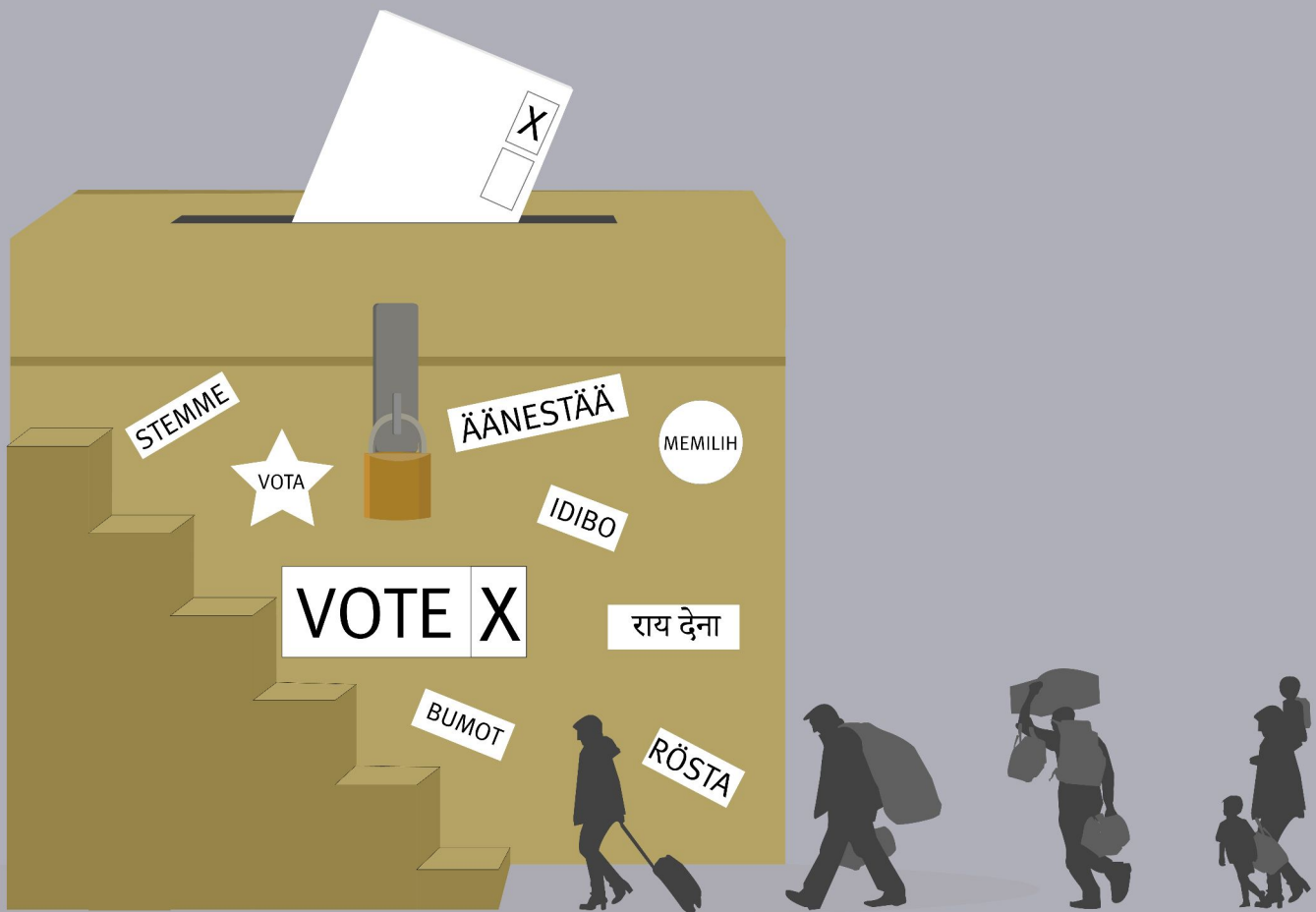


Political Participation of Refugees

The Case of Somali and South Sudanese Refugees in Kenya





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Caleb Otieno Opon
Lina Antara (series editor)



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Abbreviations



CPA	Comprehensive Peace Agreement (South Sudan)
DRA	Department of Refugee Affairs (Kenya)
GRSS	Government of the Republic of South Sudan
OCV	Out-of-country voting
RSD	Refugee status determination
SPLM	Sudan People's Liberation Movement
SSWC	Save Somali Women and Children
TFG	Transitional Federal Government (Somalia)
TNG	Transitional National Government (Somalia)
UNHCR	United Nations High Commissioner for Refugees

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1. Introduction



This case study focuses on political participation by refugees and asylum seekers in their host country and country of origin, and was written as part of a larger research project on the same issue (Bekaj and Antara 2018). It examines the opportunities and challenges related to their participation in the political life and decision-making processes of Kenya as the host country, and Somalia and South Sudan as the countries of origin.

In addition to a preliminary desk review of existing studies specific to the political rights of refugees in Kenya, a questionnaire and semi-structured interviews were used to collect qualitative data from 110 respondents to the questionnaire and 21 face-to-face interviewees. Of the 110 respondents, 69 were from Somalia, 45 of whom were based in Nairobi and 24 were encamped in Kakuma refugee camp. Of the 45 urban Somali refugees, 39 were female, 19 were in the 30–45 age group and 35 had not completed any schooling.

The large number of female respondents can be attributed to the fact that men often remain in the country of origin, either taking part in the conflict or taking care of their property/cattle, and the likelihood that a large number of male refugees chose not to participate for fear that it might be a government operation to target them. All the Somali respondents based in Kakuma were male, with the exception of one female aged between 18 and 29. The large number of male respondents in Kakuma was attributed to the lack of freedom within the camps and the typically patriarchal and socially conservative values that predominate among rural Somali families and are extended to the camps. Among the refugees from South Sudan, 16 were based in Nairobi and 25 were resident in Kakuma camp. Ten of the urban refugees were female while only four of the 25 who responded from the Kakuma group were female (see Table 1).

Table 1. Case study respondents' profiles and locations

Research site	Somali			South Sudanese			Key informants
	Male	Female	TOTAL	Male	Female	TOTAL	
Kakuma	23	1	24	21	4	25	2
Nairobi	6	39	45	6	10	16	3
TOTAL			69			41	5

In addition to the written questionnaire, focus group discussions and interviews were held to obtain more nuanced information on particular political issues. Interviews were also conducted with senior officials from two international non-governmental organizations (NGOs), one domestic NGO and two representatives of the Kenyan Government's Department of Refugee Affairs (DRA).

The questionnaire collected pertinent information on the respondents' profiles, which immediately flagged up some limitations linked to the situation of refugees and asylum seekers in Kenya. Most of the respondents had never experienced formal political participation in their countries of origin, given that neither Somalia nor South Sudan has held an election based on the principle of universal suffrage in the past 20 years. This lack of involvement in formal political processes significantly limited their understanding of the research topic. In addition, the face-to-face interviews teased out the disconnect between the study's objectives and the realities of the lives of the respondents. They mostly viewed political participation as secondary given the dehumanizing conditions they were living in, citing concerns about harassment by Kenyan security officers and the length of time it took to find out about their status as more important.

