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Title

FORCED MIGRATION AND THE DIALECTIC OF HOME AND RETURN: THE CASE OF SOUTH SUDANESE REFUGEES IN KAKUMA REFUGEE CAMP AND KALOBEYEI INTEGRATED SETTLEMENT IN KENYA, 1991 – 2019

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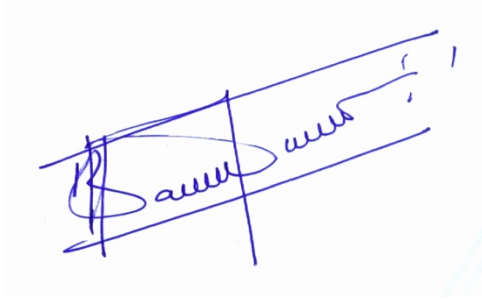
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DECLARATION

This is my own original work. It has not been submitted by me, or by anybody else, to any university, or to any other institution, for examination or for consideration of the award of any degree, or any other certificate.

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ABSTRACT

This research focuses on emerging permanence of refugee situations in Africa, manifested in perduring refugee camps. Cast in the thematic mould of forced migration and the dialectic of home and return, it seeks to appreciate the drivers of permanence in refugee situations, even after there have been opportunities to decamp. Using the case of Southern Sudanese refugees in Kakuma and Kalobeyei in North Western Kenya (1991 – 2019), the research is especially keen to hear from the scarce voice of the refugee in scholarly and policy discourses on forced migration. We use a combination of qualitative approaches in the naturalistic prism, attended by relevant literature surveys. The study is cast in the conceptual context of the International Humanitarian Law, together with Neoclassical migration theories. We observe that Kakuma and Kalobeyei refugee camps have steadily morphed from temporary humanitarian intervention centres into holding places in incomplete migrations from Africa to Organization for Economic Cooperation and Development (OECD) Countries. We argue that these camps are only a stage in an unfinished multistage migration process. We contend further that a critical mass of the peoples in these movements gave up on their dysfunctional country long before the migration was triggered off. Accordingly, the violent spark that pushed them into refugee camps, only represented the ripe moment for their relocation to begin. Return is, therefore, not their preferred option. Accordingly, the camped refugee situation provides an astute avenue for resettlement in the West. Resettlement is an opportunity many are willing to wait for indefinitely, despite what are sometimes harsh living conditions. Refugee relief and support services, however, provide a comparatively favourable waiting environment, contrasted with life in the place of origin. We conclude that refugee camps of the kind under study are likely to perdure, until the underlying displacing environments are addressed through state reform.

ACKNOWLEDGEMENTS

LIST OF TABLES

LIST OF ACRONYMS AND ABBREVIATIONS[1]

CPA:	Comprehensive Peace Agreement
DfID:	Department for International Development
FGD:	Focus Group Discussion
GPE:	General Partnership for Education
HIV/Aids:	Human Immunodeficiency Virus/Acquired Immunity Deficiency
ICRC:	International Committee of the Red Cross
IDP:	Internally Displaced Person
IHL:	International Humanitarian Law
IOM:	International Organization for Migration
KCRP:	Kakuma Comprehensive Refugee Programme
KISEDP:	Kalobeyei Integrated Socio-Economic Development Programme
LWF:	Lutheran World Federation
MoGEI :	Ministry of General Education and Instruction
NGO:	Non-Governmental Organization
OECD:	Organization for Economic Development and Cooperation
RAS:	Refuge Affairs Secretariat
SPLA – IG:	Sudan People's Liberation Army – In Government
SPLA – IO:	Sudan People's Liberation Army – In Opposition
SPLA:	Sudan People's Liberation Army
SPLM/A:	Sudan People's Liberation Movement/Army
TLG:	Tender Loving
U. S. /(USA):	United States of America
USAID:	United States Aid for International Development
UDHR:	Universal Declaration on Human Rights
UNCERF:	United Nations Central Emergency Response Fund.
UN:	United Nations
UNFAO:	United Nations Food and Agriculture Organization
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Fund
WFP:	World Food Programme

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[1] Other abbreviations and acronyms have been shown in the context, in the appendices.

WORKING DEFINITIONS OF TERMS

Acute migration

As defined by scholars like Kunz, Fairchild and Peterson; a sudden, unplanned and urgent flight of people from their place of regular residence, in search of sanctuary in another place, for fear of being befallen by harm. The urgent relocation is in response to adverse happenings, or fear that such happenings could be about to happen. This has also been called "reactive migration." The people in flight are reacting to an acute, emergency situation. This notion is the opposite of anticipatory or proactive migration (below). The migrants in such formations have also been called "reactive fate-groups," or "purpose groups," based on their premeditated attitudes towards their displacement.[2]

Anticipatory migration

A consciously self-willed and pre-planned, or proactive separation of a person from his or her country, or regular place of abode, because the person has seen attractions in the intended destination (the converse of acute migration, by Kunz – above). Conversely he, or she, has also seen the demerits of continued stay in his or her place of regular abode. Plans for relocation are relatively well thought-through, and often well-laid-out. The migration lacks the sense of corrosive urgency, fear and emergency thrust that characterizes acute migrations (above).[3]

Asylum

Protection by a foreign authority, or entity, from persecution or other forms of danger in one's own country, or place of regular abode. Derived from the traditional notion of right to an inviolable refuge and protection. Accordingly, a foreign authority protects the refugee from arrest and extradition, or any from other form(s) of harm, while also providing basic livelihood support and comfort, through such necessities as food, shelter, healthcare and education.[4] Accordingly, there are asylum-related migrations as well as non-asylum related migrations. Most anticipatory migrations (above) are non-asylum related, as the migrants proactively intend to leave their countries, to settle elsewhere. They plan (about) their expected migration in the chosen country

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[2] Egon F. Kunz, "Exile and Resettlement: Refugee Theory," in *International Migration Review. Vol. 15. No. 1 / 2 Refugees Today* (Spring – Summer, 1981), pp. 42 – 51.
[3] Ibid.
[4] See also Meriam Webster, <https://www.merriam-webster.com/dictionary/asylum>. [Accessed 04 November 2013].

of settlement. This research is about asylum-related migrations. We have based the notion of asylum on the UNHCR definition: "The grant, by a State, of protection on its territory to persons from another State, who are fleeing persecution, or serious danger. Asylum encompasses a variety of elements, including *non-refoulement*, permission to remain on the territory of the asylum country and humane standards of treatment."[5] Article 2 of the Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) is also taken into account.

Asylum seeker

The definition is taken from the UNHCR meaning of asylum seeker. Accordingly, the asylum seeker is a person who has presented himself, or herself, to a foreign authority, for protection. He, or she, is not yet a refugee at this point. She can only become a refugee after due process that leads to the granting of status of a refugee, under the terms defined by the Geneva Convention on Refugees (1951). If judged as not satisfying the definition of the refugee in line with the convention, the asylum seeker could be denied the requested protection and could be sent back to his, or her, home country.[6] The Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) is also taken into account.[7] Article 1(4) and the Preamble (4) and (5) of this convention limit the circumstances in which an asylum seeker may be accepted as a refugee, or continue to be a refugee. Engagement in crime in the place of origin and subversion, both before and/or after grant of asylum are considered to be grounds that could occlude one from grant of asylum, or continued asylum. So, too, is availing oneself willingly to the country that one left. One may also lose right to asylum if "the circumstances in connection with which he was recognized as a refugee have ceased to exist."[8] It is not clear, however, who should determine that the circumstances have now ceased to exist. [9] Hence the problem in this research.

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[5]UNHCR, Global Report 2005 <https://www.unhcr.org/449267670.pdf>, [Accessed 04 November 2013].

[6] UNHCR: 2014. *Protecting Refugees and the Role of the UNHCR.*" p. 6. also available at < https://www.unhcr.org/about-us/background/509a836e9/protecting-refugees-role-unhcr.html> [Accessed August 2015].

[7] Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, Article 2.

[8] Ibid. Article 1(4).

[9] B. S. Chimni, "From Resettlement to Involuntary Repatriation: Towards a Critical History of the Durable Solutions to Refugee Problems," *Refugee Survey Quarterly, Vol. 23. No. 3*, 2004, p. 61.

Economic migrants

The UNHCR definition applies. These are people who have left their countries purely for economic reasons. Their exile is, therefore, outside the 1951 refugee definition. They are persons seeking material improvement in their lives, and not persons under persecution, of who feel vulnerable in the manner defined by the 1951 convention. According to UNHCR, economic migrants are not entitled to international protection.[10]

Forced migration

As used in this study, this is turbulent relocation of persons through use of violence, threat to violence, or other forms of danger or catastrophe to induce fear, making people leave their homes, or places of regular habitation, out of a sense of danger and the need to find safety and security elsewhere. It is recognized that there are other triggers and drivers of forced migration, such as natural disasters (floods, cyclones, earthquakes, industrial accidents and other traumatic happenings). Forced migration in this research, however, refers to the case of people who relocate because they habour the fear of persecution, violence, and other conflict-related factors, such as generalized social turmoil, armed conflict, civil war and allied disasters.[11]

Home

Place of regular stay, or abode. In this research the notion of "home" is underscored by voluntary choice of abode.

Local integration as resettlement

According to UNHCR, some refugees are unable to go home, or are unwilling to do so, because "they could face continued persecution." The UNHCR, therefore, helps to find them new permanent homes. This could be in their present country of asylum, or in third countries. Local integration pertains to settling the refugee in the country that provided asylum in the first place, where the refugee becomes an integrated member of the host community, enjoying citizen rights and in turn carrying out citizen duties.

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[10] UNHCR: 2014. *Protecting Refugees and the Role of the UNHCR*." p. 6. also available at < https://www.unhcr.org/about-us/background/509a836e9/protecting-refugees-role-unhcr.html> [Accessed August 2015].

[11] The Harriet and Robert Heilbrunn Department of Population and Family Health, "Forced Migration Learning Module: Definitions," 2004, [paragraph/definition No. 7] <http://www.columbia.edu/itc/hs/pubhealth/modules/forcedMigration/definitions.html>. [Accessed 08 December 2019].

Resettlement beyond that refers to being given a home and the nationality of a third country.

Placelessness

State of a person having no clear legal identity and living in a place that seems to lack legal foundation, or identity – such as the space between two national border posts, often referred to as "no man's land." Stateless migrants are also included in this notion as their identity is not connected to a place. Beyond that, no state recognizes a placeless person as its citizen, or extends to him any form of protection.[12]

Refugee

This study is governed by two main definitions of a refugee, in international law. First is the definition of the refugee as articulated in Article 1 of the 1951 Geneva Convention (and modified by the 1967 Protocol). Accordingly, the refugee is "someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (or her) nationality and is unable, or owing to such fear, is unwilling to avail himself (or herself) of the protection of that country; **or who, not having a nationality** (*our emphasis of Article 1(2) of the 1951 Convention*) and being outside the country of his (or her) former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."[13] Our definition also borrows from the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (the 1969 African Convention). The 1969 African Convention came into existence as a factor of the perception among newly independent African countries (under the aegis of the Organization of African Unity – OAU) that the 1951 Refugee Convention required complementation. Such complementation would enable it to address more adroitly the protection and assistance needs of African peoples in new dimensions of forced mass migrations.[14] The 1969 African Convention expands the 1951 definition of refugees to include persons who may be displaced from their homeland by "external

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[12] UNHCR Global Report 2005 <https://www.unhcr.org/449267670.pdf >, [Accessed 04 November 2013>.
[13] UN Convention and Protocol Relating to the Status of Refugees, 1951, Article 1 (2).
[14] OAU, Convention Governing the Specific Aspects of Refugee Problems in Africa, Preamble (Sub-articles 1 – 10) as read together with Article 8 (2) of the same.

aggression, occupation, foreign domination, or events seriously disturbing public order in either part, or the whole, of his (or her) country of origin or nationality."[15]

The status of refugee is technically seen to end in line with Article 1(c) of the 1951 Convention and Articles 1(4) and 1(5) of the African Convention. Conventionally therefore, put together under these articles, the refugee status is understood to have come to an end if a person is deemed to be no longer eligible for protection as a refugee because the person:

1. Has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;
2. Has voluntarily re-acquired lost nationality;
3. Has acquired new nationality and now enjoys the protection of the country that has given him or her new nationality;
4. Has voluntarily re-established himself or herself in the country that he or she had left, or has been out of, for fear of persecution for the reasons stated;
5. Was already a stateless person living in a different country before migrating to the country where the person has been living as a refugee; but the circumstances that have made him, or her, to be recognized as a refugee have since ceased to exist:
6. Forfeits protection for commission of criminal activities either before, or after the granting of asylum.

This understanding of cessation of refugee status is, however, good on paper without seeming to be equally good in practice. The substantive thrust of this thesis brings up the gap between what is desired, on the one hand, and the reality, on the other hand. The reality remains, in fact, that people remain in camped refugee protections for inordinate periods, in spite of some of the considerations under Article 1(c) of the 1951 convention having materialized. This study demonstrates that Articles 1(c)1 and 1(c)4 of the 1951 Convention, regarding re-availing, or reestablishing oneself in a country outside which one had remained for fear of persecution, and returning to the camp to live on as a refugee, was a regular happening. Such irregular returnees were still recognized and protected as refugees, under the 1951 Convention and its protocols, as

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[15] OAU, 1969 African Convention, Article 1(2).

well as by other instruments of international law, as pertains to refugees, without seeking fresh reestablishment with the camp as a refugee. By the same token, Kakuma inmates often operated outside Article 1(4) of the African Convention, but continued to be refugees in Kakuma. Accordingly, the need to appreciate the drivers of the gap between what is desired, on the one hand, and the reality regarding cessation of refugee status, on the other hand, constitutes the mainstay of this thesis.

Refugee camp

UNHCR definition applies: "Refugee camps are temporary facilities built to provide immediate protection and assistance to people who have been forced to flee due to conflict, violence or persecution. While camps are not intended to provide permanent sustainable solutions, they offer a safe haven for refugees where they receive medical treatment, food, shelter, and other basic services during emergencies." [16]

Refugee resettlement

UNHCR definition applies, as in "transfer of refugees from a country that had given them asylum to another State that accepts them to settle there permanently."[17] Such persons get to enjoy the full rights and freedoms that are enjoyed by all other citizens. Conversely, they owe their new country both the allegiance and other responsibilities that are expected of citizens.

Statelessness

The definition as used in this thesis is taken from international law. Accordingly, statelessness pertains to a person not being recognized by any state as its citizen, under the operation its laws. Consequently, such a person has no legal place to call home. [18] It is not enough that a person may be recognized by a non-state entity as belonging to some country. Nor, indeed, is it sufficient for a state to recognize a person as a national of some other country, if the second state does not recognize such a person as its citizen.

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[16] USA for UNHCR, "What is a Refugee Camp?" n.d. <https://www.unrefugees.org/refugee-facts/camps/>, [Accessed 04 November 2013]
[17] UNHCR, "Resettlement," n.d. [paragraph 2] <https://www.unhcr.org/uk/resettlement.html>, [Accessed December 2019].
[18] UNHCR, *Convention Relating to the Status of Stateless* Persons, Article 1. See also Kari Burnett, "Feeling like an outsider:
a case study of refugee identity in the Czech Republic," (Geneva, UNHCR, 2013) p. 1. Also available at <https://www.refworld.org/pdfid/510fad252.pdf>. Accessed 06 May 2019].

Provided that no state recognizes a given person as its national, that person is stateless.[19] In this study, it is our contention, for instance, that such is the case in the circumstances of children born in a refugee camp and whose national registration as citizens is absent from the parents' country or countries of origin. While most countries, therefore, recognize children born of their documented citizens – wherever they may be – as legitimate citizens, it is our argument that it is still possible, regardless, that until such a time as the specific individual has been registered as a citizen, such recognition could remain in the theoretical space of claim of nationality. Within the context contemplated by the 1961 Convention on Reduction of Statelessness, this person is still stateless, pending formal recognition in state records.[20] We contend, therefore, that until such a time as the state in question formally recognizes a minor, or any other person, as its citizen under its laws, such a person is not sufficiently protected from statelessness.

Voluntary repatriation

Return of refugees to their country, or place of regular abode, as contemplated in the 1951 convention, without being coerced, or induced by anyone, after being satisfied that circumstances in their country, or in that place, are now good enough for safe returns, and that they are secure from the kinds of fears and factors that made them leave their homes, or places of regular abode, to become refugees.[21] It includes restoration of protection by the home state, as well as reintegration of such returnees into the normal ebb and flow of life in their country, or place of regular residence.[22]

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[19] Browen Manby, Citizenship Law in Africa: A Comparative Study, (New York, Open Society Foundations, 2010) p. x, 22, 34 – 38.

[20] UNHCR, Convention on Reduction of Statelessness 1961, Articles 1 – 4.

[21] UNHCR. Convention and Protocol Relating to The Status of Refugees, 1954, Article 1(c)1,1(c)4. See also UNHCR, "Durable Solutions," <https://www.unhcr.org/ke/durable-solutions>. [Accessed 06 May 2019].

[22] Ibid.

CHAPTER ONE
INTRODUCTION TO THE STUDY

STATEMENT OF PROBLEM

A refugee camp is intended to be a "temporary accommodation for people who have been forced to flee their home because of violence and persecution."[23] These presumed short-term residences are usually constructed amidst unfolding crises, for persons fleeing for their lives. Accordingly, "these hastily built shelters provide immediate protection for the world's most vulnerable people."[24] The camps allow the United Nations High Commissioner for Refugees (UNHCR) and other agencies "to deliver lifesaving aid like food, water and medical attention during an emergency."[25]

The UNHCR recognizes, however, that while refugee camps are intended as practical temporary abodes during emergencies for purposes of lifesaving support, many refugees are living out their full lives in refugee camps.[26] Protracted exile invites us to deconstruct the camp, vis-à-vis the traditional functional notion of refugee camps and, possibly, therefore, redefine the refugee. According to UNHCR, "Responding to new challenges and the needs of refugees redefines what a refugee camp is, and how best to respond to refugee crises. Camps are no longer simply rows of tents; they are communities filled with people preparing for brighter futures."[27] But what are these brighter futures, as seen and as contemplated by the refugee? How does the refugee understand his or her situation, vis-à-vis a "brighter future" and how does this contribute to protraction of camped exile? How is this understanding redefining the character of the refugee camp as has been alluded by UNHCR? The principal focus for this research, therefore, is a scholarly appreciation of the drivers of permanent refugee camps in Africa, with Kakuma Refugee Camp and Kalobeyei Refugee Settlement as

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[23] UNHCR, "What is a Refugee Camp?" n.d. <https://www.unrefugees.org/refugee-facts/camps/>. [Accessed 10 January 2018].

[24] Ibid.

[25] Ibid.

[26] Kakuma Refugee Camp has been in existence for 28 years at the time of writing. Other camps, elsewhere, Mayukwayuka Refugee Camp in Zambia has existed since 1966, Kelvin Shimoh, "One of the oldest refugee settlements in Africa gets new banking services, 21 March 2017 <https://www.unhcr.org/news/stories/2017/3/58d121c8a/one-of-the-oldest-refugee-settlements-in-africa-gets-new-banking-services.html>. Also, Daadab Refugee Camp in Kenya was established in 1992 and shows no sign of decamping. See, "We've shut Daadab for security, Uhuru tells UN," March 8, 2017 <https://www.nation.co.ke/news/-Dadaab-Uhuru-Kenyatta-UN-Antonio-Guterres/1056-3841890-2qvff6z/index.html>. [Accessed 10 January 2018].

[27] UNHCR Ibid. https://www.unrefugees.org/refugee-facts/camps/. Accessed 10 January 2018.

our case study. We set out to research and attempt to reinterpret, redefine and offer fresh and wider meaning to the protracted African camped refugee situation, as alluded by UNHCR.

Kakuma Refugee Camp in North Western Kenya first came into existence in 1991/92, with the arrival of young people who have been generically referred to as "the Lost Boys of Southern Sudan."[28] Three decades later, the camp had at the time of this research grown by leaps and bounds. From an initial population of about 8, 000 in 1991, it had grown to slightly over 191, 000 at the time of this research in 2019.[29] Moreover, a new integrated refugee settlement, Kalobeyei, had since come into being only 29 kilometres from Kakuma.[30] Together, the two camps constituted one of the older refugee habitations in Africa, with some of the original 1991/92 forced migrants from Southern Sudan still camped there, "preparing for brighter futures."[31] Even when the original triggers of the violence that led to the formation of Kakuma Refugee Camp had seemed to give way, or opportunities for return had opened up, most of the forced migrants had not returned home. Instead, the camp witnessed a swelling of families and arrival of new refugees in ever growing numbers, including in peacetime. How do we explain the drivers of the resilience and protraction of this camped exile, the resistance to return from exile, and expansion of the camp, both in numbers and in physical space? What fresh meaning and lessons could we draw from Kakuma and Kalobeyei in the search for lasting solutions to the global refugee problem? This was our assignment.

RESEARCH OBJECTIVES

We identified six primary research objectives as below:

1. To understand why South Sudanese refugees in Kakuma and Kalobeyei Camps in North Western Kenya did not return to their homeland after the Comprehensive Peace Agreement of 2005 and independence in 2011 and, next to that, why refugees flocked into the camps even in relative peaceful times;

2. To understand whether – if they would not return, or if they did not wish to return to South Sudan – Kakuma and Kalobeyei were now considered their permanent

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[28] Mark Bixler, *The Lost Boys of South Sudan* (Athens, University of Georgia Press, 2005) pp. xi – xvi.
[29] UNHCR: 2016. "Kenya Comprehensive Refugee Programme 2016: programming for Solutions," pp. 16 – 17.

[30] Ibid.
[31] UNHCR Ibid. https://www.unrefugees.org/refugee-facts/camps/. Accessed 10 January 2018.

homes, or whether they hoped to live elsewhere, and what factors tied them to these camps;

3. To understand whether, in their view, the factors that kept them in these camps were to be found in the place of present residence, or whether they were in the homeland;

4. To establish whether there were any conditions under which these forced migrants considered that they could return to the homeland;

5. To appreciate the refugees' sense of identity and being in the present circumstances and the relationship between movement, exile, home and identity; and

6. To appreciate the forced migrant's understanding, if any, of the application of International Humanitarian Law(s) to his or her specific situation, and what these laws meant in the forced migrant's understanding of his or her identity and the choices before him, or her.

STUDY JUSTIFICATION AND RATIONALE

1. To make a modest contribution to the understanding of forced migration and the dilemma of exile, return and resettlement, in a global environment in which forced migration and asylum seeking was at crisis levels, with a refugee population upwards of 79.5 million forcibly displaced persons globally at the time of this research;[32]

2. To contribute in a modest way to the understanding of why forced migrants have often not returned to the homeland after the circumstances in connection with which they migrated have ceased to exist;

3. To make a modest contribution to an understanding of why refugee situations and camps have often tended to become protracted in the post-conflict dispensation and taken on the character of perdurance;

4. To contribute towards the understanding of the trifecta of home, identity and return as seen from the position of the forced migrant;

5. To help to understand whether there exist circumstances under which the forced migrant in a protracted refugee camp would consider returning to the homeland.

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[32] UNHCR. "Global Trends, Forced Displacement in 2019," https://www.unhcr.org/globaltrends2019/ [Accessed January 2020].

While a lot has been written on the question of forced migration and the dilemma of return, the voice of the displaced person is often missing.[33] The focus of this research was on the experience of the refugee and the meaning of this experience to him, or her. The research wanted, especially, to place the voice of the refugee at the centre of all the voices it listened to, for deeper insight into the choices they seemed to make. This factor underlines each of our research rationale, and indeed our research objectives.

STUDY LIMITATIONS

1. The study was limited to Southern Sudanese (later South Sudanese) migrants in the refugee camps of Kakuma and Kalobeyei in North Western Kenya over the period 1991 – 2019. It recognized that there were refugees from other countries in the two camps, and especially from Rwanda, Burundi, DRC, Somalia and Ethiopia. However, we were limited by logistical and other research management considerations and did not, therefore, include these other migrants in our research.

2. Over the years, some South Sudanese refugees had been integrated into the Kenyan society outside refugee camps.[34] Indeed, South Sudanese refugees were also to be found in other parts of East Africa and elsewhere in Africa and in the world.[35] This research recognized this fact, but limited itself to South Sudanese migrants who lived in Kakuma Refugee Camp and in Kalobeyei Integrated Refugee Settlement.

3. While we recognized that the refugee population under research had a place which was memorialized as their homeland under the understanding that is contemplated in the UN Convention on Refugees (1951),[36] the research did not stretch into the homeland, to establish or validate, the conditions there, and whether these conditions would be conducive to refugee returns. Our field entry and focus was limited to the exiles who were domiciled in Kakuma, with emphasis on what they made of their situation, and what they saw as the way forward. However, an appreciation of the displacing environment was made,

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[33] For a deeper exposé of this approach, see for example, Gavin Kendall & Gary Wickham, "The Foucaultian Framework," in Clive Seale et al (Eds), *Qualitative Research Practice*, (London, Sage Publications, 2004), pp. 129 – 138.

[34] Those nominated as "urban refugees." See, for example, UNHCR. Ibid. Kenya Comprehensive, 2016. pp. 52 – 55.

[35] UNHCR, "South Sudan refugee crisis explained," n.d. <https://www.unrefugees.org/news/south-sudan-refugee-crisis-explained/>. [Accessed 25 November 2019].

[36] Convention Relating to Status of Refugees (1951), Article 1.

through literature surveys, as well as interviews and focus group discussions (FGDs) with the migrants in Kakuma and Kalobeyei. This, however, was not considered to be in any way a comprehensive alternative to actual physical engagement with South Sudan as the place of origin. Our only visit to South Sudan was limited to visiting the Kenya/South Sudan border township of Nadapal, to observe the practical dynamics of migration at the border. Separate detailed studies with the displacing environment as the field of focus could add much value to our work.

4. A timeline of close to 30 years can be quite long. Such extended situations present challenges of memory. Significant numbers of the original forced migrants for interviews may be absent, either because they moved on or they surrendered to other forms of attrition. This factor limited our goal of listening to the voices of pioneer migrants themselves. We were unable, for instance, to interview any of the Lost Boys who remigrated to other countries. However, even where pioneer migrant respondents were found, distortion of memory over time was appreciated as a potential time-based limiting factor and hindrance to accurate information. These challenges and limitations were, nevertheless, not as significant as had been apprehended before going into the field. We were able to find and interview the sampled numbers of "the Lost Boys" of 1991/1992, who were now significantly of advanced age. Equally noteworthy was that we stumbled into some "Lost Girls of Southern Sudan." These were women who had travelled as young girls alongside the boys in 1991/1992, but about whom almost next to nothing had been said – and remained unsaid at the time of this research – in discourses on the Southern Sudanese exile of 1991/1992. The challenge of detailed memory, however, remained. We addressed this by seeking repeated corroboration and validation of narratives of the 1991/1992 migration and its aftermath.

5. Language concerns presented some level of limitation, owing not just to the challenge of working through translators, but also because of the need to put the concepts as accurately as possible. There was the need to have the respondents understand the concepts in our discussions with them accurately and as was intended. One of the defining characteristics of South Sudan through extended historical timelines was exclusion from formal education, right from the colonial years (before 1956) to the present day. The respondents' grasp of

English as the medium of discourse was generally rather low. Seven out of 10 respondents required an interpreter for precision of message. The interpreters' own grasp of the idiom was sometimes a little challenged, too. The possibility of some degree of loss, or distortion of message through translation was, therefore, possible. We attempted to address and minimize this risk by having more than one interpreter at any given time and going over the more complex concepts and notions patiently and repeatedly, to ensure that we had common understanding. Still, the problem of translation as a limiting factor is appreciated, especially with regard to the communication of the answers from the respondent to the researcher via a third party.

CONCEPTUAL FRAMEWORK

The research was undertaken in the context of two conceptual and theoretical frameworks. These included (i) the notion of right of return in International Humanitarian Law and (ii) Two strands of Neoclassical theories of migration; including (a) Ravenstein's Laws of Migration and (b) Kunz's Kinetic Models of Refugee Movements.[37]

RIGHT OF RETURN IN FORCED MIGRATIONS IN INTERNATIONAL HUMANITARIAN LAW

Conversations on lasting solutions to the global refugee problem often begin with the question of return. A refugee camp being intended as a "temporary accommodation for people who have been forced to flee their homes because of violence and fear of persecution,"[38] the assumption can be made that the forced migrants will eventually return to their country; or that they intend, or desire to return. Accordingly, academic and policy discourses have framed many of their arguments on refuge returns around the notion of the right of refugee returns, as contemplated in International Humanitarian Law.[39]

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[37] Stephen Castles & Mark J. Miller, *The Age of Migration* (New York, Guilford Press, 1993), pp. 20 – 21.
[38] Article 1 of the UN Geneva Convention on Refugees (1951).
[39] Article 14 (2) of Universal Declaration of Human Rights; Article 12 of the ICCPR, and UN General Assembly Resolution 194 (III) of 1948. In 1969 the Organization of African Unity (OAU) also sought to domesticate on the continent of Africa global instruments on refugee protection, through the Convention Governing the Specific Aspects of Refugee Problems in Africa. The convention was also considered both in framing our research tools and in shaping and sharpening our arguments and conclusions.

The notion of the right of return in International Humanitarian Law continues to be widely discussed. Some scholars see it as both plausible and as the best solution to the global refugee problem. Others have questioned both its plausibility and desirability as the lasting solution to the challenge. In particular, the discussions have tended to spring from the UN General Assembly Resolution 194 (III) of 1948. The Assembly adopted this resolution on 11 December 1948, towards the end of that year's Arab-Israeli War. The resolution defined what were seen as the principles that would lead to a lasting (re)solution in the question of the Palestinian homeland and resettlement of displaced Palestinians after the war. "Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date," it said. The resolution went further to state that those (refugees) "choosing not to return" should be compensated for loss, or damage, of their property. The governments, or authorities responsible, the resolution said, should make the compensation, under the principles of international law. The Conciliation Commission was mandated to co-ordinate the return and attendant details.[40]

THE CASE OF PALESTINIAN EXAMPLE

The case of Palestinian refugees in the Middle East is one of the oldest and most protracted forced migration situations in the world, stretching back to 1948. It is also the one instance where the question of return has been dominant, in both policy and academic discourses. Accordingly, it constituted a strong basis for deep reflection in this thesis as arguments about it have gone on through the intervening decades. We repeatedly returned to this example, on account of these two factors, as well as the rich debates it has generated for upwards of 70 years at the time of this study.

Accordingly, the UN's General Assembly's Resolution 194 (III) of 1948, on Palestinian refugees, formed the entry point for our appreciation of the trifecta of forced migration, home and return, and the question of identity for South Sudanese refugees in North Western Kenya and their attitude towards their status, the refugee camp and their future. We explored this in our literature review within the framework of the notion of right of return and the arguments that have been advanced, both for and against the 1948 resolution. In particular, the research wanted to establish what the forced migrants in

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[40] UN General Assembly Resolution 194 (III), 11 December, 1948.

the study thought of their circumstances; their identity and the question of return in the manner contemplated by the General Assembly's Resolution 194 (III) of 1948, as well as in other instruments of refugee protection in International Humanitarian Law. Did the refugees think that they had a right to return and, next to that, did they intend, or desire, to exercise this right? If not, then why not? We also noted that the 1948 resolution stated at paragraph 11 that "compensation should be paid for loss of property of those **choosing** not to return (*our emphasis*) . . . ." We were keen to investigate this notion of **choice** (*our emphasis*) in scholarly conversations, in policy instruments, as well as in the mind of the refugee. The resolution suggested that refugees could, in fact, choose not to return. Was this how the refugees in Kakuma understood the raft of options before them?

OTHER KEY ELEMENTS IN IHL
Besides Resolution 194 (III) of 1948, Article 13 of the Universal Declaration of Human Rights provided a further conceptual docket for this research, within the broad framework of refuge protections. This article was most relevant to the research where it states, "Everyone has the right to leave any country, including his own, and to return."[41] This research understood that this right included that of a refugee. In the context of South Sudanese refugees in Kenya, the understanding – therefore – would be that they had a right to return to their country and homes, anytime the circumstances favoured a return. Since the first flare up in 1969, conditions had favoured return, on at least three separate occasions – in 1973, 2005 and 2011. The study, however, was limited to the period 1991/1992 – 2019, when South Sudanese refugees had lived in Kakuma and Kalobeyei in Kenya. We sought to appreciate why, despite these windows of opportunity, the South Sudanese presence in the camps in the study had continued to swell.

Beyond Article 194 (III) and Article 13 above, the four Geneva Conventions provided an additional dimension in the International Humanitarian Law as a conceptual basis for this research. These conventions have numerous articles and provisions that point towards the right of refugee returns, almost as if it is the default ultimate option for forced migrants.

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[41] UNHCR, Article 13(2) of the Universal Declaration on Human Rights (1948), also available at <https://www.refworld.org/docid/3b00f06e4f.html>. [Accessed 02 March 2014].

Within this context, this research explored the failure, or reluctance, by South Sudanese refugees in Kakuma Refugee Camp and Kalobeyei Integrated Refugee Settlement to exercise the right of return whenever the opportunity had arisen. Reflecting on these provisions in the context of the available evidence we saw that despite their noble intentions, international laws on refugee rights sometimes failed to capture what the refugees thought of their circumstances both before and during their exile and what they hoped for as a lasting solution. Our conclusions in subsequent chapters propose radical shifts in aspects of international conversations and covenants on refugees. They also propose the need for fresh reflections on state sovereignty and state responsibility in international covenants.

NEOCLASSICAL THEORY OF MIGRATION

Apart from International Humanitarian Law, the Neoclassical School in human migrations provided another useful conceptual perspective for this research. This school makes the argument that people want to live in places that maximize their well-being.[42] Accordingly, they will "search" for the most favourable places to live in. They will compare conditions in their country to those in other countries. On the basis of their perceptions, they may decide to remain in their countries, or to go away.[43] These theories have, sometimes, been criticized as "simplistic and not capable of fully explaining movements, or predicting the future."[44] The criticisms, however, seem to ignore important considerations in the promptings of origins and destinations in human migration. We address, below, three of these perceived weaknesses, as part of our justification of the choice of Ravenstein's Laws of Migration, and Kunz's Kinetic Models of Migration in our conceptual perspectives.

RAVENSTEIN'S LAWS OF MIGRATION

Ravenstein has argued that migration is a factor of attraction and repulsion in social dynamics. In this regard, there exist in human relocations factors and forces of both attraction and repulsion.[45] Accordingly, the attractive force will pull people from their

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[42] Castles and Miller. p. 20.
[43] Ibid.
[44] Ibid.
[45] Everett S. Lee "A Theory of Migration*,*" in *Demography*, *Vol. 3, No. 1* (1966), pp. 47 – 57.

abode to a new one.[46] The migratory magnetism resides in the allures of these factors in the place of destination. Ravenstein, therefore, calls them "pull factors" of migration. The pull factors do not necessarily act independently. They often operate in contrast with deleterious factors in the place of origin. Their character is repellent. Ravenstein calls these repellent influencers "push factors." In this context, the outbreak of violence in some given place will make it at once dangerous and repellent to habitation, while also making some other place, elsewhere, look safe and attractive. Those who feel unsafe, or repelled, in their current places of abode will be pushed to look for secure habitation elsewhere. Consequently, the relative safety and security in the alternative place are migratory pull factors.[47] One environment repels you while another one concurrently attracts you. Ravenstein reached these conclusions through use of census data from England and Wales.[48] He observed that push-and-pull factors may not necessarily be restricted to physical violence. They sometimes include such things as heavy taxation, as contrasted with favourable taxation elsewhere, as well as oppressive laws in one environment and favourable laws in another one. He, therefore, introduced the angle of the economic migrant, as opposed to the refugee within the definition of the 1951 Refugee Convention.[49] This contrast became useful to us in seeking to understand if the refugees in Kakuma and Kalobeyei, after 28 years, still belonged snugly in the docket of refugees as defined in the Convention of 1951, or whether the matrix had shifted, or was shifting.

But Ravenstein has also been criticized for being "ahistorical" and "simplistic." His statistical laws in 1885 – 1889 have been critiqued as "general statements unconnected with any actual migratory movement."[50] Moreover, Ravenstein's approaches have also been seen as only explaining "why people would tend to move from poor countries or environments to affluent ones and not vice versa."[51] We argue in this thesis, however, that migrations from affluent environments to seemingly poor countries are not only possible, they have also happened, provided that the migrants see the attractions. This

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[46] Ibid.
[47] Ibid.
[48] Ibid.
[49] Ibid.
[50] Cohen et al, as read by Castles & Miller, 1993. Ibid. pp. 18 – 23.
[51] Ibid.

is regardless that the migration involves an individual, or a group of people. [52] We argue that regardless of such other further considerations as violence and urgency, or lack of them in the migration, there must be both an attraction and a repellent in any migration. Accordingly, we contend as part of our conclusions in Chapter Six, that migration is not just the story of humankind, it is the history of the natural world. [53] We see Ravenstein's laws not just as statistical statements, but as natural laws in the unending itineration and settlement of life in more enabling environments. Even where people have migrated from affluent countries to the least developed countries, it is our contention that attractions exist in those least developed countries. They may, for instance, be attractions of natural resources to be tapped and exploited.[54] We argue that there will always be an attraction as a pull factor, no matter its guise. We conclude, therefore, that all settlement in any one place is temporary, as it is liable to being scuttled by unknown factors in the future. Migration from one milieu to another; one space to the other, is a permanent factor of life. In this regard, both our arguments and Ravenstein's laws are further strengthened by the kinetic school that approaches migrations from anticipatory and acute perspectives,[55] as briefly discussed in our third conceptual perspective below.

THE KINETIC MODELS OF REFUGEE MOVEMENTS

Kunz takes off from the earlier work of Fairchild on "motives and social causes of emigration," as developed by Peterson, to progress the notion of kinetic models of migration. Kunz's kinetic models in migration are primarily concerned with definitions of the kinds of energy that trigger and drive particular migrations – be they individual or group migrations.[56] He posits that migration can be either anticipatory or acute. The anticipatory migration is a planned and deliberate relocation, while the acute relocation is unplanned, abrupt and urgent, or even violent. The terminology "crisis migration"

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[52] W. Peterson, "A General Typology of Migration," in *American Sociological Review, 23 (June 1958)*,(pp. 256 - 266), p. 258, as read by E. F Kunz, in "The Refugee in Flight: Kinetic Models and Forms of Displacement," [Accessed from 197.136.69.104 on 10 January 2019].
[53] Russell King,(Ed). 2008. *Origins: An Atlas of Human Migration*.(Cape Town, Struik Publishers), p. 8.
[54] Thomas Pakenham *The Scramble for Africa* (London, Abacus, 1991.) is an eloquent exposé of European preparation for migrations from developed countries to what was essentially an undeveloped jungle. But those who scrambled for Africa and afterwards partitioned and migrated to the continent had seen the attractions. Belgium's King Leopold II's activities around the natural wealth of the Congo as rendered in this volume (pp. 13 – 16; 19 – 20)are particularly revealing.
[55] E. F Kunz, "The Refugee in Flight: Kinetic Models and Forms of Displacement," in *The International Migration Review, Vol. 7 No. 2* (Summer, 19730, pp. 125 – 146, published by Sage Publications, Inc).
[56] Ibid.

has also been used for acute relocations of peoples. [57] In this context, "crisis migrants" are both those who move from the troubled location and those who are trapped in humanitarian crises in that location. "Crisis migrations," therefore, involve both movement and non-movement. They have often been seen as not satisfying the definition of a refugee, both in international law and national laws.[58] The terminology "reactive" migration (involuntary) and non-reactive (voluntary) migrations have also been used.[59] The notion that we have travelled with in this research is that of "acute" and "anticipatory" migrations, as advanced by scholars like Kunz.[60]

Instructively, Kunz's models also build on Ravenstein's earlier perspectives, as well those of Lee, who introduces the notion of multiple stages in migration.[61] Whereas Ravenstein largely saw things in terms of point of origin and destination, Everett introduced the notion of "intervening stages" in migration – including in forced migrations.[62] Intermediary impedimenta may come in, to slow down migration. We were interested to explore this in the case of South Sudanese refugees in Kakuma and Kalobeyei, even recognizing as we did that the impedimenta need not be external physical factors. They could be the facts and personal circumstances that circumscribe the individual's life. In our fieldwork, we found this notion of "intervening stages" to be of significant interest, where refugees in the camps in the research demonstrated the desire to travel further to third countries.

We demonstrate later in this thesis that there was a great sense in which the refugee camp was at once an obstacle and a facilitator to migration. In the same way, it was also an obstacle to return. Our findings have appreciated this in the context of Lee's paradigm of intervening obstacles, where we see the obstacles in terms of both the

[57] Ibid.

58 Susan Martin, Sanjula Weerasinghe and Abbie Taylor. "Crisis Migration," in The Brown Journal of World Affairs

Vol. 20, No. 1 (FALL / WINTER 2013), pp. 123-137

Published by: Brown Journal of World Affairs.

59 Ibid.

60 Kunz, pp. 131 – 141.

61 Everett S. Lee, "A Theory of Migration," in Demography, Vol. 3, No. 1 (1966), pp. 47 - 57 (p. 48). also available at

<https://www.jstor.org/stable/2060063>,

[Accessed: 25-12-2019]

62 Ibid.

individual's own limiting personal circumstances and in terms of other limiting factors that are external to the individual.[63]

Both Kunz and Ravenstein (above) are interested in how migrants settle down in their new homes and how they fit in the new society generally. Are they adequately prepared for their new environment and is that environment prepared to accommodate them, for example? Our interest in kinetic models, however, was not in questions of fitting in, or what happens at the destination of the migration. We were more interested in the typology of the energy prompting the migration, as well as the typology of factors informing the energy. Our research conclusions in this regard narrow down to a convergence of both anticipatory and acute energies in the case of a majority of South Sudanese refugees in Kakuma and Kalobeyei. The triggers in these energies reinforced our observations and conclusions on the permanent nature of migration, with refugee camps often serving as holding points in the path of incomplete migration.

STUDY DESIGN AND METHODOLOGY

This study took a combination of qualitative research approaches. In particular, it took naturalistic survey designs. Such designs involve in-depth analyses of phenomena and events in their natural settings. In this regard, the research used researcher-administered structured and non-structured interview guides to flesh out the triggers and drivers of violent conflict in Southern Sudan (and later South Sudan) and how these contributed to the coming into being of Kakuma Refugee Camp and Kalobeyei Integrated Refugee Settlement in North Western Kenya. The study used both the questionnaire guide and the researcher's observation of the situation in the camps to appreciate life in the place of exile. Both the interviews and our own observations helped us to appreciate the pull-and-push factors in this migration, as well as the factors that glued the migrants to the camps.[64] We also interviewed other key stakeholders in the camps – and in particular strategic personnel in refugee relief agencies and host country government officials. Apart from personal interviews, primary sources included United Nations reports,

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[63] Lee, Ibid, p. 51.
[64] Pull factors are here understood in Ravenstein's prism of pull-and-push factors, as discussed above. The notion of glue factors is our own expansion of Ravenstein's notion. Beyond the initial attraction of a comparatively peaceful and safe environment, the refugee finds other life supporting attractions and amenities that make him or her glued to the refugee camp. We come back to these gluing factors in our conclusions in Chapter Six.

covenants, charters and resolutions. Data building in this respect also benefited from official Government of Kenya reports.

From these sources, we sought insights into the original triggers and drivers of the migration. We attempted to understand what these triggers and drivers signified to the migrants. The interviews consciously teased out the continued wider relevance of the triggers and drivers of migration in the protracted life of the refugee camps. We wanted to know the contribution of these triggers and drivers to the sustained presence of the migrants in the refugee camps, vis-à-vis any other possible fresh dynamics that could have emerged post migration, to inform the protracted nature of life in refugee camps. What were the pull-and-push factors and the glue in this protraction? What was the wider relevance of the key tenets of International Humanitarian Law to this context, as perceived by the migrants?

Apart from individual interviews, the study benefitted from ten focus group discussions (FGDs), progressively spread out for validation of preceding tentative findings. The total population in the study was 108,532 at the time of sampling, as summarized in Table 1.1, below.

Proportional random sampling was done, to reach representative quotas of respondents. A sample size of 108.532 rounded off to 110 respondents was taken as a feasible representation of the population. Appropriate representative strata were then constructed, based on ethnicity, gender and age. Ethnicity was defined as Dinka (60%), Nuer (30%) and Equatoria (10%).[65] Actual field entry established that the Equatoria was a cluster of about 12 tribes, rather than one. The necessary intra-cluster adjustment for Equatoria was made to include all the tribes in this cluster. Age clustering was particularly important from the perspective that there existed in the two camps an adult population that was born in exile. This particular cluster had no experience of South Sudan as their home. Also within this cluster were those who had arrived in Kakuma while they were too young to have any meaningful memory of South Sudan. The schedule of respondents has been provided, with their due consent and permission.

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[65] Source, Refugee Affairs Secretariat office, Kakuma, June 2019.

Table 1.1: South Sudanese Refugees in Kakuma in April 2019

SOUTH SUDANESE REFUGEES IN KAKUMA CAMP									
UNHCR Statistics of the number of Female refugees in KaKuma Camp on 30th April 2019/31st August 2019 & % change			Male refugees in KaKuma Camp on 30th April 2019/31st August 2019 & % change			Total NO of refugees in Kakuma camp in April 2019/ August 2019 & % change in refugees		
Age Group (Years)	Number of Female Refugees on 30th April 2019	Number of Female Refugees on 31st August 2019	% Change of Female Refugees	Number of Male Refugees on 30th April 2019	Number of Male Refugees on 3st August 2019	% Change of Male Refugees	Total NO (Female& Male) April 2019	Total NO (Female& Male) August 2019	Total % (Female &Male)
0-4	7,008	7,569	8.01%	7,210	7,756	7.57%	14,218	15,325	7.79%
5-11	13,118	13,623	3.85%	14,976	15,671	4.64%	28,094	29,294	4.27%
12 -17	9,611	9,850	2.49%	14,541	15,050	3.50%	24,152	24,900	3.10%
18-59	20,064	20,429	1.82%	20,697	20,448	-1.20%	40,761	40,877	0.28%
60+	957	961	0.42%	350	357	2.00%	1,307	1,318	0.84%
Total	50,758	52,432	3.30%	57,774	59,282	2.61%	108,532	111,714	2.93%

After the clustering, simple random sampling was done for each stratum, based on its proportion in the overall population. The age clusters and samples were in accord with the age structures shown on Table 1.1. The clustering began from the age 18 upwards. Those below 18 were not included. The total responsive population for sampling was 41,852 of the entire South Sudanese population of 108,532. We sampled 0.26% of this responsive population, or say 108 persons. Apart from the 108 sampled respondents, focus group discussions were conducted with sampled groups of between six and twelve people, bringing the entire sampled population to 195 persons, or 0.46% of the

responsive population. There was a snowball factor that brought or board a further 30 respondents, absorbed in both individual and snowball clusters. A total of 225 persons from the responsive population participated in the study. Another six persons from official agencies also participated, because of the strategic nature of their involvement in the camps. In all, therefore, there were 231 respondents. In the course of the fieldwork, we also spoke to other persons not included in these numbers, and whose information has no doubt had some impact on our perspectives. Among these were informal chats with police officers, customs and immigration officials both on the Kenyan and South Sudanese sides of the border at Nadapal.

The structured samples within this population depended on the numerical strength of each stratum in the various residential areas within the camps. This inclusivity, nonetheless, sought qualitative rather than quantitative information. The purpose of sample stratification was to avoid lopsided qualitative thrusts, rather than observing the frequency of behaviour within the population. Some level of data was, however, useful when gauging such concerns as the respondents' preferred lasting solution to the challenge of exile – such as continued life in the refugee camp, return to the motherland, or resettlement elsewhere.

Before the fieldwork, a comprehensive literature review was also undertaken and is presented here as Chapter Two of this thesis. The literature review benefitted from both primary and secondary sources. We surveyed through perspectives from both published sources and unpublished reports, newspapers, magazines as well as online sources.

BASIS FOR VALIDITY OF FINDINGS

This research was awake to the need for our findings and conclusions to result from an exercise that followed acceptable methodological principles. Accordingly, listening to the narratives of the victims about their situation was designed to heighten the plausibility of our findings. There was need to ensure that the meaning that we would report was also the meaning that the respondent intended to put across. We were careful to repeat to the respondents our understanding of their responses, especially where information of most significant magnitude came up. This, for example, pertained to such matters as some refugees making periodic visits back to their home country and

returning to continue with their lives in the camps as refugees, without formally re-establishing themselves at home as anticipated in international refugee laws.

STUDY DESIGN FOCUS

As we indicate above, this study was an inductive search for meaning. It was designed to focus our attention throughout the data collection process on a cluster of key guiding questions. We were keen to understand what meaning the refugees in our study placed on their exile. How did this meaning inform the longevity of their exile? How, in particular, could this meaning have contributed to their choice not to return, or failure to return, even when opportunities for return had presented themselves? How did this meaning of exile inform refugee arrivals in Kakuma even in relative peacetime in the place of origin? We were keen to see how the refugee in this context saw himself, or herself, in the trifecta of home, identity and return. All the other questions were designed to feed into these primary concerns. In this regard, we were interested in exploring a three-tiered social interrelationship that included:

1. The individual refugee and his or her understanding of himself or herself in forced migration and the dilemma of return;
2. The cultural environment of forced migration as a cosmos in which the refugee has to make conscious decisions about himself and his or her future in the trifecta of home, identity and return.
3. The behaviour and activities of other individuals and groups within the cosmos of forced migration, vis-à-vis the question of home and return. How did individuals, or even groups of people, within this cosmos, interpret the activities of other individuals and groups and how did this inform their decision about the place they wanted to call home?

Our entry point was engagement with the individual forced migrant. What did this respondent make of his or her circumstances as an individual, vis-à-vis the questions of home, identity and return? To what extent did the original home and the right to return matter to him or her?

The study also sought to appreciate the individual refugee's interpretation of other people's actions and how these related to his or her condition. We particularly wanted

to see how other people's choices influenced the refugee's decisions about his or her identity, home and exile. Such other people included fellow exiles, the government – or authorities – in the place of origin, various authorities in exile, as well as non-State actors in the place of origin and in exile. How did these people influence the prolonged exile and protraction of the refugee camp?

Third was our own quest to observe and attempt to understand and interpret the activities in the refugee camps and their contribution to the protraction of exile. In this regard, we designed the study to allow us to spend significant time in the camps, observing activities that later formed the substance of our focus group discussions, as well as snowball interviews with Kenya Government officials and officials of the UNHCR and their implementing partners. We spent close to two months, steadily in the field, interacting with the situation under investigation. This gave us very useful first-hand experience with the migrants in their milieu.

Life stories and practical experiences can be very useful towards building perspectives from interviewees. These were encouraged both in the interviews and in the FGDs.[66] Put together, these three approaches helped us to appreciate the cosmos of forced migration in the two camps, from the perspective of the forced migrants and the relief provision agencies, the UNHCR and the Government of Kenya – the host country.

ETHICAL CONCERNS

Focus on research ethics was a matter of primary concern at every stage of this study. In particular, the searchlight focused sharply on three broad areas, which are summarized below.

1. *Research Integrity*

Focus on research integrity governed this assignment at every stage. I was a self-sponsored student. I was self-prompted to undertake this study at a personal cost, as an academic and intellectual mission driven by an abiding personal desire to explore an aspect of migration that had engaged my mind for a long time, as a student of history

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[66] Michael V. Angrosino, "Recontextualizing Observation: Ethnography, Pedagogy and the Prospects for a Progressive Political Agenda," in N. K. Denzin & Y. S. Lincoln (eds) *The Sage Book of Qualitative Research* (Washington, Sage Publications, 2005). pp. 161 – 189 (161 – 163).

and politics. The question of why forced migrants often don't return to the places of habitual residence intrigued me over a number of years, leading to my decision to make a formal scholarly investigation. The agenda behind the study, therefore, was strictly scholarly and independent of any external influences. It had no conflict of interest whatsoever, or any other hidden missionary agenda at the behest of any other party. Nor was the study and its findings influenced by the need to bring forth any predetermined findings and conclusions.

I personally undertook wide and deep surveys through existing literatures. I remained faithful to the authors of the surveyed literatures. All sources were befittingly acknowledged, in line with the approved scholarly standards of my university and scholarship standards generally. My understanding, interpretation and presentation of messages and standpoints cited in the literatures was governed by intellectual honesty. To the very best of my ability, no perspective was manipulated, or skewed to go out of context so as to support a desired narrative. All arguments and perspectives made in this thesis, deriving from other scholars' works, were made in good faith, with the sole objective of advancing scholarship.

