some scholars argue that international actors no longer view the sovereign state in the same way, justifying intervention and a large IO presence in a way that ignores the desires of the state, in some cases dwarfing the state and its capacity. For example, Jackson (1990), argues that ‘internal sovereignty in parts of Africa is increasingly either very weak or non-existent’ in the sense of a capacity even to preside over regime associates, much less control a specific territory (in Callaghy et al. 2001, 197). Clapham has also written that some states ‘...have been so thoroughly privatised as to differ little from territories controlled by warlords’ (Clapham 1996, 273). Moreover, it only further alters the perception of sovereignty when the international community steps in to serve the population at the exact moment a state appears in decline (e.g. ‘extraversion’ in Callaghy et al. 2001, 13).²³ Debates about the sovereign state in the African context, therefore, form an important backdrop for this research on how IOs like UNHCR can evolve into surrogate states. In addition to outlining issues relating to power, responsibility, governance, and influence, conceptions of sovereignty in African states help inform the roles of other actors, such as UNHCR. The extent to which sovereignty is exercised by the state or respected by the IO forms an important basis for analysing how an IO like UNHCR can assume surrogate statehood, and what the subsequent implications would be (see Chapter Seven for more).

²³ This may or may not change the balance of power, as Barnett reminds us that power ought not necessarily be viewed as zero-sum—an IO assuming some power does not necessarily mean that state has less power. And yet it seems that some power reconfiguration is inevitable in these cases, and when the state appears weak and IOs strong at a domestic level, the state can also begin to look irrelevant. Case studies consider some of these power-related issues.

Dolan and Hovil (2006) also point to another reason why UNHCR can take on surrogacy, which points to tensions about its own motives and identity. They argue that because it has moved away from a human rights focus (concerned with ‘holding duty-bearers to account’ and not wanting to ‘let the real duty-bearers off the hook’) to a humanitarian actor (more concerned with meeting human need), it is more prone to take on state responsibilities like service provision (2006, 3). Consequently, the idea of ‘protection’ takes on an expanded use. They write that this expanded view of protection,

‘...involves humanitarian organisations in protecting the rights of beneficiaries by filling some of the gaps in state provision—such as the right to clean water in an IDP camp. In cases where these rights are not protected, non-state actors can substitute for the state. Responsibility extends upwards to the “international community”, and downwards to include the non-governmental organisations that comprise the majority of humanitarian actors’ (2006, 3).

These conditions and motives for surrogacy point to a tension about UNHCR’s identity—put simply, whether it is more of a ‘lawyer for refugees’ focused on traditional understandings of protection and advocacy, or whether it continues down a path of C&M, meeting the physical needs of refugees as a humanitarian worker and feeling pulled to meet more and more of the physical day-to-day needs, potentially substituting for the state. Shifts in this direction help illustrate why and how it takes on surrogacy.

Sheer money can also be a condition or motivator for UNHCR to assume surrogacy. As UNHCR Official N (2012) argued, there is a profit to be made in substituting for the government. Another interviewee noted that donors are far more willing to give in camp situations that are run by UNHCR than in situations of settlements or local integration where UNHCR is likely to have a less prominent role (Kamstra 2013). Consequently, UNHCR may feel pressure to show donors that it is taking on more and more responsibility and that refugees are in dire need for its assistance in every way, particularly in the absence of any other help from the host state. It is not surprising that donors tend to give to the most desperate of situations, and thus it is also not surprising that UNHCR might feel pressure to

portray a situation as desperate and their work as essential to refugee survival in order to obtain those funds. Surrogate statehood may inadvertently be a way of showing that refugees are in great need, and hence that more funds should be given.

Finally, UNHCR may be motivated to assume surrogacy because of moral reasons. Staff may feel as though they have little choice but to craft programmes so that they substitute for the state. Even if this means going beyond their mandate, they may feel that refugees would otherwise be left with no protection or assistance. For example, they may need to pave roads in order to get their trucks and supplies through to refugees; they may need to pay police that the state cannot afford to in order to ensure camp or settlement security; or they may need to provide locals with health, water, education and sanitation funds in order to alleviate tensions between the refugee and local populations. As Kagan writes, ‘Even if fully committed in principle to state responsibility, UNHCR is often trapped into accepting quasi-government functions indefinitely, fearful that if it pulls back refugees would simply be abandoned because host governments would turn out to be unwilling to step in’, or that donor governments will not step up (Kagan 2011, 7). He writes that while this is far from ideal, a UN surrogate state may offer better protection for refugees (2011, 1-2).²⁴

These moral reasons for assuming surrogacy may also ‘just happen’ by default, rather than extensive planning. Indeed, UNHCR may have state-like responsibilities thrust upon it simply because the state is nowhere to be found. For example, when a critical juncture happens (e.g. a mass influx) and the state cannot respond, as has occurred in Kenya, UNHCR may have no choice but to follow the moral imperative to respond in ways that go beyond its

²⁴ More broadly, Kagan points to a responsibility shift emerging from basic North/South global inequalities, all of which relate to burden-sharing (notably that governments in the global south have tended to bear a greater load) (2011, 2). He proffers that minimal attempts at resettlement are not enough, and instead that UNHCR’s role in host countries can be another form of burden-sharing. He writes, ‘UNHCR’s ability to deliver aid to desperate refugees in the south offers northern states a channel by which to funnel assistance monetarily while simultaneously helping host governments in the south to keep refugees from imposing a burden on their own societies’ (2011, 3). Juma touches on similar points, writing that when some governments claim to be overwhelmed and cry out for greater burden-sharing, the response tends to be one of government abdication of refugee responsibilities, ‘thus making them UNHCR’s responsibility’ (2002, 171).

original plans for refugee assistance. While surrogacy is more likely to happen over time, these emergency examples can also highlight conditions and motives for surrogacy.

Why UNHCR remains a surrogate state (what sustains its surrogacy)

UNHCR's surrogacy is sustained by a number of factors, some of which build on the conditions and motives for surrogacy noted in the previous section. For one, the organisational structure and traditions of UNHCR makes it so that once it takes on surrogacy, it is difficult to change course (Kamstra 2013). Indeed, if UNHCR expands its operations, raises funds from donors, and builds its reputation around its role in a refugee situation, it is difficult to scale back operations once it has expanded. Staff do not want their jobs to be eliminated, and programmes are often expected to expand in services and reach more people in need, rather than downsize (UNHCR Official N 2012). If donors continue to fund a surrogate state situation, it is difficult to change priorities. In other words, the pattern becomes difficult to break. As UNHCR takes on surrogate state roles with the passing of time, it easily falls into the pattern of running camps, falling back on what has worked with C&M in the past. One former senior UNHCR official stated:

‘UNHCR is also an administration...like any administration has fantastic pools of operational comfort...you run camps, you have camp refugees depend on you so you're the good guy...basically you have a captive population...we have a whole structure...it's a system that works...in general there is a system that is reasonably tested and bureaucrats of the administration and after a while you know how you run it so why push things with governments?’ (UNHCR Official J 2012).

In some ways, then, inherent to surrogacy is the possibility that UNHCR stops trying to influence the government as it becomes entrenched in its own patterns. The case studies are thus cautious to account for this to avoid endogeneity between influence and surrogacy; for

example, interviewees were pressed to describe the ways in which UNHCR continued to try to influence so as to tease out the nuances of the relationship.²⁵

Also noted in the previous section, another reason for sustaining surrogacy includes an ongoing sense of moral obligation, which may continue to make UNHCR feel an obligation to maintain surrogacy. Finally, the government may feel even further removed from the situation, and rather than growing in expertise and staff that are knowledgeable about refugees, may find it easier to continue to abdicate responsibilities to UNHCR, only further sustaining its surrogacy.

Alternatives to why UNHCR takes on surrogacy

Thus far this research has argued that IO surrogate states emerge when filling a void. However, there are those who argue that it is grabbing power more aggressively, not reluctantly filling a void left by the state. Among those critical of UNHCR, seeing it as an aggressive power-grabber that does not care for refugee needs but is only concerned with its own growth, are authors like Harrell-Bond (1986) and Stevens (1991; 2006). Stevens writes:

‘As a brutal testament to...[UNHCR’s]...contemporary failure, at least 3.5 million...refugees currently struggle for survival in sprawling camps in Africa and Asia...If it was originally a guarantor of refugee rights, UNHCR has since mutated into a patron of these prisons of the stateless: a network of huge camps that can never meet any plausible “humanitarian” standard, and yet somehow justify international funding for the agency’ (in Crisp and Slaughter 2008, 123).

Even worse, he argues that UNHCR is complicit in keeping camps going over long periods of time, perhaps to maintain control over the situation. As noted earlier, Barnett and Finnemore’s (1999) study also outlines the ‘pathologies’ of IOs and UNHCR in particular, noting that its bureaucratic drive to dominate knowledge and expertise on refugee matters has enabled them to make life and death decisions on the part of refugees, defining them as powerless victims (Barnett and Finnemore 1999, 710; Malkki 1995; Hartigan 1992; Harrell-

²⁵ Moreover, at the very least it is still helpful to know that surrogacy and influence are paired in this way.

Bond et al. 1989). Harrell-Bond (1986) has also offered critiques of UNHCR's role in caring for refugees in camps, particularly arguing that it has led to over-dependency, lack of agency and a lack of self-reliance on the part of refugees. Each of these perspectives paints a portrait of UNHCR as an IO that is more concerned with its own power and growth (and thus grabbing at power wherever it can) than its core mandate.

It is also possible that UNHCR's path to surrogacy is the result of a combination of the two (filling a void and aggressively grabbing power), with UNHCR taking on different roles and characteristics at different times. Likewise UNHCR may feel pressure from donors to solve problems and continually address need, causing them to take on more and more until surrogate statehood unintentionally occurs. Or UNHCR may be concerned about its reputation—it may need to look like it is achieving certain priorities, which may lead it to expand its work beyond its mandate, thus approaching surrogacy. As the case studies demonstrate, many of these work in tandem with the broader concept that UNHCR domesticates into a surrogate state in order to fill a void, and thus not all (with the exception of the view that UNHCR is power-hungry and aggressively taking power from the state) are opposing 'alternative explanations, but are rather complementary.

3.4.2. Dependent variable: Influence

Measuring influence: Operationalising the indicators

Describing how and when UNHCR takes on surrogate state properties is one aspect of this research, but understanding what this means for its influence on the state—not as an international actor headquartered in Geneva, but working domestically from within—is the second part of the inquiry. While there is extensive forced migration literature on UNHCR's surrogacy, it offers little on what this means in terms of UNHCR's ability to influence the state. Only the case studies will carry out measurements of UNHCR's influence over the

state, because it varies from case to case—indeed, that is the variation under scrutiny in this research. However, this section operationalises the theoretical indicators from Chapter Two to the UNHCR context in order to assess the case study outcomes.

Table 3.1. Indicators of IO influence operationalised to the UNHCR context

Indicator of Influence	Way to measure
Change in perception of UNHCR as an authority	Perception (by local population, refugees and other groups) of who is in authority. The state may be seen as an authority, but may have little presence, thus making UNHCR ‘feel’ like the authority.
Shifts in responsibility, blame, and expectations of who is responsible for services	UNHCR may take on responsibilities—e.g. service provision of water, sanitation, infrastructure, health etc.—that would otherwise normally be expected of the state. Also a mechanism, this may shift how refugees and local populations attribute blame for shortcomings in services (they may blame UNHCR more than the state—e.g. Landau 2008).
Material shift in refugee policy	Complete change in policy as a result of UNHCR’s role (this is difficult to attribute to UNHCR alone because so many factors go into policymaking. This can be measured in refugee rights that UNHCR promotes, including those related to freedom of movement and right to work; often discussed through the lens of local integration).
Change in individual leaders’ demeanour toward refugees	Influencing individual policymakers via one-on-one relationships, who in turn may influence policy choices
Change in rhetoric	Rhetorical influence (UNHCR changes the terms or language of the debate, possibly symbolically) ²⁶
Change in other actors’ behaviour	Influencing other actors (e.g. local NGOs, IPs, donor governments, or civil society) to apply pressure in a certain policy direction promoted by UNHCR, and thus having an indirect means of influence.
Carrying out governance functions	Administration and adjudication of specific territories or locales (also an indicator of surrogate statehood), such as a refugee camp or settlement.
Directly writing policy	Helping to negotiate and write refugee-relevant policy by being ‘in the room’ (writing it up, meeting with leaders, lobbying).

Beyond more empirical specificity, there are few changes to the indicators from their theoretical versions. However, the indicator, ‘material shifts in refugee policy’ does require some additional explanation for the UNHCR context considered in the case studies. While various policies are examined in the case studies, one of the clearest set of policies examined relates to both *de facto* and *de jure* forms of local integration, as understood via freedom of movement and the right to work. The focus on local integration (LI) within the case studies is

²⁶ E.g. A Tanzanian NGO official stated that UNHCR works in a perpetual emergency: ‘...even when it is not an emergency, it treats it like an emergency’ (NGO Official F 2013). Another called UNHCR a ‘frenzy that feeds on itself’, and recalled the perpetual emergency lens through which UNHCR works, at times to maintain donor attention and funds, other times to stay in charge, and at other times because it is the model it has always used (NGO Official D 2013; UNHCR Official O 2013).

certainly not the only way to test the empirical aspects of this theory (for example, one might examine other state policies toward refugees, including forced returns, freedom of movement or work permits), and it is for this reason that a wide range of LI-related policies are examined.

However, broadly speaking, studying local integration policies is a good material fit for approaching this question for several reasons. First, local integration tends to be advocated for by UNHCR (in various forms), but also tends to be the least favoured durable solution by states. UNHCR's role in promoting policies of return or resettlement, for example, are less likely to demonstrate an example where UNHCR influenced a state to do something it otherwise did not want to do because states generally prefer return or resettlement to local integration—they were likely to choose those options anyway, and thus those policies are less likely to reveal UNHCR influence.²⁷ Focusing on LI thus narrows the scope of inquiry to a refugee-related policy that UNHCR advocates for and states almost always dislike. This provides an observable shift that is useful for comparison: a shift in LI policies within individual cases (e.g. Tanzania's shifts to local integration) and across cases (why one state is more willing to consider LI than another). While a state's choice to enact a policy of LI might not be entirely contingent upon UNHCR's lobbying, it is more likely to show a case where UNHCR's input was heard (given that UNHCR promotes greater rights access through LI, and states tend to avoid such policies). Thus, with careful process tracing and in tandem with other variables and indicators, studying policies of LI are a useful way to view UNHCR's influence on state decision-making vis-à-vis its surrogacy.

In addition, local integration represents a policy that is inherently both domestic and foreign in nature, thus lending analytic leverage to this study's focus on multi-layered (and

²⁷ As will be discussed later, UNHCR almost always says that it promotes local integration, but there are times when it tries harder than others, and there are even those who accuse it of getting in the way of local integration at times. There is even the possibility that the more it assumes surrogacy, the less likely it is to advocate for a shift in policy among the government, thus making it seem as though influence and surrogacy may have an endogenous relationship. This challenge is also refuted in the cases and concluding chapter.

specifically the domestic) interactions between IOs and states. Policies of LI also bring up a host of other aspects about state refugee policy, including the right to work and freedom of movement. Thus, LI covers other policy issue areas like human rights and protection, on which UNHCR tries to persuade states. Alone it cannot explain UNHCR's level of influence on a state all together, but it is one of several indicators that can point in that direction and reveal areas where a state considered UNHCR's input where it otherwise might have chosen otherwise.

As noted above, local integration in the refugee context is generally defined in two different ways: 1) legally (*de jure*) in terms of refugees being granted citizenship in a legal capacity; and 2) *de facto*, in terms of the reality of access to human rights, namely the right to work and freedom of movement. While both are relevant to this study, the latter definition will be most commonly referenced. However, the legal aspects of local integration in the former will not be ignored entirely, particularly because this study is more concerned with *policies* of local integration, and policies are most easily seen via the law. This also relates to another important differentiation that must be made in relation to local integration: for the purposes of this research, the study does not focus on how *successful* local integration has been (i.e. the psychosocial aspects of integration, the extent to which refugees 'feel' locally integrated, or the complex shifts in identity among individuals or the collective group). While such aspects are certainly important to understanding the process of local integration and the extent to which it is 'successful', they are outside the scope of this research (they would require sociological, psychological and anthropological inquiry).

Policies of local integration are a major part of 'material policy changes' examined in the case studies (e.g. the Self-Reliance Strategy in Uganda or Tanzania's decision to naturalise refugees from Burundi that fled in 1972), but they are certainly not the only indicator of UNHCR's influence as a surrogate state. And while LI does help frame the case

study chapters' discussion on refugee rights more broadly, and how states treat refugees in light of UNHCR's role and leverage, it is examined carefully with process tracing, and only in combination with other indicators before conclusions about influence are drawn.

Moreover, there are times when UNHCR does not even advocate for LI, or where it does so halfheartedly or indirectly.²⁸ Similarly local integration is the result of a number of variables, and is not necessarily indicative of influence: UNHCR may have more or less leverage, even if a decision on local integration was unaffected. It is for this reason that the framework takes into account the other non-material factors as well.

Additional explanations for variance in refugee policies

There are a number of additional explanations that indicate why a state may behave a certain way toward refugees, many of which are far more influential on the state's decisions than the role taken by UNHCR. Some include: international donor attention (the host state might be more willing to consider a more open policy if it is given adequate assistance to do so); the size of the refugee population (if there is a perception that the state is inundated with refugees, leaders might be more inclined to confine them to camps and minimise freedom of movement); the location of the refugee settlements (whether refugees are in a remote, border area, or in urban slums might affect the state's policy considerations or other behaviour toward refugees); or how culturally similar the refugee population is to the host population (refugees that share language, religion and ethnic ties with their hosts might be more welcome). Still other factors include timing (how long the country has hosted the refugee population), regional politics, economics, security, regime type, the amount and type of aid given, media representation/rhetoric associated with refugee population, and the linking of development to policies of local integration.

²⁸ A number of scholars would even argue that UNHCR prefers encampment and even encourages it. See, for example, Harrell-Bond and Verdirame (2005) or Turner (2010). This is discussed further in later chapters.

Milner's (2009) research provides a number of explanations as well, showing how refugee policy decisions are often made as a result of political and economic factors that may have very little to do with the actual presence of refugees.²⁹ He takes an historical view, noting shifts in many African states' treatment of refugees, including changes from more open, welcoming policies toward refugees to restrictive ones. Indeed, historically, migration was the 'traditional exit option' to protest political rule; people could simply move elsewhere if they did not like a particular regime or leader, and there was plenty of land to spread out (Herbst 2000, 230; Clapham 1996). During the 1960s and 1970s, refugees were welcomed as a political statement of pan-Africanism and unity with those fleeing wars of independence against colonial rule. At this time, most refugees were not in camps, but lived in rural settlements and were encouraged to be self-reliant, even provided with tools and training. Milner writes that for many African states, hosting refugees at this time was a source of pride, and refugees were viewed as a positive benefit to those who hosted them (2009, 2).

In recent decades, however, such openness has been far less common. The 1990s in particular saw one of the sharpest increases in forced migration in Africa, jumping from some one million in the 1970s to over six million in the 1990s (Milner 2009, 33). This time period marked the most dramatic policy shifts. Herbst, for example, writes that many African states have sealed their borders against refugees, in part due to a consolidation and formalisation of borders that was meant to regulate the movement of people in Africa' (2000, 227; 230).³⁰ Consequently, for the first time in Africa's history, people migrated toward the centers of political power, and yet many were turned away (2000, 227-229).³¹ States began to see mass

²⁹ Milner provides a thorough overview of the history of asylum in Africa, particularly in light of anti-colonial struggles and decolonisation (2009, 18ff). He disagrees with scholars who talk about 'traditional hospitality' (Zarjevski 1988, 102) or a humanitarian 'golden age', and says that asylum policies have always been about politics and security (2009, 19).

³⁰ 'Most refugees are not even allowed to penetrate into the interior of asylum countries, and there is usually a concentration of displaced people around the international boundaries' (Herbst 2000, 229 citing Rogge 1987). He argues that not long ago, those fleeing would have simply settled where they fled to.

³¹ 'Simultaneously, the (literal) personification of territorial control in the postindependence period through the development of citizenship laws—which seek for the first time in African history to tie each person to a

expulsions as a legitimate form of treatment, and did not accept that strangers could settle anywhere they fled (2000, 229). Similarly, Milner demonstrates how the perception of refugees shifted by the end of the 1990s, changing from one that viewed hosting refugees as a benefit, to one that saw them as a burden (Milner 2009, 2). States became increasingly restrictive on how many asylum seekers they would host, particularly as numbers skyrocketed and situations became even more protracted. Milner also notes that the quality of asylum (measured in access to rights) declined, further isolating refugees from their host societies (2009, 2).

The table below summarises Milner's (2009) research, which outlines a number of factors influencing refugee policymaking in Africa. These include: democratisation, economic liberalisation, securitisation, scapegoating, rhetoric, terrorism, regional concerns, globalisation, international trends, domestic factors, media, NGOs, perceptions of citizenship, in/out-groups, historical context, territory, land tenure and borders, the scale and scope of the refugee influx, the extent to which states feel as though they are supported by the international community ('burden-sharing'), and the extent to which the host state views refugees as a security threat. These are some of the many explanations that emerge in each of the case studies, and which help make up the complex picture of what goes into refugee policy formulation. This thesis does not reject these additional explanations in favour of an argument about IO surrogacy and influence on the state, but builds on them to understand the role of the IO in greater depth, and where it fits with other variables of influence on the state.

As discussed earlier in reference to generalisability and causality in the thesis, a relationship between surrogacy and influence can be observed amidst a range of causes. It requires careful process tracing, a rigorous examination of the literature, and thorough interviews, all of which the case studies seek to carry out. Moreover because UNHCR uses a

geographically defined polity—is another development critical to the understanding of state power in Africa' (Herbst 2000, 227).

similar model in so many of the places around the world in which it works, it is generalisable to other regions, as well as other IOs that operate with similar roles ‘on the ground’ (again, see Chapter One and Two for more on generalisability).

Table 3.2. Variables affecting refugee policies (open or restrictive)³²

Variables Affecting Refugee Policies (open or restrictive)
External pressure on state; regional dynamics
Level of international assistance to host state/PRS
Extent to which refugees are located in urban areas, versus along a border
Distance from border
Level of government control in the camp/settlement (and possibly more broadly, strength of state/capacity to act and form policy at all). This might also include extent to which a conglomeration of NGOs and IOs work together, or whether one main actor is in charge.
Length of time in exile (years)
Number of refugees hosted
Number hosted as a percentage of population
Whether refugees are located in urban areas (where camps are less likely to begin with); distribution of refugee population
Whether host country has signed CSR51
Whether host country suffers from its own instability/turmoil/produces its own refugees/IDPs; ethnic tension or fractionalisation
Shared culture (language, religion, ethnicity)
Issue-linkage; rhetoric/framing/perceptions; communication
Whether the refugee policy is viewed as a temporary or permanent measure; public perception and politics surrounding
Extent to which refugee ‘problem’ viewed as temporary
Public opinion/discrimination/xenophobia
Extent to which solidarity is shared with the refugee population (or sympathy/shared sense of suffering)
Ability of host state to control aid (who pays for what, which IPs carry out programmes)
Level of refugee organisation/involvement
Level of refugee desire to integrate (i.e. some see it as compliance with atrocities/genocide)
Types of assistance available; assistance programmes (e.g. which jobs refugees are able to get, whether they are allowed to enroll in school with the local population etc.)
Amount of other services being provided in camps (some refugee camps have better services than local villages—therefore whether there is running water, access to clinics, schools etc.)
Individual leaders (at local and national levels)—personalities, relationships, motives
Cost a more open refugee policy would entail
In light of other successes and failures with other policies (i.e. if resettlement has been an option, or if return has failed; were they ‘burned’ in the past—e.g. Tanzanians gave citizenship to Rwandans and then years later the Rwandans all returned in a short period of time, leaving Tanzania feeling as though it had been ‘slapped in the face’)
Land issues
Recognition of status/papers (How well-documented refugees are; do they have identification, and what status does that get them in the host country?)
Level of poverty in the camps/settlements
Levels of crime; health care; education opportunities in the camps/settlements
Number of camps/settlements
Extent to which camps/settlements are viewed as temporary
How centralised authority in the host state is; its ability to broadcast power to remote refugee-hosting areas
Treasured value of ‘hospitality’ in culture
Perception of refugees as security, economic, environmental or social threat
Power of local authorities (and whether they are on a power trip)
Extent to which state has an incentive to maintain the status quo policies

³² Appendix B further summarises reasons states choose open or restrictive policies.

More UNHCR surrogacy means less influence

The case studies will flesh out why UNHCR's surrogacy translates into less influence on the state, leaning on process tracing, literature and interviews. The framework's mechanisms (responsibility shifting and marginalisation of the state) in particular help demonstrate why this is the case. In terms of responsibility shifting, for example, Kagan writes that UNHCR assumes 'unnatural' roles 'in order to fill gaps in the international refugee regime' as it takes on responsibility for delivering direct assistance to refugees (2011, 3).³³ In turn the state may have little incentive to change course or listen to UNHCR about its behaviour toward refugees. Its decision-makers are likely to be content to let UNHCR pay for and carry out all responsibilities pertaining to refugees (and refugees and locals alike may not even expect anything from the state as UNHCR assumes surrogacy; e.g. Kagan 2011, 3; Landau 2008).

For its part, UNHCR may be trapped, unable to leverage or pressure the government because it needs the government to continue to grant it access to do its work—work that it must continue to show its donors to maintain funding. Put simply, in these cases, UNHCR loses its ability to 'responsibilise' the government because they are 'in the same boat' and 'do not want to rock that boat' (UNHCR Official N 2012). Dolan and Hovil (2006), for example, illustrate this struggle in their research. As noted earlier, they assert that UNHCR has moved away from a human rights focus on calling a government out for not meeting its

³³ Kagan draws on Isaiah Berlin's classic distinction between positive and negative liberties: 'Host governments' role is limited to protection of negative liberties....As a result, host governments can substantially live up to their end of the bargain by literally doing nothing. They can 'protect' refugees simply by restraining themselves from deporting them, through a policy of benign neglect. UNHCR and its partners bear the heavier load by taking responsibility for refugees' registration and status determination, healthcare, education, nutrition and livelihood assistance' (2011, 3). Kagan's conclusion is ultimately pragmatic: He writes, 'The assignment of responsibility for protecting rights should be to the institution best positioned to carry out the duty. As a default rule, the state should usually be responsible because in the international arena states are presumed to have the clearest ability and authority to act. But there are situations where either state capacity is lacking, or political constraints lead governments to be unwilling to use it. In these situations, the United Nations may be best able to promote the protection of refugees by taking on some of the responsibility for refugee protection' (2011, 164).

responsibilities, to a humanitarian focus, which instead concentrates on meeting human need (2006, 3). This results in an expanded use of what ‘protection’ entails, and brings them further away from their original mandate (2006, 3). In trying to play both roles, they argue that UNHCR is caught between ‘soft’ and ‘hard’ protection (challenging the state on its duties and obligations), and ultimately weakens its ability to argue for refugee rights (Dolan and Hovil 2006, 4). They write, ‘...the fundamental tension between relief and protection remains: humanitarians can only pursue these forms of protection activity to a certain (relatively limited) point, before their capacity to deliver services on the ground is jeopardised’ (2006, 4).³⁴

Marginalisation of the state also illustrates the relationship between UNHCR’s surrogacy and influence. In cases where the state is marginalised, the sovereign state may exist only in the background, as it cannot reach the ‘front lines’ in interacting in the daily lives of refugees. Kagan writes, ‘When host governments deflect the burden for caring for refugee populations onto international actors, they weaken the normal connection between territorial sovereignty and state responsibility for people who are present on their territory...’. (Kagan 2011, 3). UNHCR may even appear colonialist, mirroring some of Juma and Suhrke’s (2002) claims: ‘In large refugee settlements in Africa, Asia and the Middle East one can find a humanitarian infrastructure dwarfing local government and dominated by international agencies based in the West, funded by Western states, and led by international staff’ (Kagan 2011, 5).

These local and national authorities may also be sidestepped because, as noted earlier, IOs like UNHCR hold the technical expertise and knowledge (Barnett and Finnemore 1999). Juma writes, ‘The marginalisation of state structures, and relations between humanitarian

³⁴ They continue, ‘The Country Director of a large INGO summed up the dilemma...: ‘We are prepared [to raise difficult issues], but I am not authorised to have [my organisation] closed down...It is rarely better for us to leave’. A field-worker reiterated this point, saying: ‘On the ground we want to do a good job, but there is an element of real compromise. We are always thinking, what will the state do?’... In Uganda, the government told NGOs to remain silent on issues of government responsibility’ (Dolan and Hovil 2006, 12).

agencies and donors are mediated by a humanitarian techno-speak that justifies the patronage of international actors over local actors and capacities' (2002, 181-182). While UNHCR may appear to have authority and greater responsibility, the marginalised state is less likely to cede decision-making power, instead seeking to hold its power even more tightly to show that it is still relevant. A surrogate state UNHCR may simply 'leave a bad taste in the government's mouth', making them less cooperative and less likely to be influenced. As Juma writes, '...when humanitarian actors usurp government obligations, the latter's reaction turns negative' (Juma 2002, 175).

Certainly these mechanisms are not the only way to understand the relationship between UNHCR's surrogacy and influence, and this research has even remained open to the possibility that IO surrogacy is epiphenomenal to its ability to influence state behaviour or that there is a spurious relationship (though it obviously disagrees with such a claim in light of the interviews, literature and findings that point to a causal relationship, and once again can assert confidence in such a claim because the research methods, outlined in Chapter One, followed qualitative guidelines of constructing falsifiable theories and choosing dependent variables carefully, King, Keohane and Verba 1994). As noted above, the case studies also demonstrate an array of other factors (some of which echo the additional explanations for state refugee policy decisions mentioned in the previous section) that contribute to how well UNHCR can influence the state from the domestic level, including individual personalities/leadership, the ability of individual groups to lobby politicians, the ways in which politicians calculate audience costs, and domestic politics in general. These can overlap or juxtapose scholarship on the ways in which IOs can influence a state more broadly (not as domestic actors, but at the international level), and also are in addition to the broader refugee context (how long refugees have been there, how the population perceives them, etc.). Resources are another important aspect that comes out in the case studies, as states are

more likely to listen to UNHCR when there is a financial incentive to do so. For example, one UNHCR official stated that he recognises that the humanitarian sector is no different than the commercial sector—‘if you have a big wallet or come in with resources, that will determine the pitch of your voice and leverage you have anywhere in the world’ (UNHCR Official N 2012). Other factors might include: how well UNHCR seizes upon critical junctures or crucial moments; the effects of budget cycles on UNHCR’s planning and execution (UNHCR Official A 2013); patterns engrained in response practises (i.e. UNHCR’s ‘habit’ of encampment); UNHCR’s ability to assuage state concerns about securitisation; and the sense of government ownership over refugee issues.

3.5. Introducing the case studies

The previous section operationalised the framework to the context of UNHCR, examining how it can take on surrogate statehood and broadly speaking, what this means for its ability to influence the state. The case studies will illustrate this empirically, using the framework to understand UNHCR’s surrogate state relationships (or lack thereof) with Kenya, Tanzania and Uganda. As Chapter One indicated in the methods section on case selection, these three cases are comparable (they hold a number of variables constant, including all hosting large numbers of refugees for long periods of time, all experiencing long-term UNHCR involvement, all being in the same region, all being developing countries, and all being former colonies). They are also generalisable to other UNHCR missions in other regions, and other IOs (e.g. Kagan 2011, 5).

The cases show variation on several levels: the variables of surrogacy and influence vary (in terms of non-material and material indicators, such as policy decisions toward refugees). The cases vary in state responses as well: ranging from partnership (Uganda) to abdication (Kenya). Recall from Chapter Two:

Figure 3.1. Sub-view of the ‘surrogate state’ end of the spectrum paired with state disposition



Which causes which (i.e. does abdication cause surrogacy or vice versa), is less important for this research. What is more important for this study is the variation on the dependent variable: IO influence, empirically taken as UNHCR’s ability to influence the state.

Kenya

The first case, Kenya, demonstrates a case where UNHCR has taken on a higher degree of surrogacy and the state practises abdication of its responsibilities toward refugees (and arguably toward locals in the region as well). Thus, by comparison, it is more extreme than the other two cases. UNHCR in Kenya assumed surrogacy to fill a void left by the state in refugee protection and assistance to Somali refugees in the Northeastern Province (NEP). It has been largely responsible for service provision, and has taken on a range of governance functions, from negotiating land deals with locals, to paving roads and helping to pay police salaries. For its part, the authorities have had little incentive to change this set-up, content to focus solely on the security issues associated with refugees, letting UNHCR pay for and carry out all other activities and responsibilities.

Interestingly, this has meant that UNHCR has little influence on state decisions toward refugees. Certainly a number of factors explain this counterintuitive relationship (including securitisation, historical context, international pressures and regional dynamics), but UNHCR’s surrogacy, the focus of this inquiry, also sabotages the organisation’s ability to ‘responsibilise’ the government or argue for refugees’ increased access to their rights. While there are some changes on the horizon in the coming years (including a more involved

Department of Refugee Affairs in the Kenyan Government), UNHCR remains limited in how much it can affect policy or be heard on refugee-related issues, and refugees remain largely encamped or in the shadows in urban slums.

