

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**DIPLOMACY OF HUMANITARIAN AGENCIES DURING THE DADAAB REFUGEE**

**CRISIS OF 2011**

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AWARD OF THE MASTER OF ARTS DEGREE IN DIPLOMACY AT THE  
UNIVERSITY OF NAIROBI.**

**OCTOBER 2014**

**DECLARATION**

I, Aggrey Mutambo Nyongesa, hereby declare that this research project is my original work and has not been presented for a degree in any other University.

Sign .....

Date .....

Aggrey Mutambo Nyongesa

This project has been submitted for examination with my approval as University Supervisor.

Signed..... Date.....

Dr. Patrick Maluki

## **DEDICATION**

I dedicate this project to my daughter, Pendo. You will live to achieve your dreams.

## ACKNOWLEDGEMENT

Many people offered their selfless assistance to enable me complete this project. Most important of all, I would like to thank Dr Patrick Maluki, a determined supervisor whose guidance was exceptional. My sincere gratitude goes to Anniel Njoka of the Nation Media Group Library for allowing me uninterrupted time to browse through the voluminous newspaper archives housed there. The same appreciation goes to Wairimu Gitau of the MSF Information section for your kind assistance with reports on Dadaab. To Véronique Ziegenhagen, Marina Meier and Fabrizio Bensi of ICRC's Public Library and Archive section, your assistance cannot go unnoticed. I thank Jeff Otieno for offering to correct my grammar whenever I requested him to look through my drafts. To the individual officers of humanitarian agencies, I thank you all for accepting to give me the information I sought. There are many in this category, but Lennart Hernander of LWF and Carol Meyer of CARE interrupted their busy schedules to respond to my requests. Matthew Conway, of the UN Office in Nairobi, Lembo Duke Mwanacha of UNHCR and Sophia Jones of IRC were helpful too in guiding me through their enormous information resources about Dadaab and specifically on the 2011 crisis. This report will never have been complete but for the support and encouragement from my fiancée Angellah. I may not return the favour in equal measure but this is evidence of your support and I will forever be indebted.

## ABSTRACT

Humanitarian aid has three goals: The drive to lessen suffering, save life and above all maintain human dignity required of people caught up in the situation. But each disaster presents humanitarian workers with different challenges. This study sought to find out humanitarian agencies used diplomacy to meet these goals during the Dadaab refugee crisis of 2011 in the face of challenges and sometimes opposition from the Kenyan government. Based on the tenets of constructivism, the study demonstrates that humanitarian agencies work based on identities created by norms. The research was based on interviews with field workers of humanitarian agencies and officials of Kenya government departments, as well as a review of reports on the crisis. The findings indicate that relief agencies grappled with an influx of refugees who burst the camp, security challenges, fundraising as well as accessing the camp itself and despite them having the goals of serving refugees in need of emergency assistance for shelter, food and nutrition, water and hygiene and health, they were met with a Kenyan government with different ideas about the camp. To aid agencies, the existence of the camp demonstrated Kenya's adherence to international norms concerning refugees. To Kenya, it depicted an unnecessary burden. Humanitarian agencies pushed Kenya to expand the camp through humanitarian diplomacy. The study shows that humanitarian diplomacy differs from mainstream diplomacy of states because emergency aid agencies do not confront the government in discussions, rather, they use other parties as they focus on their core business of delivering relief. At Dadaab, international humanitarian agencies often used the media, collaborated with local aid organisations, used influential personalities and lobbied donors to woe decision makers in Kenya. This research finds that although states are the main players in the international humanitarian politics, humanitarian agencies are increasingly asserting their power and influence. There is no likelihood of crises such as that of Dadaab in 2011 coming to an end. That means that humanitarian agencies and governments will continue to interact. This means that the role of humanitarian agencies is very important in today's conduct of international relations. Perhaps we need to draft a treaty that would grant diplomatic privileges given to humanitarian workers to help them do their work, just like state diplomats have.

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## **LIST OF ABBREVIATIONS**

**AI-** Amnesty International  
**ALNAP-** Active Learning Network for Accountability and Performance  
**AMISOM-** African Union Mission in Somalia  
**AU-** African Union  
**CAR-** Central Africa Republic  
**CERF-** Central Emergency Response Fund  
**CNN-** Cable News Network  
**CRS-** Catholic Relief Services  
**DRA-** Department of Refugee Affairs (of Kenya)  
**DRC-** Danish Refugee Council  
**ECOSOC-** Economic and Social Council  
**ERF-** Emergency Relief Fund  
**FAO-** Food and Agriculture Organisation  
**FEWSNET-** Famine Early Warning Systems Network  
**FSNAU-** Food and Security Nutrition Unit  
**HPG-** Humanitarian Policy Group  
**HRW-** Human Rights Watch  
**GHC-** Global Health Cluster  
**GoK-** Government of Kenya  
**IASC-** Global Emergency Group Inter-Agency Standing Committee  
**ICRC-** International Committee of the Red Cross/Crescent  
**IDPs-** Internally Displaced Persons  
**IFRC-** International Federation of the Red Cross/Crescent Movement  
**IGO-** International governmental Organisation  
**INGO-** International non-governmental Organisation  
**IOM-** International Organisation for Migration  
**IRC-** International Rescue Committee  
**KDF-** Kenya Defence Forces  
**KRCS-** Kenya Red Cross Society  
**LWF-** Lutheran World Federation  
**MSF-** Medicines sans Frontieres (Doctors without Borders)  
**NGO-** Non-governmental Organisation  
**NRC-** Norwegian Refugee Council  
**OAU-** Organisation of African Unity  
**OCP-** Operations Continuity Plan  
**ODI-** Overseas Development Institute  
**RCK-** Refugee Consortium of Kenya  
**TdH-** Terres des Hommes  
**TFG-** Transitional Federal Government Forces  
**UK-** United Kingdom  
**UN-** United Nations  
**UNGA-** United Nations General Assembly  
**UNHCR-** United Nations High Commissioner for Refugees  
**UNICEF-** United Nations Children's Fund  
**UNOCHA-** United Nations Office for the Coordination of Humanitarian Action

**UNSC-** United Nations Security Council  
**UNSG-** United Nations Secretary-General  
**US-** United States (of America)  
**WFP-** World Food Programme  
**WHO-** World Health Organisation

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# CHAPTER ONE

## INTRODUCTION

### 1.0 Introduction

Humanitarian aid can be defined as assistance, often in material form, given to a group of people to alleviate their suffering from a crisis originating from a natural disaster or man-made calamity<sup>1</sup>. Three goals inform humanitarian aid: The drive to lessen suffering, save life and above all maintain human dignity required of people caught up in the situation. Humanitarian aid is as old as 150 years ago during the formation of the International Committee of the Red Cross (ICRC)<sup>2</sup> but it includes recent events which include famine in Ethiopia in 1980s, Tsunami disaster in 2004, Haitian earthquake in 2010 as well as the Horn of Africa famine in 2011.

This type of aid is often pooled through donations from people, companies, governments or even UN agencies. Because humanitarian aid is often international in nature, the UN General Assembly passed resolution 46/182 to create the Office for the Coordination of Humanitarian Affairs (UNOCHA) to harmonise responses to emergencies anywhere in the world<sup>3</sup>.

Often events requiring humanitarian aid can be natural or man-made, ranging from natural disasters like drought, floods, diseases or earthquakes to man-made like war and chemical explosions. These often involve massive casualties and deaths going into thousands.

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<sup>1</sup> Eric James, *Managing Humanitarian Relief: An Operational Guide for NGOs*, Rigby, Practical Action, 2008, Pp.3-5.

<sup>2</sup> Marion Harroff-Tavel, "The humanitarian diplomacy of the International Committee of the Red Cross," Jan 01, 2006. Available at: <http://www.icrc.org/eng/assets/files/other/humanitarian-diplomacy-icrc.pdf> Accessed on March 12, 2014. See also ICRC, "History of ICRC," Available at: <http://www.icrc.org/eng/who-we-are/history/>

<sup>3</sup> Alexander De-Waal, *Famine Crimes: Politics and Disaster Relief Industry in Africa*. Oxford, James Currey, 1997, P.25.

During the 1983-85 Ethiopian famine for example, it is estimated that at least one million people died<sup>4</sup>, while the 2011 Horn of Africa famine saw about 100,000 deaths.<sup>5</sup>

Initially, humanitarian aid involved individual or organisation efforts, often reaching only as far as their budgets could. However, in the recent past, humanitarian aid has seen concerted efforts to raise funds meant for the victims. For example, during the Ethiopian famine, a fund-raising programme dubbed 'Live Aid' helped raise millions of dollars from mainly European and American countries to donate or push for their governments to provide relief<sup>6</sup>. As of December 2013, the Active Learning Network for Accountability and Performance (ALNAP), a grouping of organisations involved in humanitarian work estimates that at least half of the more than 420,000 non-governmental organisations in the world are involved in humanitarian aid.

Humanitarian aid and international politics may be inseparable because recipients and donors both make certain decisions that affect the movement of donations. This sounds ironic because there have been pronouncements by actors in the humanitarian field that their work is founded on the principles of impartiality and neutrality<sup>7</sup>. Some scholars have argued that changes in global politics have 'politicised' humanitarian aid, making it one and the same. Here is an example; after the cold war, major powers pulled from the scene but still created development and humanitarian agencies to represent their interests. Thus both development and humanitarian aid was aimed at replacing traditional diplomacy. This in a way diluted state sovereignty as these

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<sup>4</sup>Alexander de Waal, *Evil Days: Thirty Years of War and Famine in Ethiopia*, New York, Human Rights Watch, 1991, Pp.5-33.

<sup>5</sup>Rob Bailey, *Famine Early Warning and Early Action: The Cost of Delay*, Royal Institute of International Affairs, Chatham House, July 2012. See 'Introduction.' Available at [www.chathamhouse.org](http://www.chathamhouse.org). Accessed on April 29, 2014. See also UN Office for the Coordination of Humanitarian Affairs (OCHA), *Horn of Africa Humanitarian Snapshot*, December 16, 2011.

<sup>6</sup>*Ibid*, Note 4

<sup>7</sup>Fiona Fox, *The Politicisation of Humanitarian Aid*, A Discussion Paper for Caritas Europe, June 2000.

organisations transcended borders<sup>8</sup>. Yet to date, aid agencies still have difficulties serving or even accessing those in need; in conflict situations, in areas hit with natural disasters and all<sup>9</sup>. For example, during the 2011 refugee crisis at the Dadaab camp in Kenya, the Kenyan government initially declined to expand the camp to accommodate more refugees who were fleeing famine and renewed al-Shabaab attacks back in Somalia.

This research project therefore sought to discuss the tactics humanitarian agencies working at Dadaab used to influence the Kenyan government's position on the camp. It is hoped that the findings in here will help understand the impact of methods used by humanitarian organisations on government policies and how these methods affect the real work of reaching out to the, malnourished and hungry.

### **1.1.0 Background to the Study**

Kenya has been home to thousands of refugees from Uganda (during the Idd Amin rule), South Sudan (now an independent state), Democratic Republic of Congo (then called Zaire) and Somalia. Kenya's interaction with refugees started with the hosting of Ugandan refugees displaced by political coups during the 1970s<sup>10</sup>.

The Dadaab refugee camp in Kenya's north eastern county of Garissa was introduced in 1991 to host Somali refugees fleeing the civil wars after despot SiadBarre in January of that year. It is the largest refugee camp in the world by population of 463, 023<sup>11</sup>. It is a complex refugee camp operated by the United Nations High Commission for Refugees (UNHCR) with

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<sup>8</sup>Devon Curtis, 'Politics and Humanitarian Aid: Debates, Dilemmas and Dissension. Report of a conference organised by ODI, POLIS at the University of Leeds and CAFOD, London, 1 February 2001. Humanitarian Policy Group Report 10. Pp.15-17.

<sup>9</sup> Joanna Macrae&Nicholas Leader, *Shifting Sands: The Search for Coherence between Political and Humanitarian Responses to Complex Emergencies*, HPG Report 8, London: ODI, August 2000.

<sup>10</sup> LivHalperin, *The physical security of refugees in Kenyan camps: Legal and human rights implications*. Unpublished Master of Law and Diplomacy Thesis: The Fletcher School, Tufts University. Pp. 5, 6-10. April 2003.

<sup>11</sup>See UNHCR, *Situation Report: Dadaab Refugee Camps*, External Version, February 2012.

four main sub-camps namely Hagadera, Ifo (I&II) and Dagahaley. Humanitarian agency CARE has the mandate to manage the camps. Over the last two decades, the population has continued to soar from the original allowed 90,000. It is composed of mainly Somalis, but also with some from the DR-Congo, Sudan and even Burundi.

In January 1991, the inter-clan conflicts followed the ouster of SiadBarre. In 2007, clans gave way in early 2007 to an Islamic insurgency after an invasion by Ethiopian Forces. It is estimated that at least 18,000 civilians were killed in 2009. Hundreds fled to Kenya, Ethiopia and Djibouti where they were hosted in refugee camps.<sup>12</sup>In 2007, following the persistent swell, the Norwegian Refugee Council created an extension of Ifo I to Ifo II. However, the Kenyan government opposed its opening, citing security and environmental degradation.

In 2011, the camp saw another growth in the population, as more Somalis fled their country in search of food, water and safety<sup>13</sup>.

The 2011 hunger crisis in the Horn of Africa was one of worst in recent history as far as loss of life, displacement and general suffering. This was preceded by two successive seasons of low rainfall making 2011 one of the driest years Horn of Africa in 15 years where crops failed, livestock died and the price of food hit the roof.<sup>14</sup>At least 100,000 people most of them women and children died from April 2011 to September of that year<sup>15</sup>. At the height of the crisis, the United Nations (UN) declared famine in 6 regions of Somalia as well as areas of northern Kenya, parts of Ethiopia, and Djibouti as facing severe food insecurity. It was estimated that more 13 million people urgently needed relief aid in the region. By the time the UN officially declared

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<sup>12</sup> Anne Lindley, "Between a protracted and a crisis situation: policy responses to Somali refugees in Kenya," *Refugee Survey Quarterly*, 2012, Pp. 1-35.

<sup>13</sup>CARE, "Emergency as refugee conditions Worsen." Available at [www.care.org/careswork/emergencies/dadaab](http://www.care.org/careswork/emergencies/dadaab). Accessed on January 14, 2014.

<sup>14</sup>Famine Early Warning Systems Network [FEWSNET], *East Africa Regional Alert*, June 07, 2011

<sup>15</sup>Figures by the UN Office for the Coordination of Humanitarian Affairs (OCHA), *Horn of Africa Humanitarian Snapshot*, December 16, 2011.

famine in July 2011, images of spindly limbs, long faces, creased skin and distended stomachs were getting splashed in the media, focusing on the situation in Somalia but most specifically in Dadaab Refugee Camp<sup>16</sup>. The United Nations High Commissioner for Refugees (UNHCR), the UN agency for refugees, reported that more than 1,500 refugees were arriving at the camp. With already strained resources, aid agencies warned the situation could worsen if nothing was done to tame the flow, provide basic needs to the fleeing refugees as well as expand the space to accommodate them.

For most of the seven months the crisis lasted, pictures of starving people most of them women and children flooded the media outlets, as humanitarian agencies and the Kenyan government haggled over whether to expand the camp and allow more support. However, this turn of events leading to the crisis had been predicted nearly nine months before. Forecasts concerning the imminent situation were declared right from August 2010, when the Famine Early Warning Systems Network (FEWSNET) declared a *La Niña* saying it would be accompanied with “drier-than-normal conditions” during the October-December rainy season in the eastern parts of East Africa.<sup>17</sup> Taking cue from this warning, the UN Under-Secretary-General and Emergency Relief Coordinator (USG/ERC) in January 2011, allowed the use of CERF (Central Emergency Response Fund) for underfunded sections of Kenya, specifically the north and north eastern parts of the country. Specific programmes to be funded were then identified and money channeled by March. By the end of April 2011, about US\$6 million had been disbursed.<sup>18</sup> But the decision to implement these by the community of International relief

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<sup>16</sup>W.G. Mosley, “Famine Myths: Five Misunderstandings Related to the 2011 Hunger Crisis in the Horn of Africa. *Dollars & Sense*, Macalester College. Also available at [http://works.bepress.com/william\\_moseley/105](http://works.bepress.com/william_moseley/105). Accessed on December 18, 2013.

<sup>17</sup>FEWSNET Executive Brief: *La Niña and Food Security in East Africa*, August 2010.

<sup>18</sup>By April 13 a total of USD 5,993,848 had been disbursed from CERF Allocations to WFP, WHO, UNHCR, IOM, and FAO.



Agencies (IA) as well as the Government of Kenya took long to come forth, until after May 2011.<sup>19</sup>

### **1.2.0 Statement of the Problem**

Dadaab Refugee Camp, by its own size, hosts five times the number of refugees permitted. This is an international humanitarian crisis already, bringing together international players such as the United Nations (UN), Government of Kenyan and other humanitarian organizations which in turn becomes an international political issue. A report released by UNHCR during the crisis indicated that nutritional levels at the camp started to fall from 2010 when they fell below the global threshold of 15%. This became worse as new refugees came in, fleeing war and drought<sup>20</sup>. But focusing on the 2011 situation, it appears there was information at hand for the Kenyan government to use and allow early response to deal with the crisis of crowding. But right from July 2011 when the UN declared famine in south and central Somalia, there was plenty of information warning of dire consequences. From August 2010 and July 2011, FEWSNET and the Food and Security Nutrition Unit of the Food and Agriculture Organization (FSNAU-FAO) produced 7 dozens of situation reports on the imminent famine which would have been used to respond to the problem. That, however, did not happen on time. It took longer than it should have as humanitarian agencies haggled with the Kenyan government over expansion of the camp.

The fact that this crisis became the focus of both humanitarian agencies and the Kenyan government means we needed to conduct a study to learn how these agencies interacted with the Kenyan government, what issues were at stake and how the crisis was resolved.

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<sup>19</sup>The IA community refers to United Nations agencies, intergovernmental organizations, international NGOs and the Red Cross and Red Crescent Movement.

<sup>20</sup>UNHCR, *Nutritional Surveys, Dadaab Refugee Camps: Hagadera, Ifo, Dagahaley and Dagahaley Outskirts*, Surveys Conducted August/Sept 2011, Report Finalised. P.5

### **1.3.0 Objectives of the Study**

The main objective of this study was to examine the diplomacy of humanitarian agencies during the Dadaab Refugee Crisis of 2011. This study's specific objectives were to:

1. To determine how humanitarian diplomacy was applied to Dadaab Refugee camp during the 2011 crisis.
2. To determine the activities of international actors (Kenyan government, United Nations agencies organizations such as UNHCR and other independent humanitarian agencies) involved in the Dadaab refugee crisis of 2011.
3. To determine how humanitarian agencies influenced government decisions concerning the Dadaab refugee camp.

### **1.4.0. Hypotheses**

This study was based on three hypotheses namely:

1. Humanitarian agencies used diplomacy in responding to the Dadaab Refugee crisis of 2011.
2. Kenya government decisions on the Dadaab refugee camp during the crisis were influenced by humanitarian agencies working at the camp.
3. Humanitarian agencies employed different tactics in different situations to respond to the crisis

### **1.5.0 Justification of the Study**

One commentator referred to refugees as 'the Fourth World'<sup>21</sup> in the way they ran away from their home country only to enter squalid lifestyle in the refugee camps abroad. Globally, it

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<sup>21</sup>William Shawcross, "The 'Fourth World': Ten Million Refugees with nowhere to go," *World Press Review*. September 1986, Pp. 35-36.

is estimated that we have at least 12 million refugees, according to the United Nations High Commissioner for Refugees (UNHCR). Six million of them come from the Horn of Africa<sup>22</sup>. Thus, refugee crises are an international, even a global problem making humanitarian aid a subject of international politics. With this population of the “Fourth World” often comes with it a global focus for decisions not just by states but international humanitarian agencies, each with interests. Although states are the main players in the international humanitarian politics, humanitarian agencies are increasingly asserting their power and influence.<sup>23</sup> For example, since the cold war era, the UNHCR has slowly disentangled from an organization that had no budget of its own to an active player in international politics. The UN General Assembly (UNGA) stopped giving UNHCR renewable mandates in 2003. The Dadaab Refugee camp has seen the UNHCR take the lead role in managing refugees. But other organizations are also involved. The working of these organizations and how they relate with governments therefore requires continuous study. Since each of the refugee problems around the world is different, it requires that we focus on each particular incident to understand it. Hence, this study was important because it will contribute a significant pool of knowledge to policy makers in drafting guiding policies towards humanitarian intervention. It will be important to both government officials and humanitarian workers in gauging how to improve their relationship with one another. For example, these findings will likely to inform whether to elevate humanitarian workers to the level of traditional diplomats and grant them immunity as is the case with state diplomats.

