Political Economy of Control: Urban Refugees and the Regulation of Space in Lusaka, Zambia

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Although Zambia is routinely praised by the international community for accepting the overwhelming majority of asylum seekers, it attempts to control refugee movement and residency by keeping the majority in refugee camps and settlements and limiting the number allowed in urban areas. However, many refugees continue to live in cities without the required urban residency permits and despite risks of arrest and exploitation. This article examines the efforts of the Zambian government to limit and control its urban refugee population in Lusaka, linking the structure of the global political economy to treatment of refugees. As the Ministry of Home Affairs implements its urban residency policy and registration systems and immigration officers often arbitrarily enforce it through raids on markets and neighborhoods, refugees negotiate the spaces of the city, discovering where to live and move; find work and housing; seek assistance and social services; and become detained, imprisoned, deported, or released. This article further considers not only how power is exercised in this context but also how and why systems of control fail to work effectively or efficiently.

Keywords

Refugees; Lusaka; Zambia; Urban; Political economy

Zambia has a long tradition of hosting those fleeing political and civil strife in sub-Saharan Africa. The international community has routinely praised Zambia for accepting an overwhelming majority of asylum seekers from Angola and the Great Lakes region in Central Africa, including the Democratic Republic of Congo (DRC), Rwanda, and Burundi. While holding a generous open-door policy, Zambia has acted similarly to most governments which, when faced with large influxes of refugees, have restricted refugee movement to camps and settlements and limited the number allowed in urban areas. In light of the restrictions on refugees‘ opportunities to work, hold property, and gain Zambian citizenship, they are constrained by national and international bureaucratic structures that seek to control and regulate their activities and restrict their ability to integrate into Zambian society.

Nevertheless, the majority of the world’s refugees and internally displaced people live outside of camps and settlements, in local communities; over 50% live in growing cities (United Nations High Commissioner for Refugees [UNHCR], 2009). Refugees have similarly arrived in Zambia’s capital, Lusaka, from camps or directly from across the border, searching for employment, educational opportunities, higher standards of living, or the security that refugee settlements lack. Most of these individuals do not have the appropriate urban residency and work permits and risk arrest and deportation. The regulatory systems that keep refugees counted and monitored in rural camp settings are less successful in the dynamic and complex spaces of urban areas. How the government and its agents attempt to manage the urban refugee problem reveals larger socioeconomic and political motivations and tensions over the governance of cities.
This article focuses on the efforts of the Zambian government to control its urban refugee population. Yet it examines not only how power is exercised but also how and why systems of control fail to work effectively or efficiently, and how that has impacted the lives of refugees in Lusaka. I base my analysis on a year of ethnographic research conducted in 2007 with urban refugees in Lusaka. I also draw from interviews with Zambian government officials, organizations such as the UNHCR, churches and refugee advocates that work with refugees in Lusaka, and published and unpublished archival and current documents. These revealed the evolution of Zambian refugee policy and strategies of enforcement over time, as a reflection of the struggle over the control of urban space and definitions of urban citizenship. Yet, by acting contrary to government policies and even the structures of international refugee assistance programs, refugees themselves assert the right to remain in Lusaka simply by remaining. This article explores these tensions and evaluates the impact of systems of control on refugees living in Lusaka.

The first section theoretically situates the tensions between refugee aspirations and the governance of cities, beginning with consideration of citizenship and belonging. It is followed by an overview of Lusaka, providing a brief historical description and the ways in which both Zambians and refugees use the city. The third section focuses on the historical development of Zambia’s refugee policy. Refugees noted a significant shift in government policy that began in 2000, which negatively affected their ability to live safely and securely in Lusaka. This shift is contextualized within international obligations and forces, severe economic decline and rapid political change, and pressures on urban areas. What follows is an examination of the implementation and enforcement of the more restrictive urban policy toward refugees and its result for the lives of refugees. This includes not only how refugees are impacted but also how they, and their allies, respond.

**Citizenship and urban governance**

As refugees arrive in urban areas, they often encounter governments struggling to manage increasing demands on land, housing, services, and infrastructure with a weak resource base. Their illegal presence in the city challenges traditional jurisdiction and sovereignty of the state. As an organizing principle of people and space, the system of nation-states decides who is responsible for individuals within and outside of specific borders. The imposition of national citizenship, which effectively ties each person to specific territorially bounded space, is immediately problematized by the subversive effects of regional strife, poverty, migration, displacement, international development efforts, and new modes of economic interdependence. The following explores those challenges to citizenship and how governments, and even the international community, attempt to inform who belongs and what belonging means in practice in the space of the city.

**Refugees and challenging citizenship**

Theorizing citizenship involves considering the meaning and scope of membership in a community. At the level of the nation-state, top-down nationalist enterprises seek to build loyalties and commitments through both inclusion, that is, the distribution of entitlements, and exclusion, to build solidarity and create identity. The idea of nation and national identity becomes naturalized and embodied in the material practice of everyday life through state schemes of surveillance, control, and administration. However, refugees are one unintended consequence of the international system, which partitions the world’s population and decides who is responsible for individuals inside and outside national borders.
and who belongs where. By being out of place, they challenge fixed notions of national identity and citizenship in both the conceptual and empirical senses.

The “refugee” is at the center of the global refugee regime, composed of the formal international organization of UNHCR as well as many other international organizations and nongovernmental organizations (NGOs), various legal conventions, and international structures to protect and care for the displaced (Betts, Loescher, & Milner, 2012: 8). Zambia is signatory to many of these conventions, including the 1951 Geneva Convention and its Protocol of 1967. Zambia provides refugee status. At that point, refugees became part of a legal and administrative category at the global level, which has been interpreted and enforced locally by Zambia’s own refugee policy and various state actors.

