

POST CONFLICT ERA: CHALLENGES ENCOUNTERED BY RETURNEES
A CASE STUDY OF KAJO KEJI COUNTY, SOUTH SUDAN

BY

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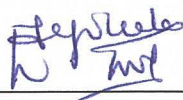
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Declaration

"I declare that this thesis is the work of Lejukole Noel Marle alone, except where due acknowledgement is made in the text. It does not include materials for which any other university degree or diploma has been awarded."

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Research Approval

"I certify that I have supervised and read this study and that in my opinion, it conforms to acceptance standards of scholarly presentation and is fully adequate in scope and quality as a dissertation in partial fulfillment for the award of Degree of Bachelor of Laws of Kampala International University,"

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Acknowledgement

There is, indeed, time for everything as the book Ecclesiastics says. There was that time when I joined the University and hoped, one day, to leave at the end of my course; that time indeed has come. The saying that 'no man is an island' is truly manifested in my long journey to accomplishing this report.

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Abstract

The report sets out the findings of a study to answer three specific research questions: ascertaining the factor that influence the decisions of refugees to return, exploring the obstacles to voluntary return, and exploring whether return to village of origin offers a sustainable durable solution to internal displacement. The research was conducted in *Kajo Keji* County in South Sudan. The study used both quantitative and qualitative methods for data collection.

Findings from this research found out relative peace and security, poor living conditions in the camps coupled with very high cost of living in the camps were found to have substantial influence on the decision of Refugees to return.

Secondly, with the exception of presence or number of dependants and vulnerability status, individual attributes such as sex, age, and marital status do not significantly influence decision to return.

Thirdly, policies on provision of humanitarian assistance, distribution of return packages, and declaration of freedom of movement, and approach adopted by Government to resolve the 22 years of conflict were found to have significant influence over return decisions.

The research reveals that all the factors that influence decision to return have both enhancing and constraining effects. The research also revealed several factors that hinder the sustainability of this durable solution. These include; poor access to basic public services particularly safe water and health services, food insecurity, and high level of income poverty further threatens the sustainability of return.

The research offered key recommendations to both policymakers and practitioners. These include: improve community security and access to justice, adopt a strategic transition from assistance to recovery and development, provide return package to extremely vulnerable individuals and improve access to basic public services.

LIST OF STATUTES

Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons 1989

Interim Constitution of the Government of South Sudan 2005

Cartagena Declaration on Refugees 1984

Convention Relating to the Status of Refugees 1951

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa 1969

Resolution 1994/24 of the UN Sub-Commission on the Prevention of Discrimination and Prevention of Minorities

Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR)

Universal Declaration of Human Rights 1948

Vienna Declaration and Programme of Action 1993

LIST OF ACRONYMS

CIREFC	International Conference on Central American Refugees
CPA	Comprehensive Peace Agreement
EVI	Extremely vulnerable individuals
FGD	Focus Group Discussion
IGAD	Inter Governmental Agency for Development
LRA	Lord's Resistance Movement
NGOs	Non Governmental Organizations
OAU	Organization of African Unity
PWD	People with disability
SPLA	Sudan People Liberation Army
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nation High Commission for Refugees

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CHAPTER ONE

INTRODUCTION

1.1 Background of the study

Kajo Keji is a County and town in Central Equatoria in South Sudan. The name *Kajo Keji* comes from two words "*Kajok*" which means calves and "*Keji*" which means kraal. It covers an area of approximately 112,599 square kilometers and borders the north-western districts of Uganda. Home of the Bari-speaking *Kuku*, *Kajo Keji*, is bounded to the west, north and east respectively by *Yei*, *Juba* and *Magwi* counties, and Uganda to the south. It has five payams, *Kangapo I*, *Kangapo II*, *Lire*, *Liwolo*, and *Nyepo*. Originally the *Kuku* people of the Kukuland call the *Kuku* country "*Kuku*". However, when the British colonialist came in the 1900s they met the *Kuku* rain chief *Kajokeji* and so they began to call the *Kuku* country *Kajo Keji* after the name of the chief. The indigenous people of *Kajo-Keji* County are mostly *Kuku* and are interspersed with *Dinka*, *Muru*, *Kakwa*, *Madi* and *Acholi*. Due to its proximity to Uganda *Kajo keji* was home to many internally displaced Southern Sudanese who were displaced by the civil War that ended in 2005.

This community has borne the consequences of numerous conflicts: civil war (1955-72, 1983-2005), local disputes, and northern Uganda's troubles. Their effects are very visible and limit socio-economic and political activity. An indicator of instability, population figures for the county range from 135,000 to 260,000.¹ In January 1990, *Kajo Keji* fell to the *SPLA* and remained under its control until June 11, 1994 when government forces recaptured it. On March 24, 1997, *SPLA* forces overran the county again. The frontline solidified 48 kilometers north of *Kajo Keji* town.

¹ These figures are 2000 and 2007 SRRC figures. Intermediate figures are 147,421 (Doerring 2003), 150,000 (WHO 2002) and 177,367 (WHO 2001).

These cataclysmic events led many to flee to Uganda's *Moyo* and *Adjumani* Districts, even though fighting ceased in 2000. Fearing landmines and renewed fighting, much of *Kajo Keji*'s population chose to remain in exile rather than face limited opportunities at home. Suspicious of both Khartoum and the *SPLA*, returnees often preferred to settle in remote villages. As a result, *Kajo Keji* town remains sparsely populated.² Uganda's rebel *Lord's Resistance Army (LRA)* brought new problems. Refugee camps around *Adjumani* suffered great losses of life and property in *LRA* raids in 2000. As attacks intensified, the Kuku began to flood home in April 2004.³

With the signing of the *CPA* on the 9th January 2005 *Kajo Keji* saw remarkable number of returnees to their place of origin with the facilitation of *UNHCR*. More so people have started flooding home following the historic 9th January 2011 *Referendum* that separated south from north. The January 9th referendum in Sudan was a key part of the Comprehensive Peace Agreement that ended the two decades of civil war in the southern part of Sudan. The referendum was preceded by a presidential and parliamentary general election that was held in April 2010.

But the influx of people eagerly returning to an independent homeland places a strain on the local infrastructure that already lacks enough schools and health facilities. The aim of this research, therefore, is to identify the challenges the returnees face and find a solution.

² RANDALL FEGLEY, *Local Needs and Agency Conflict: A Case Study of Kajo Keji County, Sudan*

³ Goudstikker.

1.2 Statement of the Problem

The aspect of voluntary return is considered as one of the three options to durable solution to refugee crisis. However, there have been relatively few empirical researches amongst returnees to examine the factors influencing the decision to return and to assess whether return to villages of origin offers sustainable durable solution to internal displacement. Therefore, there is a big knowledge gap in this field especially among the internally displaced persons which this research explored in order to inform policy and practices geared towards enhancing sustainable voluntary return.

1.3 Research Objectives

1.3.1 General objective

To explore on the process of the voluntary return of the Refugees in *Kajo Keji* County.

1.3.2 Specific Objectives

1. To ascertain the factors that influence the decisions of refugees to return.
2. To explore the obstacles that the potential returnees face in implementing their decision to return.
3. To explore whether return to villages of origin offer a sustainable durable solution to refugee crisis.

1.4 Research Questions

1. What are the factors that influence the decision of refugees to return?
2. What are the obstacles that the potential returnees face in implementing their decision to return?
3. To what extent does return to villages of origin offer a sustainable durable solution to refugee crisis.

1.5 Scope of the study

The study was conducted in Kajo keji County in South Sudan. Twenty villages were selected for the study from all the five Payams. The participants comprised former refugees (youth above 18 years, household heads and the extremely vulnerable individuals, above 60 years old) who have already returned to their villages of origin. Key stakeholders comprising of government representative, United Nations, and international NGOs actively supporting refugee return in Kajo Keji County were also interviewed.

The study conducted covered between 2005 and 2011 when the *CPA* between the *Government of the Republic of Sudan* and the *SPLA* generated a lot of optimism for the refugees to return to their villages of origin. The actual data collection was done in April 2011.

1.6 Definition of key terms

Focus Group Discussions: This is a data collection technique that works with a small group of selected people (usually 8-10 people) to generate in-depth information on a particular topic. In this research FGD is used to cross-check information obtained through individual interviews and key informant interviews.

Key informants: refers to individuals who have particular knowledge on a topic of interest.

Return: in the context of refugee, to return means going back home or to place of habitual residence usually after a prolonged period of displacement.

A *returnee* is a refugee who has returned to his or her home country.⁴ A returnee is also defined to mean someone who comes back or returns, especially to one's own country or region. The majority of refugees prefer to return home as soon as it is safe to do so, after a conflict and the country is being rebuilt.⁵

Village of return: Refers to original homes or place of habitual residence for the internally displaced persons.

Voluntary return: Refers to refugees who return to his or her home or place of habitual residence freely without force, coercion or threat.

1.7 Literature Review

1.7.1 Introduction

Article 1C of the *Convention Relating to the Status of Refugees 1951* provides that the status of a refugee shall be revoked if he has voluntarily re-availed himself of the

⁴http://www.unrefugees.org/site/c.lf1QKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm

⁵en.wiktionary.org/wiki/returnee

protection of the country of his nationality or has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution. An analogy of the above provision defines a returnee as one whose refugee status has been revoked.

Conflict is as a result of complex processes and deep historical roots and constitutes the greatest barrier to economic and social development. Africa has contributed more than its fair share to the 20th century's warfare. Of the 48 genocides and 'politicides' registered throughout the world between 1945 and 1995, an estimated eight million people were killed in Africa as a direct result of war⁶. An estimated one hundred and sixty million people have lost their lives as a result of war, genocide and state killings since World War One⁷. These statistics underscore the need to effectively analyze conflicts or potential violent conflicts with a view to channel them along non violent trajectories and thus conflict transformation.

