

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING
DEMOCRATIC GOVERNANCE IN AFRICA: CASE STUDY OF KENYA**

MARK TOO OPONDO

**A Research Thesis Submitted in Partial Fulfillment of the Requirements for the Award of
the Master's Degree in International Studies,
University of Nairobi.
December, 2019**

DECLARATION

Declaration by the Student:

This Thesis is my original work and has not been presented for a degree in any other University.

Signature _____ Date _____

MARK TOO OPONDO
(R50/0619/2018)

Declaration by the Supervisor:

This Research Project has been submitted with my approval as university supervisor.

Signature _____ Date _____

PROF., AMB. MARIA NZOMO
Institute of Diplomacy and International Studies
University of Nairobi

DEDICATION

I dedicate this project to my beloved parents. It is their continuous support, encouragements, and belief in me that motivated me to complete this project successfully.

ACKNOWLEDGEMENT

I humbly offer my gratitude and appreciation to the following individuals who have demonstrated and accorded me sincere guidance and support during the course of writing this Research Thesis:

Almighty God for having given me the knowledge, wisdom, finances, and good health that enabled me to positively conduct research and successfully complete this project.

My kind and knowledgeable supervisor, PROF., AMB. MARIA NZOMO, who has constantly been helpful, encouraging and has guided me throughout the completion of this master's thesis. Thank you so much.

My beloved parents and siblings, for their undivided attention, patience, and invaluable contributions that they have always accorded me, especially during the course of accomplishing this thesis.

My dear friends and classmates, for their indisputable companionship, understanding, and moral support that they gave me during the course of writing this thesis.

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
ABBREVIATIONS AND ACRONYMS	vii
ABSTRACT	viii
CHAPTER 1.0 – INTRODUCTION	1
1.1 Background to the study	1
1.2 Statement of the Research problem	4
1.3 Research question	5
1.4 Research objectives	6
1.5 Literature review	6
1.5.1 Democracy in Africa	6
1.5.2 Human Rights Organizations and Democracy in Africa	10
1.5.3 Civil society and Democracy in Kenya	12
1.6 Theoretical framework	15
1.7 Justification of the study	17
1.8 Hypothesis	18
1.9 Research Methodology	18
CHAPTER 2.0 – THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN KENYA	22
2.1 Introduction	22
2.2 Roles and activities performed by Human Rights Organizations in Africa.....	27
CHAPTER 3.0 – THE RELATIONSHIP BETWEEN HUMAN RIGHTS ORGANIZATIONS TO THE STATE, THE PEOPLE AND OTHER ACTORS	35
3.1 Introduction	35
3.2 Nexus between HROs with the State	35
3.3 Nexus between HROs and other Actors	41
CHAPTER 4.0 – SUCCESSES AND CHALLENGES FACED BY HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE	43
4.1 Introduction	43
4.2 Challenges faced by HROs	43
4.3 Prospects of HROs	48
CHAPTER 5.0 – DATA PRESENTATION AND ANALYSIS	53
5.1 Introduction	53
5.2 Role of HROs in promoting democratic governance in Kenya.....	53
5.3 Challenges and prospects that HROs face in promoting democratic governance Kenya	57
5.4 Analysis of Findings.....	60

CHAPTER 6.0 - CONCLUSION & RECCOMENDATIONS.....	64
6.1 Introduction	64
6.2 Conclusion.....	64
6.3 Recommendations	65
BIBLIOGRAPHY	69
APPENDICES.....	73
APPENDIX I: INTERVIEW LETTER	73
APPENDIX II: INTRODUCTION LETTER (QUESTIONNAIRE)	74
APPENDIX III: QUESTIONNAIRE.....	75
APPENDIX IV: PROJECT BUDGET.....	80

ABBREVIATIONS AND ACRONYMS

CSO	Civil Society Organization
NGO	Non-Governmental Organization
INFO	Information
INGO	International Non Organization
M & E	Monitoring and Evaluation
SWOT	Strengths, Weaknesses, Opportunities, and Threats
CS	Civil Society
HOD	Head of Department
EAC	East African Association
UNDP	United Nations Development Programme
LR	Literature Review
BoR	Bill of Rights
KNCHR	Kenya National Commission on Human Rights
EU	European Union
GOK	Government of Kenya
ICT	Information and Communication Technology
IT	Information Technology
NHRIs	National Human Rights Institutions
PM&E	Participatory Monitoring and Evaluation
RBA	Rights Based Approach
USAID	United States of America International Development
HRO	Human Rights Organization

ABSTRACT

The notion of democratic governance is increasingly being promoted in Africa. In the post colonial era, the global mushrooming of non-state actors has overwhelmed most African governments, especially in the Human Rights sector. The human rights organizations have effectively asserted their power to hold governments accountable. Moreover, technology has further helped human rights organizations in their bid to hold political leaders and the society accountable. These trends have immensely enforced democratic governance in the African continent. Africa Countries are increasingly encouraged to employ democratic governance practices in key decision making organs. The UNDP identifies accountability, public participation, transparency, efficiency, rule of law, equity, consensus oriented, effectiveness and responsiveness to the needs of the people as elements of democratic governance. These elements have become universally accepted. This project looks at the role of human rights organizations in promoting democratic governance in Africa. The study's objectives included examining the activities carried out by human rights organizations in promoting democratic governance, as well as the challenges and prospects that the organizations encounter in their promotion of democratic governance in Africa. The findings of the study were that human rights organizations play significant roles in advocating for democratic governance and holding governments accountable. However, human rights organizations face challenges such as lack of funds, administrative inefficiency, political interference, donor conditionality's and competition among organizations for donor funding influence project activity success. The study therefore recommended that human rights organizations need to overcome these challenges in order to champion for democratic governance effectively. This can be done by improving HROs funding, educating the public through capacity building programs, by networking with stakeholders with whom the HROs share same interests, as well as holding joint activities for projects sharing the same outcome.

CHAPTER 1.0 – INTRODUCTION

1.1 Background to the study

Attainment of independence by African states brought insurmountable joy and hope of a new dawn to the African continent. Africans believed that independence had freed them from the chains and oppression of colonial rule. However, its more than 60 years since the first African state attained independence, yet most African states still aspire to attain freedom and liberation from the chains of oppression that still engulf them. African countries are still faced with multiple challenges¹.

There are various instances where human rights are immensely violated, a lot of political turmoil, abuse of power, massive corruption, political instabilities, lack of trust amongst political parties, endemic poverty, lack of free and fair elections, lack of conscious citizens, slow economic growth, and non-engagement of civil society. Obadare argues that most challenges facing Africans are partly attributed to the poor governance systems². Due to the success of democratic governance in other parts of the world, most Africans today believe that democratic governance is the most suitable mode of governance that can help address the challenges that affect the African continent.

Democratic governance basically refers to a participative manner of governing that functions in a transparent, accountable, and responsible manner. It is a system of government where institutions function according to democratic processes and norms, not only internally but also in their interaction with other institutions. Marina opines that democratic governance is a principle

¹*Good governance and civil society participation in Africa*. 2009. Addis Ababa, Ethiopia: OSSREA.

²Obadare, Ebenezer. 2014. *The handbook of civil society in Africa*.

whose application is necessary and vital to the growth and development of a country³. It entails observance of the rule of law, respect of human rights, transparent and accountable processes and institutions, in addition to effective people's participation in development.

Since the late 1980s, 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 African countries. This has been so 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 human rights organizations such as the Kenya Human Rights Commission (KHRC) sought to directly engage with other stakeholders 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.

Studying HROs in this study was informed by the fact that their activities in human rights issues, good governance, accountability and transparency of the state have been self evident. HROs activities have ranged from street demonstrations to the conference room lobbying and negotiation with the various stake holders, ever since the onset of the multiparty politics in the early 1990s up to the current scenario.

In democratic governance, both the civil society and the private sector are encouraged to participate in the governance process. This is important as it enables the government to accomplish everything efficiently and effectively. Human rights organizations form part of the civil society. The Civil society simply refers to self-governing formal and informal organizations

³ Marina, Caparini. 2006. *Civil society and the security sector: concepts and practices in new democracies*. Münster: Lit.

and institutions that are separate from the state, and often carry out voluntary activities⁴. Civil Society consist of contemporary advocacy Non-Governmental Organizations that focus on issues of democracy, civil liberty, gender, and health. It also encompasses traditional organizations such as labor unions, ethnic groups, religious groups, as well as professional associations⁵.

The civil society has played an outstanding role in the promotion of democratic governance in Africa. This role includes promotion of the rule of law, the struggle for decolonization, demilitarization, transparency in governance, and popular participation in policy making. Elolia suggest that strong democratic governance is exemplified by transparency and accountability in both public and private sectors⁶.

However, while HROs are largely praised for having achieved various milestones in Africa, some scholars assert that this cannot be ascribed wholly. Hume claims that some of the HROs that include certain NGOs and INGOs have been involved in promoting certain dubious activities in Africa⁷. For instance, some non-governmental organizations have often been linked to terrorism and transnational crimes such as money laundering and human trafficking. The suspicious activities have often led to governments generating laws that curtail the work of HROs. Some of the organizations always fund rebel groups that in turn have destabilized governments, hampering democracy in Africa.

Hume claim that some HROs often thrive in promoting international agenda instead of addressing pertinent challenges that are faced by African states⁸. Most of such INGOs always

⁴ Lo, Mbaye. 2009. *Civil society-based governance in Africa: theories and practices : a case study of Senegal*. Khartoum, Sudan: Society Studies Center.

⁵Ottaway, Marina, and Thomas Carothers. 2000. *Funding virtue: civil society aid and democracy promotion*. Washington, D.C.: Carnegie Endowment for International Peace.

⁶Elolia, Samuel K. 2012. *Religion, conflict, and democracy in modern Africa: the role of civil society in political engagement*. Eugene, Or: Pickwick Publications.

⁷ Hume, N. (2011). *Challenges to Civil Society*, Cambria Press, New York.

⁸ Hume, N. (2011). *Challenges to Civil Society*, Cambria Press, New York.

operate on donor funding, and as such often have a level of accountability to their donors in order to continue receiving funds. Some HROs have lost their voluntary and charitable stature, and in turn have resorted to promoting programs that are donor driven. Some NGOs and INGOs have been accused of promoting harmful activities in African society, as they are short sighted, are geared to promote external interests, and often disempower the poor.

This thesis therefore sought to examine how HROs have contributed to the increased democratic space in Africa, and therefore be able to conclude whether HROs contribute to the promotion of democratic governance within the state.

1.2 Statement of the Research problem

Democratic governance is a major concern in the African continent. Most African states still grapple with human rights violation, a lot of political turmoil, abuse of power, massive corruption, political instabilities, lack of trust amongst political parties, endemic poverty, lack of free and fair elections, lack of conscious citizens, slow economic growth, and non-engagement of civil society.

HROs in Africa have often assumed an important role in promoting democratic governance within the continent. However, in many African countries, the relationship between the government and HROs is characterized by mutual mistrust. This has always prevented the HROs from playing its role effectively. Muchie argues that restrictive laws, norms and other factors often limit HR Organizations from influencing policy or acting as watchdogs⁹. For instance, in Burundi, many HROs that advocate for human rights and democracy have been forced to go underground due to the hostile political climate.

⁹Muchie, Mammo. 2013. *The African union ten years after: solving African problems with pan-africanism and the African renaissance*. Pretoria: Africa Institute of South Africa.

Founded in 1992 and registered in 1994, the Kenya Human Rights Commission (KHRC) is a non-governmental organization that has played a significant role in advocating for democratic governance. It is a self governing organization that aims at manifesting the will and interests of the people. KHRC often maneuver and respond accordingly to its environment. Yanggen suggests that it accomplishes this by positioning itself to meet various local needs, by holding the government accountable for delivery of services as well as use of funds, by filling vacuums where government leadership is absent, amongst others. Attributes such as leadership skills, strong popular legitimacy, as well as financial resources often increases the influence of human rights organizations¹⁰.

There has been an increasing role of HROS in promoting democratic governance in Africa. This has seen many governance reforms take place in various countries. However, despite the important and significant contributions of HROs, their role has been limited because of harsh and systematic restrictions of various regimes¹¹. Therefore, this thesis sought to examine how the HROs have contributed to increased democratic space in Africa, and therefore be able to conclude whether HROs contribute to democratic governance within states.

1.3 Research questions

1. What is the role of HROs in promoting democratic governance in Africa?
2. What is the nexus between HROs, the state, and other actors in promoting democratic governance in Kenya?

¹⁰Yanggen, David, 2010. *Landscape-scale conservation in the Congo Basin: lessons learned from the Central African Regional Program for the Environment (CARPE)*. Gland, Switzerland: IUCN.

