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The Capacity Building of Human Rights Defenders and (Dis)Empowerment: An Analysis of Current Practice

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Executive summary

Building the capacities of human rights defenders plays an important role in approaches to their protection. This is partly due to participants' own expressed desire for trainings (the main element in capacity building programmes). Yet, as protection professionals occasionally observe, many of these same beneficiaries often do not seem to implement the knowledge they receive in trainings. This paper aims to explain this conundrum and make some cautious suggestions for how it might be resolved. The paper does so by drawing on data gathered over a period of two years' fieldwork with protection organisations and defenders in Kenya, as well as on the relevant scholarly literature.

Like the practice of capacity building in the global development agenda, the capacity building of defenders is informed by a number of key assumptions. Specifically, donors' and protection professionals' understandings of capacity building are underscored by aspirations for sustainability and an emphasis on knowledge in their approaches to social change. As a result, they also provide the script for beneficiaries' public responses to capacity building programmes. The assumptions of causality between knowledge and empowerment, and between training and sustainability that arise from the cultural worlds of donors and protection organisations, shape and inform trainings more so than the needs of beneficiaries. This process in turn, reinforces the existing hierarchies and ensuing power relationship between these categories of actors. The fact that the relationship between trainers and beneficiaries in the context of trainings often translates into one between experts and non-experts, further deepens this dynamic.

In turn, beneficiaries have their own understandings and desires for capacity building programmes. In the Kenyan context, the beneficiaries of capacity building programmes are often human rights defenders from the grassroots whose concerns regarding their work – and (indivisibly) their lives – predominantly revolve around socio-economic issues. This emphasis diverges from that of the protection regime, whose concern and attention is focused on defenders' civil and political rights. Nevertheless, through sustained interaction with protection programmes, defenders have learned that socio-economic claims do not square with donors' and protection professionals' own understandings of protection. As a result, grassroots defenders find other ways to appropriate capacity building for their own socio-economic purposes, even as they publicly state otherwise.

The paper suggests that, in repeatedly attending trainings and requesting more of the same, grassroots defenders prioritise the small material rewards associated with these trainings over the acquisition of knowledge that is their intended result, thus subverting the agenda of protection organisations and donors. Yet simultaneously, grassroots defenders acquiesce to this agenda by displaying a deep commitment to the human rights defender identity as it is taught in these trainings. The paper argues that this can be traced back to the fact that the human rights defender identity feeds aspirations for professional status, which, in contexts like Kenya, provides a source of hope for better working and living conditions. This explains the apparently paradoxical co-existence of defenders' critique of the professional protection system with their commitment to the human rights defender identity.

Implications for practice

The findings suggest that more can be done to increase the effectiveness of capacity building and its function to empower defenders. This requires changes in existing approaches along several lines, some of which are highlighted below.

- The protection community should acknowledge the structural impediments that constrain the work of human rights defenders and tailor capacity building and the broader protection agenda to include addressing some of these impediments.
- Acknowledging the centrality of structural impediments to defenders' work can translate into a new set of incentives that are associated with training programmes, and that openly address socio-economic issues that act as constraints. These could include the provision of working tools (for example, laptops, cameras and phone credit) to better facilitate the work of human rights defenders.
- A similar shift is required towards acknowledging the links between core funding and the ability to conduct human rights work in a sustainable manner. Accordingly, small wages should be afforded to support grassroots defenders who engage regularly in human rights work or projects.
- More time and resources should be invested in tailoring the content of training programmes to the existing capacities and specific needs of defenders as they are at the time of training. This can be achieved through shifting the emphasis from offering a large number of trainings to investing in increasing their relevance and impact instead.

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Introduction

The capacity building of human rights defenders (HRDs) has become a core programmatic objective in the work of many protection organisations around the world. For example, DefendDefenders,¹ one of the most well-known actors involved in the protection of defenders regionally, dedicates one of their three main programmes to capacity building. Its national chapters (known as national coalitions) have replicated an identical structure. The fact that DefendDefenders has preceded the launch of each of the national coalitions² that it has founded over the years with a multi-day training³ for defenders from the respective country further indicates the significance that capacity building has gained in the work of protection organisations. Similarly in Kenya, the 2014 Annual General Meeting of the National Coalition of Human Rights Defenders – Kenya,⁴ which was attended by over 100 defenders from all over Kenya, included several training sessions on themes pertaining to the work and security of human rights defenders.

Yet, despite the status of capacity building in the work of protection organisations and the continuous investment in such programmes, protection professionals often express a sense of worry that defenders rarely seem to apply the knowledge that they are being taught in trainings, despite the heavy investment to that end. In this paper, I aim to explain this conundrum and make some cautious suggestions for how the protection community might move towards a solution. As I will show below, the position of capacity building in protection programmes for human rights defenders replicates that of capacity building in the global development agenda. Much like the latter, the capacity building of defenders is loaded with “positive normative assumptions” of empowerment and long-term sustainability in conditions of limited resources, and simultaneously, salient condemnations of dependency (Kenny and Clarke 2010a: 10). In this paper, I show that the uncritical adoption of these ideas in contexts of deep socio-economic inequality can result in counter-intuitive outcomes. In other words, ‘capacity building’ can in practice disempower many of its ‘beneficiaries’. However, beneficiaries themselves play a complex and ambiguous role in this process, and are often complicit in the direction that capacity building takes. As I will argue, this is motivated by the desire for material rewards and improvements in their socio-economic status, in the knowledge that the protection agenda as it is currently conceived cannot openly accommodate those ambitions. Against this background, beneficiaries appropriate capacity building for purposes other than those for which it was intended, but they do so within a very narrowly circumscribed set of possibilities for decision-making. Therefore, even as this process of appropriation subverts the purposes of capacity building, it simultaneously reinforces the power relationships upon which it is built.

