

Civil Society and Human Right Protection in Africa: A Comparative Study of South Africa and Nigeria

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Abstract

Civil Society Organizations (CSOs) play a crucial role in advocating for and protecting human rights across Africa. However, they face numerous challenges that hinder their effectiveness and the overall human rights situation across the continent. Therefore, the paper focused on the roles of Civil Society and Human Right Protection in Africa: A Comparative Study of South Africa and Nigeria. The paper was anchored on the civil society theory; and a qualitative research design was adopted for the study. Data were gathered through secondary sources which were subjected to content analysis. The paper highlighted the significant role that CSOs in South Africa and Nigeria have played in advocating for human rights and socio-political changes. However, CSOs in South Africa and Nigeria face a wide range of complex challenges in their efforts to promote and protect human rights, including political interference, restrictive legislation, lack of funding, capacity constraints, and public mistrust. Despite these challenges CSOs have shown resilience, emphasizing their central role in advancing social justice and democratic governance. Overcoming these hurdles, the paper recommended that there is need to improve the capacity and effectiveness of CSOs in South Africa and Nigeria through capacity building, funding and resource diversification, fostering an enabling legal environment, strategic collaboration, promoting transparency and accountability, and protecting civil society space. These initiatives will bolster the ability of CSOs to effectively advocate for and protect human rights.

Keywords: Civil Society, Democracy, Human Rights, Protection

I Introduction

Civil society has a complex and multifaceted role in democracies. According to Teets (2014), it refers to the community of citizens that are engaged in collective activities outside of the structures of the government, the state, and the market. These can include a wide range of organizations, such as non-governmental organizations, community groups, trade unions, informal groups, activist groups, charities, and professional associations (Lewis, 2013).

Civil society is crucial to the functioning of democracies, providing voice and representation to various political, social, and economic perspectives that are often overlooked in mainstream politics and media (Diamond, 1994). Civil society organizations represent and advocate for various interest groups in society, including marginalized and vulnerable populations. Diamond (1994) argues that this role is especially critical in contexts where formal political institutions do not fully represent or respond to the needs and interests of all citizens. Civil society also promotes social integration and cohesion. In diverse societies, civil society

organizations often facilitate dialogue and understanding among different groups and communities, thereby promoting tolerance and addressing social divisions (Foley & Edwards, 1996).

Many civil society organizations work specifically to promote democratic governance (Schmitter & Encarnación, 1994). These organizations undertake a wide range of activities such as election monitoring, human rights promotion, rule of law advocacy, and campaigning for transparency and accountability in governance (Norris, 2002). Civil society can also influence policy. Many civil society organizations have specific policy expertise and use this knowledge to contribute to policy-making processes (Fung, 2003). They can provide valuable information, perspectives, and policy proposals that help shape decisions on a wide range of issues (Sabatini, 2002). Service provision is another crucial role of civil society. Many civil society organizations provide services to meet the needs of individuals and communities where government provision is inadequate (Salamon, 2015).

Human rights protection is a fundamental aspect of any democratic society. The concept of human rights originated from the idea that every individual has inalienable rights, regardless of their race, gender, religion, or other personal characteristics. These rights, as outlined in the Universal Declaration of Human Rights adopted by the United Nations in 1948, are meant to ensure a life of dignity for all people (Morsink, 1999). Protection of these rights is carried out at multiple levels. On the international level, institutions such as the United Nations and its bodies, like the Human Rights Council and the International Court of Justice, play key roles in setting standards, monitoring compliance, and addressing violations (Alston & Goodman, 2012). They enact treaties and conventions that set global standards for human rights and provide mechanisms for holding violators culpable.

On a regional level, organizations such as the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Commission on Human and Peoples' Rights play a similar role within their respective geographical areas. They often create regional human rights instruments, tailored to the specific contexts and challenges of their regions, and provide additional layers of protection and accountability (Shelton, 2005).

At the national level, governments, courts, and independent institutions like human rights commissions are responsible for implementing and enforcing international and regional human rights norms. Civil society organizations also collaborate with the media to play crucial roles, advocating for human rights, raising awareness, and pushing for accountability for violations (Neier, 2012).