The conflicts in Africa are protracted in nature and arise from its tendency to fragment into hostile entities and factions. Historically Africa was fragmented by European powers through the Berlin Conference where the nation states created ignored cultural and linguistic characteristics of the African peoples and societies. The second internal fragmentation occurred within colonial territories when colonial powers divided and bordered communities into 'tribes' for administrative purposes and to advance the

⁶ Reyhler L. "Conflicts in Africa – The Issues of Control and Prevention" in Report of the Commission on Africa Regions in Crisis, *Conflicts in Africa: An Analysis of Crisis and Crisis Prevention Measures* (Brussels; European Institute of Research and Information on Peace and Security, 1997) Pg 17

⁷ *Newsweek International*, December 7th 1998

'divide and rule' policy.⁸ In the post colonial period African political and economic elites have relied on ethnic blocs to retain power. Such manipulation has heightened identities and ethnic conflicts. Such conflicts are further exacerbated by struggle over scarce land and water resources.

The process of fragmentation has led to four main types of conflicts on the basis of level and state involvement. The first type of conflict is found at the community level. It is a struggle over resources and the state may be partisan to one community, remain uninvolved or mediate in the conflict. The second level of conflict is intra state conflict where one community may be in conflict with the centre. The third type of conflict is the interstate conflict rooted in arbitrarily set colonial boundaries that bedevils the region.

Conflict is frequently labeled as religious and ethnic and which is political in nature.⁹ At intra state level rebels challenge state power, warlordism as a phenomenon emerges and a region experienced through interstate war, border clashes especially in pastoralist areas and mutual aid to rebels.¹⁰ At the apex is the fourth type of conflict which is

⁸Nabudere Dani 'The Role of Intellectuals and Integration in the IGAD Region (Nairobi, Heinrich Boll Foundation, 2006) pp 66-88: 79

⁹ Samatar A. I. *The State and Rural Transformation in Northern Somalia* (Madison, University of Wisconsin Press, 1989) Fukui K and Markakis J (eds) *Ethnicity and Conflict in the Horn of Africa* (Athens, Ohio University Press, 1994), Doornboos M, Cliff L, Ahmed A, Markakis J, *Beyond Conflict in the Horn* (Trenton, The Red Sea Press 1992), and Woodward P, *The Horn of Africa: State Politics and International Relations*, (London, IB Tauris Publishers, 1996)

¹⁰ Touval S, *The Boundary Politics of Independent Africa* (Cambridge, Harvard University Press, 1972) Woodward P and Forsyth M. *Conflicts and Peace in the Horn of Africa: Federalism and its alternatives* (Brookfield, Dartmouth Publishing Company, 1994)

regional. Local and national conflicts evolve into regional realities creating a complex conflict system. Regional conflict is fuelled by elite competition and particular regimes political instability and insecurity. The principal catalyst that facilitates this transformation from local and national conflicts into regional conflicts is the absence of accountable systems of government at national level.¹¹ There is an intricate interconnectedness of internal and external factors in regional and continental conflicts¹² and yet there is a tendency to view interstate conflict as being replaced by intrastate conflict.

Conflict leads to mass population movements, and during conflict situations families usually flee the violence as individual members or groups and in the aftermath of the conflict it is assumed that the families are happy to return to their countries of origin and rebuild their lives. However there are many instances where refugees and internally displaced persons are unwilling to return because the area is still experiencing conflict and the host government forces them to return. They fear problems of integration in the family and the community, and after long periods in exile they may be unwilling to return and start again or they may continue to associate their home area with suffering and trauma.¹³

¹¹Khadiagala G. 'African Foreign Policy' American Political Science Review 3, 1993 pp 767-768)

¹²Cliff L, 'Regional Dimensions of Conflict in the Horn of Africa' Third World Quarterly 20, 1999 pp 89-112) Ayooob M, The Third World Security Predicament: State Making, Regional Conflict and the International Systems (Boulder, Lynne Reinne, 1995) Abbink J, 'Ethiopia-Eritrea: Proxy Wars and Prospects for Peace in the Horn of Africa', Journal of Contemporary African Studies, 21, 3, 2003 pp 409 – 425)

¹³ Rogge J, "Repatriation of Refugees" in Allen T and Morsink H (eds) *When Refugees Return Home*, (London, James Currey Limited, 1994) pp 14-50: 14

In Africa the colonial and early post colonial wars have come to an end and refugees from these wars have since returned. Today however other sets of causes like political repression and persecution, ideological and ethnic conflicts, secessionism, economic oppression, and ecological disasters are responsible for the flight of the current refugees. Recent events in Libya and Ivory Coast leave a lot to be desired to create a peaceful planet earth.

The *Organization of African Unity (OAU)* specifically recognized the humanitarian category of refugees through recognizing the victims of wars, famine, communal violence and other social and ecological upheavals in the *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*.¹⁴

According to *Emma Laura Awino Oketch*¹⁵ durable solutions to the refugee problem have been identified as repatriation, local integration and settlement and resettlement to third countries of permanent asylum. Other solutions that are temporary include the protracted restriction of refugees to camps where they are in conditions of dependency, the forced return of refugees to their countries of origin and finally refugees in orbit – where trying to find their own durable solution to their problem drift from country to country trying to acquire residence status by one potential asylum state after another.

In Africa repatriation, refugee camps and refugees in orbit are most common. However because of the changing nature and causes of refugee movements in parts of Africa

¹⁴ It was adopted by the OAU Assembly of Heads of State and Government in Addis Ababa on 10th September 1969

¹⁵ *Emma Laura Awino, Oketch Refugees and Returnees and Family Integration: A Crisis of Expectations*, 2007

there is a mounting specter that a significant proportion of its refugee population is unlikely to return to their countries of origin. Thus several states are in the process of becoming countries of permanent asylum. A great majority of African asylum states during the 1960s and the 1970s viewed their acceptance of refugees as a temporary phenomenon and as an expression of solidarity especially from countries engaged during the anti colonial wars. Indeed the acceptance of refugees was not to be viewed as an act of hostility towards the neighboring country of origin.¹⁶

Until recently few refugees saw their position as permanent. Many crossed over into neighboring countries trying to avoid the conflict but increasingly hoping to return as soon as some peace was established. Few envisaged living for decades in exile, bringing their children up in alien cultures or never seeing their ancestral lands. Some on the other hand never wish to return, even if the opportunity presents itself. Some undergo cultural and social transformations, becoming urbanized, joining insurgency movements and/or adopting anti social or criminal lifestyles to survive. All these conditions complicate any attempt to return to traditional agrarian economies and societies from which the majority originates. Repatriations remain the ideal solution to their dilemma as refugees but the process of returning home creates anxieties and crises of expectations.

The International community has been consistent in considering repatriation as the solution to refugee problem. One manifestation of this has been the relatively limited response of western countries to the resettlement of refugees in their countries. In

¹⁶Weis, P, 'The Convention of the OAU Governing Specific Aspects of the Refugee Problem in Africa' *Journal on Human Rights*, Vol.3, 1970, pp 464-490

countries of asylum when the number of refugees are low and there is little possibility of return then local integration and settlement are the available solutions. When the numbers are high and resources constrained and social and political tensions are exacerbated by refugee presence, opposition to local integration leads to the option of repatriation. In such a case repatriation may not be voluntary but forced due to the local political situation.

Repatriation is the most preferred solution but it is assumed that the return of refugees to their country of origin is natural or problem free. The research literature on repatriation is thin and has emphasized legal and political parameters or return movements or the logistics of mass return.

Throughout history most refugee movements have resulted in permanent exile of the displaced populations,¹⁷ however there have been significant repatriations. The most detailed evaluation of reparations in terms of political and legal conditions which facilitated them is found in a study prepared by *UNHCR's* Round Table on Repatriations at San Remo in 1985.¹⁸ The study however did not question the manner, in which refugees were repatriated, their diverse experiences in reintegration in their home areas and within the family and the community. Recent studies¹⁹ also show that

¹⁷ Norwood, F.A, *Strangers and Exiles: A History of Religious Refugees*, (Nashville, Abingdon Press, 1969), Simpson, J.H, *The Refugee Question: Report of a Survey*, (London, Oxford University Press, 1939) and Proudfoot, M.J, *European Refugees 1939-1952: A Study of Forced Migration*, (Evanston, Northwestern University Press, 1956)

¹⁸ Coles, G, *Voluntary Repatriation: A background Study*, A Report for UNHCR Round Table on Voluntary Repatriation, (International Institute on Humanitarian Law, San Remo, 1985)

¹⁹ Rogge J.R and Akol J.O, 'Repatriation: it's Role in Resolving Africa's Refugees Dilemma' *International Migration Review*, Vol. 22(2) 1989, pp 184-200

repatriation is not problem- free and there is need to facilitate repatriation and reintegration in countries of origin. Post return surveys have rarely been undertaken and it is still unclear as to where the agency mandate and responsibility for refugees ends.

It has been recognized that spontaneous repatriations are often on a much greater scale (up to ten times greater) than organized repatriation under the *UNHCR*.²⁰ This means that more refugees return spontaneously without any assistance to their countries of origin and thus face serious problems.

Repatriations can thus take many different forms in terms of degree of voluntariness, level of assistance provided, receptiveness to the returnees and their subsequent success in re- establishing and reintegrating themselves upon return to their countries of origin.

1.7.2 Rights of returnees

Article 31 of the *Interim Constitution of South Sudan* emphatically gives the right to ever citizen to have the right to freedom of movement and the liberty to choose his or her residence in Southern Sudan. Clause (2) thereto provides that “Every citizen shall have the right to leave and or return to Southern Sudan”

The above provision is in tandem with the right or desire *to return*. It is assumed that having the status of refugee is temporary and there is a desire to return home/to the

²⁰ Coles, G, *Voluntary Repatriation: A background Study*, A Report for UNHCR Round Table on Voluntary Repatriation, (International Institute on Humanitarian Law, San Remo,1985)

country of origin. This may not be the case because the desire to return is a reflection of how refugees identify themselves vis-à-vis their home areas.

