The Refugee as an Agent: Insights from Structuration Theory

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Abstract

Critical voices in academia and policy circles have increasingly drawn attention to the agency of refugees in displacement situations, questioning the prevalent image of refugees as silent, powerless subjects. Drawing on insights from Giddens' structuration theory, this thesis explores the concept of refugee agency and argues that it is shaped by structural conditions and vice versa. It contends that what makes the agency of refugees distinctive are the particular structures they encounter, including, but not limited to, the refugee camp, the special legal status of refugeehood, and the refugee's damaged relationship with his/her country of origin. To enable a more systematic analysis, a typology with four types of refugee agency is developed: bypassing, rejection, manipulation and assimilation. These theoretical conceptualizations are then applied to the case of the post-1993 Burundian refugees in Tanzania using ethnographic work and archival material from the UNHCR Archives.

Des analyses critiques provenant des milieux académique et politique ont de plus en plus attiré l'attention quant au rôle des réfugiés. Elles interrogent leur image habituelle comme étant des sujets silencieux et dénués de pouvoir. En s'appuyant sur les idées que développe Giddens dans sa théorie de la structuration, ce mémoire explore le concept d'action des réfugiés. Il affirme que celle-ci est essentiellement formée par des conditions structurelles et vice-versa. Ce qui rend l'action des réfugiés si particulière sont les structures spécifiques qu'ils rencontrent, y compris, mais sans s'y restreindre, le camp de réfugiés, le statut légal spécifique de la condition de réfugié et la relation brisée du réfugié avec son pays d'origine. Pour permettre une analyse plus systématique, ce memoire développe une typologie composée de quatre types d'actions de réfugiés : le contournement, le refus, la manipulation et l'assimilation. Ces conceptualisations théoriques sont ensuite appliquées au cas des réfugiés burundais en Tanzanie, après 1993, en utilisant des travaux ethnographiques et des documents d'archives provenant de l'HCR.

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Chapter 1: Introduction

For many years the international refugee regime operated on the assumption that refugees are powerless victims who were abandoned by their home state and, thus, had no choice but to depend on the mercy and help of the international community. The legal definition of 'refugee' in the 1951 UN Convention Relating to the Status of Refugees and the 1967 UN Protocol became intimately tied to a discourse of emergency, anomaly and exception. As Emma Haddad (2008) has convincingly shown, refugees are an inherent part of the international state system. On the one hand, they represent an anomaly of the state system, and on the other hand, they reinforce the social construction of state sovereignty. Governments and humanitarian agencies often frame refugee movements as an infringement on the "stable" international order (Haddad 2008, Betts and Loescher 2011) that need to be regulated and controlled under the 1951 Convention. Humanitarian actors address mass displacement with a paternalistic approach of care (Barnett 2011a, b), which treats refugees as "speechless emissaries" (Malkki 1996), and claim to have the moral and expert authority to know what is best for them while aiming to maintain a neutral and impartial profile. These practices and discourses have not only resulted in the portrayal of the refugee as void of human agency but also in the implicit or explicit restriction of space for the refugee's voice (Stedman and Tanner 2003, Nyers 2006, Sigona 2014, Moulin 2012, Kagan 2006b, Harrell-Bond and Voutira 2007). In many cases, refugees can only "speak" or be heard via non-governmental and intergovernmental organizations, which sometimes create institutionalized and regulated forms of participation.

Along with the institutionalization of the category of the refugee, academia has similarly become complicit in the reproduction of these essentializing and silencing narratives that portray the refugee as a powerless and passive victim (Moulin and Nyers 2007, 370). Studies on refugees and forced migration show a general tendency to engage with developments at the international and global level (Johnson 2014, 2f). The underlying assumption seems to be that international organizations and institutions as well as states are the main and most significant components of the international refugee regime, overlooking the presumably central figure of the regime: the refugee itself.

Since the 1990s, anthropologists (Malkki 1992, Krulfeld and MacDonald 1998, Turner 2005, Lubkemann 2008, Horst 2006b), have made increasing efforts to raise awareness of the implicit and explicit power structures that guide scholarship and policies on refugees and have put a specific focus on the micro-level to shed light on the various ways in which refugees shape their day-to-day life. Scholarship on refugees within various disciplines is slowly joining this conversation with contributions from sociology (Nwosu and Barnes 2014, Essed, Frerks, and Schrijvers 2004), law (Holzer 2013, Purkey 2014, Behrman 2014), geography (Ramadan 2013, Sanyal 2011), political science (Nyers 2006, Thomson 2013, Perera 2013, Harpviken 2008, Moulin and Nyers 2007, Johnson 2014, Espiritu 2014), health and development studies (Horn 2010, Pavlish 2005, Kiura 2014), religious studies (Horstmann and Jung 2015) and gender studies (Tomlinson 2010, O'Kane 2007, Clark-Kazak 2014, Kiura 2014, Giles, Moussa, and Esterik 1996). While these accounts provide important (empirical) insights into the diverse forms of agency that refugees exercise in difficult and challenging circumstances, a systematic theoretical conceptualization of refugee agency is frequently either missing or, if existent, poorly

developed in the literature. This lack makes conversations across disciplines more challenging given that it "increases the likelihood of misinterpretation and talk at cross-purposes" (Bradley, Milner, and Peruniak 2015).

This thesis aims to help fill this gap by engaging in a theoretical discussion of refugee agency, drawing on social and political theory in order to enable a more comprehensive understanding of the ways in which refugees exercise agency. Engaging with the question of refugee agency is useful for the following reasons: First, numerous sub-disciplines in the social sciences, including political science, sociology, linguistics and anthropology, have been engaged in an elaborate debate on various conceptualizations of agency, which raises the question of why this knowledge has not been applied to the case of refugees. Second, this gap is problematic because "particular ways in which [scholars] conceive of agency have implications for the understanding of personhood, causality, action and intention" (Ahearn 2001, 112).

The purpose of engaging in a conceptual discussion of refugee agency at a more abstract, meta-theoretical level is to provide a compelling analytical framework to answer the overarching question of what is distinctive of refugee agency. In particular, Anthony Giddens' structuration theory will serve as the key theoretical touchstone due to its wide influence across disciplines and the ontological breath that allows for varying epistemological and methodological interpretations and applications.[1] Giddens' theory argues that agency is both enabled *and* constrained by structures, whose properties act as "both the medium and outcome of the practices they recursively organize" (Giddens 1984, 25). Or, to put it differently, structure and agency are mutually constitutive.

[1] While this is presented as a virtue of Giddens' theory, the shortfalls and research challenges will be discussed more in detail further below.

Giddens' basic premise presents an alternative lens through which a more nuanced understanding of refugee agency can be developed. Contrary to the dominant discourse in academic and policy circles that refugees face constraining circumstances that exclusively limit their agency, rendering them voiceless, powerless and without agency, Giddens' framework allows me to argue that the legal, political, economic, social, and geographic structural conditions in which refugees operate can both limit their agency, but also enable refugees to exercise different forms of agency. Thereby, the thesis aims to, first, place the limelight on the many creative ways in which refugees maneuver their particular surroundings, which are frequently ignored or rendered insignificant by key policy and humanitarian actors as well as in academic circles. Second, Giddens' framework sheds light on the ways in which refugees operate as agents within the international refugee regime whose actions can have an impact on various structural settings. In short, refugees are not necessarily rendered agencyless when they face given structures and neither are these structures fixed and immune to the potential influence of refugees' actions.

Furthermore, as Giddens puts a strong emphasis on the mutually constitutive nature of the agency-structure relationship, this thesis argues that refugee agency and the structures in which refugees operate need to be analyzed in conjunction. In linking both levels of analysis, it becomes apparent that refugees operate in structures that are distinctive, which in turns shapes the ways in which refugees navigate these particular structural conditions. Hence, what makes refugee agency distinctive are the structures that are specific to refugeehood; while there are numerous distinctive structures relating to refugees, I focus on refugee camps, the legal status of refugees, and their damaged

relationship to the state of origin. Consequently, the thesis aims to explore the bi-directional interplay between refugee agency and structures in order to trace how structures shape refugee agency and how refugee agency influences these structures.

a) Research question, structure and scope of the thesis

The guiding research question of this thesis is: *What (if anything) is distinctive of refugee agency?* Though academic work on the agency of refugees is growing, to date scholars have not explicitly engaged with this question. In order to tackle this broad question, the thesis will develop answers to the following sub-questions that will guide the structure of the research project as well as address the main question in a meaningful and systematic fashion.

To begin with, a systematic analysis of refugee agency requires a clear understanding of human agency, which requires a discussion of the meaning of agency from a theoretical and conceptual point of view. Therefore, the first sub-question will be: *What are some of the most compelling theoretical conceptualizations of human agency and how might these shed light on the nature of refugees' agency?* Given the fact that the notion of agency differs across disciplines, this thesis will not engage in a fruitless endeavor to find a common account of agency that is shared by all. Neither does it aim to establish a comprehensive theory of agency. Instead it will map and briefly discuss academic work on agency in the field of social and political theory and draw specifically on Giddens' structuration theory in order to develop a conceptual framework that provides a starting point for future research on refugee agency. This will open up the possibility to engage in a more comprehensive and systematic analysis of refugee agency that aims to understand the structural circumstances that enable and constrain it together

with the effects of agency. Hence, a more detailed discussion of the meaning of structures, which is considered to be "one of the most important and most elusive terms in the vocabulary of social science" (Sewell 1992, 1), is imperative.

Based on Giddens' premise that agency needs be understood in relation to constraining and enabling structures, I argue that the distinctiveness of refugee agency is drawn from the specific social, economic, political, legal and geographic structures in which refugee subjects are positioned. Refugees are not different from other human beings, except for the structural conditions they are situated in, which account for distinctive experiences. Nevertheless, any exploration of refugee agency needs to be wary of generalizations, as refugees experience a variety of situations that often change over time and depend on the host country they stay in, and their access to (inter)national relief efforts, amongst other factors. However, the purpose of exploring structural conditions is to question the common understanding of the specific structures that refugees encounter as being only constraining and limiting. I contend instead that we need to concurrently see that these structures generate particular ways in which refugees exercise their agency. Consequently, I argue that refugees exercise agency in response to the following distinct structures: 1) the refugee camp, 2) refugeehood as a special legal status, and 3) the refugee's damaged relationship with his/her country of origin. This list is not exhaustive and not all refugees face these particular structures (e.g. the majority of the 15 million registered refugees are not located in camps). However, this discussion provides a first attempt at understanding the distinctiveness of refugee agency given these particular structural circumstances.

Building on this, the thesis will ask the sub-question: *What are the most common ways in which refugees exercise agency in response to distinctive structures?* In order to provide a more systematic mapping of the ways in which refugees exercise agency, a typology of refugee agency will be developed drawing on empirical examples of refugee agency as well as academic work on social movements (Snow and Soule 2010, Goodwin and Jasper 2004, Staggenborg 2011) and resistance (Putnam et al. 2005, Scott 1985). Critics might raise concerns about the usefulness of typologies given that agency is such a complex phenomenon. It is important to recognize the risks inherent in any typology, including over-simplifying complex realities, seeming too prescriptive or not being sufficiently inclusive. However, I contend that a systematic mapping of some of the different and most common forms in which refugees express their agency not only generates a heightened degree of analytical visibility but also provides the basis for future analyses of the effects of refugee agency in relation to different structures. For this purpose, I will identify and discuss in detail four types of agency: bypassing, rejection, assimilation and manipulation. Skeptics may also point out that this typology of agency is not necessarily distinctive to refugees but describes a range of actions that human beings in general exercise in relation to social structures. As mentioned before, my argument is that what makes refugee agency *distinctive* are the *particular structures* that individuals, who become refugees, encounter. At the same time, this typology supports the idea that refugees are able to exercise agency (as they are human beings) even when these structures are commonly described as primarily constraining, which counters the conventional view that refugees can only be described in terms of agencyless, hapless victims.

Lastly, the thesis will explore the sub-question: *What is the impact of refugees' exercise of agency on key structures and how does the latter shape the refugees' experience of refugeehood?* This sub-question is based on Giddens' premise that agency and structure are mutually constitutive and need to be analyzed in conjunction. The aim is to observe, on one hand, if and how different types of refugee agency influence structures and, on the other, how refugees respond to certain structures on the basis of an in-depth analysis of the case of Burundian refugees in Tanzania post-1993. More concretely, examples of refugees' exercise of the four different types of agency are mapped and assessed in the context of the three distinctive structures: the refugee camps in Tanzania, the legal status of Burundian refugees in Tanzania and the Burundian refugees' damaged relationship with their country of origin. Applying the methodology of practice tracing[2] to analyze secondary literature, including ethnographic accounts, and primary sources such as official NGO reports and internal documents of the Office of the United Nations High Commissioner for Refugees (UNHCR) acquired through archival research at the UNHCR Headquarters, the study develops a comprehensive analysis in three dimensions. First, the study looks at what structural circumstances triggered refugees to exercise their agency in a particular way. Second, the analysis discusses to what extent the refugees' actions have affected structural changes, including shifts in policies and strategies of actors on the ground, specifically the UNHCR, and their structural manifestations in the constitution of camps, in the legal framework under which refugees operate and in the relationship to Burundi. Lastly, the analysis also takes into account changes at the linguistic level, especially in internal UNHCR communications, by asking whether and

[2] The methodology of practice tracing as proposed by Pouliot (2014) will be introduced further below as a variation of process tracing.

how refugee actions changed the official UNHCR discourse on refugee subjects and how these discourses, in turn, shaped UNHCR policies?

b) Methodology

A key challenge and academic debate surrounds the question of developing a methodology that highlights and sheds light on the interaction between structure and agency. Giddens himself has not provided any original empirical research to assess the applicability of his theory to specific real-world situations and claims that structuration theory is not intended as either a method of research or a methodological approach but rather as a "sensitizing device" (Giddens 1984, 326). However, he did not shy away from emphasizing the importance of empirical analysis:

> No amount of juggling with abstract concepts could substitute for the direct study of such problems in the actual context of interaction. For the permutations of influences are endless, and there is no sense in which structure 'determines' action or vice versa. The nature of the constraints to which individuals are subject, the uses to which they put the capacities they have and the forms of knowledgeability they display are all themselves manifestly historically variable. (Giddens 1984, 219)

Hence, Giddens' structuration theory is primarily a social ontology[3], that provides a particular lens or framework to conceptualize the nature of the relationship between agency and structure, rather than an explanatory, "substantive" theory (Bryant 1992, 142) with specific hypotheses to be tested. Furthermore, Giddens' theory is based on the central notion that the relationship between structure and agency is one of duality and not

[3] Giddens himself writes in "The Constitution of Society": "concentration upon epistemological issues draws attention away from the more 'ontological' concerns of social theory, and it is these upon which structuration theory primarily concentrates. Rather than becoming preoccupied with epistemological disputes and with the question of whether or not anything like 'epistemology' in its time-honoured sense can be formulated at all, those working in social theory, I suggest, should be concerned first and foremost with reworking conceptions of human being and human doing, social reproduction and social transformation" (Giddens 1984, xx).

dualism, meaning that structure and agency are inherently mutually constitutive.[4] The untying of structure and agency to separate steps in which agency shapes structure and vice versa threatens to contradict the notion of duality. Giddens does mention the idea of "methodological bracketing" which suggests the selective focus on either strategic actions or the "chronically reproduced features of social systems" (Giddens 1984, 288). However, its concrete application in research remains unclear as he insists that "It is quite essential to see that this is only a methodological bracketing: these are not two sides of dualism, they express a duality, the duality of structure" (Giddens 1979, 80). Hence, as Emirbayer and Mische (1998, 1005) rightly point out, "the empirical challenge becomes that of locating, comparing, and predicting the relationship between different kinds of agentic processes and particular structuring contexts of action." Or to put it differently, the challenge is to add theoretical and empirical "traction" to Giddens' theory.

In simplified terms, epistemological and methodological lenses on the study of agency and structure can be divided into two general streams. On one hand, positivist approaches explain the world in multicausal terms. The underlying assumption is that structure and agency can be held analytically constant and as such become stable variables to be tested from which generalizations about the social world can be drawn (Klotz and Lynch 2006, 357). On the other hand, post-positivist approaches emphasize the malleable nature of agency and structures, and thus are more skeptical about the

[4] This is a notion, which is also widely shared as a basic premise by constructivists. While it might be helpful to draw on methodological and epistemological explorations conducted by constructivist scholars of international relations (IR) (Doty 1997, Wendt 1987), the literature in IR still predominantly considers the state as the main actor in the international scene. The agency of the individual human being in that respect is often overlooked to explain political changes at the macro-level. I therefore do not systematically engage the constructivist IR literature, although this could be a fruitful area for future research.

possibility of generating (generalizable) conclusions about the causal relationship between structure and agency.

Process tracing is often cited as a methodology that has the potential to serve both approaches. As Checkel argues, "process tracers are well placed to move us beyond unproductive "either/or" meta-theoretical debates to empirical applications in which *both* agents and structures matter as well as are explained and understood through *both* positivist and post-positivist epistemological-methodological lenses" (Checkel 2006, 363, italics in original). Despite this acknowledged potential of process tracing, explorations aiming to further the sophistication of process tracing as a research technique and examples of its application to case studies show a tendency to start from (and often remain in) a predominantly positivist understanding of social interaction based on causality and theory-testing through deductively inferred hypotheses (Bennett and Checkel 2014).[5] Aiming for a more hybrid methodology, that enables me to look at both the causal and constitutive dimensions of structuration in my empirical analysis, I will draw on a variation of process tracing - Pouliot's concept of practice tracing.[6] His

[5] For instance, in their frequently-cited work on methodology, George and Bennett describe process tracing as an attempt to "trace the links between possible causes and observed outcomes" by drawing on "histories, archival documents, interviews transcripts and other sources to see whether the *causal process* a theory hypothesizes or implies in a case is evident in the sequence and values of the intervening variables in that case" (George and Bennett 2005, 6, emphasis added).

[6] Pouliot defines practices as "socially meaningful patterns of action which, in being performed more or less competently, simultaneously embody, act out and possibly reify background knowledge and discourse in and on the material world" (Adler and Pouliot 2011, 3). Pouliot's notion of practice is at its core similar to Giddens' concept of agency, in that both focus on actions embedded in a social context, which gives them meaning. Pouliot further distinguishes practices from actions, while Giddens does not make a clear linguistic differentiation when he refers to routinized actions (though he does use the term "practice" sporadically). Likewise, for Pouliot, practices are *patterns* of action emerging through repetition over time and space. While emerging patterns of interaction in contexts of forced displacement are also of interest for the analysis, it will be interesting to look at "single" actions in the context of routinized patterns of action over periods of time and contexts. Furthermore, Pouliot's practice tracing shares similarities with structuration theory as both Giddens and Pouliot are interested in understanding the mutually constitutive nature of agency and structure, meaning the "material and ideational processes that enable structures to be stable or to evolve, and agents to reproduce or transform structures" (Adler and Pouliot 2011, 5).

methodology takes into account the case-specific local context in which social interaction unfolds through streams of practices. Context matters because it gives meaning to (patterned) actions. At the same time, Pouliot identifies the causal nature of practices, as patterns of action "produce social effects"; they are "the generative force thanks to which society and politics take shape", which in turn "stems from the meaningful context within which they are enacted" (Pouliot 2014, 241f). Contextual structures not only constrain and enable the materialization of action but also attach meaning to it. As such, in interaction, one action can generate distinctive responses from other actors depending on the interpretation of such action. Therefore, "any account of causality must go through the interpretation of social contexts and practical logics," which requires a "close interpretive study of the local interaction setting" (Pouliot 2014, 242f). Hence, Pouliot's practice tracing allows for the analytical capturing of both the causal and constitutive nature of the relationship between agency and structure, which at its core aligns with Giddens' structuration theory. Pouliot's following suggested methods for practice tracing will be used in this thesis to analyze the case study of the post-1993 Burundian refugees in Tanzania: analysis of ethnographic accounts and (textual) discourse analysis of archival material which will be discussed more in detail in the subsequent section.

c) Case study and data sources

Practice tracing will be applied in analyzing the case of post-1993 Burundian refugees in Tanzania. The analysis is guided by the last sub-question of the thesis: *What is the impact of refugees' exercise of agency on key structures and vice versa?* Given the contextual differences across various host countries and refugee groups, the thesis will focus on one specific refugee group and limit the geographical scope of the analysis to

one host country in order to ensure a certain degree of contextual continuity and to make the project manageable (Creswell 2007). The outbreak of a civil war and large-scale massacres in Burundi in October 1993 caused the flight of more than 500,000 people, predominantly of Hutu ethnicity, to neighboring countries; 250,000 fled to Tanzania (Skonhoft 2000). The majority of these refugees who were scattered along the Burundi-Tanzanian border in 1993 were moved and provided with relief in camps established by the Tanzanian Government and the UNHCR, the Tanganyika Christian Refugee Service (TCRS) and other local and international NGOs.[7] According to the official UNHCR numbers of refugees in Tanzania (Akarro 2001), the camps housing Burundian refugees were located in three districts of the Kigoma region, which were the primary focus in the selection of relevant textual material.[8]

The purpose of doing a single case study is not to test Giddens' theory (since it does not provide any testable hypothesis), nor is it sufficient enough for theory generation (even though it could be used as an springboard for future initiatives to develop a theory of refugee agency). Instead the added value of a case study is to see how the rather abstract conceptualization of refugee agency translates to the context of a particular case of displacement, which can not only help illuminate some analytical challenges but also raise new questions to be considered within future theoretical discussions. Problematizing

[7] It is important to make a distinction between the Burundian refugees who fled in 1972 and those who crossed the border to Tanzania in 1993. The Tanzanian government's approach toward the former was to locate them in planned village settlements and to give each family five to ten hectares of land (Denmark 2010). Burundians who fled to Tanzania during and after 1993 arrived in a different political climate in which the Tanzanian government aimed to control and constrain their movement and integration, which meant moving them predominantly to refugee camps. For a more detailed discussion of the changes in Tanzanian refugee and asylum policies from the 1970s until 2010 see Milner (2013).

