

**REPORT OF KENYA COUNTRY  
CONSULTATION ON THE OPEN  
FORUM FOR CSOS DEVELOPMENT  
EFFECTIVENESS**

**19-20 APRIL 2010**

**NAIROBI**

**Q. Any positive or negative aspect of the consultation, possibly making use of participants' evaluations and comments**

**Positive:** The blend of the background of the participants was diverse. Participants openly shared their experiences and problems that they were facing and they agree there was need for all to come together to address those challenges and better serve their constituents. This was critical for the subsequent discussions and consensus on what should be the guiding principles, standards and enabling environment.

The need for CSOs to engage with the government was emphasized. Participants agreed that they were not about replacing the government. However, they noted that they need to be government keepers but at the same time they agreed that CSOs need also to recognize what is good that the state does and adhere to some critical requirements by the state that make the CSO sector professional, competent, transparent and credible. Citations of such requirements included registration and the filling of their annual reports etc. This would assist them to better engage the government for an enabling environment. This must form CSOs operating principles and standards.

They felt that CSOs facilitate communities achieve what is a direct consequence of both the failure of government policies and the inability of established aid bureaucracies to deliver services and respond effectively to the felt needs of society. Therefore, participants were of the opinion that the Open Forum consultations need to be taken to some lower levels than the national consultation. They felt that this will be critical for ownership of the principles, standards and even for the ultimate engagement with donors and government for an enabling environment.

**Negative:** At the time at which the consultation was taking place, most of the CSOs in Kenya were engaged country wide civic education within the framework of the country's constitutional making process. There had also been differences that occurred within the sector in regard the position taken on the constitution. This meant that a number of critical networks to miss the consultation or just send representatives who were not placed at the policy level within their organization. This obviously impacted on the quality of discussions. The media and the trade unions through invited did not attend the consultation.

## 2. Key issues discussed

### Q. List of essential and discretionary agenda items discussed in the consultation

- i. Overview of Paris Declaration/Accra Agenda for Action/ Open Forum
- ii. The FBO/CSO engagement in Development Effectiveness
- iii. Exploring the Operating Environment of FBO/CSOs for Development Effectiveness
- iv. Principles for FBO/CSO Development Effectiveness
- v. Enabling Environment
- vi. Beyond Principles to Action Plans

### Q. Summary of particularly important issues that emerged from the discussion (e.g. different views among different types of CSOs, any differing views relating to a gender dimension of CSO development effectiveness, tone of multi-stakeholder dialogue – if applicable - etc.)

Participants discussed the role of CSOs in development and why they deserve to be funded by not only donors but by also governments. For that to happen, participants agreed that there must be a principled engagement within the CSO sector. It is an engagement that must address issues concerned with their own legitimacy, transparency, accountability and capacity gaps.

However participants observed that donors also affect their efficiency through their conditionalities when giving support to CSOs. It was also observed that there was need for donors and the government to respect the role of the CSOs not only through declarations but also through actions. Ultimately, CSOs sustainability was seen as key to the independence of CSOs and with this the need for CSOs to look for funding mechanisms that promote domestic philanthropy was agreed on. It was suggested that CSOs need to lobby for Kenyan government to enact such laws that allow profit oriented projects.

The participants conducted a SWOT analysis. They identified strengths weaknesses that affect CSOs and also opportunities and threats that CSOs need to be conscious of and to while engaging in their operations. Some of the feedback from the participants were as follows:

#### **Strengths**

adequate HR  
effective citizen participation  
knowledge, expertise and exposure  
well networked and widely distributed  
advocacy skills  
resource mobilisation

**weaknesses**

lack of adequate capacity  
duplication of roles  
inadequate networking  
patronage  
lack of sustainability  
poor partnership with government  
multi-funding with different standards, report formats, timing  
restricted funding with conditions  
lack of support for organisational sustainability  
lack of well defined leadership and conditions for CSOs  
governance and accountability of CSOs  
lack of capacity to negotiate with donors on fair terms  
donor/CSO relationship based on personalities and not institutional situation

**External Challenges**

predesigned engagement by donors  
aid conditionalities  
aid is a business for countries of origin  
disabling environment  
endangering sustainability  
models are not local  
source of funding is effective if managed well  
too many reports  
accountability that is donor driven not beneficiary driven  
competition amongst donors  
lack of technology transfer  
preconceived guidelines  
donor driven agenda

**Summary of key challenges to realising CSO development effectiveness possibly identified during the consultation workshop.**

The following challenges were listed as the ones that affected CSOs in their pursuit to development effectiveness;

A) **Political interference:** it was pointed out that politicians interfered with the work of CSOs therefore affecting their effectiveness. However, it was also observed that CSOs themselves were at times acting outside their call with some engaging on political corruption by colluding with the government for favors while others just looked at what was wrong all the time just to attract funding from western donors.