¹¹Ottaway, Marina, and Thomas Carothers. 2000. *Funding virtue: civil society aid and democracy promotion*. Washington, D.C.: Carnegie Endowment for International Peace.

3. What challenges and prospects does the Human Rights Organizations face in promoting democratic governance?

1.4 Research objectives

1. To investigate the role of HROs in promoting democratic governance in Africa.
2. To analyze the nexus between HRO, the state, and other actors in promoting democratic governance in Kenya.
3. To evaluate the challenges and prospects that the Human Rights Organizations face in promoting democratic governance.

1.5 Literature review

1.5.1 Democracy in Africa

Democracy in developing countries struggles to thrive in an environment that has been analyzed as not conducive for democratic values and principles to be applied. Scholars have outlined several conditions that are necessary for democracy to work, and among these is that there should be some level of economic development which in turn greatly reduces the struggle for allocation of resources. This ensures that both the society and the state concentrate on other aspects of politics. Most of the states in developing countries and especially in the post colonial Africa do not have this attribute that entails high per capita wealth, industrialization, urbanization and high levels of education¹².

The above phenomena automatically has had a negative impact on democracy and democratization efforts at large, especially in the decades after colonization in Africa where the newly established states had to grapple with both the need to ensure economic development as well as democratic governance. The majority of these states failed at both and what was clearly

¹² Dameni, Oussematou. 2016. *Journeys from exclusion to inclusion: marginalized women's successes in overcoming political exclusion*. Stockholm: International IDEA.

evident in the state was high levels of abject poverty, illiteracy and diseases while the state became increasingly authoritarian, with either military regimes or one party states. Moreover, corruption, bad governance and human rights violations became the order of the day.

Like in most post-colonial states elsewhere in the developing world, the African postcolonial state failed to establish enduring democracies. The liberal constitutions that had been imposed by the departing colonial hegemons soon unraveled and consequently resulted to the colonial state reasserting itself under the pretense of a modern state but characterized by undemocratic principles. This led to collapse of various states while some of those that survived became deeply dysfunctional with no capacity to carry out any of the roles attributed to a modern state. Majority of the post-colonial African countries are considered to have evolved to become either a single-party, autocratic, patrimonial, centralized political systems that are mostly founded on ethnic belonging, or as dictatorial military regimes. Apart from Mauritius and Botswana, most incumbent governments have had a disputed political legitimacy which in some instances has led to continued internal disagreements and ethnic strife¹³.

Due to the failure of political parties to lead in reconstitution of the political order in African countries, most scholars have argued that human rights organizations and other civil society organizations are the only remaining viable sector that is capable of reforming state power. This has been expressed mainly because the civil society has long been recognized as the difference between democracy and state tyranny. The traditional role of HROs in established democracies has been seen as keeping the state honest and accountable, thus the argument that human rights organizations play a civilizing role in a democracy. This is the role that African human rights

¹³ Human Rights Watch (Organization). 2016. *Human rights watch world report 2016*: New York, NY: Human Rights Watch.

organizations must play. However, they must do much more than that since they operate in vastly different conditions. Therefore, the HROs must create the conditions for democracy themselves by being the key agents for democratization while also acting as the cartilage between the state and the society.

To put more emphasis on the above point, Dameni, a renowned scholar on African politics, affirms that an effective and viable human rights organization aid in providing the conditions that precedes democracy in Africa. He asserts that even if all the other variables for democracy are attained, African resurgence will not be possible without strong HROs. This has often led to the argument that HROs is the missing key to improved governance, legitimate states and governments, sustained political reform, viable state-society, and prevention of political decay that undermined rebirth of new African governments a generation ago¹⁴.

The above notion has been the conclusion reached by various leading practitioners and scholars of African politics. For instance, Mutua notes than in countries as diverse as Kenya, Nigeria, and South Africa, HROs have played major roles in the fundamental reconstruction of politics and even in some cases controlling politics shifting from state elites to more popular forces. This has often been attributed to strong HROs that always work to open up more political space¹⁵. However, it is important to note that where HROs are weak, the depth and pace of democratic reforms have been slow or nonexistent mainly because of suffocation of HROs by the state. Mutua claims that Ethiopia and Egypt belongs to such category where state elites are able to easily manipulate and administer change to their own advantage.

¹⁴ Dameni, Oussematou. 2016. *Journeys from exclusion to inclusion: marginalized women's successes in overcoming political exclusion*. Stockholm: International IDEA.

¹⁵ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

Africa is not renowned for its record in promotion of human rights, equal treatment of citizens, the rule of law, independence of the judiciary, impartiality of its law enforcement agencies, or effective and efficient functioning of the courts. Popular freedom of expression of interest is deliberately or subtly curtailed. Most victims of abuse of power do not obtain justice. Moreover, the perpetrators are not consistently held accountable, unless with the intervention of the international community or the international institutions such as the ICC and the United Nations. This has resulted in a low level of expectation on the part of the citizens, questioning whether the state will be just or fair in its dealings with them. This obviously does not strengthen the states' claim to legitimacy.

As argued above, Kiwinda points out that the challenges of African statehood have significantly constituted much of the literature on the post colonial African state. He asserts that soon after the decade of independence the short burst of enthusiasm was immediately replaced by a long and continuous period of despair¹⁶. Most African states began grappling with issues such as civil wars, military coups, economical stagnation, repressive regimes, and refugee flows.

African bureaucracies are not only considered overdeveloped but also unaccountable because of the underdevelopment of formal HROs that are tasked with the responsibility of checking the governments. Urbanized elites often monopolize both economic and political power. This has lead to a decrease in transparency and equity in the allocation of national resources. Moreover, the state often dominates most aspects of social life, deliberately restraining the existence or autonomy of various organizations that represent the interests of divergent social and economic groups.

¹⁶ Kiwinda Mbondenyei, Morris. 2015. *Human rights and democratic governance in Kenya: a post-2007 appraisal*.

The post-colonial period has seen a growth in both local and foreign HROs in all African states, especially during the 1980s. In trying to put democracy and human rights in Africa into the right context, Koigi claims that human rights organizations in Africa have in recent times come under thorough scrutiny mainly due to the slow pace of democratic reforms. Countries that were considered to have made some progress such as Ethiopia, Uganda, Eritrea, Kenya, and Ivory Coast, have in recent years registered significant setbacks¹⁷.

1.5.2 Human Rights Organizations and Democracy in Africa

Human rights organizations are considered as important actors in the democratic reform process. However, critics argue that not enough has been done or achieved by this specialized sector so as to advance reforms in the region. Koigi sees lack of response by the state to the demands of the sector as one key challenge to the functioning and success of human rights organizations. In the African continent, Burja is of the opinion that except for North Africa and a handful of blatantly autocratic regimes in sub-Saharan Africa, more open political space has been created¹⁸. However, he cautions that this should not exaggerate the transformative nature of these political transitions.

This is because the process has not been uniform in all the African states, with some countries such as Benin and Zambia having routinized their open electoral politics and democratic freedoms while there has also been a serious setback in countries such as Niger, Gambia, and Sierra Leone where he sees elected governments having been over turned. In other parts of the

¹⁷ Koigi wa Wamwere. 2017. *Negative ethnicity: from bias to genocide*.

¹⁸ Bujra, Abdalla. 2015. *Democratic transition in Kenya: the struggle from liberal to social democracy*. Nairobi: African Centre for Economic Growth.

continent, such as Kenya, Makau writes that electoral politics have ushered in regime changes which have failed to neither uproot institutional corruption nor entrench meaningful reforms¹⁹.

Due to this, kleptocracies and predatory elites continue to rule under the cloak of democracy in many African states. Mutua refers to these as the one party mandarins and military rulers of yesteryear which quickly adapted themselves to some form of electoral politics so as to retain their stranglehold on power. This situation has led to the failure to transform the undemocratic and illiberal nature of the state and has instead led to the increased presence and sprouting of the HROs, and their role in trying to reform the African state and its political structure. Murunga says that the failure of most African countries to transit successfully into liberal democracies can be explained by the fact that most of them have been independent for approximately four decades. Most African countries are characterized by very poor, heterogeneous populations, have weak economies, most of them have gone through internal conflicts, they are weak states with fragile institutions, and suffer deep socioeconomic and political fissures. Hence, they have not been able to evolve into a dominant liberal democracy that they have been pressured into²⁰.

As the Cold War came to an end in the late 1980s, Mutua sees this as having brought about “a confluence of factors that awakened new hopes in Africa.” This is because of the end of the reflexive support for African states by the key Cold War protagonists, which in turn removed a huge barrier to political transformation within the continent. The resulting scenario from this was that many African regimes lost their automatic, clientelist relationships with Cold War hegemony, severely diminishing the resources available to the African state and the legitimacy of the regimes. This further led to a vacuum through which long-suppressed demands exploded in

¹⁹ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

²⁰ Murunga, R. 2017. *Kenya: the struggle for democracy*. London: Zed Books.

the open. The burgeoning political movements usually couched in the language of reforms sought to capture central political power with a vow to reform the state became a false start to the democratization process. He sees most sub-Saharan human rights organizations as having arose in the late 1980s, when despotic states began to lose support from their benefactors in the North at the end of the Cold War which as highlighted before, led to the withdrawal of economic and military support by both the Eastern and the Western countries²¹.

1.5.3 Human Rights Organizations and Democracy in Kenya

The history of Civil Society in developed countries dates back to 18th and 19th century. For instance, thinkers and scholars such as Tocqueville noted that associations served as functional equivalent in democratic states way back in the 18th century²². However, HROs history in Kenya can only be dated back to the colonial period. This is when Africans began forming welfare associations. Africans used these associations to advocate and campaign for their rights, as well as to express their frustration with the colonial government rule. These welfare associations as well had a political dimension.

Most of them advocated for the plight of their community members. Some of the earlier welfare associations included: Kavirondo Taxpayers Welfare Association, Ukambani Members Association, Taita Hills Association, and East African Association²³. Resnick and Nicolas claim that during the 1930s and 1940s, there were four major types of Civil Society Organizations²⁴. These included charitable organizations that mainly carried out Christian initiatives. There were

²¹ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

²²Tocqueville, Alexis, and Stephen D. Grant. 200. *Democracy in America*. Indianapolis, Ind: Hackett Pub.

²³Wanyande, Peter, Mary Omosa, and ChweyaLudeki. 2007. *Governance and transition politics in Kenya*. Nairobi: University of Nairobi Press.

²⁴ Resnick, Danielle, and Nicolas Van de Walle. 2018. *Democratic trajectories in Africa: unravelling the impact of foreign aid*.

ethnic based organizations that majorly were welfare in nature. They were mainly involved in self-help initiatives in urban areas. Another category of Civil Society Organizations emerged after the Second World War. These included the Kenya Farmers Association as well as the War Veterans Association. Other categories of Civil Society Organizations that existed in Kenya during the 1930s and 1940s were majorly the professional and occupational bodies²⁵.

After Kenya attained independence in 1963, it was faced with the challenge of building the nation as well as addressing poverty that affected most of its citizens. Growth of Civil Society Organizations rose by more than 150% from 1970s to 1980s. This rise transpired since the CSO's sought to fill the gap that the market and government forces had failed to acknowledge in regard to meeting citizen's needs. The Human Rights Organizations were not well tolerated at this time by the Kenyan government. The government perceived them to be a threat to national security. This greatly hindered the operations and actions of the HROs, due to constant suspicions that emerged between the HROs and the State²⁶.

Podems argue that the sharp decline of the economy that occurred from the 1980s forced the IMF and the World Bank to recommend market forces as the solution that would help in addressing the problem²⁷. However, these prescriptions did not succeed in solving the issue of economic decline at this period. This situation led to further Human Rights Organizations growth, since these organizations were regarded by many as the panacea to the existing problems that affected their daily lives. One major problem that affected the people was unequal distribution of resources, which have persisted up to date. Human Rights Organizations were expected to

²⁵Bermeo, and Philip G. Nord. 2000. *Civil society before democracy: lessons from nineteenth-century Europe*. Lanham, MD: Rowman & Littlefield Publishers.

²⁶ Van Til, Jon. 2000. *Growing civil society: from nonprofit sector to third space*. Bloomington: Indiana University Press.

²⁷Podems, Donna. 2017. *Democratic Evaluation and Democracy Exploring the Reality*.

resolve the marginalization of various communities. They were expected to attain this by tapping the available wealth and reallocating it to people equally. Wanyande and Chweya affirm that some Civil Society Organizations began political activism role in order to advocate for political and social change²⁸. The Human Rights Organizations who performed this work mostly carried out policy change initiatives that kept the Kenyan government accountable to the people.