[8] Camps for post-1993 Burundian refugees included Lukole I and II, Mtabila, Muyovosi, Kanembwa, Nduta, Mkugwa, Mtendeli and Karago.

the theoretical account through a case study can highlight its shortcomings and show its potential strengths in understanding the complex dynamics of displacement.

This case was also chosen given its accessibility due to existing scholarly and archival material. The study was developed using three sources of primary and secondary literature. These include, first, published work in academic journals and books (see for instance Sommers 1995, Turner 2005, 2006, 2010, Malkki 1995a, 1996, Milner 2013, Akarro 2001, Whitaker 2002, Lennox-Cook 1996) that provide ethnographic accounts of events at the micro-level, especially insights into the ways in which the post-1993 Burundian refugees experienced and maneuvered the particular legal and camp context in Tanzania and their damaged relationship with Burundi. Second, official reports by UN agencies, government organizations and NGOs (see for instance Oxfam 1998, Denmark 2010, Mabuwa 2000, ICG 1999, IRC 1997, NCG 2010) help situate the case, identify the historical context and provide insights about the various structures put in place by these actors. Third, by using textual data collected through archival research[9] in the UNHCR Archives in Geneva, I looked into internal UNHCR communications, incoming and outgoing cables between UNHCR sub- and field offices in Tanzania and the Headquarters in Geneva, and internal protection reports and files. Given that I was the first researcher to access these files, I hope that including this new archival material will further contribute to the existing literature and research on the case. As Bercovitch (2004, 419) observes, the "analysis of archival data is well suited to studies of trends, change and traditions" and "permits systematic studies of processes." However, according to George and Bennett (2005, 99f, original emphasis), "assessing the meaning and

[9] For a introduction into the mechanics of archival research, its strengths and weaknesses see Frisch et al. (2012).

evidentiary worth of *what* is communicated in a document" means that "the analyst should consider *who* is speaking *to whom, for what purpose* and *under what circumstances.*" As such, a potential concern might be that the archival material contains primarily information produced by the UNHCR staff (and, at times, reports by other humanitarian actors) for the UNHCR staff and thus presents a selective (and presumably biased) representation of the situation on the ground. It might appear counterintuitive for a study like this one, that wants to put the focus on refugee agency and understand the different ways in which refugees navigate spaces in exile, to look at a set of data that is primarily concerned with the operations of the humanitarian agency. However, I would argue that the selectivity of information that is communicated and subsequently archived can provide important insights into the perception actors on the ground have of refugees and to what extent refugees' exercise of agency is being recognized as a necessary and relevant component of their policies, programs and structures that needs to be taken seriously. Asking in what instances refugees' agency is (not) mentioned or discussed and when and how this discourse on refugee agency changes is relevant to understand the dynamics of humanitarian politics and could help find ways to change these narratives on refugees to become less distorted and more nuanced.

Furthermore, it is important to mention that, due to the Archive's policy to only make files accessible after a 20-year time period, the majority of data collected pertains to the period from October 1993 until the summer of 1995, whereas other sources such as ethnographic accounts go beyond 1995. This limits my ability to develop a detailed comparison of archival material with other ethnographic data after 1995. Nevertheless, even in the context of the first two years of the crisis, the archival material already

provides an important glimpse into the ways in which the refugee as an agent is commented on and framed by UNHCR staff at different levels from field offices to Headquarters.

d) Key concepts

In the following, I wish to clarify some key terms and concepts used in this thesis, specifically "refugee", "agency", and "structure".

The term "refugee" is widely used in the political, legal, humanitarian and academic spheres, and as such displays a variety of definitions. In his seminal work, Zetter (1991, 2007) traces the emergence of differing connotations around the refugee label that go beyond or divert from the oft-cited official, legal definition provided in the 1951 Refugee Convention. The reality of forced displacement is a complex one and finding a label that adequately represents the diversity of experiences of the displaced has generated much discussion. For the purpose of this thesis, the term "refugee" will not be limited to the 1951 Convention definition but used in a broad manner. Limiting it to the official legal definition would unnecessarily exclude certain groups of displaced individuals who ultimately share similar experiences of flight and life in exile. Since the purpose of this thesis is to discuss refugee agency, a sole focus on "official" refugees might create the distorted idea that "non-official" refugees do not or cannot exercise agency. Hence, I draw upon Malkki's insights that "the term refugee has analytical usefulness not as a label for a special, generalizable 'kind' or 'type' of person or situation, but only as a broad legal or descriptive rubric that includes within it a world of different socioeconomic statuses, personal histories, and psychological or spiritual situations" (Malkki 1995b, 496).

The second key concept discussed in the thesis is "agency". Given that the philosophical debate around the meaning of human agency has a long tradition in academia, this thesis will focus on Giddens' theoretical discussion and define agency as an individual's (sub)conscious and purpose-driven choice to act in a certain manner in taking into account the structural context. Chapter 4 develops a more elaborate overview of the various streams of theoretical conceptualizations of human agency and locates Giddens' work within these broader conversations.[10]

Similarly, the academic world has provided a rich literature on the concept of "structure" within the wider agency-structure debate. Again, Giddens' work will serve as the theoretical touchstone for the conceptualization of structure in the context of forced displacement and refugeehood (see Chapters 3 and 4). Giddens describes structures in terms of 'structural properties' or immaterial rules and material resources, which allows for an analysis of the material, discursive and institutional dimensions of structures.

e) Outline of the thesis

This thesis is divided into six chapters. Chapter 2 traces the historical evolution of the image of the refugee in humanitarian and academic circles and describes how refugees were and are still frequently framed and treated as silent subjects. Chapter 3 engages in a theoretical discussion of the definition of human agency and explores how we can make sense of agency in research by introducing Giddens' theory of structuration. Chapter 4 asks what is distinctive about refugee agency compared to the agency of non-

[10] While I acknowledge that philosophical and theoretical accounts of human agency at times overlap with the literature on autonomy, which itself displays a wide variety of perspectives on the conceptualization of autonomous agents, due to the limited scope of this thesis, I will not engage with the subject. For discussions on the autonomy of refugees, see for instance Zagor (2015), Gerver (2015), and Christman (2014).

refugees and discusses three unique structures of refugeehood that displaced individuals encounter. Chapter 5 develops a typology of refugee agency and identifies four types of refugee agency drawing on ethnographic work. Chapter 6 uses the theoretical-conceptual account of refugee agency developed in Chapters 4 and 5 to analyze the case study of the post-1993 Burundian refugees in Tanzania. The conclusion summarizes the main theoretical and empirical insights of this thesis and offers possible areas for future research.

Chapter 2: Representations of the refugee as a subject without agency

This chapter explores the ways in which refugees have been discussed, portrayed and treated by key actors of the international humanitarian regime, particularly states, humanitarian agencies and academia. Significant in this context is the lacking voice of the refugees themselves, who at times challenge the narrow, simplistic, and patronizing representations but more often than not remain outside political and academic conversations. These essentializing representations not only dominate the discourse but also shape the practices of the key actors. These insights will help contextualize the subsequent theoretical and empirical discussions of refugee agency and show the relevance for engaging with this topic more seriously. I will first look at discourses and practices of states and humanitarian actors and then discuss the treatment of refugees in the academic realm.

Although migration and displacement have always been part humankind's story, the figure of the 'refugee' as we understand it today only took shape in the 20th century.

Scholars have traced the genealogy of the legal and social category of the refugee to show how it has been a creation of the modern nation-state and has been formed, transformed and politicized ever since (Zetter 2007, Malkki 1995b, Haddad 2008). The establishment of the international refugee regime and the institutionalization of the legal category of 'the refugee' took place in the aftermath of WWII with the adoption of the 1951 UN Convention Relating to the Status of Refugees, which defines a refugee as any person who

> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (1951, Art. 1(2))

The purpose of the Convention was to find an international mechanism to manage the disorder caused by the displacement of people across state borders. More specifically, the legal concept of refugeehood has been strongly linked to notions of emergency, anomaly and exception or even "failure of the state system, which the refugee regime was created to correct" (Betts and Loescher 2011, 15, see also Haddad 2008). In other words, with the rise of human rights norms and the dominance of liberal ideologies since the end of the Cold War, state sovereignty became associated with the idea that states have the duty and responsibility to protect their citizens. Consequently, states that do not conform to this notion of statehood are commonly framed as "illiberal", "weak" or "failed" and are seen as the primary cause for the flight of people across borders. As Lippert (1999, 304) observes, "refugees became a Western moral-political tactic within broader objectives. It became a way of relating to and intervening into that which was deemed illiberal and uncivilized." As such, solutions to refugeehood in the form of "repatriation, reintegration and rehabilitation" are increasingly discussed in the peace-building context and are

acknowledged to be a core component of successful post-conflict reconstruction efforts by state actors and scholars (Betts and Loescher 2011, 10). Notably, with a predominant focus on "fixing" the nation-state in these conversations, the refugee is frequently neither discussed nor actively included as an agent in shaping these processes. The agency of the individual person who flees is typically expected to be silent in these contexts. Instead, the refugee is framed at best as the victim in need who had no choice but to flee, which has become the underlying rationale and justification for granting asylum, and at worst as a (security) threat to other states.[11]

This binary thinking of victim vs. threat, dominating the state discourse, overlooks that refugees are "never just one or the other. They are conscious and capable actors, actively engaged in social networks that define their response opportunities, but they are also subject to dangerous structural forces far beyond their direct control" (Harpviken 2009, 18). In fact, refugees are not oblivious to these discourses inherent to the international refugee regime and often learn to use this knowledge to navigate the space to their own benefit. For instance, in the context of refugee status determination processes, individuals are required to make a case as to why they qualify for asylum. As Khoday (2012, 624) points out, "[f]or many asylum-seekers, the attainment of refugee status often requires them to situate themselves within the embodied space of a 'hegemonic refuginity' – that is, to assume the uni-dimensional position of a victim – the victim of trauma, or in the language of refugee law and discourse, the victim of

[11] Paradoxically, the state's notion that refugees pose a threat implies that the latter exercises agency to some extent. The problematization of refugees' exercise of agency in violent forms is rooted in the fact that it happens outside state control. Especially militant political activism in refugee camps has become a central focus of state and humanitarian policies. For a discussion of the militarization of refugees in camps see Lischer (2011), Lebson (2013) and Zolberg, Suhrke, and Aguayo (1986), amongst others. For more on the victim vs. threat discourse see Hammerstad (2014).

persecution." Even though most refugees do not necessarily agree with this image, their decision to adopt such a reductionist self-representation heavily influences the way they are treated by the international community (Pupavac 2008).

In comparison to states, humanitarian agencies, acting within the international refugee regime, have generally responded to forced displacement as an emergency, focusing on the immediate and more short-term treatment of the symptoms of displacement. Yet, Barnett (2014) observes a gradual move towards more "alchemical" approaches, targeting the root causes of displacement, which taints the traditional image of humanitarian agencies as neutral and impartial actors. Adhering to the principles of impartiality and neutrality, upon which humanitarian actors base their legitimacy and ability to access the populations in question, requires them to treat the flight of people as an apolitical event and refugees as a homogenous group of people in need. For example, refugees cease to be treated as individuals with complex and diverse backgrounds and are framed, instead, as mass phenomena, often described by official representations in elemental terms such as flood, influx, swamping, etc. (Behrman 2014, Malkki 1996). The frequent dehistorization of refugee movements in the media (Malkki 1996), by humanitarian agencies and by states (Nyers 2006, Sigona 2014) portrays the refugee as a voiceless, silent and powerless construct and influences the former's practices, policies and daily interactions with displaced communities.

To give an example, in her anthropological studies in the refugee camps in Tanzania in the 1990s, Malkki observes that humanitarian actors imagine the refugee as "a particular kind of person: a victim whose judgment and reason had been compromised by his or her experiences" (Malkki 1996, 384). Instead of seeing refugees as complex

subjects, humanitarian agencies treated these "speechless emissaries" as "objects of humanitarian intervention" and claimed the exclusive right to know what is best for them. Barnett (2011a, b) has termed this phenomenon "humanitarian paternalism", defined as "the inference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of the person being coerced" (Dworkin cit. in Barnett 2011b), which explains the seemingly contradictory practice of "compassion and care…alongside command and control" (Barnett 2011b, 105). The humanitarians' desire to manage displacement and their inherent hesitancy to give refugees the space to take autonomous decisions with regards to their living conditions in exile has led, for example, to the establishment of refugee camps as the preferred policy response to displacement crises, despite the fact that ample critique of the assumed benefits of camps has been voiced within academic circles (Harrell-Bond 1986, 1998, Kibreab 1993, Smith 2004). Kibreab's analysis of the "dependency syndrome" shows how humanitarian policies in many instances perpetuate the helplessness and dependence of refugees and call into question the capacity of refugees to be agents:

> The reasons why the encamped refugees continued to depend on international hand-outs for a prolonged period was not because, as many claimed, they were unwilling to work to meet their needs. Rather, the explanation is to be sought in the government's policy, misconception of the relief agencies about the refugees' traditions, coping mechanisms, capabilities, etc. and in the severe constraints imposed by the climatic and physical conditions of the country. (Kibreab 1993, 332)

Hence, humanitarian agencies' perception and portrayal of refugees as "agencyless" subjects is driven by the very nature of humanitarianism and overshadows the complexity and diversity of refugees' experiences and self-perception as agents of their lives.

Critical voices in academia, particularly feminist scholars (Hyndman 2000, 2011, Clark-Kazak 2009, Giles 2013, Fiddian-Qasmiyeh 2009, Johnson 2011), have further

pointed out the deeply gendered discourse and 'feminized and infantilized images of 'pure' victimhood and vulnerability" (Sigona 2014, 370), that emerge in humanitarian contexts, and have traced the impact this had on the beneficiaries' experiences on the ground. A refugee's age, gender, marital status and sexual orientation, amongst other factors, elicit certain assumptions about their needs and characteristics based on which humanitarian agencies determine their access to resettlement places, relief, accommodation within camps and special programs. Despite the fact that new policies focusing on age and gender mainstreaming have been introduced by key actors like the UNHCR in the past decade, the limitations of these efforts to substantially change agencies' practices in the challenging circumstances in the field have been repeatedly pointed out (Hyndman 2011, Clark-Kazak 2009). Furthermore, the portrayal of female refugees as "madonnalike figures" (Malkki 1992) and children as "a pure victim" (Malkki 1995a) is frequently reproduced in agencies' reports and campaigns for fund-raising purposes. In her systematic analysis of the visual and textual representations of refugees in UNHCR documents between 1999 and 2008, Clark-Kazak finds that women and children as well as young people and elders remain the epitome and face of vulnerability, which reinforces the "the notion that these groups are *by definition* vulnerable" (Clark-Kazak 2009, 18). As a result, the gendered discourse further essentializes refugees and overlooks the many diverse ways in which refugees of all ages, genders, sexual orientations, etc. exercise their agency.

Along with the establishment of the essentialized category of the refugee in state and humanitarian circles, academia has developed similar discursive patterns that silence refugee voices. The literature on refugees especially in politics and law focuses

predominantly on states and international organizations, such as UNHCR, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), and the International Organization for Migration (IOM) and how they shape the international refugee regime, while refugees themselves are treated like secondary figures in academic research (Lecadet 2016, 2). In contrast, anthropologists like Malkki (1995a, 8f) have repeatedly made an effort to point out the common tendency in the refugee literature to homogenize refugees into a generalized victimhood, as it

> appear[s] that there are specific empirical features or personal traits that render this or that person recognizable as a refugee – [which] is related to another aspect in the literature: the universalization of the figure of "the refugee". "The refugee" has come to be an almost generic, ideal-typical figure - so that it is not uncommon to see references to "the refugee", "the refugee experience"..., "the refugee mentality"..., "refugee psychology"..., and so on.

Since the 1990s, anthropologists and feminist scholars have increasingly critiqued the essentializing accounts of refugee agency and emphasized the importance of exploring the complexities of the individual refugee's experiences and the ways they negotiate their surroundings, which has opened up pathways to more nuanced conversations (Malkki 1992, Krulfeld and MacDonald 1998, Turner 2005, Harrell-Bond 1986, McSpadden 1999). While research on refugee agency with contributions from different disciplines, including political science, is growing (see for instance Moulin and Nyers 2007, Behrman 2014, Kiura 2014, Chatty 2010, Moulin 2010, Perera 2013, Thomson 2013, Nwosu and Barnes 2014), the literature that does exist generally lacks a comprehensive discussion of the theoretical-conceptual meaning of refugee agency. Research on this topic often uses a narrow understanding of agency based on specific ontological and epistemological assumptions. In this sense, the focus is limited to language, such as linguistic (self)representations, rumors or the instrumentalization of human rights language by

refugees (Moulin 2010, Thomson 2013, Holzer 2013, Tabar 2007) or physical actions, including political protests, sit-ins, self-harm, or militant activities (Harpviken 2008, Clark-Kazak 2010, Holzer 2015). Furthermore, some scholars employ implicit notions of agency based on concrete and tangible outcomes of agency (Behrman 2014) while others emphasize the purpose and intention behind an action (Thomson 2013, Tabar 2007) as a minimum criteria for agency, though in the majority of cases this is not made explicit. Most often, however, the academic literature looks at the exercise of agency in the economic, political, or legal fields, treating each as separate and independent from each other.

Particularly in the field of Political Science, scholars have slowly begun to acknowledge the active political role some refugee groups take on, especially as the militarization of refugee camps became a burning political issue for states and humanitarian agencies in the 1980s and 1990s (Lecadet 2016, 4). Political scientists have generally grappled with questions pertaining to the root causes for refugees engaging in armed political activism in host states, as exemplified in the case of Rwandan refugees in Uganda and Zaire (Lebson 2013, Zolberg, Suhrke, and Aguayo 1986, Stedman and Tanner 2003). However, the discussion still focuses largely on explanatory variables exogenous to the refugees that emphasize political opportunities at the structural level and resource mobilizations by external actors in order to explain the militarization of refugees (Lischer 2011, Lebson 2013, 135, Harpviken 2008).

Even though these accounts of refugees' agency provide important insights into the ways in which refugees defy national governments and international actors or manipulate humanitarian aid policies for their own benefits, a more comprehensive

discussion of the agency of refugees at the conceptual level has not been a priority. Theoretical explorations of refugee agency are largely missing, so much so that many studies concerned with agency do not even provide a definition of (refugee) agency. While I do not claim that we need to find an all-encompassing definition of refugee agency, making one's notion of agency explicit helps prevent misunderstandings between different accounts and enable a more transparent conversation. Furthermore, focusing exclusively on refugee agency often has the tendency to limit the analysis to human actions at the individual level without relating them to the context in which they happen. While a focus on the micro-level is imperative, I argue that we need to better understand the relationship between individual (micro) and structural (macro) dimensions. As such, I will introduce Giddens' framework in the subsequent chapter, which will allow me to develop an approach that takes both dimensions into account when researching the agency of refugees.

