

# DOWNLOAD PDF TO WHOM, FOR WHAT, AND ABOUT WHAT? THE LEGITIMACY OF HUMAN RIGHTS NGOS IN KENYA BETTY K. MURUNGI

## Chapter 1 : Dissertations - Centre for Human Rights

*Critically explores the anatomy of the human rights movement in East Africa, examining its origins, challenges, and emergent themes in the context of political transitions in the region. In particular, the book seeks to understand the political and normative challenges that face this young but vibrant civil society in the vortex of globalization.*

The in-laws insisted that she be "cleansed" by having sex with a social outcast, a custom in her region, as a condition of staying in her home. They paid a herdsman to have sex with Owino, against her will and without a condom. They later took over her farmland. She sought help from the local elder and chief, who did nothing. Her in-laws forced her out of her home, and she and her children were homeless until someone offered her a small, leaky shack. No longer able to afford school fees, her children dropped out of school. The assumption is that once a woman gets married she will be given land where she got married. Wagitangu now lives in a Nairobi slum. Their rights to own, inherit, manage, and dispose of property are under constant attack from customs, laws, and individuals including government officials who believe that women cannot be trusted with or do not deserve property. For decades, the government has ignored this problem. This report recounts the experiences of women from various regions, ethnic groups, religions, and social classes in Kenya who have one thing in common: Many women are excluded from inheriting, evicted from their lands and homes by in-laws, stripped of their possessions, and forced to engage in risky sexual practices in order to keep their property. When they divorce or separate from their husbands, they are often expelled from their homes with only their clothing. Married women can seldom stop their husbands from selling family property. When the relationship ends, the woman stands a good chance of losing her home, land, livestock, household goods, money, vehicles, and other property. Widows who are coerced into the customary practices of "wife inheritance" or ritual "cleansing" which usually involve unprotected sex run a clear risk of contracting and spreading HIV. AIDS deaths expected in the coming years will result in millions more women becoming widows at younger ages than would otherwise be the case. Past practices permeate contemporary customs that deprive women of property rights and silence them when those rights are infringed. Sexist attitudes are infused in Kenyan society: Courts overlook and misinterpret family property and succession laws. Women often have little awareness of their rights and seldom have means to enforce them. Women who try to fight back are often beaten, raped, or ostracized. In response to all of this, the Kenyan government has done almost nothing: At every level, government officials shrug off this injustice, saying they do not want to interfere with culture. As important as cultural diversity and respecting customs may be, if customs are a source of discrimination against women, they-like any other norm-must evolve. If Kenya is to meet its development aims, it must address the property inequalities that hold women back. Unequal property rights and harmful customary practices violate international law. Kenya has ratified international treaties requiring it to eliminate all forms of discrimination against women including discrimination in marriage and family relations, guarantee equality before the law and the equal protection of the law, and ensure that women have effective remedies if their rights are violated. International law also obliges states to modify discriminatory social and cultural patterns of conduct. Kenya is violating those obligations. This report is based on more than interviews conducted in Kenya in October and November and prior and subsequent research. The interviews took place in Nairobi, Kajiado district, Kisumu district, and Kiambu district. The names of individual women and men have been changed to protect their privacy unless otherwise indicated. Other identifying information has been withheld where necessary. Legal Reforms Adopt key provisions in the draft constitution, including those that: These constitutional rights should apply equally to women from all religions and ethnic groups: If a new constitution is not adopted in the near future, repeal articles 82 4 and 6 of the current constitution, which sanction discrimination against women in personal and customary laws. Repeal the amendment to the Law of Succession Act that exempts Muslims. Establish information centers throughout the country to distribute this information. The programs should be based on consultations with nongovernmental and community-based

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organizations. Support greater participation by women in decision making at the community level. Move to end harmful customary practices such as "wife inheritance" and ritual "cleansing" of widows, including by prosecuting rape and forced marriage cases and by providing education on the harmful effects of these practices. Implement reforms of the court system aimed at eliminating backlogs and corruption and streamlining procedures. Set up a national legal aid system with the capacity to represent indigent women in civil property matters. Support the activities of nongovernmental organizations that provide legal services to women whose property rights have been violated. Establish or fund shelters for women who have suffered domestic violence and ensure that women in those shelters have access to legal, counseling, and medical services. Commence operations of the Kenya National Commission on Human Rights and ensure that it is independent and has adequate support. Collect, maintain, and publish data on property ownership and inheritance, disaggregated by sex. In particular, donors should support organizations that provide information e. Background The current state of gender relations treats male dominance as legitimate, natural, obvious and inevitable. The effect is to create a social-power hierarchy, in the context of which women are, by-and-large, reduced to powerlessness, economic marginalisation, social vulnerability, and cultural inferiority, without any regard to their actual level of contribution to the processes of social production and development. This is not to say that no women inherit, own, or control property, but rather that the problems cut across populations. Human Rights Watch interviewed illiterate women and those with advanced degrees, and found their property experiences remarkably similar. Urban women lost their possessions just like rural women, with a slightly greater chance of staying in their looted homes. Though western Kenya is notorious for its discriminatory customary practices related to property, women from all over the country told Human Rights Watch of abuses. Rich and poor, in monogamous and polygamous unions, women struggled not just with losing their property, but also with being ostracized by their families and communities if they attempted to assert their rights. While the details varied, women described the same end result: From what I know, from the year to now, disinheritance has severely risen. Land in particular could not be transferred without approval of clan elders, who were almost always men. Men typically controlled land allocation, yet women were responsible for most aspects of crop production. Control was not with men or women, but rather the elders. Everyone accessed the land. Unmarried daughters could expect to inherit something, but not on an equal basis with their brothers. Sometimes, women were inherited by male relatives of the deceased husbands. Divorced women normally returned to their parents, who were to provide for and allocate land to the women. Divorce in many clans was contingent on repayment of the dowry. After the British colonized Kenya in the late s, communal, clan-based property systems eroded as colonial authorities expropriated land, uprooted many indigenous Kenyans from their ancestral lands, crowded them onto "native reserves," and later introduced an individual titling system. Their secure land tenure evaporated as land became a commodity that men could sell without clan approval. As the cash economy developed and land grew scarce, men could sell land whether their families agreed or not. Moreover, men as titleholders had sole rights to agricultural surplus although women provided most of the labor. Colonial authorities also introduced piecemeal legislation on marriage, divorce, and inheritance, applying different rules to different populations. Post-Independence Legislative Initiatives Kenya gained independence from the British in after a struggle inspired in part by inequalities in the colonial land regime. Legislative reforms have faltered, but the constitutional reform process holds some promise. Land law reform has been a constant theme of public debate since independence but with an emphasis on ethnic and socioeconomic equality, not gender equality. The extreme gender imbalance in land ownership resulting from the colonial titling system persists. The recommendations on inheritance resulted in the Law of Succession Act of , which falls short of complete uniformity. Recommendations on family laws, including creation of a central marriage registry and uniform rules for division of family property upon divorce or separation, fell through. After consultations with local people in all provinces, a draft constitution was released in September and the new government has pledged to commence debates on the draft in the first half of All types of marriages other than customary must be registered, but there are different and unconnected registries for each

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type, making it possible to have multiple marriages registered under the different systems, in contravention of the law. Marriages under the civil, Christian, and Hindu regimes are legally required to be monogamous. Marriages under the Islamic and customary regimes are potentially polygynous. The exact criteria vary, but judges generally weigh the length of the cohabitation, whether there are children, and whether the man and woman held themselves out as husband and wife. The existence of customary marriages can be difficult to prove since they are not registered, but are rather formed through a series of customary steps. Their average earnings are less than half those of men. Women account for only 5 percent of registered landholders nationally. They not only lose assets they could use for medical care, but also the shelter they need to endure this debilitating disease. Moreover, the failure to ensure equal property rights upon separation or divorce discourages women from leaving violent marriages. Customary laws are mostly unwritten and constantly evolving norms that exist in parallel with statutory law but derive legitimacy from tradition and custom rather than a government act. There are as many customary laws as there are tribal communities, and each has its own nuances. Judges and magistrates also apply customary laws in some court proceedings. In terms of their content, customary laws largely follow pre-colonial patterns with regard to women and property rights. One legal expert explained, "[Most] customary law is unwritten. Those interpreting it bring their own biases and women-unfriendly notions. According to a law professor, "Customary law is really a family thing. Since widows were not entitled to inherit property in their own right, being inherited was a way to access land. An inheritor was supposed to support the widow and her children. Although the terms "wife inheritance" and "cleansing" are sometimes used interchangeably, wife inheritance generally refers to the long-term union of a widow and a male relative of the deceased, and cleansing typically refers to a short-term or one-time sexual encounter with a man paid to have sex with the widow. These practices reflect the common belief that women cannot be trusted to own property and the belief that widows are contaminated with evil spirits when their husbands die. Wife inheritance and cleansing practices take a number of different forms depending on the clan.