The global refugee regime relies on the concept of a refugee cycle, in which those who have been displaced will eventually return to their place of origin to be rerooted in their native soil (Black & Koser, 1999; Kunz, 1981). Unfortunately, the simplistic narrative of refugees eventually going “home” fails to recognize the root causes of displacement, which include the breakdown of the supposed protective relationship between citizen and state, existing conditions in countries of origin, and even refugees’ willingness to return (Khiddu-Makubuya, 1994; McSpadden, 1999; Pottier, 1988; Rogge, 1994). Rather than a refugee-centered approach to humanitarian aid, the state system and its ideals of sovereignty create a fundamental problem for addressing the needs of those who are not protected by their state of origin (Aleinikoff, 1995; Harrell-Bond, 1986; Loescher, 1993).

Organized settlements are the preferred means to control and track refugees, mitigating the security risks to refugees and the local population and facilitating the giving of aid. Faced with a tightly controlled environment, most refugees accept the risks of living outside the camps, preferring to break the law and avoid restrictions to live on their own terms (Kuhlman, 1994; Sommers, 2000). In fact, many go to great lengths to avoid camps and self-settle in urban centers. In particular, those from urban socioeconomic backgrounds move to cities because they cannot farm or pursue livelihoods in rural areas and camps (Jacobsen, 2005). Urban activity and possibility promote migration, both rural to urban and across borders, and highlight the complexity of urban areas, as multiple ethnicities, religions, and cultures meet and households reconfigure. In this space, refugees can exert and negotiate feelings and practices of belonging that may or may not agree with state-level assertions (Leap, 2004; Maurer, 2000).

Refugees construct identity and life strategies within and beyond the state system, challenging the definition of both national and local forms of belonging and even informing how the state constructs national citizenry. However, real questions need to be asked about what those strategies look like in practice, particularly in light of the very powerful national and international interests that are also at play in urban areas.

State power and controlling cities

In urban areas, the state is more actively present and authority is most clearly exerted through state institutions. Ministries and bureaus structure transactions and local decision making; issue judgments, licenses, documents, and certificates; and often provide a conduit for development assistance and foreign investment. Capital cities, in particular, are the administrative centers and seats of national power; the locations of international banks and businesses; and the hosts for regional meetings, summits, and peace negotiations. However, the precarious situation of many states in Africa makes clear that it does not have claims to autonomy or sole governance of urban spaces. The neoliberal reforms and several decades of structural adjustment programs have been transforming urban space, affecting the distribution of social
groups and activities through cities in Africa and globally (Zeleza, 1999). To give priority to market forces to promote growth and reshape political institutions, drastic cuts in public spending caused the collapse of government programs in social welfare provision. As a result, urban residents have sought social services and economic opportunities outside the formal regulatory sphere of the state.

Africa’s cities have grown at a faster pace than anywhere else in the world since the 1960s. The substantial rise of population growth has outpaced the growth of basic infrastructure and services, resulting in lack of adequate shelter, clean water, and basic sanitation. Access to employment is precarious. It is estimated that roughly 75% of basic needs are provided informally in the majority of African cities and that processes of informalization are expanding across all domains of urban life (Van Arkadie, 1995). States have sought to regulate the proliferation of informal activities, which exist in contrast to the formal sector made up of the urban government and its agents, institutions, rules, and regulations that have been put in place to control urban space and economic life (K. Hansen & Vaa, 2004). Yet instead of creating comprehensive urban policies to deal with rapid growth, national governments often embrace concepts of urban containment and heed the fears of “urban bias” by donor agencies, which maintain that development and investment have focused on cities to the exclusion of rural areas (Tostensen, Tvedten, & Vaa, 2001: 7). There tends to be confrontation when authorities from the formal sector meet with those living and working in the informal sector and attempt to contain urban activity.

This inability to fully control urban space provides opportunities for refugees to become swallowed up and remain anonymous in the crowded city. However, while host governments are rarely able to prevent the arrival of urban refugees, they are able to deny refugees permission to work or study, refuse any form of assistance, and identify them as illegal migrants. The resulting lack of secure legal status has left urban refugees vulnerable and their basic human rights open to violation. Jacobsen (2006: 276) highlights a range of protection problems refugees face, “including arbitrary arrest and detention, exploitation by employers, discrimination and physical abuse.” Those living without proper documentation, or in areas where refugee documents are not widely recognized, are unlikely to access public services effectively.

While urban refugees may be challenging national and international conceptions of belonging, there are real consequences. What these consequences are and the extent to which they impact refugee lives need to be situated within an analysis of the city that considers both the informal mechanisms available to refugees and the reach of the state. The following section begins this discussion with the development of Lusaka and the nature of informality in the city. Understanding these aspects is key to recognizing how refugees are able to use urban space, often despite legal restrictions.

The space of Lusaka
Lusaka has been one of the fastest-growing cities in sub-Saharan Africa in the postcolonial era (Figure 1). It is also one of the poorest, with sprawling unauthorized and unserviced areas that house people from all over the country and a pervasive informal economy where the majority of Lusaka’s residents earn their livelihood. Its prosperity in the first 10 years of independence contrasted sharply with its more recent severe economic downturn, leaving Lusaka a dilapidated version of its earlier years. Lusaka, centrally located and easily accessible from all parts of the country, accounts for 32% of the total urban population (UN Habitat, 2007: 6). The city has drawn migrants from Zambia’s vast, sparsely populated rural areas and other urban centers with opportunities for work, education, health care, housing, clean
water, sanitation, and transportation. Similarly, refugees have sought a better standard of living in the city than what they experienced in rural areas.

Colonial urban planners designed Lusaka with Africans living in the so-called compounds on the city’s periphery, while wealthy Europeans and Asians resided in the city center. As Lusaka expanded postindependence, it retained this division, but with sharp disparities defined by income rather than race. High-density government-built housing areas and squatter settlements, still known as compounds, contrast with middle- and upper-income residential areas in terms of quality of service provision, infrastructure, and population density.

Independence from Britain in 1964 spurred the rapid growth of all of Zambia’s urban areas, giving rise to one of Africa’s highest urbanization rates. In a country rich in copper deposits and agricultural potential, the economic prospects of the new state appeared quite auspicious. Zambia soon derived more than 90% of the country’s export revenue from the copper mines (K. Hansen, 1997: 5). Throughout the 1960s and 1970s, Zambia was viewed as a middle-income country, with excellent prospects for full industrialization and even ultimate admission to the ranks of the “developed” world (Ferguson, 1999: 6). Economic growth and educational expansion even convinced ordinary Zambians of the possibility of upward mobility and prosperity. Its success from 1964 to 1974 made it possible to develop modern educational and medical facilities.

