

Interim findings

Enabling rules for advocacy in Kenya

The aid chain is generally understood as the chain of funding that flows from North to South (from institutional donors to international and then local civil society organizations [CSOs]). How this aid chain is organized (its institutional design) shapes the way development work is undertaken. The research project ‘Catalysing development: towards enabling rules for advocacy in Kenya’ defines the aid chain as the institutionalised network of actors who, in their capacity as donor, recipient or both, seek to achieve certain (advocacy) goals. Moreover, it conceptualizes the institutional design of aid chains as consisting of interrelated ‘rules’ that regulate, for example, inclusion (i.e. who is in and who is out), roles and responsibilities, decision making and information sharing.

The study investigates how the institutional design of the aid chain influences local advocacy. It employs a comparative analysis of the institutional rules of the Strategic Partnerships (SP) and Accountability Fund (AF), which are the two main lobby and advocacy instruments of the Dutch government. Based on research in Kenya, we scrutinize the similarities and differences of the rules of these instruments, their application and their influence on political roles. Our SP-case involves a programme of Hivos on worker conditions in the horticulture sector. Our first AF-case concerns a programme of the Centre for Rights Education and Awareness (CREAW) on gender based violence while our second AF-case is a programme of United Disabled Persons of Kenya (UDPK) on the rights of women with disabilities (see table 1).

Table 1. Comparative overview of cases

	Hivos	(CREAW)	(UDPK)
1. Instrument	Strategic Partnership (SP)	Accountability Fund (AF)	Accountability Fund (AF)
2. Project	Women@Work Campaign	Haki Yetu, Jukumu Letu	Amplifying the Voices of Women with Disabilities
3. Focus / objective	Improved working conditions for women in the horticulture sector and gender inclusiveness in the global horticultural value chain	Improved protection of women and girls against violence and enhanced capacity for exercising their rights	Improved human rights situation of women with disabilities and enhanced capacity for exercising their rights
4. Aid chain participants	7 Southern CSO partners	No specific co-implementing local partners; works via consultants and local community based organizations (CBOs)	2 INGOs in aid chain; local groups are members of UDPK
5. Core activities	(1) empowering women workers regarding working conditions; (2) lobbying and training horticultural growers and traders; (3) lobbying government officials; (4) awareness campaign for the general public in the Netherlands	(1) empowering and strengthening women-led CBOs; (2) sensitizing and generating awareness in local communities; (3) lobbying and training officials	(1) empowering women with disabilities; (2) sensitizing, coordinating and strengthening grass-roots organizations; (3) lobbying and training officials
6. Levels	Local, national, international	Local, county, national	Local, county, national
7. Target groups	Kenyan government, trade unions and private companies in the field of horticulture + demand side of Kenyan horticulture products in Europe	Broad range including national + county governments, women’s rights CSOs/NGOs, families and communities, and religious leaders and village chiefs	Broad range including national + county governments, Kenyan disability CSOs/NGOs, individuals, families, and groups with disabilities

Interim findings:

- The rules set in the design phase of advocacy programmes largely determine the range of political roles undertaken by CSO:** The rules most influential for the type of advocacy work performed in the aid chains are those dealing with the strategy of the programme (as they establish who will be targeted and what activities will be undertaken), the various roles of the aid chain participants, and the selection of implementing partners (each with their own track record and skillset). The rules for selecting partners are of particular importance. Partners are selected for their ability to implement certain activities. In choosing partners (with particular capacities and qualities), certain political roles are included while others are excluded ('ruled out'). In both cases, the role of the Dutch Ministry of Foreign Affairs seems minimal, giving Hivos and the Embassy of the Kingdom of the Netherlands autonomy.
- The Southern CSOs in the study – the seven partners of Hivos, United Disabled Persons of Kenya (UDPK) and Centre for Rights Education and Awareness (CREAW) – perform a mix of political roles.** Most prominent is the external educational role with an orientation towards awareness raising and capacity building. Hivos' partners organize trainings on the working conditions of women in the cut flower sector (including sexual harassment issues), targeting businesses and other stakeholders. Both UDPK and CREAW strengthen the capacity of grass-roots groups, enabling them to engage county governments. This involves a communicative role (linking citizens and the state). Hivos' partners and CREAW share their knowledge and expertise with advocacy targets (cooperative role) by training businesses and other stakeholders (Hivos) and government officials (CREAW and UDPK). Finally, a representative role (resistance, watchdog) was observed among Hivos' partners, as the programme monitors the behaviour of businesses in relation to working conditions and sexual harassment.
- The idea that donors and INGOs are mere channels of funding is incorrect:** By fulfilling a number of roles in their respective aid chains, both Hivos (the Netherlands and Kenya) and the Dutch Embassy add to and strengthen the advocacy roles undertaken by their local partners. Hivos Kenya adds value by playing a brokering role between stakeholders in the flower sector, as capacity developer (e.g. through co-creation) and as enhancer of the credibility and legitimacy of Southern CSOs. Furthermore, Hivos the Netherlands provides a link to the international field and to Dutch companies. CREAW and UDPK also identify the enhancement of their credibility as an important added value of the Embassy, possibly opening the door to other donors. And although both see networking as a strong feature of their cooperation with the Dutch Embassy, capacity building was not. Furthermore, CREAW appreciates the Dutch Embassy for providing security (e.g. by partnering with the National Coalition of Human Rights Defenders) and for co-creating the advocacy agenda in the design phase of the project, while both CREAW and UDPK emphasize the Embassy's open door policy and its flexibility in agreeing to changes. Unsurprisingly, in both the AF (CREAW and UDPK) and SP (Hivos) aid chains Southern CSOs emphasize the added value of the funding (that might otherwise not have been available).
- The rules on decision-making, funding and accountability can have unintended and negative effects on the generally functioning of CSOs:** Regarding decision-making, both the Embassy and Hivos Kenya typically refrain from micro-management, yet reserve the right to push for certain decisions, for example, about funds or strategies. This may go against the preferences of local organizations, which might not always feel that they are in a position to 'critique' their donor. Although accountability requirements may help in strengthening the governance structure of Southern CSOs, and both CREAW and UDPK regard the requirements of Embassy as 'manageable', they may still have negative consequences. The need for 'professional' reports (reflecting managerial ideas), for instance, brings with it the need for professional, qualified staff.. Such staff, in the case of UDPK, are sometimes hard to find among persons with disabilities, who typically have lower levels of education. As a consequence, UDPK employs mostly staff without disabilities, creating friction with the grass-roots disability community, who demand representation of persons with disabilities to work in leading disability organizations. Regarding funding, all Southern CSOs emphasized that the relative short-term nature of the funding (reflecting managerial principles) undermines their organizational stability. In the case of Hivos, the slow transfer of funds created problems for some partners in maintaining staff and led to delays in implementation.

- **The rules dealing with decision-making, funding and accountability are not carved in stone and their application varies between Southern CSOs:** Two factors play a key role here. First, the individual staff members of Hivos Kenya and the Embassy were able to bend and change the rules to some extent, and even add new ones. They did so according to their understanding of the local context, their personal relationship with, and trust in, the respective CSO, their personality and their own expertise. Also, Hivos has accountability rules that encourage staff to differentiate between partners based on perceived (financial) risk. Overall, individual staff members can have a major impact on local advocacy. Second, some Southern CSOs are able to negotiate better than others. This depends on their organizational capacity, their credibility and whether they have alternative funding sources.
- **Accountability rules become increasingly strict the further you go down the aid chain:** Hivos, CREAM and UDPK all impose much stricter requirements on reporting based on their wish to streamline the different requirements of the different donors (e.g. in order not to overload their own system) or their own internal rules. In the AF cases (CREAW and UDPK), both the Embassy and the accountancy department of the Dutch Ministry of Foreign Affairs add new accountability rules, which reflect managerial thinking (e.g. focus on measurable results, measures to minimize financial risk). The latter implies that the social transformation logic, which informs the accountability rules set at the top of the chain (by the Ministry of Foreign Affairs), is not necessarily shared or upheld by all departments within the Ministry (including by the Embassy).
- **Overall, in day-to-day affairs, power in the aid chain is largely exercised indirectly by setting the rules (as opposed to actors openly imposing their will on others):** Consequently, most of the power that is exercised remains hidden from sight. An exception to this is pressure from the Embassy on Hivos and its Kenyan partners to refrain from focusing on a dissent strategy with regard to Dutch companies in the horticulture sector in Kenya. Although the success of this pressure is unclear, the local partners have adopted 'dancing' to their original 'punching' strategy. Rules are set at different levels in the aid chain. Hivos, UDPK and CREAM are all rule followers and rule setters. While rule setters have considerable power over the rule followers lower in the aid chain, this power is not absolute.
- **When comparing the SP and AF cases, four key differences stand out that may have wider relevance:** First, unlike the SP case (Hivos; which targets Dutch businesses) the AF cases (CREAW and UDPK) target issues (violence against women and the rights of women with disabilities) that do not directly affect Dutch interests. This is understandable as the Embassy's mission is also to support Dutch business interests. Second, compared to the AF cases, the SP programme (Women@work) is substantially larger in scope (more partners, levels and countries). Unlike the Embassy, Hivos has a team of staff members (including staff in the Netherlands) working on its programme. Third, as opposed to the Dutch Ministry of Foreign Affairs, which is not directly involved in the AF cases, the SP case has Hivos the Netherlands playing a key role in the programme (which includes lobbying Dutch businesses). Fourth, the more limited support structure at the Embassy (compared to Hivos) implies that the qualities of individual staff are more crucial in AF cases. In light of staff turnover, this suggests a greater vulnerability to continuity issues.