To substantiate this argument, I first set out the nature of the data that this paper draws on, the methodology involved in gathering it, and the limitations of the argument and its applicability beyond the case study. I then examine how and why capacity building gained global ascendancy in the 1990s, as well as the assumptions that underscore the practice and some relevant critiques found in the academic literature. In the subsequent

¹ Formerly East and Horn of Africa Human Rights Defenders Project (EHAHRDP)

² At the time of writing, national coalitions have been established in Burundi, Kenya, Somalia/Somaliland, South Sudan, Tanzania and Uganda, and are at different stages of development.

³ These ranged in duration from three days (Kenya) to five days (South Sudan).

⁴ The NCHRD-K is the only Kenyan organisations that has a mandate concerning exclusively the protection of defenders. Founded in 2007, the NCHRD-K has had its own Secretariat only from 2012 onwards. Currently it runs three programmes: advocacy, capacity building and protection. For more information see <http://nchrdk.org/about-us/>.

section, I specifically explore the practice of capacity building for defenders. Starting with an overview of how capacity building is implemented and drawing on observations from nine trainings spanning 2014 and 2015 in Kenya and beyond (in which I was a participant-observer), I focus on issues such as the format of trainings, their locations, content and the social status of participants and trainers. I then examine the complex relationships between the socio-economic factors which shape and constrain the experiences of the participants and the processes of subversion in the capacity building project. To do this I apply a framework that seeks to understand existing power relationships and how these shift, or, indeed, are further entrenched by current practices. First, I examine how the consensus on protection among donors and protection organisations sets the limits of acceptable claims that can be made under the human rights defender label, and the implications this has for capacity building in particular. Then, I explore capacity building within a neo-liberal model of “new managerialism” (Kenny and Clarke 2010a: 10), characterised by forms of complex technicism that cast trainers as unquestionable experts, and consider how this reinforces that consensus. Further, I analyse two different processes of subversion which take place within the limits of acceptable claims imposed by that consensus. While I interpret the appropriation of capacity building for immediate material rewards as an act of resistance, I also find evidence of acquiescence to the ascribed modes of capacity building, which is especially visible in how defenders internalise its “hidden lessons” (Englund 2006: 70). I conclude by suggesting that the failure of current forms of capacity building to confront underlying power inequalities and attempts by beneficiaries to subvert these programmes exist as two sides of the same coin, and offer some suggestions for how this situation might be addressed.

Data, methodology, limitations

This paper draws on two years of ethnographic fieldwork, which I conducted as part of a doctoral project that investigates the protection of defenders as a contemporary form of human rights practice, with a case-study of Kenya. I spent the first year working in a voluntary capacity with the National Coalition of Human Rights Defenders – Kenya (NCHRD-K). The second year I spent working with the Kenya National Commission on Human Rights (KNCHR), Kenya’s state human rights body, on issues related to human rights defenders. Throughout this time, I participated in and observed trainings organised by both these two institutions and others.⁵ Predominantly these trainings took place in Kenya, but occasionally also in other settings. Additionally, I conducted more than 70 in-depth interviews with protection stakeholders: these included members of the donor community, staff from Kenyan and international protection organisations, organisations with a broader human rights mandate that have incorporated HRD protection issues in their work, and defenders working both in a professional capacity and at the grassroots. Throughout my time in Kenya, I engaged in countless informal conversations with staff at offices, meetings and public and private events, and conducted extensive reviews of the relevant press and grey literature.

⁵ With the exception of the two organisations for whom I worked, for the purposes of this paper I have chosen not to name either the organisations or trainers whose trainings I attended. The aim of this paper is not focus on the specific practices of a single organization or individual, but rather to shed light on commonalities in the practices of protection and human rights organisations working on capacity building initiatives in Kenya, and to call into question the assumptions and choices which underpin these widespread practices.

Rather than producing results that have broad applicability, the doctoral project from which this paper is drawn sought to establish an in-depth understanding of a particular case-study, Kenya. As such, the limitations that characterize case-study research also apply to this paper: while adequate to reveal the real-life complexities of a specific context, case-study results typically do not have validity across other contexts (Bryman 2008: 55; Noor 2008: 1603). That said, this consideration can be nuanced in two ways. Firstly, case-studies typically seek either to test existing theory or to generate new theory from rich empirical data (Bryman 2008: 57). In this tradition, the paper seeks to test a particular set of assumptions and theories that can be seen to underpin the broader protection regime, namely those associated with capacity building as a key component of the former. Secondly, even as scholars point out the limitations of case-study research for the generalisability of results, they do at the same time acknowledge that generalisability is possible in those cases where other research has generated comparable findings (ibid). The findings in this paper do not emerge in a vacuum, but rather they continue an important line of scholarly inquiry that has reached similar conclusions by examining capacity building and related practices in contexts other than Kenya (for example, see Englund 2006), and which pertain to fields other than protection and human rights defence. This suggests that the findings presented here might have application in other contexts.

Capacity building: Rationale and critiques

Although its history overlaps with that of development itself (Smillie 2001), capacity building first became a key programmatic element of the global development agenda in the 1990s. Its ascendancy was a response to top-down approaches to social engineering, ranging from structural adjustment programmes to welfare models of development (Kenny and Clarke 2010: 4). It has been noted that there is no consensus on the exact meaning of the term capacity building (Kaplan 2000; Miller 2010) beyond a rather vague agreement that it involves “a transfer of knowledge and skills” (Kenny and Clarke 2010: 4) to a target group of beneficiaries, be they institutions, sectors or communities (Smillie 2001). Nevertheless, despite the lack of consensus around a precise definition, there is widespread agreement in the scholarly literature that, regardless of the particular form that it takes in practice, capacity building is informed by a number of key assumptions.

According to Kenny and Clarke, the ascendancy of capacity building can be traced back to three sociological concepts that came to dominate social sciences and policy making in the 1970s and 1980s, namely: agency, active citizenship and civil society (2010: 6). In turn, the assumptions that underscore capacity building and its “fetishisation” in development programmes (Clarke 2010: 113) are directly related to that genealogy. First, the emphasis on agency in capacity building evokes notions of self-emancipation, empowerment and taking control over one’s destiny (Kenny and Clarke 2010: 4). Second, developing the capacities of beneficiaries is deemed a sustainable model of programming. Under the slogan “teach a man to fish”, capacity building programmes have promised to avert the creation of beneficiary dependency

(as well as corollary ideas of helplessness and passivity) and simultaneously to foster their self-reliance, hence offering the best possible return on donor investment (Swidler and Watkins 2009: 1184). The final assumption is that capacity building can ensure beneficiaries' participation in and control over development projects, which in turn will ensure that such projects draw on local knowledge and social capital to ensure their success (Kenny and Clarke 2010a; Swidler and Watkins 2009).