In conclusion, this chapter mapped out the ways in which refugees are framed and represented in political, humanitarian and academic circles, which has practical consequences for policies and humanitarian initiatives on the ground. The dominance of essentializing and homogenizing narratives of victimhood creates the notion of the refugee as a silent and hapless object without agency. Refugees' self-perception, which often stands in contrast to the dominant narratives, and the many examples of refugees developing survival strategies to navigate challenging environments are repeatedly overlooked, negated or, in some instances, even suppressed. Specifically in the realm of academia, researchers have to be weary of creating an 'ideal-type refugee' and make use

of analytical lenses that acknowledge and successfully integrate the complexity and diversity of refugees' exercising agency. Feminist and anthropological voices in academia have been in the forefront of challenging these limiting discourses, yet often come with their own limitations. However, in taking into account these limitations with regards to the conceptualization of refugee agency, the subsequent chapters will move beyond existing research and engage in a theoretical exploration of the meaning of agency per se in order to develop a more nuanced and comprehensive understanding of refugee agency.

Chapter 3: Conceptualization of agency: Insights from Giddens' structuration theory

This chapter situates Giddens' theory of structuration in the broader philosophical debates on agency and outlines its main ideas on agency, structure and the meaning of duality of structure – Giddens' basic premise. This will set the ontological framework for the analysis of refugee agency. Giddens' conceptualizations and his emphasis on the importance of understanding structure and agency in conjunction lay the groundwork for the discussion of specific types of refugee agency in Chapter 5 and the unique structural conditions of refugeehood in Chapter 4.

There is no universally agreed upon, unambiguous definition or description of agency in the popular or academic realm. Nevertheless, at the core of the following discussion about the meaning of agency lies the premise that the capacity for agency is inherent in all human beings. All human beings exercise some measure of agency in their

daily lives and face certain limitations.[12] This chapter will provide a brief review of selected theoretical literature on agency, drawing predominantly on work done in political science and sociology, leading into a detailed discussion of the work of Anthony Giddens. Even though theoretical-conceptual debates on agency tend to provide workable definitions of the term to allow a focused analysis, they should not be understood as exclusive qualifications of what does and does not count as agency.

Sociological and political accounts of agency can roughly be divided into three strands.[13] The first understanding of agency predominantly emerged within liberal paradigms. It defines the individual human being as a sovereign subject who shapes his/her circumstances through autonomous actions. In this extreme form of liberal individualism, humans are seen as freely-choosing rational beings and the self, including the human mind with its values, interests and aspirations, as existing prior to its social context (Carle 2005, 307). Events and outcomes are exclusively seen as a product of individual choices rather than structural constraints.

In contrast, the second strand, generally situated within (post)structuralist approaches, conceptualizes the subject primarily as a product of social and discursive structures. From this perspective, individuals are conditioned by their discursively structured subject position rather than by individual choice. As a result, an individual's "intentionality is shot through with discourse 'all the way down'" (Wendt 1999, 179),

[12] Atomist or reductionist theories will not be discussed in this section, since this thesis is interested in understanding agency in relation to structure. Reductionist approaches to agency remain outside of the "agency-structure debate," given that they "explain outcomes by reference *only* to the attributes, *not* interactions, of individual" actors (Wendt 1999, 147). As such they do not take structure as a possible explanatory factor alongside actors into account.

[13] Debates on human agency have a long tradition in Western philosophy, which I cannot possibly do justice to in the limited space of this thesis. For a more detailed discussion see, for instance, Wendt (1999).

which implies that individuals' intentions, and consequently their actions, are not independent from structure but are constituted by it. These approaches are often criticized for coming close to neglecting or, as some argue, denying individual agency as they see individuals as mere effects or products of structures (Sewell 1992). This structural determinism often comes at the relative expense of human agency.

The third strand can be positioned on a continuum between the two extremes of strong liberal individualism and (post)structuralism. Many current philosophical discussions of agency locate themselves in this broad middle ground, neither denying the individual subject's capacity for human agency nor disregarding the influence of structure on the subject (see for instance Carle 2005, Ahearn 2001, Leach 2005, Hakli and Kallio 2014, Archer 2010, Lewis 2002, Sibeon 1999, Wendt 1999, Adler and Pouliot 2011, Giddens 1984, Emirbayer and Mische 1998, Glynos and Howarth 2008). This thesis will take the approach of the third strain, moving away from a position of classical either/ors: bottom-up (individual agent influences the system) or only top-down processes (structure determines individual actions) (Glynos and Howarth 2008, 163). Rather, it will link purposive activity at the micro-level to systemic interdependencies at the macro-level (Emirbayer and Mische 1998), using Anthony Giddens' theory of structuration.

Giddens (1979) is considered one of the pioneers in the social sciences whose structuration theory proposes a detailed account of the circular relationship between structure and agency. His basic premise was that structures and agency are mutually constitutive and, thus, need to be analyzed in conjunction. Thereby, he broke with the common binaries between "free will and necessity, voluntarism and determinism" (Emirbayer and Mische 1998, 1003). Many theorists in the fields of anthropology,

geography, sociology, social psychology, management studies and political science have drawn on his theory of structuration to develop a better understanding of change. Phipps, who has mapped all applications of Giddens' theory between 1982 and 2000 in the Anglophone academic literature, notes that structuration theory "has probably invited more commentary and application than any other contemporary social science during the past twenty years" (Phipps 2001, 189).[14] Overall, structuration theory can be best described as an ontological lens through which a diversity of social phenomena can be made sense of. Hence, even though the implementation of this theory has varied across different disciplines, generally, these approaches have attempted to "include propositions about how organizational features of societies enable or constrain peoples' capacities to effect change and how people's practices, in turn, help to reinforce or challenge prevailing social relations or structures" (Chouinard 1997, 364).

Given that agency can be conceptualized in many distinct ways and literature in social sciences provides an extensive range of discussions on this issue, what justifies the use of the basic premises of Giddens' structuration theory in this thesis? A multitude of scholars have engaged with his theoretical and conceptual insights and much critique have been raised in this context (see Cohen 1987, Bryant 1992, Sewell 1992, Archer 2010, Bertilsson 1984). More specifically, authors have pointed out the limitations of his theory, given that its primary concern is to contribute to ontological debates on agency and structure, while falling short of providing empirical explorations. Giddens himself neither developed nor implemented an empirical research program to support his theoretical insights, which he explicitly acknowledges in the following quote:

[14] Yet, surprisingly, Giddens' concept has been rarely applied within forced migration studies.

> [The theory of structuration] is not a magical key that unlocks the mysteries of empirical research, nor a research programme. The research programme which I envisage, at any rate, in relation to the theory of structuration cannot be simply inferred from the concepts deployed therein. It is concerned with a broad spectrum of historical analysis and political theory. (Giddens 1983, 77)

Similarly, Bryant (1992, 77) contends that "Giddens never has wanted empirical researchers to incorporate his whole conceptual vocabulary into their work. What matters is not the terminology but the structurationist orientation to the constitution of society which that terminology expresses." As a result, Giddens does provide substantive answers to questions pertaining to which structures particularly enable or constrain agency, what types of agency are most transformative of structures, or what causes structures to become more or less frequently reproduced (Archer 2010, 230f).

Despite these criticisms, I suggest that Giddens' lack of epistemological guidelines offers a fruitful playing field for new and innovative research on refugee agency. His theory of structuration opens up the avenue for a cross-disciplinary dialogue by allowing for an inclusive approach across different fields in social sciences that have provided a range of insights into the many ways refugee agency manifests itself in the economic, social, political and legal spheres. Giddens presents conceptualizations of agency and structure that are narrow enough to bring analytical focus to research, while broad enough to allow for their adaptation and application to the specific case of refugees. This allows the central question of this thesis – "what is distinctive of refugee agency" – to be raised in the first place.

In short, Giddens' ontological explorations are not used as a theory in the conventional sense from which hypothesis are deduced and then tested, but serve as a guiding framework for developing a more systematic analysis and understanding refugee agency. Although Giddens conceptualizes agency and structure as mutually constitutive,

it is helpful to introduce these concepts individually. The following discussion of Giddens' work will be divided into three sections: a) his account of agency, b) his account of structure, c) the "duality of structure" as the core premise of structuration theory.

a) Giddens' account of agency

Giddens notion of human agency is closely tied to action. He defines agency as "the stream of actual or contemplated causal interventions of corporeal beings in the ongoing process of events-in-the-world" (Giddens 1976, 75). Even though his concept of agency does not simply focus on the praxis aspect of agency, it needs to be understood in relation to "the characteristics of the actor as a subject [which should not] remain unexplored or implicit" (Giddens 1979, 55). Given that one could argue that humans by their mere being and their presence in relation to their surroundings are constantly exercising actions, Giddens adds certain qualifications to his conceptualization of agency.[15]

First, individuals[16] have to apply a certain level of consciousness to their actions in order for them to qualify as agency.[17] Consciousness requires agents to have knowledge about the action ('discursive and practical consciousness')[18] as well as the

[15] Giddens seems to use the terms 'agency' and 'action' as synonyms though this approach is widely debated. Giddens does not refer to agency simply as a singular or a series of actions "combined together", but a "continuous flow of conduct" (Giddens 1979, 55 original in italics).
[16] Giddens focuses primarily on the agency of individuals. Even though he acknowledges that individuals can act in groups, his ontology still holds that "the only true agents in history are human individuals" (Giddens 1979, 58).
[17] Giddens also ascribes a relatively substantive role to the unconscious, though he warns that "we must also avoid a reductive theory of consciousness: that is, one which, in emphasising the role of the unconscious, is able to grasp the reflexive features of action only as a pale case of unconscious processes which really determine them" (Giddens 1979, 58).
[18] Giddens distinguishes between "discursive consciousness" and "practical consciousness" (Giddens 1983). The former relates to "all those things that actors can say, can put into words, about the conditions of their action," or simply the rationalization of conduct, while the latter is more a form of "tacit

structural context in which the action is exercised ('contextuality of action') (Giddens 1979, 57). Contexts, as Giddens explains, "form 'settings' of action, whose qualities agents routinely draw upon in the course of orienting what they do and what they say to one another" (Giddens 1987, 215). In other words, the individual's awareness of his/her context and its properties, a concept I will elaborate on later, is essential for the exercise of agency.

Second, and closely related to the previous point on consciousness, Giddens emphasizes the purpose-driven characteristic of agency. The underlying premise is that individuals intrinsically engage in a "reflexive monitoring of [their] conduct" when they exercise agency (Giddens 1979, 56). Reflexivity requires that individuals set their intentions on an ongoing basis, which allows them to modify their actions. This process ensures that agents "routinely and for the most part without fuss, maintain a continuing theoretical understanding of the grounds of their activity" (Giddens 1984, 5). Reflexive monitoring can happen either with a high level of awareness of the reasons for an action, meaning the agent has a set goal in mind (rationalization) which he/she can communicate if required, or with a subconscious set of intentions guiding his/her actions (motivation). As such, agency is as much characterized by concrete action (exercise of one's agency) as by the cognitive thought-process (consciousness and reflexivity) that underlies it.

Third, agency requires a certain degree of choice, meaning that the individual "could have acted otherwise" (Giddens 1976, 75). The choice to act otherwise can manifest itself not only in the attempt to intervene in the given context but also the choice to forbear (Giddens 1979, 56). The focus on choice as a feature of agency shows

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knowledge…which the actor is not able to formulate discursively" (Giddens 1983, 76). As such, Giddens acknowledges that agency does not always require that it can be discursively explained or justified.

Giddens' belief in individuals' potential to create new ways of engagement in relation to existing patterns of social life. The capability to 'make a difference', which he equates to the exercise of power, is an essential condition of agency. Without it, Giddens concludes, "an agent ceases to be such" (Giddens 1984, 14).

Even though Giddens underlines the choice to act and the ability to reflect on reasons and motives of action as key characteristics of agency, his theory acknowledges that actions often lead to unintended outcomes. For Giddens, agency is not about the degree of accomplishment but the exercise of intentional action. This is a widely debated issue, as scholars like Kabeer (1999) define the achievement of intended outcome as one of three crucial dimensions of choice. Yet, it remains unclear as to how achievements can be measured and whether they necessarily have to be tangible. For instance, interpreting the failure of the intended action to achieve change as lack of agency might limit our conception of agency to cases where scholars only see results that are visible in the short-term. Furthermore, basing agency purely on successful outcomes does not take into account that social life is a result of a multiplicity of actions by individuals, which cannot be summarized by simply adding them up. For Giddens, structural contexts, in which actors are situated, emerge from actors' actions but cannot be reduced to them. Thereby, Giddens acknowledges the limitations of human will and strives to understand how these unintended consequences in return condition actions. Based on these considerations, this thesis does not conceptualize successful achievements of intended outcomes as a necessary requirement for agency.

In sum, this thesis will draw upon Giddens' conceptualization of agency as an individual's (sub)conscious and purpose-driven choice to act in a certain manner in

taking into account his/her structural context. Given that Giddens underlines the importance of understanding agency always in relation to context, or structure, the following section will discuss the meaning and role of structure as a key component of Giddens' structuration theory.

b) Giddens' account of structures

The meaning of structures is considered to be "one of the most important and most elusive terms in the vocabulary of social science" (Sewell 1992, 1). When Giddens refers to structures, he focuses predominantly on 'structural properties.' He defines them as rules and resources, which "only exist in conjunction with one another" (Giddens 1979, 65). Individuals draw upon rules and resources in exercising their agency.

With regard to rules, Giddens vaguely defines them as "techniques or generalizable procedures applied in the enactment/reproduction of social life" (Giddens 1984, 21). This definition allows him to develop a broad conceptualization of rules that includes not only codified and institutionalized forms of rules such as laws and bureaucratic procedures, but also tacit and constitutive rules that pertain to social conduct based on which actors "know how to go on" in social interaction (Giddens 1984, 22f). The concept of rules captures the immaterial elements of structures that, according to Lacroix (2012, 13) "comprise the framework of meaning (significations) and the framework of legitimation (norms)." Even though Giddens is criticized for not providing any specific examples or typology of rules (Sewell 1992, 9), Giddens does suggest that social inquiry can look particularly at the cases of rule breaking or rule ignoring by actors to understand the functioning of rules as properties of structures.

The other key feature of structure are resources, which Giddens defines as "the media whereby transformative capacity is employed as power[19] in the routine course of social interaction" (Giddens 1979, 92). In more simple terms, actors use resources to exercise their agency. They refer to the material features of structures, within which Giddens distinguishes between human and non-human resources. Human or "authoritative resources" (Giddens 1979, 100) are "physical strength, dexterity, knowledge, and emotional commitments that can be used to enhance or maintain power, including the means of gaining, retaining, controlling and propagating either human or nonhuman resources" (Sewell 1992, 9). Nonhuman or "allocative resources" (Giddens 1979, 100) can be specified as "objects, animate or inanimate, naturally occurring or manufactured, that can be used to enhance or maintain power" (Sewell 1992, 9). Having access to resources empowers individuals to act. Nevertheless, though all members of society have some access, Giddens points out that the "accessibility" of resources can be unequal. Hence, resources are not only the means through which individuals employ power but also are a core component of structures of social systems (Giddens 1979, 92).

It becomes evident that Giddens' discussions of structures as rules and resources are highly abstract and remain primarily at the ontological level. This is not necessarily a vice given that his conceptualization is inclusive enough to allow a focus on a diverse range of manifestations of structures. Hence, this thesis will make a virtue of his conceptual broadness and define structure in material (money, physical resources,

[19] Giddens (1979) distances himself from philosophical camps that are divided between those who define power as either the individual's ability to make someone else do something against their will or those who define power as a structural feature. Instead he argues for connecting these two notions in the principle of the duality of structures (see further below) in which the "exercise of power is not a type of act; rather power is instantiated in action, as a regular and routine phenomenon" (Giddens 1979, 91). He further explains that "The concept of power both as transformative capacity (the characteristic view held by those treating power in terms of the conduct of agents), and as domination (the main focus of those concentrating upon power as a structural quality), depends upon the utilization of resources" (Giddens 1979, 92).

property, physical infrastructure etc.), discursive (norms, language, culture, gender, class etc.) and institutional terms (policies, laws, non-codified rules, bureaucracy, etc.). Different forms of material, discursive and institutional structures are often classified in social sciences as social, economic, legal, and political systems.[20] Some scholars who study agency exclusively focus on one of these many dimensions of our reality, thereby limiting their analysis to expressions of agency that happen within a particular limited set of structures. This thesis will show that in order to understand refugee agency in its complexity and diversity, it is essential to go beyond these classifications. Chapter 4 will look closer at three macro-level structures: legal status of refugeehood, refugee camps and refugees' damaged relationship with their country of origin. It is important to note that each of these macro-structures have different manifestations in the form of discursive and material configurations and institutions, which will be discussed in more detail below.

c) Giddens' concept of the "duality of structure"

Giddens' theory of structuration problematizes the traditional distinction between agency and structures, and aims to understand the reciprocal link between them. Giddens' core argument, which is also at the center of this thesis, is that structures, as both rules and resources, both constrain and enable the actions of human agents as they draw upon them in their daily lives (Giddens 1976, 161, 1979, 69). He refers to this principle as the "duality of structures", which means "the structural properties of social systems are both the medium and the outcome of the practices they recursively organize" (Giddens 1984, 25). Or, to put differently, structure shapes agency and agency (re)produces structures.

[20] Giddens, for instance, predominantly discusses social systems.

According to Giddens, this recursiveness is essential for the constitution of social life, whereby he acknowledges social systems' processive features over time and space. Structure cannot be analyzed without the actions that instantiate it and actions cannot be understood without taking into account the structural context in which they unfold. The notion of duality is based on the assumption that structure and agency are inherently interrelated to the point that in the progression of time and space these two elements exist in conjunction. Ontological dualism, on the other hand, presumes that structure can be separated from action. As such, they can be thought of as independent from each other, as two distinct elements of the social world, which interrelate in sequences. Hence, ontological dualism looks at structure and agency separately as independent and dependent variables. In contrast, within ontological duality the mutual constitution of agency and structure is continuous.

By adapting Giddens' idea that structures are both enabling and constraining of agency, this thesis pushes against states', humanitarian actors' and the media's dominant framings of refugeehood as an exclusively limiting experience for refugees. While acknowledging the reality of structural constraints refugees face in their daily lives, on the one hand, the duality of structure also brings into focus the enabling quality of structures, on the other. Consequently, the structural constraints that refugees face can generate alternative forms of agency, which Giddens' theory allows to gain analytical visibility.

Despite the rich theoretical insights of Giddens' theory of structuration and its frequent use in several sub-disciplines in the social sciences, it has been rarely applied to the study of refugees. Of those few cases where refugee researchers have used his

concept to various degrees (Richmond 1988, Healey 2006, Naidoo 2009), most often than not their analytical focus lies primarily on how structural factors impact the ways in which refugees cope with their situations and less on if and how refugees' coping strategies shape existing structures. These analyses of refugees' agency have generally been limited to refugees' decision-making at different stages of the displacement process (Harpviken 2009). In this context, quite commonly, research ignores the refugees' exercise of agency beyond the movement across international borders. Furthermore, the tendency to compartmentalize displacement into separate stages of escape, integration in exile, return, and reintegration (Harpviken 2009) often encourages the idea that refugees cease to be agents (or suddenly regain their agency) as they move from one stage to the next. This further disregards the reality that refugees are complex subjects whose agency is an inherent and continuous feature of his/her humanness. The academic discussion has been shaped by a unidirectional causal understanding of displacement, based on which factors at the structural level are analyzed to explain refugees' decision to leave, stay or return. Drawing from migration studies, structural conditions are often described in terms of pull and push factors to which refugees simply react. However, Stephen Lubkemann (2008, 6) points out that

> [w]hereas studies of labor migration seek to ascertain what factors influence the various aspects of the migration decision-making process (where, when, and with whom to go, for how long, and most important, whether to go at all), refugee migration is often seen as largely devoid of strategic calculation, indeed as virtually a "nondecision" driven by a reflexive instinct for survival… [T]he agency of refugees is more often simply taken as a given, cast in universally generalizable and highly reductionist terms.[21]

[21] Bakewell (2010) comments on examples within migration studies where Giddens' theory is used to explain "voluntary" migrants' agency while excluding the case of "involuntary" migrants as follows: "Hence, for example, if people are recognised as refugees they are often considered beyond the scope of migration theory… . We may try to explore the political, economic or social factors, which forced them to move, but we do not need to explain their arrival in terms of their exercising agency. Indeed to go too far

Hence, an exclusive focus on broader structures and context can overlook not only the active creation of new solutions by refugees themselves, but also the possible effects refugees' actions and choices can have on their surroundings. Furthermore, Giddens himself speaks to the ability of even the "seemingly 'powerless' individuals…to mobilize resources whereby they carve out 'spaces of control'" (Giddens 1982, 197). This is an important premise as it pushes us to take refugee agency more seriously without necessarily dismissing the constraining nature of certain circumstances.

