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The Paris Agenda and its consequences for Civil Society in Kenya

Final Report

Commissioned by a group of Swedish Development Organisations with Frame-agreements with Sida

Skadkaer Consult

Acronyms and Abbreviations

DfID	Department for International Development (UK)
CSO	Civil Society Organisation
DAC	Development Co-operation Directorate of OECD
EC	European Commission
ERS	Economic Recovery Strategy
EU	European Union
GJLOS	Governance, Justice, Law and Order Sector
GoK	Government of Kenya
HAC	Harmonisation, Alignment and Coordination Group
HIPC	Highly Indebted Poor Countries Programme
IDP	International Development Partner
IMF	International Monetary Fund
JAS	Joint Assistance Strategy
KJAS	Kenya Joint Assistance Strategy
MDGs	Millennium Development Goals
MTS	Medium Term Strategy
NCEP	National Civic Education Programme
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
PDG	Sweden's Policy for Global Development
PRSP	Poverty Reduction Strategy Paper
PSO	Private Sector Organisation
Sida	Swedish International Development Agency
SWAp	Sector Wide Approach
UN	United Nations
UNDP	United Nations Development Programme
WB	World Bank

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Summary

The awareness of the international development paradigm among civil society in Kenya is limited.

For a number of reasons that are not related to the changing international development agenda, Kenyan civil society is presently disorganised and split along political-ethnic lines. There is a lack of leadership and civil society is not actively pursuing the possibilities that are available.

The government of Kenya and the donors are actively pursuing the Paris Agenda and making remarkable progress. The government developed a national development plan called the Economic Recovery Strategy (ERS). Non-state actors were consulted in the process of developing the plan and are also being consulted in connection with the monitoring of implementation. The ERS is in its final year and it is expected that a new five-year plan will be discussed after the elections scheduled for the end of the 2007. The new plan will probably be developed on the basis of the Vision 2030, which is currently being finalised with consultations in provinces, including civil society.

Donors have aligned much of their development assistance through SWApS and different basket funding arrangements. Joint funding arrangements have also been developed for civil society. 17 bilateral and multilateral donors are presently finalising a Kenya Joint Assistance Strategy, again in consultation with civil society.

Funding levels for civil society have not changed dramatically, but the development of new funding arrangements has had a direct impact on civil society. The most important change has arguably been to opening of new opportunities for civil society to engage with the government and donors on the ERS, sector policy developments, joint assistance strategy, sector working groups, sector budget groups, etc.

Civil society has not been able to fully exploit the new opportunities. Civil society has not been capable of engaging at the overall policy level, nor has it managed to actively partake in a dialogue on sector policies. Some service delivery NGOs have been successful in engaging in e.g. health and education. If civil society does not “get its act together” and create net-works (based on values and issues) and increase capacity and develop strategies for engagement, there is a real risk that it could be marginalized as a participant in the democratic development – not by decision but by default.

Northern NGOs working in Kenya - including Swedish organisations- appear equally disorganised. They do not seem to have an appreciation of the opportunities that have materialised with the implementation of the Paris agenda. The international NGOs

have generally had difficulties in defining a common position and strategy concerning the Paris agenda.

The present study suggests that civil society needs to develop its own process concerning the topics of aid effectiveness and democratic development, linking recipient country engagement with engagement in donor countries and at international conferences. The next chance for engaging internationally is in relation to the planned high-level meeting in Accra in September 2008. Similarly, the next chance for engaging in discussions at the overall development policy level in Kenya is at the end of this year, when a new national development plan will be defined.

1 Introduction

A new paradigm for development cooperation has been developed over recent years in an attempt to increase aid effectiveness. The process was concluded and widely accepted in March 2005, when 35 donor governments and international donor institutions and 56 recipient governments agreed to the Paris Declaration. This Declaration sums up various initiatives of increased harmonisation, and commits donors and recipients to a number of principles for development cooperation.

Although proclaiming to cover all development assistance the Declaration mainly deals with co-operation between governments. This has given rise to anxiety among other development actors, especially civil society organisations. Concerns have been voiced that certain important aspects might be neglected in the new order and in particular that the role of civil society could undergo major changes.

Swedish development NGOs which have entered into a frame-work agreement with Sida¹ have in this context commissioned this study in order to have a more informed basis to “...*plan future cooperation strategically and to meet possible challenges that arise as a consequence of the Paris Agenda*”². The study will use Kenya as case and especially, but not exclusively, look at NGOs and CBOs in Kenya that have a relationship with Swedish NGOs.

This study will focus on the effects of the Paris Agenda on civil society in both North and South. To the extent possible, the study will also analyse the concern that “*in the process of donor harmonisation, issues and topics that are prioritised in the Swedish debate, such as SHRH (Sexual and Reproductive Health and Rights) human rights for all persons, and democracy, might be marginalised, as Sweden is a small donor*”³. These issues, which are part of the rights-based approach to development are presented in Sweden’s Policy for Global Development⁴ (the PDG) and they are of special concern to Swedish development NGOs.

The report consists of three main chapters. First a contextual and second an analytical chapter, both of which are divided into sub sections concerning the international, the Swedish and the Kenyan situation. The third chapter synthesises the findings on the

¹ These are; Diakonia, Forum Syd, Save the Children Sweden, Swedish Cooperative Centre, LO/TCO Council of International Trade Union Cooperation, Olof Palme International Centre, The Swedish Pentecostal Mission, Swedish Africa Groups, Swedish Mission Council, Plan, Sweden, Swedish Society for Nature Conservation, and Church of Sweden

² Terms of Reference p. 2

³ Ibid. p.2

⁴ Government Bill 2002/03:122 Shared Responsibility: Sweden’s Policy for Global Development. Stockholm. May 2003

basis of which recommendations are presented. Preceding the main chapters is a brief discussion of the methodology applied.

A steering group consisting of four Swedish framework NGOs with offices in Kenya (Swedish Cooperative Centre, Swedish Save the Children, Diakonia, and Forum Syd, as well as a representative from the Raoul Wallenberg Institute) have supported this study along with a reference group of Kenyans.

The study has been produced inside a narrow time-frame (the interviews in Kenya were done in the period 11th to 24th March 2007 and the first draft report produced immediately thereafter) and does not pretend to provide a comprehensive analysis of the manner in which the changing international development agenda is affecting civil society organisations (CSOs). However, an attempt has been made to identify some of the challenges and opportunities which the agenda creates for CSOs and in this context analyse how well prepared the CSOs are to take up these challenges and exploit the new opportunities.

It should be stressed that the opinions, conclusions and recommendations presented here are those of the consultants only. They are not necessarily shared by any of the organisations that have commissioned this study, nor by any of the persons interviewed or otherwise consulted in the process.

2 Methodology

In social studies, a fairly common distinction is made between the Government, Civil Society and Private Sector, where Civil Society may be defined ‘as the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market although the distinction is often complex, blurred and negotiated’. The roles of the CSOs relevant for this study can be described as: “promote citizen participation and democracy and reflect the values of seeking socio-economic justice and connecting as global citizens”⁵. This definition forms the basis for the understanding of CSOs in this study.

The focus is on the relationship between government and civil society under the new development paradigm ushered in by the Paris Agenda. The study operates with a specific focus on the way the new paradigm affects civil society in Kenya.

The following methodology is used:

- Based on already acquired knowledge and study of recently published documents, an over-view of the Paris Agenda and the points of view and concerns of Civil Society Organisation (CSO) was established. In addition, information was collected concerning of how a bilateral donor - i.e. Sweden - has reacted to the agenda and how Swedish NGOs have engaged in this.
- Secondly, an understanding of how the Paris Agenda is being implemented in Kenya and an overview of the present state of civil society in Kenya was established
- Based on these two points - and related to the ToR - a number of “framing questions” (see Annex 2) were formulated and the most important stakeholders in Kenya were identified.
- An inception report – in the form of a power-point presentation containing these points – was presented to a meeting of the Steering Committee and Reference Group established for the study. There was general agreement to the approach of assessing not only the challenges (threats) but also the opportunities open to civil society.
- A list of the institutions and persons identified as relevant for interviewing was drawn up, and although time and availability did not allow for interviews of all

⁵ Brian Tomlinson: “Determinants of Civil Society Aid Effectiveness: A CCIC Discussion Paper” CCIC, Canada, November 2006 p. 1.

on the list, the information received through those interviewed (see annex 3) is assessed to reflect a sufficiently broad range of viewpoints – in addition to knowledge previously acquired – as a basis on which to build the analysis and recommendations presented in this study.

