

RESEARCH REPORT

Becoming Urban Humanitarians

Engaging Local Government to Protect Displaced People

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Executive Summary

People displaced into urban areas due to war, persecution, or climatic crisis have claimed an increasingly prominent position in humanitarian operations and research. The vast majority of these are in the “cities of the global south,” proximate to the conflicts and persecution responsible for displacement. Whether they are considered refugees, asylum seekers, or internally displaced persons, once in these cities, displaced people often remain there for extended periods. Yet while the United Nations High Commissioner for Refugees (UNHCR) and others have accepted responsibility for promoting protection and human security in urban environments, humanitarians have struggled to find ways of doing so that are affordable, effective, and sustainable. In an era of increasing decentralization, the first step toward improving protection and human security for people displaced to urban areas is mobilizing municipal authorities.

Through an examination of three African municipalities—Kampala (Uganda), Nairobi (Kenya), and Johannesburg (South Africa)—currently hosting diverse populations of displaced persons, this project looks within governments to understand the cognitive, financial, and political incentives that work for and against a positive, proactive response to displacement. The report argues that in cities where deprivation is widespread, humanitarian organizations’ effective engagement with municipal authorities and urban populations demands a shift in both approach and language. Rather than through overt appeals to domestic or international protection principles and laws, effective engagement with local authorities is most likely to come when humanitarians recognize local authorities’ interests and incentives and develop strategies to align protection concerns with local political economic factors. Legal protection remains important, but *de facto*, often highly localized practices have more immediate effects and are more subject to rapid change. Moreover, the policy changes most likely to result in improved protection for displaced people may have little to do with migration, immigration, or asylum *per se*. By promoting access to services, protection, and human security through bureaucratic incorporation, humanitarians can help avoid complex and contentious public battles over rights-driven legal changes. Such an approach instead naturalizes the presence of refugees in their respective communities while building solidarity with other vulnerable population groups. While promising, such an approach will require a change in humanitarians’ self-definition and staffing along with revised funding and reporting regimes.

Why Urban Governance Matters to Protection and Human Security

People displaced into urban areas due to war, persecution, or climatic crisis have claimed an increasingly prominent position in humanitarian operations and research.¹ The shift in focus stems from a growing awareness that almost half the world's displaced people (i.e., people of concern or POC) now seek protection—economic and physical security—beyond purpose-built camps or settlements. Once in cities, displaced persons often remain there for extended periods of time, even when they are not officially welcomed.² Although urban administrative institutions and systems may be more complex than those in rural areas, and while urban populations may be impoverished, cities nonetheless offer displaced populations avenues of upward economic mobility, human security, onward movement, and physical freedom absent from camp environments.

The United Nations High Commissioner for Refugees (UNHCR) and others have now accepted responsibility for promoting protection in urban environments, most explicitly in the 2009 UNHCR Policy on Refugee Protection and Solutions in Urban Areas. Yet while a growing body of literature on refugees in urban areas outlines the challenges they face, the United Nations High Commissioner for Refugees and its partners in the humanitarian space have struggled to adapt their programming and interventions to recognize that urban protection is a long-term process effectively inseparable from urban politics and development.

One of the foremost challenges in protecting displaced populations beyond camps is the difficulty of improving protection for the displaced without building unsustainable and potentially problematic parallel systems of service delivery. **Providing sustainable protection for displaced people in urban areas will mean engaging politically with municipal authorities and integrating POC into urban governance systems.** Ideally, linkages between local authorities, national and international humanitarian agencies, and the private sector could constitute systems that could absorb, protect, and

¹ See, for example, *Forced Migration Review's* 2010 issue dedicated to Urban Refugees along with a range of other studies conducted in Africa, Asia, the Middle East, and Latin America by or on behalf of humanitarian organizations and a series of studies by such high-profile organizations as the Women's Refugee Commission and the associated International Rescue Committee (Women's Refugee Committee 2011a, 2011b, 2011c); also Schoeller-Diaz et al. 2012; Lyytinen and Kullenberg 2013; Zetter and Deikun 2010; Kaiser 2006; Grabska 2006; Kibreab 1996; and Cooper 1992.

² In Lubumbashi, Democratic Republic of Congo, tens of thousands of internally displaced people remained in the city even after the government officially expelled them (see Wa Kabwe-Segatti and Landau 2007).

provide for displaced populations. However, outside of the industrialized global north (Europe, Australia, and North America), there is little scholarship on municipal authorities' responses to displacement and refugees.³ From what research exists, there is little evidence that local authorities in developing countries have proactively and systematically planned for displacement, migration, and humanitarian action.⁴ This report and the accompanying case studies and assessment tool are designed to help address this gap.

This project builds on the enormous strides made in identifying the displaced in urban areas and in developing tools for assessing their strengths and vulnerabilities. Through an examination of three African municipalities—Kampala (Uganda), Nairobi (Kenya), and Johannesburg (South Africa)—that currently host diverse populations of displaced persons,⁵ this project looks within governments to understand the incentives working for and against a positive, proactive response to displacement. We specifically highlight the role of attitudes and values among officials (how they see their operational environments and responsibilities) with the role of financial systems (particularly intergovernmental transfers and revenue generation) and regimes of political rewards and accountability. In taking this approach, the project builds on a growing body of literature from North America and Europe that recognizes the role of local authorities in fostering integration, protection, and human security.⁶ While such an approach has informed small scale-studies in parts of Africa,⁷ these have largely been situation reviews rather than deep dives designed to guide engagement.