Tanzania

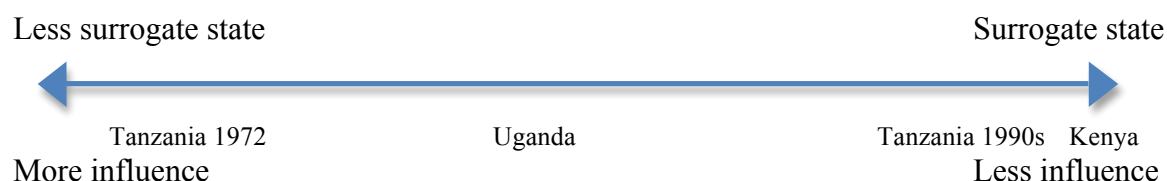
Tanzania offers a ‘double-case study’, with two distinctly different cases in one. Burundian refugees that fled in 1972 were treated very differently than Burundian refugees that fled in the 1990s. The former experienced very little assistance from UNHCR or the state until recently, while the latter experienced a surrogate state UNHCR. It is not a coincidence that UNHCR’s ability to influence in both cases varied as well. Despite its small role, UNHCR was able to encourage the GoT to consider local integration for the 1972 cases of Burundians. This was in part due to historical factors (former President Nyerere had ‘promised’ this and this caseload was already largely integrated into Tanzanian society, self-sufficient and contributing to society), but also due to UNHCR’s role as a resource and ‘sharer of information’. It was not a surrogate state among this group, and thus was able to speak out and advocate in a different way than it was with the 1990s caseload, for whom it substituted for the state. Indeed, the state practised partnership with UNHCR for the 1972 caseload, and abdication for the 1990s caseload. UNHCR’s surrogacy among the 1990s caseload was extensive, to the point where people expected little to nothing from the government, and held UNHCR responsible for public services and functions of governance (Landau 2008). In turn, the government had no incentive to change the status quo, and UNHCR subsequently had lower levels of influence on policies and decisions about refugees. It certainly had increased responsibility and some forms of local authority with the 1990s cases, but this did not translate to greater influence. Thus, UNHCR had greater influence on the government with the 1972 caseload, but not with the 1990s caseload.

Uganda

The third case, Congolese refugees in Uganda, offers one of the clearest views of partnership with the state. In this case, UNHCR took on some surrogate state properties, but not nearly to the extent as seen in Kenya or in Tanzania in the 1990s. There is some variance within this case as well (among UNHCR's role with Sudanese—a surrogate state—versus Congolese refugees—not a surrogate state), but broadly speaking UNHCR's lesser surrogate state role and its partnership with the state have granted it greater influence on state decisions and policies about refugees among both material and non-material indicators of influence. For example, UNHCR was instrumental in bringing about the Self-Reliance Strategy (SRS) in Uganda. While the policy is not perfect, it has received praise for granting refugees greater access to their right to work and freedom of movement (the cornerstones of a policy of local integration). The case study traces a number of factors that bring about this outcome and the relationship between the GoU and UNHCR. It also demonstrates how UNHCR's role of partnership, rather than full-out substitution for the state, helped bring about greater influence.

In sum, the case studies show variance in levels of surrogacy and levels of influence (via material and non-material outcomes). Uganda (Congolese) and Tanzania (1972) show higher levels of partnership, lower levels of surrogacy, and more UNHCR influence, while Tanzania (1990s), Uganda (Sudanese) and Kenya demonstrate state abdication, higher levels of surrogacy, and lower levels of influence.

Figure 3.2. Relationship between UNHCR's surrogacy and influence on the state in Kenya, Tanzania and Uganda



3.6. Conclusions

This chapter applied the theoretic framework to UNHCR. It described UNHCR's roles at the domestic level and its 'toolbox' of influencing states. It explored different ways UNHCR has domesticated as outlined in the literature, focusing most heavily on the ways in which UNHCR takes on surrogate statehood, and the ways in which this affects its ability to influence state policy decisions on refugees. It operationalised some of the framework's indicators, looking specifically at refugee policy formation in terms of local integration. Finally, it introduced the case studies of Kenya, Tanzania and Uganda, showing variance across and within cases, and outlining how the framework applies.

The issues up for debate in this research are complex, and relate not only to major questions within IR, but also to the work of UNHCR. This chapter's discussion of surrogate statehood also relates to larger questions about state sovereignty and forms of UNHCR's power vis-à-vis the centralisation of state authorities in Africa and global governance. The initial assumption that UNHCR's increased role, power and responsibility at the local level as a surrogate state would translate into greater policy influence implied that surrogate statehood might be another avenue of influence for UNHCR's 'toolbox'. Realising that the inverse is true—that an IO like UNHCR can have greater local power, responsibility and yet not have that increase its ability to sway state decisions—has interesting implications for both IR theory and UNHCR's work. The next three chapters present case studies that grapple with

these themes and bring the framework's claims to the 'real world', before the final concluding chapter ties it all together.

Chapter Four: Kenya

- 4.1. Introduction
- 4.2. Refugee-hosting policies and history in Kenya
- 4.3. UNHCR's domestication and surrogacy in Kenya
- 4.4. UNHCR's influence on Kenya
- 4.5. Conclusions

4.1. Introduction

UNHCR's domestication in Kenya provides a clear example of an IO's surrogate state role coupled with state abdication. UNHCR has had a presence in Kenya for decades, and expanded its responsibilities and activities in the 1990s, when a large influx of Somali refugees arrived in the northeastern province (NEP). It assumed surrogacy over time, to the point where refugees and locals alike viewed it—not the government—as the authority in charge. However, while one might assume that greater autonomy, authority and power in the NEP would translate into influence over the Kenyan government's decisions on refugee issues, this does not appear to be the case. Despite its role as a surrogate state—carrying out activities and funding projects—UNHCR has not gained greater influence in terms of material (e.g. policies advocating for greater protection and refugee rights) or non-material measures. This chapter presents the case of Somali refugees in Kenya via a brief introduction to the relevant history, politics and refugee policy. It then applies the framework, outlining the ways in which UNHCR domesticates into a surrogate state—the conditions and motives, examples of surrogacy, and why its surrogacy has been sustained. The chapter then examines UNHCR's ability to influence the state, explaining why it is less influential as a surrogate state.

4.2. Refugee-hosting policies and history in Kenya

Brief general history

Kenya was a British colony until 1963, when Jomo Kenyatta became the first president after more than a decade of rebellion. Amidst political instability, Kenya became and remained a single-party government under President Moi from 1969 until 1992, when multiparty elections were held and President Kibaki was elected. The government has been plagued by corruption and fraud, as well as tensions with neighboring Somalia over land disputes. It has also had its share of recent ethnic and political clashes. Kenya's post-colonial history is also marked by *harambee*, a self-help concept (meaning 'all pull together' in Swahili) embraced under Kenyatta as a means of local community development and unity, and which has informed some refugee policy.¹

Kenya has hosted some of the highest numbers of refugees in recent decades from more than ten countries, a large number of which are from Somalia. There are an estimated 450,000 Somali refugees in Kenya, consisting of both recent and more historic waves of migration in response to civil war in the 1980s and subsequent instability since. Most are in Dadaab, in the northeastern province (NEP), as well as in the slums of Nairobi. Kakuma Camp in the northwestern part of Kenya also hosts a majority of Sudanese refugees, as well as Somalis, Ethiopians and Congolese refugees, with more than 80,000 residing there. In total, UNHCR estimates that there are 559,000 'persons of concern' in Kenya. While nearly all refugees in Kenya have significant needs, drought, famine and protracted instability in Somalia prove the Somali refugee situation as one of today's most difficult PRS (Teff and Yarnell 2012).² This chapter will focus on Somali refugees in Dadaab's camps.

In the past, Kenya had a strong local non-state relief capacity, consisting of mostly indigenous resources: churches and other civil society organisations (Kagwanja 2002, 99).

¹ General information is taken from the University of Iowa (2012a). For more general Kenyan history, see Hornsby (2012).

² Also see Milner (2009, 85).

Kagwanja writes, 'Kenya's refugee policy right from the colonial era oscillated...between 'hospitality' and 'hostility' to refugees and asylum-seekers' (2002, 100). He notes that Kenya saw itself as a transit state for refugees: '...whenever refugees did not threaten its interests, it closed its eyes to them and gave a free sway to NGOs to manage refugee affairs' (2002, 100). Harrell-Bond and Verdirame (2005) describe a similar story, arguing that before 1990, the government controlled refugee policy with an approach of '...benign neglect, allowing refugees to settle freely in towns and cities to secure their own means of livelihood as best they could' (2005, 31).³ They write that it was, for the most part, an open door, laissez-faire policy until the 1990s when refugee numbers spiked (2005, 31). As discussed in later sections, Kenya's more recent refugee policy has been marked by abdication, and a strict focus on security. In response, UNHCR and its partners have assumed blanket responsibility for refugees, operating 'care and maintenance' camps since the early 1990s.

According to Lindley and Haslie (2011), there are generally two refugee populations in Kenya: protracted refugees who fled in the 1990s, and more recent refugees who have fled violence in the 2000s. Dadaab's refugee camps were established in 1991 to host approximately 90,000 refugees.⁴ In light of famine and drought, the population is now more than five times that, and Dadaab is essentially Kenya's third largest city. What was meant to be a 'temporary situation' is now protracted, with some refugees having been there for over 20 years (Lindley and Haslie 2011, 27). Conditions in Dadaab have always been difficult, and have only worsened with the scale of new arrivals. As Lindley and Haslie summarise, recent years have demonstrated increased government involvement, heightened security concerns, and crises within the camps to accommodate new arrivals (2011, 28).

³ Until 1987, Kenya had very few refugees. Those that arrived in the late 1980s were skilled Ugandans, viewed as contributing to Kenya's development and prosperity and thus being welcomed with 'tempered hostility' (Kagwanja 2002, 98 in Milner 2009, 86). In light of this, Kenya's earlier policies were more open and less restrictive, granting individual status by the government, freedom of movement, access to employment and various social rights.

⁴ Dadaab is made up of several camps: Ifo, Hagadera, and Dagahaley.

Relations with NEP, securitisation

Historically, central authorities in Nairobi have always had a tense relationship with the NEP since its colonial days (Milner 2009, 101). Under British rule, it was seen as a constant threat of rebellion. Even today Somalia sees this portion of Kenya as rightfully Somalia, and thus today's Government of Kenya (GoK) (currently led by President Uhuru Kenyatta as of April 2013, and formerly under President Mwai Kibaki) tends to distrust people in the region. One interviewee stated that some Kenyans in NEP do not even view themselves as Kenyan, but rather in occupied Somalia (UNHCR Official B 2012). Another asserted that the people are nearly one and the same, and that it is difficult to tell the difference between Somali Kenyans and Somalis (Chakwera 2012). And yet another noted that issues between the central government and NEP existed long before there were refugee issues there (Parlevliet 2012). It comes as no surprise, then, that this area was kept isolated and devoid of development or investment (Milner 2009, 101). Milner writes:

‘It has been argued that “the North of Kenya is a peripheral region...where, since colonial times, opponents have been sent” (Pérouse de Montclos 1998, 168...). It is an arid and sparse region, a space of relegation where the government has invested little since independence and which, in turn, has contributed little or nothing to the national economy....it has been “placed on the periphery of a very centralised state”...(Pérouse de Montclos 2001, 297). It is...geographically, economically and politically far from the core of power in Nairobi, and therefore a suitable place to contain a perceived threat’ (2009, 105).

According to Milner, the underdevelopment and repression of Somali-Kenyans in NEP is rooted in colonialism and has precluded the integration of Somali refugees in Kenya, keeping them viewed as a threat (2009, 101). There were a number of attempts at secession into a unified Somali state, which resulted in the British implementing a state of emergency in the 1960s. The state of emergency was not lifted until 1991 when Moi allowed UNHCR and other organisations to respond to the mass arrival of Somalis (Milner 2009, 101-102). Subsequent *shifita* wars, or guerrilla campaigns of secession from Kenya, prompted Kenyatta

to respond with intense military spending and fighting (Parlevliet 2012). A coup attempt against Moi in 1982 only further securitised domestic politics in Kenya, resulting in policies meant to ensure that members of his ethnic group would rise to power, as well as mass human rights violations to protect his regime. All of this only contributed further to portray Somalis as a threat, and the justification of their repression on the grounds of national security (Milner 2009, 104). One senior UNHCR official who had worked in Dadaab for several years stated, ‘Not surprisingly, Kenyans see Somalis as a threat...military or police have seen it as a foreign country they’ve been sent to and it’s a ‘why me?’ scenario...’ (UNHCR Official B 2012).

Scapegoating refugees as economic and security threats are also convenient tactics for some politicians: as one UNHCR interviewee stated, ‘...soapbox politics take over, particularly if you want to divert attention from a corruption scandal, of which there were quite a few, then you immediately start a “Somali scare”’ (UNHCR Official B 2012). Milner roots some of this in the process of democratisation, noting that the arrival of multi-party elections meant that politicians found it useful to stigmatise or employ anti-Somali rhetoric and anti-refugee sentiments to gain political traction (2009, 105).⁵ Likewise it is not uncommon for local Somali Kenyans to blame economic or environmental problems on the refugee population.⁶ Finally, the current ‘war on terror’ since the terrorist attacks of September 11, 2001 on the U.S., coupled with international donor pressure and concerns of

⁵ The Refugee Consortium of Kenya writes: ‘Experience has shown that in the run-up to elections many politicians will not hesitate to manipulate the refugee situation as an electioneering gimmick. Members of Parliament have been known to distort facts and stereotypes and vilify refugees as the sole source of increased crime and insecurity, proliferation of illegal arms and scarcity of resources. They have even been known to point to humanitarian assistance to refugees in the camps as evidence that refugees allegedly enjoy a better lifestyle than the locals’ (Milner 2009, 105-6; see also Juma 2002, 6).

⁶ Milner also points out that there are varied viewpoints of security on the part of Kenyan officials, depending on whether they work in or near the camps, or in Nairobi (see 2009, 100ff for more).

al-Shabaab's⁷ presence in Kenya have also contributed to Kenya's strict, security-focused policies toward refugees and the shift from laissez-faire policies of the past.

Confinement and encampment

Kenyan refugee policy has been defined by encampment for decades, demonstrating a significant shift from the earlier post-independence days. A spike in refugee numbers between 1991 and 1992—an increase from 16,000 to 427,278—was one major reason that Kenya adopted policies of confinement and encampment (Milner 2009). The government saw refugees as a threat, and sought to keep them isolated from urban areas (Kagwanja 2002, 99). With the influx, Kenya asked UNHCR for assistance prompting seven new camps to be opened in 1992. Milner writes that these camps '...cover[ed] a large portion of land; refugees were transferred to camps, and the government transferred responsibility for camp management to UNHCR' (Milner 2009, 87). Refugees were continually required to reside in the camps, and were not allowed to move freely or gain employment.

More recently refugees have been increasingly identified with al-Shabaab, generating Kenyan fears about Muslim extremism and terrorism, and resulting in Kenyan police operating with '...clumsy, heavy-handed and militarised action against a wide section of the Somali population' (Lindley and Haslie 2011, 27). And yet encampment has hardly solved Kenya's problems: Dadaab's camps are known for their insecurity, and are often subject to banditry, kidnappings and robberies (Milner 2009, 85). As will be discussed below, the refugee policy of encampment in Kenya centered on abdicating responsibility to UNHCR, and pushing refugees to the margins, politically and geographically (Juma and Kagwanja 2008, 221). It has only been security concerns that have lured it to have more involvement.

⁷ Al-Shabaab (fully named Harakat al-Shabab al-Mujahideen), or 'the Youth' is a Somali militant group tied to terrorist groups like al-Qaeda, and fighting for a fundamentalist Islamic state in Somalia. The U.S. and other western states consider it a terrorist organisation, and it has been linked or directly responsible for a number of terrorist attacks in Somalia and elsewhere in Africa. For more, see (Masters 2013).

Recent history has maintained much of this tradition, favouring encampment pending return (not local integration and limited resettlement).⁸

While encampment still dominates, there have been some important changes since 2006. First, the government has passed legislation putting itself in charge of refugee registration and reception, and setting out a legal framework that governs refugees and establishes some procedures (Pavanello et al. 2010). It is now taking on camp management as well, and a Department of Refugee Affairs has been established (Chakwera 2012). This would seem a positive step for refugees, but it has unfortunately taken place in conjunction with a large influx of refugees in 2011 and 2012, exacerbating tensions in Dadaab's camps, and the subsequent increased securitisation of the Somali presence in Kenya (Lindley and Haslie 2011, 4). In October 2011, the GoK even suspended the registration of new refugee arrivals, claiming that Dadaab's camps were too full, and that accommodating more refugees would be a threat to national security (Teff and Yarnell 2012). Kenya now hopes to return refugees to a safe zone within Somalia, though it is dubious whether conditions for return will really emerge. Nevertheless, the 2006 legislation is a significant step, given GoK's previous abdication (2011, 22). It is discussed further at the end of this chapter.

4.3. UNHCR's domestication and surrogacy in Kenya

The previous section provided background and context for understanding the role of UNHCR in Kenya vis-à-vis the government's behaviour toward refugees. This section examines one of the ways UNHCR domesticates in Kenya: as a surrogate state.

⁸ One interviewee described three levels of Kenya's current refugee policy: the national level, which wants to look tough on terrorism and is only interested in return; the regional/district levels in Dadaab and Kakuma, who have small local populations in comparison to the refugee population, and are interested in political and financial gain from the refugees (he states, 'there is a lot of money to be made and a lot of votes to be counted'); and the tribal component, representing a diverse and complex political tug-of-war, with Somali Kenyans wanting local integration (so as to boost their voting constituency) (Yngrot 2012).

Surrogacy and abdication (conditions and process)

‘In Kenya, the government has institutionalised a *laissez faire* attitude towards refugees and views them as the responsibility of UNHCR. This indifference has left UNHCR with no alternative but to take over what is in effect *a state responsibility*’ (Juma 2002, 175, emphasis added).

UNHCR domesticated in Kenya, moving beyond an advisor from Geneva, a resource or funder or projects, or a transnational actor working through a network of local actors, to an actor working on the domestic level, which, over time took on surrogate state properties.

Before the 1990s, local Kenyan organisations had dealt with refugees, in many cases integrating or resettling them locally, in spite of Kenya’s hostility toward refugees (Kagwanja 2002, 103; 170). For the three decades following independence, international actors like UNHCR kept a distance from ‘on the ground operations’, working instead through local actors (Kagwanja 2002, 103). The 1990s, however, represent a turning point in Kenya’s refugee history, and one where international involvement skyrocketed. From 1991 onward, international actors ‘sidelined and eventually eclipsed’ these local NGOs (Kagwanja 2002, 102).⁹ With large numbers of refugees arriving at the border, some local actors were overwhelmed, and thus in the 1990s Kenya relied on UNHCR to take on more responsibility.

Kagwanja writes:

‘This period saw a meteoric growth of the UNHCR Branch Office in Kenya, from a staff of eight to more than 50 officers. The period was also characterised by a reinforcement of the link between UNHCR and international NGOs such as Care International, the Lutheran World Federation (LWF) and the International Rescue Committee (IRC). This relationship manifested in expanding programmes at the NGO level’ (2002, 104).

Harrell-Bond and Verdirame note this period as a major shift in the balance of power, one where UNHCR assumed expansive power over refugee policy and the government began to

⁹ ‘[T]he events of the early 1990s marked a significant shift to a new refugee regime in Kenya. On the one hand, the involvement of foreign NGOs and UNHCR guaranteed external resources at a time when the numbers of refugees exceeded Kenya’s capacity to absorb them through its generous, if somewhat *laissez faire*, policy. On the other hand, the emergency nature of the response of the NGOs, and of UNHCR, did not include any effort on their part to preserve the positive aspects of the pre-1991 refugee regime’ (Kagwanja 2002, 109, citing Verdirame 1999, 57).

perceive refugees as ‘UNHCR’s problem’ (2005, 33-35).¹⁰ This resulted in tensions between the GoK and UNHCR, and the perception that UNHCR held its own ‘territories’ of power outside the state. Recall the relationship between surrogacy and the state from Chapter Two:

Figure 4.1. Sub-view of the ‘surrogate state’ end of the spectrum paired with state disposition



The influx alone did not drive UNHCR to surrogacy in the NEP, but rather the gap in refugee assistance left by the absence of the Kenyan central government. Some literature describes UNHCR’s ascension to surrogacy as a power grab that pushed local and state actors aside, while other studies describe it as stepping in when Kenya asked for assistance. Kagwanja, for example, writes that once on the scene in the 1990s, ‘...international organisations progressively excluded local actors, entrenched themselves and expanded their institutional power and influence, in effect, making their own exit or ‘devolution’ of responsibility to local actors difficult’ (2002, 13). He also talks about competition and duplicating efforts by IOs, rather than encouraging and strengthening local capacity. Kagwanja would argue that Kenya’s request of assistance from UNHCR paved the way for the hegemony of UNHCR and its international NGO partners and for the marginalisation of local capacity in the refugee arena (however, it is important to note that his focus is on local actors more than central authorities) (Kagwanja 2002, 104). Similarly Harrell-Bond and Verdirame would also argue that UNHCR marginalised the national government during the 1990s, pushing it out of refugee assistance rather than supporting it (2005, 33).

However, while both arguments have their merits, this study takes an historical view, which demonstrates that Kenya was not likely to want extensive involvement in the NEP, nor did it have the capacity in staff or funds to carry out large-scale refugee assistance. Thus,

¹⁰ Both UNHCR and Kenyan government officials noted this (UNHCR Official M 2012; GoK Official A 2012).

rather than ‘grabbing for power’, it was more likely ‘filling a gap’ as the years passed. This does not mean that UNHCR did not sideline local actors, as Kagwanja argues, or that it accidentally took on this role, but rather that it did not have the discipline to resist the ‘mission creep’ that led it to expand into a surrogate state.¹¹

Indeed, as outlined below, there is also evidence that Kenya willfully yielded power over refugee affairs to UNHCR. Rather than abiding by international standards of refugee protection, or at the very least actively governing the areas in which refugees resided, the GoK found it more strategic to put all refugee responsibility on UNHCR and its partners (Milner 2009; Lindley and Haslie 2011, 23). Milner writes, ‘Notwithstanding the principle that the primary responsibility for refugees lies with the host state, ‘a deliberate choice was made by Kenyan government officials in the 1990s to largely cede refugee affairs to UNHCR’ (Helton 2002, 161 in Milner 2009, 88). He cites one senior Kenyan official, stating that refugees were ‘...the UNHCR’s responsibility, not ours’ (Milner 2009, 88).¹² Part of this was due to the sheer number of refugees arriving and Kenya’s inability to cope. The magnitude of the refugee influx from Somalia also paved the way for UNHCR to morph into a surrogate state. As noted above, in 1991 refugee numbers rose steeply from 16,000 to 427,278 by the end of 1992, thus overwhelming the *ad hoc* system and prompting Kenya to ask for international help from UNHCR (Milner 2009, 87).

Donor states have also played an important role in the trajectory of Kenya’s refugee policy and UNHCR’s path to surrogacy. Lindley and Haslie (2011) write that while donor states may not have much moral authority to influence Kenya’s policy, the fact that they trust IOs like UNHCR more than the government is yet another reason why Kenya has not had a

¹¹ This need not necessarily be a negative: in some cases UNHCR staff might argue that they had no choice but to take on this role in order to help alleviate the suffering of refugees. See below for more on motives for surrogacy.

¹² In another example, a Kenyan official in Dadaab responded to a question about state obligations to refugees at the height of the rapes scandal in 1993, saying, ‘...it was not Kenya’s responsibility to investigate what happened in the camps..’ (Kagwanja 2002, 106).

direct role in refugee assistance; it is simply more strategic to let international actors that can obtain the funds do the work. Subsequently it is not surprising that there have been tensions regarding UNHCR's handing over of responsibilities to government actors, which GoK sees as '...rooted in the organisation's own institutional self-interest' (2011, 26). One interviewee emphasised the role of donors in indirectly encouraging encampment and not local integration, partially to be pragmatic, but also because:

'...they do not push Kenya because they do not want to accept liability, and do not want Somali refugees [for resettlement]. The US and UK are very interested in stabilising Somalia and thus will avoid criticising the GoK because they know that it is key...they won't withdraw support. Kenya knows that they use it for surveillance [of terrorist threats], and they know how to use this to their advantage...[especially because they need the aid]' (NGO Official B 2012).

These conditions parallel many of those listed in the framework as conditions for IO surrogate statehood, including a void for the IO to fill.

Examples of UNHCR's surrogacy

As a result of these conditions making Kenya ripe for IO surrogacy, UNHCR's role as a surrogate state can be seen via the indicators from Chapter Two (physical presence, service provision, governance, and perception of authority). In response to whether UNHCR was a surrogate state in Kenya, one UNHCR official immediately smiled and shook his head, stating, 'It's true, you know' (UNHCR Official N 2012). First, it can be seen via service provision to refugees. One example of this is the 'care and maintenance' (C&M) model that has been in place in Dadaab for the last two decades. By itself, C&M does not necessarily signify surrogacy, but in conjunction with the other indicators, a clearer picture of surrogacy emerges. UNHCR's surrogate statehood even extends beyond refugees, to service provision and involvement in funding and governing the local community. Milner writes that in addition to caring for refugees:

‘...UNHCR...runs a number of programmes designed to support the local community and authorities in Dadaab. In addition to providing monthly monetary incentives, equipment and transportation to the local police, UNHCR has constructed 14-room barracks in each of the camps and in Dadaab town, an 80-room administrative block for the District Office—complete with water and electricity, canteen and compound fencing. UNHCR has invested more than US\$440,000 since 1995 to rehabilitate and improve roads and airstrips in the Dadaab region. Since 1992, it has constructed and maintained almost 30 water boreholes for the local population, installed water and electricity to the Dadaab Primary School, rehabilitated livestock boreholes, and provided water tanks for the local population. UNHCR has also provided free medical care to the local population since 1992. Finally, UNHCR has been involved in a range of environmental projects, contributing over US\$4 million to environmental rehabilitation projects’ (2009, 95).

In addition, UNHCR as a surrogate state has also taken over some governance functions, resembling administration in the form of refugee status determination and camp management. Until recently, UNHCR has had complete control over refugee status determination procedures with its partner implementing organisations, despite trying to persuade the government to have a more active role (Kagwanja 2002, 109; Parlevliet 2012).¹³

The perception of UNHCR as an authority—both in the eyes of refugees and locals—also demonstrates its surrogate statehood, even showing examples of locals looking to UNHCR on governance issues rather than the central authorities. The state was more or less a distant echo to local politicians, and the authority to go to was often UNHCR, not the central government (UNHCR Official K 2012). Even a senior GoK official and former Minister of Refugees agreed, discussing how those both refugees and those in the local government did not feel like the central government was in charge: ‘...the people feel abandoned...not so closely attached to the national government...’ (Kusimba 2012). A senior UNHCR official that had worked in Dadaab, for example, stated that local officials knew to seek resources from him, trying to extort money from him before even considering petitioning the government. He stated, ‘...as far as they’re concerned, I’m being given a large bag of gold coins which it was up to me to spend however I wanted, and if they threatened and abused me

¹³ See Kagwanja (2002, 109) for more.

enough, then I would be forced into giving them what they wanted and letting the refugees starve' (UNHCR Official B 2012). Thus he was seen as an authority, and locals sought assistance from him rather than their regional and national counterparts.

Even security provided by the state was often funded by UNHCR. Kagwanja writes:

'District officers in refugee-hosting divisions interpreted their duties in a strict sense as ensuring the security of the Kenyan citizens while refugees were the responsibilities of UNHCR and partner NGOs...the DO considered refugees as outside his brief and never entered the camp unless he was invited by the UNHCR when there is a security problem, especially involving refugees and the locals. The feeble presence of the state in camps was accentuated by the inability of the national refugee administration to make its influence felt beyond Nairobi. The refugee Directorate in the Ministry of Home Affairs, for instance, had no representatives in the camps. *UNHCR became so powerful that it was brokering land deals with the local population without consulting either the central government or the local administration.* For instance, in 1999 the resident officer in Kakuma camp negotiated a deal with Turkana elders to acquire more land to set up a new camp' (2002, 105, emphasis added).¹⁴

UNHCR's surrogate statehood can also be seen through individual refugee's perceptions of its role. Whereas national authorities were seldom present in the lives of refugees (and many locals for that matter), UNHCR's presence evoked the perception that it could take care of individuals beyond legal protection. Horst, for example, talks about this responsibility shift over time, with refugees wanting UNHCR to do everything for them (2001, 7). She cites Collins (1999), noting, 'When the husband goes to town in order to earn an income, this is much easier when he can leave his family in the care of UNHCR' (2001, 8).

The perception of UNHCR as the authority in charge is also reinforced by what some may call 'mission creep'. As noted above, in many cases UNHCR has little choice but to carry out tasks far beyond its mandate because they will otherwise be unable to carry out

¹⁴ To be fair, it is not necessarily the case that UNHCR sought out this powerful role. Indeed, UNHCR has engaged in numerous initiatives to empower refugees and locals to respond more directly to community needs (e.g. 'Operations Continuity Plan') (Teff and Yarnell 2012). Moreover, Teff and Yarnell (2012) report that UNHCR only had some 13 protection staff for nearly half a million refugees in Dadaab, thus demonstrating that they were still short on staff.

refugee protection. For example, Kagwanja writes that because the state was also unable to offer adequate security around the camps, UNHCR was forced to subsidise local security personnel and to establish local police stations—activities far outside its original refugee protection mandate (2002, 106). One interviewee stated, ‘The government provides security, paid by UNHCR. UNHCR pays the per diem (vehicles, police stations, \$11M USD of UNHCR security budget goes to this...)’ (NGO Official B 2012). Thus even if the government has some role in this, UNHCR is seen as the authority behind it.

Why it stays a surrogate state

‘You don’t make a lot of money off... “responsibilising” the government... **where you make a lot of money is substitution [for the government].**...’ (UNHCR Official N 2012, emphasis added).

A number of factors offered by the framework help explain why UNHCR’s surrogacy in Kenya perseveres. At the very least, UNHCR and the GoK maintain surrogacy as long as it is in their interest. As noted below, the GoK continues with the status quo because they are happy to have UNHCR both carry out the work and pay for it as well. Also, after years of UNHCR carrying out refugee protection, the GoK may have little knowledge and expertise on the subject and may not have staff well trained to take over. Thus UNHCR has created a niche for itself that the government has lost the opportunity in which to grow.

For its part, UNHCR, though outwardly reluctant to take on surrogacy, has an interest in pleasing its donors and thus does not want to appear to be scaling back from any projects. On the contrary, expansion is what brings in new funds, which makes going beyond the refugee protection mandate tempting. One UNHCR official stated that UNHCR’s current role in Kenya and in other PRS puts UNHCR in a difficult place, as it becomes the key resource mobiliser, continually failing to ‘responsibilise’ the government. He claims that within the organisation, ‘it is not really rewarded’ to truly seek solutions that empower the government to make sure that ‘I will not be necessary’. In other words, technically speaking,

humanitarians should seek to ‘put themselves out of a job’, but the organisation does not always carry on this way, instead taking on more and more. He continues, ‘That’s why in Kenya, which is quite stable [and thus capable of responding to refugees], you will have “capacity-building” for 20 years...’ as opposed to turning over responsibilities to the GoK (UNHCR Official N 2012). In other words, to ‘stay in business’ UNHCR may not always seek solutions that would put an end to their operations in Kenya.

This relates directly to arguments that UNHCR’s structure makes it difficult to downsize once it has expanded. As noted earlier, scholars like Barnett and Finnemore (1999) argue that this is true in bureaucratic organisations like UNHCR, which are often wired to continually seek expansion. One NGO official interviewed even talked about UNHCR being like a big oil tanker that is very difficult to turn around once it is moving in one direction: ‘...the captain can try to turn the wheel, but it is going to be a long, gradual turn, and one will not see results for a long time’ (Kamstra 2013). Thus, part of the reason UNHCR maintains its surrogate state role in Kenya relates to both what is in its interest and in its nature.

He also notes that protracted cases generate money for UNHCR and donors sitting on funds that need to be used, and that ‘responsibilising’ governments instead does not bring in as much money. As noted earlier, he states, ‘You don’t make a lot of money off that...where you make a lot of money is substitution [for the government]...’ (UNHCR Official N 2012, emphasis added). Furthermore, he states, ‘There is little incentive for UNHCR to leave...Contrary to the commercial sector, we are not cost-conscious and there is a mismatch between donors...we don’t have the incentive to really look for a sustainable solution...’ He argues that UNHCR is (intentionally or unintentionally) out to keep its staff in the field. Likewise he and another interviewee noted that one-year budget planning cycles and staff rotations only further promote short-term objectives and employees that are trying to climb the ranks, rather than focusing on finding long-term solutions (UNHCR Official N 2012;

UNHCR Official A 2012). These budget cycles also deter thinking on long, strategic views that incorporate development and private sector actors, which most agree are much needed in PRS (UNHCR Official A 2012). This breeds inconsistency: ‘...we go left for two years, then we go right for two years...we don’t have long times...it’s a cultural thing...and is linked to how the organisation would like to see itself: responding to emergencies’. He continues, ‘There is no go in and go out, it’s go in...and stay’ (UNHCR Official N 2012). Another senior UNHCR official stated, ‘We are stuck in emergency response attitude’ (UNHCR Official A 2012), which means more encampment and confinement, and continued surrogacy.

Though cynical, this UNHCR official concluded by saying that UNHCR’s substitutionary, surrogate state role can perpetuate PRS. He stated, ‘We become fat and happy and occupy space...that space is very difficult for any government, even if they would wish—and sometimes they don’t wish—there is no incentive to take that on...there is no real authority...refugees are the business of UNHCR...UNHCR deal with this’ (UNHCR Official N 2012). Indeed, governments remain happy to save money, and accept what he calls the ‘economic colonialism’ placed on them. He also admitted that the ‘analytical process’ by which UNHCR would leave would require knowledge of where they (UNHCR) ‘would like the government to be in five or ten years’.¹⁵

Another related reason for the maintaining of surrogacy relates to donor preferences to channel funds through IOs more than directly to governments. This encourages UNHCR’s continued role as surrogate state. Indeed, scholars (Milner 2009; Harrell-Bond 1986; Kagwanja 2002; Rutinwa 2002) indicate that many western donor states do not trust

¹⁵ Implying that UNHCR would somehow have influence over the status of the government in five to ten years. In spite of this, this particular official felt he had excellent standing in UNHCR, good relations with the government, and that prospects for policies promoting refugee rights (like policies of local integration) in Kenya would become possible. Ultimately, this interviewee felt strongly that UNHCR needed to stay rooted in its principled approach: ‘We handed over thirteen brand new Land Cruisers...but that in itself is not what refugee protection is about...our loyalty must be to the refugees...it’s when you stop and go down the road where you try to accommodate other needs...when you try to please or to position yourself you become a political actor’ (Yngrot 2012).

governments directly, and thus prefer to give aid through UNHCR. These states may have some humanitarian motives, but are also concerned with doing so out of self-interest: for example, Somalia is a security issue for the West in a post-9/11, terrorism-focused world, and thus Kenya is a strategic partner. Western states therefore have interest in continuing to fund UNHCR's surrogate state presence, further lessening any incentive to pull back from its surrogate statehood.

