

Agents of Rights-Based Justice: Wangari Maathai and Kenya's Green Belt Movement

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ABSTRACT

This article explores key debates about agents of justice in the human rights field. It analyzes the gains and limitations of NGOs that act as agents of rights-based justice by exploring Wangari Maathai's Green Belt Movement and its growth and impact in Kenya. Special attention is given to the indivisibility of rights, specifically environmental, civil, political, and social rights, by highlighting the development of the Green Belt Movement from a social arena in the late 1970s to a political arena in the late 1990s. As NGOs like the Green Belt Movement have worked to address direct hardships, such as environmental degradation, they have revealed deeper problems of disempowerment and disenfranchisement in the areas they serve, which in turn has validated the need for the international community to look beyond states as the primary agents of justice.

Keywords: justice, human rights, environment, social movements, Wangari Maathai

Introduction

Human Rights are the rights we have simply because we are human beings. In 1948, the UN General Assembly composed The Universal Declaration of Human Rights (UNDHR), which, in addition to the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights, remains the primary instrument of human rights. Together, the three instruments compose the International Bill of Human Rights, which promotes equal, universal, and inalienable rights for all. Instruments of human rights tend to principally focus on the rights and entitlements that individuals should enjoy by virtue of being human, as opposed to the realization of those rights for the individual. This approach is often linked to the presupposition that states have the responsibility to guarantee human rights as the primary agents of justice. However, this is problematic as it fails to acknowledge the alternate agents of justice needed in cases when states act as agents of injustice and choose to do nothing to support and implement a human rights agenda.

Using Kenya's Green Belt Movement as a case study, this article explores the gains and limitations of alternate agents of rights-based justice. It is primarily situated in debates within the field of human rights concerned with definitions of what is an agent of rights-based justice. It is organized into three broad sections. First, it explores the theory of rights-based justice. Second, it analyzes the Green Belt Movement as an agent of rights-based justice, and finally it highlights

the core women's rights and environmental rights campaigns of the Green Belt Movement through a human rights perspective.

Agents of Rights-Based Justice

In the charter of the 1948 UNDHR, and in other international human rights instruments such as the 1966 Covenants of Human Rights, there is an implicit assumption that the implementation of rights is an obligation of the state. Article 15 of the UNDHR declares:

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. (UN General Assembly 1948)

By highlighting that individuals are members of a state as a result of having a right to a nationality, Article 15 presupposes that states assume the roles of both protector and guarantor of human rights as agents of justice. This argument is furthered by Onora O'Neill, a well respected contributor to debates on international justice. O'Neill argues that it is through Article 15 "that a plurality of bounded states – explicitly anti-cosmopolitan institutions – are installed as the primary agents of justice, who are to deliver universal rights" (2001, 185). Meanwhile, an alternative argument that validates states as the primary agents of justice is proposed by Jack Donnelly (2013, 29), who suggests that the centrality of states is clear when the differences between positive and negative rights in the UNDHR are deconstructed. Positive rights can be conceptualized in terms of action as they require states to work toward their realization. They include the rights to work, health, education, and an adequate standard of living. Conversely, negative rights are typically understood in terms of inaction as they require others to respect the rights of the individual by not interfering. Examples of negative rights include the rights to life, freedom of religion, freedom of speech, and freedom of assembly. However, Donnelly argues against such a polarized categorization of rights, contesting instead that for a state to guarantee the negative rights of its citizens it must enact positive programs. The right to protection against torture, for example, requires that states abstain from the deliberate infliction of physical or psychological pain against their citizens; but to achieve this, a state must initiate positive programs that educate and control law enforcement personnel, such as the police force that represents it (Donnelly 2013, 30). Whether we accept O'Neill's analysis of Article 15 and the importance of the right to nationality, or Donnelly's argument about the role of states in implementing positive and negative rights, the underlying foundation that states assume the primary responsibility for acting as agents of justice is the same. Both authors do agree that, while there is some emphasis on states as agents of justice, the UNDHR is still recipient centric (Donnelly 2013, 34; O'Neill 2001, 183). Thus, while there is consensus that states are agents of justice, one of the greatest limitations of the UNDHR is its failure to delineate how a state should implement and ensure human rights for its citizens.