Policy recommendations:

- The exercise of power in aid chains occurs mostly in an indirect manner through the rules that are set during the design phase of advocacy programmes. Donors and INGOs wishing to address (some of the) unequal power dynamics within the aid chain should ensure local CSO involvement in co-drafting these rules.
- If the Ministry of Foreign Affairs in The Hague wants to strengthen its own role(s) (and thus added value) in Strategic Partnerships, it should be more (pro-)active in the design phase of advocacy programmes. Once the programmes are designed, the opportunities for the Ministry to add value beyond the funding role become more limited.
- Some of the rules that produce unintended and undesirable effects (particularly regarding accountability) are the result of inconsistencies at the Ministry between the policies and practices of the Ministry's civil society division, its accountancy department and the Embassy. Addressing these inconsistencies should be part of any strategy seeking to mitigate the negative effects of donor involvement in the aid chain.
- In light of current (political) realities, there seem to be more opportunities to strengthen the potentially positive aspects of the aid chain (added value of INGOs and the Ministry/Embassy), rather than to further

mitigate the chain's negative effects. Therefore, seeking ways to enhance the added value of INGOs and the Ministry/Embassy is just as important, or maybe even more important, than reducing the negative effects of the aid chain.

- Some of the undesirable practices within the SP and AF aid chains are due to the managerial nature of the broader aid system in which these aid chains are embedded. In the long term, these practices can only be addressed by convincing other donors to change their practices. INGOs, academics and other stakeholders may also be able to play a role in this.
- The Accountability Fund and Strategic Partnerships should not be seen as interchangeable. The direct funding of Southern CSOs is not necessarily an alternative to indirect funding via NGOs. The Accountability Fund has important limitations in terms of the organizational capacity and operational freedom of the Embassy. In addition, Strategic Partnerships have the (potential) advantage of international linkages.

Knowledge products:

- Saharan, T. (2018). Shame, teenage pregnancy and gender-based violence in Kenya. INCLUDE blog post, 10 December 2018. <http://includeplatform.net/shame-teenage-pregnancy-and-gender-based-violence-in-kenya/>
- Schulpen, L. (2018). *Catalysing development: towards enabling rules for advocacy in Kenya*. Report learning event on 'Aid chains and advocacy in the Global South', 24 October 2018.
- Elbers, W., Kamau, P., & Schulpen, L. (2018). *Aid chains and advocacy in the Global South: asset, nuisance or necessary evil?* Summary literature review. <http://includeplatform.net/downloads/summary-literature-review-enabling-rules-advocacy-kenya/>
- Elbers, W., Frobisher, E., Kamau, P., Kumi, E., Saharan, T., & Schulpen, L. (2018). *Aid chains and advocacy in the Global South: asset, nuisance or necessary evil?*. Unpublished literature review.

Contact:

Dr Willem Elbers, research project leader, w.j.elbers@asc.leidenuniv.nl

Web link:

<http://includeplatform.net/new-roles-csos-inclusive-development/enabling-rules-advocacy-kenya/>