There were also clear signs of discomfort in the South Sudanese urban group with the question on specifying their ethnicity. In this regard, one respondent noted: 'The conflict in our country has created such high levels of mistrust that information on this small meeting will in no time be reported back, stating who attended, what ethnic group they were from and what they said' (South Sudanese male refugee 2, Nairobi, 2017).

2. Host-country context: Kenya



Kenya is one of the countries that hosts the greatest number of refugees worldwide: a total of 489,071 registered refugees and asylum seekers as of 30 November 2017. Of these, 238,617 are based in Dadaab, 184,938 in Kakuma and 65,163 in urban areas (UNHCR 2017a). Refugees from Somalia and South Sudan make up the two largest groups, with 285,705 and 111,045 people respectively.

Established in 1992, Dadaab is located in Garissa County in north-eastern Kenya. It consists of five camps: Dagahaley, Hagadere, Ifo, Ifo II and Kambioos. The vast majority of the refugees in Dadaab are from neighbouring Somalia. The official number of refugees in Dadaab has declined from its peak of 410,000 in June 2013 (UNHCR 2017), due to voluntary repatriation of Somali refugees following encouraging signs of stability in Somalia. The voluntary repatriation began after the United Nations High Commissioner for Refugees (UNHCR) signed a tripartite agreement with the governments of Kenya and Somalia in November 2013. The Kenyan Government, in particular, was keen to support voluntary returns of recognized refugees and set a goal of returning 80,000 Somali refugees by the end of 2014. A terrorist attack in April 2015 reinforced this determination, leading to an announcement that the Dadaab camp would close mainly due to security issues. A strategy was developed to support the voluntary repatriation of Somali refugees through the implementation of a repatriation programme by the UNHCR, government counterparts and partners. In light of this, a total of 75,297 Somali refugees returned to their home country between December 2014 and December 2017 (UNHCR 2017b).

Located in Turkana County in north-west Kenya, the Kakuma Refugee Camp has been hosting refugees from East Africa and the Horn of Africa since 1991. Given its proximity to the border with South Sudan, South Sudanese refugees made up over 56 per cent of the total population in the Kakuma camp as of 30 November 2017 (UNHCR 2017a). Before the start of the conflict in South Sudan in December 2013, there were 45,000 South Sudanese refugees in Kakuma, but this figure rose dramatically after the start of the conflict, which was still ongoing as of mid-2017. Of the 65,163 refugees registered in Nairobi as of November 2017, 37 per cent were from the Democratic Republic of the Congo (DRC), 30 per cent from Somalia and only 8 per cent from South Sudan (UNHCR 2017a).

Overview of Kenya's refugee and asylum policy

In response to increased security threats from terrorism, Kenya has made far-reaching changes to its refugee and asylum policy since 2012. Departing from the official policy position in 2011, which was to allow refugees and asylum seekers to live in urban areas and

hence have better integration prospects, the Kenyan Government, through the DRA, adopted an encampment policy in 2012 which required that all urban refugees and asylum seekers must be relocated to officially designated camps. In response to a legal petition, the Kenyan High Court ruled in 2013 that this constituted a violation of the constitutional right of freedom of movement and the principle of nonrefoulement enshrined in the 2006 Refugees Act (Petition 19 and 115 of 2013). Nonetheless, in 2014, key amendments to the 2006 Refugees Act were passed, further consolidating the encampment policy.

In particular, according to the amendment, ‘every refugee and asylum seeker shall . . . not leave the designated refugee camp without the permission of the Refugee Camp Officer’ (Security Laws (Amendment) Act No. 19 of 2014, section 46). The same amendment Act (section 48) introduced a cap on the total number of refugees and asylum seekers that are allowed to be present in Kenya. The implementation of this provision would have required the forced repatriation of any refugees and asylum seekers beyond this cap and resulted in the expulsion of more than 300,000 refugees. This legal provision was challenged in the Constitutional and Human Rights Division of the High Court, which in 2015 found it ‘unconstitutional, and therefore null and void’ (Petition 628 and 630 of 2014 and 12 of 2015, consolidated). A compromise was reached on voluntary repatriation in an ‘Operations Strategy’ published by the Tripartite Commission for the Voluntary Repatriation of Somali refugees in Kenya and adopted on 29 July 2015 (UNHCR et al. 2015).

In addition, Kenya has put in place a national legal framework on refugee matters and the refugee status determination (RSD) process. The first steps were the enactment of the Refugees Act of 2006, replacing the repealed Immigration Act and Alien Restriction Act. The 2006 Act was operationalized in 2007 with supporting legislation in the form of the Refugees (Reception, Registration and Adjudication) Regulations in 2009. These provisions established the DRA, which is responsible for receiving and processing applications for refugee status. With this legislation in place, the DRA is in the process of taking over the management of refugee matters from the UNHCR, beginning with refugee status determination. The transfer of all RSD functions to the DRA was expected to be finalized by the beginning of 2016.

In light of the above policy changes, most respondents noted severe restrictions on movement in both the camps and urban areas, harassment by security agencies and a lack of security in the camps. These views were largely similar across the board:

In Kenya, refugees are not allowed to move without a travel document. Refugees are also not allowed to attend public schools when in Kenya and if they do, they are charged for it. Refugees living in Nairobi are not allowed to work. The Kenyan Government and the NGOs working with refugees should allow refugees to attend public schools and be given the right to move in all parts of Kenya freely. Refugees should be given the same identity documents as Kenyans.

—South Sudanese refugee focus group 2, Kakuma Camp, 2017

Across all the focus group discussions that were conducted for this research, there was a consensus that the major obstacles to registration and lawful residency arise from the fact that refugees and asylum seekers—especially those from Somalia—are often suspected of engaging in or abetting terrorist activities. The Somali focus group and the experts interviewed agreed that recent terrorist attacks have contributed to the profiling of Somali refugees and asylum seekers as accomplices or possible terrorists, and triggered the radical review of the refugee registration policy.



Requirements for refugees' political participation and naturalization

Access to citizenship

According to the 2010 Constitution of Kenya (article 15), 'a person who has been lawfully resident in Kenya for a continuous period of at least seven years' and who meets other conditions prescribed in the relevant legislation may be naturalized. In addition, the Kenya Citizenship and Immigration Act of 2011 (article 13) requires that in order to qualify for naturalization one must have 'an adequate knowledge of Kenya and of the duties and rights of citizens', have knowledge of Kiswahili or a local language, and be able to make a contribution to Kenya's national development.

However, in practice, naturalization is not granted to refugees (Garlick et al. 2015). According to the UNHCR, there is no great interest on the part of most refugees in becoming Kenyan citizens. The handful of individuals who applied in 2015 are still awaiting decisions on their applications and there is no data on the number of Somali or South Sudanese refugees who have obtained Kenyan citizenship. A representative of the DRA interviewed for this case study argued that a refugee seeking Kenyan citizenship must move from having refugee status to the status of 'non-Kenyan resident' as defined in the Kenya Citizenship and Immigration Act of 2011.