All assignments pertaining to the research were my own work, right from the proposal, all through other written assignments and all review sessions with my supervisors. During fieldwork, however, I worked with two paid field assistants and one driver. They helped me with the management of field appointments and other related logistics. Their contribution has been duly acknowledged and all their payments for logistical support made as was negotiated and agreed with them. One female assistant was also trained and retained to help with a few of the female respondents in sensitive areas that pertained to their intimate personal spaces and related intimate experiences. The assistant was in particular sensitized to the need to stop any particular line of interviewing, in the event that the respondent should show signs of discomfort with the questioning. The conclusions reached after analysis of all such data are my own.

2. *Participants' Informed Consent, Respect and Freedom of Space*

This research was sensitive to participants' personal space, freedom and integrity. I explained to the participants very clearly that they were not obliged to answer any question. I was especially keen to create a non-threatening environment, noting

particularly the vulnerability in the perceived power relations between the refugee, as displaced person who lived under the protection of supportive authorities. I was keen not to load on the environment another layer of undue authority from outside. The participants were helped to understand clearly that they could pull out of the process at any stage, if they so wished, and that they could deny me subsequent use of any information I had gathered from them up to any stage. They understood that there would be no deleterious consequences if they chose to withdraw. They understood, further, that the information they gave to me would only be used for the purpose of pursuing an academic degree from the university. Besides, they understood that they could ask for a copy of the thesis. Copies of the thesis would also be given to the Government of Kenya's Council for Science and Technology, as well as to the Refugee Affairs Secretariat. An informed consent form for each participant was signed.

As part of this, and for purposes of authenticity, I sought and received participants' permission to use their names in reporting findings, where names were used. With the exception of a few respondents, all the others granted permission to use their names. However, even where permission for use of names was given if, in the view of the researcher, the information was deemed as potentially prejudicial to the rights, dignity and interests of the respondent, the names were anonymized. Such anonymity is indicated in the relevant places in the thesis. Situations that appeared rather extreme were left out altogether, even when consent to use the participant's name, or anonymity, had been obtained. I was conscious of the fact that participants may not always be sufficiently mindful of the wider future psychological implications of the information that they may give out at a research interview. There was need, especially, to protect women who had undergone nasty experience in gender based violence and related abuse. Apart from potential psychological harm, there was need to protect refugees from possible physical harm, should they mention persons who could follow them up and attempt to harm them. Such information was in redacted entirety. Also redacted were the names of agency officials, who requested that we use the information availed without giving their names. Written permission to interview was obtained in each and every case. I was awake to the need to protect respondents from potential social harm, such as ostracism; economic harm and legal harm. A number of respondents were left out, often without even the benefit of generalized hints of their circumstances, as these could work as leads for someone looking for them with the intent to do harm. On the

scales of balanced reporting and protection, I am satisfied that this was done sufficiently and would, therefore, deeply regret any inadvertent slipups.

FIELD PERMISSIONS AND DATA COLLECTION

Before field entry, I successfully applied for written permission from the Government of Kenya to collect data in a refugee camp as a restricted area. Permissions was granted by the Ministry of Education, through the National Council for Science and Technology. I also obtained permission from the Ministry of Interior, through the Refugees Affairs Secretariat (RAS). Further permission was granted by the RAS office in Kakuma. All relevant authorities in the field were informed of this research in writing, and their cooperation willingly received. Further to this, we worked very closely with the refugees' elected leaders in Kakuma and Kalobeyei. They were instrumental to our getting the sampled population in place. There was no pressure exerted upon any refugee to participate, however.

FIELD ENTRY AND POPULATION ACCESS

The population under research lived in distinct locations within Kakuma and Kalobeyei camps. It was quite easy to locate and to interact with them. We worked closely with the refugees' elected leaders in the camps to reach our sampled respondents. Host country government officials were also a very useful source; both as respondents and for purposes of snowball linkages with other participants. Most relief agency officials that we spoke to belonged to the snowball population in the research. We went back and forth in our interaction with them, based on the need to clarify any new issues. We used semi-structured questionnaires administered by the researcher to collect data. Responses were recorded on the spot, both in questionnaires and in elaborate notes in field notebooks.

DATA COLLECTION AND ANALYSIS

Data analysis began concurrently with data collection, as is often the case with inductive qualitative studies of this kind.[67] The process was significantly iterative, with back and forth movement from the data to the questions and back to the field to clarify issues. Any conclusions made remained tentative and were subjected to further rigorous

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[67] John W. Creswell, Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research, (Boston, Pearson, 2002, 4th Ed) pp. 236 – 237.

reflection and review as more data was gathered.[68] Review of our reflections and conclusions remained an ongoing exercise, even during the writing process.

We enjoyed the support of two field assistants, who are duly acknowledged in this report. Their role was mainly in the areas of coordination of meetings with the various respondents and management of availability of questionnaires, logistics and other field incidentals. A female assistant, however, gave me some limited support in interviewing a number of women respondents who showed discomfort in speaking to me (a man) on matters of intimacy and conjugal nature. Sensitivity to their concerns was given primacy. In extreme and lurid cases their experience has been redacted in the presentation of findings, and sometimes expunged altogether.

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[68] Ibid.

BACKGROUND TO KAKUMA AND KALOBEYEI: FIELD OF RESEARCH

Kakuma Refugee Camp in North Western Kenya first came into existence in 1991/92, with the arrival of young people generically referred to as "the Lost Boys of Southern Sudan."[69] Three decades later at the time of this research, the camp had grown by leaps and bounds. From an original population of about 8, 000 in 1992, the numbers stood at slightly over 191, 000 in 2019.[70] Moreover, a new integrated refugee settlement, Kalobeyei, had since come into being, some 25 kilometres from Kakuma, forming a part of this population of 191, 500.[71] Together, the two camps constituted one of the protracted refugee communities in Africa, with significant presence of the original 1991/92 forced migrants still camped here, "looking forward to brighter futures."

Even when the original triggers of the violence that led to the formation of Kakuma Refugee Camp had seemed to no longer exist, or when opportunities for return had presented themselves, most of the forced migrants had not returned home. Instead the camp witnessed a swelling of families, as a factor of natural reproduction. But, besides, there continued to be new arrivals of migrants from South Sudan in ever growing numbers, including in peacetime. We tasked ourselves to explore the drivers of the protraction, the resistance to return from exile, the growth of the numbers and physical camp area, with fresh refugee inflows even in relative peace. What fresh meaning and lessons could we draw from Kakuma and Kalobeyei in the search for lasting solutions to the global refugee problem? This was our assignment against the background summarized in this section of our thesis.

AN OVERVIEW OF KAKUMA AND KALOBEYEI

Except where it is expressly indicated otherwise, Kakuma, as discussed in this this thesis, is a community of two related refugee habitations in the same locale, under the management of Kenya's Refugee Affairs Secretariat (RAS) and the UNHCR. These are Kakuma Refugee Camp and Kalobeyei Integrated Refugee Settlement. The refugee camp has four villages, nominated as Kakuma Villages 1, 2, 3 and 4. The refugee settlement, on the other hand, has three villages. These are Kalobeyei Villages 1, 2 and 3. The two habitations cover an overall area of approximately 25 square kilometres, in

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[69] Mark Bixler, *The Lost Boys of South Sudan* (Athens, University of Georgia Press, 2005) pp. xi – xvi.
[70] UNHCR: 2016. "Kenya Comprehensive Refugee Programme 2016: programming for Solutions," pp. 16 – 17.
[71] Ibid.

the expansive semi-arid Turkana County in North-western Kenya. The terrain can be punitively hot, dry and dusty, with very little rain.[72]

Each of the seven villages in the two camps reflects a steady growth in the refugee population over time. From one perspective, the growth also attests to the attractiveness of Kakuma to immigrants, as has been argued out in Chapters Three, Four and Five. Yet, from another reckoning, it also speaks to the intractability of the challenges in the place of origin – and in the case of this study to those in South Sudan. Unwieldiness of challenges in the place of origin, attractions in the present domicile and difficulty in securing the much-anticipated future resettlement are joint factors in a triad that has occasioned refugee camp protraction. Additionally, as summarized below, there has been natural growth of population in the camp as a factor of population multiplication through birth. There have also been continuous arrivals of fresh migrants, even in peace time, as we demonstrate in the thesis. Finally, our findings also point to the character of Kakuma as an inviting springboard to further migration to the Western World, giving it the aspect of a protracted habitation in an incomplete migration.

POPULATION GROWTH, REFUGEE STAGNATION AND INTERDEPENDENCE IN KAKUMA AND KALOBEYEI

Kakuma and Kalobeyei host nationals of about 22 different countries, according to information both from the UNHCR[73] and from the Government of Kenya.[74] At the end of August 2019, the camps had a combined refugee population of 191,500.[75] Of these, 108,532 were from South Sudan. Growth in these populations had the propensity to be quite rapid. The population figure in August 2019, for example, was 191,500. Yet only four months earlier in April, the numbers had stood at 188,135.[76] The disaggregated population according to nationality in April 2019 is presented on table 5.1.

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[72]Deutsche Welle, "Climate change threatens Kenya's Turkana community," n.d. <https://www.dw.com/en/climate-change-threatens-kenyas-turkana-communities/a-18816731-0>, [Accessed 15 June, 2019].

[73] See Table 5:1 (source: UNHCR, Kakuma 30 April 2019. UNHCR, "30 April 2019 UNHCR Kakuma," <https://data2.unhcr.org/en/documents/download/69597>, [Accessed on 15 June 2019].

[74] Interview with the RAS Camp Manager in Kakuma, 8 June 2019.

[75] Ibid. See also, UNHCR, "Kakuma and Kalobeyei population Statistics," 31 August, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/71191.pdf>, [Accessed 10 September 2019].

[76] UNHCR, Kakuma 30 April 2019. UNHCR, "30 April 2019 UNHCR Kakuma," <https://data2.unhcr.org/en/documents/download/69597>, [Accessed on 15 June 2019].

Table 1.2: Country-based Refugee Population in Kakuma and Kalobeyei as at
April 30, 2019: Source UNHCR Kakuma, April 2019.

Countries of origin	FEMALE						MALE						Grand Total
	00 - 04 years	05 - 11 years	12 - 17 years	18 - 59 years	60+ years	Female Total	00 - 04 years	05 - 11 years	12 - 17 years	18 - 59 years	60+ years	Male Total	
South Sudan	7,008	13,118	9,611	20,064	957	50,758	7,210	14,976	14,541	20,697	350	57,774	108,532
Somalia	2,496	3,645	2,792	7,873	379	17,185	2,694	3,590	3,140	7,193	327	16,944	34,129
Democratic Republic of the Congo	1,138	1,319	925	2,347	66	5,795	1,206	1,359	983	3,069	28	6,645	12,440
Ethiopia	854	1,054	771	2,154	73	4,906	835	1,068	787	2,780	56	5,526	10,432
Burundi	1,064	1,049	633	2,007	66	4,819	1,018	1,019	618	2,807	33	5,495	10,314
Sudan	331	614	705	1,634	37	3,321	375	809	1,353	4,148	20	6,705	10,026
Uganda	106	148	115	321	9	699	101	133	126	358	16	734	1,433
Rwanda	42	64	39	150	3	298	44	60	38	165	7	314	612
Eritrea	7	8	6	32	1	54	4	5	6	34	1	50	104
Congo, Republic of the	10	5	7	16		38	12	7	1	19		39	77
United Republic of Tanzania	1	1		6		8		2		5	1	8	16
Afghanistan				1		1				4		4	5
Zimbabwe							3			1		4	4
Yemen										2		2	2
Central African Republic										2		2	2
Malawi										1		1	1
Angola										1		1	1
Unknown				1		1							1
Nigeria										1		1	1
Egypt										1		1	1
Burkina Faso										1		1	1
Guinea										1		1	1
Grand Total	13,057	21,025	15,604	36,606	1,591	87,883	13,502	23,028	21,593	41,290	839	100,252	188,135

The Government of Kenya and the UNHCR set up Kakuma Refugee Camp in 1991 – 92, following the arrival of the "Lost Boys" as discussed in Chapter Four.[77] Its population at the time was placed at 10,000. Instead of the numbers diminishing with remigration and resettlement, Kakuma grew steadily from the original 10,000 in 1992 to 58,000 in 2014. At the time of this research, it had since grown by 230 percent. It is instructive that this growth happened over a very short period of five years from 2014 to 2019.[78] It is instructive that at the time of this research, the population was still growing.[79]

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[77]UNICEF. 1996. "Children in War: The Lost Boys of South Sudan," in The State of the World's Children
[78] UNHCR, Kakuma and Kalobeyei population, 31 August, 2019,"
<https://reliefweb.int/sites/reliefweb.int/files/resources/71191.pdf> [Accessed 10 September 2019].
[79] Ibid.

The growth of the numbers in Kakuma to 58,000 in 2014 was what prompted the establishment of Kalobeyei and the change of focus in the nature of refugee support that was emerging at the time of this research. The coming up of Kalobeyei in 2014 followed consensus by the Government of Kenya, the County Government of Turkana, the UNHRC and other development and humanitarian partners, on the need to establish a symbiotic refugee community model that would be beneficial to both the refugees and the host Turkana community.[80]

Apart from population pressures on Kakuma, therefore, Kalobeyei was the product of a premeditated search for an interdependent communal eco-system with the host community, with the refugee population at the centre. This model was also the product of recurrent complaints by the local Kenyan political class in Turkana County, that the "refugees enjoyed better social and economic opportunities than their Turkana hosts."[81]

Conversely, the refugees "often expressed frustrations regarding what they perceived to be limitations placed on their freedom of movement. They complained that this prevented their full participation in the socio-economic aspects of the country that had welcomed them."[82] The Kalobeyei Integrated Socio-Economic Development Plan for Turkana West (2017 – 2022) emphasizes symbiotic existence between the Turkana hosts and the refugees as the focus in establishing Kalobeyei. The integrated camp signifies an overt submission to the inevitability of continued longevity of the refugee situation, hence the need to adopt a model that is conducive to a protracted refugee situation.

The facts on the ground in Kakuma and Kalobeyei speak to a wider network of interdependence beyond just the Turkana and the refugees. This symbiosis was already in place, way before it was formulated into written official policy in 2014. It extended to cover virtually everybody involved in life in the two camps and was, accordingly, a major player in the protracted refugee status. KISEDP (2014 – 16) only played the role of formalizing an already existing refugee-host-community symbiotic ecosystem.

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[80] UNHCR. 2015. "Kenya Comprehensive Refugee Programme 2016," pp. 16 – 17.
[81] Ekuru Aukot, "It is better to be a refugee than a Turkana in Kakuma: Revisiting the relationship between refugees and host communities," in Global Movements for Refugee and Migrant Rights, Vol. 21. No. 3 (2003), accessed at <https://refuge.journals.yorku.ca/index.php/refuge/article/view/23482> [Accessed 5 September 2019]
[82] UNHCR. 2015, "Kenya Comprehensive Refugee Programme 2016," p. 16.

In the foregoing regard, the World Bank Group in 2015 and 2016 "took a unique look at Kakuma and its hosting environment from a market point of view, and measured its annual economic weight at USD 56 million a year, and also noting that Kakuma camp's private sector is comprised of approximately 2,500 businesses." The World Bank Group, therefore lent its support to the idea of an integrated refugee settlement with a potentially long life expectancy.[83]

The economic factors cited by the World Bank to justify the establishment of Kalobeyei are critical to an informed appreciation of the protraction of camp life in Kakuma and Kalobeyei. Even where they may not necessarily be the immediate prompters of the migration that leads to life in the camp, they can at the very least be viewed as enablers of protraction. We discuss in detail, elsewhere in this chapter, the economic activities and organization in the camp. We note that some refugees who have done very well commercially have skipped opportunities for resettlement in the much sought-after affluent West. They have preferred, instead, to remain in the camps to trade.[84]

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[83] UNHCR: Kalobeyei Integrated Social and Economic Development Programme (KISEDP) 2014 - 2030, p. iii.
[84] Interview with RAS Camp Manager, Kakuma 8 June 2019. See also, The Guardian, "They call him millionaire: the refugee who turned his camp into a business empire," 10 May, 2017, < https://www.theguardian.com/global-development-professionals-network/2017/may/10/millionaire-refugee-mesfin-getahun-kakuma-refugee-camp>, [Accessed 11 June, 2019].

CHAPTER TWO

LITERATURE REVIEW

INTRODUCTION: FOCUS AND OBJECT OF LITERATURE REVIEW

This chapter focuses on the literature of forced migration and the challenge of home, exile and return. Emphasis is especially on protracted non returns. Accordingly, it highlights what other scholars have said on the fundamental questions in this research. From these scholarly discourses, the review gives us various pointers for further reflection while fleshing out areas and questions for investigation in our study.

The literature drew our attention to global push-and-pull environments in acute refugee migrations and the challenges of asylum and return. This way, it provided various useful entry points for reflection on why refugee camps were becoming prolonged permanent fixtures, when they should otherwise be temporary shelters for people requiring urgent humanitarian intervention, during violent crises in their countries.

Accordingly, four critical areas were isolated for further detailed literary surveys. Other significant areas of concern were signposted and layered within the integuments of these four areas. With the inevitable thematic overlaps and intersections across the four areas, therefore, this chapter is structured to open with literatures on the right of return, followed by literatures on practicality of return. Practicality of return is examined in the same cask with identity and the dialectic of home and exile, owing to what we perceive to be the intrinsic intertwinement in these constructs. Finally we looked at the voices in the discourses and policy formulation in the search for lasing solutions to the global refugee problem. The literature review remained awake to the fact that the thematic segments drawn could not necessarily be docketed in fast and hard silos. Essential thematic crossroads are accordingly acknowledged. The segmentation in the literature review is, therefore, mainly for ease of focus and clarity of discourse. Essential conjunctures are often reflected in this discussion.

LITERATURES ON RIGHT OF RETURN

Literatures on right of return were useful as our starting point. Scholarly and policy conversations on refugee return have tended to hinge on the notion of the right of return as a legal right. This is regardless of whether the scholar believes that the forced migrant should return or not. These debates are contextualized in legalisms.[85] Conversations on right of return, therefore, seemed to us a logical entry point in literature review on forced migration and the dialectic of home and exile. What have scholars said about the right of return? Should forced migrants return to the homeland, or to the place that was memorialized as home basically because it was their home and they have a right to return, or could there exist any other factors that could override what is considered to be a right to return?

LITERATURES ON PRACTICALITY OF RETURN

This research was also interested in literatures that address the practicality of return. Apart from the initial displacing factors having been addressed, do there exist conditions that may be considered necessary, contributory, or essential for return? Who should bear the responsibility of ensuring that such conditions are in place, within the realm of duty of care?

LITERATURES ON IDENTITY AND THE DIALECTIC OF HOME AND EXILE

Of significance too in the discourse of return are the questions of identity and the dialectic of home and exile. What should we understand by the construct of "home" in refugee conversations? What does the displaced person perceive as his identity in his present circumstances, vis-à-vis the situation ante? We sought to benefit from existing literature on this construct any perspectives that could be useful to our research.

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85 See, for example, Hannah Arendt, "The Decline of the Nation State and the End of the Rights of Man," in The Origins of Totalitarianism, 5th Edition (London: Harcourt Brace Javanovich, 1973, Pp. 267 – 302; G. Kibreab, "Citizenship Rights and Repatriation of Refugees," IMR Vol. 37 Number 1 (Spring 2003), Pp. 24 – 73; " Y. Zilbershats "International Law and Palestinian Right of Return to the State of Israel," in E. Benvenisti et al (Eds), Israel & the Palestinian Refugees (Berlin: Springer, 2007), Pp. 191 – 218; B, Gail, "The Question of 'Timing' in Evaluating Israel's Duty Under International Law to Repatriate the 1948 Palestinian Refugees," in E. Benvenisti et al (Ibid), Pp. 191 – 218 ; C. Gans, "The Palestinian Right and the Justice of Zionism," in Benvenisti et al (Ibid), Pp. 255 – 294; L. H. Mayer, "Historical Injustice and the Right of Return," Benvenisti et al (Ibid), Pp. 295 – 306).

LITERATURES ON THE VOICES IN THE DEBATE ON RETURN

Who speaks in these debates on return? A most useful voice in these conversations and constructs would be that of the refugee himself, or herself. This is especially so in the case of a person who has lived in exile over a prolonged period. What do the notions of home and exile mean to him or her? Voices of refugees can especially be useful where they address the dichotomy of home and exile in the debates of right of return. While the voice of the refugee is easily the big missing link in refugee discourses, some useful attempts have nonetheless been made. This literature sought to explore such literatures for the premium that they could add to our own investigation.

From the foregoing, the object of this literature review was, therefore, to lay a solid ground for a deeper and firmer appreciation of the challenge of forced migration and the dialectic of home and return in the subsequent stages of our research. In a broad sense, the literature review sought to help us to appreciate the challenge of return while also providing useful directions and insights for reflection on the case of South Sudanese refugees in the Kakuma Refugee Camp and Kalobeyei Integrated Refugee Settlement in Kenya.

LIMITATIONS IN LITERATURE REVIEW

Our searchlight recognized that scholarly and policy circles have suggested several options in the quest for durable solutions to the global refugee problem.[86] This research, accordingly, acknowledges both the broad and nuanced debates that exist on such options as resettlement, imposed returns, safe returns and temporary protections.[87] However, these were incidental to our search, as our entry concern was voluntary return and why migrants were not returning. Our main concern remained a search for meaning in the trifecta of home, identity and return from the standpoint of the forced migrant.

In this context, nuanced distinctions between such notions as safe returns and voluntary returns were useful to our research and to this literature review only to the extent that they could help us answer three concerns subsidiary to our main research question:

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[86] See, for example, B. S. Chimni, "From Resettlement to Involuntary Repatriation: Towards a Critical History of the Durable Solutions to Refugee Problems," *Refugee Survey Quarterly, Vol. 23. No. 3*, 2004. P. 56 – 67.
[87] Ibid.

1. When refugees fail to return – or don't want to return – are the reasons to be found in their original home or in the place of exile? What are these reasons? What are the push and pull factors? How have they worked in the case of South Sudanese refugees in Kenya?

2. What is the displaced person's understanding and attitude towards the twin notions of "home and exile," amidst policy and scholarly conversations on return and the right of return? How does he or she understand his or her movement, identity, home and exile?

3. How realistic is the notion of the right of return in situations in which refugees do not seem to want to return? Indeed, do such refugees consider that they have a right to return? If they do, why do they not return?

Collapsed into one, these concerns should seamlessly morph into our central research question: Why have refugees often remained in the place of settlement in exile, or failed to return to the homeland, even when the circumstances that originally displaced them no longer exist and the circumstances would seem ripe for return?

Resettlement did not feature frontally in the literature review, although it kept coming up incidentally. This was deliberate, for at this point our concern was on exile and return and not exile and resettlement. Our fieldwork would later bring up resettlement as a major player on why refugee camps had taken on permanence. This, however, belonged to the future.

RIGHT OF RETURN DEBATES IN LITERATURE

Return of refugees to their homes in post conflict situations has often been considered the ideal solution to the global refugee problem.[88] Indeed, some advocates of voluntary repatriation of refugees assume that all refugees desire to go back home.[89] It is their position that a forced migrant has the right to return to his or her original home. Because of this, it is thought that it is the intention of every involuntary migrant to return home. Advocates of right of return do not even treat this supposition as if it was a hypothesis

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[88] Both scholarly and policy circles are by no means universally agreed on return as the best solution to the global refugee problem. However, the dominance of the idea of return as the most desirable solution is acknowledged. G. Kibreab (2003, P. 25 – 27) cites a wide range of scholars who have wrestled with this idea – such as Allen and Turton (1996), Malkki (1995) and Wanner (1997), among others. See also Chimni (2004), Pp. 57 – 58.

[89] D.C. Sepulveda, "Challenging the Assumptions of Repatriation: Is it the Most Desirable Solution?" (1996), unpublished paper on file with Chimni, pp. 12 – 13. cited in Chimni (2004) Ibid, P. 59.

that may require testing; they present it as a predictable conclusion. The position of the refugee in this conclusion is taken as a matter of course.[90]

Those who have tested this hypothesis, however, have often revealed situations in which refugees did not want to return.[91] Such situations have ranged from emotional detachment of people from their original homes, as an outcome of passage of time. There has also been arrival of new generations of refugees, born in exile. They have not been keen to "return" to homes they can hardly relate to.[92] Beyond this, exile itself has been found to affect individuals and groups in such profound ways such that the meaning of home – and therefore return – is transformed.[93] Individual refugee situations may, accordingly, require to be understood in their own right, in order to establish whether refugees wish to return or not, and why.

Palestinian refugees who were displaced as early as 1948 have, for example, fought to return to the State of Israel as a legal right.[94] Advocates of the right of return, both in scholarship and in policy circles, have commonly cited UN General Assembly Resolution 194 (III) of 11 December 1948 to support the notion of return as a legal right.[95] The resolution states, *inter alia*:

> . . . refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practical date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property, which under principles of international law or in equity, should be made good by the governments or authorities responsible.[96]

Zilbershats has discussed the right of return in the context of Resolution 194 (III) as well as other sources of general international law.[97] Resolution 194 (III) was the first legalistic attempt to address Palestinian return. Zilbershats says the resolution "was nonetheless ambiguous and noncommittal."[98] Of particular interest to Zilbershats is

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[90] Ibid.
[91] D.C. Sepulveda 1996 (Ibid) pp. 12 – 13. Quoted in B. S. Chimni (2004) Ibid. "From Resettlement," P. 59.
[92] Quoted by Chimni (2004), Ibid: John R. Rogge, "Repatriation of Refugees," in Tim Allen & Hubert Morsik (eds) *African Experiences When Refugees Go Home,*" (United Nations Research Institute for Social Development, 1994) pp. 14, 24.
[93] Ibid.
[94] Yaffa Zilbershats, "International Law and the Palestinian Right of Return to the State of Israel," in Eyal Benvisnisti ., Chaim Gans & Sari Hanafi(Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), (Pp. 191 – 218). P. 191.
[95] Ibid.
[96] UN General Assembly Resolution 194 (III), cited in Zilbershats, 2007, P. 191.
[97] Zilbershats, Ibid. Pp. 191 – 218.
[98] Ibid. P. 194 – 198.

where the resolution says that refugees wishing to return to their homes "***should be permitted to do so*** (Note our emphasis)." [99] The thrust of this thought is that the resolution lacks the force of compulsion. Indeed, Zilbershats states that it is not even a resolution. It is only a recommendation.[100] There is nothing to compel either the refugee to return, or anybody else to facilitate return. Accordingly, Zilbershats says, "Palestinians have no legal right to repatriate to the State of Israel."[101]

Zilbershats is of the view that the natural drift for the refugee is towards "not being under any compulsion to return."[102] If there is any right in the matter of forced migration, in fact, it should be the right not to return.[103] She particularly takes note of the resolution's wording, where it says, "*those wishing to return.*"

Zilbershats puts to good use this thought of "*refugees wishing to return*" to their homes and next to that the thought that they "*should be permitted*" to do so. She holds that the notion of "*voluntary return*" inversely suggests that the refugee has a proactive choice between return and non-return. Put differently, we may ask, if the refugee should "*be permitted to return*" because he or she is "wishing to return," is the option of "*wishing not to return*" not concurrently implied? Should such a refugee not "*be permitted*" co-equal access to other options that he "may be wishing" to exercise in the post conflict situation? Indeed, the resolution would seem to recognize that some refugees might choose not to return. It, accordingly, prescribes compensation for loss of property as a remedy[104] in such cases. The 1948 Resolution does not, however, say why some refugees could choose not to return. Nor does it say what should be their fate, if they

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[99] Ibid. P. 194.
[100] Ibid.
[101] Ibid. P. 218.
[102] Ibid. Pp. 217 – 218.
[103] Kibreab (2003) has argued that refugees' tendency to stay in the country of asylum even after the factors that displaced them have been eliminated is predicated upon relative comfort in exile, as contrasted with not-so-attractive conditions that seem to wait for them at home. The drift would otherwise seem to be that refugees would want to go back home, even "in the context of unsolved conflicts or fragile peace." He backs this up with empirical findings from Stein (1989), Crisp (1984, 1986), Larkin, Cuny and Stein (1991), Cuny, Stein and Reed (1992). This adds weight to our own central concern: if refugees would be keen to return even to fragile homes with unresolved conflicts, why would others resist return in contexts that proclaim to be fully resolved and states say they are willing to facilitate return? Kibreab (2003) has argued that refugees' tendency to stay in the country of asylum even after the factors that displaced them have been eliminated is predicated upon relative comfort in exile, as contrasted with not-so-attractive conditions that seem to wait for them at home. The drift would otherwise seem to be that refugees would want to go back home, even "in the context of unsolved conflicts or fragile peace." He backs this up with empirical findings from Stein (1989), Crisp (1984, 1986), Larkin, Cuny and Stein (1991), Cuny, Stein and Reed (1992). This adds weight to our own central concern: if refugees would be keen to return even to fragile homes with unresolved conflicts, why would others resist return in contexts that proclaim to be fully resolved and states say they are willing to facilitate return?
[104] UN General Assembly Resolution 194 (III), 08 December 1948.

are "not wishing to return," beyond compensation for loss or destruction of their property. Nothing is said about what they should then call home, or where they should live if they are "not wishing to return."

Opposed to the position that scholars like Zilbershats and Hathaway have taken, are scholars who believe in Palestinian return as a legal right.[105] Such scholars have argued that the right of return is solidly embedded in international law. They have cited various areas in the law of nationality, humanitarian law, human rights law and refugee law, as the basis of their arguments.[106] Mayer, for example, looks at the Palestinian Question from the platform of historical injustices and the validity of claims for right of return, owing to such past injustices.[107] He explores the kinds of doubts that other scholars have raised with regard to the Palestinian exile and its claim of right of return. He brings the searchlight to settle on the problem of non-identity in grievances[108] and on that of the suppression thesis.[109] He concludes that even within the context of historical injustices visited upon an earlier generation, new generations of the same people have a right to just redress.[110] Accordingly, current generations of Palestinians living in refugee camps have a legal right to return to the State of Israel, he says.[111]

This conversation is certainly set to continue for as long as the Palestinian Question remains unresolved, and perhaps even long after, provided there will continue to be violent conflicts and forced transfers of people. Whatever the arguments for or against the right of return, therefore, the Palestinian situation serves to demonstrate that sometimes a violently uprooted population will desire to return to a place it considers as its home, or homeland. Such a population may even cite international instruments as lending legal weight to its quest for return. The Palestinian refugee situation also demonstrates that those who yearn for return may not always be welcome back home. They may, in fact, meet resistance from the political authorities at home. Given then

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[105] See for example Lex Takkenberg, "The Search for Durable Solutions for Palestinian Refugees: A Role for UNRWA?" in Eyal C. Benvenisti, Gans & Sari Hanafi (Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), P. 377.
[106] Ibid.
[107] Lukas H. Mayer, "Historical Injustice and the Right of Return," in Eyal Benvisnisti, Chaim Gans & Sari Hanafi(Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), Pp. 295 – 306.
[108] Ibid. Pp. 296 – 301.
[109] Ibid. Pp. 301 – 305.
[110]Ibid.
[111] Ibid.

that some governments resist the return of refugees, why would refugees whose government is open to their return fail to go back?

There is a fundamental paradox in the contrasting positions taken by the States of Israel and South Sudan, respectively. In the case of Palestinian refugees, the Israeli State (that exercises political power in the refugees' home of origin – and carries the burden of duty of care) is opposed to any possible return.[112] In the case of South Sudan, on the other hand, the State has expressed keenness to have the refugees return.[113] It is odd that where the State would express desire for displaced citizens to return they would be reluctant to return, while where the State did not want refugees to return they would fight for their "right of return." The Palestinian craving for return would seem to be the natural thrust, supported by international instruments on refugeehood. Why then would some South Sudanese refugees go against this grain?

Hathaway faults the UN Convention for Refugees (1951) for assuming that every refugee is welcome back home in the post conflict dispensation.[114] "We cannot assume, as the Convention does, that States of origin will be happy to receive back persons whose refugee status has come to an end."[115] Home States will usually resist the return of refugees where these potential returnees are likely to be a stress to the economy.[116] Accordingly, there could be need for the international community to help offset the costs of receiving and resettling returning exiles. It has been suggested that if exiles should see incentives and the possibility of comfortable reintegration in the home environment, they are likely to respond positively to repatriation efforts."[117]

In the foregoing regard, Israeli resistance to Palestinian return has not placed much prominence on possible economic burden. The clamour for this return has tended to

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[112] Arnon Golan, "The Spatial Outcome of the 1948 War and Prospects for Return," in Eyal Benvisnisti, Chaim Gans & Sari Hanafi(Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), Pp. 42 – 44. See also, G. J. Boling, "The Question of 'Timing' in Evaluating Israel's Duty Under International Law to Repatriate Palestinian Refugees," in Eyal Benvisnisti, Chaim Gans & Sari Hanafi (Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), P. 200.
[113] See, for example, Jonathan Kamoga: https://www.theeastafrican.co.ke/news/ea/South-Sudanese-refugees-return-home/4552908-5017096-bbmld3z/index.html, [Accessed on 17 April 2019].
[114] J. Hathaway, "The Meaning of Repatriation," p. 556.
[115] Ibid.
[116] Ibid.
[117] Ibid.

reside mainly in the political and policy domains.[118] The Israeli State's resistance of Palestinian return has thus been on political rather than economic concerns.[119] This return is more likely to upset not the economic equilibrium but, instead, the established political order. "For Israeli Jews, the right of return signifies an existential threat to the Jewish character of their society, if not to its very existence."[120]

The Palestinian return conversation is a politically complex affair. "For Palestinians, the right of return is an inalienable right."[121] Hence while the Jewish Israelis fear about possible annihilation of their State, Palestinian radicals do not, for their part, recognize the right of Israel to exist as a State.[122] They have even rejected the middle road position of a two-State solution to the perennial conflict and exile. Either side rejects the historical narrative by the other side.[123] The Israeli far right, for its part, rejects the idea of a possible Palestinian State in the Middle East.[124] While Israel exercises superior military power, it has ensured that Palestinian refugees in diverse places in the region will not return. [125] Palestinians counter this position with the assertion that they have a legal right to return to a place from which they were displaced by violent incursion. Here is the case of forced migrants desiring to return and citing "legal right to return," while the State authority repudiates such "a right" and fights against return, for complex political reasons. In contrast, the South Sudan State has not seemed to worry about the possibility of the applecart of political order being upset. At the very worst, the South Sudanese government has been ambivalent about the return of the exiles from Kakuma and Kalobeyei Camps. The refugee themselves are also either ambivalent, or not keen to return. Why?

State positions notwithstanding, what is important to our research, in the 1951 Convention and in Zilbershats' reflections on it is the recognition that some refugees may "choose not to return." What could be the factors informing non-return, as seen by

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[118] Chaim Gans, "The Palestinian /right of Return and the Justice of Zionism, in Eyal Benvisnisti ., Chaim Gans & Sari Hanafi (Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007)pp. 255 – 293 (p. 262).
[119] P. Yoav et al., "Transitional Justice and the Right of Return of the Palestinian Refugees," in Eyal Benvisnisti, Chaim Gans & Sari Hanafi (Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), P. 141.
[120] Ibid.
[121] Ibid.
[122] Ibid.
[123] Peled & Rouhana, Ibid, "Transitional Justice," pp. 143 – 144.
[124] Ibid.
[125] Ibid.

the refugee himself, or herself? Trying to answer this question is the task before us. In this regard, it is important to engage with the forced migrant and hear from him or her why he or she would not return. What options does he, or she, consider to be at his, or her, disposal? Why?

THE BURDEN OF DUTY BEARING IN RETURN OF REFUGEES

The element of "permission" in Resolution 194 (III) covertly introduces the parallel element of duty bearing in refugee returns. If return is "a legal right," then there must be a duty bearer to ensure that the right is enjoyed.[126] Who bears the duty of *permitting* the forced migrant to return? In the case of Palestinian exiles, it is suggested that the "permission" would come from the State of Israel.[127] But is "granting of permission to return" the same thing as "bearing a duty of care" on how the refugees return and on how they are resettled? Gail has argued that Palestinian refugees have a right to return to the State of Israel on the basis on customary law existing in 1948 and subsequently "strengthened through the progressive development of international law since."[128] But, besides, Israel has the legal duty to admit the refugees, as a matter of international law.[129]

Adelman and Barkan have also discussed this in contribution to emerging concerns in refugee studies.[130] They address the notion of right of return versus what they have called "the rite of return." They recognize that rights impose duties. They are categorical that a right can only be a right if it has duty bearer.[131] Accordingly, some party must be held responsible for implementing the right. "The right requires an entity to permit, or make possible, an action that the individual claims to have as a right to perform."[132]

UNIVERSAL APPLICATION IN RIGHT OF RETURN

Adelman and Barkan state further that for anything to be considered a right, it must also be of universal application. For the right of return to be tenable, therefore, it must not

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[126] Gail, Ibid, "Question of Timing" p. 220.
[127] Zilbershats, Ibid., "Palestinian Right of Return," p. 195.
[128] Gail, Ibid., "Question of Timing," p. 219.
[129] Ibid., Pp. 219 – 220.
[130] Howard Adelman & Elazar Barkan, *No Return, No Refuge: Rites and Rights in Minority Repatriation* (New York, Columbia University Press, 2011).
[131] Ibid., P. 9
[132] Ibid., P. 220.

only have a duty bearer. It must meet the standards of universal application.[133] A "right" that only applies to a specific category of people in a particular space does not fit the bill of a universal right, they contend.[134]

The notion of right of return, they say, belongs to this category of "spurious rights." In the end, a spurious thing cannot be a right. They argue that while the State is presumed to be the duty bearer in the right of return, the State will often have other conflicting duties within the same space and time. The State may not, therefore, find itself obliged to bear the duty of enjoyment of this right by its holder. The State may in fact consciously and proactively prevent the enjoyment of this right. Yet the duty bearer is expected not only "not to interfere," but also to actively facilitate the return.[135]

Adelman and Barkan have cogently argued the case of the dilemma that the State is likely to find itself in, in the attempt to bear the duty of "permitting return" and actively "facilitating the return" of the refugee as a legal right. What Adelman and Barkan have not vigorously considered is the case of the State that has, of its own volition, declared itself the bearer of this dual duty. In the case of the South Sudanese refugees in Kenya (1991 – 2019) the State has taken this duty upon itself. Yet, despite all the public expressions of ownership of this duty, and attendant entreaties, some 162,000 South Sudanese refugees (at the time of this literature survey) have elected life in refugee settlements in Kenya over going back to the homeland. What are the drivers?

Hathaway has also discussed the phenomenon of State dilemma in the debates of right of return.[136] She suggests that both the host State and the home State have their own rights that need consideration, vis-à-vis refugee rights in these debates. Host States, for example, worry about unending inflows of refugees, even in peace times. Refugee rights place a heavy burden of hosting refugees on host countries. Within these rights, also, live seeds of permanent refugeehood, he suggests. Hathaway argues that International refugee instruments, such as the Convention of 1951, could easily become backdoors to permanent immigration. This is because these instruments emphasize the protection of refugees from forced return. The refugee, while having the right to return,

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[133] Ibid.
[134] Ibid.
[135] Ibid., 220 – 221.
[136] Hathaway, " The Meaning of Repatriation," (1997), 554 – 555.

must also be willing to return. To impose return is to foul international law. Hence, host countries find themselves sheltering undesirable numbers of forced migrants.[137] Being aware of this protection:

> " . . . economic (concerns) and other considerations irrelevant to the need for protection (could) dissuade many former refugees from freely opting to return to even objectively safe homes."[138]

Hathaway makes the case for protection of the right of States to enforce immigration rights in their countries, including what she considers to be the right of States to repatriate undesirable refugees. She argues that the State should not be constrained from enforcing the right to repatriate, just because it hosts people who consider themselves vulnerable. The right of refugee protection should be counterbalanced with the right of repatriation, once it is considered safe for the refugee to return.[139]

DIALECTIC OF HOME AND EXILE AND PRACTICALITY OF RETURN: COMFORTS VERSUS

HARSHNESS OF LIFE IN EXILE AS PUSH AND PULL FACTORS

Scholars like Hathaway,[140] Blitz, Sales and Marzano,[141] have argued that economic refugees from poor countries get rooted in host countries because of the relative comforts in exile. They however seem to take it as a rule that refugees will always flow from poor countries to rich countries because of the promissory allures of good living. This notion of attractions is plausible in the context of push-and-pull factors in migration. Yet, this kind of optic can be limiting. For, it would appear to downplay the case of hardcore refugees in non-affluent environments, especially after the harsh factors that moved them from their countries have ceased to exist – or whenever windows of opportunities to return have opened up, no matter how narrow the opening in the window may be. What makes these people stay on, despite the adversity in the place of exile? Refugee camps in East Africa, for example, are fairly squalid and the conditions of living fairly difficult.[142] Their circumstances invite us to take the

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[137] Ibid
[138] Ibid
[139] Ibid.
[140] Hathaway, "Meaning of Repatriation," pp. 553 – 557.
[141] B. K. Blitz, R. Sales & L. Marzano, "Non-Voluntary Return? The Politics of Return to Afghanistan," in *Journal of Political Studies Vol. 53*, (Oxford, Blackwell. 2005), Pp. 182 – 200
(p. 191 – 194).
[142] Fair Observer, "Life in the Kakuma Refugee Camp," 22 June, 2013 <https://www.fairobserver.com/region/africa/life-kakuma-refugee-camp/> [Accessed 18 April 2019].

hypothesis of comforts of exile with some degree of doubt. Comforts may possibly stand reasonably well in the case of the elite refugee who was fairly affluent back home and who may have migrated with some of their largesse.[143] Professional cadres who get absorbed in the skilled labour market in the place of exile are sometimes also thought to enjoy some level of comfort. This may, however not be the reality.[144] It is doubtfully valid that all refugees – especially camped exiles – could be enjoying comforts in exile. This is notwithstanding the refugee relief support services in such places. It would seem to us that there is need to search deeper and wider for the meaning of their continued stay in the camps. What, despite life lived in squalor in these camps, would make forced migrants stay on, despite return of calm and normalcy in their countries?

Indeed, some host countries have sometimes been quite brusque when pushing for the return of the exiles to their countries. Kenya, for example, has often given refugees in the country notices to leave and threatened to shut down the camps.[145] Their continued stay has been described as "an unnecessary flouting of Kenya's hospitality and immigration laws."[146] Of significant note, equally, is that Kenya is not necessarily such an affluent country. Yet South Sudanese migrants have elected to remain in the refugee camps in this non-affluent neighbouring country rather than go back home.[147] What, in the opinion of the refugee, have been the incentives in this otherwise harsh environment? Or, conversely, what in his view are the disincentives at home, making this ordinary environment preferable to return? This is part of what we explore in this thesis, in the restricted environment of the refugee camp and its neighbourhood.

Like Hammonds, Kibreab has also argued that the relative comforts of exile in the affluent world tend to motivate refugees to want to stay on, long after the conditions

[143] See, for example, Hugh O'Shaughnessy, "Jean-Claude Duvalier; Brutal Haitian dictator who ruled the country for 15 years," in *The Independent*, " 5 October, 2014 [Paragraphs 17 – 19],(Accessed 18 April, 2019].

[144] Micere Mugo, "Exile and Creativity: A Prolonged Writer's Block," in K. Anyidoh, *The Word Behind the Bars and the Paradox of Exile* (Evanston, Illinois: North Western University Press, 1997),80 – 99 (p. 84).

[145] Aggrey Mutambo: "We've shut up Daadab for security, Uhuru tells UN," 8 March, 2017, <https://www.nation.co.ke/news/-Dadaab-Uhuru-Kenyatta-UN-Antonio-Guterres/1056-3841890-2qvff6z/index.html>, downloaded on 17 April 2019].

[146] Aljazeera, "Kenya orders all refugees back into camps," 26 March 2014, < https://www.aljazeera.com/news/africa/2014/03/kenya-confines-all-refugees-two-camps-2014325211245266713.html>, [Accessed 17 April, 2019].

[147] Adrian Kriesch & Deutsch Welle, "South Sudan President Salva Kiir downplays refugee crisis," 24 August, 2017, <https://www.dw.com/en/south-sudan-president-salva-kiir-downplays-refugee-crisis/a-40209980> [Accessed 18 April 2019].

that prompted displacement have been eliminated.[148] This does not seem to be the case for South Sudanese refugees in Kakuma and Kalobeyei camps. This is unless the conditions in their country are so exceptionally terrible that life in a filthy refugee camp is preferred. Answers need to be sought further and wider, especially with the refugees in the conversation.

Moreover, Kibreab also states, "Many refugees in the developing countries often suffer indignity and lack of respect because in most cases they lack 'the capacity to assert claims that could be implemented independently of governments. That is why millions have been voting with their feet homewards in anticipation of recognizing rights (that) they lost when displaced and are unable to achieve in the context of exile."[149]

Neither Hammonds nor Kibreab, however, zero down to factors that could explain why South Sudanese refugees would seem to be not so keen to leave Kakuma and Kalobeyei settlements in Kenya to return to their country. While their arguments are eloquent and lucid on right of return, they do not seem to be snugly applicable to the South Sudanese situation. Our fieldwork revealed that barring isolated cases (discussed later in Chapter Five), the kinds of attractions of exile that Hammonds and Kibreab contemplate were absent in the refugee camps in North Western Kenya, where South Sudanese exiles lived in a filthy shanty town. Their case refused to fit in the paradigms that Hammonds and Kibreab gave us. So, why would the refugees not return? We sought to look elsewhere for answers.

Mugo, an African urban refuge in Canada, writes from the practical position of an integrated exile in the affluent North. [150] She begins from Kibreab's perception on access to citizenship rights but also goes on to demonstrate that exile can be full of physical and psychological agony, regardless of whether the refugee is exiled in a rich or poor country: Of her experience in Canada she says:

> It has been argued that unless adopted at birth, the child who comes to a new home never quite assumes the status of a son or a daughter in the adopting family. For the exiled writer, the adopting or adopted home often remains borrowed space. One remains a polite guest, an understood outsider who listens (to) rather than

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[148] Gaim Kibreab, "Citizenship Rights and Repatriation of Refugees," in *International Migration Review. Vol. 37. No. 1* (spring 2003)pp. 24 – 73 (p. 24).
[149] Ibid., p. 63.
[150] Micere Mugo, Ibid., "Exile and Creativity," (p. 84).

spearheads debate; one who sits on the periphery rather than at the centre; a provider of solidarity rather than a *bona fide* citizen who acts decisively to change things. When serious internal rifts surface and one assumes sides, there are rude reminders that "foreigners" should keep out of domestic affairs.[151]

Arising from this consideration, Mugo goes on to say, "I decided I would move back to the African continent and look for a home somewhere. Reconstructing an extended family would be a lot easier there."[152]

It is perhaps understandable that displaced persons who enjoy a rights regime that closely mirrors that of citizens in the host country could be less likely to crave for return, as both Mugo and Kibreab suggest. It is instructive, however, that South Sudanese refugees in refugee camps in Kenya have enjoyed no such rights and freedoms.[153] In the light of the foregoing, why would these refugees seem to elect to live on, even when opportunities for return have presented themselves?

We submit that there is need to investigate why refugees in poor host nations would opt not to return to their homes, even when the homes are considered to be objectively safe. This is the focus of this research, with South Sudanese refugees as a case in point.

TRANSITIONAL JUSTICE AND RIGHT OF RETURN

For their part, Peled and Rauhana (2004) examine the Palestinian Question from the perspective of a search for transitional justice and the right of return. Theirs is an attempt at a search for a middle ground between what often comes across as mutually intransigent Israeli and Palestinian positions on the Palestinian exile. Of import to our research remains the conflicting Palestinian insistence on their right of return, on the one hand, and the rejection of any such right by the Israeli State, on the other hand.

Peled and Rauhana observe:

> For the Palestinians, the right of return is an inalienable right that defines their national identity and their struggle for liberation. For Israeli Jews, the right of

[151] Ibid.

[152] Ibid. P. 93
[153] Qaabata Boru & Fair Observer, "Life in the Kakuma Refugee Camp," 22 June, 2013, < https://www.fairobserver.com/region/africa/life-kakuma-refugee-camp/> [Accessed 8 June 2014].

return signifies an existential threat to the Jewish character of their society, if not to its very existence. It is not surprising, therefore, that within each of the two societies a national consensus has been built around this issue and that the position of each society seems to stand in complete opposition to that of the other.[154]

Peled and Rauhana go on to propose:

> ... a morally and politically sound basis could and should be established for a middle ground between these two positions and that such a basis can be provided for by the notion of transitional justice.[155]

The Palestinian situation as discussed by Peled and Rauhana – and as by Zilbershats elsewhere[156] – underscores the reality that it is normal for refugees to want to return home, sometimes even passionately so, as is in this case. Yet the South Sudanese refugee situation (1991 – 2019), as we have discussed here, is the antithesis to this paradigm. Second is that like Zilbershats,[157] Peled and Rauhana bring to light, again, the fact that in the Palestinian situation, the "home" authority (the Israeli State) has been against return. The core recurrent observation relevant to our study remains that in the South Sudan situation the home authority (the South Sudan State) has wanted refugees to return, other domestic challenges notwithstanding. [158] Of course a fundamental difference between the two situations is the fact that in the case of Sudan, only one Sudanese nationality is involved, while in the Palestine-Israeli situation there are two different nations – the Palestinian and Israeli nations. The one nation has often seen the other one as "an occupying foreign nation" while it has cast itself, as "a displaced victim nation." The desire to "reclaim a lost homeland" is, therefore, significantly different from the South Sudanese situation. Yet the distinction and contradiction between the two situations in terms of the attitude of the home government towards the exiled population makes a strong case for exploration of why refugees would sometimes be reluctant to return. This investigation, however, is not a comparative study of the two paradigms. It only appreciates the existence of one paradigm and employs it as one of the starting points in its own exploration of the second paradigm.

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[154] Yaov Peled, & Nadim N. Rouhana, "Transitional Justice and the Right of Return of the Palestinian Refugees," in Eyal Benvenisti et al. 2007. Berlin. *Israel and the Palestinian Refugees. PP. 141 - 156 (P. 141 – 142).*
[155] Peled and Rouhana, Ibid. 2007, p. 142.
[156] Zilbershats, "Palestinian Right of Return," P. 191.
[157] Ibid.
[158] Adrian Kriesch & Deutsch Welle, "South Sudan President Salva Kiir downplays refugee crisis," 24 August, 2017, <https://www.dw.com/en/south-sudan-president-salva-kiir-downplays-refugee-crisis/a-40209980> [Accessed 18 April 2019].

DEROGATION OF HUMAN DIGNITY IN INVOLUNTARY MIGRATIONS

It is problematic to attempt to contain the rights debate in one discussion, such as the present one, because of the multifaceted dimensions of the debate. Yet we considered it important for this research to have an element of the question of human dignity in forced migration and how this could influence considerations on returns. By its very nature, forced exile demeans and dehumanizes the refugee. By the sheer reality of being scuttled from home and being placed at the mercy and pity of foreigners in their homelands, you feel less than human.[159] Arendt has examined the condition of Jewish refugees in Europe during WWII.[160] She observes:

> ... with stateless people driven into Central and Western Europe, a completely new element of disintegration was introduced into post war Europe. Denationalization became a powerful weapon ... Those whom the persecutor had singled out as the **scum of the earth** (*our emphasis*) … actually were received as the scum of the earth everywhere; those whom persecution described as undesirable became the undesirables of Europe … The official SS newspaper, the *Schwarze Korps*, stated explicitly in 1938 that if the world was not yet convinced that the Jews were the scum of the earth, it soon would be when unidentifiable beggars, without nationality, without money and without passports crossed their frontiers.[161]

The indignity of refugees' living conditions after WWII is indeed well documented.[162] If there is one thing that would make the refugee want to go back home, it is possibly the need for restoration of his or her lost human dignity.[163] Bloch *at al* discuss the extremes of social exclusion that are by and large the badge of violent mass transfers of populations everywhere.[164] The conditions they describe are informed by the extremes of squalor, penury and indigence. Yet such are the conditions of mass refugee camps in Africa, almost without exception.[165] The living conditions for South Sudanese exiles in Kenya (1991 – 2019) have been informed by the same kind of abjectness.[166] Enjoyment of human dignity has been clearly absent. Yet these people have not seemed keen to go back home, even when they have been urged to do so. Why? Hathaway talks

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[159] Mugo, "Exile and Creativity," pp. 86 – 89.
[160] Hannah Arendt, "The Decline of the Nation State and the End of the Rights of Man," in *The Origins of Totalitarianism*, 5th Edition (1973), Pp. 267 – 302 (Pp. 268 – 275).
[161] Ibid. P. 269.
[162] See, for example, Russell King (Ed), *Origins,* Pp. 147, 152, 164 – 5, 169 – 70 and 178.
[163] Mugo, "Exile and Creativity," p. 84.
[164] Alice Bloch & Liza Schuster, "At the extremes of exclusion: Deportation, Detention and Dispersal, in "*Ethnic and Racial Studies 28: 3, 2005*. Pp. 491 – 512.
[165] Patricia O Daley, Gender & Genocide in Burundi: The Search for Spaces of Peace in the Great Lakes Region (Oxford: James Currey, 2008), P. 175.
[166] Ibid.

of the need for the repatriation effort itself to be dignified and dignifying.[167] Is it possible that if refugees consider the circumstances under which they are being caused to repatriate to be undignified they could resist the effort?