Zambia’s initial economic successes not only obscured mismanagement and corruption; they also obfuscated the “massive and inefficient parastatal sector as well as the government’s prevailing urban
bias which had resulted from the need to appease the powerful mining sector” (Harbeson, 1999: 50). These became more apparent as the world price for copper collapsed and the costs of imported oil rose dramatically in the 1970s; economic hardship increased. The extreme disparity that had come to exist between rural and urban areas was narrowed by a sharp and rapid economic decline of urban areas particularly; per capita income dropped more than 50% from 1974 to 1994 (World Bank, 1996: 562). In a span of 20 years, Zambia went from one of the most promising countries to one of the worst economies.

The move to multiparty elections in 1992 ushered in a firm commitment to an economic liberalization program backed by the World Bank and International Monetary Fund. The new government promised economic revitalization through private-sector expansion and limited oversight, extolling capitalism, the free market, privatization, and liberal democracy. The pace of economic liberalization has been considered one of the government’s most remarkable achievements (Seshamani, 1996). However, evidence of structural reforms in government institutions has emerged as much less clear.

Moreover, the economic austerity measures produced extreme hardships for the average Zambian. The end of currency controls and price subsidies on staple foods led to soaring prices on food and consumer goods. Privatization of industries led to a 40% decrease in formal employment between the years 1991 and 1998 (McCulloch, Baulch, & Cherel-Robson, 2000: 10). Severe droughts, nationwide epidemics of cholera and AIDS, and the continued slide of the copper mining industry added to Zambia’s struggles. People from throughout the country, but especially from the region with the closed copper mines, came to Lusaka, creating the second largest wave of urban migration in Zambia’s history.

The antidebt NGO Jubilee-Zambia criticized the “radical privatization program under structural reforms” for its failure to “address the economic and social impacts on the poor and vulnerable people,” including “massive job losses through retrenchments . . . [and] user fees in schools and hospitals” (Banda, 2004: 5). The Jesuit Centre for Theological Reflection conducted a monthly basic needs basket for Lusaka, assessing the cost of living for a family of six. In February 2007, it totaled US$363. However, the average monthly income was probably one-third of that amount (JCTR, 2007). The privatization of access to basic services effectively meant that most people went without basic goods and services.

The Lusaka City Council, an extension of the central government, struggled to control the expanding city with a “legal framework for urban development that was designed to contain settlement rather than deal with rapid growth” (K. Hansen & Vaa, 2004: 9). Lusaka residents often sought social services and economic opportunities outside the state’s formal regulatory sphere. The majority of Lusaka’s residents, some 70%, lived in 37 compounds, the high-density informal settlements bordering the city center and extending around its periphery (UN Habitat, 2007: 14). Most of these have been regularized by the city government as “Improvement Areas.” Although development plans have been approved, the compounds are still largely characterized by insecure land tenure, inadequate shelter, and insufficient services (UN Habitat, 2007: 25). The demographic expansion and Zambia’s limited resources have put pressure on housing and the ability to improve or maintain infrastructure and services for most of Lusaka’s population, particularly in the compounds.

With the huge decrease in formal employment, 69% of Lusaka’s population now earns its living in the informal sector (CSO, 2007: 46). Major activities include street vending and other petty trading, piecework, child labor, seasonal farming, prostitution, and illicit beer brewing (LCC, 2005a, 2005b). Small-scale traders and marketers throughout the city center and the compounds widely ignore existing legal regulations, which theoretically control the location and type of economic activities in the city (K. Hansen, 2004: 63). Often the streets are cleared of street vendors and illegal marketers, only to be refilled
months or even days later. Similar crackdowns have extended to some of Lusaka’s illegal compounds, which have been around for decades.

Against this backdrop, refugees in Lusaka can engage in different forms of income generation in the informal sector, acquire physical security through anonymity, and move more freely than they could in restrictive rural camp settings. However, the government’s concern with uncontrolled urban growth was accompanied by a focus on broad immigration control, in part to reduce additional strains on social services and competition over limited economic opportunities. Equally, the political liberalization that began with the 1992 multiparty elections made politicians more beholden to public opinion. Antiforeigner rhetoric became much more prevalent, and immigrants were often blamed for Lusaka’s rising crime rate. As the remainder of this article discusses more fully, refugees were affected by the growing xenophobia and the government’s broader effort to control who could live and work in Lusaka.

**History of refugee hosting in Zambia**

Many long-staying refugees in Lusaka claimed that their safety and security changed suddenly in 2000. Relaxed standards and minimal enforcement of Zambia’s refugee policy were replaced by a new urban residency program, which sought strictly to limit the numbers of refugees in Lusaka. The senior legal officer for Zambia’s Commissioner for Refugees (COR) agreed that Zambia had a very liberal interpretation of its refugee law prior to 2000. Yet at that point, the government started to follow the letter of the law, enforcing the criteria on residency and ensuring refugees stay in camps. As she explained it, “once the social and economic impact was felt, the government had the will to implement the law and enforce its measures.” How and why changes were implemented in the enforcement of Zambia’s refugee policy raises critical questions about the significance of urban space and the refugee burden. This section examines Zambia’s approach to refugee hosting prior to 1999. It is followed by an analysis of the changing political and economic landscape, particularly as it impacted Lusaka, as a backdrop to the decision to more strictly control and regulate refugees.

**Refugee (Control) Act of 1970 and the open-door policy**

Zambia, like virtually all independent countries in southern Africa in the 1960s and 1970s, received waves of refugees from countries that were still struggling against racism, colonialism, and apartheid. The liberal attitude toward the admission of refugees during this era came to be known as an open-door policy, a position that continued broadly across the region until 1990 (Rutinwa, 1999). Refugees were almost never rejected at the border or returned to a country where they could face persecution. The Zambian government’s position was that, “even though our finances and personnel have been taxed to the full, we have no option but to shelter our persecuted brothers and sisters in our traditional spirit of humanism” (Beyani, 1986:4).