Despite its appeal, recent theoretical and empirical scholarship has shown that the practice of capacity building and the ideas that underpin it are far more problematic than one might think (see Eade 2007; Kenny and Clarke 2010b; Smith 2003; Swidler and Watkins 2009). Scholars have pointed out the need to look beyond the positive meanings attached to the term capacity building and to interrogate the assumption of beneficiaries' *lack* of capacity (Clarke 2010). Indeed, Abdullah and Young (2010) question the deficit model implied by the term capacity building and argue instead, that a focus on pre-existing strengths and capabilities is more conducive to positive results. Smith too, shows that the methods of capacity building often conform to a Western model of social change, "in which 'traditional'... cultural beliefs are viewed as inhibiting the kinds of practices that development agencies aim to encourage" (2003: 712). From this perspective, beneficiaries' capacities, rather than altogether missing, may be overlooked and/or go unrecognised when viewed through a Western lens.

More importantly still, the literature engages with the primacy of the concept of agency in capacity building, and argues that this approach overlooks the role of structural impediments which prevent socio-economically and politically marginalized people and groups from taking control over their own lives (Kenny and Clarke 2010a). As Kenny and Clarke put it, "empowerment requires change to the material conditions of those who are oppressed and disadvantaged in society" (ibid: 10). Moreover, the emphasis on agency and the related call to self-reliance, to the detriment of engaging with structures and their role in creating and perpetuating oppression, is profoundly moralising (Swidler and Watkins 2009: 1184; see also Englund 2006).

Furthermore, the literature has critiqued "the construction of the discourse and practice of capacity building within narrow instrumentalist and technocratic terms of reference" (Kenny and Clarke 2010: 9). This results in the search for technocratic solutions to political problems (Ife 2010; Oxenham and Chambers 1978; see also Cleaver 1999; Hickey and Mohan 2005), and ends up emphasizing the mastery of pre-defined skills within a framework of top-down approaches to decision-making, the very opposite of what capacity building aims to achieve (Kenny and Clarke 2010a: 9). By the same token, the 'capacity-builders' are often cast as 'experts' who impart 'expert knowledge' to 'backward' beneficiaries. This, in turn, overlooks not only the role of broad societal power relationships in maintaining inequality, but also how power is enacted in the practice of capacity building itself (see Englund 2006: 99-122).

Despite these observations within the academic literature, no attention has been paid so far as to whether the practice of capacity building for defenders resolves some of the problematic dynamics that have been highlighted with

respect to capacity building in other fields, or whether it in fact conforms to them. As I will show, in some respects, the capacity building of defenders in Kenya replicates patterns seen elsewhere, while in others it departs from them. Even in the latter case, however, these shifts serve to reinforce existing power relationships in the Kenyan context rather than challenge them. Before I explore that at length, I will first describe what the capacity building of human rights defenders in Kenya entails more specifically, with examples drawn from my fieldwork.

The capacity building of defenders

A brief overview of capacity building practices in Kenya

All the capacity building programmes that I attended as a participant-observer during my fieldwork consisted of trainings for defenders. Typically, and with very few exceptions, these trainings are organised in the conference rooms of Nairobi's hotels. Depending on the amount of available funding, these can vary from mid-range to the most expensive ones, in both setting and pricing. However, even the former will provide good quality accommodation and services. The costs are always fully covered by the organisers. This usually includes flights and/or road travel for participants and full-board accommodation in the hotel where the training is taking place. Additionally, a cash per diem is also provided to cover minor associated costs that participants might have incurred (for example, meals while travelling and airport transfers). In virtually all the trainings that I observed, these per diems exceed what participants are actually likely to spend, and thus allow them to take some money home. Depending on the topic of the training and/or the organising institution and funder, trainings can include either Nairobi-based participants only, or a mixture of both Nairobi-based participants and participants travelling from further afield. In both cases, local Nairobi-based participants are often *also* put in hotel accommodation. In all the trainings that I attended in Kenya, the participants were grassroots defenders, living and working either in Nairobi's informal settlements or outside of Nairobi in small town centres and/or rural areas.

The length of a training typically ranges from one day to one week (on some occasions longer). Broadly speaking the topics covered fall into two major categories: one concerns the broader well-being and security of human rights defenders (digital, physical and psycho-social); the other more specifically concerns their work. Within these two categories, the variety of topics covered is virtually endless. The training sessions that I observed, for example, included topics such as monitoring and documenting human rights violations; human rights monitoring and advocacy; investigating, preventing and reporting torture; advocacy in national, regional and international mechanisms; human rights defenders and their work; resource mobilisation; human rights defenders and security; security management and risk assessment; digital security and social media for human rights work; and, sustaining activism through self-care. For more specialised trainings, like digital security, trainers were mostly brought in from other protection organisations that had expertise

particular to that area. I also witnessed trainings where trainers external to the host organisations were brought in for less specialised topics, for example monitoring, documenting and reporting human rights violations. However, the converse is also true: more than once, I participated in a training where the content was taught by staff that I knew did not specialise in the relevant topic (security for defenders, for example). At the end of the training, participants almost always receive a certificate of participation with their name on it, the topic(s) that they have been trained in and the awarding institution.

The question of whether and how these trainings might enhance the skills and knowledge of defenders is an important and legitimate one. However, data gathered through both observation and interviews indicates that, from the perspectives of beneficiaries, these trainings often serve a different purpose. Specifically, and as I will go on to discuss in the next section, the choice to participate in trainings is often more closely aligned with the kinds of socio-economic claims that grassroots defenders often make on the basis of self-identifying as defenders in one on one interviews (and, more rarely, in other fora). Further, socio-economic aspirations and the attempt to fulfil them play a crucial role in what is a complex process of subversion and simultaneously disempowerment.