One of the project's key findings is that policy changes most likely to result in improved protection for displaced people in urban areas may have little to do with migration, immigration, or asylum per se. People moving into cities due to war or persecution are, by definition, "displaced," but this status does not define them. Rather, POC are also parents, traders, students, clients, service providers, consumers, and potential investors. As such, their daily lives and economic impacts on cities are shaped by policies and practices that intersect with but are not framed by protection or migration concerns. Questions of public order policing, registration of new businesses, access to bank accounts, and regulations surrounding housing and health care (including physical and psychological care for gender-based

³ For research on the "global north," see Mulvey 2010; Marrow 2009; Ellerman 2006; Daley 2009; and Phillips 2006.

⁴ See Gotz 2004 and ReDSSS 2015.

⁵ See Women's Refugee Commission 2011a; 2011c; Pavenello et al. 2010; Hovil 2007; Bernstein and Okello 2007; Landau 2006; and Campbell 2006.

⁶ See Schiller 2013; Marrow 2009; Fincher and Iveson 2008; and Sandercock 2003.

⁷ See, for example, Gotz 2004 and ReDSSS 2015.

violence) are often far more important than immigration or asylum policy in determining individual outcomes. Legal protection remains important, but local governance and service delivery practices may matter more on a day-to-day basis.

Moving beyond an explicit focus on immigration and asylum law and policy draws attention to the entities and officials explicitly responsible for local policies and practices. This often means municipal, county, or provincial authorities. Yet local authorities rarely see themselves as charged with a humanitarian mandate. Rather, urban governments are often already struggling to address their constituencies' acute needs. Often urban residents' living conditions are below those found in refugee camps and well below the SPHERE standards. Asking local governments to dramatically step up service provision to politically powerless residents may be met with skepticism, at best.

In contexts of widespread decentralization and deprivation, humanitarian organizations' explicit engagement with municipal authorities and urban populations demands a shift in both approach and language. The most effective form of engagement with local authorities is likely to come when humanitarians recognize local authorities' interests and incentives and develop strategies to align them with protection concerns. This may take the form of direct calls for resources to protect refugee rights. More frequently it will come from demonstrating how the presence of refugees can be a political or financial asset by providing enhanced revenue through taxes or attracting direct assistance to core government departments. In almost all instances, protection will likely be achieved by finding creative ways of integrating people of concern into existing programs and policies or enhancing those programs in ways that can accommodate POC. Through this kind of stealth or "bureaucratic incorporation,"⁸ humanitarians may avoid complex and contentious public battles over rights, instead naturalizing the presence of refugees in their respective communities while building solidarities with marginalized constituencies.

The remainder of this document proceeds through three sections. The first describes the project's approach and method. This section not only outlines the data collection techniques utilized in our primary research, but justifies the focus on multilevel legislative and regulatory frameworks, and on politics and perceptions. This shift in perspective—from principles to politics—will enable positive engagements with local authorities while helping to short-circuit public debates over Us-versus-Them. The second section offers a synthesis of the three city case studies. The emphasis is on generalized findings and principles rather than an attempt to summarize the specifics of each case. This section illustrates the value of institutionally and politically savvy engagement and the kind of "quick wins" and

⁸Marrow 2009.

opportunities for low-cost engagement that such an approach reveals. The final section suggests ways of employing the tools developed during this research and the steps necessary to do so. The report concludes with a series of recommendations to humanitarians, analysts, and donors as they seek ways to more effectively engage local authorities in refugee-hosting communities.

Approach and Method

Although there is no single best practice for engaging local authorities, humanitarians can benefit from using a systematic approach to assess and understand the priorities and incentives of local actors. Even within a single country, municipalities often vary in the nature of their institutions, political priorities, resource bases, population, and geography. Programs that exist in multiple regions or across continents are likely to encounter significant variability in institutions, priorities, and ability to respond to people of concern. Providing incentives in the form of resources, prestige, or opportunities for professional advancement may be central to achieving humanitarian objectives. Tailoring these approaches to local contexts is essential: what works well to mobilize sympathy and support in one setting may prove ineffective or potentially harmful in another. Similarly, appeals to principles—rights, inclusivity, justice, efficiency, obligations—will generate divergent results among planners and politicians steeped in different traditions, priorities, and institutional or political incentives.⁹ This project’s approach highlights the range of each of these variables in order to enable humanitarians to develop strategies for expanding the protection space by identifying opportunities for engagement, the language to use in framing engagement, and the types of incentives and interests that will prove effective in specific local contexts.

The approach outlined here builds on extensive research and capacity-building initiatives on local government and urbanization. While little published work explicitly discusses the role of local authorities in addressing migration or displacement in the developing world, there is a considerable body of knowledge on how to understand local government performance and reformability.¹⁰ This report recommends going beyond urging municipalities or local government authorities to develop policies on displacement targeting urban refugees as receivers of support and services. Rather, our approach seeks to understand the institutional and political structure in which the urban displaced find themselves. We explore how the ongoing processes of decentralization, budgeting, vertical and horizontal cooperation, and popular participation interact with the well-being of displaced people. As many of these processes may implicitly encourage local authorities to ignore or exclude newcomers—citizens and foreigners, voluntary and forced—our approach provides guidance for humanitarians on how to recalibrate incentives through advocacy and assistance.

To illustrate these principles, the report summarizes the primary findings from research in three African cities: Nairobi, Johannesburg, and Kampala. Each is a trade and political center that has become

⁹ See Donnelly 2003 and Elias 2008.

