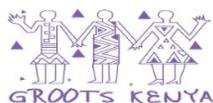


# Developing CSOs Capacity for Public Policy Dialogue in Kenya

## A System Analysis

Final Report

August 2021



## DISCLAIMER

Copyright © 2021



All rights reserved

The material in this report is copyrighted. HORIZONT3000 encourages dissemination of its work, provided a reference is included.

Although the authors have made every effort to ensure that the information in this report was correct at time of publication, HORIZONT3000 does not assume and hereby disclaims any liability for the accuracy of the data, or any consequence of its use.

If you have any questions or comments about this report please contact:

HORIZONT3000

Austrian Organisation for Development Co-operation

T: +43 1 50 30 00 3

Email: [office@horizont3000.at](mailto:office@horizont3000.at)

Wilhelminenstr. 91/II f, A-1160 Wien

Website: <https://www.horizont3000.at>

## ACKNOWLEDGEMENTS

This report – **‘Developing CSOs Capacity for Public Policy Dialogue in Kenya: A System Analysis’** is authored by the Africa Centre for People Institutions and Society (Acepis) for HORIZONT3000.

Technical and logistical support towards development of research tools, data collection, analysis, drafting and reviews was provided by a team at Acepis namely: (1) Christabel Anyango Gero, (2) Emmanuel Elisha Owuor, (3) Eunice Wahito Maina, (4) Janet Njeri Muchai, (5) Kenneth Okwaroh Ochieng, (5) Michael Onyango Gor, and (6) Rachel Atieno Olpengs.

Special gratitude to all partner organisations in the **‘CSOs & Policy Dialogue Project’** namely: Austrian Red Cross, SOS Kinderdorf Austria, CARE Austria, Caritas Austria, GROOTS Kenya, DESECE, PACIDA, SOS Children’s Villages Tanzania, Kenya Red Cross, CARE Uganda and SOS Children’s Villages Uganda for support towards recruitment of respondents, provision of contextual information and review of the report.

Acepis wishes to thank the Austrian Development Agency (ADA) – Austrian Development Cooperation and consortium partners for providing funding that made the research and production of this report possible.

**The analysis presented and views expressed in this report remain the responsibility of the author and do not necessarily reflect those of Austrian Development Cooperation, HORIZONT3000 and partners in the Policy Dialogue Project.**

## TABLE OF CONTENTS

List of Tables.....	ii
List of Figures.....	ii
List of Acronyms.....	ii
<b>EXECUTIVE SUMMARY .....</b>	<b>iii</b>
<b>SECTION ONE - INTRODUCTION .....</b>	<b>6</b>
1.0. Background and Purpose of the Study .....	6
1.1. Research Approach .....	6
1.2. Data sources, tools and methods.....	6
1.3. Operational Terms .....	7
<b>SECTION TWO - POLITICAL ECONOMY CONTEXT .....</b>	<b>8</b>
2.0. Economy .....	8
2.1. Governance.....	8
2.2. Operating Environment for Civil Society .....	8
<b>SECTION THREE: THE ECOSYSTEM – PLAYERS IN CAPACITY DEVELOPMENT FOR CSOs</b>	
<b>ENGAGEMENT IN POLICY DIALOGUE IN KENYA .....</b>	<b>11</b>
3.0. Introduction.....	11
3.1. Stakeholder Configuration - Description of major players .....	11
3.3. Visualising the Ecosystem – A Map of major actors .....	14
3.4. Interrelations in the Ecosystem for CSOs Capacity Development for Policy Dialogue .....	15
3.5. Interest – Influence Analysis .....	16
<b>SECTION FOUR: ISSUES AT PLAY – DEVELOPING CSOs’ CAPACITY TO ENGAGE IN POLICY</b>	
<b>DIALOGUE .....</b>	<b>20</b>
4.0. Introduction.....	20
4.1. Experiences of CSOs in Policy Dialogue .....	20
4.2. Capacity Limitations for Policy Dialogue.....	21
4.3. Financing CSOs capacity development .....	23
4.4. Accessibility and affordability of Capacity Development opportunities .....	27
4.5. Inter-relations among key players in the Ecosystem .....	28
4.6. Regulation of the environment .....	30
<b>SECTION FIVE: DELIVERING CAPACITY TO CSOS – PREVAILING APPROACHES .....</b>	<b>31</b>
5.0. Introduction.....	31
5.1. Approaches to delivering support.....	31
5.2. Modalities for Funding.....	33
5.3. Opportunities for sustainable capacity development of CSOs for Policy Dialogue .....	34
<b>SECTION SIX: EMERGING ISSUES .....</b>	<b>37</b>
<b>SECTION SEVEN: RECOMMENDATIONS .....</b>	<b>40</b>
<b>REFERENCES.....</b>	<b>43</b>
Appendix – 1: List of Acronyms of Organisations cited .....	47
Appendix – 2: Lessons from CSOs & Policy Dialogue Project .....	50
Appendix – 3: Constellation of Stakeholder Explored During the Study.....	53
Appendix – 4: Data Collection Tool.....	54

## List of Tables

Table 1: Roles and Value of Key Stakeholders .....	13
Table 2: Strategies for Policy Influencing.....	20
Table 3: Approaches to delivering resources to CSOs.....	31

## List of Figures

Figure 1: Visualising the Ecosystem of CSOs Capacity Development Landscape .....	14
Figure 2: Interrelations in the Ecosystem of CSOs Capacity Development Landscape.....	15
Figure 3: Interest-Influence Analysis for Stakeholders .....	17
Figure 4: Major Sources of funding for CSOs (FY2018/19).....	23
Figure 5: ODA funding trends for government and civil society vis a vis all sectors .....	24
Figure 6: Resource allocations and expenditure trends for CSOs.....	26

## List of Acronyms

<b>CSOs:</b>	Civil Society Organisations
<b>NGOs:</b>	Non-Governmental Organisations
<b>PBO Act:</b>	Public Benefits Organisations Act
<b>KIIs:</b>	Key Informant Interviews
<b>MDAs:</b>	Ministries & Development Agencies
<b>INGOs:</b>	International Non-Governmental Organisations
<b>ODA:</b>	Official Development Assistance
<b>OCAs:</b>	Organisational Capacity Assessments

# EXECUTIVE SUMMARY

## Developing CSOs Capacity for Public Policy Dialogue in Kenya - A System Analysis

### 1.0 Background:

HORIZONT3000 working together in a consortium with four other Austrian NGOs, have over the past six years (since 2014) been implementing a project intervention, with funding from the Austrian Development Cooperation, dubbed “CSOs and Policy Dialogue” aimed at strengthening the capacities of CSOs in East Africa to engage in policy dialogue. The lead organisation HORIZONT3000 commissioned this research to interrogate the system surrounding policy dialogue, specifically CSO capacity development and funding for policy dialogue engagement in Kenya. It was tasked to explore the ecosystem of actors in Kenya who can be engaged and/or incentivized to provide capacity development for CSOs on policy dialogue. The output of this research is intended to illuminate opportunities and strategies for engaging various actors for resources to guarantee progress and sustainability towards inclusive policy frameworks in Kenya.

### 2.0 Methodology

The research adopted an exploratory market systems analysis approach using largely qualitative techniques (Key Informant Interview conducted remotely via Zoom due to Covid-19) for data collection and thematic/content analysis for interrogating the data. Using purposive and convenient sampling methods, the study identified and consulted 47 respondents, comprising 20 females and 27 males. The respondents were selected from Civil Society (32) at international, national and sub-national levels (including grassroots CBOs), Academia/Experts (4), Think tanks/Research Organisations (4), Development partners and Donor Agencies (4), Private sector (2) and government (1) while ensuring a representative sample. The report uses the terms Civil Society and Civil Society Organisations (CSOs) to refer to third sector organisations that include: Community based Organizations (CBOs), Non-governmental Organizations (NGOs) and International Non-Governmental Organizations (INGOs). It adopts the Accra Agenda for Action (2008) definition of policy dialogue and the UNDP (2008) capacity development practice note for definition of the concept of capacity development.

### 3.0 Political Economy context

Kenya is a middle income country with a fair share of development challenges including poverty and inequality that CSOs have stepped up to address through development projects targeting service delivery and advocacy for good governance and accountability in the public sector. Civic space in the country is relatively open; with receptive institutions of government, and supportive legal and policy environment that can be built upon to institutionalise policy dialogue. The constitution of Kenya (2010) emphasises public participation in governance and provides for rights and freedoms upon which CSOs base their claims for legitimacy. These protections coupled with bold media and interactive media have significantly contributed to an expanded civic space. The devolved system of government provides opportunity for CSOs to work closely with county governments and align their activities to county plans and promote public participation in policy dialogue processes.

Policymaking processes in the country tend to be complex, non-linear and demanding; conditioned by politics, resource constraints, bureaucracy, capacity challenges and influence of international players. Nonetheless, there exist mechanisms employed by government to engage CSOs at various stages in policy making processes. These include sector working groups, public participation forums, and open windows for direct engagement with ministries, departments and agencies (MDAs). CSOs deploy various methods for engagement in policy dialogue including: advocacy and campaigning (including public litigation), behind the scenes lobbying, demonstration and mass action. Where government institutions have been receptive, to their ideas and contributions, CSOs have made substantial progress in influencing policy. However, CSOs operate without a harmonized, systematic and coordinated framework for regulation. Lack of a central coordination body makes consistent regulation of the sector difficult and duplicitous, sometimes abetting curtailment of rights and freedoms of CSOs.

## Key Findings/Messages

- **Intermittent resource-base threatens effectiveness and survival of CSOs:** There remains concerns about financial sustainability of CSOs in Kenya which is argued to threaten existence, robustness and contribution of civil society. There is a general shrinkage in funding sources and options available to CSOs. CSOs have witnessed traditional funding streams shrink accompanied by greater uncertainty in relation to funding size, sources and models from traditional donors. There is also a lack of diversity in the funding modalities; CSOs seem to rely heavily on donors with nearly 90% of resources obtained from external sources. Though still nascent, other sources of funding are mushrooming. Local philanthropy is growing; philanthropic institutions and local giving provide a small but growing portion of financial support to CSOs, though generally more forthcoming for service delivery-related projects than policy influencing. Some CSOs have pursued alternative mechanisms to mobilise resources to fund their work like consulting. Some agencies of government provide resources (both financial and technical) that CSOs have tapped into.
- **Notable capacity gaps limit engagement of CSOs in policy dialogue:** CSOs operate with critical challenges related to institutional and technical capacities that in many ways limit their ability to effectively and sustainably deliver on their mandates. These include: (i) communication and advocacy, (ii) institutional strengthening, (iii) technical aspects of public policymaking, (iv) resource mobilisation, (v) internal governance, (vi) applied research (data analysis), and (vii) knowledge management (viii) monitoring, evaluation and learning; (ix) collaborative approaches to policy dialogue among others. Prominent players in the sector (government, civil society and development partners) recognize that there is need to improve organisational systems for knowledge creation and management, leadership, management and governance that CSOs are currently working with for them to deliver their mandates effectively and sustainably.
- **Problematic funding mechanisms for CSOs:** There remains a disconnect between realities of CSOs and funding policies pursued by donors which limits opportunities for building strong, durable Civil Society that can guarantee institutionalization of policy dialogue in the country. Common funding mechanisms preferred by donors limit room for identification, allocation and ring-fencing of resources for capacity development. Most CSOs in Kenya obtain only short-term funding (lasting about one year on average). Core financial support, longer-term funding is increasingly difficult to secure, although some donors support their trusted established partners. Bilateral donors (mainly governments) are increasingly offering service contracts to individuals and organizations rather than funding CSOs directly. Sub-national CSOs are more disadvantaged in terms of accessing funding and capacity development opportunities – this points to missed opportunities for policy dialogue built on grassroots movements.
- **Rich ecosystem of Capacity Development actors; lacking tailored opportunities for of CSOs:** There is an elaborate, rich and diverse landscape of players that can be leveraged to promote capacity development of CSOs to engage in public policymaking processes. It spans from CSOs (both receivers and providers of capacity), knowledge centres (in the form of academic institutions, think-tanks, independent research organisations, private sector knowledge organisations, individual experts), development partners (who provide funding and technical support), government entities (with mandates to promote or regulate public participation and engagement of government), philanthropic organisations (including foundations), and professional bodies that do work related to policy influencing. However, there are no specific training packages, stand-alone fields or knowledge centres that provide specific skills and capacities necessary for policy influencing. Tailored modules, toolkits or training packages that can cater to the specific capacity needs of CSOs are lacking. Players in the ecosystem come with diverse interests and have varying levels of influence that can be tapped into to mobilize resources, promote a favourable environment and achieve crucial synergies.