1.7.3 The desire to return

Kunz²¹ identified three categories of refugees. Many refugees fall within this first category and are known as majority identified refugees who would like to return home when the conditions that led to their flight are removed. The second category of refugees is known as events related refugees. These refugees feel alienated from their home areas and discriminated against and may not be willing to return especially if the conditions and structures at home have not been revolutionalized. Good examples of refugees in this category are the Rwandan and Burundian refugees in Tanzania. The last category is the self exiled refugees who are in exile due to individually held beliefs and philosophies. They alienate themselves rather than the society alienating them and are least likely to return.

Other reasons that are likely to affect the desire of return are the level of integration in the host country, the political and social environment at home, economic factors and length of time in exile. The host government may use passive measure to induce refugees to return to countries of origin by limiting services, restricting income generating activities and freedom of movement.

²¹ Kunz, E. F, 'Exile and Resettlement: Refugee Theory,' *International Migration Review*, Vol. 15, 1981, pp 42-51

On the other hand if refugees are well integrated and making valuable contribution to the economy then the host government may actively encourage refugees to remain. If the government in the country of origin that led to the situation of conflict and mass population movements is removed then refugees may have the desire to return.

Due to the time lag many refugees may not wait for governments and agencies to put programmes and processes in place and may return earlier. This may be because they want to return first and lay claim to their land or other peoples land so as to be at an advantage economically. Others may want to return earlier so as to avoid the stigma related with the returning wave of refugees.

The desire to return should also be seen in tandem with those who are receiving the refugees. At the time of return, refugees and soldiers can face a variety of challenges in re-entering their families and communities. The fantasies and desire to return and realities of homecoming can be distressing.²² Families themselves have been stressed and experienced problems as a result of the deployment of soldiers in situations of conflict and war.²³ Often partners who were left at home have made role adjustments while the refugee was away, and these need to be renegotiated

²² Yerkes, S. A., and Holloway, H. C. 'War and homecomings: The stressors of War and of Returning From War.' In Ursano R.J and Norwood A (Eds.), *Emotional Aftermath of the Persian Gulf War: Veterans, Families, Communities, and Nations* (Washington, DC: American Psychiatric Press,1996) pp25-42

²³ Norwood, A. E., Fullerton, C. S., & Hagen, K. P. 'Those left behind: Military families.' In Ursano R.J and Norwood A (Eds.), *Emotional Aftermath of the Persian Gulf War: Veterans, Families, Communities, and Nations* (Washington, DC: American Psychiatric Press,1996) pp163-196

1.8 Methodology

1.8.1 Research Design

The study employed cross-sectional study design to get an overall picture of factors that influence decisions of refugees to return and to explore extend to which return could be considered sustainable. This research combined both qualitative and quantitative methods to collect primary and secondary sources of data.

1.8.2 Area of the study

The study was conducted in Kajo Keji County, South Sudan. Kajo Keji is a County in South Sudan. It covers an area of approximately 112,599 square kilometers and borders the north-western districts of Uganda. It is bordered to the west, north and east respectively by *Yei*, *Juba* and *Magwi* counties, and Uganda to the south. It has five *Payams*, *Kangapo I*, *Kangapo II*, *Lire*, *Livolo*, and *Nyepo*.

1.8.3 Population of the study

The study population comprise of former refugees who have already returned to their original villages. The participants comprise of both male and female youth above 18 years, household heads and the extremely vulnerable individuals, above 60 years old.

1.8.4 Sample size

A total of 130 interviews were conducted comprising of 78 households and 52 participants for FGDs. It should be noted that the sample size used for the research is relatively small and cannot be a true representative of the study population. However, the purpose of this research was not to provide a very firm conclusion but rather to identify and explore relevant issues that influence the decision of refugees to returns and also the factors that influence sustainability once return has taken place.

Additionally, due to the homogeneous nature of the study population, the views presented in this study could have not varied significantly even with increase in sample size.

1.8.5 Sampling technique

Purposive sampling techniques were used to identify the area as well as the participants of study. Kajo Keji County was selected using purposive sampling technique due to its highest level of refugee return in *Kajo keji* County. The villages of return were selected using purposive sampling technique.

Purposive random sampling technique was used to identify the households for interview. This was done to avoid biasness in the selection of the respondents and also to ensure that the views of the various categories of returnees were represented in the research.

1.8.6 Data collection methods

The complexity of the decision making process and the variety of possible factors influencing decision to return as well as sustainability of return led to the adoption of multiple technique for gathering data. By using a multi-method approach, the research aimed at generating complementary information that would assist in cross-checking insights from any one method used.

Data were gathered from both secondary and primary sources. Secondary sources included desk review of literatures from earlier research and other relevant publications obtained from the library and internet. Primary data was collected by way of interviews.

Interviews were conducted using a pre-designed interview guide among refugee returnees in selected return villages in *Kajo Keji* County as well from some key informants. Field data was collected in April 2011 using household interview guides, FGD guide and Key Informant interview guide.

1.8.7 Data Analysis techniques

Since the research used both qualitative and quantitative methods for data collection different data analysis techniques were also employed. Both manual and computer based analysis were combined to analyze the findings of this study.

The trends that emerged from the analysis of primary data and information gathered through secondary means as well as the conceptual framework formed the basis for discussion of results. Qualitative data obtained from FGDs and key informant interviews were then interwoven with results obtained from analysis of household interviews to explain the overall trends and phenomenon in the results.

1.8.8 Ethical considerations

The research process was guided by sound ethical principles which included the followings:-

Respect for the respondents: The research team were required to show respect to the respondents. Respect encompassed seeking permission from the respondents to participate in the research, respecting the opinion of the respondents including the opinion to terminate the interview whenever they felt uncomfortable to continue, questioning style especially for very personal and sensitive questions.

Objectivity: The research teams were required to be as objective as possible when carrying out the research. Objectivity was observed in the manner in which questions are asked, responses recorded and reported. Any attempt to bias the research process was considered unethical and hence were avoided by the research team.

Confidentiality: The research team were required to keep information collected from the respondents only for the purpose for which the information was being gathered. Identities of the respondents as well as the information provided by them were kept confidential.

1.8.9 Limitations of the study

Much as this research is focused on refugee return, it is limited in scope, geographical location and context. The research focused specifically on the factors influencing the decision of refugees to return in the context refugees caused by civil conflict. The research further focused on a very small geographical coverage (only a County in South Sudan).

Due to the complexity of the factors that determine return decision and sustainability of return, selection of methods used in conducting such a research have far reaching implication on the overall findings (validity, reliability and applicability) of the research. As such specialised knowledge and skills in using PRA tools to gather data and advanced skills in analysis and comparison of research findings is a prerequisite. The methods applied in gathering and analysing data was limited in terms of such requirements.

The researcher used indicators that mainly describe respondents' perceptions of the sustainability concept and therefore are subjective in nature. The implication of using this approach is that the validity and reliability of the results may vary if used by another researcher in a similar environment. To objectively determine the sustainability of return, baseline data is required. In this research baseline data was generally lacking which made comparison of many indicators difficult. This prompted the research to adopt largely subjective methods.

1.9 Synopsis

This dissertation is organized in five chapters. Chapter one, which is the introduction deals with the background of the study, the problem of the statement, the objectives of conducting the research, research questions which the study set out to answer, the scope of the study, the definitions of key terms, the review of related literature and the methodology of conducting the research as well as the synopsis of the dissertation.

Chapter two deals with the core principles of return: safety and dignity. In this chapter various legal and theoretical instruments and works are presented which help underscore what is meant by safe and dignified return.

Chapter three of this dissertation deals with data presentation and analysis. The characteristic of the study population, their displacement profile are presented in the first part of this chapter. Empirical evidence on factors influencing the decisions of refugees to return and the findings on whether return to villages or origin offers a sustainable durable solution to internal displacement are presented in the last part of chapter four.

The implication and significance of the study is presented in chapter five. Implication from methodology and data availability and policy implications are the main focus of this chapter.

Chapter five of this report dwells on recommendations and conclusions derived from the study. The various tools that were used in data collection are included in the appendices. The last part of the report is the bibliography or works referenced during the research.

CHATER TWO

SAFE AND DIGNIFIED RETURN

2.0 Introduction

Safety and dignity are an ancient pairing. *Chapter 30 of the Book of Job*²⁴ finds the longsuffering Job driven from his home, impoverished and enfeebled, so that he calls out,

*‘Terrors overwhelm me;
my dignity is driven away as by the wind,
my safety vanishes like a cloud.’*

In the more modern context, safety and dignity are linked in numerous international agreements, peace treaties and *UN* documents, which stress that the return of refugees must take place in ‘conditions of safety and dignity’. While considerable progress has been made in articulating detailed benchmarks on safety for returnees, the core principle of dignified return remains largely unexamined. This Chapter explores the origins, evolution and content of the principle of return in ‘safety and dignity’, and focuses on the implications of dignity as a guiding principle for the governance of return processes.

The first section of this chapter tracks the emergence of provisions on safe and dignified return in international law, peace agreements and *UN* documents. This analysis demonstrates that return in safety and dignity has been a pillar of the rhetoric of the international refugee regime since 1980s. However, it also shows that considerable

²⁴ ZONDERVAN CORP. (1998) *The NIV Study Bible*, New International Version, London: Hodder and Stoughton.

confusion remains about what this idea means in practice, particularly in terms of dignity. The second section examines key theoretical perspectives on dignity, and addresses the insights these theories hold regarding return. Although the theoretical perspectives on this issue are diverse, I argue that from them we can distil at least two key components of a dignified return: first, the principle of refugee choice, and second, the need to redress the injustices that cause and characterize displacement.