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<sup>22</sup>Figures at 2011. See report Available at [www.unhcr.org/downloads](http://www.unhcr.org/downloads). See also See Peter Kirui & James Mwaruvie, J., “The Dilemma of Hosting Refugees: A Focus on the Insecurity in North-Eastern Kenya,” *International Journal of Business and Social Science*, Vol. 3 No.18 (April) 2012, Pp.161-172.

<sup>23</sup>Gil Loescher, “The UNHCR and World Politics: State Interests Vs. Institutional Autonomy,” *International Migration Review (IMR)*, Vol.35. No. 1, spring 2001, Pp.33-54.

Additionally, these research results will add an important reference to the academia upon which future students will base to conduct further studies.

### **1.6.0. Literature Review**

This segment is a review of earlier works related to humanitarian aid and diplomacy. There are four main sections here which will carry the following themes: Modern trends in Diplomacy and humanitarian aid; Practices, objectives and role of humanitarian agencies; how and what humanitarian agencies use to influence governments, the concept of Humanitarian diplomacy from the global perspective of the Red Cross and the UNHCR and the Dadaab refugee camp and the 2011 refugee crisis.

#### **1.6.1 Diplomacy and Humanitarian aid**

Diplomacy has a long history; and its meaning has over the years been altered to fit the undercurrents of the world. Harold Nicolson<sup>24</sup> for example defined diplomacy as the management of international relations by negotiation, the way in which ambassadors and envoys tactically adjust these relations in a given time. In this case, diplomacy is dynamic rather than static; it gathers 'mass' through historical junctures. It implies, as Magalhaes added later that it should be seen as a practice that only states and their representatives do to manage foreign policy<sup>25</sup>. To illustrate this, the basic diplomatic function as listed in the Vienna Convention of 1961<sup>26</sup> is representation; the sending sovereign state grants full powers to a diplomat to a receiving state to represent it. The Convention at its formation had only states in mind as principal participants in these relations. But sovereignty is getting diluted as territories no longer become limits and more actors come to the fore. Subsequent scholars have included new aspects to improve on the

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<sup>24</sup>Harold Nicolson, *Diplomacy*, 3<sup>rd</sup> Ed., London, Oxford University Press, 1963, Pp.36-38.

<sup>25</sup> Jose Calvet De Magalhaes, *The Pure Concept of Diplomacy*, New York, Greenwood Press, 1988. Pp. 2-7.

<sup>26</sup> The full name of this international treaty is 'The Vienna Convention on Diplomatic Relations, 1961.'

definition. Some, for instance, see it as a communication system through which representatives, elected or appointed, of states and international or global organisations state and defend their interests; outline their demands, and issue threats and ultimatums to achieve their goals<sup>27</sup>.

Until the 20<sup>th</sup> century, diplomacy was largely formal; practised through institutions majorly established by states and based on interpersonal relations of state representatives<sup>28</sup>.

However, these two definitions fail to note that diplomatic practice is also changing. New areas of relations and important issues such as climate change, health, culture, relief aid, natural resources like water and oil have ensured that diplomacy departs from the management of the traditional inter-state relations. Changes in diplomacy have been influenced by the growing sense of the community of nations, an increasing importance of public opinion and the fast growing role of technology in communication and media. These have altered the conduct of diplomacy and introduced new actors other than just the state, even though the purpose has not changed.<sup>29</sup>

With new issues in the international political arena, the number actors in the form of international non-governmental organisations (INGOs), intergovernmental organizations (IGOs) and other non-state actors has been increasing, reflecting the changes in the practice of diplomacy. For purposes of this study and since we are focusing on a refugee camp, the humanitarian organizations may be both intergovernmental or non-governmental but they will generally be international entities that take part in international political processes using tools of diplomacy; have interests or expertise relevant to an international institution, have independent

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<sup>27</sup>Eytan Gilboa, "Mass Communication and Diplomacy: A Theoretical Framework," *Communication Theory*, Vol. 10, No3, August 2000, Pp. 275-309.

<sup>28</sup>R.P Barston, *Modern Diplomacy*, 3<sup>rd</sup> Ed., New York, Longman, 1997, Pp. 4-6.

<sup>29</sup>*Ibid.*

views and interests, but do not advocate violence and neither are they against views of the United Nations.<sup>30</sup>

A. Roy Bennett<sup>31</sup> added another set of characteristics common to both IGOs and INGOs which are helpful in categorizing the kind of organizations focused in this study. These include having a permanent organisation to carry out continuing functions (in this case humanitarian work), voluntary membership or eligible parties, basic instrument stating goals, missions, vision and structure of operation, permanent secretariat for administrative, research and other work and having a broadly representative structure. These organizations may be intergovernmental; formed by a treaty or may be based on civil society movement. The former receives funding from member states such as UNHCR, the latter from donors other than states such as Oxfam, Save the Children or CARE. This revolution has created new phenomena in foreign affairs where, mostly in humanitarian crises such as famine, floods, earthquakes and war, where state officials have lost control over decision-making to pressures from outside, often propelled by non-governmental organisations through global television and newspapers<sup>32</sup>. Whenever these crises occur, the desire of humanitarian agencies is to ensure support for their programmes to ensure their goals of reaching and assisting victims<sup>33</sup> and as opposed to state diplomats, humanitarian agency officials who represent organisations not bound by state territories but common agenda, values and goals; often find themselves trying to influence decisions of state or

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<sup>30</sup>Alan K. Henrikson, "Sovereignty, Diplomacy, and Democracy: The Changing Character of "International" Representation— from State to Self?" *The Fletcher Forum of World Affairs*, Vol.37, No.3. Special Edition 2013, Pp.11-141

<sup>31</sup>See A. LeRoy Bennett, *International Organizations: Principles & Issues*, 5<sup>th</sup> Ed., Englewood Cliff, New Jersey: PrenticeHall, 1991. Pp.2-4

<sup>32</sup>Eytan Gilboa, *The Global News Networks and U.S. Policymaking in Defence and Foreign Affairs*, Paper written for the Shorenstein Center on the Press, Politics and Public Policy, Kennedy School of Government, Harvard University, June, 2002. Paper No. 2002-6.

<sup>33</sup>Christopher Lamb, "Humanitarian diplomacy", June 26, 2008. Available at: [http://www.ifrc.info/en/newsand\\_media/opinions\\_and\\_positions/speeches/2008/humanitarian\\_diplomacy](http://www.ifrc.info/en/newsand_media/opinions_and_positions/speeches/2008/humanitarian_diplomacy). Accessed on Monday, March 31, 2014.

other non-state agencies in a bid to ensure that mobilised resources reach those in need. This pattern has been observed during the 2004 Tsunami disaster, during the Somali famine in 1994, Haiti earthquake in 2010<sup>34</sup>; and during the 2011 refugee crisis at Dadaab in Kenya.

NGOs often play on the international scene by trying to shape policy for example in environmental issues, humanitarian policies or even international trade<sup>35</sup>. However, there are those focused on domestic policies or decisions of private organisations. This is not our focus. Scholars have observed that NGOs, in general, use various methods to achieve their goals<sup>36</sup>. They include lobbying state decision makers on foreign and domestic policies related to humanitarian aid, take part in negotiations and monitor implementation of agreements. These may involve different political arenas, but for humanitarian NGOs, negotiation is often a daily practice. Humanitarian agencies as NGOs focus on getting maximum support for their programmes or operations and to build partnerships necessary for humanitarian goals to be achieved. To them raising awareness, negotiating and mobilising sufficient aid to emergency situations is their mode of diplomacy<sup>37</sup>. Today, the humanitarian world rides on the back of human rights law which in a way has created norms<sup>38</sup>.

### **1.6.2. Trends in humanitarian aid**

The Doctors without Borders (MSF) is famed for its ‘care for and testify’ slogan which in a way goes against the historical ‘secrecy’ required of humanitarian agencies. After the cold war,

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<sup>34</sup>Philippe Reignier, “The emerging concept of humanitarian Diplomacy: The Identification of a Community of practice and prospects for international recognition,” *International Review of the Red Cross*, Vol.93, No.884, December 2011, Pp. 1220-30.

<sup>35</sup>Michele M. Betsill & Elisabeth Corell, “Introduction to NGO Diplomacy,” in *NGO Diplomacy: The Influence of Nongovernmental Organizations in international environmental organizations*. Michele Merrill Betsill, Elisabeth Corell, Eds., New York, MIT Press, 2008, Pp.1-15.

<sup>36</sup>Michele M. Betsill & Elisabeth Corell, “NGO Influence in International Environmental Negotiations: A Framework for Analysis,” *Global Environmental Politics*, Vol., No.4, November 2001, Pp.65-86.

<sup>37</sup>See Reignier, 2011, P. 1212.

<sup>38</sup>See David Marcus for a list of international laws applicable to humanitarian aid in “Famine Crimes in International Law,” *The American Journal of International Law*, Vol.97, No.245, 2003, Pp. 245-282.

humanitarian organisations introduced two things: lobbying for aid as well as influencing governments to make political decisions that would make their (aid) work easier. During the Bosnian war for example, MSF used the media to lobby for military intervention. The organisation often involved in medical relief has also been prominent in asking for cheaper medicine for poor nations<sup>39</sup>. And since then, other organisations have followed with similar moves. Save the Children for instance advocated for military intervention in Kosovo. And in what indicates the way humanitarian agencies have taken on vouching for Darfur, Sudan, British charity group Oxfam asked for stronger intervention to halt violations on human rights in a region where people were being butchered<sup>40</sup>. Still, recent trends show that aid agencies can come together to campaign for a certain cause. In the United Kingdom (UK) for instance, charity organisations came together in 2005 for the ‘Make Poverty History’ campaign meant for helping the poor around the world<sup>41</sup>.

Humanitarian work seems to be drawing in organisations traditionally known more for fighting for human rights than delivering charity to victims of war or natural disasters. Amnesty International (AI) and Human Rights Watch (HRW) are today known for asking for governments to change certain policies that, for instance, go against humanitarian efforts to refugees or hamper efforts for better treatment of people fleeing conflict. By researching and evaluating policies around the world from the 1970s, AI which first received NGO consultative status at the UN Economic and Social Council (ECOSOC) in 1964 pioneered how non-governmental

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<sup>39</sup> Vanessa Pupavac, “The politics of emergency and the demise of the developing state: problems for humanitarian advocacy.” *Development in Practice*, Special Issue on Current Issues in International Humanitarianism, Vol. 16, Nos. 3&4, June, 2006, pp. 255-269.

<sup>40</sup> Oxfam GB, *Strategic Plan, 2003/2004 2005/2006*.

<sup>41</sup> Christian Aid, *The Politics of Poverty: Aid in the New Cold War*, London: Christian Aid. <http://www.christianaid.org.uk/indepth/404caweek/>. Accessed on March 25, 2014.



organisations influence norms. Before then, humanitarian organisations had maintained distance from governments, perhaps to be assured of access to the needy in future<sup>42</sup>.

Today, relief agencies are more known for publicity. Some commentators have argued publicity may be bad ethics and undermines the principle of secrecy in humanitarian work, but is good for organisations themselves in raising funds and remaining ‘accountable’ to the donors. By gaining publicity, a humanitarian agency promotes its image even if the said things in the publicity stints are never implemented. These agencies use pieces of clothes with their insignia printed on them, write letters to high authorities or simply write commentaries in newspapers

### **1.6.3. Humanitarian practices and objectives**

Humanitarian agencies are often involved in campaigning for their course through advocacy. There is variance in the way each aid agency defines advocacy but in this case, the definition used by the United Nations Children’s Fund (UNICEF) could suffice. UNICEF defines advocacy as: “a deliberate process based on demonstrated evidence to directly and indirectly influence decisions makers, stakeholders and relevant audiences to support and implement actions that contribute to the fulfillment of children’s and women’s rights.”<sup>43</sup> You may notice that this is a specific definition that carries on board UNICEF’s mandate in protecting rights of children and women. But often times, these women and children are the same people who need help of humanitarian aid in times of war or natural disasters. In fact, other organisations like Save the Children which are involved in similar

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<sup>42</sup>Ann Marie Clark,*Diplomacy of Conscience: Amnesty International and Changing Human Right, Norms*, Princeton, NJ, Princeton University Press, 2001, Pp.15-17.

<sup>43</sup>David Cohen, Neha Bhandari Karkara, David Stewart, Nicholas Rees and Julia Coffman, *Advocacy Tool Kit: A guide to Influencing Decisions that Improve Children’s Lives*, 1<sup>st</sup> Ed., New York, UNICEF, 2010, Pp.3-11.

mandate have adopted this definition<sup>44</sup>. Advocacy involves bringing to the attention of decision makers the plight of those in need of humanitarian aid. Aid agencies therefore use their recognised positions in providing this aid to speak on behalf of those in refugee camps, infected by epidemics or the trapped. In the example of UNICEF which has been in existence since 1946, advocacy forms part of its core activities and comes in the form of organizing, lobbying and campaigning. Turning back to the UNICEF Tool Kit, eight basic activities involve their participation in diplomacy: raising awareness using the media, communication for behaviour change, forming alliances, negotiating and lobbying, campaigning, researching and publishing, mobilising masses and organising conferences<sup>45</sup>.

#### **1.6.4.. Humanitarian Diplomacy: The link between humanitarian aid and diplomacy**

Diplomacy, as we have seen, is an activity that can enable a country to wield power on the international scene, often by peaceful means. It is an instrument of foreign policy; that set of goals a state wants achieved by engaging itself with other states. Humanitarian diplomacy on the other hand focuses on attaining the most support for operations and programmes, and growing partnerships meant for achieving humanitarian goals<sup>46</sup>. That is, it is an instrument of raising awareness, negotiating and mobilising the required humanitarian aid in wake of emergencies. Thomas Schelling<sup>47</sup> argues that diplomacy is either a polite way or rude way of bargaining; holding on to something by a state in return for a favour from another. That is, state A controls what state B or organisation C wants and can only give away if state B or C accepts to certain conditions. These goals are often influenced by national interests and the policy shows how they

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<sup>44</sup>See for example, Louisa Gosling and David Cohen, *Participant's Manual: Advocacy matters – Helping children change their world*, International Save the Children Alliance, London, 2007. Available at: [www.savethechildren.net/alliance/resources/ParticipantsManual.pdf](http://www.savethechildren.net/alliance/resources/ParticipantsManual.pdf). Accessed on March 29, 2014.

<sup>45</sup>*Ibid*

<sup>46</sup>See Regnier, 2011, Pp.1212-1213.

<sup>47</sup>Thomas Schelling, *Arms and Influence* New Haven, Yale University Press, 1966, Pp240-247.

should be achieved<sup>48</sup>. But diplomacy keeps evolving through a set of norms and institutions to address various issues, often through creation of institutions<sup>49</sup>. These institutions may include specialised agencies for humanitarian aid and other global problems. This often meant to deal with weaknesses that result from the traditional government-to-government diplomacy in addressing trans-border challenges like famine, terrorism, human trafficking, drugs and environmental pollution. Therefore, while diplomacy leverages state foreign policy, it is never easy to manage global problems without forming coalitions. These results in formation of international organisations meant to deal with specific problems, in the world today, institutions have come up to deal with economic problems, environmental problems, and relief efforts. These organisations include the World Bank, the United Nations and its agencies like UNHCR, and humanitarian organisations like Oxfam, MSF as well as CARE.

Humanitarian diplomacy generally involves activities carried out by humanitarian agencies in seeking permission for their operations. These includes first having the organizations present in the affected region or country, negotiating for access or visits to those in need of assistance, monitoring assistance programmes, promoting respecting for international law, supporting local institutions and practising advocacy<sup>50</sup>. At the turn of the century, organisations involved in humanitarian aid began drawing up programmes to improve performance in humanitarian in practices. Networks like ALNAP came up to help develop common values and unify operations. Later, some charity organisations like the International Federation of the Red Cross and Red Crescent (IFRC) began developing their guide on how to perform what they

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<sup>48</sup>See Magalhaes, 1988; 1-4.

<sup>49</sup>Keith Hamilton & Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory, and Administration*. London: Routledge. 1995, P26.

<sup>50</sup>See L. Minear & H. Smith, Eds., 2007, P.1

called ‘humanitarian diplomacy’<sup>51</sup>. These guidelines plus the various international laws guiding humanitarian work have created the kind of norms necessary for humanitarian aid to be provided, even to areas controlled by non-state organisations like terror groups. But humanitarians often find themselves denied privileges that their counterparts in ‘formal’ diplomatic practices for states get such as immunity or non- interference. For example, In the Ethiopian famine of 1983-1985, the government admitted to blocking aid from reaching areas controlled by rebels as a policy of compelling them into submission. And despite the norms indicating that this policy was a crime, the global community criticised the Ethiopian government of preventing food aid to the affected, but fell short of calling for the indictment of the authorities<sup>52</sup>. This compels humanitarian workers to negotiate with whatever authority in place to ensure they get certain guarantees.

#### **1.6.4.1. The Humanitarian Diplomacy of UNHCR**

The UNHCR, also known as the Office of the United Nations High Commissioner for Refugees or the UN Refugee Agency was created by General Assembly in 1950 but begun work on Jan 01, 1951 to help states rising from the ashes of World War II, and help authorities find a permanent solution to refugees<sup>53</sup>. It was created out of the 1951 Refugee Convention. Its initial obligation, limited to three-year mandates, was to assist WWII refugees. However, while the World War ended, various other conflicts and disasters mean states keep churning refugees out. UNHCR’s three-year renewable mandates were removed in 2003. Although the 1951 Convention formed the UNHCR, the treaty together with its related 1967 Protocol is the wheel on which

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<sup>51</sup> International Federation of the Red Cross and Red Crescent Societies (IFRC), *Strategy 2020: Humanitarian Diplomacy Policy*, Nairobi, December 2009.

<sup>52</sup> David Marcus, “Famine Crimes in International Law,” *The American Journal of International Law*, Vol.97, No.245, 2003, Pp. 245-282.

<sup>53</sup> See UNHCR, *Protecting Refugees & The Role of UNHCR*, Geneva, UNHCR, 2008/09.

other humanitarian agencies ride on to campaign for protect refugees. They provide legal principles which have in turn been normalised in various regional bodies such as the African Union (AU) on how to treat refugees.

The 1951 Convention defines a refugee as a person who, owing to a well-founded fear of being persecuted on the basis of religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is either unable or unwilling, owing to such fear, to return home. Initially, UNHCR was only mandated to handle refugees, but it has grown to assist internally displaced persons (IDPs) as well. UNHCR has a lead role in overseeing protection and shelter needs of IDPs and coordination and management of camps. In 2008, UNHCR was active in 28 IDP operations which included Kenya, Chad, CAR, Afghanistan, Uganda and Democratic Republic of Congo<sup>54</sup>. UNHCR depends largely on voluntary contributions mainly of governments and also IGOs like the European Union, corporates and individuals. It gets about 3 per cent of the UN budget. Its annual budget has been rising yearly, clicking \$6 billion by end of 2012. It is the winner of Nobel Peace Prizes for 1954 and 1981. It is now established in more than 116 countries, runs 267 offices around the world and assisted over 50 million refugees since 1951<sup>55</sup>.

By 2011, 147 countries were signatories to both Convention and Protocol. Article 35 of the Convention says that states should cooperate with UNHCR on matters related to implementing the Convention or other related international laws affecting refugees. This may not always be the case. UNHCR has been involved in constant efforts to explain its work or build on existing laws and has been mainly involved in campaigning for permanent solutions for refugees. It often does this by writing reports and working papers, participating in conferences as well as

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<sup>54</sup>*Ibid*

<sup>55</sup>Loescher, 2001, Pp. 41.

In 2001, a global conference organised by UNHCR adopted a declaration to affirm that signatory countries were committed to the Convention. Having done consultations among other participants, UNHCR drew the ‘Agenda for Protection’ to act as a guide to governments and humanitarian organizations in refugee protection<sup>56</sup>. The increasing number of humanitarian crises means UNHCR has been flexible with who to work with. For example, it now works with 640 INGOs including six other UN agencies. These organizations are constrained by states; they do have their own agenda and are not just passive. For UNHCR, its office has evolved over time by gaining independence and hence a more active actors of its own kind. This is as opposed to the Cold War era, when the West considered refugee crises in the category of national security. That is, they became tools of cold war power and important for conducting espionage on behalf of Western countries. At its creation, Western powers had made it difficult for its operations to threaten or be a burden to the statehood of these powers. They did so by denying UNHCR an independent budgetary allocation. This effectively meant UNHCR was just a UN Programme rather than an agency because it still had to have its terms reviewed periodically<sup>57</sup>. Diplomatically, UNHCR was weak as it had to compete with other agencies established by these powers to conduct humanitarian work for refugees. UNHCR’s initial tasks were therefore to raise funds and growing out of these restrictions to engage with other states diplomatically. Getting more funds enabled it to transcend the East-West barriers of the cold war. Funding meant it was able to respond to refugee crises as in West Berlin. UNHCR was initially based on assisting European refugees but as independence wars continued in Africa, it became its next target. For example, when over 80,000 refugees from Algeria fled to Tunisia, it posed a new political

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<sup>56</sup>*Ibid*

<sup>57</sup>See K. Salomon, *Refugees in the Cold War: Toward a new international Refugee Regime in the Early Post-war Era*, Lund, Lund University Press, 1991, p.37.

challenge since it would be the first time UNHCR was venturing in third world. Historically, humanitarian agencies have valued their reputation before intervening in a refugee crisis. For example, because the then High Commissioner Auguste Lindt worried of being accused of discrimination, refusing assistance to Tunisia could potentially cause friction from Africa and its allies. But there was another problem: Tunisia was then under the French colonial empire and France opposed UNHCR entry and demanded that they be taken back to Algeria. Having UHCR come in, would make the problem ‘international’, a factor France wanted to avoid. UNHCR had to engage countries in persistence diplomacy to win them over. This means that humanitarian agencies also engage in diplomacy to negotiate for their cause and to counter the powerful interests of states. UNHCR’s policy at the time was to remain flexible in responding to new refugee situations.