AUTHENTICITY OF RETURN

If the notion of "right of return" could be spurious, as some scholars have suggested, could the corresponding instances of "voluntary return" themselves be spurious, too? Arendt says return could only be voluntary and complete if the returnee were to go back without the slightest trace of subjection to pressure and oppression.[168] Such a returning person would need to enjoy the full rights of citizenship without let or hindrance. He or she would be free to settle anywhere within the home State. The returnee would live without fear of persecution, whatsoever. Arendt concludes that this is not possible, especially in the case of returning ethnic minorities.[169]

Adelman and Barkan juxtapose various international instruments on displaced persons' rights in an attempt to appreciate the authenticity of return efforts. They sample return efforts in various parts of the world to investigate the traction and authenticity of the returns. They focus on situations where those seeking to return are refugees, or internally displaced persons (IDPs), who fled, or were forced to flee ethnic conflict.[170]

Adelman and Barkan concentrate on ethnic minority returns in Europe, Asia, the Middle East and Africa. They conclude that in the face of difficult challenges to viable return, the very thought of right of return is unrealistic. At the very best, they say, the exercise of this **right** degenerates into a vacuous **rite** (our emphasis) that does not resolve the challenge of displacement, or guarantee full enjoyment of citizens' rights by the returnees.[171] This is regardless that the return is said to be legitimate or illegitimate; or realistic or unrealistic. They contend that "As a matter of record, minority displaced never return, except as a result of power politics, not rights, whether or not we consider the outcome to be right or just."[172]

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[167] Ibid.
[168] Arendt, "*Decline of the Nation,*" Pp. 292 – 296.
[169] Ibid.
[170] Adelman and Barkan, *No Refuge,* pp. 253 – 255.
[171] Adelman and Barkan, No Refuge, P. x.
[172] Ibid. P. x, 174 – 175.

A fundamental question, therefore, arises. Can return sometimes be a farcical exercise, driven by political expediency? Do refugees sometimes refuse to return because they consider the efforts to be a farce, as Arendt and others have suggested?

Like Arendt, Adelman and Barkan are emphatic on returns for ethnic minorities. Ethnic minorities do not necessarily go back home because the conditions are now ripe for them to enjoy their rights as returned citizens. Rather, they say, minorities return because it is politically expedient for those wielding power that the minorities are seen to be returning, or to have returned.[173] Like Arendt, they take the position that displacement and dispossession of ethnic minorities is almost impossible to reverse.[174] While it might, therefore, seem politically expedient for displaced ethnic minorities to return in the post violence dispensation, in reality they never quite get to fully enjoy citizenship rights in environments that are controlled by ethnic majorities.[175]

Adelman and Barkan contend that the dominant majority sometimes "stimulates or forces an unwanted minority to flee in order to establish a majority control over a geographical area, often as a means of establishing sovereign rights over the territory."[176] A major paradox in the South Sudanese situation, the single major ethnic group in the migration is the Dinka community that accounts for almost 60 percent of the refugees. Yet this community is also the ethnic tribe in power in South Sudan. Why are so many people in the ruling population in their country living in protracted exile under unsanitary conditions?

To answer these questions requires direct engagement with the refugees themselves and a close understanding of the push and pull factors through direct physical interaction with the camp. In this research close to two months were spent in Kakuma and Kalobeyei camps, interviewing sampled forced migrants from South Sudan, as well as observing life in the camp and talking to snowball populations. It was necessary to find out whether the refugees considered that the circumstances that previously made them not to return had since been adequately addressed, or not. There was also the need to find out what they thought about the fundamental circumstances in refugee camps

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[173] Ibid, Pp. 1 – 3.
[174] Arendt, "Decline of the Nation," P. 271.
[175] Adelman and Barkan, No Refuge, P. 221 – 223. See also Arendt, Ibid. Pp. 270 – 272.
[176] Ibid, P. xiii.

where they lived and how these circumstances contributed to the longevity of their stay in the camp.

LONGEVITY OF EXILE AND THE DIALECTIC OF HOME IN THE DYNAMICS OF RETURN

Central to the question of the right of return is the notion of home and attachment to places that particular people regard as home. The Palestinian exile, for example, invites us to reflect not just upon notions of right of return, as discussed above, but it also introduces the challenge of the complications of longevity of exile. When a people have been in exile for over six decades, as in the case of Palestinian refugees, where does the search for return leave the generations that were born in exile? The Palestinian case suggests that even subsequent generations of exiles could still crave return as a matter of what they consider to be rightful entitlement to a homeland.[177] Their craving is a nationalistic outcome of received orthodoxy, passed on from one generation to the other. For, passionate feelings of group identity and belonging are often the outcomes of equally passionate narratives. People profile themselves and their homes, through such narratives in apocryphal images.[178]

But memory of a place as home may not necessarily be encouraging to return. It could, in fact, be just the opposite, as the case of Afghan exiles in the United Kingdom, discussed below, reveals. Elsewhere, internally displaced Kikuyu tribesmen did not wish to return to their former homes in Kenya's Rift Valley Province, following post-election violence in 2007 – 2008, because of ugly memories of home.[179] The memories ranged from impunity – in cases where the exiles had been subjected to violence, with the perpetrators going off unpunished by the law – to psychological concerns born out of disturbing memories. One Kikuyu IDP said:

> I don't want to remember those people in the Rift Valley. They killed many of our people. They killed us. I remember those whom we stayed with, our neighbours who died. One had a shop next to mine. His three children were killed while he watched helplessly. Because of what we saw, I don't think I could go back. If the same thing happens, maybe I will be killed this time. No, I cannot go back. Those are not people.[180]

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[177] Zilbershats, *Palestinian Right of Return*, Pp. 196 – 198; Meyer, Ibid. Pp. 296 – 301.

[178] Denis-Constant Martin, "The Choices of Identity," Social Identities, Vol. 1 No. 1, 1995 Pp. 5 – 16, cited in Nira Yuval-Davis, "Belonging and the Politics of Belonging," Http://www.tandfonline.com/loi/rpop20, downloaded (by Leicester University) at 04: 42 05 March 2014. Also Meyer, Ibid.

[179] Barrack Muluka, "Internally Displaced Persons and the Dilemma of the Right of Return: A Case Study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift Valley Province, 2007 – 2010," (Unpublished Dissertation 2010), Pp. 75 – 86.

[180] Ibid, P. 80.

Another IDP recalled:

> I was beaten up and my teeth knocked out before being forced to rape a young girl. They then stripped me naked and sodomized me in front of people, including children. How can I go back to live with such people? It is best that I stay in Jikaze Village so that I can forget and heal from all the tribulations that I went through.[181]

The foregoing were relatively fresh memories at the time of the research in 2010. Can bad memories of this kind heal with time and trigger the desire for return? In any event, we would usually expect appetite for return to be sharpest in the first generation of exiles, who are the custodians of the original "memory of home."[182] Would the appetite perhaps dissipate and even die out altogether with subsequent generations of those who have been born in exile? Our research investigates this thought as well.

The notion of memory of "home" and the "right of return" can be a lot more complicated because of the sheer protraction of exile. If one person invokes memory of a previous home and homeland in pursuit of his right of return, for example, it is possible that some other person can invoke the memory of the new abode in exile in as "home" purely because this is the place where he has always lived. An adult who was born in exile has practically never known any other home. In the case of South Sudan, there were close to 2 million refugees at the end of 2017.[183] About 1.3 million of them were children. Significant numbers of these had been born in exile, and without any signs at this time that they would possibly be going to their motherland anytime soon. What does return, or right of return, mean to such people? It would seem to us that their memory of home would be the refugee camp, being the only place where they have lived. It is possible, from Adelman's perspective above, that such persons could look at the place of exile as home. Accordingly, it is possible for them to be unwilling to "return" to a strange place that they had never experienced as home.

Significant lessons on memory of home emerge from the Palestinian situation, too. While the exile dates back to 1948, there have been several subsequent forced population transfers after that date. But beyond that, there exist today at least three

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[181] Ibid.

[182] Adelman and Barkan, *No Refuge*, P. 1.

[183] Terresa Ongaro, "South Sudan must not be forgotten, every crisis is important, because every life is important," 20 December 2017, < https://www.unhcr.org/ke/12944-south-sudan-must-not-forgotten-every-crisis-important-every-life-important.html> [Accessed 19 August 2019].

generations of Palestinians who were not yet born when the exile began in 1948 – 49; a generation being approximately 25 years each. These people have never "experienced" Palestine as home. Most have never even visited Palestinian territories in Israel, or the rest of the State of Israel, for that matter. Yet they are counted among the Palestinians who today crave "a return to their home in Israel."[184] This stands in contrast to the South Sudan refugees in Kenya. Where Palestinians have craved return, South Sudanese refugees in Kakuma and Kalobeyei have not demonstrated similar eagerness. What then are the drivers of South Sudanese lack of eagerness to get out of the refugee settlements in North Western Kenya?

PLACELESSNESS AND ATTACHMENT TO HOME AS PROMPTERS FOR RETURN

Kibreab revisits scholarly debates on the notion of home and the promptings for return.[185] He says that various returns that have taken place in Africa, Asia and Central America tend to indicate that people are attached to their particular places of origin. They therefore passionately desire to return to those places. But he stresses the need to recognize the possibility of other factors in massive return movements.[186]

While acknowledging the centrality of the hypothesis of attachment of a people to specific places or "homes" and people's desire to overcome "placelessness" he proposes that refugees do not necessarily return just because of attachment to places and spaces. Place attachment is useful and necessary when considering the possibility of return. Yet it is not essential on its own. Instead, Kibreab says, it is the desire for rights that refugees have not enjoyed in exile that drives them to want to return.[187] Exile, Kibreab says, brings with it loss of citizenship rights. Yearnings for reconnection with lost cultural spaces and lost identities should, in this regard, be seen not as ends in themselves. Rather, they should be seen as means to an end. Kibreab says that the end is restoration of citizenship rights. If refugees had the opportunity to enjoy such rights in exile, they would probably not crave for return, he says.[188]

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[184] L. H. Mayer, "Historical Injustices and the Right of Return," in Eyal Benvisnisti ., Chaim Gans& Sari Hanafi(Eds), *Israel & the Palestinian Refugees* (Berlin: Springer, 2007), Pp. 295 – 306 (299 – 301).

[185] Kibreab, "Rights and Repatriation," Pp. 30 – 33.

[186] Ibid.

[187] Ibid.

[188] Kibreab (2003), "Rights and Repatriation," P. 30.

We see that exclusion from certain rights and freedoms because of being an exile can be a counter-push factor from exile back to the homeland. The inference is that if there should be material factors strong enough to tie the refugee to the place of exile, he could forego some basic rights and freedoms, in exchange for the relative advantages enjoyed in exile. In the case of South Sudanese refugees in Kakuma and Kalobeyei, we set out to find out whether there could be any such compelling factors.

Adelman and Barkan also examine the element of sentimental attachment to the homeland.[189] Counterpoised to sentimental attachment to original places and spaces is diffusion of exile into a condition of "normalcy." Many years spent in exile can give it the character of normalcy. The refugee adjust to life in exile to the extent that the inertia dampens the appetite and urgency for return. That is to say that he or she "feels settled" and the thought of going back no longer preoccupies them with significant sense of resolve and priority. This invites us to reflect upon a number of other related questions. First, what is home? Or where is home? Second, who defines home? What does the protracted refugee understand to constitute home? Is the notion of home invariable? Such questions must engage us, as we grapple with factors that could inform non-return of refugees long after situations that pushed them to exile no longer exist, or have diminished significantly as provide opportunities for return.

Hammond, as read by Kibreab, has discussed passion for return among youthful refugees, and especially those who had not previously lived in the place considered to be home. [190] He found that they did not demonstrate as much passion to the original place as did older people. They were amenable to settling anywhere else. Hammond also established that prolonged exiles tended to generate social, economic and physical uprooting, with profound impact on refugees' perceptions of their identities, attitudes, social networks, as well as their educational and social statuses. Their attitudes about home tended to change, too.[191] Could this kind of transformation have a bearing on the South Sudanese refugee situation in our research?

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[189] Adelman and Barkan, *No Refuge*. P. 1.
[190] Kibreab, Rights and Returns, pp. 38 – 40.
[191] Ibid.

Yet, Blitz *et al* record the case of young Afghans who had never been to their country "wishing to return" because of commitment to their "motherland" out of idealized and distant return. [192] We were interested in finding out where the balance in these contrasting positions lay, as informed by Sudanese refugees in Kakuma and Kalobeyei.

Blitz *et al* have also addressed the same concern with regard to Afghan refugees in the UK. Some refugees deliberately wanted to forget about Afghanistan as their "home."[193] They desired to turn a new page in a new home, "For others, arrival in Britain marked an important transition, and their lives in Afghanistan were relegated to recent history. For others, the opportunity of starting again in Britain meant a radical break with the past."[194]

An Afghan refugee in the UK is quoted as saying:

> This is my home. I don't even want to think about Afghanistan anymore. This is my new life. My future is here. To me life is like my life starts now. All I had before was fighting and war.[195]

Graham *et al* (as read by Chimni 2004) have suggested that home is where you make it.[196] They suggest, further, that diaspora can be multi layered. Accordingly, someone can have multiple homes, including the original home. This particular home becomes "merely the place of nostalgia," as opposed to other homes that meet more practical needs.[197]

Yet it is not every Afghan refugee in the Blitz *et al* study who wanted to make a new home in the UK. Nearly half of the respondents in the study wanted to return to Afghanistan:

> Participants expressed two, often related, reasons for wanting to return. They had an emotional attachment to Afghanistan that was often combined with a desire to help in rebuilding the country and give something back.[198]

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[192] Blitz et al. P. 191.
[193] Ibid.
[194] Ibid.
[195] Ibid.
[196] Graham, Mark & Khosravi, Shahram, cited in Chimni 2004, P 60.
[197] Ibid.
[198] Blitz et al, "Non-Voluntary Returns?" P. 190.

This group's passionate attachment to Afghanistan as "home" is unmistakable. One nostalgic refugee is quoted as saying:

> Afghanistan is a poor dusty country but for me it is heaven. It has a lot of sun. We have good food, good people (and) kind people. Everyone loves their country and I love my own dusty country . . . My dream is to return there. My country is gold.[199]

Blitz *et al* describe a variable reality. Within the same population of refugees, forced into migration by the same situation and circumstances, some want to return. Others do not even wish to remember that there ever was such a place. Some are emotionally beholden to the place of origin that was once home. Others think that home could be anywhere. What lessons, therefore, can we take on the conversation of attachment to place from South Sudanese refugees in Kenya Kakuma and Kalobeyei settlements?

Adelman and Barkan also discuss the case of Ethiopian and Eritrean refugees who fled in either direction (1974 – 2000). Others spilled over into Kenya. They note that "there have been no major attempts or efforts to allow the return of those forced or 'encouraged' to leave in either direction.'"[200] Ethiopia, however, engaged in ruthless repatriation of Eritreans from Ethiopia, following violent conflict between the two countries, 1997 – 2000, over disputed territory.[201]

The Ethiopian and Eritrean situations represent an ambivalent situation, where neither the home State nor the refugees themselves show any meaningful passion for return (of the displaced). Nor do the host communities in the two countries and Kenya (another host in this drama) show much eagerness to have Ethiopian and Eritrean refugees return. The only dramatic development here is the angst-driven forceful repatriation of Eritreans from Ethiopia, following contestation for territory between the two countries. Eritrea refrained from reciprocating.[202]

The Ethiopian and Eritrean refugee situations call for robust scholarly investigation. Away from academic interest, these cases do not seem to excite substantial contestations around the notion of right of return. They nonetheless invite us to wonder

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[199] Ibid.
[200] Adelman and Barkan, *No Refuge.* P. 148.
[201] Ibid. P. 146.
[202] Ibid.

whether a refugee situation could morph into apparent normalcy and permanence of residence?

DICHOTOMY OF HOME AND HOMELAND IN INCOMPLETE RETURNS

The question of return remains fairly lukewarm for Eritrean refugees in the neighbouring countries in Eastern Africa. There has never been a strong push from anywhere for their return from the various neighbouring countries where they are domiciled, as we have seen. This is apart from the forced returns that have been sometimes imposed by Ethiopian authorities as discussed above. In spite of this, some Eritrean refugees have, however, returned, under what could be classified as "voluntary repatriation."[203] The drivers of this return effort have been two-pronged. Part of the effort has been from some level of intervention by the Eritrean State, notwithstanding overall State lethargy on this subject, as discussed above. Other efforts have been from non-governmental organizations. [204] These twin efforts have, however, yielded incomplete returns; in the sense that while the refugees have returned to the homeland, they have not returned to their former homes in the homeland.[205] Kibreab has observed:

> ... of those returnees whose repatriation and settlement were organized by the Eritrean Government and UNHCR, 93 percent have settled outside their former homes or places of origin . . . Prior to their displacement, the refugees lived in different parts of Eritrea. Thus return to their respective places of origin would have meant loss of invaluable social and human capital development in exile.[206]

Although they may have returned to their homeland, therefore, the paradox of inability to reach the original home in the homeland remained. In a sense, they moved from being refugees to being "internally displaced persons." They were in "exile at home," out of circumstantial inability to realize a full return to their original abodes in the homeland. It was, accordingly, an incomplete return. Such incomplete returns fail to fit in the prism envisaged by Poul Hartling, formerly High Commissioner for Refugees, when he addressed the 35th Session of EXCOM in October 1984. Hartling informed the session that one of the pillars of UNHCR's involvement in repatriation was that returnees' destination would be "their former homes, their former villages, their

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[203] Kibreab, "Rights and Repatriation," P. 33.
[204] Ibid.
[205] Ibid.
[206] Quoted in Kibreab, "Rights and Repatriation," P. 26

land."[207] And Warner is of the view, "Voluntary repatriation means return to home, not merely to a country of origin . . . Voluntary return is more than just return to a country of origin; it is return to a home and a community."[208]

Yet the UNHCR has often found itself at a crossroads that has made it appear to turn its back on the pillars of safe, voluntary and dignified returns. Under her watch as the UNHCR (1990 – 2000), Sadako Ogata declared the 1990's the Decade of Repatriation.[209] Upwards of 10 million refugees were repatriated to Afghanistan, Cambodia, Mozambique, and Nicaragua.[210] Some of the returns in these period have been criticized as having been impatient and undignified. They have been seen to belong to the docket of refoulment.[211] The return of Rwandese refugees from Tanzania in 1996 under the aegis of the governments of the two countries and UNHCR was criticized as "imposed."[212] Arbitrary arrests, detentions and disappearances were reported.[213] Crisp and Long have questioned the long-term usefulness of this kind of return:

> . . . refugee return is successful in the long term only if it is also sustainable. Refugees who are internally displaced upon their return, who are obliged to eke out a living in shanty towns or squatter settlements, or who feel obliged to move on to another country or continent in order to meet their basic needs, cannot be considered to have found a lasting solution to their plight.[214]

Two years into office, Ogata came to terms with the reality that is the challenge of return. She would acknowledge:

> As High Commissioner, my first exposure to voluntary repatriation was during my visit to Ethiopia last July. I was deeply impressed with the political commitment and sincerity of the leaders of the new government of national reconciliation whom I met in Addis Ababa. I then went to the eastern province to meet Ethiopian refugees who had returned from Somalia. I was appalled at their situation. Forced to come back to Ethiopia because of civil war in their country of asylum, they

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207 Ibid.
208 Ibid.
209 Sadako Ogata, 22 May 1992, "Statement by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, at the International Management Symposium, St. Gallen, Switzerland, 22 May 1992," < https://www.unhcr.org/admin/hcspeeches/3ae68faec/statement-mrs-sadako-ogata-united-nations-high-commissioner-refugees-international.html> [Accessed 10 August 2019].
210 Jefff Crisp & Katy Long, "Safe and Voluntary Refugee Repatriation: From Principle to Practice," *JMHS Volume 4 Number 3 (2016): 141-147 (*p. 144).
211 Ibid.
212 Ibid.
213 Ibid.
214 Ibid., p. 145.

found themselves hungry and homeless on return. A year later we are still coping with a protracted emergency in the Horn of Africa.[215]

Hammond, as read by Kibreab,[216]makes a nuanced study of home and exile in the case of Eritrean returnees from Sudan. He draws a distinction between "country of origin" and "particular places of origin" within the country of origin. He establishes that there is affinity to specific places of origin by older returnees.[217] How do these concerns play out in the case of Southern Sudanese refugees in Kakuma and Kalobeyei? Do they have any contributory role in the traction that the camps have taken?

Kibreab has also wrestled with the meaning of home in the context of approaches to solutions to the refugee problem. Like Adelman and Barkan, he says that quite often relationships are established between particular people and particular places, in the way solutions to the refugee problem has been conceptualized in international instruments. Kibreab recognizes that other scholars have made intensive studies on the relationship between given populations and "their own place, territory or homeland." Among such scholars are Malkki (1995), Allen and Trutton (1996) and Warner (1996). The assumption is made that return is the most desirable solution to refugee movements. Their central concern is the importance of being rooted as a need of the human soul.[218] In this context, therefore, this research raises the question, why is return often so difficult to the extent that refugee camps become permanent?

Kibreab's central focus in "Citizenship Rights and Repatriation of Refugees" is the examination of the conditions of life in exile and their influence on the desire to return or stay in exile. He examines the extent to which the refugee comes close to accessing conditions comparable to citizenship rights and how this influences decisions on return or non-return. Kibreab juxtaposes the conditions of forced exile in the affluent nations of North America, Western Europe and Australia and New Zealand on the one hand, with the conditions of exile in the poor nations of Africa and Asia.

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[215] Statement by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, at the International Management Symposium, St. Gallen, Switzerland, 25 May 1992. Available at https://www.unhcr.org/admin/hcspeeches/3ae68faec/statement-mrs-sadako-ogata-united-nations-high-commissioner-refugees-international.html.

[216] Kibreab, "Rights and Repatriation," Pp. 32 – 33.

[217] Ibid.

[218] As cited by Kibreab, "Rights and Repatriation," P. 25.

He asks these fundamental questions, "Are return movements inevitable outcomes of the way solutions to the refugee problems are conceived in the international instruments relating to the status of refugees? Are they determined by the need, on the part of the refugees, to belong to particular places . . . inhabited by their communities? Or are return movements escape routes from actual or perceived conditions of inequality and deprivation?" These questions are particularly important when juxtaposed with the USA for UNHCR perspective that "Responding to new challenges and the needs of refugees redefines what a refugee camp is and how best to respond to refugee crises. Camps are no longer simply rows of tents, they are communities filled with people preparing for brighter futures."[219]

Our interaction with Kakuma and Kalobeyei refugee camps in this context points towards Kibreab's chief concern, where he has posed the question:

> ... can return movements be conceived in terms of the desire on the part of those who return to (re) gain national citizenship and /or membership in local communities as a means of recouping the rights that are lost in connection with displacement? What happens if the lost rights could be recouped in the context of exile, or if exile provides opportunities for expanded sets of civil, political and social rights which are superior to the ones refugees enjoyed prior to their displacement and to the ones they may expect to enjoy upon return? Would refugees still want to return after the cessation of the factors that prompted their displacement, regardless of the qualitatively and quantitatively greater citizenship rights they may enjoy in exile?[220]

RETRIBUTION AND FEAR OF RETURN

Rwanda and Burundi provide an interesting perspective that brings into focus fear of retribution as a deterrent to return. Forced migration and the challenge of return in the two countries closely mirrors each other over the period 1962 – 1994. The exception is role-reversal between the Tutsi and Hutu communities as the agents and victims in the forced migration in the two cases.[221] Adelman and Barkan have observed:

> In Rwanda, the Tutsi minority that was driven out, or fled, in the early 1960s and their descendants did return, but only through the victory of the Tutsi-dominated Rwandan Patriotic Army. Then a new group that belonged to the majority Hutu population fled."[222]

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[219] UNHCR. "What is a refugee camp? n.d. < https://www.unrefugees.org/refugee-facts/camps/> [Accessed 10 January 2018].

[220] Kibreab (2003), "Rights and Repatriation," pp. 24 – 25.

[221] See for example *Gerard Prunier, The Rwanda Crisis 1959 – 1994: History of a Genocide,* PP. 41 – 43 on the whimsical changeability of status of a people's identity from Hutu to Tutsi and vice versa in 1912 and its implications for power and exile in future years in Rwanda and Burundi.

[222] Adelman and Barkan, *No Refuge.* p. XV.

This group lived in refugee camps under the control of genocidal soldiers who had fled with them to Eastern DRC. When this territory was seized from suspected leaders of the 1994 Rwanda genocide, significant numbers of the Hutu exiles returned to Rwanda. However, those with blood on their hands continued to stay in exile, or avoid repatriation if they could, creating a source of instability in the DRC.[223]

The message here would seem to be that some exiles will want to avoid return because they are afraid of retribution back home. This is regardless that the refugees constitute a majority identity group, such as the Hutu in Rwanda. During this literature review, we saw no public evidence or knowledge that the government in South Sudan may have wanted some of the refugees in the camps in Kenya back home for retribution. However, there were instances of isolated forced returns with the likelihood that the returnees did not find justice in South Sudan.[224] Later on, our interaction with Kakuma and Kalobeyei refugee camps also revealed irregular forays into South Sudan and returns into the camps by some refugees. The element of concerns about fear of persecution and/or retribution seemed to dissolve in these cases. The factors behind protraction of exile in this context must, accordingly, be sought wider than in possible fears of persecution and/or retribution.

THE VOICES IN DISCOURSES AND POLICY DECISIONS

Beyond the foregoing, our thematic refrain in this research is the missing voice of the refugee in conversations about the question of return. There is need to listen more to the voice of the forced migrant for keener appreciation of the factors behind protracted migrations that begin as escapes from violent and unsafe places. Their right of return is counterbalanced by the right to an opinion about their circumstances. This right is guaranteed by Article 19 of the Universal Declaration of Human Rights.[225] Their exercise of this right can be useful to the search for lasting solutions to the refugee challenge. It will give a first-hand perspective on why forced migrants often don't return home. It will also give their perspective of what they think should be done about

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[223] Ibid.

[224] Katharine Houreld, South Sudanese exiles fear kidnap after activists disappear in Kenya," in *World News* 22 February 2017, also available at < https://www.reuters.com/article/uk-southsudan-security-kenya-idUKKBN1611U0>, [Accessed 10 April 2019].

[225] UNHCR, Article 19 of the Universal Declaration on Human Rights. Also accessible at <http://ccnmtl.columbia.edu/projects/mmt/udhr/article_19.html>. Accessed 26 November 2019].

their circumstances. In this regard, Blitz *et al* attempt to give the refugee a voice on the question of voluntary return. [226] Drawing upon earlier research, they examine the circumstances around the forced removal of 35 Afghan nationals from the UK in 2003. The 35 Afghans resisted going back to their country when the rest of the migrants who had been with them in the refugee camp had apparently returned voluntarily. Blitz et al attempt to understand the drivers of intransigence in these Afghan refugees to the extent that it became necessary for them to be forcibly repatriated.[227]

To address this, Blitz *et al* take a three-pronged search. This includes examining justice-based arguments for return, human capital explanations and burden-relieving explanations. Justice-based programmes, as stated above, assume that the displaced person has suffered injustice by being forced to migrate. In returning, therefore, the person reverses not just the displacement but the injustice, too. Human capital factors, on the other hand, would be deemed to reverse the effects of brain drain in the place of origin. States pushing for return of their citizens would seem, therefore, to be restoring human capital that has previously been lost. Finally, the burden-relieving paradigm would seem to be mostly in the interest of the refugee's host community. Its significance would reside in relieving the host community of pressure on welfare services extended to the refugees. However, is it possible for refugees to sense a fresh act of injustice in the effort to reverse their stay in exile? Is it possible that repatriation efforts, even where the exercise is said to be voluntary could, in the eye of the refugee, be a fresh motion of forced migration by different agents and means? This could be a hypothesis requiring testing, especially in the context of hardcore exile.

Blitz *et al* conclude that the notion of voluntary return is by and large a myth. They see it as a notion based on the domestic concerns of both the host community and the authorities in the refugee's home, rather than on the professed rights, or welfare, of the refugee.[228] In this regard, Hathaway has questioned repatriation as a form of protective intervention in forced migration.[229] She observes that States have the prerogative of deciding who may enter their territories.[230] Refugee arrivals often take the character of

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[226] B. K. Blitz, et al, "Non-Voluntary Return?" Pp. 182 – 200).
[227] Ibid, P. 182.
[228] Hathaway, "Meaning of Repatriation," 551.
[229] Ibid.
[230]. Ibid, P. 552.

sudden surges. They happen in sudden fluxes in contexts of mass violence. States may, therefore, not have the luxury of methodical processing and permitting of entry, such as Hathaway suggests. However, they often exercise the power of deciding who stays on, where they stay and how long they stay. Indeed, she observes that the 1951 Convention on Refugees does not require a refugee to be granted permanent asylum.[231] Their status is conditioned to continuation of risk to them in their countries of origin. Their protection and asylum in exile may, therefore, be revoked when conditions at home undercut need for protection.[232] Yet this is easier said than done, for such revocation easily offends the principle of non-refoulement in the 1951 Convention.

There has been resurgence of interest among Northern countries in the 1951 Convention's paradigm of temporary protection, and especially the right to repatriate when the refugee status ends.[233] But the notion of "end of refugee status" in this context would seem to be a paradox. We may ask, when exactly does the refugee status end? Who decides that it has ended? If the refugee has to be coaxed – or coerced – to repatriate, does he or she consider that their status as a refugee has ended?

Blitz and Sales (2005) have suggested that repatriation programmes also seek to placate anti-migrant public opinion in host communities rather than restore refugees' citizenship rights.[234] Financial inducements and other incentives are, accordingly, employed as possible prompters and enticements for relocation. As we have seen above, when inducement did not work in Afghanistan, the obstinate refugees were returned by use of force. Blitz *et al* have made useful contribution that adds the voice of the displaced to the conversation. Borrowing from this, our research sought to hear what the voices of the displaced in the case of South Sudan in Kenya could add to conversations on the rights debate.

CONCLUSION

This literature review on forced migration and the dialectic of home and return is by no means exhaustive. Yet, through the various perspectives explored here, the literature provides useful entry points and bases for further focused investigation into why forced

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[231] Ibid.
[232] Ibid.
[233] Ibid.
[234] Blitz et al, "Non-Voluntary Return?" P. 185.

migrants have often not returned to their homes and, by extension, why refugee camps have tended to become hardcore settlements. While some scholars have argued for return as a legal right and as the best solution to the global refugee challenge, others have questioned – or even dismissed – the notion of return as a right or even a possibility. Regardless of the two incompatible positions, refugees have continued to stay in exile long after other people and authorities thought that it was time for them to return. Our literature survey justifies further enquiries into the factors and circumstances that drive exile, and especially those that keep migrants in refugee camps for inordinate periods, leaving some of them to live out their full lives in the camps.

Second, this literature survey has flagged a number of possible generic factors and circumstances that that drive and entrench exile and life in refugee camps. Such drivers could be found both in the location ante migration and in the place of migration. We have recognized these as "push-and-pull-factors," within the paradigm of Ravenstein and other neoclassical migration theorists.[235] It is useful to appreciate these factors both at home and in the place of asylum. Even more critical, however, is the need to listen to the voices of the forced migrants themselves, and especially those who are living out their full lives in refugee camps. What makes them stay on, even as their genealogy enters its third generation in the camps? While the literature flags the need to investigate the circumstances both in the homeland and in exile, our focus in the rest of the study – however – remains on the people in the refugee camps, with accent on listening to the voice of the forced migrant and teasing answers out of him or her.

Third, the literature has also suggested that fluxion of time could have a bearing on whether the forced migrant is keen to return, or not. While it might dampen the appetite for return in a particular individual refugee, and even in whole refugee populations, narratives and memories of home may nonetheless infuse a sense of nationalism and patrilineal passion into subsequent generations of refugees born in exile. Such nationalism and passions may sometimes lead to the desire for "return," as is the case of Palestinian refugees in the Middle East. This is despite the fact that some of them may only have "received memory," or "received experience," of the homeland, as

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[235] Hathaway, "Meaning of Repatriation," Pp. 553 – 557.

factors of received orthodoxy. The need to investigate this possibility among South Sudanese patrilineal refugees justifies itself.

Fourth, we have seen that some scholars, such as Meyer, have argued that considerations about identity should be diminished irrelevance in the right of return debates and in influencing the desire and decision to return. What lessons can we learn about this from South Sudanese refugees in Kakuma Refugee Camp and Kalobeyei Integrated Refugee Settlement in North Western Kenya?

Fifth, some of the available literature also suggests that even when refugees have returned, the return is often incomplete, especially when viewed through the prism of UN Resolution III (194) of 1948, which requires that displaced persons should return not just to a homeland, but also to their original homes. The practicality of this has been questioned in much of the literature we have reviewed. In the context of where South Sudanese refugees have eventually returned home, it would be of interest to establish the reality on the ground. Have these people returned to their homes or to their homeland? In both our study design and subsequent fieldwork, we did not venture into South Sudan to validate any returns. However, the design catered for returnees who went back to South Sudan and later returned to camp life in Kakuma. They helped us to bridge the knowledge gap in this respect. However, we still acknowledge the need for more pointed researches on any efforts to resettle any returnees in South Sudan.

Sixth, this literature review has shown that the voices of the displaced persons are largely absent in the search for solutions to the global refugee problem. Scholars like Blitz have interviewed refugees and cogently argued the case for giving these voices more space and audience.[236] They are at the core of this drama, hence the need to listen to them cannot be overemphasized. What do these people understand by the dialectic of home and exile? What has this dialectic meant to the South Sudanese refugees in Kenya? What do they think of this dichotomy in the context of the extended timeline of their domicile in refugee camps, and what is the extent of their attachment to the place that has been memorialized as their home? What would they perceive as the

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[236] Blitz et al, "Non-Voluntary Return?" p. 182 – 200.

ultimate solution to their challenge? This literature review has given us a good basis for research into these questions.

Finally, the literature has also shown the need for a holder of duty of care, where the right of return needs to be enjoyed. We have seen that in the case of South Sudanese exiles in Kenya, the Government of South Sudan owned up to this duty of care long ago. Yet their citizens continued to reside in refugee habitations in foreign lands. This literature survey has given us a basis for further investigation here. Ancillary to this is the question of the divide between ethnic minorities and majorities in the dynamics of displacement and considerations about return. The literature review has given us an entry point for examining how these have played out in the case of South Sudanese refugees in Kakuma and Kalobeyei.

Most significantly, this literature survey gave us the scope to develop questions for investigation in the field, among the active participants in the tragic dramas of forced migration and the challenge of return. It provided useful pointers from secondary sources for a qualitative survey of our kind, giving us an invaluable starting point for an inductive study.

CHAPTER THREE
STATE DYSFUNCTION AND ROOTS OF MIGRATION FROM SOUTH SUDAN

INTRODUCTION

Lee has proposed four clusters of factors in the act of migration as (i) factors associated with the area of origin (ii) factors associated with the area of destination (iii) intervening obstacles and (iii) personal factors. [237] In line with this delineation of factors, this chapter makes a generic survey of the factors associated with the area of origin in the case of South Sudan's refugees in Kakuma and Kalobeyei (1991 – 2019).

The factors in the place of origin do not necessarily have a uniform effect, or even influence, upon all the people in that milieu.[238] While common circumstances may push a population towards migration, personal factors and other intervening obstacles will inform individual decisions (and sometimes even group decisions) and ability to migrate, differently. This notwithstanding, both generic and specific factors in the place of origin remain relevant in migration. Appreciation of the place of origin is, accordingly, important in the attempt to understand the lengthy stay in a refugee camp by a population from that provenance. Factors in the place of origin may predispose citizens to migration, or even generate the migration.[239]

In the case of South Sudanese refugees in Kakuma and Kalobeyei, what are the factors that have informed the place of origin? Using both primary and secondary sources, the present chapter seeks to answer this question. This in turn makes our Chapter Three a useful curtain raiser to Chapter Four, where we return to listen in depth to the voices of the migrants, regarding the interplay between personal factors and other variables, both in the area of origin and in the area of destination.

Within this context, therefore, this chapter gives a brief overview of the displacing environment in South Sudan (and earlier Southern Sudan). It presents a critical telescope of the social, political and economic environment that has pushed citizens

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[237] Everett S. Lee, " A Theory of Migration," in *Demography*, Vol. 3, No. 1 (1966), pp. 47- 57 (pp. 51 – 52).
[238] Ibid.
[239] Ibid.

from South Sudan into exile. The chapter focuses primarily on broad push factors in the country, and their bearing on the citizens' lives and welfare. We contextualize this chapter in the framework of the Neoclassical theory of migration, as advanced in Chapter One. Accordingly, we observe here that the South Sudanese state has been characteristically fragile and dysfunctional. These attributes are traceable to the larger Republic of Sudan in the independence period (1956 – 2011). We advance the argument that state fragility and dysfunction – both in Southern Sudan as a region in the old Sudan and in independent South Sudan after 2011 – has created a shaky environment that has spawned hopelessness in the people, and the desire for permanent migration from their country.

We argue further that citizens have lived in an unending migration alert mode. To this extent, the actual triggers of migration are only secondary stages that actuate what has simmered under the surface for some time. The actual circumstances that uproot the citizens from their country to push them into exile only constitute the last straw in an environment of abject state fragility and dysfunction. At the moment of flight, state hopelessness has, in the eyes of the citizen, reached its lowest point. Citizens have no choice at this stage, but to leave their country. The push factors as discussed in this chapter are augmented by pull factors, discussed in Chapter Four, where we move from the generic to the specific.

THE FRAGILE AND DYSFUNCTIONAL STATE AS A PREDISPOSING FACTOR IN MIGRATION: THE CASE OF SOUTH SUDAN

STATE DYSFUNCTION AS A PUSH FACTOR

The most enduring profile of South Sudan, and before it Southern Sudan, is that of a dysfunctional state. In such contexts, sovereign authority has been challenged to the extent that the state cannot exercise its legitimate sovereign power.[240] Law enforcement is virtually absent or very weak, while the state is unable to provide basic goods and services to citizens.[241] Where the Government is not entirely absent, it demonstrates very little activity, with corresponding diminished, or no capacity, to govern.[242]

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[240] Ashraf Ghani & Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding A Fractured World* (Oxford, Oxford University Press, 2009), pp. 4 – 5, pp. 23 – 25.
[241] Ibid.
[242] Ibid.

A vicious circle of cause-and-effect exists, in a matrix of political and economic corruption, insurgency, crime and collapse of power into the hands of non-state actors.[243] Situations such as these will usually generate a yearning for reform in the same environment.[244] Sustained elusiveness of reform, however, may easily transform the citizen's focus from yearning for improved conditions at home to longing for migration.[245] South Sudan fits snugly in this frame of nations. Our field interviews in Kakuma revealed that citizens in such states often desire permanent separation with their country. If they should get the chance, they will seize it quickly, particularly if there are no inhibiting personal factors and other external obstacles. The dilemma of forced migration and the dialectic of home and exile in South Sudan, consequently, fits well into the prism of state fragility and dysfunction as underlying factors.

According to a Pew Research Centre Report of 2018, significant populations from Nigeria, Tunisia and Kenya craved for permanent migration from their countries within the next five years. Forty-five percent of Nigerian interviewees showed the desire to leave their country for good, while Tunisia and Kenya had 24 percent and 19 percent, respectively. Some of these people were already making some initial steps towards migration. The steps included such measures as looking for more information about the preferred place of outmigration, or saving money as part of the preparation to migrate.[246] The intending migrants cited the search for jobs, education and peace as the prompters for their contemplated migrations.[247]

CITIZENS' EXPECTATIONS OF FUNCTIONAL SOVEREIGN STATES

Haq has argued that sovereign states require at least three capabilities in order for their people to be comfortably settled in their countries. [248] Sovereign states must demonstrate the capacity to secure certain freedoms for their citizens. Apart from political and democratic freedoms that safeguard the right to participate in such

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[243] Ibid.
[244] Ibid.
[245] Ibid.
[246] Philip Cannor & Ana Gonzalel-Barera, "Many Nigerians, Kenyans and Tunisians say they plan to leave their countries in the next five years," 27 March 2019, <https://www.pewresearch.org/fact-tank/2019/03/27/many-nigerians-tunisians-and-kenyans-say-they-plan-to-leave-their-countries-in-the-next-five-years/?utm_source=AdaptiveMailer&utm_medium=email&utm_campaign=3-27- > [Accessed on 12 August 2019].
[247] Ibid.
[248] <https://www.meassureofamerica.org/human-development/> , [Accessed on 11 August 2019].
Mahbub Ul Haq developed this notion in 1970 while working for the World Bank, to draw distinction between practical human advancement on the one hand, and simple money metrics that do not tell the complete story.

processes as determining the government of the day and how the people are governed, citizens also want to enjoy good health and healthcare facilities. They also want to access quality education in good institutions of learning. Decent standards of living are also key, with dignified opportunities for employment and income.[249] Finally, their security is very important. Citizens want a good and safe living environment, free of arbitrary violence and other livelihood anxieties.[250]

Where there is anxiety about any one of these imperatives, or a combination of them, citizens are prone to cast their sights elsewhere for possible better opportunities. This is regardless that the place considered to be better may be within the same country, or in some other country.[251]

South Sudan, as we demonstrate in the following pages, has suffered a major deficit in each of the foregoing capabilities. This has prompted millions of her citizens to hanker for better opportunities elsewhere, and others to migrate. Migrations from the country point to a dysfunctional state standing between the people and their desire for a good life.[252] Ghani et al have observed, "Politicians now understand that issues such as refugee flows and humanitarian action have their roots in the failure of states to provide opportunities for their citizens."[253] South Sudan is one such a state. It presents the profile of a fragile-to-dysfunctional state, with high potential for refugee outflows. In this, she is not alone. In the first half of 2019 alone, the International Organization for Migration (IOM) recorded nearly 700 deaths of illicit migrants, who were killed in boat accidents in the treacherous waters of the Mediterranean Sea. They were fleeing poverty and war in the Middle East and Africa.[254] A good number of these were from South Sudan.

We argue in subsequent chapters of this thesis that, like many of their compatriots in other fragile and dysfunctional African states, South Sudanese citizens yearn for better lives in alternative permanent settlements. While illicit ventures across the Sahara

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[249] Ibid.
[250] See also Ghani et al, Ibid. *Fixing Failed States*, p. 4.
[251] Ibid.
[252] Focus Group Discussions in Kakuma, 20 June 2019.
[253] Ghani et Al, Ibid. Fixing Failed States. p. 4.
[254] Aljazeera, "Up to 150 feared dead in 'year's worst Mediterranean tragedy,' https://<www.aljazeera.com/news/2019/07/100-migrants-Aljazeera, "Up to 150 refugees feared dead refugees-feared-drowned-mediterranean-sea-190725150839996.html, [Accessed on 14 August 2019].

Dessert and the Mediterranean Sea provide a probable but dangerous option, the possibility of being resettled in an OECD country through the refugee camp is an attractive and less hazardous option. In the words of USA for UNHCR, therefore, "Responding to new challenges and the needs of refugees redefines what a refugee camp is and how best to respond to refugee crises. Camps are no longer simply rows of tents, they are communities filled with people preparing for brighter futures."[255] Our interviews in Kakuma lend credence to this perspective. They also demonstrate that the better future yearned for is not in the country of origin, but in a third country, in the Northern hemisphere.

One of the central theses in this research is that the factors that prompt violent migration – despite their harshness – are only triggers in situations where the migrants have often been on a migration alert, owing to state fragility and dysfunction. The possibility of permanent resettlement in a third country as one of the solutions to the international refugee problem is, therefore, an attraction that the forced migrant in a refugee camp is willing to wait for. Many people are ready to live out their lives in the camps, as they wait indefinitely for resettlement.[256] Kakuma demonstrates that the waiting could even last for as long as thirty years and beyond – especially for those whose sights are cast upon Western Europe, Australia, Canada or the United States. The discomfitures of long waiting, moreover, are vitiated by the relative comforts that the refugee camp accords the migrant during his or her sojourn here. These relative comforts are in the main absent in the place of origin.

The rest of this chapter gives a historical sketch of South Sudan, in which we briefly profile state challenges, inadequacies and dysfunctions that have consistently predisposed the citizens to migration. We present a condensed social and political fabric of an environment that has disgorged millions of citizens into camps outside the country and kept them there in the waiting mode, over protracted periods. This social and civic canvas is useful for greater appreciation of the subsequent main arguments in this thesis, about protracted South Sudanese citizens' domicile in refugee camps in North Western Kenya, and the dialectics of identity, exile, home and return.

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[255]UNHCR, "What is a Refugee Camp?" n.d. <https://www.unrefugees.org/refugee-facts/camps/>: [Accessed 04 April 2019].
[256] Interview with IOM official, Kakuma 8 June 2019.

GEOGRAPHICAL AND HISTORICAL OVERVIEW OF THE PLACE OF ORIGIN FOR KAKUMA AND KALOBEYEI REFUGEES AND THE DISPLACEMENT OF PERSONS

South Sudan is the landlocked home of upwards of 60 ethnic communities. Most of these people belong to the Nilotic stock of languages of Eastern Africa. The country covers an area of 610,952 square kilometres. Administratively, South Sudan was until October 2015 divided into 10 regions. These were Western Bhar El Ghazal, Northern Bhar El Ghazal, Warrap State, Unity State, Upper Nile, Jonglei, Lakes State, Western Equatoria, Eastern Equatoria and Central Equatoria. The ten states were carved out of three former provinces in the old Southern Sudan - Bhar El Ghazal, Greater Upper Nile and Equatoria. In October 2015, however, President Salva Kir issued a decree raising the number of the states to 28. In 2017, an extra four states were decreed, bringing the number to 32. Debate has since raged about the constitutional legitimacy of these decrees. Most state agencies and the international community have taken no notice of these declarative changes. They continue to plan and implement their activities through the original 10 states.[257]

The social, economic and political profile of the country is largely a tale of strife and hardship, even at the best of times. The social service sector has been in turmoil since independence in 1956 as part of the greater Republic of Sudan. The political, social and economic landscape is largely marked by absence of government, with uneven social development, spatial inequalities, violence and exclusion.[258]

CONGENITAL HISTORY OF CONFLICT AND DISPLACEMENT

It is our contention that violence drives dysfunction while dysfunction also drives violence. This vicious circle and the attendant sense of hopelessness in South Sudan are a congenital problem. Right from 1956 – and arguably before – the southern region of Sudan was engaged variously in both structural and physical violence. The profile of this region within the greater Sudan has been one of Manichean conflict that has pushed citizens into neighbouring countries as forced exiles. As at 15 July 2019, the refugee distribution of South Sudanese citizens in the East African region was as on the table below.[259]

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[257] Global Partnership for Education (GPE) Report, Batch 4, Country 9: Republic of South Sudan, May 2019. P. 5.
[258] Edward Thomas, *South Sudan: A Slow Liberation* (London, Zed Books, 2015), pp. 16 – 18.
[259] Utz Pape & Arden Finn, "How conflict and economic crises exacerbate poverty in South Sudan," 23 April, 2019, <https://blogs.worldbank.org/africacan/how-conflict-and-economic-crises-exacerbate-poverty-in-south-sudan>, [Accessed on 12 August 2019].

Table 3.1: Distribution of South Sudanese Refugees in Eastern Africa by
Country Breakdown as at June 2019

Location	Source	Data Date	Percentage	Population
Sudan	*UNHCR, IOM, SRCS, COR, HAC*	15 Jul 2019	37.1%	**858,090**
Uganda	*Office of the Prime Minister*	30 Jun 2019	36.1%	**833,785**
Ethiopia	*UNHCR*	30 Jun 2019	17.4%	**401,594**
Kenya	*UNHCR*	15 Feb 2019	5.0%	**116,211**
Democratic Republic of Congo (DRC)	*UNHCR*	30 Jun 2019	4.4%	**102,044**
TOTAL				**2,338,697**

Soon after independence on 01 January 1956, the Black African people in the South accused their Arab compatriots of dishonouring a pre-independence understanding that independent Sudan would be a federation.[260] The Southern part of the country was supposed to enjoy a level of autonomy and self-determination from the North, which was to be governed from Khartoum. Juba would be the capital of semi-autonomous Southern Sudan. A civil war, known as the Anyanya I movement, broke out in 1956. It lasted for six years until 1972 when Khartoum, under President Jaffar Numeiri, acceded to the demand for a confederacy.[261] The Peace Treaty of Addis Ababa ended this conflict.[262]

OIL AND FRESH CONFLICT 1988 – 2005

Following the discovery of rich oil resources in the South in 1983, Khartoum revoked the limited autonomy of the South. This sparked off fresh tensions that eventually blossomed into full-fledged armed conflict.[263] General John Garang De Mabior, who was sent to the region to quell the rebellion, defected and became the leader of the armed Sudan Peoples' Liberation Movement/and Army (SPLM/A). The war between the South and the North lasted until 2005, when a Comprehensive Peace Agreement

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[260] Douglas Johnson, *The Root Causes of Sudan's Civil Wars: Old Wars and New Wars,* (Suffolk, James Currey, 2016), pp. 11 – 19.
[261] Ibid, pp. 39 – 41.
[262] Ibid.
[263] Johnson, Roots and Causes, pp. 45 – 46.

(CPA) was signed in Naivasha Kenya.[264] This agreement and the attendant peace provided a window of opportunity for return of refugees. While there was significant demonstrated return of some refugees, including from Kakuma, a majority did not return. Moreover, some began returning to Kakuma even while the season of peace lasted between 2005 and 2013 when another wave of violence would break out.[265]

The 2005 Naivasha CPA created a power-sharing arrangement between the North and South, with features of the kind of limited autonomy that Sudan had experienced at the start of independence in 1956.[266] The CPA also declared that the root causes of the conflict over the years would be addressed, to obviate similar conflict in the future. However, no significant effort was made to pin down these "root causes of the conflict. Douglass Johnson has identified 11 factors that seem to be the bedrock of the challenge. All the eleven paint a picture of state failure. We have collapsed them below into four:

1. **Discriminatory patterns of governance:** These go back to the Sudanic states, way before the 19th century. The Darfur Sultanate established an Islamic dominion over Southern Sudan in the 17th Century. The sultanate often raided the South for slaves and food. Subsequent regimes would continue keeping the South in a servile role. They included the Turkyya rule, (1820 – 1883); Mahdist Rule, (1883 – 1898), British Rule, (1899 – 1947) and a joint Anglo-Egyptian Rule (1947 – 1955). They each left behind a legacy of discrimination against the South by whichever regime took over next. These patterns consistently fomented discontent. It is of little wonder that when independence came in 1956, the Black Southern Sudanese, who had placed so much hope in a new dawn, were disillusioned and took up arms instantly.[267]

2. **Militant Islam:** This was one of the manifestations of discrimination by those at the centre of state power from joint independence with Sudan in 1956 to the CPA in 2005. The new Arab rulers in Khartoum in 1956 were also Muslims. They went on to exclude the South from the national economy, education, healthcare and

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[264] Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London, Free Press, 2006), pp. 594 – 595.
[265] Personal interviews and focus group discussions with refugees in Kakuma and Kalobeyei, June and July 2019.
[266] Johnson, *Root Causes*. pp. ix – xix.
[267] Ibid, pp. 17 – 32.

social services generally. The most they did for education was an attempt to impose Islam through the traditional Islamic Madrasa. This met instant rejection and a call to arms.[268]

3. **A weak and dysfunctional economy:** The economy of the Republic of Sudan was weak and limping in the 1970s. Amidst this, the South was aware of its preponderant contribution of its natural resources to the economy. This was virtually in return for nothing. The short change in this regard is still discernible today in the very poor standards of social service delivery. In education, as we show in this thesis, refugees who are as old as 25 have migrated to Kakuma basically in search of an education they could not get at home.[269]

4. **External proxy wars and vested interests:** The politics of the Cold War, especially in the period 1983 – 89 acted as a catalyst to Sudan's own internal conflict between the North and the South. They especially led to a wide-scale of proliferation of arms in the country. Meanwhile, external power interests with an eye on Sudan's oil and water added fuel to internal conflict.[270]

REFERENDUM, INDEPENDENCE AND MISSED OPPORTUNITIES

The CPA of 2005 also provided for a referendum on the possibility of independence of the South from the North after the first six years of power sharing. The 2011 referendum saw 98 percent of Southerners vote for independence.[271] Salva Kir Mayardit, a Dinka tribesman, became the first President, with Riek Machar of the Nuer tribe as Vice President. This looked like a good opportunity for the country to settle down to focus on the business of nation building, establishing stability; as well as resettling and reintegrating those who had been displaced, both internally and into foreign exile, during the long years of conflict. This did not happen however. Internal historical suspicions lingered on between the President and his deputy. Exiles who came back home were disappointed that nobody attended to them and many went back where they had come from.[272] President Kir dismissed Machar and the entire Cabinet in 2013

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[268] Ibid.
[269] Ibid.
[270] Ibid, pp. x, 45 – 46, 66 – 67.
[271] South Sudan Comprehensive Peace Agreement, 2005, Article 1.3, p. 8.
[272] FGDs, Kakuma, June and July 2019.

because Machar had declared that he would challenge the President in presidential elections then in the offing. This threw the country into a fresh round of confusion and civil conflict.[273]

The new conflict has had the character of an inter-ethnic political power struggle. It has pitted the Dinka who are in power against the Nuer. Accordingly, SPLA has bifurcated into two parties, SPLA-IG (In Government) and SPLA-IO (In Opposition).[274] It is instructive that while President Kir's Dinka tribe dominates the government in Khartoum, the majority of the exiles in Kakuma and Kalobeyei are also Dinka. They constitute about 35 percent of all the refugees in the two camps, including those from other countries (and 60 percent of South Sudanese refugees here).