Socio-economic issues, subversion and disempowerment


The 'consensus on protection': Donors and protection professionals

The HRD protection regime has developed primarily around violations of defenders' civil and political rights, to the detriment of their socio-economic claims. This bias is reflected in the conceptualisation and implementation of specific protection activities and programmes, including capacity building. To support this claim, I will examine two key issues: donors' aspirations for sustainability and their impact on protection organisations' programming, and the way in which the primacy of knowledge in approaches to social change emphasise agency over the role of societal structures in maintaining inequality.

Swidler and Watkins have cogently argued that the preference for investing in workshops and trainings, to the detriment of funding substantive projects (which they examine in relation to HIV/AIDS, such as nutrition supplements and paid healthcare workers) reflects the donor community's aspiration for sustainability (2009: 1190). Similarly, unstated definitions of capacity building among donors have come to exclude material things that would more tangibly increase capacity, such as core funding or work tools (for example cameras, laptops/computers, phones), and instead draw on an almost utopian vision of sustainability in which skills evoke ideas of permanence. In a conversation with a member of the donor community he referred to the donor group as an "epistemic community", whose attention is caught up by trendy concepts that fall in and out of fashion (Interview, 6 August 2014, see also Cornwall 2007). According to him, donors wholeheartedly support capacity building because "it evokes ideas of sustainability; if you buy someone a computer, it will be gone in three years, but if you build their capacity, this does not go away" (ibid). Furthermore, the preference for funding trainings and workshops goes hand in hand with the expectation that trainees will go back to their communities and do voluntary work (Swidler and Watkins 2009). This is

especially the case with grassroots human rights defenders. Before human rights work became professionalised throughout the 1980s (internationally) and 1990s (in countries in the Global South), an ethos of volunteerism was central to it, both globally (see Hopgood 2006) and in Kenya (see Ichim 2018). Although the professionalization of human rights work has turned it into a paid occupation for some, nevertheless, a strong attachment to the concept of volunteerism has survived in both public and private representations of non-professional defenders who mostly work at the grassroots and live in small communities. However, the “elites who plan how the donor project is to be implemented and those fortunate enough to become trainers and trainers of trainers” invariably get paid (Swidler and Watkins 2009: 1185).

This emphasis on sustainability has important effects when it converges with donors’ influence over NGOs’ agendas and the latter’s pliancy in response to shifting funding trends and donor requirements. Indeed, in Kenya, as elsewhere (see Edwards and Hulme 1996; Fisher 1997; Hellinger 1987; Smith 2003), protection organisations often follow donors’ leads in setting their priorities.⁶ Once, for example, I suggested to the programme officer of a Nairobi-based organisation that they should incorporate a budget line in a funding proposal they were working on to buy laptops for their networks of grassroots defenders on the ground. Their response was: “my executive director will say that this is not sexy enough for the donors” (Ichim, personal field notes). Incidentally, this was confirmed a few months later, when the executive director of a protection organisation in Kenya was addressing a group of defenders from Nairobi’s informal settlements before the start of a training. Half-way through his speech, he said,

 I look here and I see people from Kangemi, Mathare, Kamukunji, but I don’t see anyone from Loresho, Kileleshwa, Lavington.⁷ There is a connection between poverty and human rights violations. When I am in conversations with the donors and tell them that HRDs are victimised because they fight on behalf of victims, or that they have been arrested, etc, I get a positive response. But when I tell the donors that HRDs are sick because they have no employment, they are poor and have no support, the donors look odd at me. (Ichim, personal field notes)

Subsequently, he suggested that grassroots defenders start a campaign to “change the donor mind-set” and offered a more specific ‘solution’ in the form of his organisation’s firm commitment to train defenders in security management so that “at least you can be more empowered” (Ichim, personal field notes). This was problematic on two levels; the recommendation implied that grassroots defenders have the power to “change the donor mind-set”, while overlooking the fact that for such defenders, meaningful encounters with the donor community are too limited for any campaign to achieve real impact. Furthermore, this call to arms failed to acknowledge that, as mediators between grassroots defenders and donors, protection organisations are in fact better placed to advocate for change, and in doing so it relieved protection organisations of that responsibility. The assertion which followed further substituted that responsibility with a well-established solution, yet one that is founded on assumptions generated by donors and protection organisations rather than by beneficiaries. Specifically,

⁶ As Smith has shown, changes in donor policy often merely enable local actors to act on knowledge that they already have. Sometimes this does lead to better solutions to social problems, however, as Smith points out, the problematic aspect here is that existing and useful knowledge only starts to matter when it becomes rewarded by the donor community (2003: 712).

⁷ Kangemi, Mathare, Kamukunji are informal settlements in Nairobi. By contrast, Loresho, Kileleshwa, Lavington, known as the “leafy suburbs” of Nairobi, are those areas where the expat community and Kenya’s upper-middle class live.

this was the assertion that, in the absence of measures to ensure a modicum of sustainability in their livelihoods, knowledge about security management strategies would, nevertheless, empower defenders.

The idea of knowledge gains as an avenue to empowerment is articulated both orally and in written outputs from protection organisations. Yet, the implied causal connection between the two is often assumed rather than proven. Or, as Cleaver puts it, “[t]he scope (and limitations) of the empowering effects of any project are little explored; the attribution of causality and impact within the project alone problematic” (1999: 599). Below, I will analyse the implications of assuming that causality as demonstrated in a short passage from a concept note for a five day-long training where most of the participants were grassroots defenders. In the concept note, the authoring organisation states that, following extensive interactions with both human rights organisations and individual defenders, it concluded that there was,

“...a clear lack of knowledge and subsequently low levels of utilisation of existing protection mechanisms for HRDs, including both international and regional instruments such as the UN Declaration on HRDs, the EU Guidelines on Human Rights Defenders and the African Commission on Human and Peoples’ Rights Resolution on the Protection of Human Rights Defenders. (Concept note, on file with the author)