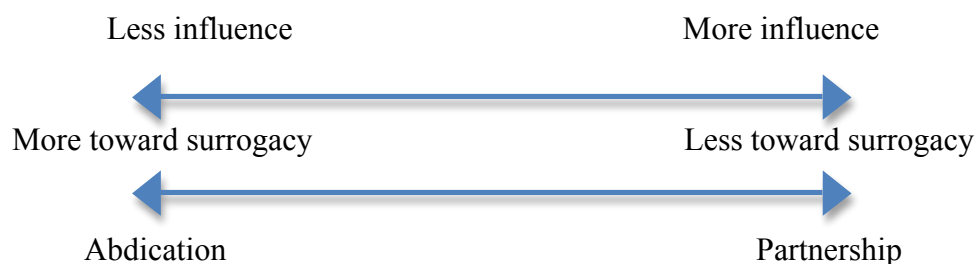
However, this is not to say there are not well-intentioned reasons for surrogacy as well. Indeed, the previous section noted UNHCR's reluctance at filling the void (rather than a power grab), and many UNHCR staff interviewed also expressed a genuine sense of moral obligation to do some of the activities that make it appear to be a surrogate state. They argue that it is difficult to protect refugees when a situation is not secure, roads are not paved or water not potable. Thus, if the government is not willing or able, they are driven to take on other projects such as these in order to continue their work. They also argue that local development projects are essential to their work because they keep tensions between refugees and locals low, as locals may otherwise resent refugees receiving more international assistance. A different senior UNHCR official emphasised the need for UNHCR to take on the role of peacemaker amidst its mandate to refugees, maintaining peace with host communities and government authorities. He stated, '...if we don't fulfill some of their demands we are also endangering refugees' lives...' and paying police, providing vehicles and other things is a 'way of making sure our work can continue. We do not feel hostage. In a way, yes, but somehow we manage to find our way...it all depends on personalities on the ground' (Chakwera 2012). In light of these comments, it is not hard to see the ways in which UNHCR slides into surrogate statehood, sometimes unintentionally.

4.4. UNHCR's influence on Kenya

More surrogacy leads to less influence

What does UNHCR role as a surrogate state with Kenya's Somali refugees mean for its ability to influence the state? At first glance, it would seem that its increased responsibility and authority at the local level would mean greater power and influence over state decisions on refugee issues. Instead, this research finds that Kenya's surrogacy actually lessens its ability to influence the state. An array of additional explanations for UNHCR's level of influence helps to demonstrate why surrogacy has these effects (or lack thereof) on Kenya's behaviour toward refugees.

Figure 4.2. Influence, surrogacy and state reaction combined



Recalling the indicators outlined in the framework in Chapter Two, UNHCR in Kenya has less influence. First, while it is perceived as an authority in Dadaab among locals and refugees, both responsible for many services and governance functions, and blamed when services do not come through, it has had little effect on Kenya's policies. Top Kenyan leaders remained largely unconvinced on refugee protection issues important to UNHCR, continuing to see refugees solely as a security threat (Kusimba 2012). Concerns about spillover violence and terrorism have made the state less open to hear any other refugee-related ideas or policies, particularly UNHCR's concerns with protection and human rights (UNHCR Official

K 2012).¹⁶ One interviewee commented that Kenyans are growing tired of their troop involvement in Somalia, and that security wings of the government would happily kick out all refugees immediately if they could, even if their Department of Refugee Affairs (DRA) is more tame and tempered (NGO Official B 2012). Likewise the need to confine refugees to camps until they can return has remained unchanged, despite UNHCR's advocacy otherwise. UNHCR has had little participation in advising or formulating state refugee policies, and even though the government sets refugee policy, it feels little ownership over the refugee issues, given its abdicationist stance.

In addition, regional and international pressures on Kenya greatly affect Kenya's policy decisions, and how willing the state is to listen to UNHCR. Milner writes that when the Somali refugee crisis occurred in 1991, Moi was also feeling pressure from the international donor community, which had suspended aid to Kenya, citing the need for it to democratise and prioritise human rights.¹⁷ The Moi regime had to comply and allow refugees to enter, given its heavy reliance on aid, and Kenya subsequently won praise and more international assistance (Orwa 1989, 226 in Milner 2009). Kenya now uses diminishing donor support as a reason for restrictive policies that ignore UNHCR calls for greater refugee freedoms. More recently, the US war on terror since 9/11 has greatly affected the Somali economy and its politics, including stronger anti-American sentiments among some, and greater US pressure on Kenya to be a counter-terrorism partner—all of which domino into Kenya's refugee policy considerations and how willing it is to change the status quo or consider input from UNHCR. In addition, African Union and the East African Community pressures also factor into Kenya's refugee policy choices, as have their commitments to international conventions and treaties like CSR51 (Kagwanja and Juma 2008, 230ff).

¹⁶ Kagwanja ultimately finds that '...assistance—whether local or international—can only be of limited effectiveness when the state views humanitarian crises through a prism of national security and is itself implicated in causing or accentuating the emergency' (2002, 13).

¹⁷ Democratisation also had mixed effects on responses to refugees at local and national levels, as politicians sometimes found it convenient to scapegoat refugees to attract votes. See Appendix C for more.

How refugees are perceived also affects how willing Kenya is to listen to UNHCR. For example, Kenya has often framed refugees as terrorists or economic refugees, rather than ‘true’ refugees. This in turn has meant more restrictive policies and less concern for UNHCR’s attempts to lobby for greater refugee rights. Also individual leadership and the relationships between government officials and UNHCR (and its partner NGOs) also affect the relationships of influence—perhaps even more so than roles of surrogacy or otherwise. And, as noted earlier, government structure (centralisation, leadership styles, and whether Kenya is ‘out to prove’ its authority) also factor in to how much it can be influenced by UNHCR.

Thus far, UNHCR’s role as a surrogate state has been unable to overcome these factors that make it difficult for UNHCR to influence GoK’s behaviour.

Table 4.1. Summary of UNHCR in Kenya: IO surrogacy, state abdication and low influence

UNHCR in Kenya (Somalis): IO surrogate state/state abdication			
Indicator of influence			
Is UNHCR perceived (by locals, refugees, or other actors) as a power or authority in the locale in which it is working?	Yes	Are state policies toward refugees in line with UNHCR’s priorities?	No
Does UNHCR receive blame when services are not provided? Is it seen (by locals, refugees, or other actors) as responsible for things generally attributed to the state?	Yes	Does the GoK feel a sense of ‘ownership’ over the refugee ‘issue’?	No
Has UNHCR been able to change leader’s minds on decisions?	No	= Low Influence	
Has UNHCR changed the rhetoric of the issue?	No		
Has UNHCR affected other actors’ behaviour (local authorities, refugees, locals, other NGOs?)	Yes		
Does UNHCR participate in forms of local governance?	Yes		
Has UNHCR participated in directly writing and/or shaping policy?	No		

One example of this lesser influence can be found in UNHCR’s inability to successfully lobby for greater refugee rights, particularly in terms of freedom of movement

and the right to work (most commonly exhibited in *de facto* local integration). UNHCR explicitly states that it advocates for refugees to have greater access to their human rights. Of course how it does this varies from case to case. In Kenya, UNHCR officials acknowledged that they had few ways to encourage policy shifts. One senior official stated that local integration was more likely to happen ‘by stealth’ (e.g. via intermarriage, but not an official policy), and another stated, ‘...they don’t even want to hear about it...once you start talking about it, the government will start keeping their distance...’ (Chakwera 2012). Similarly an NGO official stated, ‘You can’t even say “local integration” among government officials of Department of Refugee Affairs. You can’t say the word before they have said “no”’ (NGO Official B 2012). Likewise another UNHCR official commented on the label of local integration, noting that calling a policy ‘local integration’ has a negative connotation (Parlevliet 2012). In other examples, Lindley and Haslie note that UNHCR gave in to pressure from Kenya to try to stem the flow of incoming Somali refugees, and to encourage repatriation through a ‘preventative zone’ in Somalia near the Kenyan border (Hyndman 2000; Lindley and Haslie 2011, 28-29). This is arguably the opposite of greater protection through local integration.

Certainly there are a number of reasons that Kenya does not consider local integration in particular, or more open policies more broadly (and it is possible that material policies in Kenya would never be swayed by UNHCR, which is why this study looks at non-material indicators of influence as well). What is evident in these material policies, however, is that UNHCR has not been able to alter or affect change in such policies, or bring its protection and rights-oriented agenda to the forefront of Kenya’s decisions on how to treat refugees. Its surrogacy not only positions it to maintain the camps that continue such restrictive policies, but also locks it into a position where it has little leverage to negotiate for change. UNHCR must maintain access, leverage and good relations with the GoK, but also feels ‘trapped’ to

fund ‘everything’ endlessly, even if it is unable to advocate for change and greater access to refugee rights (UNHCR Official E 2013; UNHCR Official L 2013; UNHCR Official C 2013).

UNHCR’s surrogacy has also led to less influence because it ‘disincentivised’ the Kenyan government from wanting to change the status quo, which included UNHCR paying for refugee programmes. Even where the surrogate state UNHCR in Kenya has tried to lobby the state to take on more responsibility, such as with the 2006 Refugee Act—even funding the government’s refugee department to encourage more government ‘ownership’ of refugee issues—it has backfired and left the government less inclined to be influenced by UNHCR.¹⁸ One senior UNHCR official stated quite bluntly (in reference to Kenya) that UNHCR should not fund government refugee departments. He stated, ‘You know the worst thing we have ever done was create the government counterpart in areas where we are the government counterpart fully funded by UNHCR...I think there are many situations where we have a refugee ministry or commission totally dependent on funding by UNHCR’ (UNHCR Official C 2013). He indicated that this produces a department that is self-interested and difficult, and that tends ‘...to manipulate the situation to their own needs, and to make sure the refugee situation continues so that they can get funds...they have no interest in a solution, or they sabotage solutions’ (UNHCR Official C 2013). Numerous other UNHCR colleagues agreed with this (UNHCR Official L 2013; UNHCR Official E 2013), and yet it surprised some donor government officials (USG Official G 2013). Ultimately, then, UNHCR’s surrogacy in this case made it less able to lobby for solutions or changes in the refugee status quo.

¹⁸ At first glance, the 2006 Refugee Act may be seen as a possible way that the state’s behaviour changed amidst UNHCR’s surrogacy (perhaps because of its surrogacy or in addition to a number of factors). After all, UNHCR lobbied for the Act to be passed, which includes implementing the 1951 Convention, 1967 Protocol, and 1969 OAU Convention, all outlining a clearer legal framework for dealing with refugees. However, a closer look reveals that it has not relieved UNHCR of its duties in Dadaab, granted refugees more rights in terms of freedom of movement or the right to work, or amounted to greater will or capacity to carry out its implementation. For these reasons, interviewees expressed that it has not granted them more influence (and possibly less, as seen in the text above) (Pavanello et al. 2010).

The government's perception of UNHCR's surrogacy also means that UNHCR has less influence on the state. For example, interviewees seemed generally resigned to the fact that UNHCR would remain in Kenya for some time, that the situation was unlikely to change, and that it would therefore maintain surrogacy for some time. Interestingly, most NGO, UNHCR and government interviewees discussed future plans for refugee affairs as if UNHCR were a permanent fixture in Kenya. Even as the new constitution of 2010 brings greater centralisation of refugee affairs under the government and the government is taking on new responsibilities for refugees, no interviewees entertained the notion that UNHCR would not be part of the picture in a big way. In fact, expectations of UNHCR's continued surrogacy were so engrained in people's minds that several interviewees even mentioned the government considering charging rent to UNHCR for continuing to serve refugees on government land (NGO Official B 2012; UNHCR Official A 2012). This demonstrates both a lack of ownership 'felt' by the government on refugee matters, and also demonstrates that UNHCR as a surrogate state is perceived as a permanent fixture in Kenya. Both leave the GoK with little incentive to change the status quo on refugee responsibility or authority, and thus little interest to be influenced by UNHCR to change course, improve refugee conditions or provide refugees with greater access to their rights.

Applying the mechanisms to understand why UNHCR as a surrogate state has less influence

The previous section demonstrates some of the ways UNHCR's ability to influence Kenya is affected by its surrogacy. Applying the mechanisms, however, helps uncover some of the deeper reasons behind its lessened ability to influence the state. The mechanisms (marginalisation of the state and shifts in responsibility/blame) work hand-in-hand to help clarify why there appears to be an inverse relationship between UNHCR's surrogacy in Kenya and its ability to influence the state. Put simply, when UNHCR took on responsibility

for responsibilities toward refugees (and to some extent locals in NEP), it marginalised the state and left it off the hook from having to carry out or pay for any of the refugee-related assistance and protection. Kagwanja states it clearly: ‘Here, the government is spoken of in the past tense, mocking its claim to be in-charge’ (2002, 105).¹⁹

Likewise, the remote, impoverished region’s local economy has been centered on aid, something that has also empowered UNHCR and its partners as the givers of such aid, while at the same time further marginalising the Kenyan state. Kagwanja writes that while the state hoped that hardships in the district would force refugees back to Somalia, and that local communities would benefit from the aid that comes from swarms of international actors, ‘...refugee aid became an integral part of the politics of local development in refugee-settled areas’ (2002, 105). Thus, what may have seemed like a strategic plan in the beginning (abdicating refugee responsibilities to UNHCR to obtain more aid, and to avoid caring for refugees) backfired into a power vacuum that UNHCR filled, rendering the state isolated in an area it was most concerned about controlling.²⁰

This translates into less influence for several reasons, clarified by tracing Kenya’s decision-making logic. First, as a rational, self-interested actor, Kenya thus saw no incentive

¹⁹ In spite of reforms since 2006, a surrogate state UNHCR continues to marginalise local authorities from responding to refugees as well, encouraging continued abdication and thus the status quo of containment, encampment, and few refugee rights or local integration. One interviewee stated that local actors were completely ‘isolated’ and ‘excluded...it has been the central government talking to UNHCR and the agencies’ (NGO Official B 2012). Kagwanja argues, for example, that what was once a rigorous and comprehensive local humanitarian response mechanism has been overtaken by the influx of aid agencies and IOs, leaving local response capacity a ‘pale shadow of what it was’ before the 1990s (2002, 97, 115). He holds that ‘...whether intended or not, after intervening, international agencies bypassed, weakened and marginalised indigenous capacity’ (2002, 98).

²⁰ One senior UNHCR official outlined this blunder on the part of GoK, noting that the ‘...Kenyan’s could’ve played this one smarter’ if they had been more involved and considered developing the region rather than allowing resentment toward GoK to build, getting refugees ‘...on your side and not wanting to go along with al-Shabaab’ (UNHCR Official B 2012). Similarly a former refugee official in the Kenyan government stated that it was a mistake for Kenya to be absent from refugee management, stating, ‘We lose the opportunity to have a hands on approach to the security issues that come with the hosting of refugees’ (GoK Official A 2012). Another senior UNHCR official also stated bluntly that security and local demands give an impression of lawlessness, and that national authorities are somewhat impotent (UNHCR Official G 2012). Of course the occasional heavy-handed military presence along the border reinforces some central authority presence, and since 2006 the GoK has been more involved in refugee matters, but it is still appears that abdication has generally translated into isolation on the part of Kenyan authorities (UNHCR Official B 2012; Milner 2009; Kagwanja 2002; Lindley and Haslie 2011).

to change the status quo of UNHCR paying for everything and doing all the work, and subsequently had no incentive to listen to UNHCR when it came to refugee rights such as the right to work and freedom of movement. As UNHCR Official N (2012) noted earlier, the opportunity to ‘responsibilise’ the government is lost; he fears that UNHCR has fostered a climate where UNHCR and other IOs provide free support, often completely substituting for the government in its responsibilities to address humanitarian needs (see also Dolan and Hovil 2006). Several others agreed, noting that UNHCR loses leverage when it pays for ‘everything’ (UNHCR Official E 2013; UNHCR Official L 2013). UNHCR Official N stated, ‘Too frequently I had a feeling that senior UN officials are allowing themselves...to be kept hostage by host governments...This is linked to personal ambition...private interest...and it becomes...the UN like Santa Claus...you are there to channel funds and resources in an uncontrolled manner without asking for anything in return’ (UNHCR Official N 2012). Kenya thus has no incentive to listen to UNHCR on refugee policy because the status quo allows it the flexibility to continue to see refugees as a security threat without addressing any assistance or rights-related issues. In turn, UNHCR upholds this view as a surrogate state meeting refugee needs and footing the bill, but forfeits its ability to have input in the process.

A marginalised state also means that the government is ‘let off the hook’ (UNHCR Official N 2012) on refugee issues (also blame-shifting) because it is not on the front lines of refugee assistance. It also does not develop staff and expertise that respond to refugees (e.g. Barnett and Finnemore’s (1999) discussion of IO specialisation and knowledge). In turn, a stalemate emerges where UNHCR does the work and has the expertise, assuming forms of authority and responsibility, but the government still makes the policies—even if it is uninformed and lacks the expertise to do so. This relationship leaves UNHCR with less influence, again held hostage to carry out the work, but with little say over policies (some even argued that GoK even ‘dug in’ further, ignoring UNHCR and showing that it was in

charge, even as it knew UNHCR carried out all the programmes). Juma and Kagwanja summarise it well:

‘The government...allowed the agency to take on a wide spectrum of responsibilities which are normally the preserve of the host state, giving it untrammelled powers in refugee administration...[B]y marginalising itself from the refugee arena, the state contributed to the loss of the experience and capacities accumulated over the years, and stifled the emergence of new capacity for humanitarian intervention...On their part, the agencies seized the chance to step into the breach created by the withdrawal of the state from refugee governance. Paradoxically, this turned the refugee arena into a sphere where UNHCR and its partners assumed untrammelled control over refugee affairs, without the corresponding power to protect refugees. This became the bane of asylum in Kenya and the pitfall of refugee protection’ (2008, 220-221).

Thus the stalemate of a more powerful UNHCR in refugee affairs, but with little influence on the state begins to resemble an odd marriage where both parties lose. Though it may have clout when it comes to regional and local decision-making, UNHCR is still bound by the state, particularly when security rhetoric is invoked. After all, Kenya is still able to set a tone of security threats—again seeing refugees almost entirely through the security lens and using security-related concerns as a ‘trump’ card.

Also, responsibility/blame shifting means that UNHCR bears the brunt of public opinion and expectation as a service provider, and in turn rests its reputation on its ability to keep providing such services. This means that it is less likely to ‘rock the boat’ or ‘push the envelope’, as some interviewees put it, because it needs to maintain access, both to carry out its work and thus please donors, and for moral, humanitarian obligations (many staff felt a genuine moral, humanitarian duty to care for refugees and recognised that some trade-offs were worth it in order to maintain access, including lobbying the government to change its behaviour). For example, one senior NGO official explained that UNHCR has given up on promoting local integration, knowing well that the government has no interest in it, and not wanting to upset authorities that grant them field access to refugees (UNHCR Official B 2012).

Similarly, Lindley and Haslie write that UNHCR has received extensive criticism for its ‘...‘soft diplomacy’ in the face of ‘hard’ human rights concerns regarding border closure, *refoulement*, and the massive congestion of Dadaab, for fear of jeopardising relationships with the government’ (2011, 26). One interviewee stated that UNHCR’s budget helps give it some leverage, but in the end it struggles to assert its priorities (‘a rights-based approach’, as he calls it) because ‘...governments have learned how to deal with trouble-makers...if you want to come in here you need approval...governments are very conscious to select the representatives to make sure no well-known troublemakers and that the government has leverage on that person’ (UNHCR Official N 2012). Another senior NGO interviewee stated that UNHCR does not lobby for LI because they feel that it is not their place to lobby for policy. He stated that their approach is: ‘We are here invited by the Kenyan government not to make trouble...so if anyone pushes it should be donor states or IOM or someone else...’ (NGO Official B 2012). This means that UNHCR is not in a position to lobby the GoK on policy or to influence changes in its behaviour or attitudes toward refugees. As argued here, this is partially rooted in UNHCR’s substitution for the state.

Similarly, as UNHCR took on the major operational responsibilities of running the camps (responsibility shifting) its ability to hold the Kenyan and donor governments to account on protection issues was widely perceived as having diminished, as it depended on these governments for access and funding for the camp operations (UNHCR Official B 2012; UNHCR Official D 2012; UNHCR Official H 2012; Lindley and Haslie 2011, 26). One official stated that the more UNHCR did, the less power it had (UNHCR Official C 2013). This is also reflected in the sentiments cited above, whereby UNHCR officials felt that funding the Department for Refugee Affairs, for example, left their hands tied to advocate more freely. Another UNHCR lawyer also pointed out that providing some services only gets UNHCR so far: ‘You do whatever you have to [in the face of little government

involvement]...and...initially it looks really appealing, but you notice very quickly that...there are very few things that UNHCR can do...if the government is not involved...it's a fake impression, a freedom you don't really have...I can't issue a birth certificate to a newborn' (Parlevliet 2012). And yet the interviewee also acknowledged that people in NEP consider UNHCR as responsible for many of these state functions, and that 'It is difficult to change the mindset of people that this is actually government responsibility...' (Parlevliet 2012).

Responsibility shifting also led to less influence because UNHCR became bound up in meeting expectations, rather than lobbying for change. Regarding paving roads, providing vehicles and topping up government salaries, one senior UNHCR official stated, 'The government takes it as one of the things that we should do—they wouldn't look at it as a favour...' (Chakwera 2012). Another senior regional UNHCR official even described UNHCR as the 'donor government arm', meaning that it is an agent more than its own autonomous actor (UNHCR Official A 2012). He recognised that on one hand, UNHCR was the 'ultimate middleman' between donors and beneficiaries, and that it did not want to be the 'conductor' because the government should be responsible. At the same time, he stated that governments that advocated for sovereignty on the one hand, also sometimes said, 'Oh, UNHCR they are your refugees', and thus the confusing paradox of power and responsibility that compliments UNHCR's surrogacy (UNHCR Official A 2012).

4.5. Conclusions

This chapter has examined UNHCR's surrogacy with Somali refugees in Kenya. It first outlined the history and context of Kenya's refugee policies since independence, and looked closely at the ways in which UNHCR's role has evolved into surrogate statehood, including the conditions under which it assumes surrogacy, why surrogacy is sustained and

indicators of surrogacy. It outlined the ways in which Kenya is an abdicationist state, putting security above all else, and practicing abdication with its refugee responsibilities. Ultimately, the case shows that UNHCR's surrogacy, though laden with greater authority and responsibility at the local level, does not render UNHCR greater influence with the state on refugee matters, nor does it overcome forces that minimise its influence (e.g. Kenya's continued view of refugees as a security issue, regional/international pressures, and various forms of rhetoric). Refugees are viewed almost entirely through a security lens, and the NEP continues to be a dangerous, undesirable part of Kenya in the eyes of central authorities. Consequently GoK's abdication of responsibilities to UNHCR has only further isolated the GoK from a region they are most concerned about. Refugees are still confined to camps, reliant on aid, and are unable to return. Thus far, UNHCR has had very little ability to change any of these policies or rhetoric, and continues trapped in its surrogate state role.

Theoretically, Kenya proves the counterintuitive finding of this study's framework: an IO can take on greater authority, autonomy and responsibility—becoming a surrogate state that provides services, performs governance functions and as perceived as a local power—but not have greater influence over the state's behaviour or decisions. In fact, in this case, the IO actually had less power because its surrogacy took away opportunities to hold the state accountable in a policy capacity. For its part, the state's abdication left a void for the IO to take on more surrogacy, and left the state marginalised from the relevant issue area (refugees), and free from responsibility or blame. For all the negative ways this may have affected the state (e.g. isolating it from a region it was concerned about), it gave the state less of a reason to alter the status quo and thus little reason to listen to UNHCR.

Kenya will continue to be interesting to follow in the future, both for the empirical implications for UNHCR's role in PRS, and for the continued study of domesticated IOs (and surrogate state IOs in particular). Recently the government has begun to take on greater

responsibility for refugees, slowly absorbing some duties from UNHCR (though the 2006 Refugee Act, which finally entered into effect in 2009, continues to need better enforcement and implementation). Refugee populations are changing (they are younger and more technologically connected to the rest of the world), and the new Kenyan Constitution of 2010 calls for a decentralisation of power, granting more decision-making capabilities to county-level politicians (although refugee matters are still expected to be controlled from the center). And despite a recent court ruling in favour of refugees (ruling against the government's push to force urban refugees into camps), the GoK still largely views refugees as a security threat, and prefers to maintain the status quo until they return home.

In other words, some advances are being made, but it remains to be seen whether UNHCR's surrogacy and its low level of influence will change in Kenya. This speaks to broader questions about domesticated IOs as surrogate states, including how well they can disengage from their roles or change their level of influence. It also relates to broader IR issues of sovereignty and power balances between states and IOs working domestically. While there appear to be no limits as to how much responsibility an IO can take on, there are limits on its influence and power. These issues are discussed further in Chapter Seven.

Chapter Five: Tanzania

- 5.1. Introduction
- 5.2. Refugee-hosting policies and history in Tanzania
- 5.3. UNHCR's domestication and surrogacy in Tanzania
- 5.4. UNHCR's influence on Tanzania
- 5.5. Conclusions

5.1. Introduction

Tanzania provides a look at two cases in one: UNHCR's role with Burundian refugees that fled in 1972 and with Burundian refugees that fled in the 1990s.¹ Certainly there are many other groups of refugees that Tanzania has hosted, but these two groups provide an interesting and unique comparative view of UNHCR's varied roles, and its subsequent ability to influence the state. Indeed, for the former, UNHCR had very little role. For the latter, it was a full-fledged surrogate state, thought of by some refugees as 'father and mother' or to some women as a husband (Harrell-Bond 1986, 91; Turner 2010, 132). This chapter briefly outlines the relevant post-independence history that has informed UNHCR's evolution in Tanzania and the disposition of the state toward refugees. It then focuses on the different ways UNHCR domesticated in the two cases, as an advisor and partner to the government for the 1972 Burundian refugees, and as a surrogate state for the 1990s Burundian refugees. It considers the conditions and motives for these different roles, and then analyses the levels of influence UNHCR had on Tanzanian behaviour toward refugees. As predicted by the framework, the different roles produced very different levels of influence. In particular, UNHCR's surrogacy led to less influence. Because the 1990s case demonstrates surrogacy (and the 1972 case demonstrates the absence of surrogacy), more time is spent on the 1990s case. However, both are used in comparison.

¹ This chapter often refers to these groups as 'Tanzania (1972)' and 'Tanzania (1990s)' to compare the two.

5.2. Refugee-hosting policies and history in Tanzania

General background, ujamaa and Nyerere

Broadly speaking, Tanzania has been viewed as one of the more stable and peaceful countries in Africa in recent decades. Under German colonial rule in the late nineteenth century, and later under British control, it gained independence in 1961, remaining in the British Commonwealth. Both during and after colonial rule, it struggled with poverty, poor infrastructure, and economic decline (particularly in the 1980s), and has subsequently hosted a number of international actors attempting to intervene in various issue areas. Tanzania's general characteristics are also important to its identity and policy formation, and subsequently to the role IOs take within its territory. Drawing on the relationships between geography, population distribution and the exertion of power, Herbst (2000) describes Tanzania as a 'compact country' in terms of population density, with a 'rimland population', or one that sees most of the population concentrated along the borders of the country. According to Herbst, this type of geographical landscape presents significant challenges to state building and maintaining centralised rule (2000, 151).

The political trajectory of Tanzania has also been affected by the movement away from traditional chief leadership, particularly in light of clashes between chiefs and state authorities seeking modernisation (Herbst 2000, 175). Indeed, post-colonial Tanzania brought a different political context, where politicians needed to '...establish themselves nationally, due to both the mandate given by the British and the fragmented basis of ethnic support...' particularly in light of Tanzania's heterogeneous population spread across a diverse landscape (Landau 2008, 39). These conditions form an important basis for the role taken by UNHCR, as discussed later in this chapter.

In this post-independence context, the movement of *ujamaa* emerged in the 1960s and 1970s under Tanzania's first prime minister, Julius Nyerere. *Ujamaa* was a form of socialism

that tried to ideologically transform the peasantry through a ‘villagisation’ programme, massive education campaign, and system of state corporatism (Landau 2008, 31). It was meant to be an ‘African’ model of development, and stressed that individual identity was obtained by one’s place in the community. It created a one-party system, the institutionalisation of social, economic and political equality through a central democracy, and stressed Tanzanian self-reliance. It fostered a Tanzanian identity where everyone learned Swahili (instead of a tribal identity and language) and required all youth to learn the principles of *ujamaa* (Pratt 1999). The ambitious attempt at social engineering came on the heels of independence and the desire to promote national unity above all else, requiring all people to live together in villages. Herbst sees the ideas behind *ujamaa* as hardly surprising, given the country’s political geography of population centers largely along the rim of the country.

Although it ultimately did not succeed, *ujamaa* played an important role in shaping the political landscape in the decades that followed. Most notably, its belief in unity sustained the Tanzanian population through economic collapse and uncertainty in the 1980s (Landau 2008, 31). It also produced a pattern of uncritical reverence for the national leadership and ruling party, and a reverence for the national language of Swahili as a marker of Tanzanian political identity (Landau 2008, 39). Landau even writes that it brought about an ‘...obsession with centralised control, unity and unanimity’ (2008, 39). Most importantly, he writes that this context set the scene for a Tanzanian population that does ‘...not demand that government takes responsibility for the citizens’ material welfare’ (Landau 2008, 60). All of these factors form important context for the role of UNHCR in Tanzania and how the state responds to refugees.

Refugee-hosting policies in Tanzania: An overview

Tanzania has been widely studied in humanitarian and forced migration scholarship, and has generally been viewed as one of the more generous models of refugee hosting and assistance. One senior UNHCR official even called it ‘a humanitarian superpower’, reflecting on its openness, cooperation and generosity with refugees over the years (El Hillo 2012). He argued that its sense of hospitality stemmed from its leadership, and that it explains why Tanzania has hosted so many refugees for so long, and why it considered granting refugees more rights through local integration policies when the ‘rest of the world was doing the opposite’ (El Hillo 2012). Juma and Suhrke write that Tanzania has been among the most elaborate, progressive and politically motivated states responding to refugees—providing an open door and even some opportunities for naturalisation as a way to support wars of independence, liberation, pan-Africanism, and African socialism (2002, 170). Likewise others like Landau (2008) and Milner (2009) write how Tanzania has developed a reputation as one of the most hospitable countries of asylum in the world (Milner 2009, 108).

However, Tanzania’s approach toward refugees has changed over the years, and has not always been one of hospitality and generosity. As Rutinwa (2002) outlines, Tanzanian refugee policy is marked by several distinct phases, moving from open to restrictive. During the first phase (1960s), local groups responded to refugees with little involvement from the central government or other organisations. Refugees were generally welcomed under Nyerere, as a sign of solidarity with independence movements. Refugees were integrated under *ujamaa*, and were granted freedom of movement and the right to work. During the 1960s and 1970s, Tanzania hosted tens of thousands of refugees, who were granted land and encouraged to be self-sufficient. At this point, UNHCR was only a funder of projects, and did not have an operational presence on the ground (Rutinwa 2002; Milner 2009; Landau 2008).

The second phase (late 1960s to early 1980s) was marked by the Tripartite Agreement,² which labeled a Tanzanian NGO (Tanganyika Christian Refugee Service) as the main actor, the government as a ‘junior participant’, and UNHCR as the non-operational funder (Gasarasi 1987; Gasarasi 1984; Rutinwa 2002 in Milner 2009, 112). This shared approach was largely successful in terms of financial burden-sharing, as UNHCR paid for most of the settlements in conjunction with WFP and TCRS, with the government of Tanzania only bearing some 14 per cent of the cost of settlements in 1972 (Milner 2009, 113). It also enabled Nyerere to continue to accept refugees and ‘freedom fighters’ fleeing wars of national liberation, earning him both domestic and foreign political clout. UNHCR’s involvement was still defined as a funder, and largely non-operational, but this would soon change.³

In the late 1970s and early 1980s, Tanzania shifted to a system where UNHCR and other IOs began to oversee relief supplies to refugees. Local response mechanisms were generally replaced by international actors (Rutinwa 2002, 76). At the same time *ujamaa*

² The Tripartite Approach (also known as the Tripartite Model or Tripartite Agreement) is a key component to understanding Tanzania’s response to refugees, and UNHCR’s ability to influence policy. In 1964 Tanzania entered a tripartite agreement with UNHCR and Tanganyika Christian Refugee Service (TCRS) to manage the Mwesi settlement of Rwandans from Congo. Tanzania agreed to provide the land for settlement, staff support, basic tools, access to community services and a waiver on import duty goods related to the settlement. TCRS was to manage the settlement, and UNHCR provided the funding and technical advice (Milner 2009, 112). This agreement became the model used for subsequent years with other refugee influxes. When it was conceived, the Tripartite Agreement was based on the idea of a refugee situation having an emergency phase, a self-support phase, and an integrated settlement phase (Rutinwa 2002, 82, citing Neldner 1981, 167). External actors like UNHCR were expected to leave as refugees became integrated in their communities (Rutinwa 2002, 83). As discussed below, this was not the case.