After the adoption of the 1967 supportive Protocol, UNHCR’s time and geographical limitations were eliminated. This enabled UNHCR to be the main agency to handle refugee crises. This allowed UNHCR to develop own agenda and programmes thus becoming a vital player in political changes across the globe.

After the Cold War, the issue of refugees became a major international subject buoyed by increasing media coverage. International and regional organizations saw refugees as posing international security threat and required action based on Chapter VII of the UN Charter. By associating refugees with security, UNHCR got leverage to play international politics. In 1999 for instance, UNHCR updated the UN Security Council on humanitarian situations by associating refugees with political instability. UNHCR was taking advantage of the fact that its leadership enjoyed access to global leaders to influence negotiators in major conflict zones. However, states came to accept involvement in humanitarian assistance partly because it had

little political risk and it satisfies public and media opinion and hence guarantee a good reputation, even though it never really solves the entire problem<sup>58</sup>.

#### **1.6.4.2 Humanitarian Diplomacy of the Red Cross Movement**

The International Red Cross Movement which is essentially the International Federation of the Red Cross (IFRC), the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies is a complex movement. Although individual Societies in member countries are independent, they have to get recognition from the ICRC. In this case therefore, the Red Cross will interchangeably be used to mean the ICRC, the head of the Movement<sup>59</sup>.

ICRC arose out of concern to help the wounded during the Italian War of Succession in 1850s. Its desire to 'assist and protect' involved pragmatic approaches; working to save lives before formalizing agreements to guarantee passage in future. This was ad hoc diplomacy. For example, its founder Henry Dunant's initial concern was medical assistance for the wounded. This later resulted in the 1864 Geneva Conventions. Later, concern for was prisoners during the Franco-Prussian War and the WWI resulted in the 1929 Geneva Conventions on the rights of the Prisoners of War<sup>60</sup>. During the WWII, modern warfare saw urban areas targeted for bombings. ICRC's intervention and campaign to protect non-combatants led to another set of Geneva Convention in 1949 to protect civilians. Moreover, ICRC was vocal in campaigning against Weapons of Mass Destruction, whose use has considerably gone down.

ICRC's ad hoc diplomacy enables it to interact with other humanitarian organizations as well as states. In Switzerland where it is headquatered and registered as a private corporate body,

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<sup>58</sup>William Shawcross, *Deliver us From Evil: Peacekeepers, Warlords and a World of Endless Conflict*, New York, Simon and Schuster, 2000, Pp.30-75.

<sup>59</sup>David P. Forsythe, *Humanitarian Politics: The International Committee of the Red Cross*, Baltimore, The John Hopkins University Press, 1977, Pp. 2-11

<sup>60</sup>Caroline Moorehead, *Dunant's Dream: War, Switzerland and the History of the Red Cross*. London, Harper Collins Publishers, Pp.775-780.



ICRC works closely with Swiss government to host humanitarian conferences as well as prepare working papers. But on the international scale, ICRC operates in the context of the UN even though it is independent of it<sup>61</sup>.

ICRC has traditionally stayed politically neutral but its humanitarian work means it can never really avoid engaging international actors like states. This is because the issues interesting ICRC may have significant non-humanitarian importance to the host state. For example, ICRC's policy is to promote human rights in armed conflicts. However, to assist those in need, it must market its intentions to those who are not interested, but who must grant permission. This may be humanitarian politics where agencies struggle to implement humanitarian values. Although these values may generally be agreeable to all states in the world, the Red Cross experience shows they are not always<sup>62</sup>. For example, states generally assess each situation based on humanitarian need versus security or other foreign policy need. India, after the Bangladeshi War initially prevented ICRC from helping return Pakistani Political Prisoners because they were a bargaining tool to attain a bigger foreign policy goal. India wanted to have some of the Prisoners tried for war crimes and it wanted Pakistan to recognise the statehood of Bangladesh. Despite ICRC banking on the 1949 Conventions, India stood its ground. ICRC had to persuade India to change its policy of isolating the prisoners from the Bangladeshi issue. This involved shrewd diplomacy. But it offered another lesson. ICRC designs strategies applicable to various crises. This helps it avoid confusion and offer means of attaining its goals. Its key pillars are cooperation and conflict with actors in international political processes.

Often, ICRC remains silent as a matter of policy, only sending private reports to authorities. It also runs on principle of impartiality, meaning it does not choose which

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<sup>61</sup> Forsythe, 1977, Pp.9-11.

<sup>62</sup> *Ibid*

humanitarian situation to ignore. It has been argued that keeping quiet enables it to get guarantee of gaining access to those in need of humanitarian help in future. This policy contradicts with MSF's policy of testifying. Although ICRC has generally cooperated with other humanitarian and international organizations such as UNHCR, these two principles of discretion, impartiality occasional result in non-cooperation<sup>63</sup>. For example, when Western members of the UN Security Council (UNSC) asked for ICRC to help investigate whether germ warfare had been used in the Korean War, ICRC agreed but demanded an agreement, only for the Soviet Union to veto the inspection. The Red Cross however rejected a request by the UN General Assembly (UNGA) in 1951 to help name a commission on problems of war refugee resettlement because UNGA had not been unanimous. Based on its policy of independence, ICRC has never publicly testified on conditions of political prisoners it has visited and has occasionally refused to cooperate with other international organizations. For example, it refused to cooperate with the Council of Europe in investigating Greek detentions in early 60s, citing an agreement it had with Greece not to divulge information gathered<sup>64</sup>. Although critics argue that this effectively limits extent of bringing culprits to justice, it appears ICRC's long service in humanitarian work has offered enough lessons on what states can or can't take. For example, during the Nigerian Biafra war, ICRC's representative in Lagos was expelled and its work of coordinating humanitarian work terminated for having 'taken sides' by supporting the Ibos. The trouble was that Nigeria felt the Red Cross was being influenced by the West in assisting war victims who were reportedly being

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<sup>63</sup>Marion Harroff-Tavel, "The humanitarian diplomacy of the international committee of the Red Cross," *Relations Internationales*, No.121, Spring, 2005, Pp.72-89.

<sup>64</sup>Forsythe, 1977, Pp.30-72

starved to death. But ICRC was the only humanitarian agency allowed to access both sides at the time<sup>65</sup>.

### **1.6.5. The Dadaab Refugee Camp**

This is a series of camps often referred to as the Dadaab refugee camp. It was introduced in 1993 to host Somali refugees fleeing the civil wars after despot SiadBarre in January 1991. Located in Kenya's Garissa County, it is a complex refugee camp operated by the United Nations High Commission for Refugees (UNHCR) with four main sub-camps namely Hagadera, Ifo (I&II) and Dagahaley. Humanitarian agency, CARE, has the mandate to manage the camps although UNHCR has mandated 15 other agencies with a permanent presence at the camp.<sup>66</sup> These agencies are involved in providing food, water and shelter. Others give legal assistance, medical needs and other needs to the refugees. At the moment, it is the largest refugee camp in the world by population estimated to be more around 460,000.<sup>67</sup> According to the UNHCR, the camps today host people who have fled different conflicts in the Eastern Africa region such as civil war in Somalia. German architect Werner Schellenberg was later hired by the UNHCR to redesign the camp as the population of refugees grew owing to the continual conflict in Somalia.<sup>68</sup>

Over the last two decades, the population has continued to soar from the original allowed 90,000. It is composed of mainly Somalis, but also with some from the Democratic Republic of

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<sup>65</sup>See D. Warner, "The Politics of the Political/Humanitarian Divide," *International Review of the Red Cross*, No.833, 1999, Pp.109-18.

<sup>66</sup>By September 2009, Dadaab had 15 permanent humanitarian agencies. The number varies yearly depending on situation. See UNHCR, *Emergency Assistance Programme for Somali Refugees in Dadaab, Kenya*, January-December, 2009.

<sup>67</sup>See Hannah Elliot, *Refugee resettlement: The view from Kenya Findings from field research in Nairobi and Kakuma refugee camp*, Research Report, KNOW RESET RR 2012/01, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI), European University Institute, January, 2012, Pp.8-9. The actual number as at Feb 2012 was 463, 023.

<sup>68</sup>See UNHCR website, Dadaab page at [www.unhcr.org/pages/49e48a16.html](http://www.unhcr.org/pages/49e48a16.html). Accessed on April 3, 2014.

Congo, Sudan and even Burundi, many who came occasioned by erratic weather patterns and insecurity back home. In 2007, clans that had taken over since Siad Barregave way in early 2007 to an Islamic insurgency after an invasion by Ethiopian Forces. It is estimated that at least 18,000 civilians were killed in 2009. Hundreds fled to Kenya, Ethiopia and Djibouti where they were hosted in refugee camps.<sup>69</sup>Recent numbers have been occasioned by the devastating drought of 2011 compounded by restrictions placed on aid agencies imposed by insurgent group Al Shabaab who controlled some of the worst-hit areas. In 2007, following the persistent swell, the Norwegian Refugee Council created an extension of Ifo I to Ifo II. However, the Kenyan government opposed its opening, citing security and environmental degradation. That was until the Horn of Africa saw another growth in the population, as more Somalis fled their country in search of food, water and safety.

#### **1.6.6.The Dadaab 2011 refugee Crisis**

The 2011 hunger crisis in the Horn of Africa was one of worst in recent history as far as loss of life, displacement and general suffering. This was preceded by two successive seasons of low rainfall making 2011 one of the driest years Horn of Africa in 15 years where crops failed, livestock died and the price of food hit the roof.<sup>70</sup>At least 100,000 people most of them women and children died from April 2011 to September of that year<sup>71</sup>. At the height of the crisis, the UN declared famine in 6 regions of Somalia as well as areas of northern Kenya, parts of Ethiopia, and Djibouti as facing severe food insecurity. It was estimated that more 13 million people urgently needed relief aid in the region.<sup>72</sup>At this time, UNHCR reported that more than 1,500 refugees were arriving at the Dadaab camp daily. With already strained resources, aid

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<sup>69</sup> See Note 12. P.4.

<sup>70</sup> Famine Early Warning Systems Network [FEWSNET], *East Africa Regional Alert*, June 07, 2011

<sup>71</sup> Figures by the UN Office for the Coordination of Humanitarian Affairs (OCHA), *Horn of Africa Humanitarian Snapshot*, December 16, 2011.

<sup>72</sup> FEWSNET, *Kenya Food Security Alert*, September 19, 2011.

agencies warned the situation could worsen if nothing was done to tame the flow, provide basic needs to the fleeing refugees as well as expand the space to accommodate them.<sup>73</sup>

However, this turn of events leading to the crisis had been predicted nearly nine months before. Forecasts concerning the imminent situation were declared right from August 2010, when FEWSNET declared a *La Niña* saying it would be accompanied with “drier-than-normal conditions” during the October-December rainy season in the eastern parts of East Africa.<sup>74</sup> Taking cue from this warning, the UN Under-Secretary-General and Emergency Relief Coordinator (USG/ERC) in January 2011, allowed the use of CERF (Central Emergency Response Fund) for underfunded sections of Kenya, specifically the north and north eastern parts of the country.<sup>75</sup> Specific programmes to be funded were then identified and money channeled by March. By the end of April 2011, about US\$6 million had been disbursed.<sup>76</sup> But even as the numbers rose, the Kenyan government was reluctant to open a portion of Dadaab which had been created in 2007. It cited security for local Kenyans as well as a potential environmental degradation.

### **Summary of Literature review**

This section has delved in previous literature on the subjects of humanitarian work, diplomacy and the humanitarian work at Dadaab camps. Diplomacy has a long history, and so is humanitarian work. We have seen that diplomacy is dynamic and new actors including non-governmental organisations have come on board to complicate the sovereignty of states. But the traditional diplomatic practice of negotiating with other entities on the international scene still

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<sup>73</sup> See details at [www.care.org/careswork/emergencies/dadaab](http://www.care.org/careswork/emergencies/dadaab).

<sup>74</sup> FEWSNET Executive Brief, *La Niña and Food Security in East Africa*, August 2010

<sup>75</sup> CERF Secretariat, *CERF funding in food and nutrition, including the recent response in the Horn of Africa*, October 12, 2011. p3.

<sup>76</sup> By April 13 a total of USD 5,993,848 had been disbursed from CERF Underfunded Allocations to WFP, WHO, UNHCR, IOM, and FAO.

exists. Therefore, even as new actors join in, negotiation for certain objectives remains a key goal of engagement. For state diplomats, negotiation may mean trying to attain specific interests of their states such as better trade terms. For humanitarian workers, it may mean lobbying, campaigning or demanding that certain policies or laws are changed, more money is pumped into humanitarian work or that they be allowed access to victims of war. Humanitarian workers in doing their work use certain tactics to reach their goals. They include raising awareness, trying to change behaviour of actors, negotiating, and researching and publishing on the issue or organising conferences. However, these methods are dependent on each situation and are only valid at specific times. Finally, the Dadaab refugee crisis of 2011 was a result of problems affecting the Horn of Africa. It was a drought that led to famine and conflict which meant people had to flee, to camps in Kenya. Humanitarian agencies involved had to raise money and help the refugees by giving food, clothing, shelter, healthcare and other needs.

### **Research Gap**

There is plenty of literature on activities of humanitarian aid and diplomacy. There is also plenty of research on how humanitarians campaign for their cause. This study was meant to find out how they do in Kenya, in relation to the specific incidence of the Dadaab Refugee crisis of 2011.

#### **1.7.0. Theoretical Framework**

This research was based on Constructivism. This theory, introduced by Nicholas Onuf<sup>77</sup>, suggests that variables in international relations such as military might, humanitarian aid, trade,

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<sup>77</sup>Quoted in Robert H. Jackson & Georg Sorensen, *Introduction to International Relations; Theories and Approaches*, 4<sup>th</sup> Ed., Oxford, Oxford University Press, 2010, Pp.65-67. See also, Nicholas Onuf, "Worlds of our Making: The Strange Career of Constructivism in International Relations," in Donald J. Puchala, Ed., Columbia, University of South Carolina Press, 2002, P1-3. He argues that actors on international scene are social agents conditioned by social relations.

international institutions and national preferences have social meanings, rather than naturally constructed, from historical interactions, norms, beliefs and ideas that influence state behaviour.

This social context is based on identity and belief; what friends or friends think of you or what is just or fair in the eyes of the international community. Thus, while states may be self-interested or rational actors, their actions are dependent on certain beliefs or identities under which they compete for power<sup>78</sup>. Constructivism acknowledges the role of social norms in the international arena. Thus states act based on what is good at a given time (logic of appropriateness) and what will bring good results and guard reputation (logic of consequences). This means that states act on a cost-benefit analysis but this analysis is influenced by social norms.

Here is where the role of non-state actors comes in. Constructivists generally believe that NGOs or multinational corporations may change beliefs of states on issues like whaling, trans-border-trade, oil pollution or security and human rights. They do that using researching and publishing on issues, lobbying or convincing decision makers. But in all these, these non-state actors are players on their own often competing with interests of states<sup>79</sup>.

This theory is appropriate in explaining certain decisions of the state where non-state actors are involved. It also our systems analysis of international relations on the basis that states may be free to decide the way they want but being successful in that decision requires that a decision has to be reasonable to the international community: There are certain forces that affect behaviour of states<sup>80</sup>. Thus, states as sovereign as they are face restraints that influence their actions and those of other actors.

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<sup>78</sup> Alexander Wendt, *Social Theory of International Politics*, Cambridge, Cambridge University Press, 2000, Pp.73

<sup>79</sup> Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, London, Cornell University Press, 1998, P.p2-10, 38-75.

<sup>80</sup> See for example an argument on how systems analysis helps understand how 'external stimuli' impinge on state behaviour in J. David Singer, "The Level-of Analysis Problem in International Relations," *World Politics, The International System: Theoretical Essays*, Vol.14, No.1, October 1961, Pp.77-92.

### **1.8.0. Methodology**

This section details how this study was conducted as follows.

#### **1.8.1. The Study design**

A research design is supposed to act as a guide in the collection, analysis and interpretation of data. It is about what to study, when to study and how to study.<sup>81</sup>

Thus, data for this study was on the Dadaab refugee crisis of 2011. The humanitarian agencies involved in the crisis and the Kenyan government was the focus and the source of data. This research was conducted within the set timelines of this programme, namely between April 2014 and August 2014. For purposes of the study, the target for information was international humanitarian aid agencies that have worked at Dadaab since January 2010 or before. The idea was to cut out organisations that were not involved in the crisis.

#### **1.8.2. Study site**

This study was focused on humanitarian events during the crisis of 2011 at the Dadaab refugee camp. This camp occupies about 50km<sup>2</sup> and lies within the semi-arid Garissa County, about 100 kilometres west of the Kenya-Somalia border. This site was chosen because it was the host of those who fled drought in Somalia and swelled the camp and eventually caused the crisis. At the height of the crisis, the population rose to more than 600,000.<sup>82</sup> This was also the focus of humanitarian agencies and the Kenyan government.

#### **1.8.3. Target population and Sample Size**

The target population for this study consisted of international humanitarian agencies working at Dadaab camps since 2010 or before and the government of Kenya. A population in

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<sup>81</sup>Chava Frankfort-Nachmias & David Nachmias, *Research Methods in Social Sciences*, 5<sup>th</sup> ed., New York, Oxford University Press, 1996, Pp.99-105.

<sup>82</sup>UNHCR bulletin, Sept 2011.



this situation was the aggregate of all cases that conformed to certain designations for this study<sup>83</sup>. As shown earlier, these designations were either relief agencies of international humanitarian status or were government agencies of the GoK, existed at the camp during the crisis but were not aid agencies owned by foreign governments. Since a list of all international humanitarian agencies involved in the crisis could be obtained from the UNHCR which coordinates humanitarian response for refugees and Kenya government, this study used purposive sampling<sup>84</sup>. Moreover, an available government structure clearly indicated which Kenya government departments were involved in the crisis. Only departments of GoK that were actually involved in the crisis were studied. The Units of analysis for both government departments and humanitarian agencies were the leaders or field officials of programmes for those agencies or at least officials designated to respond on behalf of their organizations.

#### **1.8.4. Data Collection Methods and Instruments**

Data collection for this study was both primary and secondary data. Secondary data was mainly a review of reports or any other written material on the crisis. Primary data was collected using mainly interviews with representatives of humanitarian agencies, as well as relevant government departments, present at Dadaab during the crisis, government officials involved in decision making. Sometimes these interviews were virtual; done through social media such as Skype to beat the barrier of convenience. Of the selected humanitarian organisations, nine out of the 15 agreed to be interviewed. Two agreed to give written responses to the interview questions.

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<sup>83</sup>IsidorChein, "An Introduction to Sampling," in ClaireSellitz, et al, *Research Methods in Social Relations*, 4<sup>th</sup> ed., New York, Holt, Rinehart and Winston, 1981, Pp. 418-420.

<sup>84</sup>As at June 2011, UNHCR indicated on its website 15 permanent humanitarian agencies working at Dadaab. See also Fred Nyongesa Ikanda, "Factors that Influence Local Attitudes towards refugees in Kenya," Unpublished Master of Arts Thesis in Anthropology, University of Nairobi, April 2004. He applied purposive sampling because there were few knowledgeable respondents who could be accessed based on convenience.

The rest declined to respond to questions citing lack of sufficient time, but generally shared organizational documents on the crisis to compensate.

### **Interviews**

This was either face-to-face conversation meant to extract relevant information from a respondent or virtual interviews based on a structured set of questions. Interviews were important in ensuring respondents give responses in time. Respondents' convenience meant interviews could only happen when they were ready. To circumvent this problem, respondents often suggested colleagues to replace them as they were only responding on issues concerning the organizations they worked for. In some instances though, respondents suggested virtual meetings such as SKYPE.