¹⁰ Edwards et al. 2014; Kimble et al. 2012; Landau et al. 2013.

a destination and transit point for a broad range of people of concern. In both Kenya and Uganda, the primary focus of humanitarian attention is on purpose-built camps and settlements. However, there is a growing awareness of urban-based people of concern. In Nairobi, these include refugees and asylum seekers from Africa's Great Lakes region, as well as from conflict and persecution across the horn: the Sudans, Ethiopia, Eritrea, and Somalia. Nairobi also hosts people internally displaced by ethnic conflicts, particularly those stemming from the 2007–08 post-election violence. Although Kampala's urban refugee population is less well recognized and more contentious, it too includes people from across the Great Lakes and Horn of Africa, as well as a considerable number of people displaced by long-standing conflict in Northern Uganda. South Africa is somewhat exceptional in maintaining no purpose-built refugee camps, instead relying exclusively on a protection program premised on temporary, local integration. For many years the world's leader in individual asylum claims, South Africa hosts asylum seekers and refugees from across Africa and from parts of South and Southeast Asia and Central Europe.

As no reliable data are collected on the number of displaced people in each of the cities, it is impossible to provide anything but the crudest estimates of these diverse and dynamic populations. In Kampala, the UNHCR has conducted an urban refugee registration exercise and indicated that as of December 2014, there were 72,019 refugees in the city out of a total population of 1.72 million (in 2012, according to the Ugandan Bureau of Statistics). No data were available on the number of internally displaced people.

In Kenya, a 2015 UNHCR report puts the number of registered refugees and asylum seekers in the country at 584,989. Of these, 51,757 were estimated to live in Nairobi, making up a significant portion of the city's 3.363 million.¹¹ As in Uganda, no data were available on the number of internally displaced people.¹²

The UNHCR indicates that in December 2014, South Africa was host to 576,133 POC, including 112,192 refugees and 463,940 asylum seekers, but the agency does not offer any information on spatial distribution that would indicate how many live in Johannesburg. While the 2011 census indicates that 12.7 percent (562,952) of the city's population (4,434,827) were born outside South Africa, it provides no details about their legal status.

In evaluating the three municipalities' responses to their urban-based people of concern, the research team developed and tested a purpose-built diagnostic developed to assist humanitarians on four fronts:

¹¹ CIA Factbook.

¹² Interview by C.W. Kihato with Humanitarian Reporting Officer, OCHA, February 2015, Nairobi.

1. to assess who holds formal and de facto responsibility for people of concern;
2. to understand the obstacles, abilities, and incentives for local authorities in responding to people of concern;
3. to assess the “reformability” of local authorities—the degree to which discretion, resources, and institutional configurations may allow for improved policy and practices; and
4. to identify nonstate actors (e.g., nongovernmental organizations, international organizations, religious bodies) who (a) are providing or obstructing opportunities for people of concern, (b) are working effectively on behalf of people sharing similar interests with people of concern, or (c) may be enlisted in providing services or pressing for positive changes in local authorities’ policies and practices.

After approximately six weeks of interviews and secondary analysis in each site by researchers familiar with the city, the results are manifold. Most concretely, the research has produced three case studies providing city-specific overviews of the legislative and institutional frameworks and practices likely to affect people of concern and their relations to nonstate actors. As local actors are embedded in broader systems, the tool also maps relationships between local authorities and higher-level government bodies, especially relationships that may impede or enable effective responses to POC.

The findings also draw attention to policies and practices affecting three of the most critical areas of protection: access to health, housing, and livelihoods. In some cases, these point to the performance of governments or other actors in direct service provision. In many instances, the case studies point to the de facto regulatory environment that may shape the willingness or ability of nonstate actors to provide services or enable or inhibit people of concern from accessing housing and labor markets or small business opportunities.

Perhaps the most important output of the research is an improved diagnostic tool which will be made available with a user manual to the humanitarian community. This series of questions will offer guidance to organizations and agencies assessing their urban, operational environments. This tool will be most effective as a complement to various needs assessment methodologies employed to evaluate the numbers, needs, and particularly sources of vulnerabilities for POC. Such analysis requires considerable expertise in both the specific challenges facing people of concern and the workings of local authorities. While humanitarians have done well in expanding the tools needed to assess urban refugee

populations,¹³ this tool is intended to further our ability to assess local authorities and ultimately expand their role in promoting protection and human security in urban environments.

¹³ See, for example, the work of the Joint IDP profiling service (JIPS) and their Profiling and Assessment Resource Kit (PARK); also Jacobsen and Furst 2012.

Core Empirical Findings and Implications

The three case studies generated description and insights that may prove valuable to humanitarian actors in the respective cities. The background reviews, institutional profiles and reading of inter-governmental relations, political rhetoric, and emerging opportunities can—and should—shape future engagements in these cities. If nothing else, the studies emphasize the need for a holistic and politicized understanding of the numerous actors explicitly and implicitly responsible for creating effective protection spaces. Commitments through international treaties are an important first step in formalizing these actors and their responsibilities, but these commitments alone should be seen as necessary, but not sufficient, for ensuring protection of POC. In all instances, humanitarians need a strong understanding of the often similar challenges facing POC, migrants, and long-term urban residents.

This section of the report continues by rehearsing the primary descriptive findings from the three cities before introducing a series of synthetic, integrated findings. (Further details and explanations for each are included in the full case studies.) In doing so, we aim to provide general guidance in rethinking humanitarians' approaches to municipal authorities. The intention here is not to provide an extensively detailed strategy for those working in situ but rather to illustrate the value of our approach and to offer a range of provocations for rethinking advocacy and engagement on issues affecting people of concern in urban areas.

