Poverty reduction Approaches in Kenya: Assessing the Usefulness of the Right Based Approach in Kenya

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ABSTRACT

While billions of dollars have been spent in development projects in least developed countries, poverty continues to increase. This study proposes human-rights based approach to poverty eradication. To this end, the study seeks to assess the key determinants of use of rights- based approaches to poverty reduction and it's usefulness in Kenya with special reference to NGOs in Kibera. The study further high lights some of the basic skills of implementing the rights based approach to poverty reduction. The attempts to establish the proportion of NGOs applying rights based approach to poverty reduction in Kibera Division as well. The review of relevant literature has been undertaken and a field study done. The study is informed by a qualitative human rights framework.

KEY WORDS: Poverty, Rights Based Approach, Duty Bearers, Duty Holders, Human Right.

1. Introduction

Save the children (as quoted by the World Bank 2005: 34) provides the following definition of rights-based approach.

> "A right-based approach to development combines human rights, development and social activities to promote justice, equality, and freedom. It makes use of the standards, principles and approaches of human rights and social activism to address power issues that lie at the heart of poverty and exploitation in the world".

One common feature of rights-based approaches which is a guiding principle points specifically to the switch from a technical to political understanding of development (World Bank 2005: 35) to effectively address underlying causes. Kenya needs to see beyond such factors as world recession, bad weather, low commodity prices which are blamed for Kenya's poverty (KNBS 2010:2) and see poverty as phenomenon related to violation of rights. Rights are widely characterized as legitimate claims that give rise to correlative obligation or duties. (World Bank 2005: 30). To have right is therefore to have a legitimate claim against some person, group or organization, such as a social or economic institution, a state or an international community (World Bank 2005: 30).

The World Bank (2005:30) description of the rights-based model helps in elaborating the meaning of these approaches; the World Bank observes that people are citizens with rights (entitlements and capabilities) rather than beneficiaries with needs while the government, with its obligation to its citizens has a central role to play in rights-based development. The World Bank (2005:30) further maintains that grassroots participation is crucial to ensuring that the voices of the poor are heard.

2 Literature Review
2.1 Background of Poverty in Kenya

After 47 years of Independence, Kenya remains a dual economy with wide disparities in economic, social and infrastructural development across regions (Gitau as quoted by TIAPD 2009:3). The late 1990s and early 2000 saw the development of the National Poverty Eradication Plan (NPEP) and the Poverty Reduction Strategy Paper (PRSP), both of which were produced under the umbrella of the United Nations' Millennium Development Goals (TIAPD 2009:3).

Though the PRSP resulted in a better understanding of poverty in Kenya, due to broad-based consultation among key stakeholders, it was not implemented in full due in part to reluctance to change by those in governance. In particular, the national budget was not changed to accommodate the poverty reduction plans, and key political

and economic governance measures such as fighting corruption were also not implemented as anticipated.(TIAPD 2009:3)

When the National Rainbow Coalition government came to power, it drew up the five years Economic Recovery Strategy for Wealth Creation (ERS) 2003-2008. The ERS was anchored in four pillars, namely the restoration of economic growth, strengthening the institutions of governance, the restoration and expansion of physical infrastructure, and investment in human capital for the poor. Among the successes of the ERS were free primary education and the Constituency Development Fund (CDF), which is a tool for redistribution and decentralization of national resources through the constituencies. (TIAPD 2009:3).

Upon the conclusion of the ERS, a long-term vision for sustained economic and social development, "Kenya Vision 2030", was formulated. It aims to make Kenya a globally competitive and prosperous nation with high standards of living within the next 25 years. (TIAPD 2009:3). The face of poverty in Kenya is affecting both urban and rural areas. Nairobi provides a disturbing reality of urban poverty and although it is facing rapid urbanization, the gap between the rich and poor is growing wider and 60 per cent of residents now live in slums with no or limited access to even the most basic services. (OXFAM 2009:1). OXFAM (2009:1) cautions that urban poverty is set to be Kenya's defining crisis over the next decade if it is not urgently addressed. (OXFAM 2009:1). Nearly half the country's 40 million people are poor, or unable to meet their daily nutritional requirements. (IFAD, 2012). Although in some respects, conditions have improved since in the early 1980s, the poverty rate has remained steady at about 48 per cent (IFAD 2012). As revealed by (IFAD 2012:1), Kenya's rural poor people include: small scale farmers, herders, farm laborers, unskilled and semi-skilled workers, households headed by women, people with disabilities and AIDS orphans.