### **Validity and Reliability of Data Collection Instruments**

Validity is about measuring what is intended in the research and whether the population in question is adequate. Reliability on the other hand means the extent to which a method used can produce similar results under similar conditions by other researchers.<sup>85</sup> This study was valid since data was collected from those intended. Since this was a study into a past event, information gathered was dependent on informant's memory aids or available recorded information. It is generally understood that social research measuring instruments contain variable errors from one study to the next. These result from respondents' destruction, ambiguity in instructions, technical breakdown and language barrier.<sup>86</sup> To circumvent this problem, first each sampling unit had to meet the criteria indicated above. Secondly, the instructions in interviews or questionnaire were not ambiguous questions and the instructions administered to a category of respondents did not change.

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<sup>85</sup>See Nachmia&Nachmias, 1996, Pp. 166-172.

<sup>86</sup>*Ibid*

## **Data Presentation**

This study involved qualitative analysis of data through content analysis which was coded based on themes and subthemes. As such, direct quotations, explanations, discussions and interpretations have been used to buttress qualitative information in relation to the research objectives. Descriptive data gathered is presented in tables and graphs.

## **Ethical Considerations**

The findings for this study will only be used for academic purposes. Data was only collected from those organizations who voluntarily accepted to be respondents and from publicly available documents from target organisations. This helped avoid breach confidentiality. Moreover, respondents who requested to remain anonymous have remained as such to protect them from any possible reprimand for giving information. Generally, this research benefited from the large number of humanitarian agencies ready to share information for academic studies.

### **1.9.0 Scope and Limitations of the study**

This study focused on the Dadaab refugee camp in Kenya and based on incidents between January 2010 and February 2012. The UN declared the crisis in May 2011 and lifted it in February 2012. This research was conducted between April 2014 and August 2014. Therefore, the findings, analysis and conclusions are based only on the information gathered during this period and based on events between January 2010 and March 2013 concerning the Dadaab refugee camp. This study was limited by time and based on a specific historical episode.

## **Chapter Outline**

The report for this study is structured in such a way that Chapter One covers the introduction, gives background and justification to the study as well as delves into the concept of humanitarian diplomacy from the general perspective to the specifics at Dadaab Refugee camp. The second chapter deals with how humanitarian diplomacy was used in response to the Dadaab refugee crisis of 2011. This segment describes how the 2011 crisis involved humanitarian diplomacy. Chapter three gives a detail of the specific activities of actors involved in the Dadaab crisis. These are the Kenyan government and humanitarian agencies such as key UN organizations like UNCHR, WFP and UNICEF as well as and other non-governmental organizations involved in humanitarian aid during the crisis. Chapter four discusses how humanitarian agencies influenced the Kenya government decisions on Dadaab during the 2011 crisis. The final segment of this report, Chapter five, gives conclusions to the study.

## CHAPTER TWO

### HUMANITARIAN DIPLOMACY AT THE DADAAB REFUGEE CAMP

#### 2.1 Introduction:

Constructivism is a theory of international relations that helps explain how social contexts may determine decisions of international actors. The underlying concept in this report is humanitarian diplomacy and it is based on the tenets of constructivism. This Chapter is therefore an attempt to link constructivism with humanitarian diplomacy and then put the 2011 Dadaab refugee crisis in the context of humanitarian diplomacy. By so doing, this will be a detailed explanation on how the concept of humanitarian diplomacy, as defined in chapter one, applied to the Dadaab refugee crisis of 2011.

#### 2.2 Constructivism and the world of norms in humanitarian crises

Constructivists generally believe there are several ‘worlds’ of our world<sup>87</sup>. This implies that states as international actors may provide the world view as that made of sovereign states independent of one another. But there is also another world of standing, the one of image, among other actors. This is the social world, which is more often a complex form of networks loosely formed by actors. These networks change with time, often affecting that of statehood. States and indeed other international actors may be limited in interaction in the way they stick to formalities. For example, the representation through diplomats who must gain full powers and who must be accepted in the receiving state to work, but under specific code of conduct as stated

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<sup>87</sup>Nicholas Onuf, “World of our Making: The Strange Career of Constructivism in International Relations,” in Donald J. Puchala, ed., *Visions of International Relations*, Columbia, University of South Carolina Press, 2002, Pp.40-51.

in the Vienna Conventions of 1961 and 1963. These diplomats often work as agents of states. They often claim to work for their employers (states) and hence defend the state interests in their conduct (sometimes not the case). By doing this, they provide an image of people working as representatives of states and hence making statehood powerful in the way their lives revolve around what state interests they should pursue. Onuf<sup>88</sup> has called this phenomenon a desire to make states seem indispensable. Although functionalists have previously said the rise of technology and social networks beyond state border would weaken the concept of sovereignty by strengthening international organizations, statehood is still powerful.

However, the rise of technology has transformed the way states operate. For one, it has made state boundaries more porous as people of different nationalities actually belong to different 'worlds' and constantly exchange information among them. The world is therefore in constant social construction. In addition, while growth in technology has not necessarily 'killed' sovereignty, the rise of international organizations with a global outreach, such as humanitarian organizations means the world is now more organized: The continued existence of states have bequeathed the working model (often formal) to a world that is more organized, based on the operations of the states but which now transcends state boundaries to beat state limits<sup>89</sup>. That is, non-state actors do not have any legal autonomy away from state control; they have to work subject to rules of these states. But states operate the way they do partly as defined by their historical social interactions. They may be regulated by a pattern or laws or treaties or could be tuned by norms in the international arena.

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<sup>88</sup>*Ibid*

<sup>89</sup>*Ibid*

### 2.2.1 Identity shaping and norms in influencing international interactions

Constructivism is based on three pillars: That the Society is defined by what it does, that speech and its rules are the media of social construction and that rules determine how to transform material into resources for that society. This implies that first, international relations as a form of social relations is a process where agents of international actors establish their identity<sup>90</sup>. Changes in this establishment are determined by changes in social relations. As such, rules by a society form a means of social construction. These actors express their views in a language which in turn becomes a norm of their conduct. And since rules transform available materials into resources, they present an opportunity for one actor to control the other because some gain advantage while others miss out; these rules lead to asymmetry in benefits derived from following them, but this is a rule that creates the international society.

Social constructions may be loosely conceived but they give a better understanding of how identities are formed<sup>91</sup>. Emphasis on rules means agents of international actors justify their choices based on what others see as ethical or acceptable. This also means that we can predict who, under what circumstances, can access to the resources that the rules have permitted. These circumstances vary and the fact that international actors have different goals also means the benefits are uneven<sup>92</sup>. The actions of societies or groups or their leaders are therefore constrained by the demanding requirements placed on them by the international system, so that their actions are within expectations. If they don't, they lose respect, get sanctioned or are avoided generally by other actors. North Korea's leadership is a case in point. The United Nations has released reports in the past five years detailing how people in North Korea are overworked, the dissent are

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<sup>90</sup>*Ibid.*

<sup>91</sup>Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics," *International Organization*, Vol.46, 1992, Pp.383-42; P.393.

<sup>92</sup>Nicholas Onuf, "Everyday Ethics in International Relations," *Millennium: Journal of International Studies*, Vol. 27, 1998, Pp.669-93.

suppressed through detention and starvation while cases of malnutrition among children on the rise<sup>93</sup>. Culture keeps growing within the international system. For example, states are now increasingly abandoning dictatorships or aristocracies for democracy or the general rule of law where leaders respond are accountable to the public and there is less discrimination. For Myanmar (Burma), continued isolation meant the military junta had to abandon democracy and even release political activist Aung San SuuKyi to continue interacting limitlessly with other states<sup>94</sup>. More recently, Saudi Arabia, a monarch allowed women to stand for elections or vote.<sup>95</sup>

Realists generally state that states attempt to win more power and wealth for their own existence to be assured. But Constructivists add that, like wealth and security, states routinely seek self-esteem and this affects the way they interact in the international system<sup>96</sup>. Sometimes leaders may sacrifice their own political careers to attain it. In the early 20<sup>th</sup> century, Woodrow Wilson then the US President issued his 14-point declaration. The Congress rejected his request for the US to join the League of Nations, even though his desire was to have a more open and peaceful world<sup>97</sup>. The rules of interactions provide opportunities for some actors to use materials permitted to them to influence the decisions that other actors may make regarding certain actions based on the rules available. That is how enforcement or deterrence exists in the international system.

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<sup>93</sup>See United Nations Human Rights Council, *Report of the Detailed findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, Human Rights Council, 25<sup>th</sup> Session, Agenda Item 4, Human Rights Situations that require the Council's Attention, February, 7, 2014, Pp.45- 333.

<sup>94</sup>See BBC, "Burma Releases Pro-democracy leader Aung San SuuKyi", Nov 13, 2010. Available at : [www.bbc.com/news/world-asia-pacific-11749661](http://www.bbc.com/news/world-asia-pacific-11749661). Accessed on July 05, 2014.

<sup>95</sup>See Neil MacFarquhar, "Saudi Monarch Grants Women Rights to Vote," *The New York Times*, September 25, 2011. Available at: [www.nytimes.com/2011/09/26/world/middleeast/women-to-vote-in-saudi-arabia-king-says.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/09/26/world/middleeast/women-to-vote-in-saudi-arabia-king-says.html?pagewanted=all&_r=0).

<sup>96</sup>Richard Ned Lebow, *A cultural Theory of International Relations*. Cambridge: Cambridge University Press, 2008, Pp.12. 16, 40.

<sup>97</sup>Edward Hallett Carr, *The Twenty Years Crisis, 1919-1939: An Introduction to the Study of International Relations*, New York, Harper & Collins, 1981 [Originally London, Macmillan and Company Ltd, 1939] Chapter 4: "Harmony of Interests" Available at: <https://www.mtholyoke.edu/aca/intrel/carr.htm>. Accessed on July 02, 2014.



These rules may not naturally exist, but are introduced by actors who in turn institutionalise them into known structures. Joseph Nye and Robert Keohane have called this phenomenon ‘transnational relations’ and define them as the movement of both “tangible and intangible” items beyond state borders by actors who include states and at least another agent of a non-state actor<sup>98</sup>. This type of relations, the authors argue, fall into five forms: attitude change, increased constraints on states through dependence and interdependence, increase in capacity of some actors influencing others, emergence of autonomous players with separate foreign policies from those of states but which may compete with state policies and growth in international pluralism. Constructivism assumes that identities of actors vary based on history, culture, politics or social setting. Thus, state interests determine their choices. This means that states or international actors have several choices of action before them but which are constrained by social realignments mutually constructed in the international arena. Practices, identities and interests serve to constrain actors in a certain way.

To understand constructivism, we need to understand how structures in the international system constrain or facilitate actions of international actors or how they even deviate from these structures (the regulators of behaviour)<sup>99</sup>. These constraints come in the shape of power and how it is distributed in the system, market forces and how actions produce or sustain these two. International actors relate through a set of norms and practices which in essence give meaning to actions taken by the actors. Thus, once an actor has acted, norms help other actors to define an identity by choosing out actions which others can recognise when they relate the action and hence respond as required. For example, in 2007 and 2009, the Kenyan government attempted to

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<sup>98</sup> Joseph Nye & Robert Keohane, “Transnational Relations and World Politics: An Introduction,” *International Organization*, Vol.25. No.3, 1971, Pp. 329-349;332&337.

<sup>99</sup> Ted Hopf, “The Promise of Constructivism in International Relations Theory,” *International Security*, Vol. 23, No. 1, (Summer) 1998, Pp. 171-200.

close down the border with Somalia and hence keep away refugees fleeing violence. But international pressure especially from donors and other humanitarian organisations forced Kenya into reopening the border. For the international community, closing the border violated the principle in the 1951 Refugee Convention which forbids turning away a person seeking refuge. It was therefore a disobedience to a long-held norm created by rules (the Convention) as well as the Universal Declaration of Human Rights which states at Article 14(1) that: “Everyone has the right to seek and to enjoy in other countries asylum from persecution”<sup>100</sup>. The action of Kenya to close the border initiated a response by human rights critics based on an identity that Kenya is a signatory and therefore a member of the community of nations that have promised to respect the rights of refugees before.<sup>101</sup> This principle applies in our daily lives. For example, if 1000 people were on a ferry that suddenly starts to sink, the rules of who to rescue first cannot be determined by who is strong enough to wrest lifeboats from others, but by our culture of protecting the most vulnerable first. Hence, it will be common to first allow the children, elderly and women to get out before reaching out on able-bodied men. Hence crises can best be understood by looking at a people’s culture, institutions, norms and rules of that community, rather than distribution of power or arrangement of authority.

Identities in the international arena are important in predicting possible outcomes. Identities help actors make preferences and choice of actions because they help know others’. For example, the identity of Kenya means its preferences and actions. By constantly reproducing its identity through actions of allowing in refugees or permitting humanitarian agencies to deliver aid, Kenya gets understood by other actors who attach these actions to a common identity of

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<sup>100</sup>BBC, “Kenya close border with Somalia”, January 3, 2007. Available at: <http://news.bbc.co.uk/2/hi/6227083.stm>. Accessed on July 01, 2014.

<sup>101</sup>See Amnesty International, “Kenya: Denied Refuge: The Effect of the Closure of the Kenya/Somalia Border on Thousands of Somali Asylum-Seekers and Refugees”, AI Index: AFR 32.002.2207, May 02, 2007, Pp.2-7.

respect to humanitarian law. Identities can only be determined by those watching the behaviour of the actor because the actors cannot control how others see them. For example, a number of countries in Eastern Europe such as the former Yugoslavia misunderstood Russia as a synonym for the Soviet Union. Despite the Union marketing itself as being more than Russia and including all the other republics, most of its administrative work was conducted in the Russian language as the official language<sup>102</sup>.

In the international arena, these social relations among actors manifest themselves through diplomacy (for states). When diplomacy is elevated to the level of states with non-state actors especially during humanitarian crises, we term it humanitarian diplomacy. This kind of diplomacy, as we saw in the previous chapter, exists because there is some form of politics that exist between humanitarian organizations and states. That is, while these organizations do not pursue interests similar to those of states, there is often some form of struggle; a bid by humanitarian organizations to raise funds or be allowed access to those in need of humanitarian assistance. That is, even in times of humanitarian crises like that of the Dadaab Refugee camp in 2011, international politics continues to happen. And humanitarian agencies engage themselves with governments or their agents by providing information, use of celebrities, making journalistic tours, or meeting political leaders to try and convince them<sup>103</sup>.

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<sup>102</sup>See Nicholas Onuf, 1998, P.175.

<sup>103</sup>See Caitlin Byrne, *Public Diplomacy and Constructivism: A Synergistic and Enabling Relationship*, Paper Presented to the International Studies Association Annual Conference San Diego, Panel: Public Diplomacy Theory and Conceptual Issues, April 1-4, 2012.

### **2.3 Humanitarian Diplomacy at the Dadaab Refugee camp**

Dadaab Refugee camp had a population of 423, 496. 51% of them are female while 58 % of the entire population of refugees is younger than 18 years during the height of the crisis. While this number varied from time to time depending on the situation in Somalia, this figure was nearly five times the original maximum number (90,000) permitted to be hosted at the camp when it was launched in 1991. This crisis was reflected in the number of humanitarian agencies involved at the camp either directly or indirectly. Figure 2.1 shows the distribution of humanitarian agencies working at Dadaab by the time the crisis was drawing to a close in February 2012. Operational agencies are those involved in the continuous design of development-related projects. For example, Save the Children is one of the operational humanitarian agencies. It has an establishment at Dadaab refugee camp, but also in other parts of Kenya and works in more than 120 countries around the globe.

Type of organization	Governmental	Non-Governmental	Inter-Governmental
<b>Implementing</b>	Department of refugee Affairs (Kenya) Ministry of Health Kenya Ministry of Internal Security Ministry of Immigration	CARE International Danish Refugee Council Oxfam Hebrew Immigration Aid Society International Rescue Committee Lutheran World Federation Save the Children Norwegian Refugee Council Windle Trust UK -Kenya Red Cross Society/ICRC	UNV UNHCR FAO WHO
<b>Operational</b>	Ministry of Education (Kenya) Ministry of Health (Kenya) Ministry of Immigration (Kenya) Ministry of Internal Security	Action Against Hunger Catholic Relief Services Handicap International International Life Line Fund Doctors without Borders (MSF) Terres des Hommes World Vision International	UNHCR IOM OCHA UNFPA WFP UNAIDS WHO

Fig.2.1: A list of international humanitarian agencies involved at the Dadaab refugee camp at the height of the crisis in 2011. UNHCR was the lead humanitarian organization. This list excludes NGOs working only in Kenya. It also excludes other governmental agencies like the German International Development agency (GIZ) even though they worked at Dadaab because they don't fit our focus of the study based on our definition of INGOs. The list includes Kenyan government departments only for illustration purposes and not as a depiction of separate entities within the same government. Adapted from: UNHCR, "2012 UNHCR Partners in Kenya", Available at: [www.unhcr.org/pages/49e483a16.html#KENDA](http://www.unhcr.org/pages/49e483a16.html#KENDA).

Implementing agencies are those involved in applying designed policies or strategies to use. They may not necessarily put apply their policies, but they adopt other organization's programmes and support them. These agencies represent a wide range of international actors. For example, the Kenyan departments involved at the camp represent the overall interest of the Kenyan government in the camp. The Camp being situated near the border with a war-torn country represents a security situation for the country. Kenya's security affairs fell under the Ministry of Internal Affairs. But the coming in of refugees meant they had to be vetted and registered before being allowed to the camps. If this camp was full already, it would represent a dilemma; overpopulation was bad for the environment and eventually a potential to deplete the scanty resources for local communities.<sup>104</sup>

However, the goals of the humanitarian agencies remained purely on assisting the needy. UNHCR for instance stated on its website that it will continue to "count on the hospitality extended to the asylum-seekers and refugees by the government and the people of Kenya. At the time, there were 625, 250 refugees and asylum seekers in Kenya."<sup>105</sup> The UN Refugee Agency further added that it would maintain "strategic partnerships to ensure the effective protection" of the refugees and all asylum seekers by collaborating with the executive, parliament, judiciary and the media and other humanitarian agencies. The specific activities of UNHCR and other agencies during the crisis will be discussed in the next chapter. However, UNHCR's mentioning of the categories of institutions for "partnership" were important in the operation of UNHCR because of the issues at hand during the crisis, which we will discuss shortly. The UN Refugee reported at the time that at least 1,500 refugees were coming in daily; escaping drought and

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<sup>104</sup>See for example a furtherance of this dilemma by Peter Kirui & James Mwaruvie, J., "The Dilemma of Hosting Refugees: A focus on the Insecurity in North-Eastern Kenya," *International Journal of Business and Social Science*, Vol. 3 No.18, (April) 2002, Pp.161-172.

<sup>105</sup>See UNHCR, "UNHCR 2011 Planning Figures for Kenya", UNHCR. Available at: [www.unhcr.org/pages/49e483a16.html#KENDA](http://www.unhcr.org/pages/49e483a16.html#KENDA). Accessed on July 01, 2014.

violence in Somalia<sup>106</sup>. At this rate, the population at the camp swelled leading to a number of humanitarian issues.

## **2.4 Humanitarian issues at the Dadaab camp during the crisis**

As the number of refugees increased, a number of problems requiring humanitarian diplomacy were faced by humanitarian agencies led by the UNHCR. This study will discuss some of those issues here.

### **(a) Decreased humanitarian assistance**

Longer drought period in most parts of Somalia had led to the poorest grain yields since the 1993 famine. While this drought forced more people to migrate to the Dadaab refugee camps, there were decreased humanitarian aid channeled to these people occasioned by the continuing violence and the fact that the crisis followed a huge global financial crisis at the time<sup>107</sup>. This problem had partly been predicted several months back in August 2010 when the Famine Early Warning Systems Network (FEWSNET) declared *La Nina* saying it would be accompanied with “drier-than-normal conditions” during the October-December rainy season in the Eastern parts of East Africa<sup>108</sup>. At this time, the UN Under-Secretary General and Emergency Relief Coordinator (USG/ERC) allowed the use of the Central Emergency Fund (CERF) to help boost underfunded programmes in Kenya. Although US\$6 million had been disbursed by April 2011, the decision to implement it was slow and only came after May 2011, at the height of the crisis<sup>109</sup>. Hence the initial task for humanitarian agencies was to raise funds. One of the basic tenets of humanitarian

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<sup>106</sup>Francesco Checchi & W. Courtland Robinson, *Mortality among Populations of Southern and Central Somalia Affected by Severe Food Insecurity and Famine during the 2010-2012*, A Study Commissioned by FAN/FEWSNET from the London School of Hygiene and Tropical Medicine and John Hopkins Bloomberg School of Public Health, Rome, May 2, 2013, P.20.

<sup>107</sup>*Ibid*, See Introduction.