- **Inadequate mechanisms for regulation and coordination of actors:** The system lacks an effective mechanism for coordinating interactions among actors that can play a role in delivering capacity development for CSOs to engage in policy dialogue. Currently, the different stakeholder groups largely go about their work in silos and there are minimal linkages that can facilitate understanding of what goes on in other sectors, where opportunities exist and possible ways of exploiting existing opportunities. The system also lacks an effective mechanism for regulating capacity development work to assure quality and ensure that standards are upheld. There are no specialist organisations that exclusively work on capacity development targeting CSOs. Thus, capacity development organisations remain largely generalist responding to multiple capacity needs. The regulatory environment for capacity development organisations is also almost non-existent. This poses the challenge of quality and expertise provided. This can be remedied by leveraging existing collaborative arrangements among CSOs. Good collaborative arrangements already exist among CSOs that can be built upon to facilitate engagements for shared learning, knowledge transfers, skills spill-overs and other opportunities for capacity development. There is a great deal of linkages amongst CSOs – working through networks and coalitions, bilaterally through joint interventions (projects and other collaborative work), and in sector working groups where they engage other CSOs, government and other players. These links can be exploited for symbiotic capacity development pursuits and for actors to coalesce around a set of principles, indicators, or standards to assure quality.

#### 4.0 Conclusion and Recommendations

Considering the political economy context and emerging issues highlighted, it is evident that the civic space in Kenya is substantively open with significant room to mobilise resources, link major actors and institutionalize policy dialogue in the country. Hereunder are recommendations that can be done to increase the will and/ or skill of stakeholders/system actors to ensure capacity development in policy dialogue as well as funding from a long-term perspective. They include feasible measures that HORIZONT3000 and partners can take within the policy dialogue project to involve identified actors and further shape the environment of CSO engagement for the benefit of inclusive policy development.

1. Work with selected actors (knowledge centres and CSOs) to develop packages (tailored to specific capacity needs of CSOs) that tackle technical capacity necessary for policy influencing.
2. Work with major players to set up communities of practices to facilitate interactions between different actors that can play a role in developing capacities of CSOs for policy dialogue.
3. Develop knowledge portal(s) through which CSOs can access information, courses, training modules and other learning opportunities related to the practice of policy influencing.
4. Work with major players to define minimum capacity standards and develop an effective mechanism for regulating capacity development work to assure quality and ensure that standards are upheld.
5. Work with major CSOs to develop standard procedures and practices for capacity assessments that go beyond project-oriented Organisational Capacity Assessments (OCAs) conducted as requisites for funding.
6. Foster collaboration among CSOs by funding projects implemented through coalitions or networks.
7. Work with CSOs and other actors (development partners) to advocate for promotion of an enabling environment for CSOs. This can include pushing for commencement of the Public Benefit Organisations (PBO) Act (2013) among other policy and institutional changes.
8. Pursue multi-faceted approaches to delivering funding and technical support that include both working through CSOs and also targeting knowledge centres (academia and think-tanks).
9. Consider funding mechanisms that recognize the limitations of sub-national CSOs to ensure they do not miss out on much-needed resources.
10. Encourage donors to fund more impact evaluations - measuring impact of CSOs in policy influencing that can generate evidence on capacity needs and possible ways of addressing them.
11. Engage and encourage current donors funding policy dialogue to develop a mechanism (working group) for sharing experiences, knowing who is funding what, polling resources or for effective 'division of labour'.

## SECTION ONE - INTRODUCTION

### 1.0. Background and Purpose of the Study

Since 2014, five Austrian NGOs coordinated by HORIZONT3000 (Austrian Organisation for Development Cooperation) have been implementing together with East African partner organisations a consortium project - “CSOs and Policy Dialogue”, supported with funds from the Austrian Development Cooperation, aimed at strengthening the capacities of CSOs in East Africa to engage in policy dialogue<sup>1</sup>. The consortium aims to position itself as an active contributor to the political environment in East Africa that is directed towards justice and equity.

In that regard, this research was commissioned by HORIZONT3000 to examine the system surrounding policy dialogue, specifically CSO capacity development and funding for policy dialogue engagement in Kenya. It was tasked to explore the ecosystem of actors in Kenya who can be engaged and/or incentivized to provide capacity development for CSOs on policy dialogue. The output of this research is intended to inform further implementation of the “CSOs and Policy Dialogue” project and to illuminate opportunities and strategies for engaging various actors for resources to guarantee continuity and progress towards inclusive policy frameworks in Kenya.

### 1.1. Research Approach

The research adopted an exploratory market systems analysis approach. This was based on three qualitative research methodologies: Political Economy Analysis, Stakeholder Analysis and Outcome Harvesting. Political Economy Analysis and Stakeholder Analysis was utilised to explore the issues in the context in Kenya and their implications on the operating environment for civil society. Outcome Harvesting was utilised to highlight results and lessons that emerged from implementation of the CSOs and Policy Dialogue project that are useful for scaling up and/or for implementing similar interventions elsewhere. This blended approach to analysis of the market system was useful for highlighting stakeholders in the capacity development and funding landscape for CSOs, linkages between the various stakeholders, what stakeholders offer, and how elements and relationships in the ecosystems interact in influencing access to capacity development and, ultimately policy advocacy outcomes by CSOs.

### 1.2. Data sources, tools and methods

The study consulted **47 respondents**, comprising 20 females and 27 males, in the period between May and June 2021. These respondents were selected from Civil Society (32) at international, national and sub-national levels (including grassroots CBOs), Academia/Experts (4), Think tanks/Research Organisations (4), Development partners and Donor Agencies (4), Private sector (2) and government (1). They were sampled purposively considering their involvement in policy dialogue, engagement in the “Policy Dialogue Project” as implementers of the consortium, and as related actors with mandates or relevant linkages. The research team identified and recruited interviewees from different categories of stakeholders, ensuring that the process of selection guaranteed representative sample.

The study employed a mixed method approach to collecting and analysing data relied upon in drawing study findings presented herein. This entailed desk research, which involved analysis of relevant literature to provide an understanding of the CSOs operating environment in Kenya and systems for capacity development. The study also consulted primary data collected through Key Informant Interviews (KIIs) engaging various actors in Kenya. Data was collected using Zoom, Microsoft Teams and Phone Calls to respondents. Information from the interviews was documented through audio recording (permitted by

---

<sup>1</sup> The consortium involves in its current third project phase (2020-2022) the following Austrian Partners: HORIZONT3000 (Lead), Red Cross Austria, Caritas Austria, CARE Austria, SOS Kinderdorf Austria and East African Partners: DESECE, GROOTS Kenya, Kenya Red Cross Society, SOS Children’s Villages Uganda and Tanzania, PACIDA und CARE Uganda.

respondents) then transformed into text transcripts that formed the core portfolio of primary study data. The main approach used to analyse study data was thematic/content analysis guided objectives of the study. Findings from the analysis are presented according to key themes emerging in the form of descriptive texts, tables, figures and verbatim quotes.

### 1.3. Operational Terms

**Civil Society.** Civil society is regarded as the third sector distinct from government and business. It comprises a range of individual and associational activity which may be formal or informal. Civil Society Organizations (CSOs) are all non-state organizations where people organize themselves to pursue shared interests in the public domain (OECD, 2009). In Kenya, there is a wide range of organisations regarded as CSOs. They include faith-based organizations, membership-based organizations and service-oriented organizations. For purposes of this report, Civil Society and Civil Society Organisations (CSOs) shall be utilised to refer to organisations that include: Community based Organizations, Non-governmental Organizations and International Non-Governmental Organizations.

**Public Policy Dialogue.** Public policy dialogue is the process that invites discussion on the course of action that needs to be taken to solve a problem that has been identified. The Accra Agenda for Action (2008) defines policy dialogue as “an open and inclusive dialogue on development policies in which governments need to collaborate with civil society organizations in preparing, implementing and monitoring national development policies and plans” (Accra Agenda for Action, 2008: p.28) Policy dialogue can also be defined as an approach of development that stresses on cooperation, relationship building and a common understanding among various actors such as government, intermediaries such as civil society organizations and communities. It involves the different actors coming together to focus on an issue that they have a mutual but not necessarily common interest in (WIEGO, 2013). A policy dialogue includes four key elements including agenda setting, policy formulation, policy implementation and policy review and monitoring that can be initiated by communities, civil society organizations and governments (HORIZONT3000, 2020).

**Public Participation.** The European Urban Knowledge Network defines public participation as “a level of interaction, which involves dialogue, debate and analysis between different stakeholders such as the government and the public and ranges from informing and listening from one end to implementing jointly agreed solutions on the other end (The European Urban Knowledge online article).” Public participation can also be defined as a process that is centered on allowing citizens to voice their opinions on the policies that shape their everyday lives. Effective public participation requires that citizens are informed and knowledgeable about the topics being discussed (Smith, 2003). Governments need to engage their citizens, through public participation, in policymaking to acquire wider sources of information, perspectives and potential solutions to improve the quality of decisions made (OECD, 2001).

**Capacity Development.** Capacity is the ability of individuals, institutions and societies to perform functions, solve problems and to set and achieve objectives in a sustainable manner (Oswald, 2016). A study by Baser & Morgan (2008) on Capacity, Change and Performance emphasizes that capacity is systemic in that individual capacities are related to institutional capacities and institutional capacities are also related to societal capacities. This collective ability is what enables a system to perform, deliver value, establish relationships and renew itself (Baser & Morgan, 2008). Capacity development is therefore the process of enhancing and improving the capacity of individuals, institutions and societies. The capacity development practice note by UNDP (2008) states that there are three levels of capacity development; an enabling environment, organizational capacity level and individual capacity level. These three levels are co-dependent and mutually interactive. Thus in enhancing capacity development it is important to ensure that at the individual level capacity there are opportunities to enrich the skills, knowledge and experience of individuals; at the organizational level there are good internal policies arrangements and frameworks and at the enabling environment level there are good policies, legislation and social norms (UNDP, 2008).

## SECTION TWO - POLITICAL ECONOMY CONTEXT

### 2.0. Economy

Kenya is a middle-income East African country with a population of 47.2 million people (KNBS, 2019). Often regarded as the commercial and economic hub of East Africa<sup>2</sup>, the country is one of the stable economies in the region. It ranks as one of the fastest growing economies in sub-Saharan Africa having an average growth rate of 4.88% and GDP per capita USD 1,526.08 between 2013 and 2020.<sup>3</sup> The growth of the economy has mostly been attributed to the service and agricultural sectors. Despite this growth, there still exist key development challenges including poverty and inequality that slow down economic development. According to the Kenya Integrated Household Budget Survey (KIHBS) published in 2018, poverty headcount stood at 37.1% and the inequality gap at 40.8%. Civil society in Kenya plays a big role in influencing the development agenda. Many CSOs have stepped up to address development challenges, through projects (delivering public goods and services in the areas of health, education, agriculture, social protection among others) and also through advocacy for good governance and accountability in the public sector. According to the Non-governmental coordination board, there were 11,262 non-governmental organizations in 2019 (NGO Annual Report, 2019).