Oxfam (2009:1) provides a disturbing picture of the realities of poverty in Kenya by pointing out that almost half (43 per cent) of the total 'food poor' in Kenya live in urban slums, amounting to over 4 million people, while 60 per cent of Nairobi's population dwell in slums with limited or non-existent access to water, sanitation, housing, education and healthcare services. Also the poorest urban-dwellers spend up to ¾ of their income on staple foods such as maize flour and beans alone (Oxfam 2009:1). In Nairobi inequality is a staggering 0.59 indicating levels of inequality similar to Johannesburg in the mid-1990s at the end of apartheid and women in the slums are almost 5 times likely to be unemployed as men (Oxfam 2009:1).

Oxfam (2009:4) lamenting over the vulnerabilities associated with the poor points out that the poor and especially urban residents are almost twice likely to be infected with HIV as their rural counterparts. HIV/AIDS is known to affect the poor who lack adequate information in addition to engaging in sexual vices such as prostitution to earn a living. They suffer the effects of the disease since they lack good diet and medication. Children of the poor are said to be among the unhealthiest in the country and are likely to suffer acute respiratory infections with Nairobi having almost half of fewer than five years stunted (Oxfam, 2009:4). The situation of poverty in Kenya can be well understood by reflecting on the situation of poverty in Kibera division in Nairobi county where urban poverty is a reality.

2.3   Poverty in Kibera

As an informal settlement, Kibera dates back to the 1920s when the British colonial government decided to allow a group of Nubian soldiers, to settle on a wooded hillside outside Nairobi .The name "Kibera" is derived from *kibra*, a Nubian word meaning "forest" or "jungle." The British failed to repatriate the Nubians or to compensate them with title deeds to these lands acquired from the Kenyan people. Consequently, the Nubians built homes, and set up businesses but they were still squatters with no legal rights. (Bodewes, 2005:31).

The Kibera settlement is south western part of the Nairobi city and approximately 7km from the Central Business District and is composed of 12 Villages, each varying in population and size, topography, culture, ethnicity and religious make up. The physical area is around 250 hectares, densely populated with over 2,000 people per hectare. This means that an average of 1,500 people live on the equivalent of a football field (Itotia, 2007: 7). Kibera has an estimated population of one million people and the population has been growing steadily from 6000 people in 1966, through 248,000 people in 1992 and more than 700,000 people in 2007 (Itotia 2007:5). Half of the residents of Kibera are under the age of 15 and it is also estimated that more than 15% of Kibera's population is either HIV positive or has AIDS (Itotia, 2007: 5).

Kibera has little clean water, electricity or sanitation. It has also become a breeding ground for some of the worst health conditions in the world. Typhoid, malaria, HIV/AIDS, hepatitis, and all manner of diarrhea and respiratory diseases run rampant, especially in infants and young children (Itotia, 2007:10; Kagiri, 2008:8). Kibera slum is characterized by lack of all that is basic to a life of dignity: water, privacy, education, health, family structure etc and as Bodewes (2005:27) puts it, the people in Kibera are only united by their poverty.

As observed by Itotia (2007: 6-7), Kibera presents micro and macro issues of a people living under conditions of extreme poverty. The slum is severely overcrowded and lacks proper infrastructures (e.g. sewage systems, water supply and sanitation, accessible roads, drainage and electricity, schools, health centres, community centres, recreational facilities, communication services, open spaces and etc. High unemployment rates, a huge number of school drop-outs and low income earners are also some of the major problems that characterize Kibera today (Itotia 2007: 6-7). As discussed above poverty in Kibera is related to multiple factors and to reduce poverty it requires good understanding of the determinants of poverty in Kenya.

