

UNIVERSITY OF NAIROBI

DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

**THE EFFECT OF MULTINATIONAL CORPORATIONS ON HUMAN RIGHTS IN DEVELOPING
COUNTRIES: A CASE STUDY OF CIRIO DELMONTE LIMITED IN KENYA (1999-2017.)**

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OCTOBER, 2019.

DECLARATION

I do declare that this research project is my work and has not been submitted to any other university for any kind of an academic award.

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APPROVAL

SUPERVISOR:

This research project has been submitted for examination with my approval as the university supervisor.

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DEDICATION

I dedicate this project to my son Levi Munene Rugendo.

ACKNOWLEDGEMENT

I would wish to acknowledge the grace from the almighty God for granting me good health and energy to pursue this study. To my family; my mom Lena Kibui and my dad John Kibui, my brothers Abel, Absalom, Aaron and Allan. A big salute my supervisor Professor Fred Jonyo for his mentorship and constant support and understanding while I undertook this study.

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LIST OF ACCRONYMS

AU	African Union
CESR	Centre for Economic and Social Rights
CSR	Corporate Social Responsibility
COTU	Central Organization of Trade Unions
DMK	Del Monte Kenya
ODPP	Office of the Director Public Prosecution
EAC	East African Community
FDI	Foreign Direct Investments
FKE	Federation of Kenya Employers
ILO	International Labor Organization
KHRC	Kenya Human Rights Commission
KNHRC	Kenya National Commission of Human Rights
MNCs	Multi-National Corporations
UDHR	Universal Declaration on Human Rights
UNCTAD	United Nations Conference on Trade and Development
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
LIST OF ACCRONYMS	v
TABLE OF CONTENTS	vi
ABSTRACT	ix
CHAPTER ONE: THE INTRODUCTION	1
1.0 Background to the Study	1
1.1 Statement of the Research Problem	3
1.2 Research Questions.	4
1.3 Objectives of the Study	5
1.3.1 Main Objective	5
1.3.2 Specific Objectives	6
1.4 Justification of the Study.....	6
1.4.1 Academic Justification	6
1.4.2 Policy Justification	6
1.5 Scope and Limitations of the Study	7
1.6 Definition of Concepts.	8
CHAPTER TWO: LITERATURE REVIEW	Error! Bookmark not defined.
2.0 The Introduction.....	9
2.1 The Increasing Power of Multinational Corporations.....	9
2.2 Effects of MNCs activities in developing countries.....	11
2.3 Challenges faced by the MNCs.....	15
2.4 Measures taken by MNCs to Address Human Rights Issues	16

2.5 Cirio Del Monte Company and Human Rights violations	19
2.5 The Knowledge Gap.....	21
2.6 Theoretical Framework	22
2.7 Research Hypothesis.	24
CHAPTER THREE: METHODOLOGY OF THE STUDY.....	24
3.0 The Introduction.....	24
3.1 Methods of Data Collection	24
3.2 Research Design is it longitudinal or cross sectional.....	25
3.3 Target Population	25
3.4 Sample size.....	27
3.5 Sampling Technique.....	28
3.6 Data Analysis	28
3.6.1 Validity	28
3.6.2 Methods of Data Analysis	28
3.6.3 Ethical Considerations	29
CHAPTER FOUR.....	30
DATA PRESENTATION AND DATA ANALYSIS	30
4.1 Introduction.....	30
4.2 Data Presentation.....	30
4.2.1 The Response Rate	30
4.2.2 Gender Composition.....	31
4.2.3 Category of the Respondents	32
4.2.4 Age of the Respondents	33
4.2.5 Educational Level of the Respondents	34
4.2.6 Working Experience	35
4.2.7 Places of Birth of the Respondents.....	36
4.3 The Impact of Multinational Corporations in Kenya	37

4.3.1 Has Cirio Del Monte benefited the communities living in the neighborhoods	37
4.3.2 Does Cirio Del Monte Company allows the employees to join the trade unions?	38
4.3.3 Are the employees of Cirio Del Monte Company entitled to maternity leave?	39
4.3.4 Does Cirio Del Monte Kenya have any role to play in enhancing human rights in Kenya?	40
4.4 Data Analysis	41
4.4.1 Effectiveness of various initiatives in making MNCs in Kenya to adhere to human rights.....	41
4.4.2 Effectiveness of Negotiations	41
4.4.3: Effectiveness of demonstrations.....	43
4.4.5: Effectiveness of trade boycotts.....	45
4.4.6: Effectiveness of setting up of Rival local companies.....	46
4.5 Findings of the study.....	46
4.6 Discussion of the findings	49
CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATION OF THE STUDY	52
5.0 The Introduction	52
5.1 Summary of the Study.....	52
5.2 Conclusion of the Study.	55
5.3 Recommendations of the Study.....	56
REFERENCES	58
QUESTIONNAIRE.	i
INTERVIEW GUIDE.....	vi

ABSTRACT

This study sought to analyze the effects of Cirio Del Monte activities on Human Rights in Kenya. The study was guided by the following questions; What contribution has Cirio De Monte Company made towards the development of Human Rights in Kenya? To what extent has the existing legal and policy framework regulated the behavior of the MNCs in with regards to the promotion of human rights in Kenya? In order to respond to these questions, the study had he following objectives: To establish the contribution which Cirio De Monte Company has made towards the development of Human Rights in Kenya and; To determine the extent in which the existing legal and policy framework has regulated the behavior of the MNCs with regards to the promotion of human rights in Kenya. The study was anchored on Economic Liberalism Theory which argued that there should be freedom in the market to be enjoyed by all, and that there should minimum state involvement in the affairs of the market, however, the government should put in place policies that safeguards the rights of its citizens from labor exploitation. The study found out that the activities of Cirio Del Monte company has had mixed results on the employees' welfare. It also established that Cirio Del Monte Company has put in place mechanisms to protect the environmental rights of the employees but are insufficient, finally the study established that the employees' welfare in Cirio Del Monte company is not adequately taken care of. In order to address these concerns, the study recommended that there is need for Cirio De Monte company to allow its workers to form trade union groups to advocate for their rights, secondly the Government of Kenya should address this issue of short term contracting i.e. 3 months' contract by employers as it's being abused. The study also recommends that the government of Kenya should device mechanisms that can help ensure that MNCs respect the rights of their employee.

CHAPTER ONE: THE INTRODUCTION

1.0 Background to the Study

In the aftermath of the Cold War period, Lipponer & Foubal (2005) argued that the process of growth and development of Multi-National Corporations (MNCs) around the world was enhanced, however despite this enhancement, the authors admitted that these growth and development of the MNCs across the World continue to cause mixed reactions globally. According to Fisch and Oestelie (2003), they are a driving force towards globalization, they are a great contributor to per capita GDP growth, and through their numerous activities, they have played a key role in decreasing poverty levels across the world by narrowing down the gap between the rich and poor, improve the people's social welfare, spur market growth as well as import new technology to the developing states which are considered to be socio-economic rights of citizens in the developing countries. While the above are some of positive impacts of MNCs in developing countries, there are also negative socio-economic impacts of the MNCs like exploitation and retardation of economies of those states through heavy repatriation of profits, poor payments of workers, financing of rebel activities in the host states, tax evasion, causing environmental degradation through heavy pollution, separation of family members, destruction of family values through poor housing and absence of support to the local communities in the field of education, sports, inter-communal cultural competitions just to mention but a few. This slows or hinders their socio-economic development. Besides exploitation and economic retardation, the MNCs also may cause capital flight as well as brain drain from developing countries to developed countries. They originate in most cases from the developed countries such as the United States, Britain, Germany, France and lately China. MNCs over the years have proved to be the most dominant vehicles of foreign direct investment in African states and other developing countries (Lipponer and Foubal, 2005.)

According to the UNCHR report of (2017), The MNCs through their numerous activities have been the biggest culprits of human rights violations across the world, these rights have been categorized as economic rights, social rights, political rights, as well as the environmental rights. According to this report; all human beings are entitled to be granted all these rights which have been listed on the Universal Declaration of Human rights document (1948), this therefore means that there is no individual who can be denied these rights by any country, any government or any

authority. The report also observes that these are rights entitled to all human beings by the virtue of them being human. These rights have been promoted in many ways, such as states signing different international treaties and statutes, applications of different customs and prevented which have been set globally, adoption of general principles which are applied worldwide. These therefore means that all governments and the MNCs all over the world have been limited to the extent to which they can go in dealing with human beings.(UNHCR report 2017).However according to the numerous reports and scholarly writings, this has not always been the case with regards to the MNCs.

In 2011, Rotner argues that the United States of America violates human rights of the citizens of their neighboring states through selling of the expired products which were harmful to the health of the consumers for example in the South American states such as Brazil, Paraguay and Mexico. The author continued to explain that the said US based MNCs gave untrue information about the product and the ingredients used for manufacturing them. For instance, he cites the case of the GMOs the Genetically modified foods which are the dominant products in the markets of most third world states. The author emphasized that the United States of America is the greatest beneficiary of these GMOs products since they are the originators and manufacturers of most of these products. He cites the study which was done by Monsanto who established lot of discrepancies in manufacturing most foods, he found out that the kidneys and blood of rats MON8631, which was used to manufacture Corn that most of the American citizens ate without knowing. There have also been many accusations from the European states that most of the GMOs are not well manufactured and therefore they pose health risks to the life of their citizens(Shapiro 2010); and these MNCs are fond of overworking their employees thereby keeping them away from their families, do not take care of the welfare of their employees such as education of their children, maternity leave for expectant workers, as well as deny them the freedoms of associations through forming and joining of the Trade unions.

In the African Continent; a joint study undertaken by Nelson Mandela medical school in collaboration with a university from the United states established that, over 52% of the pupils, students and their tutors were infected by the asthmatic problems which was caused by their proximity to the Engene plant. The plant was so notorious in polluting the air as a result of its long hours of production process. This company which has got a parent home in Britain has been known

to cause a lot of pollution of air worldwide. This is because in Britain for example, it is in charge of over 1,100 miles of an oil pipeline which extends all the way to Ceyhan in Turk from Azerbaijan. The construction of this pipeline according to the study was met with a lot of controversies since it encroached on peoples lands causing separation of families and clans, it also caused a lot of infrastructural damages on roads, drainage systems, irrigation schemes as well as river pollution.

In Kenya, Giuliani and Machi (2013) have noted that there has been a steady growth and development of the MNCs this has also had mixed fortunes according to the author, for instance they note that through the presence of MNCs in Kenya, jobs have been created, the standards of living of the people have also been improved, revenues have been generated to the Kenyan government, promotion of farmers activities have also been enhanced among others, however there have also been a series of accusations of all the MNCs both in the manufacturing sector and the service sector to be the leading violators of human rights for instance the MNCs dealing with Tea, Coffee and Tobacco have faced quite a number of court cases where they have been accused of exploiting their laborers through payment of low salaries, forceful evictions of local communities from their lands, heavy pollution, as well as overworking their employees hence separating them from their families as well as denying the employees their freedoms of associations and expression through joining in of the trade unions, getting maternity leave for the expectant employees among others (Giuliani and Machi 2013).

is upon this background therefore that this study attempted to analyze the effects of MNCs on human rights in developing countries; a case study of Cirio Del Monte Kenya limited.

1.1 Statement of the Research Problem

Governments in developing countries have continued to encourage MNCs to invest in their countries through relaxation of trade policies and creating a conducive environment for MNCs to invest and thrive in country, (Giuliani and Macchi, 2014.) For instance presidents Mwai Kibaki's and Uhuru Kenyatta's administrations have played a crucial role in encouraging and permitting the penetration of the MNCs in Kenya through the establishment of Kenya Investment Authority as a semi -autonomous agency in 2004 to promote investment in the country. There are also other policies developed by the Kenyan government to support the same, they include; Investment

Promotion Act (2013), Private Public Partnership Act (2013), Foreign Investment Protection Act among others. There are situations whereby the state has provided better terms for the investment by the MNCs as opposed to local firm's i.e. low cost access to land and services, organize small holder production of raw materials as well as the foreign partner exclusive control over factory management and trading. This has acted as shield to the MNCs from stiff competition by the local industries and thorough scrutiny by lobby groups and other state agencies. As a result of these, there are many MNCs which are operating in the country; ranging from: (a) financial i.e. Standard Chattered, Barclays Bank (b) industrial i.e. Coca Cola) and (c) agro- based such as Cirio Del Monte, Karuturi as well as mining sectors.

However despite all these good gestures from the Government of Kenya, these MNCs have been reported to have unfair treatment of their employees like overworking them, paying their employees lower wages, subjecting their workers to poor working conditions, denying employees their rights of association and freedoms of expression such as forming or joining the existing trade unions, congestion of workers in the living quarters which breeds social problems such as prostitution, break up of families, separation of employees from their families for a long time among other social problems. Most companies that have been accused of perpetrating those abuses including the flower firms in Naivasha, tea farms in Kericho, coffee farms in central Kenya among other companies in the Agricultural sector (Giuliani and Macchi, 2014.)

A number of studies have been done, for instance economists have analyzed the economic impact of MNCs and they have asserted the fact that MNCs play a key role in the developing of the third world countries through attraction of the FDIs, however political scientists and the international law experts on the other hand have been critical of the existence of the MNCs in developing countries due to the repercussions of their activities in the developing countries in as far as the development of human rights is concerned. Despite the significant relatedness of these studies and complementarities in terms of research themes, these two bodies of literature have so far poorly interacted, (Giuliani, 2013.) By the fact that International human rights law does not impose direct obligations on the activities of the MNCs or transnational organizations, means that MNCs operate largely on a legal vacuum. As it can be seen from above studies, there are few studies that have specifically delved into the subject of the effects of MNCs and Human rights development in the developing countries.