### 2.1. Governance

Devolution of government, which was a result of the 2010 constitutional referendum, introduced a new political and economic governance system in Kenya, which saw the introduction of a bicameral legislature that is, the national assembly and the senate, devolved county government and a constitutionally tenured judiciary and electoral body.<sup>4</sup> This introduced the current 47 counties which were previously clustered as 8 provinces. The new constitution placed strong emphasis on the importance of strengthening public participation and governance which is a core element in accelerating growth and addressing long-standing inequalities in economic opportunities<sup>5</sup>. This enabled county governments to identify problems, make policies and engage citizen participation in decision-making within the county.<sup>6</sup> The devolved system of government has provided an opportunity for CSOs to work closely with county governments and align their activities to county plans in efforts to ensure public participation in policy dialogue processes.

### 2.2. Operating Environment for Civil Society

The conditions within which CSOs operate impact their functions and influence in society. The forces that shape and influence the size, extent and functioning of the CSO operating space can either make it enabling or disabling (Odhiambo, 2017). Because of their role as important development actors, CSOs require a favourable enabling environment - legal, political, socio-cultural and financial. Below is a succinct overview of the environment in which CSOs in Kenya operate.

#### 2.2.1. Policy and Institutional Framework

**CSOs operate without a harmonized, systematic and coordinated framework for regulation (EPRD, 2019). Lack of a central coordination body makes consistent regulation of the sector difficult and multiplicity of laws and policies governing CSOs presents a challenge of conflict and duplication of regulation.** However, efforts have been made in the past to harmonize the framework through the enactment of the PBO Act of 2013 (though not yet commenced) which actors in the sector agree portends a better regulatory framework. In Kenya, CSOs are legally structured to register as Non-Governmental Organisations (NGO), Trusts, Limited Companies and Societies. CSOs are recognised by government and

<sup>2</sup> <https://research.hktdc.com/en/article/MzQ4NDcwNjc2>

<sup>3</sup> <https://www.worldbank.org/en/country/kenya/overview>

<sup>4</sup> [https://www.researchgate.net/publication/285595230\\_Devolution\\_in\\_Kenya%27s\\_New\\_Constitution\\_SID\\_Constitution\\_Working\\_Paper\\_No\\_4](https://www.researchgate.net/publication/285595230_Devolution_in_Kenya%27s_New_Constitution_SID_Constitution_Working_Paper_No_4)

<sup>5</sup> <https://www.worldbank.org/en/country/kenya/overview>

<sup>6</sup> <https://devolutionhub.or.ke/file/d68db0ac921f4ffe616dba4b22fbaf9b.pdf>

operate under multiple legal frameworks including the NGO Act 1990, Companies Act, Societies Act and the Constitution of Kenya 2010. These laws guide registration, funding, membership, structure and interventions. The existence of this elaborate regulatory framework is an indication of government recognition of the crucial contribution of CSOs hence providing a basis for their legitimacy. Institutionally, the civil society sector falls under the Ministry of Interior and Coordination of National Government, and is regulated by the NGO Coordination Board a state corporation established under the NGO Act 1990. The Board is responsible for registration, facilitation and coordination of NGOs in Kenya while advising government on NGO contribution to national development.<sup>7</sup> The National Council of NGOs also established under the NGO Act exists to provide overall leadership to the civil society and enhance self-regulation of its members.<sup>8</sup> It fosters to promote best practices within the sector through capacity building and policy intervention.

### 2.2.2. Civic space (trajectory 2013 to date)

**The constitution of Kenya (2010) provides for the rights to freedom of association (article 36), freedom of expression (article 33), and freedom of peaceful assembly (article 37). These protections coupled with bold media and interactive media have significantly contributed to an expanded civic space.** However, there are continued restrictions on civil society in Kenya especially since 2013 when the incoming government retaliated against some CSOs for pushing for accountability for the 2008 post-election violence (EPRD, 2019). Despite the existence of robust constitutional protections, there has been a rise in legislative restrictions. There have been attempts at constricting the operating environment of CSOs through delays in commencing the PBO Act and attempts to make unwarranted amendments. The stalled operationalisation of the PBO Act has resulted in a sustained period of ambiguity that has seen government justify restrictions on CSO operations. To date the Act is yet to be operationalized leaving challenges faced by CSOs under the NGO Act unaddressed (EPRD, 2019).

- **Freedom of association:** There have been restrictions to the freedom of association that have curtailed ability of CSOs to operate and in some instances threatened their very existence. There have been threats of closure and deregistration of CSOs coupled with harassment and arbitrary arrests of activists (CIPESA, 2019). In August 2017, there were attempts by government to deregister KHRC and AFRICOG which was later suspended pending investigation. Similarly, Katiba Institute and MUHURI have in the past been unduly accused of money laundering and employing foreigners without valid work permits.<sup>9</sup> Such intimidating actions by government have created a chilling operating space for CSOs. Additionally, restrictive laws such as the Public Order Act (1950) and Security Laws Act, 2016 have been utilised in some instances to stifle freedoms of assembly and association (CIPESA, 2019).
- **Freedom of expression:** Although guaranteed by the Constitution, the right to freedom of expression is only partially respected evidenced by outright violence and hostility towards civil society actors and in some instances criminal defamation (CIPESA, 2019). Violation of the freedom of expression has also been seen through illegal arrests, attacks and killings of activists. Freedom of expression is also curtailed through threats to the personal security of journalists. There have been reports of assaults, abductions, harassment and intimidation of journalists by the authorities (CIPESA, 2019). Constraints on online expression have resulted from exploitation of regressive legislation such as the Computer Misuse and Cybercrime Act 2018.
- **Freedom of peaceful assembly:** Restrictions on the freedom of assembly have taken the form of interference of people's ability to come together to collectively pursue, express, promote and defend their ideas (Keutgen & Dodsworth, 2020). Police brutality and the targeting of civil society actors through

---

<sup>7</sup> <https://ngobureau.go.ke/>

<sup>8</sup> <https://ngocouncilofkenya.org/about-us/about-tncn/#Role>

<sup>9</sup> <https://tinyuri.com/yyge9v2w>

death threats and physical assault has been rampant in recent years. There is a consistent pattern of Kenyan security forces using unlawful, and excessive force in the management of public assemblies.<sup>10</sup>

**Even with these challenges, Kenya’s civil society has continued to be resilient and vibrant over the years. In response to the restrictive environment, CSOs have been innovating and adapting in a bid to expand and strengthen their operating space (Howard, et al., 2014).** Through CSO networks, peer learning and collaborations, the civil society has a stronger voice and has been able to reverse the trends towards a shrinking space by resisting threats to their legitimacy and existence.

### 2.2.3. Funding

**CSOs in Kenya rely heavily on donor funding and State support is almost non-existent – nearly 90% of CSO funding is externally sourced (UNDP, 2019).** There have been attempts in the past by government to restrict foreign funding to CSOs. This has been evident through amendments to the PBO Act of 2013 restricting the amount of funding from foreign donors to 15% of an organisations budget.<sup>11</sup> These have been justified on the basis of protecting ‘national sovereignty’. Though still nascent, other sources of funding are mushrooming. These include philanthropy (delivered through foundations) and own income generated through mercantile ventures carried by CSOs. Activities of CSOs contribute approximately KES 80B annually to the GDP (Kisinga, 2010). Donations received by NGOs do not qualify as income subject to tax, unless in a situation where an NGO carries out activities that generate income. Nonetheless, CSOs in Kenya are not in practice exempt from taxation. Their incomes are subject to tax unless they have applied for income tax exemption and have been granted an exemption certificate.<sup>12</sup> CSOs are generally obliged to pay value-added tax and pay-as-you-earn tax for employees. NGOs may apply for tax exemptions from the National Treasury, but the process is burdensome, and NGOs are sometimes reluctant to open their financial records to scrutiny. In 2019, some CSOs providing medical, education, religious, and social welfare services free or below normal cost obtained certain tax exemptions, but CSOs in other fields were less likely to obtain similar exemptions.

### 2.2.4. Access to Information

Article (35) of the Constitution (2010) provides that every citizen has the right of access to information held by the State and another person and where that information is required for the exercise or protection of any right or fundamental freedom.<sup>13</sup> There is also the Access to Information Act (2016) that operationalises the right as enshrined in the constitution. However, there still remains a huge difference between expression of governments intentions with regard to access to information and its implementation. The realities of access to information in Kenya is characterised by issues in legislation, implementation and goodwill. Laws such as the Parliamentary Powers and Privileges Bill of 2015, the Official Secret Act (OSA) and the Public Officers Ethics Act are incompatible with the Access to Information Act (2016). The OSA Act inhibits accountability of government to the public while the Public Officers Ethics Act has clauses that criminalise unlawful disclosure of information by public servants (AFIC, 2016). Such regressive legislation hampers disclosure of information. Additionally, the process of acquiring information from public institutions is cumbersome and marred by bureaucracy. Good practices are dependent on the willingness of public servant to disclose information. Nevertheless, ICT has been appreciated in recent years facilitating dissemination and facilitate access to information (AFIC, 2016). It is now easier albeit issues of incompleteness, accuracy, sensitivity and recency, to access information through portals of various ministries.

<sup>10</sup> <https://monitor.civicus.org/country/kenya>

<sup>11</sup> <https://movedemocracy.org/case-studies/kenya>

<sup>12</sup> <https://www.kra.go.ke/en/media-center/blog/987-taxation-of-not-for-profit-organisations>

<sup>13</sup> <http://kenyalaw.org/kl/index.php?id=9766>

## SECTION THREE: THE ECOSYSTEM – PLAYERS IN CAPACITY DEVELOPMENT FOR CSOs ENGAGEMENT IN POLICY DIALOGUE IN KENYA

### 3.0. Introduction

Stakeholders are instrumental in shaping institutions and entities that are integral to CSO capacity development and funding for policy dialogue in Kenya. This section explores the stakeholder configurations to identify the critical players whose interest and influence have profound implications on availability of funding, delivery of technical support, and other related decision-making processes, that affect capacity of CSOs in Kenya to participate/ engage in policy dialogue.

### 3.1. Stakeholder Configuration - Description of major players

The landscape for capacity building of CSOs on policy dialogue in Kenya is rich and diverse. It spans from CSOs themselves (both receivers and providers of capacity) to knowledge centres (in the form of academic institutions, think-tanks, independent research organisations, private sector knowledge organisations, and individual experts), development partners (who provide funding and technical support), government entities (with mandates to promote or regulate public participation and engagement of government), philanthropic organisations (including foundations), and professional bodies that do work related to policy influencing. These are described succinctly as follows. **Appendix 3** provides a detailed list of all actors considered.

