

Humanitarian Space as Arena: A Perspective on the Everyday Politics of Aid

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ABSTRACT

‘Humanitarian space’ denotes the physical or symbolic space which humanitarian agents need to deliver their services according to the principles they uphold. This concept, which separates humanitarian action from its politicized environment, is widely used in policy documents and academic texts, even though empirical evidence abounds that this space is in fact highly politicized. To some extent the uncritical use of the concept of humanitarian space is understandable because of its aspirational character. This article explores a different angle: how different actors use the concept and the language of humanitarian space and principles in the everyday politics of aid delivery. It proposes an empirical perspective that approaches humanitarian space from the perspective of everyday practices of policy and implementation. It maintains that the humanitarian space is an *arena* where a multitude of actors, including humanitarians and the disaster-affected recipients of aid, shape the everyday realities of humanitarian action. The paper develops this perspective for two humanitarian operations: a protracted refugee camp in Kakuma, Kenya, and the tsunami response in Sri Lanka.

INTRODUCTION

Humanitarian action is ideal-typically associated with the service delivery of international humanitarian organizations in temporary conflict situations, according to principles of impartiality, neutrality and independence. The phenomenon is epitomized by the concept of humanitarian space. Humanitarian space is defined as ‘an environment where humanitarians can work without hindrance and follow the humanitarian principles of neutrality, impartiality and humanity’ (Spearin, 2001: 22). Like any type of space, humanitarian space has physical and metaphorical dimensions. It refers to physical environments: refugee camps, humanitarian corridors during ceasefires or safe havens where peacekeepers and humanitarians provide physical protection and basic services. It also refers to the room for manoeuvre of humanitarians

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to work without fear of attack in dangerous situations and alongside other actors.¹ This notion of humanitarian space is rooted in the work of Henri Dunant who founded the Red Cross in 1862. He believed that the organization, in order to gain access to war victims, would have to remain *neutral* and maintain *independence* from sponsoring governments (Dunant, 1986; Thürer, 2007).

It has been amply demonstrated that the effectiveness of humanitarian spaces is very limited in practice. Many safe havens and refugee camps become militarized, and the abuse of humanitarian aid often makes a mockery of the principles involved (Keen, 1994; Le Billon, 2000; Rieff, 2002). Nonetheless, the notion of humanitarian space as the site of principled aid remains widely accepted as the expression and aspiration of humanitarian assistance. The Red Cross/Red Crescent movement, the bodies of the United Nations, the NGO Code of Conduct and the Good Humanitarian Donorship Initiative all adopt similar wording to embrace the basic humanitarian principles of impartiality, neutrality and independence. Research in twelve humanitarian crisis situations has shown that actors and aid recipients worldwide acknowledge and appreciate its universal character (Donini et al., 2008). Interestingly, much of the academic criticism of the politicization of humanitarian space is ‘undergirded by the taken-for-granted assumption that humanitarian spaces and relations can and must be separated from politics’ (Kleinfeld, 2007: 174).

This article addresses a question that follows from the contradiction that despite the widespread criticism of the notion of humanitarian space, it nonetheless continues to be a core concept of humanitarian assistance. One obvious reason why the concept persists is because humanitarians and surrounding actors sincerely believe in its power to protect and assist victims of violence and disaster and thus maintain the ideal to uphold the standards embedded in the concept. Hugo Slim observes the following about this aspirational dimension: ‘The main purpose of selling humanitarian norms is to ensure that their successful promotion will mean that many others live. If those who hold economic, social, political and military power in a war can be persuaded to “buy” the humanitarian norms and principles of international humanitarian law (IHL) then civilians are more likely be protected than killed’ (Slim, 2003: 3).

In addition, we are interested in the social workings and effects of the *idea* of humanitarian space in practice. The language and principles of humanitarian space are strategically or tacitly used by different actors to advance or legitimize their respective interests, projects or beliefs. This is not a new development. Fiona Terry (2002) and Alex de Waal (1997) have analysed how humanitarian assistance contributes to the legitimization of political actors by allowing authorities to fulfil their social and material obligations,

1. For a review of recent definitions of humanitarian space, see Sida (2005: 26).

or by lending recognition to territorial authorities through cooperation and negotiation. In the case of Angola, for example, it has been suggested that UNITA could only survive its final years thanks to the credibility and resources it could generate as a result of humanitarian operations (Hilhorst and Serrano, 2010). As such, '[H]umanitarian aid, viewed through this lens, can be imagined as a conduit between places and people, facilitating relief and reconstruction assistance as well as political legitimacy and, hence, the political and economic stability of a place' (Kleinfeld, 2007: 170).

Political legitimacy is not only sought by governments and their contestants but also by humanitarian agencies themselves. DeChaine analysed how humanitarian agencies use the language of humanitarian space in their communications to donors and the broader public. 'By "humanitarianizing" space — representing it as a space for ethical and humane interaction — humanitarian agencies present themselves as actors void of the territorial or political context in which they operate' (DeChaine, 2002: 363). Agencies thus use this language to legitimize themselves. They use the image of the humanitarian space to conceal their own interest in humanitarian action and their intended or unintended political roles.