<sup>108</sup> FEWSNET Executive brief, *La Nina and Food Security in East Africa*, August 2010.

<sup>109</sup>These recipient organisations included WFP, UNHCR, WHO, UNHCR, IOM and FAO.

diplomacy as we observed in the previous chapter is that humanitarian agencies focus more on getting maximum support for their programmes by building partnerships and getting funds necessary to meet their goals<sup>110</sup>.

UNHCR at the time announced that it needed at least US\$185 million to meet the cost of hosting the refugees. At this time, humanitarian agencies needed to get the message out urgently to raise money. A joint report by Oxfam and Save the Children after the crisis noted that one reason agencies faced difficulties to raise money was that it all depended on getting “significant media and public attention--which did not happen until the crisis point was reached.”<sup>111</sup> And according to the Global Emergency Group Inter-Agency Standing Committee (IASC), the motivation to respond to the crisis was stirred by the passionate media attention both in Kenya and internationally.<sup>112</sup> In a study he conducted on the role of the media as an instrument in diplomacy and politics, Eytan Gilboa<sup>113</sup> identified three models in which the media was useful in advancing (foreign) policy: They included public diplomacy, where state and non-state actors used the media outlets and other channels of communication to sway public opinion in foreign societies; media diplomacy, where officials used the media to promote conflict resolution; and media-broker diplomacy, where journalists assumed the role of diplomats and served as mediators in international negotiations. In this case, and focusing on the second model, international actors use of the mass media to communicate with other state and non-state actors, to build confidence, advance negotiations as well as to mobilise public support for agreements or

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<sup>110</sup>Philippe Reigner, “The Emerging Concept of Humanitarian Diplomacy: The Identification of a Community of Practice and Prospects for international Recognition,” *International Review of the Red Cross*, Vol.93. No.884, (December) 2011, Pp.1220-30.

<sup>111</sup>See Save the Children & Oxfam, *A Dangerous Delay: The Cost of Late Response to Early Warnings in the 2011 drought in the Horn of Africa*. (A Joint Agency Briefing Paper, Save the Children & Oxfam) January 18, 2012, P.4

<sup>112</sup>IASC, *Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Crisis*. (Washington: The Global Emergency Group RTE Team.), Pp.4-8.

<sup>113</sup>Eyton E. Gilboa, “Mass Communication and Diplomacy: A Theoretical Framework. *Communication Theory*, Vol.10. No.3. (August) 2000, Pp. 275-309.



certain decisions. Although some critics<sup>114</sup> have claimed the media came in to use the crisis and advance their ratings, it appears they were a great tool for humanitarian agencies to market the crisis. Some scholars have argued that that these agencies profited from the fact that the media does not change policies, but offers environment to make such policies or policy campaigns. Archetti for instance asserts that since the media had the power to set agenda through which the public or in this case humanitarian agencies could gain, by forcing a decision to donate towards the emergency. The media was therefore a chord for a “triangular relationship” between the public and humanitarian agencies and policy makers by ‘constraining’ rather than ‘controlling’ their decisions and work environment<sup>115</sup>. As the chart in Figure 2.2 shows, colossal amounts of money were required to push through the crisis. The UN through CERF had already disbursed some money as indicated earlier. However, this money was not immediately put to use as the Kenyan Government only declared an emergency (and hence allowed humanitarian access to the camp) in May 2011, three months after the last FEWSNET update. The funding peaked in the month of July, the same month the UN declared famine in two regions of Somalia, which had contributed to the swelling of numbers at Dadaab. For the entire Horn of Africa, the UN appealed for more than US\$2.5 billion to handle the crisis as Somalia’s famine gobbled up US\$35 million more.

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<sup>114</sup>See for instance Yuliya Kovalenko, “Debunking the CNN effect,” *Consultancy Africa*. 2011. Available at: [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=1103:debunking-the-cnn-effect&catid=60:conflict-terrorism-discussion-papers&Itemid=265](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=1103:debunking-the-cnn-effect&catid=60:conflict-terrorism-discussion-papers&Itemid=265). Accessed on December 06, 2013.

<sup>115</sup>C. Archetti, *Media Impact on Diplomatic Practice*, Paper presented at the American Political Science Association (APSA) Annual Convention, Washington, DC, September 2-5, 2010, Pp.4-11.

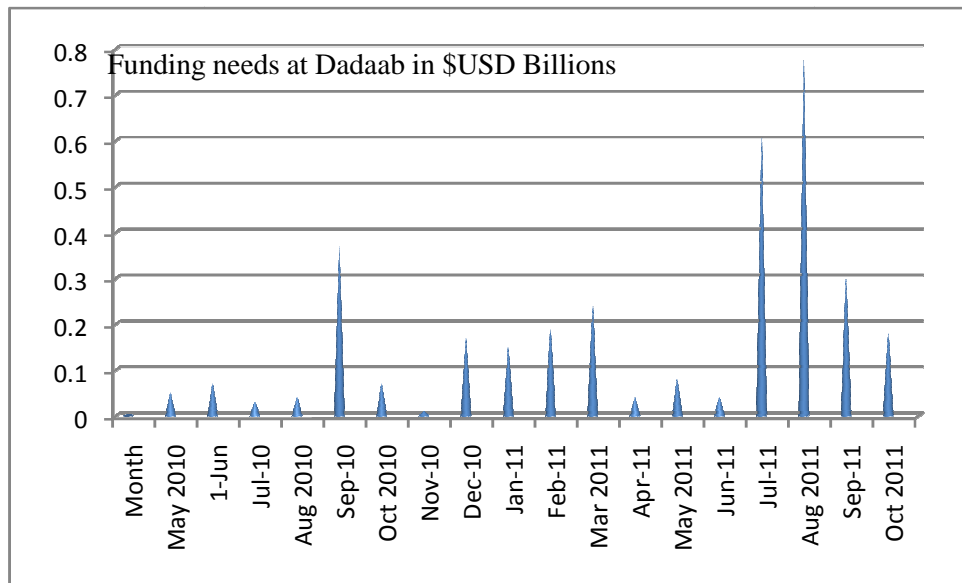


Fig 2.2: Adapted from the OCHA Financial Tracking Service, 2011. Notice these figures are incomplete since Humanitarian agencies only report the figures voluntarily.

### (b) New arrivals at the at the Camp

Overcrowding became another issue which called for greater humanitarian diplomacy to handle it. Having sustained an influx of 1,500 per day on average, the population at the camp stood as follows by September 2011<sup>116</sup>:

- (i) Dagahaley sub-camp- 133, 166
- (ii) Hagadera camp- 134, 684
- (iii) Ifo Camp- 131, 440
- (iv) Ifo 2 camp- 8,998
- (v) Ifo 3 camp-- 21, 116
- (vi) Kambios sub camp 3, 753

These numbers required that the camp be expanded to accommodate more. Kenya government argued then that expanding the camp would be detrimental to the environment

<sup>116</sup>See Refugee Consortium of Kenya, *Monitoring Mission to Garissa and Dadaab 19<sup>th</sup>-22<sup>nd</sup> Sep 2011 Report*, P.1.

around the camp and that local Kenyan communities would suffer in the long run. UNHCR, under the law, had no powers to compel the government into accepting refugees but still the Commission warned that this delay would in fact degrade the environment in Dadaab more because the refugees were occupying and cutting down trees around the camp anyway<sup>117</sup>. But Kenya traditionally has scarce forest cover. The Kenya Forest Department for instance argues there is only 10 per cent cover of Kenya's more than 58,000km<sup>2</sup> area. Dadaab being located in a semi-arid region could therefore give credence to Kenya's argument against expanding the camp. But this was a humanitarian situation and traditionally, in Africa, influxes of refugees often involve peasants plucked from their farms and who can make do with any available vegetation to build shanties<sup>118</sup>. With this in mind, parties had to choose whether they could stick to their stands or change for the better of refugees. Kenya's stand was faulted for the fact that refugees were crowding outside the camp when an extension of it (Kambios and Ifo 2 and 3) was ready for use but remained vacant. It was an issue that required great negotiation. Moreover, if the argument was to protect the environment, the crowding outside the camp meant venturing into peasant land where vegetation could be destroyed.

The problem is not unique to Dadaab. In 1988, the United Nations passed resolution 43/131 urging governments to allow delivery of humanitarian aid to victims of disasters. States and in return humanitarian agencies were required to cooperate to speed up aid to the needy. There was another resolution (UN Resolution 45/100) which gave the UN the right to intervene in humanitarian situations. However, governments of states that passed these decisions have continued to stick by their sovereignty arguments and hence demand that aid agencies get

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<sup>117</sup>See for example, Aggrey Mutambo & Ouma Wanzala, "Security Crisis as Refugees Burst camps", *Daily Nation*, July 14, 2011, P.14

<sup>118</sup>See Z.K. Mathews, "The Role of voluntary organisations in the Refugee Situation in Africa," in Sven Hamrell, Ed., *Refugee Problems in Africa*, Uppsala, The Scandinavian Institute of African Studies, 1967, Pp.97- 110.

permission to give any help<sup>119</sup>. In the Ethiopian famine, authorities there refused to allow food aid delivered to areas controlled by rebels (present-day Eritrea). Donors and humanitarian agencies were not ready to go against this authorities stand even though it meant more deaths from starvation. This only means that while humanitarian agencies at Dadaab could do what the government was unable to do, they still had to operate within the government's requirements.

### **(c) Intervention humanitarian work**

Humanitarian agencies are usually flexible, as in situations such as the Dadaab refugee camp because they are thought to be keen only for humanitarian considerations. However, each of these agencies intervenes in crises only after evaluating the impact of doing so.<sup>120</sup> Humanitarian organizations like the UNHCR have mandates they must work within. To intervene, they follow procedures required of them. Others like Oxfam, ICRC or Save the Children have policies and strategies they work within. Incidents that fall outside their mandates are therefore ignored. But while their main concern could be humanitarian needs, critics have argued these agencies end up ignoring the fact that they feed those who include terrorists and sympathisers of conflicts<sup>121</sup>. Moreover, their mandates may not necessarily be the same. At Dadaab for instance, UNHCR was the lead agency for managing refugees, but it lacked expertise or personnel in healthcare or water drilling. Cooperation between agencies is therefore needed to plug the weaknesses of one agency with the strength of another in terms of budgetary ability, specialization and duration of their interventions<sup>122</sup>. Because there were so many agencies at

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<sup>119</sup>Joanna Macrae & Anthony Zwi, "Famine, Complex Emergencies and International Policy in Africa," in Joanna Macrae & Anthony Zwi, Eds., *War and Hunger: Rethinking International Responses to Complex Emergencies*, London, Zed Books with Save the Children, 1994, Pp.6-33.

<sup>120</sup>See Z.K Mathews, 1994, P.99.

<sup>121</sup>See Sarah Kenyon Lischer, "Collateral Damage: Humanitarian assistance as a cause of conflict," *International Security*, Vol. 28, No. 1, (Summer) 2003, Pp. 79–109

<sup>122</sup>Robert F Gorman, *Coping with Africa's Refugee Burden: A Time for Solutions*, Boston, MartinusNijhoff Publishers, 1986, Pp.58-64

Dadaab, some of their activities, as we will see in the next chapter, may overlap. This creates confusion and possible delays in handling the emergency. During the Dadaab crisis, aid agencies were criticised for taking too long to come in. For example, at the start of the crisis, *The Washington Post* criticised a conference organised by the African Union (AU) to try and coordinate response:

The region has suffered enough from the poor planning of world leaders, who keep pushing preventing the imminent deaths of millions to the bottom of their to-do lists. Many children in Somalia and Kenya do not have two weeks to live.<sup>123</sup>

The problem of lack of coordination was seen earlier during the Somali famine of 1991-93. At the time, observers say aid agencies either took long to make moves or were simply disjointed, with some even delaying to pay staff in the field. In return, at least 200,000 people died from starvation in Mogadishu.<sup>124</sup> At the Dadaab camp, one of the issues that required coordination was how to campaign for funds. Since donors were more or less the same, agencies had to come together to collaborate on how each of them was to be funded. Moreover, while delivery of aid was to benefit the refugees, it would be chaotic not to have channels of delivery and distribution such that the recipients would not be confused on where to go<sup>125</sup>. Besides, an exchange of information between agencies was necessary to boost their negotiation chances when dealing with the Kenyan government.

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<sup>123</sup>See the story at [www.washingtonpost.com/world/africa/somalia-famine-donor-conference-hosted-by-african-union-delayed-by-2-weeks/2012/08/03/giqayztwari\\_story.html](http://www.washingtonpost.com/world/africa/somalia-famine-donor-conference-hosted-by-african-union-delayed-by-2-weeks/2012/08/03/giqayztwari_story.html).

<sup>124</sup>See Alex de Waal, "Dangerous Precedents? Famine Relief in Somalia 1991-93" in Joanna Macrae & Anthony Zwi (Eds.), *Hunger and War: Rethinking International Responses to Complex Emergencies*, London: Zed Books with Save the Children, 1994, Pp139-159.

<sup>125</sup> Robert F. Gorman, 1986, P.62.

## **Chapter summary**

This chapter has dealt with the underlying concept of humanitarian diplomacy as based on the tenets of constructivism. Because actors in the international arena view others based on identities created by norms, it helps to understand how international humanitarian agencies and other actors respond to emergencies the way they do. For refugee crises like that of Dadaab, the norms created by the 1951 Refugee Convention and the general tradition of assisting the needy come to mind. And because states constantly seek wealth, national security and good reputation in the international arena, it helps understand why Kenya for example accepted agencies to deliver aid. Humanitarian diplomacy occurred at Dadaab refugee camp during the crisis because it involved several humanitarian agencies and the government of Kenya. The camp was therefore an international subject. During the crisis, humanitarian diplomacy was exposed through three key issues that arose: decreased humanitarian assistance, overcrowding in the camp and the need to coordinate efforts among agencies.

## CHAPTER THREE

### ACTIVITIES OF ACTORS AT THE DADAAB REFUGEE CAMP DURING THE 2011 REFUGEE CRISIS

#### 3.0 Introduction

Often, in times of humanitarian crises, the types of organisations commonly involved in providing humanitarian assistance include national relief departments, national NGOs, UN agencies, international NGOs and the Red Cross. This list may expand depending on operations taking place in particular contexts especially when displaced people across international borders. The number of NGOs during a crisis is influenced by humanitarian needs and by the level of media coverage of the situation<sup>126</sup>. During the 2011 crisis at the Dadaab Refugee camp for instance, some humanitarian agencies had the capacity to work across various sectors providing relief in shelter, food and nutrition, water and hygiene and health. But most were highly specialised and concentrated on one or two of these areas.

This chapter is therefore an analysis of the work these agencies were involved in during the 2011 influx. Since the agencies identified in the previous chapter were involved in more or less similar activities, this chapter will analyse their work based on the category of activities rather than specific actors involved. In the end, we shall be mentioning the organizations involved in those activities. This section excludes long-term aid activities of the agencies but focuses on short-term emergency relief programmes.

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<sup>126</sup> Adrian Wood, Raymond Arthorpe and John Borton, Eds., *Evaluating International Humanitarian Action: Reflections from Practitioners*, London, Zed Books, 2002, Pp.5-7.

### **3.1 The activities at Dadaab refugee camp in 2011**

Records and interviews with key staff of these agencies show that refugee status determination and security, coordination of operations, and delivery of aid were the key activities of at Dadaab during the crisis. The latter is divided into categories of health, food, shelter, water and sanitation, education and legal counseling.

### **3.2 Status Determination and security**

For individuals to be called refugees there is a certain procedure they have to go through. In Kenya, that procedure is managed by the Department of Refugee Affairs (DRA). Created under the Refugees Act of 2006, the DRA is headed by the Commissioner of Refugees and is supposed to, among others, “co-ordinate all measures necessary for promoting the welfare and protection of refugees... [And] receive and process applications for refugee status<sup>127</sup>. The Commissioner who also doubles up as a liaison person with humanitarian agencies is also Secretary to the Committee for Refugee Affairs which includes members from various ministries charged with security, foreign affairs, immigration, health and Office of the President. The official considers all applications for refugee status within 90 days. The time, according to the Refugees Act is supposed to allow him to explore the circumstances under which the person is applying to be refugee. These circumstances are based on both the Act itself and the Refugee Convention of 1951 as well as the AU Convention on Refugees, both of which Kenya is a signatory.

After reviewing the application, there can be two outcomes; the person was either rejected or granted refugee status. But it did not end there. The person would get three more

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<sup>127</sup> See Government of Kenya, *Refugees Act*, 2006, Section 6, 7 &8.



months to pursue an appeal before a body called the Refugee Appeals Board, in case his application was rejected. The entire cycle of application could therefore take at least six months. During the Dadaab crisis, this registration was placed before an official called the Refugee Camp Officer. Working as a representative of the Commissioner of Refugees, these officers (they were several of them at the various Dadaab sub-camps) were charged with managing the camps, receive and register asylum seekers and submit to the Committee of Refugee Affairs all applications for eventual determination of status. They were also charged with giving refugees identity cards, called alien cards and passes in case they wanted to travel out of camps and ensure all refugees are treated according to laws that Kenya subscribes to. In addition, their role was to ensure the camp remains in hygienic conditions; refugees don't tamper with the environment and had to protect the most vulnerable of the refugees such as women, elderly and children.

During the 2011 crisis, refugees were interviewed by the DRA by hearing individual cases and then applying refugee laws to decide. New arrivals were processed at a holding centre, within Dadaab camp. Before getting refugee status, these people were referred to us asylum seekers but they were still supposed to be treated according to laws that apply to refugees.

DRA's role was to issue them with alien cards, a form of identification and things often moved smoothly as people fled Somalia at the height of Somali insurgency group, al-Shabaab. But the drought ravaged the Horn of Africa and numbers of arrivals increased, from Somalia<sup>128</sup>. DRA staff often got overwhelmed leading to delays in processing.

“Our role was to give food rations, but we could only do that to those granted asylum-seeking passes. The queues were growing longer and each day, applicants were lining up from as early as

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<sup>128</sup>UNFPA, “Dadaab Population Swells as Hungry and Weary Families Arrive from Somalia,” United Nations Population Fund (UNFPA), August 05, 2011. Available at: [www.unfpa.org/public/home/news/pid/8123](http://www.unfpa.org/public/home/news/pid/8123). Accessed on July 21, 2014.

six in the morning, brave the hot sun throughout the day but still were not guaranteed of getting the passes,” remarked a World Food Programme (WFP) field official<sup>129</sup>.

It appears the idea behind the existence of the DRA and the active involvement of the Kenyan government is partly a lesson learnt from the 1994 Somali famine. Previously, Kenya had used a lax approach by registering and then allowing refugees to freely integrate in Kenyan communities. That changed in 1992 during the first Somali famine. An Eligibility Committee which had been assessing refugees at the time got overwhelmed by outpouring of new refugees from the Horn of Africa. UNHCR was asked to set up camps. Dadaab Refugee camp was born<sup>130</sup>. UNHCR contracted its partner organization then; Jesuit Refugee Service to be registering refugees. But this led to Kenyan government to stand aloof from the whole process of admitting refugees. The problem was that security agencies often mistreated the registered refugees. The Jesuit organization later gave up registration. The role reverted to UNHCR in 1999<sup>131</sup>. But in 2006; the Kenyan parliament passed the Refugee Act which formed the DRA. The role of DRA is to identify refugees then hand them over to the UNHCR for registration and onward assistance. At the Dadaab Refugee Camp, UNCHR received refugees who had passed through DRA. The whole process, besides the available laws, was also guided UNHCR Handbook on determination of refugee status.

During the Dadaab crisis of 2011, UNHCR had a third of its 416 officials<sup>132</sup> stationed in Kenya at the Dadaab sub-office. The primary role of the UNHCR, one field official at the Dadaab sub-office said, was to safeguard the rights and well-being of refugees. Accordingly, this was in conjunction with the government of Kenya, “working hand in hand to ensure every person

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<sup>129</sup>Personal Interview with WFP Official, Nairobi, July 23, 2014.

<sup>130</sup>GugliermoVerdirame, “Human Rights and Refugees: The Case of Kenya,” *Journal of Refugee Studies*, Vol. 12, No., 1, 1999, P.5.

<sup>131</sup>See *The East African*, Sep 7, 1998, P.3-4.

<sup>132</sup>See UNHCR, *Global Report*, 2011, P.4

fleeing from Somalia finds a safe haven in Kenya with an option to voluntarily return when conditions improve,”<sup>133</sup>. UNHCR was mandated to lead international action of protecting refugees had the primary purpose of safeguarding the welfare of refugees<sup>134</sup>. Therefore, even in the environment regulated by the Kenyan government, UNHCR strove to ensure every asylum seeker had gone through the entire application process.