- **Civil Society Organisations:** As societal watchdogs, Civil Society Organizations (CSOs) are intimately involved in public dialogue within their different sectors of expertise. In terms of organisation, CSOs operate independently or as part of alliances. CSOs engage in a broad range of advocacy activities such as advocacy and campaigning or contributing to already existing policy spaces. They employ both direct and indirect policy advocacy methods such as lobbying and demonstrations, and indirect methods such as dissemination of information through media. There are several CSOs in the country that are actively implementing projects, programmes, campaigns and other amorphous initiatives targeted at influencing policy. They operate at both national and sub-national (county and community) levels. They range in size and strength depending on their history, resource-base and effectiveness. CSOs operate in different sectors, however, many involved in the area of public finance seem to be the most engaged in policy influencing. It is notable that even those not involved directly in public finance influence policy through sector working groups and directly targeting government at both levels. Whilst they are largely recipients, CSOs also dabble as capacity development providers. Many implement projects and initiatives that include trainings and knowledge sharing that is understood to improve ability of other CSOs to engage in policy dialogue.
- **Academia:** Universities and other affiliated/related institutions of higher learning occupy a critical space in the ecosystem for capacity development on policy influencing. There is a diverse array of institutions of higher learning in Kenya, with departments and schools, that are knowledge centres with the potential to support CSOs with information, knowledge and other learning opportunities to improve their capabilities in policy dialogue. These expert players (academia and independent consultants) are well-positioned to provide technical support as they represent knowledge centres, where research and knowledge production happens, through which capacity development can be effectively delivered to CSOs. They develop capacity development programmes (short courses); partnerships with CSOs, and develop capacity building materials like guides, toolkits and training manuals. For instance, the [Extractives Baraza](#) hosted at Strathmore University Law School develops [guides and toolkits and factsheets](#) utilised by CSOs and other actors in the extractives sector for policy dialogue. Other notable academic institutions (with relevant expertise) include University of Nairobi (UoN), Kenyatta University (KU), Maseno University, JKUAT, Aga Khan University, USIU, and Daystar Universities, among others.

- **Experts/ Individual Consultants:** There are individuals with expertise and authority in various fields related to public policy making that provide consulting services to institutions of government and other non-state actors like CSOs, donors and foundations. They normally assume result-oriented roles targeted at specific outcomes offering expert advice to people working in a professional and technical field, including on policy matters. Their services include: conducting knowledge brokering activities (seminars, workshops and conferences), conducting analyses, developing training courses/modules and facilitating trainings, conducting evaluations, carrying out exploratory research to provide evidence for policy advocacy, and writing reports on particular issues within their areas of expertise, among other roles. Experts and individual consultants are engaged to work on short-term basis, either as a consultant or an individual contractor. Although some organisations (like UN, Oxfam, and Plan among others) internally retain databases of consultants and experts for contracting and procurement purposes, there is currently no publicly available database of consultants. It is important to note as well that majority of these experts/consultants are affiliated to academic institutions/ think tanks and other networks. Most of them engage and provide services through company names registered at the registrar of companies and as such can be regarded as private sector entities.
- **Think-Tanks:** Think-tanks play a role in capacity building, policy research and analysis, policy advocacy, technical support and consultancy on policy matters. Think tanks provide capacity building to CSOs through training programs or consultancy. Some donors partner with individual consultants from think tanks to provide training to CSOs. Think tanks engage in policy research and analysis and make publications that help educate and advise the CSOs. There are several think-tanks in the country, both operating as private and public and third sector entities. Some of them have mastered the art of engaging CSOs and government both with technical knowledge about policies and policy processes. Think tanks play the role of providing mutually beneficial policy advice to CSOs, thus have relatively high influence over policy processes. Some rely on funding from donors, others draw resources from the public sector budget and others are in it for business. Some of the notable think-tanks involved in public policy related work in Kenya include APHRC, Africa Policy Institute, Busara Institute, ISS Africa, AERC, IDS, IDRC, Samuel Hall, ID Insight, IEA, Horn Institute, IREN, AFIDEP, Africa Centre for Technology Studies, AFRALTI, and government-affiliated ones such as KIPPRA, KEFRI, KALRO and KEMRI Welcome Trust, among others. There is a mushrooming association or forum for think-tanks in the country, initiated and coordinated by KIPPRA.
- **Development Partners/Donors:** Donors support a variety of civil society actors, including individual organizations and networks, through funding, capacity building, access to information, backing participation in policy dialogues, securing citizen engagement and targeting the broader policy context. They provide financial and technical support, with funding being provided directly or through pooled, intermediary or bridge mechanisms. There are instances where multi-Donor funds are channelled to CSOs with a sectoral or a thematic focus or as 'open' funds in support of civil society operations. Donors categorize themselves into working groups, a key setting which enables them to improve their effectiveness in interventions among CSOs within the various sectors of expertise. This arrangement enables CSOs to source for funds from a consortium of donors as opposed to one particular donor, and allows for further accountability of use of donor funds. The donors also support in developing the capacities of the CSOs. This category includes UNESCO, USAID, AFDB, FCDO(DFID), World Bank, Swedish Embassy, Canadian Embassy, IMF, and GIZ, among others.
- **Foundations:** Philanthropic organisations, mostly established as and operating through foundations, are active in the country. Majority are foreign, linked to large corporations though local philanthropy is also gaining momentum. They work directly with CSOs providing funding and in some cases technical support on specific programmatic areas. The foundations also extend grants to offer

technical support on capacity development to the civil society, and provide stakeholders with access to relevant knowledge related to capacity building and sustainable development. Some of the foundations operating in Kenya include the Bill & Melinda Gates Foundation, Hewlett Packard Foundation, HIVOS, Ford Foundation, OSF-OSIEA, Safaricom Foundation, KCDF, KTDA Foundation, KCB Foundation, and the Africa Capacity Building Foundation, among others. These foundations provide funds for project implementation already initiated by the provider, with some funds being channelled as core contributions for initiatives such as capacity building for CSOs to allow them to participate in policy dialogue. Research foundations work with CSOs to offer scientific expertise in support of evidence-based advocacy.

- **Professional Bodies:** Professional bodies offer education and tailored courses relevant in developing new and/or reorienting existing expertise, skills and competency. They have potential to work with CSOs in the various capacity areas to improve their capability to engage in policy dialogue. The trainings targeted to the CSOs are normally on the sectors which the professional bodies have expertise. Some of the trainings offered are in sectors such as Public Finance Management, Communications, Management and law. Some of the notable professional bodies that work with CSOs on issues related to policy work include ICPAK, LSK, PRSK and Kenya Editors Guild among others.

### 3.2. Roles of Actors in the Ecosystem

Every player brings in some value – this can be monetary, knowledge-oriented, policy and regulatory related, or by virtue of being those in need of support. In the table below, the report attempts to identify and outline the roles of the value players as perceived by those consulted in this study and in existing literature.

Table 1: Roles and Value of Key Stakeholders

Player	Role & Value (contribution)
1. Civil Society Organisations	<ul style="list-style-type: none"> <li>- Practical knowledge and experience on policy influencing</li> <li>- Technical knowledge on policymaking processes</li> <li>- Trusted actors on behalf of communities and constituencies</li> <li>- Staffs and organisational capability to engage</li> </ul>
2. Academia 3. Experts/consultants 4. Think-Tanks (both private and non-state) 5. Professional Bodies	<ul style="list-style-type: none"> <li>- Producers and brokers of knowledge</li> <li>- Technical knowledge on policymaking processes</li> <li>- Staffs and institutional capability to train &amp; develop capacities) including training material and portals, expertise to transfer knowledge/ knowhow, etc.</li> <li>- Mandate (for government institutions) to generate and dispense knowledge</li> <li>- Convening power</li> </ul>
6. Foundations 7. Development Partners/Donors	<ul style="list-style-type: none"> <li>- Funding</li> <li>- Technical support through projects and programmes</li> <li>- Political backing</li> <li>- Networks and connections with CSOs in the global north</li> <li>- Linkages with private sector (for private sector foundations)</li> <li>- Convening power</li> </ul>
8. Government agencies (MDAs)	<ul style="list-style-type: none"> <li>- Funding</li> <li>- Regulation</li> <li>- Policy and institutional framework</li> </ul>

### 3.3. Visualising the Ecosystem – A Map of major actors



Figure 1: Visualising the Ecosystem of CSOs Capacity Development Landscape

### 3.4. Interrelations in the Ecosystem for CSOs Capacity Development for Policy Dialogue in Kenya

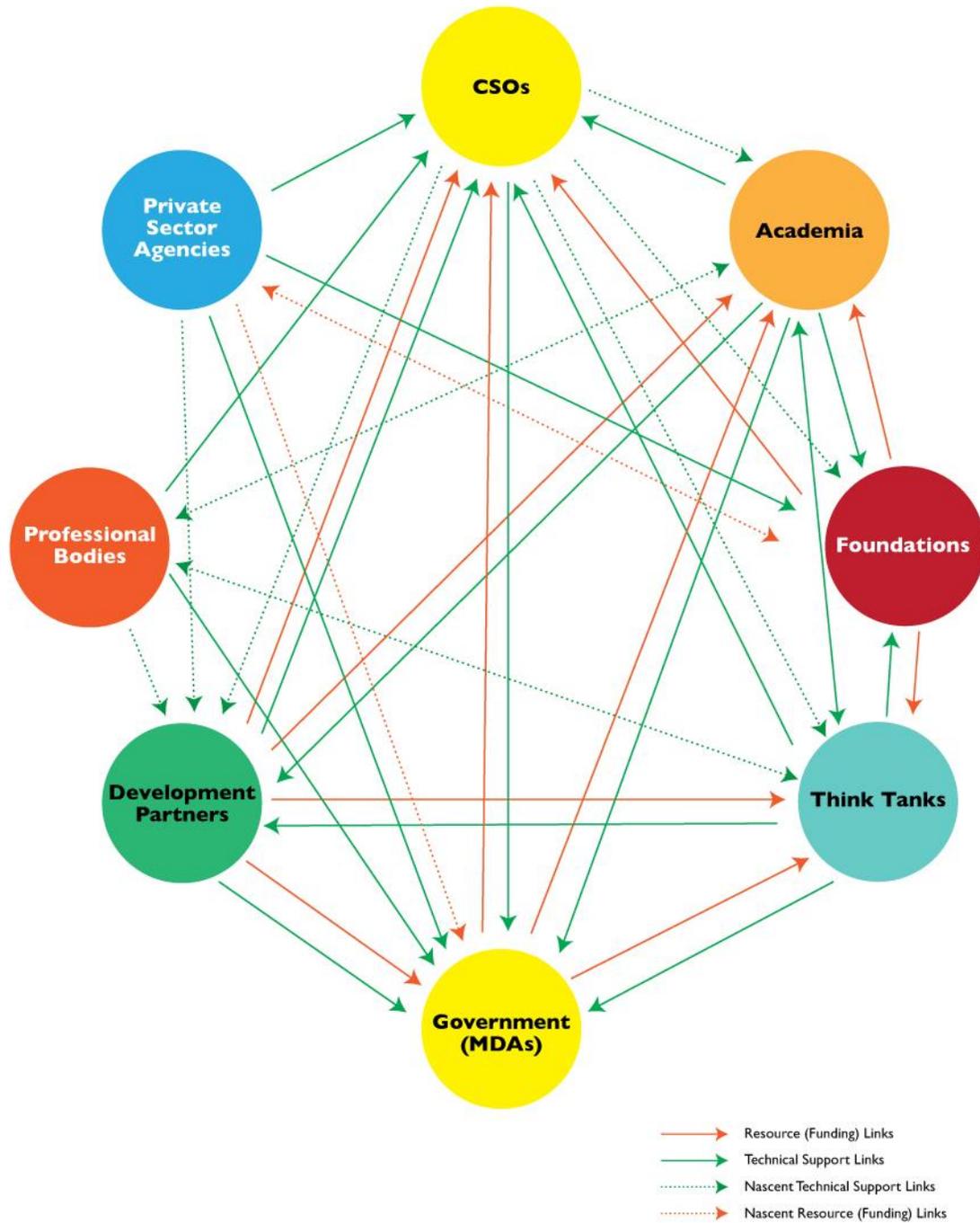


Figure 2: Interrelations in the Ecosystem of CSOs Capacity Development Landscape<sup>1415</sup>

<sup>14</sup> The study adopts a definition of CSOs that includes INGOS, NGOs, CBOs, FBOs. As such, CSOs is used on this illustration to refer to both INGOs and GNOs accordingly.