The language of humanitarian space is thus used for what we may call its official purpose — humanitarian diplomacy to be able to access people in need — as well as legitimization processes. This raises the question of how the idea of humanitarian space is rooted in the socio-political dynamics of crisis situations. How is humanitarian space constructed in practice? Which actors get access to the space, which legitimization processes take place, how are humanitarian beneficiaries selected and how is the distribution of resources contested and organized in practice? Answers to these questions can only be found by closely studying humanitarian practice. This paper offers an analytical framework of the humanitarian arena that enables us to examine these questions. It is actor-oriented and grounded in the (ethnographic) study of humanitarian practice. The questions will be addressed with reference to two cases: ongoing assistance to the Kakuma refugee camp in Kenya that has been in existence since 1992, and the response to the 2004 tsunami in Sri Lanka. The discussion of the tsunami is based on fieldwork carried out by Dorothea Hilhorst.² The discussion of Kakuma is based on extensive fieldwork carried out by Bram J. Jansen.³

Both case studies are different from the theatres of war that have inspired the Dunantian body of thought. Nonetheless, the idea of humanitarian space

2. This fieldwork took place during five visits in 2005 and 2006, when Dorothea Hilhorst was a consultant for the Sri Lankan Coalition of Humanitarian Agencies (CHA). The case description is partly derived from Fernando and Hilhorst (2006) and Hilhorst (2007b).

3. This fieldwork took place over a period of eighteen months, from September 2004 to August 2006, as part of Bram Jansen's PhD research. Parts of this case were based on an earlier conference paper 'Airlift from the Desert: dreams and effects of resettlement in Kakuma refugee camp, Kenya' prepared for the AEGIS European Conference on African Studies, Leiden (2007).

remains equally relevant for both cases. Their humanitarian character is uncontested and they are incorporated in humanitarian budgets and coordination. Humanitarian agencies equally refer to the humanitarian principles and employ the concomitant language to explain their presence and activities in the relative peace of refugee camps, in the aftermath of natural disasters, and in post-conflict settings, as in classic conflict situations. The principles are a central tenet of their identity and cover all types of operations.⁴ This is partly justified because natural disaster and refugee situations are often intertwined with conflict. This was also the case with the 2004 tsunami, when the two most severely hit countries, Sri Lanka and Indonesia, were both involved in ongoing wars.

HUMANITARIAN SPACE AS ARENA

We view humanitarian action as an arena where actors negotiate the outcomes of aid. Social negotiation encompasses any kind of strategy, including coercive violence, written statements, formal interactions, schemes deployed in the shadows of the official process and the banalities of everyday gossiping. The realities and outcomes of aid depend on how actors along and around the aid chain — donor representatives, headquarters, field staff, aid recipients and surrounding actors — interpret the context, the needs, their own role and each other. The idea of an arena is founded in an actor-oriented approach which departs from the assumption that social actors reflect upon their experiences and what happens around them and use their knowledge and capabilities to interpret and respond to their environment (Long, 1992, 2001). ‘Aid, in this perspective, is the outcome of the messy interaction of social actors struggling, negotiating and at times guessing to further their interests’ (Bakewell, 2000: 108–9).

Actors do not display the same, predictable behaviour in every situation. Their practices are driven by different motives and decisions are taken in response to actors’ interpretation of the needs of the situation and in interaction with others. Language plays an important role in this and the actor-oriented approach therefore pays much attention to the analysis of the different discourses that actors draw on to advance their ideas or activities. Foucault has paved the way for studying discourse as a close interweaving of knowledge and power (Foucault, 1978; also Crampton and Elden, 2007). The effect of discourse is that certain ways of understanding society, including its organization and the distribution of power, become excluded whereas others attain authority. In Foucault’s writings, a discourse appears as a structure

4. Previous proposals to frame a new set of principles for natural disaster have been unsuccessful (Hilhorst, 2005; Walker, 2005). There is a discussion about the question of when a situation ceases to be a humanitarian crisis and should be labelled a reconstruction or post-war situation, but that falls beyond the scope of this article (see Hilhorst, 2007a).

that imposes itself on reality. A given discourse can become dominant and operate as a set of rules about what can and cannot be said and done and about what. However, as Long (1992) points out, there are always multiple discourses at work: ‘Since social life is never so unitary as to be built upon one single type of discourse, it follows that, however restricted their choice, actors always face some alternative ways of formulating their objectives, deploying modes of action and giving reasons for their behaviour’ (Long, 1992: 25).

In an arena approach, the kinds of actions or actors considered to be humanitarian are not predetermined, nor are the principles that qualify as humanitarian established in advance; instead we ask ourselves how the conditions of service delivery in crisis situations are shaped in practice. In the humanitarian arena, aid gets shaped through the interactions between these multiple actors. This runs counter to much of the humanitarian space thinking which, in our view, is too agency centred. Service delivery during crises is in reality not only delivered by humanitarian agencies, but encompasses many more actors. These include UN agencies, multiple mandate NGOs, suppliers from the international and local private sector, and military contingents providing aid in inaccessible areas or protecting its delivery by civilian actors. Contemplating this question, Gromback Wagner states that “humanitarian space” may be open to a range of actors — both civilian and military. The ICRC [International Committee of the Red Cross], by virtue of its mandate, claims a specific “sub-part” of this “space” (Grombach Wagner, 2005: 4).

From the arena perspective, humanitarian principles are seen as socially negotiated and acquiring meaning in practice. Despite their universal semblance, different actors interpret the humanitarian principles differently (Leader, 2002). They are contextual and imbued with different meanings, even within the ICRC itself (Minear, 1999). The way the principles work out in practice is even more diverse. The principles only become real through the way in which service providers interpret them and use them in their everyday practice (Hilhorst and Schmiemann, 2002). Principles are partly negotiated with reference to other principles that are important to service delivery. These could be the other (operational) principles of the Code of Conduct,⁵ such as accountability, participation, partnership, vulnerability reduction and respect for culture, or professional standards of other service providers, such as corporate social responsibility or military integrity standards.