“The decision to grant or deny refugee status to applicants was the onus of the government of Kenya (GOK). But as UNHCR, our role was first to guide the applicants on this procedure. Secondly, we took after the GOK in ensuring the refugees had a place to build temporary shelter.”<sup>135</sup>

Often, UNHCR ran into disputes with the government on whether more refugees should be admitted. With the camp occupying 50km<sup>2</sup>, the more than 1000 arriving per day meant that the camp had to be expanded. The problem with new arrivals meant that UNHCR had to balance between environmental conservation, which is part of their mandate in refugee protection, and ensuring no one was left out<sup>136</sup>. But in the course of registration and status determination, refugees found themselves getting detached from their families. Some humanitarian organizations specialised in assisting refugees reconnect with families. The International Red Cross (ICRC) through the Kenyan Red Cross Society (KRCS) introduced mobile phone service allowing refugees to renew contacts with relatives. At least 37,943 phone calls were made

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<sup>133</sup>Personal interview via Skype with the UNHCR official, July 26, 2014

<sup>134</sup>See UNHCR Mandate here:<http://www.unhcr.org/pages/49c3646cce.html>. Accessed on July 20, 2014.

<sup>135</sup>Personal interview via SKYPE with the UNHCR official, Nairobi, July 26, 2014

<sup>136</sup>See *Daily Nation*, July 18, 2011, P.17

including those by 4,749 minors looking for parents.<sup>137</sup> The Norwegian Council also offered legal counseling to those seeking asylum<sup>138</sup>.

### 3.3 Coordination of Response

Coordination in humanitarian crises helps assess needs of the crisis, manage flow of relief shipments to the recipients and monitor the distribution of such aid. This is because relief actions involve different institutions with varying ambitions and interests and their presence therefore calls for a need to forestall chaos<sup>139</sup>. A UNHCR manual at the time of the crisis conceded to this fact by stating that aid organizations could only be effective in giving assistance if they were coordinated<sup>140</sup>. In 2011, UNHCR tried to standardise response practices in coordinating emergency relief based on principles developed by the Inter-Agency Standing Committee (IASC). This is the primary mechanism for inter-agency co-ordination of humanitarian assistance which often takes into account the specific the needs of refugees and their host communities<sup>141</sup>. IASC at the time was composed of representatives of the UN operational agencies such as the UNDP, UNICEF, UNHCR, WFP, FAO, WHO, UN-HABITAT and OCHA as well as the NGO consortia.

During the crisis, Kenya's responsibility was to protect refugees admitted. But UNHCR was engaged in leading an inter-agency response as well as directing the government-humanitarian agency interaction. Coordination for refugee assistance often involved leadership

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<sup>137</sup> ICRC, *Annual Report, 2011*, P.186.

<sup>138</sup> See Norwegian Refugee Council, "About". Available at: <http://www.nrc.no/?aid=9127672>. Accessed on July 23, 2014.

<sup>139</sup> Peter Macalister-Smith, *International Humanitarian Assistance: Disaster Relief Actions in International Law and Organization*, Boston, Martins Nijhoff Publishers, 1985, p.110.

<sup>140</sup> See UNHCR, "Emergency Response", 2011, Available at: <http://www.unhcr.org/pages/49c3646cce.html>. Accessed on July 24, 2014.

<sup>141</sup> See more on IASC at: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=about-default>. Accessed on July 23, 2014.

by UNHCR in developing strategy for protection. Part of this led to the creation of a Working Group. In this case, the organization CARE was granted the duty of managing the Dadaab camp. The senior UNHCR official remembered how it was done: “We developed a systematic approach as is the norm with UNHCR. This helped to ensure that the people we wanted to assist got the help they needed. Often, it involved the principle of complementarity.”<sup>142</sup>

IASC was led by the UN Organisation for the Coordination of Humanitarian Action (OCHA). As the drought ravaged the Horn of Africa, OCHA’s head office in Nairobi became the focal point. First, OCHA had a role of mobilising relief money and raising awareness for the Dadaab crisis. “It is our mandate to keep the attention of the world tuned to the crisis. For this reason, we produced timely reports and analysis to strengthen our pith,” an OCHA official claimed<sup>143</sup>.

“We had a humanitarian team involving partners. The UNHCR was our leader in the whole emergency operation. But OCHA coordinated humanitarian financing, implementation of the response plan as well as advocacy for the crisis.”

The emergency requirement for the crisis in 2011 was US\$1,311,506. At the start of the crisis, the humanitarian network had just about \$478,600 in its kitty<sup>144</sup>. There was need to coordinate further response. Because funding and delivery of relief was crucial, humanitarian agencies at Dadaab employed the key IASC principles which help to maneuver through complex humanitarian agencies. They included agreeing on a system of humanitarian policies, allocating responsibilities amongst agencies, determining ethical approaches, advocating for humanitarian

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<sup>142</sup>Personal Interview via SKYPE with UNHCR official, Nairobi, July 26, 2014.

<sup>143</sup>Personal Interview with OCHA official, Nairobi, July 22, 2014.

<sup>144</sup>See OCHA, “Humanitarian Financing”, 2011. Available at: [www.unocha.org/easternafrika/financing/humanitarian-financing](http://www.unocha.org/easternafrika/financing/humanitarian-financing). Accessed on July 24, 2014.

principles and full respect for human rights.<sup>145</sup> Much of the health services coordination was done through weekly briefing meetings in Nairobi and included WHO, UNICEF, UNHCR, OCHA, IFRC, key donors as well as other humanitarian NGOs like Oxfam, Save the Children and MSF<sup>146</sup>.

### **3.4 Emergency response and aid delivery**

At the height of the crisis, there were organizations involved in specific categories of aid to the refugees. These included health, food, shelter, water and sanitation, education and legal counseling. For purposes of this study, each of the categories and what organizations were involved in shall be discussed here.

#### **3.4.1 Food and water relief**

The crisis at Dadaab had been predicted when rains failed. In the Mandera Triangle for instance (where Kenya, Ethiopia and Somalia meet), humanitarian organization Oxfam warned the crisis was certain to get worse<sup>147</sup>. And as the situation worsened and more people fled to Kenya's Dadaab, these agencies had to deal with more mouths to feed. The World Food Programme quickly established the food needs and how to deliver it. This was not strange as WFP is wont to work with the UN Assessment Teams to draw up budgetary needs for humanitarian crises<sup>148</sup>.

“WFP’s country [Kenya] head was allowed to borrow as much as US\$500,000 for Immediate Response Account (IRA). This is meant for the first three months of the crisis. However,

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<sup>145</sup> See IASC Objectives at: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=about-default>. Accessed on July 21, 2014.

<sup>146</sup> World Health Organization, *Horn of Africa Crisis*, November 2011 Update.

<sup>147</sup> Oxfam, “The World must help avoid this catastrophe,” Press Release, June 11, 2011.

<sup>148</sup> WFP, “Emergency Operations (EMOPs)”, 2011. Available at: <http://www.wfp.org/operations/emergency>. Accessed on July 20, 2014.

Dadaab's case lasted longer and so the representative was allowed into the Emergency Operation," a WFP field official indicated<sup>149</sup>.

But WFP was reliant on donations and so required collaboration with other agencies to pull through. In this case, WFP sent out an appeal even before the first month expired, as it collaborated with other agencies to provide food and nutrition relief.<sup>150</sup> In 2011, the Danish Refugee Council (DRC) was just a year old in serving in Kenya. At Dadaab, it had specialised in providing water to the refugees. One DRC official stated that they tried to provide at least 20 litres of water per household a day<sup>151</sup>. The WFP field official interviewed for this study added: "WFP had the goal of saving lives and protecting livelihoods. We couldn't do this without reaching out to others who could."

CARE-Kenya (the local affiliate of CARE International) became the greatest partner of both WFP and UNHCR. Its role was to help in water and hygiene and food distribution<sup>152</sup>. CARE prides itself in 'being the first to arrive and the last to leave' a crisis<sup>153</sup>. As the primary provider, CARE's short-term activities included serving new arrivals and targeted children for malnutrition as well as medical issues associated with nutrition. Families were given rations, tents, stoves, firewood for up to two weeks as they waited to complete registration. In this case, CARE was serving even those who had not been admitted to the camps yet.

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<sup>149</sup>Personal Interview with WFP official, Nairobi July 23, 2014.

<sup>150</sup> See more at: <http://www.wfp.org/about/corporate-information>.

<sup>151</sup>Personal Interview with DRC field official, Nairobi, July 31, 2014.

<sup>152</sup>See CARE, "Dadaab Refugee Camp", 2011. Available at: <http://www.care.org/emergencies/dadaab-refugee-camp-Kenya>. Accessed on July 19, 2014.

<sup>153</sup>Care International (CI), *CI Annual Report*, 2012.

As Dadaab is an arid area, these people also needed water. CARE provided up to 22,000,000 cubic metres of water in about 24,000 camps. This organization also recycled water by installing a water reticulation system. But still, it was not enough as the numbers grew by day. CARE partnered with another organization, Action against Hunger (ACF International) targeted the malnourished. Its role was to assist children by providing safe water and food<sup>154</sup>. Its programme at Dadaab was among the 30 around the world. Its slogan at the time was “We are independent and impartial, but when it comes to human suffering, we are not neutral.”<sup>155</sup>In turn, other organizations such as Catholic Relief Services, Food for the Hungry, International Rescue Committee (IRC), Catholic Relief Services (CRS), Oxfam, Danish Refugee Council, Norwegian Refugee Council, World Vision International (WVI), Lutheran World Federation (LWF) and Arid Lands came in. CARE claimed that this network helped distribute food and treat malnourishment to more than 1.3 million people (including non-refugees near Dadaab). Water, hygiene, sanitary facilities were other beneficiaries<sup>156</sup>. CRS reported that it had helped alleviate the suffering of 250,000 people, including 48,000 Somali refugees at Dadaab, by improving their livelihoods, health and water, sanitation and hygiene conditions<sup>157</sup>. The collaboration with these many agencies was advantageous on creating a network with varying experience. For example, the CRS and the Danish Refugee Council had 30 years’ experience in the Horn of Africa. Peter Klansoe, the Horn of Africa Director for Danish Refugee Council observed it this way: “Our vast

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<sup>154</sup> ACF International, Available at: <http://www.actionagainsthunger.org/countries/africa/kenya>. Accessed on July 20, 2014.

<sup>155</sup> *Ibid*

<sup>156</sup> CI, *Annual Report*, 2012.

<sup>157</sup> CRS, “Catholic Relief Services Commits to Five-Year Response in Drought-Stricken East Africa,” Press Release, September 19, 2011.



experience in the Dadaab camps is crucial when it comes to mobilising and providing assistance to refugees in complicated camp structures<sup>158</sup>.”

### **3.4.2 Health and nutrition relief**

As the refugee crisis started to bite, the WHO announced its response plan for the Horn of Africa<sup>159</sup>. This plan required US\$29.5 million and it was about mitigating the spread or preventing communicable diseases. As the leader of the Global Health Cluster (GHC)<sup>160</sup> of humanitarian organizations, WHO’s role was to coordinate health response in collaboration with the Ministry of Health, prevent communicable diseases through early warning systems, provide medical supplies as well as technical assistance. At Dadaab, these problems worsened when thousands of exhausted refugees in poor health turned up. Reports from WHO indicate many of them were either malnourished or had no vaccination history. Some suffered from diarrhoeal diseases, others especially women had been sexually abused along the way. By mid-July 2011, 462 measles cases had been reported at the camp, 11 people died from the disease at that time<sup>161</sup>. By August, WHO started a vaccination campaign near the Kenya-Somali border in collaboration with UNICEF and the Ministry of Health in Kenya. The campaign involved screening and vaccinating refugees crossing into Kenya as a way of protecting the spread into Dadaab. About 215,000 children received polio, measles vaccinations and Vitamin A

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<sup>158</sup> Danish Refugee Council, “Danish Refugee Council increases aid efforts to Dadaab,” Press Release, October 04, 2011.

<sup>159</sup> World Health Organization, “WHO develops health sector response plan for the Horn of Africa humanitarian crisis,” Press Release, July 29, 2011. Available at: <http://www.who.int/hac/crises/horn-of-africa-29july2011/en/>. Accessed on Aug 01, 2014.

<sup>160</sup> GHC includes up to 30 international humanitarian health organizations such as WHO, ICRC, MSF, Save the Children that collaborate in times of crises by building mutual understandings. It also includes UN agencies such as UNFPA, UNHCR, FAO, UNICEF and WFP.

<sup>161</sup> WHO, “Horn of Africa”, Update, July 20, 2011. [http://www.who.int/hac/crises/horn\\_of\\_africa\\_20july2011/en/index3.html](http://www.who.int/hac/crises/horn_of_africa_20july2011/en/index3.html). Accessed on Aug 03, 2014.

dosses.<sup>162</sup> But as the year 2011 progressed, the drought that had ravaged the region gave way to rain. Although rain was the reason behind the influx, WHO reported that Dadaab was facing the danger of water-borne diseases. Besides, heavy rains meant slow response in the delivery of medical supplies or even professionals<sup>163</sup>. The World Health Organization in its November 2011 update admitted that proper surveillance required “people on the ground.” Rains meant poor communication at the time when 270 cases of dengue fever had been confirmed in Wajir District that neighbours Dadaab<sup>164</sup>. At this time, CARE started using some of the refugees to support its programmes. About 1600 refugees who lived within Dadaab assisted in counseling survivors of sexual and gender-based violence.<sup>165</sup> Those involved in this programme were first trained but CARE also hired these refugees to work in hygiene works as well as nutritional supplement ration supplies.

Humanitarian health workers though benefited from the fact that MSF had established four months and a 100-bed hospital for surgery and maternal and mental health services back in 2009<sup>166</sup>. The hospital admitted 600 patients per month. About 10,000 patients were served a month during the crisis. The crisis though saw more people suffer from malnutrition. Between May and December 2011, MSF attended to over 95,000 for malnutrition, handled 5,500 deliveries, treated about 6,000 for measles and vaccinated 235,000 children for the same. There were 450,000 medical consultations in total<sup>167</sup>.

However, the health of refugees was a big problem especially after security and access to the camp became problematic to humanitarian workers. Figure 3.1 indicates the actual numbers

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<sup>162</sup>WHO, “Emergency Vaccination Campaign on the Somali Border,” Press Release, August 07, 2011. Available at : [http://www.who.int/features/2011/horn\\_of\\_africa/en/](http://www.who.int/features/2011/horn_of_africa/en/). Accessed on August 03, 2014.

<sup>163</sup> World Health Organization, *Horn of Africa Crisis*, November 2011 Update. P. 4.

<sup>164</sup>*Ibid.*

<sup>165</sup>CI, *Annual Report*, 2012, P.20.

<sup>166</sup>See MSF, Available at: [www.msf.org](http://www.msf.org). Accessed on August 2014.

<sup>167</sup> Medicines Sans Frontieres (MSF), *Assisting the Somali Population affected by the Humanitarian Crisis of 2011: An Overview of MSF activities in Somalia, Kenya and Ethiopia*, March, 2012. P.10.

of those affected. Notice that the World Health Organization categorises children as ‘severely malnourished’ only if their Basal Metabolic Index (BMI) is three points lower than the average in the target population. Towards the end of 2011, other organizations came in. Save the Children known for its maternal and child health care helped provide improve the health situation by targeting the needs of children. This population was crucial especially after the UN reported that up to 130,000 children died from malnutrition in the Horn of Africa<sup>168</sup>.

### **3.4.3 Shelter and sanitation**

Shelter was often offered by organisations that gave food. For example, UNHCR’s role was to ensure refugees got shelter, food, water and medical care. Initially, UNHCR oversaw the provision of clean water, healthcare and shelter materials such as blankets, mats, water cans and household goods like soap. At the height of the crisis, UNHCR in conjunction with CARE-Kenya constructed 3,750 shelters as new arrivals were hosted in tents. The number of families living in better but temporary housing rose by 4,000 to 27,000. But there was a gap of 60,000 families still in need of shelter<sup>169</sup>.

UNHCR was also working with other agencies. For instance, CRS constructed latrines for residents in Kambios in Ifo. CRS was collaborating with local religious organisations to provide shelter, sanitation and food. PM Jose, the Director of CRS-Kenya observed that: “Getting life-saving assistance to the new arrivals was critical. We must not forget the impact that these arrivals will have on the host communities surrounding the camps.”<sup>170</sup>

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<sup>168</sup> Save the Children, “Save the Children warns of dire situation for Children in Somalia as UN Findings show that 130,000 died of 2011 famine,” Press Release. May 2, 2013. Available at: <http://www.savethechildren.org/site/apps/nlnet/content2.aspx?c=8rKLIXMGIpI4E&b=8486805&ct=13110861&notoc=1>. Accessed on Aug 04, 2014.

<sup>169</sup> UNHCR, *UNHCR Global Report*, 2011, P.6

<sup>170</sup> Catholic Relief Services, “Catholic Relief Services to Help Somali Refugees in New Camp; Assist Host Communities,” Press Release, August 22, 2011.

The Norwegian Refugee Council (NRC) also constructed 200 temporary shelters in Dagahaley sub-camp and trained refugees on how to maintain the structures<sup>171</sup>.

### **Chapter Summary**

Refugees arriving at the Dadaab refugee camp had to first be registered before they would be admitted to the camps. This role was done by the Department of Refugees of Kenya. This was in line with laws defining refugees in Kenya. After this the UNHCR would take over the role of assisting these refugees through the camp. UNHCR was collaborating with other humanitarian organisations to see through its mandate. The basic needs for new arrivals were food, shelter, water, sanitation and healthcare needs. During the 2011 crisis, some humanitarian agencies had the capacity to work across various sectors providing relief in shelter, food and nutrition, water and hygiene and health. But most were highly specialised and concentrated on one or two of these areas. In the end, agencies struggled to deal with the influx of refugees and the most urgent problem was giving food rations, handling, and malnutrition and preventing the spread of diseases in the camp.

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<sup>171</sup>Norwegian Refugee Council, "NRC Core Activities in Kenya," Available at [www.internal-displacement.org](http://www.internal-displacement.org). See also <http://www.nrc.no/?aid=9127672>. Accessed on Aug 03, 2014.

## **CHAPTER FOUR**

### **INFLUENCING THE KENYAN GOVERNMENT OVER THE DADAAB CAMP**

#### **4.1 Introduction**

The Dadaab Refugee crisis of 2011 involved various actors with different goals and ambitions. These actors, as seen in previous chapters, included international humanitarian agencies and the government of Kenya. Though they were all meant to manage the refugee assistance and hosting programmes, and in turn put the crisis under control, humanitarian actors found themselves occasionally on the opposite sides with the Kenyan government over what to do with the situation. Based on available records of the crisis and interviews with field officials of the organizations and the government of Kenya at the time, this chapter will analyse how international humanitarian agencies at the Dadaab camp interacted with the Kenyan government to influence its stand on what to do with the crisis. This analysis will involve a description of the challenges that the refugee crisis brought before depicting the various methods used by the agencies to engage with the government of Kenya.

#### **4.2 The Challenge of hosting refugees in Kenya's Dadaab Refugee Camp**

Right from the start of the crisis in early May of 2011, it was predicted that the camp would pose significant challenges both to the government of Kenya and humanitarian agencies working to provide assistance to the many refugees arriving from Somalia. This was because, first, the camp was already hosting more refugees than its original capacity of 90,000. Secondly, more refugees were coming in to an area with poor communication facilities and less conducive weather pattern. Available records and interviews with field officials at the time indicate that insecurity; overcrowding and accessibility were the major setbacks to providing aid to the

refugees. The latter is not discussed here because the government of Kenya was not involved in financing humanitarian agencies. The rest are discussed here in detail as follows.

#### **4.2.1 Insecurity**

It appears insecurity was the biggest challenge for both refugees and actors working to provide assistance to them or manage their wellbeing. Both humanitarian agencies and the government of Kenya cited this from time to time. The UNHCR for instance acknowledged that insecure conditions in the camp were a stumbling block to efforts by humanitarian agencies to respond to the needs of new arrivals<sup>172</sup>. But the UN Refugee agency as always steadfast to dissociate itself from links to insurgents, which the government argued were harboured at the Dadaab Refugee Camp<sup>173</sup>. UNHCR as the leading agency in handling the crisis mobilised other organisations through the Operations Continuity Plan (OCP), but security threats meant that this programme was only limited to assistance to save lives. Often, it ignored follow-up programmes as in the case of post-natal checks for lactating refugee mothers. It also affected continuous vaccination campaigns. One UNHCR field officer at the time admitted that security challenges compelled agencies to improvise ways of delivering assistance by using refugees themselves in delivering aid to others<sup>174</sup>.

The situation was compounded later in October (2011) when two medics working for MSF at Dadaab were abducted from the camp. MSF, in reaction to the kidnapping of Blanca Thiebaut and Montserrat Serra temporarily suspended some its operations with the exception of

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<sup>172</sup>UNHCR Kenya, *Global Report*, Nairobi, UNHCR,2011, P.6.