According to this interpretation, the seven-year residence requirement would only start counting from the moment that the applicant received a residence permit as non-Kenyan. The DRA representative conceded that this law is unclear and needs to be reviewed, as even refugees who have been in Kenya for more than seven years remain ineligible for citizenship and hence cannot formally participate in Kenyan politics. Unlike refugees and asylum seekers, non-Kenyans with legal residency are free to move to any part of the country, engage in business and seek employment, although they cannot participate in elections (DRA representative 1, Nairobi 2017).

Access to voting rights and political parties

Requirements for voting in Kenyan national and local elections are regulated in article 1 of the 2010 Constitution and the Elections Act of 2011, which provides that only adult citizens have the right to vote (article 38(3)) and they must be registered voters. Refugees and asylum seekers are therefore excluded from voting or standing as candidates in Kenyan elections on the grounds of citizenship.

The findings in the secondary literature confirm that Kenya's formal political space is limited even for female citizens, youth, ethnic minorities and persons with disabilities, let alone non-citizens (Africa Youth Trust 2016; Okoth 2017; Sindhuja and Murugan 2017). For refugees and asylum seekers in particular, security concerns and residency requirements add further obstacles.

As alluded to above, discussions with senior officials responsible for refugee affairs summarized refugees' inability to participate in formal political processes as follows:

Formal political participation requires a change from refugee status to citizenship of Kenya. The period of status change from registered refugee to citizen is ambiguous in law and requires clarity. What needs to be addressed is: does the period the refugee entered Kenya, was screened and recognized as a registered refugee count, or should it be counted from the time the refugee obtains legal residency? The issue in law is that refugees may be advantaged over non-Kenyans who are not refugees but have been lawfully resident in Kenya for a continuous period of at least seven years and wish to become Kenyan citizens.

—DRA representative 1, Nairobi, 2017

Another government official expressed concerns about the possible implications for Kenya's security of the involvement of refugees in politics, especially since they derive their protection from international law and conventions that prevent their deportation. Particular reference was made to refugees and asylum seekers from Somalia:

Refugees and asylum seekers are protected under international law while economic migrants are not. They (refugees) are predisposed to exploit international law, which prevents their deportation once they land in host countries even where they pose a security risk. From a security perspective, laws that protect refugees and asylum seekers must be scrutinized to determine the real motives of refugees, especially when they are no longer persecuted in their countries of origin. Somalia is a case in point. The fragile security situation in both Kenya and Somalia makes it difficult to facilitate the participation—whether formal or non-formal—of Somali refugees in Kenyan politics.

—DRA representative 2, Kakuma, 2017

Explicit in this reasoning is that the formal and systematic incorporation of refugees and asylum seekers into Kenya's political processes would entail security challenges. In addition, given that the refugees in both Kakuma and Dadaab camps far outnumber the local population, concerns have been raised about the possible outcome of elections under the principle of 'one person, one vote'. The possibility of granting voting rights to refugees would also pose the dilemma of whether elections should be held under the current conditions of encampment, or whether refugees would have freedom of movement throughout the country. In light of the above, it becomes evident that granting electoral rights to refugees would require radical changes not only to the legal and administrative frameworks governing elections, but also to Kenya's refugee and security policies.

With regard to refugees' access to political parties in Kenya, there is a legal requirement to be a registered voter before one can become a member of a political party. To register to vote requires a Kenyan identity card issued by the Registrar of Persons. The Kenya National Identity Card is a crucial citizenship document that determines the extent to which an individual enjoys his or her fundamental rights and freedoms within Kenya's borders. Refugees and asylum seekers cannot obtain an identity card until they have been naturalized. Thus, membership of a political party for a person with refugee status (and an alien status card) would constitute a criminal offence by that person and the political party (Kenya Citizenship and Immigration Act, 2011).

Access to civil society organizations

The possession of a Kenya National Identity Card is also a key legal requirement for forming any organization, including non-profit organizations and NGOs in Kenya. As a result, refugees are not allowed to formally establish their own civil society organizations unless they have obtained Kenyan citizenship. In this context, one of the few avenues left for political participation is non-formal engagement with civil society or advocacy groups run by others and the conduct of non-formal participatory processes in the refugee camps.

3. Refugees' and asylum seekers' political participation in the host country



Formal political participation

None of the refugees and asylum seekers participating in this case study had voting rights in Kenyan elections. All the respondents stated that since they were not citizens, they could not participate in Kenyan elections. In addition, 'Refugees in Kenya view their status as not permanent. Hence participating in elections is not a priority. Survival is more important while awaiting permanent resettlement or repatriation' (Legal expert on refugee rights, Nairobi, 2017). Further challenges stem from the fact that many refugees and asylum seekers arriving in Kenya have negative experiences of political processes in their countries of origin. This leads to fear of political stigmatization and no desire to participate in politics (Legal expert on refugee rights, Nairobi, 2017). This also emerged during the focus group discussions in Kakuma, and was even more evident among the South Sudanese participants. In addition, it was highlighted that:

The current encampment policy is viewed as intimidating and discourages the formation of political groupings by refugees and asylum seekers. Although informal elections are held to elect refugee leaders and representatives in camps, participation levels are low.

—Legal expert on refugee rights, Nairobi, 2017

Furthermore, several participants felt that their refugee status excluded any involvement in the political issues of their host country: 'As a refugee, I have no right to talk about the political issues of Kenya' (Somali female refugee 1, Nairobi, 2017).

One participant highlighted the need for a clear path to Kenyan citizenship and to promote understanding of the political rights of refugees:

The Kenyan Government must push for the establishment of citizenship rights for refugees. We should be able to receive ID cards and become Kenyan citizens to have the same rights with the locals.

—South Sudanese male refugee 1, Kakuma, 2017

Given that refugees and asylum seekers face the same legal restrictions on membership of political parties as participation in elections, respondents overwhelmingly denied any type of engagement in or support for Kenyan political parties.

Non-formal political participation

Face-to-face interviews with some of the more vocal respondents on non-formal political participation elicited mixed responses. The general consensus was that given their refugee status, participation in Kenyan politics through the formation of advocacy groups and grassroots movements would risk undermining their protected status. Having embarked on an unknown journey forced by conflict in their countries of origin, many respondents argued that they did not see any value in seeking change in a foreign country: ‘We ran away from conflict started by politics in Somalia: why start another conflict here through politics?’ (Somali refugee focus group 2, Nairobi, 2017).

The urban Somalis were particularly averse to visibly engaging in any form of political activity that would make them stand out. This was mainly due to fear that any involvement in Kenyan politics might provide a reason to be targeted by the Kenyan security authorities or for repatriation to Somalia (Somali refugee focus group 2, Nairobi, 2017). In a similar way, one-to-one interviews with South Sudanese participants revealed a sense of unease about any form of political activism in Kenya.