<sup>15</sup> Nascent links refers to the untapped or underexploited potential within the interlinkages that can be explored and harnessed to promote institutionalisation of policy dialogue.

### 3.5. Interest – Influence Analysis

To put the variety of players in the ecosystem into perspective, an analysis of their interests and influence was conducted. Although a basic approach to understanding stakeholders, it provides useful information on motivations and positioning of different players that is useful for targeting and engagement. The power and interests these stakeholders hold is linked to their political positions, private interests, laws and policies and the needs and aspirations of communities they represent. Their interests and influence is assumed to impact availability of resources (funding), delivery of technical support, regulation and other decision-making processes that have significant implications on capacity development of CSOs in Kenya in policy dialogue.

It is important to note that the scope of this study covered a selected number of stakeholders actively involved in policy dialogue in Kenya, and may not exhaustively cover all organisations. These were drawn from mentions during KILs and documents review. The analysis thus covered a total of 125 entities with some level of interest and/or influence. These included: 66 CSOs, 19 think tanks, 9 foundations, 11 development partners/donors, 8 academic institutions, 4 professional bodies, 10 INGOs, 2 government bodies and 8 private organisations.

Overall, it is notable that there is a considerable number of actors with high levels of interest, depending on their mandates, current and future programmes, who also have positioned strongly with power or authority to influence the availability of resources and technical support for capacity development of CSOs in policy dialogue and promotion of an enabling environment for CSOs in Kenya. These can be actively engaged, incentivised or supported to achieve the goals of institutionalising policy dialogue in the country. Figure 3 illustrates the positioning of major actors. The proceeding subsection provides qualitative analysis and justification for the positioning on the matrix.

#### **Category 1 – High Interest; Low Influence:**

This category comprises stakeholders with high interest in policy dialogue but little power and influence on capacity development and funding of CSOs to engage in policy dialogue in Kenya. They support policy dialogue but have little influence over the process and mechanisms for mobilisation of funding and technical support. The category includes i) Community Education and Empowerment Centre (CEEC), CORG, GROOTS Kenya, Diocese of Lodwar, CREAM, CEDGG Nakuru, PACIDA, SCOPE (Form ni Gani), DESECE, CRAWN TRUST, Impact Research, KMET, EGPAF, ICS Africa, LVCT, ACTED, Kenya Correspondents Association, ACCESS-Kenya Climate Change Working Group, ACCESS Coalition, MUHURI, Economic & Social Rights Center (HakiJamii), HERAF, and NEPHAK. With their experience, they can play an important role in policy dialogue and advocacy if provided with adequate funding and further technical support on the intricacies of policy making and progressive strategies for engagement in policy dialogue. They particularly play a critical role in empowering citizens through information dissemination and getting citizens enlightened, interested and involved in policy processes. Those stakeholders in this category must be kept informed to fuel their interest in policy dialogue. Their willingness and interest to participate in such processes should be utilized to ignite and foster interest among CSOs for engagement in policy dialogue. These stakeholders can be supported to organize themselves into coalitions and networks to make them more visible, powerful and influential in policy dialogue.

Figure 3: Interest-Influence Analysis for Stakeholders



### **Category 2 – High Interest; High Influence:**

This represents stakeholders with high levels of interest and influence in capacity development and funding for CSO engagement in policy dialogue. The NGOs mapped in this category include KRCS, Centre for Economic Governance, Siasa Place, NTA, Youth Agenda, International Budget Partnerships, Amref Health Africa, TISA, KCSPOG, FIDA Kenya, LRF, Kenya Aids Consortium, TI Kenya, Amnesty International, SDG Kenya Forum, Article 19 Kenya, KHRC, SOS Children Villages – Kenya and IPF Kenya. These NGOs are visible as drivers of policy dialogue within their different sectors of expertise at both sub-national and national levels. Whilst their institutional strengths vary, they all portray high levels of influence in policy dialogue, especially for those that have a national outlook such as TI Kenya, Amnesty International and Amref Health Africa. Government organisations such as KICD and NGO Bureau also fall in this category for their high interest and influence in capacity development and financing of CSOs in policy dialogue in Kenya. The NGO Bureau and the SDG Kenya Forum provide organisations with a platform to collaborate and share ideas in policy dialogue. These stakeholders retain substantive influence over policy processes and are argued to have substantive influence over key policy makers (sometimes even behind the scenes). INGOs such as Open Institute, Caritas Austria, Austrian Red Cross, CARE International, SOS-Kinderdorf Austria, HORIZONT3000, Diakonia, Plan International, Development Initiatives, Christian Aid, Oxfam, and GPSDD are categorised here due to their high interest and influence in policy dialogue. Think tanks such as IREN, AFIDEP, The African Centre for Technology Studies, Africa Policy Institute, Horn Institute, IEA, ID Insight, APHRC, Busara Institute, ISS Africa, AFRALTI, Samuel Hall, AERC, KCDF, Egerton University-Tegemeo Institute, and IDS at University of Nairobi fall in this category. Development partners and/or donors like the UNESCO, Swedish Embassy, USAID, AFDB, Canadian Embassy, IDRC, FCDO (DFID), GIZ, ICTD, World Bank, IMF, and AFDB are also in this category. They support CSOs through funding and technical support, which is either directly channelled to capacity building for policy dialogue or through institutional funding of the organisations. They also implement and monitor capacity building programs that improve the skills of CSO staff in policy engagement. Foundations like the Bill & Melinda Gates Foundation, Ford Foundation, Hewlett Packard Foundation, HIVOS, OSF-OSIEA, Africa Capacity Building Foundation fall under this category given they provide funding and technical support to CSOs for engagement in policy dialogue. As such, managing this category of stakeholders closely is perhaps the most important in determining and driving policy change and improving CSOs involvement in policy processes in Kenya. These actors should be actively engaged.

### **Category 3 - Low Interest; High Influence:**

This represents stakeholders with low interest but with high influence in policy dialogue. This category comprises of professional bodies such as Kenya Editors Guild, ICPAK and the Law Society of Kenya, whose members subscribe to particular career regulatory statutes. They offer professional capacity building to CSOs and government, including on policy matters. As such, they have significant influence, particularly in enhancing the technical capacity of CSOs to engage in work around policy engagement of CSOs. Government think-tanks such as KIPPRA, KEMRI Welcome Trust, KALRO and KEFRI are mandated by government to conduct research and provide evidence that informs policy dialogue and implementation. However, challenges such as inadequate funding, limited capacity among staff, and bureaucracy within the policymaking chambers hinder them from impacting policy discussions, thus limiting their interest in policy dialogue engagements. In this category, we also have experts/individual consultants and academia from institutions such as - Aga Khan University-Institute for Educational Development, East Africa, - University of Nairobi – PSRI, - University of Nairobi (IDS and Political Science), - Maseno University-Regional Center of Expertise Nyanza, - Strathmore University-Extractives Baraza, - Strathmore-Strathmore Extractives Industry Centre (SEIC), - Technical University-Directorate of Research and Knowledge Exchange, and - USIU-School of Science and Technology. These are centres of knowledge and research that provide technical support and capacity building for civil society actors. They also are mandated to conduct research

that can inform evidence-based policy dialogue. This category of stakeholders has high influence in policy processes, basing on their capacity and resource support towards policy dialogue. Therefore, these stakeholders ought to be engaged continuously in policy dialogue to make effective use of their expertise and skill in policymaking processes. Providing them with adequate resource support is necessary to incentivise them to provide CSOs with technical skills and for knowledge generation through research for their policy advocacy engagement initiatives. Eliminating bottlenecks that hinder stakeholders in this category to participation in policy dialogue is useful in igniting their interest in policy dialogue.

**Category 4 – Low Interest; Low Influence:**

The last category of stakeholders demonstrates low levels of interest and equally have low power to influence CSO capacity development and funding for policy dialogue, otherwise referred to as bystanders. These stakeholders include foundations such as KTDA foundation, Safaricom foundation, KCB Foundation; private organisations such as Oxygen, Media Max, TNS, KPMG, Deloitte, TIFA, Indepth Research Institute (IRES), INFOTRAK Media Max, TNS, KPMG, Deloitte, TIFA, IRES, INFOTRAK; professional bodies such as ICPAK, Kenya Editors Guild, LSK; and CSOs such as VOWEK, Talanta Africa, Angaza Vijiji, YCCM Kenya, STADA, Border Hub, Kakamega social justice centre, TEAM, Women concern centre, Social justice centre Busia, NDOTO Africa, Isiolo Peace Link, Strong Cities Network, PROACT, Young Cities, Carolina for Kibera, and DAYO Kenya. The foundations in this category do not provide any direct capacity development nor funding to CSOs for policy dialogue. Private organisations such as KPMG and Deloitte are more inclined to the private sector and are thus less concerned about CSO capacity development and funding for policy dialogue. Stakeholders in this category do not appear persuaded to engage actively in conversations around policy dialogue and capacity building to engage in policy dialogue processes effectively. Generally, stakeholders in this category lack incentives and motivation to intervene substantively in capacity building and funding of CSOs to strengthen their engagement in policy dialogue. Despite their low interest, a lot of stakeholders in this category are knowledge centres, like the private sector agencies that already provide communications, research (evidence generation) and legal advice to major players involved in policy dialogue. As such, there is need for mechanisms to engage them. A workable mechanism would be through communities of practice where they can interface with the other stakeholders and be incentivised to work with CSOs. For grassroots level CSOs, further capacity development, information and engagement can facilitate exploitation of their nascent influence – especially when organised into networks and coalitions with bigger voice and influence.

## SECTION FOUR: ISSUES AT PLAY – DEVELOPING CSOs’ CAPACITY TO ENGAGE IN POLICY DIALOGUE

### 4.0. Introduction

What defines the context; what are the main constraints to CSO engagement in policy dialogue in Kenya, specifically with regard to capacity development. In this section, the report distills some of the major issues that emerge from existing literature and from conversations with respondents consulted during this study. It covers the question of need – whether there actually is a problem with capacity, the prominent issue of funding or resources, inter-relations amongst key players in the ecosystem of capacity development in Kenya, and issues to do with regulation and quality assurance.

### 4.1. Experiences of CSOs in Policy Dialogue

**There is a general sense, among CSOs, that the policy dialogue landscape has had a positive change especially after the 2010 Constitution of Kenya, though there is still more that needs to be done to make it more open, inclusive and citizen-centred.** Over the past decade, civil society organizations in Kenya have engaged in policy dialogue and in some cases even initiated public policymaking processes. The constitution and other subordinate legislation provide rights and responsibilities that mandate CSOs to demand space in public policymaking spaces. CSOs are able to engage with the government at both the national and county level though many believe that it is easier to engage government at county level than at national level due to bureaucracy at the national level.

**There exist mechanisms employed by government to engage CSOs at various stages in policy making processes. These include sector working groups, public participation forums, and open windows for direct engagement with ministries, departments and agencies (MDAs).** CSOs have deployed various methods of engaging in policy dialogue to hasten the processes and increase their influence. Some pursue non-conventional means – like political economy analysis to better understand the institutions they seek to engage (how they work, who is most influential, the politics and bureaucratic intricacies) and forging informal relations with government officials (‘knowing someone on the inside’). Approaches adopted tend to vary depending on the resources available, the size and expertise of the organizations engaging in policy dialogue. Some of the methods are highlighted in the table below.