<sup>173</sup>Aggrey Mutambo, “We don’t Admit Terror Agents, says UN,” *Daily Nation*, October 16, 2011. Available at: <http://www.nation.co.ke/news/We-don-t-admit-terror-agents-says-UN-/-/1056/1256518/-/so5uq5/-/index.html>. Accessed on August 06, 2014.

<sup>174</sup>Personal interview via SKYPE with UNHCR official, Nairobi, July 26, 2014.

its main hospital for ‘life-saving’ medical activities<sup>175</sup>. This incident attributed to the Somali militants, al-Shabaab, led to MSF to cut out service to new arrivals at the camp. In turn, Kenya’s President Mwai Kibaki reacting to this abduction and several others in weeks before, ordered Kenya Defence Forces (KDF) into Somalia in pursuit of the militia group. Although Kenya shares a border with Somalia and hence not eligible to contribute to troops to the African Mission in Somalia (Amisom) Forces, Kenya cited Article 51 of the UN Charter on ‘self-defence’ to justify its invasion<sup>176</sup>.

Although this intervention was meant to protect the Kenyan territory from terrorist attacks, it also served to confuse humanitarian organisations at Dadaab and Kenyan authorities seeking to advance the goals of the government. Interviews with field official at the time indicate the decision by the Kenyan government heighten security concerns for locals as well as aid workers. One field official for the UNHCR remarked as follows:

It meant the abductions had been internationalised. Local provincial administrators started to ask the central government to boost security. Kenya Forces had entered Somalia and were collaborating with armed groups fighting alongside the [then] Somalia Transitional Federal Government Forces (TFG). Operations were to be slowed down.<sup>177</sup>

It has to be noted, however, that the security challenge posed by the Dadaab Refugee camp did not start with the influx of 2011. In fact at the time of the crisis, the Kenya-Somalia border had been officially closed for four years. Since 2007, the Government of Kenya had argued that closure was necessary to lock out militia groups who could cross into Kenya with

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<sup>175</sup>Medicines Sans Frontieres [MSF], *Assisting the Somalia Population Affected by the Humanitarian Crisis of 2011: An Overview of MSF activities in Somalia, Kenya and Ethiopia*, MSF Annual Report, March 2012.

<sup>176</sup>Associated Press, “Kenya Troops Move into Somalia,” *The Guardian*, October 16, 2011. Available at: [www.theguardian.com/world/2011/Oct/16/kenyan-troops-somalia-kidnappings](http://www.theguardian.com/world/2011/Oct/16/kenyan-troops-somalia-kidnappings). Accessed on August 07, 2014.

<sup>177</sup>Personal Interview via SKYPE with UNHCR field official, Nairobi, July 26, 2014.

illegal arms<sup>178</sup>. UNHCR had all along criticised this decision saying it would frustrate efforts to help fleeing Somalis. This though, did not stop thousands of refugees from seeking refuge in Kenya. With the decision to close the border, Kenya even deported some asylum-seekers who were found within its borders without permission. These incidences drew criticism from human rights organisations<sup>179</sup>. The closure meant that UNHCR could no longer operate a refugee reception centre at the border town of Liboi. Whether the closure was effective is debatable, but it's a fact that the Kenya-Somali border is long and highly porous. Given that security agents could not police it, some refugees reportedly chose to use dangerous unchecked routes<sup>180</sup>.

The security argument and the presence of the camp were also fueled by local politicians representing constituencies neighbouring Dadaab. As new refugees kept coming, they put pressure on the government to find ways of 'returning' them to Somalia<sup>181</sup>. This was justified by a response Kenya's [then] Internal Security Assistant Minister Orwah Ojodeh told Parliament opening a new camp was out of question because it would not solve the crisis because refugees were only looking for food. Ojodeh argued that, on the contrary, keeping new refugees would make Dadaab more unsafe, when in fact the reason they were fleeing was not for their safety but famine<sup>182</sup>. The official government statement since March 2011 showed that other countries had 'shared out' the refugee burden. Kenya proposed that there be a buffer zone inside Somalia held

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<sup>178</sup> See BBC, "Kenya closes Camp with Somalia," *BBC*, January 03, 2007. Available at: <http://news.bbc.co.uk/2/hi/6227083.stm>. Accessed on Aug 06, 2014.

<sup>179</sup> Human Rights Watch (HRW), "Kenya: Stop Deporting Somalis Fleeing Conflict," *Human Rights Watch*. Available at: <http://www.hrw.org/news/2011/03/31/kenya-stop-deporting-somalis-fleeing-conflict>. Accessed on Aug 06, 2014.

<sup>180</sup> Vikram Komanskog, "Gaps in Geneva, gaps on the ground: Case Studies of the Somalis Displaced to Kenya and Egypt during the 2011 Drought," *New Issues in Refugee Research*, UNHCR Policy Development and Evaluation Service, Paper No.248, December 2012.

<sup>181</sup> Dave Opiyo & Paul Redfern, "Why Kenya is opposed to Opening of a New Camp for Somali Refugees," *Daily Nation*, August 14, 2011. Available at: <http://www.nation.co.ke/news/africa/-/1066/1218396/-/os5wwdz/-/index.html>. Accessed on August 05, 2014.

<sup>182</sup> BBC, "Horn of Africa Drought: Kenya row over Somali Refugees," *BBC*, July 13, 2011. Available at: <http://www.bbc.com/news/world-africa-14144893>. Accessed on August 05, 2014.



by the armed groups fighting for the TFG. This, according to Ojodeh, would allow humanitarian agencies to feed more people inside Somalia. The issue of security could later prove to be a major haggling point between Kenya and aid providers.

#### **4.2.2 Overcrowding**

The other reason for the buffer zone was to tame the increasing flow of refugees to Dadaab. While the Kenyan government suggested that refugees be assisted from inside Somalia, the suggested areas near Doble and southern and central Somalia were not attractive to humanitarian agencies. For example, despite the installation of a President for a semi-autonomous region called Azania, fighting had broken out between TFG-sponsored armed groups and the Shabaabs, causing more people to flee. It was therefore unsafe and aid agencies preferred to serve from a recognised refugee camp<sup>183</sup>.

As observed earlier, Kenya is a signatory to the 1951 Convention relating to the Status of Refugees and its supportive 1967 Protocol. Moreover, it has also ratified the 1969 OAU/AU Convention governing specific Aspects of refugee Problems in Africa. And according to the UN Resolution 46/182 of 1991, a state affected by a humanitarian crisis has the role of overseeing coordination, organisation and implementation of humanitarian assistance within its territory. In turn, the goals of the humanitarian organisations are to encourage states to fulfill their obligations under these treaties.<sup>184</sup> The affected states here were Somalia and Kenya, both of which belonged to the entire Horn of Africa drought zone where drought was ravaging. The

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<sup>183</sup> See Hansen B. Engolf, A. Umar, B. Gildestad, M. Owen & A. Obara, *In Search of Protection and Livelihoods: Socio-Economic and Environmental Impacts of Dadaab Refugee Camps on Host Communities*, Report for the Royal Danish Embassy, the Republic of Kenya and the Norwegian Embassy. Available at: <http://www.ambnairobi.um.dk/NR/rdonlyres.8E1CC5EB-6B25-4531-A7E0-CDC32A0961B7/0/FinalReport30092010.pdf>. Accessed on August 03, 2014.

<sup>184</sup> See Paul Harvey, "Towards Good Humanitarian Government: The Role of the Affected State in Disaster Response," *Humanitarian Policy Group*, HPG Policy Brief No.37, London, Overseas Development Institute [ODI], September 2009. Available at: [www.odi.org.uk/hpg](http://www.odi.org.uk/hpg). Accessed on Aug 03, 2014.

challenge here was that humanitarian agencies preferred to work where it was safer (in this case Kenya) yet, as the treaties cited above indicate, it all depended on Kenya's acceptance of refugees and aid agencies for any assistance to be done. Initially, the Kenyan government argued any more refugees should be settled outside Kenya<sup>185</sup>.

The influx appeared to cause confusion in the Kenyan government when the Ministry of Immigration, charged with refugee issues, contradicted that of Internal Security on the situation. While Ojodeh of Internal Security insisted no more expansion should happen, Immigration Minister at the time Otieno Kajwang told journalists he was embarrassed by the refusal<sup>186</sup>. Kenya's catch-22 situation was rooted in a decision by the United Nations to grant Kenya \$16 million to construct a sub-camp called Ifo II back in 2007<sup>187</sup>. To the UN and other humanitarian organisations therefore, it was expected that any influx would automatically trigger its opening. That was not to be. When asked about this during this study, Kajwang' said the delay was caused by officials in the Internal Security Ministry.

The Ministry of Internal Security was under President Kibaki, Immigration was under the Prime Minister. And we were in a coalition government. Decisions took time because of the need for consultations.<sup>188</sup>

Kajwang's observation seemed to be less confrontational however. Media reports indicated that members of Parliament neighbouring Dadaab were opposed to any expansion<sup>189</sup>. First, it wasn't known for how long the new camp would last, given that Dadaab had existed

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<sup>185</sup> Aggrey Mutambo & Kevin J. Kelley, "Settle Refugees Outside Kenya," *Daily Nation*, July 13, 2011, P.6.

<sup>186</sup> See Note 10. See also, Paul Redfern, "Row with Agencies over Somalia Crisis," *Daily Nation*, July 14, 2011. <http://www.nation.co.ke/news/Kenyas-row-with-agencies-over-Somalia-crisis/-/1056/1218550/-/7750poz/-/index.html>. Accessed on Aug 06, 2014.

<sup>187</sup> Oxfam, "New camp stands idle and closed as Somali refugees pour into Kenya," Press Release, July 11, 2011.

<sup>188</sup> Personal Interview with Otieno Kajwang', Nairobi, July 29, 2014.

<sup>189</sup> John Oywa, "Looming crisis as refugee camps burst at the seams," *The Standard*, July 15, 2011, P.4

since 1992. Secondly, local politicians argued refugees were getting better facilities like schools, health centres and houses compared to locals. Publicly though, the Kenyan government argued it was getting little international support to assist refugees. When [then] Prime Minister Raila Odinga toured the camp later in July 2011, he criticised the international community for ignoring Kenya's contribution of hosting refugees for two decades, before he announced the government would allow refugees into the new camp.

The Kenyan government is a victim, not the accused. They are only responding when they see people are dying. The international community is always very later in acting. It is up to the UNHCR to work on the modalities and how they can move into Ifo II. We cannot take responsibility for the logistics of opening the [Ifo II] camp.<sup>190</sup>

The politics of the refugee camp was depicted in one opinion article written by a staffer for MSF in the *Guardian* on September 03, 2011. Titled 'reality check on Somalia,' the staffer observed that the crisis which had been shown merely as famine was also a "complex and highly politicised conflict." Inside Somalia, political fights based on clans meant no meaningful implementation of aid would occur. In Kenya, authorities were under domestic pressure to reject any expansion of the camp for more refugees. One field official for CARE-Kenya observed thus:

Those waiting to be admitted to the camp embarked on cutting down trees to make shelter outside. The queues were too long and UNHCR and partners were getting overwhelmed by the day. We presented this fact to the government of Kenya, but the decision to allow expansion [of the camp] took too long to come forth.<sup>191</sup>

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<sup>190</sup>Liz Ford, "Kenyan government to open fourth refugee camp at Dadaab," *The Guardian*, July 15, 2011. Available at: <http://www.theguardian.com/global-development/2011/jul/15/dadaab-drought-refugee-camp-Kenya>. Accessed on Aug 08, 2014.

<sup>191</sup>Personal Interview with CARE-Kenya field official, Nairobi, July 24, 2014.

The problem with increasing new arrivals was that living conditions for new refugees was getting worse and waterborne diseases were becoming the norm. MSF issued a situation report that indicated malnutrition for children was getting to alarming levels<sup>192</sup>. It can be argued here that national security was more important to the government of Kenya than the need to observe obligations in international law. Gradually, the thick hand of the government started to loosen when it was assured of support in maintaining security at the Kenya-Somalia border. For example, Kenyan government had been reluctant to open the camp despite UNHCR Commissioner Antonio Guterres holding talks with leaders. But as soon as the United States (US) announced it will grant \$200 million to help police the border, the Kenyan government announced it would let refugees into the new camp<sup>193</sup>. In fact Kenya was using this time to talk to donors about the need to inject in more funds. Soon after announcing that Ifo II will be opened, Prime Minister Raila Odinga held talks with United Kingdom's Minister for International Development Andrew Mitchell where the main subject was "the refugee crisis."<sup>194</sup>

#### **4.2.3 Accessibility**

It is difficult to discuss the issue of accessibility without touching on overcrowding and security. For that matter, this study found that for humanitarian agencies to reach Dadaab, it depended on available security and the need to be present. Normally, the government of Kenya requires that each humanitarian agency be registered to access the camp. The idea is to identify and manage the kind of organisations operating in Kenya. This study found that humanitarian organisations were generally cooperative to this requirement. For example, a representative for the Lutheran World Federation (LWF), Lennart Hernander, observed that although there were

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<sup>192</sup>MSF, "No Way In: The Biggest Refugee Camp in the World is Full," *MSF*, Briefing paper, 9 June 2011.

<sup>193</sup> See Isaac Ongiri, "US to partner with Kenya in Somali border security," *The Star*, July 16, 2014, P.4

<sup>194</sup> Kenya Broadcasting Corporation, "Somali crisis: Kenya PM seeks international help," *KBC News at Nine*, Broadcast at 9pm on July 17, 2011.

rules and regulations for humanitarian engagement, “I do not call those restrictions, and we have a very good working relationship with the government.”<sup>195</sup>

After the abduction of the two MSF doctors at Dadaab, humanitarian agencies reduced the number of staff at the camp, retaining only essential life-saving personnel. These aid workers still needed to find ways of arriving at Dadaab at a time when everyone else was pleading for security and fear of bandit attack. To do this, some organisation chose to hire the police for escort. One field officer working for UNHCR admitted that even police officers were often reluctant to take on the paid assignment of escorting workers to Dadaab<sup>196</sup>. While the 2011 drought largely contributed to the overflow of refugees, the start of the rains later in November furthered the limitation of arriving at the camp. The World Health Organisation in its November 2011 situation report observed that the long-term effects of the rains would be welcome, but it would bring with it diseases such as malaria and dengue fever<sup>197</sup>. There was another problem: Dadaab is located in one of the most remote places in Kenya. It is served by earth tracks that could easily be swept away by the rain. This meant that the delivery of aid could be slowed down as the rain increased.

### **4.3 Influencing the government over the Dadaab challenges**

This study understood influence in political terms and as defined by David Lowery<sup>198</sup>; an entity having control over political outputs. These outputs are basically decisions or actions, in this case, by the government of Kenya. The influence of humanitarian organisations over the actions of the Kenya government or indeed the international community can only be determined

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<sup>195</sup>Written response from Lennart Hernander, Representative for the LWF, July 28, 2014.

<sup>196</sup>Personal Interview with UNHCR Field Official, Nairobi, July 26, 2014

<sup>197</sup>WHO, *Horn of Africa Crisis*, November 2011 Update.

<sup>198</sup>See David Lowery, “Lobbying influence: Meaning, measurement and missing,” *Interest Groups & Advocacy*, Vol.2, 2013, Pp.1–26.

if actions by the government respond to preferences of these humanitarian agencies. The study has shown that the challenge of security, overcrowding and accessibility were major stumbling blocks to providing assistance to refugees at Dadaab. Available records and interviews with representatives of actors indicate that aid agencies required decisions favourable on these issues. They needed their way there. But the government of Kenya on the other side had its objectives. The crisis occurred at a time when some of its own citizens were staring starvation in the eye, security was threatened by continual kidnappings of foreigners including aid workers on its soil and the fact that there was dilemma on whether to lock away new refugees or allow them in. How did aid agencies influence the government of Kenya? This segment discusses findings on the kind of methods these organisations used to gain advantage on the need to provide assistance to refugees.

#### **4.3.1 Use of the media**

As shown earlier, humanitarian agencies engage in diplomacy by raising awareness, negotiating and mobilising sufficient aid to emergency situations. Yet it is always the state that decides how this assistance proceeds. The concept of entities using the media to influence publics or the international community is called media diplomacy. And earlier scholars have shown that both states and non-state actors can communicate with other actors, to build confidence, advance negotiations as well as to mobilise public support for agreements or certain decisions<sup>199</sup>. At Dadaab, the situation was not different and agencies resorted to using the media to get their appeal known. In fact, the idea for increased funding during the crisis is largely attributed to the prevalence of media coverage of the crisis. One report argues that donors and the government of Kenya ‘ignored’ the plight of refugees until images of spindly limbs of people

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<sup>199</sup> See for example, Eyton Gilboa, “Mass Communication and Diplomacy: A Theoretical Framework,” *Communication Theory*, Vol.10, No.3, 2000, Pp.275-309.

and emaciated children started to flash on TV screens and on newspaper pages.<sup>200</sup> This study found out that this was often done through frequent media releases, preparing journalistic visits, writing op-eds, press conferences and interviews. One UNHCR official admitted that the media were the best channel to raise concerns for the refugees because it was “less confrontational.” He went further:

The UNCHR and most of other humanitarian organizations do not believe in combative politics. We wanted to remain focused on assisting refugees without necessarily offending authorities. We wanted someone else to say our demands for us.<sup>201</sup>

But not all agencies believed in staying away from politics. For example, the MSF, Norwegian refugee Council (NRC) and Oxfam claim they are impartial and neutral and assert on their respective websites that they do not take sides in conflicts. However, these agencies fought for the needs of refugees and it meant they had to raise alarms on the conditions in there. NRC for instance asserted that it was an independent and “courageous” spokesman for refugees. And MSF added that it ‘sometimes’ speaks out publicly to get crises that seem forgotten to public attention<sup>202</sup>. One way of pressing demands while still sticking to these principles was to either jointly or individually issue press releases with other organizations to make their demands known. For example each of these organisations separately issued statements complaining of overcrowding and the need to open Ifo II camp<sup>203</sup>. And while each of them authored by a senior staffer and sounded like a demand, it was laced with a language to partly praise the Kenyan

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<sup>200</sup>Global Emergency Group Inter-Agency Standing Committee [IASC], *Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Crisis*, Washington, The Global Emergency Group RTE Team, May 2012, Pp4-8.

<sup>201</sup>Personal interview with UNHCR official, Nairobi, July 26, 2014

<sup>202</sup>MSF, “About MSF,” Available at: <http://www.msf.org/about-msf>. Accessed on August 03, 2014.

<sup>203</sup>See for example MSF, “The Ifo II refugee camp, Kenya, lies empty while tens of thousands of Somali refugees live in unacceptable conditions less than 10 kilometers away,” Press Release. January 20, 2011.

government for shouldering the burden of hosting refugees. This is how Joostvan de Lest; Head of Oxfam in Kenya put it:

Women and children have made the most incredible journeys, walking for weeks through the desert and braving hunger and attacks by armed robbers and wild animals, to get to the camps in Kenya. They arrive extremely weak and malnourished, and the least that we can do is ensure that there is water, food and care for them when they get here...The government of Kenya has already borne this burden for 20 years...It is tragic that vulnerable families are trapped in limbo, forced to endure appalling conditions while there are fully functioning services right next door. Their basic needs are being ignored.<sup>204</sup>

It must be remembered that agencies started to demand for expansion even as they rallied the international community to send in more funds. The media was therefore an easier way of killing two birds with one stone. For example, a CARE field officer admitted that by getting the attention of the world on Dadaab in appealing for funds, they believed the government of Kenya would loosen its grip on refusing to open Ifo II long before the crisis peaked.<sup>205</sup> It was not therefore surprising that the government argued that the influx was a burden and that there was little international support to manage the refugee crisis at a time when Kenya's own population near Dadaab was facing starvation. Humanitarian agencies seemed to have understood this, and although their media appeal swung from press releases to interviews to organising journalistic tours, the line of avoiding confrontation was drawn clearly in the sand. In one such interview, Michael Adams, CARE's Refugee Assistance Programme Operations Manager at Dadaab lamented about how the influx was stretching humanitarian agencies' capacity, but then he added: "Kenya has had its doors open for 20 years, and continues to keep it open... and before

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<sup>204</sup>Oxfam, "New camp stands idle as refugees pour into Kenya," Press Release, July 11, 2011

<sup>205</sup>Personal Interview with CARE field official, Nairobi, July 24, 2014.



pointing a finger at the Kenyan authorities we have to remember the impact this refugee population has on both the communities and the environment.”<sup>206</sup>.