Cirio-Del Monte Company has had challenges with the host community such as excessive pollution of air and sound pollution to the workers in the past. Besides these, Not only have the local community been in wrangles with the company over the land ownership and the land leases they hold of the parcels of land in which the company sits there have also been issues on the violations of human rights of the employees. Consequently, there have also been allegations of the seasonal and casual employees of not enjoying the benefits like health coverage and housing from the company. In 1999, an employee succumbed to death after being denied first aid at the company's clinic. The employee was a seasonal worker who had worked with the company since 1990 without being promoted to a permanent employee (Schidpeter, Idonu and Vertigans 2015.) However the company through its numerous press releases has vehemently denied all these occurrences.

It is therefore upon this background that this study sought to analyze the effects of MNCs on the development and promotion of human rights in developing countries, Cirio Del Monte Company in Kenya was taken as the case study.

1.2 Research Questions.

The study sought to answer the following questions.

1.2.1 Main Question

What are the effects of MNCs activities on Human Rights development in developing countries?

1.3.2 Specific Questions

- i What contribution has Cirio De Monte Company made towards the development of Human Rights in Kenya?
- ii To what extent has the existing legal and policy framework regulated the behavior of the MNCs in regards to the promotion of human rights in Kenya?

1.3 Objectives of the Study

1.3.1 Main Objective

- i The general objective of the study was to analyze the effects of Cirio Del Monte activities on Human Rights in Kenya.

1.3.2 Specific Objectives

- i To establish the contribution which Cirio De Monte Company has made towards the development of Human Rights in Kenya
- ii To determine the extent in which the existing legal and policy framework has regulated the behavior of the MNCs with regards to the promotion of human rights in Kenya

1.4 Justification of the Study

This study was justified at two levels; at policy level and academic level.

1.4.1 Academic Justification

Most Studies have focused on the emergence and evolution of MNCs, the effects of globalization which has mostly been through the growth and expansion of MNCs, their growth in third world countries: enhancing economic growth and development of many states, for instance how it is causing spill-over effects to the citizens, improving the standards of living of ordinary citizens, contributing to the revenues of developing countries among other benefits. The literature that exists focuses mostly on the positive effects of the MNCs, with fewer literature existing on the effects of multinational corporations on human rights. This study reviewed the existing literature and linked the relatedness of the MNCs activities in developing countries and the effects they have on human rights. The findings and the recommendations made by this study are useful to students and academicians and can be used as a basis for scholarly debates, academics discussions or as a basis for further research.

1.4.2 Policy Justification

This study identified a number of loopholes in the existing government policies and the legal framework in as far as the issue of MNCs and the promotion of Human rights is concerned. It is because of the weaknesses of the legal framework and the trade policies governing the conduct of MNCs within the Kenyan territory that has partly contributed to the escalation of the cases where MNCs have been accused of violating the rights of the employees and the consumers. The findings and recommendations made by the study was useful for human rights groups and government policy makers, since it forms a basis for formulation of new policies and strategies of ensuring that MNCs accorded their employees the rights they are entitled to.

1.5 Scope and Limitations of the Study

The scope of the study composed of the Cirio Del Monte Kenya limited and the Government of Kenya through the ministry of Labor and the East African Community, the National Police Service, office of the D.P.P, the state law office and the Kenyan Judiciary and the human rights groups that deal with cases touching on the MNCs and human rights violations. The study also focused on the trade unions and their contribution in fighting for workers' welfare within MNCs. Lastly the study also looked at the civil society organizations, with respect to what they have done in fighting for rights of Kenyans.

The study focused on Cirio Del Monte Company limited in the period between 1999-2017, this was because this was the period Del Monte Kenya Limited experienced a number of challenges such as: industrial strikes by its workers for example in 1999, the company sacked 1,700 workers who were taking part in a strike which had been organized in defiance of legal requirements that are immoral and recruited other casuals the same day, trade boycotts by the consumers of its products both in Kenya and abroad, demonstrations cases in the court i.e. the civil case 552 of 2006 and also signing of various agreements with various bodies on how human rights was to be observed and developed overtime. It's also around this period that various structural changes were made in this company in response to the said challenges. Between this period of time, there were less studies that were done in this area and the number of cases where MNCs had been accused of violating the rights of their employees were on the rise

Some of the limitations experienced in the process of conducting the study included the following: the top management were cautious with information regarding the organization, the availability of the top management was also a hindrance. The lower cadre employees were more forthcoming but had fears of repercussions from the organization, lack of cooperation from the directors of Cirio Del Monte with the researcher, unwillingness by the government institutions particularly the police and the offices of the DPP, and the state law office to share sensitive information with the researcher about this subject was also part of the limitations of this study.

However, after producing the relevant documentation for identification, the issue was resolved. After visiting the organization on several occasions, the researcher was able to meet up few top managers from the organization. The researcher gave them an in depth explanation on the importance of the study and that it was only be for academic use and the information given was

not going to be used anywhere else except for academic purposes. The researcher also used the letter from the university and also used the research permit and identification cards both the National ID and School ID for the purposes of self-identification.

1.6 Definition of Concepts.

Multi National Corporation: According to Giuliani (2013) Refers to MNCs as a part or a whole, which is involved in controlling and managing income generating organizations which are spread across the entire world. These MNCs are either publicly owned or privately owned and are controlled from the headquarter which is based in one country in most cases a developed country. Sometimes these MNCs can have many different partners or subsidiaries in different countries depending on the existence of laws and rules governing the conduct of the MNCs in that particular country. For the purposes of this study MNCs refers to Cirio Del Monte and any other transnational organization which has invested in Kenya.

Foreign Direct Investments: According to Moran (2016), it refers to all those resources which are both material and in terms of services that are transferred from the parent country to the recipient country for the purposes of putting them into business with a view of generating wealth. For the purposes of this study, FDI would mean the investments that Cirio Del Monte Company has made in Kenya.

Human Rights: According to the UHDR (1948) refers to the basic rights and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status. For the purposes of this study, Human rights would mean all those political, social, economic, and cultural and the environmental rights that Cirio Del Monte workers are supposed to enjoy by virtue of being human beings and the citizens of Kenya.

CHAPTER TWO: LITERATURE REVIEW

2.0 The Introduction

This section explored the existing literature on MNCs and human rights. The section covered a number of sub themes which were in line with the objectives and questions posed by the study. These sub-themes covered in this area included; the effects of MNCs activities in developing countries, challenges faced by the MNS in promotion of human rights, measures put into place by the MNCs to promote human rights and the conclusion of the section.

2.1 The Increasing Power of Multinational Corporations

Deniz (2012) argued that since the end of the cold war period, globalization has enabled the liberal ideas such as respect for the human rights to spread its wings across the world. Besides these, due to liberalization of the markets across the globe, MNCs have acquired excessive economic power to an extent that weak states have very little say on what they should do and what they shouldn't. This observation has been supported by the UNCTAD report of 2004 which argued that there are over 61,000 MNCs globally and they make significant economic contributions across the world. The report further observed that MNCs are the greatest promoters of international trade to a tune of 70%. However, the report failed to acknowledge that there is also the other side of the MNCs with regards to human rights violations.

Alston (2007) observes that some of the MNCs can be economically powerful which can prove to be a difficult task for states especially those developing countries to make them adhere, observe and uphold human rights in their operations. They are not therefore accountable most of the times to the governments of those countries (Alston, 2007.) This has made them to have the leeway in violating human rights as they pursue their profit maximization motives. However, Alston's analysis does not suggest remedies that can be adopted or how MNCs can be held accountable for their actions.

Harrelson and Gallaway (2003) notes that MNCs from a liberal perspective can be powerful and influential actors which are able to increase the GDP levels of developing countries, cause democratic ideas to take root in those states, injection of capital, new technology, management and expertise techniques and social improvements of the welfare of citizens in the developing countries

thereby promoting human rights. This view is supported by scholars such as Falack and Heblie (2005), who argue that MNCs have significantly boosted the standards of living of many developing nations through the idea of adopting voluntary codes of conduct, as well as corporate social responsibilities. This view is further reinforced by Brown and Woods (2008) who explains that most MNCs have addressed a number of unfulfilled societal basic needs that more often than not the government overlooks them. They are: provision of health facilities, accessible water points, food, schools, opening up areas and connectivity among others. This has been enabled by the philanthropic budgets that these companies have set aside. This has been mobilized through the company's core and commercial activities, whereas it is true that a number of MNCs have tried to promote different social, political and cultural rights to the citizens of those states that rank lowest. With all the best things they offer to the society, sometimes their human rights violations can negatively affect their image. Global warming and environmental degradation as well as waste disposal are issues that sometimes have irreversible effects to the citizens. For example, in Niger Delta Nigeria, the oil and gas companies use paternalistic CSR. They are developed based on a welfare basis through community assistance programme (Ite, 2004), which focused mainly on providing locals with water and sanitation and health care (Ite, 2004.)

Nelson and Shankleiman (2007) observe that MNCs in most developing states have been responsible in advancing peace-building processes in conflict stricken areas; this is through developing post conflict resolution frameworks. This view is supported by then UN Secretary General Ban Ki Moon (2009) that sustainable businesses can only flourish in a safe, secure state as well as peaceful environment, therefore he advised MNCs to support peace- initiatives in conflict stricken "areas in order to maximize on their profits. Anderson (2010) similarly advises multi-national corporations to support poor people so that they can increase their capacity to buy or purchase their firms products; however, these three views are defective because in the first place MNCs have derived their abnormal profits and huge capital through the unbalanced production process that has increased the levels of inequalities and promoted global injustices. This can be verified through the broken promises of neoliberal projects that caused issues such as retrenchment of labor force, privatization, and liberalization of the market as well as devaluation of currencies of developing countries. Secondly when it comes to conflict stricken areas, it is these same MNCs that usually incites the public against their governments, they finance rebel movements and cause

those conflicts, therefore to pretend that they are initiating conflict resolution activities is hypocrisy of the highest levels. For instance MNCs in the Democratic Republic of Congo conflict.

2.2 Effects of MNCs activities in developing countries

This sub theme was divided into the following effects: the positive effects which included the economic effect, technological effects and the human rights and the negative effects that include the violations and environmental degradation. These are socio economic rights that will be discussed in this sub theme.

According to Pritcahrd (1985), narrated that some socio-economic rights such as the right to access employment and being protected from socio economic challenges will and can only be dealt with through enhancement of economic development. Therefore, the author makes a serious argument that since many reports and studies have shown that it's the MNCs who are creating most jobs across the world most especially in developing countries, they should be supported at accosts and not to be vilified. The author adds that its MNCs that pays a lot of taxes to the governments, they make serious corporate social responsibility activities in developing countries s all of which are geared towards improving the standards of living of the people.

There are economic impacts on FDIs of the host developing countries as well as technological and productivity effects, Narula and Driffield, (2012) wrote that the presence of MNCs is both a blessing and a curse to the local citizens of country. It can be a blessing in the sense that it can create jobs which, makes people to earn wage spillovers, and cause productivity spillovers in that locality. This means that local business organizations and business people can learn a lot of entrepreneurial skills from these MNCs which makes a form of a yardstick for them to gauge their economic progress. These local business men can also try and partner with these MNCs and grow from that. These can promote both forward and backward linkages in an economy according to the authors. However, the authors are cautioning that the presence of MNCs can also be a curse in that it many put the local markets under lock and key and no local business organization can thrive where the MNC exists. It will therefore result in to the deaths of most businesses.

Spar, (1999) argues that the effects of these MNCs on the economies are two types: The positive impact as well as the negative impact. On the positive impact, the author argues that MNCs are the greatest driers of so many countries GDP growth rates. They have also been responsible for

supporting the democratization process in these developing countries. These views are supported by those of Harrelson and Gallaway (2003) who observed that since MNCs are responsible for the capital and technological transfer from the developed countries to developing countries, which serves to improve the production process. Therefore because of all these positive attributes.

The above mentioned are some of the positive effects MNCs have in developing countries, while they propel the growth of communities they operate from, there are scholars like Stopford (1998) who views these companies as great exploiters of state economies in the developing countries. There are others who view them as engines of development because they invest in third world countries generating foreign direct investments, bringing in useful capital for development, and create employment to many the citizens of third world countries as well as developing physical infrastructure of many developing countries (Kanayo, Uche and Dike 2011). In fact, given the fact that these MNCs are powerful, they or their subsidiaries or local partners can be tempted to use their economic power and take advantage of so many legal loopholes to violate people's rights. Their end game will be to minimize costs and to maximize on the profits.

In most cases, Kinley and Joseph, (2002.) argues that many developing states have got a very weak legal framework which is unable to tame the unruly behavior of the MNCs in violating the rights of the citizens of these countries. Therefore, the work is left to the international INGOs which are unable to face the MNCs and sue them at the international court of justice. Although, the author acknowledges that the powerfulness of the MNCs can be good for economic development of a country, but he cautions that at times these powers can be misused to violate people's rights.

The negative effects involve degradation of the culture of respecting human rights has been spread all over the African continent. Kaput(2017) warned that apart from promoting unjust labor laws, some of these MNCs repatriate their profits back to their home countries, they are also the main pollutants of the environment in the African continent and since they can be more powerful than the economies of many African states, they are made to think that they can violate people's rights and get away with it. In order to shield themselves from being held accountable to paying their workers peanuts, these MNCs have entered into some form of unwritten contracts with the government leaders whom they are able to access funds from to do their political activities and they also give donations to churches and civil society organizations so that they are not attached by them (Meyer, 2008.)

The host states are not able to occasionally put stops on MNCs because of among other reasons, absence of proper regulatory mechanisms, absence of human and financial resources to enforce the existing laws and policies with regards to human rights as well as the existing flaws of the international law which pays much attention to the state actors rather than non-state actors such as the MNCs. This study of much importance to this research because it highlights the challenges that exists in the present always and policies in ensuring that the MNCs adhere to the human rights standards, (Kigen, 2012.) For example, British American Tobacco (B.A.T) according to Kigen (2012), has brought about serious implications on the health status of the African citizens. For instance, British American Tobacco (B.A.T) has inserted indirect health consequences on the people of Africa. In Uganda for example, there are 12 million cases of malaria every year killing 110,000 people. Despite claims that B.A.T does not use political and economic leverage, it joined forces with other businesses to block government malaria prevention programme to treat farm workers' homes with pesticides because of fears that the chemicals used might contaminate their crops.