More Human Rights Organizations emerged and became increasingly active during the 1990s, due to the liberalization of development and political space that now tolerated Civil Society Organizations. Kaviraj claims that Civil Society Organizations have been at the commencement phase of a lot of political and social movements that have gave rise to change in most African states²⁹. He provides several examples in Africa where CSOs have been successful in the past. For instance, having the support of the students' movement, the trade union movement in Mali resulted in a military coup that brought down the regime that had been in power for 22 years. Increased pressure from various trade unions eventually brought about multiparty elections, which Alpha Oumar Konaré rise to power.

Keane opines that repressive regimes in Kenya were precipitated by the introduction of a single-party electoral system, besides the transfer of elections supervision to Provincial Administration³⁰. These occurred often during the Kenyatta and Moi regimes. Keane goes on to assert that this was a period when various electoral malpractices flourished. Van claims that the electoral system gave rise to illegitimate leaders who were unable to express the interests and needs of the people³¹.

²⁸Wanyande, Peter, and ChweyaLudeki. 2007. *Governance and transition politics in Kenya*. Nairobi: University of Nairobi Press.

²⁹Kaviraj, Sudipta. 2017. *Civil society: history and possibilities*. Cambridge: Cambridge Univ. Press.

³⁰ Keane, John H. 2006. *Civil society: Berlin perspectives*. New York: Berghahn Books.

³¹ Van Rooy, Alison. 2008. *Civil society and the aid industry: the politica and promise*. London: Earthscan.

A lot of policies that were developed only met the interests and desires of the leaders and not those of the voters. Massive looting of public resources through corruption, land grabbing, and awarding of high salaries without relevant criteria was the norm amongst the elected representatives. Despite the high hopes, the transition from Kenyatta's administration to Moi's administration did not result in much change in Kenya's governance. This triggered Civil Society Organizations to demand for change during early 1990s, by advocating for the reintroduction of multiparty democracy.

In 2007, one of the grave governance concerns that faced Kenya was the post-election violence that took place after the 2007 elections. More than 1,000 people lost their lives and nearly 300,000 individuals were displaced. Moreover, scandals have continued to rock the multi-party era. Some of these scandals include the Anglo-Leasing scandal and the Grand Regency scandal. Most of these scandals have remained unresolved to date. O'Connell and John points out that since independence, there have been transitions without much change in the governance and administration of Kenya³². Human rights organizations have often tried to intervene by promoting accountability, public participation in local governance, as well as advocating for transparency and observance of the rule of law. However, such contributions have not been comprehensively and effectively adopted, generating a gap that this research seeks to fill³³.

1.6 Theoretical framework

Scholars have described the theory part of any research as an important phase to the researcher. A good theory not only guides the research in a useful direction, but also helps in predicting unobserved relationships between variables that are yet to occur. In this study the researcher used

³²O'Connell, Brian, and John W. Gardner. 2009. *Civil society: the underpinnings of American democracy*. Hanover, NH: University Press of New England.

³³Mudacumura, Gedeon M., and Göktuğ Morçöl. 2014. *Challenges to democratic governance in Developing Countries*.

the liberal theory to explain the role of human rights organizations in promoting democratic governance. Proponents of this theory include Thomas Hobbes, Adam Smith, Baruch Spinoza, John Locke, John Stuart Mill, Immanuel Kant, and Robert Nozick.

The principles of democratic rule have often been linked to the tenets of liberal theory. For instance, liberalism advocates for a government that has its representative democracy being guided by the principles of classical liberalism. Liberals support the rule of law as part of an open society, elections between various distinct political parties, separation of powers into the existing different branches of government, a market economy that has private ownership of property, as well as equal protection of political freedoms, civil liberties, and human rights for all people,³⁴.

Proponents of liberal theory favor a constitution that is formally written as well as on that is uncodified. They argue that this helps in delineating powers of the government and moreover, safeguard the social contract. States may have varied constitutional forms. For instance, countries such as Australia and the United Kingdom favor constitutional monarchy, while countries such as France, India, and the United States are a republic. A state may as well have a parliamentary system, as is evident in countries such as Canada, Australia, Italy and the United Kingdom. However, some states may advocate for a presidential system as is evident in countries such as the United States of America and Indonesia, or rather a semi-presidential system as is seen in countries such as France and Romania³⁵.

Just like the tenets of democratic rule, liberals advocate for the right to vote, in spite of one's ethnicity, race, property ownership, or sex. However, different countries may impose various qualifications. For example, a country may require an individual register before being allowed to

³⁴ Thomas Hobbes, (2018). *Leviathan*, new edition. America Press.

³⁵ John Locke, (1796). *A Letter Concerning Toleration*. Brook.

vote. Voting is a voluntary process and decisions made through elections are done by individuals who are eligible and have decided to participate in the voting process. Democratic states have got constitutions that define their democratic character. Such constitutions often always limit the authority of the government. Government's authority is legitimately exercised only according to the written laws that are publicly disclosed, adopted and are enforced in line with established procedure.³⁶.

Due to its propositions, liberal theory has become an important and popular theory since its inception. Therefore, its application in this study is of utmost importance. The human rights organizations in Africa have often assumed an important role in promoting democratic governance within the continent³⁷. Therefore, due to the link between the principles of democratic rule and the tenets of liberal theory, the liberal theory was used to guide this research study in exploring the role that human rights organizations play in promoting democratic governance.

1.7 Justification of the study

1. Policy justification

It can be ascertained that HROs plays an important role in promoting democratic governance in Africa, especially in the governance sector. This study came up with findings and recommendations that would help in improving or influencing Kenya as well as other African states policies. The Kenyan government has opted for various means that are likely to enhance democratic governance. However, it has not focused much on HROs which plays a vital role as

³⁶ Thomas Hobbes, (2018). *Leviathan*, new edition. America Press.

³⁷ Harbeson, John W., Donald S. Rothchild, and Naomi Chazan. 2014. *Civil society and the state in Africa*. Boulder: L. Rienner Publishers.

well. Therefore, the state should engage the HROs and other CSOs within their decision making structures and programs so as to help them in their development and growth.

2. Academic justification

Despite the fact that certain studies have been carried out on the role various actors play in promoting democracy, more studies need to be carried out on the role of HROs in promoting democratic governance. Moreover, only a few researches have been done on African states such as Kenya. Therefore, this study aims at adding to the existing knowledge with regards to the role of HROs in promoting democratic governance in Kenya and other African states. This study is beneficial as it helps address the gaps that exist in governance studies literature. The study is also important in enhancing scholarly discussions and debate on the operations of HROs.

1.8 Hypotheses

1. HROs play an important role in promoting democratic governance in Africa.
2. There is a nexus between the HROs, the state, and other actors in promotion of democratic governance in Kenya.
3. The Human Rights Organizations are faced with various challenges and prospects in promotion of democratic governance in Africa.

1.9 Research Methodology

Introduction

In this section, the researcher highlighted the methodological details that were applied in this study. Description and justification of the research design that were used during this research is done. Moreover, this section also analyzes the sample size, area of study, target population, instrumentation and sampling procedure, as well as necessary data analysis techniques that were used during the study.

Research design

Research design is the strategy, plan and structure of conducting a research project. This study employed a mixed method approach. This entailed the use of both descriptive and narrative designs. The designs were suitable as the study intended to collect information from a large number of students.

Study population

A study population is defined as a group of people, things, or events that a researcher is interested in, and that the researcher wishes to investigate. The target population of this study included various persons from institutions such as Government ministries, parastatals, embassies, government departments, and other relevant institutions.

Sampling Techniques and Size determination

Sampling Technique

Simple random sampling was used to pick the respondents during data collection. This kind of sampling allowed the researcher to obtain basic data and trends regarding the respondents' knowledge on how KHRC impacts on promoting democratic governance.

Sample Size Determination

The sample size for this study was determined by the following formula that is used for sample size determination.

Sample size $n = \frac{Z^2 pq}{d^2}$

d^2

Where Z = standard normal deviate set at 95% confidence interval which 1.96

P = Proportion estimated to have a characteristic similar to what is being investigated

d = Statistical significance at 95% confidence level which is 0.05.

$$= \frac{(1.96^2 \times 0.95 \times 0.1)}{0.05^2}$$

=246 respondents

Inclusion Criteria

Respondents included individuals from different age groups, who were willing to provide relevant and true information.

Exclusion Criteria

Persons who are not of sound mind were not considered as respondents during data collection.

Research Instruments

The study entailed the use of both quantitative and qualitative techniques. Objectives of the study, available time, and nature of data to be collected guided in selecting the instruments that were used. Hence, some of the instruments that the researcher engaged in include interviews, use of questionnaires, surveys, observations, and documentary analysis.

Data Collection Techniques

The researcher administered the questionnaires to participants who had met the inclusion criteria. In cases of language barrier, the researcher sought translation from an expert on the foreign language. The researcher ensured that all relevant observations were carefully and precisely recorded. The researcher also made sure that enough data resources were utilized.

Data Management and Analysis

Data gathered were be thoroughly checked for completeness, and systematically coded before the actual data analysis was done. During editing, all the questionnaires were scrutinized and verified. This helped in detecting any omissions and errors, adequate information and legibility, as well as whether the responses were relevant. During data analysis, the researcher subjected all

quantitative data to statistical procedures e.g. calculation of the mean and average number of times a certain behavior or event had occurred, as well as the use of Statistical Package for Social Sciences (SPSS) for data analysis. Qualitative data were entered and managed using Microsoft EXCEL and word, as being entered into relevant qualitative data analysis software packages. All analyzed data were then presented using graphs, tables, and charts.

Ethical Considerations

Ethics has become a foundation for conducting meaningful and effective research. Thus, the ethical behavior of a researcher is under unprecedented scrutiny. Therefore, the researcher took ethics as a serious concern throughout the research process. The researcher considered voluntary participation. This implies that there was no coercion of respondents, or the feeling of such act from the researcher. The researcher also kept in mind the confidentiality and anonymity of the respondents. Finally, the researcher as well considered non-discrimination. This was important when conducting the research in countries such as Kenya that is socially and culturally diverse.

CHAPTER 2.0 THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN AFRICA

2.1 Introduction

In this chapter, the study sought to find out the role that HROs play in promoting democratic governance in Africa. Mutua claims that since the political parties have failed to lead in the reconstitution of the political order in Africa, Human Rights Organizations such as the KHRC are some of the remaining viable groups that are capable of reforming state power³⁸. This is due to the fact that the traditional role of HROs in established democracies have been seen as keeping the state honest and accountable, thus the argument that HROs play a civilizing role in a democracy. HROs have been very instrumental in trying to ensure that regimes are held accountable, amongst other means that promote democratic governance globally.

Human Rights Organizations in Africa have been in existence since the years even before colonization. Mutua puts it that there has been a mistaken view among some scholars that there was absence of HROs in Africa prior to the advent of the colonial state. For him, the existence of some form of states and other centralized authorities in the pre-colonial Africa simply implied that there was interaction and a kind of relationship within the society. He sees colonialism as having changed the nature of the African HROs and their relation with the state. However, it is not easy to trace the effectiveness of these human rights organizations during this period. The HROs were largely forgotten until the last years of the Cold War, which gave them an opportunity to rejuvenate themselves and their activities³⁹.

³⁸ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

³⁹ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

Generally, the empirical literature on HROs, civil society and democratization has been characterized by a rather selective geography. Therefore, claims for HROs as important actors in pursuing democratic development are always supported by various references to the experiences of certain core countries. Some of the states that are frequently referred to include Chile, Brazil, Philippines, India, and Bangladesh, and to a lesser extent Kenya; while Thailand and South Africa have also been mentioned more lately.

HROs are without a doubt vibrant in places where some form of democracy has been the political norm for some time. This is partly the reason why democratic development has been relatively successful in Philippines and Chile, due to their foundation that is based on legacies from the colonial period, as well as their historical processes of urbanization and class formation. Kaene says that it is too soon to assert that African HROs have turned the corner, just because they are now a permanent feature of the political landscape in most if not all African counties⁴⁰.

In newly democratic countries that are characterized by weak institutional political realms, Muchie has argued that HROs assist in strengthening the state through their participation in promoting and improving efficiency in delivery of government services, filling in the gaps in service provision, acting as partners for reform-oriented initiatives, as well as aiding the government in forging ties with the grassroots⁴¹. Simultaneously, HROs not only strengthen civil society through protests. They also provide channels and avenues that are distinct from state mechanisms, through which arising disputes can be effectively negotiated and dissipated. Muchie also asserts that HROs have often carried out the role of rationalization of authority. This implies that HROs effectively support and strengthen newly democratic regimes, as they

⁴⁰ Keane, John H. 2006. *Civil society: Berlin perspectives*. New York: Berghahn Books.

⁴¹ Muchie, Mammo. 2013. *The African union ten years after: solving African problems with pan-africanism and the African renaissance*. Pretoria: Africa Institute of South Africa.

also organize and channel protests and citizen participation into adequately structured and acknowledged institutional forms, which operate under the rules formulated by the state.