³ The Tripartite Agreement’s effects on the trajectory of Tanzania’s refugee policy are staggering. Many have celebrated it as one of the best models of refugee aid management, and one that demonstrates cooperation and burden-sharing (e.g. UNHCR Official I 2012). Others are more critical. Rutinwa, for example, notes that while the Tripartite Approach was only supposed to involve external actors for a fixed period of time, it gave donors more control over the settlements and ‘marked the end of local initiatives’ (Rutinwa 2002, 83-84; Daley 1989, 214). By extension, this meant the end of local integration as it had been carried out in that period. UNHCR was also only supposed to undertake the provision of goods and services ‘in consultation with the various regional officers and departments’, even though in practise it ‘usurped the responsibility of local authorities and the villages’ (Rutinwa 2002, 84, citing Daley 1989, 233). Rutinwa also emphasises that the Tripartite Agreement created a hierarchy of subordinate relationships, with donors at the top, followed by implementing partners, the state, and then refugees (2002, 84). He argues that the most important negative impact of the Agreement was the erosion of the power and position of local government by international aid agencies (2002, 87). He also argues that the other victims of this model were local actors, including refugees, local authorities and churches, ‘...which had to compete with international aid agencies for resources but without the same political clout. Eventually they became as ineffective as some government departments (Daley 1989, 257). The demise of local relief capacity was complete’ (2002, 87).

eroded and Tanzania's economy crashed as cash crops prices declined (Campbell and Stein 1992; Milner 2009, 115). Nyerere's predecessor, Ali Hassan Mwinyi, was forced to follow strict IMF measures, which also affected policies toward refugees (Milner 2009, 115). Tanzania scaled back on social services across the board and became more restrictive toward refugees. This opened the door for greater international involvement to 'fill in the gap' in responding to refugees, as Tanzanian authorities were increasingly less capable to provide basic services to its own citizens, let alone refugees (Milner 2009, 116). At the same time, the early sentiments of hospitality, brotherhood and pan-Africanism that made Tanzanians welcoming to refugees, were eroded with frustration and concern at the growing scale and scope of refugee influxes, their protracted nature, and feelings of abandonment by the international community (Rutinwa 2002; NGO Official F 2013).

Tanzania's most significant shift in terms of refugee policy and international involvement occurred in the 1990s (Rutinwa's third phase). In the wake of economic collapse, state officials began to call for more international burden sharing and refugees began to be seen as a 'problem' or a threat (Milner 2009, 116). The perfect storm arrived soon thereafter, when, as Milner puts it, 'It was against this backdrop that Tanzania received hundreds of thousands of refugees from Burundi and Rwanda in the 1990s' (2009, 116). Between October and December of 1993 alone, more than 300,000 Burundians fled to Tanzania (Landau 2008, 66). By 2001, Tanzania hosted over 500,000 refugees, at the time the highest refugee population in Africa (Milner 2009, 122). By this point, UNHCR was fully operational, and responsibility for refugees was relegated to the international community (Rutinwa 2002). In contrast to previous decades, all refugees were now required to stay in settlements or camps (Landau 2008, 69). Landau writes,

'These settlements were significantly different from those of the past: instead of semi-permanent, self-sustaining communities mimicking prototypical Tanzanian villages, these camps were visibly temporary and required residents to be almost completely dependent on handouts for their daily rations. And as

the influx continued, the Tanzanian government became increasingly restrictive of refugees' economic activities' (2008, 69).

These camps were also much closer to the border than previous settlements had been. The camps were internationally managed, overcrowded, and marked by food shortages and increased crime in and around the camp areas (Landau 2008, 67; Milner 2009, 122).

The 1998 Refugee Act also demonstrates Tanzania's increasingly restrictive policies (Kamanga 2005, 104). The Act aimed to show that Tanzania was in control of the refugee situation, and to '... "signal disengagement from the Open Door policy of the Nyerere administration" and to "assure the populace" that the government was "determined to address the problem of seemingly endless refugee influxes"...' (Kamanga 2005 in Milner 2009, 122). Tanzania's policies were also driven by the sentiment that the international community was not doing its fair share in assisting refugees, and that there were not enough resources for both refugees and Tanzanians—feelings that further drove policies of encampment and confinement. Ironically, at the same time Tanzania felt that it was not getting enough international support in the form of donor resource commitments, international actors like UNHCR were assuming unprecedented roles on the ground. Whereas earlier decades showed local actors taking the lead in responding to refugee inflows and subsequently implementing greater local integration, the 1990s saw these actors increasingly marginalised, and decisions were instead made between UNHCR and the central government (Rutinwa 2002, 79; 88). Rutinwa even goes so far as to write that the 1990s was a period of '...total dominance by UNHCR and international NGOs of relief administration' (Rutinwa 2002, 76).

Since 2000, Tanzania has continued to have restrictive policies on Burundian refugees from the 1990s, focusing on return as the favoured solution (e.g. the 2003 National Refugee Policy). Harsh conditions in camps remained, and the international community struggled to maintain donor interest in the protracted situation. The GoT stated that it wanted to be 'refugee free' by 2010, which was interpreted in a range of ways (from being committed to

finding durable solutions, to simply wanting to be rid of the ‘problem of refugees’) (El Hillo 2012). By 2007, repatriation of the 1990s cases was in full swing, and a few years later in 2009, Tanzania took the surprising move to consider integrating the long-time 1972 Burundian refugee caseload.

The 1990s and 1972 Burundian refugee cases were viewed as completely separate from one another, with interviewees even calling the closure of camps for the 1990s refugees ‘coincidental’ to the integration of the 1972 cases (El Hillo 2012; Masha 2013). LI for the 1972 group was based on a 2006 study carried out by UNHCR, which found that most refugees in this group of 218,000 were already well-integrated, self-reliant, and wanted to stay in Tanzania. Despite numbers being much higher than anticipated, Tanzania had to follow through with the naturalisation process, resulting in some 162,000 people being given Tanzanian citizenship.⁴ By December 2009 eleven camps from both the 1972 and 1990s cases were closed, leaving only two camps (El Hillo 2012).

Tanzania’s shifts from open hospitality and integration to encampment and restrictive policies that view refugees as a threat and a problem are the result of complex shifts in Tanzania’s economic, political and cultural history. These shifts do not just form context and background to Tanzania’s refugee situation and policy decisions, but directly inform the timing and nature of UNHCR’s role, and subsequently its ability to influence the state as a surrogate state, as discussed in the following sections.

However, other factors besides UNHCR’s surrogacy, of course, influenced Tanzania’s decisions about refugees. As Milner argues, many explanations for refugee policy decisions have little to do with the actual presence of refugees, but rather broader political, economic and historical factors (2009, 109; see Appendix B for more). Among those already mentioned, interviewees emphasised timing and luck (the ability of leaders to seize upon

⁴ There are currently some hold-ups in the final stages, however, as politicians representing districts where the 1972 newly naturalised Tanzanians (NNT’s as UNHCR calls them) are supposed to be relocated are pushing back and resisting integration.

historical moments or openings for policy changes, e.g. El Hillo 2012); the personalities and personal relationships between leaders⁵ (e.g. Nyerere's vision; NGO Official F 2013); policy precedent ('how the emergency starts determines how it ends' (e.g. UNHCR Official O 2013); and the effects of decentralisation, multipartyism and democratic reforms (Milner 2009; Landau 2008; Herbst 2000).

As this chapter demonstrates, these explanations do not refute or reinforce the relationship discussed here (between surrogacy and influence); the explanations are not mutually exclusive, and reality shows that a myriad of explanations account for UNHCR's ability to influence state behaviour. The task at hand is demonstrating how surrogacy affects influence. As this chapter argues, even when it cannot be isolated completely, careful interviewing and background literature review demonstrate that greater IO surrogacy does not translate to greater influence.

5.3. UNHCR's domestication and surrogacy in Tanzania

Figure 5.1 Spectrum of UNHCR's domestication in Tanzania, comparing roles with 1972 and 1990s Burundian refugees



1972 Burundian Refugees: UNHCR the observer, advisor and partner

UNHCR has domesticated in very different ways in Tanzania, as demonstrated in the two different cases examined here. Among the 1972 Burundian refugees, it took a very minimal role. On the spectrum of domestication, it might be labeled a 'distant observer' or, in light of its later role in carrying out a census and informing the government in 2006, as an 'informant', 'advisor' or 'partner'. Because this study is more focused on surrogacy than any other type of domestic-level role, this section will focus heavily on UNHCR's role with the

⁵ The former MHA went so far as to say that 'personal relationships are everything' and that the foundation of trust and frankness between top UNHCR leadership and MHA leadership are what made the policy of LI for the 1972 Burundians possible (GoT Official A 2013).

1990s Burundian refugees, where it was a surrogate state. However, the 1972 case forms a useful point of reference for comparison, especially when drawing conclusions about influence in later sections.

The 1990s Burundian Refugees and UNHCR's Surrogacy: 'UNHCR Islands'

In contrast to its role in 1972, UNHCR's role in Tanzania with the 1990s caseload of Burundian refugees was that of a surrogate state. Indeed, it took on service provision, forms of governance including adjudication and administration, was perceived as being in authority, and essentially managed its own 'territory' (and, to some extent, local areas as well). As Landau writes, this role for UNHCR has brought about a '...seemingly paradoxical set of logics and discourses insinuating international actors [i.e. UNHCR] into roles normally associated with the domestic state' (Landau 2008, 6). This section outlines the conditions and motives leading to UNHCR's surrogacy, examples of it and what sustained it.

Conditions and motives leading to surrogacy

First, the conditions that helped bring about surrogacy were similar to those that brought about surrogacy in Kenya. The scale and scope of the refugee influx in the 1990s made Tanzania feel overwhelmed, abandoned and frustrated. In contrast to early phases that embraced refugees under Nyerere, the Tanzanian government of the 1990s felt that it simply could not cope with large numbers (e.g. some 700,000 refugees arrived in less than a year, Milner 2009, 119).⁶ Tanzania's restrictive policies thus reflected fear of instability and concerns that the refugee situation was part of a never-ending cycle (Milner 2009, 124).

⁶ Tanzania has been among the top five African asylum countries for as long as asylum statistics have been available (UNHCR 2000) (Milner 2009, 124).

Funding was, of course, also at the heart of such policies, and Tanzanians felt strongly that the international community was not doing its share of burden-sharing.⁷ One NGO senior official stated, ‘Tanzania feels cheated by the international community’ (NGO Official F 2013). Another UNHCR official stated that Tanzania felt like it had ‘...paid more than its share to carry this load of people coming’ (El Hillo 2012). These conditions left Tanzania frustrated and turned off to refugee assistance, and thus created an opening for UNHCR to assume an expanded role that eventually led to surrogacy.

A similar condition for UNHCR’s surrogacy in the 1990s was abdication on the part of Tanzania, and a lack of ‘ownership’ of the refugee situation—thus creating a void in refugee programmes that UNHCR could fill. Rutinwa, for example, describes how international actors took on much greater responsibility in the 1980s and 1990s onward. He argues that this shift occurred in part because the Tanzanian government was trying to accommodate international organisations and donors who did not trust the authorities and preferred to channel aid through IOs (2002, 77; 86). With the Tripartite Agreement, local actors were thus sidelined, and donors were able to provide aid through international partners (2002, 12). Rutinwa argues that this encouraged the Tanzanian state to abdicate its responsibility to refugees by making asylum contingent upon the receipt of foreign humanitarian aid (2002, 13). It also demonstrates that Tanzania had little choice in the matter. He writes, ‘...by relinquishing control over relief operations to UNHCR and INGOs during the Rwanda emergency, Tanzania was being pragmatic. The government realised that this was the only way to ensure that enough resources would be raised to deal with the situation’ (2002, 90). It knew that donors preferred to give money through UNHCR and large INGOs and thus:

⁷ Other concerns included changes in local practises in light of the refugee influx and arrival of expatriate staff, physical/environmental degradation, including destroyed crops, deforestation for firewood, and water depletion; and local markets being affected by the imbalance of aid flooding into the region, driving down prices of some local goods, and driving up other costs for locals (Landau 2008, 68; Milner 2009, 119).

‘Contrary to established wisdom, Tanzania did not invite international agencies to administer refugee programmes because it had lost administrative capacity to do so. Rather, the Tanzanian government did so as a response to the approaches preferred by aid agencies and donor states and institutions on whom it depended for its resource capacity to deal with refugee situations’ (Rutinwa 2002, 89-92).

Moreover, as time went on, the government was not even privy to assistance delivery agreements between UNHCR and its IPs, and eventually, many donors lost interest all together (Rutinwa 2002, 89). Therefore, abdication was arguably a result of donor funding preferences. This, in turn, left a gaping hole for UNHCR to fill, and thus it took on a role of substitution for the state in Tanzania.

Recalling the framework’s stated links between surrogacy and state level of involvement, abdication tends to be paired with greater levels of IO surrogacy, and partnership with lower levels of IO surrogacy, which is what is observed here.

Figure 5.2. Sub-view of the ‘surrogate state’ end of the spectrum paired with state disposition



Again, it is possible that there is a circular causality in this relationship: abdication may open the door for surrogacy, but surrogacy may also cause greater abdication. This is not a problem for this argument, however, because simply recognising that the two are paired is enough for analysing the main relationship under analysis (surrogacy and influence) here. Either way, the state practised abdication of responsibilities to refugees in the 1990s, its leaders content to let UNHCR (and its partners) fund and carry out all refugee projects. This is in contrast to the 1972 caseload, which had very little involvement from UNHCR.

UNHCR’s surrogacy was also paired with the practise of encampment itself, which by definition forces long-term reliance on aid. While UNHCR’s values and rhetoric stress

freedom of movement and the avoidance of camps because they tend to obstruct refugees' access to their rights, UNHCR has unfortunately gotten used to assisting refugees in camp settings. It finds it easier to deliver aid and to offer security for refugees (NGO Official F 2013; UNHCR Official O 2013). Camps are also easier logistically and administratively: refugees are in one place, so it seems easier to access, process, and keep track of people, and to distribute aid. Some even argue that donors prefer to give to camp situations more than to others (Kamstra 2013). This leads to care and maintenance roles for UNHCR, and whether it was intentional or not (UNHCR would say that camps are not desirable and that they simply assist as best as possible given the policies in the host state), leads to long-term service provision, a key indicator of surrogacy. Sometimes this service provision even extends to local communities (UNHCR may assist locals as well to reduce tensions between locals and refugees), only further connoting UNHCR's surrogacy.⁸

A final condition that helped lead to UNHCR's surrogacy in Tanzania was the diminishing and sidelining of local actors. Certainly some of this also happened as a result of UNHCR's surrogacy, but literature indicates that local actors were being silenced and deemed incapable by international donors and the government (who wanted to please the donors) long before UNHCR assumed surrogate statehood. Rutinwa (2002), for example, writes that local actors were weakened as early as during Nyerere's rule which focused on a strong central government ('Africanisation') and the nationalisation of nearly everything (schools, for example, or groups providing social services). This meant the subsequent removal of local response mechanisms that might have otherwise assisted refugees. In his view, then, 'This might have made the intervention of external actors in a situation of a mass influx inevitable' (Rutinwa 2002, 85).

⁸ Arguably whether C&M leads to surrogacy or surrogacy leads to C&M is a 'chicken/egg' question, but understanding that they are often paired together—regardless of which causes which—is what is important here.

Ujamaa also contributed to weakening local powers that otherwise might have played important roles in refugee responses. As Landau observes, national unity, self-reliance and peace trumped territorial, tribal, linguistic or cultural identities, which arguably further made Tanzania ripe for an organisation like UNHCR to assume surrogacy (2008, 60). Furthermore, he argues that despite its aims, *ujamaa* ironically produced a *de*participation in national politics and identity: ‘...the simultaneous incorporation of the citizenry into a national system of values while excluding them from material, active participation in the objectives or design of these new arrangements’ had the effect of diminishing citizens’ expectations of their political leaders (Landau 2008, 31). Local authorities also felt less ownership of refugee projects, which Rutinwa argues made such projects less sustainable, and leads to xenophobia, donor fatigue and avoidance at the central level (Rutinwa 2002, 92). All of this set the stage for local response mechanisms to be discredited in the name of large, international-scale interventions, and hence for UNHCR to fill the void as a surrogate state.⁹

Examples of surrogacy

UNHCR took a lead role in refugee assistance in the 1990s, and it did not take long for it to morph into a surrogate state. Rutinwa writes that this decade was marked by ‘the consolidation of control of relief work by UNHCR’ and its many implementing partners (Rutinwa 2002, 88). As an operational partner, UNHCR’s offices in Tanzania expanded rapidly:

‘UNHCR established two additional and autonomous sub-offices in Ngara, and Kigoma; a logistics office at Mwanza airport on Lake Victoria; an office at the headquarters of every district in which there were refugees, and field offices in every camp in the country with the exception of Mvisa in Karagwe. Fleets of cars and other heavy equipment were brought in and staff, both

⁹ Ironically the same local officials who felt powerless are now exercising immense power by holding the final stages of LI for the 1972 Burundians hostage. As noted earlier, because they feel they were not properly consulted about integrating these refugees into their districts, they are stalling decisions (NGO Official F 2013; GoT Official A 2013; GoT Official B 2013; UNHCR Official I 2012).

expatriates and local, recruited to run various UNHCR programmes' (Rutinwa 2002, 88).

In conjunction with domestic partners like TCRS and international partners like the IRC, UNHCR became part of a massive protracted care and maintenance programme for the 1990s caseload of Burundian refugees in Tanzania.

Expanded operations do not necessarily signify surrogacy, but in tandem with other indicators, do point to surrogacy. For example, UNHCR became a major service provider for refugees (and some locals) in the 1990s. Indeed, the shift from state-provided services to UNHCR-provided services is clear. UNHCR's service provision in Tanzania demonstrates surrogate statehood because UNHCR has, at times, provided services to refugees completely separate from the government—in other words not as a sub-contracted actor or simply an actor carrying out an order in partnership or as an agent. In fact, Rutinwa writes that unlike the 1960s and 1970s, the Tanzanian government was 'not privy' to assistance delivery arrangements made by UNHCR and its partners (2002, 88).

Also noted as a condition above, another indicator of UNHCR's surrogacy in Tanzania in the 1990s relates to the decline of local responses to refugees. For example, Landau's research found that national donor governments tended to ignore local officials, preferring to liaise with aid agencies like UNHCR (2008, 140).¹⁰ As a result, local actors ended up appealing to UNHCR for the funding of some local projects, not national authorities as one might expect. In other words, UNHCR was the perceived authority to 'do business with'. For example, UNHCR records show numerous funding proposals and projects that were presented to UNHCR by local officials. Landau writes of UNHCR's Kigoma office receiving proposals from locals requesting money for prisons, schools, roads, and even a

¹⁰ He cites a national-level executive saying, 'My impression is the national government liaises with aid agencies, leaving the local authorities as "gasping spectators"' (Landau 2008, 140). He argues that this strange set-up of 'spatialised and transnationalised...governmental practise represents a hybrid of domestic and international leadership and responsibility, a consequence of globalisation of a kind not normally considered, where Kasulu is at once anchored more firmly to the national while enmeshed in practical and moral logics that extend far beyond the country's borders' (Landau 2008, 145).

political party office. Local officials linked these projects to damage incurred by the refugee presence, which they viewed as UNHCR's responsibility, not national authorities (Landau 2008, 144). These perspectives thus further demonstrate UNHCR's surrogacy with the 1990s Burundian refugees, and can be both indicators of surrogacy, or conditions for future surrogacy depending on when they occur. Ultimately, they demonstrate that UNHCR was perceived to be the main authority in the area.

Similarly, Turner writes:

‘The perception of UNHCR as an omnipotent other that controls their lives from above remains pervasive in the camp setting. It is the ultimate locus of power, for better or for worse. While being perceived as the agent that emasculates them and reduces them to helpless receivers of alms, it is also seen as the ultimate source of recognition. The refugees do not “resist” it. Rather, they must relate to it and make the best of it’ (2007, 100).¹¹

While this research does not view UNHCR as quite so malevolent, Turner's research does point to perceptions of its authority and ‘statehood’. The camp setting, therefore, emulates the notion that UNHCR holds some form of state-like authority. Turner continues,

‘The formal state is suspended, and a technical agency—UNHCR—operates as an apolitical surrogate authority....public authority is produced partly by the powers that UNHCR delegates to these actors and partly by the power bases that they manage to build up in the gaps in UNHCR's system’ (2007, 100).¹²

Likewise, a Tanzanian Foreign Minister quoted by Rutinwa stated that ‘refugee camps were “UNHCR islands” in which the Tanzanian government had no role, apart from providing security around them (The Guardian (T) 17 February 1999)’ (2002, 91).

Another stated that local authorities had no role except for ‘gathering taxes once in a while...(Harrell-Bond 1986; Rutinwa 1996, 24)’ (2002, 89).

¹¹ Turner continues to unpack the ways in which UNHCR confers power on individuals from ‘above’, in some ways upsetting traditional balances and culture, something that others, like Harrell-Bond, have also examined. It is interesting to note that he rarely mentions the government in any of his analysis, giving the impression that they were largely irrelevant (2007, 99-100).

¹² Refugee women are quoted as saying that ‘UNHCR is a better husband’ than their own husbands (Turner 2010, 132).

Government officials in the local community have also perceived UNHCR as a surrogate state. Landau, for example, cites an American Foreign Service official responding to a question about Kigoma region's political and social conditions. He answered, "...it depends a lot, to be honest, on what the UNHCR does...They are basically administering the region" (2008, 140). Likewise, he cites a Kigoma regional planning officer who said that many international agencies '... "think they [UNHCR] have replaced the role of the government"' (2008, 140). These perceptions only increased as UNHCR became more operational, NGO involvement increased, and expatriate staff became more common (Rutinwa 2002, 90).

'Separateness' has also fostered the perception that UNHCR is running its own little island, isolated from the rest of Tanzanian society, in some ways outside the law. These perceptions are rooted both in the day-to-day governing carried out by UNHCR in the camps, and in the set-up of the camps, where they are seen as '...a temporary, exceptional space....Here, the Tanzanian state decides that the refugees are a threat to the nation state and puts them in this exceptional space, which is at once both inside and outside the law...' (Rutinwa 2002, 76). In some cases this translated beyond the camps, giving locals a sense of 'UNHCR governance' as well.

UNHCR's presence among 1990s Burundian refugees has made it a political actor to engage with. For example, it has affected political campaigns, including rhetoric, speeches and writing. Landau cites one politician who said, '...if elected, he promised to collect the regional commissioner and go to Geneva, where he would insist that UNHCR dedicate a quarter of its Tanzania budget to help locals, a figure he claimed to be mandated in the UNHCR Charter (Nzanzungwanko 2000, interview)' (2008, 142). As absurd as this seems from an international perspective, it demonstrates the ways in which UNHCR's presence and role became embedded into Tanzanian politics on every level. In this example, rather than

speaking about what he would do vis-à-vis the Tanzanian government, he focused on relations with UNHCR as the perceived provider of services and power to be brokered with.

UNHCR's surrogate state presence can also be seen via its economic and political effects on Tanzania. Landau, for example, opens his book with an example of a truck advertising for the country's ruling political party, noting that the truck would not have been possible were it not for the presence of humanitarian actors. He writes:

'The grader's presence and its symbolic manipulation represent far more than domestic political strategies and electioneering. Were it not for a set of events and processes extending into neighboring Rwanda, Burundi, and the DRC, as well as Geneva, Washington, London and Brussels, the massive machine would never have come up the barely passable road from the regional capital. Only the influx of tens of thousands of refugees from Tanzania's neighbors and millions of dollars of aid from Europe, Japan, and North America made the ruling party's grand entrance possible' (2008, 1).

Other literature points to UNHCR's effects on the local economy, which also demonstrates the size of its footprint in the region as a surrogate state.¹³ Landau writes:

'One NGO worker remembered that when he arrived in Kibondo in 1997, only two buses a week passed through the town, there were very few consumer goods for sale in the local shops, and there was only one telephone line out of the town. By 2004, there were three or four bus services a day, each bringing a wide range of fresh consumer goods into town, and two companies providing coverage for mobile telephones (interview, Kibondo 2004; IRIN 2002b)' (in Milner 2009, 126).

These changes not only signify the results of UNHCR's large presence as a surrogate state, but also show how locals, to some extent, 'felt' more contact with international actors than national authorities—also pointing to the perception that UNHCR was the authority in charge, not the state. This is partially rooted in the funding of projects, but also rhetoric, physical presence and visibility. UNHCR, for example, was highly visible in remote parts of Tanzania where national authorities are considerably less visible. In Landau's interviews, he found that 'Kasulu residents could almost universally name more international than state actors' (2008, 143). One interviewee even listed the 'Department of the Red Cross' when

¹³ See Milner 2009 for more on the positive and negative effects of hosting refugees experienced by Tanzania.

asked to identify five government ministries or agencies, indicating just how integrated the international organisations had become into local government practises (Landau 2008, 144). He concludes that people saw UNHCR as the established regional development agency, and that it—not the national authorities—was blamed for any problems residents experienced, especially in relation to refugees. Ultimately, then, the large presence of international aid actors in the 1990s Burundian refugee case, affected the political landscape in various ways, including linking local and international actors directly, and shifting blame and responsibility away from national authorities and onto UNHCR, the substitute state.¹⁴

Why surrogacy was sustained

Many of the reasons why surrogacy was sustained in Tanzania (1990s) are similar to the conditions for its emergence, and the indicators that it is happening. Put simply, UNHCR maintained surrogacy because few of the actors involved (with the exception of the refugees) had an incentive to change the status quo. Tanzania's leaders were content to let UNHCR do all the work and pay for it, too. As discussed below in Landau's analysis, Tanzania even benefited politically from UNHCR's surrogacy, allowing UNHCR to take public blame for things the state would otherwise be blamed for. In turn this role allowed Tanzanian citizens to look favourably on the state, and remain more patriotic (Landau 2008).

Some interviewees also argued that UNHCR's surrogacy was sustained because the government wanted to benefit from its presence in terms of development. As noted above, UNHCR's presence brought significant development to a remote part of Tanzania. Thus, Tanzania may have continued to foster UNHCR's surrogacy because they sought the development for the region that comes with large-scale international refugee assistance (e.g.

¹⁴ Such perceptions also flow from the fact that UNHCR has funded much of MHA's needs: 'A good part of our MHA refugee department comes from UNHCR in terms of vehicles, project staff are paid by UNHCR...' (GoT Official B 2013). An MHA interviewee directly linked this working relationship to success in dealing with refugee matters: '...to be honest, it is those relations that have enabled us to do so much in trying to find durable solutions' (GoT Official B 2013).

UNHCR Official J 2012; also Milner 2009, 113, cites van Hoyweghen 2002, 317; Daley 1989; 1992).

One senior NGO official who worked in northwestern Tanzania for more than ten years stated that at one point Tanzania saw refugees as a way to develop the land: ‘...it was like, “let them have that [land]...please for God’s sake, cultivate, produce food, take this...we can use it and tax it!”’ (Kamstra 2013). Another senior NGO official indicated that development was not something Tanzania should be grateful for, but rather that it was viewed as an expected benefit: ‘Development was expected...we’re not ‘happy’ with it...in Tanzania there is a belief...let the guest come, the guest usually comes with some blessings and we all share with some blessings...’ (NGO Official F 2013). In addition, Milner writes, ‘...refugee settlements were organised not only to produce subsistence crops but also export-earning crops, such as coffee and tobacco, which were sold through parastatals, gaining valuable foreign currency for Tanzania’ (Milner 2009, 113).¹⁵

For its part, UNHCR did not fight its surrogacy or try to end it as quickly as possible. Instead, it took on more and more responsibility and authority, both in the name of assisting refugees more fully, and to grow its own organisational operations. Indeed, UNHCR as an organisation cannot help but seek to expand in its work, further pleasing donors and having the freedom to work on its own terms rather than being constrained by the state (recall Chapter Two and Three’s discussion of the literature on bureaucratic organisation’s tendencies, as well as Barnett and Finnemore 1999). As Rutinwa puts it, UNHCR worked its way to the top of hierarchical relationships between the state and local authorities, a position it would find hard to give up (2002, 84). In addition, the state could not change the fact that

¹⁵ ‘...the sudden influx of huge numbers of landless peasants in the form of refugees could be seen as a blessing by the state as it has sought to intensify the productivity of peripheral areas....The presence of refugees also offers the opportunity to attract long-term development aid to remote areas and to fill rural casual labor demands (Daley 1992, 138-9)’ (Milner 2009, 113).

donor governments often preferred to work through UNHCR, further sustaining its role as a surrogate state (Rutinwa 2002, 85).

UNHCR's surrogacy among the 1990s Burundians in Tanzania finally came to an end when the government and UNHCR facilitated large-scale repatriation to Burundi from 2005 onward. See Milner (2009) and Appendix B for more on Tanzania's refugee policy shifts, which also shed light on UNHCR's role.

5.4. UNHCR's influence on Tanzania

The previous section demonstrated that UNHCR's role with the 1972 Burundian refugees was minimal, and certainly not a surrogate state. In contrast, its role with the 1990s Burundians was one of surrogacy. But in response to the 'so what?' question, what does this mean for UNHCR's ability to influence the state? Does its role as a surrogate state affect state behaviour toward, or decisions about refugees? Drawing on the material and non-material indicators of influence discussed in the theoretical framework, the two cases demonstrate the 'less is more' relationships expected. Indeed, the case where it took on less surrogacy (1972) translated into greater influence than the case where it took on more surrogacy (1990s). This again speaks to the broader theory, that while an IO like UNHCR may amass greater responsibility and authority in a given locale, this does not necessarily mean greater influence on state behaviour toward refugees.

UNHCR's role with the 1972 Burundian refugees was not one of surrogacy, which in the end enabled it to better influence state behaviour toward refugees. It had very little involvement with this group for most of their time in Tanzania (at first glance, then, not showing more influence). Where UNHCR's level of influence is relevant and visible, however, is in recent years when Tanzania considered following through on a decades old promise by Nyerere that this group would be integrated and naturalised. While the

government certainly receives credit for its openness to granting citizenship to this group, interviewees were also quick to say that this would not have happened had UNHCR not been present, and had it not been seen as a trusted and reliable partner by Tanzanian stakeholders (El Hillo 2012). Most notably, UNHCR was a provider of information (it carried out the census, wrote the report, and informed the MHA) and a facilitator (it organised interviews in the settlements with Burundian refugees, and helped transport lawyers to carry out the 17-step process in the region, so as not to require all 162,000 refugees to travel to Dar es Salaam). It also enabled the GoT to feel continued ‘ownership’ of the process, but also held it accountable when it tried to renege on the promise to offer citizenship (for example, El Hillo 2012 noted that the GoT had not expected such a high percentage of the 1972 Burundians to want to stay, assuming more would want to return; when it heard that some 80 per cent wanted to remain and gain citizenship, it considered going back on its offer, but UNHCR held it accountable and the GoT ended up following through after all). Thus its relationship and role as more of a partner and facilitator, not a surrogate, enabled it to promote, encourage and successfully lobby for the state to treat the refugees differently than it was otherwise inclined to (certainly, leadership, history and other factors played significant roles in contextualising Tanzania’s decisions, but, as demonstrated here, UNHCR’s role was also an important factor—not mutually exclusive, but in addition to these explanations—helping to explain the outcome).

In contrast, UNHCR was a surrogate state to the 1990s Burundian refugees, operating a C&M model for decades. It had little influence over policy, rhetoric or leader’s views on refugees. In part because it was so involved as a surrogate state, it had more difficulty speaking out or holding the MHA accountable. Refugees remained encamped with less access to their rights—something UNHCR protested, but was trapped in being unable to

respond to because it needed to maintain access and good relations with the GoT.¹⁶ Indeed, UNHCR was less able to speak freely or hold the government accountable on refugee protection issues because it was so enmeshed in the refugee response, and needed to be able to keep access and supplies coming to a region where it ran enormous projects. Unfortunately, this inadvertently only further entrenched the long-term encampment, endless C&M, and lack of solutions that UNHCR sought to move beyond. As interviewees discussed, it did not have the freedom to ‘rock the boat’ as a surrogate state.

Interviewees also gave the impression that GoT felt the need to prove that it was still in charge in response to UNHCR’s surrogacy. The former Minister of Home Affairs was the most forceful in emphasising that the power never left his office. For example, he stated that he would listen to other arguments from UNHCR and its partners, but ‘...in the end I am the MHA and this is what I’ve decided...it is not up for discussion’ (Masha 2013). He argued that while UNHCR and MHA did work together, he would ‘never allow’ UNHCR to take on policy decision-making roles, and does not believe any government should ever ‘abdicate its supremacy at any point in time’ because the UN has different interests than the state (he did not, however, refute the surrogate state characteristics discussed, including service provision and perception of authority; he simply chose to come to a different conclusion about the label that should be used for UNHCR’s surrogacy) (Masha 2013).

Likewise, a senior UNHCR official said that in spite of its responsibility and authority in some areas, UNHCR does ‘...not have the privilege to say what we want...you can’t push a certain thing...we can only react’ (UNHCR Official O 2013). NGO Official F (2013) also stated that ‘...the government was never weak...The government was always in charge’. And despite the high levels of funding coming from UNHCR, MHA officials said that they

¹⁶ Some might argue that UNHCR secretly or subconsciously prefers encampment, but regardless, its stated objectives (which included rhetoric about greater access to refugee rights and protection, and less strict encampment policies) were falling on deaf ears at the state level. The state may have listened to some arguments, but in general, as UNHCR Official C (2013) said, UNHCR trades its ability to speak out when it funds and carries out all refugee-related programmes.

still felt free to ‘impose [their] own decisions...and to disagree even if UNHCR is paying top-up salaries...’ (GoT Official B 2013). A senior NGO official also stated that ‘UNHCR is sometimes bullied’ by the government, particularly if the lead individuals do not have the right working relationships (NGO Official F 2013).¹⁷

Certainly not all of these elements of influence (or the lack thereof) are rooted in UNHCR’s surrogacy with the 1990s Burundians; some are more general, and all interviewees have their own subjective opinion. However, many of these comments demonstrate how surrogacy put UNHCR in a less influential position with the 1990s caseload. In fact they work in tandem with other explanations for UNHCR’s lessened influence (such as economic downturn and/or frustration at the protracted nature of the situation).

In sum, unlike the 1972 example, UNHCR’s surrogate state role with the 1990s Burundian refugee population granted it some forms of authority, legitimacy, governance and power at the local level, but did not translate into influence over Tanzania’s broader refugee decisions (NGO Official F 2013, UNHCR Official O 2013, Masha 2013).

¹⁷ Yet macho rhetoric dominated the interview with the former MHA. GoT Official A (2013) reiterated that the government had been managing the old settlements (of the 1972 caseload) for some ten to fifteen years without any UNHCR presence. At the same time, mutual respect was apparent. Another MHA official empathised with UNHCR, seeing ‘how difficult it is for them’ to serve so many masters (international donors, governments, other stakeholders, and of course the refugees they are to prioritise) (GoT Official B 2013). GoT Official A (2013) also said, ‘I often feel sorry for UN officials...because they have to play quite a bit of high level politics’.