ENDURING PROFILE OF STATE INABILITY TO EXERCISE SOVEREIGNTY

In the introduction to this chapter we have explained state sovereignty as going beyond the claim to exercise legitimate authority over a given territory. In particular, we underscored the imperative of sovereign states demonstrating the capacity to secure certain freedoms for their citizens. Together with this, was also emphasized the ability to control and exercise legitimate violence over the territory in which functional sovereignty is exercised, as expounded by Ghani and Lockhart.[275] The case of South Sudan as an area of origin in refugee migration has traditionally been on the limp, regardless of the levels of relative peace. Below is a summary of four of the most affected sectors. State failure in these areas has contributed significantly to migration, both in times of relative peace and in the thick of violence. It has, accordingly contributed to protraction of exile and that of refugee camps, including protraction in Kakuma and Kalobeyei.

STATE CHALLENGE IN THE PLACE ANTE: THE EDUCATION SECTOR

Following the Comprehensive Peace Agreement (CPA) of 2005, South Sudan began running its own education system, independent of the Khartoum managed education sector. The education function at the time of this research was run under two federal ministries: Ministry of General Education and Instruction (MoGEI) and the Ministry of

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[273] Paul D. Williams, War & Conflict in Africa, 2nd Ed, (Cambridge, Polity, 2016), pp. 154 – 157.
[274] Global Partnership for Education, "General Summative Country Program Evaluation for South Sudan (GPE) Report": May 2019, p. 5.
[275] Ghani and Lockhart, 2009, *Failed States*, pp. 125 – 166.

Higher Education, Science and Technology (MoHEST). School enrolment stood at about 3.7 million in 2018.[276] There were about 4,000 primary schools and 2,000 post primary learning institutions. Six out of ten were government managed, while non-state actors, such as NGOs and religious groups, managed the remaining.[277] Education in the country, however, faced difficult challenges. The Global Partnership for Education (GPE) 2019 identified five such major setbacks:

3. Difficulty in state provision of services, as a factor of prevalent insecurity;
4. Limited human capacity in the public sector;
5. A weak monoculture national economy that was dependent on oil that the state lacked the necessary means to exploit;
6. An overly youthful population, with more than half being of school going age; this exerted stress on the education system; and
7. Unresolved humanitarian crises that had opened up the education sector for competition for resources with other sectors.

The Government of South Sudan faced major challenges in meeting its obligations in funding education. Its expenditure in this sector was below 4 percent of government expenditure in the period 2011 – 2017.[278] Even within this grim scenario, the funding gaps fell way above the worst-case scenarios that had been anticipated in planning for expenditure on education. Disbursements were sluggish and mostly went towards salaries. While the salaries were several months behind in payment, they had also significantly lost value, owing to hyperinflation.[279]

The state had made a number of what could be considered useful interventions to rescue education during the period 2012 – 2018. Unfortunately most of these well-meaning interventions could not be properly implemented, while the rest were seen to be useless, in the face of civil unrest and a sickly economy.[280] Among others, such attempts at positive intervention had included:[281]

1. Abolition of school fees;

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[276] UNICEF Education Cluster Report: South Sudan, May 2019, pp. 1 – 2.
[277] Ibid.
[278] Global Partnership for Education, Ibid, GPE: May 2019. P. ix.
[279] Ibid.
[280] Ibid, p. xii.
[281] Ibid.

2. Introduction of capitation with grants sent directly to schools;

3. Increase of number of schools;

4. Equitable access policies for boys and girls;

5. Cash transfers for girls in school; and

6. Free meals for about 20 percent of the learners.

Yet, these interventions had not yielded much because of such challenges as:[282]

1. Low demand for schooling, due to conflict;

2. Low number of schools in areas where interest in schooling existed;

3. Poor teacher training and lack of teachers altogether; and

4. Low incentives for teachers and other staff in schools.

In the foregoing circumstances, donor intervention in education was critical. Quite often, however, this support digressed from the mainstream curriculum, to take care of other urgent felt needs. UNICEF, for example, had been involved with education support here since independence in July 2011. The philosophy behind this support was captured in its theme of "Creating solid foundations for the future through quality education."[283] Notwithstanding its spirited efforts, UNICEF remained worried that upwards of two million children of school going age remained out of school. They constituted 70 percent of young people who should have been in school.

These youth lived within pastoralist communities, tending after livestock and often being caught up in violent – and even fatal – cattle rustling activities. The itinerant nature of pastoralism within the Eastern Africa region, moreover, did not allow these young people to attend regular school. They moved from one region to the other, sometimes through overall distances of hundreds of miles, looking for pastures.[284] Sedentary schooling was virtually impossible in such circumstances.

Emphasis, as we have observed, often shifted from mainstream pedagogy to other concerns. UNICEF's first concern was securing the learners' safety by making the

[282] Ibid.
[283] UNICEF, "Creating solid foundations for the future through solid education," n.d. <https://www.unicef.org/southsudan/what-we-do/education>, [Accessed on 12 May 2019].
[284] UNICEF, Ibid 2018 South Sudan Report, "Creating solid foundations," p. 3.

learning environments free of external life-threatening activities. About 670,000 youth were involved in the education project.[285]

Overall, education was very shaky in South Sudan. It was instructive that young adults aged 20 and above would arrive in Kakuma on an ever-flowing basis, seeking to enroll in school. About 45 percent of those in secondary school in Kakuma and Kalobeyei refugee camps were aged over 20.[286] At this age, elsewhere in Kenya, most students would be getting university education, with some of them even in the final year. In Kakuma, only young people born in the camp were in the right class for the recommended age in the Kenyan education age structure. We found that some were in public universities in other parts of Kenya, with a few even having had opportunities to attend universities in Europe and Australia.[287]

UNICEF and a number of other NGOs' intervention in education remained of the character of emergency intervention with emphasis on life skills.[288] UNICEF's focus was, for example, on "age-appropriate education, through early childhood development, primary education, vocational training and life skills."[289] the output was calibrated in such metrics as: [290]

1. Strengthening cognitive skills among crisis affected boys and girls, aged between 3 and 18;
2. Improvement of abilities to cope with emergencies through capacity building in psychosocial support and life-saving messaging to reduce vulnerability; and
3. Giving crisis-affected boys and girls access to safe, protective learning environments and protective services and referral pathways through schools.

The state of education in South Sudan was a useful pointer to why many young people from the country were in refugee camps in neighbouring countries. Twenty-eight-year-old Dieu Malong Deng from the Dinka tribe arrived in Kakuma in 2012, then aged 21. He reported about his situation:

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[285] UNICEF, Ibid, 2018, UNICEF, "Creating solid foundations."
[286] Interview with Windle International (Kenya) Official, Kakuma June 2019.
[287] Field interviews with both refugees and education officials in Kakuma, June 2019.
[288] UNICEF, Ibid 2018 South Report, "Creating futures," p. 3.
[289] Ibid, p. 4.
[290] Ibid.

After my father died in 2000 in Southern Sudan, following a long illness, my mother experienced difficulties in fending for my two siblings and me. I dropped out of primary school. In any case, war had badly affected education. Learning was inconsistent. The quality of education was not good. My mother advised me to come to Kakuma Camp in Kenya, in order to access free and better education.[291]

Dieu took some 10 years doing menial work in Juba and Malakal before heeding his mother's counsel to come to Kakuma in pursuit of education. Six years after arrival, he completed secondary form four in 2018, at the age of 27. It is instructive that his migration to Kenya was occasioned not as a response to immediate circumstances as contemplated under the definition of the refugee in the 1951 Convention, but rather by the expedient search for an education and other attendant opportunities.

There were numerous cases of this kind in Kakuma. Mayiel Puoy, a Dinka man of 43, for example, had been in the capital town of Juba when violence broke out in 2013. He had taken refuge at the United Nations Mission in South Sudan (UNMISS) Centre for 4 years. In 2017 the centre came under incessant gunfire from both government and rebel forces. A relative who worked for a Non-Governmental Organization in Juba helped him to get out of the UN zone to the airport. He came to Kenya through Ethiopia. Here, he joined his wife and six children, who had earlier fled to Kakuma in 2013. At 36, Puoy enrolled in primary school, to fill in the gaps disrupted in South Sudan. He was now in class 7 at Kakuma Primary School. He proudly showed off his school uniform; a pair of shorts and a shirt. Puoy believed that, back home, the state has discriminated against his community by denying it education. He hoped to return to his country someday, "to change things there."[292]

Further issues in education in South Sudan are discussed in detail in Chapters 4 and 5. Suffice it to say that the status of education in the country was a critical indicator of state fragility and dysfunction. It was also a useful pointer to the challenges of non-return for forced migrants, even when the situation back in the country had not been so bad. Education was variously an emergency intervention affair by concerned NGOs and a matter of indifference to citizens whose priorities rest elsewhere. Trained and

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[291] Malong Deng, Personal interview, Kakuma 9 June 2019.
[292] Mayiel Puoy, personal interview, Kakuma June 2019.

skilled teachers were also difficult to find, and remuneration incentives for them equally a challenge.[293]

CHALLENGES IN THE PLACE ANTE: HEALTHCARE, FOOD AND NUTRITION

At the time of this research, South Sudan was the kind of place where women gave birth on the mud floors of their ramshackle huts and cut the umbilical cord with sticks.[294] It was one of the most unsafe places to be a child, for health reasons.[295] The 2018 UNICEF Health Sector report read in part:

> Poor access to health services, a limited number of health workers and lack of access to health services have produced some of the worst health indicators in the world, with a child mortality rate of 96 deaths per 1,000 live births. Around 75 per cent of all child deaths in South Sudan are due to preventable diseases, such as diarrhoea, malaria and pneumonia.[296]

The food and nutrition situation in the country was dire, with virtually all eyes looking at donor support in this sector. A joint report of the United Nations Food and Agriculture Organization (UNFAO), UNICEF and World Food Programme (WFP) in February 2019 indicated that up to "about 7 million people faced acute food insecurity."[297] The Government of South Sudan corroborated the report, in a joint statement with the three UN agencies. Moreover, the government pleaded with the international community to increase food aid to the country.[298] The dire food situation was a factor of years of sustained conflict that had driven population displacement and poor food production. This had often gone hand in hand with alternation between long dry spells and heavy flooding when the droughts ended.[299] Together with this had been crop diseases and infestation by pests. The situation was exacerbated by the fact that agriculture in South Sudan – as in most of Africa – was rain fed, while the government was helpless in the entire scenario. Food was, accordingly, difficult to produce. It was equally difficult to find in markets and very pricy whenever it could be found.[300]

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[293] UNICEF, Ibid. South Sudan 2018 Report. p. 4.
[294]UNICEF, "She had to cut the umbilical cord with a stick, < https://www.youtube.com/watch?v=5J87UYLTEyU>, [Accessed 30 June 2019]. Also <https://www.unicef.org/southsudan/what-we-do/health>, [Accessed on 30 June 2019].
[295] Ibid.
[296] Ibid.
[297] UNICEF, "Increasing number of people face severe food shortages," 22 February 2019, <https://www.unicef.org/press-releases/increasing-number-people-face-severe-food-shortages-south-sudan>, [Accessed on 26 February 2019].
[298] Ibid.
[299] Ibid.
[300] Ibid.

The 7 million people who faced starvation in the joint UN agency food support represented more than half of the country's population.[301] Within this demographic, were some 2.5 million children, who depended on donor support for vitamin supplements. Some 1.2 million children were either acutely malnourished, or chronically malnourished in 2019.[302] Cereal production in the country in 2019 was estimated to be below the country's needs by close to 50 percent.[303]

The acute health, food and nutrition situation in South Sudan was cited as a major challenge to many South Sudanese who had ended up in Kakuma and Kalobeyei. Mary Amani, a 34-year-old Nuer woman in Kalobeyei said, "In 2016, there was an ongoing civil war that affected our way of life. We had no water, no food and no peace. Life was difficult. I just had to leave my country. Here in Kakuma, the food may not be enough, but at least there is something."[304] Forty-five-year-old Mary Muras worked for the Lutheran World Federation's Peace and Safety Programme in Kakuma. She was a multiple-turned refugee in Kakuma. She recalled how she had initially arrived in the camp, "First, I came to this camp in 2000. I was told by a Kenyan relief driver that there was a place called Kakuma, where they gave refugees free food and other services, and that was how I was convinced to come here."[305]

Mary voluntarily returned to South Sudan in 2008, because of the 2005 CPA. However, she shortly afterwards resumed her refugee status in Kakuma. Among other reasons, her return was because of challenges with food, health and nutrition back in South Sudan.[306] Narratives of this kind abounded in Kakuma and Kalobeyei. They tended to cast significant numbers of South Sudanese citizens in Kakuma in the character of economic and social migrants rather than as refugees as contemplated in the 1951 Convention. The likelihood is rather slim that they would go back to South Sudan on the basis of cessation and safety clauses in the Convention. Their migration would

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[301] Ibid.
[302] Ibid.
[303] UNICEF, Ibid. 2018, "Increasing number faces shortages."
[304] Mary Amani, Personal interview, Kakuma, 19 June 1019.
[305] Mary Moses, Personal interview, Kakuma, 10 June 2019.
[306] UNICEF, Ibid, 2018, "Increasing number faces shortages."

appear to be driven by different factors altogether. Efforts to break camp cannot ignore those factors.

SECURITY CHALLENGES IN THE PLACE ANTE

South Sudan suffered a debilitating internal security challenge. Despite its 32 states under government security networks, virtually every respondent in Kakuma and Kalobeyei reported insecurity as the immediate prompter of their migration. Indeed, the multiplication of states had the effect of straining an already limited public capacity.[307] Refugee interviews In Kakuma indicated that insecurity in South Sudan came both from state actors and non-state elements. The state was often absent in many parts of the country,[308] leaving room for operations by alternative power barons and control formations. These alternative players filled up the power vacuum in dysfunctional, dangerous and traumatizing ways. John Mading fled from Renk to Kenya in 1995, when he was 23 years old, following the killing of his parents. They died in the conflict between the Arabs and the South. His father was a soldier in SPLA. This was what prompted the brutal attack against his family. While Mading fled together with his younger sister, his elder brother was abducted during the attack. They had never heard of him again.[309]

Abui Chebany, 23, reported that she had left Bor in South Sudan in 2013, during the tribal conflict in the country. She said that she had escaped together with her 12 siblings, the youngest being 4 years. Her mother and father had remained behind "to protect what little property the family had." Unfortunately, her mother was soon killed in the violence in 2014. Her father escaped to Ethiopia, where he lives in a refugee camp.[310]

Simon Ghak, 54, a shop owner in Kakuma 1 Zone 4, never thought that his retail shop business in South Sudan would someday be reduced to ashes before his eyes. During the war between the North and South (1983 – 2005), his brother and stepbrother joined the SPLA rebel group. Because of this, his family now lived at the risk of attack. In 1995 his parents, who lived in Jonglei, were attacked and killed at home. Back in the village, other family members who could not hide in good time were also killed. The

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[307] UNICEF, Ibid, 2018, *South Sudan 2018 Report*, P. 10.
[308] John Mading, Personal interview, Kakuma 9 June 2019.
[309] Ibid.
[310] Abui Chebany, Personal interview, 12 Kakuma June 2019.

assailants then razed down Simon's shop. He escaped to Kenya in the company of his wife and younger brother.[311]

These narratives were boundless. The activities of both state actors and non-state actors had generated uncertainty and instability throughout the history of Southern Sudan and South Sudan. They served as the immediate triggers of forced migrations, while putting the people on a migration alert at all other times. Eight out of ten respondents in Kakuma sited some level of sense of insecurity and personal danger from non-state actors as the prompters and drivers of their migration to Kenya.[312] The United States Department of State had a standing advisory on its official website for American citizens:

> Do not travel to South Sudan due to crime, kidnapping, and armed conflict.
>
> Violent crime, such as carjacking, shootings, ambushes, assaults, robberies, and kidnappings is common throughout South Sudan, including Juba. Foreign nationals have been the victims of rape, sexual assault, armed robberies, and other violent crimes.
>
> Armed conflict is ongoing throughout the country and includes fighting between various political and ethnic groups, and weapons are readily available to the population. In addition, cattle raids occur throughout the country and often lead to violence. Reporting in South Sudan without the proper documentation from the South Sudanese Media Authority is considered illegal, and any journalistic work there is very dangerous. Journalists regularly report being harassed in South Sudan, and many have been killed while covering the conflict in South Sudan.
>
> The U.S. government has limited ability to provide emergency consular services to U.S. citizens in South Sudan. U.S. government personnel in South Sudan are under a strict curfew. They must use armoured vehicles for nearly all movements in the city, and official travel outside Juba is limited. Due to the critical crime threat in Juba, walking is also restricted; when allowed, it is limited to a small area in the immediate vicinity of the Embassy and must usually be conducted in groups of two or more during daylight hours. Family members cannot accompany U.S. government employees who work in South Sudan.[313]

Insecurity in the country was also contributed to significantly by an otherwise large and idle youthful population. According to United Nations sources, the population of South Sudan stood at 13.2 million at the time of this study, with more than half of it being

[311] Simon Ghak, Personal interview, 13 Kakuma, June 2019.
[312] Field interviews in Kakuma Refugee Camp and Kalobeyei Refugee Settlement Camp, 7 June – 08 July, 2019.
[313] U.S. Department of State: Travel Advisory 26 November 2019,<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/south-sudan-travel-advisory.html>, [Accessed on 12 August 2019].

aged 18 and below.[314] Overall, 70 percent of the population was aged below 35.[315] As at 05 August 2019, the median population age was 18.7 years.[316] This was a hugely energetic demographic that required productive occupation. Few of these young people, however, were gainfully employed – and even then mostly within the military, or elsewhere in government. A World Bank supported private sector development plan of 2011 had virtually collapsed due to uncertainty.[317] The unemployment situation in the country left huge swathes of the population open to recruitment into militia groups, organized crime and tragic mischief.[318] The spinoff was that some 2.3 million South Sudanese citizens lived as refugees in the neighbouring countries of Kenya, Uganda, Sudan, Ethiopia, Democratic Republic of Congo and the Central African Republic. Additionally, as at the end of September 2018, there were about 2 million internally displaced persons (IDPs).[319]

THE PLACE ANTE: POVERTY, INCOME AND VIOLENCE

South Sudan is one of the poorest countries in the world. A 2016 joint World Bank and DfID poverty headcount stood defined 82 percent of the population as poor. This population lived below the international poverty line of 1.90 USD per day. Conflict and hunger had displaced about 4.4 million people, with a majority of them in neighbouring countries.[320] More than 180,000 of these uprooted persons resided in Kakuma and Kalobeyei in Kenya. We argue in this study that these refugee camps morphed into springboards of further migration to Europe, Australia and the Americas. The camps lost their original character as emergency relief points and become, instead, homes to people seeking better homes away from their original homes. Nine out of ten respondents indicated that they did not intend to return to South Sudan. They were "waiting for UNHCR to resettle us in another country." Meanwhile, Kakuma and Kalobeyei were their home for the time being.[321]

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[314] UNHCR Data, <https://data2.unhcr.org/en/situations/southsudan>, [Accessed on 1 August 2019].
[315] Ibid.
[316] Worldometer, "South Sudan Population, n.d. "<https://www.worldometers.info/world-population/south-sudan-population/>, [Accessed on 11 August 2019].
[317] Alberto Arenza, "South Sudan Private Sector Development, What Worked and What didn't, <https://medium.com/@albertoarenaza/south-sudan-private-sector-development-what-worked-and-what-didnt-192b1106731b>, [Accessed 16 August 2019].
[318] E. Thomas, Ibid 2009 *A Slow Liberation*, P. 190.
[319] Global Partnership for Education, GPE 2019 Report, p. 6.
[320] Utz Pape &Arden Finn, "How conflict and economic crises exacerbate poverty in South Sudan," 23 April, 2019, <https://blogs.worldbank.org/africacan/how-conflict-and-economic-crises-exacerbate-poverty-in-south-sudan> [Accessed on 12 August 2019].
[321] Concluded from various field interview responses, Kakuma and Kalobeyei, June – July 2019.

Interviews in the two camps revealed that like their counterparts in Nigeria, Tunisia and Kenya (discussed above) many people in South Sudan were contemplating migration long before they were forced into exile by instantaneous factors. Some indicated that before coming to Kakuma, they had thought of the possibility of going to Europe, across the Sahara Dessert and Libya, with the assistance of the human traffickers of the Sahara Desert and the Mediterranean Sea. In their circumstances, the refugee camp was at once an alternative home – where some of the basic amenities that they could not access in South Sudan were available – as well as a waiting room and a diving board to a "better resettlement" in a third country that was dreamt of.

CONCLUSION

This chapter has given a condensed portrait of South Sudan as an area of refugee origin. It is the portrait of an unstable and dysfunctional state, whose citizens are on a migration alert, on account of the dysfunction fragility. The chapter began with a brief appreciation the character of the fragile and dysfunctional state. It then went on to fit South Sudan in this prism. Using both primary and secondary sources, the chapter presented a summarized portrait of the performance of critical sectors in South Sudan, where state capability is otherwise considered obligatory for broader stability of sovereign countries and their people. Acute challenges, weaknesses and failings in South Sudan were noted in education, health and in food and nutrition. The same case was also noted in the national economy and – especially – in the failure to protect livelihoods through opportunities to earn a living. Personal and national security was fragile, in a setting of limping visceral politics and disordered governance.

We conclude that the South Sudanese state lacked the capacity to exercise the authority of a sovereign state. In the process, it exposed the citizen to gross insecurity and abuse of human rights, both from its own actors and from non-state actors. The state had, hence, placed the citizen on a permanent migration alert. The notion of state sovereignty in this context was a myth. We contend further that the bleakness that was the spinoff of this myth had left people yearning for brighter and stable futures elsewhere. When they got the opportunity to move on, they would move – often with no intention of going back. Chapter Four will build on the present chapter, to demonstrate that Kakuma, as a refugee camp, received and admitted refugees even when there were no

emergencies in the country of origin in the manner defined in the 1951 Convention. State dysfunction and fragility and the spinoff, as demonstrated in the present chapter were the dominant identities and drivers in the quest for permanent migration. The refugee camp, therefore, became a useful plank in a multistage process of what sought to be permanent migration.

Beginning, therefore, with factors in the environment of origin, the ended chapter makes a useful contribution to an appreciation of the protracted longevity of Kakuma Refugee Camp, and the recent introduction of Kalobeyei Refugee Settlement Camp as a factor of, among other things, factors in the place of origin. The chapter notes that they are factors that the migrants would in the main wish to permanently separate themselves with. Hence, the migrants are willing to mark time in the refugee camp, hoping for opportunities for remigration.

CHAPTER FOUR

IN THEIR OWN VOICES: WHY WE LEFT HOME, WHY WE ARE IN KAKUMA KALOBEYEI

INTRODUCTION

In Chapter Three we looked at the generic factors that have historically placed the citizens of South Sudan, and previously Southern Sudan, on a permanent migration alert. Using both primary and secondary sources, we gave a brief overview of the social, political and economic environment that had pushed South Sudanese citizens into exile. We, nonetheless, limited the voices of the migrants themselves to the essential minimum. Chapter Four gives the migrants the space to speak more elaborately. Picking up from where the last chapter left off, we move from the generic to the specific, by listening in depth to the forced migrants as they tell their own story.

This chapter seeks to appreciate the specific circumstances that dislodged these refugees from their country and – next to that – why they remained in the refugee camp for so long. The chapter seeks to find out whether, in the light of the circumstances triggering their migration, the migrants had it in mind that they should go back to their country and homes someday. Did they, indeed, anticipate the subsequent long stay in exile in the camp? Beyond this, this chapter also gives the migrants' perspective on why they have remained in Kakuma and Kalobeyei, even when opportunities for return have presented themselves. Our findings show that their experiences were mostly similar and related. We, therefore, selected a few voices to represent the rest in typologies of situations leading to migration and to elongated exile – and therefore to the protraction of the life of the refugee camp.

Accordingly, this chapter engages with the emigrant in the context of Peterson's "motives and social causes of emigration."[322] This context of motives and social causes was later expanded by Kunz in the distinction between "anticipatory migrants" and "acute migrants" in refugee movements. [323] The determinant in either case is the kind of "energy" that sparks and drives the migration. Kunz's kinetic model of refugee

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[322] W. Peterson, "A General Typology of Migration," in *American Sociological Review, 23 (June 1958)*,(pp. 256 - 266), p. 258, as read by E. F Kunz, in "The Refugee in Flight: Kinetic Models and Forms of Displacement," [Accessed from 197.136.69.104 on 10 January 2019].
[323] Ibid.

theory recognizes that some refugees begin planning their departure from their country well in advance of the actual moment of separation.[324] These anticipatory refugees will mostly leave their country in an organized manner, usually with their families and property. [325] They, accordingly, tend to have very clear knowledge about their destination and, next to that, the mode of movement and how they intend to adjust and fit into the host community.

In contrast with this is the sudden, or acute, relocation of emigrants in distress. This desperate model of flight derives its spark from abrupt and traumatic happenings.[326] Such precipitously disgorged refugees do not have the luxury of planning their exit from their country. Nor do they plan where they will settle.[327] Theirs is a helter-skelter flight to safety. They have no idea where the much-desired safety will be found, or whether they will indeed find it. The only thing they are sure of at this point is that the place where they have lived is no longer safe. It must be vacated at once.

At this point, they have no clear thoughts about possible return or not. Their only concern is to get away before harm, or further impairment, befalls them. Families are likely to scatter in different directions. They are likely to end up in diverse destinations far apart.

Away from Peterson's single-vector hypothesis in which migratory actions move from one point of origin to a new point of destination,[328] we see in Kakuma and Kalobeyei the reality of a far more complex migration dynamic. A forced migrant is likely to drift from one place to a second one and even to a third new one – or even more – before reaching the desired destination. From one perspective, we will see that the experience of refugees in Kakuma suggests that such a "desired destination" may, however, not have existed in the forced migrant's mind as a "specific physical place" at the moment of displacement at home. This was, for example, the experience of the Lost Boys of Southern Sudan, as discussed in this chapter. Their case demonstrates that fresh forces and concerns can drive fresh initiatives in the migration exercise, making it to remain

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[324] Ibid.
[325] Ibid.
[326] Ibid.
[327] Ibid.
[328] Ibid.

very much work in progress. This chapter also demonstrates, however, that some of the subsequent arrivals in the refugee camp saw it as a temporary stage in a multi-stage migration, only for them to find themselves shipwrecked here.

THE LOST BOYS OF SOUTHERN SUDAN AND THE BIRTH OF KAKUMA REFUGE CAMP AND MYTH OF RESETTLEMENT IN THE INDUSTRIALIZED WESTERN COUNTRIES: 1987 – 2005

Aged forty-three in 2019, Chol Khot Ajak remembers how he arrived in Kakuma in 1992 as a 16-year-old. He came in the company of dozens of other young people from Southern Sudan. He was among the youngest migrants to survive several months of journeying through unknown terrain and routes in the jungle, in search of a safe haven. Before the events that unsettled him, the Dinka boy lived with his parents and other relatives in extended clan-lines and families. Their situation had always been volatile, and families lived under the cloud of fear of attack, anytime. The SPLA was in its element at this time, 1987 – 1992, fighting the Sudanese Government, headquartered in Khartoum. The battleground, however, was the sprawling region of Southern Sudan. The rebels would gain ground against Khartoum, only for the government to regain advantage. Regardless of who was on top of things, life was miserable and nasty for the ordinary people.[329]

The supremacy contestation claimed more than 500,000 lives between 1983 and the mid-1990s, with millions of others displaced. Children found themselves being coercively recruited as soldiers.[330] Some narratives have it that an estimated 20,000 of them, aged between 13 and 17, ran away from their homes in Southern Sudan, "to escape forcible recruitment into the SPLA and into other militia groups."[331] Other sources place the figure at about 40,000.[332]

The narratives have over time become apocryphal and even contestable in parts. Particularly contentious is the notion that the boys were escaping from both the Khartoum forces and the SPLA. There is reasonable cause to believe that the original migration of these young people to Ethiopia was the product of organized efforts by the

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[329] UNICEF. 1996. "Children in War: The Lost Boys of South Sudan," in *The State of the World's Children,* <https://www.unicef.org/sowc96/closboys.htm> [Accessed on 14 December 2018].
[330] Ibid.
[331] Ibid.
[332] Halle J. Hansen, 2017, Lives At Stake: South Sudan During the Liberation Struggle (Oslo, Skyline) p. 351.

SPLA, under Gen. John Garang. Hansen's letters from two of the boys, now in their adulthood, show the hand of the SPLA. They invite into doubt the notion of "being lost" at this point. One of the letters reads in part:

> After two months in the camps, Dr. John Garang came on (a) visit. He told us that we were the seeds of South Sudan, and as schools would be opened soon, we should study hard to be able to serve our country well. After Dr. Garang left, we were later organized in 16 groups, each group composed of 1,800 boys, making a total of roughly 28, 000 boys. The number had increased as we met other boys on our way, who joined us in the camps.[333]

The narrative that the urge to leave home was driven by the need to stay safe from SPLA and Khartoum is, accordingly, questionable.

Regardless, Chol recalls how his village was attacked in the season of these crises in 1991:

> A number of families in our neighbourhood were affected. Our families were worried that we would be forced into the raiding SPLA. There were about 30 of us, young boys, who were sneaked out of the village. We began the trek towards Ethiopia. But we had to cut short the journey, when information began getting to us that things were bad in Ethiopia. The government of Mengistu Haile Mariam had been overthrown. Our people who had gone there were running back to our country, which was itself troubled.
>
> We turned towards the direction of Kenya, depending largely for leadership on the older boys. There were also other people who had been to the border town of Nadapal before, and others who had previously fought for SPLA. They knew the way through the bush reasonably well and after many days of trekking, we got to Nadapal. We crossed into Kenya and were received by the UNHCR. We were settled in Lokichogio for a while and later moved to Kakuma.[334]

According to UNICEF sources, the young men walked through enormous distances in very difficult conditions, looking for safety. "Hungry, frightened and weakened by sleeplessness and disease, they crossed from Sudan into Ethiopia."[335]

Those who went Ethiopia found themselves in fresh crises and back on the trek when – in 1991 – Ethiopia's President, Mengistu Haile Mariam, was overthrown in a military coup. Fighting broke out in Ethiopia. Sudanese youth who had enjoyed a brief respite

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[333] Ibid., p. 354.
[334] Chol Khot Ajal, Personal interview, Kakuma, 22 June 2019.
[335] UNICEF. 1996, panel 3. Downloaded from https://www.unicef.org/sowc96/closboys.htm on 09 September 2019].

had to scamper for safety again. They ended up journeying through the bush in their own country again, "with many dying along the way." Many of the survivors ended up in Uganda and Kenya.[336]

Out of the estimated 20,000 youth (or 40,000, depending on the source) just about 1,200 of the boys were reunited with their families.[337] The rest ended up in refugee camps or elsewhere, far away from their homes, with dim possibilities of ever reuniting with their families. Most of these children were boys. Because of the big challenge in the effort to trace and reunite them with family members, the United Nations gave them the tag of "the Lost Boys of South Sudan."[338]

The destiny of a few lucky boys among these youngsters would, in the fullness of time, become a catalyst in subsequent migrations from Southern Sudan, and South Sudan, to Kakuma Refugee Camp. Hansen gives the account of one such a boy in 2013. Bol wek Agoth went on to become South Sudan's ambassador to Norway.[339] Another boy, Jacob Atem, undertook a master's degree in Project Planning and Management at Cavendish University in Uganda.[340]

Arising out of such experience, "Lost Boys" who are still in Kakuma, like Chol, recall with both a tinge of nostalgia and a sense of despair their early days in Kenya. For all the challenges of exile, the refugee camp proved to be preferable to a troubled and dysfunctional home:

> At last we had a peaceful place that we could call home – for the first time in many years. It was not a very good place. But at least you had peace and you had food. You were not worried that someone was going to attack you. And you knew that you would eat something.[341]

Chol's sense of despair, however, derives from the fact that the maiden days in Kenya were for exiles like him the start of a new long dawn that had not blossomed into a morning of fulfilment at the time of this research. For, the most exciting development about the refugees' arrival in Kenya in 1992 was the start of a remigration and

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[336] UNICEF. 1996. Ibid.
[337] Ibid.
[338] Mixler, 2005. *Lost Boys,* p. Xi.
[339] Hansen. Ibid. p. 352.
[340] Ibid.
[341] Chol Khot Ajal, Personal interview, Kakuma, 22 June 2019.

resettlement programme that eventually got into motion. Starting with the USA, the programme took about 4,000 young people to the USA.[342] Others went to Western Europe, Australia and to Canada as well. This initiative was to become the subject of near-mythical narratives that have among other factors kept Kakuma Refugee Camp alive to date.

The youth who trickled into what was to become the Kakuma Refuge Camp between 1991 and 1992 numbered about 10,000 of the original 20,000. Most of them were aged between eight and 18.[343] At this point, the focus was strictly on provision of the necessary refugee relief services. A cocktail of international relief agencies arrived in their dozens, under the aegis of the UNHCR, each with specific focal areas of intervention in the relief effort. The International Rescue Committee (IRC) recalls:

> The IRC began working in Kakuma in 1992 to assist the Lost Boys and other refugees fleeing the fighting in Sudan. Its programs expanded over time to include all of the camp's health services: treating refugees who arrived malnourished or sick, offering rehabilitation programs for those who were disabled, and working to prevent outbreaks of disease.
>
> Older boys took part in IRC education programs, and received support to learn trades and start small businesses to earn money to supplement relief rations. The IRC also helped these young entrepreneurs start savings accounts and access small loans to invest in their futures.
>
> The IRC's health, sanitation, community services and education programs touched, in one way or another, the lives of all the Lost Boys who were in Kakuma and who were eventually resettled in the U.S.A.[344]

AN EMPTY PEACE PACT AND INDEPENDENCE IN THE SOUTH AND FRESH MIGRATIONS TO KAKUMA

The signing of the Comprehensive Peace Agreement (CPA) in Naivasha, Kenya, in 2005 failed to restore the faith of many Southern Sudanese in their country. Nor did the coming of independence in November 2011 make much difference to those keen on going away from their country. In any event, as we saw in Chapter Three, many African countries that are nominally at peace are the homes of significant numbers of citizens who wish to migrate permanently.

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[342] International Rescue Committee, USA, "The Lost Boys of South Sudan," 3 October, 2014, <https://www.rescue.org/article/lost-boys-sudan> [Accessed 13 September 2019].
[343] Ibid.
[344] International Rescue Committee, Ibid, 2014, "Lost Boys."

Southern Sudan, after the CPA, and South Sudan, after independence, were no exceptions. Our field data indicated that 15 percent of the respondents had migrated during the period 2005 – 2013. This was an eight-year period when there was relative calm in the country. The first six years (2005 – 2011) marked the CPA transitional period, when things were looking up in Southern Sudan. The next two years (2011 – 2013) represented the initial period of independence.

Even from neighbouring countries, there was a high influx of business prospectors into Africa's newest nation, looking for both legitimate business and underhand deals.[345] Yet, amidst the excitement, Southern Sudanese citizens were at the same time scrambling to leave their country, some with no intent to return. They responded to their long-standing desire to leave a country that seemed to have lost all meaning to them. Some others who had lived in exile for many years attempted to return but beat a quick retreat.

Seventy-five-year-old Henry Thwalem was in 2005 a veteran of the Southern Sudan conflict. He had first come to Kenya in 1995, having had enough of unending decades of conflict in his country. He tried going back after the CPA in 2005 but decided that things were better in the camp. He went back to Kakuma.[346]

In the early years of the independence of the greater Republic of Sudan, Henry was caught up in the crossfire between the Anyanya freedom fighters (1956 – 1972) of the South and the Government in Khartoum. The long war years confined him first to the town of Kapoeta in Eastern Equatoria, near the border of Sudan and Kenya. Later, he relocated to Juba, where he did odd jobs, such as selling water. He was neither a combatant nor an inmate in a camp at any time.[347] Yet, the vagaries of the conflict spared nobody in the end. Thwalem lost many relatives in the period 1956 – 1995, variously to the state and to the SPLA. Eventually, having had as much as he could take, he migrated to Kenya in 1995. He was enlisted in Kakuma.

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[345] African Business Magazine, "The Scramble for Southern Sudan," 17, October 2011, <https://africanbusinessmagazine.com/uncategorised/the-scramble-for-the-southern-sudan/>, [Accessed on 20 July 2019].
[346] Henry Thwalem, Personal interview, Kakuma, 24 June 2019.
[347] Ibid.

Thwalem arrived in Kakuma with his wife, a daughter and two sons. While his wife died in exile and was buried in an unmarked grave, he was willing to return to his country voluntarily after the CPA. In 2008 he went back to Juba, hoping to go all the way to the place he had once known as his native village in Eastern Equatoria. He regretted having returned:

> What I saw made me wonder why I had come back. There were serious security challenges, as well as livelihood challenges. The UNHCR would take you up to a location that was roughly thought to be you home. There may be no people, no family or any buildings or abode. But they would decide that you had now reached your home. They would give you two sacks of maize flour, a tin of cooking fat and leave you to your fate. You were literally abandoned on the roadside. Nobody cared about where you would sleep, or anything you, beyond your two sacks of maize flour and one tin of cooking oil. I did not even find anyone to sell my food to. We abandoned the food on the roadside and began our journey back to Kakuma. We covered most of the journey on foot, and occasionally got a lift. We eventually got to the border at Nadapal, where we began the process of being registered as refugees all over. The experience was particularly shocking to my three children, who had never lived in South Sudan, or in Sudan before.[348]

Thwalem's case was not an isolated one. He represented a small cluster of ageing refugees, who appeared to have given up all hope on anything good coming their way. They only nursed hopes for their children and grandchildren. Thwalem now lived in the camp with his two sons, his daughter and his son-in-law. There was also the father to his son-in-law. His hopes rested in seeing something good happen to his children:

> I am now an old man. I don't think my life will get better than it is. I am satisfied if I get something to eat and a place to sleep. But I would be very happy if the UN were to allow the boys and the girl to settle somewhere where they can have a better life. Mine has been a wasted life.[349]

Thwalem's case closely mirrors that of John Vajok, a 69-year old war veteran. John was recruited into the Anyanya I Resistance as child soldier in 1960. He was barely 10 years old. There were no schools, or good schools at any rate. The child soldiers trooped about with the older soldiers, doing odd jobs – like looking for firewood, cooking and helping with other assignments. In the good order of time, they were converted into armed combatants. Those who survived the war returned home after the Addis Ababa Peace Accord of 1972.[350]

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[348] Ibid.
[349] Ibid.
[350] John Vajok, Personal interview, Kakuma 24 June 2019.

John got to his village in 1974 and was glad to find remnants of what had been his home. Life, however, was very tough. Food was a challenge amidst a bad drought. Healthcare, too, was a big problem, as there were no health facilities. The circumstances forced many people to migrate to towns. Without proper employment opportunities, they learned to depend on UN famine food relief and other support efforts.[351]

Like many other people he knew of, John longed for the day he would leave his country never to come back. By the year 2005, he had saved enough to take him and his family of a wife and five children away. He also had four foster children, being the children of close relatives who had been killed in the violence in the country over the years. They all travelled to Kenya and were registered as refugees and camped in Kakuma.

It is instructive that this family, like several others, left their country the year that the North and the South signed the CPA. It did not matter to them that there was a peace agreement in the progress. All they wanted was to get away. Reflecting back on the times, John said:

> All we wanted was to go away. Life is not that good here in Kakuma. Yet it is not anything like it was in Sudan. My eldest child is aged 25 and the next one 20. The rest are below 18. Apart from the eldest the rest are in school. The eldest is a primary school teacher in the camp. They don't pay him much, but it is better than nothing.[352]

This family, like all the others that arrived in peacetime, had no intention of going back to South Sudan. The family patriarch dreamt of his children being resettled in a European country, or in America. He also thought that Kenya was a good and peaceful country with good opportunities. He did not mind the possibility of his family being resettled permanently in Kenya. For the time being, they would live on in the refugee camp and wait for the UN, "or whoever else, to solve our problem and resettle us."[353]

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[351] Ibid.
[352] Ibid.
[353] Ibid.

FROM RELIEF TO REMIGRATION AND RESETTLEMENT: A FRESH PULL FACTOR TO KAKUMA

Eight years of unremitting armed conflict in Southern Sudan led the UNHCR to rule out the possibility of returning the boys to Southern Sudan and reuniting them with their families. It proposed that they should, instead, be resettled in the United States. The State Department of the U.S. accepted this proposal. Some 3,600 of the boys were recommended for resettlement in the U.S. They began leaving for the U.S. in 2000. They were settled into apartments and began the arduous task of trying to fit into the American society. They built new lives over the next decade, with most of them acquiring American citizenship.[354]

One of the critical spinoffs from this drama was the anticipation for good prospects for remigration and resettlement, with which it filled up young people who were still in the refugee camp in Kakuma, as well as those back home in Southern Sudan. Information of the airlifts travelled from Kakuma back to Southern Sudan, mostly by word of mouth.[355] Many, back at home and in the camp alike, looked forward to the day when they, too, would make that crucial flight to the United States. The fragility and instability at home pushed ever-increasing numbers out of their country. The hope for overseas resettlement pulled them to Kakuma.[356]

The camp was seen as a critical plank in the axis of migration and resettlement. At the time of this research, 28 years after the first refugee arrived in Kakuma, Kakuma was still seen as a crucial springboard to living overseas, despite the fact that remigration and resettlement had slowed down very significantly.

Sixty-three-year-old Manasseh Lual was 33 when he first fled to Ethiopia in 1989, during the Sudanese conflict between the Arabs and the Southerners. At his age, he was one of the older Southern Sudanese youth to arrive in the border town of Matema in 1989.[357] Although not allowed by International Humanitarian Law, the refugee camp also functioned as a military base for Southern Sudanese soldiers who were fighting

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[354] Hansen. Ibid 2017, *Lives at Stake*, pp. 351 – 355.
[355] Chol Khot Ajal, Personal interview, Kakuma, 22 June 2019.
[356] Ibid.
[357] Manasseh Lwal, personal interview, Kakuma, 22 June 2019.

against the Arab regime in Khartoum. Manasseh became one of the SPLA soldiers in Ethiopia.

While boys from his country were said to have run away from home to avoid forcible enlistment, they still found themselves trapped in the conflict. Older persons like Manasseh prepared them for war against the Arabs. It is instructive that at this point tribe did not count much among the Southern Sudanese. The Arab was their common enemy. All that mattered was, therefore, that you were Black and Southern Sudanese. In the independence period (after 2011) tribe would be an issue in the new South-to-south Conflict.

The new revolutionary authorities that took over from Mengistu drove Manasseh and other refugees out of the camp when civil war broke out in Ethiopia in 1992. Being a soldier he knew the route to Kenya quite well. He led other refugees in a one-month journey of more than one thousand miles to the Nadapal border between Kenya and Sudan. They arrived in Kenya in August 1992.[358] Instructively, his mother and his son were part of the company. They had been together in Ethiopia for four years. The war in Sudan had, meanwhile, claimed the rest of the people he considered close relatives, including his first wife and 4 children. The fourth child was a two-month-old boy. He was miraculously tucked away in bed when the rest were shot dead.[359]

Did Manasseh and the surviving members of his family think of going back to their original home in Southern Sudan during this four-year jungle drama? No. There was nothing specific to attract them back to the place. What little he could call property had been destroyed.[360] His makeshift grass-thatched house had been razed down, together with all other constructions in the compound. The livestock had been driven away, the people killed.[361] "There was nothing to make me think of going back – and there isn't anything to take me back even today."[362]

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[358] Ibid.
[359] Ibid.
[360] Ibid.
[361] Ibid.
[362] Ibid.

This narrative repeats itself over and again among the remaining "Lost Boys" interviewed in the camp. The Manasseh family was enlisted in the refugee camp in Kakuma at the start of 1993, after spending six months in a holding camp in the Lokichogio township to the north of Kakuma. He married a new wife – a fellow refugee – the same year. The couple has six children, aged between six and 25. Despite the long wait, and despite the expanded size of his family, Manasseh has not lost hope in being resettled in the United States, with his wife and six children. He considers himself to have been among the original "Lost Boys," despite his mature age as compared with most of the youth who were airlifted over the period 2000 – 2003.

It disturbs people like Manasseh that many more recent arrivals to Kakuma have been resettled in Europe, Australia, Canada and in the USA while "some original Lost Boys and their families are still here."[363] Whatever happens, however, going back to South Sudan is not an option. Even when the CPA was signed in 2005, he did not consider going back to his country. After that, independence came to South Sudan in 2011, but he still did not consider going back as an option. "We always wanted to go away from that place, even before we came here. What do we go to do there? Where do we start?"[364]

Manasseh's case exemplifies many others. He lives in a reasonable semi-permanent (mud-walled and corrugated iron roofed) house in Kakuma 1, zone 4. His compound is reasonably fenced with semi-desert shrubs. It is well looked after. "Until the day they take me to Europe, or America, this is my home," he said.

EDUCATION, THE JOB SITUATION, REMIGRATION AND FURTHER ATTRACTION TO KAKUMA

Manasseh's two elder sons had been educated in Kenyan universities. However, they had no jobs because of work permit restrictions for refugees in the country. The rest of his other children were still in school. Meanwhile, the two big boys were now married. They had two children each. While Manasseh still nursed the hope of being resettled overseas someday, his situation had become increasingly complicated. The family had expanded beyond his control.

<p style="text-align:center">*****</p>

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[363] Ibid.
[364] Ibid.

The UNHCR retained the International Organization for Migration (IOM) to process the remigration and resettlement processes in Kakuma and Kalobeyei. IOM acknowledged that cases such as Manasseh's were complicated. "It would have been easier to resettle him when his family was much smaller," said an IOM senior official in Kakuma, "Now it is easier to resettle some of his children than it is to resettle him, or the entire family. But resettling his children would mean separating the family. And yes, that has sometimes been done. Some members of a family may be resettled elsewhere, while the rest of the family remains in Kakuma."[365]

People in Manasseh's kind of situation did not seem to mind very much their families being separated, however. For, families in their country had been separated under worse circumstances. "We were separated by death. We do not even know where some of our people went, or whether they are still alive. There is nothing wrong with some members of the family going to America, where at least you know where they are."[366]

The fact that educated young people in the refugee camp could not be employed did not leave them with many other options, besides their focus on remigration and resettlement to third countries. Their parents having ruled out going back to their country, focus remained squarely on resettlement. Put together with the reality that resettlement was itself now a very slow process, the official Kenya Government position on refugee employment contributed significantly to the hardcore nature of Kakuma Refugee Camp. Young adults could not be refouled to their countries. It was taking long for them to be resettled – if ever. And they could not leave the camp. The only role left for them was to stay around and let nature take its course. Part of this course was natural population growth in the refugee camp. On the other hand, if they should eventually happen to be resettled in the West, they would motivate a few more people to come to the camp, with the same hopes.[367]

When individual members of families such as Manasseh's were resettled overseas, they proved to be a big boon to their families in the camp.[368] Some found steady jobs that enabled them to regularly remit funds and other kinds of support to their families back

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[365] Interview with IOM official in Kakuma, 9 June 2019.
[366] Manasseh Lwal, Personal interview, Kakuma, 22 June 2019.
[367] IOM Official, Kakuma 22 June 2019.
[368] Ibid.

in the refugee camp. In other cases, some even found openings and opportunities for remigration of their family members to their new countries. This in turn imbued the refugees in Kakuma with fresh hope for resettlement, while also encouraging new arrivals from South Sudan to come to Kakuma as the via medium to the West. In this respect, Kakuma was different from many other camps in the East African region, hosting South Sudanese refugees.

According to UN sources, for example, there were just under one million South Sudanese refugees in Uganda, at the time of this research.[369] Uganda had adopted policies that allowed refugees to integrate with Ugandans. While they lived in refugee settlements, therefore, they were allowed to work on land and to build family-style clusters of home. Here, they grew their own food and carried out business in an emerging small-scale economy. Uganda had not had the same kind of remigration and resettlement programme as the Kakuma airlifts. With protraction of the situation in South Sudan, refugees in Uganda opted to make Uganda home, if they could return. But Kakuma had also experienced voluntary arrivals of South Sudanese refugees who had lived in camps in Uganda, before finding their way to Kenya. When we interviewed some of these refugees, they invariably expressed a strong desire to be resettled in any one of the four main attractions of America, Canada, Europe or Australia.[370]

Young Paska Knight was born in Uganda to a South Sudanese refugee family. In 2017 she heard about free education in the refugee camp called Kakuma, in Kenya. Later, that year, she embarked on a journey to Kakuma, with the encouragement of her parents. They had heard of free education, with the prospects of even being airlifted to "a good overseas country." She recalled:

> When I heard about free education in Kakuma Refugee Camp, I didn't hesitate to come, because I knew very well that that was the only way I would be able to survive in this competitive world. In Uganda there was no free education for refugees.[371]

In a closely related case, 33-year old Paul (*not his real name*) remembered how his polygamous father had had a run in with his military colleagues in Southern Sudan in

[369]   UNHCR.   2019.   South   Sudan: Regional   Refugee   Plan: Revised   May   2019, <https://data2.unhcr.org/en/documents/download/67313>, [Accessed August 2019].
[370] Focus Group Discussions, Kakuma, 20 June 2019.
[371] Paska Night, Personal interview, Kakuma, 9 June 2019.

1996. In an ethnic competition for dominance in the military between the Dinka and the Didinga, his father ambushed and killed five soldiers – including the base commander – all from "the enemy tribe."

Paul's father knew that it was only a matter of time before retribution would arrive. He fled with his two wives and seven children. He directed his first wife – Paul's mother – to go to Kenya, while he fled to Uganda with the second wife. The choice of destination was because he wanted to settle in Uganda, while giving his first family the opportunity to send the children to school in Kakuma.

The airlifts had not begun at this time. However, the prospect of free education was an incentive good enough. At the time of our interviews, Paul had finished school. He was married with four children and worked for an international organization in the camp, for a little financial consideration. His branch of the family had lost contact with those who went to Uganda in 1996. They never thought of ever meeting again. Meanwhile they had no intention of going go back to South Sudan. "That is completely out of the question," Paul said in the interviews.

He trusted that he would someday be resettled with his family in Europe, "or in any other good country as the UNHCR may deem fit." He hoped that whoever in his family would be resettled ahead of the rest would help the rest to join him or her in the country of resettlement. For now, they intended to live on in the refugee camp.