Here, the concept note draws a clear causal link between lack of knowledge about – and low or non-existent use of – protection mechanisms by defenders. Of the three mechanisms mentioned, the UN Declaration on HRDs and the ACHPR’s Resolution for the Protection of HRDs are so called “soft law” instruments, ie they do not have legally binding power on states. They can, at most, (re)assert normative standards for defenders, and be used to put political pressure on state actors. By their very nature, these instruments are more amenable to being used in the halls of the UN and similar places, where actors operate with similar conceptual frameworks, than in the remote places where grassroots defenders live and work. In such places, defenders,

“...facing daily violence and threats, are not concerned about long-term lobbying strategies, but consumed with the daily tasks of survival and emergency response. If considered at all, lobbying in Washington, Brussels and Geneva seems impossibly luxurious and difficult to consider as part of the same political project. (Tate 2007: 186)

On the other hand, the actors who do use these instruments in places like Geneva or Banjul (home to the African Commission on Human and Peoples’ Rights) can do so both because they know about them, but also, and perhaps more importantly, because they have the financial and institutional clout to operate in those spaces. Advocating in capitals abroad, whether regionally or beyond, requires not only familiarity with the rules that define appropriate interaction in those spaces (Tate 2007), but also the ability to travel to and stay in those places over a period of at least a few days at relevant times of the year, and the personal and institutional connections necessary to gain entrance to such spaces in the first place. As such, financial and institutional power is at least as important as mastering the *knowledge* of UN and regional

instruments when it comes to enacting the changes envisioned by these instruments, however peripherally so. Moreover, the absence of the former can render the latter of little relevance, especially for human rights defenders operating at the grassroots.

The EU Guidelines on Human Rights Defenders differ from the other two instruments in that their main aim is to offer support to human rights defenders on the ground, especially, although not solely, through EU missions and the embassies of EU member states in country (see European Union 2004). However, in practice, most EU missions rely on protection organisations, as well as organisations with broader mandates encompassing the protection of human rights defenders, to extend support in place of the missions themselves (Interview, Political Officer, EU member state embassy, 28 May 2014). For example, since the increased presence of protection organisations in Kenya, EU member state embassies tend to refrain from extending support to defenders when requested, but instead refer them back to protection organisations (Interview, Senior Programme Manager, Democracy and Human Rights Programme, embassy of EU member state, 28 May 2014). Despite the applied focus of the EU Guidelines, their implementation relies on and reinforces the same dynamic that makes the meaningful utilisation of the other two instruments the prerogative of professional organisations. When protection organisations and other actors involved in protection, such as embassies, emphasise knowledge and assume that knowledge translates into agency, understood as the ability to act, they inadvertently overlook the structural constraints that prevent beneficiaries from making the knowledge of these instruments relevant to their work and daily lives.

Overall, assumptions of causality between knowledge and empowerment, and between training and sustainability, condition trainings not on the needs of beneficiaries, but on the cultural worlds of donors (Smith 2003: 711; see also Escobar 2012; Ferguson 1990) and protection organisations. This process in turn, reinforces the existing power relationship between donors and protection organisations on the one hand, and beneficiaries on the other. Moreover, as I will go on to explore in the next section, this same dynamic is replicated in capacity building settings where the relationship between beneficiaries and trainers often translates into one between experts and non-experts.

Power and capacity building as expertise

The capacity building of human rights defenders is inseparable from the professionalization of human rights work and protection. Although, in theory, defenders do not need to carry out their work as professionals to be considered defenders (UN Office of the High Commissioner for Human Rights 2004), the ability to draw on a professional repertoire is certainly seen as a desirable outcome of protection initiatives. This is a key theme in the international documents that make up the normative architecture on defenders (see *ibid*: 2-8) and it shapes the practice of protection organisations. For example, DefendDefenders⁸ was formed as the direct result of a research exercise carried out in West Africa and the East and Horn of Africa, which concluded that “[t]he **specialized expertise required for being a human-rights defender** means that there is a great need for knowledge development and skill training, especially on human-rights instruments and mechanisms as well

⁸ Formerly known as the East and Horn of Africa Human Rights Defenders Project

as crisis management, particularly under repressive regimes” (Shire et al 2004: 3, emphasis added). Further down, the report reiterates the same idea:



One of the problems for HRDs is that it is an area that requires quite **specialized expertise** and yet relies to a considerable extent on individuals’ concern, dismay and courage to be mobilized or mobilize others to human-rights advocacy, rather than any **professional preparation**. (Ibid: 23, emphasis added)

As a result, when DefendDefenders made capacity building a priority in its programming, topics related to professional human rights practice became a key thematic area of training sessions. The same approach taken in the work of other protection organisations points to a similar underlying assumption with regard to professional skills and expertise.

The rapid growth of protection organisations and the spread of training programmes in human rights organisations working on protection illustrates the growing role of technical knowledge in finding solutions to defenders’ predicaments, or what Cleaver has called “the tyranny of techniques” (1999: 599). This development has several consequences. Firstly, the topics that are taught in trainings for defenders draw upon specialized, technical bodies of knowledge, often rooted in international human rights law and specific methodologies of implementation, which include monitoring human rights violations, reporting and advocacy. Similarly, ideas related to protection have slowly but surely developed into a specialized body of knowledge. For example, Protection International’s *New Protection Manual for Human Rights Defenders* (2009), which has become a standard point of reference for security trainers, relies heavily on terms such as ‘situational analysis’, ‘security assessment’, ‘security management’ and ‘security incident’, as well as a now well-known formula that attempts to quantify and define the concept of risk: $risk = (threats \times vulnerabilities) \div capacities$. Such jargon was a feature of the human rights and protection trainings I attended, and made them both conceptually and linguistically difficult. This was further complicated by the tendency to apply technical solutions as a blueprint, with insufficient consideration for local context and without a prior measurement of participants’ educational backgrounds and ability to engage with complex information. In one of my interviews with a defender from outside of Nairobi, he told me that in relation to security trainings:



You have to be reasonably literate. You need a lot of English. Every time they ask me to bring people I must shop around and get someone who at least has done Form 2,⁹ because I think [otherwise] they would not even understand a thing, you know with the graphs and a lot of... what... you know. This time at least I got some people who can understand English [for a training that was going on at the time of the interview]. Because when we did it here in 2012, we sent in every Tom and Dick, and I was told half of the class didn’t even get anything... From among ourselves. We didn’t get it from the teacher... but we could know. Because when you sit in for the whole day and you don’t even get a word, it’s like you are out. It’s just that you can’t get out, but you are not part of the whatever. So, I sent, this time, at least people who can read and write.