Another important feature of the arena approach is that it recognizes that humanitarian action is based on a range of driving forces besides the humanitarian desire to alleviate ‘life-threatening suffering wherever it may be found’. Political motivations may partly inspire humanitarian action. It can

5. See the Code of Conduct for the Red Cross and Red Crescent Movement and NGOs in disaster relief: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57JMNB#a8>

also be driven by organizational politics — the desire to continue operations and retain staff — or as a form of legitimization politics — showing the public that an agency is doing good work. The multiple driving forces of humanitarian action are well known, but the way they interact with each other in practice is much less examined. It is, for example, often assumed that geopolitics overwhelmingly determines humanitarian allocations. However, empirical research has shown that these allocations come about through an amalgam of geopolitics, media and public sentiments, and humanitarian diplomacy (Olsen et al., 2003). How the different drivers of aid delivery interact and influence each other can be explored through research into its everyday practices. This requires attention to what can be referred to as the frontline workers, the lifeworlds of the humanitarians. How they define and organize their work makes all the difference. This is as much mediated by the mandates of their organizations, their assessments of needs and their context analysis as by their expectations and motivations or frustrations, and the organizational culture they develop accordingly (Walkup, 1997).

Last but not least, we pay much attention to the strategizing and constructive roles of aid *recipients* in shaping humanitarian aid. The notion of humanitarian space conveys an image of agencies seeking access to people in need. However, we see the humanitarian encounter as an interface where aid providers and aid seekers meet each other. Aid recipients do not passively hang about until aid arrives, but strategize to reach agencies and become eligible for their services. While agencies derive their legitimacy from their image of being moral actors, recipients derive their legitimacy from the fact that they are in need. As a result, beneficiaries are often solely portrayed as being vulnerable, a label that renders people helpless and deprives them of their agency. As Fordham (2004) notes, it is especially women who are subject to this labelling as they are often placed in the same category as children ('women and children are the most vulnerable').

Our focus on everyday practices emphasizes that phenomena acquire meaning in their everyday realities. Ethnographic inquiry is particularly suited to unravel these dynamics. By studying the way actors shape the reality of aid in a given context, the working of principles and policies in practice can be explored. The following sections take up in the case of the Kakuma refugee camp and the 2004 tsunami. The two cases have been selected to apply and further develop the theoretical perspective of the humanitarian arena. Their selection represents a theoretical sampling, in which 'the selection of cases should be designed to produce as many categories as possible and to relate categories to each other' (Hammersley and Atkinson, 1995: 42). We find that in humanitarian studies, selection and comparison of cases with minimal differences between them is the norm, largely because the research categories are set by the humanitarian agencies themselves (Bakewell, 2008). As a result, broader commonalities between different domains of humanitarian assistance and theory formation are overlooked or

neglected. Our choice of the respective cases enables theoretical inferences about the notion of humanitarian space based on empirical study.

Our cases are very different: unlike the tsunami response, which involved civil society at large, the refugee camp of Kakuma is a relatively closed arena. While the tsunami response was geared towards restoring people's lives, the camp is meant to be temporary until people are able to return home, although in reality many refugees often prefer to resettle in another country. However, despite the very different arenas presented, we will also see important similarities. These appear to be rooted in the global, yet local, character of the political arena of humanitarianism. In both cases we can follow the dynamics of inclusion and exclusion from the humanitarian arena. Although the actors, stakes and outcomes are different, we will see that actors use humanitarian principles strategically to gain access to the arena or to discredit competitors. We will also analyse how beneficiaries or aid recipients are defined and selected. In both cases the role of aid recipients themselves was much more determinate in this process than would be anticipated on the basis of the humanitarian space model. Finally, the case studies will reveal how new languages of human rights and humanitarian standards are rapidly gaining importance in the processes of negotiating aid.

THE HUMANITARIAN ARENA OF KAKUMA REFUGEE CAMP

Refugee camps are intended as temporary facilities for the protection of refugees. Many camps, however, exist for many years and undergo processes of development and change, resulting in substantial changes in the working of the humanitarian arena and the terms of service delivery. This section deals with Kakuma refugee camp. Although there are occasional new flows of arrivals, the camp is referred to as being in the phase of 'care and maintenance', indicating that the phase of immediate crisis has passed. The camp was established in 1992 in the marginalized northwest of Kenya, bordering south Sudan, Uganda and Ethiopia. By 2006 it hosted approximately 95,000 refugees mainly from Sudan and Somalia, but also from Ethiopia, Eritrea, Uganda, Rwanda, Burundi and DR Congo (UNHCR, 2007a). Wilde refers to camp situations like Kakuma as 'development camps': 'sophisticated polities, with marketplaces, schools, hospitals, mosques, churches, running water, and decision making fora' (Wilde, 1998: 108), while Agier labels them 'naked cities' (2002). The presence of international agencies with their material, social and political resources elevates these camps above the level of facilities and infrastructure in surrounding areas. In this section we will analyse the relation between the different agencies and authority in the camp, and the ways in which refugees themselves play a part in shaping the aid relations. We will focus on one particular aspect, the possibility of resettlement, to demonstrate how categories of vulnerability are negotiated in the practice of aid services.

Interface between Host State and UNHCR: Delegation of Authority

In many refugee camps, the responsibilities and executive power of the host state are largely relegated to UNHCR (Pallis, 2006; Wilde, 1998). UNHCR partly becomes a sovereign handing out something comparable to citizenship. The normative framework that orders the social contract between the quasi 'state-citizens' is derived from humanitarian standards, such as those provided by the Sphere project, which sets minimum standards for humanitarian aid; together with international conventions, human rights, international refugee law and humanitarian principles, it comprises the framework of service delivery. It can be summed up as assuring a 'quality of individual life that is free from personal assault, sexual violation, degrading treatment and physical deprivation, and that is given sufficient civil, political, social, cultural and economic opportunity and autonomy' (Slim and Bonwick, 2005: 35). As Turner observed, the result is 'the creation of a new kind of citizen', located 'in a small isolated camp in the Tanzanian bush' (Turner, 2004) and governed by what Agier and Bouchet-Saulnier (2004) call 'regimes of exception'. Indeed, Kakuma camp has gradually grown into an 'island of entitlements' (Jansen, 2007) in the semi-desert of northern Kenya.