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## Chapter 2 : Human Rights NGOs in East Africa

*CHAPTER TWO. To Whom, for What, and About What? The Legitimacy of Human Rights NGOs in Kenya Murungi, Betty K.*

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## Chapter 3 : Egypt - Wikipedia

*Human rights nongovernmental organizations (NGOs) are by definition not part of the state. Rather, they are an element of civil society, the strands of the fabric of organized life in countries, and crucial to the prospect of political democracy. Civil society is a very recent phenomenon in East.*

The list below includes mostly recent fellows, and is by no means exhaustive. Priyanka Chirimar is a human rights attorney from India with 13 years of experience in domestic and international courts on a wide range of legal matters. Priyanka holds an LL. She is admitted to practice law in India and was called to the Bar in the High Court of Delhi in Yasser Latif Hamdani Pakistan Mr. As a lawyer, Mr. Hamdani is also an author and a columnist in Pakistani press. Yitayew has extensive experience in the public, civil society and academic sectors, including as the founding director of one of the pioneer and successful human rights organizations in Ethiopia. Yitayew has long been interested in the local diffusion of global human rights norms. During his fellowship, Yitayew will investigate the genesis of international human rights rules on justice for children and their impact in Ethiopia. She has conducted investigations on human rights in Northern and Latin American countries, particularly on the rule of law, migration, business and human rights, impunity of international crimes and human rights defenders. She has also litigated before the Inter-American system of human rights and presented communications on Colombia, Honduras, and Mexico to the International Criminal Court. She acts for and advises States, non governmental organisations and individuals on matters of domestic and international law, appearing before domestic and international courts and tribunals, including the International Court of Justice. Blinne is Vice Chair of the Bar Human Rights Committee of England and Wales, in which capacity she is regularly called upon to conduct fact finding missions, trial observations and training for lawyers overseas, with a particular specialism in the Middle East. At Harvard, her research will focus on military courts in occupied territory. In addition to her academic tasks, she also is active in cultural diplomacy and has been contributing to religious dialogue conferences held by the Republic of Austria with Iran, Indonesia and China. A passionate traveler, her research and information visits have led her to various countries around the globe. He has also worked as a legal advisor for the Lawyers Committee for Human Rights, as an Adjunct Professor at Columbia University and as a news journalist. She has held legal and policy roles within the UK diplomatic service, including: Her research interests include sexual violence in conflict, feminist legal theory and the UN thematic agendas. Her current research focuses on survivor stigma and conflict related sexual violence. Joanne holds an M. D from National Taiwan University College of Law in August and has since served as a postdoctoral research fellow there. Her academic interests comprise a variety of topics, including transitional justice, comparative constitutions, international human rights, international humanitarian law and international criminal law. Her recent research focuses on everyday understandings of justice within the framework of transitional justice in Colombia. She writes on social movements, transitional justice, human and indigenous rights, and environmental conflict. Her recent publications include A Sense of Justice: Juan Pablo Calderon-Meza Colombia Juan Pablo Calderon-Meza is a human rights attorney whose practice specializes in international human rights advocacy and litigation. He clerked for the Hon. He has also worked with EarthRights International as a fellow and currently assists them as a cooperating attorney with an ATS litigation and different submissions at both the Inter-American Court and Commission on Human Rights. Honors from Northwestern University. Her areas of expertise include the European Convention on Human Rights -having been appointed as trainee at the Legal Division of the ECHR- and its national reception; interaction problems between human rights international treaties and national law, especially within the European Union; and jurisdictional dialogue between the European Court and the Inter-American Court of Human Rights. She holds a Ph. Her research interests include the interpretation of the European Convention on Human Rights, international accountability for human-rights violations, civil liberties in the war on terror, and freedom of expression. She has written on judicialization of socioeconomic rights in Brazil, with



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particular focus on the regressive potential of such a tendency. At Harvard, she will examine the intrinsic relationship between rights and remedies, exploring the hypothesis that judicial intervention is not a neutral activity, but rather contributes in configuring rights content. At Harvard, his research will focus on the right to life in military operations. He has a B. He teaches and writes on a range of topics, including the role of capitalist social development in the genesis of the English Revolution; the nature of contemporary racism, culture, opportunity structures and poverty in the inner-city USA; and the jurisprudential consequences of the sociological reconstruction of economic theory—especially for the law of employment discrimination and for the revitalization of fiduciary obligations in corporate law. At Harvard, he focused his writing on how various relationships between the foundational aspects of religiosity resulted in different forms of religious commitment in Islam, Christianity and Judaism that had divergent consequences for the emergence of democracy and human rights. Her areas of expertise include the interfaces between national and international law, international human rights law, and international organizations law. She has received Ph. Her representative publications include: *Contestations and Deference* Oxford: Hart Publishing, , forthcoming. She specializes in the connections between human rights and development, particularly the rights to food, health and education. She is currently writing a monograph on human rights and development. At Harvard, her research focused on the theme of health and human rights solidarities, exploring the connections between the right to social security including universal health coverage and the human right to a functioning health system. Prior to these assignments, she was a post-doctoral research fellow in international criminal law at the University of Leiden after completing her D. B Hons at the University of Bristol. She is a qualified barrister. At Harvard, her research focused on child soldiers in Asia and procedural efficiency in international criminal justice. He was a visiting fellow in the Human Rights Program at Harvard Law School in , where an early draft of his book was written, and a term member on the Council on Foreign Relations through He is a regular contributor to the media in Southeast Asia, and has lived in Thailand for 15 years. Rangita has a LL. Fergal Gaynor Kenya Fergal Gaynor is an international criminal lawyer. He has been counsel for the victims in *Prosecutor v. For* over a decade, he served as a prosecution trial attorney at the International Criminal Tribunal for the former Yugoslavia most recently in the trial of Radovan Karadzic and at the International Criminal Tribunal for Rwanda. He trained as a commercial lawyer at Freshfields in London and Tokyo, and is an Irish barrister. He graduated in law from Trinity College, Dublin, and in international relations from the University of Cambridge. At Harvard, his research focused on the exercise of prosecutorial discretion at the ICC. Her areas of work and research include sexual rights, health law and socio-legal studies. She holds a LL. At Harvard, she focused on the role of gender in the new Latin American constitutions and the role of courts in their enforcement. He has served on committees on integration policy for the Ministry of Internal Affairs and Communications, Aichi Prefecture, and the cities of Nagoya and Kani. He currently serves as Human Rights Commissioner in Ontario, and has previously acted as a human rights Tribunal adjudicator in Canada, as well as serving as a Visiting Professional at the International Criminal Court. His areas of expertise include constitutional law, international law and human rights law and policy. His research and teaching focus on public law, human rights in particular socio-economic rights and legal theory. He holds an LL. His previously published work has dealt with the comparative protection of socio-economic rights, the impact of globalisation on human rights, and administrative law. While at Harvard he will work on a monograph which critically explores the relationship between globalisation and human rights. He holds a PhD in the field of arms control treaties and a Diploma in international relations from the Graduate Institute, Geneva. The research included treaties regulating WMD as well as conventional weapons, including the recently adopted Treaty on arms trade. Mark Muller England Mark Muller is a senior barrister at Doughty Street Chambers specializing in public international law, human rights law, terrorism, proscription, and criminal defense work. He regularly advises international bodies on conflict resolution and post conflict justice issues and is a senior advisor to the Centre for Humanitarian Dialogue in Geneva. Mark has appeared in numerous cases before the European Court of Human Rights dealing with all principal Articles of the Convention. He is also a founding Trustee of

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the Delfina Foundation and Executive Director of Beyond Borders, an arts and culture consortium dedicated to the promotion of international cultural exchange. He has taught several legal subjects at the universities Oxford, Pretoria, Amsterdam, and Nottingham, including EU law, human rights, jurisprudence, and public international law. He also supervises postgraduate research projects. Jure has published widely in the fields of international law, human rights, and political and legal theory. He is also an editor of the Hague Yearbook of International Law. At Harvard, Jure worked on his Leverhulme-Trust-funded research on abusive governments in international law. D Programme at the Centre. His teaching and research interests are in the fields of international humanitarian law, international criminal law, business and human rights, and transitional justice. He holds a B. While at Harvard, he will continue his work on a research project exploring the judicial development of international humanitarian law. While at Harvard, he will pursue his systematic research on the fragmentation and unification of international human rights law. At Harvard, her research will focus on the relationship between human rights and globalization, and the process of peace building in an unequal society. A professor of philosophy, she received her Ph. Her scholarship and teaching is focused primarily on abortion rights and access, reproductive and sexual rights and health, and legal theory. A widely published author, she is a long-time reproductive rights activist and was the founding president and continues to serve on the board of the National Network of Abortion Funds and the Abortion Rights Fund of Western Massachusetts. At Harvard, she will be working on a history of reproductive rights advocacy. At Harvard, he will be researching UN Secretariat engagement in rule of law in post-conflict states. They were pardoned, but Birtukan was sent back to prison after the government accused her of violating the terms of the pardon. She was released in October At Harvard, she will work on the independence of the judiciary in closed societies. Mark Muller United Kingdom Mark Muller is a senior barrister at Garden Court Chambers specializing in public international law, human rights law, terrorism, proscription, and criminal defense work. At Harvard, she will continue to work on a project that measures ground level discrimination against the Roma by using behavioral games and will seek to apply experimental or quasi-experimental methodology to studying various other human rights issues. In , she was appointed legal and communications advisor to Palestinian President Mahmoud Abbas.