From the outset, it must be stressed that my purpose is not to attempt to define dignity, or even to set out a full account of how it relates to refugees. Rather, I attempt the much more modest task of examining how the concept of return in safety and dignity emerged and has been applied, highlighting some incongruities, and identifying key components of the notion of dignity that should figure centrally in internationally-supported repatriation processes. I suggest that pinning down a narrow institutional definition of dignity would not necessarily serve the interests of returnees. However, I argue that the concept of dignified return merits greater debate amongst policy makers, scholars, refugee advocates and displaced communities, in order to make it a sharper protection tool.

2.1 Legal provisions for safe and dignified return

The notion of dignity has deep roots in international law, compared to the relatively recent emergence of the concept of the return of refugees in 'safety and dignity'. Despite these relatively deep roots, there is no commonly accepted definition of dignity in international instruments or national laws. Human dignity has 'come to be used as an expression of a basic value accepted in a broad sense by all peoples', with philosophers, lawyers and political leaders referring to dignity as a 'basic ideal so generally recognized as to require no independent support.

It has acquired a resonance that leads it to be invoked widely as a legal and moral ground for protest against degrading and abusive treatment. No other ideal seems so clearly accepted as a universal social good'.²⁵ While there is a widespread 'I know it when I see it' attitude towards violations of human dignity, instinct and assumptions about common values are unreliable guides for developing policies that can make good on the oft-repeated international commitment to enable repatriation in conditions of safety and dignity.

Upon closer examination, dignity is a notoriously slippery term with impossibly entangled (and often inconsistent) legal, moral and psychological interpretations. Legal and political documents on voluntary repatriation demonstrate that return in conditions of safety and dignity has evolved from a sporadic rhetorical device into a key norm in the international refugee regime. In my analysis of these sources, I draw on *Stephen Krasner's*²⁶ widely-accepted conception of norms as 'standards of behavior defined in terms of rights and obligations'. International norms exist in varying degrees of strength, and my analysis demonstrates that while the language of return in safety and dignity is now a routine part of the refugee regime, the meaning and implications of this concept need to be more thoroughly debated and articulated by national authorities, international agencies or refugee advocates.

²⁵ SCHACHTER, O. (1983) 'Human Dignity as a Normative Concept', *American Journal of International Law* 77.

²⁶ KRASNER, S.D. (1983) 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', in *International Regimes*, S. D. Krasner (ed.), Ithaca: Cornell University Press.

Article 1 of the Universal Declaration of Human Rights (UDHR) proclaims that 'All human beings are born free and equal in dignity and in rights'. *Article 13.2 of the Universal Declaration* provides that 'Everyone has the right to leave any country, including his own, and to return to his country', but places no conditions on the quality or characteristics of this return. *The 1951 Convention relating to the Status of Refugees* addresses return only in the negative terms of *refoulement*. In contrast, *the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR)* mandates the Commissioner to facilitate voluntary repatriation, but is silent on the issue of the safety and dignity of returnees.

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa was the first major international refugee agreement to elaborate on the principles of voluntary repatriation, stressing the 'essentially voluntary character of repatriation' under *Article 5.1*, and the duty of host states, countries of origin and the international community to ensure the safety of returnees and the restoration of their rights. Similarly, the *1984 Cartagena Declaration on Refugees* affirms the 'voluntary and individual character of [the] repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin' under *Article 12*. Again, dignity was not mentioned. *The 1989 Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons*, adopted by the *International Conference on Central American Refugees (CIREFCA)* appears to be the first major instrument to include provisions on the safety and dignity of returnees. The signatories affirmed their commitment, under *Article 3*, to the return of refugees 'under conditions of personal security and dignity that would allow them to resume a normal life'.

After the 1989 *CIREFCA Declaration*, references to return in conditions of safety and dignity increased sharply in international agreements, declarations and *UN* resolutions. For example, language on safe and dignified return appears in the 1993 *Vienna Declaration and Programme of Action*, as well as in *Resolution 1994/24 of the UN Sub-Commission on the Prevention of Discrimination and Prevention of Minorities*. The *United Nations Security Council* underscored the need for the return of refugees in conditions of safety and dignity in numerous resolutions on conflicts in locations including the *former Yugoslavia, Georgia, the Caucasus* and *Darfur*.² A wide range of *UN General Assembly* resolutions also address return in conditions of safety and dignity, including the *Millennium Declaration (A/RES/55/2)*.

While there are abundant and increasing references to the notion of safe and dignified return in international agreements and *UN* resolutions, these documents offer only limited insight into the *meaning* of dignified return, how this idea emerged, and the extent to which it has affected practice.

*The 1996 Handbook*²⁷ entrenches voluntariness and return in safety and dignity as the cornerstone principles that should guide internationally-supported repatriation processes. The *Handbook* affirms that *UNHCR's* concern with safety and dignity pertains not only to the trip home, but also in the return community. The *Handbook* discusses the question of safety in commendable detail, focusing on three primary concerns: the physical, legal and material security of returnees. However, *the 1996 Handbook* is conspicuously brief in its treatment of the notion of dignified return. The

²⁷ *UNHCR (1996) Handbook on Voluntary Repatriation: International Protection*, Geneva: UNHCR

Handbook admits that 'the concept of dignity is less self-evident than that of safety', and makes a perfunctory attempt to clarify it by offering a dictionary definition of dignity as 'serious, composed, worthy of honour and respect'.

UNHCR's reliance on a dictionary definition of dignity certainly implies that room remains for the agency to devote greater consideration to the meaning and consequences of this purportedly pivotal concept. Fortunately, however, *the 1996 Handbook* provides some additional commentary on the application of the concept of 'return with dignity', explaining that, NGOs involved in refugee protection have also underlined the connection between dignity and the durability of returns.²⁸

*'In practice, elements must include that refugees are not manhandled; that they can return unconditionally and that if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights'*²⁹

The Handbook on Voluntary Repatriation encourages the incorporation of provisions on return in safety and dignity in tripartite agreements as a core protection element.³⁰ It also indicates that return can be actively promoted 'when a careful assessment of the situation shows that the conditions of safety and dignity can be met: in other words, when it appears that objectively, it is safe for most refugees to return and that such returns have good prospects of being durable'.³¹ This implies a link between dignity and the durability of

²⁸ E. Ferris (2002) *NGO Statement on Voluntary Repatriation to the UNCHR Global Consultations on International Protection*, Geneva, 22-24 May 2002.

²⁹ UNHCR 1996: 11

³⁰ UNHCR 1996: 26

³¹ UNHCR 1996: 14

repatriation movements, a connection that is bolstered by the High Commissioners' focus in their speeches on the sustainability of returns. Even in the absence of a comprehensive picture of the meaning and implications of the concept of dignity, it is reasonable to conclude that the repeated displacement of returnees is incompatible with respect for their dignity, however conceived.

The 2004 Handbook details UNHCR's 4Rs approach to return, which entails a focus on voluntary repatriation, reintegration, rehabilitation and reconstruction. Like the *Handbook on Voluntary Repatriation*, the *Handbook for Repatriation and Reintegration Activities* refrains from defining or concertedly reflecting on the notion of dignified return, despite the fact that concept of dignity is deeply embedded in the 4Rs approach. For example, voluntary repatriation is defined as the '*free and voluntary return of refugees to their country of origin in safety and dignity*', while reintegration is characterized as '*the ability of returning refugees...to secure the necessary political, economic, legal and social conditions to maintain their life, livelihood and dignity*'.³² The *Handbook for Repatriation and Reintegration Activities* also makes a stronger connection than the 1996 Handbook between dignity and refugees' ability to return to their original homes, encouraging authorities to create conditions conducive to realizing refugees' right to return with safety and dignity to their places of origin or former habitual residences.³³

³² UNHCR 2004: 42

³³ UNHCR 2004: 144

In general, the Handbooks are overly prone to treating dignity as an item on a checklist for repatriation planning, rather than as an overarching, multifaceted concept to guide the return process. Indeed, ensuring that return occurs in conditions of safety and dignity is item number one on the Checklist of Main Protection Activities in the *1996 Handbook on Voluntary Repatriation*. Upholding dignity is not a process easily condensed into a checklist item, not least because it crosscuts every aspect of the repatriation process, and is bound up in commitments to the security and voluntariness of return, as I shall argue in the following section.

Taken in total, international treaties, *UN resolutions* and *UNHCR handbooks* show that return in conditions of safety and dignity is evolving from a convenient piece of rhetoric into a significant international norm. These sources indicate that important aspects of the norm include the sustainability of returns, the restoration of refugees' rights, and ability of refugees to return to their original homes or places of habitual residence, and not simply to their countries of origin. However, it is also clear that the concept still requires further elucidation, beyond terse legal analysis and carefully negotiated political statements.

2.2 Theoretical underpinning for dignified return

In 1972, *Pritchard*³⁴ reflected that 'the notion of human dignity has not fared well in contemporary moral philosophy...' Over the years, however, the idea of dignity has undergone a remarkable renaissance, piquing the attention of a broad range of moral,

³⁴ PRITCHARD, M. (1972) 'Human Dignity and Justice', *Ethics* 82 (4)

political and legal theorists. Middle Eastern scholars have been especially active contributors to this debate, which has a particular resonance in the region given the defining role humiliation tactics play in the Palestinian-Israeli conflict.

Philosophical expositions of dignity are remarkably muddled, even before any attempt is made to apply the concept to the repatriation process. Dignity is depicted by some scholars as an inherent, inalienable characteristic of human beings and the source of human rights, but by others as a good to which everyone has a right, or which is obtained through respect for human rights. Many theorists concerned with dignity stress its relation to equality amongst human beings, but recognise that dignity can be expressed differently depending on the cultural context. The notion of dignity was most famously deliberated by *Kant*³⁵, who argued that *everyone is possessed of dignity by virtue of being a self-conscious person, and that in light of this dignity, people must never treat one another merely as means, but as ends in themselves.*

In contrast to the *Kantian* tradition, *Feinberg* stands out for his vigorous criticism of the view that rights are inherent to human beings by virtue of their dignity. Instead, *Feinberg*³⁶ argues that human dignity is better understood as the '*recognisable capacity to assert claims. To respect a person then, or to think of him as possessed of human dignity, simply is to think of him as a potential maker of claims*'. *Meyer* embraces *Feinberg's* view that the capacity to make claims is a central aspect of human dignity, but compellingly argues

³⁵ KANT, I. (1797) *The Metaphysical Principles of Virtue*, trans. J. W. Ellington (1983), Indianapolis: Hackett.