In addition, the Somali participants considered ‘informal economic integration’ to be more important than belonging to a political community with citizenship status. Nonetheless, within the Eastleigh business complex in Nairobi, there are certain initiatives for political integration facilitated by Kenyan citizens of Somali origin. It is notable, however, that these initiatives seem to have positively influenced political inclusivity in Somalia rather than in Kenya (Somali refugee focus group 2, Nairobi, 2017).

Despite the legal restrictions that refugees face in establishing civil society organizations, Somali diaspora women in Nairobi have managed to register a Nairobi branch of Save Somali Women and Children (SSWC) which is headquartered in Mogadishu. One of the co-founders of SSWC is Asha Hagi Elmi, a Somali politician and peace activist based in Nairobi and Mogadishu who was a member of the Federal Parliament of Somalia until 2012. She has been resident in Kenya since 2006 and has fought for gender equality in political participation and the reconstruction of a modern democratic government in Somalia.

Although not comparable with their Somalia counterparts, South Sudanese refugees participate in peace and inter-religion training led by the Jesuit Refugee Service in Kakuma camp. This aims to prevent the divisions created by political leaders in the country of origin being carried into the camps (Project Director, Jesuit Refugee Services, Kakuma, 2017). In addition, an advocacy group in Kalobeyei camp supported by the Jesuit Refugee Service includes refugees in reviews of encampment policies to facilitate integration and unrestricted movement (Project Director, Jesuit Refugee Services, Kakuma, 2017). A leading official of the DRA in Kakuma indicated that the Government of Kenya strongly discourages any form of political activism or mobilization in Kakuma due to the strong ethnic identities that inform the conflict in South Sudan. He stated that conflicting groups have often extended their hostilities to the camps, requiring the intervention of Kenyan security officers (DRA representative 2, Kakuma, 2017).

Periodic elections of camp leaders at the block, zone and camp levels in Kakuma camp are held every three years. The DRA functions as the ‘electoral management body’ that oversees the elections, while the Jesuit Refugee Service provides returning officers and logistical support. The elections are hotly contested, campaigning is allowed within the camp and forums are held to discuss candidates’ plans to improve the welfare and living conditions of refugees. In addition, by-elections are held when leaders are resettled (Project Director, Jesuit



Refugee Services, Kakuma, 2017). Although the focus group participants in Kakuma acknowledged that they had participated in these elections, the fact that it was exclusive to refugees led them to perceive them as 'less serious'. Their attitude was reinforced by the fact that in reality, political power and decision-making remained in the host community. Participants argued that such elections should involve the host community, as well as issues such as legal status, camp conditions, and the movement and security of refugees as part of the campaign agenda (Somali refugee focus group 1, Kakuma, 2017; South Sudanese refugee focus group 2, Kakuma, 2017).

As community leader, I was involved in reporting cases of abuse and domestic violence to the relevant organizations working in the camp, and educating other refugees about civil rights. . . . One of the weaknesses is that there is no serious follow-up from the relevant authorities.

—South Sudanese male refugee 3, Kakuma, 2017

4. Country-of-origin context



Somalia

Somalia held parliamentary elections in October 2016, only its third since 1969. The elections were considered significant: Somalia has been scarred by decades of armed conflict, political crisis and transitional authorities. Although political parties exist, the 2016 elections were not based on a formal multiparty system. Instead, they culminated from various peace negotiations stemming from the Arta Process, with heavy influence from the Somali diaspora (Sheikh and Healy 2009). The Arta Process began in Djibouti in 2000, when approximately 60 Somalis from the diaspora converged to form a technical committee (Ismail 2011). This was necessitated by the failure of 13 previous peace conferences on Somalia, which had been dominated by faction leaders and warlords. The warlords and faction leaders were allowed to attend the Djibouti meeting as Somali citizens but were not allowed to control the conference agenda (Ismail 2011). In August 2000, after six months of deliberations, the Arta Peace Conference ended with the formation of a Transitional National Government (TNG). The transitional governance institutions were led by an interim president and prime minister, as well as government ministers from the diaspora.

The Arta Process was not without disagreements and a UN-brokered agreement in 2004 ended the TNG and replaced it with the Transitional Federal Government (TFG). It also placed voting in the hands of clans as a way to mitigate conflict over government positions. The TFG gave way to the Federal Government of Somalia in 2012, while retaining voting power in the hands of clans. Only 14,000 delegates from the clans participated in the 2016 elections, in a nation of 12 million people. They elected 275 members of the House of the People and 54 members of the Upper House of Parliament. The system allowed most of the appointments to be divided among the country's five major clans, with the remainder distributed among 12 minority clans and sub-clans (Saferworld 2017). Asha Hagi Elmi led the 'sixth clan' dominated by women to support the five major clans that were dominated by men. Her sixth clan was part and parcel of the Arta Peace talks in 2000 and the Mbagathi Conference in Nairobi in 2002–2004 (Lewella 2012). She was elected by the 135 Somalia elders as one of the 25 female members of parliament of the TFG and was also instrumental in ensuring that women were treated as equal partners in the peace negotiations in a country governed predominantly by Sharia law. Her determination has gone further than just political representation, to the rephrasing of official government communications to be sensitive to gender and achieving a minimum 30 per cent representation requirement for women in district and regional councils, in national commissions, in local committees and at conferences.



A presidential election was then held on 8 February 2017, when the president was elected by a joint sitting of both houses of parliament. No out-of-country voting (OCV) was possible in these elections. Nor in such an election set-up was it thought necessary to incorporate issues such as voter registration, legal identification and access to voter information. The lack of a 'one person, one vote' system was largely attributed to limited resources, the volatile security situation and the government's lack of control over large areas of the country (Lunn 2017; Bryden 2013).

Somalia adopted a new provisional constitution as part of its transition in 2012. Under article 22 on political participation, every citizen has the right to take part in public affairs. This includes the right to form political parties and to take part in the activities of political parties (Heritage Institute 2017; Saferworld 2017). The constitution also contains provisions that require the Federal Government of Somalia to ensure that the 30 per cent quota for women is supported and fully implemented.

It is expected that universal elections based on 'one person, one vote' will be held in 2020, administered by Somalia's National Independent Electoral Commission which was established in July 2015 (UN Assistance Mission in Somalia n.d.). Whether this will open legal channels for refugee participation as party members, candidates and voters remains to be seen. However, the legitimacy of the elections and the durability of peace will to a large extent depend on the inclusion of refugees as voters and as candidates. This will be very important for Somalia in consolidating the post-conflict transition.

South Sudan

The world's youngest country, South Sudan gained independence from Sudan on 9 July 2011. The first general elections were scheduled for 9 July 2015. However, ongoing conflict in the country since 2013 has caused the postponement of elections until 2018. As of 31 December 2017, the conflict had caused 2,428,011 refugees and asylum seekers to flee, mainly to the neighbouring countries of the DRC, Ethiopia, Kenya, Sudan and Uganda (UNHCR 2017).