SOCIO-ECONOMIC STATE INADEQUACIES, SELF-ALIENATION AMONG CITIZENS AND MIGRATION

Two out of ten South Sudanese refugees in Kakuma were products of social and domestic conflicts that a stable state with functional laws would ordinarily solve. The disagreements also had a measure of quasi-economic dimensions. Many of these pertained to marriage issues and disagreements within families and across families, with some financial or economic gain motive. The disagreements often turned violent, sometimes with fatal outcomes. Where they were not fatal, the disagreements nonetheless often spelled fatal danger. In both disagreements that turned fatal and those that only remained with fatal potential, some of those involved had had to flee their country without intending to return.

Jeremiah Oketch (not his real name) , a 60-year-old man at the time of the research, arrived in Kakuma in 1992 as a young man of 33. He had been among those who were directly involved in the liberation SPLM war at its start in 1983. He first got entangled with violent civic engagement at age 24. In 1987, he fled from his home to Unity State in Bentiu Region because of war weariness. While at home in Unity State in South Sudan, his brother in-law came to visit with him for a while. Jeremiah recalled:

> After he had stayed with me for a few days, he took a gun and went out in the wild to hunt. This is common practice among our people, the Dinka. Instead of killing an antelope, he missed his target and killed my neighbour. The neighbour's family wanted to be compensated. Without any clear indication of which law they were enforcing, they said that I should be killed because I was the one who had brought this man here. Others said that I should pay a fine of 40 heads of cattle. Still, others wanted both the cattle and my dead head. Fearing for my life I ran away to Kakuma, in the middle of the deliberations about my head and 40 heads of cattle. Due to the complications back home, I will never go back there, although I sometimes really wish that I could go back. I am a poor man who cannot afford the number of cattle that those people asked for. If I go back, therefore, they will kill me. Besides, some of them believed that even if I produced the animals, I should still be killed. But even if they decide to forgive me for my brother-in-law's offence against them, I will still find it difficult to integrate in the community after nearly 30 years. I cannot go back.[372]

Jeremiah also explained that going back to the exact place where he had lived before his internal migration to Unity State in South Sudan was an even bigger challenge. That home had been completely laid waste in the war with the Arab North. The passage of so many years after the original flight had also rendered any thought of return unrealistic.

Whenever such displacements happened, other families arrived later to settle in the same place where you had lived. There were layers of claimants over the same space.[373] This case demonstrated how informal and arbitrary law could take over from state law in a fragile state. The whole matter from displacement to the accidental manslaughter incident would elsewhere be prosecuted and determined in the courts. So, too, would be the question of who was the right owner of the property where the Jeremiah family had once lived. In the prevailing context of state dysfunction, however, the rule of law was overtaken by arbitrariness that did not lend itself even to intervention by tribal, or customary law.

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[372] Jeremiah Oketch, Personal interview, Kakuma, 7 June 2019.
[373] Ibid.

Elsewhere, Risper Adongo (not her real name) was twenty-two-years old at the time of the research. She had been born in the refugee camp in Kenya, two years after her parents arrived here. She had heard of the violent circumstances under which her parents had left Southern Sudan, during the war between the North and the South. Listening to her parents, she always believed that there was not the remotest possibility that anyone in the family could ever contemplate a return to South Sudan. That was until her father led her to his native country and attempted to marry her off without her consent. She recalled her traumatic drama:

> I got pregnant at the camp when I was aged 13. I was then in class seven, in primary school, here in the refugee camp. Unfortunately, I had got into a relationship with someone, who then made me pregnant. My father told me that it was now necessary for me to accompany him to South Sudan for a cultural ritual, since what had happened to me was wrong. We would also take along my three-month-old baby for the ritual. When we got to South Sudan, I was shocked to find myself being unceremoniously married off to an old man, far older than my father himself. I was left in this strange place among these people, as my father returned to Kakuma. After about three months the old man, who was now my husband by force, handed me over to his eldest son. He sent him to get intimate with me. I resisted, but the son overwhelmed physically. He went on to have sex with me against my will. Things went on like this for several months. No matter how much I cried out for help, nobody took notice of me; not even the old man who was supposed to be my husband. Eventually, I plotted my escape, with the help of a friendly Southern Sudanese policeman. He assisted me to come all the way to the South Sudan/Kenya border at Nadapal. The UNHCR then brought me back to Kakuma. My father and our entire Dinka community in Kakuma disowned me for what they called "disobedience." That was how I found myself back with a man from Darfur – the man who had made me pregnant when I was 13. He agreed to live with me, and I also thought that this would help me to get back at my father for treating me badly. We got another child, but I also went back to school and studied up to the Secondary Form Two level. I dropped out because I now wanted to work get some little money to help my children. I took up a job with an international agency in the camp. Together with my Darfurian husband, we live in the Congolese sector in the refugee camp. I cannot go anywhere near the Dinka sector of this camp.[374]

South Sudan was totally alien to Risper. Apart from the few imposed months of stay, she knew nothing about that country. Her limited experience there was one that she did not wish to remember. She could not believe that it was possible for a girl to be defiled repeatedly, night after night, and sometimes even during the day. Everyone in the home would hear her yelling out for help. They all knew what was going on. Regardless, nobody ever intervened to help her.[375] She stated, "If the Kakuma Camp were to close

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[374] Risper Adongo, Personal interview, Kakuma, 9 June 2019.
[375] Ibid.

down, I would rather be assimilated into the host Turkana community than go to South Sudan."[376]

If Risper's tribulations began in the refugee camp, Esther Akirodor's drama began in Southern Sudan in 1999.[377] Her father was believed to have accidentally killed someone in Juba. The male members of the clan of the deceased resolved that Esther should be given in marriage to one of them, as a ransom. She escaped to the refugee camp in Kakuma where she hid from these people for some time. They, however, traced her to the camp. They came here several times, disguised as refugees. They would easily come to the camp and return to Southern Sudan, only to come back again to threaten her.[378]

Meanwhile, Esther eloped with a man whom she had met in the camp. Together, they had six children – aged 18, 17, 16, 14, 12 and 6, respectively at the time of this research. Although she considered herself married, her family back in South Sudan did not recognize the marriage. This was because her husband had not paid the traditional bride wealth to them. In total disregard of the fact that he was the genesis of her exile, when he killed someone, her father visited Kakuma several times to demand bride wealth.[379] The husband, also a refugee, was supposed to go back to South Sudan to find the traditional animals that are used as bride wealth and pay.[380]

Bride wealth in South Sudan can be quite hefty. Girls are often literally auctioned and given away to the highest bidder. It is a major slur to the family for a girl to elope with a man without her family receiving bride wealth. Elaborate and protracted negotiations may go on for as long as a whole year and beyond. Bride price of as many as 10 to 200 heads of cattle may be given away.[381]

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[376] Ibid.
[377] Anonymized, not her real name.
[378] Esther Ekidor', Personal Interview with, Kakuma, 24 June 2019.
[379] Personal interview, Kakuma 24 June 2019.
[380] Refugee forays from Kakuma and Kalobeyei to South Sudan and back are quite common, whenever there is need. We discuss these in some depth in Chapter Five. A man may go back to find a wife, or to look for bride wealth to pay for a wife – or both.
[381] Stephanie Beswick, "We are bought like clothes: The war over polygyny and levirate marriage in South Sudan," in *Northeast African Studies, New Series, Vol. 8, No. 2*, Special Issue: *Dimensions of Gender in the Sudan (2001)*, pp. 43 – 53, Published by Michigan State University Press Stable URL: https://www.jstor. Org/stable/41931292 Accessed 16-09-2019 UTC. And also Mildred Europa Taylor, "The incredible South Sudanese culture of auctioning girls for marriage," <https://face2faceafrica.com/article/the-incredible-south-sudanese-culture-of-auctioning-girls-for-marriage> [Accessed 16 September 2019].

Social and domestic pressures of this kind contributed significantly to the presence of South Sudanese exiles in Kakuma and, therefore, to the protraction of camp life. That these pressures can get out of hand to become both life-threatening and life-limiting points to the dysfunction in the state. It is our contention that a functional state in an environment that respects law and order would be a competent arbiter in pressures of the kind discussed here. Moreover, a complete subculture around livestock and livestock also contributed to forced migration from South Sudan, with implications for longevity of exiled life in Kakuma and Kalobeyei.

CULTURE OF LIVESTOCK, VIOLENCE & FORCED MIGRATION

Apart from basic livelihood needs, the quest for livestock for purposes of paying bride price accounts for recurrent cattle raids in the border areas of Kenya, South Sudan, Uganda and Ethiopia. This region is commonly referred to as the Kapotutor Triangle, or the Karamoja Cluster.[382] Within this triangle live the pastoralist nomadic communities of the Karamojong (of Uganda), the Pokot and Turkana (of Kenya), the Toposa, Mrule and Didinga (of South Sudan) and the Nyangatom (of Ethiopia). Muhereza has captured the centrality of livestock in the life of the peoples of the Karamoja Cluster:

> The ownership of livestock is an indicator of social status. It defines the differences between the various socio-economic categories. Whether or not one is poor is defined, among other factors, not only by marriage, but also by how one has been married, and with how many (heads of) livestock paid as bride price. Livestock is a means by which all kinds of social ties are formed and reinforced. No function or ceremony in Karamoja is complete without the sacrificial offer of a ceremonial livestock (a bull or a ram) slaughtered for merry-making, but also for communing with the gods and ancestors.[383]

Beyond such cultural practices, cattle rustling has now become a lucrative dirty business in the triangle. Conflict entrepreneurs facilitate cattle raids for commercial benefit on international markets for cattle and cattle products, especially in the Middle East. These entrepreneurs have created a deadly "warrior-rustling-machinery that cannot envisage an environment without cattle rustling."[384]

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[382] Emmanuel Frank Muhereza, "A Report Prepared for Project 1.1.2. Disarmament of Armed Nomadic Pastoralists and Promotion of Sustainable Development in Zone 3 of the International Conference on the Great Lakes Region (IC/GLR)," 11 May 2010, unpublished, p. 35.
[383] Muhereza. 2010. Ibid.
[384] Institute of Security Affairs, 2010, "The Political Economy of Cattle Rustling," as read by Muiruri John Kimani ("Cattle Rustling A Dirty Business: Mifugo Project, ISS Nairobi Office, 19 August 2010. <https://oldsite.issafrica.org/iss-today/search/?query=Cattle+rustling> [Accessed on 10 September 2019].

Cattle rustling was cited as among the leading prompters of forced migration from South Sudan to Kakuma. Nyachot Maloak, a 30-year-old single mother of three boys and two girls arrived in Kakuma in 2012. Her husband remained in the State of Jonglei with his second wife. Her itineration with her five children over a distance of close to 500 kilometres from Jonglei to Kakuma with her ailing elderly mother under the emergency of a sudden attack by marauding cattle rustlers invites incredulity. Be that as it may, she invoked "recurrent incidence of raids by plundering Mrule tribesmen after cattle" as the cause of her flight from her country.

The family travelled to the South Sudanese township of Ayod, where it sojourned for 14 days. They then "requested" Government of South Sudan soldiers to help them to get to the border town of Nadapal, so that they could get to Kenya. They eventually got to Nadapal, and on to Kakuma. Nyachot and all of her children were attending school, in Kakuma at the time of this research. She was in her final year of primary school while her children were in the lower classes.[385] She hoped to proceed to high school and possibly to university later on. She looked forward to being resettled "in any peaceful country, including in Kenya – or any other peaceful country with opportunities in Africa."[386] She ruled out all possibility of ever going back to South Sudan.

Twenty-two-year-old Duol Ker was the third-born child in a family of seven children. He left his parents and siblings in Yuai in Jongelei, in 2011, the year of South Sudan's independence. He, too, cited the Mrule cattle rustling menace as the reason he migrated to Kakuma. Eight years later, he had no idea about the whereabouts of the rest of his family. He had given up on trying to contact of trace them.

This kind of submission was a common trait among many people who had fled their country as minors. They had virtually given up on ever reconnecting with relatives whom they had parted company with in South Sudan. The present moment and the future seemed to be all that now mattered to them.

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[385] Duol Ker, Personal interview, Kakuma, 22 June 2019.
[386] Ibid.

Duol recalled, however, how one night in 2011 the marauders had suddenly attacked. "People scampered in all directions, amidst deafening gunfire sound and wailing."[387] The 14-year-old teenager joined a group that would eventually end up in Nadapal and on to Kakuma. "During the flight, survival was the only thing that mattered. The thought of whether I would ever go back or not did not matter."[388]

Duol had his own refugee's ration card in Kakuma. He was, however, being housed by a foster mother who was part of the group he had travelled with to Kakuma. He was still in primary school, but hoped to go all the way to university someday. He was willing to be resettled in any peaceful country, including in Kenya, or any stable African country. He had heard a lot about America and Europe. He would not mind living there. However, peace was the most important thing to him and he could fit anywhere where there was peace and there were opportunities.[389]

GENDER AS A FACTOR IN THE MIGRATION AND ATTITUDE OF THE REFUGEES TOWARDS THEIR IDENTITY AND THE CAMP

Our findings reveal that a refugee situation that is supposed to be a general community crisis and a challenge to all migrants has affected women in a special way. The only driver of this, as far as we could discern, was just because they were women. Accordingly, while gender issues have been allusively indicated in the preceding passages, and in different other places in this thesis, it is fitting at this point to specifically underscore key gender concerns as factors in the migration, and their contribution to the refugees' attitude towards their identity in the migration, encompassing their fears, hopes and impediments to their hopes.

Factors in the place of origin, as well as those in the refugee camp, demonstrated certain esoteric characteristics that are based interpreted through the lenses of gender as a social construct. The most glaring instance, in our findings, was the rarely mentioned phenomenon of the Lost Girls of Southern Sudan, as is indicatively mentioned in our study limitations.

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[387] Duol Ker, Personal interview, Kakuma 22 June 2019.
[388] Ibid.
[389] Ibid.

One of the kingpins of this thesis is the contribution of the phenomenon of the Lost Boys of Southern Sudan to the rise and growth of the Kakuma refugee community. It is one of our major findings and arguments that the experience of the Lost Boys of Southern Sudan was a major trigger and driver of refugee inflow into Kakuma. It was also a major gluing factor of the refugee to the camp. Remigration of the boys from Kakuma and their resettlement in the United States and elsewhere in the West became a prime mover in attraction of fresh migrations to Kakuma, including in peacetime.

The Christian Science Monitor of 2 October 2014 lamented, however, about the eclipsing of the girls in the 1991 – 1992 migration. Scant attention had been paid – so far – to the Lost Girls.[390] Our own excursion into the field appreciably confirmed that there had indeed been a 'Lost Girls' population. Many of them were still resident in the camp. They were now an aging grandmotherly community with little hope for further movement, either onward to a third country, or back to South Sudan. Some had become single mothers with multiple progenies of varied paternity.[391] In this context, the phenomenon of single motherhood challenged both backward movement to the place ante-migration, and further movement to a place of future resettlement.   Return movement was hampered by rigid cultural considerations that outlawed pregnancy outside wedlock, while onward movement was complicated by expanded family numbers that would now have to be part of the new migration package at family level. The original resettlement programmes to the United States had placed specific emphasis on the Lost Boys. In their eclipse, the girls had suffered 'double loss.' Having been lost alongside the boys in their itineration from their homes in Southern Sudan, they suffered a second loss of recognition as a specific demographic within the migration. Away from benefitting from the food rations and other amenities provided to the undifferentiated refugee population in the camp, the girls became non-people. When others were considered for resettlement, scant-to-no-attention was given to the

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[390] The Enough Team. "'Not Just Lost Boys,' but 'Lost Girls'- in war-torn South Sudan," in The Christian Science Monitor, 2 October 2014.

[391] Field interviews, Kakuma, June and July 2019. This is particularly disturbing as invitations for resettlement usually came with very clear specifications on the kind of refugee the resettling country wanted. Available evidence showed, for example, that Australia preferred strong men from the Democratic Republic of Congo, presumed to be good for labour in the mines in Australia. Such pointed searches for refugees for resettlement placed women at a disadvantage.

girls, as girls.[392] Some of them, therefore, surrendered to the vagaries and sundry social insecurities that a vulnerable female population in a refugee camp was exposed to.[393]

These women morphed into persons marooned in the camp, with little to look forward to, beyond the recurrent drudgery of daily camp life. While we did not specifically set out to investigate the state and fate of women in the migration – and especially that of the Lost Girls – we see here scope for further scholarly investigation, through other future initiatives. Their inability to move either back or forth is, however, an invariably significant contributor to the stasis in the camp. "The Lost Girls of Southern Sudan" are easily coterminous with "the Forgotten Girls of Southern Sudan." Their story has the contours of pain, risk and, in some cases, surrender to fate. Their circumstances as allusively captured here are critical pointers for the need to in-depth gendered discourses that could sharpen the findings on the complexity of their situation, agency and stasis in camped refugee communities.

The case of the Lost Girls of Southern Sudan fell snugly into the prism of "forgotten history." In the understanding of Landwehr, forgotten histories are stories that have not been told because the storytellers find them "unworthy" of being rendered as part of the wider historical narrative.[394] There is clear need to upset the comfort of dominant holistic paradigms and assumptions in migrations and stasis in populations of this kind by exploring the case of specific demographics such as women and the youth. Even among such demographics, further disaggregation could be illuminating. Consider these gendered examples.

Rita Oyai was a 28-year-old woman. She came from Malakal, considered to be a dangerous place, where civilians only found protection in a camp under the United Nations Mission in South Sudan (UNMISS). But the premises also often came under heavy armed attack as SPLA-IG and SPLA-IO squared it out with use of heavy gunfire.[395] Eventually Rita fled the premises, the town and the country, alongside other

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[392] FGDs, Kakuma June and July 2019.

[393] See also the section on youth bulge and camp stagnation, pp. 137 – 139 of this thesis.

[394] See Jutta Wimmler, "Incidental Things in Historiography," in Cambridge Archaeological Journal , Volume 30 , Issue 1 , February 2020 , pp. 153 – 156,
DOI: https://doi.org/10.1017/S0959774319000519 [accessed 27 February 2021].

[395] Ibid.

compatriots. They reached Kakuma, where she now lived as a single mother with several children. She had no idea of where to go next, should she have to leave the camp. She had no clear place to call home back in South Sudan, as abode had previously been nomadic and unstable, involving running from one locale to the other, in pursuit of safety. The whereabouts of the rest of her family members were unknown. Her fate beyond the present moment was a matter best not thought about, except for the dream of resettlement in a better environment someday. She had no idea of where she wished to be resettled. She knew, however, that she did not wish to return to South Sudan.

Regina Nyarebi, aged 48, yearned for a settled peaceful life in her home country. The uncertainty in the countryside had driven her to Juba, together with her unemployed husband. He had hoped to find a paying job that would enable him to take care of his wife and children. When all proved futile, amidst unceasing fragile security, the family trekked to Kakuma over a period of about three months. The couple's focus was now on the children's future. For a start, they were receiving education in the camp. The parents hoped that the children could eventually be resettled elsewhere, with good prospects. For their own part, they had no immediate idea about what they would eventually do with themselves. Meanwhile, Regina had since given birth to another two children, thereby compounding her situation. She vaguely hoped that someday her country would know lasting peace and that she could probably go back. However, she did not know what to call "lasting peace," out of previous experience. The likelihood of fresh breakdowns of peace was real.

Longevity in the camp generated another problem for now aging women, who had arrived in the prime of youth. Imelda (*not her name*) spoke of the several children she had given birth to since coming to the camp. The children were products of unions with different male partners. If she were to return to South Sudan, she would not know how to manage her family circumstances. The community back home was culturally rigid. It was hostile towards women who got children out of wedlock. Moreover, there would also be serious challenges around land and settlement. There was a fragile land ownership system, even for absentee men. Years of absence and cycles of conflict generated layers of conflictual claims to the same piece of land. The situation was a lot more complex for women as, traditionally, they did not have any land rights, from the cradle to the grave. "Where do I return with these children?" she quipped.

Electina (*not her real name*) was 34 years old at the time of the interview. She lived in Kalobeyei Refugee Settlement Camp. She had been in Kakuma since 2016, which was to say for three years at the time of this research. She had left her country in the midst of fresh armed civil conflict. Unknown to her, her husband was a member of the SPLA-IO. One day, SPLA-IG soldiers arrived at her home near the South Sudan-Uganda border. She went through the traumatic experience of rape, together with her two daughters. The soldiers left them smarting under shock and pain. Electina and her daughters left for Kenya a few days later. They travelled via Uganda, on foot. She had heard of Kakuma as a place of hope. Now this was where she placed her faith for a better future. Despite the counselling that they received from the IRC, she had not recovered from the painful experience. Her husband was believed to be alive, somewhere. She had met him before leaving South Sudan and related her ordeal to him. Rather than empathize with her, the narrative only pushed him away from her. Going back to Sudan was doubly out of the question, on account of both the bad memory and her rejection by her husband.

Memory of the place ante has many faces of complication for the woman forced migrant. For Aisha Dudu, aged 42, militias had struck suddenly. They sent the family scampering in different directions. Her husband went one way, while she ran in her own direction. She later heard that he had died. Two of her children were still missing at the time of this research, years later. She had however traced another two of her children in Uganda and brought them to Kakuma. Despite her troubled memory of South Sudan, she had someday ventured back to check on her home. She found that someone had repaired the family shack and now lived there, having laid hostile claim to the property. That sealed her decision never to go back. She prayed and hoped for resettlement.

These tragic narratives repeat themselves over and over again, in different detail. They point towards the feminine predicament in the drama of forced migration as a gendered and socially constructed dilemma. The difficulty for women comes loaded with violent separation from kith and kin and absence of viable opportunities out of the predicament. It also places on the shoulders of significant numbers of women the heavy responsibility of heading households in refugee situations. More pointed and nuanced researches on this phenomenon are recommended. Meanwhile, the gender factor in the agency of the

camps should not be regarded as "an incidental thing" in historical discourses on the camps.

LESBIANS, BISEXUAL, GAY AND TRANSGENDER PEOPLE IN THE MIGRATION

Another noteworthy demographic in Kakuma was the Lesbian, Bisexual, Gay and Transgender (LBGT) community. It comprised about 270 persons in all. They came from countries neighbouring Kenya, South Sudan included. [396] We did not get disaggregated statistics of any kind, on account of the tight security net around this community.

Beyond confirming the presence of South Sudanese citizens in this demographic in the camp, Government of Kenya camp officials did not volunteer any further information. We were also not able to access this group of refugees, who lived in a secluded part of the camp under round-the-clock protection. They had come to Kenya to escape homophobic attacks from their own countries. When in December 2018 they put on the first-ever-gay parade in a refugee camp in the world, they came under violent attack from both fellow refugees and from members of the host community.[397] A few of them had been moved to Nairobi, where it was felt that they would be relatively safer than in Kakuma. [398]

The notion and practice of same gender sex remains largely alien to most African countries. The laws that exist on gay relationships are almost exclusively anti the gay community. Uganda has a life sentence penalty for gay people.[399] In Kenya itself, the penal code imposes up to 14 years of imprisonment for gay relationships.[400] However, the law has tended to look the other side and exercise some level of undeclared toleration.

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[396] Interview with Refuge Camp Manager, 17 June 2019.
[397] Ibid.
[398] Ibid.
[399] The Uganda Anti-Homosexuality Act, 2014. The law was enacted on 17 December 2013. It provides for punishment of life in prison for aggravated homosexuality.
[400] The law in Kenya terms same gender sexual activity between two men as sodomy. Section 162 of the Kenyan Penal Code has prescribed punishment of 14 years imprisonment. Other intimate activities that are suggestive of a sexual relationship between males is termed as "gross indecency." It is a felony under section 165 of the Penal Code and punishable by 5 years in prison.

The foregoing notwithstanding, the attacks on gay people in December 2018 left them feeling unsafe in Kakuma. Like a majority of the other refugees in the camp, therefore, these self-alienated gay exiles did not intend to return to their countries, South Sudan included.[401] They were waiting to be resettled in countries that had laws that protected LBGT relationships. However, according UNHCR, remigration of LBGT persons could take years. Most would-be-host nations did not consider resettlement of sexual minorities an urgent priority.[402] There was, accordingly, every likelihood that the LBGT persons would remain here for quite some time, with the possibility of many others joining them.[403]

DILEMMA OF ADULTS BORN IN THE CAMP AND YOUNG ADULTS IN EXILE

Youthful populations in Kakuma and Kalobeyei require special mention. It is instructive that when the camp was established in 1992, most of the emigrants were young people – the Lost Boys of South Sudan – as we have seen from UN and other secondary sources.

We have seen that the age bracket was from about 12 – 18 years. Finally, we have also seen that they numbered about 10,000 refuges, in the fullness of those early times. Of these, about 4,000 were gradually airlifted to the United States. Remigration from the camp has also steadily gone on over the years. Yet, two paradoxes stand out. First is that instead of diminishing, the refugee numbers in the camp have grown astronomically.

From 10,000 Southern Sudanese youth in 1992, the South Sudanese refugee population in Kakuma stood at 108,532 as at 30 April 2019 and 111,714 as at 31 August 2019, only four months later. There was an increase of 2.9 percent in only four months. There were no major social traumas and shifts that could explain this growth. Indeed, an analysis of the figures indicates that the highest growth was in the lowest age group (0 – 4 years). This increased by 7.79 per cent. It would appear that these were mostly new births. Overall, the population of South Sudanese refugees grew more than tenfold from the original population of 10,000 in 1992 to 111,714 in August 2019.

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[401] Ibid.
[402] Interview with UNHCR Head of Substation, Kakuma 17 June 2019.
[403] Ibid.

The second paradox in these figures was that instead of the population ageing, it was getting younger. As at 30 April 2019, those aged 0 – 17 years accounted for 59.2 percent of the female population. The male population for the same period reflected 62.8 percent (aged zero to 17 years). This signified a massive potential for population explosion in the camp in a few years to come.

The South Sudanese refugee population in Kakuma and Kalobeyei at the time of the research is represented on table 4.1 below. We did not do a migration analysis to determine how many of these young people were born in the camp and how many had migrated from South Sudan, either with their parents and guardians, or as unaccompanied minors. This notwithstanding, the youthful character of the camp was clear. Equally significant was that none of the adults we spoke to wanted their children to go back to South Sudan.

Table 4.1: South Sudanese Refugee Population in Kakuma and Kalobeyei in April and August 2019.

SOUTH SUDANESE REFUGEES IN KAKUMA CAMP								
UNHCR Statistics of the number of Female refugees in KaKuma Camp on 30th April 2019/31st August 2019 & % change			Male refugees in KaKuma Camp on 30th April 2019/31st August 2019 & % change			Total NO of refugees in Kakuma camp in April 2019/ August 2019 & % change in refugees		
Age Group (Years)	Number of Female Refugees on 30th April 2019	Number of Female Refugees on 31st August 2019	% Change of Female Refugees	Number of Male Refugees on 30th April 2019	Number of Male Refugees on 3st August 2019	% Change of Male Refugees	Total NO (Female& Male) April 2019	Total NO (Female& Male) August 2019	Total % (Female &Male)
0-4	7,008	7,569	8.01%	7,210	7,756	7.57%	14,218	15,325	7.79%
5-11	13,118	13,623	3.85%	14,976	15,671	4.64%	28,094	29,294	4.27%
12 -17	9,611	9,850	2.49%	14,541	15,050	3.50%	24,152	24,900	3.10%
18-59	20,064	20,429	1.82%	20,697	20,448	-1.20%	40,761	40,877	0.28%
60+	957	961	0.42%	350	357	2.00%	1,307	1,318	0.84%
Total	50,758	52,432	3.30%	57,774	59,282	2.61%	108,532	111,714	2.93%

Their foremost preference was resettlement of their children or wards in an affluent Western country. Even the very few adults who indicated – as discussed above – that

they could under some very strict circumstances consider going back to their country did not want their children to return with them. In these circumstances we can only expect the population of the camp to keep growing.

CONCLUSION

This chapter listened to the refugee on both the socio-political triggers of his or her migration and his or her own thoughts on why s/he remains in the camp. Next to that we listened to the refugee's thoughts on what s/he would want as a permanent solution to his or her refugee status. We also listened due to personal reasons. Kunz has called this migrant a "self-alienated refugee."[404]

The refugee voices in this chapter were augmented and authenticated by secondary sources. From these platforms of information, therefore, this chapter has presented a mosaic of public and domestic factors that have, over extended timelines, pushed citizens of South Sudan into Kakuma and Kalobeyei. At the same time, the chapter also highlighted the attractions in the destination of exile, as built up from both secondary sources and from the migrants themselves.

This chapter has demonstrated that Southern Sudanese refugees have often sensed early enough the dangers that will force them into exile. Yet, they have been equally without the capacity to leave in an organized fashion, in the manner envisaged by Kunz. The extreme hopelessness of their circumstances at home has been a hindrance to organized departure, even when the dangers have been sensed well in advance.

While it was not our intent to test Kunz's kinetic model of refugee theory we nonetheless recognized elements of it in the case of Southern Sudan and South Sudanese refugees in Kakuma. While Kunz has drawn a clear distinction between anticipatory and acute refugees, the South Sudanese case in Kakuma demonstrates a convergence of the two types of behaviour in one refugee. The exception is that the anticipation did not, in this case, help the would-be-migrant to be any better prepared and to leave before disaster could strike.

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[404] E. F. Kunz, as read by Miriam George in "A Theoretical Understanding of Refugee Trauma," in *Clinical Social Work Journal*, December 2010, pp 379 - 387. (p. 380).

Similarly – in both cases – we have seen how the wheels of push-and-pull factors can work in rhythm to actuate migration. If the circumstances in the place of origin placed the would-be-exile in an anticipatory and migratory mode, as discussed in Chapter Three, certain sudden traumas eventually pushed him into flight. Conversely, some other factors attracted the refugees to their destination. In this case, the first migrants to Kakuma in 1991 – 1992 did not consciously anticipate Kakuma Refugee Camp and its socio-economic dynamics (discussed in Chapter Five) as their particular attractions and destination. The emigrant only looked for a safe destination. That destination was the territory in the adjacent North Western Kenya.

Kakuma Refugee Camp as a specific attractive destination did not exist at this time. Subsequent migrations demonstrate however that, having come into existence, Kakuma became a specific preferred place to migrate to. This attraction was a factor of possibilities that the camp offered. Of especial attraction were the opportunities that the UNHCR and the Government of the United States created for airlifting to the USA of the people who have been called "the Lost Boys of South Sudan."[405]

Our conversations with the migrants in Kakuma showed four possible categories of migrants in this place:

1. There were the great majority who had always wanted to permanently go away from their fragile and dysfunctional country. They were driven by long-standing frustrations at home. These frustrations were factors of a socio-political environment in which they had lost faith. Yet these people had failed to depart from their country in an organized manner before disaster could strike. They only left after some specific traumatic happenings. They were at once acute and anticipatory migrants. They did not initially, however, end up in Kakuma, or think of Kakuma. Many of the subsequent migrations to Kakuma, however, came after some level of organized thinking and planning. These later migrations to Kakuma usually came after these persons had heard narratives of the camp as a possible stepping-stone to better things.[406] A majority of both the

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[405] Mark. Bixler, *The Lost Boys of South Sudan* (Athens, University of Georgia Press, 2005.) pp. xi – xvi.

[406] Field interviews in Kakuma, June - July 2019.

acute and anticipatory migrants in Kakuma, as discussed here, indicated that they did not want to return to their country of birth again. They also did not want to remain in the camp, or settle in Kenya. They preferred resettlement to a third country – usually an affluent Western country.

2. The second category was of persons who prospected for opportunities in the refugee camp, but kept an open mind on the possibility of someday returning to live in their country. That return would, however, be predicated upon realization of some level of self-advancement during the exile. Return would also be further founded upon emergence of fresh opportunities and attractions at home. Self-advancement in this context was seen, for example, in terms of the migrant's own formal education gained in exile, or the education of their children. It was expected that their country should first create an environment in which they could put the training gained in exile to some profitable use back home.

3. A third category was that of people who had fled from complicated domestic situations back at home – what Kunz has called self-alienated emigrants. The complex nature of the dilemmas that prompted their migration was such that while the self-alienated emigrant did not particularly crave or cherish resettlement in a third country s/he was, nonetheless, trapped in the refugee camp. Ultimate resettlement in a third country was seen as the only viable route. This migrant may from time to time dream of resettlement in Europe, Canada, Australia or the USA, but s/he did not mind residing permanently in the present refugee camp, if resettlement in a third country was not possible. S/he was willing to be resettled even in the current host country. The critical thing was never to go back to South Sudan, to confront what made him, or her, to migrate.

4. A fourth and most telling case was that of persons who had arrived in the refugee camps in Kenya in seasons of peace in their own country. They arrived in years when the Comprehensive Peace Agreement was in force (2005 -2011), or after independence and before the outbreak of the next wave of violence (2011 – 2013). The overall environment in their country was, therefore, relatively quiet and safe at the time of migration. Such persons, however, had other livelihood challenges driving them into exile. The refugee camp gave them the hope of

relief from those challenges. The challenges ranged from food and healthcare to education for themselves, or their children. Like all the other categories they, too, desired remigration to Europe, Australia, Canada or the United States. It is instructive that these destinations were not floated to them as part of the interviews, but rather came from them without any pointers from the interview.

Overcasting all these cases was state fragility and dysfunction in the place of origin. Even the circumstances leading to self-alienation, for example, pointed either to an absent state, or an inert state. In such settings, this state was not available to enforce the law at the local level and to arbitrate in disputes among private citizens. Citizens, accordingly, tended to take the law in their own hands. Might made right in such contexts. The weak and vulnerable had no choice but to flee from home.

Besides, this chapter has also demonstrated that the state was sometimes itself the perpetrator of human rights abuses. Citizens, therefore, spoke of migration as a factor of well-founded fear for their lives and/or personal safety from a predatory state. In both public spaces and in domestic spaces, citizens did not trust the state to protect them.

The voices of the forced migrants in Kakuma pointed to their continued stay in this camp as work in progress. The initial migrations from South Sudan were escapes from serious human rights abuses and other causes of physical and emotional distress.[407] Most of these initial immigrants into Kakuma at this point were the youth who have been called "the Lost Boys of Southern Sudan." Their airlifts to The United States generated narratives of hope. Most of these narratives were bigger than the reality on the ground. Over the years, they contributed to the transformation of Kakuma from an emergency refugee support point to a checkpoint in the corridor of hopes for permanent migration from Africa to the West. Kakuma became at once a refugee camp, a corridor of hope and a corridor of migration. The remigration however proved to be quite slow – sometimes even painfully slow, according to the refugee. The receiving countries of the West could only take so many refugees at a time. The checkpoint, accordingly, became a bottleneck in refugee movement. New people were also born in the camp,

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[407] Field interviews and focus group discussions, Kakuma, June – July 2019.

while others were still migrating into there, expecting to be subsequently resettled elsewhere. The corridor of hope risked becoming a corridor of frustrations and unfulfilled dreams about good life in the affluent Western World.

THE KINETICS OF MIGRATION FACTOR IN THE CASE OF KAKUMA
It is our contention that the frustrations reported by the refugees in Kakuma is a factor of the incompleteness of the migration at this point. The exiled person in the camp understands that he or she is still migrating, even during his or her stay in the refugee camp. We agree with Kunz that the migrant in this situation set off from South Sudan as an acute migrant. Having arrived in territory that was relatively safe, the migrant had the chance to think about what should be done next. It is our contention that at this point migration moved from a reflexive phase to a reflective one. Accordingly, in the pre-migration situation in their country, the would-be emigrants were only in a migration alert mode but they remained inert for personal reasons and intervening obstacles as discussed in Everett's perspectives above. The traumatic happenings in his country later jolted him into flight.

Having settled down in the refugee camp the forced migrant had the opportunity to reflect about his or her migration. The conclusion reached was that he or she, wanted to move on to a third country. The acute migrant therefore became an anticipatory migrant in the refugee camp. This anticipation redefined the refugee camp from a place of emergency relief to a holding space for anticipatory migration. The challenge now is that the kinetics in the next phase of migration reside in the goodwill and abilities of someone else – in this case the recipient country working with the UNHCR. Before that happens, the refugee must continue living in the camp indefinitely; and in a permanent state of stagnated migration. This explains to a significant extent the stagnation that is the refugee camp.

We conclude that at the heart of the protracted refugee situation and the unending camp life in Kakuma and Kalobeyei is the refugee's desire for permanent separation from the dysfunctional state in South Sudan and before it Southern Sudan. Tied in the same double knot is the hope for flight to good life abroad. The refugee camp is, therefore, a corridor of hope. The refugee hopes that sooner or later he will find a place to call home, far away from the home ante-migration. We also see in this chapter that the notion of

home in the native land is itself rickety and fragmented, due to unending internal itineration in search of safe spaces. There are often several places memorialized as "home" in the mind of any one refugee. Such places, moreover, fall into fairly broad and generalized geographical regions in the country of origin. Before exile, therefore, settlement in any one place that could be called "home" was a huge challenge.

With very few painful and bitter exceptions, the migrants in Kakuma and Kalobeyei did not display any strong emotional, or other kind of attachment to these "homes" or to South Sudan as their home. Years of unending conflict had eroded affinity between man and space. When people ran away from danger in search of "safe spaces" The ultimate "safe space" was some space in Western countries.

CHAPTER FIVE

KAKUMA & KALOBEYEI: A MIGRANT'S CHECKPOINT AND HOLDING GROUND

INTRODUCTION

The refugee voices in the ended chapter point to Kakuma Refugee Camp as a stage in a migration process that is still in progress. The migrants who come here expect that they should stay only for a short while. However, their sights are cast not on returning to their country, but on travelling on to an OCED country.[408] Presumed factors in OECD countries are attractions in the migration and drivers of indefinite waiting in Kakuma, as migrants continue to wait for remigration.[409] Beyond the refugees' perceptions and expectations, as discussed in the previous chapter, what organizational and institutional factors have favoured Kakuma as an area of the expected temporary stay, and how have they factors contributed to the longevity of camp life? This is the focus of this chapter.

Using personal interviews and focus group discussions (FGDs), as well as reports and other published sources, this chapter surveys the social and economic order of life in Kakuma and Kalobeyei in the context of Lee's factors in the place of destination.[410] We are keen to see how this order has contributed to protraction of life in the camp. Refugee relief and support dynamics in selected thematic areas add to the social and economic organization of refugee life, to reveal the steady transformation of the character of Kakuma and Kalobeyei from refugee communities, as contemplated in the 1951 Convention, to an economic and social migrant community that nonetheless considers itself to be a community waiting for better lives elsewhere.

The chapter makes an analytical presentation of the administrative, social and economic profile of life in the camp in selected thematic areas, to bring out the symbiotic character of this community as an ecosystem, and the contribution of the symbiosis of the system to the perdurance of camp life. The symbiosis also extends to interaction with the external host community to create a permanent symbiotic ecosystem, with the refugees

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[408] Refugee interviews, Kakuma, June – July 2019.
[409] Everett S. Lee, "A Theory of Migration," pp. 49 – 54.
[410] Ibid.

at the centre. Also examined is the ability of the population to inure itself to conflictual situations that would ordinarily encourage decamping, even at the individual level. The adjustment of the refugee to what are sometimes adverse circumstances is balanced off with refugee support services and other forms of broader communal symbiosis, to lead to a prolonged refugee camp life. An additional significant development is the transformation of the aspect of the camp from an emergency intervention and refugee relief support centre to a holding ground for re-migration to the developed countries of the First World. Various intersections in these dynamics make the refugee camp a perduring entity.

KAKUMA: A PERDURING ECOSYSTEM OF SYMBIOTIC NEEDS AND ENDS

Kakuma Refugee Camp is a community that responds to a regimented and organized social order that is virtually three decades at the time of writing. The ordered ebb and flow of life in the camp mingles with individual focus and expectation within the community, to equip the population with the capacity to defy the passage of time, as individual members dream of better times and wait patiently for actualization of their dreams on some unknown future day. Sundry conflicts and challenges may occur from time to time, yet focus on hoped for better futures remains. Put together with the refugee supports systems in the community, the population is primed up for a long wait, making for protracted camped life. Below is a survey of some of the more outstanding aspects of this order and how they have contributed to camp longevity, including in what are sometimes adverse circumstances, or conflictual contexts.

ETHNICITY AND SOCIAL ORDER IN THE MIGRATION, IDENTITY, ATTITUDE AND ORGANIZATION IN THE CAMP

The post-World War II inhabitant of the refugee camp is a segregated individual who is identified from other refugees in the camp according to his or her nationality as a knowable and nameable figure, and as an "object of social scientific knowledge."[411] Southern Sudanese refugees in Kakuma are clearly documented by name, country of origin, ethnicity, gender and age.[412] Accordingly, they are able to be identified in the manner Malkki contemplates.[413] Records at the Kakuma Camp Managers office showed that the ethnic composition of South Sudanese migrants in the camp was Dinka (60%),

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[411] Liisa H. Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things," in *Annual Anthropology, Vol. 24* (1995) Pp 495 – 523: P.498.

[412] Interview with Camp Manager, Kakuma, June 2019.
[413] Malkki (1995) Ibid.

Nuer (30%) and Equatoria (10%).[414] Together, they constituted 108, 532 of the 190, 500 refugees in the camp (or just below 57 percent of the overall refugee population in Kakuma and Kalobeyei).[415] The various ethnicities, as discussed in this chapter, resided in areas defined according not just by their countries of origin, but also by their ethnic composition.[416]

Both Kakuma and Kalobeyei were organized into a number of villages, as discussed above. Each village was in turn divided into zones. The zones were further broken down into blocks. One block had a group of up to 1,500 people.[417] It was revealing that the zones and blocks were disaggregated and settled along ethnic lines, and along country-based nationalities too. Hence, for example, South Sudanese nationals in the camps were variously clustered and settled each as Dinka, Nuer and Equatoria, within a broad area that belonged to South Sudanese refugees, as contrasted with other nationalities in the camp. The Dinka and Nuer, respectively, represented the first and second most populous South Sudanese ethnicities in the camp, according to the statistics above. Indeed, even when looked at together with nationals of other countries in the camp, they remained numerically superior to ethnic populations, in that order.[418]

The refugees in the Equatoria zones were composed of smaller tribes from Eastern, Western and Central Equatoria. They included such tribes as the Luo, Lopit, Peri, Diding'a, Shilluk, Bare, Ojul, Soki, Otuko, Acholi, Lope, Lokoya and a cocktail of other smaller communities.[419] We noted that the camp did not register them according to their specific tribes, unlike the Dinka and Nuer, but instead used the name Equatoria, being the region where they had come from in South Sudan.

In contrast with the place of origin in South Sudan, day to day management of community affairs in the camp was orderly and regimented. A number of years lived under this relative order and regimentation generated significant inertia among the refugees, with regard to the question of return, whenever opportunities presented

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[414] Source, Refugee Affairs Secretariat office, Kakuma, June 2019.
[415] Ibid.
[416] Ibid.
[417] Interview with RAS Camp Manager, Kakuma, 8 June 2019.
[418] See table 1.2 and Note 15. See also pp. 23 – 27 on Background to Kakuma Refugee Camp.
[419] Interviews with the Camp Manager and with FGDs from the three South Sudanese clusters in the camp, 8 June 2019.

themselves. Unsure of where they should restart were they to return, nine out of ten refugees preferred the orderly life in the camp to the vagaries of life back in South Sudan. The only exception was that if they should leave the camp permanently, they would want to leave for resettlement in a developed OECD country.

A scan of camp order through interviews, FGDs and researcher observation, revealed an orderly community that managed itself in a predictable manner, despite its own unique challenges that we highlight elsewhere in this chapter. The propensity of this order to glue the refugee to the camp was evident.

From the outset, South Sudanese refugees in Kakuma sought to be involved in the management of the day-to-day activities in their lives. With the assistance of the Camp Manager's office and the UNHCR, an organized democratic system of electing leaders in the camp existed and worked well. It is instructive that this orderly way of doing things was quite alien to the refugees in the place ante. They had never experienced democratic choice of leadership and organization of their activities back home in South Sudan.[420]

Leadership in the camp comprised a male leader as the chairman, a woman leader as chairlady and a youth leader. These elected leaders served two-year-terms at a time. The terms were renewable, indefinitely. Normal campaigns were organized and managed by the Refuge Affairs Secretariat (RAS) of the Government of Kenya in the camp. The first set of people to be elected would be block leaders. Each block decided on its leadership through universal suffrage among adults (aged 18 and above). The newly elected block leaders then voted for zonal leaders, under the supervision of the RAS .

Discussants in all FGDs reported that the orderly life in Kakuma was a big incentive for them to remain here for as long as it would take. They would only exchange their stay here with resettlement in Europe, America, Canada or Australia and New Zealand.

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[420] Various FGDs, Kakuma June 2019.

The South Sudanese ethnic mix in the camp pointed to a primary concern, vis-à-vis what Arendt calls minority versus majority returns.[421] Arendt, and separately Adelman and Barkan – as discussed in Chapter Two – have addressed the issue of minorities versus majorities in voluntary refugee returns.[422] They agree that almost invariably, the majorities in dysfunctional states of origin tend to exercise political, economic and military power. With a few exceptions of minority rules, such as that of Tutsi dominance in Rwanda and Burundi over the years, the tendency has been for ethnic majorities to force minorities into exile.[423] The South Sudanese situation in Kakuma and Kalobeyei, however, defied this logic. While they do not outnumber the rest of the South Sudanese tribes when put together, the Dinka are nonetheless one the single largest ethnic group in South Sudan. They numbered about 4.5 million at the time of this study, outnumbering the second largest community, the Nuer, by about 2 million.[424]

The Dinka and Nuer have had a long history of violent conflict, predating Anglo-Egyptian colonialism in the historical greater Sudan. This traditional conflict and its subsequent strands at home has had ramifications for inter-ethnic relations and identity in Kakuma, as well as the refugees' attitude towards their identity in the camp and their understanding of their situation here. The traditional conflict mostly gravitated around competition for pastures and water for their livestock.[425] In the period 1983 – 2005, this conflict was subsumed into the war of liberation of Southern Sudan from the Arab led government in Khartoum. The Nuer tended to fight on the side of the government in Khartoum.[426] This alignment with Khartoum was a factor destined to generate future ethnic relational complications in independent South Sudan and in the refugee situation in Kakuma. At home, mistrust between the Dinka and Nuer persisted long after the signing of the Comprehensive Peace Agreement of 2005.[427] There was always a sense of mistrust between the top leadership from the two tribes in government, especially after independence in 2011.[428] It did not help matters at all that the Dinka dominated the top echelons in the new government, headquartered in Juba. Matters got to a head when in 2013 President Salva Kir, a Dinka, dismissed Vice President Riek Machar, a

[421] Arendt, *"Decline of the Nation State,"* Pp. 292 – 296. Also Adelman and Barkan, *No Refuge*, P. x.

[422] Ibid.

[423] Ibid.

[424] "The Dinka People." https://www.britannica.com/topic/Dinka. [Accessed 08 February, 2021].

[425] Guma Kunda Komey, Land Governance Conflict & the Nuba of Sudan (Suffolk, James Currey) 2010, pp. 6 – 12.

[426] Ibid. pp. 66 – 73.

[427] Johnson. *Root Causes*. Pp.181 – 190.

[428] Ibid.

Nuer, ostensibly from plotting to remove him from power.[429] Various peace initiatives, eventually brought peace. The Bor Reconciliation and Healing Dialogue of 2014, under the aegis of UNDP and UNMISS brought welcome calm. Beneath the veneer, however, disquiet simmered, including up to the time of this study. While there were no reports of fresh fighting for well over six years, it was difficult to tell how long more peace would hold. This uncertainty contributed to the longevity of camped exile in Kakuma, with more refugees arriving even in times of peace.

Significant numbers of these fresh arrivals in Kakuma were Dinka tribespeople. It is instructive, as has been statistically shown in our Introductory Chapter the Dinka constituted the single largest ethnic community and a virtual majority in the Kakuma. They stood at 60 percent of the entire camp population, regardless of the refugees' country of origin. Put together with the fact that their tribesmen dominated the State in South Sudan, we expected that they would be fewer in exile in Kakuma, because of what we assumed to be their ethnic leverage in opportunities at home. Nine out of ten hoped to be resettled in an OECD country. It was not always possible to determine the antecedent consideration, between their flight from South Sudan and their hope for resettlement. Quite often, it seemed, the desire for resettlement was the precursor to the migration to Kakuma, notwithstanding the immediate triggers of migration.[430]

Our fieldwork revealed that the Dinka had begun coming to Kakuma long before the CPA of 2005 and the establishment in South Sudan of a Dinka led government. Even after the CPA and independence, however, they had in the main failed to return to their country. They now remained in Kakuma as a virtual ethnic majority.[431] Moreover, some who had returned to South Sudan, had re-migrated to Kakuma and enlisted afresh as refugees.[432] Others had only quietly gone back to their country to test the waters, while retaining their official status as refugees in Kakuma. They had come back to the camp equally quietly, and continued with their lives as refugees.[433] To facilitate this movement both ways, they had left their camp ration cards with friends, who had received and used their regular provisions in the camp while they were away. This gave

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[429] Ibid. p. 239.
430 Field interviews and FGDs, Kakuma, June and July 2019.
431 FGD Kakuma, 17 June 2019.
[432] Ibid.
433 Ibid.

the impression that they had never left Kakuma, and obviated the need to register afresh as refugees.[434]

It is especially instructive that our field findings show that that Dinka tribespeople continued to flow into Kakuma even in the period of peace and relative stability, following the CPA (2005 – 2011). Others also came in during the peaceful three year-year period after independence (2011 – 2013), before the outbreak of fresh Black-to-Black violence in November 2013. Invariably, all the respondents in such cases cited the social support opportunities in the camps as attractions. While they were not the most salubrious conditions to live in, they were nonetheless way better than anything the migrants in the camp had experienced back home.[435] They all, also, cited the hope for remigration and resettlement in the United States, Australia, Western Europe and Canada as their ultimate dream. Refugee support, therefore, tied up snugly with the hope for resettlement, to keep the refugee population indefinitely in the camp.

Although they did not expressly state that they had elected life in the camps as a steppingstone to resettlement, nine out of ten Dinka respondents indicated that they would not want to return to their country. One in 30 were willing to be resettled in Kenya, or elsewhere in Africa. In the absence of evidence to the contrary, we are led to conclude that the dream of brighter opportunities in the West was easily the main reason there was such a heavy Dinka population in Kakuma. This dream superseded preoccupation with the perceived potential advantage from ethnic-driven-leverage at home, courtesy of a government dominated by their fellow Dinka tribesmen.[436]

GLUE OF STABLE LEADERSHIP AND TRACTION OF CAMP LIFE

Orderly leadership that was way beyond the anarchic lifestyle described in South Sudan was a strong anchor for sustained living in Kakuma, even as the migrants continued to hope for resettlement elsewhere. Elected refugee leaders played a key administrative role as the link between the migrants on the one hand and the UNHCR and the RAS managers on the other. They also dealt with day-to-day conflict resolution among the

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434 Personal interviews and FGDs in Kakuma 17 June 2019. The matter of irregular South Sudanese refugee reestablishments with their country is discussed further, a little later in this chapter.

435 FGDs, Kakuma, 17 June 2019.

436 Society for International Development, "Juba: Fears of Dinka domination drive rebel action and threatens long-term stability," n.d. <https://www.sidint.net/content/juba-fears-dinka-domination-drive-rebel-action-and-threaten-long-term-stability>, [Accessed on 08 October 2019].

refugees. Where the conflict was too big for the people's elected representatives to manage, it would be escalated to the Kenya Police, who had their own posts in the camp. The police, however, maintained low visibility. They allowed the migrants to be in charge of their own affairs as far as possible.

During natural disasters and social calamities that were quite recurrent in Kakuma and Turkana generally, these leaders provided the first line of coordinated intervention. Such calamities may include sudden flushes of floods. While it rarely rained in Kakuma, heavy floods from neighbouring Uganda were common in the rain season. They arrived in heavy, sudden and furious flows, often catching everyone unawares. Children were commonly killed in such floods. Elected leaders would normally coordinate intervention at camp level and liaise with external authorities in subsequent humanitarian interventions.[437]

Ordinarily, there were quarterly meetings at group, block and zonal levels, where a wide range of issues around welfare and conflict may be discussed, or reviewed. Kenya Government officials from RAS, as well as UNHCR officials representing various service lines in the camp may attend, when necessary. The whole situation was reflective of a very methodical way of doing things. *Ad hoc* meetings were held as and when the situation demanded. They may involve the refugees alone, or call for the presence of RAS and UNHCR officials. Several such meetings were held in the course of this research, mostly around interpersonal relations and group conflicts. They demonstrated skillful management and transformation of conflict.[438]

SOCIAL AMENITIES AND REFUGEE SUPPORT SERVICES AS GLUING FACTORS

Just like administrative order in the camp, social services and amenities in Kakuma were also a major attraction for continued stay here. They involved a wide range of bundles of basic and essential humanitarian comforts and interventions by the UNHCR and her partners.[439] Key support areas are shown in Table 5.1, below, with statistics for

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[437] Interviews with camp manager [8 June 2019] and elected leaders in Kakuma, various dates in June and July 2019].