³⁶ FEINBERG, J. (1970) 'The Nature and Value of Rights', *Journal of Value Inquiry* 4

that an additional key component of dignity must be the capacity for self-control. 'A person who has human dignity', *Meyer*³⁷ writes, '*is fundamentally a person who is self-possessed; he at least has the capacity to give direction to his own life. The fact that he is self-possessed implies that he is not possessed by either of two potential enemies to his dignity: other people or random, uncontrolled desires from within*' (e.g. alcoholism). *Pritchard* and *Spiegelberg*³⁸ advance a popular conceptualization of dignity as self-respect. However, both share *Meyer's* view that dignity must involve the ability to exercise choice, suggesting that '*respecting something requires standing back from it with an attitude of non-interference*'.³⁹ Espousing a *Kantian* view of the nature of human dignity, the social-psychological theorist *Herbert Kelman* shares these scholars' concern with the question of choice. *Kelman* argues that identity and community are the main components of dignity, and maintains that individual freedom and social justice are the interdependent conditions of dignity. '*To accord a person identity*', *Kelman writes*⁴⁰, '*is to perceive him as an individual, independent and distinguishable from others, capable of making choices, and entitled to live his own life on the basis of his own goals and values. To accord a person community is to perceive him...as part of an interconnected network of individuals who care for each other, who recognise each other's individuality, and who respect each other's rights*'.

³⁷MEYER, M. (1989) 'Dignity, Rights and Self-Control', *Ethics* 99.

³⁸ SPIEGELBERG, H. (1971) 'Human Dignity: A Challenge to Contemporary Philosophy', *Philosophy Forum* 9 (1/2).

³⁹ PRITCHARD, M. (1972) 'Human Dignity and Justice', *Ethics* 82 (4)

⁴⁰KELMAN, H. (1977) 'The Conditions, Criteria and Dialectics of Human Dignity', *International Studies Quarterly* 21 (3).

It is important to note that the majority of the relevant literature portrays dignity as something that can be lost or stolen, and restored. *Goodwin-Gill*⁴¹, for instance, argues that the '*purpose of international protection must be to support refugees, and to try to restore their dignity so as to enable them to exercise their essential rights*'. This approach distorts the highly subjective nature of dignity, implying that there are clear routes to losing and regaining one's dignity. The subjectivity of dignity is evident when we consider the different experiences of people exposed to discrimination and political violence. For example, *South Africa's apartheid policy* was a clear affront to human dignity, whether conceived in Kantian terms, or otherwise. Yet, it would be a mistake to conclude that all those at the brunt of this policy were stripped of their dignity. Despite the degrading treatment he endured, *Nelson Mandela*⁴² epitomised dignity, declaring that '*Any man or institution that tries to rob me of my dignity will lose because I will not part with it at any price or under any pressure*'. Equally, many survivors of apartheid say they lost their dignity under white rule, but regained it through the proceedings of the *South African Truth and Reconciliation Commission*. For others, the idea that the Commission could revive their trampled dignity was a farce.

2.2 Cornerstones of dignified return: Redress and Choice

Given dignity's inherent subjectivity and the multiple theoretical interpretations of the concept, how should policymakers act to uphold the oft-reiterated commitment to

⁴¹ GOODWIN-GILL, G. (1989) 'The Language of Protection', *International Journal of Refugee Law* 1 (1)

⁴² MANDELA, N. (1995) *Long Walk to Freedom*, London: Abacus.

enabling return in conditions of safety and dignity? Is there enough common, solid ground on this issue that can serve as a foundation for policy? Although they approach the question from different angles, the theorists discussed above successfully establish the connection between dignity and the ability to exercise choice. There is also general agreement about the need to demonstrate equal respect for the dignity and rights of others. This implies recognizing serious inequalities and injustices, and acting to rectify them. A well-founded conception of safe and dignified returns can be developed on this seemingly small platform recognizing the centrality of choice to dignified returns underlines the interconnectedness of dignity, safety and the voluntary nature of repatriation. Physical and economic insecurity can impact returnees' dignity in many ways, not least by restricting the choices available to them for the future. Return is simply not a real option if it is not sustainable. A dignified return implies that repatriation was not merely the only option open to the refugee other than indefinite containment in a sub-standard camp – it indicates that the refugee had access to a range of durable solutions, and freely chose return.

The principle of choice doesn't come into play just when refugees are on the road home. Respecting refugees as agents with rights and dignity means that they should be able to participate actively in decision-making processes before, during and after return. This is reflected in *UNHCR's* comment that refugees should not be '*manhandled*', but more often than not, participation falls by the wayside as returns are managed using a '*mass migration*' approach. Focusing on choice also makes sense given the subjective nature of dignity. By engaging refugees as decision-makers, governments and agencies such as *UNHCR* can respond to the fact that conditions of dignity are not necessarily the same for every person, and tailor the return process to respond to different communities' needs and values.

Part of the crime of forced migration is that it robs people of the chance to make choices about where and how they will live. Focusing on choice as a key part of a dignified return is therefore itself a kind of redress. In the 1996 *Handbook on Voluntary Repatriation*⁴³, confirms that it sees the full restoration of refugees' rights as a core element of a dignified return. The full restoration of refugees' rights is not only a forward-looking process. It must also take into account past violations of refugees' rights. *Kant*⁴⁴ captured the theoretical connection between redress and dignity, arguing that '*the dignity of humanity in us*' creates a duty that we not '*suffer [our] rights to be trampled underfoot by others with impunity*'. In *Feinberg's* terms, redress is inextricable from dignified repatriation processes because reparations restore the refugee's ability to make claims, in particular against the state. Reparations restore the refugee's ability to make claims in a variety of ways. In particular, reparations processes re-position the refugee as a citizen with legal and moral entitlements. Internationally-mandated reparations processes also underline that there are consequences for the state and state actors when citizens are stripped of their ability to make reasonable claims for security, protection and respect.

Kant and Feinberg are only two of the many theorists whose work supports the view that ensuring that returnees have access to a wide range of reparations is an essential component of dignified returns. Legally speaking, reparations include restitution, compensation, and other forms of redress such as trials and formal apologies for past wrongs.

⁴³ UNHCR 1996: 11

⁴⁴ KANT, I. (1797) *The Metaphysical Principles of Virtue*, trans. J. W. Ellington (1983), Indianapolis: Hackett

Restitution attempts to establish the conditions that existed prior to a crime, and often includes the return of homes, land or artifacts. Housing and property restitution is instrumental to realising refugees' ability to return to their original homes or places of habitual residence, which is emerging as a key aspect of dignified returns in *UNHCR* discourse. Restitution is also clearly linked to dignity throughout the *UN Principles on Housing and Property Restitution for Refugees and Displaced Persons*. Since the 1995 *Dayton Agreement*, many peace treaties have established claims commissions designed to ensure that the displaced can regain access to their original homes and properties. In *Bosnia and Herzegovina* and elsewhere, housing and real property restitution has made a major contribution to re-establishing the displaced as citizens with legally enforceable rights, and opening up a greater range of choices to refugees and *IDPs* as they seek to rebuild their lives. Many displaced persons who have benefited from housing and real property restitution processes have been able to return to their communities, but restitution is not a panacea for all the difficulties associated with return. In *Bosnia*, for example, many displaced people who regained the titles to their homes were nonetheless unable to return, owing to poor socio-economic conditions and deep, unresolved grievances with their former neighbours. Instead of returning, they simply sold their properties and used the proceeds to try to start new lives elsewhere.⁴⁵

The *Bosnian* experience illustrates that the reparations provided as part of a dignified return process must extend beyond real property restitution. Indeed, it is important to consider not only legal approaches to redress, but also informal or culturally-based

⁴⁵ GARLICK, M. (2000) 'Protection for Property Rights: A Partial Solution? The Commission for Real Property claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina,' *Refugee Survey Quarterly* 19(3).

reparations mechanisms. This is exemplified by the experiences of countries such as Mozambique, where traditional cultural practices played an indispensable role in resolving grievances and making it possible for returnees to live beside their neighbours with dignity.⁴⁶

2.3 THE VALUE OF VAGUENESS

In international politics, vagueness can be a virtue. Although vagueness can dull the teeth of human rights treaties and refugee protection standards, governments that would shy away from clearly articulated legal and political commitments can sometimes be persuaded to express their support for international norms based on vague or evolving concepts such as the 'responsibility to protect'. Advocates can then use this commitment to pressure governments to comply with progressive or ambitious interpretations of the norm. *The 1951 Convention relating to the Status of Refugees exemplifies the risks and advantages* of the 'vague approach': famously, the Convention does not define persecution, one of the pivotal concepts in the international refugee regime. Some actors have used the lack of firm guidelines on what constitutes persecution to justify a minimalist interpretation of states' obligations to refugees and asylum seekers. Others have capitalized on the vagueness of the concept of persecution to argue that an ever-growing range of abuses count as persecution and grounds for protection.

⁴⁶DENG, F. (1997) *Profiles in Displacement: Mozambique*, Geneva: Commission on Human Rights, 1997

Should *UNHCR* and other key actors in the international refugee regime strive to define dignity, in order to ensure that the concept can be more readily and reliably operationalised? Or does it better serve returnees' interests to leave dignity undefined? To be sure, it is difficult if not impossible to reduce a complex concept such as dignity to a pithy institutional definition. However, considerations of this sort do not necessarily deter political negotiators or international agencies. The *2004 Handbook for Repatriation and Reintegration Activities*, for example, sets out brief operational definitions for highly contested concepts such as reconciliation, coexistence and sustainability. The utility of these definitions is unclear, and it is unlikely that attempting to define dignity would be a particularly productive approach to improving the protection of returnees.