Parliament was established in 2005 by the Interim Constitution of South Sudan. All 170 members were appointed according to a formula set out in the Comprehensive Peace Agreement (CPA): 70 per cent of the seats were allocated to the Sudan People's Liberation Movement (SPLM), 15 per cent to the National Congress Party and 15 per cent to other parties. After a referendum in 2011, a new legislative assembly was appointed, comprising all the members of the 2005 assembly and all the South Sudanese members of the National Assembly of Sudan.

The SPLM as the ruling party formed the Government of the Republic of South Sudan (GRSS). Although no formal elections were held to elect the GRSS on the basis of 'one person, one vote', the SPLM organized the referendum that led to the secession from Sudan and claimed legitimacy for freedom from political, economic and security decisions emanating from Khartoum. With the logistical support of the International Organization for Migration, OCV occurred in the 2011 referendum in Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, the United Kingdom and the United States (Carter Center n.d.). A total of 60,241 South Sudanese registered abroad, 15,062 of them in Kenya, where there were eight polling centres: two in Nairobi with 3,029 eligible voters; one in Dadaab with 171 registered voters; one in Eldoret, centre of the Rift Valley Province, with 1,359 voters; one in Kitale with 502 voters; one in Nakuru with 2,446 voters; and two in Kakuma with 5,524 voters (Osman 2011). The Kenyan Government supported the OCV process by deploying police on a 24-hour basis to all eight polling stations (Mathenge 2011).

After the 2011 referendum, the SPLM failed to create any space for freedom of speech and association, party membership, elections or tolerance of opposing views in the context of a

broadly based domestic political agenda. This led to major divisions, which resulted in a new conflict in December 2013. South Sudan currently lacks a formal and credible constitutional framework to underpin party formation, membership recruitment and political competition in a context of one-person one-vote, leading to the formation of a people's government. The ability of the GRSS to provide space for different views and build faith in the government is hampered by the legacy of an undemocratic past (Hutton 2014). An election is planned after a transition period envisaged in the Agreement for the Resolution of the Conflict in South Sudan, which was signed in August 2015, but this is still seen as uncertain (Roque and Maimingi 2017). As no general election has ever been held in South Sudan, most South Sudanese have very limited experience of universal multiparty elections.

5. Refugee diasporans' political participation in their country of origin



Formal political participation

It is important to note that the Somali diaspora is a heterogeneous group, comprising refugees and asylum seekers, as well as economic migrants who are more privileged in that they are able to move freely within Kenya and have more opportunities for formal participation in Somali politics. Respondents referred to this group as the 'diaspora elite' and trace their formation to the reconciliation conference held in Nairobi in 2004 (International Crisis Group 2004). The conference attracted over 800 delegates but the number was reduced to 400. Following this conference, Nairobi naturally became a base of convergence for the Somali diaspora. In 2010 it was estimated that over 100 Somali MPs were resident in Nairobi (BBC News 2010). Given their large numbers, Somali refugees and asylum seekers based in Kenya were often mobilized to attend diaspora meetings and support Somali politicians. Members of the Somali diaspora have also returned to their home country to lead political parties or assume government and cabinet positions. One example is the late Abbas Abdullahi Sheikh Siraji, who grew up in the Dadaab refugee camp and became Somalia's youngest cabinet member in 2017, when he was appointed minister of public works and reconstruction (Mohamed and Ibrahim 2017). Unfortunately, he was killed on 3 May 2017, underscoring refugee fears of the risks associated with active engagement in Somali politics.

Although Somali respondents agreed that the Somali diaspora had made gains on the governance and political front in Mogadishu, they all stated that they had never had the chance to participate in Somalia's formal political processes. In the focus group discussions, they also argued that their refugee status made their living conditions in both Nairobi and the refugee camps extremely difficult and that engaging formally in the politics of their country of origin was not among their top priorities. Furthermore, many second- and third-generation refugees, born and raised in Kenya, have never lived in Somalia. Hence, they expressed a certain degree of disconnect from the realities in their country of origin:

As a refugee in Nairobi, I cannot think of politics in Somalia. Politics is only in Mogadishu. If the police hear that I want to be in Somali politics, they will quickly take me to Mogadishu and all my life I have never been to Mogadishu. Let me enjoy the peace in Nairobi . . . no politics for me.

—Somali male refugee 1, Nairobi, 2017

However, many Somali respondents keep track of political developments in Somalia. While they are yet to cast their votes to directly elect a political leader, the roadmap to democratic transition that started with the Arta process in 2000 and continued with the 2016–17 parliamentary and presidential elections has raised hopes for increased opportunities to participate in the 2020 elections. These hopes and opportunities are conveyed in the provisional Somali constitution which, in draft, is considered very progressive.

As noted above, apart from the constitutional provision for a ‘one person, one vote’ election in 2020, organized around political party formations, membership recruitment and voter registration, there is a 30 per cent quota for women. The 30 percent quota was one of Asha Hagi Elmi’s main agendas in the peace negotiations for which she was nominated to the TFG parliament and won global recognition as a member of the Somali diaspora living in Nairobi. Her next challenge was to ensure the implementation of the constitutional agreements and charters that support equal political opportunities for Somali women in and outside Somalia. Her approach and that of other like-minded female leaders was to lobby and meet former presidents and prime ministers to discuss implementation using their strong networks inside and outside of the country.

With regard to South Sudanese refugees’ formal participation in their home country, respondents who took part in this case study in Nairobi and in Kakuma had very limited input, given the ongoing conflict in South Sudan and the absence of universal, multiparty elections since South Sudan’s independence in 2011. The kidnap of political activists and opposition supporters in Nairobi in January 2017, who were forcefully returned to South Sudan, may have also served as a warning, halting any political discussion on the unravelling situation in South Sudan (Hourel 2017). As one South Sudanese respondent noted, ‘One of the main challenges [to direct engagement in our home country politics] is that activists in the diaspora risk being kidnapped or killed’ (South Sudanese female refugee 1, Nairobi 2017). The risk of deportations, in combination with the deep ethnic divides that are replicated in the host country, contribute to the suppression of the political voice of the South Sudanese refugee community in Kenya and discourage the political behaviour usually expected in similar country circumstances—advocacy for change. Their more vocal Somali counterparts offer useful lessons on how refugees and asylum seekers can contribute to political change in their country of origin.

Non-formal political participation

The Somali respondents observed that the democratic transition in Somalia is largely being achieved through non-formal processes. This activism, beginning with the Arta Process in Djibouti, was carried out from host countries through an intricate network of clan and business interests. Members of the Somali diaspora have also participated in lobbying through official letters sent to peacemaker stakeholders, which are often signed by members of the Somali community in solidarity. Once again, respondents flagged that the ‘diaspora



elite' dominates this space, actively contributing to the reconstruction of the political system, but the opportunities for refugee engagement have been limited.

Nonetheless, one of the Somali participants in Kakuma noted that he took part in demonstrations by refugees during the Mbagathi Conference of 2002–04—a follow-up to the Arta Process which was faltering and needed remedies to establish a durable peace and end Somalia's 13-year civil war—demanding a new and inclusive government in Somalia. This triggered a security operation in Eastleigh, Nairobi in which hundreds of protesters were rounded up and taken to Dadaab. For the vast majority of refugees, however, participating in such protests would mean instant deportation, a risk they were not willing to take (Somali refugee focus group 1, Kakuma, 2017).