To sum up, by drawing on Giddens' theoretical concepts, this thesis aims to understand the relationship between refugee agency and the structural contexts which refugees encounter. The goal is to shed light onto the ways in which structures not only constrain but also enable the exercise of different forms of agency and how refugees influence structures. For this purpose, the next chapter takes a closer look at the specific and unique legal, institutional, and political structures of refugeehood: 1) the refugee camp, 2) refugeehood as a special legal status, and 3) the refugee's damaged relationship with his/her country of origin.

Chapter 4: What is distinctive of refugee agency?

This chapter discusses what is distinctive of refugee agency. Any discussion on the question on the distinctiveness of refugee agency would be misleading if it was assumed that refugees are a distinct class of human beings who exercise their agency in a way unrelated to other human beings. As Giddens argues, all human beings exercise some measure of agency in their daily lives and face some limitations on their agency. As

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towards explanation and ascribing any agency to such people may undermine their case for refugee status" (Bakewell 2010, 1690).

discussed in the previous chapter, the individual's actions are shaped and determined by certain contextual structures. Instead, I suggest that what makes the agency of refugees distinctive are the specific social, economic, geographic, political, and legal structures in which refugee subjects are positioned. Any attempt to identify structures that apply to all refugees would generate pushback as the realities and experiences of refugees vary. Nevertheless, looking at circumstances that do not apply to the case of non-refugees could be a fruitful starting point to understand the ways in which the experiences of refugees are distinct from others and how this might shape the forms of agency they exercise.

While there is a multiplicity of structures that one could look at in detail in order to understand their implications for refugee agency, this thesis will limit the discussion to three main structural contexts: a) the refugee camp, b) refugeehood as a special legal status, c) the refugee's damaged relationship with his/her country of origin. These structures are distinctive given that they are usually only encountered by refugees. These examples will highlight not only the distinctiveness of these structures compared to those non-refugees live in, but also show how these unique structures influence the refugees' exercise of their agency in diverse but distinctive ways.

a) The refugee camp

In an attempt to classify the multitude and variety of camp structures, Agier (2010, 35f) identifies four types of camps for displaced populations: (1) camps that are "self-installed and self-organized" by refugees, (2) "retention centers" for the purpose of managing and controlling the flow of refugees at state borders, (3) "traditional refugee camps" under UN supervision, (4) "camps of internally displaced persons that are

essentially unprotected human reservations." Since this thesis will look at the case of Burundian refugees in traditional UNHCR-managed refugee camps in Tanzania, the subsequent discussion will limit itself to Agier's third category of camps.

Traditional refugee camps are often run by the Office of the United Nations High Commissioner for Refugees (UNHCR) or the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)[22], usually in collaboration with NGOs and local agencies in the host country. As much as the UNHCR and UNRWA have internal guidelines for the planning and organization of refugee camps, the local geographical, political, social, legal, economic and cultural contexts of the host country as well as the dynamics of the refugee community in question inherently and perpetually shape the set-up of camp structures and the day-to-day workings within these demarcated spaces (Hyndman 2000). For instance, research done on Palestinian camps (Feldman 2012, Sanyal 2011, Ramadan 2013, Martin 2015) clearly tracks the structural changes that happen over time as camp populations grow, new generations are born and almost no durable solutions[23] are available, which increasingly leads to the gradual emergence of physically, legally and politically permanent camp structures.

Yet while diversity in UN-managed refugee camp structures is undeniable, it is still possible to distill certain overarching similarities between them. UNHCR camps are

[22] UNRWA's mandate is limited to the special case of Palestinian refugees. While UNHCR operates worldwide, UNRWA has a temporal and geographical limitation to the West Bank, Gaza, Jordan, Lebanon and Syria, where it has currently 58 camps set up (www.unrwa.org). Since its inception in 1949, UNRWA has been the primary international body responsible for the delivery of direct relief and works programs to the forcefully displaced Palestinians residing in these five areas of operation. The operational, thus legally non-binding, and evolving definition of Palestinian refugee puts this population in a distinct political and legal category within the international refugee regime (Feldman 2012). As such, in principle, Palestinian refugees protected by UNRWA do not fall under the 1951 UN Refugee Convention and under the protection mandate of the UNHCR (1951Art. 1(D)).

[23] Durable solutions refer to the three traditional solutions to displacement, which are local integration in the host country, voluntary repatriation, and resettlement elsewhere.

generally established as an emergency measure in response to high numbers of refugees and are considered within humanitarian circles to be a relatively efficient means of providing aid to those in need.[24] In principle, the physical space of the refugee camp is thought to be a temporary creation to "manage the disorder" caused by mass displacement. Yet, the increasingly protracted nature of displacement situations, whose duration expanded from an average of nine years to eighteen since the 1990s (Loescher and Milner 2012), requires a rethinking of the commonly assumed temporary functionality of refugee camps.

Geographical accounts of refugee camps conceptualize them as "distinctive political, cultural, humanitarian, and disciplinary spaces" (Ramadan 2013, 65) that take on different meanings for refugees, humanitarian actors and states. For example, refugees can consider camps to be their home, especially if they were born and grew up in those contexts (Chatty 2010), while states may see them as a space of irregular activity or even militancy in the example of Hutu camps in Zaire (Lischer 2011).

Some scholarly discussions of camp structures in refugee studies (Turner 2006, Holzer 2013, Ramadan 2013, Behrman 2014, Owens 2009, O'Kane 2007, Edkins and Pin-Fat 2005, Martin 2015) have been heavily influenced by Italian philosopher Giorgio Agamben's (2000) characterization of camps as an "exceptional space." According to Agamben, state sovereignty is constituted as much through the existence of camps as a state of exception as it is through the bordered territory of the nation-state (Agamben 2000, 43). Camps become a manifestation of what states determine as being inside and outside the normal political and juridical order, specifically what it constitutes as citizenship and non-citizenship (Agamben 2000, 40). As a consequence, special rules and

[24] For a critical analysis of the efficiency of refugee camps, see, for instance, Harrell-Bond (1986).

restrictions in the camp remain "outside of the *polis* of the national citizens," yet create a biopolitical space of care and control (Turner 2006, 760, emphasis in original). For instance, refugees are generally classified along institutionalized categories of vulnerability (e.g. single women, unaccompanied children, elders) (Hyndman 2011) that determine not only the kind of services they are granted by the camp administrators (Agier 2010) but also create certain expectations and policing around the performances of these individuals in the camp (Malkki 1992, Fiddian-Qasmiyeh 2009). The fact that camp authorities set up rules and guidelines for the camp often gives them the power and authority to judge refugee conformity and deviation (Lippert 1999). In the words of Malkki (1995b, 498), this form of disciplining is "a vital device of power" that enables the "spatial concentration and ordering of people" and facilitated " the administrative and bureaucratic processes…within the boundaries" of the camp.[25] Often, camps are located in geographically remote areas in order to maintain the physical separation of refugees from the host population. Similarly, Bulley (2014, 69f) points out how the UNHCR develops meticulous guidelines for the planning and organization of the infrastructure inside the camps which aims to regulate refugees' mobility within designated areas of shelter. The guidelines frequently specify the spatial set-up of the camp from "the location and number of tap stands, latrines and showers…details of fire breaks, distances between buildings and blocks" to the geographic set-up of the processing of newly arriving refugees (reception centers, registration, assignment to a 'zone'). Yet, the reality

[25] Malkki (1995b, 498) further describes the humanitarian regime's performances as "The segregation of nationalities; the orderly organization of repatriation or third-country resettlement; medical and hygienic programs and quarantining; 'perpetual screening' and the accumulation of documentation on the inhabitants of the camps; the control of movement and black-marketing; law enforcement and public discipline; and schooling and rehabilitation were some of the operations that the spatial concentration and ordering of people enabled or facilitated. Through these processes, the modern, postwar refugee emerged as a knowable, nameable figure."

is that, in crisis contexts, humanitarian staff often struggle to fully implement and adhere to these guidelines which can at times open up opportunities for refugees to shape their living arrangements and find spaces to exercise their agency.

Drawing on Hannah Arendt's (2001, 267) description of refugees as the "scum of the earth" stripped of their political and legal identity as citizens, Agamben (1998) further argues that individuals who reside in camps are reduced to a state of "bare life." From this perspective, the biopolitical management and disciplining, that are arguably inherent qualities of camps, render the refugee without agency to respond to and maneuver camp structures. This narrative confirms not only the prevalence of the image of the powerless, victimized and hapless refugee in camp contexts but to a certain extent also the necessity of a perpetuation of this particular discourse by state and humanitarian actors in order to justify the camp's biopolitical functionality.

While Agamben is able to explain the significance of camps as exceptional spaces for states and humanitarian actors, his account renders refugees as passive objects of management and overlooks the individual experiences of refugees, who navigate camps in their daily struggle for survival. Agamben fails to give adequate attention to the numerous examples of refugees' exercise of agency in camp contexts, explicitly recorded in ethnographic research (Owens 2009, Edkins and Pin-Fat 2005, Bradley 2014, Chandra 2013). For instance, pointing out the diverse ways Palestinian refugees are actively involved in shaping camp structures in Lebanon, Ramadan (2013, 71, emphasis in original) declares that "[f]ar from producing silenced and disempowered *homines sacri* in Agamben's terms, the camps have proven to be active arenas of agency in which refugees organize and resist their marginalization, in military and far more mundane ways."

Looking at the politico-legal dimension of camps as states of exception, Palestinian refugees actively seek to fill the apolitical space ("spaces of sovereign abandonment") by redefining their political identities beyond the confines of citizenship and by reinterpreting camps as the political symbol for their persistence and commitment to their political struggle for national liberation. Challenges to the spatial regulations of the camps focusing on the maintenance of the temporariness of structures and the limitation of individual space allocation despite the growing size of families, are further exemplified in Palestinian refugees' clandestine "squatting" and construction of solid housing inside the visible non-permanent tents (Sanyal 2011).

Agier's observations during his fieldwork in a refugee camp in Sierra Leone further show how refugees' agency is received by camp authorities:

> The fear of riots is omnipresent and adds to the authoritarian attitude of camp directors, as soon as any refusal or collective complaint interrupts the compassionate and technical consensus that gives the camp meaning for its promoters and managers alike…[A]nother type of disorder corresponds to the emergence of 'forms of resistance' to the imprisonment, whether it is resistance as daily survival (minor negotiations against constraints, traffic in refugee cards and food rations, corruption of policemen to circulate or work outside of the camps, etc.), or more full-blown political action. (Agier 2010, 37f)

To give a more detailed example of one of Agier's observations of refugee agency, one can draw on Bulley's (2014, 73f) description of how refugees undermine food distribution systems in camps by the "double-entering of names on lists, registering in more than one zone or village, adding fictional family members, and declining to register deaths and departures from the camp", in order to secure more food rations.

These different forms of resistance are examples of refugees exercising their agency in circumstances that are commonly defined as constraining and exceptional, and encourage a more refined conceptualization of refugee agency. As refugees learn to

navigate this state of physical, psychological and legal limbo (Lischer 2011, 280f), they can challenge and actively shape camps as "in-between spaces" of exception. Hence, this thesis echoes Holzer (2013) and other scholars in asking: What do people living in these settings make of the complex, exceptional space of refugee camps? Without denying the constraining quality of refugee camps, I argue that refugees generate particular forms of agency in response to these distinctive structures, which I will elaborate on in Chapters 5 and 6.

b) Refugeehood as a special legal status

The legal dimension of refugeehood can be described as complex and convoluted, which is, in many instances, masked in a lack of knowledge of their legal status and rights within refugee communities. Depending on a multiplicity of factors, displacement can result in a number of distinct legal statuses that differ in their duration, their scope in terms of negative or positive rights, the level of difficulty in obtaining them, etc. For the purpose of this thesis, I will discuss three variances of refugeehood: the Convention refugee status, the *prima facie* refugee status, and temporary protection. In many instances, access to one refugee status rather than another does not primarily depend on the severity of the refugee's experience but rather on the domestic political and legal context in the host country as well as political dynamics at the international level. Despite their differences, it is important to mention upfront that neither of these statuses offers a guaranteed permanent solution to refugeehood in the sense of full citizenship in the host country. As a consequence, refugees find themselves in a state of legal limbo for increasingly prolonged periods of time as displacements become more protracted.

The most well-known legal frameworks that provide a general definition of a refugee are the 1951 UN Refugee Convention and its 1967 Protocol which map out the protection obligation of states and the UNHCR in relation to individuals determined as refugees under the parameters of the Convention. In theory, the 1951 Convention aspires not only for the protection of refugees with the principle of non-refoulement as the baseline (Art. 33), but also for their access to certain positive and negative rights and potentially their naturalization in the state of refuge (Art. 34). Yet, as with any international legal framework, the language of the Convention allows for a multiplicity of interpretations at state and regional levels, which has resulted in varying degrees of state commitment and implementation of the principles of the Convention as well as the creation of new regional instruments relating to refugees in the African continent, the Americas and Europe, most notably the Organization of African Unity 1969 Refugee Convention and the 1984 Cartagena Declaration on Refugees. Given the sovereignty of states, the Convention does not provide any rules for the process of determining one's refugee status. The UNHCR has drafted a Handbook on Procedures and Criteria for Determining Refugee Status (first published in 1979 and updated in 1992) and gazetted "Guidelines on International Protection," to set the tone, though in theory it is the state's responsibility to determine the design and outcome of this process. Despite this official narrative, in many cases governments do not have the capacity and/or do not have legislative tools and bureaucratic mechanisms in place to conduct refugee status determinations, in which case the UNHCR often fills these gaps (Alexander 1999). Critiques have repeatedly been raised that UNHCR procedures come with their own

shortcomings and can show significant variations across countries and regions (Kagan 2006a, Alexander 1999).

There is a general assumption that refugees are passive entities in refugee status determination processes, placing their fate into the hands of state and humanitarian authorities. Yet, even under these conditions, refugees exercise agency. When refugees aspire to obtain legal status under the 1951 UN Refugee Convention and its 1967 Protocol, the act of proving that they have a well-founded fear of persecution is a fundamental way of exercising agency. Quoting the UNHCR, Behrman (2014, 257) explains that, in principle, in the process of refugee status determination "the burden of proof lies on the person who makes the assertion – in the case of refugee claims, on the asylum-seeker." In practice, this means that refugees are required to frame their stories and self-representation in a particular way to fit the (widely criticized, narrow)[26] definition of a refugee in the Convention, often linked to specific notions of (gendered, age-based) vulnerability and desperation. Ironically, refugees are expected to exercise agency by highlighting their lack of agency and full dependency on the goodwill and protection of others. Consequently, I argue that this is a form of agency that is very particular to the case of refugees as their ability to obtain legal status in the host country under the 1951 Convention is dependent on their self-representation as hapless victims.

While the refugee status determination process focuses on individual life stories, whose evaluation can take long periods of time, states often opt to grant individuals a "prima facie" status[27] based on their membership in a particular group deemed vulnerable

[26] For critiques of the 1951 Convention's definition of a refugee, see Hathaway (1997).
[27] Price (2009) argues that while citizenship is usually not given to those with temporary protection, there are instances in which *prima facie* refugees have gained the opportunity to apply for citizenship somewhere down the road.

(Durieux 2008) or the "'objective information' known to State A [state of refuge] about the conditions in place B [state of origin] during period C" (Albert 2010, 65). The majority of world's refugees[28] do not go through an individual status determination process, due to the fact that states either do not deem it necessary or are lacking the resources to determine individual refugee status because of large numbers of people arriving at the border and a high level of urgency to provide immediate assistance (Albert 2010). *Prima facie* refugees who cannot repatriate in theory seek to locally integrate in the host country though, as Jacobsen (2001, 2) points out, "since the end of the Cold War, the likelihood governments will offer refugees permanent asylum and integration into the host society has become increasingly small." However, in contrast to Convention refugees, those who hold a *prima facie* status do not necessarily qualify for resettlement as one of the three durable solutions, since "[r]esettlement requires, *inter alia,* that the individual be screened to be a refugee in respect of all elements of the Convention, including exclusion" (Albert 2010, 76). Yet, the fact that the term "prima facie" is not used in any international legal instrument makes this concept, its governance and its implications narrowly understood by refugees and authorities. Hence, while in the eyes of the UNHCR, *prima facie* refugees have the same access to services and rights as Convention refugees, a closer look at empirical cases often show a different reality. Host states repeatedly limit the mobility, access to services and entitlements and fail to meet the minimum standards set by international refugee law (Hyndman 2000, Jacobsen 2001, Horst 2006a). These insights on *prima facie* statuses are especially relevant for

[28] Looking at a variety academic and policy sources, Albert (2010, footnote 3) elaborates on the difficulty of determining the number of refugees who currently hold a *prima facie* status.

understanding the case study of the post-1993 Burundian refugees in Tanzania, which will be further discussed in Chapter 6.

Temporary protection is not codified in international law and as such gives states more flexibility than *prima facie* and Convention refugee statuses to determine the level of protection they offer to displaced individuals. Even though some advocates (Fitzpatrick 2000) point out that temporary protection allows for a broader range of individuals, who do not fall under the 1951 Convention definition, to access protection, especially when states are hesitant to undertake long-term commitments to protect the displaced, it is notable that the use of temporary protection happens in the context of a move towards more restrictive policies in refugee hosting countries, including increased border controls and offshore processing. As Zetter (2007, 181) observes, "[m]ost countries in the developed world deploy a variety of labels for 'temporary protection' or so-called Category 'B' refugee status, which keep the vast majority of refugee claimants in a transient state, often for years." While temporary protection statuses allow refugees to remain in the host country without undergoing the refugee status determination process, the protection is deemed to be only short-term, reviewable and often for a limited period of time. As a result, different from *prima facie* status, temporary protection generally does not allow for individuals to locally integrate in the host country through naturalization (Albert 2010). As resettlement is also not accessible to those holding temporary protection statuses, the common idea is that individuals will repatriate in the long-term. However, this poses significant problems in cases where the prospect of rapid and safe repatriation is not given. Hence, to use Albert's (2010, 77) words, temporary protection is "a status half-way between asylum-seeker and Convention refugee."

Despite the theoretical and practical differences between the status of Convention refugees, *prima facie* refugees and temporary protection, the common feature is that, taken alone, they are not permanent solutions to displacement as none of them guarantee citizenship and the state responsibilities and rights that come with it. Although some legal statuses are more advantageous with regards to giving the displaced access to certain rights and services – Convention refugees have in principle the highest chance of *de jure* and *de facto* integration in the state of refuge and in some states a pathway to citizenship – the dependence on the state's will to turn their status into a permanent one often leaves refugees in a state of legal limbo, which poses additional challenges in situations of protracted displacement.[29] Differing commitments of host states and the absence of protection from the state of origin underlie the unique feature of refugeehood and fundamentally affect refugees' ability to establish livelihoods and their access to education, economic opportunities, political rights, health services, etc. (Horst 2006a). Hence, the legal status of refugees does not only determine their ability to remain in the host state legally and their access to durable solutions, namely local integration, resettlement and repatriation, but also often comes with rules and regulations that may include mobility restrictions and limitations as to where refugees can work. In the case of the post-1993 Burundian refugees in Tanzania, for instances, the Tanzanian Government provided a *prima facie* refugee status and, over time, increasingly put restrictions on refugees' mobility and frequently cracked down on those who breached these regulations.