While considerable progress has been made in the development and enforcement of human rights norms, significant challenges remain. These include conflicts and political instability, which often lead to grave human rights abuses, and the resistance of some governments to international human rights norms (Alston & Goodman, 2012). Addressing these challenges requires persistent effort at all levels, from international to local, and a commitment to the principles of justice, equality, and human dignity. Human rights protection in Africa is an issue of immense concern and importance. The African continent has a significant and multifaceted history related to human rights. Throughout the post-colonial period, Africa has grappled with numerous challenges related to human rights, including political repression, armed conflict, poverty, and inequality (Mutua, 2002).

In response to these challenges, African nations have developed a series of human rights instruments and institutions. The African Charter on Human and Peoples' Rights (also known as the Banjul Charter), adopted in 1981, and represents a significant step in human rights protection in Africa. It was ground breaking in that it incorporated not only civil and political rights but also economic, social, and cultural rights and collective rights such as the right to development and the right to a generally satisfactory environment (Heyns & Viljoen, 2001). The African Commission on Human and Peoples' Rights, established in 1987, serves as the primary regional body for promoting and protecting human rights. It carries out a variety of functions including examining state reports, considering complaints (or 'communications'), conducting promotional and protective missions, and interpreting the Charter (Evans & Murray, 2002).

Despite these efforts, human rights protection remains a significant challenge in many parts of Africa. Issues such as political instability, weak rule of law, armed conflict, poverty, and inequality contribute to ongoing human rights violations (Mutua, 2002). Moreover, the capacity and effectiveness of regional human rights institutions have often been hampered by resource constraints, political interference, and lack of enforcement power (Murray & Long, 2004). Civil society plays an instrumental role in the protection and advancement of

human rights in Africa. Composed of non-governmental organizations, community groups, faith-based organizations, and other grassroots entities, civil society acts as a watchdog, promoting accountability and pushing for the respect of human rights norms (Ake, 1996).

These organizations work at multiple levels, ranging from local communities to the international arena. They raise awareness about human rights, engage in advocacy, and provide support and assistance to victims of human rights abuses (Bob, 2005). By doing so, they help to foster a culture of human rights and to create societal pressure for the protection of these rights. Civil society organizations in Africa have made significant contributions to human rights protection. They have played crucial roles in struggles against oppressive regimes, the fight against impunity for human rights violators, and the push for greater equality and justice (Adejumobi, 2000).

Civil society has played a crucial role in shaping the political landscape in both South Africa and Nigeria, despite the unique challenges in each context. In South Africa, civil society organizations (CSOs) were instrumental in the struggle against apartheid. Groups such as the United Democratic Front (UDF) and The Black Sash mobilized masses and international opinion against the oppressive regime, playing a key role in the eventual transition to democracy (Seekings, 2000). Post-apartheid, South African CSOs continue to play a critical role in advocacy, public policy, service provision, and social mobilization, contributing to the development and strengthening of democracy (Habib & Taylor, 1999).

In Nigeria, the role of civil society is equally significant. During the military regimes, civil society groups were at the forefront of the pro-democracy movement, pressuring for the re-establishment of civilian rule (Agbaje & Adejumobi, 2006). Since the return to democracy in 1999, Nigerian CSOs have been active in a broad range of areas, including electoral reform, transparency, human rights, and service provision. Nevertheless, civil society in Nigeria faces numerous challenges, including political repression, funding constraints, and internal governance issues (Obadare, 2016). Therefore, while the contexts may differ, the role of civil society as a check on the government, a promoter of democratic norms, and a voice for the marginalized is consistent and crucial in both South Africa and Nigeria. Therefore, this study examines the operation of civil society in South African and Nigeria and its impact on human rights protection.

Statement of the Problem

Civil society organizations (CSOs) play a crucial role in advocating for and protecting human rights across Africa. However, they face numerous challenges that hinder their effectiveness and the overall human rights situation across the continent. Political repression is a pervasive issue. Governments that are wary of criticism or dissent often employ measures designed to restrict the operations of CSOs (Human Rights Watch, 2020). This can range from overt tactics, such as harassment, arrests, and violence, to more covert methods like legal restrictions and funding cuts. Limited resources also pose a significant challenge. Many CSOs in Africa struggle to secure sufficient and sustainable funding (Perold et al., 2013). This, in turn, hampers their ability to effectively advocate for human rights, offer needed services, or reach marginalized communities.