MNCs operating in developing countries at times violate the rights of their workers and the country which they are operating in (Rotner, 2011.) The author gives an example of Nike Company which underpays its workers per hour and sells their products expensively. In addition to this the author points out that the Nike company purchases raw materials cheaply from developing countries with an aim of making leather shoes, leather jackets, leather belts and other leather items which they sell them at more exorbitant prices. Therefore the key feature for the prosperity of the Nike Company according to the author is its culture of exploiting both its employees and the countries which they get raw materials from. It's a serious violation of both the state in question and the individual employees.

(Rotner, 2011.) further argues that at times the MNCs can violate human rights through selling of expired products which are harmful to the health of the consumers. Other MNCs can also give untrue information about the product and the ingredients used for manufacturing them. For instance, he cites the case of the GMOs the Genetically Modified Organisms which are the dominant products in the markets of most third world states. The author emphasized that the United States of America is the greatest beneficiary of these GMOs products since they are the originators and manufacturers of most of these products. He cites the study which was done by Monsanto who

established lot of discrepancies in manufacturing most foods, he found out that the kidneys and blood of rats MON8631, which was used to manufacture Corn that most of the American citizens ate without knowing. There have also been many accusations from the European states that most of the GMOs are not well manufactured and therefore they pose health risks to the life of their citizens. Mark Shapiro (2010). However, Rotner is quick to console his readers that despite the above challenges, those are just few isolated cases and he praises the Bio-Tech technology for coming up with the GMO foods, he proposes that the only way to minimize the existing global food insecurity is by going the GMO way. Only that the safety standards should be adhered to.

In 2002, a joint study was undertaken by Nelson Mandela medical school, a South African university in collaboration with a university from the United States of America which established that, over 52% of the pupils, students and their tutors had asthmatic problems, this according to the research was caused by their proximity to the Engine plant. The plant had polluted the air and as a result of its long hours of production process. This company which has got a parent home in Britain has been known to cause a lot of pollution of air worldwide. This is because in Britain for example, it is in charge of over 1,100 miles of an oil pipeline which extends all the way to Ceyhan in Turk from Azerbaijan. The construction of this pipeline according to the study was met with a lot of controversies since it encroached on peoples lands, it also causes a lot of infrastructural damages on roads, drainage systems, irrigation schemes as well as river pollution.

According to Lucke (2005), a number of local authorities and national governments across the world offer tax grants and other concessions to these MNCs with an expectation that the returns which they make to those local authorities and national governments will be too high. For instance, the governments of Cochamba, and Bolivia woke up to their surprise to realize that a water system which had served them over the years was taken over by one of the MNCs. Known as “Aguas Del Tunari”, to worsen the matter, this company corruptly acquired the ownership and the direct control over the water system for a period not exceeding 40 years. Besides these, the same company enjoyed other benefits all of which were granted by the governments. The summation of these corrupt acts by the local authorizes is that the company reaped massive profits and enjoyed free water while the citizens of that area suffered from frequent water shortages and the little water which was available was very expensive for them to acquire. The situation is almost similar by the Baku Ceyhan Pipeline company which is owned by a firm from Britain, the MNC was a t the

center of controversy when it was accused of taking over public land to do its private activities, it was alleged that this company had bribed the local authority officers.

This view is strengthened by Penelope who argues that MNCs have been consistently responsible for sponsoring coups and counter coups in the African continent with a view of taking advantage of the crisis to siphon off the natural resources from the African continent, the companies which have been mostly accused of perpetrating this crime are the US owned Oil firms which are greatly assisted and consistently supported by western owned banks (Penelope 2012)

2.3 Challenges faced by the MNCs

Henrick & Cernic (2010), pointed out that as much as the role of MNCs in promoting human rights is being talked about by all, it is also fair if the rights of the same MNCs are also factored in the discussion. For example, the authors give an example of the treaties which states and non-state actors have signed such as the BITS (Bilateral Investments Treaties) where most countries specifically those from the south rely on in order to convince the investors to come and make the investments within their territories. The two authors emphasize that these treaties are not in any way meant to help developing countries to grow and develop, instead they are there to safeguard these MNCs and the investments which they make in the territories of these states. Some of the benefit which MNCs derive from these treaties according to the authors includes; fair trading policies, tax holidays, elimination of local and international competition, as well as favorable mechanisms for resolving disputes or conflicts between these companies and their complainants. These treaties have also gone to an extent of agreeing to compensate these MNCs in cases of take overs by the state or any disagreements between them and the states. Because of these unfair treaties, the authors concluded that these gave rise to the increase of many MNCs in the African continent from 385 in 1989 to 2,265 in 2003.

Multinational Corporate rights according to Penelope (2012) have been acknowledged and supported by the WTO with all the complexities that goes with those organizations. This is because the systems of GATT and all its associated organizations such as the WTO have one focus in mind, that is to globalize international trade and eliminate all forms of legal and policy hitches against the free movement of goods and services in all countries in the world, this therefore means that both the exporters and the importers of goods and services have been well protected by these

GATT systems of agreements. Some of these GATT agreements in the view of the author expressly protects the rights of MNCs against the rights of the recipient states in question, for example, some of the clauses in these agreements states that there is no state action whatsoever which should be geared towards stopping trade or limiting the forces of trade, these agreements are contained in the TRIPS (The Intellectual Property Rights), the TRIPs specifically are targeting to protect the trade marks, patent rights, the originality as well as the strategies among others. These MNCs are also the greatest supporters of the NAFTA agreements (North American Free Trade Agreements) as well as the European Community Treaty Both of which are targeting to promote unrestricted trade in Europe and the American regions.

Penelope (2012), argues further that due to the different dynamics in the socio economic and political matters in Europe, Latin America and the African continent and Asia has served to give the MNCs the much needed impetus to expand their horizons. For instance the issue of privatization and liberalization of the markets has been embraced across the world. The MNC and the TNCs according to the author have taken advantage of these developments to spread their wings across the world. Therefore the protection of their rights, duties and responsibilities has been protected all over the world hence they are having a field day globally. Therefore regulating these MNCs by the respective states is almost an impossible exercise since these treaties and agreements are binding all over the world.

2.4 Measures taken by MNCs to Address Human Rights Issues

Brown & Woods (2007) observed that noted that the officers leading these MNCs are aware of the fact that when MNCs respect human rights, its part and parcel of proper management of an organization. therefore they advise that it's upon these MNCs to put in place measures in which all forms of human rights whether political, social or economic in nature are respected and observed by the MNC in order to sustain itself for posterity. These view is supported by that of Nelson (2000) who observed that despite the fact that the core mandate of any MNC is profit maximization and not doing charitable activities, he cautions the MNCs that observing and respecting the rights of its employees and consumes does not cost them much and they should not use the idea of costs to violate Human rights.

Nairumbi (2018) did a study on the impact of Chinese Foreign Investments on Human Rights. The study found out that Chinese MNCs and FDI has been of great help to Kenya despite a number of negative attributes that comes along with it, the study also noted that for example the China Roads and Bridges corporation which was tasked to construct the standard gauge railway in Kenya, the author argues that the company was too huge and powerful to be controlled by the Kenyan government, hence making it difficult to be forced to observe the human rights of its employees and those of the local community. The study further noted that the existing national and international legal framework was not adequate enough to protect Kenyans from human rights violations of MNCs such as the China Roads and Bridges Corporation. Although the study did not say anything about the role of MNCs in the development of human rights in the host sates, the findings that were made by the study greatly informs this research.

Kamanja (2014), established that a company that adheres to the principles of good governance which includes respect for human rights of its employees stands a high chance of performing better, the study however noted that this practice has not been well embraced in Kenya hence the many challenges that MNCs operating in Kenya have continued to face with the local communities and its employees. The study further argues that the corporate governance and regulatory framework was very weak and it needs to be strengthened so that it ensures that human rights are observed by all. The findings of this study are very key in raising the awareness of the loopholes in the existing legal and policy framework in as far as MNCs and respect for human rights is concerned.

Ng'ayo (2014), conducted a study on "Changing perceptions towards MNCs; The East African experience". The study noted that over the years the public perception about the MNCs has changed, this is because the MNCs have partnered with the local capital to carry out their operations. They are therefore not seen as exploitative but partners in development. However, the author ignored the fact that the kind of partnership that exists between the MNCs and the local capital is not that of an "equal basis" but that of a "superior" vs. "inferior basis". This makes it easier for the MNCs to continue abusing human rights of its employees and the local communities in the host states.

In seeking to provide clarity on the issue of human rights and businesses proposed, the 'protect, respect, and remedy framework'. While acknowledging that the state has the primary duty to

protect against human rights abuses, he observed that corporations also have a responsibility to respect human rights. He further points out that effective discharge of the corporate responsibility to respect human rights require due diligence to be carried out by corporations by due diligence, he means that ‘the steps a company must take to become aware of prevent, and adverse human rights impacts ‘hence in Ruggie’s opinion, the extent of corporate responsibility is to respect human rights should be determined by the sphere of influence and complicity of the corporation (Ruggie, 2007.)

The use of the term “responsibility” as opposed to “obligation” is misleading since it suggests that corporate human rights responsibilities are without legal consequences. According to Kenya’s 2010 constitution, by providing that respect for human the bill of rights is binding on all persons including corporations, the constitution has made it clear that rights requirements and considerations are incorporated in their corporate governance structures. Hence a paradigm shift is required in the ways in which corporations and business enterprises understand and respond to human rights issues. It is important for corporations to incorporate human rights in their business practices, because it is beneficial to the corporation’s corporate image (Deva, 2012.) Countries have gone to the extent of overlooking human rights abuses committed by the foreign investors provided they meet the set and requires economic targets. He cites the case of oil companies in Nigeria where a lot of resources are going to the county governments and other selected few elites who enjoy a direct with politicians; they are sold to be marginalizing local citizens and occupation of the national armies in their lands.

The Kenyan constitution (2010) provides a robust and extensive coverage on the subject of human rights in the Bill of rights which is in Chapter 4. It not only gives provisions for civil and political rights, it also provides for social, economic as well as cultural rights. The new constitution demands that both the state and non-state actors including the MNCs observe these rights. Some constitution has established the human rights commission to act as the public watchdog over the violation of basic human rights from any quarters. Whereas this has been a good progress however the implementation of these provisions is a big challenge and that creates loopholes for the MNCs to violate human rights, the other challenges are that the role of Kenya National Human rights commission has been limited to the role of monitoring compliance of constitutional provision by public bodies. It does not extend to non-public entities. Corporations have taken advantage of the

opportunities for trade presented by globalization to increase shareholder benefits in their quest to maximize their profits. Corporations have engaged in practices which violate the human rights the human rights of the individuals such as forced and child labor, discrimination, providing deprived working conditions to employees and environmental degradation among others, the recognition that corporate activity has had detrimental impact on human welfare has led to the need to hold corporations accountable for human rights violations, he further argues that as a result of unethical activities carried out by corporations will have to take into account human rights concerns as part of their business risks. He however contends that there still lacks clear identification of the parameters of indirect corporate liability for human rights violations which is necessary for the effective enforcement of human rights protection (Mwaura, 2011.)

2.5 Cirio Del Monte Company and Human Rights violations

The company (Cirio Del Monte) according to its Website was referred to as Kenya Cannery in the past. This company was established in 1948. the company continues to narrate that later on it changed its name to Del Monte Royal since it had been taken over by some two south African based business organization whereby each company had shares worth 30% each. 40% stake of the company was jointly owned by so many Kenyan small scale traders. These new developments were shaped with the transfer of ownership of the initial owner who was based in the United States (Delmonte Corporation) in 1965. the company underwent serious changes in the year 2002 when a new company known as Cirio Alimentare gained 98% ownership in the company. This made the business organization to change its name to be referred to as Cirio Del Monte Kenya Ltd. it became ISO certified in the same year under certificate number SA8000. the company got recertified in 2006 and it became standardized as an MNC under the certificate Number 9002.

This company sits on a 10,000 acres which is full of pineapple plantations. The company is estimated to have employee over 6,000 individuals with a ratio of 60%:40% female workers and male workers respectively. The nature of employment of these workers is based on three categories, namely; permanent, casuals and seasonal employees. Apart from the permanent employees who enjoys a monthly salary and several types of allowances such as transport, medical, leave as well as house allowances, the remaining categories of employees do not enjoy these benefits apart from the daily wages. infact the last two categories of employees do not have any form of contract and are not covered anywhere. The company continues to narrate that incase of

any compensations, the Kenyan labor laws will apply. This means that the lowest paid worker gets Kshs. 15,000 per month. The plantation zones of this company are usually guarded on a 24 hour basis by a locally contracted security company which deploys security guards throughout using sniffer dogs and with aid of land rovers.

In the year 2017, this company was estimated to generate at least Kshs. 10.5 billion shillings. The amount of juice that was processed in a day was estimated to be about 3,500 tones, the fact that this company is always processing juice, it has several types of juices, however from the company's records, and canned pineapple is the most exported brand as compared to the rest of the brands. This means that cirio del Monte Company is the biggest exporter of juice in the entire east and central Africa region. The biggest market destination of this company's products is Europe with a whopping 34% of the market share.

In the year 1999, the narration in the company's website reveals that this company experienced a lot of serious legal tussles with its competitors. Surprisingly, most of these legal tussles were based on Human rights violations. for instance the Sociate Generale de Surveillance which is an Italian based international organization that concerned itself with defending human rights issues sued the company internationally for violating a number of human rights which were both economic, political and social in nature. Among the grounds of this case were refusal by the company to allow its workers to form join trade unions, threatening of the shop stewards, absence of safety measures or plans to the company's workers in the production process, absence of first aid kits, absence of ear protection gadgets and gas masks to save the company's employees from ear damages during the milling process and sparing of the crops in the farms (KHCR report 2002.)