2.3. Some Skills of Implementing Rights-Based Programming
To implement rights based program in an effective way NGOs need to be exposed to the strategies which serve as the tools for effective rights-based programming. There are three main areas that need to be considered in carrying out a rights based programming this are: situation analysis, setting the priorities, implementing strategies and monitoring and evaluation (INTRAC 2005:22). One major skill that needs attention is carrying out of the situation analysis

2.3.1. Situation Analysis
In situation analysis you may begin by doing stake holder analysis. The aim of a stakeholder analysis is to understand the characteristics, interests and expectations of groups or individuals likely to be important in the project (Boesek and Martin 2007: 21). In this way one can find out who needs to do what. Who has a vested interest in the present situation, and thus might oppose changes, as well as what forces especially in civil society – should be empowered in the process Boesek and Martin (2007:21). To apply rights-based approach, one needs to identify the rights holders and the corresponding moral or legal duty bearers. They are the main stakeholders of the program and both rights holders and duty bearers have issues –be it deprivation or neglect of obligations – that are interconnected and need to be addressed in a holistic manner (Boesek and Martin 2007:22). INTRAC (2005:23) stresses the same point when it states that it will be impossible to adopt a rights-based approach in practice, if it does not underpin the basic analysis of the situation in which a development NGO is considering intervening. Proper understanding of the key issues to indentify when analyzing is crucial. As stated by INTRAC (2005:23), at a minimum, a rights-based situation analysis must address the question, what is the situation of rights for the affected group/individuals and which rights are being violated and by whom?

Analysis should also be able to address the issue of the immediate as well as the underlying causes of violations and obstacles to fulfillment (including attitudes and cultural practices) and it must include various levels of enquiry to drill down below the surface and start approaching the more fundamental causes (INTRAC 2005:23). Key issues such as the views of the population on rights and rights violations; how informed they are of their rights and any violations taking place including their priorities for action should be given attention (INTRAC 2005:23). The other key issue regards what the duty bearer's responsibility for upholding rights and preventing violation are and how informed they are of their responsibilities and whether they have the capacity to uphold them.

Boesek and Martin (2007:22) point out that it is important to remember that rights holders have specific responsibilities. Right holders have an obligation to respect the rights of others and to take responsibility for their own lives and actions. A stakeholder analysis will clarify what should be expected from the vulnerable themselves checking whether they are able to influence their own situation, their capacities and how they can use and strengthen these capacities in order to obtain maximum empowerment (Boesek and Martin 2007: 22). As stated by Boesek and Martin (2007:22), when identifying the rights holders it is important to be as specific as possible concerning who the rights holders are and their level of awareness of their rights as well as how and where to claim the rights, including their assets, capabilities and the manner they are organized.

The state being the primary legal duty bearer has as a duty extending to all its bodies such as government, Parliament, local and national authorities, the legal and the educational system, police and many more (Boesek 2007:22). There are also moral duty bearers, i.e. individuals institution, local leaders companies, civil societies among others that have the power to affect other people's lives and as emphasized by Boesek and Martin (2007:22) in specifically defining the duty bearers, it is important to pay attention to who the duty bearers are and whether they are legal or moral, governmental or non-governmental as well as their characteristics in terms of resources and capacity.

Locating where the duty bearers are is also important. In this, one may check whether they are to be found at community level, national level, or international level and how they interact with rights holders as well as their obligations in relation to specific problem. One seeks to determine whether the duty bearers do meet their obligations, whether they are aware of them and whether they do recognize them and if they don't meet their obligation, what could be the reason as well as their position on the problem (Boesek and Martin 2007:22). Boesek and Martin (2007:22) points out that once the duty bearers and their specific duties are identified, it is equally important to define what to expect of them and in this case, attention should be on what they should do to respect the relevant rights, protect, and to fulfill the relevant rights. The analysis must determine whether the duty bearers are able to meet their obligations and undertake the necessary actions, if they are able, there should be efforts on how to get them to act and if they are not able, it should be established why it is so and what should be done (Boesek and Martin 2007:22). After a successful situation analysis it is important to consider prioritizing the issues to be tackled according to the urgency.