These agencies claim the media pronounced their issues as intended by prioritising events and compelling political decisions which would otherwise take longer. During the Dadaab crisis in 2011, television aired images of pain and suffering of people who had to walk long distances, often on empty stomachs to seek accommodation in the crowded camp. For instance, on July 26, CNN ran a story under the title ‘Hungry and starving in Kenya’ in which it showed the images of the refugees in need of urgent aid.<sup>207</sup> Newspapers too published images of refugees as they entered the camp. For instance, both the *Standard* and the *Daily Nation* published pictures of refugees ‘roasting’ in the hot sun on long queues, in which some sat down, as they waited to be admitted to the Camp.<sup>208</sup> Three days later, Kenya’s Prime Minister Raila Odinga visited the camp upon which he “wept” at the sight of emaciated children before he declared the IFO II camp opened. He was accompanied to this visit by Mr Kajwang’ who had earlier refused calls to have the camp opened.<sup>209</sup> But the use of media in [humanitarian] diplomacy serves other purposes. Previous research on the crisis had shown that the pressure by the media risked forcing the government to respond early without considering other options, which would be full of mistakes that would be difficult to correct. For example, it would be difficult to assess the environmental impact of having more refugees coming in. On the other hand, offering no response could also

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<sup>206</sup>CARE, “Put Yourself in their shoes. Interview with Michael Adams, Director of Operations for CARE’s Refugee Assistance Programme in Dadaab,” YouTube Channel, August 18, 2011. Available at: <http://we.care.org/blogs/22/177#.UkB55bwsI3k>. Accessed on August 02, 2014.

<sup>207</sup>CNN, “Hungry and Starving in Kenya,” CNN, July 07, 2011. <http://edition.cnn.com/video/#/video/world/2011/07/26/natpkg.kenya.drought.oxfam.cnn?iref=allsearch>. Accessed on July 31, 2014.

<sup>208</sup>See *Daily Nation*, July 14, 2011 P.19 & *The Standard*, July 16, 2011, Pp.6-7

<sup>209</sup>Citizen Television, “Citizen Live at 9”, July 14, 2011, Aired at 9PM. Available at: [http://www.youtube.com/watch?v=5bKMP1xf\\_sE](http://www.youtube.com/watch?v=5bKMP1xf_sE). Accessed on July 30, 2014.

make everyone else believe the officials had been confused or could not control the situation<sup>210</sup>. This study was not about what benefits media outlets derive from crises, but previous analysts have argued that the urge for profits and advantage by both the media and NGOs led to “lopsided media coverage of the crisis, curtailed information flow, and a limited understanding of the underlying factors” of the crisis making the influx just a common occurrence. For example, the decision by some agencies like MSF and Save the Children to facilitate tours to the camp to Dadaab meant that either the contribution of specific donors was highlighted or the operations on those organisations were more elaborated<sup>211</sup>. Moreover, this ‘sensationalism’ by the media seemed to have worked as a hook to draw audiences but did not entirely help the crisis rather than portraying Africa as a continent in need of help and ravaged by hunger. In any case, this was just another of those Africa’s humanitarian crises and the world had gotten used to them<sup>212</sup>.

#### 4.3.2 Use of celebrities

At the height of the crisis, aid agencies worked with well-known personalities to advance their humanitarian ambitions. For example, the World Food Programme had six such personalities. Labeled as ‘ambassadors’ (thus giving a new meaning to the traditional definition of ambassadors), they included a journalist, a football manager, a marathon legend, a pop duo, a musician and an actress<sup>213</sup>. Their role was to help advance WFP’s goal of raising funds for the hungry, in these case refugees. WFP’s use of celebrities is much less comparable to other

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<sup>210</sup>Global Emergency Group Inter-Agency Standing Committee [IASC], *Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Crisis*, Washington, The Global Emergency Group RTE Team, May 2012, Pp4-8.

<sup>211</sup>Patrick M. Mugo, “Horn of Africa: Predictable Crisis, Unprepared Media, Curtailment of Information Flow,” *University for Peace and Conflict monitor*. Available at: [http://www.monitor.upeace.org/innerpg.cfm?id\\_article=822](http://www.monitor.upeace.org/innerpg.cfm?id_article=822). Accessed on July 29, 2014.

<sup>212</sup>Yuliya Kovalenko, “Debunking the CNN Effect,” *Consultancy Africa*. Available at: [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=1103:debunking-the-cnn-effect&catid=60:conflict-terrorism-discussion-papers&Itemid=265](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=1103:debunking-the-cnn-effect&catid=60:conflict-terrorism-discussion-papers&Itemid=265). Accessed on July 26, 2014.

<sup>213</sup>See WFP ‘partners,’ Available at:<http://www.wfp.org/partners/celebrities>. Accessed on July 28, 2014.

organisations involved at Dadaab because its main use of them was to fundraise. But for others like Oxfam, the idea was to employ them to help turn the stand of the Kenyan government on opening Ifo II. Traditionally, Oxfam uses these ‘ambassadors’ to ‘campaign around the world’ on its behalf. They do this on issues such as climate change, peace, gender, arms treaties, charity auctions as well as visiting refugee camps where Oxfam has a presence.<sup>214</sup> These celebrities included Ivorian songbird Angelique Kidjo, Senegalese artiste Baaba Maal, Cold Play, Actress Kristin Davis, Annie Lennoc, Djimon Hounsou and Leymah Gbowee. During the crisis, two of Oxfam’s chosen celebrities visited Dadaab, whereupon they implored the international community to assist, but also exposed the danger of not expanding the camp. “I have never really seen anything like it,” observed Kristina Davies after seeing long queues of those waiting to be admitted.<sup>215</sup> Several weeks after Ifo II was opened, Oxfam brought in another celebrity, actress Scarlett Johnson where she observed that the famine had been caused partly by political conflict and called on long-term efforts rather than ‘seasonal’ responses<sup>216</sup>. The fact that this visit was televised around the world made Oxfam to believe they were able to influence key decision makers. As the Oxfam field official remarked: “Celebrities carry with them the power to be listened to. We believed that by being associated with the, we would be heard too. And we were...”<sup>217</sup> Their visits were reported in the media and government officials admitted they didn’t want bad publicity from the crisis. One official at the Department of Refugee Affairs for instance

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<sup>214</sup> See Oxfam, “Global Ambassadors,” Available at:

<http://www.oxfam.org/en/ambassadors>. Accessed on July 30, 2014.

<sup>215</sup> CBS News, “Kristin Davis describes her visit to Dadaab refugee camp,” CBC News, July 13, 2011. Available at: <https://www.youtube.com/watch?v=3W6SZCjACCY>. Accessed on July 29, 2014.

<sup>216</sup> Oxfam, “Oxfam Ambassador Scarlett Johansson visits drought-stricken Horn of Africa,” Press Release, September 23, 2011. Available at:

<https://www.wuala.com/vivid50/Videos/OXFAM/?key=sszESwaOVJU8>. Accessed on July 31, 2014.

<sup>217</sup> Personal interview with Oxfam field official, Nairobi, July 30, 2014.

intimated that the government was only reluctant initially because there was little help going to locals.<sup>218</sup>

### 4.3.3 Advocacy and collaboration

Humanitarian agencies are often involved in campaigning for their cause through advocacy. Advocacy involves bringing to the attention of decision makers the plight of those in need of humanitarian aid. Humanitarian aid organisations such as Save the Children have policies on how to use recognised positions in providing aid to speak on behalf of those in refugee camps, infected by epidemics or the trapped<sup>219</sup>. Others like Oxfam have listed advocacy as core to their beliefs<sup>220</sup>. Advocacy during the Dadaab crisis was mostly done through collaborations with other agencies. Several field officials for international agencies interviewed for this study agreed that they had at one time or the other collaborated with local humanitarian networks or with other international organisations to boost their operations. This was partly as a requirement of coordination and the fact that it was necessary to speak with one voice in making demands. For example, the International Committee of the Red Cross worked almost entirely through the Kenya Red Cross Society and as one official observed, this was necessary because the KRCS “knew their way around and had networks in Kenya which we would work with.”<sup>221</sup> As a coordination requirement, the World Health Organisation worked with others through the Global Health Cluster (GHC), a consortium of about 30 international humanitarian

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<sup>218</sup> Personal Interview with DRA official, Nairobi, July 24, 2014.

<sup>219</sup> See Louisa Gosling & David Cohen, *Participant's Manual: Advocacy matters – Helping children change their world*, International Save the Children Alliance, London, 2007. Available at: [www.savethechildren.net/alliance/resources/ParticipantsManual.pdf](http://www.savethechildren.net/alliance/resources/ParticipantsManual.pdf). Accessed on July 29, 2014.

<sup>220</sup> See Oxfam, “Oxfam beliefs,” Available at: <http://www.oxfam.org/en/our-purpose-and-beliefs>. Accessed on July 29, 2014.

<sup>221</sup> Written response from ICRC official, July 30, 2014.

health agencies including MSF and Save the Children<sup>222</sup>. This was important in sharing information and helped organizations advance arguments backed with updated facts.

International humanitarian agencies also worked with local networks to produce reports on the situation in Dadaab. For example, the Refugee Consortium of Kenya produced periodic reports with funding from UNICEF, CARE-Kenya and other international agencies at Dadaab camp.<sup>223</sup> This collaboration occasionally occurred between humanitarian agencies at Dadaab and other human rights organisations generally involved in campaigning for respect for human rights. For instance, Human Rights Watch helped echo aid agencies' concerns by also publishing periodic reports, issuing petitions and press releases on the conditions of refugees. When the government of Kenya seemed to return excess refugee back to Somalia, Human Rights Watch documented their misery and published a report for it<sup>224</sup>. And when Kenya was reluctant to open Ifo II, Human Rights Watch called on refugees to be given more land<sup>225</sup>. Dadaab crisis therefore saw the entry of organisations known more for fighting for human rights than for charity during emergencies. For example, Amnesty International became vocal on the issue, joining Human Rights Watch, Oxfam and other organisations in sending observers to that year's UN General Assembly over the Horn of Africa drought.

The Dadaab crisis also saw relief agencies get together for a common course by use of the media. As the crisis seemed to wear down and the United Nations lifted the declaration of famine in the Horn of Africa, seven relief organisations issued joint appeal of \$25 million to

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<sup>222</sup>Global Health Cluster, "About Global Health Cluster." Available at: [http://www.who.int/hac/global\\_health\\_cluster/about/en/](http://www.who.int/hac/global_health_cluster/about/en/). Accessed on July 27, 2014.

<sup>223</sup> See for example Refugee Consortium of Kenya, *Annual Report & Financial Statements*, Nairobi, RCK, 2011, P.40.

<sup>224</sup> Human Rights Watch, "Kenya: Stop Deporting Somalis Fleeing Conflict," Press Release, March 31, 2011. Available at: <http://www.hrw.org/news/2011/03/31/kenya-stop-deporting-somalis-fleeing-conflict>. Accessed on July 30, 2014.

<sup>225</sup> Human Rights Watch, "Kenya: Provide Land for New Refugees," Press Release, July 28, 2011. Available at: <http://www.hrw.org/news/2011/07/28/kenya-provide-land-new-refugee-camps>. Accessed on July 31, 2014.

continue serving refugees, and warned the international community of turning its back on Dadaab. They included CARE, CRS, Danish Refugee Council (DRC), and International Rescue Committee (IRC), LWF, Oxfam and Terres des Hommes (TdH)<sup>226</sup>. Save the Children and Oxfam had in fact released a report earlier in January 2012 detailing the human cost of delayed funding<sup>227</sup>. From the outset, these events seemed more at targeting donors than the government of Kenya. But field officers for some of these agencies recalled that the messages were targeting donors because their involvement would influence Kenyan authorities. For example, one officer said, bringing in funds would make it easier for Kenyan politicians to be convinced that local communities will also be assisted. At the height of the crisis though, relief organisations argued their budgets had been stretched to the limit.

### Chapter Summary

This chapter has reviewed the challenges faced by actors at Dadaab refugee camp during the 2011 crisis. Humanitarian actors were generally faced with assisting refugees in an overcrowded camp. To access this camp, they had to surmount an increasing insecurity occasioned by abduction of workers as well as the onset of rains that made roads impassable. Humanitarian agencies had the goals of serving refugees in need of emergency assistance and so they had certain demands for the government to open the refugee camp and improve security and for the international community to increase funding. Although, they had these goals, humanitarian organisations largely avoided direct confrontation with the Kenya government and so any medium that could deliver the message without angering the recipient was welcome. At

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<sup>226</sup> Oxfam, “Emergency funds running dry in Dadaab, World’s largest refugee camp,” Joint Statement, July 12, 2012.

<sup>227</sup> Save the Children & Oxfam, *A Dangerous Delay: The Cost of late Response to early warnings in the 2011 drought in the Horn of Africa*. A Joint Agency Briefing Paper, January 18, 2012. Available at: [www.oxfam.org/sites/www.oxfam.org/files/the-human-cost-of-funding-shortfall-for-the-dadaab-refugee-camps.pdf](http://www.oxfam.org/sites/www.oxfam.org/files/the-human-cost-of-funding-shortfall-for-the-dadaab-refugee-camps.pdf). Accessed on July 31, 2014.

the time, the media were the best tools for influencing decisions on Dadaab camp but agencies also employed celebrities to woo decision makers and continuously published reports to argue their points. Incidentally, these agencies also cooperated with one another to enhance their campaign and speak with one voice concerning the refugee camp.

## CHAPTER FIVE

### CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Summary

This study was set out to understand the diplomacy of humanitarian agencies during the refugee crisis of 2011. It was also meant to find out the activities of the actors under study during the crisis at Dadaab refugee camp and how humanitarian agencies tried to influence the government of Kenya on decisions concerning Dadaab. The findings from the study can lead to several conclusions both on the subject of humanitarian diplomacy and the Dadaab refugee crisis of 2011 as follows.

#### 5.2 Humanitarian Diplomacy

This is a new subject and our understanding of it and how humanitarian organisations play it is still limited. However, the increasing number of crises like that of 2011 means it will continue to draw interest and grow. This research project has tried to add to the growing knowledge of humanitarian diplomacy by focusing on a specific humanitarian incident. And by studying how aid agencies at Dadaab interacted with the government, we learn that humanitarian diplomacy was at play.

First of all, the activities of these agencies were dependent on the goodwill of the government of Kenya. The government had to register each of these organisations, provide security and ensure access to the camps. It was routine for relief agencies to be registered, in fact no agency reported difficulties in getting recognition to serve at the Camp. Indeed it is the role of the host state to initiate, organise, coordinate and implement humanitarian assistance within its territory<sup>228</sup>. But these agencies generally needed to be in good terms with the government to

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<sup>228</sup>United Nations Resolution 46/182 of 1991.



operate smoothly. The consent of the state is therefore very important in the management of a humanitarian crisis. In 2011, emergency aid agencies were providing refugees with shelter, food, water and other basic needs. Yet they faced the challenges of security and overcrowding in the camps and this required the government's hand in helping. Thus a major goal of humanitarian diplomacy is to gain access and be allowed to serve those in need. These relief organisations, in making their pleas did not go petition directly to the government, but they applied several methods to achieve this goal.

One of the methods was to collaborate with local agencies involved in helping during disasters. They included the Kenya Red Cross Society. One lesson we can draw here is that humanitarian diplomacy involves first to learn the 'local' way of doing things. Because national NGOs involved in humanitarian work knew their way around better, it was easier for international relief agencies to plug in this potential to influence the government or other political groupings' position on the camp.

Secondly, these relief agencies employed the power of the media. The initial goal was to raise funds for the crisis by having as many images of the situation published around the world to woe donors. But it ended up killing two birds with one stone. Because image is important to Kenya, one government official even admitted he had been ashamed of delayed expansion of the camp to allow in new arrivals to be sheltered. Continued publication of the situation could depict Kenya as insensitive to the refugee treaties it had signed. Humanitarian diplomacy is therefore at the core of constructivism. Played by humanitarian agencies, it involves actions that appeal to our social world and our standing in the society. Hence, among the society of states, Kenya had to be seen as obeying the rules of mankind.

But why didn't humanitarian agencies confront the government directly on issues of overcrowding and security? There are two reasons for this. One is that since the privileges given to humanitarian agencies in Kenya are limited through the requirement for registration, organisations chose an easier way of making their point known without offending the rule maker (government of Kenya). The second is because the core mandate of humanitarian agencies is to save lives and give the most basic of needs during the crisis.<sup>229</sup> As opposed to human rights organisations such as Amnesty International and Human Rights Watch, emergency aid agencies at Dadaab labeled themselves as apolitical, impartial and neutral. Thus, even though they spoke out, their 'voice' was limited to the plight of refugees. This means that humanitarian diplomacy is diplomacy practised on behalf of those in need such as refugees.

Yet relief organisations do not work in isolation. During the Dadaab crisis, emergency aid organisations were often boosted by reports and advocacies of human rights organisations. Through periodic situation updates by Human Rights Watch on Kenya's border closure, and lobbying at the United Nations General Assembly, it helped humanitarian agencies raise the alarm on the situation at Dadaab. It means that humanitarian diplomacy is actually hinged on norms established by human rights law. For example, throughout its reports, Human Rights Watch argued that Kenya could not turn away fleeing refugees because it would amount to disobeying the 1951 Convention.

### **5.3 The Dadaab Refugee crisis**

The Dadaab refugee crisis demonstrates what roles host states should perform in terms of crises. Normally, it is about initiation, coordination and implementation of humanitarian

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<sup>229</sup> See Armin M.F Goldschmidt & Ernst E. Boesch, "The World Refugee Problem-Refugees & Development," In Ernst E. Boesch & Armin M.F. Goldschmidt (Eds.), *Refugees and Development*, (International Conference Organised by the Development Policy Forum of the German Foundation for International Development [DSE] in Consultation with the UNHCR, Berlin (West), 13 to 17 September, 1982), Pp.20-22.)

assistance<sup>230</sup>. In the case of the Dadaab crisis, Kenya had the role of establishing those who deserved refugee status before handing them over to UNHCR for admission into Dadaab. Kenya also had the role of securing the camps at the time when terror attacks and kidnappings were increasing. But the crisis attained international nature by the fact that it involved people crossing borders into another country, the entire Horn of Africa was in fact facing drought and the fact that international emergency organisations were involved.

Kenya's argument had been that it had hosted Somali refugees since 1992 and the international community was always slow in helping. Another influx in 2011 meant more people coming in to utilise the same size of resources. It presented a dilemma: to lock them out and protect your own or allow them in and have your own nationals suffer. The conclusion we draw here is that the government of Kenya at least tried to balance the two by delaying to expand the camp and have more donors pledge to help even local communities and assist in boosting security before the camp was expanded. It must be remembered that at the time Prime Minister of Kenya Raila Odinga announced that Ifo II camp will be opened, he had held talks with leaders from the UK where they had pledged funds for the camp and surrounding communities, and the US had pledged to boost Kenya-Somali border security patrol. This means that Dadaab as a crisis was first Kenya's domestic problem with international repercussions. Because Kenya had to identify ways of solving the problem, it had to reach out to the international community for negotiations.

## **5.4 Recommendations**

There is no likelihood of crises such as that of Dadaab in 2011 coming to an end. That means that humanitarian agencies and governments will continue to interact. This study limited

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<sup>230</sup>Paul Harvey, *Towards a Good Humanitarian Government: The role of Affected State in Disaster Response*, HPG Policy Brief 37, London, ODI, September 2009.Pp.2-4.

itself to international humanitarian agencies that are not owned by individual states. But the findings suggest there was collaboration in their work and some even received direct funding from governments. This means that the role of humanitarian agencies is very important in today's conduct of international relations. Aid workers themselves admit there are lessons the 2011 crisis taught them. And they include the need for strong and agreed coordination mechanisms in place before a crisis hits<sup>231</sup>. They also admit that early warnings and preparations must be heeded. "It is better to be proactive than reactive. Coordination still remains a pillar but we also need constant communications with the government and all other stakeholders," suggested a DRC official during this study<sup>232</sup>. This implies that the 2011 crisis worsened partly because of disjointed interaction between aid agencies and between these agencies and the government.

It means relief organisations need to have continuous dialogue especially with local networks on how to handle particular problems. The initial opposition to camp expansion raised by Kenya means these organisations need not assume the role of Kenya in keeping its sovereignty. It means these organisations must always give priority to discussing with the government on how to do their work. This may happen through a consortium as it is already happening at international level through the OCHA Donors Support Group and the Humanitarian Donorship Initiative or Humanitarian Liason Working Group.

However, emergency aid agencies do not have diplomatic privileges rooted in an international treaty as state diplomats. This means that the success of their operations heavily rely on state consent. Perhaps it is time to draft an international convention that will grant and regulate the privileges given to humanitarian workers for the sake of uninterrupted humanitarian

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<sup>231</sup>For example, a suggestion from Personal Interview with Lennart Hernander, Representative for the Lutheran World Federation, Nairobi, July 27, 2014.

<sup>232</sup>Personal Interview with DRC official, Nairobi, July 31, 2014.

work just like state diplomats have. But most importantly, perhaps future studies should find out how the Dadaab refugee camp continues to propagate the situation in Somalia which has meant that the camp periodically receives new arrivals.

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