Credibility and capacity are further challenges confronting CSOs in Africa. Some organizations face criticism for failing to uphold high standards of accountability and transparency in their operations (Obadare, 2016). This can lead to a loss of public trust and a decrease in international support, both of which are vital for effective human rights advocacy. Institutional fragility is another challenge. Many CSOs are overly reliant on charismatic leaders and lack robust institutional structures, which can affect their sustainability and long-term effectiveness (Matenga, 2020).

Furthermore, CSOs often grapple with a lack of legal protection. In some countries, the law does not sufficiently protect the rights of CSOs, their members, and their activities (International Center for Not-for-Profit Law, 2020). Despite these challenges, CSOs continue to play an indispensable role in human rights protection in Africa. Addressing these challenges is key to strengthening civil society's capacity to effectively defend and promote human rights across the continent. Therefore, this study examined comparatively, the roles of civil society in protecting human rights in South Africa and Nigeria.

Civil society is also called Non-State Actor and it is part of the larger society and may therefore not be immuned from the values and cultures of the society so there must be diviants.that requires a regulatory framework of watching the watchers.

Objectives

The aim of the study is to examine the roles of civil society in protecting human rights in South Africa and Nigeria. Specifically. The paper seeks to:

- 1) examine the role of civil society organizations (CSOs) in advocating for and protecting human rights in South Africa and Nigeria.
- 2) identify and analyze the challenges CSOs face in their efforts to protect human rights in South Africa and Nigeria.
- 3) propose measures to strengthen the capacity of CSOs in South Africa and Nigeria for more effective defense and promotion of human rights.

Research Questions

- 1) What role do civil society organizations (CSOs) play in advocating for and protecting human rights in South Africa and Nigeria?
- 2) What are the specific challenges faced by CSOs in their efforts to protect human rights in South Africa and Nigeria?
- 3) What measures could be implemented to strengthen the capacity of CSOs in South Africa and Nigeria for more effective defense and promotion of human rights?

II LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Civil Society

Civil society refers to the domain of uncoerced collective action around shared interests, purposes, and values, which exists outside of the government, private market institutions, and family units. In theory, its institutional forms are distinct from those of the state and market, though in practice, the boundaries between state, civil society, private sector, and households are often complex, blurred, and negotiated. Civil society commonly embraces a diversity of spaces, actors, and institutional forms, varying in their degree of formality, autonomy, and power (Edwards, 2004).

Civil society can include organizations such as non-governmental organizations (NGOs), community groups, trade unions, voluntary associations, and social movements. It provides a crucial counterbalance to state power and provides a mechanism for citizen participation in the public sphere, contributing to the development and implementation of public policies, and helping to foster social cohesion (Diamond, 1999).

Civil society has a unique and essential role in democratic societies. It is seen as a "third sector", distinct from the state and the market. It represents the space where various societal groups, voluntary associations, and individuals come together to express their views, interests, and concerns free from government interference. This can involve a wide array of activities, including advocacy, public debate, lobbying for legislative changes, policy development, and the delivery of services. Civil society thus serves as a check on government power and helps hold it accountable (Foley & Edwards, 1996). The vibrancy of civil society often depends on a culture of civic engagement, legal protections for the freedom of assembly and association, and the availability of resources. Civil societies vary significantly in their robustness and effectiveness across countries and regions, reflecting diverse historical, political, and social contexts (Keane, 1998). However, civil society is not without its challenges and controversies. Not all actors in civil society are necessarily benign or democratic in their values and practices. Some groups may seek to advance sectarian, extremist, or anti-democratic agendas. Additionally, there is often the issue of representation. Larger, more professionalized NGOs, often based in urban centers and reliant on foreign funding, may not always accurately represent or serve the needs of marginalized groups in society (Chahim & Prakash, 2014). Thus, the promotion of a diverse and inclusive civil society sector is a key challenge facing many societies today.

In conclusion, civil society plays a fundamental role in promoting democracy, protecting human rights, holding governments accountable, and delivering essential services. It encompasses a wide range of activities and actors and is shaped by varied historical, political, and social contexts. Despite the challenges it faces, a vibrant civil society is an essential component of a healthy democratic system.

Human Right

Human rights refer to the basic rights and freedoms to which all individuals are entitled, regardless of nationality, sex, ethnicity, religion, language, or any other status. The concept of human rights is based on the principle of respect for the individual, and their fundamental dignity. It is widely accepted that these rights are inalienable and universal, meaning they cannot be taken away and apply to every individual around the world (Donnelly, 2013).