2.3.2 Setting Priorities
On the basis of the rights-based situation analysis, NGOs have to determine if there is a role for them in addressing the situation, and if there is, they must draw up appropriate plans of action (INTRAC 2005: 25). Priority may be given to measures such as applying political pressure (research, lobbying and campaigning) to influence the legislature and government policy, improving governance, accountability and transparency at all levels (state and non-state) and supporting agents of the state to create/strengthen legal mechanisms and improve their capacity to respond to citizens rights (INTRAC 2005:25). Other areas which may be considered when setting priorities are strengthening popular organizations so that people can put forward their own demands through them and encouraging people to assume their rights through civic education, awareness raising and popular communication (INTRAC 2005: 25). The setting of priorities is therefore an important step which guides the manner implementation of the rights based approach is to be carried out.

2.3.4. Implementation
Once a program is rolling, project implementers sometimes lose sight of the main objectives and focus instead on the immediate production of project outputs. Boesek and Martin (2007: 29) advise that rights-based organizations and their staff should move forward, by setting an example and should focus on ensuring that the values of dignity, accountability, non-discrimination, participation are embedded in project implementation procedures as well as every day behavior and attitudes. Boesek and Martin (2007:29) further maintain that it is important to keep in mind that the project has been developed for the rights holders and that it is their concerns that should remain in focus.

As concluded by Boesek and Martin(2007:29), when implementing rights based programs , one should seek to ensure that focus remains on the vulnerable and that they are participating and benefiting from the project as well as including rights holders and duty bearers as active agents in the implementation of the project and ensuring promotion of their ownership and capacity. Efforts should also be made to establish clear standards for the implementation of routines based on human rights standards and ensuring that they are conveyed to all stakeholders (Boesek and Martin 2007:29). Implementation of a rights based program requires measures to be put in place to ensure monitoring and evaluation of the program for the purpose of implanting it successfully while achieving the desired objectives.

2.3.5 Monitoring and Evaluation
Monitoring and evaluation is an important way to ensure that one implements rights-based approach according to plan and reach the desired results. Rights-based approach program objectives often include elements that relate to behavior or conduct e.g. that rights holders are more organized and active in claiming rights or that duty bearers have changed their conduct. Thus, it becomes important to monitor behavior and conduct as well as to

evaluate how this has added to the lives of rights holders (Boesek and Martin 2007:31). INTRAC (2005:31) emphasizes the same point by stating that rights-based approaches aim to address fundamental causes of problems rather than simply the symptoms, a factor that makes the assessment of their progress to look beyond the program activities to how far they are contributing to changes in the rights situation.

In rights-based programming, the monitoring and evaluation system should be consistent with the rights-based approach and the program must follow good practice in ensuring monitoring and evaluation is participatory and emphasizes 'downwards' accountability to the communities where the NGO is working (INTRAC 2005:31). In evaluating rights-based programming, the results of a program can be measured in terms of the improvement of the human rights situation of the rights holders one is working with (Boesek and Martin 2007: 31). The activity includes collecting and documenting gaps and unfulfilled rights which puts pressure on duty bearers to comply with human rights standards (Boesek and Martin 2007:31) Monitoring and evaluation of a rights based approach ensures the program is being examined and measured for the purpose of ensuring success. Many of the NGOs that have skillfully applied rights based approaches in their programs are a source of   success stories that should inspire more organizations to adopt the approach to reduce poverty in Kibera.

3 Methodology

The main question of this research was: what is the impact of use of rights-based approach by NGOs in Kibera Division? The specific objectives of this study were: to find out the community's level of knowledge on Rights-Based Approach in alleviating poverty in Kibera Slums, to examine the level of community participation in the design and implementation of poverty alleviation programs in Kibera slums. The research design for the study was mainly a mixed method of both qualitative and quantitative design. The population of the study was Kibera community members and the NGOs operating in Kibera division out of which eight NGOs 67 people were sampled. The research tool used was a questionnaire with closed and open-ended questions. The Data analysis was done using SPSS version 16.0. Analysis and discussions were done based on the information gathered from the questionnaire and the findings were presented to assess the effectiveness of use of rights based approach to poverty alleviation program by NGOs in Kibera slums.