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## Chapter 4 : Human Rights NGOs in East Africa : Makau Mutua :

*Book Description: Human rights nongovernmental organizations (NGOs) are by definition not part of the state. Rather, they are an element of civil society, the strands of the fabric of organized life in countries, and crucial to the prospect of political democracy.*

But there is widespread skepticism that it has the will to deal with high-level corruption within its own ranks. In a speech in May , Githongo, who was the head of the Kenyan branch of Transparency International TI , before joining the new government in early , distinguished between the petty corruption of bribery among minor officials, grand corruption at senior ranks, and "looting" - scams of such a scale that they have macroeconomic impact. Among African countries, Botswana at 31 and South Africa at 44 ranked the most free of corruption; among developed countries, Finland ranked first and the United States in 17th place. For additional background and news links on Kenya, see <http://> As the founder of the Kenyan chapter of Transparency International TI , Githongo brought to the government ethical credibility and legitimacy whose financial benefits can only be said to be indisputable. The implications of his resignation are many, however much this government may try to dispute them: First, his resignation makes it clear that the influence of reform-minded civil society actors in government with respect to accountability is over. We are particularly concerned about the fate of other former civil society actors in anti-corruption initiatives as well as in the Law Reform Commission and Kenya National Human Rights Commission KNHRC ; Second, his resignation makes it clear that of the two parallel imperatives within this government-the first being ethical and reform-minded and the second being corrupt and politically-expedient-the latter is winning. We therefore demand that: In addition, we demand that the President and the rest of the Executive guarantee the personal safety of Githongo and that all human rights and media organisations in this country and elsewhere mobilise around his personal safety as a matter of urgency. They said graft was hurting Kenya and affecting efforts to put the East African country on track towards achieving development goals. The statement followed a scathing attack on official corruption on 2 February by the UK ambassador in Nairobi, Sir Edward Clay, who told reporters: In a message to Kibaki, sent from London on Monday, Githongo said he was no longer able to carry out his duties. It is big enough to cause macro-economic distortions. Local NGOs and church leaders joined the fray, saying the government was not doing enough to fight corruption. Twenty NGO leaders called a news conference on Tuesday and insisted the government needed to come clean on allegations that some senior officials had been involved in corrupt acts. Foreign Minister Ali Makwere told a news conference on Tuesday: The corruption fight is ours, not his. The current government came to power in after campaigning against corruption and other perceived ills. It appointed Githongo, who was working for the anti-corruption NGO, Transparency International, to head a new department in the presidential office that would advise Kibaki on how to fight corruption and declared "zero tolerance" for graft. However, in a report on global perceptions of corruption released in December, Transparency International ranked Kenya nd out of nations on a scale of least to most corrupt countries. Full survey report, including tables and comparative data for different government agencies and for urban and rural areas, available at <http://> The percentage of encounters in which bribes were demanded or offered declined from 65 to 40 percent. Rural respondents reported a more significant reduction, from 67 percent to 36 percent, while the urban respondents reported a reduction from 64 percent to 44 percent. The experience is reflected across all socio-economic categories, that is across age, employment and income groups. The survey indicates a very significant reduction in the cost of bribery to citizens, as measured by the average expenditure reported. This declined from an average of 3, shillings per person per month reported in , to 1, shillings per person per month. Rural respondents reported a more significant reduction, from 3, shillings to shillings translating to an 80 percent decrease. Urban residents reported a 56 percent decrease from 4, shillings to 1, shillings per person per month. This reduction reflects reduced bribery activity, i. Indeed the average size of bribes rose from 2, to 3, shillings. The rural average

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bribe size increased more significantly, by 56 percent, while the urban average increased by 44 percent. This trend, a reduction in the average cost alongside an increase in the average size of bribes lends itself to two interpretations. First, it suggests a significant reduction in petty bribery. Second, it is also consistent with the perception of increased likelihood of being punished if caught, hence officials require bigger inducement to take the risk. The reduced bribery is reflected in an improvement in the aggregate index by 7. This in turn reflects a more significant improvement in the rural index, from The urban index improved only marginally from Of the ten worst ranked organizations in , the Ministry of Health registered the most significant improvement with an index score reduced from Respondents were also asked to indicate their perceptions of change in the organizations that they dealt with as compared to the previous year. The perception of significant improvement increased from 5 to 14 percent of the responses, and perception of marginal improvement from 9 to 18 percent of the responses. Perceptions of significant deterioration declined from 23 percent to 9 percent and marginal deterioration from 11 percent to 4 percent of the responses. The percentage of responses citing no change did not register significant alteration. The results show that in the majority of instances, the respondents bribed and kept quiet about it 58 percent , while in 18 percent of the cases, they declined to bribe and also kept quiet. In 14 percent of the cases, respondents bribed and talked about it to people other than the authorities, and in 5 percent of the instances, they declined and discussed it with people other than the authorities. It is important to note however, that the survey does not adequately capture corruption at the higher levels - for instance, bribery in big public procurement projects. Similarly, a representative sample of the population will not adequately capture the bribery in an organization that affects a very specific, small segment of the population, even though this may be systemic and severe. For full index and additional data, see [http: Congo, Republic of 2. AfricaFocus Bulletin](http://Congo, Republic of 2. AfricaFocus Bulletin) is edited by William Minter. AfricaFocus Bulletin can be reached at [africafocus.igc](http://africafocus.igc). Please write to this address to subscribe or unsubscribe to the bulletin, or to suggest material for inclusion. For more information about reposted material, please contact directly the original source mentioned. For a full archive and other resources, see [http:](http://)

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## Chapter 5 : Women's Property Rights Violations in Kenya | HRW

*The legitimacy of human rights NGOs in Kenya / Betty K. Murungi -- Law, sexuality, and politics in Uganda: challenges for women's human rights NGOs / Sylvia Tamale -- NGO struggles for economic, social, and cultural rights in Utake: a Ugandan perspective / Joe Oloka-Onyango -- Feminist masculinity: advocacy for gender equality and equity.*

Temple of Derr ruins in There is evidence of rock carvings along the Nile terraces and in desert oases. In the 10th millennium BC , a culture of hunter-gatherers and fishers was replaced by a grain -grinding culture. Climate changes or overgrazing around BC began to desiccate the pastoral lands of Egypt, forming the Sahara. Early tribal peoples migrated to the Nile River where they developed a settled agricultural economy and more centralised society. The Badarian culture and the successor Naqada series are generally regarded as precursors to dynastic Egypt. The earliest known Lower Egyptian site, Merimda, predates the Badarian by about seven hundred years. Contemporaneous Lower Egyptian communities coexisted with their southern counterparts for more than two thousand years, remaining culturally distinct, but maintaining frequent contact through trade. The earliest known evidence of Egyptian hieroglyphic inscriptions appeared during the predynastic period on Naqada III pottery vessels, dated to about BC. A unified kingdom was founded c. Egyptian culture flourished during this long period and remained distinctively Egyptian in its religion , arts , language and customs. The first two ruling dynasties of a unified Egypt set the stage for the Old Kingdom period, c. The First Intermediate Period ushered in a time of political upheaval for about years. A second period of disunity heralded the arrival of the first foreign ruling dynasty in Egypt, that of the Semitic Hyksos. The first historically attested expression of monotheism came during this period as Atenism. Frequent contacts with other nations brought new ideas to the New Kingdom. The country was later invaded and conquered by Libyans , Nubians and Assyrians , but native Egyptians eventually drove them out and regained control of their country. Xerxes I tomb relief. Cambyses II then assumed the formal title of pharaoh , but ruled Egypt from his home of Susa in Persia modern Iran , leaving Egypt under the control of a satrapy. A few temporarily successful revolts against the Persians marked the fifth century BC, but Egypt was never able to permanently overthrow the Persians. This Thirty-first Dynasty of Egypt , however, did not last long, for the Persians were toppled several decades later by Alexander the Great. The Ptolemaic Kingdom was a powerful Hellenistic state, extending from southern Syria in the east, to Cyrene to the west, and south to the frontier with Nubia. Alexandria became the capital city and a centre of Greek culture and trade. To gain recognition by the native Egyptian populace, they named themselves as the successors to the Pharaohs. The later Ptolemies took on Egyptian traditions, had themselves portrayed on public monuments in Egyptian style and dress, and participated in Egyptian religious life. The Ptolemies faced rebellions of native Egyptians often caused by an unwanted regime and were involved in foreign and civil wars that led to the decline of the kingdom and its annexation by Rome. Nevertheless, Hellenistic culture continued to thrive in Egypt well after the Muslim conquest. Christianity was brought to Egypt by Saint Mark the Evangelist in the 1st century. The New Testament had by then been translated into Egyptian. Egypt in the Middle Ages The Amr ibn al-As mosque in Cairo, recognized as the oldest in Africa The Byzantines were able to regain control of the country after a brief Sasanian Persian invasion early in the 7th century amidst the Byzantineâ€™Sasanian War of â€™ during which they established a new short-lived province for ten years known as Sasanian Egypt , until â€™42, when Egypt was invaded and conquered by the Islamic Empire by the Muslim Arabs. Early in this period, Egyptians began to blend their new faith with indigenous beliefs and practices, leading to various Sufi orders that have flourished to this day. This army was joined by another 5, men in and defeated a Byzantine army at the battle of Heliopolis. Amr next proceeded in the direction of Alexandria, which was surrendered to him by a treaty signed on November 8, Alexandria was regained for the Byzantine Empire in but was retaken by Amr in In an invasion fleet sent by Constans II was repulsed. From that time no serious effort was made by the Byzantines to regain possession of the country. The Arabs founded the capital of Egypt called Fustat , which