The first influx of refugees began at the end of 1965, as thousands of Angolans and Mozambicans fled armed conflict with Portugal. The gravity of the refugee situation became clearer as numbers increased substantially over time. In 1968, refugees numbered fewer than 15,000, but by 1974, there were 103,000 refugees, and 150,000 by 1988 (Mwanza & Seshamani, 1988:3). In response, the government established the 1970 Refugee (Control) Act. Similar to laws in the surrounding countries, the refugee legislation was quite restrictive, giving the Ministry of Home Affairs broad powers to determine who was a refugee and order the expulsion of refugees to their countries of origin. The act also permitted the use of force against refugees by authorized officers, required refugees to remain in camps and settlements

Despite the absence of refugee protections within the Refugee (Control) Act, these laws were rarely fully enforced, given the liberal admission policies. The majority of individuals seeking refuge were accepted, and the government issued prima facie refugee status or group determination of status to mass influxes of people. Clearly the government expected that the southern African liberation wars would eventually end and that refugees would return home. The focus was placed on giving the government powers to maintain law and order in the face of so many refugees residing in the country for the short term. Consistent with the prevailing authoritarian rule, little consideration was given to refugee rights and protections or durable solutions. The legislation does not indicate how refugees should be treated, which has left considerable room for interpretation as refugee hosting stretched into decades.

The growth in the number of refugees led the Zambian government to create refugee settlements, which were designed to give each refugee household a plot of land and support for two years before he or she was expected to become self-sustaining. Mayukwayukwa Refugee Settlement became Zambia’s first official refugee camp, established in 1966 and now the oldest refugee settlement in Africa. Meheba Refugee Settlement followed and was located in an area of 580 km² with excellent agricultural prospects; it provided an opportunity to develop some of Zambia’s vast rural expanses. In fact, the conscious intention was to open up a relatively unpopulated area for further development. Meheba and Mayukwayukwa became fairly successful in agricultural production, becoming the main suppliers of vegetables in the region (Wilson, 1986: 111). In 1977, at a time of crucial nationwide food shortage, it was Meheba’s production that gave Zambia a food surplus (Betts & Pitterman, 1984: 16).

Despite the settlements’ relatively good welfare conditions, considerable problems persisted in locating and removing refugees from border areas and then preventing them from leaving settlements once they were repatriated there (Wilson, 1986). The national borders established during the colonial period were drawn through existing communities and kin groups, and the flow of people between Angola and Zambia, as well as between Mozambique and Zambia’s Eastern Province, was common. Many times, refugees tried to keep a low profile in villages, and Zambian hosts aided them to avoid detection. Refugees clearly wanted to retain their freedom of movement and the economic and social advantages they perceived available outside of settlements. Art Hansen’s (1982: 26) study of Angolan refugees in 1972 found that 65% of refugees were self-settled.

Like the self-settled refugees in Zambia’s rural areas, many refugees have tried to stay out of official camps and settlements and have moved to urban areas. Although refugees who have settled near the borders of Angola and DRC are often left undisturbed, the government has always been concerned about refugees congregating in the urban areas of Lusaka or in Zambia’s mining region. In 1988, urban refugees numbered 2,660; however, by 1996, UNHCR (1996: 20–21) reported that Zambia hosted some 16,000 urban refugees from various countries, the largest group originating from DRC but also including a number of asylum seekers from Rwanda, Burundi, and Somalia.

Lodging and support for urban refugees were provided at a Lusaka-based refugee camp, Makeni Refugee Transit Centre, on the city’s outskirts. UNHCR encouraged many to integrate into Zambian society “though education sponsorship, job placement, income-generating opportunities, and where all urban-based options fail, placement in an agricultural settlement where farming is the main occupation”
However, the government was becoming more concerned about urban refugees, particularly as Zambian migration rose significantly and stretched the limits of urban social services. Tensions were also increasing between members of the local community and refugees, especially those from nonneighboring countries (UNHCR, 1994: 3).

In 1995, the Zambian government decided to close Makeni and move all urban refugees to the rural settlement in Meheba (UNHCR, 1995: 3). Some were transferred, but many refugees settled into the surrounding compounds. For the time being, refugees of urban background and with promise of legal employment, such as professionals or businessmen and women, were allowed to remain in urban areas. A large number of refugees had arrived in Lusaka during this time and received direct assistance from UNHCR to integrate into the urban community.

It was particularly this group of refugees that became very vocal about the eventual changes made to the urban residency policy. Those who had established their lives and their families in urban areas found it hard to be convinced of the new government policy that took effect in 2000. They had established small businesses in Lusaka’s markets and married Zambian nationals. Urban refugees were firmly established in Lusaka, and moving to a refugee settlement felt like an unreasonable expectation.

Life in the camps was a particular struggle for those without rural experience. One refugee said that “life was difficult, no accommodation, poor health center, and no food. Only farmers could make it.” Angolan refugees tended to have rural backgrounds with the skills necessary to farm. However, those from the Great Lakes area were often urban professionals or men and women with business backgrounds, which made the adjustment to rural conditions much more difficult. Understandably, there were far fewer Angolans in urban areas, reflected in both UNHCR urban refugee numbers and in my own research. As a refugee angrily stated to the UNHCR senior protection officer in Lusaka in late 2007, “You can’t integrate doctors and lawyers in the bush. Put intellectuals [and] tillers of the ground where they should be. It is a form of social psyche torture to curtail our liberty.”

**Economic and political liberalization and urban refugees**

In 1992, as Zambia moved from authoritarian rule to political liberalization, tensions between international humanitarian expectations and internal pressures increased. The economic hardships caused many to question refugee obligations and whether the few available resources should be channeled toward refugee welfare. Financial constraints within Zambia dictated an increased role for UNHCR in technical and logistical assistance and humanitarian aid. Yet, at the same time, donors began to get tired of assisting waves of refugees; they began to review and cut back on programs (LRF, 2002). The transition to democracy also amplified the importance of public opinion and new forms of nationalist rhetoric to secure political support; many politicians played on antiforeigner and antirefugee sentiments.