4   Results

The study sought to assess the impact of rights based approach for poverty alleviation programs by NGOs in Kibera slums.The study made significant findings which are useful in ensuring poverty eradication through rights based approach.

4.1 The NGOs Data
The study found out that there are local and international NGOs engaging in poverty reduction programs in Kibera. All the NGOs interviewed indicated that they participate in District Development committees. The study also established that only 25% of the responses are associated with advocacy, a key component of rights based programming while 50% responses are associated with construction of community initiative projects on sanitation. Also 25 per cent are carrying out poverty reduction and capacity building. The priorities indicate that most of the approach embraced by the NGOs in their Kibera programs is welfare oriented. The effectiveness of poverty undermined when the poor in Kibera are viewed as mere beneficiaries. A rights based approach removes the charity dimension of development by emphasizing rights and responsibilities. (Boesek and Martin 2007:4) 100% of the NGOs claim to be successful in identifying and addressing the plight of the most vulnerable. While 62.5% are claiming to work with the rights holders and duty bearers 37.5% claim to be somehow involved. 62.5 % claim to be involved in demanding accountability of duty bearers while 37.5 are somehow involved. The 62.5 % also said they are involved in ensuring empowerment of rights holders and duty bearers very well, while 87.5 % engage in monitoring responses very well 100% claim to be evaluating results. Although the respondents are involved in identifying and addressing the plight of the most vulnerable specific strategy such as demanding accountability of duty bearers and ensuring empowerment of rights holders a key strategy of rights based poverty reduction strategy have been given less attention. (UNHCHR 2006: 9)

The percentage of the responses given in regard to poverty reduction strategies imply majority of the NGOs are embracing rights based approach but the fact that only 25% are involved in capacity building and advocacy points to the reality that the programs run by NGOs may not be effectively empowering the rights holders and duty bearers as well as demanding accountability of duty bearers. Ensuring accountability of duty bearers as stated may not be as effective as portrayed by the respondents since only 25% are involved in advocacy, a key strategy of ensuring duty bearers are held accountable. This is a core principle of rights based approach and a mark of successful rights based programming. (UNDP 2007:1) Also Inability to adequately carry out advocacy and capacity building implies most of the NGOs lack sufficient skills of rights based programming.

Majority of the NGOs 35% felt Kibera community is critical to the success or failure of the poverty eradication programs, this implies in eradicating poverty the community members as duty holder may need to be empowered for effective poverty reduction program. Unless they are empowered they may not have the capacity to claim their rights. Regulatory environment, finances and technical capacity were also cited as key factors that determine success of the programs and projects followed by governance issues. Some of the NGOs explained that lack of adequate finances affected their ability to employ qualified personnel for the programs and projects. This confirms the concern that effectiveness of rights based poverty alleviation programs in Kibera is affected by financial constraints experienced by the NGOs in Kibera. (Theis 2004 :4)

Tools of programming utilized by most of the NGOs included 57% Social auditing, 21 % education 14.3 %, participatory expenditure tracking survey 7.1%. Although most of the NGOs have claimed using of monitoring as a major tool , very important tools of rights based programming such as social auditing and participatory expenditure tracking survey s are least utilized. A rights based approach cannot be effective without effectively using the mentioned tools. The obstacles cited for not using the tools were 62.5% state hostility. 25% too costly and 12.5% lack of the necessary skills. Most of the respondents cited state hostility as a major hindrance to the usage of the mentioned programming tools which can happen when the NGOs attempt to examine the state as duty bearer especially by monitoring the budgets and funds such as the Community Development Fund among others are being disbursed. The relationship between state and the NGOs in Kibera is factor undermining the effectiveness of the NGOs operating in Kibera. For fear of state hostility the NGOs are unable to effectively utilize some of the common methods of implementing rights based programming. Taking a rights-based approach forces NGOs to take a critical stand against the practice of the State and this increases hostility between the two (INTRAC 2005:36)

Expenses involved in applying these tools can also be a hindrance since it may involve hiring of consultants to take some key roles. As stated by the respondents lack of the necessary skills can also be a very major obstacle since most of this tools can be complicated to those without relevant expertise in the field of rights based programming.