Human rights include civil and political rights, such as the right to life, liberty, and freedom of expression; as well as economic, social, and cultural rights, such as the right to education, adequate health care, and an adequate standard of living. It's important to note that these categories are interconnected and interdependent, and the violation of one right can affect the enjoyment of others (Morsink, 1999).

The idea of human rights is rooted in several cultural and religious traditions. However, the modern concept of human rights emerged in the aftermath of the Second World War and the horrors of the Holocaust, culminating in the adoption of the Universal Declaration of Human Rights by the United Nations in 1948. This document, along with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, forms what is often referred to as the International Bill of Human Rights (Glendon, 2001).

Human rights are protected and upheld by international and national laws and treaties, as well as by local organizations and civil society groups. At the international level, the United Nations plays a key role in promoting and protecting human rights. At the national level, governments have a responsibility to protect and promote human rights within their jurisdictions. Non-governmental organizations (NGOs) and civil society also play a critical role in advocating for human rights, holding governments accountable, and providing support to victims of human rights abuses (Goodale, 2009).

However, human rights face many challenges. Violations of human rights, such as torture, wrongful imprisonment, censorship, and discrimination, are unfortunately common in many parts of the world. Ensuring the protection of human rights also requires navigating complex issues such as cultural relativism, national sovereignty, and conflicts between different rights (Donnelly, 2013).

In conclusion, human rights are fundamental rights and freedoms that every individual is entitled to. They are universal, inalienable, and integral to the recognition of the inherent dignity and equal worth of every human being. Despite the many challenges, the concept of human rights continues to be a fundamental pillar for justice, fairness, and respect for human dignity in societies across the world.

III Theoretical Framework

There are several theories that could be used to explain the role of civil society in protecting human rights in South Africa and Nigeria, but the most relevant is civil society theory.

Civil Society Theory: This theory posits that civil society is a realm of social life that is open, voluntary, self-generating, autonomous from the state, and bound by a legal order or set of shared rules (Cohen & Arato, 1992). It's a space where individuals can debate and challenge the state and its policies. Civil society theory could be used to explain how non-governmental organizations, community groups, and other elements of civil society in South Africa and Nigeria engage in advocacy, public awareness campaigns, and other efforts to protect and promote human rights. Here are two prominent figures associated with the concept:

Georg Wilhelm Friedrich Hegel (1770–1831): The German philosopher Hegel played a pivotal role in shaping our understanding of civil society or 'bürgerliche Gesellschaft.' He viewed civil society as a necessary intermediary stage between the family and the state, where individuals pursued their self-interests and recognized each other as bearers of rights (Hegel, 1821).

Antonio Gramsci (1891–1937): An Italian Marxist philosopher, Gramsci significantly influenced contemporary interpretations of civil society. He believed civil society to be a 'battlefield' where ideological struggles took place, contributing to the maintenance or challenging of the status quo (Gramsci, 1971).

In the late 20th century, theorists such as Jean Cohen and Andrew Arato reintroduced the concept to sociological discourse, emphasizing civil society as a sphere separate from the state, where citizens could engage in democratic deliberation (Cohen & Arato, 1992). The Civil Society Theory, as developed by theorists like Hegel, Gramsci, Cohen, and Arato, provides a useful lens for understanding the role and challenges of

civil society in the protection of human rights in Africa. In many African countries, including South Africa and Nigeria, civil society has emerged as a significant actor in human rights protection. Drawing on the notion of civil society as an autonomous sphere separate from the state (Cohen & Arato, 1992), civil society organizations (CSOs), non-governmental organizations (NGOs), and various grassroots groups have engaged in diverse activities aimed at promoting human rights and challenging state policies that infringe upon these rights. For instance, in South Africa, civil society played a critical role in the struggle against apartheid, advocating for the rights of the black majority and opposing the repressive policies of the state (Lodge, 2003). Post-apartheid, civil society continues to play an important role in advocating for socio-economic rights and equality, reflecting Hegel's notion of civil society as a space for the pursuit of shared interests (Hegel, 1821). In Nigeria, civil society has been instrumental in pushing for democratic reforms, advocating for the rule of law, and fighting against human rights abuses, particularly in the context of the nation's history of military rule and ongoing security challenges (Obadare, 2016). This aligns with Gramsci's conception of civil society as a battlefield for ideological struggles (Gramsci, 1971).