Nairobi

Under Kenya's 2010 constitution, Nairobi is one of 47 county governments, with responsibility for a wide array of governance and service delivery functions. While the detailed nature of counties' specific responsibilities and intergovernmental relationships are still being negotiated and refined, it is evident that urban protection will depend heavily on county-level policies and practices. The Nairobi case's clearest contribution to our understanding of humanitarian-urban engagement is the finding that sometimes the most effective reforms for urban-based people of concern are likely to be negotiated outside of formal legal processes. The highly politicized nature of refugees in Kenya—specifically those of Somali origin who have been popularly and politically linked to crime, urban degradation, and terrorism—means that refugee-rights and welfare organizations, including the UNHCR, must work

carefully in how they advocate for rights within formal processes. Overt and public demands for refugee rights appear likely to backfire, inflaming popular opinions in ways that may entrench animosity and restrictions against refugees living in Nairobi.

Our findings in Nairobi suggest that working with mid-level officials within the local bureaucracy, or negotiating with local urban actors and communities, may be more beneficial for POC than overtly fighting for their rights at high-level governmental platforms. This is not to suggest that formally designated rights are unimportant or should be ignored, but that high-level negotiations may hinder or even undo progress in ways that negatively expose POC, particularly in the Kenyan context. The findings recognize that highly visible multilateral and bilateral organizations are involved in formal, national-led decisionmaking processes and might be unable to work informally. However, smaller organizations, foundations, or even individual advocates may have more room to maneuver. Some organizations have found that working less officially allows the organization more room to change local practices without raising unwanted public attention. The case study draws attention to the innovative work of RefugePoint in facilitating refugees' access to Kenya's national health insurance scheme, instead of promoting a parallel system of service delivery. Through a careful review of the insurance legislation, advocates determined that refugees were legally entitled to insurance. Rather than making a public appeal, they worked quietly with a mid-level official to complete the paperwork required to enroll hundreds of refugees at the minimal cost. While the official was initially reluctant to enroll refugees, RefugePoint recognized that he was required to meet a performance target with respect to the number of new people enrolled in health insurance and appealed to the official on the basis of meeting that target. While contexts vary, such appeals to local authorities' interests in program implementation, revenue generation, and business formation may provide opportunities for advocates to help align government action with protection interests.

Johannesburg

South Africa's 1996 constitution outlines three "spheres" of government (national, provincial, and municipal) with distinct responsibilities, revenue sources, and relationships. The formal delineation of responsibility for various functions is often muddled by a mix of limited local competence and party-power structures that centralize decisionmaking. However, as the economic hub of Southern Africa, Johannesburg's municipal government has tried to position itself as a "World Class African City" and has the resources and capacities to form and implement its own policies in line with national priorities. These policies have not always been welcoming to the diverse refugee population that lives in and

around the city. Roundups and hostility are a part of people’s lives. Nonetheless, city authorities’ stated desire (and political imperative) to implement socially progressive programs, an official rhetoric of inclusivity and considerable (if still limited) administrative and bureaucratic readiness, provides humanitarian agencies with a unique opportunity for engagement that could ultimately improve POC welfare and access to services.

Where the city falls short is in the lack of effective policy implementation, the translation of political will into daily practice. This is due in part to a limited capacity to plan for and finance services to an expanding population, but also limited institutional capacity with respect to evidence-based planning. As such, people of concern living within the city continue to face obstacles in accessing services to which they are legally entitled and have difficulties in building sustainable livelihoods. At the same time, these challenges are not unique to POC in Johannesburg; access to adequate services and sustainable livelihoods can be a challenge for many residents. This presents both an acute obstacle and opportunity for humanitarian advocates. In an environment of widespread scarcity and disillusionment with public performance and service delivery, refugee-rights based arguments or specialized programs oriented toward refugees are likely to foster popular resentment. Given the acute threats of violent exclusion and harassment, organizations are warned against regularly using judicial process to “force” inclusion. That formal, legal rights often translate poorly into practice further limits the value of such an approach. As such, advocates are advised to quietly capitalize on existing programs and opportunities while building solidarities with poor members of the community facing similar challenges. By working to improve ladders into housing, the economy, and services for new urban arrivals of all backgrounds, advocates may ultimately be more effective in expanding the protection space.

Kampala

Unlike Nairobi and Johannesburg, the municipality of Kampala has considerably less autonomy to form and implement urban development or assistance policies. The country’s “recentralized” system means that local government is expected to appropriately integrate and implement national policies and commitments, including human rights obligations to protect people of concern. While national-level obligations regarding displaced populations fall primarily within the Office of the Prime Minister (OPM), the Local Government Act (2003) and the Kampala Capital City Authority (KCCA) Act (2010) accord Kampala considerable responsibility for the delivery of services to the population within its jurisdiction. This includes refugees and internally displaced people residing within Kampala’s municipal boundaries.

This study established that the OPM had not integrated KCCA into the process of planning and managing humanitarian programs for refugees and displaced persons in Kampala. As such, while KCCA was technically assigned a protection mandate, city-level officials had limited knowledge of those humanitarian programs that did exist within their jurisdiction. With little awareness of refugee rights and minimal official interest in protecting POC, it is understandable that refugees engaged in informal trade complained of high-handedness, harassment, or confiscation of their merchandise on the part of the KCCA. Despite this harassment, the high level of official disengagement from managing humanitarian affairs has created important opportunities for POC. With few public services available from the state, POC were able to stealthily integrate into existing privately run markets for housing and services. Within these markets, service providers and property managers had little incentive to exclude POC. The study concluded that while the KCCA is unlikely to provide positive benefits for POC in terms of services, local authorities may be persuaded to limit the hostility they have occasionally demonstrated. Additionally, attention should focus on quietly easing POC access to market-based services and on improving the quality and lowering the price of those services.