Table 2: Strategies for Policy Influencing

Direct and Formal	Direct and Informal	Indirect Contribution to Dialogue
Advocacy and campaigning (including public litigation)	Behind the scenes lobbying	Information education and training
Invited space for policy reform	Networking and collation building	Capacity building for supply side CSO engagement
Evidence-based research and Monitoring	Demonstration and mass action	

Source: Acepis with adaptations from Joint Evaluation of Support to Civil Society Engagement in Policy Dialogue – Ministry of Foreign Affairs Denmark

**Policymaking processes in the country tend to be more complex, non-linear and demanding, affected by politics, resource constraints, bureaucratic capacity and influence of international players.** This can be sometimes daunting for CSOs especially where their policy proposals or ideas are not taken up or where policymaking processes do not get to the final stage. It poses a challenge especially to CSOs that obtain resources to influence as they are in many such cases unable to demonstrate impact. Some however had devised mechanisms for monitoring progress in different stages of policies to be able to attribute their role. **Where government institutions have been receptive, to their ideas and contributions, CSOs have made substantial progress in influencing policy.**

Many CSOs can cite examples of policies that they worked on with different ministries which got to the implementation stage. A respondent stated, *“We have influenced at the national level for the Department of Children Services to develop a framework for protecting children in all 47 counties. Recently we just launched, together with the Ministry of Social Protection and Labour, the case management guidelines in terms of how cases of children need to be handled through the different sectors.”* CSOs have also been able to engage in matters that were previously considered restricted to the government and professional bodies. One of the respondents quoted: *“Definitely, we have made steps. We have seen more appreciation by civil society organizations to take up conversations around budget, which was quite a hard sell at the beginning, because of this belief that budgets were a preserve conversation for a couple of economists, and fellows who were parachuting in and out of counties from Nairobi.”* Government entities have also invited CSOs to give their opinions on policies before enforcing them. A respondent stated, *“We see the value when the Commission Revenue Authority comes to us and says, “What do you think about the budget formula?” Rather than them putting out something, yet we are screaming on the other side, and everybody is speaking at cross purposes.”*

#### **4.2. Capacity Limitations for Policy Dialogue**

**Over the past two decades, Kenyan Civil Society has seen significant improvements in their advocacy and engagements in public policy processes** (USAID, 2019; NGO Coordination Board, 2019). CSOs are pursuing both “downstream” public participation and “upstream” policy dialogue targeting to influence policy makers and cooperating with institutions of government (USAID, 2019). The opening up of the media space and growth of local (county-based) media has bolstered opportunities for advocacy and engagement in policy dialogue by CSOs operating both at national and county levels. This has increased integration of CSOs in various policymaking processes like committees, taskforces, sector working groups, etc (though still on an ad hoc basis), thus enabling them to influence key decision-making processes. CSOs increasingly undertaking more collaborative approaches to policy dialogue and policy influencing than in previous years especially when working with institutions of government (USAID, 2019).

**Several CSOs also dabble as providers of technical support for other CSOs to engage and include capacity building in components of their work targeting sub-national (county level).** They conduct trainings and carry out other auxiliary capacity development activities targeting other CSOs. More national-level CSOs are demonstrating capacity, particularly in research and advocacy, especially national ones with the financial muscle, organisational strength, networks and linkages with bigger CSOs and like-minded international organisations (USAID, 2019; NGO Coordination Board, 2019).

**Nonetheless, CSOs in Kenya operate with critical challenges related to institutional and technical capacities that have limited their ability to effectively engage in public policy dialogue (Fanikisha, 2014; USAID, 2019; NGO Coordination Board, 2019).** The NGO Coordination Board – mandated to regulate the large proportion of CSOs (those registered under the NGO Act 1990) and other sector players have indicated that there remain significant challenges regarding capacity and sustainability of CSOs that impact their ability to deliver (Fanikisha, 2014; USAID, 2019; NGO Coordination Board, 2019). Respondents consulted in this study were asked to give perspectives on the capacities of CSOs in Kenya to engage in public policy dialogue. Many indicated that beyond the issue of funding and regulatory (enabling environment), there were several capacity gaps; many of which are also well documented in existing literature. These include: (i) communication and advocacy, (ii) technical aspects of public policy making, (iii) resource mobilisation, (iv) internal governance, (v) evidence generation (applied research), (vi) Knowledge management (vii) Monitoring Evaluation and Learning; and (viii) Collaborative approaches to policy dialogue among others (Fanikisha, 2014; USAID, 2019; NGO Coordination Board, 2019; Forus, 2019).

“Some of the skills that we think need to be built are the strategies of social accountability.” – **KII, CSO, County**

“But when we got in there what we realized is that was just one small part of it, the partners would say, “But I have never worked with an Excel sheet, before you tell me how formula, before you tell me how to do percentage, first of all, tell me how I work with an Excel sheet. Others, it would be conversations of, “Okay, fine, we now know how to read the budget or at least, you’re helping us do that, but we can’t pull that analysis into a way that we frame asks that we can use for advocacy.” Those soft skills are things that we still get requested to do even today” – **KII, CSO, National**

“One of the areas that I think there is need to invest in, is the issue of networks and coalition building and management.” – **KII, Expert**

**At organisational level, for many CSOs there are usually good policy instruments for human resource (like manuals and guidelines) that should direct acquisition, development and retention of capacity. Nonetheless, staff retention remains a challenge due to resource limitations that lead staffs to leave for better-paying jobs, or to other organisations where they are assured of job security or longevity (USAID, 2019).** This is especially because a lot of funding comes in project terms that do not guarantee resources for staffs capacity development, competitive remuneration and sustainability (USAID, 2019; NGO Coordination Board, 2019). As such most CSOs employ staff on a contractual basis, with contract renewal subject to available funding. The problem with this is that, even where resources and effort are invested in development of capacities, some of this is lost due to transition, when CSOs are unable to retain staff when a project ends (USAID, 2019; NGO Coordination Board, 2019). In other instances, due to resource limitations, CSOs tend to require staff to assume multiple functions, such as project management, data analysis, and monitoring and evaluation, even where they lack relevant capacity (USAID, 2019; NGO Coordination Board, 2019). This limits overall effectiveness of existing capacity.

**There is general recognition among prominent players in the sector (government, civil society and development partners) that there is need to address organisational systems for knowledge creation and management, leadership, management and governance that CSOs are currently working with for them to deliver their mandates effectively and sustainably (Fanikisha, 2014; USAID, 2019; NGO Coordination Board, 2019; Forus, 2019).** Such sector players argue that CSOs need to pursue integrated approaches to tackling knowledge, skills and attitudes limitations; addressing challenges related to the systems, structures and processes within organisations; and improving their institutional culture and environment (Fanikisha, 2014). However, some players believe that the issue of CSOs capacity needs to be more nuanced to avoid blanket assumptions on gaps and needs. There are areas where CSOs have demonstrated significant capacity where in fact what is necessary is funding for programmes, there are also areas where CSOs have been hamstrung by limited knowledge, skills and capabilities where they need support. However, these ought to emanate from CSOs facilitated by effective mechanisms for capacity assessment.

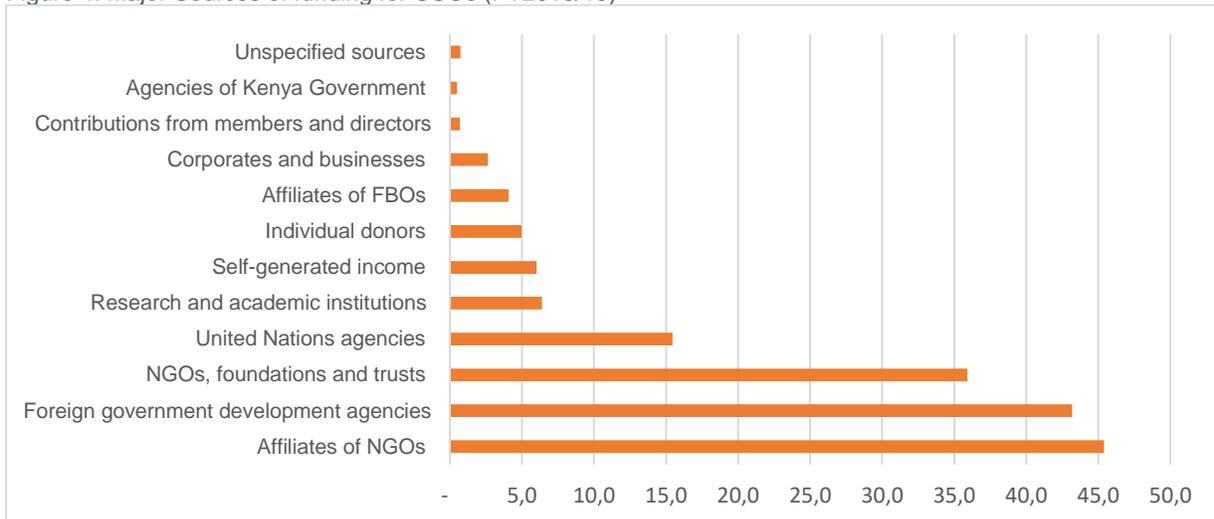
**There have been several efforts, driven mostly by development partners, to develop capacities of CSOs over the past three decades. An increasing number of donors currently advocate for and provide grants to local CSOs for institutional strengthening.** These efforts have not been sustainable because they have been mainly focused on achieving specific project aims with little emphasis on or prioritisation of developing strong, organisation-wide systems, structures and processes that are essential for sustainability. Also, there have been no clear standards to guide the implementation of institutional capacity strengthening technical assistance, nor are there comprehensive indicators that can be used to measure results of institutional strengthening.

### 4.3. Financing CSOs capacity development

#### – Sources of funding

**Notably, the bulk of resources that CSOs in Kenya depend on is mobilised from mainly foreign governments, foundations and trusts, UN agencies and affiliates of NGOs in foreign countries (NGO Coordination Board, 2019).** In Kenya, CSOs are allowed, by law, to accept foreign funding without prior permission from the government, although the government scrutinizes funding sources to ensure that they do not support terrorism or money laundering (NGO Coordination Board, 2019). The Kenya NGO Coordination Board notes that 3,028 NGOs (operating under the NGO Act) reported to have cumulatively received Ksh165.9 billion in 2019 compared to Ksh85.1 billion in FY2008/09. It is important to note that this excludes CSOs registered under other statutes like the Company Act (registered as Companies Limited by guarantee) and Societies Act. Receipts have largely been attributable to sources outside of Kenya (88%); and the rest - 11% from local sources and less than 2% from their own income-generating activities (NGO Coordination Board, 2019). As illustrated on Figure 1, in 2019 for instance, the top five sources of funding were affiliates of NGOs, foreign government development agencies, International NGOs, foundations and trusts, UN Agencies, and international research and academic institutions (NGO Coordination Board, 2019).

Figure 4: Major Sources of funding for CSOs (FY2018/19)



Source: Acepis Computations Based on NGO Coordination Board (2019)

**Local philanthropy is growing; philanthropic institutions and local giving provide a small but growing portion of financial support to CSOs and is generally more forthcoming for educational and healthcare-related projects, which provide tangible results (USAID, 2019).** Private sector appears to be moving beyond Corporate Social Responsibility (CSR) to more direct engagement and partnerships with CSOs on programs and projects, effected through corporate foundations like Safaricom Foundation, KCB Foundation, Equity Foundation among others (USAID, 2013).

Some CSOs have pursued alternative mechanisms to mobilise resources to fund their work. These include offering consulting services in areas such as training and research and broader capacity development (targeting either CSOs, governments and private sector in areas like corporate sustainability among other players). This is nonetheless not the norm with most CSOs in the country. Also, returns from such ventures are limited by existing regulatory framework that prohibits CSOs (especially those registered under the NGO Act (1990) from profit making ventures. As such, most of them are not involved in income-generating activities or, if they are, raise only small amounts that are insufficient to meet their financial needs (USAID, 2019).