Table 5.1. Summary of UNHCR in Tanzania (1972 Burundians): No IO surrogacy, state partnership, high influence

UNHCR in Tanzania (1972 Burundians): No IO surrogacy/partnership state			
Indicator of influence			
Is UNHCR perceived (by locals, refugees, or other actors) as a power or authority in the locale in which it is working?	No	Are state policies toward refugees in line with UNHCR's priorities?	Yes
Does UNHCR receive blame when services are not provided? Is it seen (by locals, refugees, or other actors) as responsible for things generally attributed to the state?	No	Does the GoK feel a sense of 'ownership' over the refugee 'issue'?	Yes
Has UNHCR been able to change leader's minds on decisions?	Yes	= High Influence	
Has UNHCR changed the rhetoric of the issue?	Yes		
Has UNHCR affected other actors' behaviour (local authorities, refugees, locals, other NGOs?)	Yes		
Does UNHCR participate in forms of local governance?	No		
Has UNHCR participated in directly writing and/or shaping policy?	Yes		

Table 5.2. Summary of UNHCR in Tanzania (1990s Burundians): IO surrogacy, state abdication, low influence

UNHCR in Tanzania (1990s Burundians): IO surrogacy/abdicationist state			
Indicator of influence			
Is UNHCR perceived (by locals, refugees, or other actors) as a power or authority in the locale in which it is working?	Yes	Are state policies toward refugees in line with UNHCR's priorities?	No
Does UNHCR receive blame when services are not provided? Is it seen (by locals, refugees, or other actors) as responsible for things generally attributed to the state?	Yes	Does the GoK feel a sense of 'ownership' over the refugee 'issue'?	No
Has UNHCR been able to change leader's minds on decisions?	No	= Low Influence	
Has UNHCR changed the rhetoric of the issue?	No, still securitised		
Has UNHCR affected other actors' behaviour (local authorities, refugees, locals, other NGOs?)	Yes		
Does UNHCR participate in forms of local governance?	Yes		
Has UNHCR participated in directly writing and/or shaping policy?	No		

Mechanisms of marginalisation of the state and responsibility shifting

Applying the mechanisms of state marginalisation and responsibility shifting shed light on why these relationships of influence ('less is more') occurred. First, in reference to the 1990s surrogate state UNHCR, whether it chose it through abdication, or had no choice as UNHCR assumed surrogacy, the Tanzanian state was marginalised and responsibility and blame in northwestern Tanzania was placed on UNHCR. This translated into less influence (material and non-material) because the GoT could give a façade of control, while not having to do any of the work (e.g. fund programmes or carry them out). As Landau argues, this model allowed Tanzanian citizens to maintain a positive view of the government because they could shift expectations for service provision to UNHCR, thus blaming UNHCR rather than the government when services were not provided. He writes, 'This process was remarkably effective in reforming the government's role as benefactor, without entering it into logics of blame and responsibility. In doing so, it shows its generosity and concern without taking direct responsibility for or accepting a recurrent duty to provide such services' (Landau 2008, 145).

In some cases, there was a blatant effort on the part of government officials to transfer responsibility for public service initiatives (and failings) to international actors (Landau 2008, 141). Landau writes, 'By blurring lines of responsibilities, officials and politicians were provided with additional mechanisms and incentives for 'shirking'. Both local and national officials rarely missed an opportunity to publicly blame international actors for the district's problems and the administration's own weaknesses' (2008, 141). For example, he cites an election observer saying that refugees were the reason for the region's difficulties, and that because of this the international community has to take its share of the responsibility (Landau 2008, 141). The unexpected result that Landau uncovers, then, is that Tanzanians have a

‘...heightened loyalty to their nation, territory and political leadership, while expectations of and material interactions with the state have declined’ (2008, 145).¹⁸

This relationship ultimately put UNHCR in a weaker bargaining position (even if it was paying for everything, carrying out most of the projects and harnessing authority at the local level) to influence refugee policy decisions at the state level. Tanzania had no interest in changing the status quo, and would thus not be interested in listening to UNHCR’s suggestions for policy changes that encourage greater access to refugee rights or move away from encampment. As various interviewees stated, UNHCR loses its ability to speak out or protest the status quo when it substitutes for the state (UNHCR Official C 2013; UNHCR Official E 2013; UNHCR Official N 2012).

Rutinwa’s research on responsibility shifts yielded similar results: ‘What used to be acknowledged as state responsibility has enabled the state to shirk responsibility’. Citing a Tanzanian Foreign Minister, he writes, ‘...‘Tanzania had no responsibility for whatever transpired in the camps’ (The Guardian (T) 17 February 1999’ (Rutinwa 2002 91). Because of this, it was not in Tanzania’s interest to listen to UNHCR to the extent that it would change the status quo. Arguments about greater access to rights, including freedom of movement or the right to work, simply fell on deaf ears. Likewise UNHCR had few ways of convincing Tanzania to reconsider encampment, confinement and long-term dependence on aid, because Tanzania had no incentive to pay for and carry out refugee programmes itself.

UNHCR in the 1990s example also had less influence as a result of its surrogacy because it could not speak out as freely (recall Dolan and Hovil 2006). Assuming surrogacy placed UNHCR in a position where it had to maintain good relations rather than, say, protest long-term encampment more whole-heartedly. It was expected to carry out responsibilities

¹⁸ ‘Whereas representatives of the district or regional administration remain infrequent visitors to Kasulu’s villages, residents now witness an almost constant stream of international NGO and UN staff and vehicles. With their presence, new sets of normative expectations are emerging, as many Kasulu residents come to believe that the international relief organisations have a duty to help Tanzanian citizens...’ (Landau 2008, 10).

that should have been borne by the state, and could not assume the moral authority and protection-focused role it might otherwise have had in a less operationally-focused situation. At the same time, Tanzania was less engaged and had less expertise, and thus also had less interest in hearing from other actors like UNHCR about refugee policies, instead preferring continued abdication.

Addressing the other side: Arguments that UNHCR did not take on surrogacy and arguments that it took on surrogacy, but that this gave it greater influence on the state

To address ‘the other side’, it is worth noting that there are some who refute the idea that UNHCR took on surrogacy with the 1990s Burundian refugees example. Some described its role as more of a partner, catalyst, patron or even diplomat. One senior UNHCR official noted that UNHCR could ‘facilitate, arrange or create a forum’, but was not a substitute for the government (UNHCR Official O 2013). Others gave the impression that UNHCR acted as a patron more than anything else (NGO Official F 2013).¹⁹ The former MHA even emphasised that Tanzania *expected* UNHCR to pay for things. In reference to granting citizenship to the 1972 Burundians, he stated, ‘UNHCR is supposed to pay for the citizenship of these people’ (Masha 2013). Still others, particularly in the GoT, argued that UNHCR’s role was entirely dependent on individual relationships between leaders (GoT Official B 2013; Masha 2013; UNHCR Official J 2012). This theme was echoed in many interviews, and does not refute the arguments made above, but rather adds to them. Indeed, friendships and personal relationships were an important facet mentioned by most interviewees in each of the case studies.

¹⁹ One example he provides is that of a new building for the Ministry of Home Affairs’ Refugee Department, funded in large part by UNHCR. The Tanzanian government also gained vehicles, computers, airstrip redevelopment, roads, urban water supply renovation and agricultural development initiatives through multi-lateral funding (Landau 2008, 72).

Returning to the notion that UNHCR took on surrogacy with the 1990s Burundian refugees example, there are a few arguments that imply that UNHCR's surrogacy increased its ability to influence the state. Scholars like Harrell-Bond (1986) note at various points that UNHCR did have strong influence over policy. At one point, Rutinwa even states that UNHCR implemented policies, with national authorities only 'nominally involved' (2002, 93). And while he does not say that UNHCR *made* policies, Landau writes that policies made by the parliament were interpreted at the local level by UNHCR, as the government was largely absent from these areas and UNHCR had considerable 'administrative oversight' and 'latitude' in how the policies were implemented (2008, 69).²⁰

In light of the previous arguments of this thesis gleaned from interviews and the literature, however, these 'arguments from the other side' do not necessarily refute the notion that surrogacy and influence are inversely related. Rather, they point to additional variables that help complete the picture of complex power relations, which is discussed in the next section.

Reflections on UNHCR's surrogacy, influence and sovereignty

Surrogate statehood need not necessarily imply that a state is somehow less sovereign, just as earlier discussions indicated that IO surrogacy and state power are not necessarily zero-sum. However, the relationship between UNHCR's surrogacy and influence does generate some interesting themes pertaining to state sovereignty and power, particularly showing that while surrogacy may not increase influence on policies relating to refugees, it can affect how other ideas and concepts are thought about, and in some cases, can result in power transfers. As Landau writes, 'If...sovereignty is the right to ration life, at the very least

²⁰ However, this does not necessarily refute the main point that UNHCR was a surrogate state, but that it had little influence on the policies that were made. It simply reinforces the fact that it was a surrogate state and had some authority and power at the local level, which does not contradict the arguments made in this research.

we have witnessed a shift of sovereignty away from state institutions and into the hands of private groups...’ (2008, 117).

In relation to this case study, UNHCR’s presence as a surrogate state in Tanzania has also raised questions about the nature of its sovereignty. Landau writes, ‘Even after the aid dollars dry up and the refugees return home, these dynamics will have changed how citizens relate to one another, the state, the territory they inhabit, and a set of processes—displacement and humanitarianism—that are an under-explored form of globalisation’ (Landau 2008, 1).

UNHCR’s large presence in refugee-hosting areas also bridged the ‘local’ and ‘international’, in different ways, in some cases bypassing national-level authorities and thus further bringing into question how the sovereign state controls parts of its territory that have direct links with international actors. In addition to bringing political attention to remote areas of Tanzania that were previously ignored, Landau writes, ‘...through these events, remote rural governments and populations have become enmeshed in governmental practises extending regionally to Dar es Salaam, Kigali, Bujumbura, and Kinshasa, and to international organisations and donors in Europe and North America’ (Landau 2008, 66). Thus, UNHCR’s surrogate statehood in the case of the 1990s Burundians created a direct line of contact—international UNHCR staff directly in contact with local officials in remote regions, in some cases bypassing the traditional state apparatus at the national level.

In addition, UNHCR’s authority over geographic space (e.g. camps and their surrounding areas) has affected Tanzania’s sense of sovereignty and power processes. Indeed, everything from how refugees are quantified to where camps are placed is political, and international aid groups like UNHCR play central roles in these decisions (Landau 2008, 68). In addition, Tanzania’s association between its values and its geographic territory and the

perception that an international organisation is largely administering a portion of its territory has significant repercussions. Landau writes:

‘A local and domestic focus is critical for understanding the causal mechanisms and importance of socio-economic and political transformations....But while relations with those across political borders have always served as catalysts of political change (Spruyt 1994; Tilly 1990), transformations of the state and sovereignty are increasingly intractable when one only considers domestic actors and processes (see Das and Poole 2004; Powell 1991). The fact that the incorporation of international actors into logics of blame and responsibility helps account for Kasulu’s transforming governmental practises challenges the territorial basis for domestic politics and the classical Weberian state’ (2008, 155).

Landau is not arguing that UNHCR has ‘usurped government responsibilities or commandeered state sovereignty under the guise of good intentions’ nor is he asserting that UNHCR entirely administers the refugee-hosting regions in which it works (2008, 155).

Certainly UNHCR is bound by the national authorities in many ways, and could be expelled from the country at any time. However, the nuances mentioned here mark important shifts that relate to sovereignty, Tanzanian identity, and policy formation. Indeed, authority and sovereignty are complicated by UNHCR’s domestic role, particularly a role that has fluctuated over time, moving from a distant advisor to a surrogate state.

5.5. Conclusions

This chapter has examined two examples in Tanzania: Burundian refugees that fled in 1972, and those that fled in the 1990s. It considered UNHCR’s domestication via drastically different roles with each of the groups, and subsequently the varied outcomes in terms of its ability to influence Tanzania’s decisions and behaviour toward refugees. UNHCR had a relatively hands-off approach with the 1972 cases, with little involvement until 2006 when it carried out a census to assist the government in integrating some 162,000 Burundians from this group. Although UNHCR had less responsibility and authority with this group, it was better able to advise and lobby the government to keep its promise of citizenship for this

group. This group had been welcomed by Nyerere as fellow Africans struggling for freedom, and were allowed to move freely and work, thus becoming de facto integrated in Tanzania.

In contrast, the 1990s cases arrived in a post-*ujamaa*, post-Nyerere climate, and were confined to camps and forced to rely on aid, provided largely by a UNHCR surrogate state. UNHCR's surrogacy with this group was filling a void where the GoT was not responding. Both UNHCR and the GoT had little reason to alter the status quo: UNHCR maintained a large presence and significant power in the remote region, and the GoT benefited from UNHCR's presence because blame and responsibility was placed on UNHCR, not the government, when services were not provided or conditions deteriorated. According to Landau (2008), this enabled the state to look stronger and to be more popular among citizens.

In line with the framework, the greater the surrogacy assumed by UNHCR, the less ability it had to influence the state on refugee matters. While UNHCR as a surrogate in the 1990s example garnered more responsibility and authority at the local level, it was not able to sway government perspectives (in policies, rhetoric, or other ways) toward refugees. If anything, it was further entrapped in its C&M response, unable to speak out freely or transfer blame or responsibility back to the state. On the other hand, UNHCR found itself as more influential in helping the 1972 Burundians gain citizenship. As a non-surrogate state, it served as a partner, informer, advisor and advocate, helping to facilitate and lobby the government to make good on its promise to naturalise this group. Tanzania's behaviour toward the 1972 cases happened at the same time it was behaving completely differently toward the 1990s cases. In other words, UNHCR's role as a surrogate/non-surrogate can be seen as having an effect on the state because all other possible explanations were held constant (the context was the same—it was the same time period, the same leader, the same public perception of refugees etc.). This is not to say that surrogacy was the only factor affecting how well UNHCR could influence the state—this chapter has highlighted a number

of important explanations contributing to the outcomes observed—but that it is part of the combination of variables affecting state behaviour toward refugees.

Certainly a range of factors also explain UNHCR's ability to influence the state, as well as the policy outcomes; some of these were discussed in the historical overview and context, and some in the analysis sections. It will be interesting to see how Tanzania's local integration of the 1972 cases finishes, and to continue further historical comparisons between the two. Moreover, the solidification of the EAC might alter the political landscape, and subsequently the role of UNHCR in further refugee situations. Regardless of whether Tanzania is the 'humanitarian superpower' that one interviewee called it, UNHCR's surrogacy in Tanzania provides an interesting lens through which to study an IO operating domestically, and by comparison further demonstrates that 'less is more' when considering IO surrogate states and influence on the state.

Chapter Six: Uganda

- 6.1. Introduction
- 6.2. Refugee-hosting policies and history in Uganda
- 6.3. UNHCR's domestication and surrogacy in Uganda
- 6.4. UNHCR's influence on Uganda
- 6.5. Conclusions

6.1 Introduction

In comparison to Kenya and Tanzania, Uganda provides a case where UNHCR had taken on surrogacy in the past, but has since moved away from surrogacy, instead favouring a form of partnership with the government. This chapter will provide a brief background to Uganda's refugee history and policy in order to contextualise the discussion about UNHCR in Uganda. It will then consider how UNHCR domesticated, originally taking on surrogacy with Sudanese refugees, but more recently moving away from surrogacy with Congolese refugees. The chapter then focuses on what its surrogacy (or lack thereof) has meant for UNHCR's ability to influence state behaviour toward refugees. In line with the framework, it ultimately argues that UNHCR in Uganda has been better positioned to affect decisions about refugees when it does not domesticate as a surrogate state, but rather works in partnership with the Ugandan government.

6.2. Refugee-hosting policies and history in Uganda

General modern history

A former British colony, Uganda has had a violent history over the past century. It achieved independence in 1962, with Milton Obote as its first prime minister. In 1971 Obote was overthrown by a coup led by army chief Idi Amin, who subsequently expelled Uganda's Asian population, and began a period of violence in Uganda. Political instability and violence followed, and an estimated half a million people were killed in state-sponsored violence during a series of coups in the 1970s and 1980s. In 1986 another military coup installed

Yoweri Museveni as president, and he and the National Resistance Army implemented ‘no-party’ democracy. A five-year civil war followed, which finally ended with the restoration of political participation (Carbone 2008, 1). In 1995 a new constitution reintroduced political parties, but in 2000 Ugandans voted to maintain the ‘no-party’ system, rejecting multi-party politics. Simultaneously Uganda conducted interventions in the Democratic Republic of the Congo (DRC) and Zaire (in 2005 it was accused by the ICC of invading and killing DRC citizens in 1999), faced conflict with Rwanda, and became one of the founding members of the East African Community (EAC) in 2001. In 2005 Uganda returned to multi-party politics, however presidential term limits were also abolished, and Museveni again won elections in 2006, and more recently again in 2011, despite accusations of vote-rigging.

Uganda has faced a number of broader security challenges. Recently, it has emerged from a long battle with the violent rebel group, the Lord’s Resistance Army (LRA) in northern Uganda. It has also deployed peacekeepers to Somalia as part of an AU mission since 2007, and suffered a bomb attack from Somalia’s al-Shabaab in 2010. It has had continuous border disputes with the DRC (in 2012 the UN accused Uganda of sending troops into the DRC to fight alongside the M23 rebel movement, which Uganda denies and, in an angry response, pledged to withdraw its forces from all UN-backed international missions in Somalia, the Central African Republic and the Democratic Republic of the Congo), as well as tensions with neighboring Rwanda.

Things are changing quickly in Uganda, however, particularly as the UK-based company Heritage Oil reported a major oil find. This will likely have a significant impact on the economy and development of Uganda. In addition, Western-backed economic reforms have brought some economic improvements since the 1990s, but Uganda has also been hit hard with the 2008 global fiscal crisis. Socially Uganda has been praised as a ‘pioneer of liberalisation of the media in Africa’, and for vigorous campaign efforts against HIV/AIDS.

However it has also been the subject of criticism over its 2010 anti-homosexuality bill. This very brief overview of Uganda's recent history helps set the context for its views toward refugees, which are examined in the next section (BBC 2013).

An evolution of refugee policies

Uganda has hosted refugees from many of its neighbors, including the Democratic Republic of the Congo (DRC), South Sudan, Somalia, Burundi, Rwanda, Ethiopia and Eritrea. UNHCR reports that in 2012, there were more than 190,000 registered refugees and asylum seekers in Uganda, in addition to nearly 30,000 IDPs. In the past, Uganda was a 'warehousing' country that bound refugees to camps based on security concerns. In reference to Sudanese refugees, for example, Kaiser writes that they were required to stay in 'remote, politically marginalised border areas, demonstrating the government's desire to keep them separate and prevent integration' (Kaiser 2008, 258).

In the last decade, this has shifted significantly, and Uganda no longer requires refugees to stay in closed settlements or camps. Now, the majority are spread across settlements in the north and southwest of the country (UNHCR 2012), though there are many more thousands in Ugandan towns and cities who are not receiving any assistance (Machiavello 2003, 3, citing Ibutu 1999). UNHCR also reports that Uganda's IDPs and refugees are increasingly found in urban areas, many living in Kampala (UNHCR 2013a). Congolese and Rwandans make up the longest-staying population of refugees in Uganda, and the Congolese have the highest numbers. UNHCR reports that many either do not want to, or are unable to return home, and claims to be seeking local integration prospects for them (UNHCR 2013b). The protracted nature of Uganda's displaced populations is also notable: Uganda has hosted high numbers of refugees for protracted periods of time, in many cases for decades on end (Dryden-Peterson and Hovil 2004, 28).

Yet in spite of its history of hosting refugees, its violent past has also made it a refugee-producing country for decades (Lomo, Naggaga and Hovil 2001). Indeed, most interviewees stated that Uganda has a long history of sending and receiving refugees, and recognises that it is in a ‘difficult neighborhood’ of war-torn neighbors (Kamstra 2013; USG Official G 2013; UNHCR Official F 2013; NGO Official G 2013; UNHCR Official E 2013). This historical view of being a refugee-producing and receiving country has thus informed Uganda’s approach toward refugees. Many interviewees for this research stressed that Ugandans themselves understood what it meant to be displaced, as many government officials (e.g. Refugee Minister, Stephen Malinga) had themselves been refugees (UNHCR Official L 2013; UNHCR Official E 2013; NGO Official G 2013; GoU Official A 2013; USG Official G 2013; UNHCR Official F 2013). Moreover, during World War II Uganda received displaced Europeans (Lomo et al. citing Gingyera-Pinyewa 1998, 5 on 3; USG Official G 2013), and in the 1950s and 1960s, Uganda received refugees from Sudan, Kenya, Rwanda, Congo, Ethiopia and Somalia (Lomo et al. 2001, 3).

During all of this, Uganda was also generating its own IDPs and refugees, first under Obote and then under Idi Amin (Lomo et al. 2001, 3). Lomo et al. report that Uganda received refugees throughout the 1970s and 1980s as well, and that by 1985, refugees made up some seven per cent of the population (Lomo et al. 2001, 4). Amidst a troubled economy, continued internal violence and little state capacity, Uganda continued to host more refugees—by 1995 it hosted over 300,000 refugees, with more arriving every day (Lomo et al. 2001, 4). In spite of this, many interviewees from the government, UNHCR, and NGOs stated that Uganda generally treated refugees well, and that it rarely *refouled* them. They argued that hospitality was inherent to Ugandan culture, and that Ugandans saw refugees as an asset more than a burden, and that because they shared the same tribal roots, they were like brothers and sisters (USG Official G 2013; NGO Official G 2013; UNHCR Official E

2013; Kamstra 2013; UNHCR Official L 2013; UNHCR Official F 2013).¹ It is perhaps a result of these characteristics that Uganda in general has a number of strong refugee-advocating civil society groups, institutions and organisations (e.g. the Refugee Law Project in Kampala).

Accordingly, Uganda's refugee policy has evolved over time, and like the other case studies, has been largely contingent on social, economic, political and security contexts. In addition, different responses to major refugee influxes like Sudanese and Congolese help illustrate some shifts in policy. As examined here in comparison to Tanzania and Kenya, Uganda sees itself as having more open and progressive policies toward refugees. Kaiser writes:

‘The language used by officials of central government with reference to refugees in Uganda is one of solidarity and brotherhood... their humanitarian response is based on the kind of understanding which is not evident in the international agencies and in many of the NGO staff. Government policy towards refugees is described by UNHCR as “progressive and liberal” and is generally accepted to be generous and sympathetic’ (2002, 8).

Uganda has practised refugee integration alongside high numbers of IDPs of its own. One interviewee also spoke extensively about the fact that Uganda has not had a national identity card system (though they plan to create one this year). He stated that this meant that ‘if you can blend in’ — as so many Congolese who flee to Uganda are able to do, speaking local dialects and having similar physical features — ‘...you can become Ugandan’ (NGO Official G 2013).

What is perhaps most progressive is that the 2006 Refugee Bill in Uganda allows refugees the choice of where they would like to live. FMO writes ‘It is one of the few countries of asylum to allow refugees to either settle themselves within the national

¹ However some scholars disagree. Machiavello reports that refugees are often seen as unwelcome, with some seeing refugees as economic burdens who ‘depend on charity and begging’, especially in urban areas. Some even see them as collaborators with former governments against Ugandan nationals (2003, 4). At the same time, Machiavello (2003) and Kaiser (2002) both outline that there are mixed opinions of how welcome refugees are, and other scholars also note that Uganda has more mixed reactions toward refugees.

population, or to live in a UNHCR-sponsored refugee settlement' (FMO 2011a). The 2006 Refugee Act (originally proposed in 2000 and passed in 2006), also harmonised municipal law with international obligations, created a department of refugees, an independent appeals body, and various other refugee rights (Uganda 2006; Lomo et al. 2001, 10). It was also meant to encourage self-sufficiency.

However, Kaiser and other scholars are quick to note that Uganda's refugee policy still needs improvement, and that it is greatly affected by regional political and security concerns. Past research, for example, has called for clarity in the law.² The 2006 Refugee Act is also still awaiting some legal clarification, and would benefit from continued improvements (UNHCR Official E 2013; Dolan and Hovil 2006, 9). Moreover, like most states, Uganda is prone to viewing refugees as temporary and counting on their returning, rather than considering that their displacement may be long, and that many may never go home or gain resettlement. It also tends to view refugees through a political and security lens, as Lomo et al. write that refugees' '...presence is as much a political issue as a humanitarian one' (2001, 9; Kaiser 2008, 262). For example, some Rwandan refugees have been implicated in using Uganda as a base for cross-border attacks into Rwanda (Lomo et al. 2001, 5).³ Sudan has made similar accusations, and Kaiser notes that Uganda's own '...war in the North' has been inextricably interconnected with the Sudanese conflict' (2008, 253).

Likewise transit camps that were supposed to be temporary have become long-term, and their proximity to the border has also exacerbated political tensions (Lomo et al. 2001, 5). IDPs are

² E.g. Lomo, Naggaga and Hovil write that the system has been largely *ad hoc*, as a result of the lack of written law and transparent policy, and many refugees did not have access to their most basic rights (2001, 9). They draw out the tensions between Uganda's obligations as a signatory to CSR51 and the 1967 Protocol, as well as the 1969 OAU Convention, and its own struggles in recovering from a prolonged civil war, and preoccupations with reviving the economy and infrastructure (2001, 9).

³ Regarding Rwanda, refugees have been coming to Uganda since the 1950s, many Tutsi joining the Ugandan NRA military under Museveni, but turning their efforts toward Rwanda and invading using Uganda as a base. As of 2001, there were some 10,000 Rwandese refugees in Uganda, many of whom are Hutu having fled the 1994 genocide and Tutsi-dominated government (Lomo et al. 2001, 5). Regarding Congo, the ongoing war is between the DRC government and troops supported by Zimbabwe, Namibia and Angola, and rebels backed by Uganda and Rwanda.

another complex piece of the protracted refugee situation, and government concern about IDPs, rebel movements and border areas have contributed to a security-focused response. If Uganda begins to feel as though refugees are a security problem—either exacerbating tensions with neighbors, or causing insecurity themselves—future policies may shift.

Economically speaking, refugees in Uganda have had both positive and negative impacts on the country, which also lend context to Uganda's refugee policy choices. Kaiser writes that Sudanese refugees in Uganda have positively affected local economies where they have been able to contribute to agriculture or business, and thus increase economic activity around the settlements (2008, 256). She attributes negative effects on the economy to government policies of restricting refugees to camps in poor conditions (2008, 257). She also writes that some Ugandan local politicians have benefited from being able to channel refugee aid to their areas (2008, 257). In addition, growing concerns over land distribution might have negative future effects on refugee policy, particularly as Congolese continue to arrive. Interviewees stated that if Uganda starts feeling like it does not have enough land (which it appears to be starting to, with population growth and discoveries of oil), it will likely begin policies of encampment, rather than provide land to refugees.

The settlement policy (SP)

The SP (closely linked to the SRS discussed below) of Uganda has generated global praise, and has been viewed as relatively progressive and open. Put simply, the SP requires refugees to live in settlements if they are going to receive assistance from UNHCR, but allows them to choose if they prefer to live elsewhere and survive without assistance. Consequently many have chosen to move to Kampala or other cities. Those who have stayed in the settlements continue to receive some assistance, but also have plots of land to farm (generally 50 meters by 100 meters of land, owned by the government and given to them),

and for the most part are able to move freely. Indeed, when visiting the settlements, it is very different than visiting a camp: it is very difficult to tell where the settlement ends and a village begins, and in some cases, the road through a settlement alternates from village to settlement, and back again (USG Official G 2013; see Appendix C for more).⁴ In other words, the settlement and village already appear integrated from an outsider's perspective (UNHCR Official L 2013; UNHCR Official F 2013; GoU Official A 2013).

In conjunction with the Self-Reliance Strategy (see below), the SP purports to provide refugees with the option of living away from camps and achieving self-reliance. The government and UNHCR's idea of the settlements was to provide land to those who did not plan to repatriate in the near future as an attempt to promote self-sufficiency (Lomo et al. 2001, 7; Dryden-Peterson and Hovil 2003). Another expected benefit of the SP was to work toward integrating services provided to refugees with the host population as a 'win-win' situation, whereby refugees and locals would both benefit. They were supposed to offer a more permanent departure from temporary transit camps (Dryden-Peterson and Hovil 2004, 29), and were also to move from emergency relief to long-term development (Hovil 2002, 13).

Interviewees said that settlements generally resulted in less scapegoating (USG Official G 2013), particularly as they are owned by the government rather than locals (meaning locals are not trying to regain their land). Even though settlements are spread out and tend to be on large, isolated pieces of land, interviewees generally thought that settlements were quite good, and encouraged *de facto* integration (Dryden-Peterson and Hovil 2003; Kaiser 2008, 257; USG Official G 2013; UNHCR Official C 2013). After all, refugees

⁴ The main difference between a camp and settlement is that settlements have more freedom of movement, the right to work, and, in this case, are a less demarcated area than a camp (revisit Jacobsen 2003 or Schmidt 2003 for more). It is worth noting, however, that numerous officials made the mistake of using 'camp' and 'settlement' interchangeably, an interesting issue in and of itself, pointing to the subtle differences, and confusion even among those working there (UNHCR Official F 2013; UNHCR Official L 2013; GoU Official A 2013).

are free to intermarry, work, move freely and make many choices more freely. One mentioned that refugees could ‘blend in and take the identity’ they needed (UNHCR Official C 2013), and another argued that settlements enabled refugees to have better relations with local communities (USG Official G 2013). Another UNHCR employee stated that settlements offer better services (as opposed to going to a city), and that some people leave for Kampala to see what it is like, but then decide to return to settlements in order to receive services (UNHCR Official C 2013). Another stated that refugees in Uganda are ‘free to work, go to school and access health care’, and mentioned that locals make use of these services as well (indeed, while conducting interviews, the researcher observed many locals waiting in line at the clinic in the settlement) (UNHCR Official E 2013). Overall, then, the SP has won tempered praise, as scholars like Machiavello (2003), Black (1998), Kaiser (2008), and Hovil et al. (2005) agree that it provides far more opportunities for self-reliance and better access to human rights than confinement to local settlements or camps, and that local communities look far more favourably upon refugees that are self-settled.

However, there are also a number of criticisms of the SP. Some report terrible conditions for refugees, including overcrowding and inadequate food, water and shelter (Hovil 2002; Lomo et al. 2001, 6). Others note that the land given to refugees is undesirable land in isolated areas that are difficult to cultivate, or that plots are too small for self-reliance (Lomo et al. 2001, 7; Hovil et al. 2005, 22). Hovil also argues that refugees are less secure in camps and settlements because they are easy targets (2002, 17; 23) and Lomo et al. also write that their insecurities and poor conditions make them prime targets for rebel recruitment (2001, 6). Others have voiced concerns over whether refugees are really being able to make a choice about their own futures with assistance only available to those who stay in settlements (Hovil 2002; Hovil et al. 2005, 4), or whether the SP is more about controlling what the state

sees as economic and security threats (Lomo et al. 2001, 7; Gottschalk et al. 2005, 3; Machiavello 2003, 1).

Still other scholars raise concerns about the SP perpetuating a view that refugees are temporary and should be contained, and the view that only refugees in settlements are the ‘true’ refugees because they are the only ones receiving assistance from international actors (Lomo et al. 2001; Gottschalk et al. 2005, 21). Hovil et al. write, ‘In stark opposition to international refugee law, the implementation of the settlement policy in Uganda has effectively redefined the category ‘refugee’ so that it has come to refer to a person who is in receipt of assistance and living in a physical space defined by the government of Uganda’ (2005, 4; see also Machiavello 2003, 28). Finally, some scholars argue that the SP has not produced the self-reliance envisioned, and limit refugees in what they can choose to do (Hovil 2002, 13; Machiavello 2003; Hovil 2002, 23; Gottschalk et al. 2005, 14ff; Dryden-Peterson and Hovil 2003).⁵

6.3. UNHCR’s domestication and surrogacy in Uganda

Recalling the spectrum of domestication, UNHCR has taken on various domestic roles at different times in Uganda. Research and interviews point to past UNHCR surrogacy with Sudanese refugees, and more recently less UNHCR surrogacy with Congolese refugees. UNHCR has been involved with refugees in Uganda for decades. Contrary to Tanzania or Kenya, UNHCR today tends to frame its involvement with refugees as a partnership with and complementary to responsibilities taken on by the GoU. It works through the Office of the Prime Minister (OPM), which provides land for housing and agriculture, and oversees security, law and order in the settlements. UNHCR partners with national and international NGOs to provide technical, financial and material support, and manages the settlements in

⁵ Note: many of these were written between 2000 and 2005, and, as demonstrated here, there have been a few more positive views since.

conjunction with OPM.⁶ This is quite different than the government abdication and full surrogate state role seen in Kenya or with the 1990s Tanzania example. Indeed, interviewees strongly argued that Uganda has progressed in recent years to a state where refugee self-sufficiency has been achieved in some cases, thus disagreeing with any notion that UNHCR in Uganda is acting as a surrogate state by providing for refugees in every manner of life (Hovil 2002, 3; UNHCR Official L 2013; UNHCR Official F 2013). Many settlement refugees now enjoy freedom of movement, the right to work, participation in political processes, and choice on whether to move to the cities or remain in the settlements to receive assistance, all signs that they are less dependent on UNHCR to be their surrogate state from a C&M or governance perspective.

Figure 6.1. Spectrum of UNHCR's domestication in Uganda, comparing roles with Congolese and Sudanese refugees



Past surrogacy (examples, motives, conditions)

In its earliest days in Uganda, UNHCR was not a surrogate state, and arguably was not even domesticated. It did not have a presence on the ground, and only served as an advisor on refugee issues. It was not until its involvement with Sudanese refugees that it assumed surrogacy, the height of which was in the 1990s. At this time the GoU abdicated refugee responsibilities to UNHCR. Kaiser (2002, 15), for example, writes that during this phase, refugees'

⁶ UNHCR has also been involved with IDP operations since the implementation of the cluster approach, but has been phasing out of its operations given the relative restoration of calm in northern Uganda. UNHCR reports that its refugee and IDP budget grew between 2006 and 2008, but dropped in 2009 as Sudanese refugees and Ugandan IDPs were returning. They report an increase in 2010 and 2011 with some arrivals from the DRC (\$54.5M in 2010 to \$81M in 2011), and reported plans to phase out of IDP operations in 2012, with a \$66M budget reported. Generally, however, those working on refugees in Uganda say there is now little overlap with IDP issues, which have largely subsided in recent years (UNHCR 2013b).