Principles of Engagement

The case studies illustrate an important and sadly unsurprising finding: in most circumstances, **people of concern are a low political priority for local authorities**. While displaced people are often used as political tools, their protection is rarely at the forefront of the political agenda. This may seem an obvious finding, but it nonetheless bears emphasizing in order to temper humanitarians' expectations for urban engagement. This is especially important in instances of widespread scarcity—a condition that describes the majority of refugee-hosting municipalities across the world—where simply highlighting humanitarian needs is unlikely to elicit a strong response. In short, when refugees are not significantly worse off than the average poor urban dweller, advocates face an uphill battle.

In such settings, where the local populace lacks historical, religious, or ethnic solidarity with POC, the more democratic and participatory local governments become, the less likely they may be to dedicate scarce resources to people of concern. Unless there is a strong local constituency concerned with refugees' rights and welfare, politicians have little political incentive to promote refugee rights. Where local populations are openly hostile to people of concern—as they are in Nairobi and Johannesburg—local authorities may win points through policies that explicitly exclude or deny people of concern. Under such circumstances, overt or public demands for refugee rights to services and opportunities may only provide fodder for populist politicians.

The programmatic implication of this perspective on the limited political power POC can wield is that humanitarians should move beyond appeals to blunt principles or international protocols. Rather, effective engagement with local authorities demands a strong understanding of variations in institutional configuration, the language of urban development, and the politics surrounding diversity, poverty reduction, and immigration. This speaks to the first principle of effective engagement: **develop a high degree of “local institutional literacy”**. Recognizing that “human/refugee rights” and “protection” are only powerful terms for mobilizing authorities and populations under particular circumstances, humanitarians need to develop a nuanced understanding of the political language, institutional capacities, and interests that inform local government policy and practice. Moreover, they must recognize that **protection occurs when humanitarian and political/institutional interests align**.

The differences in political priorities between Johannesburg and Nairobi illustrate the value of local literacy. For South African municipalities, authorities typically measure success by their performance in reducing overall local economic and social exclusion. While authorities may not universally consider people of concern among the marginalized groups deserving assistance, advocates have found ways of using the language of inclusion to help refugees be inserted into policy. Municipal authorities have responded more strongly to arguments about people of concern’s general economic and physical vulnerability than they have to rights-based approaches.

In Nairobi, however, and to some degree in Kampala as well, officials have little direct responsibility and express little moral commitment to providing the kind of inclusive, transformative services available to some Johannesburg residents. As such, demands for inclusion or access to state services—even where residents may be legally entitled to such services—are unlikely to garner support or an effective response. In environments where refugees are a low political priority and where states provide little to their own citizens, few gains will come from demonstrating that POC have unmet protection needs. Similarly, demonstrating that officials have fallen short of their legal obligations to POC will accomplish little where officials and citizens expect little. Kenyan officials see their role as fostering opportunities for business formation and self-reliance. Under such conditions, targeting improved conditions for entrepreneurialism—better physical security, licensing, and access to markets—may prove the most effective way to expand the protection space. This need not mean abandoning quests for improved health care, housing, or other services, but rather it means bringing one’s strategies in line with the local market-based ethos.

The illustrations above lead us to a series of ancillary principles that humanitarians should consider in developing strategies for engaging with municipal authorities. Most critical here is that **de facto protection will be negotiated outside refugee law**. Even where refugee law explicitly entitles refugees

to a range of services—under South Africa’s Refugees Act (1998), refugees are entitled to public health care, work opportunities, and, potentially, public housing—claiming those rights may require directly incentivizing local authorities or modifying sectoral regulations and practices. In Johannesburg, for example, refugees are already formally eligible for various forms of subsidized housing but are excluded due to rationing or ignorance on the part of officials and advocates. By providing limited support to the city’s department of housing or even to specific housing schemes, it may be possible to negotiate access to secure accommodation. In Nairobi, our assessment tool identified a pool of resources dedicated to disaster management while there were no funds set aside for assistance to people of concern. Under such circumstances, working with officials responsible for disaster management can unlock funding for refugee-related initiatives that would otherwise remain untouched. The more decentralized the institutional configurations, the more important it will be to engage across a range of levels and sectors, and the greater the gains to be made in engaging with stakeholders from outside the traditional “refugee sector.”

Where rights to services and/or markets are not clearly delimited in refugee legislation, it may be possible to persuade authorities to create environments in which people of concern are as empowered as citizens and long-term residents to access opportunities. This may be done through small-scale engagement to amend licensing or other regulations. Indeed, **the most rapid change in protection outcomes can be achieved through highly localized, sector-specific advocacy.** In politically hostile or contentious environments, a stealthy approach may be the way to go. Although it works against the grain of those striving for legal recognition and protection, positive change in local regulations or bylaws can be achieved without making explicit reference to the inclusion of refugees or other people of concern. Removing provisions that provide free access to public services only to “locals” (as is the case with Nairobi’s public “lko” toilets) enables refugees to access the service without making them overtly visible. In all three cases, **the most immediately effective forms of protection are also those that rely on legal and social “invisibility.”** Understanding how people of concern integrate into markets and services may ultimately **lead humanitarians to pragmatically adopt strategies of facilitating “benign neglect”:** allowing people to negotiate their own ways into markets and services while pushing for improvements to the quality and efficiency of those markets and services. This falls short of guaranteeing universal access, but it may be quicker, cheaper, and more politically and economically sustainable than making such universal demands.