Zambia’s economic decline and the resulting poverty of many Zambians caused mounting tensions between refugees and the host population where none had previously existed. Multiparty elections and increased freedom of the press often amplified exclusionary nationalist rhetoric as politicians sought to secure public support and limit political competition. A new political tactic of investigating the nationalities of prominent opposition leaders sought to use the “foreigner” label to exclude and delegitimize. Yet the crackdown on foreigners extended beyond political figures. Citizens and government officials have been increasingly hostile toward refugees, blaming them for resource shortages and rising crime (Whitaker, 2005: 118). One refugee living in Lusaka commented, “If there is problem between [the two major political parties in Zambia] refugees are attacked.”
Intensifying conflicts among Zambia’s neighbors brought even more refugees at the new century’s outset. The new government played a prominent role in sponsoring Angolan peace talks in 1991–1994, which led to the Lusaka Protocol, signed on November 20, 1994. This increased hopes that conditions in Angola would improve and enable UNHCR to support refugees’ return to Angola. However, the peace process collapsed in 1998, resulting in renewed fighting and the first mass influx of refugees from Angola into Zambia since the mid-1980s (Bakewell, 2002: 1). The 1997 overthrow of President Mobutu Sese Seko of DRC led to a resumption of war that involved several countries and climaxed into cross-border movements of people, especially in 1999. Despite international diplomatic initiatives, armed conflict continued, leading additional refugee camps to open across Zambia.

The height of refugee hosting occurred at the end of 2001, with a conservative estimate of nearly 300,000 refugees living in Zambia (USCRI, 2002). Despite these dramatic increases, Zambia continued to be very generous in the acceptance of refugees. Under the Refugee (Control) Act of 1970, a person who enters the country as a refugee retains this status, passing it down through the generations, and must stay in official settlements unless given permission to live elsewhere. Particularly in 1998, when it became clear that the Angolan refugees would be in Zambia indefinitely, UNHCR began to push for more durable solutions, including integration and naturalization, and for updated national legislation that would recognize Zambia’s international obligations toward refugees and clarify how refugees should be treated.

UNHCR (2004a: 2) worked for the desired impact “to sustain tolerance for refugee presence and minimize xenophobia against asylum seekers, as well as the inclusion of refugees in the development agenda of Zambia.” They advocated recognizing refugees as agents of change and converting long-standing settlements like Meheba and Mayukwayukwa into “development oriented interventions” (LRF, 2002: 100). Despite some government reticence, the first outcome of this effort was the Zambian Initiative in 2002. Its main objective was “to alleviate the combined efforts of food deficit, poor infrastructure, limited access to public services and economic activities and in the process [find] durable solutions for refugees” (UNHCR, 2004b: 3).

Focused on the refugee-affected areas in Western Province, the project’s goal was to integrate refugees into their host community while helping the local region develop. The Zambian initiative involved small-scale projects in agriculture, health, education, and infrastructure identified jointly by the government and the local communities themselves. The project got off to a promising start. In 2002, the Ministry of Home Affairs even encouraged local authorities to release more land to the government for the purpose of refugee settlement and requested the general public to welcome refugees with “open hands” (LRF, 2002: 101). However, the project was hampered by the end of the war in Angola and mass repatriation of Angolans in 2002. Local traditional authorities indicated that their preference was a return home for Angolan refugees rather than local integration. Government authorities also expressed concern that the remaining number of Angolan refugees was far too large for local integration (UNHCR, 2007: 11). Additionally, there have been continuing funding problems for the initiative, despite that it is regularly touted as a success story for local integration and cooperation with the host government.

However, in urban areas, any possibility for local integration was being reduced. In 1999, the Zambian government had asked UNHCR to help them register about 15,000 refugees who lived and worked in urban areas. UNHCR gave them equipment, which would “allow the Zambian authorities to issue all bona fide refugees living in towns and cities with a bar-coded identification document about
thesize of a credit card” (IRIN, 2000b: para. 1). All details would be stored in a database, which would include everything from biometric data to information on the case and assistance received (Field, 2006).

This was part of a wide-ranging effort by UNHCR to improve the refugee status determination process and hand over full control to COR. There was no single reference text on the application of 1970 Refugee (Control) Act, despite that Zambia has been one of the main refugee hosting nations in the region. Standard operating procedures for the determination of refugee status and eligibility for urban residency status were drafted. Through extensive training and workshops, the overall coherence and effectiveness of procedures dealing with refugees in Zambia was improved. This resulted in the clearance of a considerable backlog in refugee applications.

A committee was established in 2000 to review and adjudicate requests for urban residency status. The government and UNHCR agreed on five new criteria for residency status: (a) having an employment, self-employment, or study permit issued by Immigration, (b) needing medical care not available in the camps, (c) establishing family connections with a refugee already in urban areas, (d) having special security problems, or (e) awaiting resettlement to a third country. UNHCR and COR drafted a new 2002 Refugee Bill to enact these changes and enhance the overall protection environment. However, it was swiftly rejected by the parliament with strong antirefugee statements. Ultimately, without statutory basis, the application of the new urban residency policy finally institutionalized Zambia’s reservations to the Geneva Convention concerning refugees’ rights to employment, education, and freedom of movement found in the Refugee (Control) Act.

The impact of this first registration of urban refugees was not that 15,000 refugees were now in possession of a card to ensure their safe residence in Lusaka; rather, the strict criteria and their strict implementation by Immigration severely limited the number of refugees who could legally live outside of camps. By the end of 2001, UNHCR reported assisting 654 Angolans, 10,248 Congolese, 627 Burundians, 1,795 Rwandans, and 1,044 refugees from other countries who lived in urban areas, the majority in Lusaka (UNHCR, 2002). This was a total of 14,368 recognized urban refugees. After the exercise ended in 2002, around 4,000 urban refugees were issued electronic cards.