Kirimi(2002) notes that, after all the above controversies had been sorted out and they died down naturally. A new wave of local, controversies rocked the Cirio del Monte company. This time round the contrivers y was against the local community living around the company who claimed that the land in which the company was sitting belonged to them. This tussle still lies in court up to date.at the same time, the company also signed a joint agreement with the human rights groups and trade unions to accept and give the necessary support to the trade unions and the welfare of their employees shop stewards. All these changes according to the company ushered in a new age of good working relations between the company's management and the employees trade unions.in

2004, this company Cirio Del Monte was ordered by a Nairobi law court to compensate all those employees who were fired indiscriminately without being given a hearing and all those employees who got hurt in their line of duty. The compensation was worth Ksh 5.5 million.

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2.6 The Knowledge Gap

From the above analysis, it was evident that there exists literature on the activities of multinational corporations and some on human rights, however, there is very little that has been done regarding the effects of MNCs on the human rights in Kenya, and this is what the study seeks to establish. Secondly, although most states especially those in the south have got a bigger appetite for the Foreign Direct Investments, still there lacks a big knowledge and policy gaps in what these states can do to inter relate with the MNCs without compromising on the issues of human rights of their citizens. Therefore, this study will suggest the effective measures to be undertaken. It has also been established by these literature review that there is no line which has been drawn between human rights violations on one hand and the right to pursue profit maximization. In other words, there is no clarity on what constitutes human rights violations as far as the relationship between MNCs and its employees are concerned. This study will also endeavor to fill in that gap.

Apparently, these MNCs have been protected to an extent where there exist no local legal and policy obligations in the host country where they are operating from. This therefore means that locally, the MNCs have so many rights that work in their favor as opposed to the obligations which

works in favor of the employees or the citizens of the host states. This implies that if at all states in the south which feels that they are suffering from the dictatorships of these MNCs should consider devising local ways and means in which they will tame the behavior of MNCs which includes forcing them to observe all forms of human rights within the state territories. The states can do all these in so many ways according to the author, for instance they can push for the adoption of the international standards created at the international levels that can regulate MNCs with regards to the respect for human rights and their observations which are sometimes misused. However this study points out the fact that despite the various efforts which have been put in place to strike a balance between MNCs respecting Human rights, focus should also be redirected at enforcement so that the exercise does not die at the level of adoption of these rules. The study in other words emphasizes that compliance of these rules sometimes means a lot.

2.7 Theoretical Framework

This study was anchored on the economic Liberalism theory. This theory was advanced by Adam Smith and David Ricardo. This theory strongly supports capitalistic systems of organizing an economy as well as less interference of the government in the economic affairs in the markets. Despite the fact that the proponents of this theory are in favor of some small state controls for the purposes of ensuring the safety of the consumers, they however to a greater extent are very cautious with.

The theory is based on the doctrine of the three factors of production which are land, labor as well as capital. The theorists observe that it is only through labor that other factors of production are turned into productivity. It argues that people are free to work or not to work, that the employers are at liberty to set terms and conditions for work and the employees are also at liberty to accept the terms or reject the terms which have been offered by the employees. The same theory further allows that prices be freely set according to the levels of demand and the levels of supply which are in the markets. This therefore means that the process of risk taking in the production process in the distribution and consumption process should be regarded by the profits that a business organization generates. Therefore, labor is a very important factor which must be protected at all costs. The theorists continue to advocate for the issue of the division of labor and specialization of jobs which creates natural prices of commodities and their market prices. According to the

theorists, the natural prices the cost incurred in the production process while the market will be determined by the forces of demand and supply. This will be taking place in the environment where there is free competition, which leads to fluctuations of market prices, customer loyalty, as well as high observance of human rights by the MNCs.

The government, according to economic liberals, must be very cautious and protective of the rights of its individual citizens as well as taking a center stage in the provision of the most essential services in the country such as power, medicines, energy, security as well as communications. This will go a long way in ensuring that the consumers rights who happens to be its citizens are well taken care off.at the same time, the goverenement will ensure that no citizen exploits the other over economic matters, this means that private property will also be protected, that all the tenets of a contract or rules or agreements will be observed to the latter.

With regards to the issue of MNCs and their effects on human rights, the theory condemns slavery and exploitation of human beings by others. Instead, it proclaims the rights of each individual, the amount of property which they may have acquired justly, respect towards agreements and contracts which have been entered; free and fair competition in the markets, The theory again gives the industry players and traders some huge amounts of freedoms own how to better their products while the state should very much try to refrain itself from meddling into these market affairs. With all these scenarios happening the issue of market freedoms will just emerge naturally on their own. The state should therefore not intervene in matters of the MNCs because it will disturb the economic process of the country.

MNCs would be dealt with the international human rights regime which will have spread its wings across the globe, these human rights legal regime will be assisted by regional Human rights groups, and the national human rights groups that will be at the fore front in monitoring any forms of human rights violations by the MNCs. In order for the MNCs to be tamed against their excesses, the theory argues that human rights bodies such as the NGOs, regional groupings, and the international human rights legal regime should be strengthened so that they are sufficient enough in dealing with the MNCs.

Among the limitations of this theory were, that it views the individual as producers and consumers and not as citizens of a nation or members of state. And while free trade maximizes global economy efficiency, Friederich List argues that an individual or a company promotes only their

own interests but a state fosters the welfare of all its citizens. He also argues that economic liberalism limits the nationalist goals of a country to build a prosperous civilization and power. While according to Marx, he portrays liberalism as fostering as deeper class based exploitation associated with the capitalist system.

The economic liberalism theory was relevant to this study in that the its key argument was on individual or private ownership that is applicable to the MNCs since they are private producers. Also, the doctrine of the factors of production- labor, capital and land. If individuals are free to obtain work from the highest paying employers, the two other factors will receive great reward. The labor is provided by individuals of the state whose rights need to be respected and upheld.

2.8 Research Hypothesis.

This study sought to test the following hypotheses.

- i Cirio Del Monte Company has made little contribution towards the development of Human Rights in Kenya
- ii The existing legal and policy framework to a lesser extent has regulated the behavior of the MNCs with regards to the promotion of human rights in Kenya

CHAPTER THREE: METHODOLOGY OF THE STUDY.

3.0 The Introduction

This study gave different aspects of the methodology that was used to acquire raw data and information. For instance, it will explain the research design that was used, it will also give the target population, it will then explain the methods of data collection which was the primary sources and the secondary sources, it will also give the sampling technique that was used by this study, finally the chapter will explain the methods of data analysis that was used by this study to arrive at the findings that re explained in chapter four.

3.1 Methods of Data Collection

The study adopted two sources of data collection, namely primary sources and secondary sources, primary sources included the use of questionnaire and the interviews from the respondents, as well as key informant interview while secondary sources relied on books, academic journals, articles, publications, speeches as well as documentaries.

3.2 Research Design

The study used the descriptive design, in accordance with (Hellen L. Dulock 1993) it described systematically and accurately the facts and characteristics of a given population or an area of interest. This type of design was useful in this study because it spanned both quantitative and qualitative methodologies, it brought out the ability to describe events in greater or less depth as needed, it enabled the researcher to focus on various elements of different research techniques and to engage quantitative statistics to organize information in meaningful ways This type of design was useful in this study because it spanned both quantitative and qualitative methodologies, it brought out the ability to describe events in greater or less depth as needed, it enabled the researcher to focus on various elements of different research techniques and to engage quantitative statistics to organize information in meaningful ways.

3.3 Target Population

The target population for this study were the total employee population of the Cirio Del Monte company and the management which totaled to 6,000, Trade unions such as Kenya Union of Commercial, Food and Allied Workers, the Federation for the Kenyan Employees (FKE)- these were the unions which handled complaints from employees in horticulture and other food related production. Human rights groups like the Kenyan Human Rights commission, Kenya National Human rights commission- these two commissions carried out investigations and compiled reports about this company in the past. The national police service- they handled most cases reported by the employees, office of the attorney general and the office of the DPP – they are the prosecutors, Academicians, as well as the Advocates of the high court of Kenya. These groups were all chosen because in one way or another they were responsible for protecting the human rights of the citizens of Kenya from being infringed.

Table of the target respondents

S/N	CATEGORY	TARGET RESPONDENTS	NO.
	Top management at Cirio Del Monte Kenya	Director Corporate Affairs Director Public Relations Legal Officer Senior Officers TOTAL	1 1 1 2 5
2.	Permanent Employees at Cirio Del Monte Kenya	Office Administrator Driver Machine Operators Secretary Security Officer TOTAL	2 1 2 1 1 2 8
3.	Casual Employees at Cirio Del Monte Kenya	Farm-planters, Harvesters	10
4.	Seasonal Employees at Cirio Del Monte Kenya	These were determined by those on duty as per the interview dates	10
5.	Employees at the Ministry of Labor and East Africa Community	Director Assistant Director Office Administrator Senior Officers in The Labor Office TOTAL	1 1 2 3 7
6.	Kenya National Commission of Human Rights	Director Senior Officers in The Office TOTAL	1 4 5
7.	National Police	Officers on duty	5
9.	Office of DPP	Director of Investigations Administrator Senior Officers in Investigations Department	5
10.	Office of Attorney General	Magistrate High Court Judge Advocates of High Court Court Administrator	5
			60

3.4 Sample size

The research had a sample of 60 respondents which was 10% of the target population that cut across all the categories of the targeted populations. The study identified 5 management staff, 5 casuals, 5 permanent, 5 seasonal workers of Cirio Del Monte Kenya, 5 from the ministry of labor, 5 from human rights bodies, 3 members of the national police service, 2 members from the attorney general's chamber, 2 from the office of DPP, 1 academician and 2 members of the Kenyan judiciary. These members were strategically important in giving information as far as policy making and policy implementation was concerned.

3.5 Sampling Technique

The research adopted the purposive sampling technique in selecting the respondents, in this style of sampling design, the sampling was based entirely on the researchers own judgment, in this case a sample that the researcher picked was composed of elements that contained the most characteristics, representative of the typical attitudes of the target population. The respondents in this study included all the officers from the relevant administrative offices that were tasked with the duties of policy making, implementation as well as policy execution. The researcher distributed the questionnaires and the guiding questions to all the respondents prior to the interviews.

3.6 Data Analysis

3.6.1 Validity

In order to boost the validity of the research instruments, the researcher consulted the supervisor, her classmates and some few experts in research with regards to her research instruments such as the questionnaire and the interview guides, who made quite a number of criticism and suggestions on how to improve on them. Their views were factored in by the researcher and this achieved the construct validity of the research instruments and the way they were formulated. It improved the validity of the study.

3.6.2 Methods of Data Analysis

Qualitative data was derived from interviews conducted from key respondents, and from open ended questionnaires, raw data was examined and analyzed to establish its accuracy, usefulness as well as completeness. The process of analyzing quantitative data involved systematically searching, arranging, organizing and breaking the data into manageable units, synthesizing and looking for patterns among the variables. The researcher planned to present data in form of tables, graphs, pie-charts as well as script narration.

3.6.3 Ethical Considerations

The major ethical problems in this study were anonymity of the respondents, privacy and confidentiality of the respondents. Ideally, the study should have been able to freely engage with all the officers both at the state level, workers at the MNCs, MNCs officials, the police, human rights groups, obtaining a valid sample entailed gaining access to specific information from the MNCs and the government which itself was an infringement on their privacy and the confidentiality of the respondents, but this was the only way to construct a sampling frame and generate a representative sample. The respondents had the freedom to ignore items that they did not wish to respond to. Those respondents who wished to remain anonymous their wishes were respected; it was also the researcher's responsibility to get an informed consent from the respondents before interviewing them by disclosing everything about the study.

Again the researcher used her national ID card, student ID card, National Passport, and an introductory letter from the university and a research permit from the National Commission for Science, Technology and Innovation (NACOSTI) for the purposes of identification.

CHAPTER FOUR
DATA PRESENTATION AND DATA ANALYSIS

4.1 Introduction

This Chapter of the study presents data analysis and the findings of the study. The section greatly dwelled on the effects of MNCs on human rights in developing countries: A case study of Cirio Del Monte Limited in Kenya (1999-2017,) among other issues, it will present the demographic information of the respondents, their responses on the items asked as well as analysis of the acquired data from the field. Finally, this chapter will present the study findings and discussion on the findings.

4.2 Data Presentation

4.2.1 The Response Rate

The response rate of this study comprised of 32 respondents out of the 60 respondents who were supposed to participate in this study. This means that 28 individuals never took part in the study as it was expected, this low response rate can be explained due to unwillingness by the participants' premises in Thika Town.

Table 4.1: Response Rate

Table 4.1 shows number of participants who took part in the study either by filling in the questionnaire or by participating in the interviews.

Response	Questionnaire		Face-to-face interviews	
	Respondent	N/ respondent	Respondents	N/ respondent
Frequency	26	14	6	14
Total	40	40	20	20
Percentage	65%	35%	30%	70%

4.2.2 Gender Composition

The participants were asked to state their gender inclinations and these were their responses shown on table 4.2.

Table 4.2: Gender Composition

Gender	Frequency	Percentage
Male	26	81.25%
Female	6	18.75%
Total	32	100%

The table above shows that there was no fair representation in terms of gender however this imbalance can be explained by the nature of this study and the difficulties of accessing the company's premises and also, most males were willing to participate than the females. However, the few respondents whom the study managed to contact were able to interact with the researcher outside the company's premises as they were on their way back home.

4.2.3 Category of the Respondents

The respondents were selected from the following categorizations.