A clear definition of dignity might enable states and international agencies to determine with greater confidence when they have met their commitments to uphold the safety and dignity of returnees. Yet I would suggest that any attempt to perfunctorily define dignity and the conditions of dignified return would inevitably distort the complexity of the concepts. To be sure, the meaning and implications of return in safety and dignity deserve much more thorough consideration from scholars, policymakers and practitioners, in consultation with refugees themselves.

I suggest that refugee choice and redress should figure prominently in future discussions on this norm, and in practical efforts to make good on the promise of safe and dignified return. However, the real value of the concept of return in conditions of safety and dignity is that it requires all those concerned with refugee protection to continually reflect upon and refine their approach to facilitating voluntary repatriation. Repatriation and dignity alike are challenges they belie easy answers.

CHAPTER THREE

DATA PRESENTATION AND ANALYSIS

3.0 Introduction

Data gathered from primary sources have been presented in this chapter. Frequencies and percentages derived from analysis of data gathered through household interviews have been presented in form of figures, tables or graphs. Discussion of results has been done based on observed trend, conceptual framework and information obtained from the literature review. The quantitative and qualitative data have been interwoven to bring out the wholeness of the various phenomena in the results.

Characteristics of the study population, educational levels, marital status, duration of displacement, distance of the return villages from the nearest camps, and the return trends are presented in first part of the chapter. Empirical evidence on factors that influence decision of Refugees to return and measuring sustainability in *Kajo Keji* County are presented in the last section of the chapter.

3.1 Characteristics of the Study Population

A total of 78 heads of household selected from 18 return villages in *Kajo Keji* County participated in the research. Four return villages were selected per *Payam* from the *Payams* of *Kangapo I*, *Kangapo II* and *Lire*. Three return villages per *Payam* were selected from the *Payams* of *Liwolo* and *Nyepo*. Twenty (11 male and 9 female) of the heads of household were from *Kangapo I Payam*; 15 (10 male and 5 female) were from *Kangapo II Payam*; 15 (8 male and 7 female) were from *Lire Payam*, another 15 (6 male and 9 female) were from *Liwolo Payam*, and 13 (9 male and 4 female) were from *Nyepo Payam*.

Findings of the research reveal that of the 78 head of households interviewed, 44 (56.4%) were men and 34 (43.6%) were women of age ranging from 20-86 years. Seven of the respondents (5 male and 2 female) were of age 20-29, 23 respondents (12 male and 11 female) were between 30-39 years, 22 respondents (13 male and 9 female) were between 40-49 years, four of the respondents (all female) were between 50-59 years, and 22 respondents (14 male and 8 female) were above 60 years of age.

Further analysis indicates that the majority of interviewees (23) were 30 to 39 years followed by those above 60 years (that is 22 interviewees). The lowest number of interviewees (04) was represented by those between 50 to 59 years. It is important to note that in *Kangapo II* and *Lire* Payams no one was interviewed within this age bracket. However, it is also very surprising that only seven interviewees were between the age bracket 20 and 29. In *Kangapo I* and *Liwolo* payams for example, no one was interviewed within the age bracket of 20 to 29 years. Interestingly, in *Kangapo I*, the highest numbers of interviewees (08) were those above 60 years.

3.1.2 Education levels of the respondents

At least 47 respondents (59.9 per cent) indicated that their highest level of education is primary. Some 14 respondents (18 per cent) did not go to school at all while 12 respondents (15 per cent) reached secondary school. Some two per cent of the respondents were diploma holders while three per cent obtained other qualifications.

The highest number (8 respondents or 57%) of those who did not go to school are from *Kangapo I* Payam while the highest number of those who went to primary school are from *Kangapo II* Payam followed by *Kangapo II* Payam. All diploma holders are from *Kangapo I* Payam. Unlike other parishes that at least had people who did not go to school; all interviewees in *Lire* Payam went to either primary or secondary school.

Further analysis reveals that 93 per cent of those who did not go to school were women and only 38 per cent of those who attended primary school were women while only 17 per cent of those who reached senior secondary school were women.

3.1.3 Marital status of the respondents

Findings of the research reveal that 41 of the respondents (52%) are married while 20 (25%) of the interviewees are widows/widowers. Nine (11 %) of the interviewees are cohabiting, five (6%) are living apart (not divorced) while three (3%) have divorced. The proportions of married interviewees were more or less the same across all payams. However, the number of widows/widowers is highest in *Kangapo I* Payam (08) where their number equals the number of married interviewees. A good number of interviewees (04) in *Kangapo II* and *Lire* payams are also widows/widowers. On the other hand, cohabiting was largely reported in the payams of *Kangapo II* and *Nyepo* while the practice of cohabiting was not reported among interviewee from *Lire* Payam. Contrarily, cases of couple living apart were not reported in *Kangapo I* and *Nyepo* payams as it is the case for *Kangapo II*, *Liwolo* and *Nyepo* payams. Similarly, no cases of divorce was reported among the interviewees in *Lire* and *Liwolo* payams while some interviewees in *Kangapo I*, *Nyepo* and *kangapo II* were divorced. Further analysis shows that only 29 per cent of women interviewed are living with their husbands. This is because 56 per cent are widows, 12 per cent are living apart, and three per cent are divorcees.

3.2 Duration of displacement

According to the research findings, the first and largest categories of interviewees, 34.4% (27 interviewees) were displaced for 15-20 years. The second largest categories of interviewees, 24 (30.8%) were displaced for 20-25 years. The third categories, 19 (24.4%) of interviewees were displaced for relatively a shorter time (10-15 years).

The last category, 8 (10%) were displaced for 25-30 years. Those who were displaced for 15-20 years are from the payams of *Lire*, *Nyepo* and *Kangapo II*. Although the interviewees were displaced in phases, the analysis of results shows that both men and women were displaced at the same period.

3.3 Return trends as reported by the respondents

Only one (1.3%) of interviewees returned to their villages more than three years ago (as early as 2007). However, in the last one to three years ago (May 2010 to May 2007), there was an exponential increase in the number of respondents who returned to 14 (17.9%). Between June 2010 and November 2010, the number of respondents who returned doubled, reaching 30 (38.5%). This high momentum was maintained until April 2011 when this rate of return drastically reduced by more than ten times.

Further analysis reveals that the interviewees who first returned three years ago were from *Kangapo I Payam*. Significant number of interviewees from *Lire*, *Nyepo* and some few interviewees from *Liwolo* payams started to return between May 2007 and May 2010.

3.4 Empirical evidence on factors influencing the decision of Refugees to return

When making the decision whether to return or not, potential returnees usually take into consideration a wide range of conditions in the camps and their places of origin. Sometimes making decision to return can be linked to inherent individual attributes and social relations such as sex, age, marital status, presence and number of dependants, as well as level of vulnerability that individual refugees find themselves in.

However, in some instances, deciding to return may be in response to policy interventions of government, humanitarian agencies and their donors regarding assistance to refugees and provision of support in the return areas. This section of the research attempts to explore further the above factors within limited scope of resources and time. At least 74 of the individual respondents (94%) indicated that their return was voluntary. However, a number of factors influenced the decision of the returnees in *Kajo Keji* County to return: land access; relative peace and security; poor camp conditions; high cost of living in the camp; high cost of renting land in the camps, inadequate food supply in the camps, encouragement from government, the *Referendum* urge to return home were among the many factors behind refugee return.

How Policy interventions influence the decision of Refugees to return

Policy can influence the decision of Refugees to return in a variety of ways. However, for the purpose of this study, key policy issues that may have specific impact on return decision includes: provision of return package, declaration of freedom of movement, provision of humanitarian assistance and peace, all of which have been examined in this subcomponent.

In relation to provision of return package, the research found that provision of return package has a substantive influence over the decision to return. When the individual respondents were asked, 'did you receive any kind of assistance before you returned?' Out of 33% who said they were supported 81% of them confessed that the assistance they received made their return easy. However, there was a general concern among the 19% of the respondents who were facilitated to return, that the return package was not enough. The return ration comprised of food ration, agricultural inputs and household items provided by UNHCR, ARC and AAH.

In all the FGDs, participants were asked the key obstacles to voluntary return and several of them raised the issue of the government return and resettlement programme that was promised to them. Some of the participants argued that those who have yet refused to return are still waiting for the government to fulfill its promise. They argued that, the refugees fear that if they return without the promised package, the government will forget about them. Whether this post-arrival assistance will be provided to returnees in a timely manner to enable the returnees settle in still remains a big challenge. About 6% of the individual respondents cited encouragement from the government as the factor that influenced their decision to return. According to one of the key informant from UNHCR, the County security committee declared freedom of movement in September 2007 following the improved security situation in *Kajo Keji*. Since then, the County has taken it upon them to encourage the refugees to return to their villages. They did this through holding rallies in the camps and use of the media especially the local FM stations. Even with the FGDs participants acknowledged the contribution of the government in influencing their decision to return. Some of the participants argue that it is actually the obligation of government to inform the refugees to return home.

Socio-economic sustainability

Objective socio-economic sustainability was defined above as involving access to basic public services (particularly water and health services), food security, livelihoods and income. In order to determine objectively the socio-economic sustainability of the returnees particularly in respect to access to basic public services, the researcher obtained most of the information from the *ARC* report for Kajo Keji County prepared in December 2007. This assessment listed in detail all the water points and health services by location including their functionality.

The main focus of the analysis was on access to water and health services since these were the main issues that came up during the individual interviews and also kept on resurfacing during the FGD and interviews with key informants. Where data was available, the analysis went as far analyzing the availability and distribution of such services up to the Payam and village level.