UNHCR acts like a government in the camp, with NGOs as implementing partners providing services and protection to refugees. Although many of the NGOs have their own mandates, they act as little more than line agencies for UNHCR. However, this situation where UNHCR has become the main authority in the camp is not uncontested. The next section elaborates on how social negotiation by refugees around resettlement shapes much of the resettlement practice. This leads to a situation where UNHCR's authority is challenged and its identity as protector of people changed into one in which it also breaches people's rights.

Negotiating Resettlement

The basket of protection by humanitarian agencies is formed by food, basic education, shelter, health, water and sanitation. Beyond these, there are other services and opportunities, such as refugee jobs with the agencies (incentive jobs), secondary, vocational and special education, and special protection measures for the vulnerable. Many refugees view these additional services as entitlements and obtaining access to them has become a key driver in refugee strategies.

One area of additional services consists of resettlement to a third country. While UNHCR maintains that resettlement is exceptional, a large number of refugees from Kakuma have been resettled in practice. At the end of 2000, the United States Refugee Program (USRP) started with 3,800 Sudanese 'unaccompanied minors'. They were part of the 12,000 so-called 'Lost Boys': young Sudanese who came to Kakuma in 1992 after their expulsion from

refugee camps in Ethiopia. In 2003, 15,000 Somali Bantus — a Somali minority experiencing discrimination in Somalia — constituted the single largest group ever to be resettled from Africa (UNHCR, 2004: 10). In total, 27,450 refugees were resettled from Kenya from 2001 to 2005, mostly from Kakuma (UNHCR, 2007a).

Resettlement was very visible in Kakuma, through the lists of resettlement interviews displayed on information boards, planes taking off more than weekly, and a steady flow of visitors to the camp engaged in screening and selecting refugees. This visibility enhanced refugees' belief that resettlement was something they could organize themselves. Resettlement thus became subject to strategizing and social negotiation. It could be achieved on account of group insecurity or on an individual basis.

Negotiating Group Vulnerability for Resettlement

Group resettlement from Kakuma started in the US with a lobby for a solution for the Lost Boys (Bixler, 2005: 13). After the resettlement of the Somali Bantus, refugees came to see clan affiliations as a 'gateway to resettlement'. In order to become eligible for resettlement, groups began to organize themselves as discriminated minorities. In 2004, a headcount was conducted in the camp. This presented an opportunity for Somalis to change their ethnicity. Many refugees re-registered to be members of the Somali Madiban, Asharaf and Barawa clans, who were at the time under consideration for group resettlement.⁶ The screening even attracted new people from Somalia who, informed by friends and relatives from the camp, registered and returned to Somalia to wait for the resettlement interview. In Nairobi, courses were offered in training and preparation for resettlement interviews. In the camp, different Somali groups established their own (sub)community buildings and leadership structures within the overall Somali community. They started to write letters to embassies, the UN and human rights groups about their alleged minority status and discrimination in the country of origin. Refugees, in other words, learned to employ a rights language to claim vulnerability on the basis of ethnic identity.

Several visitors came to the camp who promised to facilitate resettlement of a particular group, responding to attempts by refugees to alert the outside world of their plight. One NGO that came to the camp invited the entire Somali community to provide the reasons and details of their wish to resettle to the US without coordinating with UNHCR. The aim was to find out how many people of the Somali-Bantu target group were still in the camp. For three days, refugee representatives rushed around to produce letters and copies of ration cards, also from other Somali communities. When the NGO representative realized the frenzy she had created she prepared to leave the

6. Various interviews with refugee leaders, Kakuma, 2005.

camp, but not before she was picked up and asked to leave by the police and UNHCR. UNHCR does not organize large-scale resettlement by itself. Instead, governments and NGOs now lean on the International Organization for Migration (IOM) to organize resettlement. It has even been suggested that IOM was established to provide a buffer to the powerful position of UNHCR (Loescher, 2003). IOM offers governments — directly or via intermediate NGOs — the possibility to enter and work in refugee camps, bypassing some of UNHCR's authority.

Negotiating Individual Vulnerability for Resettlement

Refugees could also opt for individual resettlement. This would often be followed by resettlement of relatives in the context of 'family reunification'. Individual resettlement could be achieved on the basis of vulnerability or on the ground of merit. Refugees have ample room to manoeuvre to play a significant role in these decisions.

The vulnerabilities on the basis of which refugees apply for resettlement are partly produced by 'empowerment programming' of the refugee regime. Turner wrote: 'These power structures are productive in the sense that we may expect that the governing of the refugee camp produces certain categories and hence certain subjectivities' (Turner, 2001: 43). The empowerment and rights agendas have labelled certain social phenomena as problematic such as gender-based violence and discriminatory practices. Education contributes to changes in traditional and cultural norms. Billboards and T-shirts in the camp read: 'Women's rights are human rights too'; 'Men and Women are both good decision makers'; 'Stop stigmatization against people living with HIV/AIDS'; 'Stop domestic violence', and so on. These norms have been incorporated into the protection repertoire of refugees. By sensitizing refugees that domestic violence is against women's rights, women come to recognize that their rights are being infringed upon. UNHCR and its implementing partners are then compelled to act on their behalf. Sexual abuse has become one of the grounds for resettlement.

Individual resettlement cases are usually referred by refugee committees. Refugees participate in their own governance through refugee administrations, making the community leadership a powerful gatekeeper that can forward or dismiss cases for resettlement. Cases are referred through a chain. The refugee case worker and the chairman or woman present cases for consideration to an NGO, who can intervene or forward the case to the UNHCR offices that deal with protection, gender, social services and resettlement. This process renders the refugee leadership quite powerful and results in the creation of sub-authorities.⁷ Becoming eligible for resettlement usually involves these authorities, who act as middlemen. To be considered

7. Interview Programme Officer, Jesuit Refugee Service, 5 January 2006.

for resettlement involved a tedious game with chairmen, (refugee) agency personnel and security guards. In many cases personal relationships or pre-established modes of access determine a refugee's entry into the system. Being able to play the game is more decisive than the actual vulnerability, and misrepresentations are common. People may claim various forms of insecurity, including fake violent attacks and rape (Jansen, 2008).