I argue that these legal conditions inherently shape the ways in which refugees exercise their agency as they have to frame their experiences in a certain way to fit their

[29] While there is not one standard for what constitutes a "protracted situation", in the majority of cases, the benchmark used is a timeframe of 5 years and longer in exile (UNHCR 2009).

unique legal status in order to gain access to services and protection. Holzer's (2013) analysis of how refugees in camps in Ghana made sense of legal practices, discourses, and institutions provides an interesting example. The UNHCR used Ghanaian national law "to frame transgressions of [UNHCR] policies as violations of the law", which resulted in the refugee's perception of law as an exclusive "proprietary resource of [Ghanaian] citizenship rather than universal principle" (Holzer 2013, 856, 859). She describes how, alienated by host legal frameworks that did not prioritize the protection of refugee rights, some refugees in the camps decided to take matters into their own hands and organized protests to claim their rights. In addressing the international community in general and the UNHCR Headquarters in Geneva in particular, they used the language of international human rights and refugee law to demand that their rights as refugees and human beings be respected and their needs addressed. This example not only shows that the granting of rights becomes an exceptional and often inconsistent act of the host country but also illustrates how refugees at times reorient their claims from states to the international community. Given that states' commitments to refugees are limited compared to its citizens and that states frequently shift the responsibility to provide care and protection to international organizations such as the UNHCR, it is not surprising when refugees conceive these agencies to be the primary addressee of their complaints and requests.

c) The refugee's damaged relationship with his/her country of origin

Lastly, refugeehood is based on the fact that the relationship between the state of origin and the refugee is damaged (Haddad 2008, 63). The Convention definition qualifies this damage in terms of the refugees' inability or unwillingness to avail

him/herself of the protection of his/her state due to a "well-founded fear of persecution" as well as the refugees' presence "outside the country of his[or her] nationality" (1951, Art.1). This definition has generated a vast diversity of philosophical and legal interpretations and discussions, which I won't be able to discuss in extensive detail in this limited space. However, in general, qualifications of the damaged nature of this relationship are frequently described in political, geographical and socio-cultural terms.

In political terms, the underlying principle of refugeehood is based on the fact that the citizen had to flee his/her country due to the state lacking the willingness or ability to protect him/her from life-threatening circumstances. The term "damaged" does not exclusively mean that refugees have been stripped of their citizenship. It would be misleading to assume that displacement automatically results in the statelessness of the refugee. Not all stateless people are refugees and vice-versa.[30] From a more nuanced perspective, the widely cited normative characterization of the state-citizen bond by Andrew Shacknove (1985, 278) qualifies this relationship through "trust, loyalty, protection, and assistance." Once the state fails to meet these minimum prerequisites, he considers this bond to be "ruptured" (Shacknove 1985, 278). This state-citizen relationship has an inherently political dimension based on the liberal notion that states are responsible to uphold for its citizens certain rights and freedoms.

In geographical terms, those who are called refugees are generally physically separated from their country of origin (Long 2013, 15f). Gibney (2010, 13, emphasis added), for instance, identifies "alienage" as one of the key requirements under the 1951 Convention's definition of a refugee:

[30] In fact, of the estimated 12 million stateless persons, the majority are not physically displaced but are stateless as a result of technicalities such as "administrative glitches and conflicts in domestic nationality laws" (Bradley 2014, 110), see also Batchelor (1998).

> Note that the definition does not require that an individual had to *flee* his or her country because of a well-founded fear of persecution, although in many instances this is exactly what has taken place. Rather, the Convention also gives leeway for a person to develop the well-founded fear while this individual is already outside his or her country of nationality.

There is much debate on the pros and cons of having a geographical component in the legal definition. For Shacknove, for instance, the ruptured political dimension of citizen-state relationships is at the core of refugeehood and should not be compromised by the geographic requirement of crossing international borders (Shacknove 1985, 283). While I acknowledge the importance of these normative conversations, I will limit my analysis to the experiences of refugees outside their country of origin.

Beyond these legal-political and territorial ties between state and the refugee, displacement can also challenge the individual's socio-cultural belonging to their country of origin. Malkki (1995a, 7) points out how at times refugees "can no longer satisfy as 'representatives' of a particular local culture", since they "have lost a kind of imagined cultural authority to stand for 'their kind' or for the imagined 'whole' of which they are or were part." Yet, looking at the case of Hutu Burundians in Tanzania, displaced in the wake of the 1972 civil war, Malkki (1995a) observes how refugee communities, specifically in camp contexts, redefined their identity in these in-between spaces. Refugees' "creative subversions and aberrations" manifested themselves through the explicit linking of their refugee status to the purity of their belonging to Burundi. As such, the idea was advanced that the length of their suffering in exile as refugees proved their loyalty, and thereby, earned them their right to return and reclaim their place in society.

The refugees' damaged relationship with the state of origin puts them in distinct circumstances, which shape how refugees exercise agency. The lack of protection from

their home country and their presence in exile leaves them in a state of limbo, and frequently at the mercy of humanitarian actors, the host state and international donors. In theory, refugees have three alternatives to terminate this state of limbo: integration in their current host state, resettlement to a third country, or repatriation to their home country. Given the fact that resettlement and local integration have become rare options for the majority of refugees since the end of the Cold War, more often than not repatriation is presented as the only option (Black and Koser 1999). Yet, repatriation is deeply conditioned by the damaged relationship of the refugee with his/her state. At the most basic level, fixing this damage entails the refugees' decision to physically return – in principle on a voluntary basis – by crossing an international border. The right of the displaced citizen to return to his/her country of origin, is manifested in the Universal Declaration of Human Rights (UDHR 1948, Art. 13(2)), and has become an integral part of almost every peace agreement since 1995 (Bradley 2014, 113). However, as indicated earlier, the nature of the damaged citizen-state relationship is more complex and nuanced. It goes beyond the physical exclusion and encompasses the political and socio-cultural sense of belonging of the refugee – a fact that is frequently overlooked or willingly ignored in the context of repatriation initiatives funded and carried out by humanitarian agencies, donors and the host state.

Refugees do not experience this rupture passively. While located in exile, refugees sometimes try to renegotiate their relationships with their country of origin by organizing and systematically putting pressure on their governments to listen to their voices. Since the 1980s, for instance, refugees became increasingly politically active in setting the conditions for return, including the establishment of avenues to reinstate their

basic rights and seek justice and redress for victims of state violence, and pressured international actors to take their interests and demands seriously (Bradley 2014, 117). The case of the Guatemalan refugees in Mexico who strategically worked to reestablish their relationship with Guatemala, in particular the female branch of their organizations, is cited in the literature as one of the most prominent cases of refugees expressing their political agency (Billings 2000, Rousseau, Morales, and Foxen 2001, Stepputat 1994, Kelly 1983). Despite this and other examples of refugees' successful involvement, the international community still regularly fails to include refugees in peace negotiations or acknowledge their central role in peacebuilding efforts (Bradley, Milner, and Peruniak 2015). Living in exile can also create new spaces for certain (marginalized) groups to organize and engage in political activism, such as the Burmese women refugees residing in the border areas between Burma and its neighboring states. O'Kane (2007) describes how Burmese female refugees, removed from the familiar authoritative structures they knew from home, created a network of twelve women's political and social welfare organizations in exile to document, report and publicly shame the Burmese government for its human rights abuses.

Apart from the more peaceful alternative of reshaping the damaged relationship, refugee warrior politics is a more violent example of refugees exercising their political agency. The term 'refugee warrior' was first introduced by Zolberg, Aristide, and Suhrke (1989, 275) to define "highly conscious refugee communities with a political leadership structure and armed sections engaged in warfare for a political objective, be it to recapture the homeland, change the regime or secure a separate state." There are numerous instances in which refugees made strategic use of the sanctuary of neighboring

states, especially refugee camps contexts, and (support those who) attack powerful (ethnic, religious, political, etc.) groups in their home country (Lebson 2013, Harpviken 2008, Lischer 2011, McConnachie 2012). This is also what differentiates structural conditions of refugees compared to those that internally displaced people face. To cite Adelman (1998, 50),

> the differentiation between these opposites, that is refugees and refugee warriors versus the internally displaced and internal rebels respectively, is made because of the role of international law and international agencies charged with responsibility for the safety and well-being of refugees. They protect refugees and define refugees as those who do not resort to militancy…

While the literature provides numerous normative commentaries on this phenomenon, for the purpose of this thesis it is relevant to acknowledge that some refugees do express their agency through the use of violent means to grapple with their damaged relationship with their state of origin. And more importantly, within these dynamics, refugees' actions are not only influenced by and affect the humanitarian context but also the structural context of their host states they have become part of. For instance, the UNHCR has become increasingly involved in disarmament, demobilization and reintegration activities and has drafted policies to ensure the identification and exclusion of combatants from civilian refugees (McConnachie 2012, 38f). Host states are not shying away from framing refugees as a security threat in order to limit their services or to terminate their responsibility of providing shelter. The reality is that the international community is very reluctant to see refugees as political agents and hold on to a victim-based narrative (Johnson 2011). As a consequence, refugees are exercising their political agency in response to the damaged relationship to the country of origin in highly complex circumstances with little to no support or legitimacy.

While not all refugees choose to engage politically, many at a very personal level find themselves (re)interpreting and (re)evaluating their relationship to their homeland in terms of socio-cultural belonging. In some cases, refugees' identification with their homes can become stronger than ever in exile, to the point that they are willing to return without making any political demands. In other instances, generational differences and the urban or camp environment in their host state can create significant changes in refugees' sense of belonging. For instance, Malkki's research on 1972 Burundian refugees in Tanzania shows how those living in towns integrated and no longer felt the desire to return to Burundi, while those residing in government camps developed a stronger identity as a nation of Burundian Hutus forced to live in exile (Malkki 1995a). Hence, redefinition of meanings of belonging and identity is a form of agency that refugees exercise on a daily basis in exile that deeply shapes their relationship to their country of origin.

d) Summary

The central purpose of this chapter was to examine three examples of structures distinctive to the case of refugees – refugee camps, legal status of refugeehood, and the damaged relationship to the country of origin – and to provide some initial examples of how refugees actively engage with these structures. The important emphasis to be made in this discussion is that these structures have both constraining features and enabling qualities with respect to refugee agency. Refugees do not meet these unfamiliar and distinctive structural conditions with passivity but navigate these challenging and complex circumstances often showing a high degree of creativity and innovation. As such, discussions on displacement can look at structural constraints while still taking

refugees' agency seriously. Ultimately, these structures can generate alternative ways of engagement that often do not fit in with the official (and often rigid) refugee regime as set up by international and state actors. This is not to glorify refugees' actions, but to better understand the dissonance that might emerge between refugees and structures established by humanitarian and state actors. The following chapter looks more closely at the ways in which refugees exercise their agency and develops a typology for future analysis.

Chapter 5: A typology of refugee agency

This chapter grapples with the following guiding question: *What are the most common ways in which refugees exercise agency?* While I have made an effort to discuss the unique structural contexts that refugees face during their displacement in exile in the preceding chapter, I now focus on identifying specific ways in which refugees exercise their agency in order to maneuver in these structures, by developing a typology of refugee agency. While academia is slowly starting to conceptualize the refugee as an agent, as Chapter 2 showed, an attempt at developing a systematic typology of the different forms of refugee agency across cases of displacement is currently missing.

Preliminary attempts at mapping different forms of refugee agency within the field of refugee studies (Clark-Kazak 2014, Al-Ali, Black, and Koser 2001, Pavlish 2005) often draw on already existing taxonomies of agency developed in other areas such as studies on poverty (Lister 2004) or differentiate refugee actions within the classic economic, social, legal, political, etc. categories, which not only makes cross-disciplinary analyses more challenging but creates a rather one-dimensional notion of agency in the sense of economic agency, political agency, etc. Furthermore, even though these

typologies list different forms of refugee activities, they are not explicitly linked to nor are they discussed within a theoretical concept of agency. Lastly, they do not engage in a systematic attempt to understand the emergence of different types of agency in relation to the structural context.

Hence, the main criterion used in this chapter to identify types of agency is the interaction of the refugee agent with particular structures. This typology uses Giddens' conceptualization of agency as an individual's (sub)conscious and purpose-driven choice to act in a certain manner in response to certain structures. Despite the fact that there are multiple kinds of structures in which a refugee is immersed, the following typology of refugee agency will be developed drawing on predominantly micro-level, ethnographic studies which detail empirical examples of refugee agency in response to the three distinctive structures discussed in Chapter 4, namely refugee camps, legal statuses of refugeehood, and the damaged relationship with the country of origin. The manifestation and combination of these three structures varies across cases of displacement. For instance, even though the majority of the currently registered refugees do not live in camps, the refugee camp is arguably the context in which the prevalence of the image of the refugee as a voiceless, powerless victim is crucial to sustain the legitimacy of the activities of humanitarian agencies. To use Ramadan's (2013, 67) words, camps are manifestations of "complex, multiple and hybrid sovereignties…an assemblage of people, institutions, organisations, …that produce particular values and practices." Furthermore, in terms of refugees' damaged relationship to their country of origin, many refugees cannot or choose not to return home given the increasingly protracted nature of conflict or the unfavorable conditions of return frameworks frequently negotiated without

the inclusion of refugees voices. As such, the ways in which refugees exercise their agency with regards to durable solutions becomes a particularly burning question.

Nevertheless, the examples of refugee agency in response to these structures provided in ethnographic research show certain similarities that I will categorize drawing on classifications developed in the social movements (Snow and Soule 2010, Goodwin and Jasper 2004, Staggenborg 2011) and resistance literature (Putnam et al. 2005, Scott 1985, Mumby 2005). Many of these sources broadly distinguish between overt and covert forms of agency, which I loosely adopt to classify examples of refugee agency. I define overt forms of agency as visible, in the sense that the refugee does not disguise them in his/her response to specific structures. Common manifestations are targeted protests, sit-ins, public voicing of appeals, demands or approval, etc. In contrast, I classify covert forms of agency as indirect, interstitial and/or concealed, that usually operate "below the radar" (Mumby 2005, 29). For instance, Scott's (1985, xvi) study of peasant resistance is a well-known example of covert form of agency which he describes as "ordinary weapons of relatively powerless groups: foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, and so on." Social movement[31] and resistance literature further discuss how individuals and groups challenge or defend existing structures. This differentiation between the individual and the group is generally based on the assumption that collective action requires additional levels of planning while individualistic actions are more spontaneous and less formal. This raises a range of

[31] Social movement theories generally stress the collective nature of action in line with Charles Tilly's qualification of social movements as "*enduring*, part of a series of *collective* actions rather than one incident, and enacted by participants with *common* interests and a distinct identity" (Tilly cited in Staggenborg 2011, 3, emphasis added). Hence, not all forms of refugee agency are social movements but they can in certain circumstances develop into enduring, collectively organized social movements with a specific common goal.

questions around the agency of collectivities vs. individuals, which I do not intend to engage in for the purpose of this thesis. The exclusive focus on either would overlook the multiplicity and diversity in examples of refugee agency.

Based on the distinction between overt and covert forms of agency, I identify four predominant types of agency exercised by refugees (Table 1): rejection, assimilation, bypassing, and manipulation. In the following analysis, rejection and assimilation will be introduced as overt forms of agency, while bypassing and manipulation happen in a more covert fashion. While refugees navigate distinct structures as I have shown in the previous chapter, refugees act first and foremost as human beings. In principle, all humans reject, assimilate, bypass or manipulate at some point certain structures they are embedded in, be it university structures, work spaces, family and community structures, or political regimes. What makes refugee agency distinctive is how it is manifested in the context of certain structures that are particular to the lives of refugees. For instance, refugees and non-refugees can both protest to have their human rights upheld. While non-refugees might predominantly target their local or state governments with their demands, refugee protests address the host state and/or humanitarian staff. While the first might frame their demands predominantly in terms of their rights as citizens of the country, refugees draw on international refugee law or general principles of human rights, humanity and compassion. These examples are not to show that refugees and non-refugees are fundamentally different, but that the structural circumstances that are distinct shape the ways in which these groups exercise their agency.

Table 1: Typology of refugee agency

overt	covert
Rejection	Bypassing
Assimilation	Manipulation

The typology developed here does not assume a hierarchy between different types of agency nor does it make a judgment about their relative desirability or effectiveness. Similarly, this typology does not assume uni-dimensional classifications on a sliding scale with two extremes, which would risk overlooking the complexities of agency and the interdependence of agency and structure. Nevertheless, it is still unclear how structures enable or limit refugees to exercise a certain type of agency. This question of whether certain structures generate a specific type of refugee agency requires further research and is a potential topic for future research agendas. While I illustrate the typology's categories by drawing on empirical examples of refugee agency in response to camp structures, the legal status of refugeehood and the damaged relationship to the country of origin, I argue that the categories still maintain a level of abstraction that allows a translation to other kinds of structures.

a) Rejection of existing structures

Rejection is the expression of overt resistance to existing structures that were set up by humanitarian and/or government agencies. Rejection as overt resistance becomes visible through "intentional, and hence conscious, acts of defiance or opposition" (Seymour 2006, 305). Hence, refugees' rejection manifests itself through their refusal to cooperate and/or comply with the structures in place as well as either a preference for

alternative structures or a systematic push for changing existing structures based on the belief that the achieved changes would provide "better" alternatives for them.

Rejection can be expressed in a variety of ways, such as non-compliance, protests, demonstrations or campaigns. For instance, Kiura (2014) describes how Somali women refugees located in Kakuma camp refused to participate in UNHCR health measures such as vaccination or contraceptive use due to religious and cultural perceptions and attitudes. The Somali women considered the use of contraceptives to be a Western idea, promoted by humanitarian agencies, who used it as a "ploy to save meager resources available in the camp, since 'bigger families presented bigger challenges for the NGOs'" (Kiura 2014, 156). Even though Kiura (2014) argues that religious and cultural beliefs, misinformation about contraceptive use, and patriarchal family structures limited the choices Somali refugee women had, the women's decision not to comply with UNHCR programs and follow their own customs still constitutes a form of choice and, thus, agency.

Another form of rejection includes the active creation and pursuance of political alternatives by refugees in framing their relationship to their country of origin, such as the negotiation of collective return by the Guatemalan refugees in the 1980s (see Billings 2000, Kelly 1983, Rousseau, Morales, and Foxen 2001). Large numbers of Guatemalans in exile in Mexico, especially those who were living in camps, overtly challenged the repatriation process facilitated by the UNHCR and the Special Commission to Aid Repatriates (CEAR) and pushed for by the Guatemalan junta. In response to the lack of physical, political and economic safety of the returnees, they established the network of Permanent Commissions of Guatemalan Refugees (CCPP) and launched a successful international campaign for the negotiation of a collective return agreement with the

Guatemalan state (Bradley 2013), which ultimately replaced the initial repatriation program of the UNHCR and the Government.

Clark-Kazak's (2010) analysis of young Congolese refugees in Kyaka II refugee settlement describes refugee students' engagement in protests. The refugees criticized the sudden increase in tuition fees and the hierarchical decision-making process by which the level of school fees were determined and demanded to participate in the decision-making to ensure their right to education was upheld, first by sending letters and later by organizing a demonstration. Police and settlement officials quickly suppressed the demonstration and the young refugees were arrested. Clark-Kazak's field research gives an example of overt protests of existing camp structures as a form of rejection, yet she also provides insights as to "how activities carried out by young people to 'protect' themselves were seen as 'aggressive' or 'uncontrolled' by settlement authorities and adults" (Clark-Kazak 2010, 68). As refugees who exercise their agency in the form of rejection usually undermine humanitarian and governmental policies and programs, the latter often portray these refugees in a delegitimizing manner as "ungrateful subjects" (Moulin 2012) or as a threat to the existing order, which should be carefully and critically questioned by researchers.

b) Bypassing of existing structures

Bypassing refers to a covert form of circumventing or evading existing structures without the explicit intention of questioning them. In contrast to rejection, bypassing could involve the creation of alternatives that are not necessarily assumed to be "better" or more "efficient" compared to the official structures in place. Bypassing can potentially

undermine or even challenge existing structures even though it is not the primary rationale behind this type of agency.

Moulin's (2010) analysis of the role of rumors among displaced communities provides a fascinating example of a form of circumventing authority and established structures of sovereignty and knowledge. She observes how rumors produced by refugees help them escape existing authorities, which try to maintain control over official and "legitimate" discourses. "Through rumors, groups perform disidentifications and reidentifications outside of the scope of authenticity and rationality under which political identities are traditionally cast" (Moulin 2010, 349). Similarly, in the case of the Somali women in Kakuma camp, Kiura (2014) describes how the women's narratives of negative experiences with contraception and health-service provisions created a parallel discourse to the one provided by camp staff and, as an unintentional consequence, undermined the staff's efforts.