‘...Understanding of what it is to be a refugee...did not allow for the absence of the international community, represented by UNHCR. The organisation had gained a *fictive kinship status in the everyday discourse*, often being referred to as the “mother and father” of the refugees, on the basis of the provision of assistance in extremis which it offered’ (2002, 15, emphasis added).

This demonstrates various indicators of surrogacy, including forms of governance, service provision and the perception that it is an authority in charge.

In another example, Hovil et al. describe district officials complaining about difficulties in getting UNHCR to invest in their areas (2005, 31). The fact that the official was frustrated about not receiving development funding from UNHCR—not his or her own government—makes the point well. Kaiser also reports that many Sudanese refugees looked to UNHCR as the provider of their security and protection, not even considering local or central authorities as having a role in their safety (2002, 16). This, too, points to the perception that UNHCR, not the state, is the authority in charge.

Other literature outlines additional examples of UNHCR’s surrogacy and Uganda’s abdication. In one case, Kaiser (2002) discusses the tensions between UNHCR and OPM regarding handing over refugee camp responsibilities to the government. In this case, UNHCR and the GoU/OPM had agreed on the goals of self-sufficiency and integration in theory, but defined them differently and had different priorities:

‘While UNHCR looks towards a future when they have little to do with the settlement, the refugees having achieved self-sufficiency and been integrated for the short term into the local population, the central government maintains that as the representative of the international community, UNHCR has no option but to remain centrally involved’ (Kaiser 2002, 10).

In this respect, Kaiser asserts that UNHCR and GoU had an ‘implicit working arrangement whereby UNHCR, rather than the host state, is ultimately seen as responsible for refugees’ well-being’ (2008, 262). She continues to say that Uganda had refused to take over financial responsibility for refugees as envisaged under SRS, and that it still depended on UNHCR to carry out basic refugee-related functions (2008, 262). Moreover, she concludes that Uganda

saw refugees as an ‘international and not a national concern’ and that by allowing refugees on their territory, Uganda felt ‘they have done their duty and the rest is on other international actors’ (2002, 9). Even amidst district and local budgets that include some refugee-related aspects, GoU expected UNHCR to cover these costs (Kaiser 2002, 9). In Kaiser’s view, Uganda at this time sought all the decision-making power with none of the responsibility (although since her writing in 2002, GoU has taken more ownership of refugee matters, as indicated in the next section).

This abdicationist approach is not unlike the other UNHCR surrogate state examples in Tanzania and Kenya. As outlined in the framework and other case studies, the adoption of surrogacy tends to happen when there is a void left by the state and UNHCR steps in because it feels it has little choice but to do so if it is going to care for refugees and carry out its work. Indeed, when UNHCR was a surrogate state in Uganda, officials expressed reluctance at taking on such a role, and emphasised that it had never been the intention of staff or the organisation. Rather, UNHCR’s surrogacy at this time resulted from the ‘slippery slope’ of aid and protection, and a response to the GoU’s abdication from its responsibilities. UNHCR’s Uganda Representative recalled that ‘...at the end of the day it comes down to saving a life’, and thus protection becomes operational in many different ways, ways that can easily snowball into state-like activities beyond the mandate of refugee protection (UNHCR Official C 2013).⁷ Another UNHCR employee stated:

‘We live in the house that we build...[regarding UNHCR in Uganda]...Sometimes when you see the government doesn’t have the capacity, you cannot pretend....The problem is that emergency status is taking forever...we keep the mindset of emergency response when it has passed, and then you let the government step back because you are doing it....We need to remember that we cannot do everything ourselves’ (UNHCR Official E 2013).

⁷ He stressed the desire to find better ways to pass off refugee responsibilities to government actors, and the never-ending need to engage development actors. He also talked about the struggle with local capacity when trying to hand over service delivery, and how when they do, the quality often goes down: ‘Skilled NGO workers leave and they can’t provide high quality salaries to maintain high quality people...’ (UNHCR Official C 2013). This also contributes indirectly to UNHCR staying and maintaining state-like functions.

The shift from abdication to partnership

In the last decade or so, UNHCR has shifted away from surrogacy to more of a partnership model with the government. Some interviewees even gave the impression that UNHCR was almost thought of as a department within the government (though not an instrument, as it still has its own autonomy).⁸

Figure 6.2. Sub-view of the ‘surrogate state’ end of the spectrum paired with state disposition



In general, interviewees described the relationship between UNHCR and OPM as quite good—one that is relatively honest, communicative, and where both actors are on the same page. One UNHCR official emphasised the closeness of UNHCR and OPM: ‘...we have a desk in the government department and work together on a daily basis...the power still lies with the government, but we have clear marked responsibilities’ (UNHCR Official L 2013). In addition, the 2006 Refugee Act even mentions UNHCR several times and is also meant to be a part of the Self-Reliance Strategy, further emphasising the partnership and formality of roles the government and UNHCR share with one another.

OPM and UNHCR officials interviewed in the settlements and field offices stressed this partnership even further. They discussed working closely on nearly every refugee-related project (even raising criticism from NGOs and scholars who viewed their closeness as

⁸ This is not to say that this is always a positive or negative for the refugees. There have been times when the teamwork between UNHCR and OPM has not always resulted in positive outcomes for refugees, according to several NGO workers and various studies from previous years. Kaiser’s study, for example, discusses UNHCR and GoU joint attempts to pressure unregistered refugees to leave, giving an impression that they were colluding (2002, 4). Indeed, several NGO workers (both African and expatriate) emphasised how corrupt the government and UNHCR were in Uganda, particularly in comparison to Tanzania and Kenya (NGO Official D 2013). These were solely impressions—direct evidence was not provided at the time of conversation—but it was mentioned often, and described as if it were fact; something that ‘everybody who works here just knows’. In addition, Kaiser points out that the close working relationship between UNHCR and OPM, particularly at the field level (interviewees also confirmed a close working relationship between OPM and UNHCR in the field), can make it difficult for UNHCR to pressure the GoU in refugee protection issues (2008, 262).

detrimental to UNHCR's ability to hold the government to strict refugee protection standards; e.g. Dolan and Hovil 2006). Moreover, the UNHCR Uganda Representative stated, 'Here, we are fortunate that the GoU is both involved and willing to consider new ideas...it is so rare to have this' (UNHCR Official C 2013). The Representative also focused on the various places where 'interests converge' between donors, the government and UNHCR, paving the way for a productive relationship and emphasising cooperation (UNHCR Official C 2013).

Moreover, an OPM Assistant Commander in the Kyaka II settlement even spoke of UNHCR as if it were one of its fellow government departments, indicating that UNHCR would sit in on RSD meetings with OPM and funded primary schools that were used by both the local and refugee children (GoU Official A 2013). He still began each sentence with the reminder that the government was in charge ('It is us who introduce UNHCR to the community' or 'The government asked UNHCR to help'), but also stated that UNHCR funded '...programmes, salaries, vehicles...office furniture...even non-food items. We work very closely' (GoU Official A 2013). Indeed, UNHCR still funds a number of refugee projects, though OPM staff have greater presence and ownership. While some of these interviewees may have felt obliged to paint OPM as the authority and UNHCR as a mere assistant (when the reality may be different than the rhetoric), there was general consensus and consistency in interviews and literature that partnership was at the core of UNHCR and OPM's working relationship.

6.4. UNHCR's influence on Uganda

The variance within the Uganda case—differences between UNHCR's role as a surrogate state with Sudanese refugees versus UNHCR's role as a partner to the GoU with Congolese refugees more recently—demonstrates that surrogacy does not translate to more influence on the state. Measuring influence follows from the framework, which uses both

material and non-material indicators to understand influence vis-à-vis IO surrogacy. While any number of variables affect UNHCR's ability to influence the state,⁹ careful analysis of material policies (in particular the Self-Reliance Strategy), perception of authority, and its ability to influence individual leaders helps demonstrate that 'less is more'—or in other words, UNHCR is less able to influence the state when acting as a surrogate state. Most of the focus in this chapter has been on UNHCR's role with Congolese refugees, which is more recent than with the Sudanese (whose presence has decreased in recent years). However the next section briefly considers UNHCR's surrogacy with Sudanese refugees, and its subsequent lessened influence on the state.

Past: UNHCR's surrogacy and less influence

Past research outlines that UNHCR acted as a surrogate state, carrying out all facets of refugee protection and assistance. In turn, as argued by the framework, this made it less able to speak out in attempts to influence Uganda. While UNHCR certainly demonstrated the authority and responsibility in a given locale that comes with surrogacy, it was quite limited in how it could leverage the state. The GoU could override UNHCR's surrogate state authority and power in the name of security at virtually any time,¹⁰ and thus UNHCR could

⁹ In terms of the material, SRS example, some additional explanations for why Uganda was more open to adopt the policy at the urging of UNHCR include: individual leadership; empathy for refugees (e.g. Stephen Malinga, the Minister for Disaster Preparedness and Refugees, was himself a refugee in the United States (USG Official G 2013). One UNHCR official stated, '...[it] is quite open...many [OPM staff] say "we have been refugees ourselves, so we understand"...the element of empathy is very important' to working as a team (UNHCR Official E 2013)); pan-Africanist sentiments leading to expressions of unity with refugees; and less securitisation of refugees (than Kenya or Tanzania). Others might argue the simple calculation that UNHCR in Uganda has more influence because it pays for things. Kaiser, for example, writes that the GoU only considered SRS and SP because UNHCR was willing to pay for them (2008, 260; Hovil et al. 2005, 4). Still others argue that UNHCR's strategy with SRS did not have the best interests of refugees at heart (see Machiavello 2003), or that SP and SRS have only made refugees more dependent on UNHCR's assistance, and thus further in the direction of surrogacy than partnership. Other factors affecting state behaviour and how well UNHCR can influence Uganda on refugee issues include the availability of land, how the emergency is dealt with from the start (e.g. camps versus settlements), development goals, population growth, natural resource discovery, and the perception of refugee permanence/temporariness (UNHCR Official C 2013; UNHCR Official E 2013; UNHCR Official O 2013; NGO Official G 2013; NGO Official D 2013). Thus, surrogacy is one of a range of factors combining to determine UNHCR's ability to influence Uganda's behaviour toward refugees.

¹⁰ Although this is arguably true in any case, whether UNHCR is a surrogate state or not.

not influence concrete decision-making at its own will. Furthermore, humanitarian actors like UNHCR and its implementing partners rely on the Ugandan army for security, and thus are in a difficult position: ‘We are caught between denouncing them and needing them’ (interviewee in Dolan and Hovil 2006, 12). Security concerns, for example, have always trumped UNHCR’s preferences in the eyes of the Ugandan state and muzzled any potential for UNHCR to speak out in the past. Kaiser writes that at times the government has ignored UNHCR and marched refugees to the border at gunpoint and with tear gas (2008, 264). For these reasons, it is easier to understand why UNHCR has had to settle for a largely humanitarian, rather than protection-oriented agenda in Uganda. Dolan and Hovil refer to this as ‘soft’ protection (using humanitarian assistance) instead of ‘hard’ protection (directly confronting governments on human rights issues) (2006, 18). It ultimately constrains UNHCR’s actions.¹¹

UNHCR as a surrogate was also constrained by the political balance it had to strike. It needed to maintain a good working relationship, respecting Ugandan sovereignty and authority so that it could continue to carry out its work in the field. Dolan and Hovil write that in the past situation in northern Uganda,

‘Both NGOs and UN bodies [were] reluctant to speak out against the government for fear of being ejected, and as a result few international NGOs have used their presence as a starting point for putting pressure on other actors—the government or their own or other donor governments—to address the wider issues’ (2006, 12).

An example of this is the 2003 expulsion of the UNHCR representative who spoke out against the government’s moving of Sudanese refugees to an unsafe settlement, and was characterised as taking ‘measures to undermine its policy’ (RLP 2003a). Dolan and Hovil continue to write that those who have spoken out have been intimidated, whether at the local or national level, and they cite one interviewee saying ‘The problem of the country is that it’s a development success

¹¹ It is also worth remembering that UNHCR is always constrained by its top-down hierarchical organisation. Dolan and Hovil, for example, cite the frustration on the part of humanitarian workers on the ground that have to carry out an inflexible agenda planned at headquarters (2006, 12).

story. And this has been supported by the UN RC... You can't be with them and criticise them. You can't do both' (2006, 12). In another interview, Dolan and Hovil write:

'The Country Director of a large INGO summed up the dilemma...: "We are prepared [to raise difficult issues], but I am not authorised to have [my organisation] closed down... It is rarely better for us to leave". A field-worker reiterated this point, saying: "On the ground we want to do a good job, but there is an element of real compromise. We are always thinking, what will the state do?"... In Uganda, the government told NGOs to remain silent on issues of government responsibility' (2006, 12).

Kaiser (2002) also discusses the constraints UNHCR felt when it could not influence district, local or central authorities to create a budget for taking over the settlements it was trying to hand over. While she outlines some places where UNHCR had leverage, the organisation was essentially stuck in its position. Thus, when UNHCR acted as a surrogate state in Uganda, it was less able to speak up about refugee issues, and subsequently less influential on the state.

Present: SRS/DAR as a material policy example of more influence coming out of partnership

In contrast to the past, UNHCR's more recent role with Congolese refugees—one that embraces partnership over surrogacy—demonstrates the organisation's increased ability to influence the state. The SRS/DAR policy is one example of UNHCR's ability to influence GoU when it has fewer surrogate state properties and works instead via partnership. While SRS was meant for Sudanese refugees as well, it can currently be most easily seen among Congolese refugees. Building on the SP, SRS intended to move refugees toward self-sufficiency and in doing this, to contribute to Uganda's long-term development (Hovil 2002). This was meant to create a win-win dynamic: refugees are not encamped and have greater access to their rights, and Ugandans benefit from their presence by developing remote parts of the country (Dryden-Peterson and Hovil 2004, 29). Thus, it was an attempt at linking a

policy of local integration with a national development plan. When it was written, it was envisaged that by 2003:

‘...refugees would be able to grow or buy their own food, access and pay for basic services, and maintain self-sustaining community structures. The SRS was designed to be implemented at a district level, with OPM and UNHCR playing coordinating roles, and “[ensuring] harmonisation of policy”’ (Dryden-Peterson and Hovil 2004, 30).

It was formally launched at UNHCR’s 2004 ExCom meetings in Geneva and has been considered part of UNHCR’s wider global strategy of Development Assistance to Refugees (DAR) (Hovil et al. 2005, 10). Its goal was to reduce aid dependency and to integrate refugee and local government services, including things like agricultural production, water and sanitation, education, infrastructure development, health and nutrition, and the environment, thus eliminating parallel service delivery systems and benefiting both refugees and locals (Dryden-Peterson and Hovil 2004, 30; see also Kaiser 2002, 11; Gottschalk et al. 2005, 17ff).¹²

In this case, UNHCR helped to write the policy and implement it—a clear sign of influence. Indeed, UNHCR took part in all major meetings with government officials, and the policy would not have been passed without its partnership with OPM (UNHCR 2003). In reference to the related Settlement Policy, Gottschalk et al. write, ‘Although in legal terms the settlement policy is founded in national legislation, UNHCR cannot disavow its own responsibility for the policy. Not only did the agency play a significant role in the policy’s establishment, but it continues to actively endorse it’ (2005, 24). Again, this research does not seek to measure the success or failure of such policies—for OPM, UNHCR or refugees—but

¹² Similar to the SP (as noted earlier), a number of scholars have been critical of the SRS/DAR policies, arguing that it has not helped to socially integrate refugees into their host societies (Dryden-Peterson and Hovil 2004, 30; Hovil et al. 2005, 11; Gottschalk et al. 2005; Kaiser 2002, 20; Nabuguzi 1995, 99). Many argue that SRS does not give refugees ‘full’ choice, and that it implies that the only ‘true’ refugees are those receiving assistance in the settlements. Security, economic, environmental and political concerns also emerge in their critiques, as well as concerns about parallel delivery systems. Others, like Machiavello (2003) argue that UNHCR and OPM may say that they want to integrate refugees, but actually sabotage self-sufficiency prospects and possible integration.

rather to outline instances where UNHCR was able to influence outcomes via its role, still maintaining a lot of responsibility, but working in partnership with OPM rather than as a substitute. Moreover, it is clear that the policy cannot be entirely attributed to UNHCR, but UNHCR was certainly instrumental in bringing it about and lobbying the government (UNHCR 2003).

In addition to UNHCR's influence via material policies like SRS, more recent examples of UNHCR's role with Congolese refugees also demonstrates more influence via its perception as an authority in partnership with the government. Indeed, interviewees noted some of the ways UNHCR was able to influence OPM's refugee decisions, or areas where they made decisions on their own. While one NGO official stated that there were many things that only the government could do, he stated that UNHCR is 'in on everything', even though the authority in the 'camp' (interviewees constantly made the mistake of interchanging 'camp' and 'settlement') lies with the camp commander (NGO Official G 2013).

Another NGO senior leader stated that OPM acted more like UNHCR's implementing partner, and that while it still had the final say in refugee matters, many day-to-day issues were overseen by UNHCR. He gave one example of drilling boreholes, noting that they (the NGO) had to get UNHCR's permission, even though it was technically OPM's role to approve borehole drilling. He stated that they included OPM in the decision 'just to make them feel good' but that it was really UNHCR that signed off (Kamstra 2013). Likewise Lomo et al. write that while in theory UNHCR was only supposed to make recommendations to the GoU's Directorate of Refugees regarding prima facie status refugees from Sudan and Congo, 'in practise, this recommendation is as good as a final decision' (2001, 9).¹³ While UNHCR in Tanzania (1990s) and Kenya may have had similar levels of influence in their given locales, the difference in the Ugandan case is that there was a perception that UNHCR

¹³ This can even be seen in the way the Refugee Law Project talks about the refugee situation, outlining the responsibilities of GoU and UNHCR in tandem, a telling thing in and of itself (RLP 2003b).

was an authority in *partnership* with the government, not usurping power or marginalising the state to the extent seen in the others. In response, the state was more receptive to UNHCR's input.

Finally, UNHCR was better positioned to use its 'moral tool' of influence when it was less of a surrogate state. As one senior UNHCR official put it, the GoU may still have the sovereignty, power, and final say, but they are constrained in how they exercise it because UNHCR brings both funding,¹⁴ and a close, watchful eye over how refugees are treated—a type of soft power all its own: 'We are...a witness for what is going on 'on the ground' and they will be very careful not to abuse...' (UNHCR Official C 2013). This is not to say that moral authority necessarily trumps other types of authority (e.g. decisions based on security concerns of the state)—indeed, as one field UNHCR staff said, people look up to UNHCR, but they know that the camp commander from OPM is still in charge (UNHCR Official F 2013)—but simply that there are ways in which UNHCR holds other 'types' of authority, influence or power, and that UNHCR is more free to exercise these forms of leverage or influence when it is not a surrogate state. Cases like Kenya or Tanzania (1990s), on the other hand, show UNHCR having a more difficult time applying its 'moral authority'. This is not solely reflective of surrogacy, but in part displays how surrogacy can limit or entrap UNHCR's ability to speak out. When it is a surrogate state and relies on the government for access to continue its programmes, it is less able to criticise and influence the authorities.¹⁵

¹⁴ Financially speaking, UNHCR does fund most of Uganda's refugee activities, but interviewees expressed that the government takes a more active role in ownership and oversight of how funds are spent as well. This more active role enables UNHCR to use its expertise and funds to work with the state, potentially influencing its decisions more.

¹⁵ Scholars like Dolan and Hovil (2006) would say that Uganda struggles with this, too. As noted earlier, the UNHCR Representative to Uganda was even expelled in 2003, demonstrating the need for UNHCR to balance speaking out with keeping good relations to maintain access. However, this study would argue that this struggle was greater when UNHCR was involved as a surrogate state, and is less of an issue now that it works in partnership with the government. The partnership is not perfect, but arguably gives UNHCR more input because it is not the only actor 'doing everything, paying for everything, and unable to expect anything from the government' while the government simply chooses to maintain the status quo and ignore any suggested changes from UNHCR.

In sum, these examples of influence from UNHCR's more recent role amongst Congolese refugees are rooted in the view that UNHCR is a partner to the government, not an opponent or substitute. Interviewees from the government and UNHCR expressed that the two worked well together, and that UNHCR was influential and heard when the government made policy decisions (UNHCR Official E 2013; UNHCR Official F 2013). This was especially evident in the SRS policy, which UNHCR helped write and implement. The relationship is far from perfect, but presents a very different picture than UNHCR's earlier surrogate state role with Sudanese refugees, and its role in Tanzania (1990s) and Kenya.

Mechanisms of marginalisation of the state and responsibility shifting

Why does the 'less is more' relationship of IO surrogacy and influence work in Uganda? In the past chapters, the mechanisms of the framework (marginalisation of the state and responsibility/blame shifting) helped explain why this was the case. In this example, because UNHCR was less of a surrogate state, less marginalisation of the state and less responsibility shifting—thus more 'ownership of the refugee issue' on the part of the state—helps explain why this relationship of influence occurred.

Unlike in Tanzania, more of the responsibility and blame stays on GoU in the current context of Congolese refugee assistance. This keeps the state more involved and more engaged in refugee matters, and hence the relationship of partnership rather than abdication. As Dolan and Hovil (2006) write, UNHCR is better able to address protection needs when it is more focused on human rights protection than meeting humanitarian need (which arguably leads to surrogacy). Indeed, UNHCR has played an instrumental role in encouraging Uganda to adopt policies that are better for refugee rights, such as SRS/DAR and SP, which more closely resemble local integration with freedom of movement and the right to work. Access to these rights is touted as a major goal in almost any PRS where UNHCR is working. They

are usually something the state is against, and UNHCR is for. In other words, UNHCR's ability to help persuade Uganda indicates more influence in this case.¹⁶

Less marginalisation of the state means a more engaged state; a state with more expertise and a state that feels more 'ownership' of refugee issues. This again means less of a void, less abdication, and less of a need for surrogacy in the first place.¹⁷ Uganda has also trended toward managing refugees from the center (despite some broader governance trends of decentralisation of power) (Kaiser 2002, 7). This has also meant that GoU feels a greater sense of 'ownership' over refugee issues than the other cases of abdication, such as Kenya or Tanzania (1990s). While this has meant that local officials have not always felt their opinions are heard,¹⁸ it also means that the GoU has seen the benefits of cooperating with UNHCR in order to reap benefits from the presence of refugees (e.g. the development of rural areas with UNHCR funds). Unlike in Tanzania (1990s), where UNHCR's surrogacy was benefiting the state and absorbing blame that should have gone to the state, the GoU's image was partially tied to refugee issues, and partnering with UNHCR helped to find solutions to refugee problems. GoU therefore had incentive to solve refugee problems, and thus incentive to listen to UNHCR's input.

Another reason less state marginalisation and less responsibility shifting (in other words, more state 'ownership') grants UNHCR more influence is that GoU sees how partnering with UNHCR (rather than abdicating all responsibilities to it) helps it to broadcast power to remote border areas, and subsequently to have more power over refugee issues and refugee-hosting areas (Kaiser 2008; Jacobsen 2001; Herbst 2000; Clapham 1996). In this

¹⁶ Again, this is not to say that UNHCR's role was the sole reason these policies were adopted, but that it did play a part.

¹⁷ Again, the framework does not argue causality of abdication/surrogacy and partnership/non-surrogacy. In some cases, abdication may cause surrogacy, and in others, surrogacy may lead to abdication (the same is true with partnership). For the purposes of this argument, it is only necessary to know that they are paired, not that one necessarily causes the other.

¹⁸ For example, one Assistant Camp Commander stated that while OPM tried to have good relations with local authorities, they had little influence on decisions (GoU Official A 2013); local officials demand that thirty per cent of UNHCR funds go to local needs, but interviews from NGOs stated that OPM continues to overshadow local government needs and desires, leaving them constantly dissatisfied (NGO Official G 2013).

sense, UNHCR's assistance to refugees is a mode through which the government—seen as UNHCR's partner—can reach areas it would otherwise not have the capacity to reach.

Having a more hands-on approach in tandem with UNHCR (rather than letting UNHCR do everything) also enabled Ugandan authorities to build up more expertise on refugee issues, thus having the capacity and knowledge to respond and work with UNHCR, rather than simply ceding refugee affairs to UNHCR and ignoring any input from UNHCR.

In sum, unlike in Kenya or Tanzania (1990s), UNHCR's role with the Congolese has not forced it to trade its moral authority or ability to speak out for access. Because it is not a surrogate state dependent on keeping the government happy in order to maintain access, it has been able to lobby the state more, advocating for better policies when necessary.¹⁹

Further reflections on partnership

Partnership (instead of abdication and surrogacy) is at the core of why UNHCR has more influence with the state (with respect to the Congolese refugee situation). And while partnership and less surrogacy translates into greater UNHCR influence on the state than abdication and more surrogacy, this does not mean that positive results always emerge for the actors involved, not least the refugees. Nor is it the case that UNHCR has unlimited influence. Indeed, UNHCR officials interviewed continually stated that they did not see themselves as having hard 'power', but that they had 'advisory' roles (NGO Official G 2013; UNHCR Official E 2013). The UNHCR Representative stated, 'We don't have the power...the government looks at us as providers of funding and mobilising the international community...we are the international solidarity [helping them comply with their international obligations]....We can give them best practises, we can transfer funding and support and

¹⁹ Again, scholarship from earlier in the decade argues that UNHCR has had to remain silent when it should speak out, perhaps because it is too much 'in cahoots' with the GoU. However, this research found that UNHCR's partnership relationship with the government gave it more input in the state's decisions about refugees, not less.

knowledge...but decisions have to be made by the government...' (UNHCR Official C 2013). Some NGOs even argue that UNHCR's partnership has made it corrupt. Regardless, when compared to Kenya and Tanzania (1990s), it is certainly able to have more influence.

The implications for sovereignty, authority, influence and power (including zero-sum power relations) are important in this partnership scenario. Certainly interviewees all professed Uganda's sovereignty and control over its own territory, but in reality, its partnership with UNHCR demonstrates a shared power story—one where Uganda still holds the material power of decision-making and 'veto' power, but where UNHCR holds other forms of power via perception, rhetoric and financial underwriting. In the past with Sudanese refugees, the surrogate state UNHCR may have appeared more powerful,²⁰ and Uganda's refugee programme depended on UNHCR more than it does now. One interviewee noted that in the past, when UNHCR as a surrogate state 'ran' camps, it would have been a 'disaster' if UNHCR had left; but with the settlement model where there is partnership, there is less dependence on UNHCR (UNHCR Official L 2013). This is a step in the direction of appearing as though Uganda is in control of these territories, even as UNHCR is able to influence the policies more than it had been in the past.

²⁰ For example, Kaiser's (2002) discussion of the handing over of the Sudanese Kiryandongo settlement demonstrates this. She writes that UNHCR 'told' the government they were giving the settlement back to them—requiring the government to fund it, but also implying that UNHCR had been 'in charge' of that land by handing it back over, when authorities, as Kaiser notes, may have thought they were always in charge of it. She writes, 'This attempt to hand over responsibility for Kiryandongo was understood as a precedent for other settlements in northern Uganda and was entirely unwelcome. Furthermore, the government rejected the vocabulary of UNHCR, asking how a settlement which, by virtue of it being in Uganda, has been 'owned' by it throughout its existence, could be "handed over"' (Kaiser 2002, 13).

Table 6.1. Summary of UNHCR in Uganda (Sudanese): IO surrogacy, state abdication, low influence

UNHCR in Uganda (Sudanese): IO surrogacy/state abdication			
Indicator of influence			
Is UNHCR perceived (by locals, refugees, or other actors) as a power or authority in the locale in which it is working?	Yes	Are state policies toward refugees in line with UNHCR's priorities?	No
Does UNHCR receive blame when services are not provided? Is it seen (by locals, refugees, or other actors) as responsible for things generally attributed to the state?	Yes	Does the GoK feel a sense of 'ownership' over the refugee 'issue'?	No
Has UNHCR been able to change leader's minds on decisions?	No	= Low Influence	
Has UNHCR changed the rhetoric of the issue?	No		
Has UNHCR affected other actors' behaviour (local authorities, refugees, locals, other NGOs?)	Yes		
Does UNHCR participate in forms of local governance?	Yes		
Has UNHCR participated in directly writing and/or shaping policy?	No		

Table 6.2. Summary of UNHCR in Uganda (Congolese): Less IO surrogacy, partnership, high influence

UNHCR in Uganda (Congolese): Less IO surrogacy/Partnership			
Indicator of influence			
Is UNHCR perceived (by locals, refugees, or other actors) as a power or authority in the locale in which it is working?	Yes	Are state policies toward refugees in line with UNHCR's priorities?	Yes
Does UNHCR receive blame when services are not provided? Is it seen (by locals, refugees, or other actors) as responsible for things generally attributed to the state?	No	Does the GoK feel a sense of 'ownership' over the refugee 'issue'?	Yes
Has UNHCR been able to change leader's minds on decisions?	Yes	= High Influence	
Has UNHCR changed the rhetoric of the issue?	Yes		
Has UNHCR affected other actors' behaviour (local authorities, refugees, locals, other NGOs?)	Yes		
Does UNHCR participate in forms of local governance?	No		
Has UNHCR participated in directly writing and/or shaping policy?	Yes		

6.5. Conclusions

This chapter has explored the role of UNHCR in Uganda. It was a surrogate state in its response to Sudanese refugees, but has taken on less surrogacy in favour of partnership more recently with Congolese refugees. Unlike in Kenya, where the state abdicated nearly all refugee matters to UNHCR, Uganda now maintains some degree of ‘ownership’ over refugee affairs and therefore has not left a void that UNHCR has felt compelled to fill in terms of taking on surrogate state properties. In turn, this has meant that UNHCR has been better able to advocate and lobby the state.

From a material, policy perspective, the best evidence of UNHCR’s ability to influence Uganda has been its helping to design and implement the SRS policy, in tandem with the SP and UNHCR’s DAR. While Uganda adopted the policy for a number of reasons, primary and secondary research in this chapter demonstrate that UNHCR’s partnership, rather than surrogacy, has helped make this possible. This is because the state was less marginalised and less of the responsibility was placed on UNHCR. Rather, the government holds more active ownership of the refugee situation, and hence is more willing to work with and listen to UNHCR in order to find solutions. OPM and UNHCR have a very close relationship (perhaps too close, according to some critics) that makes this possible.

How Uganda moves forward in partnership with UNHCR, and as it continues to absorb increasing numbers of Congolese refugees is difficult to predict, and makes it an interesting and important case to watch. As politics shift (the EAC, for example, will have interesting implications for how citizenship and the movement of individuals across borders takes place in East Africa), demographics change, land is contested, and a national identity initiative comes into fruition, it is unclear whether Uganda will continue to include UNHCR as a vital partner that it listens to, or whether it will adopt strict policies like those of its

neighbors (e.g. Kenya). This will also depend on whether settlement or camp models are employed in the future.

From an IR perspective, however, UNHCR's role as a domesticated IO in Uganda demonstrates interesting shifts from surrogacy to partnership. This alone reveals insights about IO behaviour 'on the ground', and taken a step further, has implications for how well the IO can influence the state. Indeed, as posited by the framework in Chapter Two, UNHCR has ironically had more influence when it has taken on less of a surrogate state role, as demonstrated here. The next chapter relates some of these findings back to the theory.

Chapter Seven: Conclusions

- 7.1. Summarising the framework and methods
- 7.2. Reviewing the empirics
- 7.3. Theoretical implications
- 7.5. Calls for further research and concluding thoughts

7.1. Summarising the framework and methods

This thesis examined the relationship between an IO's ability to influence the state and its role at the domestic level. It responded to a gap in the literature, which is dominated by global perspectives of IO behaviour and influence, but lacking in studies of how it behaves 'on the ground'. In response, the thesis established a framework on IO 'domestication', outlining a spectrum of roles IOs might take when working at the domestic level. Certainly not all IOs domesticate, and those that do still maintain their international identity and roles at the same time. Yet understanding the domestic behaviour of an IO is important for theoretical and empirical reasons. Indeed, the work and behaviour of many IOs at the headquarter level is often quite different than its role at the field level, and the 'multiple identities' of being both an international and domestic actor can affect even the most centralised and 'top-down' of IOs.

The study honed in on one particular type of IO domestic role: surrogate statehood. While it appears to be a rare form of domestication—and more commonly one that occurs with the passing of longer periods of time—it does indeed occur and has interesting implications for an IO's ability to influence a state. This research has therefore considered firstly when and how IO surrogacy occurs, and secondly, what this means for its ability to influence the state in which it is working. It focused on UNHCR as an example of this type of IO, recognising that while all IOs have their own characteristics, it is broadly representative of other IOs because it works in a transnational, multi-layered fashion (headquarter, national and local levels), and takes on various roles with the state (e.g. instrument, negotiator, donor

etc.), as do many other IOs, particularly in the UN system (see Chapters Two and Three for more). It is also relatively uniform across the various regions in which it works (in part because it is quite top-down in nature), thus making the argument generalisable across UNHCR cases as well.

While surrogate state IOs have not received much scholarly attention, many IOs have expanded their activities and presence ‘on the ground’, arguably flirting with surrogate statehood. Indeed, IOs like UNHCR, originally tasked with refugee protection, can be seen providing water, paying police salaries, paving roads, and even distributing land in some cases—tasks far beyond their mandate. Some of these tasks take on the form of state substitution. As noted earlier, Crisp and Slaughter (2008) write that UNHCR’s C&M model ‘...created a widespread perception that the organisation was a surrogate state, complete with its own territory (refugee camps), citizens (refugees), public services (education, health care, water, sanitation, etc.), and even ideology (community participation, gender equality)’ (131-132). In turn, refugees in Africa have arguably been ‘...effectively governed by the UNHCR, rather than by any state administration’ (Clapham 1996, 257).

The notion that UNHCR is substituting for the state at all is itself an interesting debate at both the empirical and theoretical levels. But taken a step further—considering how UNHCR’s surrogacy affects its ability to influence the state—also has important theoretical implications for broader questions about ‘how IOs matter’ and how they can impact state behaviour. This thesis has thus discussed these implications, asserting that IO surrogacy does not translate into greater influence (influence in terms of material measures such as a policy, or influence in terms of non-material measures).