Individual Resettlement on the Basis of Merit

Another way to obtain resettlement is through scholarships. Many refugees collected certificates, diplomas and references of courses, trainings and jobs done in the camp. They knew that proactive behaviour, knowledge of English and education significantly enhanced their chances of being resettled. Dutch resettlement guidelines specifically state a preference for refugees with qualifications in order to smoothen the integration process in the Netherlands. Sommers (2005) indicated that this leads to brain drain, because refugees who have a contribution to make in the running of the camp keep being resettled. At a community-based rehabilitation centre in the camp run by the International Rescue Committee (IRC) four of the five refugee staff that had been recruited and trained were resettled.

Who becomes eligible for scholarship grants is determined in the interaction between refugees and the implementing agencies. The Jesuit Refugee Service (JRS) can decide who is granted scholarships elsewhere in Kenya. Windle Charitable Trust selects approximately twenty-five candidates every year for a four-year sponsored university degree in Canada. They select candidates that are most likely to finish the four years and who are most assertive. One refugee explained that he got access to a popular course in the camp because of his connections with a local staff member. The interfaces between refugees and the agencies are thus important, as they largely determine access to services. The power to facilitate access to services creates certain forms of authority. Businessmen, the refugee leadership, those with incentive jobs and young, creative refugees who 'speak the language' of the agencies can negotiate a new social order in the camp and become examples of these multiple forms of authority in Kakuma. In the confines of the camp, access is power.

Effects on the Authority and Protection of UNHCR

The practices surrounding resettlement eroded the authority of UNHCR in the camp. IOM and other NGOs were mobilized by external actors to facilitate resettlement. Refugee committees, meant to function as counterparts to UNHCR, in effect became competing authority structures. Refugees moulded their identity around social profiles that favour resettlement. At the

end of 2006, UNHCR started the ‘protracted refugee population profiling project’, aiming to identify those in need of resettlement among a selected population of 10,000 refugees (UNHCR, 2007b). As a result, while Sudanese refugees had been repatriated from other camps in the region since 2005, many in Kakuma refused repatriation to maintain their chance for resettlement. The refugee leaders that went on go-and-see visits in Sudan complained about the lack of schools and other infrastructure and advised their compatriots to stay in Kakuma. Refugees also came from refugee camps in Tanzania because they learnt about the possibilities for resettlement offered in Kakuma.

To counter these developments, UNHCR started taking measures that deviate from humanitarian motives. When an estimated 2,000 Somali Bantus arrived in Kakuma, they were labelled ‘irregular movers’ since they had received refugee status in their first country of asylum, Tanzania, and were consequently denied assistance in the camp. They thus became illegal residents in the camp and sustained themselves by doing small jobs. At the end of 2006, new policy directives stipulated that new Sudanese arrivals from places other than Darfur would be banned from educational opportunities, denying a basic right to people in need of protection.

By focusing on the everyday practices of resettlement, the case study thus reveals some of the mechanisms through which power is transformed and aid relations change. UNHCR and its implementing agencies, and sometimes governments, are assigned the power to declare who is vulnerable and who is not, and thus who receives special protection and who is eligible for resettlement (Jansen, 2008). In practice, this power of inclusion or exclusion is largely seized by refugees — made possible by the fact that refugees are part of the governance system. It is mainly performed through negotiating the language and diagnostics of vulnerability. Refugees acquire the language of rights and proceed to build their identity around the requirements to qualify for resettlement. This has contributed to changing relations of aid providers. It has eroded the authority of UNHCR and the agency feels obliged to take measures that conflict with the basic rights of refugees and the mandate of protection that the agency and its staff embody.

THE HUMANITARIAN ARENA AFTER THE 2004 INDIAN OCEAN TSUNAMI

The Indian Ocean tsunami of December 2004 claimed 225,000 lives and displaced 1.8 million people. The international resources available for relief and reconstruction were US\$ 14 billion, US\$ 6 billion of which came from private donations, excluding the contributions of local governments, residents and diaspora communities (Telford and Cosgrave, 2005). In financial terms, the humanitarian operation was the largest ever, and more than 20 times bigger than the second largest that preceded it, namely the US\$ 680 million raised after Hurricane Mitch (Guha-Sapir et al., 2004: 51). While the

potential benefits of the tsunami response were staggering, the downside was immediately visible, too. Competition among aid agencies had never been so strong. The hundreds of agencies that came to Sri Lanka all needed to allocate money rapidly. The competition for humanitarian space, and the allocation of resources, was 'negotiated' at different interfaces: between agencies and the government and within the humanitarian community. Aid recipients were partly disavowed as agents in the response by aid givers, yet turned out to have an important role in setting the terms of aid allocation. Issues of legitimization were important at these different levels of negotiation and found expression in contests for humanitarian space and the language of rights.