Table of the Target Respondents

S/N	CATEGORY	TARGET RESPONDENTS	NO.
	Top management at Cirio Del Monte Kenya	Director corporate affairs Director public relations Legal officer Senior officers TOTAL	0 0 0 1 1
2.	Permanent employees at Cirio Del Monte Kenya	Office administrator Driver Machine operators Secretary Security officer TOTAL	0 1 2 0 2 5
3.	Casuals employees at Cirio Del Monte Kenya	in the farm-planters, harvesters in the processing	10
4.	Seasonal employees at Cirio Del Monte Kenya	These were determined by those on duty as per the interview dates	8
5.	Employees at the ministry of labor and East Africa Community	Director Assistant director Office administrator Senior officers in the labour office TOTAL	0 0 1 0 1
6.	Kenya National Commission of Human Rights	Director Senior officers in the office TOTAL	0 2 2
7.	National police	Officers on duty	2
9.	Office of DPP	Director of investigations Administrator Senior officers in investigations department	2
10.	Office of Attorney general	Magistrate High court judge Advocates of high court Court administrator	2
			32

Table 4.3: Category of the Respondents

4.2.4 Age of the Respondents

The respondents who participated in this study had the following age distributions; the age distribution was specified in between the interval of 10.

Table 4.4: Age of the Respondents

Age of the respondents	Frequency	Percentage
20 -29	8	25%
30-39	8	25%
40-49	10	31.75%
50-59	4	12.5%
Above 60	2	6.25%
	32	100%

Table 4.4 shows that majority of the respondents were between the ages of 40-49 which stood at 31-75%. However, the majority of the populations were the young adults who were of the ages between 20-29 and 30-39 years which formed a total of 50% of the entire population of the respondents. Very few respondents were old people; this reflects the 4 and 2 respondents between the ages of 50-59 and above 60 years respectively.

4.2.5 Educational Level of the Respondents

Table 4.5: Educational Level of the Respondents

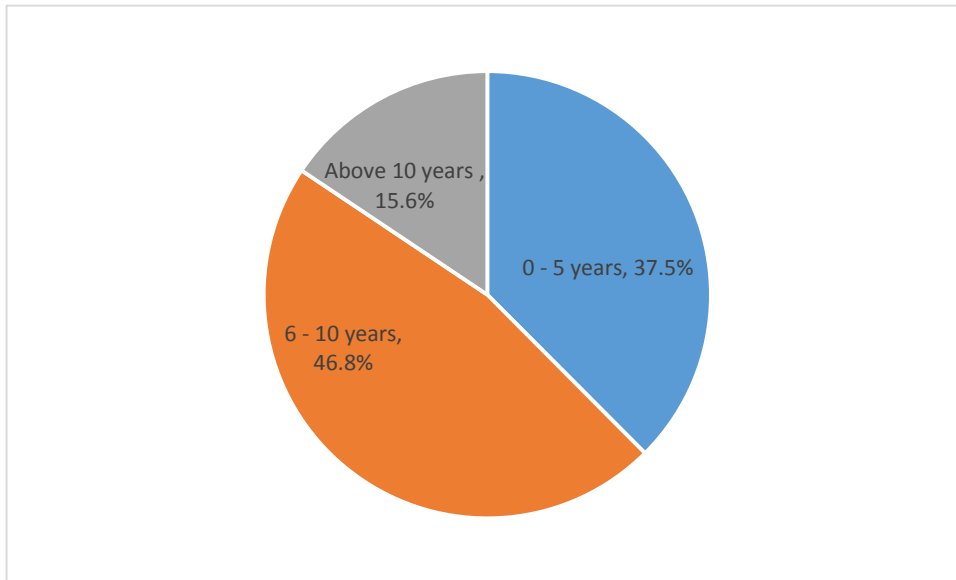
Educational level	Frequency	Percentage
Primary	11	34.37%
O-level	7	21.87%
Certificate	4	12.5%
Diploma	6	18.75%
Degree	4	12.5%
Total	32	100%

Table 4.5 shows that majority of the respondents had primary school education and O-level education. 11 respondents had primary certificate while 7 had O-level certificates, its only 4 respondents who had a degree onwards while 6 other respondents hold Diplomas. This clearly testifies that majority of the respondents are less educated.

4.2.6 Working Experience

This study attempted to establish the number of years that each respondent had worked in his area of work.

Figure 4.1: Working Experience

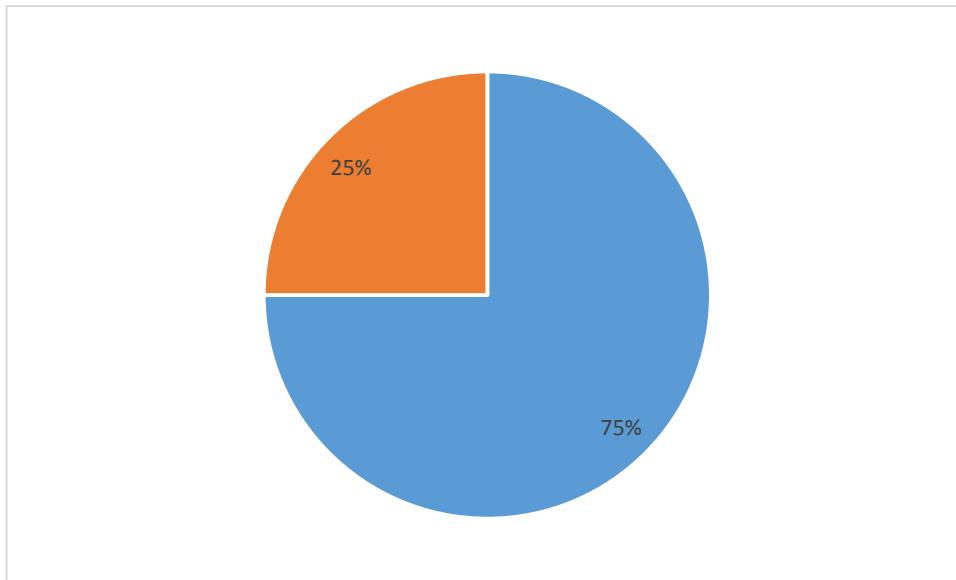


This study revealed that of all the respondent whom this study managed to interview, 12 respondents worked between 0 and 5 years, which translated to 37.5%, 15 respondents had worked for between 6-10 years, which translated to 46.8%, while 5 respondents had worked for over 10 years in the area.

4.2.7 Places of Birth of the Respondents

This study sought to establish how many of the respondents were born in Kiambu and Muranga Counties where the company is located and how many of the respondents were not.

Figure 4.2: Places of Birth of the Respondents



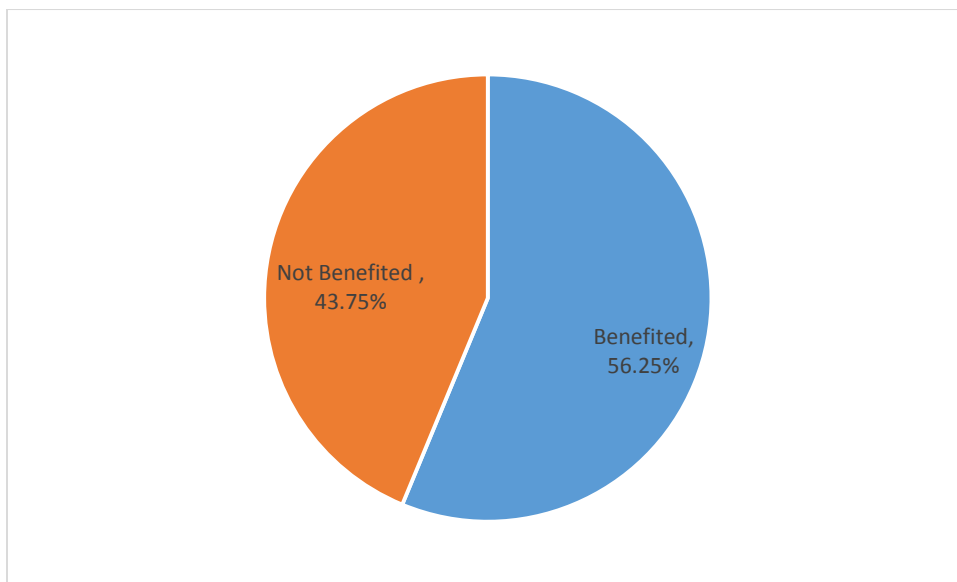
The idea behind this question was to ascertain whether the company has employed individuals from the locality only or whether it has employed the employees from other parts of the country as well. This study established that 75% of the respondents were born in Kiambu and Muranga areas and therefore they know this company and its history very well. This was of great benefit to the study since it raises the credibility of the study. 25% of the respondents were born elsewhere and did not have a first-hand experience with the company.

4.3 The Impact of Multinational Corporations in Kenya

4.3.1 Has Cirio Del Monte benefited the communities living in the neighborhoods

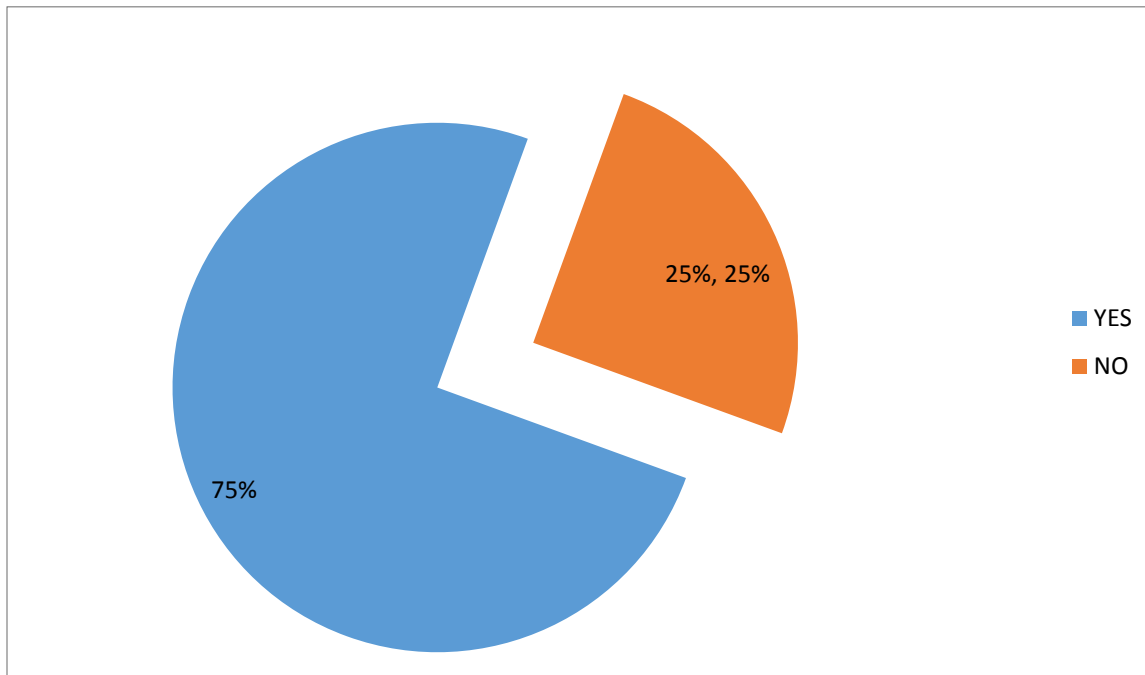
The pie-chart below presents the results obtained from the field on whether Cirio Del Monte has benefited the surrounding communities.

Figure 4.3: The Benefit of Cirio Del Monte to the local communities



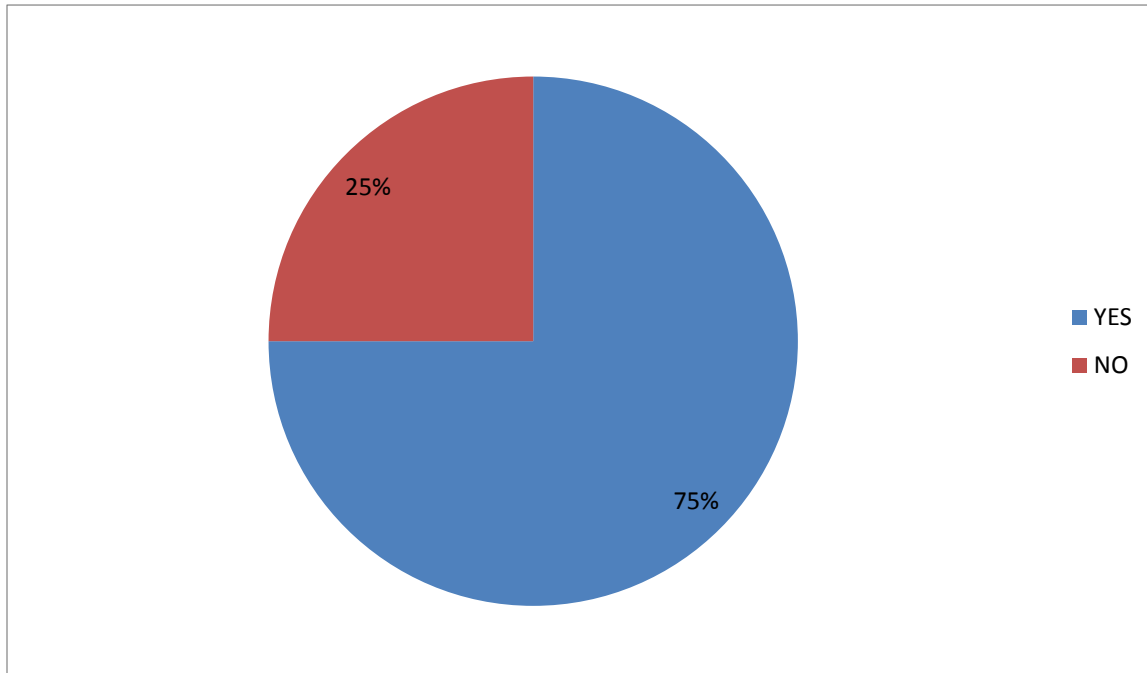
The study found out that 56.25% of the respondents felt that the presence of the Cirio Del Monte Company benefited the local communities living in the area while 43.75% felt that the company did not benefit the local communities living in the area. Those who believed it benefited them cited employment both for them and their children, maintenance of local feeder roads, donations to the local churches and schools, as well as contributing to the growth and development of Thika Town.