[438] FGD, Kakuma, 17 June 2019. We also had the opportunity to observe this at a personal level, in Kakuma , June, 2019 during our fieldwork.

[439] For purposes of this writing, we have outlined only a few of the most salient areas and sought to appreciate the interplay of needs and their contribution to the longevity of the two camps in our study. The full schedule is presented in Appendix 2.

the year 2016 as an example. A detailed budget for the programme is given as Appendix 1. This chapter has selected a few of the most crucial areas for discussion.

Table 5.1: Social amenities and refugee support services: Source, Kenya Comprehensive Refugee Programme 2015, p. 17.

	Key Support Area	Percentage of Funding
1	Food Security	15
2	Water and sanitation	11
3	Health and nutrition	22
4	Livelihoods	5
5	Education	3
6	Shelter and non-food items	9
7	RSD, Reception and civil registration	4
8	Security, camp management and mobilization	4
9	Energy, environment and host community	8
10	Legal assistance, policy, durable solutions	5
11	Persons with specific needs Child protection	3
12	SGDV	1
13	Operations, logistics and coordination	7

The huge numbers of refugees in Kenya[440], generally, brought heavy financial pressure to bear on the available refugee funds. This invariably occasioned deficits in the programmes. The funding gap for 2016, as an example, is shown on Table 5.3, below. These gaps often led to cutdowns in even such key areas as food support, as discussed under feeding, below. Yet, even after the cutdowns, the funds used remained colossal in real terms. We did not research the interests of the various actors in refugee support in these funds, beyond the allocations shown in Appendix 1. The 2015 budget in Appendix 2 shows diverse relief agents and implementation partners. The allocation of

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[440] The number stood at 476,695 at the end of May 2019, source: <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2019/06/Kenya-Infographics-31-May-2019.pdf>, [Accessed 8 June, 2019].

these services to them was through competitive bidding that was sometimes informed with stiff competition, suspicion and covert acrimony among the bidding agencies.[441] The impact of their interests as suppliers of refugee support services in the longevity of camp life was not specifically investigated. Hancock[442] has suggested, however, that such suppliers and other "international Good Samaritans" sometimes have ulterior interest in commencement and continuation of conflict, which then benefits them, at the expense of the presumed beneficiaries. Beyond noting their presence and latent unease with each other in Kakuma, however, we did not specifically seek to establish the possibility of self-satisfying aid, as suggested by Hancock. The case for scholarly investigation, however, exists in Kakuma as a protracted refugee situation. There can be little argument, however, that the aid to the refugee camp is good for both the refugees and for the relief agencies. It gives succour to the refugees as they continue to wait for "brighter futures" while keeping the relief agencies and their suppliers alive and active. To what extent, is an assignment for a different study.

Table 5.2: Refugee Funds Allocation in Kenya in US Dollars for the Year 2015:
Source: Kenya Comprehensive Refugee Programme 2015, p. 17.

Operation	UNHCR and Partners	WFP	Total Comp. Needs	Total Contributions	Gap
Dadaab	143,521,508	79,450,000	222,971,508	102,705,989	120,265,519
Kakuma Annual Budget	43,015,772	34,050,000	77,065,772	48,384,196	28,681,576
Kakuma Supplementary Budget	36,098,907	12,500,000	48,598,907	17,354,259	31,244,648
Urban	28,560,127	-	28,560,127	19,446,557	9,113,570
Totals (all figures in USD)	251,196,314	126,000,000	377,196,314	187,891,001	189,305,312

Table 5.3: Refugee Funding Gap in 2016 for Kenya in US Dollars			
AGENCY	NEEDS	AVAILABLE	GAP

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[441] UNHCR and IOM informants, Kakuma June – July 2019.

[442] In the 1994 volume titled *Lords of Poverty: The Power, Prestige and Corruption of the International Aid System* (Atlantic Monthly Press), Graham Hancock presents the argument that billions of dollars from wealthy countries and other international donors only end up benefitting the implementing partners, whom he calls the Lords of Poverty. He accuses them of betrayal of public trust. This line of argument has not been a part of our research. Accordingly, this research refrains from making any firm pronouncements along those lines, one way or the other. A symbiosis of sorts is, however, noted.

WFP	110,200,000	43,100,000	67,100,000
UNHCR and Partners	226,778,883	119,223,126	107,555,757
Total	336,978,883	162,323,126	174,655,757

The United Nations, however, had limited direct involvement with the actual implementation of refugee support services. Instead, it did this through several of its specialized agencies. Such agencies were also involved with funds raising activities of their own, to augment those of the UNHCR. WFP was, for instance, one such a specialized agency. To implement the rest of the services, UNHCR invited bids from competent prequalified organizations.[443]

The provision of these services by the qualifying bidders had elements of commerce, rather than simple humanitarian intervention. In effect, they did business with the UNHCR. Such entities would need to break even – or "to make business sense," so to speak. This, however, was not the public face that the agencies wore. To the casual outsider, and to the refugee that we interviewed for this research, they were Good Samaritans. They had come to rescue dislocated populations in dire need for humanitarian intervention.[444]

We did not, however, see any evidence that the relief agencies delighted in the situations that created business platforms for them. Still, deep suspicions ran among them, especially when contract periods with UNHCR were coming to the end of their cycles and it was time for fresh bids to be invited and submitted.[445]

While no ill motive on the part of relief agencies is imputed, or established, the refugee situation cannot help being seen as "good for business." We counted up to 22 different relief agencies in Kakuma and Kalobeyei, as listed on Table 5.2. A symbiotic relationship was established between the refugee and the relief service provider, regardless of the purity of intent. Most of the service providers had built solid and permanent structures that served as their offices in the camps. These permanent edifices gave optics of "anticipated longevity" of refugee sojourn in the camps. Like the refugee, the service provider had prepared for a long stay in Kakuma, pending the unknown.

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[443] Interview with UNHCR Head of Station, Kakuma, 8 June 2019.
[444] FGD, 17 Kakuma July 2019
[445] Field interviews with IOM and UNHCR, Kakuma, 10 June 2019 and 03 July 2019.

Many of these agencies had international staff who were competitively sourced. Their provision of service was outstanding.[446] Some refugees, however, complained of what they saw as "frustration" in the supplies of building and construction materials. They felt that these took rather long to be availed and that there was some level of discrimination.[447] The alleged discrimination, however, was ascribed to the refugees' own elected leaders, rather than to the staff of the relief agencies. For, it was these leaders who provided the lists of the persons to receive construction materials at any one time.[448]

Refugees were also concerned that even when they considered themselves competent to construction their houses on their own once the materials were given, the local Turkana people would usually insist – rather menacingly – on being the ones to do the work, because of the attendant financial compensations. Despite unfriendly competition between the local Turkana people and the refugees for provision of labour in construction of shelters, a symbiotic relationship was established between the refugee situation and the local Turkana construction labourer. The same must be extended to the supplier of the construction materials and eventually to the manufacturer. (Shelter is discussed in greater depth below).

We did not establish significant local Turkana presence in the professional cadres in the camp. This was testimony to the general absence of the Turkana almost everywhere else in such ranks in the country.[449] It was a factor of their having remained faithful to their aboriginal lifestyle, founded around pastoralism. Barring the paucity of the Turkana, the host country's professional labour force in the relief agencies in Kakuma outstripped that of any other single country.[450]

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[446] FGD, Kakuma, 10 July 2019.
[447] Interviews with various individual participants among Equatoria, Dinka and Nuer refugees in Kakuma, on diverse dates June – July 2019].
[448] Ibid.
[449] See, for example: B. L. Premium, "Protests threaten Tullow Oil project in Kenya," 19 July 2018, <https://www.businesslive.co.za/bd/companies/energy/2018-07-19-protests-threaten-tullow-oils-project-in-kenya/> [Accessed, 1 September 2019].
[450] RAS Sources, Kakuma Refugee Camp, 17 June 2019.

We see that provision of support to the refugees was good for Kenya. It provided employment opportunities in a country challenged to create jobs for its people.[451] While the Kenya Government did not talk loudly about it, therefore, the refugees nonetheless brought with them useful employment opportunities for Kenyan nationals.[452] This was a useful area for further focused research.

Where refugees may be employed as teachers, or in some other professional capacity, the balance of benefit tipped heavily towards Kenyans. A refugee may be retained to work as a teacher, or as a professional in a hospital in the camp. They would usually be paid about a quarter of what their Kenyan counterparts received for the same work. Payments made to refugees in such situations were nominated as "incentives."[453] The argument was that the refugee was a beneficiary of relief support. He could not, accordingly, be paid on the same scale as the hosts and other foreigners who were not refugees. Refugees who worked on the "incentive platform" complained of discrimination.[454] They felt that they were being treated almost as if they were being done a favour, to be considered for support employment.[455]

FOOD SECURITY AS A GLUING FACTOR IN KAKUMA

Feeding programmes in the camp were of primary importance. Nothing underscored this better than the fact that overall refugee support was categorized into the two broad areas of "food and non-food assistance and protection."[456] Food came first. Focus group discussions were unanimous that food security was one of the foremost attractions and gluing factors to the camp. They did not always get as much food as they would have loved. Yet the situation here was way comparatively better than anything they had experienced back home. Parents and guardians were relieved to be in a place where

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[451] See for example: Victor Amadala, "Kenya's unemployment rate to rise – World Bank," <https://www.the-star.co.ke/business/kenya/2019-07-30-kenyas-unemployment-rate-to-rise-world-bank/>. [Accessed 1 September, 2019].

[452] We could not establish the exact figures of Kenyans who benefit from working in various establishments and on their own Kakuma. RAS officials, however, said they were the majority. Besides, there is indirect impact through creation of jobs for people in retail and petty trade in Kakuma township and other little outposts, as a factor of the refugee camp.

[453] UNHCR, "Livelihoods," n.d. <https://www.unhcr.org/ke/livelihoods>, "Majority of the refugees earn their livelihoods through employment as incentive workers, petty trade, cash remittances from relatives and friends abroad as well as engagement in small and medium scale business enterprises (traders/vendors, motorcycle riders, tailors)." [Accessed 1 September, 2019].

[454] FGDs, Kakuma, July 2019.

[455] Interviews with refugees in Kakuma and Kalobeyei, July 2019

[456] See, for example, UNHCR. 2015. "Kenya Comprehensive Refugee Programme," pp. 15 – 19.

they could get some food for their families, while their children and wards also got an education that could be an escape route from further adversity.[457]

Each registered refugee was allocated a personal food ration. For this purpose, households were defined according to the number of residents. A size two house, for example, had two occupants, while size seven had seven. This was regardless of age. The typical ration was 4 kilogrammes of maize flour, or rice, per person per month; a bundle of firewood every three months and one litre of cooking oil per person, per month. The refugees were encouraged to grow vegetables for vitamin requirements.[458] They, however, complained that the host Turkana herdsmen often grazed their livestock on the vegetables and other crops in their kitchen gardens, usually with a condescending sense of entitlement and impunity. This tended to discourage the migrants from the envisioned kitchen gardening.[459]

Besides actual food rations, a food voucher system existed. It was managed through a working arrangement between WFP and the giant mobile telephone company in the country called Safaricom Ltd. The voucher system was called "Bamba Chakula."[460] The idiom *Bamba* (Swahili word for grab) was the generic Safaricom tag for many of its popular products in Kenya. For example, the company may be promoting a lottery, a seasonal tariff, or a specific campaign. It encouraged its customers "to grab the chance."[461] In the same way, it now encouraged the migrants to get food through the voucher system, although the optional character of other *bamba campaigns* was absent.

In practice, the Bamba voucher system in Kakuma and Kalobeyei covered the entire 191,500 population of refugees. It provided for Kenya Shillings 500.00 (or say about USD 5.00) per person.[462] This worked out to just under USD 1 million per month for the entire refugee population. In the interplay of relations, the Bamba Chakula voucher established a functional symbiosis between Safaricom, the refugee population and some 2,500 registered business outlets in the refugee camps. At the agency end of the chain

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[457] Focus Group Discussions in Kakuma, June and July 2019.
[458] Interview with UNHCR Head of Station, Kakuma, 8 June 2019.
[459] Focus Group Discussions, Kakuma, June and July 2019.
[460] Interview with UNHCR, RSA Camp Manager and FGDs in Kakuma, June and July 2019.
[461] See, for example Safaricom, <https://www.safaricom.co.ke/images/Downloads/Terms_and_Conditions/changamka_na_mauzo_terms_and_conditions.pdf>, [Accessed 19 October, 2019]
[462] Interview with UNHCR Manager in Kakuma, 17 June 2019.

was WFP, a specialised UN service agency. Managed electronically through Kenya's renowned Safaricom MPESA money transfer platform, the benefits of the voucher could not be encashed, or transferred to a different person. [463]

All was not well in the food sector in Kakuma, however. The respondents complained that the food rations could hardly stretch beyond 15 days. This was an understandable factor of population pressure on the feeding programme. For, example, fresh influxes of refugees from South Sudan towards the end of 2013 and 2014, following a fresh outbreak of violence in November 2013, had led to reorganization of the feeding programmes. There were food cuts per person, ranging between 40 percent and 50 percent in November and December 2014 respectively.[464] To cure some of the more adverse potential outcomes of such reductions, WFP had put in place safety nets that targeted some of the more vulnerable populations. Accordingly, the *WFP Protracted Relief and Recovery Operation 200737* defined a framework for addressing such vulnerable populations.

The operation targeted prevention of acute malnutrition and undernutrition among children, pregnant women and lactating mothers.[465] We surmise that regardless of whatever weaknesses the feeding programme may have experienced, an assured source of nutrition reduced nutritional anxiety in a migrant population that had otherwise been exposed to serious food challenges at home. This arrangement of food security for this vulnerable population had now gone on for 28 years.

There now existed a mature generation that had been veritably brought up on relief food from birth. Now their own children were being brought up the same way. This was not a lifestyle they cherished. Yet it remained one of the pillars of sustained longevity of camp life. It was remarkable that the vision of self-reliance in Kalobeyei was not going down well with the migrants. Focus Group Discussions expressed suspicion that their benefactors planned to abandon them to themselves.[466]

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[463] Ibid.
[464] UNHCR: KCRP 2015 p. 14.
[465] IBID. p. 18.
[466] Focus Group Discussions in Kakuma and Kalobeyei, June/July 2019.

THE ATTRACTION AND GLUE OF EDUCATION

As discussed in Chapters Three and Four, education was a major attraction for Southern refugees to Kakuma. This was regardless of whether it eventually delivered the immigrants' dreams, or not. A symbiosis of goals, desires and expectations existed among the refugees, on the one hand, and the various support communities on the other. Once again, this was regardless that the needs were sufficiently fed or not. At the very minimum, the cocktail of needs held the actors together in one web that kept the symbiosis and the camp alive.

The entry point for the UNHCR and her partners in Kakuma was the Global Review for Education (2011) and the UNHCR Education Strategy 2012 – 2016. [467] The strategy in the two initiatives placed emphasis on "high quality and protective education for refugees."[468] It also highlighted the need "to achieve durable solutions, sustainable development and reconstruction,"[469] in the case of refugees. Finally, it underscored the need to "ensure inclusive, equitable quality education for all."[470] The latter borrowed directly from the UN's Sustainable Development Goals (SDGs) – goal number 4.[471] It also borrowed from the UN Convention on the Rights of the Child.[472]

In line with the foregoing, therefore, UNHCR continued to prioritise education in Kakuma, especially for South Sudanese immigrants who arrived with very little prior exposure to formal education as discussed in Chapters 3 and 4. A symbiosis was established between the global goals for education and the educational appetite of the immigrants. The appetite for education among the immigrants was made most clear in the huge demand and challenge of access in the camp. At the time of the research, there were 13 pre-primary schools in Kakuma and Kalobeyei, 21 primary schools and 5 secondary schools. Yet they did not meet the demand for education.

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[467] UNHCR. 65138 Education Strategy Kakuma, <https://data2.unhcr.org/en/documents/download/65138 >, [Accessed 23 August 2019].
[468] Ibid.
[469] The reconstruction component assumes that the leaners will eventually return to their country. Education is, accordingly, supposed – among other objectives – to prepare them to play a useful role in the remaking of their country, when they go back. The reality on the ground is, however, different. Thirty years after the first arrivals, few have been keen to return. The wider relevance of this focus is accordingly questionable.
[470] UNHCR. 65138 Education Strategy Kakuma, <https://data2.unhcr.org/en/documents/download/65138>, Accessed 20 August 2019
[471] Ibid.
[472] Ibid.

The most impressive enrolment was in primary school. Ninety-two percent of eligible children were enrolled. Instructively, there were also many other learners in primary school, who were well past, not only the primary school age but also the past secondary, school age. Access to the opportunity for education was most challenging in secondary schools. This is to say that pressure for learning allowed only 6 percent of those eligible to be enrolled.[473] The rest could only hope for expanded spaces and facilities, so that they, too, could enrol at a future time.[474] Enrolment in pre-school stood at 56 percent of eligible children. There was no immediate hope for expanded space, however. The budgetary focus for the next few years was on improving the quality of the learning environment in the existing schools.[475] It was not clear whether this would include construction of more classrooms and availability of more teachers, to provide for wider access and a better teacher to pupil ratio.

Equity, access, quality and protection, all remained challenges to education.[476] Regardless of this reality, a key symbiosis was established among the key stakeholders. Without placing any value judgement on it, it was our observation that the symbiosis remained an important contributory factor to the life of the camp.

Symbiosis in education was also reflected in what was called the Kakuma Education Model.[477] The model was fashioned along an integrated approach that focused on both the refugees and the host community. Emphasis here was on co-curricular activities that aimed to bring the refugees and the host community closer.[478] The activities had been conceived to include such things as joint sports and peace-building education. Multipurpose innovation centres to address this goal had been piloted, adjacent to the refugee camps. However, these had not worked well, so far. They had largely been vandalized by people who were believed to have been locals. The reasons for vandalization remained unclear.[479] This notwithstanding, in 2018, a budget of USD

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[473] Interview with Windle International (Kenya) official, Kakuma, 16 June 2019. The model takes an integrated approach that mainstreams refugees into schools outside the camps. It also seeks to go beyond the examinable curriculum, to include life skills, sports, arts and peace building. More information available at <https://www.unhcr.org/ke/education>, [Accessed 22 June 2019].

[474] Ibid.

[475] Interview with Windle official, Kakuma, 16 June 2019. See also UNHCR. Kenya Comprehensive Refugee Report 2015, pp. 40 – 41.

[476] Ibid.

[477] UNHCR. 2015. Kenya Comprehensive Refugee Programme 2015. p. 43.

[478] Interview with Windle International (Kenya) official, Kakuma 16 June 2019.

[479] Ibid.

18.7 million had been set aside for joint vocational skills training opportunities for the locals and the refugees.[480]

DELIVERY OF EDUCATION: CHALLENGES, OPPORTUNITIES AND CAMP TRACTION

Education in the camp was tailored along the Kenyan public school system.[481] There were eight years of Primary School education, followed by four years of Secondary School. The Government of Kenya provided teachers, while others were employed by the UNHCR, through relief agencies that had been given the contracts to oversee education in the camps. These included Lutheran World Federation, Windle International (Kenya) and Japanese Aid.

Qualified South Sudanese refugees in the camp were also retained, based on what was called "incentive employment."[482] This meant that they were not given the same wages as the other teachers, "because they enjoyed other refugee relief services," as reported in the introduction to this chapter. Rather than serve as an incentive, however, the stipend was, therefore, a source of discontent among "incentive teachers." They felt discriminated against. Yet they held on to the jobs, "mostly to avoid idleness and to have a few coins in the pocket."[483]

According to UNHCR sources, more than half of the refugees in Kakuma were of school going age. [484] Despite the spirited efforts to provide education to this demographic, more than half of children aged 4 to 18 years remained out of School. Six percent enrolment at this level put together with 96 percent in primary school averaged (to) 49 percent enrolment for the two categories.

Apart from funding challenges, subsequent refugee arrivals had often found much older persons already enrolled in school. Such older persons may not be removed from school to make way for more deserving younger people, as this would be seen to be unfair to them.[485] The spinoff was overcrowding in classrooms. Yet the appetite for education

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[480] Interview with Windle official, Kakuma, June 2019. See also UNHCR. Kenya Comprehensive Refugee Report 2015, pp. 40 – 41.
[481] Interviews with the Camp Manager and with teachers in Kakuma 17 June 2019.
[482] Focus Group Discussions in Kalobeyei, June 2019. Also interviews with the Camp Manager and with UNHCR, Kakuma, June 2019.
[483] Focus Group Discussions in Kalobeyei, June 2019.
[484] See Table 4.1, in Chapter Four.
[485] Interview with UNHCR official, Kakuma, 17 June 2019.

and the hope for better futures remained such that many persons aged well past universal school going age for children steadily flowed into Kakuma, specifically in search of education.[486] They saw it as "one of the surest passages to the Promised Land."[487] Nine out of 10 of all refugee learners aged 18 and above, and who were interviewed in this research, hoped to re-migrate and resettle in the West after gaining secondary education in Kenya.

Conversely, there were those immigrants who had arrived in Kakuma with the possibility of an overseas resettlement as their sole focus. They only considered Kakuma to be an enabling holding ground in the process of the much yearned for relocation.[488] They saw going to school as a dreary and time-wasting affair. They did not think that education required much of their attention.[489] They would stay here and mark their time until such a time as the much-anticipated relocation would come to pass. They were being taken care of in all other key needs and what remained was "for UNHCR to take us to our next home."[490]

Apathy towards education was particularly dominant among refugees from pastoralist communities in South Sudan, where life gravitated around livestock and not much premium had previously been placed on education. The view which the interviewee cited above held was common among his tribesmen that we interviewed. They also classified the challenges experienced back home as "conflict between educated and non-educated people in the country."[491] In their view, the problems in South Sudan had been "brought about by the educated people."

Notwithstanding the challenges, a network of needs and interventions existed in the field of education in the camps. Its contribution to the longevity of the camp and to its character as a perceived springboard for future migrations was also established.

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[486] Ibid.
[487] Interview with IOM official, Kakuma, July 2019.
[488] Focus Group Discussions, Kakuma, June – July, 2019.
[489] Ibid.
[490] Personal interview with Simon Gat Giki of Kush (or Cush), in Kakuma, June 2019.
[491] Ibid.

Another strand in education was about equipping the learners with livelihood skills. These centred mostly around various trades such as carpentry, masonry, plumbing and the like. Also included were occupations like kitchen gardening, small-scale business entrepreneurship and sundry income generating skills.[492]

Community technology access centres also existed, under the auspices of the UNHCR. Once again, these were open to both the locals and the refugees. They were expected to be curtain raisers to distant learning.[493] We discerned a lacuna of sorts between the objectives of livelihood training and the dreams of most of the migrants.

While the training largely prepared them for useful income generating roles upon return to their homes, the focus of most migrants was on resettlement. Little enthusiasm for this training was noted. Moreover, after close to three decades of refugeehood and livelihood training, there was little to show for it in the camp. For example, homes did not have furniture that could demonstrate that carpentry had gone on here. There were a few light plastic chairs in some homes. In most homes what to sit on was a challenge, even for the interviews. Makeshift arrangements were made.

From a different reckoning, the household furnishing spoke of both living challenges and the migrants' understanding that their stay here was supposed to be temporary, despite the long stay. Regarding first the perception of the stay as temporary, little had been done to furnish the semi-permanent houses in which the majority lived. Even in Kalobeyei where permanent stone houses had arrived, we visited houses where the only items of note were mattresses. A whole 28 years had been lived here completely in the temporary mode. But, from another perspective, the scant nature of the household also spoke of genuine want.

The reality possibly stood somewhere between the two perspectives, and this is an area that could be investigated further in a study that could specifically look at the significance of household goods in the refugee camp. What is the bigger story behind what people own in their homes in the camp, regarding their status in the notion of

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[492] Interview with Kakuma Camp Manager, 17 June 2019.
[493] UNHCR, "Kenya Comprehensive Refugee Programme 2014," p. 44.

home, exile and resettlement? Is it a factor of penury and indigence, or is it a factor of their understanding that this is just holding ground?

SYMBIOSIS IN HEALTHCARE: YOUTH BULGE AND CAMP PROTRACTION – RISKS, CHALLENGES AND OPPORTUNITIES

Focus on healthcare derived foremost from the delicate and sensitive character of the sector. The nature of pathology is such that healthcare challenges tend to spread quickly from the source to other places. An outbreak within the refugee camps could quite easily spread to the host community and *vice versa*. Accordingly, planning for healthcare was integrated into the wider strategic approaches for Turkana County and for the Kenyan nation.[494] While the United Nations oversaw healthcare in the camps, managed by a melange of implementing partners, UNHCR also coordinated support for public hospitals in Turkana County, outside the camp.[495] There was a very strong symbiosis here between the migrant community and the host community.

The health component of refugee assistance enjoyed funding from a rich basket of diverse global partnerships. Among the leading contributors to this basket were the European Union, the United States, Switzerland, Japan, Germany, the United Kingdom, Chile and the UN Central Emergency Fund (CERF).[496]

The challenge of HIV and Aids was a fundamental one. The significance was such that HIV/Aids was handled separately from the rest of healthcare issues in the two camps and in Turkana County generally. Our research observed a huge presence of youthful people – both at the visual level in the camps and through the available statistics.[497] According to LWF[498] and to interviews in the camp, teenage pregnancies were common in the camp, both as factors of consensual relations and forced unions.

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[494] Ibid. Verified with UNHCR HOS Office, Kakuma, 17 June 2019.
[495] Interview with UNHCR Head of Sub Station, Kakuma, 8 June 2019.
[496] See Appendix 1 for detailed breakdown.
[497] See Table 4.1, Chapter Four. See also, for example, n.d. UNHCR, "Kenya: 2018 Year End Report 2018 – South Sudan Regional RRP (January – December 2018), <https://reliefweb.int/report/kenya/kenya-2018-year-end-report-south-sudan-regional-rrp-january-december-2018 >, [Accessed 10 July, 2019].
[498] Lutheran World Fund, "LWF helps teenage mothers finish high school," <https://kenyadjibouti.lutheranworld.org/content/lwf-helps-teenage-mothers-finish-high-school-91 >, [Accessed 10 August 2019].

Virtually everywhere in the camp, you came across mixed groups of male and female adolescents basically idling about. In the area called Hong Kong, many gave the impression of being under the influence of substances. They tended to be rather rowdy and even disruptive to motor vehicular activity in the area. They also gave outward impressions of being carefree, rhapsody cosy. In our view, a focused study on occupation and social associations among young people in Kakuma and its implications for health and population justifies itself.

We did not specifically seek a statistical investigation of adolescent contribution to population growth in the camp. Yet it is our view that this could be significant. It is also our view that this demography portends a major population explosion in Kakuma in the next few years. The midterm to long term implications are that new populations are likely to stretch the elasticity of refugee support to snapping point but also, very significantly, to prolong the life of the camp. The new people, like the others who were born here, present a major challenge about what they should call home. The adolescents whom we interviewed had no desire at all to "go back" to South Sudan – where they had never been. Most hoped to migrate to OECD countries.

But there were also some who simply lived for the moment in a near-meaningless world, fashioned almost in the mode of the philosophy of the absurd.[499] They tended to seek easy gratifications here and now, with little caution about tomorrow. This was even as they spoke casually and vaguely about resettlement. In the prevailing circumstances of stagnation in return and resettlement, it appeared that the camp was going to remain with this demographic for a long time to come. Refugee employment laws that prohibited migrants from any useful occupation seemed to nurture this kind of hopeless individual and to make him a permanent resident of this place.[500]

Regular physical fights among young men in this demographic were common. These conflicts were mostly out of competition for attention and favours from girls.[501] Such rivalries frequently led the young men to form themselves into "area gangs" for

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[499] At the core of this is the thought of the meaninglessness and futility of life, leaving the absurdist to surrender to "the pointlessness of life's routine" as a form of suicide. See Fredrick S. J. Coplestone, *A History of Philosophy Vol. 10: From the French Revolution to Sartre, Camus, and Levi-Strauss* (New York, Image Books, 1994) pp. 390 – 395.
[500] Researcher's observation and view of Hong Kong Area youth interacted with in Kakuma, June 2019.
[501] Focus Group Discussion with Nuer elders in Hong Kong Area, Kakuma, 17 – 20 June 2019.

leverage over their competitors. They engaged in some form of group preserving isomorphic mimicry, so as not to raise eyebrows with law enforcement agencies. Some disguised themselves as sports teams, or to assemble around some useful social agenda. In real fact, however, they agglutinated around anti-social and health-risky behaviour. Among the gangs we came across in this research were TLG, also known as Talented Group. Others were LA (Los Angeles) Family, B13 and G11 and Hong Kong Boys.[502]

TLG was the most virulent of the gangs. It had both male and female members. It also cut across a variety of nationalities and age groups. While rape – another health risk factor in the camps – was reported to be high in the camp[503], TLG male members were said to be rarely caught up in the mess of rape. They had their own girls, "who provided for their needs."[504] They however were known to fight against young men from other gangs, whom they perceived to be encroaching upon their girls.[505]

The population statistics discussed in Chapter Four show a rapidly expanding adolescent population, as we also observe above. The potential for unsafe sexual activity among the youth in the camp cannot be taken lightly. Equally significant is the potential for a sudden population explosion, as already argued. Respondents from all communities from South Sudan indicated that sexual talk with the youth was taboo. Young people, therefore, got to learn about sex and sexuality from their peers.[506] There existed, however, two testing and guidance centres in the camp, where free testing for pregnancy and HIV/Aids, as well as advice could be accessed.[507]

WATER AND SANITATION: SYMBIOSIS AND STAGNATION

Closely related to health was water and sanitation. Water is a limited resource almost everywhere in Africa. In Kenya, it is a challenge even in the capital city of Nairobi and in other leading urban centres.[508] The challenge was, therefore, far more pronounced in a semi-arid zone like Turkana County, where Kakuma Refugee Camp and Kalobeyei Refugee Settlement are located.

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[502] FGDs with all three main refugee clusters from South Sudan in Kakuma, 17 – 20 June 2019.
[503] Ibid.
[504] Ibid.
[505] Ibid.
[506] Interview with UNHCR official, Kakuma, 17 June 2019.
[507] Interview with RAS Camp Manager, Kakuma, 17 June, 2019.
[508] See, for example, Lotus Africa Ltd, "Water crisis in Kenya – 2019: Causes, effects and solutions," <http://lotus.co.ke/water-crisis-in-kenya-causes-effects-solutions/>, [Accessed 29 October 2019].

Through close partnership with several donors, UNHCR had been able to address the water challenge and to keep adversity to a minimum. Funding for water enjoyed support from the United States, Switzerland, Finland, Canada and from private partners in Kenya.[509] Under the implementation of Canadian Lutheran World Federation and Care International, an outstanding job had been done. Drilling had been done to the extent of bringing water to within 200 metres of every household. Each such household enjoyed between 12 and 20 litres per day.[510]

Ordinarily, 15 – 20 litres per household per day could appear to be a scanty supply. However, this needs to be appreciated in the context of a semi-arid countryside without natural flows of water, except on the rare occasion when it rained. And even when that happened, the water became a source of doom and gloom, rather than the boon it was supposed to be. Bridges would be washed away. Houses got over flooded, especially in the camps and lives were lost. [511] This research had first-hand experience with some of these natural disasters. For two days and nights, the floods were everywhere – including in the UN Village, whose workers and residents could not get out throughout the period of the floods. Two girls died in the over flooded seasonal stream (known locally as the larger).[512]

It is within this challenged context that the symbiosis around water supply for the refugees and the host community is to be appreciated. The available clean drinking water in the camp had come under increasing pressure with the mounting refugee populations. According to the implementing partners, there were worries about the sustainability of the existing arrangement. It was instructive that the water in the camp at the time of this study served both the refugee population (over 190,000) and the local

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[509] UNHCR, "Kenya Comprehensive Refugee Programme 2016," p. 66

[510] Canadian Lutheran World Relief, "Water in Kakuma," 12 November 2014, < https://www.youtube.com/watch?v=YQHARDMBdHg>, [Accessed 29 October 2019].

[511] Researcher's eye witness account of Kakuma, June 2019. See also: Hesbon Etyang, "From drought, hunger to floods: No respite for Turkana residents," 29 October 2019. https://www.the-star.co.ke/news/big-read/2019-10-29-from-drought-hunger-to-floods-no-respite-for-turkana-residents/>, [Accessed 10 December, 2019]. Kenya Daily Nation, "Woman killed as flash floods wreak havoc in Turkana," <https://reliefweb.int/report/kenya/woman-killed-flash-floods-wreak-havoc-turkana>, 23 October, 2019, [accessed 10 December, 2019]. also Sammy Lutta & Peter Warutimo, "Transport, business halted as severe flooding hits Turkana," 19 October, 2019, <https://mobile.nation.co.ke/counties/Huge-losses-severe-flooding-hits-Turkana/1950480-5317432-v9a0yvz/index.html>, [Accessed 10 December 2019].

[512] Ibid.

pastoralist Turkana people (over 120,000) and their livestock.[513] To the Turkana, the camp had brought a measure of relief from unending wandering about in search of water. They could now access water a lot more readily than was the case before the refugees arrived.[514]

We observed that the water challenge in Kakuma made the refugee situation good for the host community, because of the water spill over effect of the support from the refugees to the hosts. It is our argument that symbiotic environments such as this one are averse to disruption. This particular symbiosis is probably not the reason the refugee camp lives on, so many years later. Yet, we recognize, the sustained presence of the refugee population is good for the host community, which otherwise leads an unending nomadic life in search of water.

SHELTER: A CHALLENGE AND SYMBIOTIC OPPORTUNITY

It is our view that a person who feels endangered and leaves his home in acute flight has at least two primary concerns. These are safety and shelter. Safety here is understood to extend beyond security from physical harm. It includes concerns about food, health and allied concerns. Shelter provides a place that can be called home. From here, all the other worries may be addressed on an ongoing basis. The Kenya Comprehensive Refugee Programme for 2015 concurs:

> Lack of shelter poses protection, health and security related risks for household members, especially women and children; who are exposed to cold, poor ventilation, insecurity and vulnerability to external attacks.[515]

Accordingly, intervention and protection in housing in Kakuma has enjoyed attention that is only superseded by that of food. In June 2019, at least 65 percent of the refugees in Kakuma and Kalobeyei had what was considered "adequate shelter."[516] This reflected a four percent growth from 61 percent in 2014,[517] when the latest major influx of South Sudanese refugees into Kakuma happened.

[513] Interview with Lutheran World Federation official, Kakuma, 3 July 2019.
[514] Ibid.
[515] UNHCR, "Kenya Comprehensive Refugee Programme 2015," P. 46.
[516] Interview with UNHCR Head of Sub Station, Kakuma, 8 June 2019.
[517] UNHCR. Ibid. KCRP, 2015. P. 46.

Most significantly, focus had now shifted from temporary refugee shacks, to construction of a permanent urban centre that would benefit both the refugees and the local host community.[518] After close to three decades of protracted refugee presence, the key decision makers would appear to have accepted, without acknowledging so in so many words, that the protraction of the refugee situation was likely to go on for a long time to come.[519] Hence, the focus and approach to shelter and housing was in the process of shifting completely from regular refugee interventions. No longer was the pretext made that this was a passing refugee situation where traditional relief interventions would suffice.[520] Accordingly, emphasis was now moving from makeshift refugee shelters, to solid long-term permanent abodes. The coming into being of Kalobeyei Refugee Settlement had its origins in this fresh consciousness of focus.

Kalobeyei was a project of the UNHCR, the Government of Kenya, the World Bank and the County Government of Turkana. Accordingly, these actors developed over the period 2014 – 2015 the *Kalobeyei Integrated Social and Economic Development Programme (KISEDP)*, a 14-year blueprint covering the period 2016 – 2030.[521] The plan pursued an integrated approach to "build(ing) a sustainable urban community," in Kalobeyei, with the refugees as a key plank.[522] At the time of this research implementation of Phase One of the plan was ongoing on 1,500 hectares of land from the County Government. KISEDP read in part:

> The site is to be developed into an urban centre, using the same development and planning techniques, developers, assessments, etc, as for cities, in collaboration with the World Bank Group (master plans (and) community engagement).[523]

The objectives of the plan were:[524]

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[518] Interviews with the RAS Camp Manager and with UNHCR Head of Station, Kakuma, 17 June 2019. See also UNHCR: 'Kenya Comprehensive Refuge Programme 2016: Programming for Solutions," pp. 16 – 17. also available at <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2016/05/Kenya-Comprehensive-Refugee-Programme-document-KCRP-20161.pdf>, [Accessed 17 June, 2017].

[519] Ibid.

[520] Interview with Kakuma Refugee Camp Manager 17 June 2019.

[521] Ibid.
See also KCRP 2016, p. 17; Report also available at <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2018/12/KISEDP_Kalobeyei-Integrated-Socio-Econ-Dev-Programme.pdf>

[522] Ibid.

[523] KCRP, Ibid 2015, pp. 17.

[524] KCRP, Ibid 2016, pp. 16 – 17.

1. To build a settlement that would promote self-reliance among the refugees and the host community, by providing them with better livelihood opportunities and enhanced service delivery;

2. Improve the socio-economic conditions of the refugees and the host community;

3. Prepare the host community to take advantage of emerging economic opportunities and potential irrigation-fed agriculture;

4. Reduce over-dependence on humanitarian aid and support the refugees to achieve durable solutions;

5. Sustainable urban and agricultural and livestock development for both the refugees and the host community; and

6. Avoidance of parallel service delivery for refugees and the host community.

The symbiotic character of the new approach was underscored in KCRP, where it said:

> The Local Development Economic (LED) approach (will) facilitate collaboration between public, business and non-governmental sector partners to create better conditions for economic growth and employment generation in Kalobeyei. Both refugees and host communities will benefit from (a) investment in basic infrastructure in access to social services; and (b) increased opportunities for supporting income generating activities. The programme will include features to promote participation and ownership.[525]

FREEDOM OF MOVEMENT AND ASSOCIATION: A CONCURRENT GLUING FACTOR AND CHALLENGE TO THE REFUGEE POPULATION IN KAKUMA

Free movement of persons within the camp and around Kakuma township significantly unburdened the migrants of the feeling of restriction that tends to go with refugee camps. There were no walls, no perimeter fences that locked people in and out of the camps. This freedom only got circumscribed if refugees attempted to go far from Kakuma. Then matters would be different, as explained further below. The circumstances were otherwise fairly relaxed, contributing to some level of "homely freedom" that allowed for sustained residence in the camp and certainly to the longevity of the life of the camp. The freedom of movement was itself a factor of the Kenyan law and a number of international covenants, which Kenya is signatory to.

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[525] Ibid, p. 17.

The Constitution of Kenya provides for both freedom of movement and freedom of association.[526] At the same time, articles 13 of the Universal Declaration of Human Rights provides for freedom of movement for all persons. Article 13 states, "Everyone has the right to freedom of movement and residence within the borders of each state." It reads further, "Everyone has the right to leave any country, including his own, and to return to his own country."[527] And Article 14 of the Universal Declaration of Human Rights protects the right to asylum. It reads in part, "Everyone has the right to seek and to enjoy in other countries asylum from persecution." These covenants are instrumental when considering the levels of freedom of movement and association for refugees in Kakuma. Kenya is signatory member state to these covenants. Accordingly, the refugee right of movement in the covenants is reinforced by Article 16 of the Refugees Act of Kenya (2006).[528]

Yet, these freedoms are restricted somewhat by articles 15 and 26 of the Geneva Convention on Refugees. Both protect these freedoms only in a qualified manner. Article 15 protects right of association for refugees to the extent that they enjoy this right subject to "the most favourable treatment accorded to nationals of a foregoing (read signatory) country, in the same circumstances." And article 26 accords "the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances."

The Government of Kenya attempted to balance these provisions in Kakuma by making access to the camp easy. Outsiders seeking to enter the camp as a restricted area needed to apply for permission from the RAS office. This was useful in the interest of minimizing security risks, especially over the period of the past 12 years, when Kenya

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[526] Articles 39 and 36 of the Constitution of Kenya (2010).

[527] UN Commission on Human Rights, *The right of everyone to leave any country, including his own, and to return to his country. March* 1985, E/CN. 4/RES/1985/22, also available at: <https://www.refworld.org/docid/3b00f06e4f.html>, [accessed 18 November 2019] The same right is enunciated in Article 12 of the ICCPR, which states: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." This letter and spirit of these covenants is also reflected in the Constitution of Kenya (2010), as Article 39, which states at 39(1), "Every person has the right to freedom of movement."

[528] Article 16 of the Refugees Act of Kenya (2006) states, "Subject to this Act, every recognized refugee and every member of his family in Kenya — 1(a) shall be entitled to the rights and be subject to the obligations contained in the international conventions to which Kenya is party."

had been a recurrent target of terrorist attacks.[529] Movement within the camp, subject to fulfilment of this basic requirement was quite free.[530]

Non-residents were obliged, however, to leave the camp by 18.00 hours, local time. Beyond this all who were authorized to access the camp moved in and out without needing to identify themselves to anyone, or to go through special security systems, except in very special situations and in highly restricted areas. Such areas included the individual mission offices of the various agencies and in the camps. There was also restricted access to locations that sheltered LBGT persons. They were considered an aberration to the local moral code and, therefore, often came under attack from both fellow refugees and from the local community.[531] Refugees, otherwise, walked out of the camp and to access the local shopping centres outside the camp without restriction.[532] Some, indeed, owned small-scale retail businesses outside the camp. They were free to visit them and even work there for as long as they wished, provided that they had acquired the necessary work permits. Movement to more distant places, however, required special written permission. This would usually be in line with article 2 of the 1951 convention, which requires that refugees should obey the laws of the host country. In this context, the laws of Kenya circumscribed movement to that extent.[533]

This study also established that some refugees whose official address in Kenya was the refugee camp sometimes lived elsewhere in the country, under special consideration. These were mostly students in various universities and colleges across the country.[534] Irregular refugee movement in the region and elsewhere in the country was, however, also common. This usually happened with the knowledge and apparent complicity of elements of the law enforcement personnel in Turkana County. Motor vehicles on roads within the county may be flagged down anywhere, anytime. The occupants would be asked to identify themselves.[535] The practice, however, did not seem to be for purposes of law enforcement. Rather, it seemed to be more geared towards extortion of payoffs

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[529] Attacks come mostly from the Al Shabaab terror group from Somalia.

[530] Interviews in the camp, as well as researcher's practical observation.

[531] Interview with RAS Camp Manager, Kakuma, 17 June 2019. Also validated in Focus Group Discussions 17 – 20 June 2019.

[532] Ibid.

[533] The (Kenya) Refugee Act (2006), Articles 14 – 16.

[534] Interviews with UNHCR, RAS and with refugees in Kakuma and Kalobeyei, diverse dates June - July 2019.

[535] Researcher's Personal experience, Turkana County, June and July 2019.

by law enforcers.[536] Once the payoff was made, the refugee would be allowed to travel on. He would go through the same motions on his way back from wherever he was travelling to.[537]

Movement and association in the camps was, moreover, open to mingling with persons who did not reside there. Interaction of this kind between refugees and the host community sometimes led to marriage between a host community member and a refugee. In all such cases that we came across in the camp, the husband was almost always the refugee. There were, however, isolated cases where the woman was the refugee. A foreigner's marriage to a Kenyan citizen did not, however, automatically grant freedom of movement to the foreigner. Such a spouse lived in the country under a resident permit, until such a time as they applied for naturalization.

Without exception, all the marriages between refugees and Kenyans in Kakuma had been informally contracted. They did not meet the standards for customary, religious or civil marriage. The marriage provisions on citizenship in the Constitution of Kenya (2010) read together with The Marriage Act (2019), opened up room for these South Sudanese spouses to become Kenyan citizens – even if they retain their original citizenship. They however needed to apply for citizenship, in line with the Constitution and the Marriage Act.[538]

Very little stood in the way of dual citizenship for a South Sudanese refugee espoused to a Kenyan citizen in Kakuma. None of the people we interviewed in this class was willing to go the whole hog, to regularize the marriage and to apply for Kenyan citizenship. They were all concerned that this would come with loss of the refugee support that they enjoyed in the camp. It would mean that they leave the camp and begin fending for themselves. They indicated that they would not know where to begin. Some also stated that a move of this kind would mean that they were now resettled in Kenya. The spinoff would be that they would now be no longer eligible for resettlement in Europe or America. They, therefore, chose to remain in informal marriage situations.

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[536] Interviews with refugees in FGDs, Kakuma and Kalobeyei, June and July 2019.
[537] Interviews with our drivers in Turkana County, June/July 2019.
[538] Constitution of Kenya (2010), Article 15.1.

The children born to these couples in the camp were all registered as refugees.[539] This, however, was irregular, as the Constitution of Kenya (2010) says at Article 14.1, "A person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen." There existed, accordingly, an anomalous case of Kenyan minors living as refugees in the camps. The advantage they had, however, was access to refugee support. This, however, was at the cost of their citizenship. In the course of this research, we also came across Kenyan youth who had led this double life all the way to university. They had since graduated from Kenyan universities. Yet they could not look for employment in the country because they were registered in the country as foreigners, who were refugees from South Sudan. Accordingly, they required work permits, if they were to seek employment outside the camps, or be eligible only to such terms of employment as were available for refugees. At the same time, the big paradox of their situation was that they did not have any official registration papers from South Sudan, to show that they were citizens of that country. This was a factor of their having been born in exile.

The situation was more complicated where refugees from two different countries got married in the camp.[540] For example, a South Sudanese may marry a Congolese, or a Somali in the camp. The citizenship was presumed to be patriarchal. Yet, sometimes, disclosures on paternity were incomplete. They left the mother as the only known parent. Hence the child's citizenship would be recorded as that of the mother.[541] In some cases, such marriages broke up. They left the mother free to marry a different person. Often, this left the child's citizenship different from that of his or her siblings.[542] We submit that these mixed marriages present a complicated citizenship situation close to statelessness. Such children are ipso facto stateless. Until such a time as they could be formally accepted and entered into citizenship records, they lack nationality recognition as citizens of any state. Accordingly, they are effectively stateless, as contemplated in Article 1 of the 1954 Convention on the Status of Stateless Persons. The circumstances of such persons point to the need for further focused researches,

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[539] Personal interviews, Kakuma, June 2019.
[540] These marriages were mostly informal, where two people began cohabiting and declared themselves to be man and wife. Informal marriages of this kind are quite common among African peoples. In Kenya the Marriage Act (2019) introduced formal recognition for such marriages. It was not clear whether refugees would enjoy certification and formalization of their marriages upon application like citizens did.
[541] Interview with the Camp Manager in Kakuma, 17 June 2019.
[542] Ibid.

with solutions that could widen possibilities beyond what is contemplated in the 1961 Un Convention on Reduction of Statelessness.[543]

Two mothers whom we interviewed in circumstances such as we describe above seemed to have surrendered everything to fate. They did not seem to know what to do about their situation. Nor did they want to reflect deeply on it, or on their future, or that of the children. They were satisfied to live one day at a time. Like almost everyone else, they hoped to be resettled in OECD countries, but lacked any clear perspective on how this would happen. The thought that UNHCR would take care of this was adequate for now.[544] In its own way, this contributed to their continued stay in the camp, as such families had no discernible alternative homes to the camp.

A further anomalous situation obtained where some South Sudanese male government officials had their families registered as refugees residing in the camp. Yet, these male officials were not, themselves, registered as refugees. Most of them worked at the Kenya/South Sudan border village market centre of Nadapal. When they were off duty they would commonly join their families in the camp, only to go back to their station of work in South Sudan when their time out was up. There was a sense in which this kind of existence had created a new "normalcy" for the spouses and their families. They were contented to live this way, as they continued to wait for prospects of remigration.[545] The big irony was that a South Sudanese government employee should from time to time spend a few days with his wife and children in a refugee camp in a neighbouring country, without being a refugee himself.

It was noted that six in 10 refugee households were headed by women.[546] There were a variety of explanations. One was that the women had never been married. Another one was that the husband had been killed in South Sudan. A third one was that the husband had remained in South Sudan, quite often with another wife, with her children.

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[543] Ordinarily, such persons would fall snugly under most of the provisions of Article 1 of the 1961 Convention on Reduction of Statelessness. However, the provisions fall short of direct reference to refugees, and the fact that being born in exile and not registered by any state as its citizens, second generation refugees are essentially stateless and require special attention in the effort to reduce statelessness.

[544] Interviews with two women in cross national marriage in Kakuma, 30 June and 1 July 2019.

[545] Researcher's personal experience with Nadapal based South Sudanese officials who gave our drivers provisions to deliver to their families in the refugee camp. The information was corroborated by IOM officials in Kakuma.

[546] A statistical finding that emerged during the sampled interviews with the refugees in Kakuma, June – July 2019.

Independent Kenyan national respondents who worked for international agencies in the camps said the reason was mainly because the men were either soldiers in the government, or in the Opposition army, or that they served in some other capacity in the Government of South Sudan. The impression was that such families were in Kakuma both for safety and "for taping the opportunities that the camps offered for self-advancement" and for the possibility of remigration and resettlement.[547]

Some other officials from South Sudan had taken up residential facilities in the Kenyan township of Lokichogio. While they worked in their country, they commuted from Lokichogio to their work station in Nadapal, every day. The explanation was that there were better lodgings on the Kenyan side, as well as security. In this population, however, were also married men with families in Kakuma and Kalobeyei.[548] Informal quiet understanding seemed to have been established between law enforcers on both sides of the border to facilitate this lifestyle without raising eyebrows.

The understanding allowed the emergence of a situation where refugees within the camp may from time to time re-establish themselves in South Sudan without much challenge. Some went to bring food. Others went back to visit relatives they had left behind, while still others would go back to tend after their crop; to harvest, or arrange for commercial disposal of the harvest.[549] There existed, therefore, a quiet cross-border ecosystem between Kenya and South Sudan with its unique dynamics. At the centre, holding this eco-system together, was the refugee community. This unique cross border ecosystem contributed to the continuity of refugee life and the camps in Kakuma and Kalobeyei. A shakeup of life's routine in the refugee community would, therefore, have implications far beyond the camp.[550]

As part of this symbiosis, besides the reasons given above, some refugees also made occasional temporary visits to South Sudan, to fulfil certain tribal rites and ceremonies.

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[547] Interview with IOM official, Kakuma, July 2019.
[548] Ibid.
[549] FGDs and Interviews with IOM and interviews with individual refugees whose identity is coded.
[550] International border dynamics in Africa often betray the artificial nature of the borders and even the African states themselves. In these interviews with IOM and refugees in Kakuma and their family members in Nadapal and Lokichogio, respondents took the matter of the border very lightly. In other peaceful environments, African peoples who live along the numerous porous borders of their countries cross the borders several times a day doing petty trade or visiting family and friends, without the need for immigration documents.

In Chapter Four, for example, we discussed the case of Risper, whose father returned with her to South Sudan to marry her off. Other cases pertained to seeking traditional treatment and appeasement of ancestral spirits, such as in the case of chronic challenges in the family – such as prolonged illness, a series of deaths and other misfortunes.[551] Whether such temporary refugee visits to the country of origin amounted to re-availing of oneself in the manner contemplated in Article 1(c) of the 1951 Conventions is a moot question. Suffice it to note, however, that such re-establishments were quite common, although not necessarily widespread.