HROs have sometimes been open in their desire to promote democratic values. Hence, they may smuggle democratic values in as part of the process of dispensing aid. However, there is no guarantee that these HROs will always promote a version of democracy that is compatible with that of their parent governments. Some often take a more radical position on issues such as political participation and challenging elite power⁴². It is a clear fact to scholars and states all over the world that HROs have grown in almost all third world countries since the 1980s. This has been promoted by factors such as technology, as activities have moved beyond the state and business, with large proportions of foreign aid being disbursed increasingly via NGOs. This had risen from 0.2 % in 1970s to between 10 and 13 % by 1994, and in turn made large proportions of resources beyond the control of the state. Some scholars have argued that there has been pressure at the global level to increase the extent and scope of HROs. This has mainly been through great pressure for pluralism and a reduced role of the state, to that of largely enabling and creating conducive environment for the free market.

There are three interconnected themes that have emerged from much of the literature on African politics. All of them suggest that expectations of HROs playing a major role in the democratic process need to be handled with caution. It is asserted that this should be so since a growing sector of the civil society is greatly occupied by groups that are entangled by ethnic and religious bases. Moreover, much of the civil society remains increasingly detached from concerns with democracy. It is also argued that the connections between the state and the HROs are often not conducive to the democratic process.

⁴² Society for International Development, Amkeni Wakenya (Organization), National Civic Education Programme (Kenya), and UN Women. 2012. *The status of governance in Kenya: a baseline survey report 2012*.

In addition to this is the assumption that the close association of HROs with democracy may prove to have been a passing phase. Hence, even though most groups in the society prefer a democratic system within which their rights are secure, they also have a range of other concerns that are more central to their existence. Some scholars argue that once a minimal form of democracy has been established and a major crisis is over, many HROs tend to go back to promoting development and welfare initiatives within the states. Scholars are of the view that in Africa, there has always been the danger of seeing the combined activities of self help groups and the pressures of intellectuals for democratization as constituting a potentially viable civil society, which might not always be the case.

There have been various schools of thought amongst analysts who have tried to understand the means by which democratic transitions occur and then become rooted. Hence, HROs are alleged to be playing different roles at various stages of the democratization process. A lot of political analysts have tried to differentiate between democratic consolidation and democratic transition. In democratic transitions, HROs are believed to play a key role in rallying for political change. Murunga asserts that organized social groups that include women's groups, students, NGOs, farmers' organizations, trade unions, religious groups, the media, human rights organizations, as well as professional organizations, are an essential source of democratic change. This may take place quickly and dramatically as was observed in the Philippines in 1986. However, the transition may as well be a lengthy and negotiated process as was experienced in South Africa during the early 1990s period⁴³.

Human Rights Organizations are also considered by scholars to play an important role in the consolidation of democracy. They can attain this by constantly checking abuses of state power,

⁴³ Murunga, Godwin R., and Shadrack Wanjala Nasong'o. 2017. *Kenya: the struggle for democracy*. London: Zed Books.

they can also prevent the continued rule of authoritarian African regimes, promoting wider citizen participation, as well as encouraging public scrutiny of states and their activities as far as governing is concerned. Such actions have been seen to enhance state legitimacy. Hence, Burja notes that a vibrant HRO is certainly more crucial for consolidating and maintaining democracy rather than for initiating it⁴⁴. The World Bank postulates that an active human right organization should be one that enhances greater participation across all sectors within the society. HROs should also aid decentralization, especially in countries that have ethnic divisions and are deeply rooted in local identities.

To show the connection between human rights organizations and democratization in African states, Burja asserts that there has been increasing linkages between the Kenyan state and HROs in democratization. More observations have been made in government–citizen policy engagements that foster deliberative democracy at both national and county level, increased funding to HROs through various government and donor sponsored grant facilities that enables them to carry out various programs and projects, as well as provision of technical assistance to county governments on a consultancy basis.

Since the political parties have irredeemably failed to lead in the reconstitution of the political order in Africa, the human rights organizations as well as other civil society organizations are the only remaining viable sector that is able to reform state power. Various scholars claim that HROs have long been recognized as the difference between democracy and state tyranny. This is due to the observation that the traditional role of HROs in established democratic states has kept the states honest and increasingly accountable, thus the argument that HROs play a civilizing role in a democracy. African HROs must play this role. However, they must also do much more than

⁴⁴ Bujra, Abdalla. 2015. *Democratic transition in Kenya: the struggle from liberal to social democracy*. Nairobi: African Centre for Economic Growth.

that due to the fact that they operate in vastly different conditions than those in the established democracies. African HROs must develop the conditions that are necessary for democracy themselves by being the main agents for democratization, while also acting as the cartilage between the society and the state.

A viable and effective HRO is the condition that precedes democracy in Africa. In countries that are diverse as South Africa, Kenya and Nigeria, human rights organizations have played various important roles in the fundamental reconstruction of politics. In states where human rights organizations are weak, the pace and depth of democratic reforms have been slow or nonexistent. This has been so since the states have suffocated the HROs. Egypt is one state that belongs to this category, as its state elites are able to easily manipulate and manage change to their own advantage⁴⁵.

As afore mentioned, Africa has not been renowned for its record in observing the rule of law, promoting the independence of the judiciary, enhancing human rights, advocating for the effective and efficient functioning of the courts, enhancing impartiality of its law enforcement agencies, as well as equal treatment of citizens. Popular freedom of expression is deliberately or subtly curtailed. Most victims of abuse of power are not able to obtain justice, while perpetrators are consistently not held accountable, unless with the help of the international community and the international institutions such as the UN and the ICC. This has led to a low level of expectation by citizens on their governments.

2.2 Roles and activities performed by Human Rights Organizations in Africa.

The following are some of the roles and activities carried out by HROs with the aim of promoting democratic governance in Africa.

⁴⁵ Kiwinda Mbondenye, Morris. 2015. *Human rights and democratic governance in Kenya: a post-2007 appraisal*.

2.2.1 Promotion of Civil and Political Rights (CPR)

Human Rights Organization in Africa always purpose to bring socio-economic as well as political transformation through promoting fundamental rights. Majority of the HROs in Africa do not only want constitutionalism but also human rights and people responsive justice mechanisms. Civil and political rights promotion is categorized into three sub-thematic areas.

a) Constitutionalism

HROs have collaborated with their partners not only nationally but also regionally and globally with the sole purpose of ensuring that constitutions are not used as instruments of repression but rather as vanguards of liberty. This ensures that there is protection of both the minority and majority against any form of oppression or human rights violation. In the tradition of the Westminster model, most states have majorly perceived constitutions as a set of rules and administrative arrangements that should not limit or regulate excessive state power, but to instead legitimize post-colonial state by use of the rationale that anything legal is by definition legitimate. Hence, constitutions that approved radical isolation and one-part states were viewed as both legal and legitimate, despite the fact that they were detrimental to the population. Because of this reason, autocrats have decided to make use of written constitutions in order to legitimize their actions, even as they avoid the values of constitutionalism that place limits on excessive or arbitrary use of power.

In Kenya, human rights organizations such as the KHRC plays a significant role in working towards ensuring that the 2010 Constitution of Kenya is fully implemented, and also makes sure that constitutionalism informs the daily running of governance. Regionally and globally, KHRC works with various partners from select countries (mostly states that are known to be (re)writing their constitutions) in order to ascertain that the following minimum standards of constitution-

making are fully adhered to; inclusivity, legitimacy, accountability continuous review, empowerment of civil society; transparency and openness; as well as accessibility. The work of the HROs has led to a desirable Bill of Rights.

b) People-Driven Governance

Most HROs operating in Africa today, advocate for people driven governance. This should be defined, claimed and defended by the community themselves. For quite some time, the political elite, especially those in Africa, have held citizens captive by making them submissive through political terror or other acts that are regarded to be highly unfavorable to citizen's participation in the socio-economic and political processes of their respective countries. For example, Transparency International champions promotion of meaningful citizen agency in Kenya, especially in regards to electoral process, which truly places the power of creating a functional democratic state in the hands of the electorate. In light of this, HROs not only facilitates but also catalyze, stimulate and support election-related work in Africa. This helps in the establishment of human-rights based models for electoral governance, as well as monitoring and advocacy that improves growth and development of a democratic culture.

c) Responsive Justice

HROs are known to be at the forefront of fighting for the institutionalization of justice systems that are considered credible and are as well perceived to be true custodian of fairness to all irrespective of their social status. Questions such as "Why hire a lawyer when you are capable of buying a judge?" are characteristics of justice systems that are considered insensitive to the demands of justice, more specifically to the poor and the vulnerable. Such systems are regarded as breeding grounds for merchants promoting impunity. In such systems justice has a price tag and can therefore, be bought or as well be sold to the highest bidder. For example, the KNHRC

has sought after the realization of the rights of those considered to have suffered gross human rights violations. For instance, nationally, these struggles have been channeled towards seeking remedies for both colonial (e.g. the Mau Mau case) as well as post-colonial (e.g Nyayo House torture chambers and IDP cases) human rights violations. In regards to its impressive track record, KHRC work closely with partners in select countries to make sure that gross human rights are resolved and that those found to be responsible for promotion, protection and fulfillment of human rights injustices are held accountable.

2.2.2 Supporting Equality and Non-Discrimination (EN-D)

Most HROs operating in Africa advocate for representation and participation of targeted marginalized groups in political governance. More than 50 per cent of Kenya's population is female; however, only 9.8 per cent parliamentarians are women. 3.5 per cent of Kenyans have a disability, yet the representation of persons with disability (PWDs) in elective as well as appointive offices is negligible. Kenya is made up of over 70 different ethnic groups yet its leadership does not fully reflect this diversity of cultures. Kenyan Constitution states that no more than two-thirds of any representatives in elective or appointive public office should be of the same gender.

Nonetheless, there is currently no mechanism that has been put in place to ensure that this principle is implemented. There are provisions which ensure that youths as well as PWDs and other marginalized groups are well represented. Mozambique, Senegal, Angola, Rwanda, South Africa, Tanzania and Uganda are some of the few countries that have been able to surpass one third representations for women. Even South Sudan which is considered as the newest state in the world has managed to put Kenya to shame with 25 per cent female representation.

HROs aspire to influence the region through African Union engagements in relations to provisions of both the African Charter on Human and People's Rights and the African Charter on Democracy, Elections and Governance. HROs in Africa also seek after global influence through UN engagements based on the provisions provided in the Universal Declaration on Human Rights, International Convention on the Elimination of Racial Discrimination, Convention on the Elimination of all Forms of Discrimination Against Women, and the International Covenant on Civil and Political Rights.

2.2.3 Promotion of Economic and Social Rights (ESR)

HROs recognize the fact that poverty is closely related to human rights violations and addressing it calls for focus on economic rights as well as social justice. Agriculture has been for the longest time considered as the backbone of most African states economy, and also the source of employment and livelihood for most workers and small-scale farmers. It is, therefore, worth mentioning that HROs community based partners are alarmed that young male heads of household in Africa are gradually more incapable of providing their families with basic needs such as food, health, and education.

The resulting frustration is usually associated with unrest and violence taking place not only within the family, but also nationally as manifested through factors such as: militia proliferation, corruption, youth unemployment, insecurity, declining social services such as education to mention a few. The majority in such situations are normally the poor and the marginalized that are considered as vulnerable. HROs make use of their competencies on economic rights and social justice to assist with contributing towards improving livelihoods of the marginalized. This they ensure by enhancing access to rights and service delivery as well as trade justice by protecting rights of producers, workers and consumers and also host communities. They also

strive to promote accountability in service delivery, which leads to improved access to ESCR in Africa.

2.2.4 Monitoring and Research

Human Rights Organizations in Africa use a combination of internal and external monitoring and research processes. This enhances learning, sustainable development, as well improved accountability. Thematic and analytical research is done around rights violations, historical land claims, democratic governance, economic crimes, human gender injustices, economic injustices, internal displacements amongst others. Being independent organizations, human rights organizations have important roles to carry out in monitoring and making follow up on both domestic and international commitments that are initiated by the government.

As a means of enhancing accountability, commitments acts as baselines against which progress in key areas are measured e.g. corruption, democratic governance, and human rights. Moreover, through monitoring, appropriate public policies are put into practice and adhered to. HROs often disseminate results publicly through various issue-based as well as country reports. These reports provide and assess the governments' successes and failures, keeping the government accountable through public opinion and increased international pressure. Since they immensely understand existing agreements, HROs greatly contribute to the formulation and laying-down of future concurrences.

2.2.5 Advocacy

HROs have often played the role of speaking on behalf of the people. They often attempt to influence and manipulate governments' policies and programs to favor the citizens. The organizations have been able to accomplish this through various means such as demonstrations, participation in public forums, pilot projects, formulation of government plans and policies, as

well as publicizing numerous research results. Moreover, HROs advocate for the poor, act as advisors, implement certain government programs, criticize partners, sponsors certain pilot projects, as well as mediators in certain disputes within the society.