⁹ Form 2 refers to the second year of high-school in the Kenyan education system.

Interviewer: What is the topic [of the current training]?

It is the same thing, it's the whole story, the protection and whatever. (Interview, 4 June 2014)

The difficulty of such trainings has also been observed by scholars elsewhere (Cleaver 1999; Swidler and Watkins 2009). Swidler and Watkins refer to this as “esoteric knowledge”, and link it to the logic of sustainability that underscores trainings as a methodology of development; the “elaborate formalizations of what would otherwise be common sense” requires the need for more training and refresher courses (2009: 1190).¹⁰ Perhaps more importantly, the reliance on technical knowledge also casts trainers as experts par excellence, who are there to ‘enlighten’ the grassroots. There is no doubt that many of the things that the protection organisations that I interacted with during my fieldwork did not do before designing trainings (for example surveys of baseline knowledge), resulted from logistical and time constraints. At the same time, however, not addressing the gap between technical knowledge and participants’ ability to engage with it “contributes to making distinctions between the grassroots and those who [are] privileged enough to spread the message” (Englund 2006: 70). The widespread use of jargon in trainings prohibits conversations on equal terms and discounts participants’ own “insights into their life situations” (ibid: 71).

This same dynamic, however, emerges with the complicity of defenders themselves. When asked by protection organisations what they need, defenders often say “trainings”, and/or try to ensure that they can repeatedly get back onto the same training programmes. During a training that I attended, just before the tea-break as nearly everyone had left the room, I asked the defender still sitting next to me, a young woman from an informal settlement, if she knew what was coming up next. Her reply was swift: “I don't know, but, oh, I've done this, like, twenty times before.” Taken aback by her answer, I looked ahead at the projection wall, where the trainer had put up the title of the next presentation; it read: “Introduction to Human Rights” (Ichim, personal field notes). In another incident, the trainer, who was affiliated with a protection organisation based in Kenya, asked the participants how many of them had been trained in security management. Only three hands went up, although a good number among the participants were well known grassroots defenders operating in the informal settlements. The trainer was visibly surprised – in a later conversation, they confirmed to me that at least a few other defenders in the room had definitely already received security training, which they had verified from previous training attendance sheets (Ichim, personal field notes).

At first glance, it might seem counter-intuitive that defenders themselves not only support trainings, but actively work to make sure that there is an endless supply of them. Yet what shapes grassroots defenders’ interactions with and responses to capacity building programmes is a lot more complex than pure knowledge seeking. Rather, in settings with deep socio-economic inequality, where professional protection organisations and trainers on the one hand, and many of the beneficiaries of these programmes on the other, fall on opposite sides of a steep socio-economic divide, trainings have acquired multiple meanings and functions that go beyond what is intended. Notably, and as will

¹⁰ At the very least, these elaborate formalizations might lead to participants not understanding more basic approaches to security. At the same time, the implied hierarchy between technical-scientific and other kinds of knowledge, which casts the former as universal, might lead trainers to assume that their imparting of knowledge is successful. This is well illustrated by an incident that happened on a visit that I conducted outside of Nairobi during my fieldwork, when a local organization had their offices broken into. All their equipment was stolen, and they lost all their electronic data because the flash-disk that it had been saved on had been left next to the computer overnight. Yet, this same organization had been intensely trained on security, on several occasions, by one of the most prominent protection organisations in Kenya (Ichim, personal field notes). When a month later I interviewed a staff member from that protection organization, they told me that they were working very closely with the local organization, and that the latter were doing “very well” in their approaches to security (Interview 24 July 2014).


be discussed in the following section, trainings have come to play an important role as a solution to or path out of the socio-economic marginalisation experienced by defenders, both in the short term, through perks associated with trainings, and in the longer term, by fostering aspirations for a higher socio-economic status among participants.

Resisting the consensus on capacity building: The role of material rewards

As mentioned above, often irrespective of whether participants live and work in Nairobi, they will be put in a hotel in Nairobi for the duration of a training; this even applies to situations when *all* the participants are based in the capital. During one such training, I asked one of the organisers what motivated that choice. They answered that the organisation took this approach to make sure that the participants would arrive on time for the second day of the training, scheduled to start at 8am. Because participants would otherwise be travelling to the venue from Nairobi's informal settlements, the organisers thought that there was every chance that they would arrive late. While sound in theory, the unstated expectation behind this approach was that defenders had chosen to participate in the training for the sake of knowledge gains, and that if external factors such as traffic were taken out of the equation, they would do everything in their power to maximise the opportunity.

Yet, on the second day of the training no one showed up less than one and a half hours late, despite the distance from the breakfast hall to the training room being just a few minutes' walk. More generally, in many trainings that I attended, I frequently observed a low level of attention among participants during the sessions. Often, defenders would be fiddling with their phones or walk in and out of the training session unperturbed. During one of these trainings, as I left the room to make a quick, urgent phone-call, one of the participants followed me outside and confessed that she was extremely bored (Ichim, personal field notes). These attitudes seem to indicate that knowledge and the desire to attain it play a minor role in defenders' presence there. That that should be the case can be explained at least in part by the considerations raised in the previous section regarding the conceptual and linguistic difficulty of the material being taught, and lack of adequate adjustments being made to allay this. However, those same considerations do not explain what defenders seek in trainings, if not knowledge.