Revisiting the measurements and methods

At the extreme end of the spectrum, IO surrogate statehood is most easily measured via service provision, forms of governance, a perception of authority, and forms of administration and adjudication. It occurs under a range of conditions, including when there is a void left by the state—a void either resulting from a state being unwilling or unable to respond to various issue areas, or resulting from the IO ‘crowding it out’. In response, an opening is made for IO surrogacy. IO domestic roles can also domino into surrogacy when an IO responds to an emergency situation (e.g. massive refugee influx) and then finds itself taking on more and more responsibilities over time, struggling to scale back.

IO surrogacy is generally met with a state’s partnership or abdication of responsibilities, and is sustained for a range of reasons, including the state benefiting from the IO funding and carrying out all programming (and thus not wanting to change the status quo); the IO profiting from its surrogate state position (donors may be more interested in funding them, given the image that they are doing so much); the bureaucratic structures of the IO may make it difficult to change and scale back once it has expanded to other areas; state authorities may have been out of touch with an issue area for so long (e.g. refugee protection and administration) that it does not have the staff or expertise to take over if the IO left; or IO staff may feel a sense of moral obligation to continue carrying out tasks, even if they are far beyond their mandate.

The focal causal relationship, IO influence on the state and its domestic level role (studied here as a surrogate state) proved a counterintuitive finding. In contrast to what might be expected, IO surrogacy tended to render the IO less influential on the state, not more.¹ Indeed, despite spending more money, taking on more responsibility and increasing its

¹ Influence, again, was measured by a range of material and non-material indicators. See Chapter Two for more on this.

physical presence, the IO found itself with less influence over direct policy decisions, the framing and rhetoric of specific issues, or altering other actors' behaviour.

Why was this the case? In addition to a range of contextual variables outlined in each of the case studies that combine with surrogacy, two mechanisms help explain this relationship. First, IO surrogacy can marginalise the state, leaving it less open to influence from the IO. A state that is marginalised from operations within its own territory may find its leaders responding with frustration toward the IO. Alternatively, they may be content with the status quo, happy to let the IO continue paying for and carrying out tasks that the state does not have the capacity or desire to do. In the end, then, the incentive is for the marginalised state to maintain the status quo.

A marginalised state may also be less influenced by a surrogate state IO because officials lack the expertise or knowledge about the tasks taken over by the IO, and thus are less likely to care, or do not fully understand issues the IO might lobby around. State marginalisation also goes hand-in-hand with responsibility shifting, the second mechanism. Building on Landau (2008), the framework demonstrates that states can actually benefit from the responsibility shifting that occurs when IOs take on surrogacy. In the case of UNHCR in western Tanzania, for example, UNHCR became seen as the authority in charge of far more than refugee assistance. Locals and refugees alike thought of UNHCR, not the government, when they felt frustration at a lack of services and needed an authority to blame (Landau 2008). In turn, they were able to maintain a positive view of their national authorities because they were blaming UNHCR, not the government for shortcomings.

The process leaves the IO (UNHCR in this case) with less ability to influence the state on refugee matters because the state is likely to prefer to maintain the status quo—it reaps all the benefits without any of the costs. Moreover, in such cases, the IO can lose its ability to speak out against the government (something important in the empirical case of UNHCR)

because it has to remain on good terms in order to maintain access to do its work, please its donors, and maintain its reputation. The state may also feel no sense of ‘ownership’ over the issue, further leaving itself estranged and disinterested in caring about issues on which the IO hopes to be influential.

To test the framework and explore the questions, the study engaged with several bodies of literature, including IO literature within IR, forced migration and UNHCR literature, and Africanist literature, particularly focused on the state in Africa. Methodologically, the research employed qualitative methods, relying heavily on process tracing within historical secondary literature, and semi-structured interviews with government, UNHCR and NGO officials in the case study countries. Each case study also interfaced with a range of additional explanations, helping to build context and historical background to the relationships described in each case. Indeed, there are many factors that explain an IO’s ability to influence a state, both from ‘within’ as a domesticated IO, and from ‘outside’ as more commonly studied in IO literature. While the framework is intended to apply to other IOs, further testing is encouraged with other case studies to examine how well it fits all IOs working at the domestic level. This is true of any theoretical framework that seeks to generalise across cases (for example, this study followed in the footsteps of Barnett and Finnemore (1999)).

7.2. Reviewing the empirics

This inquiry was conducted on two levels: a theoretical level (how does IO surrogacy affect its ability to influence the state?) and an empirical level (how does UNHCR’s surrogacy in PRS affect its ability to influence state behaviour toward refugees?). This study examined UNHCR’s role as an IO surrogate state in Kenya, Tanzania and Uganda. Chapter Three introduced UNHCR’s history, ‘toolbox’ of influence, and various roles it takes at the

domestic level. Indeed, literature depicts UNHCR as everything from a power-hungry, dominating actor (e.g. Harrell-Bond 1989; Barnett and Finnemore 1999), to one that is simply trying to do its best in difficult situations (e.g. Kagan 2011). It operationalised the variables and mechanisms to UNHCR's context, and introduced the case studies by interfacing with some forced migration and Africanist literature. The case studies also tried to be mindful that it is not uncommon for UNHCR to have a domestic office in a field location, but to also subcontract out many day-to-day facets of refugee camp management and local community projects. For example, UNHCR might oversee the entire camp (and in a way, its surrounding area), but NGOs might be subcontracted out to run the health clinics, camp schools, or food distribution. Thus, even though UNHCR is discussed uniformly here, the study recognises that it works with many partners as well.

UNHCR takes on a range of roles at the domestic level, and provides clear examples of an IO that has taken on surrogacy in a number of cases. In fact, it seems to be the only IO with scholarship on its surrogate statehood (Kagan 2011; Crisp and Slaughter 2008; 2009), thus making it a useful basis for further research with other IOs. The framework helps reveal the conditions under which UNHCR takes on surrogate state properties, including in response to a void left by the state, out of moral obligation in order to continue serving refugees, and because it can be profitable for UNHCR to do so (and difficult to reign in once it has taken on surrogacy). As discussed below, UNHCR's surrogacy is paired with varied roles on the part of the state, ranging from partnership to abdication.

The framework helps reveal that UNHCR's influence is greater when it works in partnership with the state and has fewer surrogate state properties; in contrast, UNHCR has less influence on the state when it takes on surrogate statehood entirely. Indeed, UNHCR interviewees lamented at UNHCR's 'taking over' state responsibilities and funding departments or projects that 'should' be funded by the state. They expressed frustration at

trading access to their work with their ability to speak out, thus losing the ability to ‘responsibilise’ the government and instead doing everything themselves (Kamstra 2013; UNHCR Official C 2013; UNHCR Official E 2013; UNHCR Official N 2012).

While the study relied heavily on non-material indicators of influence such as rhetoric and perception, some material indicators—namely policy initiatives—demonstrate UNHCR’s leverage vis-à-vis its surrogacy as well. Indeed, UNHCR is explicit about its lobbying for greater refugee protection and access to rights (e.g. freedom of movement and the right to work, often part of calls for local integration) wherever it works.² The starting premise was that a ‘bigger’, more present, and seemingly more powerful (i.e. surrogate state) UNHCR would have more leverage on the state in which it was working, and would thus be able to influence it to consider policies that are better for refugees (i.e. policies where they have greater access to their rights).

As the framework indicates, however, it is ironic that the places where UNHCR had the greatest presence as a surrogate state also tended to have more restrictive policies (e.g. encampment and confinement). Of course whether UNHCR arrives and takes on surrogacy in response to the restrictive policies, whether the policies reflect UNHCR’s involvement, or whether UNHCR truly advocates for refugees rights (or just says that it does) is not entirely clear (and hence the use of additional, non-material indicators and secondary literature to verify these outcomes). What is clear is that greater UNHCR involvement as a surrogate state does not result in states altering their behaviour to grant refugees more rights as UNHCR would hope; this is telling in and of itself in light of IO roles, and combines with other

² Of course there are many scholars who question UNHCR’s motives, stating that UNHCR may say it promotes refugee rights, but it actually promotes encampment and confinement (Harrell-Bond 1986; Turner 2010; Jamal 2008; Harrell-Bond and Verdirame 2005). And while UNHCR almost always says that it promotes local integration, there are times when it tries harder than others, and there are even those who accuse it of getting in the way. There is even the possibility that the more it assumes surrogacy, the less likely it is to advocate for a shift in policy among the government, thus making it seem as though influence and surrogacy may have an endogenous relationship. It is for this reason that non-material indicators were also used, so as to verify and cross-check that this was not the case. At the very least, this thesis has remained alert to the fact that the ways in which UNHCR lobbies for greater refugee rights vary from state to state, given each context.

variables to explain state behaviour. In contrast, cases where UNHCR did less substitution for the state, and the government had more ‘ownership’ of the refugee situation and worked in partnership with UNHCR, were more open to consider policies that gave refugees greater access to their rights (e.g. SRS in Uganda).³

Policy outcomes are contingent upon a number of factors, and thus cannot measure influence entirely. However, analysing policies in each of the case studies (see below) does complement the non-material indicators of influence. After all, UNHCR was better able to influence the framing and rhetoric of refugee issues when it was working in partnership with the state, rather than a surrogate with an abdicationist state. The government was also perceived to have more responsibility and ‘ownership’, further incentivising the state to work with UNHCR toward finding refugee solutions, rather than simply leaving all responsibilities to UNHCR.

The next section helps further summarise the relationship between UNHCR’s surrogacy and its ability to influence the state vis-à-vis the mechanisms. Finally, some additional conclusions that can be drawn that are specific to UNHCR are: 1) The passing of time is an important variable in how UNHCR’s domestic level role evolves, sometimes reaching surrogacy; 2) UNHCR as a surrogate state tends to fall into a pattern of running camps; and 3) refugees are a domestic and international phenomenon at once. Which actor that claims ‘ownership’ over the refugee situation (e.g. international donors via UNHCR or the host state’s authorities) affects how refugee policy is chosen, and the subsequent power balances between actors.

³ This is not to frame surrogacy as necessarily ‘bad’ for refugees, but certainly interviewees expressed this sentiment, and did not want to be accused of it.

Comparing and contrasting the case studies

The case studies of Kenya, Tanzania, and Uganda demonstrate variance in UNHCR's role and relationship with the state, and subsequently its ability to influence the state. As noted above, they demonstrate variance in both material (policy-related) and non-material indicators of influence, and varying degrees of surrogacy. At face value they are somewhat easy to compare: Uganda, Tanzania and Kenya are in the same region, have hosted large numbers of refugees for long periods of time, and have had UNHCR involved in refugee assistance as a surrogate state and otherwise. Moreover they are all developing countries, post-colonies, and have authorities that struggle to broadcast power to remote areas, thus leaving them ripe for IO involvement and potential IO surrogacy (Clapham 1996; Herbst 2000).

However, as summarised below, there are significant differences between each case as well as within cases when comparing different points in history. The case studies demonstrate variation on UNHCR's role and level of surrogacy, and its ability to influence state policies on refugees. Uganda (Congolese) and Tanzania (1972) represent higher levels of partnership, lower levels of surrogacy, and higher levels of influence, whilst Tanzania (1990s), Uganda (Sudanese) and Kenya demonstrate state abdication, high levels of surrogacy, and low levels of influence. Process tracing and secondary literature reviews have helped uncover the conditions under which UNHCR assumed surrogacy and how/why it was maintained, and the mechanisms of marginalisation of the state and responsibility shifting help unpack why these relationships of influence are true in conjunction with other explanations. This variance points to the relationships posited in the framework.

Figure 7.1. Relationship between UNHCR's surrogacy and influence on the state in Kenya, Tanzania and Uganda



a.) Kenya (Somali refugees)

UNHCR in Kenya has embraced surrogate statehood, while the government has practised abdication of refugee responsibilities. Among the most extreme by comparison, the case study chapter demonstrated the ways in which UNHCR has taken on surrogacy in Kenya (including the indicators of service provision, governance, administration, and perception of authority), the conditions that brought its surrogacy about (including a void left by the state), and factors that have sustained its surrogacy (including the ways in which UNHCR profits off of its surrogacy, and the state's incentive to maintain the status quo, whereby UNHCR 'pays for everything and does everything'). In response to the second question (what does this mean for its ability to influence the state?), UNHCR's surrogacy, though having lasted for years, has not rendered it more influential. On the contrary, UNHCR had less influence over Kenyan refugee decisions.

UNHCR's limited influence on Kenya's decisions about refugees can be explained by numerous explanations, one of which relates to its level of surrogacy as explained by the mechanisms: marginalisation of the state and responsibility shifting. First, UNHCR's surrogate statehood—where it funded all refugee projects (and some local projects) and administered camps and nearby areas, marginalised the Kenyan state from its responsibilities. The GoK had little incentive to change the status quo, content to let UNHCR do 'all the work and pay for it too'. Thus, any attempts to argue for more refugee rights (e.g. freedom of movement or the right to work), to suggest different refugee policies, or to pressure

government authorities to take on a certain role, were likely to fall on deaf ears in the government (NGO Official B 2012).

Abdication on the part of the state, then, was another important factor—both descriptive of the relationship between Kenya (the abdicator) and UNHCR’s surrogacy (filling the void left by abdication), and a part of the causal relationship between surrogacy and influence. Indeed, with UNHCR absorbing all the blame for things that go wrong, and funding and carrying out all the responsibility, Kenya had little incentive to abandon its role as abdicator. UNHCR in Kenya thus has all of the responsibility and none of the power.

In addition, marginalisation and responsibility shifting led to a less-engaged state that lacked both the knowledge and technical skills to resume any responsibilities in the NEP, and subsequently lacked the ‘ownership’ of the refugee situation to care beyond security-related issues. In other words, because refugees were not under the purview of the government (with the exception of a security-focused view), Kenya was less open to input from UNHCR (Chakwera 2012; Parlevliet 2012). This resonates with Barnett and Finnemore’s (1999) assertions about IO dominance over knowledge and technical expertise. Kenya is now building up its refugee department, but still lacks much of the capability to take over from UNHCR (if that were to ever occur). In turn, the government has little incentive to listen to UNHCR on refugee issues, instead preferring the status quo once again.

Additional explanations also work in tandem with UNHCR’s surrogacy to affect this outcome. Most notably, the security-focused view of refugees in Kenya taints every decision the government makes. Indeed, refugees are viewed almost entirely through a security lens, and the NEP remains a tense, dangerous part of Kenya, representative of a history of disputes between Somalia and Kenya. There is little room for UNHCR to influence any policies outside of the security realm (e.g. urgings for refugee rights like freedom of movement and the right to work are ignored) (UNHCR Official N 2012, NGO Official B 2012). As long as

authorities see refugees as a security threat, restrictive policies are likely to continue, no matter what UNHCR argues.

Another reason UNHCR's surrogacy results in less influence is simply because UNHCR loses its interest in pressuring the GoK—in some cases not even trying to push for policies it believes in (e.g. certain refugee rights it knows the government will not consider granting refugees access to, and thus it does not even try) (NGO Official B 2012). This is in part because UNHCR has given up on trying to persuade GoK to have less restrictive policies, but also because UNHCR as a surrogate needs to maintain its access to the field (and thus please its donors and keep up its reputation as responding to a refugee crisis), which only the state can grant. Not wanting to anger authorities and thus risk being kicked out, UNHCR has had to scale back criticism and speaking out, which might otherwise take on forms of influence.

Indeed, many interviewees mentioned trading 'responsibilising' the government for their own access as a surrogate state, noting that surrogacy is both easier and more profitable for UNHCR (UNHCR Official N 2012, UNHCR Official C 2013, NGO Official B 2012). They also noted that once UNHCR takes on surrogacy, it is very difficult to 'turn the ship around' (Kamstra 2013). This not only speaks to the bureaucratic structure of UNHCR, but to the domino effect: once it takes on more and more responsibility in becoming a surrogate state, it loses its ability to speak out and change course.

In sum, UNHCR in Kenya has taken on surrogacy, but has not obtained greater influence as a result. This section has helped to summarise the indicators of influence on the state, demonstrating how UNHCR can take on greater responsibility and authority at the local level, but not have it translate to influence at the state level. For their part, the Kenyan authorities have only further isolated themselves from an already contested region administered by UNHCR as a surrogate state, and it remains to be seen how sentiments and

policies toward refugees will change in the near future. Refugees remain largely confined to camps by law (although scores live undocumented in urban centres like Nairobi), and are heavily reliant upon aid from UNHCR and its partners. New arrivals also continue, as violence and instability in Somalia creates new waves of refugees. While Uganda and Tanzania have shown some variation in policy over time, Kenya has remained static by comparison (though there may be some changes on the horizon with the new constitution and the new government).

b.) Tanzania (1972 Burundians and 1990s Burundians)

Tanzania provides a case study that is useful in comparison to the other cases, but also provides within-case comparison of the role of UNHCR at the domestic level. It hosted two groups of Burundian refugees, and UNHCR assumed very different roles with each—as a surrogate state in response to the 1990s Burundian refugees, and largely uninvolved with the 1972 Burundian refugees. The two groups of refugees also received very different treatments from the Tanzanian state.

Burundian refugees that fled in 1972 received little assistance from UNHCR in comparison to the 1990s caseload. Interviewees approached policies toward this group (particularly local integration) as a moral obligation in fulfilling a promise by Nyerere. This group achieved some level of self-sufficiency and was considerably more integrated than the 1990s caseload, which was forced to remain in camps, relying on assistance from UNHCR and its partners. In 2006 UNHCR conducted a survey of this population, gauging their interest of local integration in Tanzania, versus the option of return. Tanzania, though surprised, was willing to accommodate the large numbers of 1972 Burundians that wanted citizenship in Tanzania, in part because of UNHCR's prompting. In contrast, the 1990s Burundian refugees were expected to return to Burundi or be resettled, and Tanzania refused to entertain any other solutions.

The case study chapter argues that it was not a coincidence that UNHCR had two very different roles with the two groups, resulting in two very different outcomes. Certainly a number of factors went into the policy decisions—Nyerere's promise to the 1972 cases for one, as well as political, economic and social factors, including Tanzania feeling as though the international community was not sharing in its refugee burden.

However, UNHCR's role also affected how well it could influence the state's refugee policy decisions. Among the 1990s caseload, UNHCR assumed surrogate statehood. It carried out service provision, forms of governance, administration and adjudication, and was perceived as an authority—both among refugees and the local population. It assumed this role with the passing of time, and via a combination of voids left by the state, overwhelming numbers of refugees arriving that the state could not deal with, and 'mission creep' into other projects beyond its mandate (e.g. paving roads or runways in order to bring supplies to refugees). In the midst of long-term care and maintenance programmes, UNHCR became known as 'mother/father' to many refugees, who relied almost entirely upon UNHCR for their survival. At times, locals even confused it with the state (Landau 2008). Tanzania viewed this refugee situation through a security lens, and maintained restrictive policies throughout the protracted period of time.

UNHCR's surrogacy with the 1990s Burundian refugees decreased its ability to influence refugee policy. The state was marginalised from refugee assistance, and in large part from refugee-hosting areas (Rutinwa 2002). However Landau outlines how the responsibility shifting that accompanied state marginalisation benefited the Tanzanian state, allowing locals and refugees to blame UNHCR for their problems and in turn to maintain a positive view of the government and their national identity. This only further translated UNHCR's surrogacy to lower levels of influence.

This ironic twist demonstrates why the state would prefer to maintain the status quo—UNHCR funding all projects and bearing all the responsibility—rather than to listen to UNHCR on any policy changes that might alter the scenario. UNHCR in Tanzania (1990s) could manage and run day-to-day activities relating to governance, even assuming extensive local power. However, in the end, it traded its influence and ability to speak out for its access and surrogate state role at the local level (Kamstra 2013). Government officials interviewed confirmed that they could strong-arm UNHCR when they wanted to, and still had the final say over policy decisions; meanwhile UNHCR had little influence because it was so deeply embedded and needed to maintain access, meaning it could not push its agenda very strongly (Masha 2013).

Ultimately, the two groups of Burundian refugees demonstrate very different domesticated roles on the part of UNHCR. As an advisor and researcher with the 1972 cases, UNHCR was able to influence the government by encouraging and lobbying the MHA to ‘make good on a promise’ to the caseload, offering them citizenship. The GoT would say that it was their idea and that there were a number of factors influencing the policy decision to integrate 162,000 Burundians from the 1972 refugee influx. However, with the help of the framework and interviews with NGO and UNHCR officials, it is clear that UNHCR’s role with the 1972 cases—not as a surrogate state, but in partnership with the government—helped bring about this policy. UNHCR’s role with the 1990s, however, rendered it less influential because UNHCR was effectively silenced from speaking out, and the GoT benefited from its surrogacy.

c.) Uganda (Congolese, Sudanese refugees)

The Uganda case study offers by comparison the clearest view of UNHCR’s partnership with the state at the domestic level. The chapter drew out some differences between how UNHCR responded to Sudanese refugees (with a higher degree of surrogacy)

versus Congolese refugees (a lesser degree of surrogacy). Literature on Sudanese refugees portrays UNHCR as a surrogate state similar to that of Kenya or Tanzania (1990s). However interviewees referencing UNHCR's role with Congolese almost unanimously painted a picture of partnership between the state and UNHCR, and a UNHCR with few (if any) surrogate state properties.

This has resulted in UNHCR having greater success at lobbying for policies it deems important, and influencing the way refugee issues are framed and the rhetoric used about them. Indeed, UNHCR was instrumental in writing and bringing about the Self-Reliance Strategy (SRS), related to UNHCR's DAR policy and Uganda's SP (a policy meant for all refugees, but most visible among more recent Congolese refugee populations).⁴ The policy allows refugees to choose whether they want to remain in settlements where they receive a plot of land to farm and some UNHCR assistance, or whether they would like to 'go it alone' and move elsewhere in the country (usually to an urban center like Kampala), forgoing formal assistance. While this policy is not without its own set of problems, it provides more opportunity for freedom of movement and the right to work.

Thus, in contrast to Kenya and Tanzania (1990s), the case of UNHCR's more recent work in Uganda among Congolese refugees is one where the state has taken more 'ownership' of the refugee situation and thus has more at stake in bearing responsibility and blame (rather than UNHCR assuming all blame and responsibility). It also has more expertise and knowledge, and is thus less marginalised. While some have criticised UNHCR and OPM's closeness (e.g. Dolan and Hovil 2006), fearing that UNHCR working too closely might be less inclined to speak out on issues, interviewees expressed frankness and openness

⁴ This is not to say that UNHCR was the sole reason for the policy, but simply that it helped influence and bring it about (in fact, it helped write it and the state might not have even drafted it in the first place were it not for UNHCR). Additional reasons for the policy that were mentioned by interviewees include: Ugandans are more empathetic to refugees because so many Ugandans experienced exile in recent years (even the current minister was a refugee in the US for some time); having enough land to share with refugees and cultural similarities between Congolese fleeing and host communities along the border.

in the relationship that was not communicated in other cases. In sum, this has meant that UNHCR is better able to have input with the government, working as a partner rather than a substitute.

Practical reflections for UNHCR

‘...the moment we start to act like the state, we lose...we cannot just run a camp for 30 years...’ (UNHCR Official J 2012)

While this thesis does not presume to prescribe policy, there are some UNHCR-specific lessons that can be gleaned from the case studies, as well as some broader themes about UNHCR’s domestic role as a surrogate state. First, while UNHCR’s overall rhetoric and its staff tend to say that surrogacy is not what the organisation wants, nor is it good for any actors involved (especially refugees), it seems to have difficulty resisting surrogacy when the conditions for it are present. After all, whether reluctantly filling a void or aggressively grabbing power, UNHCR officials tend to express a moral obligation to take on projects beyond their mandates in order to protect refugees. And once it is acting as a surrogate state, it struggles to scale back when the situation is winding down. As UNHCR Official J (2012) stated, the familiar patterns of substitution for government are difficult to break.

While this study only looked at UNHCR’s surrogacy in Kenya, Tanzania and Uganda, UNHCR acts as a surrogate state in many other PRS’s around the world, and thus these findings are generalisable to other cases. In particular, UNHCR policies and operational strategies are ‘top-down’ from Geneva, and thus relatively uniform across regions. Still, further research should be done on other cases to consider how this complex picture points to UNHCR’s need to more critically engage with the scope and scale of its operations, and to deeply question the extent to which surrogacy happens accidentally or on purpose.

More importantly, it would seem that surrogacy does not help UNHCR achieve its larger goals of helping refugees gain fuller access to their rights and protections under

international law. Perhaps UNHCR should consider how to avoid surrogacy in situations where the state leaves a void, and what some alternatives to surrogacy might be that still enable refugee protections and needs to be addressed. At the same time, UNHCR may find that it may have little choice to maintain surrogacy in cases where refugees are in dire need and the state is nowhere to be found. In these cases, there may be value in finding ways to minimise the length of time that it acts as a surrogate state, and to maximise its influence on the state by other means, perhaps finding new areas of leverage or agreement on other durable solutions that move away from confinement, encampment and care and maintenance that tend to be found with surrogacy and PRS.

To that end, UNHCR may also want to investigate whether its role as a surrogate state in some protracted refugee situations inadvertently leads states to directly choose more restrictive policies, including encampment and confinement. Certainly UNHCR would argue that this is the opposite of its goal in such situations, but the case studies point to this as a possibility. In these cases, does UNHCR's surrogacy water down the ways in which UNHCR can protect refugees (e.g. Dolan and Hovil 2006)? Does this mean that it should scale back some of its field operations in favour of returning to a greater focus on legal protection? Or might there be a way to instead channel surrogacy into improvements for refugees instead?

On the other hand, UNHCR might also want to consider when its surrogacy is a benefit to refugees, the host state and the organisation's interests. After all, while surrogacy may lead to less influence, it does not necessarily point to a bad relationship with the authorities. Even where state abdication is present in tandem with UNHCR's surrogacy, the government-UNHCR relationship may not necessarily be negative. Other research might also include how this study on UNHCR as a surrogate state in PRS might contribute to understandings of UNHCR's role with IDPs. In addition, broader studies might also consider the role and effects of UNHCR's implementing partners 'on the ground', who are often sub-

contracted to carry out day-to-day activities. Their influence on the state and the broader relationship of UNHCR's surrogacy with the state is also important.

7.3. Theoretical implications

The thesis responded to a gap in IR literature on IOs, which largely neglects to consider the ways in which IOs can work at the domestic level. While some IR literature does examine the domestic effects of IOs, these studies tend to focus on norm diffusion and institutionalisation. By and large they do not, however, consider how an IO itself can take on a domesticated role in addition to its international one—in some cases going so far as to become a surrogate state. Thus, this thesis has sought to address this gap by presenting a framework for understanding IOs at the domestic level, and honing in on IOs behaving as surrogate states in particular. While it has only focused on one IO in particular (UNHCR), it has demonstrated that some generalisability is possible to other IOs, pending further research to confirm, of course (see Chapters One and Two).

As discussed above, the main claim, that IO surrogate states do not garner more influence on the states in which they work, is counterintuitive at first glance, and thus both interesting and useful for IR theory on IOs. Indeed, it demonstrates that IO influence does not necessarily follow from an IO having more responsibility, authority at a local level, expertise, technical knowledge, and funds to cover tasks the state is unable to attend to—all of which one might normally assume gives an IO greater leverage on a state. The mere fact that money alone (well-funded IOs working with poorly funded governments) does not necessarily translate to influence is itself an interesting conclusion. Another claim that follows from this larger claim is that surrogacy tends to occur when a state abdicates responsibility and leaves a void that the IO then fills. In cases where the state and IO partner together, IO surrogacy appears less likely. Moreover, once an IO assumes surrogacy, it may find it difficult to scale

back and move away from surrogacy; as was the case with UNHCR, taking on more responsibility was easier than cutting back programmes. This is likely to be the case with other IOs (e.g. UNDP or UNRWA), which further research may show.

A number of additional theoretical conclusions emerge as well. First, this study demonstrated that the passing of time was an important variable affecting surrogacy. It is rare that an IO assumes surrogacy from the moment it arrives in a state.⁵ Rather, IO surrogacy occurs over the years as an IO takes on more and more projects. In the example of UNHCR, for example, refugees are the immediate focus, but staff realise over time that they must also serve local populations to some extent if they are going to be able to continue serving refugees without tensions with locals. This can also be seen in other IOs accused of ‘mission creep’ with the passing of time. Surrogacy, then, may be as much about moving along the ‘domestication’ spectrum *over time* as it is about filling a void left by a state that is unwilling or unable to respond.

Another interesting and nuanced theoretical conclusion that emerges is that an IO with power over a *specific locale* does not necessarily have more influence at the *national level*. For example, UNHCR’s role in Kenya’s NEP, though extensive and powerful according to many interviewees, did not harbor more influence at the national level, where bigger decisions about refugees were being made. In fact, national-level authorities in the Kenyan case saw the NEP as a remote, backwards, undesirable place, which politicians had little care or respect for, and thus did not care if UNHCR was viewed as an authority in that area.

Moreover, state authorities that feel less of a sense of ‘ownership’ over the situation (in the case of UNHCR, the situation of refugees), are likely to be further estranged from the situation, have less expertise, and be less interested in changing the status quo whereby the

⁵ Arguably there are some emergency situations where an IO may appear to act as a surrogate state, but in these cases, there is likely to be chaos and a focus on ‘the basics’—food, water and shelter. These cases are therefore less likely to showcase forms of governance and other facets of surrogate statehood, which occur over longer periods of time.

surrogate state IO pays for and carries out all programmes and responsibilities. The example of UNHCR demonstrated that IO surrogate states can become trapped, unable to retract from surrogacy out of fear for hurting those they are there to care for and protect, and unable to speak out against authorities and a harsh situation—a situation that they have much responsibility for. In these cases, UNHCR was not able to influence the state because its role as a substitute for the state was so extensive.

Reflections on IO surrogacy and state sovereignty

This research focuses on the role of IO surrogate states and their ability to influence the state in which they are working. Although it is not directly a study on sovereignty, it is difficult to think about such themes without reflecting on some themes of sovereignty and power relations. Indeed, the discussion considers IO power—in this case as a surrogate state—within the borders of a sovereign state. Chapter Two outlined that IO surrogacy and its subsequent ability to influence the state (a form of power; see Bially Mattern 2008; Barnett 2001) did not necessarily imply that power was zero-sum. The IO assuming seemingly more power in some ways did not automatically mean that the sovereign state somehow lost power. However, some of the cases do appear to have zero-sum properties. Future research should further consider power relations between surrogate state IOs and the states in which they work.

IO surrogacy does, however, have direct implications for state sovereignty. After all, the IO is substituting for the state, meaning the state is not present, responsible or authoritative in some way (presence, however, does not necessarily equate to power, which is why this thesis is cautious about making zero-sum conclusions). African states in particular, which have hosted many international actors intervening in their territory, are often viewed as weak or ‘at the bottom of any conventional ordering of global power, importance and

prestige' (Clapham 1996, 3 in Milner 2009, 11). In addition, as their economies have lagged, many African states had to cede some sovereign decision-making power to international bodies offering to help, thus making them 'subject to "a comprehensive superstructure of international accountability"' (Young 1999, 34-5)' (Milner 2009, 13; also, consider 'NGOisation' literature).

Furthermore there is a general conclusion among scholars that '...African post-colonial states have been strong on juridical sovereignty and weak on empirical sovereignty (Jackson 1990)' (Callaghy et al. 2001, 12). Indeed, these issues have been at the core of many of the conditions listed for UNHCR's surrogacy: the weakness or even absence of a state presence in a given locale opens the door for IO surrogacy, even if the state still claims power over national decisions.⁶ This implies that an IO surrogate state is absorbing power or authority where the sovereign state has not been able to or did not desire to.

The effects of IO surrogacy within a 'weak' sovereign state, then, are profound, even if the IO cannot ultimately influence the state's decisions. As noted in the Tanzania case, for example, Landau writes, 'Even after the aid dollars dry up and the refugees return home, these dynamics will have changed how citizens relate to one another, the state, the territory they inhabit, and a set of processes—displacement and humanitarianism—that are an under-explored form of globalisation' (Landau 2008, 1). In the Tanzanian context, he argues that UNHCR's absorption of the blame for areas where the state is lacking enables the state to shirk its responsibilities, which in turn transforms the social contract between citizens and their leaders. As noted in Chapter Five, international actors working as surrogate states '...challenges the territorial basis for domestic politics and the classical Weberian state' (Landau 2008, 155).

⁶ See also Milner's (2009) discussion, which draws on Buzan's three components of state sovereignty, noting that while in theory all states are sovereign and equal, there are weaker states such as many in Africa. He discusses Jackson's (1990) 'quasi-states' that were given '...sovereign equality with decolonisation, but in reality are far from equal with other states in their capacity to provide 'concrete benefits which have historically justified...sovereign statehood' (Jackson 1990, 21 in Milner 2009, 10).

IO surrogacy also affects state sovereignty in Africa by uninvolving the state in certain aspects of governance, an important facet of the mechanisms proffered in this thesis. Semboja and Therkildsen (1992), for example, refer to this as ‘state contraction’ and focus on the privatisation of service provision—now carried out by non-state actors instead of the state. They argue that the proliferation of non-state actors in some states (especially in Africa) has transferred decision-making power to other actors and further maintained an absence of central authorities from remote areas, leading to questions about the state’s sovereignty.⁷ Clapham, for example, writes that by privatising many services normally carried out by the state, NGOs, not the state, liaised with foreign donor states (1996, 264). This then, excludes the state from decisions it may have otherwise been a part of.

Case studies have also shown that the state may find itself in a position where its only option is to leverage refugee aid for more international development assistance.⁸ While the refugee-hosting area may be bringing attention to a remote area that might otherwise be ignored by international and domestic actors, it can also create the perception that the state is not entirely in control of certain areas, thus looking less ‘viable’ as a sovereign state (Herbst 2000, 3 in Milner 2009, 79).