Most activities of HROs are always geared towards helping people secure their rights, express their desires, obtain necessary services, and as well represent their interests. HROs collaborate and take side of the groups they support. Research has proven that advocacy promotes equality, social inclusion, and justice. According to Kenya's Siasa Place report, advocacy entails taking affirmative action on behalf or with individuals who are unable to give a clear indication of their opinion or desires in a given situation⁴⁶. HROs are renowned for always advocating for policy changes through means such as raising public awareness in most Africa countries. They coordinate individuals and conduct debates in order to bring various pertinent issues under public domain.

2.2.6 Promotion of popular participation in public policy making

HROs also play a significant role in mobilizing citizens to fully participate in various public affairs. Due to their superior resources and outstanding social status, HROs often exert substantial influence and pursuance over public policy. Most of the poor and disadvantaged groups within the society such as urban slum dwellers, landless laborers, informal sector workers, artisans, and marginal peasants, are often limited in exercising influence over resource allocations and public policy. HROs have always intervened through mobilization of the socially disadvantaged groups and further articulating their demands and issues at local, national, and international levels.

HROs use various interpersonal means of communication. They often study the right entry points that enable them to gain trust of the communities that they seek to assist. HROs also have better

⁴⁶ Kenya Human Rights Commission. 2014. *The democratic paradox: a report on Kenya's 2013 general elections*.

ideas of the viability of the projects they engage in. The importance of this role to the government is that HROs can aptly provide a lot of information to the policy developers. This includes information about the lives, attitudes, capabilities, as well as cultural characteristics of individuals at the local level.

HROs are able to facilitate upward communication from the grass-roots to the government, and as well facilitate information downward from the government to the grass-root level. Upward communication involves informing the government about what people at the grass-root level are thinking, feeling, and doing. Consequently, downward communication involves informing people at the grass-root level about what the government is doing as well as its future plans. Moreover, HROs are in a unique position that enables them to share information horizontally. Hence, they are able to network between various organizations that are carrying out similar tasks.

CHAPTER 3.0 – THE NEXUS BETWEEN HROs, THE STATE, AND OTHER ACTORS IN PROMOTION OF DEMOCRATIC GOVERNANCE IN KENYA

3.1 Introduction

In this chapter, the study analyzed the relationship that HROs have in their relations with the African states, as well as HROs relations with other actors. There have been various claims that there exist a hostile relation between the HROs and most African governments. 20 years ago human rights organizations were seen as being in opposition with other sectors including the government. Today however, several HROs are organized formally and re-networked more loosely. They are greatly involved in partnering with business organizations and governments. Many HROs sit together with other stakeholders, and are commonly established and accepted in several governance processes. Therefore, this chapter was vital in analyzing and finding out the true situation that exist.

3.2 The nexus between HROs with the African States

HROs are recognized as institutions that add significant value to the promotion of democratic governance through collaborations or through spillover effects. Experts have noted the significance of HROs role as part of the wider governance system. HROs have been important in noting significant governance problems within African states. HROs are known for expression of conflicting views, representation of those without a voice, mobilization of citizens into movements, support building across stakeholders, as well as bringing credibility to the political system through transparency and accountability enhancement.

In terms of formulation of policies within several state departments, HROs are valued partners in provision of sound subject matter expertise grounded on first hand experiences. HROs mostly act in the interest of the public as whistle blowers, as well as holding individuals and institutions to

account. This is an essential service that supplements government oversight and regulation, but one that is often undervalued. Likewise, the activities of HROs both in public private partnerships and alone, often supplement government's assistance in provision of a broad range of services to populations.

However, HROs tend to be facing tightening restrictions from African governments, as well as from various facets within the states. Whether through oversight of strict media regulatory hurdles that are burdensome for HROs, African governments are heightening limiting civil society space. This has specifically been noted in the arena of human rights and developing democratic principles. Steps to curb or suppress freedoms of HROs include restricting access to foreign and national funding, barrier reception to mobile communications, application of onerous, poorly administered or arbitrary process of registration. Leaders of HROs say that the consequences of these limitations extend beyond particular activities to impede democratic governance development, stability, and accountability in the long term. Governments' uses mechanisms such as the ones discussed below in order to hamper operations of HROs.

3.2.1 Legislation

The most egregious attempts by African governments to outlaw HROs have been through legislation. In Kenya, various laws including the NGO Coordination Act (Act No. 19, Laws of Kenya), the Companies Act Cap 486 (for Companies Limited by Guarantee), Societies Act (CAP 108), Trustee Perpetual Succession Act (CAP 164), and Trustees Act (CAP 167) allocates for registration of a diverse spectrum human rights organizations that engage in work that benefits the public. These laws have resulted in overlapping and multiple regulatory and legal regimes that govern HROs. Besides, they have led to hardships in monitoring their accountability and compliance. Furthermore, these laws do not conform to the 2010 Constitution and have been

used to arbitrarily target and criminalize HROs and other CSOs. For example, the NGO Coordination Act gives the regulator for the sector, the NGO Coordination Board, excessive administrative powers that have been used to negatively affect the work of HROs and other CSOs, thereby reducing civil society space.

Any HRO can be denied registration by the board if they are not satisfied that the organizations' procedures or proposed activities are not in the interest of the nation, an excuse that has been employed in denying registration to some organizations. Even though the board sometimes provides organizations with their reasons for denial of registration, they are not legally needed to do so. Also, registration can be denied to a HRO if the government has cause to perceive that the HRO has among its objectives, or they are likely to be used for or pursue unlawful purpose or prejudicial purpose not compatible with peace, good order, or welfare in Kenya, or that peace, good order, or welfare in Kenya would most likely experience prejudice by registering the society.

These terms are ambiguous and vague, which in turn invites subjective and arbitrary decision making, leaving the board of the NGO with leeway of employing punitive rules to restrict civic space. In 2013, the Kenyan government undertook a sector wide consultative process. This aimed at harmonizing these laws in order to ensure that they conform to the 2010 Constitution, and as well enhance general management of public benefits organizations. This led to the drafting and passage of the renowned 2013 Public Benefits Organizations Act. The Act was praised by various institutions as the dawn of a new era in which relations between non-state actors and the Kenyan Government should be distinguished by mutual respect and a spirit of togetherness as opposed to suspicion.

However, the Act has not been gazetted to date. It has become a point of contention between the Kenyan Government and HROs. Without undertaking any consultation with HROs or carrying out public participation, between 2013 and 2014, there were more than four attempts by the government to amend the Public Benefits Organizations Act. These included two separate sets of amendments in November 2013 and in June 2014, under the Miscellaneous Amendments Bills, as well as a Memorandum containing fifty four amendments in October 2014. However, some sections of the Public Benefits Organizations Act were amended in the 2014 Security Amendment Bill. Most of the contentious issues surrounding the proposed amendments pertain to the issue of external funding to HROs and regulation. However, these issues have been thwarted successfully by HROs and other civil society organizations.

There were proposals to cap foreign funding of HROs to 15 %. Moreover, the government expected all funding to be channeled through the Government Public Benefits Organizations Authority. However, this proposal was rejected overwhelmingly by members of parliament in November 2013. Some of the MPs claimed that they had benefited from existence and support of the HROs in Kenya, and that they were not ready to hamper or restrict the operations of that important sector. Some MPs mentioned the economic importance of the HROs sector in Kenya. The funding debate emerged again in October 2014. It was coupled with an additional suggestion that the HROs that received more than 15 % foreign funding could be classified as foreign agents.

The above provisions were highly criticized by local, regional and international HROs. They accused the Kenyan government of attempting to use the amendments to take disciplinary action against HROs and some CSOs due to their role in supporting initiatives that are not pro government. Mutua claim that this type of legislation was not only experienced in Kenya. He

further states that the Bill was an evidence of a rising trend in nearly all African states, whereby governments are increasingly trying to exert more control over independent groups through the use of NGO laws⁴⁷.

3.2.2 Bureaucratic targeting

African governments have constantly attempted to de-register HROs or otherwise impede their work and operations by imposing certain bureaucratic measures. For instance the Kenyan government, on 24 November 2016, moved the NGO Co-ordination Board from the Ministry of Devolution and Planning to the Ministry of Interior and Coordination. Moving the NGO Board to the Ministry of Interior was a big gesture in firmly trying to criminalize HROs in Kenya. The Kenyan government had anticipated a shadow of mistrust and suspicion towards some HROs. Therefore, placing HROs regulator to be under the Security docket firmly positioned HROs in the path of surveillance. However, this had a negative effect as some of the Governors in the Counties began calling for the vetting of HROs by security agencies. This will in the long run likely accelerate criminalization of human rights operations.

In the last 2 years the Kenyan government through the NGO Coordination Board has de-registered a lot of HROs and as well denied some certificates. For example in October 2015, the news of the intended de-registration of over 950 organizations by the NGO Coordination Board came as a shock to the entire civil society group. This included deregistration of organizations such as the Kenya Human Rights Commission, which is deemed to be one of the oldest and most renowned HROs in the country. In December 2014, the NGO Coordination Board had announced its intended deregistration of more than 500 organizations due to financial non-compliance. More than 10 organizations intended for deregistration were accused of aiding

⁴⁷ Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.

terrorism within the country. However, these allegations were not proven and most of the organizations have continued with their operations.

3.2.3 Negative profiling of Human Rights Organizations

The environment in which HROs and other CSOs operate has at times become tremendously difficult. This has largely been attributed to the political stand that has often been taken by the African governments, which has always criminalized operations of HROs. Most organizations are usually deemed to be agents of foreign powers as well as Western tools that only target African leaders. This has earned the HROs the name ‘evil society’, as they have been referred to by some African leaders. For instance on 8th January 2016 the NGO Coordination Board in Kenya threatened to start criminal proceedings against the Kenya Human Rights Commission (KHRC). It accused the organization of illegal handling of funds that amounted to more than 1.2 billion Kenya shillings. The board also accused KHRC of dubiously engaging in alleged tax fraud. This came to limelight after the organization had purportedly paid its board members through unregistered accounts.

These accusations had been made in a report that leaked to the media. KHRC however denied the accusations. It firmly stated that the NGO board had acted in malice, and had not shared the audit report in order for them to respond to the issues before it made the conclusive report. Some scholars assert that leaking the report to the media without sharing it with KHRC illustrated that the NGO board was acting in bad faith. Moreover, despite the conclusion of this matter, damage had already been done to KHRC’s reputation substantially. The negative profiling is intensely affecting the operation of HROs and their relationship with other members of the community where they reside. Most individuals working for HROs claim that other people perceived them as sellouts and against development.

3.3 Nexus between Human Rights Organizations and other Actors

HROs in Africa have been acclaimed to be adding tremendous value to other sectors within states. The HROs operate as official partners, through organized informal collaborations, as well as adding value through spillover effects. Expatriates and technocrats from international organizations and various businesses have constantly applauded the significant roles that HROs play. HROs personnel have important expertise and experience, more so at grassroots level, which helps various institutions in formulation of strategies and policies effectively.

Human Rights Organizations often add a lot of credibility to various activities that are initiated by international organizations. They always attain this since they are closer to the end-beneficiaries of global programs and policies. Most organizations that involve HROs as implementing partners, often assert that interventions are always likely to be effective on the ground. Moreover, the interventions are always more likely to reach the desired target in need. HROs are essential in providing intelligence, legitimacy, and assets that are helpful in finding solutions, and as well complement or align with interests of the private sector in African states. HROs activities are often privy to local knowledge, expertise as well as understanding that enables them reach the last mile. This enables the HROs to understand potential consumer bases, besides providing connections between the private sector and the locals. A lot of renowned private sector players often build relationships with Human Rights Organizations and other key actors who influence policies and public agenda. In instances where interests are aligned, HROs and private organizations often form effective coalitions in order to progressively shape the debate.

HROs should work together with other CSOs where possible. CSOs always have diverse agendas. This makes them to work at different levels, from engagement with the native residents

to encounters with regional institutions. The large number of issues and means available to solve them can bring about disputes and competitions between various organizations. Therefore, in order to enhance respect and pluralism, all organizations must acknowledge that each of them is able to make a positive contribution in a given way. It is the diversity of the civil society that enables the HROs to hold most governments accountable. There is need for enhanced collaboration and coordination in instances where certain CSOs have similar expertise and goals. Groups are encouraged to share information and build coalitions that promote shared agendas at both national and regional levels.