- An open-ended SWOT (Strength, Weaknesses, Opportunities, and Threats) analysis is applied.

A special methodological problem for this study has been to distinguish between changes caused by the Paris Agenda and developments, which would have happened anyway. It is obviously impossible to distinguish objectively, so whenever an important trend is described and this issue appears to be relevant, this will be noted in the text.

3 Context – The International Development Agenda

3.1 The Paris Agenda

A more comprehensive presentation of the Paris Agenda and the new development order or paradigm is presented in Annex 4 to this study. The following paragraphs thus merely provide a brief summary of the development of the Paris Agenda.

An international agreement on what goals should govern the international poverty reduction or development efforts was – for the first time in history – agreed in 2000 by more than hundred Heads of States in New York. The agreement embodies what became known as the Millennium Development Goals (MDG). The MDGs consist of eight measurable goals for poverty reduction to be achieved at global level before 2015. For each of the eight goals there are specified targets (18 in total) and 48 indicators⁶.

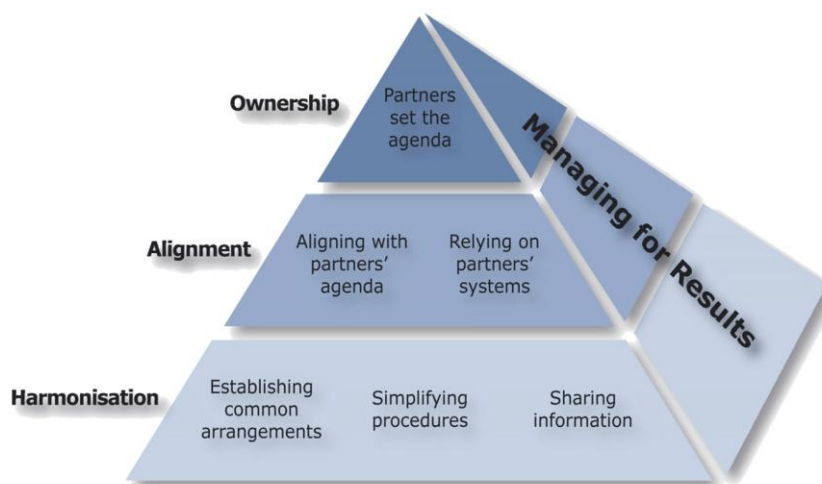
The wide acceptance of the MDGs accelerated an already ongoing discussion of how development cooperation could be made more efficient. A number of working groups (many organised by the DAC-OECD), conferences and partial agreements led up to the conference in Paris in March 2005, which brought together 35 donor governments and aid institutions and 56 recipient countries. The conference culminated in the “Paris Declaration on Aid Effectiveness”⁷.

In introducing the purpose of the Paris Declaration, the assembled Ministers of developed and developing countries and Heads of multilateral and bilateral development organisations state, that they; *“recognise that while the volumes of aid and other development resources must increase to achieve (the MDGs), aid effectiveness must increase significantly as well to support partner country efforts to strengthen governance and improve development performance”*.

The framework for development cooperation, which is presented in the Declaration can in schematic form be summarised in the following figure:

⁶ www.unmillenniumproject.org

⁷ <http://www1.worldbank.org/harmonization/Paris/FINALPARISDECLARATION.pdf>



A country-led and participatory poverty reduction strategy or national development plan would be the basis on which donors would align their assistance and harmonise the assistance through joint programmes in order to lower transaction costs on both sides. Donors and recipient countries would be mutually accountable for results.

To the Declaration is attached 12 'Indicators of Progress' with targets for how far the Declaration should be implemented by 2010.

It has been agreed that Ghana will host a high-level follow-up meeting in Accra in September 2008 to monitor progress in implementing the framework.

CSOs were present at the Paris Conference in March 2005⁸ and there have been meetings occasionally between the DAC working group on Aid Effectiveness and NGOs⁹.

International CSOs have generally welcomed the Declaration¹⁰. CSOs have commended the Declaration because it acknowledges the importance of country ownership and that recipient countries agree to develop effective national development strategies to which donors will align their support – if possible in the form of Joint Assistance Strategies (JAS) - and that donors agree to harmonise their procedures and use partner systems to the extent possible.

⁸ CSOs present were: Africa Humanitarian Action, AFRODAD, Bill and Melinda Gates Foundations, Canadian Council for International Cooperation (CCIC), Comité Catholique contre la faim et pour le Développement (CCFD), Coopération Internationale pour le Développement et la Solidarité (CIDSE), Comisión Económica (Nicaragua), ENDA Tiers Monde, EURODAD, International Union for Conservation of Nature and Natural Resources (IUCN), Japan NGO Center for International Cooperation (JANIC), Reality of Aid Network, Tanzania Social and Economic Trust (TASOET) and UK Aid Network.

⁹ We understand that a recent meeting was held as late as 7. March 2007 (a note on this meeting can be found on <http://www.civicus.org/new/content/deskoftheseecretarygeneral58.htm>) and that app. 30 NGOs are now being invited to these meetings.

¹⁰ See e.g. the otherwise critical report "The Reality of Aid. Key Messages on the Paris Declaration. Reality Check". January 2007. Can be downloaded from www.realityofaid.org.

Likewise the mutual accountability for development results, based on agreed targets and indicators, is welcomed by CSOs.

Critics have mainly centred on the issue of “country ownership”- in formulating the national development strategies as well as in monitoring results. The Paris Declaration – while briefly mentioning the importance of the participation of non-state actors – is not sufficiently clear on this issue and the participation of CSOs does not form part of the indicators of progress. If the accountability relationship is understood as merely a question of recipient and donor governments, this could lead to the exclusion of important issues and a marginalisation of CSOs.

Related to this is the question of the content of dialogue between development partners on national development plans. The point of view of CSOs is that this should be guided by international human rights standard and that the question of rights and governance should be given priority. The dialogue should not merely be a discussion on technical delivery mechanisms e.g. Public Expenditure Management (PEM) as one could fear based on a narrow interpretation of the Paris Declaration.

In addition, the unequal relationship between recipients and donors should be improved not least in relation to the International Finance Institutions – mainly World Bank (WB) and International Monetary Fund (IMF).

The international NGO Civicus sums up four areas which from the point of view of CSOs need to be addressed¹¹:

- The role of civil society as development actors related to efforts by the poor and marginalized to claim their rights
- Aligning donor approaches with a deeper understanding of aid modalities to support the poor (e.g. rights-based approaches- Ed.)
- Resolving the tension between local ownership and donor conditions
- Assuring independent assessments of progress for improved development results

¹¹ See: <http://www.civicus.org/new/content/deskofthesecretarygeneral58.htm>

3.2 The Paris Agenda and Sweden's Bilateral Development Assistance

Sweden's present development policy – Policy for Global Development (PDG)¹² - was endorsed by Parliament in 2003, two years before the Paris Declaration, but nevertheless in the midst of the international discussions on aid effectiveness.

It is not the purpose of the present study to analyse the PDG, but a few observations should be made:

- The PDG was developed in a participatory way and Swedish development NGOs played an important role in its formulation
- It is clearly stated that two perspectives permeate all parts of the policy: a rights perspective based on international human rights conventions, and the perspectives of the poor
- It emphasises the importance of closer collaboration with actors in all sectors of society and in particular civil society and NGOs (as well as public authorities, private businesses and trade unions)
- It recognises the need for more effective and efficient development assistance through closer collaboration and coordination with other donors

With the purpose of implementing the Paris Declaration, Sida has formulated an Action Plan for Increased Aid Effectiveness¹³. The relevant points in the plan in relation to this study are:

- Sida is committed to capacity development for partner countries to strengthen their ownership
- Sida will at all times focus on tangible results for poor women and men
- Partner country contexts are very different and must be treated differently
- While realising that “the new Aid Effectiveness agenda will profoundly affect all aspects of international development cooperation...[a]n important ambition behind the principles of ownership and accountability is to improve the democratic relation between governments and citizens. ... Pluralism,

¹² Government Bill 2002/03:122 Shared Responsibility: Sweden's Policy for Global Development. Stockholm. May 2003

¹³ Sida Action Plan 2006-2008 for Increased Aid Effectiveness. Sida, Stockholm 21.06.2006

rights, participation, policy alternatives, free debate and a vibrant civil society are important key words.”¹⁴

The plan will be monitored annually with the next deadline for information on 31. October 2007. A report can therefore be expected towards the end of the year.