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was later burned down during the Crusades. Cairo was later built in the year to grow to become the largest and richest city in the Arab Empire , and one of the biggest and richest in the world. At the beginning of the 9th century the practice of ruling Egypt through a governor was resumed under Abdallah ibn Tahir , who decided to reside at Baghdad , sending a deputy to Egypt to govern for him. In another Egyptian revolt broke out, and in the Copts joined with native Muslims against the government. Eventually the power loss of the Abbasids in Baghdad has led for general upon general to take over rule of Egypt, yet being under Abbasid allegiance, the Ikhshids and the Tulunids dynasties were among the most successful to defy the Abbasid Caliph. With the end of the Kurdish Ayyubid dynasty , the Mamluks , a Turco - Circassian military caste, took control about Ottoman Egypt

â€” Main article: Egypt Eyalet Egypt was conquered by the Ottoman Turks in , after which it became a province of the Ottoman Empire. The defensive militarisation damaged its civil society and economic institutions. Portuguese traders took over their trade. Napoleon defeated the Mamluk troops in the Battle of the Pyramids , 21 July , painted by Lejeune. Egypt remained semi-autonomous under the Mamluks until it was invaded by the French forces of Napoleon Bonaparte see French campaign in Egypt and Syria. After the French were defeated by the British, a power vacuum was created in Egypt, and a three-way power struggle ensued between the Ottoman Turks , Egyptian Mamluks who had ruled Egypt for centuries, and Albanian mercenaries in the service of the Ottomans. The Muhammad Ali dynasty Main article: After the French were expelled, power was seized in by Muhammad Ali Pasha , an Albanian military commander of the Ottoman army in Egypt. While he carried the title of viceroy of Egypt, his subordination to the Ottoman porte was merely nominal. The introduction in of long-staple cotton transformed its agriculture into a cash-crop monoculture before the end of the century, concentrating land ownership and shifting production towards international markets. His military ambition required him to modernise the country: He introduced conscription of the male peasantry in 19th century Egypt, and took a novel approach to create his great army, strengthening it with numbers and in skill. Education and training of the new soldiers was not an option; the new concepts were furthermore enforced by isolation. The men were held in barracks to avoid distraction of their growth as a military unit to be reckoned with. The resentment for the military way of life eventually faded from the men and a new ideology took hold, one of nationalism and pride. It was with the help of this newly reborn martial unit that Muhammad Ali imposed his rule over Egypt. It was granted the status of an autonomous vassal state or Khedivate in , a legal status which was to remain in place until although the Ottomans had no power or presence. The Suez Canal , built in partnership with the French, was completed in Its construction was financed by European banks. Large sums also went to patronage and corruption. New taxes caused popular discontent. Within three years this led to the imposition of British and French controllers who sat in the Egyptian cabinet, and, "with the financial power of the bondholders behind them, were the real power in the Government. Female nationalists demonstrating in Cairo , Local dissatisfaction with Ismail and with European intrusion led to the formation of the first nationalist groupings in , with Ahmad Urabi a prominent figure. Fearing a reduction of their control, the UK and France intervened militarily, bombarding Alexandria and crushing the Egyptian army at the battle of Tel El Kebir. British protectorate

â€” Main article: In , the Protectorate was made official, and the title of the head of state was changed to sultan , to repudiate the vestigial suzerainty of the Ottoman sultan, who was backing the Central powers in World War I. Abbas II was deposed as khedive and replaced by his uncle, Hussein Kamel , as sultan. When the British exiled Zaghlul and his associates[ dubious

â€” discuss ] to Malta on 8 March , the country arose in its first modern revolution.

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## Chapter 6 : Table of Contents: Human Rights NGOs in East Africa

- *"The Legitimacy of Human Rights NGOs in Kenya" in Human Rights NGOs in East Africa: Political and Normative Tension*, ed. Makau Mutua, Philadelphia: University of Pennsylvania Press,

The most severe episode of this conflict unfolded over 59 days between Election Day, 27 December and 28 February. A political compromise was reached that saw the two conflicting parties sign a National Accord, following the mediation efforts by the African Union Panel of Eminent African Personalities chaired by Mr. The mass violence in Kenya occurred throughout a period of over 40 years making it difficult to define concretely as post-election violence. To understand the events following the and elections in Kenya, one must first understand the complicated ethnic makeup of the Kenyan state. The two tribes primarily involved in the political violence are the Kikuyu people 22 percent of the Kenyan population and the Kalenjin people 12 percent of the Kenyan population, however many other smaller tribes also inhabit Kenya. These ethnic tensions originate in events occurring before independence when British colonists forced the Kalenjin pastoral tribe off their land to develop the Rift Valley agriculturally. With the colonists came Kikuyu farmers to work as sharecroppers in the British fields. Continued competition for economic wealth and power also drove the two tribes apart. Later when selecting government officials after independence in , the tension between these two tribes increased as, Jomo Kenyatta, a Kikuyu, became president and Daniel Moi, a Kalenjin, became vice-president. In a constitutional reform passed allowing for multipartyism in Kenya. Shortly after in the first multi-party election since independence took place. Moi won the elections but many doubted the legitimacy of his victory. Violence ensued as Kalenjin supporters of Moi raped, killed, and displaced Kikuyu opposition supporters. Despite Kalenjin attacks on Kikuyu making up the majority of the ethnic violence in Kenya, ethnic conflicts between tribes remained much more complicated. This violence persisted long after the election with postelection violence reports in , , and Weeks after the election, Kikuyus violently took revenge forcing other ethnic groups out of Kikuyu dominated areas. This post election violence took the lives of over people and displaced at least , The incumbent, then President Daniel Arap Moi , campaign freely all over the country while other party leaders could not. Where the opposition could not campaign freely, President Moi traversed the country using government resources. Moreover, he enjoyed a monopoly of media coverage from the official broadcaster, the Kenya Broadcasting Corporation KBC. In addition, the Electoral Commission was made up of presidential appointees whose loyalty to the incumbent was never in doubt. The most notorious instance of interference with the electoral process was the General Elections where many losing candidates were declared winners. The then sole ruling party, KANU, had already secured the monopoly for political power through a constitutional amendment in that made it the sole political party. These clashes pitted these groups along ethnic lines as well as on political lines. He was opposed to the introduction of multi-party politics in the country and the existence of opposition political parties particularly in the Rift Valley. Many non-Kalenjin and non-Maasai communities in the Rift Valley supported the then budding opposition parties. The Akiwumi report on the clashes reported that the provincial administration was partisan in its support of the then KANU government and against those considered to be opposed to KANU in the Rift Valley. In the provincial administration also showed open partisanship in favour of KANU. The elections were conducted in the glare of international publicity, not least because the international community was seriously concerned about whether the elections would be free and fair. Despite evidence of electoral irregularities, political violence and a legal framework which favoured the incumbent government, observers of the elections endorsed the resulting victory of President Moi and the Kenya African National Union KANU as being an expression of the will of the people. In the wake of the elections, there rapidly followed a waning of international interest in political developments in Kenya. The violence left hundreds of people dead or injured, and thousands of others displaced from their homes and living in makeshift shelters. Although the elections passed off with less violence than had been the case in , events in January put paid to any hopes that political