The Interface between Humanitarians and Authorities

The response to the tsunami in Sri Lanka was severely affected by the conflict in the country at the time. The government and the rebels of the Liberation Tigers of Tamil Eelam (LTTE) used the language of humanitarian space to stake their claims on peoples and territories (Kleinfeld, 2007). This was apparent, amongst others, in the contested buffer zone the government declared unsafe for building (Hyndman, 2009). The government and its opponents were not only using the response to advance their political projects, they also wanted to claim control over the resources that were made available internationally. Efforts by the international response community to maintain a distance from both the government and the LTTE resulted in a strong reaction, particularly from the government. On 27 March 2005, *Silumina*, a government-owned newspaper, carried an extra-large headline: 'NGOs Have Taken Nine Out of the Ten Billion Foreign Aid'. The message was that NGOs were using the money which should have come to the government. The Sri Lankan state, under different governments, has often claimed in the past that NGOs appropriate resources which should have been made available to the government, and they ascribe a conspiratorial role to NGOs as promoting Western interests (Fernando, 2003). This pattern was thus continued when the Deputy Minister of Foreign Affairs said in the *Asian Tribune* of April 2005:

After the tsunami disaster several hundreds of NGOs entered the country as 'saviours' of the people. This sudden growth in the number of NGOs is a cause for concern. Some NGOs have developed into an organized network associated with the country's ethnic question which is a dangerous trend. I need to tell you that all these NGOs have a political agenda. I would like to dub them as organizations which are servile to the West. Some NGOs openly display their servility to their neo-colonialist masters.⁸

8. 'Sri Lanka accuses NGOs of ethnic bias and political agendas', *Asian Tribune*, 4 June 2005. (http://www.asiantribune.com/show_news.php?id=13943)

The complaints aimed to delegitimize humanitarian actors by ascribing political motivations to their actions. Underlying these criticisms, however, was the government's sense of marginalization from the humanitarian arena. As a result, political lobbying against international NGOs continued and became one of the drivers of people's discontent. It became common practice to complain that the INGOs 'did nothing for us', which severely restricted the potential of the INGOs to interact with local authorities and people.

Interfaces within the Humanitarian Community

Among humanitarian agencies, severe competition erupted (Stirrat, 2006). Whereas agencies normally compete over funds, this time they had to compete over territory, programmes, people and staff. Headquarters pressured local staff to ensure space for their organization. One representative received a phone call from his manager that he had to draw up a proposal for US\$ 6 million within a week. Many INGOs already had a presence in Sri Lanka due to the ongoing conflict. What should have been an advantage often turned out instead to be problematic: NGO staff members with experience of the country clashed with headquarters over decisions that were imposed on them and the pressure under which they had to work. Gaasbeek recorded a case in which an aid worker was confronted with a television crew that came with a planeload of high energy biscuits. When he refused to distribute the biscuits since there was no malnourishment, a conflict ensued that led to his resignation (Gaasbeek, 2005). In other instances, resident staff who were very familiar with the context were pushed aside by strangers to Sri Lanka since the latter were specialists in humanitarian emergencies.

Sri Lankan NGOs were another group of service providers vulnerable to displacement from the humanitarian space. Sri Lanka has many development NGOs that were well placed to take on rehabilitation programmes but international actors developed a tendency to brush local actors aside. Immediately after the tsunami, IT companies started developing software for coordination, and within a week the Coalition of Humanitarian Agencies (CHA) had a coordination system up and running. When the UN sent a coordination team five weeks later, the CHA staff perceived the UN to be abrasive: 'It was as if they were saying; "all right you amateurs, move over, the professionals have arrived"'.⁹ In this case, the problems were overcome and a fruitful partnership evolved between the two. Many other agencies fared worse and local NGOs complained that the humanitarians who came were totally unaware of operating in functioning societies, 'behaving as if they were in Darfur or Somalia' (Ville de Goyet and Morinière, 2006: 59).

Local organizations found it hard to enter into the humanitarian arena. The case of the Sri Lanka Development Agency (SLDA) illustrates the

9. Interview with CHA director, March 2005.

problem.¹⁰ When SLDA presented a proposal for rehabilitation work to one of their European core funders, they received the reply that they had better 'leave the tsunami work to the international agencies and concentrate instead on the continuation of their work in the non-affected areas'. Fortunately, they found their other core funder responsive to their initiative and were invited to present a proposal. SLDA was awarded the tender to construct temporary shelters in two villages. During the preparation phase, SLDA discovered that the government had also given an international agency permission to construct shelters in one of the villages. After a few weeks SLDA wrote to the funding agency that it was 'pressured by the government to withdraw from both villages'.

Another interesting aspect to the dynamics concerned the large number of private humanitarian initiatives in the tsunami response. The widely televised tsunami appeared to be 'everybody's disaster'. All over the world individuals assessed the damage, identified needs and evaluated the progress of aid delivery. As Stirrat (2006) observed, this had as a consequence that agencies became more conscious of their accountability towards the public and had to prioritize photogenic projects in order to legitimize their efforts back home. It also meant that many individuals came to offer assistance. Many came from the diaspora to Sri Lanka to help their people. But many others, with no other relation to the island other than as tourists, boarded a plane with relief supplies and money collected through their personal, neighbourhood, professional or church networks. We call this new category of humanitarian actors the Non-Governmental Individuals (NGIs). The NGIs constitute a diverse group, yet many share a growing dissatisfaction with the established agencies. In their view, official agencies spend too much money on maintaining their expensive offices and bureaucracies (see also Stirrat, 2006). The humanitarian agencies, on the other hand, tend to dislike the NGIs and regard them as amateurs who get in the way of the professionals. The question is whether this was justified.

One of the NGIs studied by Udan Fernando (Fernando and Hilhorst, 2006) travelled to the south of Sri Lanka, where he often spent his winter holidays, with 130 kg of relief items and some cash. Together with friends he constructed four houses in the village of Habaraduwa. Although he had never heard of the Code of Conduct, his personal (implicit) set of principles was very similar. He was motivated by the idea of 'humanity', and made sure that he was accountable to his constituencies. In an e-mail he sent to his donors, he said: 'upon my return to the Netherlands I will send you a complete and detailed account of the expenses'. He was keen to avoid the adverse effects of aid and proudly announced that 'not a single penny was spent on bribes'.