However, civil society in Africa also faces considerable challenges in its efforts to protect human rights. These include restrictive laws and policies aimed at limiting the operational space for CSOs and NGOs, a lack of resources, and sometimes, threats and harassment from state actors (Hearn, 2007). Despite these obstacles, the importance of civil society in advocating for human rights remains crucial, particularly in contexts where state mechanisms for human rights protection are weak or compromised.

1V Research Methodology

The qualitative research design was adopted in order to gain an in-depth understanding of the role of civil society in protecting human rights in South Africa and Nigeria. The research was conducted through in-depth review of available secondary sources such as literature, reports, and statistics. Once collected, these sources were analysed using content analysis, with the aim of balancing quantitative and qualitative approaches. This allowed the paper to examine the human rights context in South Africa and Nigeria, the role of civil society in protecting human rights in each country, and the successes and challenges of the different strategies employed in the two countries. Additionally, the paper took into account different stakeholders involved in civil society initiatives and their attributes, roles and contributions towards human rights protection. The analysis thus provided a better understanding of the civil society approach to protecting human rights in South Africa and Nigeria.

5 DATA PRESENTATION AND DISCUSSION

Here, data were systematically presented based on the objectives of the paper as stated in the first section of this study.

Role of Civil Society Organizations (CSOs) in Advocating for and Protecting Human Rights in South Africa and Nigeria.

The role of Civil Society Organizations (CSOs) in South Africa has been instrumental in shaping the nation's socio-political landscape, particularly in advocating for and protecting human rights. Tracing back to the struggle against apartheid, CSOs have shown resilience and resourcefulness in confronting a variety of human rights issues.

The Black Sash is one such CSO, initially formed by a group of white women as a non-violent resistance organization during the apartheid era. It utilized legal strategies to combat oppressive laws and champion human rights, signifying the power of civil society even under the most repressive regimes (Black Sash, 2019). Its mission did not end with the dismantling of apartheid; the organization continues to promote social justice in the country by offering paralegal advice and leading advocacy campaigns.

The role of CSOs in South Africa has evolved post-apartheid to address a broader range of issues. The disparities in socio-economic statuses, heightened cases of gender-based violence, access to quality education and healthcare, and the pressing issue of land rights have all drawn attention from various CSOs (Booyesen, 2007). These organizations are pivotal in bridging the gap between policy and grassroots realities, making them a key player in South African democracy. The Legal Resources Centre (LRC) is an example of a CSO using legal instruments as a conduit for justice, offering legal services to vulnerable and marginalized communities. It takes on strategic litigation cases to promote systemic change and protect individual and

community rights, reflecting the instrumental role that legal CSOs play in safeguarding human rights in South Africa (Legal Resources Centre, 2019).

Similarly, Sonke Gender Justice focuses on promoting gender equality and rights. The organization works diligently to challenge traditional gender norms and advocates for reforms in policies and laws that address gender-based violence. This CSO exemplifies the critical role civil society plays in influencing policy and raising public awareness on gender issues (Sonke Gender Justice, 2019). The role of Civil Society Organizations (CSOs) in Nigeria, similar to their South African counterparts, has been instrumental in pushing for democratic reforms and the rule of law, as well as safeguarding human rights within the country. Several Nigerian CSOs have risen to prominence through their consistent advocacy work.

The Civil Liberties Organization (CLO) is one such CSO in Nigeria. It has played a significant role in protecting civil liberties and human rights, focusing on areas such as unlawful detentions, extrajudicial killings, freedom of expression, and access to information (Civil Liberties Organization, 2019). The CLO has not only been vocal against these human rights abuses but has also engaged in substantial litigation and policy advocacy, thereby challenging institutional inadequacies and pressuring the government for reform.

Similarly, the Human Rights Social Development and Environmental Foundation (HRSD&E Foundation) has taken a broad and integrated approach to human rights advocacy, encompassing social development and environmental justice. Their work includes advocating for socio-economic rights, environmental protection, and sustainable development (HRSD&E Foundation, 2019). The Women's Rights Advancement and Protection Alternative (WRAPA), another notable Nigerian CSO, primarily focuses on advocating for gender equality and the rights of women. Through awareness campaigns, legal aid services, and advocacy work, WRAPA seeks to eliminate all forms of discrimination against women and promote their rights as enshrined in national and international legal instruments (WRAPA, 2019). Nigerian CSOs have also been active in challenging human rights abuses, particularly those perpetrated by state security forces. For instance, organizations like the Network on Police Reform in Nigeria (NOPRIN) and the Socio-Economic Rights and Accountability Project (SERAP) have been pivotal in pushing for accountability and reform within the police and military.