Another form of bypassing can be the circumvention of structures with the explicit intention of *not* questioning the existing structures. To give an example, Sommers (1995, 23) describes how so-called non-elite post-1972 Burundian refugees in Tanzanian choose to remain silent and anonymous in settlements and urban spaces because they considered it "the safest strategy for survival." Voicing political views publicly was seen as a dangerous act as it "promotes a person's delineation from the rest" and could weaken one's position (Sommers 1995, 23). A similar example is Thomson (2013) study of young Somali refugee women in Kenya who established "problem-solving networks" amongst themselves. These networks allow female refugees to strategically use silence as a covert form of agency to protect their dignity and physical

well-being by avoiding contact with Kenyan police or powerful male figures in their communities, while finding safe spaces within the network to share experiences and decide about the right time to collectively speak up against injustices. Hence, these women used silence, as a covert form of bypassing to protect themselves in their day-to-day lives, and their voice, as an overt form of rejection in complementary and mutually enhancing ways.

c) Manipulation of existing structures

Manipulation refers to the covert use of existing structures to one's own advantage in a way that changes and/or deviates from the official purpose and understandings of the structure. While manipulation covertly undermines existing structures, it is not a form of resistance as described in rejection. In order for it to succeed it must maintain an appearance of compliance and cooperation. Manipulation is an expression of the many creative ways in which refugees maneuver circumstances without overtly challenging the system that humanitarian and government agencies had set up. Phenomena that fall into this category appear in literature focusing on the agency of refugees in terms of "refiguration" (Pavlish 2005), "resistance" (Bulley 2014), or the act of "getting back at" (Clark-Kazak 2014).

The specific ways in which refugees gain a fundamental understanding of the inner workings of existing structures and use them for their own benefit is commonly exemplified in the undermining of registration and statistics in relief efforts. Given that the amount of relief items is limited and often varies across periods of time, refugees use common strategies to secure more rations of food, by "double-entering of names on lists, registering in more than one zone or village, adding fictional family members, and

declining to register deaths and departures from camp" (Bulley 2014, 73). As a result, apart from the goods obtained through these strategies, ration and identity cards themselves become a desired commodity that is traded within refugee camps (Bulley 2014). Clark-Kazak observes similar strategies employed by young Congolese refugees in Uganda in response to economic structures in camps "deemed unfair or too restrictive", as they "engaged in 'vulnerables' discourse to leverage additional resources" or "registered in the settlement so that they could receive rations and other material benefits, but actually lived for the most part in [urban areas]" (Clark-Kazak 2014, 5).

The strategic self-representation by refugees to gain political support by the international community and access to aid is further shown in Fiddian-Qasmiyeh's study (2013) of Sahrawi refugees. Her analysis details how Sahrawi's have been manipulating their image by using the ideal notion of the "secular", "democratic", "empowered" Sahrawi woman which is especially appealing to Western states even though this ideal was promoted at the expense of different groups within the community. Those who did not fall under this category were marginalized as a result.

d) Assimilation into existing structures

Assimilation refers to the conscious choice refugees make to overtly accept existing structures. This acceptance can range from the decision to simply go along since changing them seems unlikely, to refugees actively and consciously identifying with them. As such, the particular structures in which refugees find themselves become constitutive of and essential to their identity and actions. Similar to the case of manipulation, working with the system means learning and knowing the features of existing structures in order to distill their advantages and disadvantages, yet in contrast to

manipulation, the actions of refugees do not undermine the original purpose of these structures.

Malkki's anthropological research of post-1972 Burundian Hutu refugees in Tanzanian camps show how they formed new narratives around their status as camp refugees,[32] seeing themselves as "a nation in exile" (Malkki 1992). Their status as refugees "was valued and protected as a sign of the ultimate temporariness of exile and of the refusal to become naturalized" (Malkki 1992, 35). Their belief is that maintaining their "purity as a refugee" would not only enable them to become "purer and more powerful as a Hutu" but give them "a legitimate claim to the attention of 'international opinion' and to international assistance" (Malkki 1992, 35). In the special case of the Palestinian refugees, being defined as a refugee within UNRWA's operational definition is seen as a promise not only to obtain access to relief but also a recognition of their loss based on which they are hoping to be granted the right to return in the future (Feldman 2012).

Another example of assimilation is provided in Holzer's (2013) analysis of the legal subjectivity of refugees located in the Buduburam Refugee Camp in Ghana, mentioned earlier. As the UNHCR made the legal conscientization of refugees through the teaching of international refugee law as well as Ghanaian law an explicit part of their agenda, refugees consciously adopted these ideas and increasingly used legal resources to frame their interaction with camp authorities. As one refugee notes, she decided to make the effort to "place her relationship with her lover in the recognized legal category of

[32] Malkki distinguishes between urban and camp refugees in her research and shows how these differences in structures shaped Hutu refugees' identity construction and decision-making. Her research provides fruitful preliminary insights into how distinct structures might shape refugee agency that could be explored further in future research.

marriage so that she could join him in resettlement" (Holzer 2013, 857). Once refugees were more familiar with international legal frameworks, a group of refugee women, who called themselves the "Refugee Women with Refugee Concern," consciously included refugee and human rights language in their local protests, demonstrating for better health and education services, shelter and enhanced UNHCR efforts to provide durable solutions including the reopening of the resettlement program which had been unilaterally terminated. While this indicates that refugees assimilated into the camp's legal narratives, the protests also express a form of resistance, by challenging existing camp structures.

e) Summary

In this chapter, I presented a range of examples of refugee agency and categorized them along four general types of overt and covert agency: rejection, bypassing, manipulation, and assimilation. These types provide insights into the ways in which refugees navigate structures, including national and international legal frameworks, camp structures, and their relationship to their country of origin. The empirical examples show that some forms of agency could sometimes fit into multiple categories at the same time. For instance, assimilation can be a first step through which refugees establish themselves in difficult circumstances, which in turn gives them some form of stability. As they learn more about the structures and understand their inner workings, they can start manipulating certain elements or try to change them slowly from within. Each of these categories captures types of agency that can manifest in different forms depending on the context. Hence, they are broad enough to allow for an application across different cases, yet still remain analytically distinguishable. By classifying between covert and overt forms of refugee agency, research could further look at the circumstances in which

refugees choose to remain "under the radar" or to make their intentions behind their actions explicit and how these choices of actions affect certain outcomes.

Chapter 6: The case study of post-1993 Burundian refugees in Tanzania

This chapter introduces the case study of the post-1993 Burundian refugees in Tanzania in order to explore to what extent the preceding theoretical discussions and concepts might provide insights into current and historical refugee situations. The intention is to show how these theoretical concepts can inform our understanding of the dynamics on the ground and how empirical examples can help refine the theoretical account.

Based on the discussion of the three distinctive structures in Chapter 4, the analysis looks at the ways in which Burundians respond to and potentially shape the constitution of refugee camps in Tanzania, their legal status as refugees, and their relationship to Burundi. While this chapter will look at each of the three distinctive structures one by one, the discussion will illustrate that they are strongly interlinked and interdependent. For instance, the legal status of the Burundians as defined by the Tanzanian government determines their rights and access to opportunities inside and outside camps. Similarly, the refugee's definition of their relationship to Burundi had an impact on the ways in which they responded to education programs set up by NGOs in the refugee camps.

By drawing on material from the UNHCR Archives in Geneva as well as reports by NGOs/IGOs and ethnographic work, the analysis examines examples of Burundian refugees exercising different types of agency (bypassing, rejection, manipulation and

assimilation) and the effects refugee agency had on their legal status, on camp structures and on their relationship with their country of origin. However, as indicated in the introduction, the goal of the case study is not to provide generalizable observations on causality between refugee agency and structures, but to study how the refugee, alongside other forces, acts and contributes to the instantiation of certain structures.

While the typology might give the impression that types of agency appear (temporally) separate from each other, the empirical examples highlight the complexity of individuals' actions, for instance by illustrating how Burundians can assimilate into certain structures in general and at the same time express their rejection of certain parts of this structure, thereby increasing their ability to shape and change existing structures "from within." This alludes to how at times refugees exercise different types of agency simultaneously in response to a particular structural context. In addition, the analysis points out how the positioning of refugees in certain structures can influence the forms of agency they choose to exercise and how this might in turn affect certain structural changes. The analysis further hints at the relevance of covert forms of agency (bypassing and manipulation) alongside overt forms (assimilation and rejection) in refugees' attempt to navigate difficult circumstances in context of this particular case. Lastly, given that refugees operate in a multiplicity of structures their actions are framed and interpreted in a variety of ways depending on their audience.

The chapter is divided into six sections. It will first introduce the case by giving a short historical overview of the political events in Burundi and the resulting mass movement to Tanzania. Then I will discuss examples of Burundian refugees' exercise of

agency – first in camp structures, second in relation to their legal status in Tanzania and third in the context of their relationship to Burundi.

a) Introduction to the case

Burundi is a country that has been repeatedly riddled by civil war, ethnic cleansing and mass atrocities since gaining independence in 1962, triggered by a complex set of motivations of which recurring animosities between the Tutsi minority and Hutu majority are frequently named as a constant in the set of causes.[33] The first mass movement of predominantly Hutu Burundians to neighboring countries, especially Tanzania, Rwanda and Zaire (now the Democratic Republic of the Congo), was recorded in 1972 during widespread ethnic slaughter that some scholars classify as "genocide" (Skonhoft 2000, Sommers 2001). Apart from smaller scale periodic flights in 1965, 1969, 1988 and 1991, the second mass exodus happened in 1993 after the newly and first democratically elected Hutu president, Melchoir Ndadaye, was assassinated in the wake of an attempted coup d'état by extremist Tutsi military officers on October 21 that year. Due to the fact that the presidential campaign had been "ethnicised" by both sides (ICG 1999), the death of Melchoir Ndadaye caused the beginning of repeated pogroms by members of his Frodebu Party against Tutsi civilians, on the one hand, and violent repressions of Hutus by the almost exclusively Tutsi army, on the other, as well as cycles of attacks from previously exiled Hutu rebel groups (Uvin 2007, 37). As Uvin (2007, 39) describes, during the war that lasted for almost 13 years (1993-2006), "around 300,000 people were killed, over 500,000 fled abroad and another 800,000 were displaced internally, often for many years." Most were members of the Hutu ethnic group and

[33] The three ethnic groups in Burundi are Hutus (85%), Tutsi (14%), and Twa (1%) (Skonhoft 2000).

estimates suggested that 75 per cent of the refugees were women and children (NICS/RNIS 1993). A large majority, over 300,000 refugees, who fled into Tanzania, settled in the Kigoma Region (Kasulu, Kibondo and Kigoma Districts) as well as Ngara District in the Kagera Region. Within a year, between 1992 and 1993, the total number of Burundian refugees in Tanzania increased from 149,500 to 444,870 (UNHCR cit. in Landau 2001, Appendix 4).

At the beginning of 1994, large numbers of Burundian refugees began to return to Burundi, due to a combination of factors, which will be discussed in the following sections. Nevertheless, tensions between different political and ethnic factions and their supporters continued and further intensified in 1995 and 1996 with the emergence of rival Hutu factions. In 1996, Burundi experienced another violent coup, in which former President and head of the military, Pierre Buyoya, ousted Burundi's third civilian president Sylvestre Ntibantungany, leading to another mass exodus of Burundians into Tanzania. Even though spontaneous repatriations happened on a regular basis, recurring waves of violence and weak power sharing agreements, which frequently lacked the endorsement of key extremist fractions, prevented a resolution of the volatile political situation in the country (Berry 2008, 8, IRC 1997).

b) Burundian refugees' exercise of agency in response to their legal status

Tanzania had a long tradition of opening its doors to refugees from neighboring countries.[34] It has been a signatory to the 1951 UN Convention Relating to the Status of

[34] As Tanzania gained its independence in 1961, it became a major country of refuge since it "was the only independent state in the region, and [due to] the willingness of the leadership to assist liberation of those under colonial domination" (Akarro 2001, 29). In 1983, then president Nyerere was awarded the highly

Refugees since 1964 and ratified the 1967 Protocol Relating to the Status of Refugees in 1968 as well as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in 1975. Despite these official commitments of Tanzania to ensuring the protection of refugees, the implementation and upholding of the principles enshrined in these international legal frameworks has been inconsistent over the years (Mendel 1997). This is largely due to the fact that, under the 1965 Refugees Control Act, which constituted the main piece of legislation that guided policies towards refugees in Tanzania for most of the latter half of the 20th century, the category of a refugee lacked a clear definition and was generally left to the designation of the Ministry of Home Affairs (Mendel 1997, 56). Furthermore, the Refugees Control Act stipulated that refugees' movement and employment were to be confined to government-designated areas. The requirement of obtaining permits for leaving and entering a camp aimed at controlling the mobility of refugees and their interaction with the local communities (1966, section 12). In addition, the legal rights granted to refugees were fairly limited as described by a UNHCR Protection Officer responsible for the Burundian refugees between August and December 1993:

> Since the 1965 Refugee Control Act mainly hinges on control of refugee movements into and within Tanzania, there is no clear legal basis for the exercise of refugees' rights in Tanzania, nor for the eligibility procedure to be followed by asylum seekers. (Geddo 1993, 4)

Even though Tanzania was already hosting a high number of Burundian refugees from previous decades, the sudden arrival of thousands of new refugees took the UNHCR and

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regarded Nansen Medal by the UNHCR for his service to refugees and to acknowledge the Republic of Tanzania's commitment to liberal asylum policies.

state agencies by surprise.[35] In the first months following the coup, the majority of refugees were scattered across more than 36 reception areas and sites along the Burundi-Tanzanian border (US Mission 1993). In response to the arrival of Burundian refugees in 1993, the Tanzanian Ministry of Home Affairs (MHA) effectively granted all those who entered in the wake of the military coup *prima facie* status, which accorded them "temporary refuge in Tanzania pending improvement of the situation in Burundi" (Geddo 1993, 4). Given the high number of arrivals in a short period of time, Tanzania lacked the resources to undergo individual status determinations (Mendel 1997).[36] Registration efforts by the UNHCR and implementing partners were limited and largely unsuccessful for the first couple of months. The registration of refugees generally involved the collection of relevant data about the refugees in order to plan and manage the targeted distribution of food and non-food relief items to individuals and families, and served as the first step in the assignment of the *prima facie* refugee status by the MHA.

However, refugees' "constant movement" (Doherty 1993) within Tanzania was frequently identified as a challenge by humanitarian actors on the ground. As one Oxfam internal report from November 1993 explains, "internal movements within Tanzania to find relatives and assistance results in double counting" (Oxfam 1993, 2), which refers to the distortions occurring because the same refugee might be counted twice in two different locations. This generally leads to overestimations of the final number of beneficiaries. In effect, refugees were bypassing existing registration efforts by frequently moving between camps to reunite with friends and relatives or find better access to relief,

[35] The UNHCR had pulled out of major assistance operations in 1985 and had a reduced presence in the country when the large number of refugees arrived (Buzard 2000, 7). UNHCR was asked by the Tanzanian Government to be responsible for the coordination of relief operations in the country.
[36] The arrival of over 245,000 Burundians in Tanzania between 21 October and 1 November 1993 illustrates the suddenness and magnitude of the flight of Burundians into neighboring countries.

while others were "shuttling" to and from Burundi (Coussidis 1993a, 6), which undermined not only the government's ability to control the movement of refugees but also the attempts by humanitarian agencies to run their relief programs in an efficient manner. The UNHCR documents do not indicate whether the effect this constant movement had on registration and relief distribution efforts was either intentional or planned.

In mid-November, the UNHCR Emergency Response Team (ERT) Leader advised that registration "be carried out parallel to food distribution and site moves in close cooperation with refugee representatives chosen by refugees themselves" (Coussidis 1993a, 6), which acknowledged the importance of involving refugees themselves in these initiatives, though the files do not give any insights as to whether this was realized on the ground nor the reasons behind the ERT Leader's advice. Rather it seems that plans for relocation and registration policies were predominantly decided and implemented by state and humanitarian agencies. By December 1993, the UNHCR Protection Officer announced that UNHCR and the MHA had agreed on a registration procedure, including the registration forms and cards that would be implemented "in connection with the transfer of refugees to temporary sites" (Geddo 1993, 5). This policy largely stems from the repeated pressure put on by the government of Tanzania to "move refugees away from borders and community structures (stadium in Kigoma; schools/clinics/warehouses elsewhere)" even though up until the end of 1993, WFP, OXFAM and UNHCR operatives expressed concerns that the "sites [were] not yet developed and in some cases not adequately identified" (Coussidis 1993b, 1). Most refugees were scattered across the Kasulu, Kigoma and Ngara Districts, some in places

where they spontaneously settled or in reception and transit camps, while others stayed with locals and relatives in Tanzania. This reality made it harder to implement the principles of the Tanzanian Refugee Act that foresaw that legally registered refugees only resided in government-designated areas and, thus, for the Tanzanian Government to exercise control over the refugee population.

Even though the government's official premise of their request for relocation was the higher security threat refugees and local populations were exposed to along the border, the ERT leader in his report points out that

> such government initiatives…appear designed to force refugees to return to Burundi even though the entire group has been granted official, gazetted refugee status in Tanzania. The impatience of Tanzania government with repeated influxes of Burundi refugees is quite clear. Senior officials have publicly called for a solution to Burundi problem "once and for all". (Coussidis 1993b, 3)

As the Tanzanian government was steadily moving away from its previous liberal approach to asylum, it became increasingly strict about enforcing the control and restrictions on the mobility of *prima facie* refugees to the camp context, which intended to ensure the geographical separation of displaced communities from the local population (Berry 2008, Whitaker 2002, 352). As a result, government officials pursued relocation aggressively, as a report on Ngara described how the "DC [District Commissioner of] Ngara has stated that information given to refugees during these moves was that those who go to Lukole [camp] will receive assistance and those who do not will not be assisted any longer" (Coussidis 1993b, 3). While the UNHCR was initially hesitant to deny assistance to refugees who refused to be moved, they ultimately agreed that the regrouping and relocation of refugees was necessary.

As the relocation of refugees away from the border and to more permanent camps was slowly executed by both the UNHCR and the MHA in the first two months of 1994,

the response of the refugees, as described by UNHCR internal reports, was in the majority of cases against moving to government-designated sites. Instead, many decided "to flee from [their current location] to other refugee locations rather than leave the border area", went "'hiding' with relatives" in Tanzania (Coussidis 1993b, 3), "moved [and] settled in camp[s] with no road access just to avoid being shifted to [permanent camps]" (Carlsen 1994), or returned to Burundi, despite the fact that adequate assistance was not provided in Burundi. UNHCR estimated that more than 200,000 individuals spontaneously repatriated at the beginning of 1994, which made the planning and implementation of registration, relocation and relief distribution more difficult. At the beginning of February 1994, a report by the WFP complains that the "delay in conducting the registration exercise as well as the movement of refugees to camps continue to upset our programming and logistics planning" (WFP 1994). Refugees' decision against complying with the UNHCR's and government's policy of relocation is an example of them rejecting and bypassing these structures. The way they express this decision can be in the form of open refusal to move and thus explicit challenging of official policies, or covert bypassing as they secretly hide and relocate to other areas in Tanzania and remain "in the shadows".

Given that some humanitarian agencies expressed a level of surprise towards refugees' actions, it seems that they were not adequately aware of the reasons for the refugees' choice of non-compliance, including dissatisfaction with leaving the border area, a brief period of decreased violence in the situation in Burundi with the establishment of a new presidency in Burundi, bad living conditions in the Tanzanian

camps[37] and the fear of losing land rights or their harvests (ICG 1999, 3, Borton, Brusset, and Hallan 1996, 34). This example indicates the impact the limited participation of refugees and the lacking acknowledgement of their interests by humanitarian and state actors has on the design and short and long-term efficiency of refugee policies.

The Tanzanian Government's restrictive policies towards the refugees intensified further in the latter half of the 90s, as high-ranking government officials claimed that previous, more open and accommodating refugee policies were no longer working.[38] The changing political mood towards refugees in the country manifested itself in the 1995 presidential and parliamentary election, in which electoral support shifted to political parties who used a strongly securitized anti-refugee rhetoric. In addition, in 1995, Tanzania closed its border with Burundi to prevent more refugees from entering the country. In 1998, the government issued a new Refugee Act, which introduced more restrictive language compared to the Refugee Control Act from 1965. The government further adopted policies that prohibited refugees from leaving designated refugee camps beyond a radius of more than four kilometers without an official permit (Berry 2008). Measures were put in place to reduce the interaction of Tanzanian population with refugees, as visitors were required to obtain passes to enter the camps (Whitaker 2002). Milner fleshes out the consequences of these policies as refugees were "no longer able to seek wage-earning employment in neighbouring villages and practically all economic activities between refugees and the local population ceased" (Milner 2013, 7). Refugees

[37] A RNIS report from February 1994 suspects "[t]his may be due in part to the continuing shortage in camps of food, cooking items, milling machines and fuelwood, and the absence of a proper registration and distribution system. Some of the difficulties emanate from low trucking capacity and the inaccessibility of many of the 45 sites" (NICS/RNIS 1994).