On the other hand, information on food security, livelihoods and income was gathered using primary data collection instruments. Respondents were asked questions on land access and utilization, household food consumption, and household income and expenditure. Since it is always easier for people to reveal information on their expenditure than their earnings/income, the researcher used the information of returnees' expenditure to estimate their income level. In doing this, the researcher assumed that one cannot spend what he/she does not earn. Therefore, to gauge the income hence the poverty level of returnees, the following procedures was followed:

First, respondents were asked questions on their main sources of family income and their average household expenditure over a three months period.

The expenditure category was generated by the researcher prior to the interviews. They include the following items:- food, education, medical care, clothing, soap, paraffin, grinding, firewood, construction, transport, labor hire, celebration and social events, debts/fines as well as savings. Expenditure that could not fit in any of the above category was grouped under others.

Secondly, mean household expenditure for each of the items were calculated to determine the expenditure trend for the returnees, and thirdly, average household expenditure for the returnees was then calculated over three month period. Based on this figure, the average daily expenditure for the returnees (I US\$) was then calculated.

One major criticism is that this approach is highly subjective and the validity of the results may be questionable .However, the researcher believes that the result obtained from such approach provides very useful information that can stimulate constructive debate on income level for a wide group of people.

Let us now turn to the results obtained on socio-economic sustainability in *Kajo Keji* County. Looking first at access to basic public services particularly access to safe water and health services, it can be said return in *Kajo Keji* County is largely unsustainable in a state of prolonged periods of displacement.

3.5 Conclusion

This chapter has sought to enhance the current understanding on voluntary return. The chapter attempted to answer the three specific questions-ascertaining the factor that influence the decisions of refugees to return, exploring the obstacles to voluntary return, and exploring whether return to village of origin offers a sustainable durable solution to displacement in more depth.

CHAPTER FOUR

IMPLICATIONS AND SIGNIFICANCE OF STUDY

4.0 Introduction

This chapter presents the implications and significance of the study. Implications from methodology and data availability are discussed in the first section. The second part of the chapter discusses policy implications of the research while the last part highlights the significance of the study.

4.1 Implications from methodology and data availability

The methods used in conducting the research have far reaching implication on the overall findings (validity, reliability and applicability) of the research which the researcher would like to highlight in this section. Due to the complexity of the factors that determine return decision and sustainability of return, the research used both quantitative and qualitative method to collect primary and secondary data. This approach ensures that complementary information is generated to cross-check the insight from any of the method and also to ensure that reliable and accurate information is generated. However, the implication of using such an approach presupposes that the researcher has a specialized knowledge and skills in using PRA tools to gather data. It also requires additional skills in analysis and comparison of research findings. Lastly, the method is tedious and time demanding and more expensive compared to other methods.

Secondly, while every effort has been made to ensure a degree of trust between interviewer and respondent, there can be not cast-iron guarantees of the validity of the all the responses provided.

In addition to this, because of the broad nature of the sustainability concept, the researcher used indicators that mainly describe respondents' perceptions and therefore are subjective in nature. The implication of using this approach is that the validity and reliability of the results may vary if used by another researcher in a similar environment.

Thirdly, the sample size used for the research is relatively small and can not be true representative of the study population. The implication of this small sample size is that, there is no basis for drawing firm conclusion on the subject. In addition, the applicability is also limited only to the area where the studies took place. However, it should also be noted that the purpose of this research was not to provide a very firm conclusion but rather to identify and explore relevant issues that influence the decision of refugees to returns and also the factors that influence sustainability once return has taken place. However, due to the homogeneous nature of internal displacement across the various communities, some of the issues generated through this research may equally be applicable in other communities that have particularly been displaced as a result of civil conflict.

4.2 Policy implications of the research

The findings in this report have implications for policy in two main areas: Influencing the decision to return and enhancing sustainability of return. Much as the Government of South Sudan commits itself to promote the rights of refugees to return voluntarily, in safety and dignity, the research indicates that several factors has compelled refugees to return before conditions are conducive for them to do so. Such factors include pressure from host communities and poor living conditions in the refugee camps.

To address the issue of land pressure, the research suggest that the issue of compensation and land reconstitution for the host communities should be factored in at the time of identifying the location for hosting refugees. Secondly, the poor living conditions in the camps is a manifestation of non-adherence to the SPHERE standards from the part of humanitarian agencies which needs to be addressed if conditions of forced return is to be avoided in future.

The research indicates that several factors have compelled refugees to return before conditions are conducive for them to do so. For instance; in respect to food security, the government commits itself to provide food stuffs and non-food relief for returnees from the time they returned and the time they harvest their first crop. However, some returnees have already spent over a year and they have never received any food assistance or even seeds and tools to support their farming.

4.3 Significance of the study

The study will provide a good insight to policymakers and practitioners hoping to support return process in South Sudan. Many agencies including United Nations organizations, International and national Non-governmental organizations have been providing humanitarian assistance to the Sudanese refugees at the camp settings. Signing of the CPA and the Referendum has paved way for massive return of refugees to their place of origin. This transition requires a strategic redirection of assistance to be provided to the returnees to support the return process and also to support those who have already returned to their villages of origin. This research will therefore provide information vital for this shift in direction. Secondly, the findings of this research will also add literature for academicians and practitioners working in the field of refugee.

4.4 Conclusion

This chapter focused on the implications and significance of the study. Implications of the study were viewed first from methodological and data availability point of view and then from the policy perspectives. Based on the methodology used and also on data availability, the chapter concludes that there is no basis for drawing firm conclusion on the subject. In addition, the applicability is also limited in context and geographical coverage. From the policy perspectives, the chapter indicates that several factors have compelled refugees to return before conditions are conducive for them to do so.

In terms of its significance, the chapter believes that the study will provide a good insight to policymakers and practitioners currently supporting or hoping to support return process particularly in northern Uganda. The next chapter provides key recommendations and conclusions from the study.

CHAPTER FIVE

RECOMMENDATIONS AND CONCLUSION

5.0 Introduction

This last chapter highlights key recommendations and conclusion derived from the study. It starts by giving the overall recommendations before highlighting the conclusions from the study. The conclusion has been divided into two parts. Part one deals with conclusion on factors that influence the decision of Refugees to return. The second part deals with the conclusion on durable solution to displacement.

5.1 Overall recommendations

In order to enhance voluntary return and ensure sustainability of return as one of the options for durable solution to displacement, the research offers the following key recommendations:

Seek durable solution to conflict: The government should maintain the improved security situation that motivated the refugees to return and device ways of preventing future conflict/ avoid any relapses in to a fully fledged war.

Secondly, there is need to improve community security and access to justice for the returnees to overcome the challenge of organised crime and any other form punitive actions against the returnees as well as the issues of land conflict which is very rampant in the return areas.

Interventions such as protection of the return communities through deployment of police in the return areas, massive operation to remove illegal firearms from the community, reintegration of former combatants, revitalizing and supporting the local justice systems such as the Payam Courts, strengthening the work of paralegals, community policing initiatives, strengthening the role of the area land committees would go a long way in removing the drivers of conflict that will eventually encourage voluntary return and enhance sustainability of return.

Adopting a strategic transition from humanitarian assistance to recovery and to development: As large numbers of refugees are returning to their villages, there is a need for humanitarian actors and donors who have been supporting the needs of the refugees to start scaling down their activities in the camps pave way for scaling up recovery and development activities in the return areas. Due consideration should however, be given to the needs of vulnerable groups who are unable to return to the villages immediately as well as the early recovery needs of the returnees. Quick impact projects which use labor based approaches such as voucher for work; cash for work and food for work are possible alternatives that would ensure access to gainful employment by the returnee in the short term.

Adopt a targeted approach to support voluntary return of the vulnerable groups particularly the elderly and physically handicap who can not return without being facilitated. Critical support to such category would include provision of shelter materials and Non-food items.

There is also need to further **strengthen information dissemination** to both refugees and the returnees. Provision of accurate information on general situation in the community of origin, procedures for return, and conditions on return as well as the update on the status of peace agreement will not only encourage voluntary return but it will also ensure that return is sustainable.

Furthermore, there is an urgent need to *improve access to basic public services* such as access to safe drinking water and health services. According the research findings, access to these two basic services were among the greatest challenge that is influencing both the decision to return and also sustainability of return. There is also need to adopt the Payam approach when planning to address the issue of access to basic services. Apparently, there are a lot of disparities in access to water and healthcare not only at the Payam level but also at the village level.

Lastly, it is also recommended that *the issue of livelihoods and food security in the return area should be reactivated* by government and other development partners. This would require an integrated and inclusive approach which targets all members of the return communities through provision of return packages to the returnees to address food insecurity in the short term, provision of agricultural seeds and tools, strengthening the government extension system, capacity building programmes, re-building infrastructure for livelihoods such as rehabilitation of access roads and market infrastructure as well as diversification of household incomes through implementation of appropriate income generating activities such as business skills training, and small to medium scale agro processing, agro-forestry, fish farming enterprises etc.

5.2 Conclusion from the study

The objectives of this research were met to a very large extent. Based on the research findings, the following summary and conclusion were reached:

Factors that influence decision of refugees to return

According to the research finding, majority of returnees in *Kajo Keji* County returned to their places of origin voluntarily. However, the research found out that when making the decision whether to return or not, potential returnees usually take into consideration a broad range of factors at the structural, individual, and policy levels.

At the structural level, the research found that the decision to return is influenced (positively or negatively) by the prevailing political/security situation in the region and the socio-economic factors in the camps and villages of origin.

Sometimes making the decision to return can be linked to inherent individual attributes like sex, age, presence of dependence and vulnerability status of refugees. However, in some cases, deciding to return may be in response to policy interventions. Some of the specific conclusions that can be drawn from the research include the followings:

There is a direct relationship between making the decision to return and the political situation in the region of return. More refugees tend to make the decision to return when they perceive that there is a general improvement in the political situation in their region. This conclusion was clearly demonstrated by studying the correlation between progress in the *CPA* pattern in return.