**B) Capacity gaps**

It emerged that most CSOs did not have capacity to maintain employees hence high turn over of employees. Boardroom activities were also cited as

an issue that created a vicious cycle of incapacitation because it insinuated lack of capacity but which also led to incapacitation of the same CSOs. Shying away from auditing and lack of proper proposal writing skills led to increased problems.

**C) Lack of defined leadership and co-ordination within the CSOs**

Participants noted that CSOs lacked proper and adequate mechanisms to engage with the government and donors. They noted that the NGO Council which would have played such a role had lost.

**D) Accountability**

It was observed that majority of the CSOs did not observe accountability and were very poor in submitting their annual returns. It was observed that CSOs normally did not maintain proper documentation and did not normally conduct proper audits internally and through independent auditors.

**3. Analysis and recommendations**

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**Key principles of CSO development effectiveness, ranked by importance.**

1. Legitimacy.
2. Empowerment.
3. Good governance.
4. Research/Evidence based programming.
5. Sustainability.
6. Capacity Development.
7. Accountability.
8. Justice.
9. Partnership & collaboration.
10. Conflict Sensitivity.

**Q. Suggested guidelines for implementing agreed principles of CSO development effectiveness, with a short narrative describing the rationale for the guideline and how it relates to a given principle in the given context and Suggested indicators for agreed principles**

**1. Legitimacy**

- Observance of legal requirements
- Ownership of programme activities by CSO constituency
- Accountability to boards and other governance mechanisms
- Professionalism

**2. Empowerment**

- Participation
- Training and capacity development of staff
- Ownership

**3. Good governance**

- Transparency
- Financial systems
- Human Resource Management
- Accountability systems
- Staff relations

**4. Research/Evidence based programming**

- community inclusion from design to evaluation
- monitoring and evaluation

**5. Sustainability**

- Income generation/diversification
- Exploiting local funding opportunities (in country)
- Home grown solutions

## **6. Capacity Development**

- Networking
- Documentation and knowledge management
- Staff training
- Facilities Development (structural)

## **7. Accountability**

- Establish accountability structures
- Regular internal and external evaluation
- Document and share report with all partners

## **8. Justice**

- Equity
- Non discrimination.

## **9. Partnership & collaboration**

- Networking
- Coordination
- Best practices
- Information sharing

## **10. Conflict Sensitivity**

- Do no harm
- Sensitivity to diversity
- Co-existence

## **Q. Suggested minimum standards and guidelines for an enabling environment for CSOs, with a short explanation of the issue in the enabling environment addressed by the standard (this should also clearly indicate the stakeholder group to which indicators apply: donors, governments, local authorities etc.)**

The following minimum standards for were agreed upon as critical for CSO Development Effectiveness.

### **i. CSO INDEPENDENCE/SELF REGULATION**

Participants were in agreement that the nearly completed NGO Act was threatening their space for Peer Review and self-regulation. They sighted the CSO initiative to come up with a CSO certification and standards mechanism - VIWANGO as an initiative by CSOs towards self-regulation that would even add value to the work of CSOs. They thought that certification was going beyond Code of conducts and therefore important for CSO recognition and adherence. This way, they noted would be a way of ensuring that good practices and principles such as accountability,

transparency and were shared thus increasing the credibility and voice of the CSOs as development actors on their own right.

ii. FOCUS ON RESULTS

- Participants felt that focusing on results related to the principles about CSOs Capacity, Research/Evidence based programming and Development Sustainability. They further noted that these also related closely to the political, legal and administrative recognition of CSOs which is a pre-requisite for effective delivery of service by CSOs.

**Q. Proposed good practices for mechanisms that assure CSO accountability and effectiveness**

- i. Registration - through observance of established legal requirements within the enabling environment framework.
- ii. Legitimacy - through community inclusion in the design to implementation, monitoring and evaluation of programme work.
- iii. Self-regulation through peer review mechanisms – e.g. the VIWANGO Kenya initiative.