Furthermore, the conflict in the North-East of Nigeria has led to numerous human rights violations, including mass displacement, extrajudicial killings, and sexual violence. In response, CSOs like the Borno Coalition for Democracy and Progress (BOCODEP) and the Centre for Democracy and Development (CDD) have been tirelessly working to document these abuses and provide support to affected communities. Beyond the realm of civil and political rights, Nigerian CSOs also actively engage in advocacy and programming around socio-economic rights. They place a particular focus on health, education, and poverty alleviation, recognizing the interdependence of these issues with human rights.

Despite the crucial roles they play, CSOs in both countries face several challenges, including restrictive legal environments, funding issues, and in some instances, direct harassment and intimidation. Nevertheless, they continue to be central actors in the struggle for human rights and social justice.

Challenges CSOs face in their efforts to protect human rights in South Africa and Nigeria.

Civil Society Organizations (CSOs) in South Africa and Nigeria play a crucial role in promoting and protecting human rights. However, political interference and state repression are significant challenges faced by Civil Society Organizations (CSOs) in both South Africa and Nigeria, particularly when these groups are seen as threats or challenges to those in power. This repression often occurs in various forms:

Restrictive Legislation: Governments may enact laws and regulations that restrict the operations of CSOs. These include laws that limit freedom of assembly or speech, regulations that complicate registration processes or impose stringent reporting requirements, and policies that restrict or control access to funding, particularly foreign funding (Freedom House, 2020). For example, in Nigeria, the government has proposed several controversial bills in recent years aimed at regulating non-governmental organizations, which many activists argue would undermine civil society's independence and effectiveness (Premium Times, 2020).

Legal Harassment: Governments may use legal systems to harass or intimidate CSOs. This can include unfounded legal cases, excessive audits, and arbitrary enforcement of regulations (CIVICUS, 2020). In South Africa, there have been instances where CSOs and activists have faced lawsuits aimed at silencing their

criticism of government or corporate practices – a phenomenon known as Strategic Litigation Against Public Participation (SLAPP) (Centre for Environmental Rights, 2021).

Physical Harassment or Violence: In more extreme cases, CSOs and their members face physical harassment, violence, or even assassination. Human rights defenders in both countries have been victims of such tactics. In Nigeria, activists and journalists reporting on corruption or insecurity often face intimidation, violence, and arbitrary detention (Amnesty International, 2020). In South Africa, community activists, particularly those involved in land and environmental issues, have faced threats and violence (Global Witness, 2020).

Lack of funding: Many CSOs rely on external funding to operate. This funding can be unpredictable and often comes with conditions that may not align with the priorities of the CSOs (Southall, 2016; Adaramola, 2020). The dependence on external funding can also leave CSOs vulnerable to shifts in donor priorities and global funding trends.

Capacity constraints: CSOs often lack the capacity to fully implement their programs due to a shortage of resources, skills, or personnel. This challenge is often acute in rural areas or in regions experiencing conflict, where the need for human rights work is greatest (Matunhu, 2011; Akinbobola, 2018).

Public mistrust: In some cases, CSOs face mistrust from the public due to perceptions of corruption, political bias, or ineffectiveness. This mistrust can limit the ability of CSOs to mobilize support and advocate for human rights (Bratton, 2012; Obadare, 2016).

Challenges of collaboration: While collaboration among CSOs can amplify their impact, it can also be challenging due to differences in approach, competition for resources, or differing levels of capacity or professionalism (Lötter, 2013; Ukiwo, 2015).

In conclusion, Civil Society Organizations (CSOs) in South Africa and Nigeria are instrumental in promoting and protecting human rights, but they face significant obstacles. These range from political interference, state repression, and restrictive legislation to capacity constraints and public mistrust. Furthermore, the dependency on inconsistent external funding and the challenges inherent in collaboration can impede their effectiveness. Despite these hurdles, the resilience and adaptability of these organizations continue to affirm the crucial role they play in democratic societies. Addressing these challenges will require strategic collaboration, legal reform, increased capacity building, and diversified funding models to bolster the strength and efficacy of civil society in these nations.

