Summary literature review
Civil society engagement with land rights advocacy in Kenya

This project explores the various roles that civil society organizations (CSOs) undertake when advocating for fair and inclusive land deals in Kenya. Advocacy activities by CSOs may take place at the local, national or transnational level, and may be directed towards government agencies, donors, investment banks or private actors. CSOs may navigate differently between confrontational and cooperative strategies with regard to government and private actors. While some CSOs prefer to specialize in one role, perhaps within a broader CSO coalition, others may choose to combine roles. The aim of this study is to explore how Kenyan CSOs working on land rights balance such activities, and how the decisions they make play out in terms of their local embeddedness, autonomy, and legitimacy, as perceived by various stakeholders.

Main findings

- The concept of legitimacy is frequently discussed as a key requirement for a CSO's 'license to operate' and can be divided into four categories based on their source of legitimacy: 1) formal regulations, 2) societal norms and values, 3) performance criteria (e.g. output and impact) and 4) organizational governance and leadership. Societal norms and values, as well as performance criteria, are essential to an organization's operational existence, but other criteria such as adherence to legal frameworks and accountability mechanisms often take precedence in establishing legitimacy as these are more readily verifiable.

- It is problematic to conceive of legitimacy as a (fixed) characteristic of an organization for at least two reasons. First, the literature points out that legitimacy is time, situation, and stakeholder-dependent, and thus socially constructed. Second, the multiple sources of legitimacy can be used strategically by CSOs themselves and might differ across advocacy cases in order to produce maximum effect.

- There is no consensus on the desirability of combining roles and strategies within a single CSO. Some authors place rather rigid lines between different roles and/or strategies and favour specialization in both, whereas others emphasize fluidity and even consider combinations of or alternations between roles and strategies a strength. There is wide acknowledgement, however, that service delivery and advocacy need not 'bite' each other. At the same time, some authors question whether advocacy by service-oriented CSOs has the potential to be truly transformational, as they likely have a stake in the policy framework that is in place.

- CSOs may need to be non-confrontational when dealing with the state or a company. Nevertheless, there is evidence that CSOs are able to confront the state without losing their legitimacy or government-sponsored financial support. Collaboration with companies can be complemented with more confrontational tactics as well, but requires a specific strategy for each organisation by working in coalitions.

- Cooperation between CSOs and companies is often implicitly regarded as an ideal scenario. To achieve this, necessary sources of legitimacy for CSOs are specific knowledge, a pragmatic approach (speaking the company's 'language'), commitment to nonviolence, a consensus orientation, and a dedication to the public interest. Others contest this view and argue that unequal power dynamics between civil society and businesses makes confrontation inevitable in order to avoid the risk of co-optation by companies. Risks of co-optation may be reduced when 'reformist' and 'radical' CSOs work on advocacy cases in parallel.

Policy messages

- Donors intending to fund grassroots civil society should make explicit what type(s) of legitimacy they value and intend to promote, in order to avoid a vicious cycle of upward accountability. Embeddedness in locally defined societal norms and values, combined with tangible output and impact, are the most important

components of a CSO's legitimacy on the ground, although such characteristics might be difficult to quantify. Donors should work with local CSOs to establish alternative evaluation methods in order to take these localized components of legitimacy into account.

- There is a strong case for acknowledging that service delivery can coincide with, or even be essential for, meaningful advocacy. Therefore, more flexible funding schemes by donors are preferred. These schemes should allow for switching back and forth between service delivery and advocacy, or alternatively, the schemes could host coalitions of both service providers and specialist advocacy organizations.
- A clear message that emerges, in particular on CSO-private sector relations, is that a mix of moderate and more radical organizations advocating with the same (corporate) target may prove an effective tactic. CSOs that prefer to remain outside of stakeholder dialogues can have important 'radical flank' effects, forcing companies to be more responsive to moderates. If this is the case, donors should not strive to support advocacy coalitions that are made up of like-minded organizations, but rather look for a certain level of diversity in such alliances.

Relevant literature

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http://includeplatform.net/new-roles-csos-inclusive-development/land-rights-advocacy-kenya/