Approaches that capitalize on benign neglect highlight a further insight that should assuage many humanitarian organizations’ fears about working in urban areas: **while engagements must be smart and locally tailored, they can and should also be affordable.** Direct service provision in urban areas is

expensive and typically unsustainable. However, unlike camps or other purpose-built settlements, municipalities often come equipped with existing networks of both public and private service providers, security mechanisms, and markets. These may be imperfect—even for long-term residents—but it is likely to be more cost effective to reform, expand, or supplement existing resources than to build parallel systems. RefugePoint’s efforts in Nairobi illustrate how this may work in practice: instead of paying for health services or supporting refugee health clinics, RefugePoint worked to incorporate legally recognized refugees into the new national health insurance scheme. Rather than make this a national issue—a strategy that could have resulted in a parliamentary backlash in which refugees were made ineligible for coverage—the organization worked with a mid-level bureaucrat to quietly enroll refugees into the system. By completing the paperwork themselves, they were quickly able to secure care for hundreds of people at almost no cost and with no political backlash. In aligning their incentives (health care for refugees) with the bureaucrat’s (enrolling as many people as possible), they achieved a double win. Without a sophisticated understanding of local policies and a sound reading of performance incentives, such success would have likely remained elusive.

Support for existing mechanisms may also win political favor for a population that would otherwise be stigmatized or exploited. This can come in the form of providing additional resources to health providers to expand services, offering vouchers or supplements to housing programs already established for the poor, or offering technical assistance to city planners so that their initiatives better serve long-term residents and people of concern. Such technocratic engagements also open multiple spaces for engagement. Rather than relying on rights to “trickle down” from national policy changes—although this may be required in centralized systems like Kampala—a sectorally specific approach opens multiple spaces for engagement. Engaging with municipal or submunicipal bureaucrats may do little to change national policy, but appeals to professional values can often do more and do it more quickly than high-level policy reform. **Wherever possible, humanitarians should build on the possibilities for “bureaucratic incorporation.”**

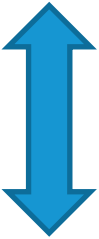
No strategy is guaranteed to produce results. As such, humanitarians **need to diversify their expertise and points of engagement.** Without abandoning efforts to sway national policies—an effort that is particularly important in centralized systems like Uganda—municipal savvy opens multiple spaces for engagement in ways that can avoid contentious politics. Small shifts in bylaws, performance incentives, or small-scale alignment of interests can produce immediate, positive effects. Such initiatives require considerable up-front effort and expertise, but they need not demand extensive or sustained expenditures. By **reconsidering how we understand successful protection—by shifting from**

legal rights to practical access—humanitarians may ultimately be more successful in creating local authority protection allies.

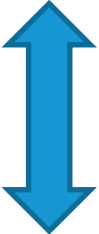
Toward an Intervention Matrix

As humanitarians review the results of local assessments, the following guidelines can help to develop an effective advocacy and engagement strategy. In each urban engagement, the evaluation of secondary data and primary data on institutional and political configurations should shape the advocacy or implementation approach employed. These guidelines should be read as relatively general suggestions for tailoring pragmatic approaches to specific circumstances. While we have broken the guidelines out into several categories, they should be seen complementary rather than mutually exclusive and should be combined in ways that align with humanitarian interests, resources, and capacities.

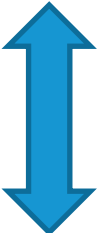
Decisionmaking and Budgeting

Shape of decisionmaking	Advocacy and engagement directions
Centralized decisionmaking and budgeting	Focus on central decisionmaking and incentivizing national authorities. Promote reform of key performance areas and impact evaluation criteria for local authorities' program implementation.
	<p>Examples:</p> <ul style="list-style-type: none"> ■ Build relationships with national-level decisionmakers, focusing on influencing how they communicate priorities to local-level implementers. ■ Map intergovernmental power relationships and identify high-profile champions for improved services or protection for POC. ■ Provide a fiscal incentive (conditional on-budget support or conditional basket fund) for national officials to hold local officials accountable for effective POC protection as verified by POC community members. ■ Look for opportunities to reform national systems in ways that benefit POC, as in Kenya, where the national health insurance scheme incorporates POC.
Deconcentrated and/or fragmented	<p>Decentered advocacy approach. Where possible, focus on building resource base for local authorities/officials in ways that align bureaucratic interests with protection concerns.</p> <p>Examples:</p> <ul style="list-style-type: none"> ■ Map local political relationships to identify local champions with an incentive to provide protection/services to POC. Are there politicians whose constituents are co-ethnic/co-religious with POC groups? Are those politicians responsive to the priorities of their constituents? Work with constituents to build solidarity with POC and to lobby local officials to improve protection/services. ■ If, for political reasons, POC communities cannot be directly assisted, work with communities that host significant POC populations to advocate for improved service provision in general. Water and sanitation improvements, for example, will benefit both the host community and POC, and they may be more politically justifiable than improvements framed as benefitting POC specifically.

