

# RESEARCH PROJECT

## PROPOSAL

**Project Title:** *Law as social practice and impetus for Development: Theory and Practice*

**Chief Researcher:** Dr. Peter Onyango Onyoyo (PhD) - +254 717 9645 11  
(mobile)

**Institution:** University of Nairobi : ERP – Research Programme

**Location:** Nairobi/ Kenya

**Thematic Area:** Jurisprudence & Legal Theory

**Research Area 1:** Law and Social Change in Kenya

**Research Area 2:** Law and Economic Change in Kenya

**Research Area 3:** Law and Socio-Psychology change in Kenya

**Research Area 4:** Law and Development Agenda in Kenya versus international community

**Source of Funding:** Research Professional Africa – Not yet defined

**General Objective of the project:** to make contribution in the understanding of law and social change in the modern Kenya

Goal 1: 4 Manuals meant for teaching social foundations of law

Goal 2: to organise academic debate on the issue of social justice

Goal 3: to make sound report on law as social practice and impetus for development

Goal 4: to encourage and promote post-graduate interest in the field of social jurisprudence, theory, and sociology of law

**Typology of the Research:** Interdisciplinary exploration of the interface between law and socio-economic development in the modern Kenya

**Status of the project:** At the planning stage

Relevancy of the project: MPT2, Sessional Paper 2012 GoK, UNESCO

**Research Duration:** Estimated period 2-3 years

Project outline in Log-frames:

1. Research Plan – Funding Plan – Conferences-Publication-Timeframe
2. Stake Holders Table
3. **SWOT** Analysis
4. Response to **SWOT** Analysis

## 5. Collaborators Table

<b>TABLE 1 RESEARCH BUDGET PLAN</b>					
THEME: INTERFACE BETWEEN LAW AND SOCIO-ECONOMIC CHANGE					
THEME	PKI	FUND	START	COMPLETE	
Procurements	Kenya shillings	KES 250,000.00	2015	2017	
Post-Graduate students PhD	2	KES 1,000,000.00	2015	2017	
Post-Graduate students LLM	4	KES 2,000,000.00	2015	2017	
Conferences/travel	5	KES 3,500,000.00	2015	2017	
Publications & Reporting	3	KES 850,000.00	2015	2017	
Administrative Cost		KES 3,550,000.00	2015	2017	
Bank commissions		KES 90,000.00	2015	2017	
Contributors appraisal & Allowances		KES 4,000,000.00	2015	2017	
Tax		KES -	2015	2017	
Contingency 5%		KES 762,000.00	2015	2017	
<b>TOTAL</b>		KES 16,002,000.00			

## TABLE 2 STAKEHOLDERS

TABLE 2 STAKEHOLDERS			
			EMAIL
1	CHIEF RESEARCHER	DR. PETER ONYANGO ONYOYO	<a href="mailto:peter.onyango@uonbi.ac.ke">peter.onyango@uonbi.ac.ke</a>
2	CO-RESEARCHER 1	DR. LUKE ODIEMO	<a href="mailto:lukke7@gmail.com">lukke7@gmail.com</a>
3	CO-RESEARCHER 2	PROF. MORRIS KIWINDA MBONDENYI	mmbondenyi@anu.ac.ke
4	CO-RESEARCHER 3	DR. ORIARE NYARWATH	<a href="mailto:oriare.nyarwath@uonbi.ac.ke">oriare.nyarwath@uonbi.ac.ke</a>
5	CO-RESEARCHER 4	PROF. MUTULLAH WINNIE	<a href="mailto:mitulla@uonbi.ac.ke">mitulla@uonbi.ac.ke</a>
6	GOK - MTP2	MTP2	
7	GOK- VISION 2030	VISION 2030	
8	CUE	STRATEGIC PLAN	
9	GOK-SESSIONAL PAPER 2012	GOALS	
10	UNESCO		
11	USAID	JUSTICE, DEMOCRACY, DEVELOPMENT	
12	UONBI-SOL	RESEARCH	
13	PhD STUDENTS	SOCIAL FOUNDATIONS OF LAW	
14	LLM STUDENTS	SOCIAL FOUNDATIONS OF LAW	