Just like the NGOs, NGIs represent a variety of good and not-so-good humanitarians and cannot be lumped together in one category. Moreover,

10. This case of the SLDA was recorded by Udan Fernando in Fernando and Hilhorst (2005).

the difference between the professional and amateur humanitarian workers is not as clear-cut as presumed. The debate over legitimacy, cast in the language of humanitarian professionalism versus the humanitarian spirit must be understood as a competition over access to the humanitarian arena.

Interface between Agencies and Tsunami-affected People

Surveys revealed a declining level of satisfaction with the aid that was received. Many people complained about the discrepancy they perceived between the vast resources available and what they received. 'Across the board, people pointed to the highly centralised government machinery, inadequate needs assessments and consultation, corruption and a lack of transparency and accountability. [...] In many communities people observed how the competition between INGOs and NGOs appeared to take precedence over delivering assistance to the affected' (Fernando, 2005: 3).

International agencies disregarded community-based organizations. Humanitarian agencies, in order to fulfil their function, need vulnerable people to assist. The language of vulnerability is thus the vital twin of the humanitarian discourse. By vulnerabilizing people, agencies can legitimize their own intervention and claim the need for their expertise. Women in particular tend to be 'vulnerabilized' and efforts of women's organizations were not noticed by the internationals (Fulu, 2007; Scharffscher, forthcoming). While agencies tend to ignore or fail to acknowledge existing organizations, they are keen to form new ones that can become their counterpart in the area of implementation. In the atmosphere of competition, one way in which agencies claimed legitimacy was by responding to the humanitarian ideal of beneficiary participation. It was not uncommon to come across agency representatives claiming to be an exception to the rule because they were taking beneficiaries seriously. Actually, there was much engagement, but often of the wrong kind. Numerous agencies carried out participatory needs assessments which raised expectations that were often not followed up. Towards the end of 2005, every agency we interviewed based its programme on collaboration with local civil society groups. Tsunami-affected people were overwhelmed by requests for their participation, often by multiple agencies working in the same community. Some villages carried the burden of forming five beneficiary organizations — all with overlapping membership — to cater to different agencies that had come to their area.¹¹

In the meantime, locals devised their own strategies to obtain humanitarian resources. Stories were told of people who successfully claimed a boat even though they had never been to sea, of fishermen who claimed a number of boats, and of families with seven sewing machines. A notorious example was a group of families near Galle that refused to leave their tents for more robust

11. Workshop by Consortium of Humanitarian Agencies, Hambantota, August 2006.

shelter because they wanted to continue their profitable business of telling media representatives and other visitors how ‘they had never received aid’.¹² Local authorities and village leaders were often asked to make beneficiary lists and they either connived by adding ineligible people to the list, or were unable to resist the pressure of local power holders. Hence, in several complicated ways, the ‘humanitarian gift’ became commoditized as part of cultural symbolism and exchange relations between patrons and clients (Korf et al., 2010).

Participation practices are often based on a discourse of rights. A current trend is to view aid recipients as clients with consumer rights. An example at international level is the initiative by the US-based Fritz Institute that asked tsunami survivors about their consumer satisfaction with the goods and services received (Berger, 2006). An unintended consequence of such approaches is that they reward the individualization of aid recipients and encourage local rivalry over aid. Local aid providers in Galle related how individuals equipped with a rights discourse undermined community-based attempts to respond to the tsunami.¹³

ANALYSIS: THE GLOBAL YET LOCAL CHARACTER OF HUMANITARIANISM

Kakuma is a long-term refugee camp, a geographically bounded safe area under the tight control of UNHCR management. UNHCR acts as gatekeeper for other aid providers. Post-tsunami Sri Lanka constituted its opposite: a sudden-onset, open-ended humanitarian arena everybody could seek access to, including large numbers of NGOs. Notwithstanding these differences, we found important similarities in the use of the *idea* of humanitarian space and its accompanying language of principles, vulnerability and services, although these processes altered and gained specific meaning in the different cases.

Inclusion in and Exclusion from the Humanitarian Arena

The humanitarian arena is not ‘out there’. It is discursively created by agencies, media and other stakeholders. Even in the crowded arena of the tsunami response, agencies cherished the idea that they were the only ones caring about a neglected community or target group, and agency websites rarely mentioned other agencies working in the same area. In reality, as the cases show, humanitarian situations are not blank slates to be occupied by lone agencies, but are shaped by social negotiations over inclusion and exclusion.

12. Interview with Galle representative, Consortium of Humanitarian Agencies, August 2006.

13. Workshop with staff of humanitarian agencies in Galle, August 2006.

Gaining access to targeted aid recipients was a struggle in the case of the tsunami response. Agencies were in fierce competition and the outcome of their struggle was informed by their command over power and money, with international agencies gaining the upper hand over local authorities and local NGOs. Part of this struggle was over the question of who constitutes a real humanitarian. The government and the humanitarians ascribed political motives to each other in attempts to exclude the other from the humanitarian arena. International humanitarian actors used their expertise in dealing with humanitarian crises to disempower resident staff, local NGOs, non-governmental individuals and community organizations. Although questions over humanitarianism can concern real matters of expertise and experience, it is important to note that they are also part of competition over access to humanitarian budgets, programmes and target groups. This turns the debates over who is a legitimate humanitarian into a political rather than a principled one.

Compared to the tsunami response, the Kakuma refugee camp appeared well managed under the supervision of UNHCR. Yet, closer scrutiny reveals that UNHCR's position was contested. When national governments, ignited by lobbying on the part of their constituency, sought to augment the number of resettlements, they found ways to by-pass UNHCR through IOM and other self-appointed agencies.

Defining Beneficiaries or Target Groups

Aid recipients have certain pre-described roles in humanitarian aid, ranging from expressing their needs to recipient participation in the selection of beneficiaries for programmes. It is the prerogative of the humanitarian agency to define its beneficiaries. The question of who is eligible for aid is determined on the basis of vulnerability categories and needs analyses. Our cases illustrate that the role of recipients in these processes may be greater than it first appears.