CHAPTER 4.0 – CHALLENGES AND PROSPECTS OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN AFRICA

4.1 Introduction

In this chapter, this study determined the prospects and challenges that HROs face in their bid to promote democratic governance in Africa. There are a lot of successes that have been realized by the HROs in Africa. For instance, through various campaigns and initiatives that have been held in various countries, many citizens have become enlightened on their rights, amongst other democratic values. Some of the challenges and prospects faced by HROs have been discussed below.

4.2 Challenges faced by Human Rights Organizations

4.2.1 Competition within the Civil Society sector

Lack of appropriate coordination in the Civil Society sector as well as high competition for funding from donors are some of the greatest obstacles that hamper the operations of HROs. The significant role that HROs networks play in promoting accountability can be more effective and successful than it is presently. Some scholars argue that networks, as observed in most instances, are not the most suitable means to consider for development in regard to long-term projects. This is because their operations are often determined by the availability of funds instead of the fundamental requirements of a particular project or needs of the society. Moreover, research indicates that networks that have been developed in countries such as Kenya, have sometimes profited only one particular organization. Such networks have also accused of monopoly, as certain agendas are often advanced by one organization, instead of enhancing collective decision making.

4.2.2 Access to information

Developing a system of transparency and accountability is not possible if public organizations are not allowed to access fundamental government information. This includes having access to the allocation of the local budget as well as various deliberations within the governments. However, HROs have claimed that gaining access to certain important information is a major concern in most government offices. Most African governments have adopted rulings on provision of all information that the public request. However, most HROs still allege that a lot of institutions are yet to adhere to requests of individuals that require information within a short period of time.

HROs are not able to effectively mediate between the state and society due to low level of public awareness as well as incompetence amongst some experts working in various institutions within government as well as in certain HROs. While it is clear that HROs play a more important role within societal life and in the African states, the international community has alleged that this is happening at a slower rate than what was expected.

Lack of adequate awareness and information of the respective legislations has also been consistently highlighted as a major concern for the HROs. This ranges from elected representatives who are ignorant of their rights and responsibility to participate and engage in court procedures, to enormous bureaucracy that is experienced at both the local and national levels. However, it is important to acknowledge that enhancing the society's awareness about existing legislations as well as constant monitoring the public sector is today a widespread practice within the HROs. This has enabled people to deliberate on the promising culture of accountability within the political class as well as in other sectors of government. Thus, the competence of HROs requires substantial technical assistance and support.

4.2.3 Lack of sufficient funds

HROs and other CSOs efficiently come up with programs when they are adequately funded and also better equipped. Without funds, a majority of HROs if not all are not able to carry out their responsibilities. Most of the HROs operating in Africa lack financial sustainability; as a result, they mostly rely on donors to fund their activities through donations.

Because of insufficient funds, most of the HROs operating in remote regions in Africa lack well trained personnel. This is due to unwillingness of personnel to go to such hardship areas as most of them only prefer urban settings where all amenities are available. Insecurity in remote regions have also been an issue hence many have turned down the offer to go work in those areas. This has left HROs and CSOs with no option to employ locals in those regions since they are the ones that are easily available and at a little compensation.

4.2.4 Passivity and low levels of public awareness

While the HROs relentlessly work to enhance legal understanding and realization of individual's rights, passivity and meekness of the general public has been cited as major hindrances to their operations. Lack of adequate information is a constraint that affects both the populace as well as the state. A lot of state officials are ignorant of the important policy papers that exist. Therefore, this exemplifies that in some countries such as Kenya, the problem faced by various HROs is not only the strained relations that exist between them and the government authorities.

4.2.5 Low level of capacity and lack of knowledge

HROs should have enormous skills, understanding, as well as knowledge of various complex processes within the society, so as to be able to contribute massively in the state-building processes. Inadequate knowledge as well as lack of sufficient capacity of HROs has often been

mentioned as an impediment that hinders the HROs from performing excellent work especially in regard to political accountability. Scholars have asserted that most HROs need assistance in the key areas of organizational development as well as getting acquainted with modern methods of monitoring and evaluation⁴⁸. The predicament with human resources affects both HROs and the government sectors. A lot of government officials are ignorant of the legal fundamentals of their respective work, besides lacking adequate awareness about their basic rights.

4.2.6 Accountability of HROs

While concerns have always been raised on political accountability of the African governments and the role HROs play in order to improve operations, the issue of accountability and transparency of HROs has also often been a dilemma. The issues of accountability in African countries are tied with concerns such as lack of legitimacy of HROs, as well as concerns on certain social norms and structure, which greatly determine the functioning of institutions and the society as a whole. HROs are not absolutely immune from certain societal flaws such as bribery and corruption, which are often experienced in government institutions.

Since vices such as corruption are common in government institutions, one would be highly hopeful to presume that such unwarranted vices and practices are completely extinct amongst HROs. However, research has shown that some of the projects that are implemented at the grass root level, with a focus on the community, usually manifest to be far from being fully transparent. For example, some of the dams that are constructed in some villages are at times designed in a manner that only benefits individuals of one particular clan.

Moreover, research shows that in most African countries such as Kenya, the society is organized on a hierarchical culture. This implies that decisions are made in regard to the position an

⁴⁸ Bujra, Abdalla. 2015. *Democratic transition in Kenya: the struggle from liberal to social democracy*. Nairobi: African Centre for Economic Growth.

individual holds within the institution as well as preference of personalities, instead of adhering to the appropriate legal provision. This occurs due to the centralized system of power that obliges officials at the lower level to consult their bosses before undertaking any decision. Moreover, it is also as a result of the perception and attitudes of individuals within government bodies. For example, the cordial and relationship of a given HRO in Kenya with the Cabinet Secretary largely depends on the Cabinet secretary in that ministry.

If the particular Minister has worked in the HRO sector, the individual is likely to be enthusiastic about the positive changes brought forward by the HROs and would take lots of initiatives in implementing new projects. Hence, some HROs have cited frequent relocation of officials and personnel within state institutions as a great challenge. This is so since change of personnel require the HROs to establish new links, introduction of previous works, as well as gaining of new credibility. This is disturbing since in a highly esteemed country such as Kenya, personalities instead of institutions still have significant influence at all levels of governance.

4.2.7 Restriction of field of Operation

During registration of any HROs in most African countries, the management has to specify its sector of operation to the government. The various sectors of operation include: agriculture; drug and alcohol addiction; culture; micro finance; animal welfare; ICT; energy; HIV and AIDS awareness/mitigation; environmental conservation; disability; health; house and settlement; education; and peace building. Any HROs found operating outside its ascertained field of operation often faces dire consequences from the authorities, which include deregistration as HRO.

Various players in the sector have been victims of the government's full force if found to have gone against this. HROs have been attacked violently severally by police through government

directive while holding peaceful demonstrations in order to intimidate its members and scare them to stop their advocacy towards various issues. Moreover, it has been banned in a number of occasions by the government for it to stop some of its preplanned demonstrations and meetings.

4.3 Prospects of Human Rights Organizations

4.3.1 The Need for Alliances

It is clear that constructive policy reform, consensus, transparency, and pluralism cannot be generated by HROs autonomously. HROs must, in an effort to attain their set goals, establish collaborative relations with primary actors. This includes working together with the government, international donors, political parties, and multilateral organizations, in order to work as one in finding a common solution. In developing such partnerships, HROs need to lessen the mutual mistrust that has affected past relationships and in turn has impeded new collaborations.

Intellectuals recommend that approaches in the past have to be reevaluated on both sides, and the agreement between African governments and HROs has to move from being confrontational to one that has a constructive stance. HROs must present an agenda that is transparent and they must be willing to work with institutions, harmonizing their criticism with solid alternative proposals when possible. Institutions, specifically governments and political parties, must be willing to work with, share information, and identify HROs' potential contribution to competent and effective governance.

4.3.2 Working Collaboratively (Networks and Inclusiveness)

HROs and CSOs have to respect one another's views and collaborate whenever possible. The civil society is not a homogenous sector. Different HROs often have got contrasting agendas and as well operate at varying levels, from local households to engaging with regional institutions. The high number of issues as well as the method of addressing them can result in competition

and discord amongst organizations. In order to maintain respect and pluralism there has to be acknowledgment that every organization is able to make a productive contribution. Their high numbers and diversity is what enables the civil society to easily hold governments responsible. Respondents emphasized the need for heightened collaboration and cooperation through networks in cases where organizations have indistinguishable expertise and goals. Information and best practices can be shared among groups, and the groups can further establish coalitions that enhance shared agendas at regional and national levels. Networks enable an efficient division of labor. This enables organizations to employ their expertise in doing what they do best, while at the same time benefitting from the activities and knowledge of others. However, it has been identified that networks are not at all times necessary, and should therefore be formed only when there is sufficient and clear value and need added. When appropriate, a well-staffed and well-funded secretariat, adequate technology and infrastructure are critical in the efficient maintenance of a network and provision of services required by members.

4.3.4 Engagement of Political Parties

HROs and CSOs should join with other political parties when possible to bring productive change in Africa. Recently and with a few exceptions, citizens across the region have largely discredited political parties. Most people believe that political parties are ineffective, self-interested, and are yet to enhance economic and social growth. However, despite there being exceptions, political parties and HROs collaboration in Africa is extremely rare and sometimes confrontational. CSOs and HROs are often rejected by political parties as being non-representative, while incompetence and corruption criticism are waged against political parties by HROs. Sometimes rivalry exists between the two, especially in instances where HROs are thought to be replacing or competing with parties.

Political parties are however indispensable to democracy. They say it is the formal system of political participation and representation. The integral duty of political parties regardless of their recent state has been reaffirmed by various reports. Moreover, respondents claimed that continuous criticism and party rejection will not trigger positive reform or change, but further lessen the faith of citizens in the democratic processes. HROs should rather get involved with parties when possible. This is advocated since HROs are able to develop productive contributions to internal party discourse on particular ideas, as well as establishing programmatic commitments and coherent platforms. Creation of space for dialogue and deliberations between parties and HROs will be the initial step towards a positive relationship. Moreover, the diversity of proposals as well as new ideas gradually enhances and promotes a national policy dialogue that is more fruitful. In the spirit of fostering political institutions and strengthening political parties, HROs have to defy the impulse of rejecting every politician as incompetent and corrupt. Instead, HROs should give productive feedback, acknowledge, and support party developments as well as promising candidates.

4.3.5 Relations with Donors

Many HROs in Africa largely depend on external donors to fund their activities. The HROs are often unable to count on domestic and private funds to support their diverse activities. Therefore, the relationship between donors and HROs is important. This is because donors somehow determine the scope and direction of HROs activities. Due to this essential connection, scholars claim that the relationship between HROs and donors can be improved to enhance the promotion of democratic governance and strengthening democracy in Africa. Stability is necessary for the effectiveness of HROs, as it allows HROs to develop agendas and programs that look beyond everyday crises. However, there are claims that donor preference to fund activities over primary

institutional costs mostly impedes HROs from establishing organizational infrastructure. This restricts HROs from permanently engaging in long term planning in certain areas. Their priorities are aggravated by shifting and narrow donor agendas, as they also respond to arising situations as well as their own priorities.

Consequently, HROs are sometimes forced to carry out projects that are determined by outside forces, limiting them from focusing on their areas of interest. This kind of relationship, which is described as paternalistic, can greatly restrict innovation. Moreover, it contributes to the belief that concerns of HROs are donor driven. This further fuels worries about donor bias and their conditional support towards southern HROs. The recent politicization and complexity of international cooperation is magnified by the tendencies of donors to invest in projects instead of giving long term funding and support, which is likely to give HROs the freedom to establish their own initiatives.

Scholars' claim that HROs often rely on donors in order to overcome their limited access to structural funding. This has always increased HROs independence as well as continuity. This would support the success of HROs, and also increase their expertise, legitimacy, and effectiveness. Contrarily several conflicting demands have been put on donors. Donors have to attain their priorities and goals. However, they should remain flexible, welcome ideas that are innovative, and be alert to the agendas and needs of HROs.

In light of these needs, it is essential to note that blunt exchanges between HROs and donors on their challenges, goals, successes, and failures is helpful to everyone. In the same way, while an assortment of donor priorities and interests is beneficial, it is important to note that coordination of donors will facilitate donor work, assist in orienting HROs, and contribute to general programmatic and organizational stability in the Africa. Coordination is not prioritization of an

approach over others. Research has proven that the best outcomes are attained through a combination of top-down and bottom-up approach, domestic and international, as well as national and county level initiatives. Transparency, constant evaluation, and coordination are highly encouraged amongst the actors.

CHAPTER 5.0 – DATA PRESENTATION AND ANALYSIS

5.1 Introduction

In this chapter, data presentation as well as analysis and interpretation of the findings was thoroughly done. This was completed in line with the study objectives. The findings were presented in various forms that include tables that show frequencies and percentages.