4.3.2 Does Cirio Del Monte Company allows the employees to join the trade unions?



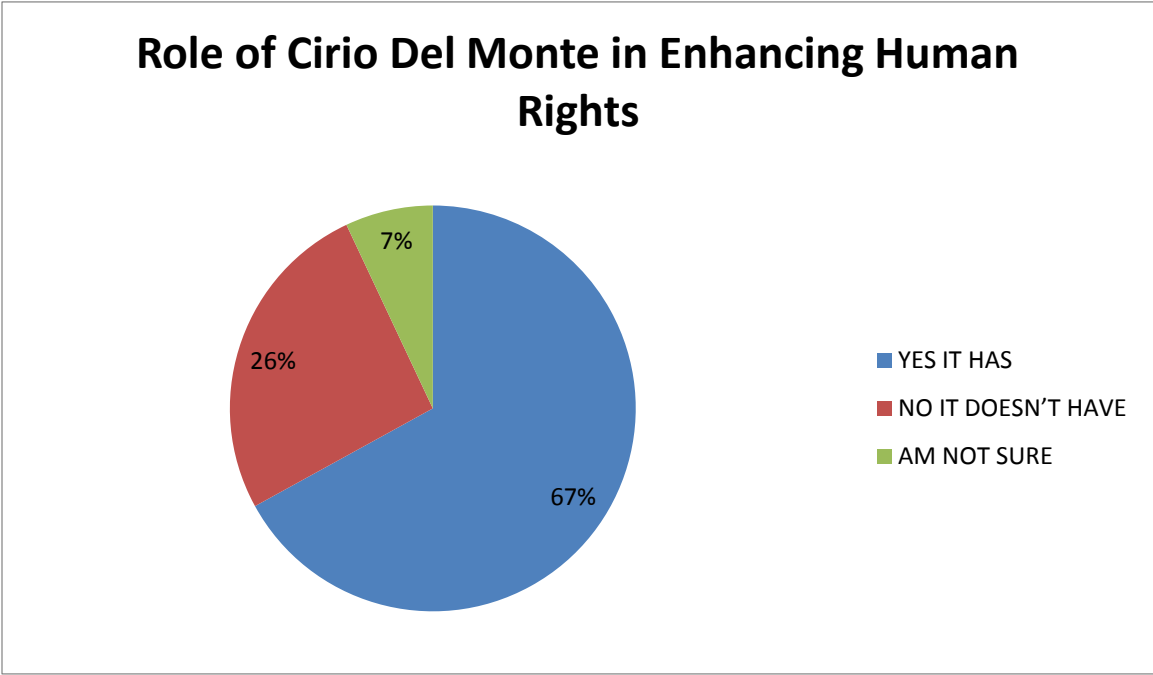
The respondents were asked to state whether the company allowed them to join trade unions: 75% of the respondents felt it allowed them that chance, and only 25% of the respondents felt otherwise. One issue that almost all the workers raised which got the attention of the researcher was the issue of 3 months' contract which was renewable, it's a clever way of discouraging the practice of trade unionism in Cirio Del Monte company.

4.3.3 Are the employees of Cirio Del Monte Company entitled to maternity leave?



The respondents were asked to state whether the employees of this company are entitled to 3 months' maternity leave: 75% of the respondents felt there are those provisions while 25% felt that those provisions were either not felt or not effective. But most of the casuals and seasonal workers were contractual hence 3 months' maternity leave didn't apply. Expectant mothers were in most cases not allowed to renew their contract in that period when they are allowed to deliver.

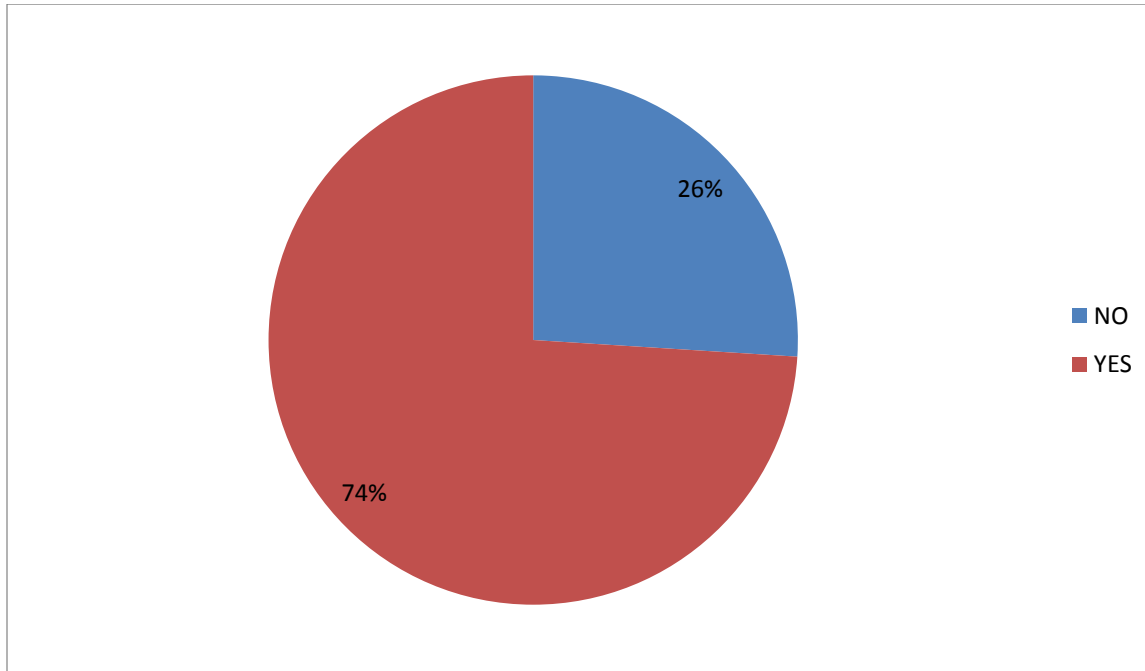
4.3.4 Does Cirio Del Monte Kenya have any role to play in enhancing human rights in Kenya?



The respondents were asked to state whether they felt that the company had any role to play in as far as promotion of human rights was concerned: 67% of the respondents felt that the company had a role to play while 26% felt that it had no role to play. 7% of the respondents were not sure of whether it had a role to play or not. Therefore, it is established that MNCs have role to play in as far as promotion of Human Rights is concerned.

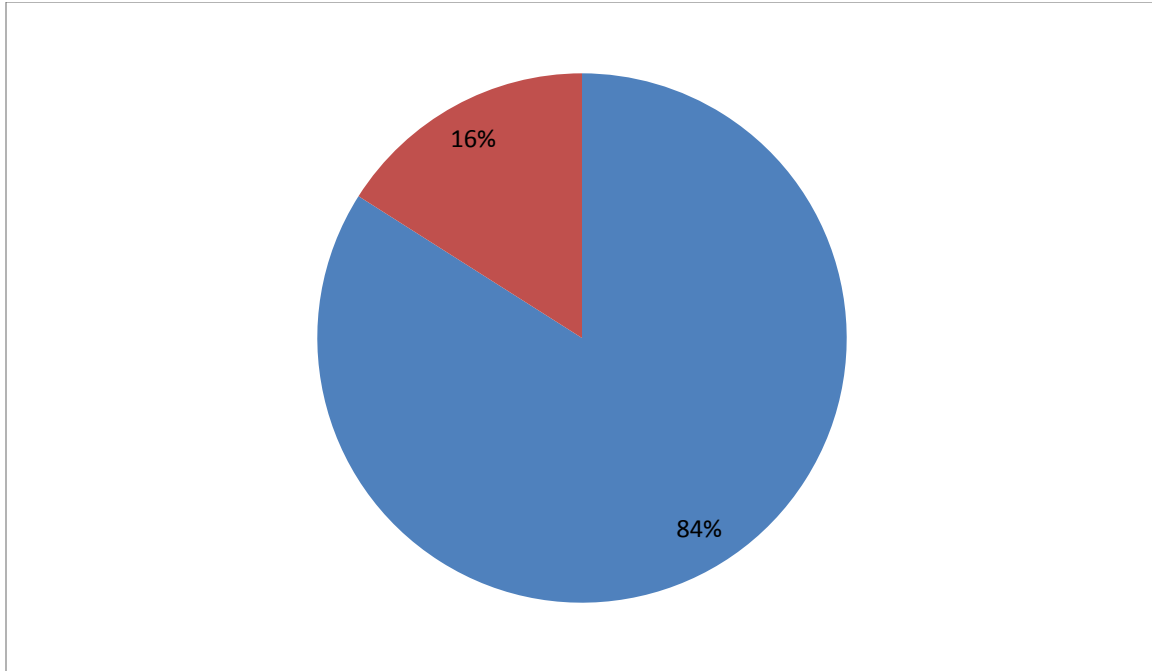
4.4 Data Analysis

4.4.1 Effectiveness of various initiatives in making MNCs in Kenya to adhere to human rights



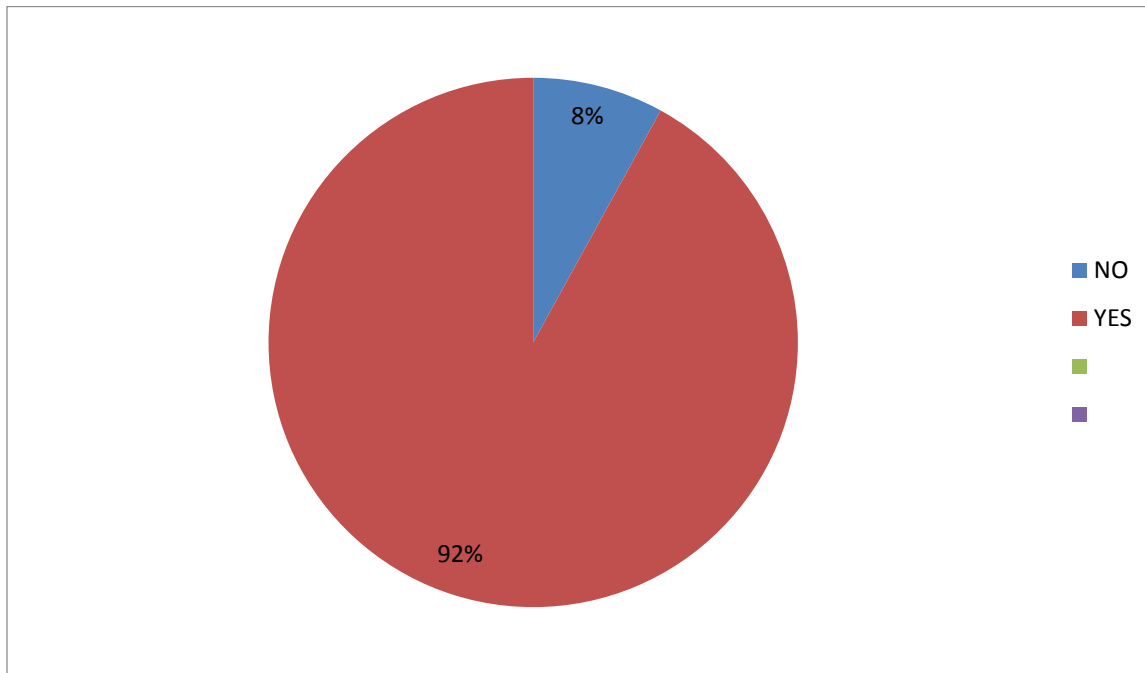
The respondents were asked to state whether government legislations will be effective in making the MNCs to adhere to the rule of law and observe human rights. 74% of the respondents felt that it will be effective while 26% felt that it wouldn't. Therefore government legislation was viewed as a good strategy of making the MNCs to observe human rights

4.4.2 Effectiveness of Negotiations



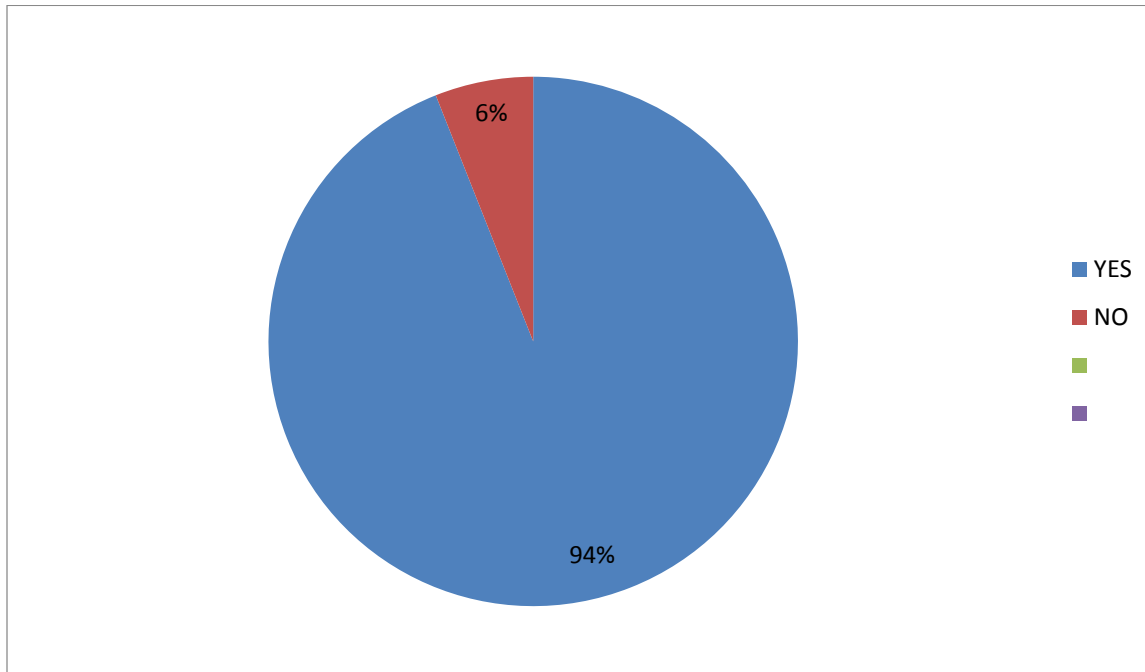
The respondents were asked to give their opinions on whether the use of negotiations was a good way of improving the MNCs positive effects to human rights standards: majority of the respondents felt it was least effective and fairly effective with scores of 84% and 16% respectively. This means that negotiations were among the least effective strategies.