Secondly, access to land is also one of the key driving factors that determine return decisions among the refugees. Just like other previous research findings, this research further confirms that land access has got both 'push' and 'pull' effect on the decision to return. The research found out that much as there was a genuine interest among the majority of refugees to access their own land for cultivation and other purposes.

Thirdly, the living conditions in the camps also play an important role in influencing the decision of the refugees to return to their villages (push factor). Such conditions include: inadequate space for shelter and other livelihood activities, poor health as well as acute poverty and high cost of living in the camps. Such conditions usually force the refugees, especially young girls, to adopt negative coping mechanisms like early marriages, which exposes them to various risks and vulnerabilities including HIV/AIDS.

The research reveals that many young people/youth below the age of 30 were not bothered about returning home. Further analysis reveals that among the young people (below 18 years), boys are more reluctant to return compared to the girls. Furthermore, the research found out that levels of vulnerability were also found to have some influence on return decision. Extremely vulnerable individuals (EVIs) such as People with disability (PWD), and the elderly could not return due to the physical inability to construct own shelter in the return area.

Lastly, it can also be concluded that, deciding to return may in some instances be in response to policies regarding provision of humanitarian assistance to IDPs and recovery activities in the return areas; government's approach to ending the factors that caused internal displacement.

5.3 Durable solutions to displacement

Although return to place of origin is one of the three options for durable solutions to internal displacement, the research reveals that voluntary return *per se* does not necessarily offer a durable solution to internal displacement. As long as the returnees still have a lot of residual displacement related problems un-attended to, sustainable return will remain elusive.

Land conflict, inadequate public services particularly shortage of drinking water and poor access to health services are also among major challenges threatening sustainability of Refugee return in *Kajo Keji* County.

5.4 Suggestions for further research

As demonstrated in the literature review, there have been relatively few recent studies of the decision to return and very little empirical research among the returnees to find out whether return to villages of origin offer a sustainable durable solution to internal displacement. As large numbers of refugees are returning to their villages after several years of displacement, there is a need for humanitarian actors and donors who have been supporting the needs of the IDPs to start scaling down their activities in the camps pave way for scaling up recovery and development activities in the return areas.

Adopting a strategic transition from humanitarian assistance to recovery and to development is therefore a prerequisite and would require a lot of field research to provide valuable data and information sources.

In addition, analysis of the empirical findings has identified several key areas for further research. Since the research was conducted in area of high level of return only, the researcher believe that triangulating the findings through interviewing Refugees who are still left in the camps to find from their own perspectives the factors hindering their return would been very important I understanding the complexities in the decision making process. Furthermore, triangulation could also be done by sampling returnees from areas which had registered low rate of return.

Furthermore, a similar research could also be carried out to cover a wider geographical coverage in order to come out with firm conclusions on the factors influencing decision to return.

SELECTED BIBLIOGRAPHY

Interim Constitution of South Sudan 2005

Convention Relating to the Status of Refugees 1951

RANDALL FEGLEY, Local Needs and Agency Conflict: A Case Study of Kajo Keji County, Sudan

Reychler L. "Conflicts in Africa – The Issues of Control and Prevention' in Report of the Commission on Africa Regions in Crisis, Conflicts in Africa: An Analysis of Crisis and Crisis Prevention Measures (Brussels; European Institute of Research and Information on Peace and Security, 1997)

Newsweek International, December 7th 1998

Nabudere Dani 'The Role of Intellectuals and Integration in the IGAD Region (Nairobi, Heinrich Boll Foundation, 2006)

Samatar A. I. The State and Rural Transformation in Northern Somalia (Madison, University of Wisconsin Press, 1989)

Fukui K and Markakis J (eds) Ethnicity and Conflict in the Horn of Africa (Athens, Ohio University Press, 1994),

Doornboos M, Cliff L, Ahmed A, Markakis J, Beyond Conflict in the Horn (Trenton, The Red Sea Press 1992)

Woodward P, The Horn of Africa: State Politics and International Relations, (London, IB Tauris Publishers, 1996)

Touval S, *The Boundary Politics of Independent Africa* (Cambridge, Harvard University Press, 1972)

Woodward P and Forsyth M. *Conflicts and Peace in the Horn of Africa: Federalism and its alternatives* (Brookfield, Dartmouth Publishing Company, 1994)

Khadiagala G. 'African Foreign Policy' *American Political Science Review* 3, 1993

Cliff L, 'Regional Dimensions of Conflict in the Horn of Africa' *Third World Quarterly* 20, 1999

Ayoob M, *The Third World Security Predicament: State Making, Regional Conflict and the International Systems* (Boulder, Lynne Rienne, 1995)

Abbink J, 'Ethiopia-Eritrea: Proxy Wars and Prospects for Peace in the Horn of Africa', *Journal of Contemporary African Studies*, 21, 3, 2003

Rogge J, "Repatriation of Refugees" in Allen T and Morsink H (eds) *When Refugees Return Home*, (London, James Currey Limited, 1994)

http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm

en.wiktionary.org/wiki/returnee

It was adopted by the OAU Assembly of Heads of State and Government in Addis Ababa on 10th September 1969

Emma Laura Awino, *Oketch Refugees and Returnees and Family Integration: A Crisis of Expectations*, 2007

Weis, P, 'The Convention of the OAU Governing Specific Aspects of the Refugee Problem in Africa' *Journal on Human Rights*, Vol.3, 1970

Norwood, F.A, *Strangers and Exiles: A History of Religious Refugees*, (Nashville, Abingdon Press, 1969), Simpson, J.H, *The Refugee Question: Report of a Survey*, (London, Oxford University Press, 1939)

Proudfoot, M.J, *European Refugees 1939-1952: A Study of Forced Migration*, (Evanston, Northwestern University Press, 1956)

Coles, G, *Voluntary Repatriation: A background Study*, A Report for UNHCR Round Table on Voluntary Repatriation, (International Institute on Humanitarian Law, San Remo, 1985)

Rogge J.R and Akol J.O, 'Repatriation: it's Role in Resolving Africa's Refugees Dilemma' *International Migration Review*, Vol. 22(2) 1989

Kunz, E. F, 'Exile and Resettlement: Refugee Theory,' *International Migration Review*, Vol. 15, 1981

Yerkes, S. A., and Holloway, H. C. 'War and homecomings: The stressors of War and of Returning From War.' In Ursano R.J

Norwood A (Eds.), *Emotional Aftermath of the Persian Gulf War: Veterans, Families, Communities, and Nations* (Washington, DC: American Psychiatric Press, 1996

Norwood, A. E., Fullerton, C. S., & Hagen, K. P. 'Those left behind: Military families.' In Ursano R.J and Norwood A (Eds.), *Emotional Aftermath of the Persian Gulf War: Veterans, Families, Communities, and Nations* (Washington, DC: American Psychiatric Press, 1996)

ZONDERVAN CORP. (1998), *The NIV Study Bible, New International Version*, London: Hodder and Stoughton.

SCHACHTER, O. (1983) 'Human Dignity as a Normative Concept', *American Journal of International Law* 77.

KRASNER, S.D. (1983) 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', in *International Regimes*, S. D. Krasner (ed.), Ithaca: Cornell University Press.

UNHCR (1996), *Handbook on Voluntary Repatriation*, Geneva: UNHCR

E. Ferris (2002) *NGO Statement on Voluntary Repatriation to the UNCHR Global Consultations on International Protection*, Geneva, 22-24 May 2002.

PRITCHARD, M. (1972) 'Human Dignity and Justice', *Ethics* 82 (4)

KANT, I. (1797) *The Metaphysical Principles of Virtue*, trans. J. W. Ellington (1983), Indianapolis: Hackett.

FEINBERG, J. (1970) 'The Nature and Value of Rights', *Journal of Value Inquiry* 4.

MEYER, M. (1989) 'Dignity, Rights and Self-Control', *Ethics* 99.

SPIEGELBERG, H. (1971) 'Human Dignity: A Challenge to Contemporary Philosophy', *Philosophy Forum* 9 (1/2).

PRITCHARD, M. (1972) 'Human Dignity and Justice', *Ethics* 82 (4).

KELMAN, H. (1977) 'The Conditions, Criteria and Dialectics of Human Dignity', *International Studies Quarterly* 21 (3).

GOODWIN-GILL, G. (1989) 'The Language of Protection', *International Journal of Refugee Law* 1 (1).

MANDELA, N. (1995) *Long Walk to Freedom*, London: Abacus.

GARLICK, M. (2000) 'Protection for Property Rights: A Partial Solution? The Commission for Real Property claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina,' *Refugee Survey Quarterly* 19(3).

DENG, F. (1997) *Profiles in Displacement: Mozambique*, Geneva: Commission on Human Rights, 1997

APPENDIX

Interview guide for Key Informants/FGD

KEY INFORMANT INTERVIEW GUIDE/FGD GUIDE

Section 1: Factors influencing voluntary return

1. What is your general remark regarding the pace of Refugee return in *Kajo Keji* County?.....
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2. What do you think are the factors that led to the Refugee return in *Kajo Keji* County?.....
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3. What correlation/pattern do you see between the Refugees who have returned to villages and the followings?

Please, explain.

Sex.....
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.....

Age.....
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.....
.....

Marital
status.....
.....
.....
.....

Disability.....
.....
.....

Section 2: Enhancing voluntary return

4. What in your opinion are the major obstacles to Refugee return process? Please rank.....
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.....

5. What in your opinion can be done to enhance voluntary return of those still left in the camps.....

Section 3: Sustainable return

6. In your own imagination, do you foresee a situation in the near future that may force the Refugees who have returned in to re-displacement? If so, explain the situation.....
.....
.....
.....
7. What do you think can be done to ensure that those who have already returned are not redisplaced?

Thank you!!!