5.2 Role of Human Rights Organizations in promoting democratic governance in Africa

The study sought to examine the role of HROs in promoting democratic governance in Africa. The results of the opinion of the respondents were presented in tables as indicated below. In the section below the respondents were asked to indicate the role played by human rights organizations in promoting democratic governance. The responses were presented in Table 5.2.1

Table 5.2.1: Role of human rights organizations in promoting democratic governance

	Frequency	Percentage
Capacity building	4	66.7
Lobbying	1	16.7
Supporting visibility forums	1	16.7

The researcher had requested the respondents working in various human rights organizations to indicate their organizations role in promoting democratic governance. From the above data, majority of the respondents (66.7%) indicated that their organization's role was mainly capacity building. Other roles included lobbying and supporting visibility forums each constituting 16.7%.

Using a Likert scale (Strongly Agree, Agree, Undecided, Disagree, Strongly Disagree), the respondents were asked the question on whether HROs actively promoted democratic governance. The data collected was tabulated in Table 5.2.2 to Table 5.2.5

Table 5.2.2: The role of HROs is to promote democratic governance

	Frequency	Percent	Cumulative percentage
Strongly agree	6	100.0	100.0
Total	6	100.0	

Respondents (100%) agreed that the role of HROs was to promote democratic governance. This indicates that HROs promotes democratic governance in the projects they undertake as key to achieving their missions.

The respondents were also asked to indicate whether the role of HROs was to advocate for observance of the rule of law. The responses are shown in Table 5.2.3.

Table 5.2.3: The role of HROs in advocating for observance of the rule of law

	Frequency	Percent	Cumulative percentage
Agree	3	50.0	50.0
Strongly agree	3	50.0	100.0
Total	6	100.0	

All respondents (100%) agreed that the role of HROs was to advocate for observance of the rule of law in all decision making organs. This indicated that HROs activities aim to increase observance of the rule of law in all decision making organs within the state.

The respondents were as well asked to indicate whether the role of HROs was to promote effective people's participation. The responses are shown in Table 5.2.4.

Table 5.2.4: The role of HROs is to promote effective people's participation.

	Frequency	Percent	Cumulative percentage
Disagree	1	16.7	16.7
Agree	2	33.3	50.0
Strongly agree	3	50.0	100.0
Total	6	100.0	

Majority of the respondents (83.3%) agreed that the role of HROs was to promote effective people's participation. This indicates that HROs aims to promote effective people's participation within the state. However, 16.7% disagreed that their role was to promote effective people's participation.

Respondents were also asked to indicate on the likert scale whether the role of HROs was to lobby for transparent and accountable processes and institutions. The responses are shown on Table 5.2.5.

Table 5.2.5: The role of HROs is to lobby for transparent and accountable processes and institutions

	Frequency	Percent	Cumulative percentage
Agree	1	16.7	16.7
Strongly agree	5	83.3	100.0
Total	6	100.0	

All respondents (100%) agreed that the role of HROs was to lobby for transparent and accountable processes and institutions. This indicates the critical role of HROs in ensuring that transparent and accountable processes and institutions are attained within and out of government.

5.3 Challenges and prospects that HROs face in promoting democratic governance in Africa.

The study sought to examine challenges faced by HROs in promoting democratic governance in Africa. The results on the opinion of the respondents were presented in Table 5.3.1 to Table 5.3.7.

Table 5.3.1: Challenges organizations face in promoting democratic governance

	Frequency	Percent	Cumulative percentage
Lack of sufficient funds	4	66.7	66.7
Culture	2	33.3	100.0
Total	6	100.0	

As is clear from Table 5.3.1, majority of the respondents (66.7%) indicated that the greatest challenge HROs face in promoting democratic governance is its lack of sufficient funds. Another challenge faced is culture especially patriarchy.

Using the likert scale (Agree A, Undecided U, Disagree D), respondents were asked questions regarding the challenges HROs face in promoting democratic governance. The responses are presented below.

Table 5.3.2: Lack of funds

	Frequency	Percent	Cumulative percentage
Agree	6	100.0	100.0
Total	6	100.0	

From the findings, all the respondents (100%) felt that lack of funds is a challenge HROs face in promoting democratic governance. This indicates the need to address this challenge by securing sustainable funding for HROs and other CSOs.

Respondents were also asked to indicate whether administrative inefficiency was a challenge HROs face in promoting democratic governance. The responses are indicated in Table 5.3.3.

Table 5.3.3: Administrative inefficiency

	Frequency	Percent	Cumulative percentage
Disagree	1	16.7	16.7
Undecided	4	66.7	83.3
Agree	1	16.7	100.0
Total	6	100.0	

According to the findings in Table 5.3.3, majority of the respondents (66.7%) were undecided as to whether administrative inefficiency is a challenge.

Respondents were also asked to indicate whether political interference was a challenge HROs face in promoting democratic governance. The responses are indicated in Table 5.3.4.

Table 5.3.4: Political Interference

	Frequency	Percent	Cumulative percentage
Agree	6	100.0	100.0
Total	6	100.0	

From the findings, all the respondents (100%) felt that political interference is a challenge HROs face in promoting democratic governance. This indicates that the political environment plays a critical role in activity implementation.

Respondents were as well asked to indicate whether donor conditionality is a challenge HROs face in promoting democratic governance. The responses are indicated in Table 5.3.5.

Table 5.3.5: Donor conditionality

	Frequency	Percent	Cumulative percentage
Agree	6	100.0	100.0
Total	6	100.0	

All the respondents (100%) felt that donor conditionality is a challenge HROs face in promoting democratic governance. This indicates that HROs programs to some extent were dictated by conditions given by the donor.

In addition, respondents were asked to indicate whether competition among organizations for donor funding in project activities is a challenge HROs face in promoting democratic governance. The responses are indicated in Table 5.3.6.

Table 5.3.6: Competition among organizations for donor funding in project activities

	Frequency	Percent	Cumulative percentage
Disagree	1	16.7	16.7
Undecided	1	16.7	33.3
Agree	4	66.7	100.0
Total	6	100.0	

A majority of the respondents (66.7%) agreed that competition among organizations for donor funding in project activities is a challenge in promoting democratic governance. Furthermore, 16.7% disagreed with this statement while 16.7% agreed.

Respondents were also asked to indicate other challenges HROs face in promoting democratic governance. The responses are indicated in Table 5.3.7.

Table 5.3.7: Other challenges HROs face in promoting democratic governance

	Frequency	Percent
Culture	3	50.0
Overwhelming family responsibilities	1	16.7
Illiteracy	2	33.3
Total	6	100.0

A majority of the respondents (50%) agreed that culture is another challenge HROs face in promoting democratic governance. Other challenges include illiteracy shown by 33.3% and overwhelming family responsibilities indicated by 16.7% respondents.

5.4 Analysis of Findings

This study was conducted with the aim of identifying the role of HROs in promoting democratic governance in Kenya. The role of HROs in promoting democratic governance in Africa was assessed using various key indicators, which were, activities undertaken by HROs, as well as the challenges and prospects that HROs face.

5.4.1 Role of HROs in promoting democratic governance

The study sought to examine the role of HROs in promoting democratic governance. The findings show that the roles of HROs include: capacity building (66.7%), advocacy (33.3%), awareness creation (33.3%), lobbying (16.7%), supporting visibility forums (16.7%), and enhancing accountability (16.7%). Based on the responses on the extent of agreement with statements on the role of HROs, and 100% agreed that HROs advocate democratic governance, while 100% felt that HROs in advocate for observance of the rule of law.

Based on the findings, most of the respondents indicated that their organizations best promote democratic governance through capacity building (100%), lobbying and advocacy (66.7%), technical training (50%), awareness creation (66.7%), civic education (50%) and networking and alliance building (66.7%) while moderate activities included research and publication. Other activities shown to promote democratic governance include awareness creation, advocacy and lobbying, research publication, and funding as indicated by 50.0%, 33.3%, 16.7%, 16.7% and 16.7% respectively.

Based on the study, findings show that the roles of HROs include: capacity building, advocacy, awareness creation, lobbying, supporting visibility forums, and enhancing accountability. These findings obey the views of Harbeson, that the role of HROs includes promoting respect for the rule of law, advocating for democratic governance, promotion of human rights and social justice through adopting various practices and activities⁴⁹.

The study revealed that HROs activities that best promote democratic governance include capacity building, lobbying and advocacy, awareness creation, civic education, technical training, networking and alliance building. Kaene argues that HROs generally work to increase democratic governance by lobbying for law proposals and also working with politicians to increase their knowledge and put forward questions on democratic governance. Furthermore, Kaene state that HROs should increasingly provide training on democratic governance. This becomes the starting point to build pro activity, vision and a sense of purpose⁵⁰.

⁴⁹ Harbeson, John W., Donald S. Rothchild, and Naomi Chazan. 2014. *Civil society and the state in Africa*. Boulder: L. Rienner Publishers.

⁵⁰ Keane, John H. 2006. *Civil society: Berlin perspectives*. New York: Berghahn Books.

5.4.2 Challenges faced by Human Rights Organizations

The respondents agreed that the challenges HROs faced in promoting democratic governance participation include lack of funds, political interference, donor conditionality, competition among organizations for donor funding in project activities, and administrative inefficiency as indicated by 100%, 100%, 100%, 66.7% and 16.7% respectively. Other challenges HROs face in promoting democratic governance include lack of sufficient funds; culture especially patriarchy, illiteracy, and overwhelming family responsibilities represented by 66.7%, 50.0%, 33.3% and 16.7% respectively.

The findings show that the challenges HROs face in promoting democratic governance include lack of funds, political interference, donor conditionality's, competition among organizations for donor funding in project activities, administrative inefficiency, lack of sufficient funds, culture especially patriarchy, illiteracy, and overwhelming family responsibilities. According to the Amnesty International report funding is one of the major challenges that HROs face in general regardless of the specific objectives that the CSOs might have⁵¹. As a result many HROs are left vulnerable or corruptible due to the lack of proper funding. Furthermore, O'Connell and John argue that when it comes to the issue of democratic governance, HROs and other CSOs have found it hard and cumbersome to come up with proper funding to finance the activities required⁵². The study findings highlighted donor conditionality's as another challenge faced by HROs in promoting democratic governance. O'Connell and John further claim that donor terms

⁵¹ Amnesty International. 2016. *The Amnesty International report*. London, England: Amnesty International Publications.

⁵² O'Connell, Brian, and John W. Gardner. 2009. *Civil society: the underpinnings of American democracy*. Hanover, NH: University Press of New England.

and conditionality's are also known to prevent HROs and other CSOs on taking up issues that are inclined to promoting democratic governance⁵³.

⁵³ O'Connell, Brian, and John W. Gardner. 2009. *Civil society: the underpinnings of American democracy*. Hanover, NH: University Press of New England.

CHAPTER 6.0 - CONCLUSION & RECCOMENDATIONS

6.1 Introduction

In this chapter, the researcher drew a conclusion in line with the research topic. Moreover, several recommendations that would help in improving the research were also provided.

6.2 Conclusion

HROs continue to play important roles in promoting democratic governance in Africa. From the research findings and analysis, human rights organizations have been involved in major intermediation roles between the government, donor agencies and communities in delivering services, exacting accountability and raising awareness about democratic governance. Therefore, human rights organizations and other CSOs must be involved in governance processes, considering their interests and participation is geared towards promoting democratic governance. HROs play a significant role of advocating for democratic governance in the society as they also seek to improve democracy in all decision making organs. From the research, the range of activities undertaken by HROs was satisfactory given, and a general consensus was obtained that they best champion for democratic governance in Africa.

However, challenges faced such as lack of sufficient funds, administrative inefficiency, political interference, donor conditionality's and competition among organizations for donor funding greatly influence HROs success. Therefore, HROs need to overcome these challenges in order to effectively promote democratic governance. If the above information could be utilized, institutions refurbished and laws and polices enacted and enforced, the society envisioned in the Constitutions of African countries will be realized. For example, Kenyas' preamble to the Constitution sums their vision as follows: Recognizing the aspirations of all Kenyans for a

government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law.

6.3 Recommendations

This study realized important findings on the role of HROs that have a lot of influence on democratic governance. Based on the findings drawn, the following **policy and academic** recommendations are given for improvement of the situations realized through this study.

6.3.1 Recommendations to the Governments of African countries

1. African governments should create a legal, fiscal, and political environment that aid HROs and other CSOs development, as well as protecting political right to free speech, freedom of action, and information.
2. Governments should establish channels that promote dialogue between local, regional, and national governments and HROs.
3. The state should recognize the value of HROs expertise and flexibility as being complementary and valuable in several areas that range from policy making, rapid action, and service provision.
4. Governments should enact policies and laws that enhance the environment for HROs to operate freely and in a safe and enabling environment.
5. African governments should amend or abolish all laws that are constantly used to criminalize HROs work, as they contravene their regional and international obligations.
6. African governments should recognize HROs as being valid mediators, and recognize their immense contributions as important non-elected entities that have significant sources of policies and information options. This would greatly enhance the governments' capacity, and as well aid in regaining society's trust.