There is a special chapter on dialogue with representatives from the civil society in the plan¹⁵. Here Sida recognises the need for capacity building of civil society because of the importance of civil society as a counter-weight to the increased strength of the government in development cooperation. The need for increased awareness about the Paris Agenda among civil society is recognised.

It should also be noted that Sweden as a member of EU participates in coordinating assistance from EU countries and the EC, and that Sweden is also an active participant in the Nordic+ group¹⁶.

The main concerns of Swedish NGOs appear to be¹⁷:

- Ensuring that CSOs are involved in and exert influence on poverty reduction strategies
- CSOs may, as a consequence of the agenda, be seen more as implementers than as stakeholders in democratic development
- Harmonisation in civil society becomes necessary
- Capacity of CSOs will be strained in order to participate effectively in the debate and smaller CSOs may suffer
- Managing for results may mean that social development will be prioritised on the expense of democratic development
- Competition for resources between Northern and Southern CSOs may increase in recipient countries
- Important cross-cutting issues of Swedish development policy (Sexual and Reproductive Health and Rights, HIV/AIDS, Human rights and democracy) could become less important

¹⁴ Ibid. P.2

¹⁵ Chap. 12 p. 15

¹⁶ The Nordic+ group consists of: Denmark, Norway, Finland, Netherlands, UK, and Sweden.

¹⁷ See especially Hauer Consulting, Michael Hauer: ”The Paris Declaration and Civil Society. A survey of the consequences of the Paris Declaration for civil society” 12. October 2006

3.3 The Paris Agenda and Kenya

The Government of Kenya (GoK) is a signatory to the Paris Declaration. The GoK strategy for economic growth with poverty reduction is defined in the Investment Program for the Economic Recovery Strategy for Wealth and Employment Creation (ERS) – Kenya’s own PRSP, which was presented to the WB and the IMF Boards in May 2004¹⁸.

The ERS builds to a large extent on the Interim PRSP which was developed in a participatory manner during the final years of the Moi regime. There were some consultations involving CSOs in the development of the ERS. Similarly there has been consultations concerning monitoring, although critics argue that these should have been more extensive.

The ERS is based on three interlinked pillars:

- Economic growth, supported by reforms of financial services and an expansion of investments in infrastructure
- Equity and poverty reduction, which would be aided by actions to improve the access of the poor to basic services (education, health, and HIV/AIDS), and the revival of agricultural growth
- Governance, including strengthening public safety, law, and order.¹⁹

There has for some time been work done on a Joint Assistance Strategy for Kenya (KJAS). The process presently involves 17 donors including the WB and the UN system. The most recent draft is from November 2006²⁰.

While this study took place there were some consultations with Kenyan CSOs and the private sector. Northern NGOs and Foundations were also expected to be consulted at the time of writing.

It is expected that the KJAS process will be finalized by June 2007 as a joint document with GoK.

Before the KJAS process started there were already attempts to develop joint donor programmes. Sector Wide Approaches (SWAp) were developed in education and in the Governance, Justice, Law and Order Sector (GJLOS) and processes towards this were initiated in other sectors as well (e.g. water and sanitation and health) and basket funding was introduced in most of the remaining sectors.

¹⁸ On www.planning.co.ke the Ministry of Planning present the ERS and Vision 2030. Likewise Annual progress Reports on the ERS can be downloaded.

¹⁹ <http://www.aidharmonization.org/ah-st/ah-browser/index-abridged?master=master&rgn%5fcnt=ke&pf=t>

²⁰ “Joint Assistance Strategy for the Republic of Kenya” (2007-2011) November 22, 2006, see www.hac.or.ke

The November draft KJAS is well-written and does contain many of the issues of concern to Swedish NGOs. There are, however, a number of weaknesses, most obvious in the lack of discussion on the issue of reproductive health and HIV/AIDS. But judging from interviews with donor representatives it appeared that they were open to suggestions for improvements.

The main concerns of Civil Society in Kenya in relation to this process have been difficult to identify, as the awareness of what is happening is rather limited. But the following were mentioned during interviews:

- Less dialogue with bilateral donors caused by their increased use of basket-funding and use of other funding mechanisms (e.g. UN-organisations)
- Criteria for baskets are “imposed” by donors
- The government will control NGO-funding in sectors such as GJLOS
- Participation in discussions on ERS, KJAS and in sector-groups is very demanding for civil society

4 Analysis of Effects on Civil Society and Possibilities for Engagement

4.1 International level

Although the following points taken from experience at the international level are not exhaustive, they are found to be relevant in analysing the Kenyan context.

4.1.1 Strength and Weaknesses

Strengths identified at the international level include:

- CSOs have been able to mobilise effectively at the international level on other important issues affecting poverty reduction. One example is the Debt Campaign and another is the campaign for increased aid allocations. These examples of linking “the local with the global” and vice versa could be used to lobby for the issues concerning the Paris Agenda, which are identified to be relevant for civil society
- There are close organisational links between development organisations in the North and in the South
- International CSOs are accepted as important stakeholders in the discussions and monitoring of the Paris Declaration. CSOs have been invited to conferences and meeting where the Paris Agenda has been developed and is being monitored.

Concerning **weaknesses**;

- The international organisations, which have been representing the CSOs in the discussions on the Paris Declaration appear not to have been sufficiently representative of development NGOs and the communication to relevant international networks and national CSOs in the North and South has not been efficient²¹
- Although there have been attempts to coordinate development efforts among international NGOs (e.g. inside the Save the Children alliance, the Red Cross and Crescent League, and Lutheran Church-based organisations) the aid

²¹ It appears that Canadian NGOs have been very active and sometimes it seems unnecessarily confrontational and worked without consulting sufficiently with others.

effectiveness agenda has largely been absent inside the practices of development CSOs, although the funds contributed by these are substantial²².

- Attempts to define the role of development NGOs in the aid effectiveness paradigm have been lacking. Relations and responsibilities between North- and South- based NGOs and the balance between implementation and advocacy roles need to be redefined.
- CSOs are generally recognised by the public as accountable organisations and have been in the forefront in advocating for good governance, but have not necessarily been implementing sufficient corporate governance²³ internally. They have lacked both will and ability to implement corporate governance as part of partnership and capacity building. Attempts to find agreement on some overall principles for CSOs, while maintaining diversity, are presently being pursued.²⁴

4.1.2 Opportunities and Threats

Opportunities:

- International NGOs are invited to participate in discussions on the Paris Declaration and have a possibility of preparing more comprehensive positions concerning the role of civil society before the high-level meeting in Ghana next year
- Many of the bilateral government donors (especially in the Nordic+ group) are allies on several of the salient issues such as the importance of rights and governance, participation in PRSPs, lessening conditionality and unttying aid.
- There appears to be room for increasing understanding among donors for using resources on capacity-building among CSOs for advocacy on democratic development issues

Threats:

- Country ownership of national development strategies could be reduced to government ownership. There is lack of a clear definition of what country ownership means. NGOs could be excluded.

²² Estimates are that CSOs contributed USD 11,3 billion equivalent of 20% of all bilateral aid in 2004 see: <http://www.civicus.org/new/content/deskofthesecretarygeneral58.htm>

²³ Some argue that private sector has overtaken NGO son this agenda

²⁴ E.g. the International Non Governmental Organisations' Accountability Charter: <http://www.ingoaccountabilitycharter.org/index.html>

- Policy dialogue on national development plans could increasingly be based on technical issues and not guided and informed by international human rights standards, and aid effectiveness could mean that measurements would be based on technical outputs and not on reduction of poverty
- Dialogue could become narrowed to mean dialogue between official donors and recipient government behind “closed doors”
- WB (and IMF) could continue setting the agenda based on their traditional conditions and procedures, as they are the biggest donors

4.1.3 Recommendations

- *Build a coalition on aid effectiveness between international CSOs and agree on joint analyses, strategies and positions*
- *Develop clear information strategy to national CSO platforms in donor as well recipient countries*
- *Focus positions on creating a space for CSOs to be involved in PRS formulation and monitoring, while not neglecting the issue of conditionality*
- *Increase discussions among CSOs internal response to aid effectiveness and about corporate governance*
- *Create alliances with progressive donors e.g. the Nordic+*

4.2 Sweden as a donor country

The following is mainly based on interviews with representatives of the organisations represented in the steering committee for this study, some of their partners in Kenya and studying their strategies and policies.

4.2.1 Strength and Weaknesses

Strengths identified.