While many states have voluntarily adopted international human rights instruments such as the UNDHR and the 1966 Covenants, the state's role as a primary agent of justice must be critically examined. The modern state has the capacity to act as both the primary agent for the protection and enforcement of human rights, as well as the primary threat when it acts as an agent of injustice (Donnelly 2013, 34). To uncover what may lead a state to act as an agent of injustice, I will briefly address three situations that are especially pertinent to debates around rights-based justice. The first scenario is concerned with capabilities and resources. If a state

lacks the natural resources, human capital, and/or organizational structures necessary to enforce human rights, or if its capabilities have been assumed, forcibly or consensually, by another actor operating within the state, then it cannot play an active role in fulfilling the rights of its citizens (O'Neill 2001, 189). Secondly, some states may have the power to act as a primary agent of justice, but choose not to use this power to advance a human rights agenda because of state corruption or stake weakness. This situation involves the role of state agency and highlights a problem of having no international human rights enforcement mechanisms that apply to states. Lastly, O'Neill suggests that when state power is used "for other ends" this can include ends with "a great deal of injustice" (2001, 189). States may fail to act as an agent of justice as they consolidate power, as in the case of Kenya, where human rights abuses were committed in the colonial period and then reproduced during the eras of President Jomo Kenyatta and President Daniel arap Moi. The limitations of states as agents of human rights, augmented by a lack of enforcement mechanisms, have thus created instances where states work against human rights, thereby creating tension between human rights rhetoric and practice.

Many states do not fulfil their role as a primary agent of justice, and this has led scholars of human rights to contend that we must rethink what should act as an agent of rights-based justice. Increasingly, human rights scholars such as O'Neill and Florian Wettstein call us to consider non-state actors, such as civil society organizations, international non-governmental organizations (INGOs), multi-national corporations (MNCs), and trans-national corporations (TNCs), as agents of justice. Those who support the role of these organizations as an agent of justice believe they are qualified – and even responsible – to act in this capacity because of their extensive capabilities, which afford them both substantive and structural forms of power. In this way, global organizations can act opportunistically to influence the economy and govern people by filling the "global regulatory vacuum" that states have created (Bonanno 2010, 491–92). O'Neill (2001, 192) proposes that INGOs can play a pivotal role in securing human rights in states where they operate because of their access to key players across the globe, while Wettstein suggests that we should consider MNCs as agents of human rights because they have the "most extensive capabilities to make positive contributions to the [global] transformation of unjust situations into just ones" (2009, 9). Thus, the idea behind global organizations as agents of justice is that they must use their agency and capabilities to enact positive programs based on their positive duties to improve the lives, security, and rights of those in need (Werhane 2012, 193–98).

Other human rights scholars who work from an institutional perspective of human rights propose that major institutions, such as the World Bank and the International Monetary Fund (IMF), should be considered as agents of justice. Thomas Pogge (2002) advances this argument and suggests that dominant global institutions, as well as rich countries and rich individuals, have the negative responsibility to be primary agents of rights-based justice. However, although Wettstein and Pogge argue that major global institutions should be considered as primary agents of justice due to their extensive capabilities, Wettstein also acknowledges that individual citizens have historically exerted a significant influence on state politics through collective action (2009, 9). Wettstein's argument is particularly useful for contextualizing the global rise in civil society groups such as non-governmental organizations (NGOs). In the past three decades, the number of NGOs has increased into the millions, with exact numbers being difficult to determine given that not all NGOs are registered. A study conducted by Hall-Jones reported that, "the NGO sector now constitutes the 8th largest economy in the world – representing over \$1 trillion annually, 19 million paid workers and countless volunteers, and \$15 billion in development aid

every year” (McArthur 2008, 60). Thus, while MNCs and INCs may have extensive capabilities, the rise of civil society groups such as NGOs must not be underestimated.