Measures to strengthen the capacity of CSOs in South Africa and Nigeria for more effective defense and promotion of human rights

To bolster the capacity and effectiveness of Civil Society Organizations (CSOs) in advocating for and protecting human rights in South Africa and Nigeria, several measures can be undertaken. These measures can be broadly categorized into capacity building, funding and resource diversification, enabling legal environment, and strategic collaboration and networking.

Capacity Building: This involves the provision of trainings and educational resources to CSOs to strengthen their operational and management capabilities. Capacity building initiatives may include leadership development, project management, advocacy and lobbying skills, resource mobilization, and legal literacy. It may also involve training on digital tools for more efficient work and better communication (Aldaba, 2002).

Funding and Resource Diversification: Encouraging CSOs to diversify their funding sources can reduce dependency on external funding and increase their resilience to funding shocks. This may involve supporting CSOs to develop social enterprises, build local philanthropy, or engage in crowdfunding. It could also mean facilitating CSOs access to government and international funding opportunities (Fowler, 2000).

Enabling Legal Environment: Advocacy for legal and policy reforms to create an enabling environment for CSOs is crucial. This can involve contesting restrictive laws and regulations, advocating for legal protections for CSOs and human rights defenders, and promoting legislation that recognizes and supports the role of civil society in democratic governance (CIVICUS, 2012).

Strategic Collaboration and Networking: Promoting networking and collaboration among CSOs can enhance their collective impact and efficacy. This can be achieved by creating platforms for CSOs to share

knowledge, coordinate actions, and pool resources. It can also involve fostering partnerships between CSOs and other sectors, such as government, academia, and the private sector, for more effective advocacy and action (Anheier, Glasius, & Kaldor, 2001).

Promoting Transparency and Accountability: CSOs need to model the standards they demand of others by being transparent and accountable in their operations. This involves adopting good governance practices, engaging in regular auditing, and being transparent in their decision-making processes and use of resources. This can help to build public trust and support for their work (Ebrahim, 2003).

Protection of Civil Society Space: It is essential to advocate for and maintain a safe and open space for CSOs to operate. This involves pushing back against measures that restrict freedom of assembly, association, and expression. It also requires mechanisms to protect human rights defenders from threats and harassment (Carothers & Brechenmacher, 2011).

In conclusion, strengthening the capacity of CSOs in South Africa and Nigeria to defend and promote human rights requires concerted efforts in various areas. While each context is unique and may require different emphases, these broad strategies provide a starting point for bolstering the effectiveness of civil society in these countries. There is a need to have regulatory framework to also insulate the society from the dangers of the negative influence of the ills of the society as some of its members are also part of the challenges.

V Summary of Major Findings

Based on the analysed data, the following findings were highlighted:

- 1) The paper highlights the significant roles of Civil Society Organizations (CSOs) in South Africa and Nigeria in advocating for human rights and driving socio-political changes. Dating back to the apartheid era in South Africa, CSOs like Black Sash have shown resilience and have been key players in democratic processes. In contemporary times, their focus extends to socio-economic disparities, gender-based violence, education, and land rights, with organizations such as the Legal Resources Centre and Sonke Gender Justice leading various initiatives. Nigerian CSOs like the Civil Liberties Organisation and the Human Rights Social Development and Environmental Foundation also play similar roles, focusing on civil liberties, environmental justice, and gender equality. Despite facing challenges including legal restrictions, funding issues, and direct harassment, these CSOs continue their relentless efforts towards protecting human rights, thereby underscoring their centrality in advancing social justice and democratic governance in both countries.
- 2) One major finding from the paper is the range and complexity of challenges faced by Civil Society Organizations (CSOs) in South Africa and Nigeria in their effort to promote and protect human rights. These challenges encompass political interference and state repression, restrictive legislation, lack of funding, capacity constraints, public mistrust, and issues with collaboration. Despite these obstacles, CSOs display resilience and adaptability, underlining their vital role within democratic societies. It's evident that overcoming these hurdles requires a multifaceted approach that incorporates strategic collaboration, legal reforms, capacity building, and diversified funding models. These initiatives are needed to strengthen civil society's ability to effectively navigate the complex political, legal, and social landscapes in which they operate. Understanding these challenges and addressing them can bolster the ability of CSOs to maintain their crucial work in defending and promoting human rights.
- 3) There is an improve capacity and effectiveness of Civil Society Organizations (CSOs) in South Africa and Nigeria in advocating for and protecting human rights can be significantly improved through a comprehensive approach that includes capacity building, funding and resource diversification, fostering an enabling legal environment, strategic collaboration and networking, promoting transparency and accountability, and protection of civil society space. Each of these elements contributes to the strength and resilience of CSOs, enabling them to better fulfil their crucial role in defending and promoting human rights.
- 4) The imperative for civil society to engage in introspective reform is predicated on the principle that rectitude begins within one's own domain. It is incumbent upon these organisations to identify and address the presence of malefactors within their ranks, thus embodying the axiom that the impetus for change must originate from within. By doing so, civil society can ensure that its foundations are robust and its operations are conducted with the utmost integrity, which is essential for maintaining public trust and efficacy in its endeavours.