- Swedish NGOs have traditionally a very close relationship with Sida and with politicians relevant for the formulation of Sweden’s development policy. Swedish development NGOs are listened to and have the capacity to influence development policies at all levels.
- Funding of Swedish NGOs is relatively high and does not presently seem to be at risk – at least not because of the Paris agenda – except probably when and where they are involved directly in programme implementation

- Swedish CSO involved in development related work is very diverse, from big frame-organisations to small solidarity organisations (many of which are loosely organised in Forum Syd) (may also be a weakness – Ed.)
- Many Swedish NGOs have contacts or are member of international networks and alliances

Weaknesses:

- Roles of Swedish NGOs are not well-defined (e.g. equal partner, donor, capacity builder, implementer, etc.). They have not sufficiently redefined their roles in relation to the aid effectiveness agenda
- Swedish NGOs lacks a clear analyses and strategy for dealing with the agenda
- Lack of agreed principles for engaging with southern NGOs
- Weak coordination of efforts on country level and with other Northern NGOs
- Not engaging in consultations on KJAS

4.2.2 Opportunities and Threats

- There appears to be room for monitoring that the important issues in the PDG are being translated into country JASes by engaging donors on a country level
- Sida's action plan on aid effectiveness could be monitored by using experiences from countries where Swedish NGOs are present
- A threat might be that the aid effectiveness agenda might directly and indirectly demand that Northern NGOs harmonise their assistance along national development strategies and their independence hereby is limited

4.2.3 Recommendations

- *Create closer links to international networks dealing with the harmonisation issues²⁵ to ensure that information, analyses and strategies are up-to-date*
- *Initiate a discussion on aid effectiveness for CSOs and what it means for Swedish NGOs, while maintaining diversity and popular involvement*

²⁵ E.g. Civicus, Reality-of-Aid, and Eurodad.

- *Continue engaging with Swedish government and especially Sida and create alliances with Sida in international for a – possibly with other Nordic+ donors through national NGO-platforms*
- *Develop clearer strategy for how Swedish NGOs should engage with local partners in light of aid agenda – strengthen capacity to analyse, strategise, network, etc.*

4.3 Civil Society in Kenya

After more than 20 years of rule by President Moi and the KANU party, the current government was elected on a popular wave in December 2002. The reform pledges it made before the elections - and soon thereafter - continue to be implemented in a stuttering manner. This is due to the fragmentation of the governing NARC coalition, established just before the elections and containing life-long democracy activists as well as former members of President Moi's government, who for opportunistic reasons changed side at the last moment. The fragmentation became clearer and deeper with the defeat of the government in the referendum over the new Constitution, which was held in September 2005. The government has little control over parliament and is presently widely viewed as lacking broad popular support.

The 2002 general election was a watershed for the civil society sector in Kenya. It lost a significant number of its most articulate members to the government. The new government also proved adept and more sophisticated than its predecessor in dealing with the sector. Previously the government had shut its doors to civil society and there was little engagement between the government and civil society.

Increasingly, the government is able to raise ordinary revenue to fund its expenditure.²⁶ This is a shift from the previous position where both the government and civil society organisations depended in varying degrees on donor support. During that era civil society and donor partnerships had greater leverage on the government. Most people interviewed believe that this is no longer the case.

The government's ambivalence to reforms has also been disorienting to civil society. Most of the reform initiatives that formed the core of the governments manifesto have not been sufficiently carried through. Local civil society organisations have therefore been at a loss as to when to engage the government and when to disengage. For example following a violent and illegal police raid on a leading media house, government Ministers issued contradictory statements creating confusion over the government's commitment to reforms in the Governance, Justices, Law and Order

²⁶ In the current financial year the Government of Kenya has raised 95.4% of the revenue required to finance its budget.

Sector. Similar ambivalence has also been witnessed in the government's approach to reforming the constitution and in fighting corruption. There is a wide gap between rhetoric and action. As a result, an overarching vision for civil society engagement with the government continues to be lacking. Such a vision can be constructed around a proposed NGO policy.

Well-organised CSOs remain the most viable instruments of creating and sustaining demand for reform in Kenya. The fractious nature of Kenyan civil society however remains a serious challenge. The collapse of the National Council of NGOs of Kenya which was the umbrella body for all NGOs is an important illustration of this fragmentation.

It should be emphasized that the country is gearing itself for another general election. While it is not anticipated that there will be a radical shift in policy orientation, the results of that election may lead to a re-organisation of priorities and change in the government's approach to civil society.

4.3.1 Funding of Civil Society

Donors have traditionally provided support to civil society in Kenya mainly through direct support or through thematic basket funds. Direct support may be managed by the donor, or through an intermediate organisation such as MS Kenya for Danida or specified UN Agencies for Sida. While most CSOs prefer direct support managed by the donor, this model is felt by donors to be inefficient and putting a strain on limited resources at embassies.

There is already experience in aid co-ordination through the use of basket funding. Donors and civil society have collaborated on implementing a national civic education programme, which is currently in its second phase, on a national elections programme, and on supporting gender and politics programme.

In 2003, a broad programme on GJLOS was designed and this is currently under implementation.

These examples of co-operation provide useful lessons for future aid harmonisation.

GJLOS - Governance, Justice, Law and Order sector
In September 2003 the Government of Kenya (GoK) under the leadership of the Ministry of Justice and Constitutional Affairs (MoJCA) embarked on a comprehensive reform program for the Governance, Justice, Law and Order sector (GJLOS). Currently more than 30 government institutions and departments are participating in GJLOS. 15 International Development Partners (IDPs) provide

support either through a joint basket fund or through direct technical cooperation. A Medium Term Strategy – MTS (2005 – 2009) is under implementation.

The GJLOS anticipates involvement of civil society organisations (CSOs) as well as private sector organisations (PSOs) in the planning, management, implementation and monitoring of the reform program. The platform for participation of these Non State Actors is seen as the thematic group.

The GJLOS experience has brought out a number of lessons.

1. The programme is designed as a funding mechanism for the government and not for CSOs or other Non State Actors. It is only now, 4 years into the programme, that the EC is developing a funding mechanism for CSOs.
2. CSOs engaged in the programme without adequate capacity for strategy development, co-ordination and long-term planning.
3. CSOs participating in the programme were selected by the government and without the development of open and objective criteria to identify those to be included.
4. The programme is susceptible to destabilisation by political events such as the police raid on the Standard Media Group in April 2006 or the resignation of the former Governance and Ethics Permanent Secretary, John Githongo.
5. Some CSOs have come to interpret the core objective of the programme as being concerned with modernization rather than reform.
6. The programme has deepened the suspicion of CSOs on co-operative frameworks and they are viewed as mechanisms for donor-government control and CSO exclusion.

National Civic Education Programme (NCEP) II	
<p>The second edition of NCEP began in April 2006 and the initial phase is designed to end in September 2007 just before the general election. 42 CSOs grouped around four consortia are implementing the programme. Eight International Development Partners (IDPs) provide funding through a basket mechanism. A Project Co-ordination Committee supported by a Financial Management Agent and a Technical Assistance Team manages the Project. There is a separate forum for IDPs, which has the final word on funding. It was anticipated in the project design that the NGO Council would play a coordinating and regulatory role for the implementing CSOs. However due to internal difficulties the Council could not participate in the programme.</p>	
Advantages	Disadvantages
1. Funding is based on objective criteria.	1. The programme is donor designed and managed and local ownership is minimal.
2. Financial and programme accountability is enhanced.	2. The decision-making process is slow and grinding. The time-gap between NCEP I and NCEP II threatened the financial viability of some CSOs.
3. Political risks for IDPs and CSOs are shared and therefore minimized with respect to the individual IDP or CSO.	3. Some of the implementing structures expire with each edition of the basket and this undermines sustainability.
4. Fosters co-operation, experience sharing and common learning.	4. There is an assumption that the NCEP model is cost effective but this is yet to be tested.
5. Pools together a great number of resources enabling nationwide coverage and greater impact.	5. CSOs are ‘incentivised’ into co-operation at times against their will. The gender consortium put together in NCEP I collapsed and gender organizations were subsequently scattered within the other consortia thereby undermining a collective vision.

Recommendation:

- *Future baskets need to consider issues of ownership, flexibility and responsiveness, and diversity of voice alongside cost effectiveness. Cost effectiveness should not override programme effectiveness and a careful balance between the two should be considered.*

Most CSOs that were interviewed felt that the creation of thematic baskets was largely a donor-driven initiative. Lack of consultation was cited as a factor leading to delays in the implementation of these basket funds and in diluting overall ownership of the programme being funded through baskets. Involvement of CSOs in the design of these baskets from the outset through donor-CSO consultations is the single most important factor in ensuring that the disadvantages posed by basket arrangements are limited to the minimum.