The position of NGOs and their growing influence is an international phenomenon. This paper addresses NGOs in the context of Africa, as it examines Wangari Maathai's Green Belt Movement in Kenya. In Africa, NGOs now play dominant roles in the practice of human rights and the rule of law by adopting a rights-based approach to development work that often centers a particular group or issue – the Green Belt Movement centers women and the environment – which means that they use the concept of rights to set agendas and priorities, and to allocate resources (Welch 2004, 207). A rights-based approach to development adds utilitarian value to the work of NGOs, which can leverage their rights agendas to influence donors that they know can in turn influence the state to acknowledge and enforce the rights in question (Nelson and Dorsey 2003, 2013–2026). However, NGOs do not have the same capabilities to act as agents of justice as dominant global institutions, because they depend on money from private donors and inter-state institutions such as the United Nations and the World Bank. In addition, and as the work of Makau Mutua advances, NGOs face significant challenges in their human rights work.¹ However, the numerous paradoxes that NGOs face do not negate their capacity to defend and enforce human rights. NGOs' power also comes from their ability to exercise soft power through campaigns and strategies that make them “powerful engines for organizing and driving policy change” (Kettl 2000, 491). Through these strategies, NGOs, such as the Green Belt Movement, continue to act as agents of justice as they advance certain political objectives, using their influence to positively impact the communities they serve.

Non-State Actors as Agents of Human Rights: The Case of the Green Belt Movement

The Green Belt Movement emerged in 1977 and developed in a post-colonial authoritarian context, particularly under the 1978–2008 regime of President Moi. While the Kenyan state under President Moi was marked by a deepening authoritarianism, the centralization of political power and overall human rights abuses were already present in the era of British-settler colonialism and the immediate post-colonial state under President Kenyatta, who governed from 1964 to 1978. During the era of British settler colonialism, the colonizers denied Kenyans basic land rights and civil liberties. President Kenyatta adopted a more authoritarian form of government and centralized power, as his regime evolved into a de facto one party state (Anderson 2005). Under President Moi, the government became increasingly repressive after the 1982 coup, and his “centralization and personalization of power gradually laid the foundation for a dictatorship and innumerable human rights violations by his administration” (Adar, Korwar, and Munyae 2001, 2). It was in this context that the Green Belt Movement evolved as an agent of rights-based justice in Kenya. While there is an inherent tension between NGOs growing and acting as agents of justice and states that are agents of injustice, NGOs such as the Green Belt Movement can grow without state opposition because their stated objectives rarely explicitly promote human rights, but instead create scenarios where human rights discussions become more pervasive (Welch 2004, 207). This analysis is affirmed when we consider the history of Wangari Maathai's Green Belt Movement and analyze how it developed over time.

¹ For specific case studies, see Makau Mutua, *Human Rights NGOs in East Africa: Political and Normative Tensions*, (University of Pennsylvania Press, 2008).

The Green Belt Movement's Promotion of Women's Rights and Environmental Rights

As a grassroots NGO, the Green Belt Movement was set up to respond to the social and environmental problems that Wangari Maathai witnessed in Kenya. Maathai's involvement with the United Nations Environment Programme (UNEP) led her to observe that, despite Kenya's economic progress under President Kenyatta, Kenyan women in rural areas were suffering from malnourishment because of overflowing dirty rivers, a lack of fodder and grass for domestic animals, and nutrient-depleted soil (Maathai 2006, 121). Such issues of environmental degradation, deforestation, and food insecurity led Maathai to found the Green Belt Movement in 1977 with the support of the National Council of Women in Kenya (NCWK). The cooperative efforts of the Green Belt Movement initially attracted financial support from the NCWK and Mobil Oil, Kenya, two of the few domestic organizations to respond to Maathai's request for funding (Maathai 2006, 134).

While early support from within Kenya was crucial for the initial success of the Green Belt Movement, this support was limited. As Maathai acknowledges, only a few organizations responded to her petition for funding and these funds were restricted (2006, 134). In the early 1980s, the Green Belt Movement attracted more international investment, which enabled Maathai to accept the position of coordinator. In this role, she accepted funds from the Norwegian Forestry Society and the UN Voluntary Fund for Women, which approved a grant of \$122,700 (USD) (Maathai 2006, 169). According to Maathai,

The Voluntary Fund's grant was crucial because it let me expand the Green Belt Movement's activities. Coming from a UN agency, that grant gave the Green Belt Movement a certain legitimacy that helped other funders feel secure as we sought support from them. (2006, 168)

In particular, the feeling of security that the new funds brought enabled the Green Belt Movement to broaden its approach to furthering women's rights.