Those who did not meet the set criteria were requested to relocate to camps and settlements. Failure to comply was a violation of the prevailing Immigration Act as well as the 1970 Refugee (Control) Act. Although some refugees without electronic cards undoubtedly relocated to the camps or settlements, others decided to continue to stay in urban areas without authorization or valid documents. That group has become virtually invisible, falling out of UNHCR annual reports. In a recent analysis of the gaps in refugee protection in Zambia, UNHCR finally acknowledged that approximately 10,000 refugees are living in Lusaka illegally (UNHCR, 2007), but the exact composition of this group is unknown. The population of urban refugees legally residing in Lusaka has remained fairly constant, at around 5,000 (UNHCR, 2007).

The UNHCR senior protection officer stated in March 2006, “Refugees in urban areas are still refugees, although they might have flouted Zambia’s laws for refugees. If any refugee is arrested, the UNHCR negotiates with relevant authorities to release them and they are later taken back to their camps” (IRIN, 2006: para. 6).

Regularization and control of urban refugees
UNHCR claimed that the regularization program of urban refugees has greatly reduced the quantity of arbitrary detentions of refugees and asylum seekers (Field, 2006). The UNHCR endorsed the program
as a “clear demonstration that the regularization/registration of urban refugees, using an effective electronic system, can reduce the incidence of detention” (UNHCR, 2006a: 255). It also reassures the Zambian government that others are not abusing the benefits it bestows to a few refugees. However, one refugee accused UNHCR of “only talking and refugees are fending for themselves.” This section examines implementation of these new mechanisms of control, considering how they impact refugee lives and also how they are negotiated by refugees.

**Urban residency and the electronic card**

Prior to 2000, many refugees carried a basic “green card” made of cardboard with personal data such as date and place of entry into Zambia and clearly labeled “Office of the Commissioner of Refugees, Refugee Identity Card.” Some held a piece of paper with COR letterhead giving them permission to reside in Lusaka with no expiration date. Others held a report order issued by the Department of Immigration, renewable as their asylum case was either pending before Home Affairs or as they waited for decisions on other applications, like urban residency or a work permit. Even after the implementation of the electronic card, most refugees still held on to these papers to provide at least some identification.

UNHCR and the government claimed that previously issued cards were often forged or copied, which impeded protection management. Their goal was to “strengthen the existing procedures/criteria for the identification of refugees authorized or eligible to reside in urban areas,” while also providing assistance to refugees in need of special protection and medical evaluation referral (UNHCR, 2002: 127). More importantly, police and the Department of Immigration needed to be able to distinguish “genuine” refugees from “illegal immigrants” or criminals.

The majority of refugees living in Lusaka before the new policy on urban residency was introduced, some for more than 10 years and many with previous written permission by COR, were deemed ineligible to do so under the new stringent regulation. Under the Immigration and Deportation Act of 1967, refugees were technically considered foreigners and required to obtain a permit to engage in any gainful employment, prescribed trade, business, or other occupation or to study at an educational institution (Government of Zambia, 1967). For refugees in an urban area to be legally self-employed, they had to show a substantial amount of investment (US$25,000 in assets) like any other foreign investor, a prohibitive amount for most refugees.

The law required a refugee to apply for and obtain a job offer from an employer before he or she could receive a work permit, which cost $500. In addition, applying for the permit at the Department of Immigration, even with a supporting letter from COR, was lengthy, complex, and expensive. Refugees were required to show that no Zambian was qualified for the job. Very few refugees could meet this requirement, except doctors, nurses, teachers, or other professionals where there were national labor market shortages due to the brain drain and the HIV/AIDS crisis. A study permit to register at an educational institution recognized by the Ministry of Education was $100 with an acceptance letter (Government of Zambia, 1967). If a refugee could find sponsorship by a church, relative, or NGO, the study permit became an easier way to access an electronic card, at least for the duration of study. Trying to find work as a professional usually moved refugees quickly into illegal status in Lusaka and subsequently into the informal sector.

Residency status could also be issued on additional grounds: needing medical care not available in camps, establishing family links with refugees already residing in urban areas, being processed for resettlement with a short time frame for departure, and having special physical security problems.
Additional focus was placed on women at risk, unaccompanied minors, unaccompanied elders, or otherwise vulnerable groups. UNHCR and its implementing partner, the Zambian Red Cross, identified these individuals, but it was unclear what criteria were used for urban residency status.

However, considering the resources necessary to secure an electronic card, the director of the Zambian Red Cross commented that the critical issue for urban refugees was that the most vulnerable were those without electronic cards. UNHCR instructed the Zambian Red Cross in 2007 to serve only refugees legally allowed to reside in Lusaka to support the country’s camp-only policy and reduce what they saw as a pull to urban areas. While increasing the existing security and opportunities of those with the electronic cards, it increased the vulnerability of the rest of urban refugees by limiting the places to which they could turn for help. In fact, the vulnerability of some refugees living in Lusaka during the implementation of the urban policy made it impossible for them to move to camps, particularly in the case of elderly persons caring for a number of grandchildren whose parents had died or deserted the family. They continued to remain in Lusaka’s compounds without electronic cards or assistance.

**Department of Immigration and policy enforcement**

Despite the efforts of COR fully to register and regulate refugees in urban areas, many refugees refuse to participate by actively staying in Lusaka without proper documentation and often returning, even after being arrested and sent to refugee camps. Because it is a criminal offense for any refugee to leave a camp without due authority, the Department of Immigration has seized on this connection and become overzealous in enforcing the residency policy on refugees, often in unjustified attacks on their freedoms. A Department of Immigration spokesperson justified the government’s decision to send back some refugees to settlements because of increasing crime, which he associated with the high presence of aliens in urban areas (Mwiinga, 2000). Shortly after the new residency standards were implemented, Department of Immigration officers began raiding areas, frequently late at night, where large numbers of refugees were known to be living, and rounding up people who could not produce valid residence permits.