Another respondent from Kakuma has set up his own radio station inside the camp from which he broadcasts news to Somali refugees in their own language. From his broadcasts, camp-based refugees are able to keep abreast of political developments in Somalia (Somali refugee focus group 1, Kakuma, 2017).

Unlike Somalia, which at independence began with governance structures that favoured party politics, enfranchisement, the rule of law and a polity that benefited from these, South Sudan has had no such experiences. A South Sudanese expert noted that the nation is still young and bruised by conflict, and has limited experience of democratic participation. Hence, South Sudanese refugees and asylum seekers face particular challenges that hinder their participation in country of origin politics. They lack an urban-based coordination mechanism uncontaminated by home politics, which would unite the South Sudanese diaspora to advocate for political change at home (South Sudanese expert, Nairobi, 2017). Furthermore, during the focus group discussions with South Sudanese participants, it became evident that the connections between them are based on face-to-face communication and historical or ethnic ties. They were therefore unaware of large South Sudanese diaspora networks and organized diaspora groups advocating to bring about political change in their home country (South Sudanese refugee focus group 1, Nairobi, 2017; South Sudanese refugee focus group 2, Kakuma, 2017). Nonetheless, many South Sudanese respondents—in both Nairobi and Kakuma—highlighted the potential of the diaspora's contribution to democracy building in the home country through the diffusion of democratic values and the implementation of civic education and human rights initiatives:

Democracy is a process and for South Sudan it can take time to grow. I think the diaspora can play an important role in educating the South Sudanese people about democratic principles and about their rights as citizens.

—South Sudanese male refugee 1, Kakuma, 2017

Others stressed the importance of involving refugees from different ethnic backgrounds in the conduct of in-depth assessments with a view to understanding the root causes of the conflict and taking steps to overcome tribalism and ethnic divisions (South Sudanese female refugee 1, Nairobi, 2017).

Conclusion and recommendations



The findings of this case study suggest that refugees in Kenya are more concerned with their basic needs and the maintenance of their legal status. Recognition of their political rights might constitute an important foundation for their protection in host countries, but taking the necessary steps to exercise these rights, while still under refugee status, evokes mixed reactions among the refugees and their host communities, irrespective of whether the political activities are directed towards their host country or country of origin.

Although not statistically representative, the case study has documented the sentiments and opinions of refugees and tried to portray, wherever possible, their genuine concerns, which revolve around ‘new well-founded fears’ of discrimination, harassment and restriction of movement in their host country. These factors, in combination with the restrictions arising from Kenya’s encampment policy and the barriers to accessing naturalization and voting rights, appear to significantly restrict their ability to directly engage in political activities.

In a similar way, both Somali and South Sudanese refugees have very limited opportunities for participation in the formal political institutions and processes of their home countries, given the lack of one-person-one-vote elections and the absence of a legal framework for OCV. Their potential roles in the politics of their countries of origin may have substantive value in terms of democracy-building through mechanisms of non-formal political participation such as capacity building and civic education initiatives that aim to pave the way for the diffusion of democratic values and an increased awareness of their civil and political rights.

Recommendations

For the host country

- The Kenyan Government and decision-makers in Kenya should revisit the encampment policy and the refugee policy with a view to strengthening and reaffirming the rights of refugees, focusing on freedom of movement and assembly as an alternative to camps as the first step in enabling refugees to exercise their civil and political rights.
- Kenyan civil society in collaboration with refugee-led initiatives should advocate for access to Kenyan citizenship by clearly defining the legal and administrative



requirements for the naturalization of refugees as a pathway to the acquisition of electoral rights.

- The Government and camp authorities should consider establishing interim representative mechanisms for both refugees and their host communities, given the large concentration of refugees in the Kakuma and Dadaab camps.

For the countries of origin

- The Government and decision-makers in Somalia should consider establishing OCV mechanisms that will allow the refugee diaspora to vote in the 2020 Somali elections, facilitated by host and country of origin EMBs and camp authorities.
- The Government and civil society in Somalia should work together with camp authorities and Kenyan civil society to implement civic education and voter information programmes targeted at the Somali refugee community, and facilitate registration as voters in the 2020 elections.
- The South Sudanese Government and decision-makers should take steps to enable the participation of refugees in transitional elections.
- The South Sudanese diaspora and civil society should explore ways to connect the refugee community regardless of their ethnic or political affiliation with a view to overcoming the legacies of the conflict and building national unity among people with divergent political opinions.

References



- Africa Youth Trust, 'The Two-third gender rule and its implementation in Kenya', 15 August 2016, <<http://www.africayouthtrust.org/media-gallery/ayt-blog>>, accessed 21 May 2017
- BBC News, 'Stop hiding in Kenya, Somali MPs told', 20 January 2010, <<http://news.bbc.co.uk/1/hi/world/africa/8469711.stm>>, accessed 21 May 2017
- Bekaj, A. and Antara, L., *Political Participation of Refugees: Bridging the Gaps* (Stockholm: International IDEA, 2018), <<https://www.idea.int/publications/catalogue/political-participation-refugees-bridging-gaps>>, accessed 7 April 2018
- Bryden, M., *Somalia Redux? Assessing the New Somali Federal Government* (New York: Centre for Strategic and International Studies, and Rowan and Littlefield, August 2013), <https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/130819_Bryden_SomaliaRedux_WEB.pdf>, accessed 17 July 2017
- The Carter Center, *Observing the 2011 Referendum on the Self-determination of Southern Sudan: Final Report* (Atlanta, GA: The Carter Center, n.d.)
- Fischer, J., 'The political rights of refugees and displaced persons: enfranchisement and participation', in A. Ellis et al., *Voting from Abroad: The International IDEA Handbook* (Stockholm: International IDEA, 2007), <<http://www.idea.int/publications/catalogue/voting-abroad-international-idea-handbook>>, accessed 1 August 2017
- Garlick et al., *Formative Evaluation of the Refugee Status Determination (RSD) Transition Process in Kenya* (UNHCR: Geneva, 2015), <<http://www.unhcr.org/5551f3c49.pdf>>, accessed 27 February 2018
- Heritage Institute for Policy Studies (HIPS), *Somalia's Parliament Should Produce a Constitution by the People for the People* (Mogadishu: HIPS, February 2017), <<http://www.heritageinstitute.org/somalias-parliament-produce-constitution-people/>>, accessed 27 February 2018
- Hourelid, K., 'South Sudanese exiles fear kidnap after activists disappear in Kenya', Reuters, 22 February 2017, <<http://www.reuters.com/article/uk-southsudan-security-kenya-idUKKBN1611U0>>, accessed 4 October 2017