4.4.3: Effectiveness of demonstrations



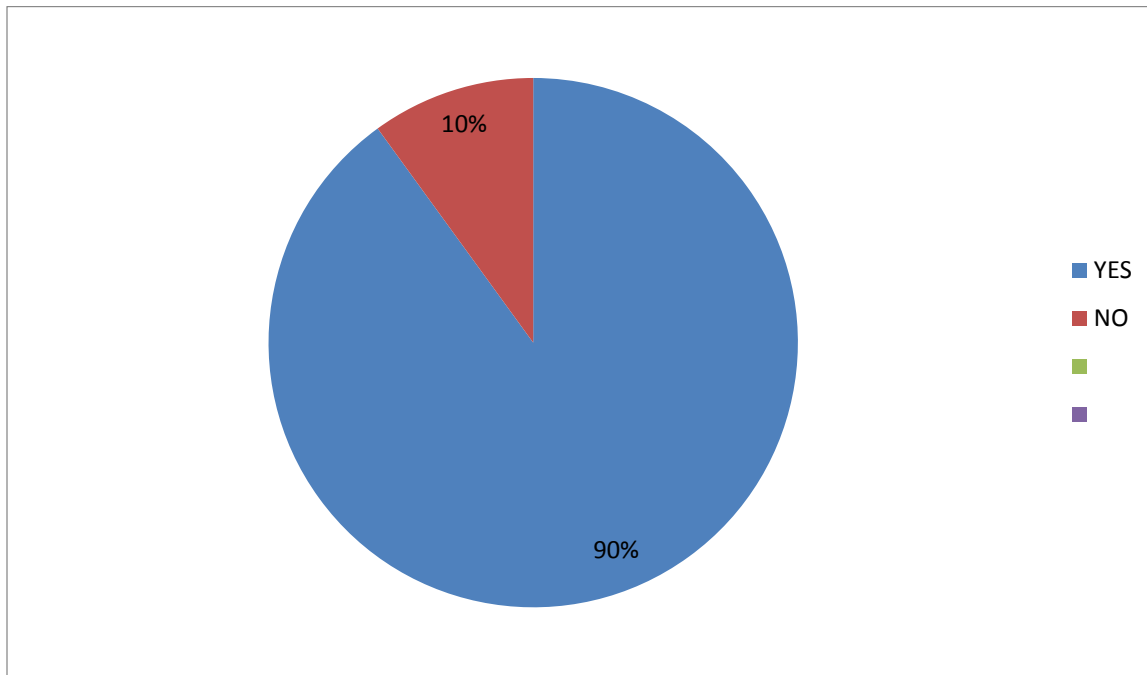
The respondents were asked to give their views as to whether the employment of demonstrations to agitate for their rights was a good initiative in making the MNCs to improve the human rights standards, majority of the respondents felt it was very effective and effective with a whopping 92% and 85 opposing it respectively.

4.4.4: Effectiveness of strikes



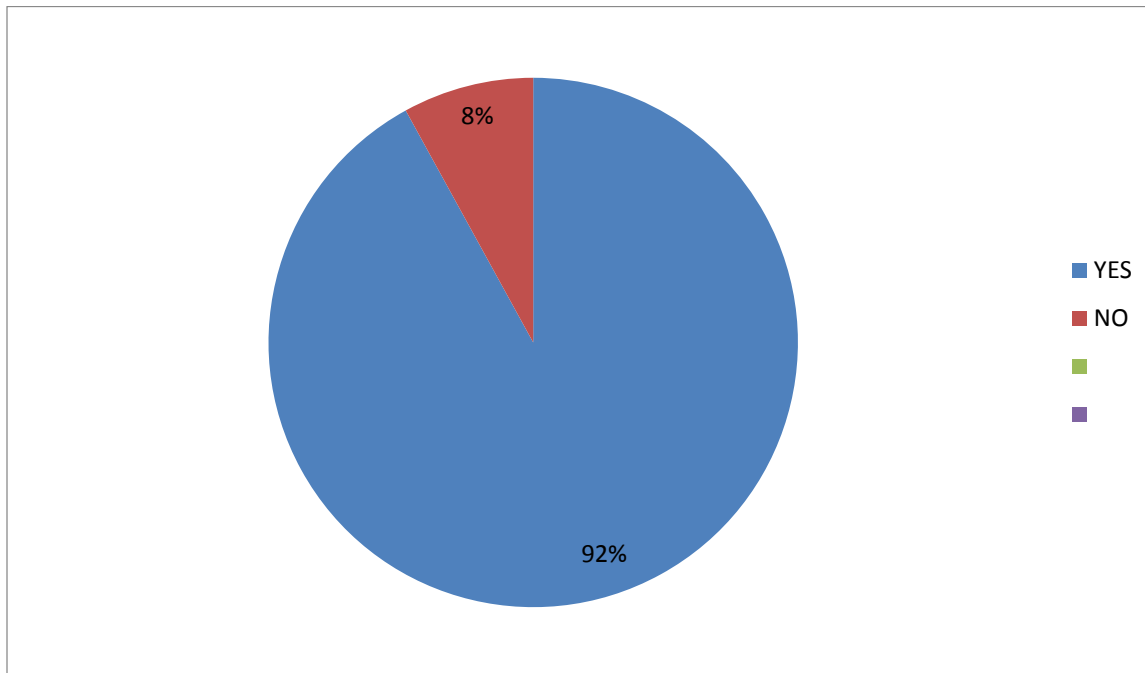
The respondents were asked to give their views as to whether the use of industrial strikes by workers was the best strategy of agitating for their rights by the MNCs. A higher percentage of the respondents were of the opinion that strikes were an effective way of viewing their needs towards improvement of human rights by the MNCs: 94% of the respondents felt it was very effective, 6% of the respondents felt it was effective.

4.4.5: Effectiveness of trade boycotts



The study sought to test the effectiveness of trade boycotts as way of showing dissatisfaction with the MNCs and human rights observation: 90% of the respondents felt that it was a very effective initiative, while 10% felt that it was an effective initiative.

4.4.6: Effectiveness of setting up of Rival local companies



The respondents were asked to give their views as to whether setting up of rival local companies would make the MNCs to adhere to the code of human rights, majority of the respondents felt that it was an effective initiative with 92% feeling its very effective and 8% feeling that it was effective.

4.5 Findings of the study.

From the findings of this study, it was established that majority of the respondents felt that the contribution of Cirio Del Monte Company towards human rights development in Kenya has been to a medium extent. This is because as a result of its presence, many residents of the area have been enabled to secure some form of employment has improved the livelihoods of the employees and their families. The company has also made some contributions to the society in terms of maintenance of local feeder roads, sponsoring of sports competitions like Thika United and communities as well as sponsorships of several women groups like Kibandutu, Weteithie and Juja Women's group in the area as part of the company's corporate social responsibility. However, the extent to which the company has violated human rights of its employees and the surrounding communities erodes all the good things which the company has done. This is in line with the theoretical framework which argued that there is the existence of freedom in the market whereby both the company has got its own rights and the employees have their own rights; however, the role of the government is to ensure that nobody's rights have been interfered with.

The study has established that although Cirio Del Monte Company has grossly violated the Socio Economic rights of its employees. For example, although the company has not stopped its employees from forming or joining any form of trade unions in order to fight for their rights as workers, less employees were in those unions. The study established that in the actual sense the company has made it difficult for these employees to join their respective trade unions, this is because most of the employees are on contracts which is renewable after every three months. Therefore, the suppressed employees find it unworthy to join such unions as it will lower the chances of their contracts being renewed. This finding contradicts the theoretical framework which argues that a good MNC is that which observes and protects human rights, but this study wonders, in a free market economy where profit motif is the main agenda of the company, how will these companies be forced to observe human rights when their main agenda is profit maximization?

In addition, the study found that maternity leave was enjoyed by the permanent employees and a certain category of seasonal workers. This category enjoyed 3 fully paid maternity leave. However, to the majority of the employees who are either seasonal or casuals, this kind of privilege did not apply. This was against the Employment Act 2007 that stipulates that all female workers are entitled to 3 months (91 calendar days) of fully paid maternity leave on birth of a child. This contravenes the employee's social rights. Besides these employees most especially the casuals and the seasonals it was established that they are not paid for working overtime.

With regards to the effects of Del Monte Company's in employees welfare in Kenya, the study established that the company tried in improving the employees' welfare as well adhering to the production and quality standards of the company's product, the company is also supposed to do a number of things to the local community as part of its corporate social responsibility, therefore although the company is partly doing some of these activities to the local community, it's not enough and it's supposed to do more.

Another finding of this study is that the existing legal and policy framework which is meant to regulate the behavior of the MNCs in Kenya has not done enough in helping the employees of Cirio Del Monte to enjoy their rights such as forming and joining trade unions. As a result of this the suffering employees of Cirio Del Monte Company are left helpless with no one to turn to. Again the company demonstrates a perfect case where MNCs are more powerful than the states in which they operate in. Infact, The study has established that if the Government of Kenya was to try and ensure engage mechanisms that would enable day to day checks on the activities of Cirio Del Monte Kenya, it would lead to substantive loss of the FDI thereby making Kenya to lose key revenues source which would in turn be a counter-productive measure. Therefore, occasional checks on MNCs by the Government cannot be used as a measure since MNCs are private entities. Though it was observed that, if the government occasionally checked on the activities and behaviors of MNCs, there is a likelihood that MNCs will improve on their employer employee relationship. This would include improved employee welfare.

Finally, the study has also managed to establish that the best way to ensure that MNCs adhere to human rights is through legislation, demonstrations, and strikes, trade boycotts, setting up of local rival companies to MNCs, strengthening the Kenyan economy, promoting regional integration and seeking legal redress from the international court of justice. All these measures can only be meaningful if they are implemented concurrently. Therefore all these measures are better off if they are added in the exiting legal ad policy framework which governs the conduct of the MNCs in Kenya. The study has also established that the following measures are not effective at all in ensuring that MNCs adhere to human rights, they include, negotiating with MNCs, Government control and expulsion of MNCs from Kenya, They do not work at all and therefore they should not appear anywhere near the legal and police framework..

4.6 Discussion of the findings

The findings of this study can best be discussed alongside with the ongoing case where by the county government of Murang'a and the local community have sued the company before the high court over the ownership of land which the company sits in. The company occupies approximately 9,143.455 hectares of land and through its lawyer it argued that it has put up massive investments on the parcels which include factories, office complex, several dams and extensive irrigation infrastructure. The lawyer said Del Monte has also put up 2,700 housing units for its members of staff, six fully staffed and equipped clinics, eight nursery schools, three primary schools and two secondary schools and social halls among other developments. Mr Stergios Gkalianoutsas, the managing director of the company said in an affidavit that the company has directly employed over 7,000 people who stand to lose if the actions of the residents are not stopped.

Locals and the county government said it was impossible to step into the property because of the heavy security presence. The residents claim that the land is public land and the fruit company has no proprietary rights despite occupying it illegally. The county government is opposed to the extension of the land leases citing poor working and living conditions for the workers. It argued in court that the company uses hazardous pesticides in the growing of pineapples and permanent damage to the natural resources of the people of Murang'a. The county challenged the jurisdiction of the court to handle the matter arguing that all matters relating to the environment, use, occupation and title to land are supposed to be heard at the Environmental and Land court.

As the case was pending, Kandara residents filed the claim before National Land Commission (NLC) alleging historical injustices. The company, first challenged the jurisdiction of NLC to hear the dispute but a middle ground was struck and the parties agreed to mediation. The Commission later resorted to the historical injustices route, forcing the company to move to court to challenge alleged radical recommendations made by NLC. "We are not persuaded by the petitioner's argument that merely because it pleaded various constitutional rights, the petition should be heard by the High Court. "We find that the alleged violations are intertwined with the dominant issue," the judges said.

Fruit processor Del Monte will have its land surveyed in order to address the historical injustices committed against the area residents. The move, aimed at settling the demands of communities in

Murang'a and Kiambu counties where the Del Monte holds 22,000 acres, requires the American firm to surrender any land that is not registered in its name. The National Land Commission (NLC) has directed that any surplus land identified be surrendered to the Murang'a and Kiambu claimants for resettlement as well as the respective county governments in the ratio 70:30 respectively.

“In case there's no residue, then on expiry of the lease, a suitable amount should be set aside and held in trust by the county governments for the purposes of resettlement and public utilities. The respondent shall additionally surrender all public utilities within the land to the national or relevant county government agencies, whether the lease has expired or not,” the gazette notice further states.

The notice heralded the beginning of the end of decades-long court battles between the people who were displaced from the land and the company.

Before the NLC's directive, the residents, through the Kandara Residents Association (KRA), had petitioned the commission's historical land injustice committee last year during a public hearing in Thika. They presented the historical injustices committed against them by Del Monte and the colonial soldiers who had returned from World War I and II.

The land was first owned by Agro-French, which grew sisal, then Kenya Cannery, which grew pineapples, and later, by Del Monte. Among the historical injustices the community cited were forcible evictions from their ancestral land, torching of their houses, murder and rape. They said their forefathers used the land for mixed farming before White settlers took some of it, followed by the soldiers who had fought in the world wars, who were awarded the land by the colonial government. They claimed that their villages were converted into labour camps, and that they were forced to work in the sisal estates before the land changed hands. In Kiambu County, most of the victims settled in concentration camps in today's Umoja, Madharao, Gachagi and Majengo slums in Thika.

They told the NLC that Del Monte was using 15,000 acres of the 22,000 it has leased, leaving 7,500 acres between Kiambu and Murang'a counties underused. A few months ago Kiambu County signed a memorandum of understanding with Del Monte, releasing 635 acres of the firm's land in Kiambu to the county, and extending the firm's lease on its 8,000 acres.