[38] Milner (2013, 7), for instance, cited international speeches of Tanzania's Minister of Home Affairs and Minister of Foreign Affairs stating that "experience has shown that measures such as the granting of permanent asylum and citizenship to the refugees are not a panacea for a permanent solution to the refugee crisis", further arguing that "the solution lies in the countries of origin rather than the countries of asylum."

had become a source of cheap labor to Tanzanian local economies and were frequently sought by farmers and businesses in nearby villages. Furthermore, Tanzanian businesses took advantage of camp spaces to exchange goods and sell their merchandise through refugee salespeople (Whitaker 2002). Becoming an entrepreneur in the camps meant for the refugees a certain level of economic independence from the "bureaucratic space of aid agencies" (Turner 2010, 99). Despite the fact that most reports trace a significant reduction of exchanges between refugees and Tanzanians, there are indications that refugees bypassed these regulations to illegally work on or simply steal from nearby farms to improve their economic situation (Berry 2008). Similarly, under the restrictive policies, the camp populations quickly ran out of firewood, as the areas around the camps that were accessible became deforested. As a result refugees were reported to "trespass into the village and national forest reserves to collect dead wood or to cut down trees and to establish small plots for farming" (Berry 2008, 7). Police and security forces repeatedly cracked down on refugees who were caught not complying with Government regulations, which led to overfilled prisons and overburdened courts (Landau 2001). In fact, according to Landau, rather than showing the government's control over its territory, these restrictive policies further heightened the limited ability of local authorities to deal with the refugee population in a sustainable manner and led to a further deterioration of the rule of law: "Prison overcrowding has encouraged police and citizens to find 'alternative means' with which to respond to suspects and criminals: those accused of crimes are often brutally beaten or killed with semi-official sanction" (Landau 2001, 24). Hence the presence of the refugee population and their breaches of new regulations and

restrictions had widespread and long-term effects on the local and national governance and legislation.

c) Burundian refugees' exercise of agency in response to camps

Tanzania's approach to accommodating refugees experienced a shift in the 1990s. Previous generations of Burundian refugees, who entered Tanzania after the outbreak of the 1972 Burundian civil war, were incorporated into the "agro-developmentalist framework of [former President] Nyerere's *Ujamaa*" (Turner 2010, 11) and were provided with land and shelter in scarcely populated areas. The refugees were each given five hectares of land to promote their self-sufficiency through the cultivation of agricultural products, which aided the economic productivity of the region as well as supported host communities (ICG 1999, 2). Temporary camps later turned into permanent settlements with a certain level of autonomy. As residents of the settlements became economically independent and contributed to the local districts through the steady return of taxes (NCG 2010), the UNHCR formally handed over the responsibility and oversight of the so-called "old settlements" to the Tanzanian Government in 1985 and stopped the provision of material assistance (ICG 1999, 19).

Faced with the arrival of a high number of new refugees in 1993 and 1994, the Tanzanian Government's policy shifted from a settlement to a temporary model of camps (Whitaker 2002). The land allocated for refugee camps was merely enough to set up housing, restricting refugees' engagement in farming activities (Landau 2001, 22). As Mendel (1997, 43) describes, "[t]he camps for these refugees are oriented towards temporary care and maintenance, not self-sufficiency" with "the overall attitude of Tanzanian authorities [being] that repatriation rather than integration was their goal."

This analysis will discuss the refugee camps occupied by the post-1993 Burundian refugees rather than the "old settlements" occupied by previous generations of refugees.

The camps were authorized by the MHA, which mandated the UNHCR to manage the camps and coordinate the provision of relief and aid, in cooperation with other implementing partners on the ground, including Tanganyika Christian Refugee Service (TCRS), South African Extension Unit (SAEU), the International Rescue Committee (IRC), OXFAM, WFP, etc. The composition of agencies which provided "basic food, shelter materials, domestic items, health services and emergency water and sanitation" (UNHCR/Tanzania 1994a, 10) in the camps in Ngara, Kibondo, Kasulu and Kigoma districts varied depending on the agencies' geographical outreach and capacities.[39]

In order to understand the ways in which Burundian refugees manoeuver camp structures, which were generally established and regulated by relief agencies and the MHA, it is imperative to keep in mind the heterogeneity of refugee experiences and positions within these structures. For example, Turner's (2010) discussion of the dynamics between refugees and camp managers in Lukole camp highlights how the latter treated the Burundians as victims in need while at the same time encouraging them to participate in camp procedures and gain a sense of responsibility and empowerment. As such, relief agencies had a two-tiered approach to refugees: On the one hand, refugees were encouraged to exercise their agency and take responsibility, while, on the other hand, implicit or explicit guidelines and boundaries were set to refugee participation,

[39] For instance, the exponential increase of the refugee population in Ngara district in the wake of the Rwandan genocide in 1994 drew much media attention and with that international funding to the camps in that area. Rwandan refugee camps were at times better equipped than the Burundian camps.

which became visible when relief agencies sensed a loss of control over the camps in areas that were deemed under their exclusive authority.

For instance, the UNHCR and NGOs' way of encouraging Burundian refugees' participation in camp life was through appointing them as security guards, community organizers, medical assistants, teachers, and social workers dealing with the issue of sexual and gender based violence, or encouraging the election of refugee leaders representing a block, street or village in the camp (Turner 2010, 1999, HRW 2000, ICG 1999). The relief agencies' underlying rationale for creating these specific positions was to give these individuals a sense of agency, and to create links to the larger refugee community that was supposed to enable a more efficient and effective management of the camps and implementation of their programs. Turner (2010) emphasizes the significance of the latter rationale as it shaped structures of engagement between refugees and agencies by setting certain boundaries for refugees' actions, expecting refugees to promote compliance with camp structures within the refugee community and holding refugees accountable for stepping out of line. In short, for relief agencies, refugee agency was legitimate only within the confines of what they deemed "valuable" participation in camp structures, which in effect was fairly limited as Turner (2010, 52) describes:

> In Lukole, agencies had the answers ready when promoting refugee participation. The refugees needed educating in the art of self-management, but even then the possibility of making decisions of any significance to their lives in the camp was heavily circumscribed. They had no choice in what or how much to eat. They had no choice about not leaving the camps. They could not even choose to build their houses in clusters or circles if they so wished.

The ways in which refugees chose to respond to these structures varied. In the specific case of refugees who had an assigned role of (limited) authority within the camp, they might have, on the first look, seemed to assimilate into a given structure in that they

consciously accepted to play that particular role. Their choice might stem from the idea that they obtain the biggest advantage from working within the structures instead of against them.

For instance, in the latter half of the 1990s, reports of instances of sexual and gender-based violence (SGBV) in Tanzanian refugee camps were increasing (HRW 2000, UNHCR 1996, 13, UNHCR/PTSS 1997). Women who experienced SGBV rarely sought out the police or relief agencies, but instead chose to bypass these forms of redress and reached out to "other members of their family, or [to] friends, neighbors, religious leaders, or community elders" (HRW 2000). In the camps in Ngara district, the UNHCR made efforts to create a special program in collaboration with representatives from refugee women groups and created so-called "'Crisis Intervention Teams' [CIT], made up of refugees and supported by the community services NGOs in each camp," the latter being responsible for supervising and monitoring the teams (UNHCR/PTSS 1997). Refugees recruited for the CIT already held other jobs within the camps and were not elected by the refugees but selected by the community services coordinating NGO. Given that no incentives were offered for assuming this position, the selected refugees were willingly assimilating into the structures of the program. Yet, at the same time, NGOs and UNHCR gave refugees room to make suggestions and shape the design of the program. While refugees chose to assimilate and become part of the program, their active attempts to make specific changes to relief agencies' practices suggest a form of rejection, which highlights the complexity of refugee agency. Even though UNHCR reports do not detail to what extent the refugees' proposals were incorporated, this

example shows that refugees can strategically assimilate into structures through which they potentially gain more room and influence to shape specific structures "from within."

Nevertheless, the creation of CIT and the active involvement of refugees in developing and implementing the CIT's agenda did not necessarily mean that CIT were accepted within the larger framework of the camp. In fact, a UNHCR report (1997) describes how

> Initially, there was lack of understanding among humanitarian workers of the rationale behind the development of the CITs. Traditionally, rape was the responsibility of the Protection unit who would liaise with the local police, and many people believed this was a satisfactory way of dealing with the problem in emergency settings such as refugee camps. By contrast the CIT's mode of operation was much less clear cut, and it made demands on staff who were already very busy. It took time to convince the sceptics of the need for change and the value of involving Community Services in order to offer victims vital psychosocial support. It took time, also, to gain general acceptance of the principle that the victim's wishes should be respected; that if she did not wish to get involved in legal action, the police should not be informed.

Hence, in relation to certain established camp structures (i.e. the procedure of reporting rape, health services), what the members of CIT were doing appeared as an open challenge to certain existing policies and *modus operandi* in response to SGBV. Given the multiplicity of actors in camps (NGOs, state agencies, UN, etc.), who created a diverse set of parallel structures, the same action undertaken by a refugee might be termed assimilation in response to one particular structure, and rejection of another. In the particular context of camps, this has specific results as to how refugee agency is framed and responded to. The diversity of actors, who are involved in shaping camp structures, creates challenges for refugees as to how to navigate these spaces since their actions might be perceived differently depending on who their audience is.

The relevance of perception and interpretation in analyzing refugee agency becomes especially clear in the context of security narratives developed in the UNHCR

internal files. The discourse on security in refugee camps is an interesting case that sheds further light on the ways in which the UNHCR perceived and reacted to beneficiaries who caused disorder in the broadest sense. In January 1994, several UNHCR reports begin to discuss the lack of security personnel in the camps, due to problems with the payment system in place (UNHCR/Kigoma 1994a, 1994b). The UNHCR had hired Tanzanian police and security officers to patrol the refugee sites, yet when their payment and allowances were delayed, despite the fact that the UNHCR had made an arrangement with the Tanzanian MHA and allocated the funds, security personnel walked out of the camps (Bunn 1994). As a result, the UNHCR reported an increase in security breaches within the camps, including "cross border attacks [into] Burundi (with unconfirmed reprisals), attacks on individual refugees (settlement of personal scores, witches/wizards...,) and attacks on NGO staff especially when food distribution is delayed (no food or full basket available)" (UNHCR/Kigoma 1994a, 2, see also UNHCR/Kigoma 1994c, 6). These overt rejections of security rules and challenges against humanitarian relief efforts were reported in camps throughout several districts along the border of Tanzania, including Kasulu, Kibondo and Ngara. Insecurity increased throughout Kigoma Region with the arrival of more than 200,000 Rwandan refugees in the wake of the Rwandan genocide in 1994.[40] Instances of violence and upheaval in the camps continued throughout the summer and fall of 1994. Detailed descriptions were shared specifically about instances in which refugees turned against the UNHCR or its implementing partners. For instance, in October 1994, a significant number of tents and

[40] The arrival of significant number of Rwandans resulted in the shifting of UNHCR's attention, including the dedication of large number of resources and relief efforts to and a heavy focus in their reporting on those communities. Incidences of violence in the Rwandan case were numerous. Rwandan refugees were settled in separate camps than the Burundians, predominantly in the districts of Ngara and Karagwe.

other goods were stolen from the warehouses of the Red Cross and CARE in Lukole camp, upon which two suspects were identified and detained by the Tanzanian police. As the head of the branch office in Dar es Salaam recounts to the UNHCR Headquarters, the rejection by Burundian refugees of "the act of detaining one man within the camp nearly led to a riot by other refugees" (UNHCR/Tanzania 1994b, 6). The USAID's Director's mission report of November 1994 offers an insightful narrative of the events on the ground:

> Even in not so crowded, small (pop. about 13,000) camps like Lukole (the so-called Burundi camp because this is where Hutu refugees from Burundi are located) bad, inexplicable things can happen like the mass raid and theft of around 300 tents which was perpetrated by an unknown gang during the night of October 8-9. The frightening thing about such criminal episodes is that so little can be done to stop it or bring the guilty to justice. The lightly-armed 50 Tanzanian policemen in the region, or even the additional, UNHCR-funded 300 Tanzanian police expected by the end of the month, are certainly no match for the kind of massive upheaval that could occur in the camps. There is nothing to stop the thousands of young men in the camps from taking over and wrecking Mayhem throughout the area. (UNHCR/Tanzania 1994c, 6f)

The language in this description shows how humanitarian personnel on the ground shifted their perception of the refugees from people in need to a serious security threat in disguise as refugees started to act out of line. The USAID Director even went so far as to describe one of the camps as a "time bomb waiting to explode at any moment" (UNHCR/Tanzania 1994c, 6f). The protection of the humanitarian staff became a primary concern, to which UNHCR officials responded by working more "effectively and closely with the increased Tanzanian police force, to improve the quality of the recruitment and performance of security wardens and to improve security systems/plans [for] UNHCR and other agency staff" (UNHCR/Tanzania 1994d). Based on the internal reporting, it appears that little to no communication efforts were made by humanitarian and government agents to understand the circumstances, in which refugees exercised overt

forms of rejection, nor did refugees' expressions of rejection result in any meaningful changes to the structures that were not working for them. Moreover, as mentioned earlier, agencies in camps want refugees to get involved in certain types of structures, while determining whether participation simply means assimilation or whether challenges (rejection) by refugees are welcomed as in the case of CITs. It seems that certain structures such as those pertaining to camp security systems are deemed outside the limits of refugee engagement, while other are more accessible.

Moreover, Turner's (2006, 2010) ethnographic work in Lukole camp provides an insightful example of the complexities of manipulation as a form of refugee agency. Turner looks at the role NGO-employed refugees and elected refugee leaders as intermediaries between the larger refugee community and the humanitarian agencies. Their strategic position between relief agencies and the beneficiaries often created patron-client relationships that refugee employees (ab)used to pursue their own interests. Being a member of this "close-knit and impenetrable network" of NGOs, refugee employees had acquired knowledge of how to successfully manoeuver camp structures and demanded bribes from newly arriving refugees who were looking for jobs in the camp (Turner 2005, 146). As a matter of fact, Turner (2006) points out that the act of manipulation became imperative for refugee employees to maintain the respect, legitimacy and connection to the refugee community. The act of deceiving the UNHCR was seen as a proof that one is not simply a puppet of the system, but that one is capable of "outsmart[ing] the omnipotent organization" (Turner 2006, 766).

Furthermore, tensions and violence in the refugee camp between Hutus of different political affiliations (Palipehutu and Frodebu/CNDD)[41] started to rise, which divided the refugee community politically and spatially. As a result, refugee leaders and employees frequently acted in line with their political allegiances, despite the fact that all political activities in the camps were banned according to the official rules of the MHA and UNHCR. Turner observes how Frodebu-affiliated refugees dominated the network of NGO employees and used their leverage to "convince the corrupt Tanzanian staff of their version of events, thus marginalizing Palipehutu members further" (Turner 2006, 767). This social structuring of the camp happened under the radar and outside of the control of camp authorities whose desire to keep the camp a "non-political" space resulted in several attempts by humanitarian agencies and the MHA to curb political activity, for instance, by firing and replacing all refugee staff. The persisting conflict between supporters of the two political parties implies that the parallel political structures ran deeper than the knowledge of camp managers, as one report by the International Crisis Group (ICG 1999, 13f) suggests:

> The real political authorities in the camp however are not readily apparent; they tend to hide behind the screen of the ostensible "camp" or "zone leaders". In part, this is done to satisfy the Tanzanian authorities and staff managing the camps, who deny any political expression in the camps, even if it is unlikely to lead to violence.

This is an indication that refugees were bypassing existing structures that prohibited political engagement and created new forms of meaning and social cohesion within the

[41] Palipehutu, short for *Partie pour la Libération du Peuple Hutu*, emerged from radicalized Burundian Hutu refugees residing in Tanzanian camps, who had fled Burundi in the aftermath of the 1972 genocide. In contrast, more moderate Burundian Hutus established the first predominantly Hutu party 'Frodebu' (*Front des Démocrates du Burundi)* in the wake of democratization of Burundian politics in the beginning of 1990s, culminating in its victory in the elections in 1993. In response to the massacres committed by the Burundian army, an armed wing of Frodebu, called the *Conseil National pour la Défence de la Démocratie (CNDD)*, emerged and led to guerilla warfare.

camp. Similar examples of bypassing are evident in Turner's description of refugee businessmen who managed to establish their authority in the camp through pursuing livelihood strategies by strategically choosing to stay out of politics and away from the public eye. Creating their own livelihoods allowed them to operate for the most part independently of humanitarian aid agencies. Hence, these refugee businessmen established parallel structures that allowed them to sustain themselves, while not undermining or overtly challenging the authority of the camp management.

These examples of refugees manipulating and bypassing in the context of political and business activities in the camps might suggest that many refugees, including those holding specific roles of (limited) authority in camps, choose to manoeuver camp structures covertly rather than overtly, in order to avoid directly and overtly challenging existing structures. In contrast, refugees expressing (combinations of) overt forms of agency can generate pushback from camp authorities, who might feel that they are losing control over the refugees.

d) Burundian refugees' exercise of agency in response to their damaged relationship with Burundi

Burundian refugees' relationship to their country of origin in exile was complex given that the political situation in Burundi kept shifting and efforts to create a durable solution by the international community were of limited success. Ethnographic studies and the archival material suggest that refugees were far from detached from Burundi and political dynamics were carried over the border and shaped life in the refugee camps. In the following, I will discuss how Burundian refugees perceived their ties to their home country and how this shaped the forms of agency they exercised as well as to what extent

their exercise of agency influenced the structures set up by relief agencies and the host state.

Looking back at the first big spontaneous return movement at the beginning of 1994, Burundians displayed a strong desire to maintain a constant connection to their country of origin despite the volatile security situation. As described in detail in the previous sections, when the Tanzanian Government in cooperation with the UNHCR pressed to relocate the refugees away from the border to more permanent camps, refugees covertly bypassed this policy by moving and keeping a clandestine presence in other areas along the border, or overtly rejected the policy by fully returning to Burundi. It is worth mentioning that refugees made this choice despite the fact that relocating to government-designated camps would have guaranteed them assistance and relief efforts that were still largely absent in Burundi. It was apparent that refugees wanted to remain closer to the border so they could more easily keep their relationship to their place of origin. Many refugees were taking advantage of being close to the border as it allowed them to move back to Burundi to cultivate their land and maintain ties with their communities, while benefitting from the safe shelter and access to humanitarian relief offered in Tanzania (Coussidis 1993b, 3).

The Burundian refugees who decided to return were selling goods and domestic items distributed by the UNHCR in the camps and using the money to buy food items and pay for transportation to Burundi (UNHCR/Bujumbura 1994). Hence, as factors such as improvement of the internal situation in Burundi, bad living conditions in the camps, and the beginning of the harvesting season, are reasons for the spontaneous en masse repatriation, refugees' ultimate objection and refusal to adhere to UNHCR policies and

their decision to return constitute forms of bypassing and rejecting these policies. As a result, these forms of agency prevented the relocation program from being implemented smoothly and in a timely manner and caused tensions between the MHA and its humanitarian partners as well as an increasingly restrictive and forceful approach by the MHA to regain control over the situation as described earlier. Interestingly, UNHCR reports further point out that refugees "still come back [to Tanzania] when food distribution is taking place" (UNHCR/Kigoma 1994a), which in theory constituted a breach of the relief policy as "spontaneous returnees should not as a rule benefit from further assistance" (UNHCR/Bujumbura 1994). This is, in fact, an example of refugees manipulating UNHCR and government relief policies. In response, UNHCR acknowledged that such moves were not discouraged "as there are extreme shortages in Burundi," but the use of relief outside regulated UNHCR policies let UNHCR officials come to the conclusion that a "clear policy decision by UNHCR [was] required [as to] what to do with refugees who refuse to move to designated sites" (UNHCR/Kigoma 1994a). This might indicate that humanitarian actors do not necessarily cast forms of manipulation in negative terms but acknowledge that, faced with challenging circumstances, refugees resort to different kinds of measures to survive.