The Green Belt Movement and Women's Rights

In terms of women's rights, the Green Belt Movement's primary strategy from 1977 to 1988 was twofold: to empower women by paying them to grow seedlings, and to provide the women with an environmental education. Maathai predicted that planting trees would improve the community's quality of life, as the trees would not only provide shade and a supply of wood and food for the community, but also bind the soil to protect the community from watersheds (Maathai 2006, 168). Thus, Maathai aimed to demonstrate how improving the environment to give people the resources they needed could also lead to improved lives and livelihoods.

To realize its stated goals, the Green Belt Movement provided paid incentives for women to plant seedlings and establish public greenbelts. Mobilizing the women to plant trees gave them an active way to deal with their hunger and poverty, while also developing their autonomy and self-confidence. Tree planting was effective because it was inexpensive, "simple, visible and replicable" and also "a low technology undertaking" (Michaelson 1994, 550). In addition, the women benefited from the tree planting, as the payment they earned for planting new trees boosted their income and the trees provided tangible resources such as wood and fruit. The visibility of the rewards encouraged participation and increased interest in the movement so that, by 1992, Maathai reported: "to date, some 10 million trees have been planted and have survived

– a survival rate of about 70-80 per cent. Up to 80,000 women are today involved in work at nursery sites” (as cited in Michaelson 1994, 551).

The success of the Green Belt Movement in terms of trees planted is easily quantifiable, while the educational and personal impacts for the women involved are less so. Maathai's broad notion of development began to restore women's visible worth in the community, as they were given the resources to create a tangible difference in the lives of their families. This encouraged people to question the reasons behind their circumstances, and to “begin to question power on local, national, and global levels” (Mbaku 1998, 172). The strategic educational component of the Green Belt Movement thus increased public consciousness, and, according to Michaelson, “it is precisely these ‘consciousness raising’ activities that lie at the heart of social transformation” (1994, 552).

The Green Belt Movement, initially focused on being a social arena for Kenyan women, succeeded in Kenya due to its non-confrontational approach to politics (Michaelson 1994, 546). In addition, its early success can be attributed to the fact that its environmental concerns were aligned with the reforestation and environmental education goals of the Kenyan government's development program. As an agent of human rights, the Green Belt Movement sought to bridge the gap between the Kenyan government's development strategy and its lack of implementation, especially concerning the environment and women.

Nevertheless, while the Green Belt Movement's aims coincided with those of the Kenyan government, such an analysis does not do justice to the strategic efforts of the Green Belt Movement and other NGOs like it. Wettstein argues that social movements can be described as movements that operate as “challengers, seeking goals that they are unable to pursue through institutionalized political processes” (2009, 335). Social movements, in other words, do not occur in a vacuum, but work within political opportunity structures that set parameters within which NGOs can operate and help NGOs highlight their concerns through strategic framing processes. According to Jutta Joachim, once the frames are identified, the ability of an NGO to be accepted by a government is contingent upon the interaction of two factors:

First, the political opportunity structure in which NGOs are embedded, which is defined by access to international institutions, the presence of powerful allies, and changes in political alignments or conflicts; and second, the mobilizing structures that NGOs have at their own disposal comprising organizational entrepreneurs, an international constituency, and experts. (2003, 247)

The Green Belt Movement successfully engaged with these two factors: first, Maathai gained the support and sponsorship of the Norwegian Forestry Society and the UN Voluntary Fund for Women, which served as “powerful allies”; second, she drew on her masters of biology from the University of Pittsburgh and her knowledge of environmental restoration to provide the relevant expertise and leadership for the movement (Maathai 2006, 93–94). These strategies combined to increase the impact and success of the movement as Maathai utilized the resources around her to respond to the needs of the community around her.