Rule of Law and Prevalence of “Rights Talk”

Role of rights and rule of law	Advocacy and engagement directions
Strong institutions, rule-bound practice	Appeals to rights and law; use of courts to negotiate and expand protection. When legal institutions are relatively strong, when there is good separation of powers between government bodies, and when POC have an effective champion at the national level, advocacy and engagement can be relatively centralized.
	<p>Examples:</p> <ul style="list-style-type: none"> ■ Where courts or national legislatures are both able and willing to hold duty-bearers accountable for POC protection and service delivery, humanitarians should work to further strengthen accountability arrangements and to integrate POC voices into the accountability process. ■ Where responsibility for urban POC is well defined in national legal or regulatory frameworks, humanitarians can work on building capacity to implement frameworks, or on providing resources that are not otherwise available to cover the costs of POC protection and service delivery
Bureaucratic autonomy; limited	<p>Emphasize invisible incorporation with little emphasis on legal or formal policy reform. Develop strategies that privilege multiple sectoral and institutional engagements. Avoid appeals to rights and global protection principles or obligations.</p> <p>Examples:</p> <ul style="list-style-type: none"> ■ Where separation of powers may be weaker, and where accountability may be limited, focus on institutions that at the very least do not benefit from neglecting POC concerns. This may mean advocating for the establishment of outcome-based service delivery targets that are agnostic of whether beneficiaries are citizens, POC, or otherwise. ■ Look for opportunities to make protecting or providing services to POC a political win for the most relevant political actors. Partner with local officials and local media to identify and support positive narratives of local cooperation. Ensure that whatever programming is conducted locally does not expose POC to risk of identification by unfriendly parties.

Specific Vulnerabilities of POC

POC vulnerability	Advocacy and engagement directions
<p data-bbox="212 380 370 457">Acute and specialized vulnerabilities</p> 	<p data-bbox="451 375 1060 396">Call for and support specialized and targeted interventions</p> <p data-bbox="451 407 558 428">Examples:</p> <ul style="list-style-type: none"> <li data-bbox="451 443 1377 554">■ Look at ways to use new technologies to improve traditional approaches. Community mobile phone mapping of cholera can help quickly identify where clean water is most needed. Unconditional cash transfers can be carried out through mobile networks to support fast housing of POC in urban areas. <li data-bbox="451 558 1377 699">■ Partner with urban local officials to conduct joint needs assessments, identifying the unique challenges POC face and the resources available to tackle those challenges at the local level. Then facilitate intergovernmental discussions about resource allocation to address any gaps in the fiscal, human, or information resources needed to address the challenges.
<p data-bbox="212 739 423 821">Forms and sources of marginality shared with “hosts”</p>	<p data-bbox="451 735 1369 898">Actively build solidarities with organizations, individuals, and communities sharing vulnerabilities with people of concern. Look especially for co-ethnic, co-religious, co-linguistic, or other shared identities to help host communities build empathy with POC. Engage in ways that demonstrate POCs’ presence can result in expanding protection and security for all residents, such as when host communities advocate for improved service delivery at the neighborhood or community level.</p> <p data-bbox="451 909 558 930">Examples:</p> <ul style="list-style-type: none"> <li data-bbox="451 945 1369 1115">■ Where local communities may be hostile to POC, look for ways to improve the quality of POC-relevant services without singling out or identifying specific POC or POC communities. If POC rely on local private clinics, for example, target the regulatory/value chain to improve clinic quality or provide language training to clinicians who are interested in working with POC communities and need additional language skills. <li data-bbox="451 1119 1369 1188">■ If housing quality is universally low, work to integrate POC into existing housing advocacy groups and, at the same time, push local officials to allocate more time, attention, and resources to responding to the priorities of housing advocacy groups.

Conclusions and Recommendations

The case study materials and analysis presented above suggest a complex and varied operational environment in the three cities we studied. Negotiating protection in purpose-built settlements or camps is neither simple nor straightforward, yet urban environments nonetheless demand a more nuanced, politicized, and iterative approach. In spaces often characterized by fluidity and socio-political fragmentation, there can be no single best practice. Nor will appeals to universal rights, international law, or even domestic policy ensure or expand protection. Moreover, focusing exclusively on legal instruments and internationally accepted protection principles may disguise the analytical specificity needed to work by flattening the reality we observe into relative binaries: protection versus vulnerability; legal compliance or failure. Using legal rights and policy pronouncements as our measure of protection may also distract us from the varied strategies people are already using to access protection. These may include market mechanisms, bureaucratic incorporation, or non-legal claims that may be interrupted by ill-informed interventions. Indeed, a blunt appeal to rights may disrupt de facto systems of protection while alienating people and politicians needed for expanding protection and human security.

Recognizing this, humanitarians are encouraged to work toward a complementary politics informed by spatial, social, and political understandings of rights violations and potential for protection. At the heart of this is the need to find “back routes to rights” and social solidarity with locally legitimate actors—local officials, businesspeople, landlords, service providers—who have the power to bring about immediate positive change. As rights are increasingly negotiated “horizontally,”¹⁴ with neighbors, not states, a state-centered language of rights can be impotent and potentially perilous.

This does not mean abandoning humanitarians’ traditional focus on documentation, legal status, or reform to refugee and immigration laws. Such campaigns remain symbolically important even if documentation and formal rights translate into practical protection far less directly than advocates often presume.¹⁵ The approach presented here suggests that in engaging with local authorities, humanitarians should look for new opportunities for solidarity and appeals to interest. To do this requires a new spatial perspective, for as Soysal (1996, 21) notes, “All these trends imply that the nation state as a territorial entity is no longer the source of legitimacy for individual rights.” Marrow’s (2009) work on bureaucratic incorporation of immigrants into the United States can provide one route. She

¹⁴ See Kabeer 2005.

¹⁵ Landau and Duponchel 2011.

speaks about how “bureaucrats’ responses to immigrants’ interests precede those of elected officials and are driven by strong professional norms” (758). Elsewhere, appealing to more generalized interests, around housing, crime, or other concerns—not rights—can help appeal to local political incentives in ways that do not draw lines or make references to discourses that are seen as foreign, threatening, or unwelcome. In all cases, the language must resonate locally, the interventions must be locally legitimate, and the approach must be gradual and cautious.