4.3.2 Strengths and Weaknesses of CSOs in Kenya**Strengths:**

- There is a long and established tradition of civil society organizations engaging on diverse issues ranging from human rights to social justice.
- The country has good examples of well-organized networks and collaborative efforts such as the network on land issues and the collaborative effort on constitutional reform. The Kenya Land Alliance was given as an example of a network that has effectively championed issues evolving around land reform through advocacy and policy engagement.
- The civil society sector continues to attract well-qualified and experienced staff.

Weaknesses:

- The sector is experiencing a crisis of leadership owing to migration of core leaders to the public and political sectors following the 2002 elections. Furthermore, problems are caused by the dependence on personalities rather than institutional development of the organisations, and the straddling of leaders across the political and civil society divide.
- Most organisations are in poor internal health due to weak corporate governance, low or absent membership bases, and an over-reliance on donor support. Most donors interviewed expressed frustration over lack of sustained efforts to incorporate a good corporate governance culture within local CSOs.

- There is unwillingness, and inability as well, to come to terms with the changed environment and hence a lack of reflection on strategy for engagement (activism versus policy engagement) and scope of engagement (from human rights and democracy to social justice).
- There is fragmentation due to internal divisions, ethnicity and politicization. The National Council of NGOs (NGO Council), which is the apex body for all the NGOs, has, over the last three years, been paralyzed by a combination of these weaknesses. There is as yet no leadership or plan to revitalize this key organization.

4.3.3 Opportunities and Threats

Opportunities:

- The government is more open to CSO participation in policy formulation, implementation and review. There is an emerging consultative culture. This includes the important budget-formulation process. All government officials who were interviewed expressed willingness to have civil society participation in policy formulation and gave examples where this was working successfully such as in the education, health and water sectors.
- The Economic Recovery Strategy, which was developed by the current government from the Poverty Reduction Strategy Paper, is coming to an end this year. A new 5-year edition of the strategy is currently under consideration within the framework of Vision 2030. This offers CSOs opportunities to influence the key content of key pillars and issues which will be the basis of engagement for the next five years.
- There is broad donor willingness to continue mobilising support to CSOs through joint direct funding and through windows in sector-programmes
- The Kenya Joint Assistance Strategy is under formulation and offers opportunities for CSOs especially on development of indicators for cross-cutting issues.
- The presence of and partnerships with Northern NGOs in Kenya provide possibilities for co-operative work on issues within the global agenda.

Threats:

- Donors and government are driven by own agendas for the local CSOs. The government typically views CSOs as a vehicle for service delivery while the donors often regard them as an instrument to check the government. The

strain of these agendas could create confusion or the possibility of co-option of CSOs.

- Competition for donor resources by CSOs has been narrowing the exploration for collaboration or scope for dialogue.
- Competitive bidding under basket funds may be skewed in favour of large, urban-based and professional CSOs and biased against the small diverse organisations. This fear was particularly pronounced among Community Based Organisations that may not have the capacity to compete for resources with the national CSOs.
- The hostile legal and policy environment, which characterised the context within which CSOs operated during the previous regime, has not been reviewed. As a result, there are multiple registration systems for CSOs, lack of an overall policy for the sector, and patronage.
- Increased harmonization may lead to marginalisation of CSOs through the capture of the agenda by the government and donors. Most of the CSOs interviewed were not aware of the extent to which the development of KJAS, ERS, or Vision 2030 had progressed.

4.3.4 Recommendations

- *Develop a shared vision and strategy for CSOs in Kenya for democratic development and for engaging and lobbying government and donors*
- *Aggregate experiences of what works and what does not especially on collaborative efforts such as NCEP and GJLOS and use these lessons for engagement.*
- *There is an urgent need to review the structures of CS organization with the aim of fostering good corporate governance, broadening constituency bases and accountability and a culture of reflection.*
- *Northern NGOs have an opportunity in supporting this process using models, codes of conduct, and approaches that work elsewhere. Especially Nordic NGOs could assist in developing models for engaging and working with government without being co-opted*

Northern NGOs should assist the local counterparts to:

- *Initiate new thinking on design and operation of baskets.*

- *Prepare a strategy on participating in the formulation of the new edition of the ERS and future editions of the KJAS and in monitoring these two strategies.*
- *Deepen collaboration with actors in the private sector.*
- *Initiate fresh thinking on the future of the NGO Council. This can be done with the facilitation of an independent organisation or institute (e.g. the Institute for Development Studies at Nairobi University)*
- *Clarify roles of CSOs in a co-operative framework through mapping of roles within sectors, between local and Northern NGOs, and between local NGOs and CBOs.*

5 Conclusions and Overall Recommendations

The following **findings** are important to note:

- The Kenyan context has its own dynamic, which is independent of the Paris Agenda but the latter is bound to have an impact on the Kenyan context, and the consequences could be wide-ranging.
- Kenyan civil society is fragmented and divided. It lacks vision, cohesive strategy, and leadership. It is presently unable to effectively engage within the broad opportunities offered by the Paris Agenda. GoK and donors are ready to engage, CSOs are not.
- The willingness of GoK and donors to implement the Paris agenda is obvious in the ERS, SWAp and the KJAS. While this process is far advanced, CSOs have hardly scratched the surface of the debate and appear not to be aware or not able to comprehend the agenda.
- The relationship between Northern NGOs and Kenyan CSOs is eclectic. There is a lack of clarity in terms of roles and responsibilities.
- Northern NGOs present in Kenya have not harmonised or aligned or even coordinated their activities, and even in times of crisis (e.g. MS-Kenya Director “persona non-grata”) joint efforts have been difficult to initiate. Even among the Swedish NGOs joint or coordinated activities appear to be accidental.
- Despite lack of structure there are many partnerships between Northern - and especially Swedish NGOs - and local partners, which are long-term and have proven mutually valuable.
- The lack of a shared strategic vision among civil society, whether Northern or Kenyan based, is a major weakness
- The need for restructuring of civil society in Kenya is glaring. Northern NGOs should see this as a major priority, and assist in facilitating a home-grown process for initiating this restructuring.
- While donors are clearly committed to the Paris Agenda’s demand for the inclusion of non-state actors and especially civil society, they will not take leadership in sorting out divisions and weaknesses in civil society. The GoK

may also partly be committed to this ambition, but there is a risk of increased patronage in the relationship.

Recommendations:

- *At all levels, CSOs should map their efforts and divide labour between them to support and mutually reinforce efforts.*
- *Need to revise strategies for engagement and advocacy and use engagement at local and global levels to reinforce strategies at both levels.*
- *There is a need for a civil society development effectiveness process (or a Paris Agenda for CSOs) in order to counter threats and even more important, to be able to utilise opportunities in Kenya, in Sweden, and Internationally.*

Annex 1: Terms of Reference for the Study

Study to assess the consequences of the Paris Agenda on Civil Society in Kenya.

1. Background

In March 2005 a high level meeting was held in Paris to establish the foundation of a new order in international development cooperation. The main constraints of previous paradigms were seen to be the situation in which multiple donors (both bilateral and multilateral) created a fragmented pattern with a multitude of directives regarding priorities, reporting requirements, monitoring and conditional aspects of cooperation, that were difficult for the recipient countries to manage. Another opinion that was being put forward was that, in order to fulfil the millennium development goals through the Poverty Reduction Strategy (PRS) of individual countries, there was a need to move the focus from the magnitude of resources being transferred to the quality of the support provided. These constraints were seen to lead to a lack of ownership in recipient countries. Further, it was believed that existing conditionality led to high transaction costs, thus diverting resources from addressing the needs of poor people.

The new paradigm for development cooperation that was suggested, and the resolution signed by the 35 donor countries and 56 recipient countries present at the meeting, was built on a desire to scale-up development cooperation through concrete measures in five areas, rendering development cooperation more efficient. The five areas that were agreed upon were:

- Ownership
- Alignment
- Harmonisation
- Managing for results
- Mutual accountability

Through the implementation of measures within these five areas, recipient countries are to gain more influence and responsibility for their own development. National structures and systems are to be strengthened, better equipping aid recipients to fight poverty in their respective countries.

As the resolution was passed, there was a fear that certain important aspects would be neglected in the new order of development cooperation and that in particular the role of civil society would undergo major changes. As funding for civil society to an increased extent was going to be in the hands of recipient countries, it was feared that in particular organisations dealing with democracy and human rights, as well as those

dealing with monitoring of government activities, would see a decrease in funding and that civil society organisations dealing with service delivery would be prioritised, in particular in fields in which the state itself is not able to provide services.