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violence might be a thing of the past in Kenya. On the night of 11 January, some members of the Pokot and Samburu ethnic groups raided the home of a Kikuyu widow at a place called Mirgwit in the Laikipia District of the Rift Valley Province. The raiders raped the woman and stole some livestock from the household. A group of Kikuyu men followed the raiders but, having failed to catch up with them, entered a Samburu compound where, in retaliation, they mutilated livestock that they found there. Mutilation of livestock is highly taboo for pastoralists such as the Samburu and Pokot. Accordingly, it was almost inevitable that there would be some kind of response by the owners of the livestock. It appears that the attackers were armed not only with spears, bows and arrows, but also with guns. It was claimed that some of the attackers were dressed in military-type clothing. It has been estimated that over 50 Kikuyus were killed during these attacks and over others fled the area and sought refuge at the Roman Catholic Church at Kinamba, from where they were later relocated to temporary shelters at Sipili and Ol Moran. Three days later, groups of what local residents described as Kalenjins attacked Kikuyus in parts of Njoro in the same constituency. There were varying explanations given for these attacks. One version of events blamed them on the refusal of local Kikuyu traders to supply goods and services to Kalenjins in response to the events in Laikipia. Another suggested that this was simply an unprovoked attack on Kikuyus by local Kalenjin youths. According to police reports, 34 Kikuyus and 48 Kalenjins were killed during these initial attacks and over houses were burnt down. During its visit to Kenya the joint mission witnessed the very poor conditions in which displaced people in these camps were living. Sporadic fighting continued during February and March. The 2008 post-election violence shook the nation because of its spread, speed and ruthlessness. The closely contested presidential election was characterised by unrealistic promises, fragmentation, balkanisation, media hype and strong expressions of ethnic nationalism. Inspired and propelled by the rejection of the Referendum on a government sponsored constitution, the main opposition party went full throttle to wrest power from the incumbent in the general elections. This was widely confirmed by international observers, perpetrated by both parties in the election. Police shot a number of demonstrators, including a few in front of TV news cameras, causing more violence directed toward the police. This violence peaked with the killing of over 30 unarmed civilians in a church near Eldoret on New Years Day. Tensions in the Rift Valley have caused violence in several previous Kenyan elections, most notably in the Kenyan Elections. Some of the Kikuyu also engaged in retaliatory violence against groups supportive of Odinga, primarily Luos and Kalenjin, especially in the areas surrounding Nakuru and Naivasha. In Mombasa, Muslim Kenyans took to the streets to protest the electoral manipulations and air their own grievances, though ethnic tensions played much less of a role in these protests. Looters also struck a number of stores in Mombasa. The slums of Nairobi saw some of the worst violence, some of this ethnically motivated attacks, some simple outrage at extreme poverty, and some the actions of criminal gangs. The violence continued sporadically for several months, particularly in the Rift Valley. Former UN Secretary General Kofi Annan arrived in the country nearly a month after the election, and successfully brought the two sides to the negotiating table. On 28 February, Kibaki and Odinga signed a power-sharing agreement called the National Accord and Reconciliation Act, which establishes the office of prime minister and creates a coalition government. How to Overcome the Political Crisis power sharing. By addressing the cause and effects of historical injustices and gross violations of human rights the TJRC will contribute towards national unity, reconciliation, and healing. Agenda Four of the National Dialogue and Reconciliation process of that relates to long term issues and reforms provides the framework for transitional justice, with the Truth, Justice and Reconciliation Commission driving the transitional justice agenda. In 2008, a Government appointed Task Force recommended establishment of a Truth Justice and reconciliation Commission. Had this recommendation been acted on then, perhaps the country might have avoided the post December election violence witnessed. The TJRC does not, however, have the power to prosecute. They can recommend prosecutions, reparations for victims, institutional changes, and amnesty in exchange for truth for perpetrators who did not commit gross human rights violations. The TJRC investigates, analyses, and reports on human rights abuses, economic crimes, illegal acquisition of land, marginalisation of communities, and ethnic

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violence. In terms of justice, lack of retributive justice has been a source of concern for many Kenyans. Though the commission can recommend prosecutions, there has been a long-standing culture of impunity in the country, which threatens to keep political leaders safe from prosecution. However, the commission has focused on justice in terms of recognition and distribution. The commission has sought to give victims and perpetrators equal voice in hearings, and have included hearings where children may share their stories, with guidance from counselors. Recommendations for redistribution of power and resources has been a focus of the mandate, as major conflicts have arisen due to imbalances in power, land, and resources between ethnic groups. Additionally, the commission has focused on educating the country about the history of violence, and emphasises promoting reconciliation through revealing of truth. The public is invited and encouraged to participate to fulfill the goal of educating the public. Members of the public may attend the public hearings, and can volunteer to assist the TJRC in fulfilling its mandate. They may also make submissions to the commission regarding the TJRC mandate. Victims may apply for reparations if they qualify. Objectives In its work the Commission will pursue the following goals and objectives: Criminal justice, restorative justice, social justice through recommendations for prosecution, amnesty, reparations Peace and National Unity Healing and Reconciliation national and individual Restoration of the human dignity of victims and perpetrators. Specific objectives for investigating human rights abuses: To establish an accurate, complete and historical record of violations and abuses of human rights, committed between 12 December and 28 February , such as: Abductions, disappearances, detentions, torture, murder, massacres, extrajudicial killings, crimes of sexual nature against female victims and expropriation of property suffered by any person. To investigate the gross violations of international human rights law and determine those responsible for their commission. To investigate and provide redress of crimes of sexual nature against female victims. To investigate the context, causes and circumstances under which the gross violations of human rights occurred. To identify actors who purported to have acted on behalf of any public body responsible for the gross violations of human rights, and persons who should be prosecuted for being responsible. To identify and specify the victims of the gross violations of human rights and their whereabouts. To facilitate the granting of conditional amnesty to persons who make full disclosure of all the relevant facts, relating to the gross violations of human rights and economic crimes, and who comply with the requirements of the TJRC Act. To inquire into the irregular and illegal allocation of public land, in terms of repossession or determination of cases. To inquire into and establish the reality or otherwise of perceived economic marginalisation of communities. To inquire into misuse of public institutions for political objectives. To educate and engage the public and give sufficient publicity to the work of the Commission. Reparation and rehabilitation policy or measures aimed at granting reparations and restoring the civil and human dignity of the victims. Prevention of violations and abuses of human rights through institutional, administrative and legislative measures. Granting of conditional amnesty to persons who make full disclosure. Prosecution of perpetrators or persons involved.



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## Chapter 7 : Humanitarian action in developing countries: Who evaluates who? - [PDF Document]

*Human rights nongovernmental organizations (NGOs) are by definition not part of the state. Rather, they are an element of civil society, the strands of the fabric of organized life in countries, and crucial to the prospect of political democracy.*

The president was also detained for the non-violent expression of his views when Kenneth Kaunda served as president. The MMD government has not escaped the past. Its practice of dealing harshly with critics and independent voices is cause for great concern. Starting in , the Public Order Act was re-activated in the context of a multiparty democracy. However, many organizations-the opposition, NGOs, and civil society groups-found that provisions of the act were routinely used against them. Government permits to hold meetings were difficult to obtain or were revoked at short notice. In the latter-half of and throughout , numerous groups were denied permission to meet. In order to further control public gatherings, parliament enacted an amendment to the act Chapter 4 enacted on March 3, to require fourteen days prior notice to request police permission to hold meetings, processions, or demonstrations. No set number of days were previously required. It also authorized police to turn down an application to assemble up to five days before the date of the public meeting. However, little in practice has changed. In the run-up to the election, several opposition rallies and a march were refused permission. Opposition leaders were routinely called into police stations to be questioned about public statements. Two of the defendants were released in early September, and by September 27, the state had dropped its cases against the six who were still being detained. There was little evidence to suggest that the UNIP members were involved in any violent conspiracy against the state. Instead, it appeared that they were detained solely because of their political affiliation and to paralyze UNIP in the run-up to general elections. This appeared to have been confirmed on November 1 when the six were acquitted of treason and murder charges and released. The NGO sector was particularly hard-hit as the government embarked on a campaign to discredit local NGOs, specifically which were to monitor the elections. The government-owned newspapers ran articles that reported that two governments, Japan and Sweden, had offered huge sums of money as rewards to local election monitors to declare the polls unfree and unfair. The government took the opportunity to warn the NGOs that they could be regulated "to check those suspected to be engaged in nefarious activities. The seven opposition parties which boycotted the election charged that the results had been rigged and refused to accept them. Opposition parties that had participated in the election but suffered severe electoral defeat joined ranks with those which had been involved in the boycott, pledging their allegiance to the Interparty Alliance. At the inauguration for his second and, under the constitution, last term in office on November 21, , President Chiluba set the stage for the period of intimidation and harassment that would follow. Claiming victory in an election marred by the opposition boycott and a low turnout, he dismissed charges from the opposition, NGOs and the international community that his landslide victory was rigged. We all know they were transparent," he said. They are not only in the rearguard, they are very much in the forefront to ensure that peace is maintained in the nation, on the borders and everywhere. He castigated NGOs for what he termed their anti-government stance, cautioning them that he would not tolerate a climate in which NGOs appeared to be "instructing" the authorities and overstepping their boundaries. We love freedom of expression and freedom of speech and we will promote NGOs but they have to be genuine in their operations," The Zambia Daily Mail reported a government spokesman as saying. I invite my colleagues in all parties to come and dialogue with me. He warned "anarchists" that their efforts would be swiftly thwarted: I am in control and my government has a duty to maintain law and order. Large numbers of heavily-armed police were dispatched to counter what the state media portrayed as an offensive attack on the state, resulting in arrests and criminal charges. The pattern of using the police and the courts to intimidate and repress political opponents continued. NGOs took the brunt of the response to the "anti-patriotic" fervor. The government threatened to pass anti-NGO legislation and characterized them as "political troublemakers. By classifying NGOs as either indigenous or non-indigenous, he was attempting to