At the moment all the parties to this case agreed to settle this matter out of courts and that's the situation stands as at Now. However, from the above narration, it can be seen that there exists a serious problem between the company and the members of the local community. This disputes can be traced back to the historical injustices whereby the company is accused of taking peoples lands by force without any form of compensation. Again, the problem could exist around the issues of land leases which according to the people was supposed to expire after 99 years. However, in all these two sets of disputes, the fact is there are so many landless people within Thika town and the company has got quite a number of land parcels which it does not use. There is a great valuation of human rights in as far as land ownership is concerned.

Secondly, according to the suit filed by the county government of Murang'a, it was established that he company has poor working and living conditions for the workers, this according to the county government of Murang'a is because there was no adequate housing for the majority of the company's employees, the county government argued that most employees with families were forced to share very small houses which It argued that it denies the employees to have decent living. The county government of Murang'a also argued in court that the company uses hazardous pesticides in the growing of pineapples and permanent damage to the natural resources of the people of Murang'a, in addition to this, it has got a negative impact to the health of the consumers of the company's products both locally and internationally. It was also discovered that the Company is one of the greatest polluters of the Nairobi River which later joins with the Tana and Athi River that flows all the way to the Indian Ocean. The company does not have a water treating point where its waste products are treated before being disposed of to the river. In fact, the study finds that the waste products of this company are thrown directly into the river which possesses serious health issues to the users of the waters from the Tana-Athi and Nairobi river downstream. This is not only illegal according to the Environmental law, but it's a serious violation of the environmental rights of the people. The study has further established that although the existence of the Cirio Del Monte company has provided jobs to quite a number of people in Thika town, brought financial growth and development of Thika town, has promoted trade in Kenya and beyond as well as generating revenues to the republic of Kenya, the study has also established that this company is riddled with a lot of corruption, it has promoted crimes against humanity if the recent court rulings on human rights abuses by the company is anything to go by, the company has

also been accused of illegal activities such as tax evasion, environmental pollution, bribery of KRA officials among others. Therefore, its existence in Kenya has mixed results.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECCOMENDATIONS OF THE STUDY

5.0 The Introduction

This chapter deals with summary of the study, the conclusion of the study and the recommendations. It should be noted that the conclusion and the recommendations that this study makes was responding to the research questions and the study objectives and it was also linked to the hypothesis of the study.

5.1 Summary of the Study

This study had sought to examine the effects of Cirio Del Monte activities on human rights in Kenya. The study had the following questions: a) What are the effects of Cirio Del Monte company activities on the employees' welfare? b) What is the impact of Cirio Del Monte company activities on the environmental rights of their employees? c) what are the measures that Cirio Del Monte has put in place in order to ensure that workers welfare is taken care off? The study had the following objectives; The main objective was to examine the effects of Cirio Del Monte activities on human rights in Kenya. The specific objectives of the study were a) To examine the effects of Cirio Del Monte's activities on employees' welfare. b) To establish the impact of Cirio Del Monte company activities on the environmental rights of their employees and c) To assess the measures that have been put in place by Cirio Del Monte company in order to ensure that employees welfare is taken care of.

The study further had aimed at testing the following research Hypothesis, namely: a) The activities Cirio Del Monte's company has had negative impact on the environmental rights of the employees. b) The activities Cirio Del Monte's company has had positive impact on the environmental rights

of the employees c) The activities of Cirio Del Monte company has negatively impacted on socio economic welfare of its employees

This study was anchored on economic liberalism theory, whereby the theory argued that there is no need for states to interfere with the activities of the MNCs instead, the international institutions and regimes should be encouraged to deal with the behavior of rogue MNCs in as far as promotion of human rights and respect for the employees' rights are guaranteed by these MNCs.

This study managed to establish the following issues;

From the findings of this study. It was established that majority of the respondents felt that the presence of Cirio Del Monte Company has been both a blessing and a curse to the residents of Thika town. This is because as a result of its presence, many residents of the area have been enabled to secure some form of employment which is a big deal for them and their families. The company has also made some contributions to the society in terms of maintenance of local feeder roads, donations to local churches, sponsoring of sports competitions to their nearby schools and communities as well as sponsorships of several women groups in the area as part of the company's corporate social responsibility.

The study has established that although Cirio Del Monte Company has not stopped its employees from forming or joining any form of trade unions in order to fight for their rights as workers, less employees were in those unions. The study established that in the actual sense the company has made it difficult for these employees to join their respective trade unions, this is because most of the employees are on contracts which is renewable after every three months. Therefore, the suppressed employees find it unworthy to join such unions as it will lower the chances of their contracts being renewed.

In addition, the study found that maternity leave was enjoyed by the permanent employees and a certain category of seasonal workers. This category enjoyed 3 fully paid maternity leave. However, to the majority of the employees who are either seasonal or casuals, this kind of privilege did not apply. This was against the Employment Act 2007 that stipulates that all female workers are entitled to 3 months (91 calendar days) of fully paid maternity leave on birth of a child.

With regards to the role that Del Monte Company have in promoting human rights in Kenya, the study established that the company tried in improving the employees' welfare as well adhering to the production and quality standards of the company's product, the company is also supposed to

do a number of things to the local community as part of its corporate social responsibility, therefore although the company is partly doing some of these activities to the local community, it's not enough and it's supposed to do more.

Another finding of this study is that the Government of Kenya has not done enough in addressing the human rights issues affecting the employees of Cirio Del Monte Kenya. It also established that most cases reported to the nearby police post either go unattended to or are totally ignored. Most employees would wish to use the Kenyan Courts to articulate their cases but they deem the court processes as lengthy, costly and not likely to be just to them.

The study has also established that if the Government of Kenya was to address all issues raised by the employees of Cirio Del Monte, there is a likelihood of substantive loss of the FDI thereby making Kenya to lose key revenues source which would in turn be a counter-productive measure. Therefore, occasional checks on MNCs by the Government cannot be used as a measure since MNCs are private entities. Though it was observed that, if the government occasionally checked on the activities and behaviors of MNCs, there is a likelihood that MNCs will improve on their employer employee relationship. This would include improved employee welfare.

The study has also managed to establish that the best way to ensure that MNCs adhere to human rights is through legislation, demonstrations, strikes, trade boycotts, setting up of local rival companies to MNCs, strengthening the Kenyan economy as well as seeking legal redress from the Kenyan courts. All these measures can only be meaningful if they are implemented concurrently. The study has also established that the following measures are not effective at all in ensuring that MNCs adhere to human rights, they include, negotiating with MNCs, Government control and expulsion of MNCs from Kenya

The study has also established that the activities of Cirio Del Monte Company have not adequately observed the environmental rights of its employees, this is in relation to the working conditions that the company subjects its employees to and also poor drainage systems at the living quarters. Cirio Del Monte uses sprinkler irrigation that has contributed to soil erosion in the areas bordering the farm. The study further established that the existing measures which has been put in place by Cirio Del Monte company to safeguard the rights of its employees are not adequate enough in ensuring that the welfare of its employees is well taken care of.

5.2 CONCLUSION OF THE STUDY.

From the field work study that was undertaken by this research, the study wishes to draw out the following conclusions:

This study concludes that majority of the respondents felt that the presence of Cirio Del Monte Company has been both a blessing and a curse to the residents of Thika Town. This is because as a result of its presence, many residents of the area have been enabled to secure employment.

The study also concluded that the company has also made some contributions to the society in terms of maintenance of local feeder roads, donations to local churches, sponsoring of sports competitions to their nearby schools and communities as well as sponsorships of several women groups in the area. as part of the company's corporate social responsibility, that although Cirio Del Monte Company has not stopped its employees from forming or joining any form of trade unions in order to fight for their rights as workers.

The study further concluded that in the actual sense the company has made it difficult for these employees to join their respective trade Unions, this is because most of the employees are on contracts which is renewable after every three months. Therefore, the suppressed employees in their own wisdom find it unworthy to join such unions as it will lower the chances of their contracts being renewed. The study has also managed to conclude that Cirio Del Monte Company allows paid maternity leave to permanent women employees and a certain category of seasonal women employees. The researcher finds it unfair to season employees as well as casual employees.

With regards to the role that Del Monte Company have in promoting human rights in Kenya, the study concludes that apart from treating the employees well and agreeing to the production and quality standards of the company's product, the company is also supposed to do a number of things to the local community as part of its corporate social responsibility, therefore although the company is partly doing some of these activities to the local community, it's not enough and it's supposed to do more.

This study also concludes that the best way to ensure that MNCs adhere to human rights is through legislation, demonstrations, strikes, trade boycotts, setting up of local rival companies to MNCs, strengthening the Kenyan economy, promoting regional integration and seeking legal redress from the international court of justice. These measures can only be impactful if they are implemented

concurrently, one measure cannot deliver the desired results in isolation. Negotiating with MNCs, Government control and expulsion of MNCs from Kenya, have no impact.

5.3 THE RECOMENDATIONS OF THE STUDY.

This study would wish to recommend that the Government of Kenya considers to put in place legislation which will ensure that all the employees whether in the public sector or the private sector are able to join trade unions, they will be necessary to strengthen the provisions in the 2010 constitution that provides for the free formation, entry and exit of trade unions among the Kenyan citizens. Employees in private sector, and in particular Cirio Del Monte Kenya are limited by the fact that there are more contractual based employees than the permanent.

The study recommends that the Government of Kenya through the state Department of Labor should educate and sensitize employees on the Kenyan Labor Laws. The government through the department should make available and accessible labor related documents. To this effect, Cirio Del Monte Kenya should display a statement in the prescribed form of the employees' rights as stipulated in the Employment Act 2007.

This study also recommends that the civil society groups in Kenya, for instance the Kenya National Human Rights Commission and the Kenyan Human Rights Commission should be facilitated well to enable them handle issues reported to them on time. In addition, the Government of Kenya should implement the reports by prosecuting the perpetrators if the reports submitted by the above named commissions so as to be able to protect the employees against human rights violations.

The other recommendation is that the County Governments of Kiambu and Muranga should carry out sensitization programs to the employees of Cirio Del Monte Company and the community living around the company on what their rights are and how best they should demand for their rights. This is in relation to their environmental rights as well as working conditions. This will ensure that most of the human rights of the workers and the surrounding communities are respected.

To the Cirio Del Monte Company, this study wishes to recommend that it should re-consider the issue of employing their workers on a three months' contract that is renewable. This limits their capacity to agitate for their rights.

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7. If Yes, how?

8. If No, why?

9. Does Cirio Delmonte allow the employees join trade unions? -----

10. How many days do employees entitled for their maternity leave?

Section C. effects of Cirio Del Monte’s activities on human rights In Kenya.

11. Does Del Monte Kenya have any role to play in enhancing human rights in Kenya?

YES () NO ()

12. If yes, WHY?

13. If no, WHY?

14. As an employee of the company, do you think that the company allows you to join a trade union?

YES() NO ()

15. If yes, are you a member of any?

16. If No, why haven't you joined?

17. Has the Kenyan government played any role in ensuring that all employees join a union? explain your answer.

18. Suggest ways and means that can be adopted by the Kenyan government, civil society and Kenyans to ensure that all employees of Cirio Del Monte join trade unions

Section D. Effects of The Kenyan Government Regulating Multinational Corporations.

Kindly tick appropriately in the cells (one at each row).to indicate the extent to which you agree with the following statements.

	EFFECT	Very high extent 5	High extent 4	Not at all 3	Low extent 2	Very low extent 1
19	Loss of FDI					
20	Enhances the observation of human rights					
21	Reduces the external influence in the Kenyan matters economic and political					
22	Promotes better management of resources and utilization of shared natural resources.					
23	Increases revenue collection					
24	Ensures accountability and adequate service delivery to the citizens					
25	It promotes peace, security, regional stability and sustainable development					

SECTION E. EFFECTIVENESS OF VARIOUS INITIATIVES IN MAKING MULTINATIONAL CORPORATIONS IN KENYA TO ADHERE TO HUMAN RIGHTS

1. Is government legislation an effective way of enhancing human rights by MNCs?

Yes () No ()

2. Do negotiations play any role improving the relationship between Cirio Del Monte and the employees?

Yes () No ()

3. Do industrial strikes have any impact on Del Monte improving the welfare of the employees?

Yes () No ()

4. Do you think if the local and international consumers boycott Cirio Del Monte's products, the company will improve the employees' welfare?

Yes () No ()

5. Will setting up a local company to rival Cirio Del Monte be an effective way of improving the way Del Monte handles employees' complaints?

Yes () No ()

6. If Cirio Del Monte ceases its operations in the country, will it have any social or economic effects on the welfare of the communities around?

Yes () No ()

7. Does employment of demonstrations have any impact on the way Cirio Del Monte address the employees' grievances?

Yes () No ()

INTERVIEW GUIDE

GUIDING QUESTIONS FOR THE INTERVIEWS.

1. In your view, is the existence of Multi-National Corporations in Kenya a blessing or a curse to Kenya's socio-economic and political development?
2. What are some of the benefits that MNCs have in Kenya?
3. In your view do you think that MNCs that operate in Kenya doing enough to observe human rights?
4. In your view, what are some of the human rights violations that you know that have been perpetrated or may be perpetrated by the MNCs in Kenya?
5. Do you think that the Kenyan new constitution 2010 and the existing human rights laws in Kenya are effective in making the MNCs operating in Kenya to observe human rights?
6. In your view, is there any role that the Kenyan government has played in making the MNCs operating in Kenya to observe human rights?
7. In your view, what are the challenges that the Kenyan government is experiencing that makes it impossible to make the MNCs operating in Kenya to observe human rights?
8. What are some of the challenges in your view that MNCs are facing or experiencing that are making them unable to fully embrace the idea of observing human rights religiously?
9. What needs to be done by the Kenyan government in making the MNCs operating in Kenya to observe Human Rights?
10. What alternative strategies can you suggest either to workers, consumers, and all other interested parties concerned with this matter to adopt in order to make MNCs operating in Kenya to observe Human rights?

Thank you for your time!