Another area of concern is that, in the process of donor harmonisation, issues and topics that are prioritised in the Swedish debate, such as SRHR (Sexual and Reproductive Health and Rights), HIV/AIDS, human rights for all persons, and democracy, might be marginalised, as Sweden is a small donor. In 2003, Sweden adopted a national policy for international development cooperation called Policy for Global Development (PGD). In this policy document a clear standpoint on various issues is stated, and Swedish international development cooperation must be aligned with this policy.

As the Paris Agenda has come into effect, Swedish Civil Society Organisations (CSOs) with a framework agreement with Sida (from here onwards referred to as Frame Organisations) have raised the concern that the implementation of the Paris Agenda might have consequences for civil society. As no comprehensive study around effects at country level of the Paris Agenda on civil society has yet been made, an analysis of development cooperation in relation to the five topics of the Paris Declaration and their consequences for civil society is greatly needed.

To start a dialogue around this issue, a study tour for the Directors of Frame Organisations was organised in May 2006. Meetings were held with Sida in Kenya and Zambia. The outcome of the study tour was that there is little information about the impact of the Paris Agenda and that further investigation is necessary in order to provide a common platform for Frame Organisations from which to undertake further strategic planning. Kenya was chosen as the country in which to carry out a pilot study on the consequences of the Paris Agenda for Civil Society.

2. The study

The study that has been commissioned by the Directors of Frame Organisations is to be implemented in Kenya under the auspice of a steering committee comprised of the four Directors of regional/country offices of Frame Organisations present in Kenya and Tanzania (Diakonia, Forum Syd, Save the Children, Sweden and Swedish Cooperative Centre) and a seconded thematic expert from the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

The work will be monitored and assisted by a reference group. The role of the reference group is to provide support to the steering group regarding, for example, links to Kenyan civil society, as well as to act as a support to the contracted consultant in the process of planning and writing the report of the study. The study will

investigate the situation, conditions and changes for civil society that come about as a consequence of the Paris Agenda. The result is aimed to provide information necessary for Frame Organisations to plan future cooperation strategically and to meet possible challenges that arise as a consequence of the Paris Agenda.

The study will be comprised of a desk study and field visits. The desk study will include an analysis of documents, policy papers and reports that have been produced as a result of the Paris Declaration as well as an in-depth study of structures that have been put in place to meet the requirements of the Paris Agenda. Further, the study will examine what consequences these have for civil society in Kenya. The field visits will include interviews with Kenyan CSOs, donor agencies, and donor NGOs (Non Governmental Organisations).

2.1 Implementation of the study

The study will be assigned to a consultant with in-depth knowledge of Kenyan civil society and politics and conditions for CSOs to operate in the country. Furthermore, the consultant should have good knowledge of Swedish civil society development cooperation in low and middle income countries and a good knowledge of Swedish and other donor country development agendas as well as international development politics as it applies to Kenyan society. Knowledge about development theories and current trends in development cooperation is also a prerequisite.

The study will be executed through an in-depth analysis of various government policy and strategy documents as well as strategies and work plans of CSOs, Donor NGOs, bilaterals and multilaterals. Interviews will need to be carried out with key persons in relevant structures. A questionnaire may be developed by the consultant to support this process.

The study will be surveyed by the four Regional Heads of Frame Organisations in Kenya and Tanzania and reported to them. The study will be written in English and presented on two occasions, firstly for the Regional Directors of Frame Organisations in Kenya and Tanzania, second in a larger seminar for staff and cooperation organisations of Frame Organisations in Kenya and Tanzania, bilateral donors and other NGOs. A third form of presenting the results, at a seminar in Stockholm, may be planned if requested by the Directors of Frame Organisations in Sweden and resources may be allocated for this purpose.

2.2 Scope of the study

The overall task of the consultant is to gather relevant information in order to be able to assess the consequences of the Paris Agenda on civil society in Kenya and to make an analysis based on the information gathered.

2.3 Stakeholder related aspects of the study:

To create an understanding of the overall effects of the Paris Agenda, the study will assess the impact of the change in development cooperation policy for each category of organisation. These include CBOs and small NGOs, large NGOs, international donor NGOs, bilateral donors and multilateral donors. Aspects to take in account are changes in funding structures and funding policies, changes in technical demands, scope and planning, internal debate and knowledge levels, degree of implementation of the Paris Agenda and overall assessment and analysis of positive and negative effects for civil society organisations' participation in development processes in Kenya.

2.4 Issue related topics for the study

The study will focus on the following thematic areas:

To assess:

- Political climate in Kenya and changes in this with regard to CSOs and their role in the PRS process and the implementation and follow-up processes.
- Presence of awareness and Paris Agenda adapted discourse among CSOs.
- Changes in the sense of ownership and influence of development processes as a consequence of the Paris Agenda.
- Presence or absence of donor – NGO coordination.
- Alignment, real or potential, of donor – NGO policies and strategies.
- Democratic processes and if the Paris Agenda has an effect on these.
- Effects of decentralisation on funding, influence and sustainability of local CSOs.
- Effects of competitive tender for NGOs supported by bilaterals and other donors.
- Effects in effectiveness in the view of CSOs and their participation in the PRS.
- Transparency of donor politics and possibilities to affect development agendas.

In the assessment different types of CSOs should be taken into consideration, such as small, large, member based and foundations, working in different thematic fields such as human rights, democracy, in particular in opposition, gender equality, environment, HIV/AIDS, service delivery and faith based organisations. The assessment should create an overview of the conditions and change of conditions produced by the Paris Agenda and point out strengths and weaknesses in the new development paradigm.

To investigate:

- How different CSOs have, or may in future, benefit/be disadvantaged from effects of the Paris Agenda in regards to funding and influence.
- Effects of the Paris Agenda on Swedish development cooperation's goal to live up to the PGD and if the Paris Agenda is a support in this process or constitutes a crippling effect on Swedish priorities stated in the strategy.
- If thematic strategic changes have taken place within local CSOs as an effect of the Paris Agenda.
- What forums are open for Kenyan CSOs to have influence on and control the PRS process and what mandate they have in these forums.
- What is the new role and changes for local CSOs in national NGO forums and the extent this affects democratic processes.
- If there are changes in strategic planning within Swedish Frame Organisations in relation to the Paris Agenda.
- Sida's participation in the Paris Agenda Process and how this may affect Frame Organisations' priorities, focus areas and funding opportunities.
- If a certain category of CSOs have a comparative advantage in regards to winning tendering bids from bilaterals and multilaterals.
- The process of CSO consultation by selected ministries and the effect of these in bilateral and multilateral discussions between donors and the ministries.
- Frame Organisations' preparedness and strategies to mitigate possible CSO marginalisation processes with regard to specific themes.

Particular concerns in this area are to investigate the concrete effects of the Paris Agenda on CSOs, in particular effects that hamper local CSOs in their possibilities to act as watch dogs and critics and if certain thematic areas are being favoured over others. Particular focus on consequences for issues that might be of a sensitive nature is of interest (SRHR, HIV/AIDS, gender, human rights, democracy, fair trade issues, etc.).

To suggest:

- Measures to support the involvement of CSOs at all levels of the PRS of Kenya.
- Ways of cooperation that safeguard plurality of civil society both with regards to representation and vitality.
- Work methods that increase dialogue between CSOs in Kenya and between Kenya and Sweden.
- Models that promote sustainability of CSOs in Kenya in light of changes due to the Paris Agenda.
- Organisational changes that increase dialogue between donors and local CSOs.

- Ways to mitigate actual or anticipated negative effects of the Paris Agenda for CSOs in Kenya
- Methods to support positive results for CSOs in Kenya arising from the Paris Agenda.

In this area suggestions should be made for concrete measures allowing Frame Organisations to better provide bilateral support to local CSOs in a way that is in alignment with the Paris Agenda, the PRS and Swedish Politics for Global Development. In particular measures to safeguard activities in the fields of human rights, gender equality, HIV/AIDS, social equity and democracy should be considered.

2.5 Recommendations should include measures to:

- Bridge gaps that may arise for CSOs as a consequence of the Paris Agenda.
- Assure quality in interventions, both in service delivery and in advocacy.
- Contribute to sustainability both on an organisational and societal level.
- Safeguard and promote gender equality.
- Render support more effective.
- Assert wide target group participation and thematic variation.
- Open up the PRS process for scrutiny by local and international CSOs.
- Assert CSO participation in democratic processes and promote human rights.