The Politicization of The Green Belt Movement

In the late 1980s, the Green Belt Movement evolved to become more overtly engaged in the public political arena, which led the ruling elite in Kenya to construct it as an enemy of the Kenyan state. The evolution of the Green Belt Movement from a social arena in the late 1970s to

a political arena in the late 1980s further supports the theory of NGOs acting within a political opportunity structure. In the beginning, the work of the Green Belt Movement was limited to women planting seedlings, and the mission was environmental. This framing was necessary so that the Green Belt Movement aligned with the stated environmental goals of the Kenyan government. However, what began as a simple plan to plant seedlings led to the mobilization of thousands of Kenyan women, which, over time, increased the influence and legitimacy of the Green Belt Movement and led to its eventual politicization.

As the Green Belt Movement received more funding, it could expand its capabilities and vision and implement new initiatives. Maathai describes this transition through the metaphor of a tree: “the Green Belt Movement grew from a tree-planting program into one that planted ideas as well” (2006, 173). In its initial incarnation, from 1977 to 1988, the Green Belt Movement sought to address societal problems such as the environment and the position of women through reforestation and education. Then, from 1989 to 1994, the Green Belt Movement evolved and became more confrontational toward the Kenyan political system, interrogating the political processes at the root of environmental and women’s issues. By the late 1980s, Maathai had recognized that “deeper issues of disempowerment, disenfranchisement, and a loss of...traditional values” were preventing communities from protecting their lives and the environment around them (The Green Belt Movement 2017). With this in mind, leaders of the Green Belt Movement began to advocate for issues around democracy, human rights, gender, and power by holding civil and environmental education seminars. Taking action in this way encouraged dialogue about the impact of colonialism and empowered people to demand more accountability from national leaders (Maathai 2006, 174). The tremendous growth of the Green Belt Movement from 1977 to 1988 signaled not only increased environmental awareness, but also increased political awareness. By the late 1980s, the Green Belt Movement had achieved increased mobilization of women and this enabled it to grow in relevance and influence. Once it became more influential, it could begin to manipulate the political opportunity structure that it evolved in, and become more strategic in its methods “by gaining institutional access, mobilizing support from influential allies, and exploiting changes in political alignments and conflicts” (Joachim 2003, 269).

The shifted focus of the Green Belt Movement in the late 1980s that led to the politicization of its mission became especially relevant from 1989 to 1994 in the context of deepening authoritarianism in the one-party state of President Moi. According to Adar and Munyae, “Detentions and political trials, torture, arbitrary arrests and police brutality reminiscent of the colonial era became common” as President Moi cemented his authoritarian stance (2001, 6). Even as the political landscape changed between 1989 and 1991, as opposition to the concept of a one-party state mounted, President Moi continued to criminalize opposition. For example, section 5(10)(d) of the Public Security Act justified the arrest of political dissenters and made it illegal to hold public gatherings without a state license (Florence 2014, chap. 10). In analyzing Maathai’s political involvement against the sky-scraper in Uhuru Park, this context must be taken into account. It was Maathai’s first and most public anti-government campaign, where she personally became more publicly vocal and adversarial. The next section focuses on the Green Belt Movement’s involvement in Uhuru Park, but the movement also notably became more involved in broader pro-democracy movements in Kenya, such as the Free Political Prisoners campaign, from the late 1980s onward.

The Green Belt Movement and the Struggle for Green Spaces in Kenya

In 1989, President Moi's government announced its plan to construct the Kenya Times Media Trust (KTMT) Complex, a 60-story sky-scraper valued at \$200 million, in Uhuru Park. Part of the development included a 30-foot statue of President Moi, and the sky-scraper was to function as a shopping mall, parking area, office space, and as the headquarters of KANU. Uhuru Park, also known as Freedom Park, is a 12.9-hectare recreational park in downtown Nairobi. It is an important green space for people living and working in Kenya because it provides a break from the busy pace of city life. In contrast to Kenya's elite, who have access to gardens and private parks, for Nairobi's poor, it is their only recreation site (Florence 2014, chap. 10). Maathai vehemently opposed the construction because, if erected, "the proposed complex would encroach on the park and diminish its usefulness as a public recreation area" (Florence 2014, chap. 10). Maathai soon became the leading opponent of the project among other oppositionists, which included the Public Law Institute, the National Museums of Kenya, and the Architectural Association of Kenya.