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discredit the work of those who were challenging his policies and actions and keep a tighter rein on freedom of expression and association. The editorial went on to describe the means of harassing independent and opposition voices-the use of police, courts, public prosecution and "reckless issuance of search warrants to the police by magistrates"-as political abuse of the judicial process. It also observed that while President Chiluba was highly critical of foreign-funded NGOs, neither the government nor his political party could survive without financial support from the international community. Practice In the briefing paper it prepared for a pre-Consultative Group meeting with the donor community on April 25, the Zambian government portrayed itself as having made considerable progress towards democratization and implementing good governance initiatives. The key measures that supported this claim were the following: In his speech at the pre-Consultative meeting in London on April 25, Finance and Economic Minister Penza reiterated that "the President remains committed to the dialogue with Opposition Parties and has invited several of them to exchange views with him on matters of national interest. The opposition sued President Chiluba for presiding over a flawed electoral process and challenged his constitutional right to office based on the nationality provisions that he had backed in the Constitutional Amendment Act. It was also debatable how much common ground exists between the government and the opposition, given the depth of disagreement over the introduction of the constitutional amendment. The roundtable aimed to "systematically approach the short, medium, and longer-term strategies for building sustainable democracy in Zambia. The Secretaries General of all political parties in Zambia will meet within twenty-one days after the Stromsberg statement has been adopted to initiate an all-party meeting to establish the agenda and programme of action addressing sustainable democracy programme; 2. On June 22, twelve opposition parties met and issued a statement explaining that they were willing to resume dialogue with the MMD government, provided that talks focus on repealing the constitution. At this meeting, the opposition accused the MMD of trying to facilitate dialogue merely to impress the donor communities. Costantinos met with the National Patriotic Coalition in Lusaka on June 25 and tried to assure the opposition that despite having been invited to Zambia by the government, the timing of the IDEA meetings has nothing to do with the upcoming Consultative Group meeting in Paris: At the pre-Consultative meeting in London on April 5, Penza reaffirmed that an effective and independent Electoral Commission would provide for free and fair elections. The recent February 20 Itezi-Tezhi parliamentary bielection confirms that many of the irregularities that occurred in the November election were repeated. Absent a major restructuring effort designed to bring about representation in the commission by broadly respected, neutral personalities, or by multi-party representation, its believability and popular endorsement will be difficult to achieve. The amendment also removed the requirement for obtaining police permits prior to addressing public gatherings. This amendment was welcomed by all opposition parties as a major step in terms of leveling the playing field. While the Public Order Act was amended to cut the time required to give notice of a public meeting from fourteen days to seven, the requirement of requesting and receiving police permission has not been abolished. Since the election, the opposition has held rallies only after obtaining permission, which in some cases has been denied. The opposition did not welcome this amendment as a "major step. Harassment of the Opposition On November 22, four days after the elections, the Zambia Democratic Congress ZDC , an opposition party which had participated in the election and suffered heavy electoral defeat, announced that it would file a petition in Supreme Court against President Chiluba. Derrick Chitala, ZDC general secretary, said: The letter warned leaders in the region of a possible military takeover in Zambia if the political impasse was not addressed. The contents of the letter, dated November 21, appeared in an article in The Post of November 27, written by Masautso Phiri. Chongwe told Human Rights Wacth he refused, saying: The second visit was by fifteen police and paramilitary officers. Chongwe was not home. Further searches at his home and office for "seditious materials" followed in subsequent days, but because they found nothing, police could not arrest him. On December 6, Chongwe said police tried to force him to sign a "warn and caution statement" for an offence related to causing alarm to the nation. Chongwe described the police action as selective harassment. UNIP president Kenneth Kaunda, a co-author of the letter,

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was not questioned, nor was his home or office searched by police. On November 30, the civil disobedience campaign was launched with calls for a public revolt against the MMD. On December 5, a senior and founding member of the opposition UNIP, Mainza Chona, was summoned by police to appear before a magistrate because of a statement he had made three weeks earlier November 14 about a bomb being planted in the home of the UNIP president Kenneth Kaunda. The summons accused him of making statements intended to cause public alarm, contrary to section 67 of the Penal Code. This followed an earlier attempt by the police to arrest Chona at his law offices. The December 11 Post reported that Chona was charged with publication of false news with intent to cause fear and alarm to the public and that he had made the statement knowing or having reason to believe that such statement was false. It did not appear coincidental that his wife is Nellie Mutti, a prominent lawyer on the presidential petition who had also defended the treason trialists and The Chronicle cases. The January 17 issue of The Post cited State House sources who reported that Mutti was about to be dismissed "in a move engineered by President Chiluba. It is difficult defending people that the state sees as opposition. You worry about your family and you can lose clients who in turn worry about how this might affect their relationship with government. But it is a tough job being independent and I am sure that representing people that are seen by government to oppose it also loses us clients. The pulling out of the Lusaka Cooperative Union from us recently could be such an example. Being independent has a high price to it in Zambia. Police reacted to this by firing tear gas canisters into the crowd and beating protesters with batons and quirts. Three demonstrators were arrested. The previous week, Home Affairs Minister Sampa had ordered police to be "very brutal" when dealing with "arrogant members of the public" who disobeyed their instructions. The usual notice was given to the police in writing. Police said go ahead. We provided the names of the marshals for the march and the police kept quiet until Tuesday February 4th. They would not even allow the meeting to take place in our offices. Since people were coming distances to the meeting in Ndola we decided to go ahead, the notice of the canceling of the meeting being too short. We went into the UNIP office. Women leaders decided to sleep in the office that night and the police again warned them that the rally should not take place. Then between 4 and 5 a. Our office had been raided and police encircled Ndola City Council with paramilitary police. We went straight to the office when we heard about the raid. The police tried to block us but we asked them by what law they were trying to stop us getting access to our property. General Masheke addressed a crowd outside the office although the man in charge, Mr. Kantongo of Ndola Police, warned him that he might be arrested. During the raid of our office the police took away all our mielie meal, meat, valuables and other food to the police station. We have not seen these again. The rally did not take place, but some came to the office and heard Masheke speak. On January 28, UNIP wrote to the Ndola town clerk requesting permission to use the major roads in the citycenter and promised that UNIP would provide tight security to control demonstrators.

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## Chapter 8 : Human rights NGOs in East Africa : political and normative tensions (Book, ) [theinnatdunvilla.c

*The legitimacy of human rights NGOs in Kenya. In: Mutua, M (ed.) Human Rights NGOs in East Africa. In: Mutua, M (ed.) Human Rights NGOs in East Africa. Philadelphia, PA: University of Pennsylvania Press, pp. 37 -*

The Liberal school of thought 4. The Civil Society and Democracy in Kenya 5. Relations with the Government 6. Influence on state policy formulation and implementation 6. Relations with other organizations 6. Members of the public taking part in demonstration organized by KHRC.. Picture showing conference between KHRC and other non state actors Abbreviations Abbildung in dieser Leseprobe nicht enthalten Summary Scholars agree that modern political democracies are almost impossible without vibrant, free and activist civil societies. In Africa, as in many other parts of the developing world, civil societies have arisen as a response to the dysfunction and despotism of the postcolonial state. Since the late s, democracy, governance, and human rights organizations, which are basically a crucial part of the civil society, have greatly influenced the democratization process in Kenya and other parts of the developing countries after the failures of the regimes to bring about meaningful development, transparency, accountability and respect for human rights through bad governance. It is in this light that civil society organizations like the Kenya Human Rights Commission KHRC that sought to directly engage with other stakeholders with the same concerns such as donors, the society and other organizations in a bid to promote democratic governance in Kenya by reforming the state and challenging its legitimacy. To achieve this, KHRC was involved in various activities that included community mobilization and sensitization about issues such as their human rights that should be guaranteed and protected by the state, good governance characterized by transparency and accountability, and their role as citizen to keep the state on check and demand for reforms whenever necessary. This thesis there seeks to examine how civil society, represented in this case study by KHRC have contributed to the increased democratic space in Kenya, and therefore be able to conclude whether civil society and NGOs contribute to democratization and democratic governance within the state. Democratization, democratic governance, civil society, human rights, Non Governmental Organizations, developing countries, Kenya, Kenya Human Rights Commission. To achieve this, the thesis will use KHRC, a national NGO working in Kenya as a case study and an analysis of its various activities will be conducted so as to reach a conclusion on how it assists in making Kenya a more democratic state. In doing this, the study will show that civil society in developing countries have had a significant impact on democratic governance 1. The next chapter after introduction will be defending qualitative methods employed in this study where an argument is made for the reasons behind the choice of methods used in the study and their merits. Chapter three links the subject of study to a possible theory, the liberal democracy theory which puts civil society and NGOs at the center of democratic governance and as important non state actors, while chapter four looks at the what scholars have written about the state of democracy and the contribution of civil society to democratization in developing countries in selected cases in Latin America, Asia and post colonial Africa. This includes various literature survey and reviews, analysis and conclusions about the progress made by civil society in promoting democracy. In chapter five, the study looks specifically at the Kenyan scenario and struggles for a democratic oriented state with emphasis being put on the role played by civil society and NGOs to enshrine democratic tenets in the society starting in the late s and early s with the struggle being seen as an ongoing process up to the contemporary scenario where the struggle is still on for democratic governance and stronger institutions. To articulately analyze the contribution of civil society and NGOs to democratic governance, chapter six takes one NGO that has been actively involved in human rights and democratic governance issues in Kenya, and looks at the various activities that it has been involved in since its establishment and the successes achieved in making Kenya a more democratic state. Problem statement CSOs and NGOs, especially democracy, human rights and good governance advocating ones have been actively involved in the quest for the transition from autocratic rule to participatory democracy ever since the end of the Cold War in the late s and many scholars