3. Report and presentation

A report from the study is to be written in English not exceeding 30 pages (excluding annexes). The report should be concise in its findings and include clear recommendations that may be implemented by Frame Organisations. The report will be presented on two occasions in Kenya. The consultant's presence is required on both occasions. A first draft is to be presented to the theme group no later than 20 March 2007.

4. Timeframe

The study will be initiated in February 2007 and will be comprised of:

- 1 week preparation and desk study,
- 2 weeks field work including interviews with a minimum of 4 Frame Organisations, donor NGOs, 4 Bilateral donors, 4 multilateral donors, 8 smaller CSOs and 8 larger CSOs.
- 1 week report writing and presentation

Presentation to the steering group will take place at the end of March. A presentation in a larger seminar will be planned in April.

5. Documents

The study will include the following documents (the list is not exhaustive):

- Paris declaration on aid effectiveness
- Joint assistance strategy for the republic of Kenya
- Sida action plan 2006-2008 for increased aid effectiveness
- Sida country strategy Kenya
- Strategic plans of Diakonia, Forum Syd, Save the Children, Sweden and Swedish Cooperative Centre
- Swedish PGD
- Sida policy on Gender
- Sida policy on HIV/AIDS (Investing for future Generations)
- Swedish policy on SRHR

6. Contract

A contract will be drawn up after a call for tender where skills and costs of potential consultants will be assessed and evaluated by the steering committee. The contract will be a formal consultancy contract between Swedish Cooperative Centre and the consultant.

Annex 2: Framing Questions

These were identified to inform the interviews of stakeholders. Brief answers based on findings are included herewith.

1. What are the effects of the Paris Agenda on Swedish development cooperation's goal to live up to the PGD? Is the Paris Agenda a support in this process or does it constitute a crippling effect on Swedish priorities stated in the strategy? What level of dialogue is there on the Paris Agenda? How well socialized is the Agenda?
Based on experience from Kenya - especially the KJAS- it appears that Sweden together with other likeminded donors have been able to ensure that many of the issues in the PDG have been included in the KJAS (although there is obviously room for improvement). The Paris agenda means that Sweden is able to influence the content of a KJAS, which has significantly more impact than a "stand alone" Swedish Country Strategy. The dialogue about the Paris agenda is presently mainly taking place among donors and between donors and GoK. In GoK it appears to be widely socialised among senior staff also outside of the ministry of Finance and Planning. The awareness of the agenda outside government seems to be insufficient, even among many Northern based NGOs.
2. Are there changes in strategic planning within Swedish Frame Organisations in relation to the Paris Agenda? If so what are these?
The Frame Organisations involved in this study appear not to have changed their strategies because of the agenda. There is a need to do so in order to capacitate partners to engage in formulation and monitoring of national development plans, sector-programmes and basket arrangements.
3. How might Sida's participation in the Paris Agenda Process affect Frame Organisations' priorities, focus areas and funding opportunities?
No clear answer can be provided, but it appears to become important for Swedish organisations to build partnerships based on shared values or issues, in order to assist in building capacity at country level for engaging in national development plans and its programmes and to link the experiences of local partners with advocacy in Sweden and internationally. Probably funding for direct programme implementation by Northern NGOs will diminish.
4. What are the Frame Organisations' preparedness and strategies to mitigate possible CSO marginalisation processes with regard to specific themes? Is there any change in the size of support to CSOs? Have budgets changed and if so how?
They do not have as yet strategies, but are aware of this and preparing (e.g. through this study) to develop such strategies. The overall size of CSO-funding to Swedish or to Kenyan CSOs appears not to have declined. (The funding for direct implementation by Swedish NGO will probably decline caused by the Paris agenda). All indications are that funding will increase for

CSOs, as they are seen by donors as an important counter-weight to Government. But funding will most likely be in the form of joint baskets.

5. What forums are open for Kenyan CSOs to have influence on and control the PRS process and what mandate do they have in these forums?

Kenyan CSOs have been invited to consultations about national development plans formulation and monitoring as well as to donors' JAS. The CSO participation is, however, not efficient, mainly reflecting the weakness of the Kenyan CSOs. There are a few networks which appear to be sufficiently organised to influence and have representatives with a mandate, such as the Kenya Land Alliance.

6. What is the new role and changes for local CSOs in national NGO forums and to what extent does this affect democratic processes? How have (or may in future) different CSOs benefit or be disadvantaged from effects of the Paris Agenda in regards to funding and influence?

The new roles – mainly brought about by the change of government - require a readiness and ability to move from activism to policy engagement. This demands new skills such as ability to do research, strategise, network, create alliances, etc. This might exclude local and smaller organisations (CBOs) and the challenge is to ensure these form part of networks or alliances through which they can access resources and exert influence.

7. Have thematic strategic changes taken place within local CSOs as an effect of the Paris Agenda?

Unfortunately no. Generally the NGO sector is fragmented, disorganised and weak. This is not caused by the Paris agenda, but in order to engage in the challenges and opportunities provided by the Paris agenda there is a serious and urgent need for recreating a strong civil society well adjusted to the changed environment.

8. What changes are there as a result of the Agenda and how are these changes different from those brought about by changing political environment (in the North as well as in Kenya)?

This question has been a methodological problem for the study. In Kenya CSOs have not yet adapted to a new type of government, despite more than four years and in Sweden the effects of a new government is not yet clear. Probably the changes caused by the Paris agenda are minimal. This is unfortunate, because the Paris agenda does offer possibilities for influencing national development priorities on a much larger scale than what has previously been possible, and inability by civil society to use these opportunities may lead to the exclusion of civil society not through deliberate decision but by default.

9. Are there certain categories of CSOs that have a comparative advantage in regard to winning tendering bids from bilaterals and multilaterals? Do challenge funds lead to competition between local and Northern NGOs? Does this differ between Northern NGOs that implement programmes directly and those that work through partners? Is diversity of voices compromised? Does it alter the essential nature of the NGO (to a consultancy model)?

Comparative advantage in winning tenders depends on the task to be tendered for and the criteria for awarding the tender. For example the Water Services Trust Fund has defined the main task of its projects as including water project management and ownership. This has meant that communities and community based organisations are best placed to win tenders while national level organisations provide support services such as mobilisation and training.

There is yet no experience that challenge funds would lead to competition between Northern and local CSOs. The current experience with basket funds is that they do lead to competition between local CSOs. There are objective reasons based on pre-established criteria that explain why some of the CSOs fail to access such funds.

Challenge funds need not compromise diversity of voice if diversity is built in as a principle of the fund. For example the NCEP programme has such a principle.

10. What are the processes of CSO consultation by selected ministries and the effect of these in bilateral and multilateral discussions between donors and the ministries?

Regular and structured consultation between ministries and civil society organisations takes place inside a few sector-programmes (e.g. GJLOS) but ad hoc participation in policy formulation is widespread and growing.

Annex 3: List of Persons Interviewed

Kenyan Civil Society Organisations	Title	Name
Kenya Human Rights Commission (KHRC)	Acting Executive Director	Mwambi Mwasaru
Release Political Prisoners (RPP)	Coordinator	Stephen Musau
Kenyan Section of the International Commission of Jurists (ICJ)	Legal officer	Benson Ngugi
Kenya Debt Relief Network (KENDREN)	Co-ordinator	Njuki Githethwa
Shelter Forum	Chief Executive Officer	Erik Makokha
Kenya Land Alliance	Coordinator	Odenda Lumumba
Kenya national Federation of Agricultural Producers (KENFAP)	Chief Executive	Kanywithia Mutunga
National Council of Churches in Kenya (NCKK)	General Secretary	Rev. Mutava Musyimii
	Director, Governance and Social Sector	Suzie Ibutu

Attempts to interview representatives of women organisations and children organisations failed because of “force majeure”. A meeting with SUPKEM was cancelled by SUPKEM a few hours before it was scheduled to take place.