Maathai's opposition movement began by rallying within Kenya, but was met with little support. On November 24th, 1989, Maathai filed a lawsuit with the High Court seeking a permanent injunction against the proposed sky-scraper. The court dismissed her request, and Justice Norbury Dugdale ruled that, "Maathai as an individual had no locus standi on behalf of the public. The only authority empowered to institute such a suit would be the attorney general" (Michaelson 1994, 553). Maathai contacted the attorney general to advance her request, but he refused to support the injunction. After Maathai had spoken out about the plan publicly, President Moi responded to her opposition by saying that "she had no right to criticize the government because African tradition requires women to respect men" (Cad 1990, 7). The Nairobi police then ordered the Green Belt Movement to leave the offices that they had occupied for ten years. In response to the regime's dismissal of her opposition, Maathai turned to her international political alliances. She built up opposition against the regime by appealing to various institutions, including the director of the National Museums of Kenya, UNESCO, the British High Commissioner in Nairobi, Sir John Johnson, as well as to the public (Florence 2014, chap. 10). Maathai received further criticism from the government for eliciting international support, especially from the British, given the context of colonialism. According to Michaelson, however, Maathai's strategy to seek international support is "an excellent example of the utilization of international political alliances by a social movement actor to manipulate a desired outcome in the domestic arena" (as cited in Pagnucco, Smith, and Crist 1992, 21).

Maathai's desired outcome was granted in January 1990 when the government finally ended the proposal, but the numerous impacts of the campaign on the Green Belt Movement were likely not anticipated by Maathai when she first got involved. While her "long and lonely crusade had finally ended in victory," the Green Belt Movement had now lost the few connections they previously had to the government that had enabled them to initially flourish (Michaelson 1994, 553). She additionally lost some members of the Green Belt Movement who feared that their association would result in negative political repercussions. On the other hand, Maathai did achieve significant international acclaim and garnered a visible profile that encouraged support from international investors. Her success thus demonstrated that collective political action could achieve results and influence national politics.

The Green Belt Movement: Critical Concluding Reflections

Despite a period of political oppression that had some negative consequences for the Green Belt Movement, the organization continued to operate as an agent of justice by pursuing a rights-based approach to development that empowered female subsistence farmers in Kenya. Much of the success of the Green Belt Movement, including its longevity, can be attributed to this approach, out of which Maathai's team began to explore the "underexploited links" between different types of rights (Nelson and Dorsey 2003, 2015). Maathai's understanding of the indivisibility of rights and her multi-pronged definition of development allowed her to perceive the interconnectedness of the environment, women, and development in her work. In her memoir, *Unbowed*, Maathai states, "I became convinced that we needed to identify the roots of the disempowerment that plagued the Kenyan people," suggesting that she was opposed to focusing on surface-level problems (2006, 173). Her broader approach to human rights earned her praise from the Norwegian Nobel Committee, which awarded her the Nobel Peace Prize in 2004 and acknowledged her "connections between peace, environmentalism, democracy, sustainable development and the importance of human rights, particularly women's rights, on international politics" (Muthuki 2006, 86).

Recognizing the interconnectedness of rights agendas has been a powerful tool in enabling NGOs, such as the Green Belt Movement, to hold governments accountable when they use both their donors and the position they have built up in the community as political leverage to enforce social change. Drawing on both her earlier efforts, which focused on tree planting and education, and her more politically driven activities in the late 1980s, Maathai linked the underlying problems of disenfranchisement and disempowerment that women in Kenya were experiencing to the structural adjustment programs of the Bretton Woods institutions that were adversely impacting Kenya. Maathai drew conclusions along the same lines as Janet Muthuki, who argues that colonial rule's introduction of a global capitalist economy contributed to the marginalization and economic dependency of women (Muthuki 2006, 87). The complex history of these deep-rooted problems became a point of contention and political dispute between Maathai and the Kenyan authorities, who began to see the work and anti-patriarchal message of the Green Belt Movement as a threat.