The first clue leading towards one answer in this puzzle came during an interview with a defender from one of Nairobi's informal settlements, when we discussed a digital security training that he had participated in. The training had been organised with funding from one of the large international NGOs working on defenders at risk, but had been facilitated by a protection organisation in Kenya and was held at one of the high-end hotels in Nairobi over a period of three days. As with trainings I had participated in before, all the participants, both from Nairobi and elsewhere, were lodged in the hotel for the duration of the training. When I asked the interviewee if he had found the training useful, his response was prompt and remarkably candid:

 The training was good because they took me to [hotel name] and I had never been there. It was a three days training. I stayed in the [hotel] for three days. It was fun, and that big bed there. I asked [the organiser]: now, I have come to

[location], but now why don't you come to [where I'm from] to train people there. You work for HRDs, come to [where I'm from], not all people can come here to [location], and train people there, and then they will be going to their home daily... It didn't make a lot of sense, but it did, because I slept there and I met all those people from [country of host organisation]. (Interview, defender from an informal settlement in Nairobi, 13 March 2015)

Later on in the interview, he complained that, although he had participated in a digital security training, he did not have a laptop of his own, and that, from the second day onwards, he had had to borrow one from a staff member of the Kenyan organisation that had partnered on the training. Then he added: "I was just happy because I went and ate" (ibid).

That defenders participating in trainings often do so because of the small material rewards associated with this activity has also been confirmed by others. A Kenyan activist who used to be on the board of a protection organisation in Kenya told me in an informal conversation that the "whole capacity building project is one big illusion. Most people go there because there is food, a nice place to stay, per diems" (Ichim, personal field notes). The academic literature documents similar findings in other contexts. For example, in the context of donor funded HIV/AIDS workshops in Malawi, Swidler and Watkins find that cash per diems, certificates of attendance and the possibility to network are the most important incentives for participants (2009: 1189). Per diems are often the only source of money for impoverished participants, while networking helps to build patron-client relationships that are often so crucial to mitigating socio-economic insecurity in African settings (see also Smith 2003).


The certificates that participants are given at the end of trainings are a particularly important incentive to attend trainings as participants believe that they can make a difference in their ability to secure paid employment further down the road (Swidler and Watkins 2009). In the Kenyan context, paid employment is an important aspiration for non-professional defenders, and capacity building plays a key role in feeding that aspiration. While conducting interviews for a different project, a defender from one of Kenya's informal settlements recounted to me how an Asian NGO, which conducted conflict monitoring and prevention in the area, had paid her 7000 KSH a month (about £50) as a member of a local network of monitors over the 2 years that the project had lasted. After explaining how important this money had been for her family, she went on to pull out from a small drawer a bunch of certificates that she had obtained through participating in various trainings (Ichim, personal field notes). On a different occasion, I bumped into another defender, also from an informal settlement, at the offices of a human rights organisation. As we engaged in small talk, he told me that he had come for a meeting to try and arrange sponsorship to launch a report about human rights violations in Kenya's informal settlements that he and a group of other defenders from the informal settlements had researched and written. Then he added: "I hope that if we can organise for the launch of this report, these people will see that we also can do human rights work like them, and next time when there is a consultancy they will give it to us" (Ichim, personal field notes).

The desire for jobs is part of longer term projections of a future that is shaped by imaginaries of particular social status and the associated economic rewards. However, these aspirations cannot be expressed openly because the consensus on the role and aims of capacity building among donors and protection organisations renders them irrelevant and/or potentially risky with respect to how protection is currently imagined. For example, capacity building as a socio-economic enterprise might create dependency among beneficiaries, and it would fail to develop their agency and achieve sustainable objectives. Through sustained interaction with protection programmes, defenders themselves have learned the limits of acceptable claims that can be made on the protection system as defenders (see also Swidler and Watkins 2009: 1185-1188). And since the boundaries of acceptable claims cannot include those informed by socio-economic concerns, defenders have learned to 'bend' existing avenues towards fulfilling precisely these concerns, even as they publicly state otherwise, simultaneously satisfying donors' and professional organisations' imaginaries of capacity building (see also Smith 2003).

Paradoxically, then, appropriating capacity building along socio-economic lines happens through both resistance and acquiescence to the consensus among donors and protection organisations. The latter aspect is illustrated especially well by an unexpectedly strong commitment among defenders to the "forms of rationality" and modern subjectivity promoted in trainings (Swidler and Watkins 2009: 1190).

Between critique and acquiescence: The new subjectivities and power

In many of my interviews, defenders from the grassroots displayed a strong attachment to the human rights defender identity as it is embodied in current discourse and institutional practice. Often, this attachment was expressed through perceptions about how a 'defender' is different from an 'activist'. In these conversations, markers of professionalism were most frequently invoked to clarify how 'human rights defending' was 'an upgrade' from activism. While the latter was associated with 'noise-making' without prior planning or strategies towards concrete solutions, defending human rights brought clarity of purpose and solutions that often drew on a repertoire associated with professional human rights work:

 Human rights activism does not need facts much; activism is not always organised; the skills used in carrying out activism, not much. But a human rights defender goes a step further in doing interventions in a more organised way, broader way, and to higher channels. An activist will do a demo here and go home; but a human rights defender comes here, sees the intervention, and knows which channels to access until you get the results or the change that you want. Hence our work is human rights defending, not human rights activism... Activism used to be there in '80s and '90s, there was a lot of running up and down, but now human rights defending involves a lot of research, a lot of dialogue, and a lot of public interest litigation, using all means, electronic, radio, partnerships, etc. (Interview, defender from a small town outside Nairobi, 4 March 2014)

“ A human rights activist will only make noise around a human rights violation, but a HRD will do something more, they will make sure the person who has violated the rights, is maybe taken to custody, record statement, if your life is in danger they will maybe look for some funding to take you out of the country. But an activist, apart from citing the violations, what? (Interview, defender, Nairobi informal settlement, 18 April 2014)

To illustrate their commitment to a professional human rights identity, defenders assimilate the jargon of human rights work and invoke it frequently and with seeming ease, even though, often, this jargon does not seem to have much substantive meaning in the given context. The second defender quoted above, continued:

“ [Self-identifying as a human rights defender] does help me because even on my line of interest I am focusing more on human rights issues even in advocacy; before that we could do advocacy on anything that was available, but since that I've been focusing more on human rights violations, gender equality, because I am more on the human rights perspective; I advocate more on the human rights issues; more governance, human rights, peace building, but I am focused more on the human rights perspective; just to make the human rights promotion.” (Ibid)

Yet, often, those same defenders who exhibit a strong attachment to the HRD identity are simultaneously critical of the class differences between themselves and protection organisations, and especially of how the latter have appropriated the term 'human rights defender' for what, they perceive, is the organisations' own benefit – for example, to strengthen their relationships with donors or international audiences. In an illustrative example, one of the defenders quoted above, complained to me a few months later in an informal conversation at a public event, that the protection organisation behind the event was “parading” defenders from all over the country to improve its relationship with the donors (Ichim, personal field notes). However, the tension between commitment and critique is less puzzling if defenders' commitment to the human rights defender identity is seen as a marker of the grassroots' aspiration for the professional status that the human rights defender identity illustrates, in contexts where professional status is a primary source of hope for better working and living conditions.

Importantly, in deeply unequal socio-economic contexts, the desire for professional status is also sustained by the hope that it might level the unequal power relationship between grassroots defenders and protection organisations. This, however, is unlikely to happen. On the contrary, as recent scholarship has shown, capacity building is predicated not only on maintaining, but often on creating new power relationships. In their research into the effects of the doctrine of sustainability on HIV/AIDS programming, Swidler and Watkins (2009) talk about aspiring or “interstitial elites” – those villagers with a sufficient level of education to hope that they might find a formal job in the NGO sector, but insufficiently schooled to be hired at a high salary to implement donor projects. This ambiguous social category, whose members act as intermediaries between NGOs and the public, provides many of the

volunteers that populate trainings. The authors find that these “interstitial elites” are taught to define themselves in contrast to “the ‘backward’ villagers whose ignorance it is their mission to correct”. This distinction becomes key to their social identity (2009: 1190). Englund arrives at a similar conclusion in his study of NGOs and human rights in Malawi. With specific regard to the role of volunteers carrying out civic education country-wide for a national NGO, he shows that they are trained to think of themselves as different to the grassroots whom they must ‘enlighten’ on human rights and democracy (2006: 87-95). Hence, volunteers’ commitment to the identities taught in trainings rests on a power relationship between them and their communities, where the communities are cast as “backward” and the volunteers as the “torchbearers” (ibid).

In this respect, the human rights defender identity – and the way in which it is taught in trainings – marks an important departure from this practice. Defenders are taught to think of themselves in relation to their communities, but now through a process of identification rather than differentiation. Differentiation, to the extent that it occurs at all, is only to allow for an emphasis of defenders’ bravery and courage as members and protectors of their communities. Yet, despite moving away from constructing hierarchies between defenders and their communities, this process of identification serves to reinforce another strict hierarchy, this time between grassroots defenders and protection organisations. Like the consensus on protection, identifying defenders with their communities serves to circumscribe the range of acceptable aspirations that defenders can have. For example, for many defenders from the grassroots, a fundamental aspiration is to have a different socio-economic status to their communities. Occasionally, this can include the ambition to move away from their communities in a geographical sense; as one of my interviewees from the informal settlements put it to me, “I would like so much to move to America” (Ichim, personal field notes). Or, as Swidler and Watkins affirm, aspiring elites “seek not to live in the village, but to **leave** it” (2009: 1190, emphasis added; see also Englund 2006). Yet, precisely because the HRD identity rests on a logic of oneness with the community, aspirations that threaten to break away from it cannot be accepted as legitimate and represent a failure in the model. At the same time, many professional organisations’ own work is predicated on distance from these same communities – both social and geographical. This dynamic further entrenches the existing power relationship between protection organisations and many of their beneficiaries.

Ironically, then, this power relationship both engenders new subjectivities, which are often readily ascribed to, and constrains the range of claims that can be made in public discourse on the basis of ascribing to these new subjectivities.

Conclusion

In this paper, I have argued that defenders’ interactions with capacity building programmes are conditioned by donors’ and protection organisations’ broader consensus, in which the protection regime (of which capacity building is only one element) is a response to defenders’ civil and political rights. By drawing

on data gathered during two years of fieldwork in Kenya, I have shown that this consensus defines the boundaries of acceptability for claims that defenders can make on the protection regime. Yet, at the same time, many of the concerns that define and constrain the work and lives of grassroots defenders revolve around socio-economic issues. Having learned through sustained interaction with protection programmes, that socio-economic claims on protection fall beyond the limits of acceptability, grassroots defenders nevertheless find ways to appropriate protection programmes to these same ends. Paradoxically, however, their ability to do so is predicated on continuously pretending otherwise in their interactions with protection organisations (and, to a much lesser extent, the donor community). As such, defenders' subversion of capacity building programmes entails their simultaneous support of the very power relationships that preclude them from voicing their concerns openly and demanding that they be addressed.

As I have shown, the capacity building of HRDs, which illustrates these dynamics particularly well, suggests that more can be done to empower defenders through existing programmes. This, however, requires changes to the existing approach along several lines. This might include (but is not limited to) a shift from overemphasising the role of knowledge in capacity building, to acknowledging the structural impediments that constrain the work of human rights defenders (and their livelihoods), and the implementation of small steps to address these. Some such measures could include a new set of incentives associated with training programmes, such as the provision of working tools (for example, laptops, cameras and phone credit) to facilitate the work of human rights defenders, and small wages for grassroots defenders who engage regularly in human rights work. A similar shift is required to acknowledge the links between core funding and the ability to conduct human rights work in sustainable manner. Finally, more attention must be given to tailoring the content of training programmes to better recognise the existing capacities and needs of defenders at the time of training. While none of these measures are likely to entirely resolve the problems that this paper has highlighted, such small, incremental changes, implemented on a trial and error basis, could be an excellent first step towards teasing out more effective ways to develop the capacities of defenders, and thus meaningfully contribute to a safer and more sustainable environment for human rights defenders.

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