



Advocating for the Displaced

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Ratifying and Domesticating the ICGLR pact and Protocols on Humanitarian and social issues

- Protocol on the Protection and Assistance to IDPs – obligating state parties to adopt and implement the UN Guiding principles
- Protocol on Property Rights of Returning persons
- Protocol on Suppression of Sexual Violence Against Women and Children



Why advocate?

- ✓ To ensure rights and dignity of IDPs and returnees are protected
- ✓ To ensure that the spirit of ICGLR is not lost in the process of domesticating the protocols
- ✓ To infuse rights-based approach in law making – uphold norms, standards and key principles
- ✓ End continuous neglect and denial of the problem – Hold Government and other actors accountable



Need to understand

1. The politics at the national level- displacement is a political issue, Hence know the actors and their interests
2. Legislators are often motivated to pass a law if they perceive a benefit/political mileage
3. The Legislative process in your country – In Kenya When Parliament adjourns at the end of the year, all matters pending before it are considered to lapse and have to be introduced afresh in the following year. This includes proposed laws that may have been midway in discussion



Understand

4. The commitment/priority of the Government to the particular legislation

e.g. The Refugee Bill (draft law) was introduced in Parliament for the first time in 2003 discussions in Parliament in 2003, it faced much opposition. Why? After lapsing again, and weighing the debates and issues such as the constitution making process, - advocacy resumed in 2006.

How do you we cultivate political good will? And ensure that we stay on track?



Understand

5. **As an advocate, you do not have direct powers to pass the law- you have to work with Members of Parliament**

How?

- educating and creating awareness on the proposed legislation and remain sensitive to the national interest.
- Look for friends and sympathizers within the parliament
- Understanding the parliamentary processes – committees (their roles), the Parliamentary calendar, house business priorities, have a linkage with Clerk of the National Assembly's office to get information



Strategies in advocating for the law

It's a negotiation process

1. Keep in sight the ultimate goal of your advocacy and strike a balance that ensures that the law has the interest of your constituency and the MPs
2. this means taking stock of all the interests and concerns regarding the IDP situation and engaging the actors to bring these issues to the table



Do not be a lone advocate!

3. Engage all stakeholders
4. Create mass support / IDPs
5. Engage the media- writing articles, respond to news items, brief them
6. Engage the legislative machinery – this is in recognition of the fact that the MPs have the greatest say and interests as representatives of their constituents



Engaging:

In the following ways

1. through an attractive, easy to read lobby pamphlet - it is good for reference when they are in the house/parliament - makes them sound knowledgeable –
✓ *The Guiding Principles on IDPs and the ICGLR process need to be popularized*
2. Have informal meetings with your allies in parliament and educate them- they are good at influencing their colleagues and helping you understand they key persons you must lobby



Engaging:

3. Work with the Parliamentary Select Committee responsible for reviewing the law before it is debated in Parliament – be the experts and ask to provide background information: - Research, Research and more research
 - ✓ use your allies to ensure they invite you
 - Organize a workshop in a prestigious hotel
4. Remain politically aware in a non-political advocacy campaign:
 - Be ready to counter argument which support your course in an informative way
 - Welcome suggestions to improve the text
 - Understand the politics around the law



Consolidating the lessons in advocacy

1. Be the expert - Be well informed, MPs are not necessarily experts in all matters legal
2. Take note of those 'experts' who may feel left out of the process and engage
3. Successful advocacy involves "seizing the day" – taking initiatives at an opportune time.
4. Draw linkages between issues of advocacy and other national issues



Consolidating the lessons in advocacy

5. Employ a non-confrontational approach, a negotiation process:
6. Currency in advocacy – ensure the advocacy efforts address practical issues arising out of everyday IDP management, and not just broad human rights issues.
7. Do not lose sight of the primary objectives of your advocacy- use a rights-based approach
8. Evaluate your gains/losses and re-strategize



Comments on KHRC Paper

- I agree that most interventions and efforts have been schewed, episodic and uncoordinated. But what has been the real challenge?
 1. Is it the lack of an organisation with a clear mandate that will take up a leadership role on IDP issues and to provide that real push for policy, legislation etc – is it necessary and effective that a national civil society organisation takes up such a role?
 2. Has enough been done to nurture and develop the engagement of civil society? Malombe has discussed the numerous responses by state and non state actors – but what are the outcomes? We need to start reporting and fine-tuning outcomes, restructurizing
 3. The numbers of IDPs are telling! At this point it should not be enough to research, network and make reports. We must start to engage.....legislators, interested parties and so forth.
 4. What happens in the field does not seem to get to the Boardrooms and consultative meetings in Nairobi



Comments on KHRC Paper

- I agree that awareness raising; training and capacity building for both international actors and national actors is needed to ensure that the particular protection needs of IDPS are understood and acted upon;

What is happening in the field at the moment?

1. **Lack of documentation** - Exclusion from health, social welfare and education provisions
2. **Increased levels of food and livelihood insecurity** – persist long after the emergency phase – A majority may not live in the camps – a classic case is that of Limuru in the outskirts of Nairobi. With little money and family relations they live amongst the locals.
3. **Live in makeshift shelters – long term dependence on accommodation with family, relatives, and friends** – expression of host fatigue – in Kenya 5 months down the line.
4. **Are we upholding the principle of return** – Voluntarily, in safety and dignity?



Comments on KHRC Paper

- To harmonize the sub regional, regional and international reporting and accounting mechanisms to at least one?

Some mechanisms cater for issues overlooked in another; they usually enhance the position of the other or are made more relevant and fit for different regions. As long as Key principles are upheld.