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have applauded their role in this process through their various advocacy tactic through which regimes in the developing world have been changed. Academicians see them as having taken advantage of the changing scenarios both at the international and national levels in the post Cold War era to institute demands for more accountable regimes that respected and upheld basic human rights and also more political participation through liberal democracy. African governments have seen them as being used to as the medium through which the West controls policies and governance in the less developed world. This is the case especially in Kenya where multi party politics were restored in the early s after donors and other development partners enforced sanctions and put further donor-recipient relations on hold until the democratic and political space in the country was opened up. One of the points during this argument this that a large percentage of their funding comes from external sources, notably international NGOs and government sponsored development agencies from the developed countries. A majority of NGOs in Kenya, regardless of where they were established, are funded via international sources. External powers that channel growing proportion of aid via NGOs have been said to also be able to determine many domestic policies and priorities without the need for consent from either the indigenous population or its elected representatives, Pinkney concludes. These activities point out to a country that is predominantly undemocratic and which does not follow democratic principles of governance. But at the same time, this period has also seen the establishment of important human rights and governance organizations, pressure groups, citizens groups, and community based groups all which sought to promote and protect the rights of Kenyans while also lobbying for a democratic and plural society[3]. Debates about the propriety, legality, and safety of NGO lobbying were in the air. Ever since then there has been several competitive multiparty elections and in a new constitution that has radical reforms to the structures of governance and human rights was overwhelmingly voted for by majority of Kenyans. The constitution is currently in its progressive stages of implementation and once fully operational, good governance, transparency and accountability with ensure that the rule of law is upheld. However, this assumption has not been without skeptics who have seen NGOs as merely being actors within a developing country who represent foreign interests largely donors who fund their activities. These donors have been noted to include among others INGOs, MNCs, and even foreign governments especially those in the western countries. This is because civil society has been active in developing countries in the last two and a half where they have been trying to support the weak state to be more democratic or to transit from despotic regimes. Looking at the various activities that they carry will assist in determining whether they have been contributing to the ongoing democratization. This will be done by taking one such NGO and examining its activities so as to reach a conclusion. Research Questions In trying to determine the contribution of civil society in promoting democratic governance, this study will be guided by some questions that are pertinent in finding out the how they contribute to a more democratic society and state. These questions will largely pay attention to the main activities NGOs carry and how they affect the basic conditions necessary for a democracy to thrive. To achieve this, the study will be guided by the following research questions: Hypothesis Civil society and NGOs in developing countries, Kenya included, have played an important role in the transit from the authoritarian regimes through a democratization process and promotion of democratic governance by agitating for democratic place and keeping the government on check on governance, accountability, transparency and human rights related issues among others, which is the scenario that is on the ground today with more than ever seen before number of civil society registered. Research Methodology and research design Research Methodology in this study represents the principles, procedures, and strategies of research used in a study for gathering information, analyzing data, and drawing conclusions. There are broad category of methodology such as qualitative methods and quantitative methods; particular types of methodologies such as survey research, case study, and participant observation, among many others. In the research process, the researcher decides which theoretical paradigm to use, what research strategies are appropriate for the purpose of the study and, which the methods of collection, analysis and interpretation are. The research strategy to be utilized in this thesis is a case study research. This study is a qualitative study and literature review and documentation



was the main technique employed for collecting data about democracy, civil society and NGOs in developing countries, Kenya and also KHRC. Thus, the author of this thesis corroborated evidence from different sources in order to shed light on case. Limitations of the Study To maintain a narrow scope on the field of research, this study will mainly be limited to one Non-Governmental Organization, the Kenya Human Rights Commission which will serve to represent CSOs as well as NGOs on their roles and influence in the democratic governance processes in Kenya. Data will also be limited to secondary this is explained in the next chapter , and the timeline will be from the onset of multiparty politics in early up to the current scenario.

**Conceptual Clarifications** Before ploughing deep into the topic of study, it is important to define some concepts that will be repeatedly used in this study and thus this section will attempt to provide possible definitions and a clear understanding of these concepts that inform this study. These concepts are democracy, civil society, NGO, democratic governance, good governance, democratization, human rights, the West, developed and developing countries. Democracy has been defined to show its numerous and varying conceptions and ideologies that underlie them, and as Liston This also has implications for the state, society, and the citizenry. Varieties of democracy have been noted to include direct, radical, guided, liberal, socialist, and consociational democracies, with each having its own unique characteristics, writes Pinkney However, for the purposes of this thesis, democracy will be used to refer to liberal form of democracy with attributes such as checks and balances to prevent tyranny of the majority, representatives, or powerful minority, representation and protection of diverse interests, constitutional safeguards of individual rights among others. Liberal democracy as a way of organizing politics and the society at large has thus been the most popular form of democracy in the contemporary world due to what scholars have seen as its application in the western countries of Europe and Northern America. It should also ensure that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources The next terminology which is closely related to the above concepts is democratization and which according to Whitehead The concept civil society has remained elusive given the different labels which led to its meaning changing over time and with tradition, Kanyinga[4] observes. However, despite this, Kanyinga sees neoliberal paradigm as attaching importance to civil society in relation to rights, citizenship, rule of law, free markets, freedom of information and democratic representation. He sees civic society as concerning civic institutions with their activities geared towards enriching liberal democracy, with the contemporary sociological theory borrowing from the Hegelian tradition that has associated civil society with autonomous groups of free individuals who are organized separately from both the state and the family. This tradition sees civil society as the realm in which the social relations are reproduced and articulated to foster the social good. On what entails civil society and what does not, Diamond, sees civil society as being different from society and generally involves citizens acting collectively in a public sphere where they seek to express their interests, passions, preferences, and ideas while also exchanging information, achieve collective goals, made demands on the state, improve structure and functioning of the state, and also hold state officials accountable. They are seen as different from Grassroots Organizations GROs that are usually understood to be smaller, often membership-based organizations, operating without a paid staff but often reliant upon donor or NGO support, which tend to be but are not always issue-based and therefore ephemeral. For the purposes of this study, emphasis will not be put into these various categorisation since the study aims at looking at just a single NGO but it is worth noting that KHRC can possibly over two of these categories, namely political NGOs and donor NGOs given the fact that it is mainly involved in a political struggle and also that it gets a majority of its support, financially and otherwise, from donors. On the concept human rights, it is a common belief that all human beings have some basic rights. However, there is no widely accepted definition of rights and the term itself lacks a clear definition. Hence, the questions about what the rights constitute and who exercises them have always been undergoing debates. Culture, custom, religion and lifestyle, and many other things, have affected the perception and definition of rights. Therefore, the rights and the possessors of these rights vary from one society to another, observes Mungle, He writes that



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concerns about human rights were first raised in the West, which was also the region where treaties and conventions of human rights were drafted. For him, the focus of Western approach was individual-based, with the idea that human beings have natural rights. This was based on the argument that human beings are born free and was first articulated by Hobbes and Locke in the seventeenth century. However, in this thesis, human rights will be understood and discussed in terms of the full scope of economic, social and cultural rights, as well as civil and political rights that the state should protect and uphold within the society. The term has also come to be closely associated with other definitions and attributes such as high development index and good governance and democracy and hence also has a political ideology attached to it and mainly associated with democracy and free markets. Thus, the West has been seen by other parts of the world as being leaders in world affairs and as a source of enormous influence in international relations, and also as proponents of democracy and liberal markets globally. For the purposes of this study, this term will be used to refer to this notion of very influential states within the global order. On developed and developing countries, there lacks a universally agreed upon criteria upon which states should be hierarchically ranked from the developed to developing but there exists some factors that are looked at to evaluate a states rank of either being developed or developing. Among these could be high levels of income, equality, good governance and a good human rights record, economic and social development among others. For the developing countries, the opposite of this is true but the levels of each attribute differs on a country to country basis with some making fast progress while other have not achieved much and their populations live in poverty, are less educated and the government is often accused of oppression and violation of human rights. This study also has what Bryman

From the above, it is clear that qualitative research methods are the best suited for the current analysis based on their flexibility and given most of the data available is in words rather than numbers and also due to the fact that the study aims at analysing the already available data about the topic of the study as opposed to carrying out a data collection exercise. The choice of KHRC as a case study is further cemented by the fact that the organization itself, according to the Strategic Plan[6], envisions a Kenya that respects, protects and promotes human rights and democratic values. A vision grounded in the belief that it is possible to realize a new Kenyan society based on a human rights culture that upholds the dignity of all its members equally and without discrimination. As a case study, the research will primarily rely on qualitative, descriptive and analytical research methods and will look at the information from the KHRC about the various activities that the organization has been involved in regarding promotion of good governance and democracy since its establishment. The study will also look at the outcomes and milestones of these activities in line with the objectives of the study to determine whether the results had any positive effect on the democratization process.

The Narrative The choice of this topic on democratization and a case study of one of the civil society as an example to illustrate their position on the democratization discourse was informed by several factors, one of them and perhaps the most important being a Kenyan citizen and having observed most if not all of these developments take place. Others would include the fact that having graduate with a Bachelors degree in Political Science from a Kenyan university further helped with the understanding of the Kenyan political landscape and the locating the different political developments into their respective timelines was done with ease. Secondary Sources Data used in this study will mainly be secondary gathered from what other scholars have written, newspaper reports, and strategic plans among others. The choice of this source of data was informed by the limited time available to arrange for a data collection trip given the distance and logistics needed to travel to Kenya and arrange this. In addition, it is said to provide framework within which social phenomena can be understood and research findings can be interpreted. Apart from this, Bryman further says that the term theory has been used in a variety of different ways with its most common meaning being an explanation of observed regularities, and as such in this study, the theory will be used to explain why the civil society is a necessity to a successful and stable democratic regimes especially in the developing world. The best theory to be employed in this study is the deductive theory which as Bryman puts it, the researcher deduces a hypothesis based on what is known in a particular domain and theoretical considerations in relation

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to that domain and which must be subjected to empirical scrutiny while the hypothesis will be embedded within the concepts that will need to be translated into researchable entities. To achieve this, Bryman says that the researcher must both skillfully deduce a hypothesis and then translate it into operational terms. Liberal democracy is a political system and culture that is a product of Western civilization as now championed by the United States, writes Connie Ngondi-Houghton. Support for NGOs in their democratizing role is often framed by a liberal democratic view of politics in which the strengthening of NGOs is beneficial for bolstering civil society and enhancing state legitimacy. Mercer, Civil society is also seen by some academicians for example Mutua, Mutua has subsequently argued that it is impossible to understand the mandates of democracy and human rights NGOs especially in East Africa without having to situate them within the liberal paradigm. CSOs and NGOs in particular, are also seen as the institutional vehicles for effective democratic transformations of the developing societies into modern, liberal and politically open societies.