6.3.2 Recommendations to the Human Rights Organizations

1. The HROs and other non-state actors should provide technical support, and sustain monitoring as well as evaluation in the resolution of the injustices and implementation of the recommendations above.
2. The revolution in technology and ICT is today a key strategic concern. Irrespective of the scenario, enhanced technology has greatly reshaped how people relate to one another. Therefore, utilization of technology will provide power to HROs, besides enabling new roles to be carried out with better impact. If HROs are able to foresee and exploit changing social utilization of technology for meaningful and improved engagement with societal challenges, they will definitely become more persistent and resilient in the future regardless of the circumstances.
3. HROs should increasingly engage with the African governments in order to ensure the governments do not neglect their fundamental responsibility to protect HROs.
4. Research shows that individuals who are currently below 30 years will become dominant in the next two decades. This will be both virtually, in regard to their levels of online engagement, as well as physically, by increasingly becoming a critical source of activity in various sensitive parts of the world. Scholars emphasize that younger generations possess immense energy and significant global perspectives which should be exploited for positive change by both HROs and other CSOs.
5. A high level of trust across sectors, organizations, and generations is becoming extremely significant as a requirement used for influence and engagement. Furthermore, trust needs to be based on more than just the existence of motivations and regulations that encourage fulfillment. HROs should strive to build trust among stakeholders through a amalgamation of

various radical transparencies. They should also demonstrate social values that promote behavior, which demonstrate recognition of the common good.

6. HROs should swiftly adapt their approach to tackle the regularly evolving legal and policy measures, which seek to criminalize human rights activities.
7. The value of cross-sector engagement, especially between business and HROs, is encouraged. HROs need to exploit private sector resources and rapidly adopt strategies that draw from existing commercial approaches. For example, there is need for HROs to reframe development and refer to it as development investment. This will better engage the technical skills possessed by the private sector, enormously drive innovation, and also ensure that resources sufficiently flow to where the impact is highest.
8. HROs should often network with all stakeholders with whom they share the same interests. This includes holding of joint activities for projects that share the same outcome.
9. There is need to do a lot of productive links between HROs and policy-making organs within the states. Strong governments have need of wealth of expertise and experience from HROs and other CSOs activities in order to improve their policies. When the government is weak, HROs can play an important role as a facilitator, catalyst, and convener between different sectors. The HROs would be vital in creating the space for difficult policies to be designed, wholesomely accepted and implemented. In today's world of technology-enabled HROs, there is a necessity for new institutions and mechanisms for integrating online citizen activities into government policy-making. This would greatly demonstrate both responsiveness and transparency on behalf of public officials and politicians.

10. There is need for HROs to educate politicians and the public on their roles with the aim of avoid political interference. HROs should promote this through development agencies, capacity building within communities, and the government.

6.3.4 Recommendations to Donors

1. Donors should immensely increase funding for HROs and other CSOs' organizational infrastructure, as well as increasing funding for their programmatic development. This allows HROs to deepen their skills and expertise, increasing their effectiveness in achieving the set long-term goals.
2. Donors should become more courageous and willing to continuously support human rights organizations capacity for flexibility and enhanced innovation.
3. Since fighting criminalization takes a lot of time and massive resources, donors should support HROs and other CSOs over longer funding cycles. This ensures that HROs interventions are long lasting. Donors should maintain funding for HROs and CSOs that might become victims of campaigns of defamation and stigmatization, providing emergency resources and funds in order to help cover the financial costs that HROs incur as a result of criminalization. Moreover, the funds would aid HROs in circumstances in which local laws greatly impose restrictions on accessing funding.
4. Donors should also enhance consistent consultations with rural HROs and other CSOs with an aim of informing joint interventions as well as priority setting.

Bibliography

- Amnesty International. 2016. *The Amnesty International report*. London, England: Amnesty International Publications.
- Bahmueller, K. & Charles F. (2007). *Elements of democracy: the fundamental principles, concepts, social foundations, and processes of democracy*. Calabasas, Calif: Center for Civic Education.
- Bermeo, and Philip G. Nord. 2000. *Civil society before democracy: lessons from nineteenth-century Europe*. Lanham, MD: Rowman & Littlefield Publishers.
- Bujra, Abdalla. 2015. *Democratic transition in Kenya: the struggle from liberal to social democracy*. Nairobi: African Centre for Economic Growth.
- Caparini, Marina, Philipp Fluri, and Ferenc Molnár. 2006. *Civil society and the security sector: concepts and practices in new democracies*. Münster: Lit
- Dameni, Oussematou. 2016. *Journeys from exclusion to inclusion: marginalized women's successes in overcoming political exclusion*. Stockholm: International IDEA.
- Diamond, Larry Jay. 2008. *The spirit of democracy: the struggle to build free societies throughout the world*. New York: Holt.
- Eloia, Samuel K., and Afeosemime U. Adogame. 2012. *Religion, conflict, and democracy in modern Africa: the role of civil society in political engagement*. Eugene, Or: Pickwick Publications.
- Good governance and civil society participation in Africa*. 2009. Addis Ababa, Ethiopia: OSSREA.
- Harbeson, John W., Donald S. Rothchild, and Naomi Chazan. 2014. *Civil society and the state in Africa*. Boulder: L. Rienner Publishers.

- Human Rights Watch (Organization). 2016. *Human rights watch world report 1997: events of 1996*. New York, NY: Human Rights Watch.
- Hume, N. (2011). *Challenges to Civil Society*, Cambria Press, New York.
- John Locke, (1796). *A Letter Concerning Toleration*. Brook.
- Kaviraj, Sudipta. 2017. *Civil society: history and possibilities*. Cambridge: Cambridge Univ. Press.
- Keane, John H. 2006. *Civil society: Berlin perspectives*. New York: Berghahn Books.
- Kenya Human Rights Commission. 2014. *The democratic paradox: a report on Kenya's 2013 general elections*.
- Kiwinda Mbondenyi, Morris. 2015. *Human rights and democratic governance in Kenya: a post-2007 appraisal*.
- Koigi wa Wamwere. 2017. *Negative ethnicity: from bias to genocide*.
- Lo, Mbaye. 2009. *Civil society-based governance in Africa: theories and practices : a case study of Senegal*. Khartoum, Sudan: Society Studies Center.
- Muchie, Mammo. 2013. *The African union ten years after: solving African problems with pan-africanism and the African renaissance*. Pretoria: Africa Institute of South Africa.
- Mudacumura, Gedeon M., and Göktuğ Morçöl. 2014. *Challenges to democratic governance in Developing Countries*.
- Murunga, R. 2017. *Kenya: the struggle for democracy*. London: Zed Books.
- Mutua, Makau. 2009. *Human rights NGOs in East Africa: political and normative tensions*. Philadelphia: University of Pennsylvania Press.
- Nyanjom, O. 2011. *Devolution in Kenya's new constitution*.
- Obadare, Ebenezer. 2014. *The handbook of civil society in Africa*.

- O'Connell, Brian, and John W. Gardner. 2009. *Civil society: the underpinnings of American democracy*. Hanover, NH: University Press of New England.
- Ottaway, Marina, and Thomas Carothers. 2000. *Funding virtue: civil society aid and democracy promotion*. Washington, D.C.: Carnegie Endowment for International Peace.
- Podems, Donna. 2017. *Democratic Evaluation and Democracy Exploring the Reality*.
- Resnick, Danielle, and Nicolas Van de Walle. 2018. *Democratic trajectories in Africa: unravelling the impact of foreign aid*.
- Society for International Development, Amkeni Wakenya (Organization), National Civic Education Programme (Kenya), and UN Women. 2012. *The status of governance in Kenya: a baseline survey report 2012*.
- Thomas Hobbes, (2018). *Leviathan*, new edition. America Press.
- Tocqueville, Alexis, and Stephen D. Grant. 200. *Democracy in America*. Indianapolis, Ind: Hackett Pub.
- Urbinati, Nadia. 2006. *Representative democracy: principles and genealogy*. Chicago: University of Chicago Press.
- Van Rooy, Alison. 2008. *Civil society and the aid industry: the politica and promise*. London: Earthscan.
- Van Til, Jon. 2000. *Growing civil society: from nonprofit sector to third space*. Bloomington: Indiana University Press.
- Wanyande, Peter, and ChweyaLudeki. 2007. *Governance and transition politics in Kenya*. Nairobi: University of Nairobi Press.
- Wanyande, Peter, Mary Omosa, and ChweyaLudeki. 2007. *Governance and transition politics in Kenya*. Nairobi: University of Nairobi Press.

Yanggen, David, 2010. *Landscape-scale conservation in the Congo Basin: lessons learned from the Central African Regional Program for the Environment (CARPE)*. Gland, Switzerland: IUCN.

APPENDICES

APPENDIX I: INTERVIEW LETTER

MARK TOO OPONDO,
TECHNICAL UNIVERSITY OF KENYA,
P.O.BOX 52428-00200,
NAIROBI.

To:

Dear,

I am a Masters student at The University of Nairobi, pursuing a Masters of Arts degree in International Studies at the Institute of Diplomacy and International Studies. I am currently undertaking a **research study on THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN AFRICA: CASE STUDY OF KENYA.**

I kindly request you to accept my humble call for an interview with you as per your availability. My consideration for your audience has been informed by your vast experience and consistent championing for democracy and good governance. Your identity will be kept confidential and your responses will be used for research purpose only.

Your time and consideration is highly appreciated, thank you.

Yours sincerely,

Mark Too Opondo.

APPENDIX II: INTRODUCTION LETTER (QUESTIONNAIRE)

Dear Respondent,

I am a Masters student at The University of Nairobi, pursuing a Masters of Arts degree in International Studies at the Institute of Diplomacy and International Studies. I am undertaking a **research study on THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN PROMOTING DEMOCRATIC GOVERNANCE IN AFRICA: CASE STUDY OF KENYA.** Your identity will be kept confidential and your responses will be used for research purpose only. I kindly request you to sincerely respond to the items on the questionnaire.

Your assistance is highly appreciated, thank you.

Yours faithfully,

Mark Too Opondo.

NAME (optional)

INSTITUTION.....

APPENDIX III: QUESTIONNAIRE

Please indicate by use of a tick (✓) as appropriate

Section A: Demographic Characteristics

1. Sex

a) Male

b) Female

2. Age

a) 21-30

b) 31-40

c) 41-50

d) 51- above

3. Level of formal education attained

a) Diploma

b) Degree

c) Masters

d) PhD

e) Other

Section B: Examining the role of Human Rights Organizations in promoting democratic governance.

3a. What role has your organization played in promoting democratic governance.

3b. To what extent do you agree or disagree with the following statement on the role of Human Rights Organizations.

No.	Statements	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
1.	HROs plays an important role in promoting democratic governance					
2.	HROs plays an important role in advocating for observance of the rule of law					
3.	HROs play an important role in promoting effective people's participation.					
4.	HROs play an important role in increasing lobbying for transparent and accountable processes and institutions.					

3c. What other roles of HROs do you know?

Section C: Examining the activities undertaken by Human Rights Organizations in promoting democratic governance.

4a. What are the main activities that your institution has undertaken to promote democratic governance in Kenya?

4b. To what extent do you think the following activities have promoted democratic governance?

No.	Activities	Best	Good	Fair	Poor	None
1.	Awareness creation					
2.	Lobbying and advocacy					
3.	Technical training					
4.	Civic education					
5.	Research and publication					
6.	Capacity building					
7.	Networking and Alliance building					

4c. What other activities do Human Rights Organizations undertake to promote in democratic governance Kenya.

Section D: Examining the performance of Human Rights Organizations in promoting democratic governance.

5a. What prospects do HROs have in promoting democratic governance?

5b. What challenges have HROs encountered in promoting democratic governance?

5c. Indicate whether you Agree, Undecided, or Disagree with the following as some of the challenges HROs face in promoting democratic governance.

No.	Challenges	Agree	Undecided	Disagree
1.	Political interference			
2.	Donor conditionality			
3.	Lack of funds			
4.	Administrative inefficiency			
5.	Competition among organizations for donor funding in project activities			

5d. What other challenges in your opinion do Human Rights Organizations face in promoting democratic governance?

APPENDIX IV: PROJECT BUDGET

No.	CORE ACTIVITIES	ITEMS/PARTICIPATION	COST (K.Shs)
1.	Consolidation of literature	Literature search	30,000
2.	Pilot survey	Transport of researcher	20,000
3.	Typing and photocopying of research instruments		20,000
4.	Data processing, analysis and report writing	Accommodation of researcher Data analysis fee	80,000
TOTAL			150,000/=