VII Conclusion

The critical role that Civil Society Organizations (CSOs) play in South Africa and Nigeria's socio-political landscapes cannot be understated. The resilience and determination shown by these organizations, like Black Sash, the Legal Resources Centre, and Sonke Gender Justice in South Africa, and the Civil Liberties Organization and Human Rights Social Development and Environmental Foundation in Nigeria, is testament to their unwavering commitment to uphold human rights and enact social change. The diversity in their focus areas, from socio-economic disparities to environmental justice, signifies the broad scope of their work. Despite the harsh realities of legal restrictions, funding challenges, and instances of harassment, these CSOs maintain their relentless efforts, affirming their integral role in fostering social justice and democratic governance.

However, these organizations are not without their challenges. The range and complexity of obstacles they face are significant and multifaceted. From political interference to restrictive legislation, lack of funding, capacity constraints, public mistrust, and collaboration difficulties, these challenges can potentially hinder the effectiveness of CSOs. However, their resilience in the face of these difficulties underscores their significance in democratic societies. It becomes clear that to conquer these challenges, a comprehensive approach encompassing strategic collaboration, legal reforms, capacity building, and diversified funding models is vital. This approach would bolster the strength of civil society, enabling them to navigate complex political, legal, and social landscapes more effectively, thereby enhancing their ability to champion human rights.

The potential for improvement in the capacity and effectiveness of CSOs in advocating for and protecting human rights is significant. A comprehensive approach including elements such as capacity building, funding and resource diversification, fostering an enabling legal environment, strategic collaboration and networking, promoting transparency and accountability, and protecting civil society space is fundamental to their strengthening. Each element contributes to the robustness and resilience of CSOs, enabling them to better fulfil their crucial role in defending and promoting human rights. In the face of adversity, the adaptability and tenacity of these organizations affirm their crucial role in society, emphasizing the need for continuous support and strengthening to maintain their vital work in the relentless pursuit of human rights and social justice.

VIII Recommendations

The following recommendations were stated to guide the study:

- i. Governments, international organizations, and funding bodies need to recognize and support the critical role of CSOs in driving social and political change in Africa continent. They should focus on mitigating the challenges CSOs face such as legal restrictions, funding problems, and harassment. This support could manifest as protective legislation, secure funding streams, and measures to ensure the safety of CSO workers.
- ii. CSOs and their supporters must adopt a multifaceted, comprehensive approach to overcome the wide range of obstacles they face in South Africa and Nigeria. Strategic collaboration, legal reforms, capacity building, and diversified funding models should be prioritized. Building alliances and networks among CSOs could enhance their collective strength and ability to influence policy and effect change.
- iii. There needs to be a continued emphasis on improving the capacity and effectiveness of CSOs in South Africa and Nigeria. Implementing a comprehensive strategy that includes capacity building, funding, and resource diversification, fostering an enabling legal environment, strategic collaboration and networking, and promoting transparency and accountability would greatly enhance their resilience and effectiveness. This underscores the need for ongoing support, training, and resource provision to ensure these organizations can maintain and expand their crucial work in human rights advocacy and social justice.
- iv. There should be a regulatory framework to also monitor the activities of the bad eggs that see it as a meal ticket and a platform to mismanage funding
- v. Human rights advocacy efforts must encompass efforts to rectify the adverse actions of deviants, not only within broader society but also within the ranks of civil society organizations, particularly those involving Non-State Actors.

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