

REFUGEE CONSORTIUM OF KENYA
Presentation during the Opening of the CCR International
Refugee Rights conference 17-19th June 2006 Toronto, Canada

Is there need for NGOs to network across borders in order to preserve refugee rights?

NGOs play a critical role in refugee protection at both local and international levels, more so at a time when increasing xenophobia in the West (America, Australia etc), stringent asylum policies in Europe, poverty and poor governance in Africa and fear of terrorism the world over threaten the sanctity of human rights and particularly those of refugees. New and innovative action is required today to tackle these challenges that hamper the enjoyment of basic rights by asylum seekers and refugees. These challenges no doubt call for a concerted effort by all players.

NGOs play a fundamental role in complex emergencies and in refugee protection such as;

- ◆ They respond to emergencies through provision of life saving relief assistance,
- ◆ They provide technical skills and resources that are accessible without the bureaucracy that hampers most government action.
- ◆ They mobilize support through formal or informal means such as the unique role in mobilizing public opinion and generating political support in defense of humanitarian and human rights principles.
- ◆ They vocalize the interests of refugees who are often not represented in local and international policy formulation gatherings.

WHY CROSS BORDER NETWORKS IN REFUGEE RIGHTS ADVOCACY?

- ◆ **Networks across border can be used to mobilize resources for refugee rights advocacy work in a region.** In this era when humanitarian assistance is dwindling due changing priorities within the donor community among other reasons, networks will make it possible to achieve results using minimum resources and without duplication of efforts. For instance in addressing detention of asylum seekers, it makes more sense to develop /coalitions and networks that maximize the use of available resources in pushing for a global action rather than organization and countries going it alone, which may have less impact at a higher cost.
- ◆ **Networks are also effective in drawing international attention to humanitarian crises** and for lobbying international support for Governments faced with complex refugee situations and emergencies. The Darfur crises can be cited as a good example where it has taken a concerted effort of many

humanitarian and advocacy organizations and persons to bring the suffering of millions of people to international arena as well as sustain the media and world interest and action on the same. A joint effort by Advocacy NGOs in Africa for example would help generate more interest and attention to the problem of resource constraints and protracted refugee situations which African governments hosting large population of refugees are currently facing. This could result to more equitable international responsibility sharing.

- ◆ **Checking state excesses and violations in refugee situations** especially in countries that have limited democratic space and minimal tolerance for civil society and NGOs. It is only through cross border networks that attention can be drawn to refugee rights violations without the threat of closure of the local organizations in some countries. For instance, in 2005, the Government of Kenya issued a deadline for all aliens to register or risk deportation without providing facilities for such registration. Refugees and asylum seekers living outside the camps are treated as illegal aliens by law enforcement officers in Kenya. Through advocacy by national organizations as well as networking with international partners who added their voices to that of the local organizations calling for the Government to respect refugee rights in the registration process and to provide a mechanism in which such aliens would be registered, the government heeded the pleas and both requests were granted. While the Kenyan Government is relatively tolerant to civil society, the concerted advocacy efforts made the government rethink its stand and has now provided a mechanism for the registration process as well as increased the grace period for the aliens to register.
- ◆ **Monitoring and assessment of compliance to human rights standards of countries against benchmarks set.** Where monitoring of refugee rights is carried out by a network of organizations, reports generated from such a network has much credibility, and accountability is achieved. Recommendations of such assessments receive attention and support that translates to positive action. An example is the Refugee Status Determination Watch (RSD Watch) which is a network of legal aid organization monitoring compliance of UNHCR and governments with laid down RSD procedures. The discussion and submissions made during the UNHCR Excom meeting and during other forums with UNHCR, led to the review by UNHCR of the RSD procedure. Already we are seeing some improvement at the country level on RSD.
- ◆ **Networks are useful in sharing information on best practices.** Networks provide important information such as the **country of origin information**, which would be useful in advocating for protection of asylum seekers during

processes such as Refugee Status Determination. Advocacy organizations would also benefit from experiences of the members of the networks and use such experiences to improve advocacy strategies within their countries. They are able to know what is working and what is most suitable for different situations. For instance lessons learnt from the Zambian initiative or the Uganda self reliance strategy which are both aimed at improving refugee livelihood and protection, has assisted advocacy organizations in Kenya to come up with an innovative model for advocacy aimed at expanding space for refugees in the camps to enjoy more rights. The models include, popularizing refugees as contributors to economic growth, and as potential tax payers and thus an opportunity to increase the national tax base by regularizing their right to work, to do business and to support themselves outside the camps.

- ◆ **Networking across border is the in thing.** Regional cooperation through bodies such as the EU, AU, the East Africa Community and others have become the norm in the world today. Such cooperation addresses issues like governance and politics, economic development and integration, social and humanitarian issues among others. Governments within such regional bodies often influence each others practices in refugee protection. They occasionally disregard the provisions of the 1951 UN Convention on refugees and come up with policies which, while upholding regional political and economic objectives, undermine refugee rights and refugee protection. For refugee rights issues to be included in such regional forums, it requires that refugee rights advocacy organizations move towards networking and cooperating across borders with the aim of influencing positively, regional agreements, policies and practices that impact on refugee rights.

In conclusion, I wish to underscore that there are greater benefits when NGOs build advocacy networks for refugee rights which can check regional trends that undermine the welfare of asylum seekers and refugees.

To sustain a cross border network it is important that members

1. Share the same vision and objectives of the network.
2. Agree on consensus building mechanism and decision making levels and especially when there is a need to issue joint press statements that includes the signature of all members
3. On various advocacy strategies.