According to multiple refugee sources, bribes were demanded, and if they were not produced, arrests were made (Gallagher, 2005: 9). Many families were suddenly uprooted from their Lusaka homes and taken to a refugee settlement without their personal possessions. Others were imprisoned in one of Lusaka’s poorly maintained jails with convicted criminal prisoners, sometimes waiting years for transport to camps or deportation. The Zambian Department of Immigration defended these swoops, accusing urban refugees of masquerading as workers or students, forging refugee identity cards, absconding from settlements, and possessing expired passes (Mwiinga, 2000).

Immigration officers tended to seek out prohibited immigrants broadly rather than specifically targeting refugees, particularly to identify illegal cross-border traders in Lusaka’s markets. This included broad cleanup exercises where anyone without proper identification can be arrested. With these more structured efforts, general surveillance of the town center and adjacent markets has been common. While in the markets or traveling around Lusaka, refugees may be identified by speaking different languages, such as Lingala, French, Swahili, or Kinyarwanda. Physical appearance can also distinguish a non-Zambian, particularly for those from Rwanda, Burundi, Somalia, Sudan, and some areas of DRC. When asked how they are identified by the Department of Immigration, refugees often state, “They just know.” A Congolese refugee explained that Immigration knows how to find him: “I am light skinned, while few Zambians are light. They will say, “This one is a foreigner.” People of other nationalities,
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such as Malawians, Angolans, Mozambicans, and Zimbabweans, are less easily identifiable. Zambian neighbors and marketers can also point out foreigners to Immigration officials. Once identified, refugees are approached and asked for their work permits or other documentation.

Other enforcement operations are often a result of pressures on the Department of Immigration. Refugees have noticed that individual businesses and homes are often targeted after news stories or declarations by politicians in which foreigners are identified as a source of crime in the city. For example, in August 2007, the Zambian inspector general of police was interviewed on a popular news program discussing security preparations for an upcoming regional conference in Lusaka. He stated,

Zambians by nature are very peaceful people, very peaceful people. . . . Most of these high profile cases of aggravated robbery, killing people dead and so on, 90% of these cases are being committed by foreigners from some neighboring countries and I have facts to that. . . . I’m not going to allow foreigners butchering Zambians. (Mateyo, 2007)

Refugees reported a late-night roundup of foreigners and refugees in the compounds. The police claimed they were searching houses at 2:00 a.m. for guns. During the previous year, refugees noted similar incidents when some of their businesses were destroyed during the course of a police operation in Lusaka (UNHCR, 2007: 5).

The result of marketsurveillance and compound raids is that, in 2006, the Department of Immigration detained some 3,050 illegal migrants (African Human Security Initiative, 2009: 40). That same year, the U.S. Committee for Refugees and Immigrants reported that the Zambian government jailed at least 160 refugees and asylum seekers, mostly from DRC, Rwanda, and Burundi (USCRI, 2006). UNHCR has estimated that some 70 refugees or asylum seekers are illegally detained in Lusaka’s various prisons at any given time (UNHCR, 2006b). These individuals were held for such offenses as illegal entry and working or staying in an urban area without a permit. Almost all refugees I surveyed had directly interacted with Immigration, whether at border checkpoints, when applying for refugee status, during immigration sweeps of markets, or in midnight raids of their homes. Such experiences have elevated the Department of Immigration to the most prominent security concern for refugees. Over 40% had spent time in prison, and even more had immediate family members who had been imprisoned.

A recent Human Rights Watch (2010) report called Zambian prisons death traps, with severe overcrowding, malnutrition, infectious disease, inadequate medical care, and violence by prison officers and fellow inmates. The most vulnerable refugees are those without friends or family to pay for their release or help them meet their daily basic needs. It is only through regular prison visitations by UNHCR and other NGOs that refugees and asylum seekers are identified. This advocacy has helped reduce the average period of refugee detention to about a month, an improvement over previous stays of five months or longer. After release, UNHCR arranges refugees’ transport to a refugee camp. Alternatively, some unregistered and even registered refugees can face deportation without trial.

Urban refugees and the negotiation of enforcement efforts

Nkurikiye Etienne was the chairman of the Lusaka Refugee Community Coordination, an association of refugees from Somalia, Rwanda, Burundi, Uganda, Angola, and DRC that advocated for the rights of urban refugees. In his speech on World Refugee Day 2004, in front of representatives of COR and UNHCR and other refugee advocates, he pleaded with the Zambian government,
Your Excellencies, and distinguished guests, the sad consequence of this is that most refugees you see here today are technically in Lusaka illegally, as we are not and never will be rich investors. So we can be arrested any time and put in Chibokaila or Kamwala Remand Prisons, along with convicted criminals, without any magistrate’s order, from where we come out sick and traumatized. Some refugees have died in prison. We naturally do all we can to avoid such calamity. (Etienne, 2004)

Refugees sought out ways to “avoid such calamity” through negotiation with state representatives. In many cases, this involved corruption. In fact, in 2007, UNHCR and the Zambian government began a re-registration of all urban refugees owing to the discovery of fraudulent practices, including cards in the name of non-existent families, tampered cards, and the buying and selling of cards (UNHCR, 2007:18).

Etienne further commented on the situation of urban refugees, “Some Immigration officers seem to enjoy targeting refugees, especially those of us who have money. The consequences are not hard to guess. A corrupt system has developed of Immigration officers arresting refugees and taking money for our release. We can’t complain to the ACC [Anti-Corruption Commission] or Human Rights Commission giving our names, as we know we will be targeted even more” (Etienne, 2004). Although violations were reported to the UNHCR and the Ministry of Home Affairs, the victims of bribery needed protection before they could testify. In the case of many refugees and illegal immigrants, both the victim and the perpetrator were considered criminals. Longtime advocate for refugees Assistant Anglican Bishop of Lusaka Reverend John Osmers, wrote in a letter to the Catholic Bishop’s Conference on Urban Refugees describing the situation in Lusaka, “Immigration officials appear to have developed an institutionalized antipathy to refugees, whom they now take as a source of easy income” (Osmers, 2004).

Corruption and uneven implementation of laws was a source of stress and insecurity for refugees, but they also provided a means to circumvent state requirements. This was particularly true for the refugees who could afford to pay off Immigration officers so they could run their businesses and avoid prison. Family members or friends could also help pay for refugee release from prison. Even if refugees were sent to refugee camps or deported to a border town, those with resources could easily make their way back to Lusaka. The recycling of refugees from the settlements and border areas was common.

