

The Principle of Non-Refoulement

–By Quincy Kiptoo



Just before we all become stereotypic (*not out of our own wish but internal ignorance and religiously believing of what leaders can say about National Security, Refugees and Audio Visual context displayed by most media platforms*) – be pleased to attain invaluable knowledge from one Mr. Quincy Kiptoo as he discusses The Principle of Non-Refoulement. Herein, there other articles rich of knowledge: Kenyan Legal proffers you the rostrum.

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A CHOICE...

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I recently remembered something I was pushed to do a little over three years ago. Of course I had the open option to decline and come up with my suggestions of what I would rather do, but I decided to listen to and do it. Today, I want to engage you on the different things that you have done. Basically the choices you have made.

Remember when we were all screaming “Referendum” and there was team banana for yes and team orange for no? That is one of the decisions you made. I definitely hope no one pushed you to vote the stand you took on the ballot day.

This is the reason, anyone who voted that day is assumed to have read and understood what the draft constitution was back then. If you elected to vote against it, there may have been some articles in there that you did not agree about and vis-à-vis. See, the importance of involving everyone in constitution making is so that they can air their views and protect their best interest.

The constitution is the foundation of all other laws that are enacted or ratified by the constitution. It makes sense why when something goes against its provision some people rush to court, and have them declared unconstitutional. The constitution gives itself the power and goes ahead to declare anything in contravention with it is null and void.

If you did not read that constitution back then, hope by now you have some motivation to read it. Reading it alone will open up your mind to different laws of the country laws that protect you. It will help you judge what goes on around you, in all aspects, and you will be able to know when an act or omission infringes on its provision and how to seek redress. It will tell you about the different commissions and what they do. That way you can know who is not working.

That age old stereo type that the laws are hard is just that, a stereo type. The constitution is in English, no hard words; after all should there be any there is this fat book called a dictionary! Be part of the system, the law is created for you. Know what is going on, because the law does not exist in a vacuum.

Think about it this way: if you love buying land and developing it there are land laws and regulations that would tell you who to involve and what to do in order to know whether that land is worth buying and any pending matters about the land, this is commonly called due diligence. Should you be arrested the constitution provides for your rights and even prescribes bail, bond, fine or imprisonment depending on the offence. Do not leave the 'knowing' of the law to your advocate. Did you ever hear of advocates who run with the clients' money? Well, the law has a way of making you obtain compensation.

Make that step, to learn and participate and propel the legal and judicial sectors of your life in the direction you want it to take. Do not just sit there and expect that the few people who you have entrusted with the duty to make sure your laws are guarded will do it. They at times bend away from the law, they need you to know and direct them back on the right path. You will also let them know when someone deviates from the law. So they can serve you better. Make that choice to be part of what protects you, guard it desirously. It is the only law you have until you choose another one. But till then, it is all we have we might as well do the right thing. Choose!