**TABLE 3 SWOT ANALYSIS**

	RESEARCH THEME	RESEARCH AREA	SOURCE OF FUNDING	POST GRADUATE STUDENTS	PUBLICATION
STRENGTH	Availability of able researchers in the selected thematic area; Chief researcher is capable and knowledgeable; government development strategy is compatible; socio-economic strategy in the field is relevant; University of Nairobi avails facilities to undertake the project; School of law is willing to support; Post-graduate students to explore the field of law and social change in Kenya are available.	The research area is on demand for scientific exploration. Need to build strong jurisprudence on social justice in Kenya; It is an interdisciplinary research topic;	Available sources in the Research Professional Africa networks; the government of Kenya; International partners - USAID and UNESCO; Commission for University Education; Stakeholders, University of Nairobi, African Development Bank, WB, IFM	The SOL shall avail the students and platform for academic development of the project	The project shall come up with manuals for teaching of social foundations of law in atleast 4 volumes; Law Journals (Lexis Nexis, Heinonline and African Law Journal)
WEAKNESS	There is poor literature from African authors in the same theme; there is low motivation from law researchers in this field; there is no available funding for start; less interest in the African foundations of legal studies	The research area has not been attractive in Kenya; most law teachers are not interested in the subject of African customary law and its development; the judiciary has little case law on the area.	The search shows that there is little call for application for funding in the area of sociology of law, social foundations of law or history of law;	Low number of Post-Graduate students of the SOL tend to like subjects of jurisprudence, sociology of law, history of law, and philosophy of law.	Publishers tend to insist on author financial contribution; there is complain about intellectual and academic quality of publications from the African sources; Low show of interest and keen attention on African jurisprudence;
OPPORTUNITY	The Government of Kenya Vision 2030, MTP2, and Socio-Economic Development plans are compatible with the research theme; There is rigorous demand in Kenya of how to deal with problems of conflict, justice, democracy, rule of law, equity, sharing of natural resources, peace and reconciliation, poverty reduction, and devolution which this project shall address.	Area of social justice, economic justice, political justice and constitutionalism are not yet properly researched on; UNESCO and development partners are keen on issues of social foundations of law and how to deal with challenges of corruption; Culture and legal traditions in Africa are still resourceful opportunities that will add value to the knowledge of	Through the international networks, human rights promoters, and the spirit of the Government of Kenya, this research shows potentiality of attracting funding.	There is still opportunity as Kenyan universities are attracting many students in the field of law; Post-graduate students are willing to be innovative in their field of research; this shall enable students to diversify their field of research in legal discipline - areas of taxation, anti-trust, finances, economics, philosophy, sociology, and history of law, and law and culture.	This research shall be a flagship research for the University of Nairobi and other institutions for higher learning if funded; Its output shall be handy for education and consultations by government policy makers, opinion makers, and law makers; It has high opportunity of making publication contributions in terms of books, digital platforms, and journals.
THREAT	The thematic area may encounter serious	The area of sociology,	Competition for limited sources	It is rare to find volunteers and post-	Publications on areas of research tend to

#### TABLE 4 SWOT RESPONSE IN WEAKNESS & THREAT

<b>RESPONSES TO SWOT ANALYSIS &amp; ASSUMPTIONS</b>				
		<b>INDICATORS</b>	<b>ASSUMPTION</b>	<b>SOLUTION</b>
1	WEAKNESS	No funding, participants demanding stipends, no professional quality available, no seriousness, no proper administration and management; no logistics and means for transport.	The government funds are not available, stakeholders are not willing to offer free services, publication requires expenditure, donors have changed priority for funding, or unexpected happens.	The stakeholders must sign an MoU and some sort of agreement to validate the project; there can be change of a stakeholder should there be failure of understanding; The project shall be engaged in constant lobby for funding from all sources for this research project to take-off; Foundations will be laid during the planning stage to ensure that all possible weaknesses are mitigated before start; there shall be frequent meetings among the stakeholders.
2	THREATS	Conflicts of interests, communication breakdown among the stakeholders; and unexpected.	Some researchers default; some start creating problems on funds; prices changes; unexpected happens during the project implementation stage; donating partner fails to wire the funds; documents are damaged due to insecurity; project fails to meet its goals due to political conflicts. Money delays.	Strategy shall be in place to ensure that the selected stakeholders are ethically valid persons; MoU shall be designed and signed by every stakeholder; an agreement shall be signed by the donating agency; all stakeholders shall be brought on board to ensure that the target research meets its objectives and service is delivered in time; an insurance for any insecurity or eventuality as per the intellectual property rules shall be considered; political influence shall be