**Q. Additional information: for instance, areas where common understanding emerged and areas where there were widely divergent views**

**a)**

Participants heard from a donor who was present proposed that there was need for frequent dialogue between the donors and the CSOs to enable them build a common platform. It was suggested that smaller CSOs need to partner with larger ones so as to gain experience and proper support from the donors. The following was also discussed:

- Donors feeling that there is need for audited reports so as to know how the CSOs are accountable for their work
- Injection of ideas should be ensured by the donors to re-generate themselves
- Need for CSOs who are seeking funds to avoid replication of same ideas but rather work on different things/ideas
- The lack of strategies especially by CBOs hence difficult in monitoring.
- Organizations should learn to write proposals and shouldn't take as a challenge

**b)**

A representative of the government pointed out that CSOs and the governments have built a cordial relationship unlike in the past when they had a sour relationship. He alerted the participants that there were about 6200 registered CSOs under the NGO ACT but only 2000 submitted their annual returns, this called for need to re-evaluate some of these CSOs to identify what was not going on well. This he said cannot be the work of the

state agencies alone; it was also the work of the CSO sector because it is about their credibility and legitimacy.

Participants agreed that there was need for continuous engagement with donors because this is the only way to demystifying of many issues that stand between CSOs and donors. They also acknowledged that CSOs need to develop a working relationship with the government but were fast to note that such a relationship should not compromise their role as objective watchdogs of the state. They were keen to note that the upcoming NGO Act was carrying with itself aspects that were not negotiated by CSOs and which threaten the enabling environment that has been emerging painfully and slowly.

### **Way Forward**

The following was agreed as the way forward: -

- Need for CSOs to establish a formalized framework for continuous engagement with donors.
- The need to broaden the ownership of the outcomes of the country consultation through regional consultations. How this would be funded was not clear. The Open Forum was requested to consider facilitating these consultations.
- Instituting a parallel process that will look into the laws under which CSOs operate as a first step towards engaging the government on an enabling environment. This process may also take a continental outlook for solidarity purposes that have been established through the Open Forum.
- CSOs to explore local resources mobilizations by getting citizens and also private firms to fund for social and development initiatives.

Appendix 1

**LIST OF PARTICIPANTS**

	<b>Name</b>	<b>Organization</b>	<b>Position in the Organization</b>	<b>Type of organization</b>	<b>Gender of participants</b>
1.	Michael Muragu	Peace Net Kenya	National Chairman	Umbrella organization	male
2.	Hissein Mursale	Peace and Development network(upper Eastern)	Regional Chairman	Umbrella organization	Male
3.	Angeline M Elijah	Peace and development	Regional chairperson	Umbrella organization	Female
4.	Phyllis Nduva	Makueni Social forum	chairperson	CBO	Female
5.	Ann Olang'o	Ecumenical Disability Advocacy Network	Administrative Assistant	F.B.O	Female
6.	Rose Wanjiku	Kenya Human Rights Commission		NGO	Female
7.	VitaliaMoja	Reality of Aid Africa Network	Coordinator	NGO	Male
8.	Samson Malesi	Caritas Kenya	Livelihoods coordinator	FBO	Male
9.	John Ochola	Christian Aid	Programme officer	INGO	Male
10.	Ayoma Matunga	SODNET	Programme coordinator	INGO	Male
11.	Helga Maina	Vihlpat Youth Group	secretary	CBO	Female
12.	Elvis Omeka Memba	Mogesa Youth Group	secretary	CBO	Male
13.	Christopher Mwambingu	Taita Resouce Centre(KEDREN)	Executive Director	CBO	Male
14.	Martha Ndulayu	CSO network (Kisumu)	Programme manager	NGO	Female
15.	Hellen Dalton	AED	Chief of party	INGO	Female
16.	Hassan O Shurie	National CBO Council	National coordinator	CBO	Male
17.	Hassan A Hore	National CBO Council	coordinator	CBO	Male
18.	Rev. Mary mukami	Methodist Church of Kenya	President world Methodist for the Deaf	FBO	Female
19.	Joseph Kimathi	Sign language interpreter	Sign language interpreter	CBO	Male
20.	Anjeline Okola	Ecumenical Disability Advocacy Network	Program assistant	FBO	Female
21.	Lucy Florah Atieno	Sign language interpreter	Sign language interpreter		Female
22.	Amos Manyara	Farming systems Kenya	Executive Director	CBO	Male
23.	Jersha Ouma	Oxfam	Program officer	NGO	Female
24.	David Nderitu	KANCO	Program officer	NGO	Female
25.	Celine Awuor	Consumer information Network	Communication officer	NGO	Male
26.	Joseph Mwea	Salvation Army	District Public Relations Officer	FBO	Male
27.	Isiah Kipyegon	Norwegian Church Aid	Program officer	INGO	Male
28.	Khisa Caleb	Pact Kenya	Program assistant	INGO	Male
29.	Carlyn Hambuba	FEMNET	Communication officer	NGO	Female
30.	Alice Kirambi	Christian Partnership Development Agency	Executive Director	NGO	Female
31.	Lalo Odubekun	USAID/Kenya	Governance Specialist	Donor	Female