To be fair, one might argue that African states have never been close to the model of the Weberian, ‘modern’ state assumed by much of the IR literature, especially in International Relations (see Chapter Three, Jackson 1990; Callaghy et al. 2001, 13, 197).⁹ Thus this research is cautious in thinking about IO surrogate statehood in Africa taking over or erasing state sovereignty all together, and it would be a mistake to argue that African states

⁷ Milner notes that they have further shared the experience of state contraction, or rather, of central state withdrawal from what were earlier depicted as some of its key responsibilities. This was most spectacularly seen in Uganda, where the government even withdrew from the basic function of providing minimal physical security, but was also evident in Tanzania and to a lesser extent Kenya with regard to the provision and maintenance of infrastructure and basic social services (2009, 12).

⁸ Milner cites Clapham (1996: 193), noting that this ‘metamorphosis’ resulted from a number of pressures ‘which made it extremely difficult for them to cling to their previous insistence on unfettered sovereignty in the international arena combined with monopoly statehood in the internal one’ (2009, 180).

⁹ However, it is also arguable that many developing states around the world have similar properties.

are completely lacking in power or sovereignty simply because IOs are heavily involved, if not substituting for the state; IO surrogacy does not void state sovereignty. Rulers have arguably obtained legitimacy and power in non-traditional ways (e.g. Callaghy et al. 2001, 12). And at the end of the day, ‘...even in poor countries the state is more than able to exercise sovereignty by deciding who to let in, who to keep out, how to treat those who are let in, and who to kick out when they are no longer wanted’ (Veney in Milner 2009, 5). This is, of course, relevant to the refugee context and speaks to the limits of IO involvement in sovereign states. It can also be relevant to other regions and non-African states. Thus, IO surrogacy and state sovereignty are not mutually exclusive, but do raise some interesting theoretical questions relating to a host of governance, power, responsibility and influence issues.

7.5. Calls for further research and concluding thoughts

Inevitably this research has prompted a host of other areas for further research, both in terms of the theoretical ideas and empirical cases examined here. Theoretically, the idea that ‘less is more’ in terms of IO involvement and its influence on the state in which it is working prompts questions about how far such assertions can go. Where does one draw the line? Surrogacy might mean less influence, but surely the opposite—an IO with hardly any or no domestic-level involvement—is not likely to have maximum influence. So where might the greatest point of influence be, if it can be identified at all? And how can IOs alter their levels of influence based on their roles on the ground? Further studies should consider this.

Moreover, further research should not only look at other IOs’ domesticated presence ‘on the ground’, but also the inverse of a domesticated IO: the ‘internationalisation of the local’. Some IR scholarship already points to this (including some of the UNHCR surrogate state scholarship), but further investigation of this topic would naturally follow from this

research. Globalisation literature may also shed light on this. Further research might also analyse other variables affecting the levels of influence an IO has on a state, including the role of leaders and individuals, a variable frequently mentioned in the interviews conducted here. Finally, additional scholarship might examine the extent to which surrogacy is ‘good’ or ‘bad’—that is, the extent to which it benefits the actors involved. This study has not made normative judgments on whether UNHCR’s surrogacy was positive or negative (though it has identified drawbacks and ways it has been useful in some of the cases), but further research might provide guidance on these issues, be it with international relief actors, MNCs, or other types of IOs working domestically.

The political futures of each of the case studies will also make them fertile ground for further research in the areas of IO surrogacy and influence on state decisions about refugees. A number of important changes may affect the trajectory of these cases. For example, Kenya is in the midst of an extensive devolution of power and decentralisation of the government under its new constitution. It has a new Department of Refugee Affairs, which is potentially taking over camp management at some point in the future. Tanzania continues to struggle with the final stages of granting citizenship to the 1972 cases, which have stalled progress on an otherwise impressive legal venture for local integration. Uganda continues to receive large numbers of Congolese refugees, and interviewees noted that land will not be plentiful for long, and tensions will begin to grow. Uganda is also set to begin a national identification programme, whereby it will document all Ugandans, thus making it more difficult for refugees to ‘slip in under the radar’. This, too, will affect UNHCR and the state’s relationship, roles and policies. Thus, there are many issues to continue to research on the theoretical and empirical levels.

In conclusion, this thesis has examined IOs working at the domestic level. It focused specifically on IOs that take on surrogate state properties, considering when and how

surrogacy occurs. While this part of the argument was descriptive, it demonstrates not only that an IO can act autonomously, but also as a substitute for the state when there is a void. States tend to respond with either abdication—letting the IO ‘do everything’—or partnership—joining the IO in its work. It then considered what this means for the IO’s relationship with the state, and in particular its ability to influence its behaviour. Surprisingly, the study found that there was an inverse relationship between IO surrogacy and its ability to influence the state: the more an IO takes on surrogacy, the less influence it has. The mechanisms of marginalisation of the state and responsibility shifting helped explain these outcomes. The empirical focus of the thesis examined the presence of UNHCR as a surrogate state (to varying extents) in protracted refugee situations in Kenya, Tanzania and Uganda. These cases showed variation in surrogacy and across levels of influence on the state, as well as in policy outcomes and non-material indicators of influence.

In addition to demonstrating the conditions for IO surrogacy, the relationship between an IO surrogate and the state, and the ways in which surrogacy affects and IO’s ability to influence the state, the case studies pointed out important differences between IO behaviour on different levels. Indeed, the domesticated presence of UNHCR as a surrogate state brought new questions to the forefront about its role within the state with which it is working. These questions generated insights that were very different from the international-level inquiries that tend to dominate IR studies of IOs.

In one way, then, this study has moved away from statist ontologies in IR, as Barnett (2001, 47) and others would call for, by considering other forms of authority besides the traditional sovereign state and its recognised borders. It has engaged with the messy and overlapping layers of ‘international’, ‘national’ and ‘local’, and considered where IOs assume authority and power, without subsequent influence on state decisions. On the other hand, the ‘so what?’ portion of the research—that which tried to understand how IO surrogacy affected

its ability to influence the state—took the questions back to IR's traditional stomping grounds of the state.

The counterintuitive findings on the relationship between IOs domesticated as surrogate states and their influence on the state are provocative. In one sense, the findings seem to demonstrate that there are few limits as to how much responsibility a domesticated, surrogate state IO can take on, but there remain limits on its influence and power. It is possible that claims like this uphold notions of the sovereign state, highlighting that no matter how much an IO takes on in terms of responsibilities or authority, the sovereign state (no matter how 'weak') is still 'in charge'. Or, it is possible that these new axes of 'power', though they may not translate into influence over broader state policy decisions or general behaviour, are radically reshaping the way governance takes place, particularly in remote, rural areas where a traditional central state presence is not felt. Either way, these themes about domestication and influence certainly add to bigger IR questions about 'how IOs matter' and how they are understood in the literature.

Certainly applying the framework to other IO case studies will help uncover additional insights about IO surrogate states, and further confirm the claims argued here. However the central arguments of this thesis—that an IO can become a surrogate state at the domestic level, but that the increased responsibility and localised authority that come with surrogacy do not grant it greater influence on the state—pose challenges to the theoretical ways IR thinks about IOs, and empirical understandings of UNHCR's approaches to refugee assistance.

Ultimately, the counterintuitive claim addresses a gap in the literature on IOs working domestically, and proves that IO influence and its presence within a state might have an inverse relationship. Cases where the IO takes on expansive projects 'on the ground' going so

far as to substitute for the state, resulted in less, not more influence on the state overall. Thus, it might just be the case that less is actually more.

Appendix A

List of Interviewees (anonymised)

GoK Official A. 2012. Interview, 28 November 2012, Kenyan Government State Law Offices, Nairobi, Kenya.

GoT Official A. 2013. Interview, 11 March 2013, Dar es Salaam, Tanzania.

GoT Official B. 2013. Interview, 11 March 2013, Refugee Department, Ministry of Home Affairs, Government of Tanzania, Dar es Salaam, Tanzania.

GoU Official A. 2013. Interview, 6 March 2013, Kyaka Refugee Settlement, Uganda.

NGO Official A. 2012. Interview, 26 September 2012, Refugees International, Washington, D.C., USA.

NGO Official B. 2012. Interview, 26 November 2012, Lutheran World Federation, Nairobi, Kenya.

NGO Official C. 2013. Interview, March 2013, Lutheran World Federation, Kampala, Uganda.

NGO Official D. 2013. Interview, Lutheran World Federation, Kampala, Uganda.

NGO Official E. 2013. Interview, 3 April 2013, MercyCorps, Washington, D.C., USA.

NGO Official F. 2013. Interview, 7 March 2013, Tanganyika Christian Refugee Services, Dar es Salaam, Tanzania.

NGO Official G. 2013. Interview, March 2013, Lutheran World Federation, Kampala, Uganda.

NGO Official H. 2013. Interview, 7 March 2013, Tanganyika Christian Refugee Service, Dar es Salaam, Tanzania.

Researcher A. 2013. Interview, 7 February 2013, Brookings Institution, Washington, D.C., USA.

Researcher B. 2012. Interview, Project on Internal Displacement, Brookings Institution, Washington, D.C., USA.

Researcher C. 2012. Interview, 17 August 2012.

UNHCR Official A. 2012. Interview, 27 November 2012, UNHCR Regional Offices, Nairobi, Kenya.

UNHCR Official B. 2012. Interview, 6 October 2012.

UNHCR Official C. 2013. Interview, March 2013, UNHCR, Kampala, Uganda.

UNHCR Official D. 2012. Interview, May 2012, UNHCR, Geneva, Switzerland.

UNHCR Official E. 2013. Interview, March 2013, UNHCR, Kampala, Uganda.

UNHCR Official F. 2013. Interview, 6 March 2013, Kyaka Refugee Settlement, Uganda.

UNHCR Official G. 2012. Interview, 28 November, 2012, UNHCR, Nairobi, Kenya.

UNHCR Official H. 2012. Interview, Policy Development and Evaluation Service Office, UNHCR, Geneva, Switzerland.

UNHCR Official I. 2012. Interview, 23 October 2012.

UNHCR Official J. 2012. Interview, 1 November 2012, Refugees International, Washington, D.C., USA.

UNHCR Official K. 2012. Interview, 28 November 2012, UNHCR Nairobi, Kenya.

UNHCR Official L. 2013. Interview, 6 March 2013. UNHCR, Kampala, Uganda.

UNHCR Official M. 2012. Interview, 28 November 2012, UNHCR, Nairobi, Kenya.

UNHCR Official N. 2012. Interview, 28 November 2012, UNHCR, Nairobi, Kenya.

UNHCR Official O. 2013. Interview, 11 March 2013, UNHCR, Dar es Salaam, Tanzania.

USG Official A. 2011. Interview, 2 September 2011, US Agency for International Development, Washington, D.C., USA.

USG Official B. 2013. Interview, 27 March 2013, Bureau for International Organisations, US Department of State, Washington, D.C., USA.

USG Official C. 2011. Interview on 19 July 2011, US Agency for International Development, Washington, D.C., USA.

USG Official D. 2012. Interview on 9 May 2012, US Department of State, Bureau of Population, Refugees and Migration, Washington, D.C., USA.

USG Official E. 2013. Interview, US Department of State, Washington, D.C., USA.

USG Official F. 2013. Interview 17 January 2013, US Agency for International Development, Washington, D.C., USA.

USG Official G. 2013. Interview, March 2013, US State Department Mission in Kampala, Uganda.

USG Official H. 2013. Interview, 31 January 2013, US Department of State, Washington, D.C., USA.

USG Official I. 2013. Interview (off the record), 11 March 2013, US Embassy, Dar es Salaam, Tanzania.

USG Official J. 2013. Interview, 10 April 2013, US Department of State, Washington, D.C., USA.

Appendix B

Explanations for Open/Restrictive Policies

Milner (2009) offers an excellent overview of the many factors that influence refugee policies in Africa, and his work is largely summarised in this appendix. Much of it is already integrated into the text (particularly in the case study chapters), but this appendix helps lay it out more systematically. He traces how policies that were once open became restrictive over time, and how they might still shift back toward more open approaches in the future. Broadly speaking, Milner proffers that asylum policy is only partially related to refugee-related factors (e.g. size of refugee population, donor assistance, or security concerns). Instead, he asserts that broader political changes in African politics also help explain states' refugee policy choices. Some of these changes include democratisation, economic liberalisation, and an increased imbalance in power relations between African states and the international donor community (Milner 2009, 3-4). Starting with the notion that Africa is perceived to be on the periphery of the international system, he argues that many African states tend to feel vulnerable and thus view refugees as a threat (Ayoob 1995; Clapham 1996 in Milner 2009, 4).

This is not to say that refugee-related variables are not important in conjunction with the broader political context. Indeed, Milner argues that African states adopt restrictive policies most often for three reasons:

1. African states say they cannot cope with the scale and enduring nature of the problem (the sheer number of refugees is too big for them to deal with in terms of resources and capacity) as well as the prolonged stay of many populations;
2. African states feel that the international community does not share the burden like it promises to, and argue that mass arrival and prolonged presence strains the environment, economy and public services in refugee-populated areas. They argue that they alone have carried the burden for too long. Declining donor support also makes them feel justified in isolating refugees until they can find a solution in a different country;
3. African states claim that refugees bring security concerns (e.g. the presence of armed groups within the refugee population, spillover of conflict, and crime and insecurity in

refugee-populated areas). They therefore try to ‘contain’ the ‘problem’ in remote border areas on the periphery, and far from the core of political power in the capital city (Milner 2009, 2-3).

Arguably encampment only exacerbates some of these concerns, but they are nevertheless the most common reasons for restrictive policies. Additional explanations for shifts are discussed below.

Democratisation and economic liberalisation

Crisp (2000, 8) writes, ‘...there is growing evidence of a link between the process of democratisation on the one hand and the decline in refugee protection standards on the other’ (in Milner 2009, 34). Milner also notes that before the 1990s, authoritarian and one-party African states did not have to answer to opposition and could offer asylum. The opening of democratic political processes has led to ‘growing xenophobia in many African countries’ often fuelled by the effects of ‘austerity programmes imposed by the IMF and World Bank’ (Rutinwa 1999, 1 in Milner 2009, 34). As structural adjustment programmes frequently required governments to charge citizens user fees for basic services, some local populations grew resentful of refugees who received services for free. Rutinwa argues that this results in anti-refugee platforms by politicians (1999, 2 in Milner 2009, 34).¹⁰

Securitisation, regional factors

Restrictive asylum policies in the name of security are common. While real security threats do exist with some refugee populations, it is also not uncommon to scapegoat refugees, linking them to threats or security problems for political gain (Job 1992; Milner 2009, 176; Gibney 2001, 7). Crisp, for example, highlights that ‘...politicians have an interest in mobilising electoral support on the basis of xenophobic and anti-refugee sentiments’,

¹⁰ Milner says that it is no coincidence that the era of open asylum policies in Africa in the 1960s and 1970s overlapped with the era of the ‘monopoly state’ in Africa (Clapham 1996, 56-62) with virtually no sources of domestic opposition’ (2009, 175).

especially in the context of the range of internal and external pressures faced by African states' (2003, 4 in Milner 2009, 82). This trend is not unique to African states; most states have securitised refugees to some degree, particularly with recent concerns of terrorism. Indeed, terrorism has changed the nature of conflict as well, making places like a refugee camp an option for rebels, terrorists or other threats to blend in and launch cross-border attacks.¹¹ However in Africa, Herbst notes that the struggle to broadcast centralised power to show control in the periphery is compounded by the fact that political elites may be feeling pressure to control refugees and asylum in order to maintain their positions of power (and controlling security is an important part of that), even more so in places where the state struggles to broadcast power to its periphery (where refugees tend to be concentrated) (Gibney 2001, 7 on Milner 2009, 176). Spillover and regionalisation of conflict are also of concern, particularly when civil wars and international wars are increasingly difficult to differentiate (Stedman and Lyons 2004, 143 on Milner 2009, 179).¹² States like Tanzania and Uganda are well aware of the security concerns in their neighboring states, and do not want violence to spread to their territory.

Regional factors can also play a role in how a policy is determined. Welcoming or *refouling* refugees, for example, can be a political tool to support or embarrass a neighbor. Alternatively a state might feel restricted by a non-functioning neighbor (e.g. Kenya and its neighbor, Somalia; see also Betts and Milner 2006 on Milner 2009, 185). Restrictive refugee policies may also be implemented by a state to avoid being dragged into conflicts in neighboring countries (e.g. Kenya and Tanzania, Milner 2009, 180).

¹¹ See, for example, Lischer (2005).

¹² Thus, host states may argue that the arrival and prolonged presence of refugees may reluctantly '...draw a host state more fully into a 'regional security complex' (Buzan 1992), whereby states are unable to insulate themselves from insecurity in neighboring states' (Milner 2009, 179).

Globalisation and international trends

Amidst an increasingly globalised and interdependent world, conceptions of borders are being reshaped. The EAC, for example, may change how refugees are able to move between countries. At the same time that refugees have more transportation options for flight, many Western governments are increasingly restrictive toward asylum seekers and disinterested in burden sharing, causing many developing countries to follow suit. Coupled with the fact that technology now allows refugee networks to be in better communication (e.g. interviewees discussed how many refugees in Dadaab have Facebook and Twitter accounts), states are more nervous about certain groups of refugees that it sees as a threat (e.g. Somalis connected with al-Shabaab).

Domestic factors, media, NGOs, linkages

Beyond the international and regional dynamics, domestic factors also contribute to restrictive policies. It is only natural that states will do what is in their self-interest. Loescher, for example, asserts that states are more likely to grant asylum when it will increase their power vis-à-vis other actors challenging the regime (1992, 42 in Milner 2009, 164). Milner also writes that the vulnerability of African states makes it more likely that they will only be willing to implement open asylum policies when it is not to the detriment of the governing regime (2009, 164). He says that one should expect restrictive policies when refugees have negative effects on boundaries, institutions, or governing elites; or when refugees weaken ‘...the capacity of states and regimes to act effectively in the realm of both domestic and international politics’ (Ayoob 1995, 9 in Milner 2009, 164). The role of the media and NGOs can also affect the domestic climate, and in turn the policies chosen for refugees a state is hosting (Milner 2009, 176). Finally Betts (2006) points out that linkages with other issues can alter policies, and Milner writes that states are likely to weigh policy choices with other

factors, such as how much humanitarian assistance can be garnered from international actors (2009, 182).

Similarly, domestic politics and the identities they create are an important component of African states' policy choices, including those pertaining to refugees and the ways the state works with an IO. Clapham writes that domestic politics in many post-colonial Sub-Saharan African states tended to be ideological, and leadership depended on various ethnic or regional alliances (Clapham 1996, 53). These domestic politics helped to create a state identity—tying people to geographic entities, and thus citizenship grew out of governance structures created after independence (1996, 231):

‘Due to the weakness of African states and the seemingly porous nature of their boundaries, the conventional wisdom is that “In Africa, ethnic identity runs thicker than national citizenship, reflecting the fact that the continent’s national borders were put in place a mere hundred years ago by colonialists who drew lines on maps without reference to the people in them”...In fact, after independence in the 1960s, citizenship laws became salient very quickly’ (Clapham 1996, 232).

This is not to say that regional dynamics are not also important in influencing foreign policy decisions—indeed, Clapham argues that they are (1996, 117), and other scholars discuss policy decisions based on pan-African solidarity sentiments that go beyond borders—but rather that domestic politics more broadly, and in particular in relation to citizenship and identity, are complex and important factors weighing into African policy choices, both as they relate to IO's ability to influence, and refugee policies.

New perceptions of citizenship, out-groups and historical context

Asylum policies are also influenced ‘...by what Gyimah-Boadi (2004, 21) has termed ‘a new and more nationally oriented citizenship’ which has accompanied the rise of democratisation and economic liberalisation in Africa’ (Milner 2009, 177). This ‘nationally-oriented’ view of citizenship sees citizen and foreigner more acutely. Herbst argues that this

occurs in part via democratisation. He writes, ‘...the wave of democratisation sweeping across Africa...has made citizenship laws even more publicly controversial than in the past, because it suddenly matters a great deal who can and cannot vote’ (1999, 267 in Milner 2009, 177). This has translated into a bigger differentiation between refugee and non-refugee, and thus more restrictive policies. Milner also considers how rhetoric and the perception of refugees as an out-group by the host community can also affect what type of policy will be implemented (2009, 82). This is clearly an about-face from the sense of solidarity that many pan-Africanist leaders felt immediately after wars of independence (and once again points to historical context affecting policies as well).

Finally, territory, land tenure and borders have contributed to African state structures and policy decisions pertaining to refugees and otherwise. Heeding Clapham’s points above, it is still important to consider the political effects of borders. Borders were largely drawn in the nineteenth century by colonial powers with little regard for local particularities (Milner 2009, 11). Davidson (1992, 163) writes, ‘the colonial partition...inserted the continent into a framework of purely artificial and often positively harmful frontiers’ (in Milner 2009, 11). Interviewees for this research noted this as well (e.g. Orikushaba 2013), and also pointed to land tenure issues. After all, land tenure is closely linked to political stability in Africa, and certainly to migration as well. According to Herbst (2000), land tenure is among the most contentious issues between states and local leaders, and this relates directly to policies toward refugees (e.g. how and which land should be allocated for refugees). He argues that African states have failed, generally speaking, in land tenure reform, largely due to the inability to broadcast power to remote areas (2000, 197).

Appendix C

Overview of camps and settlements

Various scholars have defined what makes a camp, but many practitioners and scholars still discuss ‘camps’ without defining their characteristics in light of other types of settlements (Schmidt 2003). As noted above, Jacobsen writes that camps are ‘purpose-built sites, usually close to the border, and thus usually in rural areas’ (2001, 8). They are meant to be temporary, and thus do not expect refugees to be self-sufficient, instead forcing reliance on aid. They tend to be created with repatriation in mind, and often do not allow refugees to move freely.¹³ They differ from local settlements, which are like camps but are in planned, segregated villages that promote self-sufficiency. They also differ from self-settlements, which are spaces chosen by refugees who are able to move freely and work to some extent (though often without protection from UNHCR or another actor); and are also different from assisted settlements, which are temporary housing options for refugees, such as mass shelters or public buildings in urban areas (Jacobsen 2001). It is important to note that these various types of settlements are ‘seldom fixed’ but are rather formed by ‘a fluid process, in which refugees settle in different situations’ (2001, 8). UNHCR purports that camps are meant to be a ‘last resort’, but in many cases they are the first or only resort in a country that has no interest in hosting refugees, or where international actors find it the quickest and easiest way to provide security and support to a large, emergency influx (UNHCR Emergency Handbook 1999, 134). Consequently, many scholars argue that the population size and density is large in comparison to freedom of movement, planning and economics (Black 1998; Clark and Stein 1985).

Furthermore, many scholars argue that the mode of governance in camps is one of control over refugees (Chambers 1979; Hyndman 1997), modeling a complex set of power

¹³ For example, Rwandan refugees perceived their settlement to be a camp, arguing, ‘It is a camp because we cannot leave when we want to’ (Malkki 1995, 139).

relations. Schmidt (1997), for example, argues that in light of Foucault's description of order and control, camps may be seen as more about containment than shelter or relief (Foucault 1986). She also claims that Goffman's 'total institution' ideas apply, as refugees are handled through bureaucracy and administration, organised by 'daily routines that are introduced by an institution, i.e. waiting in line for food...[and] medicine...' (Schmidt 1997, 6). Likewise Harrell-Bond writes that all activities are controlled, and information filtered. Implementing organisations have power over passive aid recipients, and it is this power over the refugees and their situation that is at the heart of encampment (2002). Caroline Moorehead also writes, 'The poverty of camp refugees is about more than just not having things; it is about having no way in which to get them, and no means of altering or controlling one's own life...' (2005, 156).

Camps can also be places of dependency and isolation, which some have categorised as being similar to the life of a prisoner (Kibreab 1991, cited in Schmidt 1997). Refugees are seen as 'outsiders and potential returnees who lack...rights and often social networks' (Waldron 1987). They are meant to keep refugees and citizens visibly separated, something that is reflected in the remote, politically marginal locations of most camps (Schmidt 1997, 3; Kaiser 2008, 257). In response, it has become commonplace that their identities should be fixed and their movements controlled. In his article about the urbanisation of refugee camps, Agier emphasises that camps are places where undesirables are put 'outside of the places and outside of the time of a common ordinary, predictable world' (2002, 323). He argues that camps are 'both the emblem of the social condition created by the coupling of war with humanitarian action...and the experimentation of...large-scale segregations...' (Agier 2002, 320). In his view, camps are collections of 'victims' in a humanitarian space that has been

professionalised with an emergency rhetoric that is prone to take root, allowing a situation to become protracted (Agier 2002).¹⁴

The nature of why and how camps are used has shifted over time. Schmidt demonstrates that camps were historically modeled after concentration camps or transfer camps, as methods of ‘...control and purposeful containment of populations who are held as quasi-criminals alongside the distribution and equally purposeful services to people who are seen as victims’ (Malkki 1995, 499 cited in Schmidt 1997). It is according to this model that ‘...the various technologies of power associated with the care and control of refugees first became standardised practice’, making people ‘accessible to a whole gamut of intervention’ (Malkki 1995, 498-500). As UNHCR became increasingly active with refugees outside of Europe during the Cold War, refugees were viewed by some states as political pawns, and they were resettled or locally integrated when it was politically advantageous (Loescher 2001; Rogge 1981). However, with the end of the Cold War, sentiments toward refugees shifted, and the international community became more interested in the containment of refugees in their region of origin (Loescher 2001). Resettlement and local integration became less favorable, and refugees were left with temporary asylum in camps with no prospect for a long-term solution (Loescher et al. 2008). In many cases, this made encampment more common, particularly in the 1980s in places like Southern Africa, the Horn of Africa, Pakistan and other parts of South Asia (Loescher 2009).

Camps as a method of containing refugees to a region was favored for several reasons. First, no longer seeing refugees as politically useful, developed countries ‘...put forward a new state-centric approach, grounded in the refugees-as-burdens view’ (Smith

¹⁴ However, it is also important to remember that while closed camps confine people’s movement and work, many refugees adapt and cope. Even where restricted, they find ways to ‘leave the camps to find work, to trade, to explore repatriation options, to join the rebels, to visit the city or to move there’ (Jacobsen 2001, 8). Thus, the experience of refugees in camps is not static, just as forms of integration are not conceptually black and white. See Deardorff 2009 for more on the perpetual ‘emergency’ label of a refugee situation that prolongs encampment, and reflections on ‘when the emergency ends’.

2004, 44). Refugees were seen as ‘passive aid recipients’ at best, and security threats at worst. In response, donor countries would rather see this ‘burden’ or ‘drain’ in camps overseas than at their shores. Host states like Kenya and Uganda, for example, chose encampment because ‘...when refugee settlements are more fully serviced by the international community, refugees are also less likely to be perceived as a burden by local hosts’ (Kaiser 2008, 256). This in turn meant that in some cases, aid was conditional upon encampment. Weighill (1997) writes, ‘When a tight-fisted international community says to a very poor country it will provide help for refugees in camps...this evidently encourages that poor country to root out refugees who are integrated and plunk them into camps’ (cited in Smith (ed.) 2004, 48). The view that refugees are a burden is also linked to increases in mass influx refugee situations, which encourage encampment as a way to control seemingly overwhelming numbers (Durieux and McAdam 2004).

Many host states also consider camps to be a good way to maintain security for their own population, as well as the refugee population, who may be in danger of cross-border attacks. Indeed, many states have tried to ‘...control security, stability and economic concerns by making entry conditional upon encampment’ (Jamal 2008, 146). Similarly, UNHCR acknowledges the drawbacks of camps, but still finds camps one of the most convenient ways to protect refugees (Jamal 2008). Somali refugees in Kenya, for example, were encamped to ‘...reduce the real or imagined threat that refugees posed to national security’, designating responsibility to UNHCR and as a result, ‘pushing refugees to the margins of society...’ (Juma and Kagwanja 2008, 221).

The evolution of mainstreaming encampment can also be traced to modernisation efforts, particularly in Africa and Asia. Whereas many countries, especially in post-colonial Africa, welcomed refugees from neighboring states, seeing their movement as part of the natural migration patterns from earlier generations, new economic pressures to modernise

took precedence in the post-colonial period (Bakewell 2000). In fact, ‘...placing refugees in camps was actually...borrowed from...economic development models then in vogue’ (Smith (ed.) 2004, 44). According to some World Bank and UNDP initiatives, concentrating refugees in one place would bring about development (Gardner and Lewis 1996, cited in Schmidt 1997). In some cases, refugees were even seen as an opportunity to cultivate unused land and bring about development to remote areas (Schmidt 1997, 5; Milner 2009). Therefore, modernisation plans such as these supported refugee settlements in the name of development (Smith 2004). Governments also felt that they could extend greater control and organisation over rural populations with refugees in ‘...directly accessible nucleated settlements’ as opposed to ‘...scattered residential clusters’ (de Wet 1995, 29).

Since the end of the Cold War, UNHCR has become more involved in protracted situations, and has also played a major role in mainstreaming encampment (Loescher and Milner 2005). Generally, having refugees in centralised camps has been seen as a more convenient way to distribute aid to large numbers of people. For example, encampment was a default response to the large numbers of Somali and Sudanese that arrived in Kenya and Uganda in the 1990s (Kaiser 2008, 258). Refugees were sent to camps along the coast until they could be sent to Kakuma or Dadaab, as ‘...the expansion of UNHCR’s role in refugee management and assistance in Kenya at that time led to an increased reliance on the use of camps’ (Verdirame 1999, 57). Similarly, Jamal writes, ‘No matter how clearly one might recognise the dangers and slippery compromises involved in camp creation, UNHCR staff time and again resort to camps because they see them as the most effective and initially uncontroversial means of responding to mass influxes’ (2008, 146). While certain situations may have warranted this the best response, other situations may also be influenced by a western, paternalistic way of intervening, using relief as a business model (Harrell-Bond 2002).

Similarly, UNHCR began to see repatriation as the favored durable solution in the 1980s and 1990s, particularly in cases of large scale influxes (Loescher 2001). This further enhanced a camp approach, as refugees needed to be ‘held’ somewhere until they could return home. Kenya and Uganda, for example, made it clear that they preferred voluntary repatriation for the large numbers of Sudanese refugees they received, and thus chose encampment to encourage them to go home (Kaiser 2008, 254). Moreover, viewing repatriation as the favored durable solution has also contributed to some PRS, as host states and other actors hold out for repatriation, rather than applying other durable solutions (Smith (ed.) 2004, 44).

In light of state and international actors’ preference for return over local integration, camps continue to be seen as temporary constructs—a direct contradiction to the reality of many long-term camps that make up most PRS. Even though many camps take on the characteristics of small cities over the years (Agier 2002), camps are meant to be emergency ‘holding places’ or ‘temporary structures’ that are ‘seldom planned for long duration or population growth’ (Jacobsen 2001, 7). In turn, those running and supporting them are often less concerned with the range of rights to which refugees are entitled. Camps are characterised as temporary for a number of reasons. Jacobsen argues that even in camps where refugees are given some relative freedom to work and leave the camp, there remains a sense of temporariness and emergency to keep refugees from making a camp their home, or becoming self-sufficient. She writes, ‘One reason host governments and many relief agencies prefer camps is that in addition to making the management of assistance easier, camps are seen as facilitating repatriation—not least because the austere conditions discourage people from staying in them long’ (2001, 7). Somali refugees in Kenya’s Dadaab and Kakuma camps, for example, endure detestable conditions, as architects of the camps thought that this policy of encampment—remote, impoverished, and lacking security—would discourage

others from coming and push for return (Juma and Kagwanja 2008). Likewise Rohingya refugees from Burma were subject to ‘...a harsh and inhumane camp environment...both to encourage camp-based refugees to return home and to discourage Rohingya from fleeing Myanmar’ (Loescher and Milner 2008, 320). Thus, one strategic reason to maintain camps is that their temporary nature and subsequent poor conditions is meant to encourage people to go home.¹⁵

Overall, then, those defending encampment might argue that it is the quickest and easiest way to assist large numbers of refugees in an emergency, and to provide security for refugees in danger of cross-border attacks (Jacobsen 2001; Kibreab 1989; Smith 2004; Lomo 2006; Juma and Suhrke 2002, 176). Camps may also make states feel like they are maintaining security by giving the perception that threats are isolated as refugees’ movement and location are controlled (Lomo 2006). Finally, they may enable international actors to have greater visibility with the international media and donors, maintaining interest and thus funds for their work (Juma and Suhrke 2002, 176).

However, there are occasionally cases where refugees themselves may find some benefits of encampment. Interestingly, Lomo writes that some in the international humanitarian community think camps can give refugees a fresh start (2006, 47). Similarly, Jamal writes:

‘With refugees sequestered, concentrated, visible and presumably out of harm’s way, camps represent a convergence of interests among host governments, international agencies and the refugees themselves. They are not ideal for anyone but they help focus attention and provide a safety net. Host governments...see camps as a means of isolating potential troublemakers and forcing the international community to assume responsibility....Refugees understand that camps make them visible, and keep their plight, and the

¹⁵ The temporary nature of camps is also displayed in host community perceptions. Because they do not see camps as a permanent new ‘city’, refugees and hosts may ‘...form two distinct social entities with limited social and cultural interactions, where host communities generally view refugees as their guests’ (Kibreab 1989, 476). This ‘guest’ temporariness sometimes makes hosts more eager to assist, but also makes integration more slow and difficult (Jacobsen 2001). In other cases, as the situation becomes protracted, host communities may become resentful and initially welcoming attitudes may turn to seeing refugees as a threat or a burden when the label ‘temporary’ is no longer applicable (Jacobsen 2001).

politics that underpin it, in the worlds' consciousness.To insist that poor African nations should not only accept thousands of refugees but also let them spread throughout the country is unreasonable' (2003, 4).

Jamal also argues that encampment may even encourage states to accept the presence of refugees, rather than simply ignoring them, as the camp is a visible sign of a need for help from the international community (2003, 4). He also notes that refugees may be politically motivated to remain in camps in cases where they help to keep a particular struggle alive and visible (e.g. among Palestinian refugees who keep encampment at the heart of their struggle; Kagan 2011, 6). Giving the international community a central focus like a camp, as opposed to undetermined numbers spread around a host country (which may be difficult to differentiate from nationals), may encourage the international community to stay involved by keeping their needs visible.¹⁶

¹⁶ Or it may be an excuse for even less burden-sharing, as states could argue that refugees' needs are met in camps and no further action is needed.

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