Apart from the factors cited above, a whole family, or a portion thereof, may go back for a while to attend the funeral of a relative who was left behind during the migration to Kenya. Or, they may return the body of a relative who died in Kakuma for burial in his motherland. This was despite there being a special burial site that had been reserved for refugees who died in exile. It was also despite the understanding that they lived in Kenya as refugees under Article 1 of the 1951 Convention.[552]

In the case of returning a body to South Sudan for burial, an elaborate procedure existed. First, the death was reported to the Kenya Police, and entered into their records. A written application would then be made to the International Rescue Committee, seeking their assistance to bury the dead back home. Subject to a satisfactory letter of no-objection from the police, the assistance would be obtained. The death would be recorded in both the Occurrence Book (OB) of the Kenya Police and in the UNHCR refugee manifest.[553]

The police would then write a letter to the Camp Manager, stating that they had no-objection to transfer of the dead body out of the country. They would indicate that they were satisfied that there had been no foul play in the death. Their "no objection notice" also showed the relationship between the person(s) intending to move the body and the deceased. The Camp Manager at RAS, Kakuma, issued the formal body movement permit. The permit would show the names of the people accompanying the body, how many they were and the number of days they would be away from the camp.[554] At the

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[551] Focus Group Discussions, Kakuma, 17 – 20 June 2019.
[552] Ibid.
[553] Ibid. Also confirmed with IOM officials.
[554] Ibid.

border post in Nadapal, they would go through normal customs and immigration procedures. This would usually be without much difficulty, on both sides of the border. When those who accompanied the body returned after the burial in South Sudan they would be readmitted with ease as "returning refugees."[555]

An IOM respondent explained these happenings by describing Kakuma as "home for some South Sudanese refugees. You may cross into South Sudan through Nadapal to address one domestic issue or the other, but you will always return home. The matter may be a funeral. It may be attending to a farming activity that may take quite some time to accomplish. But, in the end, you will come back home, to Kakuma. In our experience as the institution that manages the resettlement process, this place only stops being your home when you are resettled in another country. Meanwhile life goes on as it would in non-refugee environments. Relatives will come from South Sudan to visit with you for a while and go back. This is normal practice here."[556]

The foregoing temporary returns raise a fundamental question on the extent to which such migrants fit in the definition of the refugee, as contemplated in Article 1 of the 1951 Convention. We submit that if it is same for them to return to their country and to stay there, even if only for a few days or weeks, such persons may not quite convincingly invoke the fears that define the refugee under the Convention, to justify their presence in Kakuma. We are of the strong view that their return to Kakuma, after these periodic visits to South Sudan, points to factors other than those that define the refugee. We contend further that these factors are to be found in the integuments of the social support systems and amenities in the camp and the prospect of possible resettlement in OECD countries.

OTHER BASIC FREEDOMS AS GLUING FACTORS

Back in the camp, other basic freedoms and rights were also enjoyed without much difficulty. Freedom of association, discussed above, for example, tended to coagulate around ethnic-based sororities and fraternities. Worship, for example, went on within numerous Christian religious groups and a number of Islamic mosques. The congregations reflected where the adherents came from in South Sudan, their ethnicity

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[555] Focus Group Discussions, Kakuma and Kalobeyei, June – July, 2019.
[556] Ibid.

and preferred religions and denominations back home.[557] The bonhomie around such gatherings gave the migrants a measure of feeling at home away from home even as they waited for their unknown destiny.[558]

Religion notwithstanding, the population remained very much secular. The hedonistically inclined enjoyed the things of the world, both in licensed and unlicensed public houses in the camp. Alcoholic drinks may be sourced from bars, as well as in illicit outlets in people's homes in the camp. The security apparatus was reputed to be aware of the illicit outlets, and were believed to tap the illegality for self-gain, by taking inducements from the vendors in such places, as protection fees.[559]

Commercial sex work was common and fairly open. The clientele for female commercial sex workers came both from within the camp and from outside.[560] Internal clients were reputed to be mostly from the Congolese zone. The refugees from Congo were "supposed to be fairly wealthy." Many of them were said to have been associated with the Mobutu Sese Seko government that fell from power in 1998.[561] They were believed to "have fled with precious stones and U.S. dollars" that kept them reasonably well off. Other clients on the sex markets were Kenyans from outside the camp, including some from the local law enforcement agencies.[562]

We observed here, therefore, a *sui generis* symbiotic community, going on with life in its own regular and consistent social fashion. Every so often, a member of this community may re-migrate to settle in the West. The rest would carry on with the quotidian ebb and flow, waiting for the possibility of their own resettlement. In the meantime, everything else had become normal in this liminal space. Some had marked time in this way for a whole generation, perhaps with more new generations to come.

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[557] Ibid.
[558] Ibid.
[559] Ibid.
[560] Ibid.
[561] Ibid. This may need corroboration from independent sources.
[562] IOM official, June 2019.

FOCUS ON MIGRATION AND RESETTLEMENT: CASTING SIGHTS ON BETTER FUTURES AS ATTRACTION AND GLU IN KAKUMA

The management of migration and resettlement from Kakuma rested with the International Organization for Migration (IOM). Their assignment in Kakuma was an extension of programmes that were managed from their headquarters in Nairobi. Being a service provider, they handled migration operation support. They did not, therefore, initiate resettlement programmes for refugees. They, instead, processed the applications and managed the actual movement. Provision of resettlement programmes was in the remit of UNHCR.[563] Since 2004, IOM had resettled upwards of 28,000 refugees from Kenya to the United States, the United Kingdom, New Zealand, Canada, The Netherlands, Sweden, Australia and Norway.[564] They managed health assessments and medical tests, as well as pre-travel orientation of the migrants, to prepare them for life in the new world. Finally, they also managed all the related logistics. Most of these resettlements had been through family reunification programmes.[565] Between 2004 and 2019, some 38,216 Southern Sudan and South Sudanese citizens had been resettled in the eight most preferred countries of permanent settlement.

A breakdown of this settlement from UNHCR sources is shown in Appendix 4. The figure of 37,660 resettled was equivalent to 34.7 percent of the South Sudanese population in Kakuma in August 2019. This was a high number by any standards. It helps to explain why hope remained high among refugees in Kakuma that they could be resettled in the West, even as resettlement began tapering off. The latest resettlement in the United Kingdom had, for example happened in 2016 – three years at the time of our fieldwork.[566] Elsewhere, the United States had placed strict conditions on further entry in the country by South Sudanese citizens. This had stalled South Sudanese refugee remigration to the USA.[567] The implications were that South Sudanese refugees in Kakuma were likely to stay there much longer as they continued to nurse the hope of resettlement.

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[563] Interview with UNHCR and IOM officials in Kakuma, 16 June 2019.
[564] IOM, "Refugee Resettlement Programme," http://kenya.iom.int/project/refugee-resettlement-programme# [Accessed on 02 November 2019].
[565] IOM Interviews, Kakuma June and July 2019.
[566] Interview with IOM officials, in Kakuma, 16 June 2019.
[567] Africa News, "U.S. considers new travel ban that affects 7 African countries," <https://www.africanews.com/2019/04/17/us-considers-new-travel-ban-that-affects-7-african-countries/>, [Accessed 10 June 2019].

Resettlement itself followed requests from the host countries. The would-be host country indicated the numbers desired and the country of origin. The UNHCR would pass the assignment to IOM, which then undertook the rest of the assignment. The numbers of requests from host nations had, however, dwindled in recent years, casting doubt on the sustainability of the refugees' hopes to be resettled in the West.[568]

ATTRACTION AND GLUE OF COMMERCIAL OPPORTUNITIES

We report elsewhere in this chapter that The World Bank Group in 2015 and 2016 "took a unique look at Kakuma and its hosting environment from a market point of view, and measured its annual economic weight at USD 56 million a year, and also noting that Kakuma camp's private sector is comprised of approximately 2,500 businesses."[569]

At the time of this study, the two refugee camps were the hub of the commercial activities in Kakuma and Kalobeyei; and all the way to Lokichogio. A senior Kenya Government official in Kakuma said, "Remove this camp and Kakuma will become an economic wasteland, the way Lokichogio became in 1992, when the temporary camp that had been located there was dissolved."[570]

In our estimation, the 2,500 businesses reported in Kakuma and Kalobeyei were an understatement. This is unless the figure applied strictly to licensed outlets that camp authorities could formally account for. Informal rickety marketplace retail outlets proliferated, offering sundry haberdashery. Trade items ranged from green vegetables to dry firewood, charcoal, food cereals and other provisions. You could buy virtually anything movable in the retail outlets in Kakuma Refugee camp, from a dog chain to a state-of-the-art high-fidelity home entertainment system.[571]

Some of the rickety corrugated iron sheet structures and mud walled houses that you came across in the camp often belied the conspicuous opulent lifestyles behind those humble walls. The lifestyles were, accordingly, quite varied. Within the same neighbourhood were families in the firm grip of abject neediness, living adjacent to a family in the deep end of excessive conspicuous consumption. The means whereby they

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[568] Interview with IOM officials in Kakuma, 16 June 2019.
[569] KISEDP (2014 – 2016), p. iii.
[570] Interview with a senior government official in Kakuma, 16 July 2019.
[571] Field observation.

lived conspicuously were a carryover from their previous history before camp life.[572] Part of this spilled into supermarkets that they ran in the camp. Such supermarkets had imported goods that had come literally from every corner of the globe. The prices could be remarkably low, compared to what the same goods would fetch elsewhere in the country.[573] This was a factor of both much of this stuff having arrived here through contraband avenues, and a reflection of the modest buying power in the community.

From the camp, the commercial activities spilled into Kakuma township. Staff who worked for refugee support agencies were the first port of call for the retail fraternity. From retail stores, through eateries, to commercial banks, transportation outfits and housing and accommodation rental facilities; everything eventually boiled down to the refugee community. Even the commercial airstrip in Lokichogio fed almost exclusively the needs of the refugee camp and its offshoots.[574]

Because of the relief work and supplies, the 215-kilometre road from Lodwar (the headquarters of Turkana County) to Lokichogio was now being tarmacked. It was instructive that road travels to Juba in South Sudan left Kenya at the Kenya-Uganda border in Busia or Malaba border points, and traversed the Uganda, a distance of close to 500 km being done in Uganda, whereas a beeline through Lodwar and Kakuma would have been much shorter. But the roads did not yet exist. The refugee community in Kakuma had now sparked impressive roadworks. This reinforced the new official vision of Kakuma-Kalobeyei as a potentially permanent future refugee city.[575]

Discourse on refugee presence in Kakuma as a driver of commercial activity is not complete without reflecting on where the numerous supplies into the camp come from. These, however, were not part of this study. A separate study may want to look into the sourcing of both the food and non-food supplies, the shelter construction materials, the healthcare support sourcing, educational supplies, the water support systems, the security construction and supplies, the scores of state-of-the-art extra-heavy-duty automated transportation machines, among other commercial networks and linkages to Kakuma. What do they mean in real terms for the behind-the-scenes stakeholders?

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[572] RAS interview, Kakuma 17 June 2019.
[573] Field observation.
[574] Ibid.
[575] UNHCR, "Kenya Comprehensive Refugee Programme 2016," pp. 16 – 17.

What contribution, if any, do they make to the longevity of this refugee situation. As this is not part of our scope of study, we are satisfied to flag these issues and leave them here for separate exploration.

CONCLUSION

In the introduction to this chapter, we stated that the refugee population in Kakuma and Kalobeyei camps was steadily gravitating from the identity of a refugee population to that of economic migrants. King defines economic migration as "migration for survival,"[576] as opposed to the 1951 convention definition of a refugee as a person who:

   a. owing to a well-founded fear of being persecuted for reasons of race, religion, sex, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or
   b. not having a nationality and being outside the country or his former habitual residence, is unable or, owing to a well-founded fear of being persecuted for any of the aforesaid reasons is unwilling, to return to it.

Our survey of Kakuma in this chapter and the migrant profiles in the previous two chapters exhibits elements of both a refugee community (as contemplated in the 1951 convention, above) and those of an economic migrant population. "Migration for economic survival remains a coping strategy for poor and hungry people, but such people, who today may be called economic migrants or environmental refugees, do not satisfy the definition of a refugee inscribed in the 1951 Geneva Convention."[577]

The migrant population in Kakuma and Kalobeyei falls somewhere between two stools. The dominant presence of the Dinka community that dominates the exercise of power in South Sudan, moreover, makes it difficult for this majoritarian population at home and in exile to fit in the Geneva definition. Nor does it fit into Arendt's profile of majorities in refugee returns, as discussed both in our Chapter Two and in this chapter. In the circumstances, we are left to conclude that their presence in Kakuma has drivers other than – and far stronger than – those defined in the 1951 Convention. These drivers

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[576] Russell King (Gen. Ed),*Origins: An Atlas of Human Migration* (Cape Town, Struik Publishers, 2007) p. 9.
[577] R King, Ibid.

include instant gratifying attractions of survival support in the refugee camp, outlined in this chapter, and beyond that the strategic position of the refugee camp as a holding ground and springboard to resettlement in the West.

The use of the refugee camp as a migration checkpoint reminds us that migration is the history of the world.[578] We agree with King that "humans are born migrants: human evolution is linked to the very act of moving from one habitat to another and then adapting to that new environment."[579] In this context, migration from a fragile and dysfunctional environment in South Sudan has led to life in a refugee camp in Kakuma/Kalobeyei, with the attraction of protection in the short term and adaptation of the camp from a centre for emergency interventions and relief to a springboard to brighter futures and more promising opportunities in prospective lands of future resettlement.

The next, and last chapter, of this thesis has at its core an appreciation of this notion of permanence of human migration, from difficult environments in search of hospitable spaces. We place this opinion at the centre of our thesis, in our effort to appreciate forced migration and the dialectic of home and exile.

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[578] R. King, Ibid. p. 8.
[579] Ibid.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

This chapter revisits our main research question and the embedded questions. It attempts to provide answers, based on the findings in the preceeding chapters. It also revisits the research conceptual perspectives, with suggestions on how they have panned out in the study, relative to the specific forced migrant population in the research. Finally, the chapter revisits the six research objectives that are set out in Chapter One. It gives a precis of the findings. The chapter closes with arguments and reflections, both on the specific refugee situation in the study and on the wider global refugee challenge, from an African perspective. It recommends the need for fresh conversations in the United Nations system on the global refugee situation, in the context of the challenge of state sovereignty and the increasingly ubiquitous modern migrations of peoples from the poor countries of the world, to the affluent North. It is suggested that far-reaching reflections and changes to approaches in these provenances are of the essence, in the search for lasting solutions on forced migration and trifecta of home, exile and return.

RECAP OF STUDY OBJECTIVES

We set out to try to understand the dialectic of home and return in protracted refugee situations. In particular, working with the case of Kakuma and Kalobeyei in North Western Kenya, we wanted to understand the drivers of permanence of refugee camps. We noted that hardcore refugee camps were common in forced migrations in Africa and that some were now several decades old, and with no signs that they would cease to exist anytime soon. We observed that some of the camps were taking on a character that made them look like permanent homes for the forced migrants and their posterity. Apart from the fact that the situations in their places of origin may not be fully resolved, what were the drivers of the protracted refugee camps? Why were generations living out entire lifespans in refugee camps, even when opportunities to return home seemed to present themselves? Why were fresh migrants from previously troubled places joining refugee camps even in peacetime? More specifically, we defined six primary study objectives as below:

1. To understand why South Sudanese refugees in Kakuma and Kalobeyei Camps in North Western Kenya did not return to their homeland after the comprehensive peace agreement of 2005 and independence in 2011 and, next to that, why refugees flocked into the camps even in relative peaceful times;

2. To understand whether – if they would not return, or if they did not wish to return to South Sudan – Kakuma and Kalobeyei were now considered their permanent homes, or whether they hoped to live elsewhere, and what factors tied them to these camps, therefore;

3. To understand whether in their view the factors that had kept them in these camps were to be found in the place of present residence, or whether they were in the homeland, or place of usual habitation in the situation ante-migration;

4. To establish whether there were any conditions under which these forced migrants considered that they could return to the homeland, or to the place of usual habitation before the migration;

5. To appreciate the refugees' sense of identity and being in the present circumstances and the relationship between movement, exile, home and identity;

6. To appreciate the forced migrant's appreciation of the application of International Humanitarian Law(s) to his or her specific situation and what IHL meant in his, or her, understanding of identity, its influence of attitude in the migration and the choices before him, or her.

FINDINGS AND CONCLUSIONS

SUMMARY OF CONCLUSIONS ON RESEARCH QUESTION AND RESEARCH OBJECTIVES IN KAKUMA AND KALOBEYEI

This section gives a telescope of conclusions on our main research question and the attendant six research objectives. The six objectives are integral to the main question. The findings on the objectives, therefore, also contribute towards answering the big question. We have already made extensive and intensive presentation of findings within the previous chapters and also touched on these findings under the summary of findings on the conceptual framework, above. Accordingly, we only give a precis of the findings.

WHY WOULD THE REFUGES NOT RETURN TO THEIR COUNTRY?

A number of factors have been discussed in the preceding three chapters. They are summarized below.

THE LIMINAL SPACE FACTOR IN THE MIGRATION

The central question in this research was why South Sudanese migrants had remained in Kakuma Refugee Camp, contributing to making it a permanent entity, even after opportunities for return had presented themselves. We sought to understand why these migrants had not returned to their country even after the Comprehensive Peace Agreement had been signed in 2005 and in other subsequent years of peace following independence from Sudan in 2011, and before the outbreak of fresh disturbances in 2013. Even at the time of our field research, active military hostilities had been absent for about four years. Why had they continued to live in the camp?

Our discourse in Chapters 3 to 5 addressed the key push-and-pull environments constitutive to the answer. They led to the conclusion that matters of state dysfunction and disorder and despondency in the place of origin made citizens to give up on their country, long before the violence that rattled them into flight. They have come to focus, instead, on seeking fresh beginnings in life elsewhere. In this regard, they were not significantly different from millions of other people looking for both legal and extra-legal avenues to permanent migration in better places where they could begin life afresh. Such places would not only be safe, but also provide wholesome social and economic opportunities. In a sense, therefore, the refugees were in an anticipatory migration mode long before they left their places of regular habitation. Once in the liminal space that was Kakuma Refugee Camp, their sights were cast not on returning to South Sudan, but to resettlement elsewhere. The camp became a springboard to anticipated further migration. This generated stasis in the camp.

THE LOST BOYS OF SOUTHERN SUDAN FACTOR

In the early life of Kakuma Refugee Camp, Southern Sudanese citizens who desired to migrate to OECD countries were inspired by narratives about the Lost Boys. The relocation of the Lost Boys to the United States and elsewhere in Europe, Canada and

Australia, imbued Southern Sudanese citizens with hopes of resettlement in the same countries. Kakuma became a place of hope as a liminal community and springboard to OECD countries. They believed that their anticipated resettlement would be as swift as that of the Lost Boys had been. The reality, however, was proving to be more complex than had been anticipated. It turned out that a potential recipient country must first send out an advisory and invitation, asking for refugees who fitted a specific description to apply for consideration for resettlement in that particular country. Only a few refugees, therefore, could be resettled at a time. The forced migrants, accordingly, found themselves staying in the liminal community for far longer than they had thought. Nearly three decades after the arrival of the first tranche of the Lost Boys they had not given up their dreams of resettlement in OECD countries.

CHANGING NOTIONS OF HOME IN THE RIDDLE OF RETURN

We saw, further that owing to anticipation to migrate as well as the example of the Lost Boys, only one out of ten respondents in this research indicated willingness to return to South Sudan, if normalcy and lasting peace should be restored. Eight out of ten indicated that they were waiting to be resettled in a developed country, while one in ten was not sure what he or she wanted. In the main, the refugees in this study saw themselves as a homeless South Sudanese people. They considered themselves to be stateless. This consideration did not, however, tally with the UN definition of statelessness, as understood in Article 1 of the 1954 Convention on the Status of Stateless People. Nonetheless, they hoped that they would someday find a suitable place to live in permanently, and to call home. There was a conflation of sorts, however. On the one hand, they understood that they were South Sudanese and some even intermittently returned to South Sudan over one issue or the other. Yet, they also understood that South Sudan was a country they have left behind. Their hopes were in some other, unknown, country where they expected to lead better lives than they had lived anywhere so far, including in the present camps in Kakuma and Kalobeyei.

Some may, accordingly, make occasional flight visits to South Sudan, for whatever expediency, as discussed in the preceding chapter. Yet, a majority had disengaged from Sudan, both physically and psychologically. For many, the psychological disconnect had begun well before the actual violent triggers that eventually drove them out physically. They were, in this sense, anticipatory refugees in Kunz's context, thinking

about how they should love to relocate permanently. However, in Lee's "personal factors" and "intervening obstacles" context, they were unable to migrate as anticipatory migrants would do; in the manner that Kunz contemplates in the kinetic models of migration. Violence, or fear of it and other related harms, eventually caused them to leave as acute migrants.

Their attitude about the place they had left, and about where they now lived and where they would want to live was, accordingly, quite clear to them. They knew that their origins were in South Sudan as their former home. Yet, that place did not now feature in their thoughts about their future and the future of their progeny. At the same time, they did not consider Kakuma and Kalobeyei to be the place they wanted to settle and call home. Their sights were cast elsewhere. Home to them was futuristic, in a hitherto unknown affluent developed country.

Their attitude being clear about the three spaces therefore – South Sudan, Kakuma/Kalobeyei and the unknown but desired place of future settlement – they understood that Kakuma was only a temporary holding place. Kakuma was a good liminal place with critical social protection from the extremes of penury and indigence. But it was not the place they wanted to live in, as discussed further below. In essence, therefore, Kakuma/Kalobeyei was, in the attitude of the migrant, only a corridor in a long season of a migration process that was considered incomplete. Their movement was still work in progress. The migration would only be considered complete the day they were resettled in the country of their dream.

POOR MANAGEMENT OF RETURNS FACTOR
Nine out of ten refugees considered themselves as having permanently severed links with the motherland. Two out of ten occasionally re-established themselves temporarily in their country, but were unwilling to return there permanently.[580] Only one out of ten, however, suggested that they would not mind returning to their country as permanent residents and citizens.

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[580] The two out of ten are ironically part of the nine who consider themselves to have left the country permanently, with only one in ten willing to return.

We saw, however, that on the rare occasion where such refugees were willing to return, they encountered the setback of bungled management of the return effort, as discussed in Chapter Five. Those managing the returns seemed to scurrilously dump returnees on the roadside, like bad cargo. This forced the migrants to return to the comfort zone that was the refugee camp, now intent on digging in until such a time as they may be resettled in OECD countries.

When some refugees attempted to return after the 2005 CPA, the effort only strengthened them in the belief that South Sudan was a place of no return. Management of the return efforts failed to consider how the returnees would restart their lives in places that they had not lived in for long. Some of these places had been laid waste by marauding militias. There was no home to return to for many, and no welcoming friends or relatives. In other instances, the place that the refugee had memorialized as home had already been taken over by someone else. Yet UNHCR loaded people on trucks, took them to locations that were approximated to be their homes and left them on the roadside with two sacks of maize flour and a can of cooking oil each – and said that they had returned.

This was reflective of incomplete returns, as argued by Adelman and Barkan, in our literature reviews. The challenge of reintegration into the old home is indeed not unique to South Sudan. Manihigura has given the example of conflicts around land, health, education, food, housing and employment in the case of reintegration challenges for returnees in Burundi over an extended historical timeline.[581] The challenges are real and profound, as was lent credence in focus group discussions in Kakuma and Kalobeyei in this research. Virtually every returnee who had come back to Kakuma cited poor management of reintegration efforts.[582]

THE BORN EXILES FACTOR: GENERATIONAL AND EMOTIONAL SEPARATION FROM THE PLACE ANTE

The return efforts also failed to consider that among the presumed "returnees" were new generations born in exile. They had never known life in South Sudan and had no

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[581] Jean Pierre Maniraguha, "Challenges of Reintegrating Returning Refugees: A Case Study of Returnee Access to Land and to Basic Services in Burundi," University of Tromsø, Unpublished M. A Dissertation, (2011), pp. 47 – 59.
[582] Focus Group Discussions, Kakuma, June – July 2019.

personal affinity with their motherland. South Sudan, their parents' place of origin, signified nothing to them beyond the fact that their parents had come from there.[583] The trauma of haphazard returns left them with strong feelings of homelessness and "placelessness." Their focus on resettlement in the West was reinforced, even as they returned to Kakuma to begin a new phase of waiting for remigration to the West. Such refugee returns to the place of migration in turn reinforced entrenchment of the refugee camp. Beyond this, the case for further scholarly and policy investigations into the meaning of home, exile and resettlement for persons born and matured in refugee camps justifies itself.

Ten out of ten of this demographic do not consider that there exist any conditions under which they would want to live permanently in South Sudan. To them it was a no-go remote place that has nothing to do with them. At some point in their childhood, they became conscious of a received awareness that they were living in a foreign land. The adults spoke not so fondly about "the horrible place" they (the adults) had lived before coming to Kakuma. They also talked about wonderful places they hoped to migrate to. The young people's minds, therefore, got attuned to reflecting about the fascinating new lands. This new generation did not think, therefore, that there existed any conditions under which they would want "to return" to South Sudan. The notion of "return," moreover, was an incongruity in their case. They had never been to that place before. The entire subject of "refugee return" in their case was, therefore, one big oxymoron. They had never been, they argued, so how could they return?

DÉJÀ VU IN RETURN EFFORTS
A second major setback in return efforts was occurrence of circumstances that mirrored what the returnees had fled from in the first place. In the worst-case scenario, violent contestations broke out again, leaving them with a tragic sense of *déjà vu*. In other instances, debilitating penury and indigence forced them to retrace their steps to Kakuma. Without using the peaceful hiatuses to fundamentally transform the cocktail of social and political conflicts and challenges discussed in Chapters Three and Four, therefore, it did not seem likely that such persons would want to venture back in their country again. They would remain in refugee camps for as long as it would take to

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[583] Ibid.

resettle them elsewhere, if ever. If not, then camps of this kind would remain their homes. For its part, the international community, through the UNHCR would remain obliged to look after them in the camps. The perdurance of camped exile would remain inevitable, in the combined circumstances.

DID THEY CONSIDER KAKUMA AND KALOBEYEI THEIR PERMANENT HOME?

Kakuma was hardly seen as the place the migrants proposed to live in for the rest of their days. With insignificant exceptions, focus was on better futures elsewhere. Kakuma was, accordingly, considered to be only a stage in an incomplete migration.

KAKUMA: A SUITABLE MIGRATION SPRINGBOARD IN MULTIPLE MIGRATIONS

The thought of Kakuma and Kalobeyei as their permanent homes was anathema to all the refugees whom we interviewed. Not a single respondent thought that this place could be their permanent home. This was despite the benefits of refugee support and protection. While nine out of ten had no desire to return to South Sudan, they were also quite clear that they did not like staying in the camps. Even the permanent shelters of brick walls and corrugated iron sheets in Kalobeyei were not good enough attraction to make them want to stay on permanently. They were happy to get relief services and protection. But they did not think that this was how they wanted to live for the rest of their days, or to pass this heritage on to subsequent generations. Their focus was on re-migration and resettlement, preferably in the West. Kakuma was, however, a good springboard and a good place to wait from. They enjoyed secure protection from physical harm. There was basic food and shelter, education for their children, some level of healthcare and above all hope for resettlement in an OECD country. Kakuma was, therefore, convenient within Lee's prism of multiple migration as discussed under kinetics of migration in Chapter One of this thesis.

LOCATION OF FACTORS KEEPING REFUGEES IN THE CAMP

We asked the question of whether the refugees considered the factors keeping them in the camp to be in the camp itself, or elsewhere. Did they, especially, consider that the factors could be in the place of origin, in the camp, or elsewhere? In their view, the factors were both where they had come from and in the camp. We captured them variously as push and pull factors, as summarized below. Glossed over, however, was

the third strand of presumed circumstances in the place that they hope to be resettled in as their preferred future homes.

PUSH AND PULL FACTORS IN WAITING IN THE REFUGEE CAMP

Both push and pull factors were at play in gluing the migrants to Kakuma. The homeland had become hostile and unbearable. To that extent, it had become necessary for them to leave, regardless of where they would end up. What mattered at the time of departure for mass refugees was that their home country, or place of regular habitation, was no longer the place to be in. The situation was slightly different for subsequent refugees who left their home for Kakuma in peacetime. These ones knew that they did not want to be in South Sudan. But, also, they had very clear understanding of what was attracting them to Kakuma and what they wanted to be the endgame.

In both types of migrations, some had ended up in other places before eventually coming to Kakuma. Some had lived in Ethiopia, while others had lived in Uganda. These refugees recognized that the displacing factors discussed in Chapters 3 and 4 had ejected them from their homes. To that extent, these push factors were responsible for their absence from the place they had called home. But they could have led them anywhere else, and not necessarily in Kakuma.

Conversely, there were some specific attractions that led them to Kakuma – and now Kalobeyei – rather than anywhere else. Fundamental among these was the possibility of remigration through this place. The narratives of the Lost Boys had been particularly alluring. They keenly looked forward to enjoying similar treatment as the Lost Boys had enjoyed. Already, now that they were here, there were the immediate benefits of refuge protection and relief, just as the narratives had promised. Going forward, they believed, there would be remigration. The latter was, however, taking inordinately long in their view.

In the absence of proper understanding of how the resettlement process worked, the refugees believed that it was slowness on the part of UNHCR and IOM that was keeping them in Kakuma and Kalobeyei. They, accordingly, believed that the main reason they still lived here was not that they had been displaced from home, or that they did not want to go back. They believed they were here basically because they were waiting for

resettlement. It was not even the refugee relief support that was keeping them here, but rather the waiting of remigration. The adversities in their home were taken as obvious. Conversations about them were redundant, they thought. The only useful conversation regarding their future was one that hinged in resettlement. Equally important, they did not understand that they were here because they did not want to go back to their country. They also did not understand that getting resettled should be a protracted matter. Their understanding of their present predicament, everything else notwithstanding, was that "UNHCR was rather slow" in resettling them.

These perceptions are factors of the reality that refugees are not active participants in the global policy search and formulation of regulations and international laws on the refugee challenge. The system that drives these policies has left them as outsiders in conversations on matters that directly affect them. In any event, there has been little – if any – freshness in policy. It is instructive that these policies and regulations are – as we have discussed above – stuck in a 1951 rut with the 1967 protocol as the only amendment.[584] The 1954 Convention on the Status of Stateless Persons and the 1961 Convention on Reduction of Statelessness have not added much to the search for lasting solutions to the global refugee problem.

ARE THERE ANY CONDITIONS UNDER WHICH THESE FORCED MIGRANTS CONSIDER THAT THEY COULD RETURN TO THE HOMELAND?

It was difficult to establish any solid circumstances under which the migrants would make a serious consideration to return. Moreover, some return efforts had run into challenges that saw they would be returnees circumstantially forced back into exile. A combination of factors in the place of origin, in the place of exile and in the imagined place of future settlement all came together to make it difficult to define and clear conditions under which the forced migrants could consider returning to their homeland. Apart from the impediments discussed in 1 – 3 above, the elusive search for peace for those who had attempted to return discouraged them from pursuing that option any further. Coupled with this was the idealization of the imagined place of future resettlement.

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[584] The amendment only expanded the brackets of persons to be recognized as refugees, to include those displaced after 1951.

ELUSIVE NOTION OF LASTING PEACE AS POSSIBLE RETURN CONDITION

Among the older generations (above 59 years), one in ten refugees would return to South Sudan if there was lasting peace. The challenge resided in defining "lasting peace." Was it six years as had happened between the CPA in 2005 and independence in 2011, or was it eight years as in the period between the CPA and the new war in November 2013? How would one know that a new peace would not break down after another eight years? These were the questions on the refugee's mind. Accordingly, we did not find any useful confession of any circumstances under which these people would return to their country.

IDEALIZED IMAGES OF OECD COUNTRIES

Within the context of the migrants' rejection of their country, it should be possible to look at the OECD countries that they wished to be resettled in as the mirrors of the kind of South Sudan they probably would want to live in. The image in the mirror can be telescoped to the notion of a functional, stable state. That is the kind of state that is able to efficiently play the 10 roles that Ghani and Lockhart have foregrounded as anchors of state sovereignty.[585]

While people may often not see any conditions under which they would possibly consider going back to their country, it is rational – we submit – to see, or imagine, attractions in the place they dream of calling home. The life they dream of living in that place is possibly what they have lacked at home. If it were there, it is reasonable to conclude, they would not desire to migrate, or refuse to return if they had already began the migration. Accordingly, their country is seen as a place of reversals and negations. It is a foil to state sovereignty and stability. If the foil were reversed, they probably would consider return.

To the extent that these living conditions and standards do not exist in the place of origin and, further, to the extent that the refugee has not yet arrived in the country where he thinks he can find them, he will continue to live in the refugee camp, provided that there is somebody – or some institution – to protect and care for him as he waits to find a home. The thought, therefore, that there did not exist conditions under which they

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[585] We have highlighted these in the introduction to this chapter.

could return to South Sudan contributed to the longevity of camp life in Kakuma and Kalobeyei.

REFUGEE SENSE OF IDENTITY IN THE PRESENT CIRCUMSTANCES AND THE RELATIONSHIP BETWEEN MOVEMENT, EXILE, HOME AND IDENTITY

The refugee's sense of identity betrayed conflict between a strong ethnic nationalism on the one hand, and an absence of an equally strong feeling of affection for the country. Identity expressed itself in a profound sense of an ethnic-based South Sudanese cultural self-recognition, and even pride, among the forced migrants. Ethnic particularism reared its head even in the camp, where such things as intimate inter-ethnic relations between men and women were discouraged, out of a sense of perceived "cultural superiority." A Dinka girl who got in the family way for a Dafurian man was, for example, outlawed by her family. The cultural nationalism did not, therefore, go beyond the tribe to spur the migrants to embrace a wider sense of South Sudanese national pride and to think that they would want to return to their country. It was a consciousness of a people who knew where they had come from and who they were. Yet, they also wanted to move on. Their sense of nationalism was felt more at the ethnic level and less at the country level. Joseph[586], aged 45, and a married Dinka man with four children, lived in the Dinka zone in Kakuma Village One. He was proudly Dinka as were the three dozen or so people we encountered at the recreation centre in the village, where Dinka male refugees spent the day playing board games, telling stories, or sleeping. Joseph recalled the number of times his people had fought against other South Sudanese tribes in Kakuma, "to protect our dignity."[587]

The sense of ethnic nationalism that Joseph exuded was reflected in his tribespeople elsewhere in the rest of the villages in Kakuma and Kalobeyei. "We can kill for our tribe and die for the tribe," said Achac Majok [not his real name],[588] "Our people have been killed for our tribe, why should we be afraid of fighting for our people?[589]

These words were said in relation to intermittent Dinka against Nuer violent skirmishes in Kakuma, in which lives were sometimes lost.[590] The situational irony was that while

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[586] Not his real name.
[587] Personal interview in Kakuma, June 2019, supported by FGDS.
[588] Not his real name.

[590] See, for example Gabe Joselow, "South Sudan Violence Spreads to Kenyan Refugee Camp," 3 November, 2013, <https://www.voanews.com/africa/south-sudan-violence-spreads-kenyan-refugee-camp>.[Accessed 10 November].

the migrants robustly proclaimed their preparedness to die for the tribe in Kakuma, they had moved away from the danger of dying for the tribe in their own country. We narrowed this down to other drivers of migration, specifically to the expediency of the camp as a platform of further migration and resettlement.

The same sense of ethnic nationalism was strong among the Nuer.[591] The people of South Sudan in Kakuma and Kalobeyei were confidently conscious of who they were. They held their heads high as members of their disparate South Sudanese ethnicities, but they would not feel equally enthusiastic about being South Sudanese.[592] Ethnic nationalism also bordered on cultural machismo among the two large tribes of Dinka and Nuer, with officialdom in Kakuma almost inadvertently buying into it. For example, officially the South Sudanese in Kakuma were classified according to three ethnic groups.[593] Each of these three groups lived in its own zone in the camps. Accordingly, the three zones were denominated as Dinka, Nuer and Equatoria. The people who were referred to as the Equatoria comprised the Lotuko from Torit, Keliku from Southern Region, Acholi from Boma, Lang'o from Akobo, Lotuko from Ifoto, Didinga and Jiye from Maridi and Lokaya from Gbudwa.

There were also the Bari from Maimut, the Toposa, the Dielinga people, the Tenet and others from Chudum. Put together, they constituted about 20 percent of the South Sudanese population in Kakuma.[594] It is instructive that these tribes were clustered together and referred to by the generic geographical referent of the greater region that they had come from in South Sudan. While their ethnicity was thus submerged under a regional geographical name, the two big tribes were identified by their tribal names of Dinka and Nuer.

Like their Dinka and Nuer compatriots, the peoples denominated as the Equatoria were passionate and expressive about their specific ethnic and cultural identity within Equatoria, without showing similar passion for their country. In all of the three cases therefore (Dinka, Nuer and Equatoria tribes), there was strong affinity with the tribe

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[591] Ibid.
[592] FGDs with members of different ethnic clusters in Kakuma and Kalobeyei, July 2019.
[593] Interview with RAS Camp Manager, Kakuma, June 2019.
[594] Ibid.

and a disconnect with the country. This powerful passion for the breed cascaded downwards to the clan, the family and eventually the self.[595]

In the order of the tribe, the clan, the family and the self, self-identity and what the individual desired for himself and his family was paramount. It boiled down to the desire for a good life for yourself and your family. The good life was itself seen as a futuristic permanent domicile in the West. Hence, in the trifecta of home, identity and return, South Sudan was no longer regarded as home. It was rather seen as a place that had once been home, but which had now remained behind. This was regardless that some people may from time to time temporarily and informally re-establish themselves in the country, for one reason or the other – as discussed in Chapter Five.

Kakuma and Kalobeyei, as a globalized place of exile, was meanwhile understood to be only a provisional place that they were passing through. In a fairly strict sense, the South Sudan migrants in Kakuma and Kalobeyei understood themselves to be homeless. They were, therefore, waiting for UNHCR to find them homes and resettle them there. This waiting for new homes explains to a great extent why the refugee camp had become permanent. Put differently, the migrants would not go back to a place they had ceased recognizing as home. Meanwhile, the kind of home that they dreamt about was slow in coming. Hence, they were stuck in the place of asylum. And the passage of time was itself swelling up the numbers in this place of exile both through natural reproduction and arrival of new migrants. The swelling of numbers, in turn, entrenched the exile further in an unending vicious cycle of perdurance.

THE FORCED MIGRANT'S APPRECIATION OF THE APPLICATION OF INTERNATIONAL HUMANITARIAN LAW(S) TO HIS OR HER SPECIFIC SITUATION AND WHAT THESE MEANT IN HIS OR HER UNDERSTANDING OF HIS OR HER IDENTITY AND CHOICES

The forced migrants in Kakuma and Kalobeyei were keenly but also casually conscious of three aspects of refugee protection laws. This consciousness contributed significantly to the permanence of the camps. These were (i) the provisions on non-refoulment (ii) resettlement in a third country as one of the solutions to the refugee challenge, and (iii)

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[595] Researcher's inference from interviews with refugees in Kakuma, June/July 2019.

international community's duty to support and protect refugees in a camped environment.

Their consciousness about non-refoulement was tied in a double Gordian knot with awareness about the right of return. The import of the right of return was however only appreciated to the extent that the return should be voluntary. Based on this, the migrants continued to indefinitely mark time in the refugee camps, "waiting to be resettled." At the same time, they were aware that for as long as they remained refugees, it was the responsibility of the international community through UNHCR and partner agencies to look after them. In spite of having been accepted in Kenya as a refugee, the refugee looked at himself as someone in liminal space. He saw himself as someone who was "still looking for a home" and waiting for his final destination. In the absence of his preferred solution to his situation, therefore, he would remain in the refugee camp. He understood that IHL would protect him until the day he would be resettled in an OECD country. Given the impracticality of resettling all the refugees who lived in Kakuma, and millions more of others elsewhere in the world, the camp was here to stay. The situation called for fresh conversations within the United Nations system on the permanent solutions to the global refugee challenge.

INTERNATIONAL HUMANITARIAN LAW AND CLASH OF EXPECTATIONS
There was also a clash of expectations between the migrants and other key stakeholders. The UNHCR, the international community and the host government presumed that someday the situation would be ripe for return. They presumed that in the context of UN General Assembly Resolution 194 (III) of 1948, the refugees would be "wishing to return to their homes and (to) live peacefully with their neighbours." Yet the refugees were not thinking about return. They were thinking, instead, about resettlement.

The lacuna between what the refugee desired for their future and what these critical stakeholders intended for them calls for greater dialogue between forced migrants and their principal benefactors in exile, with the UNHCR in the lead. The lesson here is that it should not be taken for granted that refugees want to return home and that they will accordingly return someday. Further, the notion of the right of return, has full meaning when the refugee is in the first place willing or keen to return. It cannot be on its own the basis for defining refugee returns as the most preferred options.

CONCLUSIONS ON CONCEPTUAL PERSPECTIVES IN THE RESEARCH

Two conceptual approaches were used in this study, as detailed in Chapter One. First was the notion of right of return, as captured in International Humanitarian Law, as well as other aspects of refugee protection. We also used two strands of Neoclassical theories of migration; including (a) Ravenstein's Laws of Migration and (b) Kunz's Kinetic Models of Refugee Movements.[596] Taking off from Resolution 194(III) of 1948 regarding Palestinian refugees, International Humanitarian law tended to assume that forced migrants invariably desire to return to their homes, or places of habitual residence in the premigration period. Our findings suggested that this was largely a misapprehension, the kind of misapprehension that calls for fresh international conversations on the refugee challenge.

Focus on Neoclassical theories of migration gravitated around Kunz, Fairchild, Lee and Peterson on motives and social causes of emigration. We were particularly interested in the kinetics of migration, as developed in these models.[597] Equally critical were Revenstein's laws of migration as detailed in Chapter One. Read together and applied to the South Sudanese situation in Kakuma, the two strands of Neoclassical migration thought held well together, to lend credence to the postulates of these scholars. This was the case especially when looking at the energy driving the migrants from their places of regular habitation as well as the magnetism that pulled them to Kakuma and the glue that held them to the place. We summarize our experience with South Sudanese refugees in Kakuma in the context of the selected conceptual perspectives as below:

RIGHT OF RETURN, FAILED RETURNS AND FOCUS ON REMIGRATION AND RESETTLEMENT

The assumption that refugees want to return was mainly a misapprehension. The fallacy in this assumption was particularly manifest in the reality that when opportunities for return came in 2005 – 2013 many did not go back. It also manifested in the reality that even within that peaceful window of return period, more refugees flowed into Kakuma from Southern Sudan and later South Sudan. Our interviews with them indicated that

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[596] Stephen Castles & Mark J. Miller, *The Age of Migration* (New York, Guilford Press, 1993), pp. 20 – 21.
[597] Ibid.

they were coming to Kakuma with focus on remigration. Kakuma was only an enabling port of future departures. It provided an enabling environment for what were considered easy opportunities for remigration, when contrasted with other methods that people in troubled parts of Africa have employed in the attempt to migrate to OECD countries. The protection and care that they expected to receive in Kakuma (as detailed in Chapters Four and Five) made this corridor of further migration attractive. Moreover, there was always the belief that UNHCR would process for them their re-migration and resettlement, as they simply waited. Hence, the recurrent refrain throughout our interviews in Kakuma was, "I am waiting for the UNHCR to resettle me, but it is taking too long."

Our findings suggest that the reliance in the right of return is overly optimistic. It places hope and faith before fact and reason. The marginalisation of the displaced person's perspective is easily the starting point in the ensuing frustration of return efforts. It betrays the belief that the right of return and restoration of normalcy should necessarily lead to return. Of the UN'S three official lasting solutions to the global refugee challenge – return, asylum and resettlement – only asylum in refugee camps caters for the majority. And because the other two are not working, the camps get heavily overpopulated. The population continues to swell with time, as the refugees continue to hope for resettlement, having ruled out return. A hardcore refugee camp situation develops with the passage of time and growth of numbers.

PUSH-AND-PULL FACTORS IN THE MIGRATION TO KAKUMA AND BEYOND

Through the decades, a felonious state sat at the heart of the desire for permanent migration from Southern Sudan, and later South Sudan. At the best of times the State in Southern Sudan, and later South Sudan, was fragile and dysfunctional. At the worst of time this state was a barefaced criminal enterprise (Chapter Three). This state was at once a push factor and the integument of all the other push factors in the migrations from that country. Lawlessness within the state (or facilitated by the state) coupled up with state inability to guarantee the citizens their right to security, placed the citizen in a permanent migration mind-set. Looked at differently, the state failed to play its role as the custodian of the people's sovereignty. This function, as discussed in Chapter

Three, pertains to the ability, at the very minimum, to provide an environment that allows people to feel secure, free and able to develop themselves.[598]

A state must perform certain basic functions that make it sovereign.[599] British Prime Minister Gordon Brown's 1998 budget speech, when he was Chancellor of the Exchequer, has often brought home the message on what the public expects of the modern-day state.[600] Brown saw the state as having numerous functions in the well-being and social welfare of the people. The functions went all the way to provision of opportunities for citizens to develop themselves, through participation in their country's economic development, to being secured against injury from both local and foreign malefactors.[601]

Ghani and Lockhart identified ten key areas of state functionality that give the citizen comfort and the state its right to exercise state sovereignty. The ten areas include rule of law, monopoly of legitimate means of violence, administrative control over the territory over which the state exercises sovereign power and sound management of public finances. Other functions are investment in human capital, protection of citizenship rights, provision of infrastructure services and formation of a functional economy and commerce. Finally is the need for sound management of public assets and effective public borrowing.[602]

The state in Southern Sudan and South Sudan, as discussed in Chapter Three, failed dismally in each of these functions. Successive regimes acted as if they were members of an exclusive class of outlaws, holding hostage a passive citizenry in an unregulated environment. Exercise of state power in Southern Sudan and South Sudan produced frustration, despondency and humiliation among the citizens. The spinoff was that citizen longed to permanently separate themselves from this state.[603] A number of such citizens now lived in Kakuma and Kalobeyei, waiting for their final connection to a place they could eventually call home.

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[598] Ghani and Lokhart, p. 4.
[599] Ibid.
[600] Ibid, pp. 118 – 119.
[601] Ibid.
[602] Ibid. pp. 124 – 163.
[603] Ibid, p. 3.

This research captured a two-stage pull-factor scenario in this migration, with the possibility of even more stages, as seen in detours from South Sudan through other countries before getting to Kakuma. The first magnetic activity however was the movement towards the refugee camp, regardless that it was direct or that it involved a detour through Uganda or Ethiopia – or some other intermediate country. The magnetism had been fed, in part, by folk narratives about opportunities and possibilities in Kakuma. According to this narrative, the possibilities included protection, care and processing of remigration and resettlement in an OECD country. Kakuma was accordingly attractive as a liminal space. The second magnetic pull in the migration was the pull of a developed Western country. However, the gateway to the developed country was Kakuma. Further work may, however, need to be done to aggregate the correct sequence of attraction in the context of the logic of social choice.[604]

On the basis of the available evidence, however, we submit that, both before and after getting to Kakuma, there existed a dream among many refugees to live in an affluent developed country. However, one must first get to Kakuma before embarking properly on the final lap to the West. Kakuma's pull was, therefore, only to the extent that it was the astute springboard to the West. The pull to this place was not an end in itself, but rather a means to the West. The moment of violence triggered off a migration that had been in incubation for some time. This, however, should not be conflated with the thought that the migrant had been looking for violence as a ripe moment to leave. The seismic eruption of mass exodus from the country should only be seen as an unplanned occurrence that is nonetheless in unity with the migrant's incubated desire to leave.

Once in the refugee camp a new anticipation of relocation began. Its actualization depended upon dynamics in the desired destination. To the extent that that the authorities in the desired destination had not yet triggered off the processes by inviting refugees to remigrate and be resettled, the refugees were indefinitely stuck in the camp. The camp was therefore at once a springboard to further migration and an intervening drawback in an unfinished migration, in the manner contemplated by Lee, as discussed

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[604] See for example, Ulle Endris, "Logic and Social Choice Theory," <https://staff.fnwi.uva.nl/u.endriss/pubs/files/EndrissLPT2011.pdf>. [Accessed 30 November 2019].

in Chapter One.[605] Apart from their own original numbers, they also brought new life to the camp through natural births. A state of stagnation and population growth feeding into further stagnation in the camp was inevitable.

INTERSECTIONS IN THE KINETIC MODELS PERSPECTIVE

The example of Kakuma suggests that Kunz's distinction between acute migrations and anticipatory migrations need not necessarily be so distinct and rigid. A potential migrant who has been planning to go away someday may find himself urgently fleeing his country in a state of unpreparedness. His or her departure is indeed driven by acute energies at this moment. Yet the fact that this migrant has always wanted to go away cannot be ignored. The import of this in the case of South Sudanese forced migrants who had previously reflected about leaving their country was that once they left, they never looked back. It did not matter that they would probably have wanted to leave in a more organized manner at a better time.

Equally significant, migrations that began in an acute manner later assumed the character of anticipatory migration. Once in Kakuma, the refugees began looking forward to planned and properly managed relocation to third countries of settlement. The management of their hope to re-migrate, for its part, slowed down the next phase of migration and contributed to refugee stagnation in Kakuma. It did not appear that a time would possibly come when all the refugee expectations to benefit from planned re-migration and resettlement would be realized.

Put together with the other factors we have discussed above – such as intra-camp population growth and continued inflows of new refugees even in peacetime – it seemed reasonable to conclude that the camps would keep growing in number and size, with the passage of time. The coming up of Kalobeyei as an integrated refugee settlement camp seemed to signify official Kenya Government, World Bank and UN resignation to the reality that they had in their hands a hardcore refugee camp situation.

The Kalobeyei model, however, seemed set to present a new challenge. While the UNHCR, the Kenya Government and other partners focused on an integrated settlement

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[605] Everett S. Lee, " A Theory of Migration," in *Demography*, Vol. 3, No. 1 (1966), pp. 47- 57 (pp. 51 – 52).

camp, the migrants in Kalobeyei continued to anticipate re-migration. The model was positioned as a factor of what the partners called the "imperative to strengthen the emphasis on interventions that promote self-reliance, resilience, and that seek long-term solutions for the South Sudanese refugees."[606] The refugees, however, were not keen on this model.

It was fairly clear that that the migrants had not sufficiently participated in the thinking and planning that led to the evolution of the Kalobeyei model. Nor had the model been sold to them properly by those who developed it. In point of fact, the South Sudanese refugees in our interviews in Kalobeyei were openly antagonistic to the model. They did not believe that integration with the host Turkana people was possible. They accused the Turkana of harassing them, raping their girls and women, monopolising wage labour in the camp and of grazing their animals on their crop in the settlement camp (Chapters Four and Five).

Arising from the foregoing, the migrants in Kalobeyei continued to anticipate further migration and resettlement elsewhere. While in the main they ruled out a return to South Sudan, they would also not embrace the thought that they should be presumed to be settled in Kalobeyei. Inadequate inclusion of the refugee population in conceptualization and planning for Kalobeyei was a major omission. The partners missed the opportunity to establish a common understanding about Kalobeyei. If the partners expected to gradually wean the Kalobeyei refugees off the present refugee support, the refugees continued to consider themselves as a people waiting for resettlement. This cognitive dissonance looked set to prolong the refugee situation in Kalobeyei and to frustrate the Kalobeyei settlement model.

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The foregoing were among the key factors at the heart of the protraction of the refugee situation and camp life in Kakuma and Kalobeyei. They demonstrate that the notion of home in the mind of the refugee is often at odds with that of those involved with management of refugee protection. While the UNHCR is thinking about returns, for example, the refugee has moved to a different plane. He or she only looks at the place of origin as a former home. The place of exile is holding ground, while the desired

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[606] UNHCR, "Kenya Comprehensive Refugee Plan 2016," p. 16.

home has yet to come. In the circumstances, life in the holding ground becomes far longer than the protection providers imagined that it was going to be.

CLOSING THOUGHTS

WHY PROTRACTED REFUGEE SITUATIONS AND CAMPS, DESPITE RETURN OPPORTUNITIES?

1. The question of solutions to the global refugee challenge has continued to be addressed on assumptions that were made in emergency conditions after World War II in the late 1940's and early 1950's. One of these assumptions is that refugees want to return home, of to the place of habitual residence before the migration. Consequently, various authorities together with UNHCR have continued to believe that they can facilitate the returns. In line with Resolution 194(III) of 1948, it is assumed further that life will return to normal and everybody will live peacefully and happily with their neighbours.

   This is not necessarily true, however. Such assumptions are easily out of tune with emerging global realities where people are looking for happy lives elsewhere. The realities, for their part, easily render existing solutions to the global refugee challenge obsolescent. For instance, apart from the Protocol of 1967, little else has been done to bring the 1951 convention in tune with changed times and realities. The 1961 Convention on Reduction of Statelessness is a catalogue of how nation states may naturalize stateless persons, but with nothing to make it mandatory.