4.2 Demographic and community data
Majority of the respondents 51.6% indicated right to life, 37% right to food and 3.2 rights to clean environment as well as 1.6 rights to education and health care as the main aspects of rights being addressed by NGOs in their area. That response provided a clue that the Kibera people feel that NGOs are not addressing their rights effectively such as the rights to education, health. Since there is no significant food production going on in Kibera the NGOs in Kibera may be involved in giving relief which is a need based or welfare model of development which differs a greatly from rights based approach. On what can be done to help Kibera people claim their rights from the rights holders the respondents felt sensitizing the community members on their social economic rights.

5. Conclusions

The study has confirmed the argument that Kibera slums are experiencing poverty and especially the urban poverty, unemployment is real since majority are laborers. The community respondents also know their rights and have some level of knowledge on rights based approach in alleviating poverty, but not sufficient enough to hold the duty bearers namely the government and the NGOs accountable in the manner they run the poverty alleviation programs.

Majority of the respondents felt involving the community members in social development as what should be done. This implies some members of the community understand that for the community to claim their rights it requires participation which would enable them identify gaps that in poverty alleviation. The community respondents agreed that NGOs in Kibera do encourage participation addressed by through a rights based program. The community does therefore participate in the implementation of the programs but it is not clear to what extent they participate.

The percentage of the responses given in regard to poverty reduction strategies imply majority of the NGOs are embracing rights based approach but the fact that only 25% are involved in capacity building and advocacy points to the reality that the programs run by NGOs may not be effectively empowering the rights holders and duty bearers as well as demanding accountability of duty bearers. Ensuring accountability of duty bearers as stated may not be as effective as portrayed by the respondents since only 25% are involved in advocacy a key strategy of ensuring duty bearers are held accountable, which is a core principle of rights based approach and a mark of successful rights based programming. (UNDP 2007:1) Also Inability to adequately carry out advocacy and capacity building implies most of the NGOs lack sufficient skills of rights based programming.

Effectiveness of rights based programming is determined by the skillfulness of those implementing the relevant programs. As established by the study only 25% of the responses were associated with advocacy a key component of rights based programming while 50% responses were associated with construction of community initiative projects on sanitation. Only 25 per cent are carrying out capacity building. The priority tools of poverty of some of the NGOs indicate that they are not well equipped with the major skills of rights based programming. Tools of programming utilized by most of the NGOs included 57% Social auditing, 21% education 14.3 %, participatory expenditure tracking survey 7.1%.

6. Recommendations

For effective rights based poverty reduction programs in Kibera the government should aim at the following:

a) Come up with, legal   and democratic political systems conducive to protection and promotion of the human rights of its poor citizens such as those in Kibera.
b) To ensure all organs of state collectively respect, protect and promote human rights of Kibera people by sensitizing the staff during inductions and including the human rights component in their trainings and service charter. This will help reduce the NGOs state hostility.
c) To set norms and standards for the provision of services. Those in charge of security, water, health among other issues of concern should be alerted of these norms and also it should ensure that service providers meet the standards through quality assurance processes.

For the NGOs Operating in Kibera to have effective rights based poverty reduction programs they should seek the following:
a) To recognize Kibera people as rights-holders and target their ability to claim their rights by training and involving them in development initiatives.
b) To strengthen the duty bearers related government agencies such as the provincial administration through empowerment initiatives such as trainings.
c) Ensuring effective collection and analysis of information on service performance by state agencies providing services in Kibera.
d) Use of relevant rights based programming tools such as social audit which use participatory method to investigate whether government projects have been implemented as planned, the focus being the gap between plan and what they delivered. Use of score cards which as participatory tools can be used for gathering Kibera peoples' perceptions of public services as well as use of participatory expenditure tracking surveys which can track how public resources are being used in Kibera by following the money through the budget to the disbursement and expenditure.

The Rights Based Approach remains one of the major strategy of reducing poverty especially among the developing and the least developed countries where violation of the rights of the citizens are abused through bad governance and misuse of resources by duty holders such as state agencies among others

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