Renting a market stall from a Zambian owner, traveling through Lusaka to pick up items in the city center to resell in the compounds, or buying maize from outlying farms can become dangerous. While fear of Immigration officers was prevalent, refugees still tended their shops, traveled to the health clinics or hospitals, and made trips to COR and UNHCR. When possible, refugees learned to avoid certain spaces in the city or restricted their movement altogether. Immigration officers often kept an eye on the town center, including the large markets. Some refugee households relied on friends or neighbors to pick up items at the bustling Town Centre Market to resell in the compounds. A refugee in George compound, on the northeast outskirts of the city, joked that since moving there, he has had no problems, since the Department of Immigration did not have transport money to travel that far from the city center. Several elderly women laughed at the idea of Immigration officers bothering them, because they barely moved from the immediate radius of their homes owing to poverty.

In addition, advocates have been very vocal about the treatment of refugees, protesting any direct targeting of them. The Department of Immigration’s first targeted move to relocate refugees back to refugee settlements prompted strong protest by Lusaka’s refugee advocates. In 2001, the three main church organizations in Zambia, the Episcopal Conference, the Christian Council, and the Evangelical Fellowship, formed an Inter-Church Refugee Task Force (ICRTF) in response to the changes in refugee
residency standards and the obvious distress caused to urban refugees. ICRTF made a strong statement on behalf of the church in Zambia:

One does not have to look far for evidence of the fact that refugees are increasingly unwelcome in Zambia. We have seen a disturbing rise in the verbal abuse, harassment, arbitrary detention, and physical violence that refugees suffer in Zambia. The church regrets the fact that people with genuine protection concerns have been forcibly returned from Zambia to countries where their lives or freedom are in jeopardy. Needless to say, this practice violates the human rights of refugees and does not reflect well on Zambia’s international image. (Darwin, 2005: 6)

The ICRTF and other advocates have demanded that Department of Immigration officers stop arresting refugees outside of refugee locations, such as the Jesuit Refugee Service Peace Centre, a community and resource center, and churches. They have petitioned for the release of refugees in prison and argued for an end to refugee deportations and updates in refugee law. Reverend Daka, a pastor of a large church and active participant on the task force, believed that church pressure on the government resulted in less strict enforcement of those rules in Lusaka but continued targeting of refugees: “We petitioned the government to integrate refugees. They relaxed the rules in urban areas, but this has left refugees at the mercy of Immigration [officers].”

Refugees themselves used meetings with UNHCR, World Refugee Day events, and the media to advocate for their position and worked with churches and religious organizations as well. Refugee leaders were able to speak out, in part, because of support in Zambia. They had the backing of the church, which not only defended refugees’ rights to stay in Lusaka but also advocated for the acceptance of refugees in their congregations. Though the majority of refugees remained illegally in Lusaka, their position was nevertheless continually validated and defended in many ways. It was clear that these advocacy efforts greatly assisted refugees’ integration into Lusaka. In very practical ways, advocacy limited the impact of imprisonment on refugee households and ensured more economic stability. More broadly, it created an alternative discourse that actively challenged politicians and government officials and the persistence of xenophobia within the general public.

**Conclusion**

The Zambian government preferred that virtually all refugees, regardless of their backgrounds, aspirations, or specific needs, be located in the spatially segregated rural sites of refugee camps and settlements. In some ways, it reflected very real concerns over the arrival of combatants, proliferation of arms, limited resources, and burden sharing with the international community. It also reflected the exertion of state authority and sovereignty, which is increasingly challenged by international actors, neoliberal reforms, cross-border trade, migration, and even their own population. With the help and support of UNHCR, it developed specific policies and structures to register refugees and determine where and how they would live in Zambia. Through very strict urban residency criteria, they sought to determine the type of refugees allowed to be in Lusaka, most often educated and with substantial resources. However, from the very beginning, Zambia lacked the capacity to regulate or control the influx of refugees into Lusaka, and its policies of control were often arbitrarily enforced.

The Zambian government was unable to control urban refugees, yet it did constrain true freedom of movement and residence and inform how refugees used and experienced the city. UNHCR noted that the government’s effort to crack down on refugees in urban areas in 2000 had created a “state of anxiety
amongst refugees in Lusaka” (IRIN, 2000a: para. 2). There was widespread experience of harassment and constant fear of being arrested with no access to justice owing to a lack of valid documents. Yet, despite the risks and restrictions, many refugees felt it was still worth living in Lusaka rather than returning to their countries of origin or refugee settlements. Factored into refugee lives in Lusaka is the fear of arrest, impact of imprisonment and loss of income, cost of bribes, and restrictions on work opportunities and the ability to move around the city. Rather then forcing refugees back to specific spaces, these policies have ensured underreporting and marginalization of urban refugees and their vulnerability to harassment and abuse. By attempting to limit the boundaries of belonging and content of urban populations, state governments both ignore the reality of diversity in cities and foster social fragmentation and inequality, creating unproductive tensions and conflict.

Notes

1 The Fulbright U.S. Student Program provided funding for my field research. This support is gratefully acknowledged. I am solely responsible for the interpretation of my findings and the content of this article.

2 Laura Barnett (2002: 1) defines the term regime as the institutionalized system centered on refugee-related actions and the “explicit rules or implicit norms guiding the actions of states and individuals, together with institutions and organizations expressing these rules and norms.”

3 The current urban growth in Africa is 3.3% per annum, while Asia is growing 2.6%. In both regions, the urban population is just under 40% (UN Habitat, 2006).

4 With mass influxes of individuals into a host country, large groups are often given prima facie refugee status collectively based on their nationality rather than having to undergo individual status determination. In Zambia, this has been used in cases of mass influx from Angola and DRC.

5 Zambia has made reservations to the 1951 Convention with regard to Article 17(2), according refugees the right to paid employment. While refugees may take up paid or self-employment, the government has greatly restricted this right. See further information in the text.

References