- Hutton, L., *South Sudan: From Fragility at Independence to a Crisis of Sovereignty* (Clingendael: Conflict Research Unit, Netherlands Institute of International Relations, 2014), <<https://www.clingendael.org/publication/south-sudan-crisis-sovereignty>>, accessed 12 June 2017
- International Crisis Group (ICG), *Biting the Somali Bullet*, ICG Africa Report No. 79, 4 May 2004, <<https://www.crisisgroup.org/africa/horn-africa/somalia/biting-somali-bullet>>, accessed 6 March 2018
- International Organization for Migration, *Glossary on Migration*, International Migration Law Series No. 25, 2011, <<https://publications.iom.int/books/international-migration-law-ndeg25-glossary-migration>>, accessed 6 March 2018
- Kenya, Constitution of Kenya, 2010, <<https://perma.cc/BFM2-BTYQ>>, accessed 27 February 2018
- Ismail, A. A., 'Diaspora and post-war political leadership in Somalia', *Nordic Journal of African Studies*, 20/1 (2011), pp. 28–47, <<http://www.njas.helsinki.fi/pdf-files/vol20num1/ismail.pdf>>, accessed 20 July 2017
- Lewella, M., 'The Somali diaspora: Options for post-conflict reconstruction', Institute for Security Studies Situation Report, 5 November 2012, <https://issafrica.s3.amazonaws.com/site/uploads/SitRep2012_5Nov.pdf>, accessed 4 October 2017
- Lunn, J., 'Somalia: February 2017 update', British House of Commons Library Briefing Paper No. 7298, 16 February 2017, <<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7298>>, accessed 27 February 2018
- Mandal, R., *Political Rights of Refugees* (Geneva: UNHCR Department of International Protection, November 2003), <<http://www.refworld.org/pdfid/3fe820794.pdf>>, accessed 7 May 2017
- Mathenge, O., 'Kenya offers 24-hr security at local centres for Sudan vote', Daily Nation, 7 January 2011, <<https://www.nation.co.ke/news/1056-1085370-15dq7t1/index.html>>, accessed 27 February 2018
- Mohamed, H. and Ibrahim, M., 'Somali Public Works Minister seen as 'rising star' is shot to death', *New York Times*, 4 May 2017, <<https://www.nytimes.com/2017/05/04/world/africa/abbas-abdullahi-sheikh-siraji-shot-somalia.html>>, accessed 4 October 2017
- Okoth, J., 'Kenya's parliament continues to stall on the two-thirds gender rule', The Conversation, 10 July 2017, <<https://theconversation.com/kenyas-parliament-continues-to-stall-on-the-two-thirds-gender-rule-79221>>, accessed 27 February 2018
- Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, September 1969, <<https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa>>, accessed 4 October 2017
- Osman, M., 'Factbox: South Sudan referendum in Kenya', *Sudan Tribune*, 8 January 2011, <<http://www.sudantribune.com/FACTBOX-South-Sudan-Referendum-in,37521>>, accessed 27 February 2017

- Somalia, Federal Republic of, Provisional Constitution of the Federal Republic of Somalia, 2012
- South Sudan, Republic of, Transitional Constitution of the Republic of South Sudan, 2011
- Roque, C. P. and Miamingi, R., 'Beyond ARCISS: New fault lines in South Sudan', Institute for Security Studies East Africa Report No. 9, January 2017, <<https://issafrica.s3.amazonaws.com/site/uploads/ear9.pdf>>, accessed 5 July 2017
- Saferworld, 'Somalia's 2016 electoral process: Preliminary report of the Domestic Election Observer Mission', [n.d.], <<https://www.saferworld.org.uk/resources/publications/1111-somalias-2016-electoral-process-preliminaryreport-of-the-domestic-election-observer-mission>>, accessed 20 July 2017
- Sheikh, H. and Healy, S., *Somalia's Missing Million: The Somali Diaspora and its Role in Development* (Nairobi: United Nations Development Programme Somalia, 2009)
- Sindhuja, P. and Murugan, K. R., 'Factors impeding women's political participation: A literature review', *International Journal of Applied Research*, 3/4 (2017), pp. 563–65
- United Nations Economic and Social Council, Commission on Human Rights, 'Guiding Principles on Internal Displacement', E/CN.4/1998/53/Add.2, 11 February 1998
- United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, <<http://www.un.org/en/universal-declaration-human-rights>>, accessed 27 February 2018
- United Nations General Assembly, Convention Relating to the Status of Refugees [1951 Refugee Convention], entered into force 22 April 1954, <<http://www.unhcr.org/3b66c2aa10.pdf>>, accessed 27 February 2018
- United Nations Assistance Mission in Somalia (UNSOM), 'Fact sheet on Somalia's 2016 electoral process' [n.d.], <https://unsom.unmissions.org/sites/default/files/fact_sheet_on_somalias_2016_electoral_process.pdf>, accessed 27 February 2018
- United Nations High Commissioner for Refugees (UNHCR), 'Regional overview, South Sudan situation' [n.d.], <<http://data.unhcr.org/SouthSudan/regional.php>>, accessed 27 February 2018
- , 'Statistical summary as of 30 Nov. 2017: Refugees and asylum seekers in Kenya', November 2017a, <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/12/Kenya-statistics-package-November_2017.pdf>, accessed 27 February 2018
- , 'Repatriation update: Somalia, 1–31 December 2017', 2017b, <<https://data2.unhcr.org/en/documents/download/61546>>, accessed 27 February 2018
- , Data Information Sharing Portal, 2017, <<https://data2.unhcr.org/en/situations/horn7>>, accessed 10 May 2017
- UNHCR, Government of Kenya and Government of Somalia, *Voluntary Repatriation of Somali Refugees from Kenya: Operations Strategy 2015–2019*, <<http://www.unhcr.org/5616280b9.pdf>>, accessed 29 June 2017



Legislation and cases

Kenya

- Elections Act, 2011, <<http://www.kenyalaw.org/lex//actview.xql?actid=No.%2024%20of%202011>>, accessed 27 February 2018
- Kenya Citizenship and Immigration Act, 2011, <<http://www.kenyalaw.org/lex//actview.xql?actid=No.%2012%20of%202011>>, accessed 27 February 2018
- Petition 628 and 630 of 2014 and 12 of 2015 (consolidated), Coalition for Reform and Democracy (CORD) & 2 others v Republic of Kenya & 10 others (2015), <<http://kenyalaw.org/caselaw/cases/view/106083/>>, accessed 27 February 2018
- Petition 19 and 115 of 2013, Kituo Cha Sheria and 8 others v Attorney General (2013), <<http://kenyalaw.org/caselaw/cases/view/84157/>>, accessed 27 February 2018
- Political Parties Act, 2011, <<http://www.kenyalaw.org/lex//actview.xql?actid=No.%2011%20of%202011>>, accessed 27 February 2018
- Refugees Act, 2006, <<http://www.kenyalaw.org/lex//actview.xql?actid=No.%2013%20of%202006>>, accessed 27 February 2018
- Refugees (Reception, Registration and Adjudication) Regulations, 2009, <http://kenyalaw.org/kl/index.php?id=719#jfmulticontent_c7540-12>, accessed 27 February 2018
- Security Laws (Amendment) Act, 2014, Kenya Gazette supplement no. 167, Nairobi, 22 December 2014, <http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2014/SecurityLaws_Amendment_Act_2014.pdf>, accessed 27 February 2018