Furthermore, aid recipients have a huge influence on the allocation of aid and other perks provided by the international humanitarian community. International relief after the tsunami was so abundant and the coordination among the aid providers so dismal that many local people had no moral reservations at all about grabbing as much aid as they could. In the case of Kakuma, refugees rather than agencies sometimes appeared to determine who was eligible for services and entitlements. Much of the allocation dynamics of entitlements remained invisible to agencies whose staff live in a closed compound some distance from the camp and are not intimately familiar with everyday life in the camp. There is no incentive for agencies to know these realities, as this might jeopardize their programmes. While retaining their innocence to some of these realities, they can report to their back-donors that everything is under control.

Humanitarian agencies have been famously accused of *creating* a dependency attitude among people through the built-in anti-participatory ideology of the givers (Harrell-Bond, 1986). We found that this is a mutual process. People likewise shape the objects of intervention. This was most clearly demonstrated in the case of Kakuma. The many instances of refugees drawn to the camp by the facilities that were made available eventually led to UNHCR restricting the provision of services. This gradually transformed UNHCR from a protection agency into a double-faced agent that protected as well as infringed upon the rights of war-affected refugees. Another example is offered by those refugees who follow NGO courses and whose only objective is to become eligible for resettlement, thereby effectively turning NGOs into vehicles of the brain drain from Sudan to the West.

It is important to note that the capacity of refugees and disaster survivors to determine the allocation of aid does not mean that aid never reaches the really vulnerable. The many community leaders involved in Sri Lanka ensured that aid was distributed according to need. In Kakuma, refugee strongmen are usually part of intricate patron–client relationships and adopt a number of orphans or otherwise vulnerable people. In exchange for their loyalty and jobs, they are protected and can share in the entitlements of their patrons. However, in these cases accessing the most vulnerable people almost becomes collateral. It certainly does not follow the procedures of distributing aid on the basis of needs, as agencies claim.

The Language of Rights

Both cases illustrate the striking impact of a new language of rights on humanitarian realities. While the body of humanitarian principles and the language of humanitarian space law have gradually developed since 1864, they have only recently been supplemented with the notion of rights. The Sphere standards which were introduced in 2000 to enhance agency accountability to aid recipients have brought about the notion that aid recipients are rights holders. This has resulted in a new vocabulary in which beneficiaries of aid are recast as rights holders who are entitled to basic services and protection against violence and disaster risks. In both cases, the new language of rights is used by agencies to constitute their subjects. In Kakuma, agencies have defined a new domain of intervention in educating people to take responsibility for security in their community, for instance by combating domestic violence. While the moral elevation of people has been used to legitimize interventions since before colonization, we now see a new variation on this theme in the attempts of agencies to forge standards derived from human rights on people's personal life choices. Although few people would object to campaigns against domestic violence, it is nonetheless important to consider how this shapes interventions and the kinds of resentment it engenders. Rights education has had the unintended effect of creating a

permanent sense of dissatisfaction among refugees. While they are being taught their rights, they are at the same time confined to the camp, leading to advanced and frustrated aspirations. Alex de Waal (2010) refers to this as the humanitarian tragedy. In Sri Lanka, the use of a rights discourse in which beneficiaries are framed in a manner that is reminiscent of consumers has advanced individualization to the detriment of community solidarity. More systematic research is needed on the manner in which the new rights languages are being employed in practice and their impact on the delivery of impartial aid to people in need.

CONCLUSION

This article has approached humanitarian space as a socially negotiated arena and explored the way in which actors employ the *idea* of humanitarian space to further their projects and ambitions. It is partly in the struggle over language (the 'real' humanitarian, the proper rights-framework, the suitable narrative of insecurity) that humanitarian arenas are being shaped.

Our cases of the Kakuma refugee camp and the Asian tsunami of 2004 highlight the significant impact of the response of (potential) aid receivers as well as other actors on the humanitarian arena. These responses determine to a great extent how agencies can access the humanitarian arena and realize their programmes, and how certain people become eligible to receive aid and others do not. The dissemination of ideas, allocation of humanitarian resources and implementation of relief projects take place through subtle power processes that transcend preconceived notions about humanitarian agents and aid recipients. Processes by which actors define each other do not follow definitions or principles as such; they constitute political struggles in which discourses of humanitarianism and human rights act as major devices. For instance, the use of the concepts 'participation' and 'ownership' has the effect of transforming beneficiaries into humanitarian agents (local staff). The creation or maintenance of local power configurations is part of the fabric of contemporary humanitarian action.

In both cases, the ability to deliver impartial aid was conditioned by institutional interests, the local socio-cultural fabric and power differentials among aid recipients. Local power holders in Sri Lanka and strongmen among the Kakuma refugees were able to redirect aid allocations. The dynamics in both cases were partly determined by widespread moral outrage instigated by media campaigns. In the case of the tsunami, the media had played a major role in the collection of contributions and subsequently became a watchdog that harassed aid agencies to speed up delivery, sometimes at the expense of rendering quality services. Likewise, reports in the US media of the plight of the Lost Boys of Sudan evoked intense compassion which was tapped into by human rights groups, and prompted the US government to intervene in the humanitarian arena of Kakuma refugee camp to facilitate resettlement.

In studying humanitarian spaces as arenas our understanding of the dynamics of aid should focus on the manner in which actors engage with and respond to their surroundings. It requires a grasp of the formal dimensions of aid as much as what is happening between the lines and in informal daily interaction. By focusing on the everyday practices of aid it becomes clear how humanitarian headquarter claims to political neutrality and the application of universal normative values are negotiated through the micro-physics of power in humanitarian arenas.

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