Northern NGOs present in Kenya	Title	Name
Forum Syd	Regional Director	Maria Kempe
Swedish Cooperative Centre-Vi Agroforestry	Regional Director	Carina Andersson

Diakonia	Regional Thematic Officer	Erik Vagberg
Save the Children, Sweden	Programme Officer	Joyce K. Mwangi
ActionAid	Country Director	Joyce Umbima

An interview with MS-Kenya was cancelled due to illness of the programme officer

Public Institutions	Title	Name
Kenya National Commission for Human Rights	Head of the Commission	Maina Khiai
Water Services Trust Fund	Chairman	John Munuwe
Ministry of Justice and Constitutional Affairs	Director, Legal Affairs	Gichira Kibara
Donor Representatives	Title	Name
Danish Embassy	Ambassador (and chair of HAC-Group) and Deputy Head of Mission	Bo Jensen Anders Oernemark
Sida	Deputy of Sida in Kenya	Kalle Hellman
UNDP	Democratic Governance Specialist	Per Brixen
Embassy of Netherlands	Deputy head of Mission	Kees van Baar
DfID	Deputy Head (Programmes)	Eddie Rich
HAC-secretariat	Programme Officer	Elana Aquino

A promised interview with World Bank unfortunately did not materialise

Kenyan Development Experts	Title	Name
University of Nairobi, Institute of Development Studies (IDS)	Associate Research Professor	Njuguna Ng'ethe
IDS	Lecturer	Karuti Kanyinga

Annex 4: Brief Presentation of the Paris Agenda

Traces of the new development paradigm can be found in the introduction of Poverty Reduction Strategy Papers (PRSP) as a response to the Highly Indebted Poor Countries Initiative (HIPC) in the mid-nineties. But the acceleration of the new development paradigm was made possible by the international agreement on the Millennium Development Goals in 2000, which lead to a discussion of how to reach these goals in the most efficient way. Key aspects of this is an agreement on avoiding the high transaction costs of a large number of parallel donor mechanisms and of donor demands to recipient countries and replacing this with recipient country leadership and donor support for capacity building within recipient countries. Closely related to this is the focus on results (as focus on inputs, activities and processes would easily lead to micro management by donors). A number of statements, Monterrey, Rome, Marrakech and Paris formulated by donors and recipients in the period 2002 to 2005 express this consensus.

The Monterrey Statement of Heads of Multilateral Development Banks dated March 2002²⁷ has the title ‘Better Measuring, Monitoring and Managing for Development Results’. This two-page statement argues for collaboration and cooperation among development partners, taking account of country priorities and constraints, and for country capacity building for managing for results.

The Rome Declaration on Harmonisation, February 2003²⁸ states:

“We in the donor community have been concerned with the growing evidence that, over time, the totality and wide variety of donor requirements and processes for preparing, delivering, and monitoring development assistance are generating unproductive transaction costs for, and drawing on the limited capacity of partner countries. We are aware of partner country concerns that donors’ practices do not always fit well with national development priorities and systems, including their budget, programme, and project planning cycles and public expenditure and financial management systems. We recognise that these issues require urgent, coordinated, and sustained action to improve our effectiveness on the ground.

We attach high importance to partner countries’ assuming a stronger leadership role in the coordination of development assistance, and to assisting in building capacity to do so.”

²⁷ “Report on the International Conference on Financing for Development” Monterrey, Mexico, 18-22 March 2002

²⁸ “Rome Declaration on Harmonization” Rome., Italy, February, 2003

Based on the Rome Declaration, which was endorsed by 28 recipient countries and more than 40 multilateral and bilateral development institutions, including Sweden and Kenya, DAC elaborated a useful guideline: ‘DAC Guidelines and Reference Series: Harmonising Donor Practices for Effective Aid Delivery’²⁹. This document includes the Rome Declaration.

The Joint Marrakech Memorandum, February 2004³⁰, with the title ‘Managing for Development Results’ defines five core principles for ‘Promoting a Harmonised Approach to Managing for Development Results’:

1. At all phases focus on the dialogue on results for partner countries, development agencies, and other stakeholders.
2. Align actual programming, monitoring, and evaluation activities with agreed expected results.
3. Keep the results reporting system as simple, cost-effective, and user-friendly as possible.
4. Manage for, not by results.
5. Use results information for management learning and decision making, as well as for reporting and accountability.

Finally, the Paris Declaration on Aid Effectiveness, March 2005³¹, up-dates and sums up much of the substance of the previous statements. It does so under the five headings of Ownership, Alignment, Harmonisation, Managing for Results, and Mutual Accountability. Under each of these, it formulates a number of commitments – by donors, by partner countries, and by both jointly – as well as a series of indicators with targets attached for 2010, which will enable the stakeholders to monitor the progress in implementing the Declaration’s agenda.

In introducing the purpose of the Paris Declaration, the assembled Ministers of developed and developing countries and Heads of multilateral and bilateral development organisations state, that they

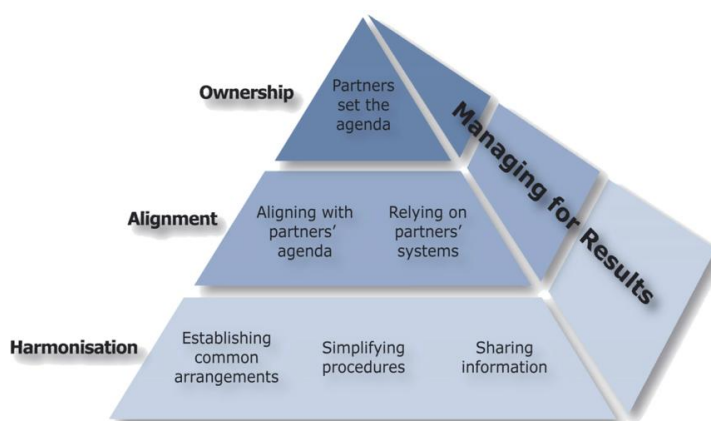
“resolve to take far-reaching and monitorable actions to reform the ways we deliver and manage aid...(and)...recognise that while the volumes of aid and other development resources much increase to achieve (the MDGs), aid effectiveness must increase significantly as well to support partner country efforts to strengthen governance and improve development performance”.

In schematic form this can be summarised in the following figure:

²⁹ <http://www.oecd.org/dataoecd/0/48/20896122.pdf>

³⁰ “Managing for Development Results” Second International Roundtable, Marrakech, 2004

³¹ <http://www.oecd.org/dataoecd/11/41/34428351.pdf>



The idea is that the recipient country develops a poverty reduction strategy, national development plan or similar, with clear indicators and measurements. Donors will then align their support with this strategy, ideally if the financial management systems are satisfactory as budget support to the recipient countries general budget. If the partners system is not satisfactory there should be support to improve the system and build capacity. Another way is to support joint sector programmes or SWAs through which recipient government and donors jointly contribute to funding a sector again based on a programme with measurable results.

In other areas donors commit themselves to use common arrangements such as basket funding and agree to simplify procedures for recipients and finally to share information not least when donors do or commission analytical work of a country or a sector.

Such analyses have increasingly been used as the development community increasingly recognises that effective programmes must be grounded in an understanding of the economic, social and political factors that either drive or block change within a country. The Drivers of Change (DoC) approach has emerged within DFID as a way of applying political economy analysis to the development of donor strategy³². Sweden has commissioned power analyses and other donors other forms of analysis. In future such analyses should be joint and shared with recipient government.

The Paris Declaration has a set of Indicators of Progress. A high-level meeting is planned to be held in Accra in Ghana in September 2008, where progress according to the indicators will be monitored.

³² <http://www.gsdr.org/go/topic-guides/drivers-of-change#start>

Annex 5: List of Links Consulted

➤ Sources for more information on the Paris agenda:

The official web-site for the MDGs is:

www.unmillenniumproject.org

The OECD-DAC secretariat for aid effectiveness hosts many relevant resources concerning aid effectiveness;

http://www.oecd.org/departement/0,2688,en_2649_3236398_1_1_1_1_1,00.html

Also the following link on aid-harmonisation has useful resources and a link to the full text of the Paris Declaration:

<http://www.aidharmonization.org/>

➤ Swedish Development policies:

Sida's web-page is a necessary link to information on the Swedish development policies:

http://www.sida.se/sida/jsp/sida.jsp?d=121&language=en_US

Links to the Swedish frame organisations can be found on:

http://www.sida.se/sida/jsp/sida.jsp?d=582&a=3827&language=en_US

➤ International NGOs dealing with the Paris agenda:

<http://www.realityofaid.org>

<http://www.ccic.ca/e/home/index.shtml>

<http://www.civicus.org/new/default.asp>

➤ The International accountability charter for civil society can be read at:

<http://www.ingoaccountabilitycharter.org>

➤ **Kenya's development policies:**

The GoK's ERS and various reports concerning this can be accessed through,

<http://www.planning.go.ke>

Concerning GJLOS see:

<http://www.gjlos.go.ke/gjinner.asp?cat=aboutus>

➤ **Donors in Kenya and the HAC-group:**

<http://www.hackenya.org>

and for the World Bank in Kenya see:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/KENYAEXTN/0,,menuPK:356516~pagePK:141159~piPK:141110~theSitePK:356509,00.html>