In advocating for women's rights, Maathai focused her efforts on "strategic gender interests," as opposed to the "practical gender interests" that traditional women's organizations in Kenya, allied with the Kenya African National Union (KANU), had focused on (Sahle 1998). The ethos behind Maathai's strategic gender interests was at the heart of the Green Belt Movement. From the beginning, she believed that growth in democracy was positively correlated with helping women to understand the environmental issues of their own land and communities. The biggest gain for women under the Green Belt Movement was thus an expansion of their traditional capabilities. According to Amartya Sen, "the freedom to achieve well-being is to be understood in terms of people's capabilities, that is, their real opportunities to do and be what they have reason to value" (1999, 174). The Green Belt Movement provided women with the opportunities to make decisions about their lives, and thereby acted as a primary agent of justice by increasing their capabilities and freedoms.

As discussed, the Green Belt Movement further facilitated discussions about disenfranchisement and disempowerment through "civic and environmental education" seminars. According to Maathai, in 1990, the seminars examined "the recent history of Kenya and how forests and land had been used and distributed in the colonial era and after independence" (2006, 174). The role of education as an integrated service provided by the Green Belt Movement

proved to be especially important in giving rights to women. Education about human rights is integral to female empowerment, as policy changes to improve women's situations require a strong educational component to help change attitudes. Therefore, the aim of NGOs to give individuals "a right to participate" is key to both the sustainability of their work and to the empowerment of the individuals they are working with, as it allows those individuals to take "substantial control over the project" (Nelson and Dorsey 2003, 2017). This notion of education and participation was a particular strength of the Green Belt Movement and a key contributing factor in its growth.

Maathai's strong advocacy for women's rights in conjunction with the Green Belt Movement incited gendered political backlash. In the process of leading campaigns to prevent deforestation, end poor governance, and end human rights atrocities, she was "tear-gassed, jailed for leading protests, clubbed unconscious by riot police and received anonymous death threats" (Muthuki 2006, 85). While she tried to fight against the oppression of women in Kenya, she became a symbol of the challenges faced by African women in trying to demand equal representation and participation in government. As she encouraged women to demand that the government provide them with what they needed, she made herself an enemy of the state (Maathai 2006, 173). As outlined above, this relationship became especially dangerous as the Green Belt Movement united with others in opposition against the government's decision to construct the Kenya Times Media Complex in Uhuru Park. Acting as an agent of rights-based justice against the patriarchal and capitalist mindset of the Kenyan government thus led the Green Belt Movement, and Maathai herself, to eventually lose all support from the Kenyan government.

While the work of the Green Belt Movement has led to several gains for women and the environment, achievement of equal rights and development remains a contentious issue in Kenya. While Kenya has developed a national policy on gender and development framed within the Beijing Platform for Action (BPFA) process, Kenyan women still face challenges in attaining gender equality due to strong patriarchal influences. According to Muthuki, "the colonial legacy of a patriarchal state, a system that African male political leaders adopted at independence, ensures that African systems continue to represent systems that prioritize and uphold male privilege" (2006, 87). Nonetheless, the 2010 Kenyan democratic constitution has provided many more opportunities for women in recent years, such as an expansion of women's rights to include property rights and the chance for women to have greater representation in the government (Blyth, 2013).

The work that Maathai achieved in the Green Belt Movement and the struggles that the movement faced over time provide a valuable case study of the opportunities and paradoxes that non-state actors encounter when they act as agents of justice. In states where human rights are abused and unequally distributed, we have seen an increase in the number of grassroots NGOs, which develop to deal with focused societal problems that often affect a specific demographic. In the case of the Green Belt Movement, the societal problems that Maathai hoped to alleviate broadened over time, from developing women's capabilities to changing the patriarchal political landscape that fostered the gendered inequalities to start with. As the status of NGOs develops, and support and funding networks broaden, their capacity to act as agents of justice similarly increases. It is, however, difficult to use the language of capabilities within the context of NGOs, because, as Wettstein (2009) advances, NGOs are so reliant upon international funding that this can sometimes limit their autonomy. Moreover, the increase in NGOs in Africa, which are adopting a rights-based approach to development such as that taken by the Green Belt Movement, while leading to greater empowerment for individuals, has also led to state hostility.

This tension is significant as it highlights the need for alternate agents of justice to act in states – as in this case in Kenya – where governments do nothing to support and implement a human rights agenda. As a grassroots civil society organization, the Green Belt Movement must therefore be praised as an effective challenger of the Kenyan government, and further, as an agent of justice that has empowered individuals with greater capabilities and freedom.

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