“For our sector, we provide technical assistance, which we get paid for, beyond donors. We provide technical assistance for public finance m reform services. The World Bank will call us. We will bid for that work. That's it, but there is nothing else you can do beyond donor funding. You either have to take up that mix. We take up a lot of consultancies, and donor funding.” – **KII, CSO, National**

“Apart from donors, I've seen organizations participating in their own activities that keep them running. For instance, I will talk about poultry, agriculture projects that keep them running but the majority of organizations and including ours, we've depended on donors and sometimes partnering.” – **KII, CSO, County**

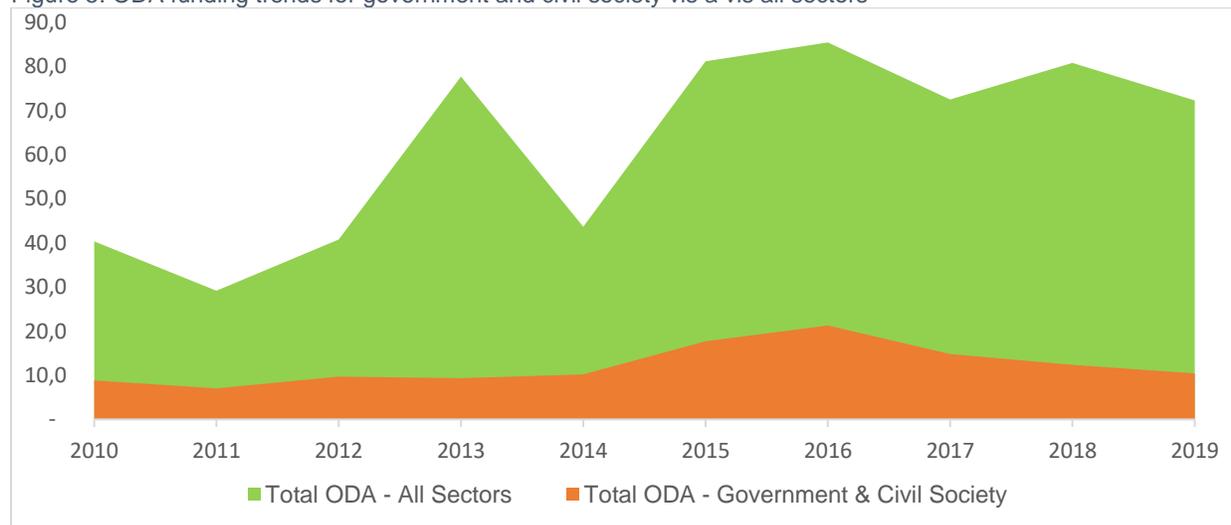
**It is also interesting to note that some agencies of government have provided resources (both financial and technical) towards supporting the work of CSOs in the country.** The NGO Coordination Board (2019) indicates that some government Ministries, Departments or Agencies (MDAs) have partnered with CSOs in the past on programmes across many sectors. These include National Aids Control Council (NACC), National Council of Persons with Disabilities (NCPD), National Environment Management Authority (NEMA), National Government Affirmative Action Fund, Gender Violence Recovery Fund, National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), National AIDS and STIs Control Programme among others. It was notable that a good proportion of such partnerships have included capacity development and technical support in such intervention areas (NGO Coordination Board, 2019).

Notably, individuals and institutions that support CSOs do not receive tax benefits. CSOs are generally obliged to pay value-added tax and pay-as-you-earn tax for employees. NGOs may apply for tax exemptions from the National Treasury, but the process is burdensome, and NGOs are sometimes reluctant to open their financial records to scrutiny. This continues to impact resources available to CSOs in the country (USAID, 2019).

– **Intermittent resource-base for CSOs**

**Over the past decade, CSOs have witnessed traditional funding streams shrink accompanied by greater uncertainty in relation to funding size, sources and models from traditional donors (Forus, 2019).** According to Forus (2019) there is increasing lack of diversity in the funding modalities for CSOs with many relying largely or exclusively on EU funding, particularly smaller national CSO platforms from the Global South. As such, CSOs have seen significant reduction in resources available to implement projects and deliver on their mandates (NGO Coordination Board, 2019; Forus, 2019). Figure 2 illustrates.

Figure 5: ODA funding trends for government and civil society vis a vis all sectors



Source: Acepis Computations Based on OECD Creditor Reporting System

**Most CSOs in Kenya obtain only short-term funding, which usually lasts about one year. Core financial support, longer-term funding is increasingly difficult to secure, although some donors support their established partners' projects (NGO Coordination Board, 2019; USAID, 2019).** Bilateral donors (mainly governments) are increasingly offering service contracts to individuals and organizations rather than funding CSOs directly (USAID, 2019). Some development partners use individual consultants rather than CSOs to offer technical support and capacity building (USAID, 2019). Financial sustainability is increasingly a concern amongst CSOs in the country. Many players in the sector argue that managerialist approaches to funding, and challenges to closing civic space, are affecting CSOs' ability to strategize for sustainability (Forus, 2019).

**Although some CSOs (especially large national-level ones) can secure funding from foreign sources, sub-national and grassroots level CSOs seem to have limited access to funding opportunities and as such have folded up, reduced on their interventions or become less effective.** This has been blamed on complex funding application processes and capacity limitations that often make potential donors shy away. The complexity of project submission procedures tends to deter smaller organizations from responding to calls for proposals. (European Commission, 2019). This is despite the crucial contributions of such grassroots CSOs especially considering the context of devolution in Kenya that demands greater participation in public policy processes at decentralised levels and more scrutiny of government.

– **Funding gaps for capacity development**

**Capacity development for CSOs remains generally underfunded and less prioritized. Limited access to funding has impacted ability of CSOs to design and implement suitable interventions in the area of policy dialogue or influencing.** CSOs are largely unable to target and acquire necessary capacity and technical support in many of the areas of their interventions. Considering the continuing trends in reduction of resources available to CSOs, many have a harder time raising funds for advocacy, policy, and legislative work (Forus, 2019; USAID, 2019; NGO Coordination Board, 2019). Without substantive investment in capacity development for CSOs relationships of dependency are created which leave them more vulnerable and weaker. Like the others, CSOs involved in policy dialogue have little room for manoeuvre in terms of planning, budgeting for and acquisition of suitable capacity for their staffs to carry out effective interventions aimed at increasing and institutionalising policy dialogue.

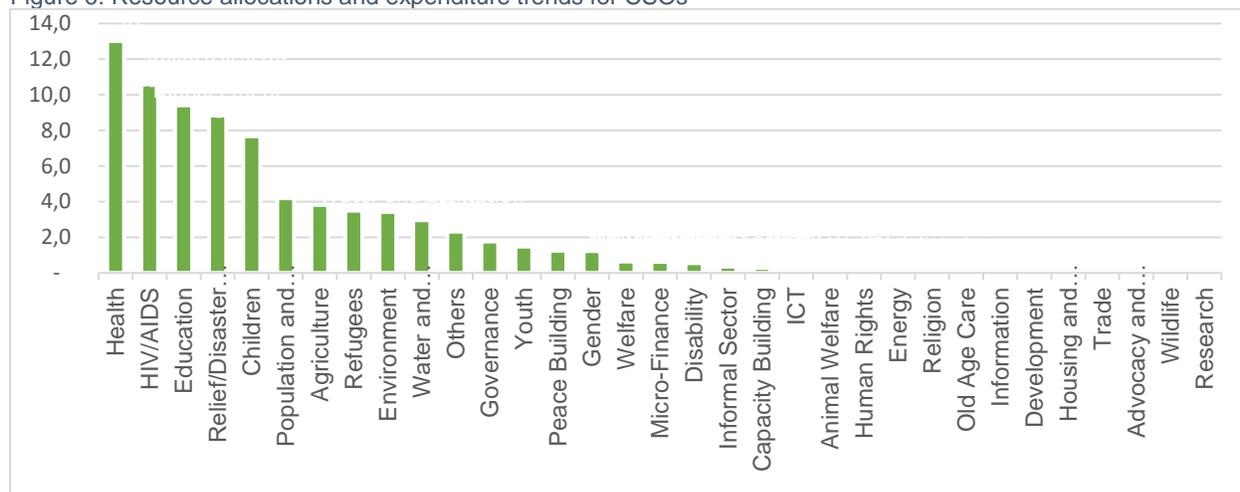
**According to many CSOs interviewed, common funding mechanisms that donors have preferred over the past make it difficult for them to allocate and ring-fence resources for capacity development.** Provisions for capacity development, whether hiring of suitable staff or allowing budget for trainings, rarely find space in prevailing funding mechanisms. As such, it is almost impossible for CSOs especially subnational ones that receive largely project-based funding – targeted for delivery of specific outcomes, to plan for and build their capacities accordingly.

"Including capacity development in the budget is difficult. There's one donor who looks at our organization, and capacity building our organization, they're fine with that. But then convincing donors that capacity building now, outside the organization, the partners that we work with, for instance, that's a whole other battle." – **KII, CSO, National**

"We take the risk from the back donor, then we work with the civil society to build their systems, we give the funding to do programmatic work, but all our projects include a capacity-building element so that you build your systems and organization. If this current program ends, then you're able to attract other funders, and we've seen it working for quite a number of organizations." **KII, Development Partner**

Going by the expenditure trends, a lot of resources are focused on investments in tangible outcomes like health, education, child protection, agriculture, governance among others and not on developing the capabilities of CSOs to develop the systems, institutional muscle and technical know-how in the relevant sectors within which they intervene (NGO Coordination Board, 2019). As illustrated in Figure 4 CSOs invest quite a small proportion (less than 1%) of resources available to them on capacity building (NGO Coordination Board, 2019). The result, in many cases, has been weak organizations that oscillate, in terms of sustainability, between seasons of funding availability.

Figure 6: Resource allocations and expenditure trends for CSOs



Source: Acepis Computations Based on NGO Coordination Board (2019)

#### – Return to institutional (core) funding?

Donors argue that the use of project-oriented funding mechanisms emerged as a result of past experience with lack of accountability, mismanagement of resources, and inability of some CSOs with weak capacities to effectively administer grants. Based on experience and evidence now pointing to the limitations of project-oriented funding mechanisms, some donors are beginning a shift back to availing resources for holistic interventions that also target to develop capacities of CSOs (at organisational level) to be able to sustainably deliver outcomes in their various spheres. These include requirements for organisational capacity assessments accompanied with funding ring-fenced for capacity development.

“It’s a basic accountability issue, in the past donors used to give more long term quality funding, but lack of accountability systems within the organizations, a lot of problems happened, a lot of incidents, a lot of corruption, which they do not make donors confident to give a long term funding and flexible funding to the organization.” – **KII, Donor Agency**

“I believe the best one would be institutional funding, but because of the limited nature of resources, that’s why most donors, or development partners, resort to project-based funding so that when you have a project, you will only fund this project.” – **KII, CSO, National**

**Nonetheless, CSOs express frustration at continuing disconnect between pledges by development partners and their policies. Many argue that high-level aid discussions appear to promise prioritisation of capacity development for local organisations, however, for over a decade, there has been no major shifts in terms of aid programming in that regard.<sup>16</sup> Some CSOs maintain that international development organisations pursue funding modalities that deny local NGOs resources which limits their ability to grow, acquire and retain strong local capacity that can assure sustainability of their**

<sup>16</sup> <https://www.devex.com/news/4-ways-kenyan-ngos-want-international-partners-to-do-better-on-capacity-building-91022>

work. Many respondents (especially CSOs) were of the view that international actors broadly under-invest in capacity development; arguing that aid actors enter and exit the country without working with local entities on improving their own systems. According to Jerving (2017), prevailing modalities for funding CSOs, that are favoured by donors, limit possibility of institutional capacity strengthening. Increasingly, there are really no local organizations, just projects - this reflects a common organizational life cycle; the oscillation from having a project and the staff it affords to being in-between projects, letting go of staff and not being able to pay the rent.<sup>17</sup> Many players urge donors and international NGOs to set provisions for local capacity development and ensure that their programmes budget accordingly. According to Forus (2019) some of the areas where best practices have emerged in terms of developing capacities and resourcing civil society have a power shift at their core, placing decision-making in the hands of communities and representatives of local civil society, for example through participatory grant-making and co-creation.