32.	Kristn Sewflot	ACORD	Head of funding partnership development	INGO	Female
33.	Bright Mawudor	All Africa Conference of Churches	Deputy General Secretary	FBO	Male
34.	Paul Okumu	Sisa Center For Sustainability	Director for Partnerships	Non Profit	Male
35.	Rose Wanjiru	Centre for Economic Governance and AIDS in Africa	Regional Projects Coordinator	NGO	Female
36.	Solomon Gichira	All Africa Conference of Churches/Open Forum	Outreach Officer - Africa	FBO	Male

## Appendix 2

### CSO Development Effectiveness – Kenya Country Consultation Program.

DAY1 (19 <sup>th</sup> April 2010)	
<b>Morning Session</b>	
8.30 – 9.00	1. <b>Registration and Meditation:</b>
9.00 – 9.30	2. <b>Welcome Remarks</b> – Mr. Bright Mawudor ( AACC Deputy General Secretary) 3. <b>Introduction and Expectations</b> – Solomon Gichira (Africa Outreach Officer for the Open Forum for CSO Development Effectiveness)
9.30-10.00	4. <b>Overview of Paris Declaration/Accra Agenda for Action/ Open Forum</b> (Rationale, Objectives and the Process) – Rose Wanjiru (Facilitator) <i>Question and Answers</i>
10.00– 10.30	5. <b>The FBO/CSO engagement in Development Effectiveness –</b> <i>Why is the OF concerned about Development Effectiveness and not Aid Effectiveness? What does it mean to us and do we share these concerns? What is our space? How will it feed into the PD? (the Korea Process and Global consultations)</i> –Solomon Gichira <i>Discussions</i>
10.30 – 11.00	<b>BREAK</b>
11.00 – 12.30	6. <b>Exploring The Operating Environment of FBO/CSOs for Development Effectiveness</b> – Paul Okumu (Facilitator) <ul style="list-style-type: none"> <li>• <i>Internal factors –capacity, collective structures and mechanisms</i></li> <li>• <i>External factors – FBO/CSO recognition and enabling environment.</i></li> </ul> <i>Discussions</i>
12.30 – 14.00	<b>LUNCH BREAK</b>
<b>Afternoon Session</b>	
14.00 – 15.30	7. <b>Principles for FBO/CSO Development Effectiveness</b> – Rose Wanjiru <i>What is a principle? What is a standard?</i> - <i>Discussions</i>
15.30 – 16.00	<b>BREAK</b>
16.00 – 17.30	9. <b>Group discussions</b> - Generation and participatory sorting of principles on FBO/CSO Development Effectiveness.
16.30 – 17.30	10. <b>Plenary</b> – Presentation, Ranking of the most important principles
<b>END OF DAY 1</b>	

**DAY 2 (20 April 2010)****Morning Session**

8.30 – 9.00	Meditation:
9.00 – 10.0	1. <b>Enabling Environment</b> – Paul Okumu <ul style="list-style-type: none"><li>• Discussions on minimum standards for an enabling environment - Guidelines for donors and governments on how to apply these.</li></ul>
<b>10.00– 10.30</b>	<b>BREAK</b>
10.30 – 11.30	2. <b>Beyond Principles to Action Plans</b> – Rose Wanjiru <ul style="list-style-type: none"><li>• What do we do with internal principles?</li><li>• What do we do with external principles</li><li>• Share with participants emerging Legal trends, what platforms exists, and how to carry the process forward at all levels.</li></ul> <i>Discussions</i>
11.30–12.00	What are the key outcomes and recommendations – Solomon Gichira
12.00 – 12.30	<b>Closing Session - Mr. Bright Mawudor</b> ( AACC Deputy General Secretary)
<b>12.30</b>	<b>LUNCH BREAK</b>
<b>END OF CONSULTATION</b>	