The assessment tool developed for this study calls for a different approach to promoting rights, protection, and human security. This means learning the ins and outs of local authorities—budgeting and electoral systems; patterns of participation and decisionmaking; sectoral policies and implementation patterns—and pragmatically employing the tactics needed for incremental, progressive reform. This is an approach that is far more social, much more political, and specifically spatial. Lawyers will undoubtedly still have a role, especially where public institutions remain stable and strong and the courts can be used to leverage protection and security. Where the law makes little difference to people’s lives—as it does in many of the urban centers in which displaced persons seek protection—other approaches are in order.

In some instances, the approach called for here may mean all but abandoning the language of rights and protection embedded in humanitarian law and guiding principles. Such instruments may continue to inform and guide humanitarians’ work, but through locally appropriate language informed by a close reading of local politics, interests, and opportunities. This will not be easy for agencies and individuals steeped in the humanitarian status quo. As Fassin (2010) so trenchantly notes in discussing reforms to the humanitarian systems, there are great institutional and personal interests invested in preserving both the universal language and mechanisms long used in mobilizing for rights. People have almost religious faith in past approaches and principles and may be deeply unsettled by needing to think in new, more pragmatic shades of gray. Organizations built around a rights discourse may fear for their relevance and funding. Indeed, the kind of political approach called for here may be used against organizations like the UNHCR or its partners, who are expected to remain politically neutral. But there is a place for all these strategies in the kind of advocacy strategies described in the pages above. The diversity of spaces in which we push for social justice demands as many strategies and appeals.

Practical Steps for Expanding Effective Engagement with Local Authorities

For Humanitarians

- *Temper the language of law and rights.* The language of rights and the use of law can be powerful tools in expanding protection and security. They may also serve to alienate local officials, making them feel trapped and resentful. Under certain circumstances, they may foster resentment and animosity toward people of concern among officials and vulnerable host populations who see others as receiving special attention. Where possible, strategies should be employed to expand protection in ways that do not analytically or legally distinguish between local residents and displaced persons.
- *Incorporate local government and sectoral experts into strategic planning and operations.* This need not mean replacing people trained in legal protection, but rather should involve complementing experts in refugee or humanitarian law with sectoral legal specialists and political analysts. Many humanitarian organizations have colleagues, related institutions, or even sectoral departments that could “loan” expertise to protection programs. Similarly, legal and protection experts should look for opportunities to join sectoral teams to provide insight into the systemic and institutional dynamics of sectoral challenges.
- *Develop programs that incentivize protection by officials by providing direct financial support to country systems that can verify that they are supporting POC,* by working to change bylaws and key performance areas in POC-sensitive sectors or departments, or by empowering “refugee-friendly” bureaucrats by assisting them in meeting performance standards or the political goals of their superiors.
- *Work to build solidarities with other groups—the urban poor, health providers, unions, or tradespeople—to push for inclusive reform and improved service delivery.* Identify existing civic activity in communities whose resource needs are similar to those of POC and support the integration of POC into these civic action networks. Remain sensitive to local sentiment

regarding POC competition for resources and vet all potential partners carefully to identify those most likely to have solidarity with POC challenges.

- *Engage with intergovernmental structures, such as local government finance systems, to create funding mechanisms that encourage or enable improved local government performance.* Matching sector grants on the basis of verified performance in improving POC protection and service delivery can provide a fiscal incentive to attend to POC priorities.
- *Develop protection standards that are pegged to locally determined service delivery standards.* Whenever possible, avoid stimulating resentment against POC who receive higher quality services than poor residents of host communities. As needed, support the improvement of host community service delivery standards alongside (or in place of) systems that specifically target POC.

For Funders

Throughout the research, humanitarians expressed numerous concerns about an approach based on political engagement and pragmatism over providing direct assistance in line with established protection principles. While these anxieties are in part rooted in discomfort of breaking from the norm, they also stem explicitly from funding regimes. As long as humanitarian funding is almost exclusively predicated on direct service delivery, quantifiable outputs, and measurable impacts, the politicized approach outlined here is unlikely to succeed. While donors need not abandon the quest for output and outcome-defined performance, there is a need to do the following:

- *Develop donor funding strategies that do not demand only quantifiable service delivery outputs.* Rather, donors should dedicate some element of humanitarian funding to support assessment and advocacy while encouraging humanitarian actors to qualitatively explain their engagements and effects. It should be noted that such approaches are relatively inexpensive when compared with ongoing direct-service provision. While advocacy approaches can be difficult to measure, they offer important opportunities to affect the underlying systems that limit POC protection and service delivery.
- *Support humanitarian assessments and interventions that consider “local” populations and institutional capacities/opportunities.* Many of the tools used to assess urban refugees’ vulnerabilities and needs exclude long-term residents and/or citizens. In spaces where all residents face considerable insecurity and vulnerability, this is an important shortcoming.

Inclusive assessments and analysis not only help determine realistic service delivery standards, but can also identify areas of shared concern and interests among displaced persons and long-term residents. To the extent possible, use host-community data and systems and support the development of local data collection and analysis capacity. Many cities lack even basic demographic data, particularly in rapidly urbanizing contexts, and supporting local officials in developing better urban service delivery maps can have important secondary effects in terms of longer-term sustainable development prospects.

- *Develop humanitarian funding initiatives that can support inclusive, developmental local government.* Such an approach may require occasionally blurring boundaries between humanitarian and developmental spending and programs. However, if donors are concerned with long-term protection of displaced persons, they need to support mechanisms that foster inclusion in communities' markets and service delivery mechanisms. By conditioning support for universal service delivery on the inclusion of displaced persons, donors will not only improve direct protection but can provide long-term political incentives for welcoming refugees

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