For those who relocated to camps or arrived in Tanzania in later years, this strong desire to maintain ties to Burundi continued to influence life in camps. Turner's (2010) ethnographic studies exemplify how living in exile as a Burundian refugee and specifically within the structural confines of a camp resulted in a slow decay of traditional social and community structures that were based on certain gender and cultural

norms that generated the urge within refugees to either maintain or redefine their identities.

This becomes visible in the context of negotiating an education program in the camps. At the beginning of 1994, UNHCR and its partners slowly started to put the planning of educational policies and programs for the Burundian refugees on its agenda. They were facing a key challenge: the primary language used in the Burundian education system is French, while Tanzania's students received their education in English. Despite the fact that the Tanzanian government allowed refugees to enroll in its public schools, most young Burundian refugees who were eligible for primary, secondary or higher education were not able to access the Tanzanian educational system due to the language barriers. Burundians who wanted to pursue a post-secondary degree repeatedly sent letters to the UNHCR regional office and Headquarters to express their desire to continue their education at a francophone university outside Tanzania in order to be able to build upon the education they had received in Burundi. The language difference made it harder for Burundians to pursue their higher education at Tanzanian universities. In principle, UNHCR had a special budget allocated to higher education scholarships, though with the condition that refugees must attend education facilities in the host country. Given the mounting requests of refugees, in the beginning of January 1994, the Head of UNHCR in Tanzania referred this problem to Headquarters asking for advice, to which Headquarters answered: "priority is given for scholarships to refugees who wish to pursue their studies in the country of asylum…. Unfortunately given the financial situation of the Education Account, we are not in a position to solve the problem of French-speaking refugee students in Tanzania" (Stevens 1994).

Efforts to develop a program for primary and secondary education were far more comprehensive and complicated, given the large number of young refugees residing in the camps. The recurring question that became relevant in the conceptualization of these programs was whether refugees preferred to stay in Tanzania long-term or whether they aspired to return to Burundi. UNHCR commissioned the South African Extension Unit (SAEU) to conduct a survey in the camps to grasp the mood within the refugee population and determine the educational needs. Refugees participated with great enthusiasm, which was a clear manifestation of the extent to which they valued education as well as their acceptance of the report (assimilation) as a valuable means of expressing their interests. The results of the study state that 356 respondents preferred to have the Burundi (Francophone) curriculum, 239 respondents wanted to be taught by the Tanzanian (Anglophone) curriculum and 392 individuals expressed a preference for "any Francophone curriculum (excluding Burundi)" (SAEU 1994, 18). Despite the fact that the majority of individuals wished to follow a Francophone yet *non-Burundian* curriculum, the study concludes that "the majority of refugees would like to study under a French medium system of education in order to maintain continuity with their own education system" (SAEU 1994, 18) and further deduces that refugees desire to return to Burundi once the situation improves. The study further differentiates between students and heads of households and deduces that the latter "would like their children to follow primary education under Tanzania curriculum so that they may learn how to cope with the new social environment in the country of asylum" (SAEU 1994, 18). These Burundians' strategic preference to integrate into Tanzania suggests that they realized that an imminent return to Burundi is less likely and they might end up staying in Tanzania long-

term given the enduring conflict and the volatile living conditions back home. Still, the SAEU recommended that education programs in the camps should provide a Francophone curriculum and that "secondary school students should be counseled to join English language orientation courses" (SAEU 1994, 19). Interestingly, while SAEU's interpretation of the data suggests that the majority of Burundians wanted to return, the comment of UNHCR Branch Office in Dar es Salaam on the report offered a different narrative:

> We foresee that the main issue of the report is the wish to pursue studies in the Tanzanian Curriculum. This is an indication of the wish of the Burundi refugees (October 1993) to remain in Tanzania for the medium/long term. As the selection of the Tanzanian Curriculum has significant implications, we believe that the programme as proposed may only be initiated after our discussions with the Government. (UNHCR/Tanzania 1994e)

The Tanzanian government's increasing shift to more restrictive asylum policies, including a speedy return of refugees to their home states, and the pressure that the UNHCR were facing seemed to have tainted the ways in which refugees' interests voiced in the report were interpreted. Hence, even when refugees decided to cooperate with humanitarian actors by filling out the survey as a form of attempted assimilation and openly voiced their rejection of the idea to implement a Tanzanian curriculum, it did not necessarily generate the outcomes the refugees would have preferred. SAEU and UNHCR officials largely interpreted the results of the survey on their own terms. It is further important to note, that even though there is a heterogeneity of interests expressed in the study, both SAEU and UNHCR focus on finding a majority voice that not only is difficult to establish in this particular case, but also has the effect of homogenizing refugee voices not only with regards to their educational needs but also, and maybe more importantly, the status of their relationship to Burundi. This also shed light on the shifting

importance attached to refugee voices by humanitarian actors despite the fact that their participation is encouraged through different official avenues. The outcome and assessment of the study ultimately is not in the hands of the refugees but remains in the hands of the camp authorities.

e) General observations from the archival material

Before concluding this chapter, I want to offer some general observations made while going through the UNHCR archival material. The material reveals insights about the internal workings and discourses of the UNHCR when it comes to engaging with the main beneficiaries of their services: refugees. As variations between different cases of displacement are possible, the following observations pertaining to the Burundian case cannot be generalized without critical inquiry, but may provide researchers some useful insights about the type of information communicated within the organization.

First, information about the UNHCR's or its implementing partners' interactions with refugees is largely missing. Instead the majority of communication between the field and Headquarters focuses primarily on operational and logistical components that pertain to the performance of the UNHCR as an actor on the ground. Detailed accounts of cooperation between host state and UNHCR are far more frequent than descriptions of interactions between the UNHCR and the refugees. In fact, when reports do mention displaced individuals, they usually reference them as (numerical) anonymous objects, which reflect the overarching discursive treatment of refugees in the humanitarian sphere. However, this makes it challenging for the researcher, and presumably also for the officials in the Headquarters, to gain insight into the dynamics characterizing the individual day-to-day interactions on the ground. It is possible that the

material I was able to access could simply be biased in the sense that the archived files belonged exclusively to the Headquarters, while documents from the field offices were not yet available in the UNHCR Archives in Geneva at the time of my research. However, the fact that the UNHCR was still very centralized in the 1990s and most decisions at that time were made in Geneva points against this rationale. Another explanation could be that UNHCR officials did not deem it necessary to inform Headquarters about their interaction with refugees, which would align with the humanitarians' practice of "silencing" and "leaving in the dark" of the refugees' expressions of agency.

In the majority of the scarce instances in which refugees are discussed as agents (though the term was never explicitly used) were limited to "end of mission" reports by officials who were deployed in the UNHCR field offices and sub-offices in Tanzania (see UNHCR/Ngara 1994, Bunn 1994, Carlsen 1994, Geddo 1993) and to official reports commissioned by the UNHCR and written by NGOs. An example is the SAEU education report mentioned earlier, which had the specific goal of surveying the opinion of refugees regarding repatriation and education services. It appears that there is a discrepancy in the reporting by UNHCR officials across different ranks. The farther someone is removed from the local level, the less officials seem to be inclined to talk about refugees as primary actors in their assessments of the situation on the ground.

Furthermore, the occasion in which the UNHCR Branch Office in Dar es Salaam, the central office for the UNHCR in Tanzania, explicitly and elaborately talked about the actions of refugees, pertained to elaborations on the security situation in the refugee camps. In the latter half of 1994, the head of UNHCR in Tanzania together with others

made frequent attempts to report to the Headquarters the insecurity staff were experiencing in the camps in Ngara as a result of militant activities and the emergence of parallel structures of authority that were not under the control of the camp management. While it would be faulty to extrapolate and generalize from these examples and assume that UNHCR agents on the ground perceived all refugees to be dangerous, it is still reasonable to point out that whenever UNHCR did explicitly and in detail acknowledge refugees' actions, it was framed by a securitizing discourse. Refugee agency only seems to be worth mentioning when it inhibits UNHCR operations in the form of overt rejections, either as a security threat or a direct corrosion of order.

As a result, it appears that the reports that reached the Headquarters provided a selective representation of events on the ground and a limited knowledge of the daily interactions between refugees and the UNHCR. Yet, the files indicate that the absence of this information did not appear to raise explicit concerns at the field or Headquarter level in the process of decision-making and policy recommendations. The farther one was removed from the refugees (field officer, officer at the branch office in Dar es Salaam, officer in the Geneva Headquarters), the less information on refugees themselves and their actions was shared and sought. This can further create disconnect between Headquarters and the officers in the field as they operate on diverging sets of information and experiences, which raises questions about the implications this lack of information on refugees' actions can have on relief efforts and humanitarian programs implemented on the ground. Could policies be more efficient in meeting the needs of refugees if more explicit information on refugees as agents was shared internally? Could this bridge potential gaps between Headquarters and field offices and enhance the understanding of

displacement crises? These inquiries can be potential starting points for further research on the relevance of taking refugee agency seriously.

f) Summary of the case study analysis

In applying the conceptual framework developed around Giddens' structuration theory to the case study of the post-1993 Burundian refugees in Tanzania, a rich palette of insights emerge, which can be used for the development of a potential research agenda on refugee agency. These observations shed light on the complexity and dynamics of refugees' agency in relation to the distinctive structures in which it unfolds and can help further refine the theoretical account developed in this thesis.

Giddens' notion of the duality of structures, as in the mutually constitutive nature of the relationship between structure and agency, plays out in this case in the following ways. The case study shows that the distinctive structures, which the Burundian refugees are part of, constrain their agency, such as in the form of legal restrictions on Burundian refugees' mobility outside the camp or the patriarchal approach of humanitarian agencies to control refugees' actions in the camp while simultaneously caring about their empowerment within certain limitations. But while the focus of many existing studies often remains on the constraining nature of structures, this study has shown the ways in which structures can also have enabling qualities. Burundian refugees facing constraints found alternative avenues to navigate their circumstances. For instance, Burundians working for the camp management used their exclusive access to resources to enhance the stronghold of their political faction and their affiliates in the camps. Moreover, faced with ongoing fighting in Burundi which made a full return difficult, some Burundian refugees found ways of cultivating their ties to their country of origin by avoiding being

relocated to humanitarian facilities further inland and instead choosing to remain closer to the border to be able to travel to Burundi on their own terms while taking advantage of the safety offered in Tanzania. These examples underline how the constraining and enabling features of structures need to be analyzed in conjunction.

In addition, Giddens' principle of the duality of structure also includes the idea that refugee agency and structure are mutually constitutive in the sense that through exercising their agency refugees instantiate or shape their structural contexts and vice versa. Using the typology of refugee agency elaborated in Chapter 5 to trace the actions of the Burundian refugees in Tanzanian exile makes evident that refugees exercise some types of agency even in the seemingly most constraining circumstances. Refugees gain knowledge about their circumstances and display an array of (re)actions in response to structural contexts, including manipulation, assimilation, bypassing, and rejection, which can be extremely visible or remain just "below the radar". The covert forms of agency may be as relevant for refugees in navigating difficult circumstances as overt rejection, such as protests and riots. In addition, empirical examples of assimilation show that choosing to accept and actively identify with certain structures can equally enable refugees to shape the structural conditions they are in. It becomes apparent that these different types of agency are not mutually exclusive nor occur in separate instances; rather, refugees can strategically exercise them in combination as the example of the refugees participating in the Crisis Intervention Teams to support SGBV victims shows.

The relevance of exercising either covert or overt forms of agency seems to change for refugees if they desire to openly challenge existing structures and thereby create potential pushback by the authorities who set up these structures, or whether

staying below the radar helps them navigate their context on their own terms while trying to avoid tensions with authorities. Ultimately, the typology gives analytical visibility to both overt and covert forms of agency and thereby offers greater precision for research on refugee agency. This would especially enable studies in political science to take on a more nuanced approach and move beyond the prevailing interest in refugees' engagement in overt forms of rejection, such as militant activism or political protests in camps, while overlooking the relevance of covert manipulation and bypassing as examples of refugee agency in displacement situations. Equally, assimilation is frequently forgotten as a form of agency, even though it constitutes a factor in the reproduction of certain structures. Refugees' choice to assimilate means a choice to accept their structural settings. Their assimilation might help shed light on which and why certain structures of refugeehood are sustained over longer periods of time.

The study has further shown that refugees' actions generate certain outcomes, though as Giddens emphasizes, exercising agency does not require that one's actions create the exact, intended effects. While the case study did not serve to create generalizable statements about causality, it highlights the relevance of refugee agency in understanding the instantiation of certain structural properties. In more concrete terms, Burundian refugees made certain choices, such as avoiding the government-ordered and UNHCR-promoted relocation to camps away from the border, which had a significant impact on the efficiency and successful implementation of governmental and humanitarian initiatives. Similarly, the bypassing or rejection of national legislation on asylum undermined mechanisms set up to control the movement and decision-making of refugees and to which Tanzanian authorities reacted with harsher sanctions, more

restrictive regulations and even physical coercion. This is not to negate the complexity of policy-making nor to argue that refugees are the only causal force to affect certain outcomes, but to make a case for putting refugees center stage in the analysis of these larger-scale dynamics in which they were often ascribed – if at all – only marginal roles. While the literature has predominantly focused on the role of humanitarian and state actors in camps, legal frameworks and the reestablishment of state-citizen relationships, the refugees themselves form part of these structures. The study has delineated how refugees are involved in and responsive to their surroundings, which suggests that it is crucial that researchers, humanitarian agencies, planners, funding bodies and other practitioners, take them seriously if they want to paint an accurate picture of displacement situations.

Furthermore, the analysis' insights into the structural context in which the Burundian refugees were immersed exemplify that structures are not homogenous entities. Instead, they are in constant fluctuation. As Giddens proposes, these changes stem from the actions of different actors who are part of these structures. For instance, even though refugee camps have in principle the same underlying functionality, their set-up in the form of rules and resources can vary depending on national and international actors. Regulations in camps can differ across host states even though they are set up primarily by the same international humanitarian organizations. As the empirical analysis has shown, increasingly restrictive asylum laws and policies adopted by the Tanzanian Government had an immediate impact on the configuration of refugee camps as spaces of limited mobility and implementation of rigid control and monitoring of those who entered or left the camps. Hence, while I introduced the three distinct structures of refugeehood

separately, camps, legal frameworks and the relationship with the country of origin are inherently connected and influence each other. Attempts at understanding why refugees display certain types of responses to their circumstances need to look at the ways in which different structural conditions intersect. Taking into account the fluidity and intersection of structures naturally leads to questions such as: How do camps in Tanzania enable or constrain refugees in exercising their agency compared to camps in other countries? To what extent do Bosnian refugees, for example, with a legal refugee status in the UK have different responses in (re)building their relationship to their country of origin than Burundian refugees with a *prima facie* status in Tanzania? A comparative or longitudinal study can shed further light into how refugees' agency is conditioned by the particular structural circumstances they navigate.

Refugee experiences are ultimately heterogeneous even in relation to the same structure, depending on the refugee's position within a certain structure. An elected refugee leader will have different access to resources and will be subjected to different rules in a refugee camp than a single mother with children, who is marginalized from governance systems. Structures provide meaning and frameworks for interpreting the actions of refugees. Differing interpretations can determine the effects refugee agency can have and the responses it can generate.

In sum, this case study has illustrated how the distinctive structures that Burundian refugees encountered in Tanzania affected the ways in which they exercised their agency and how their actions, alongside other (humanitarian, national) actors on the ground, in turn (re)produce the structures.

Conclusion

This thesis grappled with the overarching question: "What (if anything) is distinctive of refugee agency?" The purpose of asking this question is to provide a more in-depth study of the agency of refugees that combines both the theoretical-conceptual level with systematic empirical explorations. Using Giddens' structuration theory as a guiding ontological lens, I argued that refugees exercise distinct forms of agency due to the particular structures they engage with. Being a refugee means being exposed to distinct structural conditions that inherently shape the day-to-day experiences of those individuals. These structures are instantiated through refugees' exercise of their agency. As such they become an inherent and core component of the structures of refugeehood. There would be no refugee camp without the refugees.

Taking refugees' agency more seriously means pushing against common treatment and representations of refugees as hapless, silent victims, which has become deeply engrained within the international refugee regime. States and international organizations have long treated forced migration flows as humanitarian emergencies and abnormalities in the state order that need immediate fixing. Within this victim-discourse, which drives humanitarian responses and state's willingness to offer shelter, refugees become anonymous objects who are presumably stripped of their agency. By focusing on the ways in which refugees maneuver their circumstances, this thesis challenges these common assumptions, which continue to shape policies and practices. Academics and practitioners need to be more wary of creating an 'ideal-type refugee' and develop analytical frameworks that acknowledge and capture the diversity of refugees' experiences and the ways in which they can and do exercise their agency.

However, as much as it is important to challenge simplistic and essentializing narratives, it is imperative to raise questions about the broader implications of an increased focus on the refugee as an agent within in the larger context of justifying refugees' right to receive humanitarian aid and shelter. Many advocates of refugee rights tend to downplay the notion of refugees as agents, based on the fear that this might weaken their claim to humanitarian assistance. The legitimacy of humanitarian initiatives still draws on the idea that refugees are passive victims who depend on the goodwill of the international community. If the claim of refugees for international protection is based on the notion of him/her being choiceless, helpless and powerless, how does this sit with the idea that they may also be agents? Does the claim of agency impede the individual's access to refuge and aid? How can these limiting and essentializing narratives be changed without weakening international support for refugees? Given that the questions of the legitimacy of refugees' claims and international support are complex with different layers, my preliminary comments do not claim to solve this puzzle but to contribute to the ongoing debate.

One of the key insights from the theoretical engagement and analysis of the case study is that refugees are agents regardless of our selective perception or willful neglect. Their actions matter and shape structures in their immediate surroundings and can trigger shifts in policies and discourses at local, national or international levels. As such, I argue that taking refugee agency seriously in planning and implementation processes pertaining to camps and legal structures as well as the citizen-state relationship, is essential to achieve meaningful and efficient outcomes. In many instances, what causes tensions and conflict between refugees and humanitarian agencies or host states is the assumption that

refugees will silently accept whatever the latter two decide is the best response to displacement. Despite the fact that refugees are framed, represented and expected to behave in a certain manner by state and humanitarian actors, the reality is that their actions are as much shaped by the circumstances in which they operate, as their own desires, beliefs and interests. This suggests that the selective attention put on the constraining feature of structures, which presumes that refugees are rendered agencyless is ill suited to fully grasp the complexity of the developments on the ground. It overlooks the possibility that refugees exercise their agency in (sometimes unexpected) ways, which runs counter to common representations and discourses.

Acknowledging that refugees are still human agents when they cross international borders to seek refuge, and do not suddenly become agencyless, silent, passive beings, fundamentally recognizes their humanity and, by extension, their right to have their human rights respected at the most basic level. Hannah Arendt's famous definition of refugees as the "scum of the earth", individuals without protection nor rights, has falsely created an image of the refugee that homogenizes experiences and disregards structural diversities as well as the many ways in which individuals can and do exercise agency within their refugeehood. Thereby, I join Bradley's (2014, 103) and others' critique that this "un-nuanced conflation of refugeehood and statelessness represents a potential disservice to the displaced, as it may perpetuate a mistaken impression of refugees as politically impotent victims" and may undermine their claims for asylum, for humanitarian protection or for potential redress of their rights as citizens by their states of origin. Hence, conceptualizing, seeing, and talking about refugees as agents could strengthen rather than undermine their access to refuge and aid.

Taking agency seriously can start within the spheres of academia to which this thesis is primarily making a contribution. While I suggested using Giddens' structuration theory as a window to conceptualize the relationship between distinctive structures of refugeehood and various types of agency, I acknowledge that the theoretical conversation on agency and structure has a long tradition and will continue to offer a diversity of perspectives and approaches that may be applied to questions surrounding refugees. These include but are not limited to questions pertaining to whether refugees are "competent" actors (see for instance Adler and Pouliot 2011), whether the relevance of their agency changes when refugees act in groups or as individuals, or what the normative frameworks are for talking about refugee agency alongside explanatory theories of action (Peruniak 2015, Bradley, Milner, and Peruniak 2015). Consequently, much more can and needs to be done to develop a comprehensive understanding of refugee agency and hopefully this thesis will offer a stepping stone for future systematic engagements with this subject.

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