## PROJECT DESCRIPTION

### Brief introduction of the project

Article 11(2) (b) and (c) of the Constitution recognises the role of science and indigenous technologies in the development of the nation, and the promotion of intellectual property rights of the people of Kenya.

In the spirit of development, researchers in the area of social justice, and law have resolved to make a proposal of this research project in line with the government of Kenya socio-economic development strategy. It is in the wider scope of development prospects in Kenya and aspirations of academic researchers in the field of social sciences to come up with a research project that would abet law and policy makers, administrators of justice and civil servants both in the national government and county government.

The selected thematic area in the School of law can only be approached from interdisciplinary format. It integrates law, sociology, philosophy, economics, and psychology.

## PROBLEM STATEMENT

Kenya is a rapidly growing economy according to the statistics of the World Bank. Her population is also constantly growing. What all this implies is that in few years time, the Republic of Kenya, will find it hard to deal with its vision. For instance, local food supply shall become low, insecurity shall be high,



national budget and wage bill shall be beyond what the country can produce, citizens shall be over-stressed, and immorality shall grow high. Already this is evident in corruption, rape crimes, theft, arbitrary killings, conflicts in some volatile regions, economic crimes, ethical malpractices, and failure to deliver services to the people.

All this said and done can find its resonance and solution in the proposed research project entitled: Law as Social Practice and Impetus for Development. The project shall involve conferences, forums, academic research, publication and reports in a period of 2-3 years.

Law, ethics and governance are all interwoven with development issues. We cannot consider development without good laws. There is no proper development without some standards of values and ethics. There is no development with no good governance in terms of democracy, constitutionalism and the rule of law. There is no development without implementation of human rights rules and having a system that functions for all citizens.

All this, said and done, can only be achieved if Kenya considers holistic understanding of development. There is no development without a better understanding of the culture and beliefs of people. Social foundations of development shall integrate principles of that extend to the culture of the people. Laws shall consider traditions of the people and values that people hold as indispensable.

The proposed project is part of the solution to some of the above raised issues. Its outcome shall be discussed at the media and shall be sent to government institutions and agencies for possible consideration. It is a proactive approach to problems haunting Kenya. Insecurity, poverty, underdeveloped infrastructures, political instability, and failure to deliver justice where it is needed shall be addressed by the research in all its phases. It will also make contribution to the understanding of human rights and international standards that Kenya is badly in need of.

## RESEARCH QUESTIONS

1. How best to deal with anti-ethical behaviour in the public sector in Kenya?
2. Why our existing justice system is insufficient in dealing with rampant killings among the pastoralist communities?
3. Why human rights violations are still ascending despite prohibitive statutes and legislations in place?
4. Why national cohesion and integration initiatives are still floating?
5. Why current post-graduate students in Kenya are not keen on the sociology of law?
6. Why gender equality, balance and equity are still a big problem?

Beneficiaries of the project:

- Women
- Children
- Persons with disabilities
- Men
- Graduates and post-graduates (resource books)
- Professionals (technocrats, bureaucrats, & aristocrats)
- Families (family values)
- Constitutional commissions
- The judiciary (consultancies)
- The Education Sector
- Law schools (manuals for teaching social foundations of law)
- The executive in both levels of government (consultancies)
- The legislature in both levels of government (consultancies)

#### Conclusion:

If funded, this high level research project shall bring change in Kenya. Its findings drawn from high level national scholars shall form the basis of home-grown intellectual property. It will be also a platform for debates and encouragement for post-graduate students to explore more the area of law, culture, sociology, anthropology and economy.

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It is going to bring a huge and substantive contribution to the social jurisprudence which law courts may find handy in developing the understanding of law in the sector.

By Dr. Peter Onyango Onyoyo – of the School of Law - UONBI

Signed.....

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