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## Chapter 9 : The Role of Faith-Based Organizations in United States Programming in Africa

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My objective is only to analyse the way institutional evaluation operates today. Working on and living in developing countries for the last twenty years, I rely on empirical observations and the existing academic literature. As there are no comprehensive data on the biographies of the evaluators of humanitarian aid, available research is a bit disappointing in this regard. Hence the following article attempts to complete the picture in order to broaden the debate on the structural limits of institutional evaluations. Moreover, it is commissioned by stakeholders at the risk of being judge and party. To sum up, 1 it produces biased analysis; 2 reports are not published and do not name names; 3 as a result, they do not help to learn from past mistakes. In conclusion, I make a few recommendations and suggestions to develop third party evaluations. The political its subjectivity, recognize its limits, focus on processes more than results and develop qualitative analysis out of quantitative indicators. Such a system brings it needs to be approved by those who are evaluated and so does not deal be investigated; 2 it produces biased analysis, does not name names and s; 3 it is very formal and technocratic, if not meaningless; 4 it does not takes. Hence this article proposes a framework to develop third party that, to be really independent, evaluation should neither be paid or ers, i. NGOs and institutional funders. To facilitate learning, its must also be available to the general public. As a result, evaluations are centred on logistics and delivery mechanisms Crombrugge de , M. Humanitarian workers themselves often claim that opinion polls are not feasible. Some also argue that NGOs activities are not always visible for the people: In other words, perceptions would be negatively correlated to the performance and the duration of NGOs programmes. If asked, refugees would simply complain about their conditions of living. Yet specialists know that it is very possible to prepare questionnaires in order to circumvent the problem and get answers about the quality of relief. In any case, is it really relevant for evaluators to ignore the opinion of those who receive aid? Obviously not if we are concerned by accountability and transparency Wenar, , p. Guidelines and practices changed in this regard. But ten years later, they were to survey the victims of the Asian tsunami of , which also affected war-torn regions like Aceh in Indonesia and the Jaffna peninsula in Sri Lanka. Such differences show how complex attitudes and perceptions can be. For relief workers, the main challenge is to accept that their assistance can provoke negative reactions. In 2 In this article, it is assumed that humanitarian aid encompasses development issues and is not restricted to emergencies. Its political economy has a social impact on the long term in this regard. In Egypt, for instance, the attraction of donor funding led to the creation of unwanted kindergartens in a society where families used to look after their own children Abdelrahman, , pp. The full results of the poll can be found at: Burundi, NGOs did not perform better and the poll showed that international assistance was diverted at all levels. In this regard, surveys appear to be very useful to point out the various problems of a humanitarian operation. If they are not fully integrated into evaluation methods, that is also because of the system. Hence it is important to know who evaluates international aid. In most cases, NGOs and intergovernmental organisations are investigated by specialists who are paid by their funders and that they sometimes choose. Such a system is seen as normal and legitimate by many practitioners. According to Tony Beck, for instance, evaluations must be required and conducted with and by the institutions that are evaluated Beck, , p. Incidentally, they also praise NGOs for their accountability to donors, medias and the governments of the countries where they intervene. Indeed, they work for and are paid by stakeholders "institutional funders or implementing partners" who are part of the humanitarian industry. More generally, there are usually many links between humanitarian volunteers, consultants and funders. Evaluators often have an experience in an international NGO and they are supportive of development aid. As described in a Senate report in , its evaluations are initiated by NGOs to get funding. As a matter of fact, the F3E evaluations are

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very formal. There is no feedback and no sanction. First, it contradicts the values of the humanitarian movement, which favour open societies. While institutional evaluations require the consent of operators, NGOs do not ask states or companies the permission to investigate and publish critical reports on corporate 4 M. Likewise, they do not always wait for a formal approval to set up relief programmes and circumvent local authorities in war-torn countries. They apply double standards in this regard, for the very same organisations advocate the right of freedom of association to oppose unwanted evaluations that are perceived as an oppressing tool in the hands of legitimate elect-governments. Paid by the companies they were to evaluate, rating agencies did not blow the whistle. As for rating agencies, they both advised and marked their clients. They told them how to mix good and bad credits in order to get a higher score and pretend to be accountable. So their clients became less transparent. Internal codes of conduct point to the same problem in the humanitarian industry. They do not provide for sanctions and are not monitored by external institutions. In the same way, self- evaluations and second party evaluations bring four major impediments: Their objective is not only to improve good practices, but also to avert state controls. Such an attitude is easy to understand in countries where freedom of association is still fragile, for instance in Africa where some human rights activists advocate self-regulation to escape government interference Murungi, , p. NGO coalitions can be deceptive in this regard, since their concern for accountability is restricted to members and does not cover all humanitarian organisations. For example, some researchers studied 33 Spanish development associations and found that they were quite transparent. Biased analysis Another problem is the quality of data in self-evaluation. In too many cases, evaluations conducted by NGOs themselves are empty and not even published. Loaded with statistics, they tend to mask the real issues and pretend that all the programmes reached their objectives. On public aid to development, see, for instance, Randel and German For a similar point of view by a former head of the British Aid Agency in Rwanda, see Bolton , p. They prefer to provide statistical data that help to check the implementation of their programmes, but not their social impact Ebrahim, , p. They try to please donors, insist on success, hide failures and exaggerate their positive impact on the poor Riddell, , p. According to some consultants, the documentation they provide is also very descriptive and repetitive Oakley, , p. Self-censorship can be a problem too. But its employees avoid criticizing their colleagues in the departments where they could be posted in the future. Even the most vehement reports do not compromise anyone and do not sanction those who committed mistakes. Usually, the Evaluation Unit prefers to deny real problems and to conclude on a positive note anyway Easterly, , p. The case of the World Bank is not unique. The governments of funding countries have interests in positive evaluations, since these validate their approval of the projects. And, most importantly, the evaluators themselves have strong reasons to submit positive evaluations. The same goes for academic research Guilhot, , p. Historical studies of philanthropic institutions are usually sponsored by the organisations themselves to commemorate a birthday. Jefferson Murphy , for instance, acknowledges that he had from the start a positive view of the Carnegie Foundation which sponsored his research. Likewise, Fosdick praised the work of the Rockefeller Foundation, an organisation that he chaired during twelve years. Consultants are very good at that in a profession where almost everybody knows everybody. The contrast is quite striking with the critical analysis of the humanitarian industry by country specialists like Shawcross in Cambodia, Hanlon in Mozambique or de Waal in Sudan. By comparison, the views of institutional insiders appear to be much less vocal. Reporting for an Intergovernmental Task Force set up by the World Bank, one of the biggest funder of development assistance, Cassen concluded for instance that aid had an overall positive impact despite some mistakes. Likewise, a former economic adviser to the British ODA Overseas Develop- ment Administration , Mosley , argued that international cooperation worked and should be reinforced. As a matter of fact, institutional funders which pay for evaluation do not want to hear so much about the failures of the programmes they support. Final reports even tend to restrain criticism against their implementing partners, i. NGOs without whom aid agencies could not operate Crombrugge et al. It also happens that they spare organisations which cooperate to evaluations. For instance, 24 of the 30 members of the Tsunami Evaluation Coalition had previously worked for private or public humanitari- an and

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development organisations Telford et al. This is an exception. In most cases, ex- post evaluations simply tend to legitimize the way programmes were conducted Charbon, First and second party evaluations are just for show, a 6 For a review of French researchers on the issue, see Ryfman Regarding the position of anthropology on humanitarian aid, see also Atlani-Duault and Vidal And in many cases, they legitimize the added value of cooperation agencies and experts on continents like Africa, where aid largely failed to deliver its promises. The only discussion is about raising more money to send experts and preserve the jobs of expatriates [. Otherwise, funders do not seem to be very committed to evaluations. The performance of an NGO, for instance, is not a crucial factor for funding: As a result, evaluation is under- funded and does not have the required manpower hours to conduct in-depth studies. It is too often commissioned in a hurry, on an ad hoc basis, without clear priorities, and it does not follow the strategic guidelines of international aid Crombrughe et al. Moreover, it does not help to capitalize experience, for archives are not kept in an orderly manner. NGOs themselves do not support their diffusion to the general public. Under the pretext that the objective is to learn, not to improve accountability, they claim that it could damage their reputation and hinder fundraising, for they think that donors are not ready to hear any critics on the programmes they support.