Interviews

- Representative of the Department of Refugee Affairs 1, author's interview, Lavington, Nairobi, 5 July 2017
- Representative of the Department of Refugee Affairs 2, author's interview, Kakuma, 14 July 2017
- Legal expert on refugee rights, author's interview, Nairobi, 2017
- Project Director, Jesuit Refugee Services, author's interview, Kakuma, 2017
- Somali female refugee 1, author's interview, Nairobi, 21 July 2017
- Somali male refugee 1, author's interview, Eastleigh, Nairobi, 6 July 2017
- Somali refugee focus group 1, Zone 1 Block 6, Kakuma, 13 July 2017
- Somali refugee focus group 2, Eastleigh, Nairobi, 6 July 2017

South Sudanese expert on Sudan's political affairs, author's interview, Westlands, Nairobi, 17 July 2017

South Sudanese female refugee 1, author's interview, Westlands, Nairobi, 7 July 2017

South Sudanese male refugee 1, author's interview, Zone 2 Block 2, Kakuma, 12 July 2017

South Sudanese male refugee 2, author's interview, Westlands, Nairobi, 7 July 2017

South Sudanese male refugee 3, Kakuma, 12 July 2017

South Sudanese refugee focus group 1, Westlands, Nairobi, 7 July 2017

South Sudanese refugee focus group 2, Zone 2 Block 2, Kakuma, 12 July 2017

Annex. Glossary of terms



Asylum

A form of protection given by a state on its territory based on internationally or nationally recognized refugee rights. It is granted to a person who is unable to seek protection in her or his country of nationality and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Asylum seeker

A person who seeks safety from persecution or serious harm in a country other than her or his own and is awaiting a decision on an application for refugee status under relevant international and national instruments.

Country of origin

A country from which people leave to settle abroad permanently or temporarily (IOM 2011).

Diaspora

A group of individuals (and members of networks, associations and communities) who have left their country of origin but maintain links with their homeland. This concept covers more settled communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second- and third-generation migrants.

Formal political participation

For the purposes of this research, formal political participation is understood as participation in decision-making through formal democratic institutions and processes such as national and local elections, referendums, political parties and parliaments.

Host country

The country where a refugee is settled. In the case of asylum seekers, the country where a person has applied for asylum.

Internally displaced person

A person who has been forced or obliged to flee or to leave their home or places of habitual residence, in particular because of (or in order to avoid) the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-induced

disasters, but who has not crossed an internationally recognized state border (United Nations Economic and Social Council, Commission on Human Rights 1998).

Migrant

Any person who is moving or has moved across an international border or within a state away from her/his habitual place of residence, regardless of (a) the person's legal status; (b) whether the movement is voluntary or involuntary; (c) what the causes for the movement are; or (d) what the length of the stay is (IOM 2011).

Naturalization

Granting by a state of its nationality to a non-national through a formal act on the application of the individual concerned (IOM 2011).

Non-formal political participation

For the purposes of this research, non-formal political participation is understood as participation in political affairs through non-formal means, such as civil society organizations, trade unions, consultative bodies, community organizations, grassroots movements and so on.

Refugee

'A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (Refugee Convention, article 1A(2), 1951). In addition, article 1(2) of the 1969 Organization of African Unity Convention defines a refugee as any person compelled to leave her or his country 'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality'. Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country 'because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order' (IOM 2011).

Resettlement

The transfer of refugees from the country in which they have sought refuge to another state that has agreed to admit them (IOM 2011).

Transnationalism

The process whereby people establish and maintain socio-cultural connections across geopolitical borders (IOM 2011).

About the authors



Caleb Otieno Opon has a diverse background in research, policy and strategy on issues related to African development. His area of focus is understanding the processes and mechanisms by which traditionally underrepresented groups can achieve both economic and political inclusion, representation and influence. He has worked with private sector finance institutions, development partners, international NGOs and the Kenyan Government on issues around the economic and political empowerment of marginalized groups, especially after the political crisis of 2007 which created a large number of internally displaced persons and refugees.

Opon worked for the African Research and Resource Forum on establishing a lasting peace in South Sudan through initiatives to encourage democratic dialogue among the South Sudanese diaspora, including refugees and asylum seekers, with support from the African Capacity Building Foundation (ACBF). He has also worked with International IDEA and the Independent Electoral and Boundaries Commission (IEBC) of Kenya on electoral issues. Since 2017, he has been working as a Senior Economic and Political Adviser to the Governor of the County Government of Kisumu in the Strategy, Policy and Delivery Unit.

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About the Refugees, Asylum Seekers and Democracy project



Refugees have the potential to make an impact on the political life of both their host countries and their countries of origin, as they often maintain transnational links with their homelands while at the same time becoming part of their host society. Recognizing the dual role of refugees as political actors, the Refugees, Asylum Seekers and Democracy project aims to explore the challenges and opportunities related to the political participation of refugees in their host countries and countries of origin.

Among the formal mechanisms for political participation, the project explores issues of access to citizenship in host countries, electoral rights in both host countries and countries of origin, and membership or other forms of support to political parties. In addition, acknowledging that political life is not only confined to electoral processes, the project examines non-formal mechanisms for political participation, including refugees' participation in consultative bodies, civil society organizations, protests and grassroots initiatives, and other means of transnational political activism.

In 2018 the project produced a report, *Political Participation of Refugees: Bridging the Gaps*, which draws on eight case studies carried out through interviews and focus group discussions with refugees and key informants in host countries with high numbers of refugees. It offers cross-country insights into the experiences of refugee communities originating from five of the largest source countries.

The Refugees, Asylum Seekers and Democracy project was made possible by funding from the Robert Bosch Stiftung.

Download the case studies and the full report:
<<https://www.idea.int/our-work/what-we-do/migration-democracy>>

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

What do we do?

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work.

International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on good international democratic practices; offers technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

Where do we work?

Our headquarters is located in Stockholm, and we have regional and country offices in Africa, the Asia-Pacific, Europe and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations and is accredited to European Union institutions.

<<http://www.idea.int>>

Drawing on individual perspectives of Somali and South Sudanese refugees based in Kenya, this case study explores the formal and non-formal political participation of refugees and asylum seekers in their host country and the ways in which they are able to participate in peacebuilding and democracy-building in their countries of origin.

Among the formal mechanisms for political participation, the case study explores issues of access to citizenship in the host country, electoral rights in both the host country and countries of origin, and membership or other forms of support to political parties. In addition, it examines non-formal mechanisms for political participation, including refugees' participation in consultative bodies, civil society organizations, protests and grassroots initiatives, and other means of transnational political activism.

This case study is part of the Refugees, Asylum Seekers and Democracy project and has informed the development of a longer report, *Political Participation of Refugees: Bridging the Gaps*, published by International IDEA in 2018.