   It is instructive that the fragile and dysfunctional independent African state, such as South Sudan, did not exist when the 1951 convention came into existence. The present Third World desire to migrate to developed countries did not exist either. Equally significant, knowledge about OECD countries and its allures to Third World citizens today did not exist. These emerging realities have defied the original thinking when refugee protection first became a matter of international concern. Initial focus was on displaced persons in Europe after World War II. It was then believed that within the space of about three years, World War II refugees would be fully resettled in their countries. The UNHCR was formed in 1950 as the body to oversee the resettlement. It was thought that the UNHCR would itself be

disbanded after three years.[607] Sixty-nine years later, it is alive and well, with offices and challenges all over the world. It still addresses the emerging challenges based on scripts of the 1950's. We recommend the need to revisit the refugee's convention, to address emerging realities. There is need for the International Community to align the solutions to the refugee problem with changed realities, nearly seventy years later.

2. It is our contention that existing approaches to the refugee challenge have objectified refugees. To this extent, that they appear to be only animate articles to be acted upon in standard ways, in nuanced forced migration dilemmas. The standards assume that the world is dealing with a uniform challenge with a regular solution. In this regard little effort, if any, is made to understand what migrants think about their situation and what they see as the solutions.

One of these standard solutions is to herd refugees into isolated the ring-fenced spaces that are refugee camps. Here, they are protected and provided for. It is meanwhile believed that things will improve in their countries and that they will return home – "because they have a right to return." In extremely perilous circumstances, however, the UNHCR may permanently resettle them in a willing country.[608]

We recommend the need to listen keenly to the voices of the displaced as Blitz has suggested and attempted (Chapter Two). This is important for avoidance of unworkable top-to-bottom solutions. Perspectives generated from forced migrants, especially those in hardcore refugee camps, should contribute to refugee conventions of the future.

3. Present solutions to the global refugee problem do not address directly the factors in the place of origin. They only deal with persons who have already left their countries and who have, therefore, become refugees. We submit that the

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[607] UNHCR, "History of UNHCR," n. d, https://www.unhcr.org/history-of-unhcr.html>, [Accessed 2 January 2020].
[608] UNHCR, "Resettlement," <https://www.unhcr.org/resettlement.html>, [Accessed 11 November 2019]. According to this source, of the 20.4 million refugees of concern to UNHCR in 2018, less than 1 percent were resettled. The understanding is that these people will eventually return to their homes. It seems unrealistic, indeed, to expect that they could all possibly be resettled in alternative countries.

international system that is in charge of refugee protection needs to comprehensively address the factors in the place of origin. There is need to go behind the immediate triggers of violence and forced migration, in the search for lasting solutions to the refugee challenge. In particular, the UN system needs to get down to the reasons why people are completely giving up on their own countries, even in peacetime, to look for fresh beginnings elsewhere. Why are whole African families, especially, risking everything by allowing themselves to be smuggled to Europe on rickety and overcrowded boats, through shark infested waters? In 2012, for example, the UNHCR reported as follows:

> Almost 53,000 people, of all persuasions, trying to escape chaos in the Horn of Africa in 2010 used people-smugglers to cross the Gulf of Aden to Yemen. Of that number, 130 died or were reported missing. In 2011, due to the deterioration of the whole region – Somalia as well as Eritrea and Ethiopia – more than 103,000 people made the same perilous voyage, reaching Yemen's shores in desperate condition and again, a significant number lost their lives.[609]

Understanding what pushes people to this kind of desperation should explain, at least in part, why refugee camps like Kakuma are becoming permanent features. Our Chapters Three and Four have attempted to contribute to this understanding. And Ghani et al have summed up the situation as follows:

> Facing constant deprivation, millions of people are willing to give up entirely on their own countries and to pay high prices to human traffickers to move them illegally to Organization for Economic Cooperation and Development (OECD) countries, often risking their freedom or their lives in the process. On arrival, they try to find new lives, either by seeking asylum or by disappearing underground. Despite increasing investment in border controls, it is clear that an impermeable barrier around OECD countries cannot be constructed, as the combined impact of the push-and-pull factors on potential migrants is too strong.[610]

It is in this context that stagnated refugee situations are possibly best interpreted. People who have given up on their countries don't want to go back there. They would rather mark time in refugee camps, hoping that a new home opens up to them elsewhere, through UNHCR's efforts. Moreover, the refugee camp is a softer and safer option to the trans-Mediterranean human traffic option. You can wait out there in the hope that

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[609] UNHCR, 2012. *Protecting Refugees*, p. 5. Also available at <https://www.unhcr.org/si/wp-content/uploads/sites/25/2016/12/ProtRef_2012_EN.pdf>, [Accessed 30 November 2019].
[610]Ghani and Lockhart. pp. 24 – 25.

things will eventually turn out well for you. Meanwhile, life in the refugee camp may not be so salubrious; yet it is better than in the country that you have given up on.

4. Refugee protection laws themselves, in the interim, equip the refugee against return, even when opportunities avail themselves. Non-refoulement laws make it illegal to attempt to return refugees by force. If for the time being, therefore, nobody is offering them permanent resettlement, the only option left is to continue to live in the camp. The population of the camp itself meanwhile continues to multiply through the methods discussed above.

Also tangled in this stagnation is the very definition of the refugee in the 1951 UN instrument. Refugees are in part defined as people "having well-founded fear of being persecuted" for the reasons detailed in Article 2 of the Convention. Fear is itself subjective, regardless that it may be an irrational phobia, or fear of well-founded mortal danger. It is difficult to measure "well-founded fear." Hence it is difficult to tell a migrant that he or she now should not be afraid. To fear is a very personal experience. Provided that someone professes to be still afraid, they cannot be told to return to their country, or place of usual residence. Their professing well-founded fear will continue to keep them in the camp, even as remigration remains their main objective of continued living in the camp.

Hence we may, for example, want to assess whether what we consider to be the displacing factors still exist or not. We may move on to assess further whether – in our view – the refugee would now be safe back home. We may even conclude that the threatening circumstances no longer justify fear. Accordingly, "well-founded fear" should no longer exist. Yet it is not on our part, or on the part of UNHCR or the host government, to determine this question of fear. For, fear by its very nature is internal to the person who is afraid. The fear and "unwillingness to avail himself for protection of that country" is, accordingly, the preserve of the refugee. Non-refoulment laws recognize this, hence the outlawing of unwilling returns. This, in turn, contributes further to the permanence of the camps.

BROAD REFLECTIONS ON THE RESEARCH

We submit that future engagements with the search for solutions to the global refugee problem need to reckon with the gravity of Russell King's observation that migration is the history of the world.[611] "Humans are born migrants," King says, "Human evolution is linked to the very act of moving from one habitat to another and then adapting to that new environment."[612] He concludes:

> The Africans who risk their lives in flimsy boats crossing the Mediterranean to Italy and Spain are repeating million-year-old journeys that their homo erectus forebears took, traversing the Mediterranean from the North African coast, then walking into Europe.[613]

We agree with King's foregoing observation. The major difference today is that settlement in the place of destination as contemplated in Neoclassical theories of migration is a big challenge. Today's national and international order has no room for unregulated self-resettlement by people arriving from troubled places. Traditionally, such new arrivals would engage in the social experiments of trying to make new homes in the new spaces. As we discuss below, such social experimentation was, for example, the order of life in Africa before Europe's scramble and partition of the continent, towards the end of the 19th Century. The brutal force that informed acquisition of territory and establishment of colonial rule on the continent was in a sense a continuation of this social experimentation.[614]

It is our contention that migration is a permanent process, regardless of whether it happens as an acute mass process, or a gradual anticipated individual process. Human beings have always migrated in troubled times and in peaceful times alike. Those stranded in refugee camps are only a rude reminder of this reality. In their situation, their migration has been trapped and halted for the time being, but they still hope to continue with the search for salubrious spaces away from the homes they left behind.

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[611] King, 2008 p. 8.
[612] Ibid.
[613] Ibid.
[614] See, for example, Meredith, pp. 447 – 456.

In the case of Africa before the scramble and partition the search for the safe space, its occupation and organization of social activities there was defined purely by military might. Hence, subsequent to the rising of the Zulu nation under King Shaka in the 19th Century, for example, diverse peoples fled northwards of the Zulu nation, to find new spaces for themselves.[615] Meredith recalls:

> From the Zulu heartland, Shaka's *impis* (armies) launched predatory raids on neighbouring territories, seizing their cattle and other booty and causing widespread havoc. They plundered south of the Tugela River, precipitating waves of refugees into Mpondo territory further south. To the west, they forced the Hlubi under Mpangazitha and Ngwane under Matiwane to retreat . . . the turmoil spread to small Sotho chiefdoms in the eastern High Veld. In 1822, the Hlubi chief Mpangazitha attacked the Tlokwa . . . The Tlokwa, in turn, raided neighbouring Sotho clans . . .

The events captured in this narrative were a part of African history before the advent of colonization by European powers. It is a history replete with accounts of forced migrations of diverse peoples. There are no indications that these precolonial African migrants intended to return to the places they had been forced to vacate. The experience that Meredith cites above belongs to one of the most traumatic periods in African forced migrations, known in history as the *Mfecane* (1810 – 1840). The name itself is a Zulu word, that has been translated as "a grand crushing, or dispersal; a forced migration of peoples." [616] It was the product of competition over pastures, land and hunting grounds by 19th Century African nation builders. One of the most widely cited cases in this grand crushing and dispersal of persons was the case of the Fokeng peoples. Their leader, Sebatwane, has been widely recorded as having said the words:

> My masters, you see that the world is tumbling about our ears. We and other people have been driven from our ancestral homes, our cattle seized, our brothers and sons killed, our wives and daughters ravished, our children starved. War has been forced upon us, tribe against tribe. We shall be eaten up one by one. Our fathers taught us *Khotso ken ala* – peace is prosperity – but today there is no peace, no prosperity! What are we to do? My masters, this is my word: Let us march! Let us take our wives and children and cattle, and go forth to seek some land where we may dwell in tranquillity.[617]

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[615] Ibid, pp. 237 – 241.
[616] Meredith, p. 237.
[617] Ibid, p. 239.

The objective to go away permanently is unmistakable. Throughout the history of humankind, fresh spaces have been occupied through migrations. Inhabited spaces have been forcefully taken over and dominion established by marauding visitors. The Mfecane occasioned forced migrations that led to occupation of new spaces and formations of new nations in Southern, Eastern, and Central Africa over expanses of hundreds of thousands of square miles, over the entire first half of the 19th Century.[618]

The historical marauders in these violent and bloody precolonial dramas of conquest and displacement were the kinds of people whom we today call refugees. These people left their inhospitable homes and spaces to look for places conducive to habitation, elsewhere. Unlike in the old order, however, unclaimed spaces no longer exist, nor can people fleeing their hostile regular habitation ravage those whom they encounter during their flight. They cannot overrun inhabited spaces and establish dominion over them. The new international order outlaws that kind of migration. In the case of mass migrations today, therefore, when forced migrants cross the borders of their inhospitable countries, they assume the tag of asylum seekers. Shortly afterwards they are confined to ring-fenced spaces as documented refugees. Future solutions to the global refugee problem will do well to recognize that people will always migrate if they are uncomfortable where they live. Some will want to forget altogether the space they came from. To attempt to return them is to try to reverse the grain of history. The solution seems to rest in addressing the displacing factors so as to obviate migration in the first place. However, once the migration has taken place, it would seem more realistic to involve the forced migrant in the search for solutions.

There is little evidence, if any, to suggest that traditional forced migrants in Africa ever intended to return, or indeed that they ever returned. The evidence we have gleaned in this research suggests that the thrust of intent has since changed, because of the international system that exists today. In a majority of cases, in the old order, forced migrants just kept moving, sometimes through a number of generations. They would find new settlements and discard them when it became necessary to do so. Were *et al*

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[618] Ibid, pp. 236 – 242.

have documented the peopling of the East African coast over almost one millennium. Their experience does not suggest any intent, or even desire, for return.[619]

The characteristic thrust of human migration and settlement raises the fundamental question, do displaced persons really want to return where they lived before? More scholarly work needs to be done on this question. If it returns the answer that forced migrants do not want to return (or seem not to want to return), then we must ask the question, how realistic is it to detain people in tented ring fences, in the hope that someday they will go back where they came from?

Further to this, we need to ask how realistic it is to expect adult generations that were born and reared in exile to want to "return" to places that had never been their homes. For now, it seems to us that human beings are always craving spaces that are conducive to better living. Soyinka has captured this adroitly in an old African saying, "If the snail finds splinters in its shell, it changes house."[620] The intent, we can reasonably conclude, is never to go back. Confining people in spaces designated refugee camps, accordingly, is essentially a disruption of the natural process of migration in the search for better homes and futures. Such disrupted persons are not unlike the rest of natural lives that have been removed from the natural world and its regular dynamics, to be confined to caged life in zoos. Yet, the caged being must be provided for by the caging agent, the way an animal in a zoo must be protected and provided for. The yearning for a life lived in freedom in a salubrious environment, however, remains. In the case of the refugees in Kakuma and Kalobeyei, such liberty and comfort was envisaged in a resettled environment in the OECD world. For now, they would mark their time and wait for as long as it would take.

- ENDS –

[619] Gideon S, Were, Derek A. Wilson & Donald St. John-Parsons, *East Africa Through A Thousand years* (London, Evans Brothers, 1984 – Revised Ed.), pp. ix – 20.
[620] Wole Soyinka,. *The Lion and the Jewel* (London, Oxford, 1959). p. 6.

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APPENDICES

Appendix 1: Contributions for the Kakuma Annual Programme by UNHCR and Partners for the Year 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 62.

Funds shown in United States Dollars			
SECTOR/OBJECTIVE	**UNHCR BUDGET**	**PARTNER BUDGET**	**Total UNHCR AND PARTNER**
Health	2,488,718	3,066,364	5,555,082
Nutrition	164,371	118,712	283,083
Water	857,969	200,000	1,057,969
Sanitation	994,844	80,000	1,074,844
Shelter and infrastructure	1,000,238	556,150	1,556,388
Provision of Energy	1,365,823	140,292	1,506,115
Basic and domestic items	1,300,596	-	1,300,596
Persons with Specific Needs	575,440	800,000	1,375,440
Education	3,275,816	2,462,589	5,738,405
Community mobilization	287,454	713,786	1,001,240
Peaceful co-existence/Host Community	145,322	417,575	562,897
Environment	92,155	-	92,155
Self-reliance and livelihoods	823,917	1,835,285	2,659,202
Voluntary return	278,378	-	278,378
Resettlement	11,391	-	11,391
Reception	82,343	-	82,343
Registration and Profiling	862,653	175,401	1,038,054
Refugee Status determination	216,303	67,112	283,415
Civil registration and civil status documentation	-	-	-
Legal assistance and legal remedies	269,763	64,088	333,851
Access to the territory improved/Non-Refoulement 12,017	12,017	-	12,017
Camp management and coordination	93,615	-	93,615
Logistics and Supply Chain Management	443,732	-	443,732
Operations management, coordination and support	1,737,113	118,944	1,856,057
Protection from crime strengthened	1,199,214	271,885	1,471,099

Sexual and Gender Based Violence	209,715	184,910	394,625
Child Protection	450,028	1,107,032	1,557,060
Total	**19,238,928**	**12,380,125**	**31,619,053**

Appendix 2: Kakuma List of Implementing Partners and Agencies for the Year 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 66.

IMPLEMENTING PARTNERS					
	SN. PARTNER AGENCY	ACRONYM	WEBSITE	SECTOR	LOCATION
1	Action Africa Help International Kenya	AAHI	http://www.actionhelp.org/	Self-reliance and livelihoods	Kakuma
2	CARE International Sanitation & and Water	CARE K	http://www.care.or.ke	Logistics, Education	Dadaab
3	Danish Refugee Council	DRC	http://drc.dk/relief-work/where-we-work/horn-ofafrica-and-yemen/Kenya	Volrep, Livelihoods, SGBV, Child Protection	Dadaab & Kakuma
4	Department of Refugee Affairs	DRA		Protection including Refugee Registration, Reception, Camp Management, Community mobilisation, Security	All Locations
5	Don Bosco, Kakuma, Kenya	DBK	http://dbdon.org	Vocational training	Kakuma
6	Fafi Integrated Development Association	FAIDA	http://faidakenya.org	Environment, Host Community Support, Energy	Dadaab
7	Film Aid International	FilmAid	http://filmaid.org	Information dissemination-SGBV, Health, Registration, Livelihoods, Community mobilisation	Kakuma
8	Francis Xavier Project	FXP	http://xavierproject.org	Education	Nairobi
9	Hebrew Immigrant Aid Society	HIAS	http://hiasafrica.org	SGBV, Persons with Specific Needs	Nairobi
10	Heshima Kenya	HK	http://heshimakenya.org/index.	Child Protection	Nairobi
11	International Rescue Committee	IRC	http://www.rescue.org	Health, Nutrition, RH, HIV, Protection	All Locations
12	Islamic Relief Worldwide (IRW)	IRW	http://islamicreliefkenya.org	Health, Nutrition, Education	Dadaab
13	Jesuit Refugee Services(JRS)	JRS	http://jrsea.org	Child protection, SGBV, Services for persons with specific needs	Kakuma
14	Kenya Red Cross Society	KRCS	http://www.kenyaredcross.org	Health, Nutrition, SGBV, Water and Sanitation	Dadaab
15	Legal Advice Centre	LAC	http://www.kituochasheria.or.ke	Legal Aid, Protection monitoring	Nairobi

16	Lotus Kenya Action for Development Kenya	LOKADO		Host Community, Energy, Environment	Kakuma
17	Lutheran World Federation	LWF	http://www.lutheranworld.org/content	Community mobilisation, security, education, services for persons with specific needs, Child protection, Reception	Dadaab & Kakuma
18	National Council of Churches of Kenya	NCCK	http://www.ncck.org/	Shelter, Services for persons with specific needs, health, Reproductive health	All Locations
19	Norwegian Refugee Council	NRC	http://www.nrc.no/kenya	Sanitation, Water, Volrep, Livelihoods	Dadaab & Kakuma
20	Pastoralist Initiative for Development and Advocacy	PIDAD		Host Community, Energy, Environment	Dadaab
21	Peace Winds Japan	PWJ	http://peace-winds.org/en	Shelter and Infrastructure	Dadaab
22	Refugee Consortium of Kenya	RCK	http://www.rckkenya.org	Legal Aid, Protection monitoring, Detention, Advocacy	All Locations
23	Relief Reconstruction and Development Organisation	RRDO		Host Community, Energy, Environment	Dadaab
24	Save the Children	SCK	http://www.savethechildren.net	Child Protection	Dadaab
25	Windle Charitable Trust	WCT	http://windle.org	Education	All Locations

Appendix 3: UN Agencies in Refugee Relief Work in Kakuma, 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 68.

	Sn. Partner Agency	**Website**	**Sector**	**Location**
1	United Nations Children's Fund (UNICEF)	www.unicef.org	Education, Child Protection, Health, Water	All locations
2	United Nations Development Programme (UNDP)	www.undp.org	Development	Nairobi
3	United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)	www.unocha.org	Coordination	Nairobi
4	United Nations Populations Fund (UNFPA)	www.unfpa.org	SGBV	All locations
5	World Food Programme (WFP)	www.wfp.org	Food Security and Nutrition	Kakuma, Dadaab
6	UN Habitat	www.unhabitat.org	Spatial planning	Kakuma
7	UNOCHA Dadaab	www.unocha.org	Coordination	Kakuma
8	The World Bank	www.worldbank.org	Assessment & Development	Kakuma
9	FAO	www.fao.org		
10	UNOPS	www.unops.org		
11	IOM	www.iom.int		

Appendix 4: UNHCR'S Resettlement Programme 2004 – 2019. [621]

YEAR	COUNTRY OF ORIGIN	COUNTRY OF RESETTLEMENT	PERSONS
2004	Sudan (SDN)	Sweden (SWE)	90
2004	Sudan (SDN)	Norway (NOR)	20
2004	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	68
2004	Sudan (SDN)	Netherlands (NLD)	44
2004	Sudan (SDN)	United States of America (USA)	2,597
2004	Sudan (SDN)	Australia (AUS)	717
2004	Sudan (SDN)	Canada (CAN)	939
2005	Sudan (SDN)	Sweden (SWE)	54
2005	Sudan (SDN)	Norway (NOR)	37
2005	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	28
2005	Sudan (SDN)	New Zealand (NZL)	9
2005	Sudan (SDN)	United States of America (USA)	2,577
2005	Sudan (SDN)	Australia (AUS)	557
2005	Sudan (SDN)	Canada (CAN)	610
2005	Sudan (SDN)	Netherlands (NLD)	62
2006	Sudan (SDN)	Norway (NOR)	12
2006	Sudan (SDN)	Sweden (SWE)	27
2006	Sudan (SDN)	New Zealand (NZL)	5
2006	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	1
2006	Sudan (SDN)	United States of America (USA)	252

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[621] http://kenya.iom.int/project/refugee-resettlement-programme# downloaded September 2019. These statistics represent both South Sudan and the Republic of Sudan. There is likelihood of inclusion of migrants from the Republic of Sudan who do not include Southerners. These are likely to be from Darfur, where there have been challenges since about 2004. However, the greater part of the conflict in Sudan over the timeline 2004 – 2011 when the two countries were separated was in what became South Sudan. It is our intelligent guess that any numbers from Sudan are likely to be negligible. The year 2004 has been selected as the starting point to coincide with the time the USA began airlifting the Lost Boys of Southern Sudan, discussed in Chapter Four.

2006	Sudan (SDN)	Canada (CAN)	246
2007	Sudan (SDN)	Sweden (SWE)	9
2007	Sudan (SDN)	New Zealand (NZL)	6
2007	Sudan (SDN)	Norway (NOR)	9
2007	Sudan (SDN)	United States of America (USA)	278
2007	Sudan (SDN)	Australia (AUS)	96
2007	Sudan (SDN)	Canada (CAN)	198
2007	Sudan (SDN)	Netherlands (NLD)	3
2008	Sudan (SDN)	Australia (AUS)	83
2008	Sudan (SDN)	United States of America (USA)	611
2008	Sudan (SDN)	Sweden (SWE)	13
2008	Sudan (SDN)	Canada (CAN)	52
2008	Sudan (SDN)	New Zealand (NZL)	3
2009	Sudan (SDN)	United States of America (USA)	1,141
2009	Sudan (SDN)	Australia (AUS)	63
2009	Sudan (SDN)	Norway (NOR)	15
2009	Sudan (SDN)	Canada (CAN)	44
2009	Sudan (SDN)	Netherlands (NLD)	10
2009	Sudan (SDN)	Sweden (SWE)	37
2009	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	6
2009	Sudan (SDN)	New Zealand (NZL)	23
2010	Sudan (SDN)	United States of America (USA)	1,594
2010	Sudan (SDN)	Australia (AUS)	77
2010	Sudan (SDN)	Sweden (SWE)	10
2010	Sudan (SDN)	Canada (CAN)	47
2010	Sudan (SDN)	Netherlands (NLD)	8

2010	Sudan (SDN)	Norway (NOR)	20
2011	Sudan (SDN)	United States of America (USA)	2,171
2011	Sudan (SDN)	Sweden (SWE)	54
2011	Sudan (SDN)	Australia (AUS)	61
2011	Sudan (SDN)	Norway (NOR)	103
2011	Sudan (SDN)	Canada (CAN)	15
2011	Sudan (SDN)	New Zealand (NZL)	6
2011	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	2
2011	Sudan (SDN)	Netherlands (NLD)	7
2012	Sudan (SDN)	United States of America (USA)	1,943
2012	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	96
2012	Sudan (SDN)	Australia (AUS)	146
2012	Sudan (SDN)	Norway (NOR)	27
2012	Sudan (SDN)	Canada (CAN)	43
2012	Sudan (SDN)	Netherlands (NLD)	10
2012	Sudan (SDN)	Sweden (SWE)	129
2012	Sudan (SDN)	New Zealand (NZL)	117
2013	Sudan (SDN)	Australia (AUS)	88
2013	Sudan (SDN)	Sweden (SWE)	75
2013	Sudan (SDN)	Canada (CAN)	191
2013	Sudan (SDN)	Norway (NOR)	17
2013	Sudan (SDN)	Netherlands (NLD)	10
2013	Sudan (SDN)	New Zealand (NZL)	4
2013	Sudan (SDN)	United States of America (USA)	2,223
2013	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	163

2014	Sudan (SDN)	Netherlands (NLD)	14
2014	Sudan (SDN)	Norway (NOR)	25
2014	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	1
2014	Sudan (SDN)	New Zealand (NZL)	3
2014	Sudan (SDN)	Sweden (SWE)	8
2014	Sudan (SDN)	United States of America (USA)	1,951
2014	Sudan (SDN)	Canada (CAN)	300
2015	Sudan (SDN)	Canada (CAN)	64
2015	Sudan (SDN)	United States of America (USA)	3,793
2015	Sudan (SDN)	New Zealand (NZL)	5
2015	Sudan (SDN)	Netherlands (NLD)	4
2015	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	136
2015	Sudan (SDN)	Australia (AUS)	12
2015	Sudan (SDN)	Norway (NOR)	21
2015	Sudan (SDN)	Sweden (SWE)	42
2016	Sudan (SDN)	Norway (NOR)	8
2016	Sudan (SDN)	New Zealand (NZL)	8
2016	Sudan (SDN)	Australia (AUS)	11
2016	Sudan (SDN)	Canada (CAN)	76
2016	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	222
2016	Sudan (SDN)	Sweden (SWE)	24
2016	Sudan (SDN)	United States of America (USA)	5,074
2017	Sudan (SDN)	United States of America (USA)	887
2017	Sudan (SDN)	Australia (AUS)	43
2017	Sudan (SDN)	Netherlands (NLD)	7

2017	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	460
2017	Sudan (SDN)	Sweden (SWE)	177
2018	Sudan (SDN)	Sweden (SWE)	254
2018	Sudan (SDN)	Canada (CAN)	604
2018	Sudan (SDN)	Netherlands (NLD)	118
2018	Sudan (SDN)	Australia (AUS)	7
2018	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	384
2018	Sudan (SDN)	Norway (NOR)	128
2018	Sudan (SDN)	United States of America (USA)	511
2019	Sudan (SDN)	Netherlands (NLD)	83
2019	Sudan (SDN)	Sweden (SWE)	231
2019	Sudan (SDN)	United States of America (USA)	58
2019	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	190
2019	Sudan (SDN)	Norway (NOR)	108
2019	Sudan (SDN)	Canada (CAN)	499
Total			**37,660**

Appendix 5: Contributions for the Kakuma Annual Programme by UNHCR and Partners for the Year 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 62.

Funds shown in United States Dollars			
SECTOR/OBJECTIVE	UNHCR BUDGET	PARTNER BUDGET	Total UNHCR AND PARTNER
Health	2,488,718	3,066,364	5,555,082
Nutrition	164,371	118,712	283,083
Water	857,969	200,000	1,057,969
Sanitation	994,844	80,000	1,074,844
Shelter and infrastructure	1,000,238	556,150	1,556,388
Provision of Energy	1,365,823	140,292	1,506,115
Basic and domestic items	1,300,596	-	1,300,596
Persons with Specific Needs	575,440	800,000	1,375,440
Education	3,275,816	2,462,589	5,738,405
Community mobilization	287,454	713,786	1,001,240
Peaceful co-existence/Host Community	145,322	417,575	562,897
Environment	92,155	-	92,155
Self-reliance and livelihoods	823,917	1,835,285	2,659,202
Voluntary return	278,378	-	278,378
Resettlement	11,391	-	11,391
Reception	82,343	-	82,343
Registration and Profiling	862,653	175,401	1,038,054
Refugee Status determination	216,303	67,112	283,415
Civil registration and civil status documentation	-	-	-
Legal assistance and legal remedies	269,763	64,088	333,851
Access to the territory improved/Non-Refoulement 12,017	12,017	-	12,017
Camp management and coordination	93,615	-	93,615
Logistics and Supply Chain Management	443,732	-	443,732
Operations management, coordination and support	1,737,113	118,944	1,856,057
Protection from crime strengthened	1,199,214	271,885	1,471,099
Sexual and Gender Based Violence	209,715	184,910	394,625

Child Protection	450,028	1,107,032	1,557,060
Total	**19,238,928**	**12,380,125**	**31,619,053**

Appendix 6: Kakuma List of Implementing Partners and Agencies for the Year 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 66.

IMPLEMENTING PARTNERS				
SN. PARTNER AGENCY	ACRONYMN	WEBSITE	SECTOR	LOCATION
1 Action Africa Help International Kenya	AAHI	http://www.action help.org/	Self-reliance and livelihoods	Kakuma
2 CARE International Sanitation & and Water	CARE K	http://www.care.o r.ke	Logistics, Education	Dadaab
3 Danish Refugee Council	DRC	http://drc.dk/relief -work/where-we-work/horn-ofafrica-and-yemen/Kenya	Volrep, Livelihoods, SGBV, Child Protection	Dadaab & Kakuma
4 Department of Refugee Affairs	DRA		Protection including Refugee Registration, Reception, Camp Management, Community mobilisation, Security	All Locations
5 Don Bosco, Kakuma, Kenya	DBK	http://dbdon.org	Vocational training	Kakuma
6 Fafi Integrated Development Association	FAIDA	http://faidakenya. org	Environment, Host Community Support, Energy	Dadaab
7 Film Aid International	FilmAid	http://filmaid.org	Information dissemination-SGBV, Health, Registration, Livelihoods, Community mobilisation	Kakuma
8 Francis Xavier Project	FXP	http://xavierproject.org	Education	Nairobi
9 Hebrew Immigrant Aid Society	HIAS	http://hiasafrica.org	SGBV, Persons with Specific Needs	Nairobi
10 Heshima Kenya	HK	http://heshimakenya.org/index.	Child Protection	Nairobi
11 International Rescue Committee	IRC	http://www.rescue .org	Health, Nutrition, RH, HIV, Protection	All Locations
12 Islamic Relief Worldwide (IRW)	IRW	http://islamicrelief kenya.org	Health, Nutrition, Education	Dadaab
13 Jesuit Refugee Services(JRS)	JRS	http://jrsea.org	Child protection, SGBV, Services for persons with specific needs	Kakuma
14 Kenya Red Cross Society	KRCS	http://www.kenya redcross.org	Health, Nutrition, SGBV, Water and Sanitation	Dadaab

15	Legal Advice Centre	LAC	http://www.kituoc hasheria.or.ke	Legal Aid, Protection monitoring	Nairobi
16	Lotus Kenya Action for Development Kenya	LOKADO		Host Community, Energy, Environment	Kakuma
17	Lutheran World Federation	LWF	http://www.luther anworld.org/conte nt	Community mobilisation, security, education, services for persons with specific needs, Child protection, Reception	Dadaab & Kakuma
18	National Council of Churches of Kenya	NCCK	http://www.ncck.o rg/	Shelter, Services for persons with specific needs, health, Reproductive health	All Locations
19	Norwegian Refugee Council	NRC	http://www.nrc.no /kenya	Sanitation, Water, Volrep, Livelihoods	Dadaab & Kakuma
20	Pastoralist Initiative for Development and Advocacy	PIDAD		Host Community, Energy, Environment	Dadaab
21	Peace Winds Japan	PWJ	http://peace-winds.org/en	Shelter and Infrastructure	Dadaab
22	Refugee Consortium of Kenya	RCK	http://www.rckke nya.org	Legal Aid, Protection monitoring, Detention, Advocacy	All Locations
23	Relief Reconstruction and Development Organisation	RRDO		Host Community, Energy, Environment	Dadaab
24	Save the Children	SCK	http://www.saveth echildren.net	Child Protection	Dadaab
25	Windle Charitable Trust	WCT	http://windle.org	Education	All Locations

Appendix 7: UN Agencies in Refugee Relief Work in Kakuma, 2016. Source: UNHCR Kenya Comprehensive Refugee Programme 2016, p. 68.

	Sn. Partner Agency	Website	Sector	Location
1	United Nations Children's Fund (UNICEF)	www.unicef.org	Education, Child Protection, Health, Water	All locations
2	United Nations Development Programme (UNDP)	www.undp.org	Development	Nairobi
3	United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)	www.unocha.org	Coordination	Nairobi
4	United Nations Populations Fund (UNFPA)	www.unfpa.org	SGBV	All locations
5	World Food Programme (WFP)	www.wfp.org	Food Security and Nutrition	Kakuma, Dadaab
6	UN Habitat	www.unhabitat.org	Spatial planning	Kakuma
7	UNOCHA Dadaab	www.unocha.org	Coordination	Kakuma
8	The World Bank	www.worldbank.org	Assessment & Development	Kakuma
9	FAO	www.fao.org		
10	UNOPS	www.unops.org		
11	IOM	www.iom.int		

Appendix 8: UNHCR'S Resettlement Programme 2004 – 2019. [622]

YEAR	COUNTRY OF ORIGIN	COUNTRY OF RESETTLEMENT	PERSONS
2004	Sudan (SDN)	Sweden (SWE)	90

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[622] IOM, "Refugee Resettlement Programme,"n.d,<http://kenya.iom.int/project/refugee-resettlement-programme#>, downloaded September 2019. These statistics represent both South Sudan and the Republic of Sudan. There is likelihood of inclusion of migrants from the Republic of Sudan who do not include Southerners. These are likely to be from Darfur, where there have been challenges since about 2004. However, the greater part of the conflict in Sudan over the timeline 2004 – 2011 when the two countries were separated was in what became South Sudan. It is our intelligent guess that any numbers from Sudan are likely to be negligible. The year 2004 has been selected as the starting point to coincide with the time the USA began airlifting the Lost Boys of Southern Sudan, discussed in Chapter Four.

2004	Sudan (SDN)	Norway (NOR)	20
2004	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	68
2004	Sudan (SDN)	Netherlands (NLD)	44
2004	Sudan (SDN)	United States of America (USA)	2,597
2004	Sudan (SDN)	Australia (AUS)	717
2004	Sudan (SDN)	Canada (CAN)	939
2005	Sudan (SDN)	Sweden (SWE)	54
2005	Sudan (SDN)	Norway (NOR)	37
2005	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	28
2005	Sudan (SDN)	New Zealand (NZL)	9
2005	Sudan (SDN)	United States of America (USA)	2,577
2005	Sudan (SDN)	Australia (AUS)	557
2005	Sudan (SDN)	Canada (CAN)	610
2005	Sudan (SDN)	Netherlands (NLD)	62
2006	Sudan (SDN)	Norway (NOR)	12
2006	Sudan (SDN)	Sweden (SWE)	27
2006	Sudan (SDN)	New Zealand (NZL)	5
2006	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	1
2006	Sudan (SDN)	United States of America (USA)	252

2006	Sudan (SDN)	Canada (CAN)	246
2007	Sudan (SDN)	Sweden (SWE)	9
2007	Sudan (SDN)	New Zealand (NZL)	6
2007	Sudan (SDN)	Norway (NOR)	9
2007	Sudan (SDN)	United States of America (USA)	278
2007	Sudan (SDN)	Australia (AUS)	96
2007	Sudan (SDN)	Canada (CAN)	198
2007	Sudan (SDN)	Netherlands (NLD)	3
2008	Sudan (SDN)	Australia (AUS)	83
2008	Sudan (SDN)	United States of America (USA)	611
2008	Sudan (SDN)	Sweden (SWE)	13
2008	Sudan (SDN)	Canada (CAN)	52
2008	Sudan (SDN)	New Zealand (NZL)	3
2009	Sudan (SDN)	United States of America (USA)	1,141
2009	Sudan (SDN)	Australia (AUS)	63
2009	Sudan (SDN)	Norway (NOR)	15
2009	Sudan (SDN)	Canada (CAN)	44
2009	Sudan (SDN)	Netherlands (NLD)	10
2009	Sudan (SDN)	Sweden (SWE)	37
2009	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	6

2009	Sudan (SDN)	New Zealand (NZL)	23
2010	Sudan (SDN)	United States of America (USA)	1,594
2010	Sudan (SDN)	Australia (AUS)	77
2010	Sudan (SDN)	Sweden (SWE)	10
2010	Sudan (SDN)	Canada (CAN)	47
2010	Sudan (SDN)	Netherlands (NLD)	8
2010	Sudan (SDN)	Norway (NOR)	20
2011	Sudan (SDN)	United States of America (USA)	2,171
2011	Sudan (SDN)	Sweden (SWE)	54
2011	Sudan (SDN)	Australia (AUS)	61
2011	Sudan (SDN)	Norway (NOR)	103
2011	Sudan (SDN)	Canada (CAN)	15
2011	Sudan (SDN)	New Zealand (NZL)	6
2011	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	2
2011	Sudan (SDN)	Netherlands (NLD)	7
2012	Sudan (SDN)	United States of America (USA)	1,943
2012	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	96
2012	Sudan (SDN)	Australia (AUS)	146
2012	Sudan (SDN)	Norway (NOR)	27

2012	Sudan (SDN)	Canada (CAN)	43
2012	Sudan (SDN)	Netherlands (NLD)	10
2012	Sudan (SDN)	Sweden (SWE)	129
2012	Sudan (SDN)	New Zealand (NZL)	117
2013	Sudan (SDN)	Australia (AUS)	88
2013	Sudan (SDN)	Sweden (SWE)	75
2013	Sudan (SDN)	Canada (CAN)	191
2013	Sudan (SDN)	Norway (NOR)	17
2013	Sudan (SDN)	Netherlands (NLD)	10
2013	Sudan (SDN)	New Zealand (NZL)	4
2013	Sudan (SDN)	United States of America (USA)	2,223
2013	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	163
2014	Sudan (SDN)	Netherlands (NLD)	14
2014	Sudan (SDN)	Norway (NOR)	25
2014	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	1
2014	Sudan (SDN)	New Zealand (NZL)	3
2014	Sudan (SDN)	Sweden (SWE)	8
2014	Sudan (SDN)	United States of America (USA)	1,951
2014	Sudan (SDN)	Canada (CAN)	300

2015	Sudan (SDN)	Canada (CAN)	64
2015	Sudan (SDN)	United States of America (USA)	3,793
2015	Sudan (SDN)	New Zealand (NZL)	5
2015	Sudan (SDN)	Netherlands (NLD)	4
2015	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	136
2015	Sudan (SDN)	Australia (AUS)	12
2015	Sudan (SDN)	Norway (NOR)	21
2015	Sudan (SDN)	Sweden (SWE)	42
2016	Sudan (SDN)	Norway (NOR)	8
2016	Sudan (SDN)	New Zealand (NZL)	8
2016	Sudan (SDN)	Australia (AUS)	11
2016	Sudan (SDN)	Canada (CAN)	76
2016	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	222
2016	Sudan (SDN)	Sweden (SWE)	24
2016	Sudan (SDN)	United States of America (USA)	5,074
2017	Sudan (SDN)	United States of America (USA)	887
2017	Sudan (SDN)	Australia (AUS)	43
2017	Sudan (SDN)	Netherlands (NLD)	7
2017	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	460

2017	Sudan (SDN)	Sweden (SWE)	177
2018	Sudan (SDN)	Sweden (SWE)	254
2018	Sudan (SDN)	Canada (CAN)	604
2018	Sudan (SDN)	Netherlands (NLD)	118
2018	Sudan (SDN)	Australia (AUS)	7
2018	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	384
2018	Sudan (SDN)	Norway (NOR)	128
2018	Sudan (SDN)	United States of America (USA)	511
2019	Sudan (SDN)	Netherlands (NLD)	83
2019	Sudan (SDN)	Sweden (SWE)	231
2019	Sudan (SDN)	United States of America (USA)	58
2019	Sudan (SDN)	United Kingdom of Great Britain and Northern Ireland (GBR)	190
2019	Sudan (SDN)	Norway (NOR)	108
2019	Sudan (SDN)	Canada (CAN)	499
Total			**37,660**

Appendix 9: Permissions to Undertake Research and to Access the Field

OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR & CO-ORDINATION OF NATIONAL GOVERNMENT

REFUGEE AFFAIRS SECRETARIAT (RAS) - KAKUMA

Website: www.refugees.go.ke
E-mail: refugee.affairs@kenya.go.ke.com
Tel: +254-020-2093675
Fax: +254-020-8047923
When replying please quote:
KKM/RAS/ADM/VOL 04.

Refugee Affairs Secretariat
P.O. Box 57-30501
Kakuma, Kenya

7ᵗʰ June, 2019

TO WHOM IT MAY CONCERN,

<u>RE: AUTHORIZATION TO VISIT KAKUMA REFUGEE CAMP.</u>

Your request is here refer;-

Permission is here granted to the persons indicated below from **KENYA**. The purpose of the visit is **carry out research on "Forced Migration and the Dialectic of Home and Exile"** in **Kakuma Camps** and **Kalobeyei Settlement.** They will be in the camp as from 7ᵗʰ **June** to 30ᵗʰ **November, 2019** time not exceeding 1800hrs.

NO	NAME	ID/PASSPORT	NATIONALITY
1.	BARRACK MULUKA	A1838463	KENYAN
2.	ANDREAS WAFULA	25189139	KENYAN
3.	LORNA KOMBA	24293532	KENYAN

However, you are required to adhere to the regulation of the camp during the visit.

Kind regards,

KASILI MUTAMBO
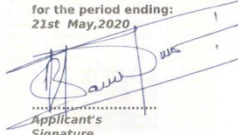CAMP MANAGER- KAKUMA CAMPS AND KALOBEYEI SETTLEMENT

Appendix 10: Research Permit

THIS IS TO CERTIFY THAT:
MR. BARACK OKWARO MULUKA
of LEICESTER UNIVERSITY , 63050-200
NAIROBI,has been permitted to conduct
research in *Turkana County*

on the topic: *FORCED MIGRATION AND THE DIALECTIC OF HOME AND EXILE: THE CASE OF SOUTH SUDANESE REFUGEES IN KAKUMA AND KALOBEYEI REFUGEE CAMPS IN KENYA 1969 - 2017*

for the period ending:
21st May,2020

....
Applicant's
Signature

Permit No : NACOSTI/P/19/72175/30466
Date Of Issue : 21st May,2019
Fee Recieved :Ksh 2000

....
Director General
National Commission for Science,
Technology & Innovation

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

CONDITIONS

1. The License is valid for the proposed research, location and specified period.
2. The License and any rights thereunder are non-transferable.
3. The Licensee shall inform the County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

National Commission for Science, Technology and innovation
P.O. Box 30623 - 00100, Nairobi, Kenya
TEL: 020 400 7000, 0713 788787, 0735 404245
Email: dg@nacosti.go.ke, registry@nacosti.go.ke
Website: www.nacosti.go.ke

REPUBLIC OF KENYA

NACOSTI

National Commission for Science, Technology and Innovation

RESEARCH LICENSE

Serial No.A 24666

CONDITIONS: see back page

Appendix 11:

OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL
GOVERNMENT

REFUGEE AFFAIRS SECRETARIAT

Website: www.refugees.go.ke
E-mail: refugeeaffairs@kenya.go.ke
Tel:+254 020-434-348-143/5
When replying please quote:

Castle House, James Gichuru Rd
P.O. Box 42227 -00100
Nairobi, Kenya

RAS/OPER./2/22/Vol.V111 (12)   **29th May, 2019**

Barrack Muluka
P.o Box 63050
NAIROBI.

RE: AUTHORIZATION TO VISIT KAKUMA REFUGEE CAMP

We refer to your letter dated 24th May 2019 regarding the above subject.

Authority has been granted to

NO	NAME	NATIONALITY	PASSPORT NO/ID
1	Barrack Muluka	Kenyan	A1838463
2	Andreas Wafula	Kenyan	25189139
3	Lorna Komba	Kenyan	24293532

To visit Kakuma refugee camp from the period of 1st June -30th November 2019.
The purpose of this letter is to carry out research work at the camp.

On arrival, you are advised to report to the **Camp Manager** before transacting any business in the camp.

ODARI M. DIANA
For: **COMMISSIONER FOR REFUGEE AFFAIRS**

Copy to: Camp Manager
          Kakuma Refugee Camp

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Appendix 12: List of Respondents

Kakuma [DINKA] 07 JUNE 1919

1. Achol Thon
2. Jeremiah Oketch [Anonymized]
3. Elizabeth [Other: Anonymized]
4. Andria Muakol
5. Ajah Miakol
6. Deng Amol
7. Yar Manyok

Kakuma 08 [DINKA]: JUNE 1919

8. Matiop Deng
9. Abuot Ayuel
10. Paska Knight
11. Bul Kur
12. Auger Dau
13. Yak Deng
14. John Deng Thuch Duot

Kakuma 09 [DINKA]: JUNE 1919

15. Abraham Akech
16. Risper Adongo [Anonymous]
17. Akur Bol
18. Martha Aluel
19. Adau Kuol
20. Lual- lady Adut
21. Riak Deng Ayiek
22. Malong Deng

Kakuma [DINKA]: 10 JUNE 1919

23. Awak Deu Diing
24. Akon Bol Deu
25. Mary Moses Muras
26. Amar Gula
27. Akech Amal Ayol
28. 28.Samria David
29. Achol Thong Deng

Kakuma [NUER]: 11 JUNE 1919

30. Amuo Dut Kulang

31. Aluat Rech Agok
32. Rebecca Adit Dong,
33. Khot Yien Nyuot
34. Thoan [Other]
35. Ruach Reeth Thor,
36. Nyamuch Wal

Kakuma [NUER]: 12 JUNE 1919

37. Nyater Yien Nyuon
38. Nyawal Gatwech
39. Jacob Monychol Chol
40. Jacob Deng Biar
41. Sarah Achol Piot
42. Abui Chebany

Kakuma [DINKA] 13 JUNE 1919

43. Pascal Manaseh
44. John Mading Deng
45. Aguelek Manase Wal
46. Elizabeth Joseph Deng
47. Manase Lual Bul
48. Jacob Madol Mayom
49. Francis Paluk Monychol
50. Simon Kuer Ghak

Kakuma [DINKA] 14 JUNE 1919

51. Dieu Mialou Deng
52. Alith Choul Riak
53. David Dut Anguernguer
54. Kuel Deng Awoul
55. Martha Dut Kockedhia
56. Rebecca Nyabany Lem
57. Thongdiar Mayol
58. Yar Pachong Maluat

Kakuma [NUER]: 15 JUNE 2019

59. Susan Adut
60. Awel Deng Makech

61. Mayiel Puoy
62. Nyanchchiew Chuol Tut
63. Gattuoch Chuol Joak
64. Taidor Peter
65. Rebecca Nyamuon Mathot
66. Nyawow John Nyuol

Kakuma [EQUATORIA]: 16 JUNE 2019

67. Luka Lomen Simon
68. Lujan Moses Francis
69. Cecilia Obele
70. Peter Luka
71. Cecilia Naboi Agto
72. Mikileta Obiro Oreso
73. Peter Irio
74. Lilian Samiya Oguarro

Kakuma [EQUATORIA]: 20 JUNE 2019

75. Gordon Dak Par
76. Puot Mutat Thak
77. Puot Mutat Thak
78. Geet Dor Puok
79. George Madiet
80. George Madiet
81. Simon Gatuk Kuol

Kalobeyei [DINKA]: 21 JUNE, 2019

82. Wat Guol Dhiok
83. Nyamal Lual Jal
84. Nyajung Chuol Mut
85. Kalong Moses
86. Pauline Ariembo
87. Lucia Nyunyu
88. Gabriel Lokudu
89. Satiro Odua Elia

Kakuma [DINKA] 24 JUNE 2019

90. Henry Thwalem
91. John Vajok
92. Leone Ewak Ohide

93. Esther Ekidor [Anonymous]
94. Anyango Jakaria
95. Anna Achienga
96. Mariko Oral Lokuang'
97. Orach David
98. Joseph Adelino

Kakuma [Dinka]: 25 JUNE 2019

99. Joseph Orifa
100. Clement Simon Lonang
101. Abura James
102. Joseph Garang
103. Albino Sokialang
104. Simon Mawa
105. Aweng Chuol
106. John Mading
107. John Majok [Anonymous]

Kakuma [Nuer] 26 JUNE 2019

108. Nyibol Diing Alen
109. David Afuho
110. Darios Lubarak
111. Cecilia Agto
112. David Afuho
113. Darius Lubag
114. Majok Dau
115. Garang Biar
116. Isaac Majok

Kakuma [DINKA] 22 JUNE, 2019

117. Maketh Atem
118. Chol Khot Ajak
119. Ajak Chol
120. Majok Chol
121. Philip Majong
122. Mjok Kuol
123. Duol Ker
124. Nyachot Maloak
125. Puol Them

Kalobeyei [Equatoria] 21 JUNE, 2019

126. Nyawrgak Koang
127. Elizabeth Nychot Long
128. Agostinoh Loro
129. Mark Athuok
130. James Ayem Garang
131. Charles Oliwa
132. Kamerino Ochieng
133. Lomude Sachariah

KALOBEYEI [Equatoria]: 19 JUNE 2019

134. Kilama Richard
135. Satiro Odwa Elia
136. Orach David
137. Orera Joseph Jinaro
138. Abuna James Sab
139. John Garang Aliar
140. Albino Sokialang
141. Olima Michael Ogima
142. Patrick Akhsante

Kalobeyei [Equatoria]: 21 June 2019

143. Samson Mawa
144. Clement Simon Long'a
145. Joseph Armathau

Others

1. Lutheran World Federation (LWF) – 2 officials **[Kakuma 3 JULY 2019]**

2. Tayyar Sukur Cansizoghu, Head of Sub-Office, UNHCR **[Kakuma 8 JUNE & 17 JUNE 2019]**

3. Col (Rtd) Kasili Mutambo, Camp Manager, Kakuma & Kalobeyei Settlement (Refugee Affairs Secretariat – RAS). **[Kakuma 8 JUNE & 17 JUNE 2019]**

4. International Organization for Migration (IOM) – 2 officials. **[09 JUNE 2019, 16 JUNE 2019, 20 JUNE 2019, 6 AUGUST 2019]**

Focus Group Discussion 1: Kakuma [17 JUNE 2019].

1. George Madiet
2. Timothy Khor
3. Gordon Dak Par
4. Simon Gatgiek,
5. Watgul Dhiok.
6. Elizabeth Nyagung Chuol

Focus Group Discussion 2 : Kakuma [Equatoria] Kakuma 17 JUNE 1919

1. Rose Kim Kai
2. Puot Thak
3. Timothy Khor
4. Peter Kon
5. Simon Gatgiek
6. Timothy Khor
7. Rose Kim Kai

Focus Group Discussion 3 KALOBEYEI, Nuer: Kakuma [18 JUNE 2019].

1. Sebet Joseph
2. Sebi Chuol, 19
3. Emmanuel Sebi 19
4. Regina Nyarebi
5. Emanuel Paul [Anonymous]
6. Kim Dan
7. Imelda Stephen
8. Rita Oyai
9. Regina Nyarebi
10. Emmanuel Sebi

Focus Group Discussion 4: Kakuma [19 JUNE 2019].

1. Regina Nyarebi
2. Sebet Joseph
3. Regina Nyarebi
4. Sebi Chuol

5. Regina Nyarebi
6. Imelda Stephen
7. Kim Dan

Focus Group Discussion 5: with Women, Kalobeyei: [19 JUNE 2019].

1. Mary Amani
2. Aisha Dudu
3. Asunta Inyawo
4. Sabina Achola
5. Regina Ekesa
6. Joska Anyik
7. Christine Nadai
8. Aisha Dudu

Focus Group Discussion 6: Kalobeyei 2: [20, JUNE 2019]

1. Moses Kalong
2. Pauline Ariembo
3. Lodin Francis
4. Nixon Manaseh Lubang
5. Lodin Francis
6. Nixon Manaseh
7. Gabriel Lokodu
8. Lucia Nyunyu

Focus Group Discussion 7: Kalobeyei Village 3: [21 JUNE 2019]
1. David Orach
2. Orifa Joseph
3. Clement Simon Lonang
4. Albino Sokialang
5. Satiro Odwa Elia
6. Josef Adelinob

Focus Group Discussion 8: Kalobeyei 1: 10 JULY 2019].

1. Joch Madit
2. Timothy Kor

3. Eliabeth Nyajung

4. Johannes Kirwor

5. Simon Gat Gik

6. Kim Kai

7. Rose [Another]

8. Pot Mathai Thak

Focus Group Discussion 9: Kakuma 4 [10 JULY 2019].

1. Regina Nyarebi

2. Sebi Chuol

3. Immanuel Sebit

4. Manasseh Peter

5. Imelda Stephen

6. Kim Dan

7. Rita Oyai

8. Sebit Joseph

9. Jokino Along

Focus Group discussion 10: Kalobeyei 2 [11 JULY 2019].

1. Yawa Jendi

2. Nyambara Juma

3. Magdalena Selwa

4. Chagun Peter

5. Achiab Waji Oku

6. Loding Francis

7. Kolong Moses

8. Pauline Ariembo

9. Lucia Lunyu