#### **4.4. Accessibility and affordability of Capacity Development opportunities**

**There was a general understanding that prevailing market rates for provision of some of the critical capacities sought for by CSOs are quite high and prohibitive for many CSOs (especially sub-national NGOs and CBOs).** It was notable that providers (organisations and individual experts or consultants) of these services tend to monetize and subject delivery to market conditions. What this means is that for CSOs to access these services, they must muster the financial muscle to pay for them. This is further complicated by the fact that many such CSOs have severe resource limitations, normally working with project-based budgets that have little or no provisions for capacity building in their budgets. Costs remain highest from private sector players (like agencies, think tanks and capacity development organisations) when compared to CSOs and government-affiliated players who provide the same. This pointed to the need, not only for increased funding for CSOs, but also for promoting partnerships and collaboration between CSOs and academia, think tanks and private sector agencies that can facilitate provision of sustainable technical support that CSOs can afford.

“No, they can't afford them. Even for us many times we don't and that's why we'll just resort to doing things ad hoc. For us, we've been lucky because there are, staff that have developed that skill over time.” – **KII, CSO, National**

**Regarding accessibility, it was notable that for many of the specific skills and capacities necessary for policy dialogue, there were no specific training packages, stand-alone fields or knowledge centres that provided them.** Many respondents indicated that though some, like legal and communications related capacities, could be accessed from PR agencies and law firms, a lot of the other 'soft' specialized skills like lobbying and advocacy, stakeholder analysis, movement building do not. For instance, there are no specific university programmes offering such courses as policy influencing or policy dialogue. These exist as elements in modules and units taught as part of graduate level programmes like Public Administration, Political science, International relations, Development Communication, Development Economics among others.

**There are, however, some notable capacity development programmes, provided or implemented by CSOs, think-tanks and some development partners that tackle some of the concepts and skills related to public policy making and policy dialogue of policy influencing.** Many such initiatives are however reportedly ad hoc lacking established curricula (peer reviewed and assessed for quality) mostly because of funding limitations. Further, it emerged that there is a common tendency, by CSOs and also development partners, to rely on individual consultants with specialized knowledge in some of the skill-sets necessary for policy influencing.

---

<sup>17</sup> [https://usaidlearninglab.org/sites/default/files/resource/files/Executive%20Summary\\_Learning%20Agenda.pdf](https://usaidlearninglab.org/sites/default/files/resource/files/Executive%20Summary_Learning%20Agenda.pdf)

**Overall, it was notable that whilst there exist think-tanks, institutions of government, higher learning centres of knowledge (like universities) that possess relevant technical capacity necessary for policy influencing, they lack tailored modules, toolkits or training packages that can cater to the specific capacity needs of CSOs.** Where they exist, they are provided by specific organizations, with specific target audiences, most often basic, introductory and short-term. Because of funding limitations, many also do not allow adequate time for learning and follow up; for deployment of practical skills and for updating and integration of emerging trends.

#### **4.5. Inter-relations among key players in the Ecosystem**

There is a rich and diverse ecosystem of players in the country that can individually or in collaborative interventions provide technical support for capacity development of CSOs to engage in public policy. Section 3 on the Ecosystem dives deeper into this. Considering the resource question that lurks in almost every facet of the discussion on capacities of CSOs, these different players can play various roles, jointly or individually. The study explored the nature of relations between these various players to understand areas where linkages can be developed or improved to support CSOs with capacity. It emerged that generally, all these stakeholder groups largely go about their work in silos and there are minimal linkages that can facilitate understanding of what goes on in other sectors, where opportunities exist and possible ways of exploiting existing opportunities.

- **CSO – Academia & Think-tanks: - There is a plethora of institutions of higher learning in Kenya, with departments and schools that are knowledge centres that could benefit CSOs with information, knowledge and other learning opportunities to improve their capabilities in policy dialogue. However, CSOs and universities typically pursue different interests – universities focused on research, teaching and knowledge production and CSOs focused (in this case) on engaging government for policy change.** Many respondents argued that without a mechanism for bringing CSOs and universities (academia) together to identify mutual interests and areas where they can both benefit from one another, opportunities will continue to be missed. There were however few notable examples where departments in universities have reached out to CSOs to do joint work or participate in some of their programmes. The Institute of Development Studies and School of Law at the University of Nairobi, Tegemeo Institute at Egerton University, East Africa Institute at Aga Khan University and Extractives Baraza (hosted in the Strathmore University school of law) and Kenyatta University - Economics Department were cited as some examples. Many respondents, especially academics, argued that without well-thought-through partnerships, or programmes or collaborative arrangements that deliberately seek to get CSOs to interface with academia, little should be expected to emerge in terms of mutually beneficial work that can improve capacities of CSOs to engage in policy dialogue. It was notable however that think-tanks (working outside the realm of academia) were making efforts to work with CSOs, especially in the field of public finance and health. The study noted such organisations as IEA, IPF Kenya, ACBF, AICAD, AFIDEP, ACTS, AERC, APHRC, Horn Institute, Africa Policy Institute and KEMRI Wellcome Trust among others. Some of these have active programmes that involved trainings and engagements on how to utilize evidence to engage government.
- **CSO - Donors: There remains a disconnect between CSOs and development partners, particularly donors from whom a lot of the funding that CSOs rely on come. This is especially regarding finding common ground on mechanisms for delivering funding, approaches to intervention and basic understanding of the circumstances of CSOs.** There was evidence of donors who organize engagement forums where they speak with local partners (CSOs and other citizens' groups). There are also CSOs (mostly large influential ones) that have developed capacity and mechanisms to call in donors to listen to their forecasts, perspectives on future interventions and best practices. There are also bilateral engagements opportunities between donors and grantee CSOs – through project-related monitoring and evaluation activities.

“Forums exist; there is a Civil Society Working Group; Civil Society Public Finance Management Group; a Devolution Sector Working Group and a Devolution Donor Working Group. We engage and share and speak about what we are doing; to try and avoid duplication” – **KII, Donor Agency**

However, CSOs maintain that there remains a disconnect between their realities and the pledges and policies that development partners continue to work with. Many CSOs argue that whilst high-level aid discussions seem to point to the direction of prioritizing capacity development for local organisations, aid programming remains largely stuck with funding modalities that deny local CSOs resources necessary to develop strong durable systems and organisational capacity that can assure sustainability (Jerving, 2017). As such, some argue that even where there are donors open to investing resources in capacity development, they still remain *‘projectised’*, piecemeal and unsustainable. Many times attempts have been made, a lot of the work lacks meaningful engagement of CSOs to tease out their urgent capacity gaps and sustainable ways that their capacity challenges can be addressed. Some CSOs also feel that there is an assumption by donors on what CSOs need in terms of capacity and that sometimes the mechanisms utilized (where effort is made to assess capacity) like the traditional Organizational Capacity Assessments (OCAs), are incapable of effectively providing a good understanding of their capacity needs. Some CSOs maintained that funding is greatly influenced by the priorities and areas of interests of funders thus focuses on achieving specific project objectives. Donors’ emphasis on results-based management has seen a lot of investment made on monitoring and evaluation and financial management while crucial capacities are overlooked or underfunded (INTRAC, 2017). Further, donor-driven capacity development initiatives usually aim at building CSO compliance with their funding requirements with CSOs less involved in the identification of their own capacity needs (INTRAC, 2017).

- **CSO - CSO: - There is a great deal of linkages amongst CSOs. Many CSOs engage in networks and coalitions, bilaterally through joint interventions, and in sector working groups where they engage other CSOs, government and other players.** Through these forums, there is room for cross-learning, exchanges, information sharing, and cross-pollination of capabilities that can be capitalized on by those seeking to engage in policy dialogue. Some CSOs conduct capacity development interventions – one-off activities or projects - targeting other CSOs to improve their capabilities to engage in public policy-making processes. A lot of such examples were notable in the area of public finance. Such CSOs like IBP, TISA, TI-Kenya, Development Initiatives, NTA, Oxfam, Siasa Place, CEDGG were doing critical work in empowering CSOs to engage in public participation forums on developing plans, budgets and doing social audits<sup>18</sup> on implementation of budget. In other arrangements CSOs that implement projects in consortiums have also benefited from capacity spillovers from one another in the course of project implementation. It was notable however that in many instances, capacity development in this fashion (CSO-CSO) is largely ad hoc, lacking well-conceptualized frameworks for sustainability. Further, there was the sense that there is also a significant degree of competition amongst CSOs that sometimes has hampered learning and capacity development that is possible through such linkages. This is related to the scarcity of funding opportunities which has driven some CSOs to assume monopolistic tendencies, looking for prominence or visibility hence obviating opportunities for growing others. In some cases, also, the short time span of some projects has conditioned capacity development endeavours to be temporary events (focused on workshops, trainings or learning forums) rather than continuous processes for learning and re-learning that is more useful for policy influencing work.

---

<sup>18</sup> A social audit is a community-led process that facilitates public participation in the monitoring of government service delivery and expenditure - <https://www.internationalbudget.org/publications/guide-to-conducting-social-audits-in-south-africa/>

- **CSO – Private Sector:** - **The relationship between CSOs and private sector entities remains largely contractual – limited to short-term assignments – jobs that provide expertise to CSOs in specific areas of need when there is funding to procure services. There is significant potential in tapping opportunities for capacity development that private sector entities can provide.** Private sector plays an active role in the knowledge space in Kenya. They occupy a significant space in the landscape of institutions of higher learning, operate think-tanks and research organisations and run private agencies that provide specialized technical support. Private sector also includes a rich and diverse community of individual consultants with expertise in various areas of interest. All these players possess and often dispense services (mostly on consulting basis) to CSOs, government and others in need. Services range from applied research, trainings, coaching, management consulting, strategic communication to legal advice or capacity building among others. There is a general sense among players in the sector that there is room for CSOs to introspect and identify capacity needs that can be met by private sector. On their part, there is room for private sector players to develop packages that attend to the resource circumstances of CSOs and deal with specific knowledge and capacity demands related to policy dialogue. Some respondents urged that partnerships with such private sector knowledge centres can allow for subsidization of private sector to provide tailored capacity development programmes that are sustainable. Such partnerships can also open opportunities for business for private sector to provide services to CSOs in areas of potential that are currently untapped.

#### **4.6. Regulation of the environment**

CSOs in Kenya have become strategic players in socio-economic and political development of the country. They continue to spur change and advocate for social justice, sustainable development, transparency and accountability. This requires robust technical capacities, efficient management systems and effective leadership at organizational levels (FANIKISHA, 2014). It is imperative therefore that CSOs and other players in the sector access good quality, relevant and appropriate technical support. This requires an able system for regulating providers of capacity development to ensure that.

**However, there are no specialist organisations that exclusively work on capacity development targeting CSOs. Thus, capacity development organisations remain largely generalist responding to multiple capacity needs. Also, the regulatory environment for capacity development organisations is almost non-existent, with those existing being around for short periods while others are on the decline. This poses the challenge of regulating the quality and expertise provided.** There are no comprehensive and agreed-upon indicators to measure the capacity of CSOs; more so in the area of policy influencing. Players thus work with project or organisation-based indicators developed for specific initiatives that may not apply to others or be suitable for measuring progress across the board. As such, whilst various players (think-tanks, research organisations, universities) that provide CSOs with services may be regulated within their respective sectors, it emerged that the kind of support that CSOs receive appears to be inadequately regulated to ensure that the relevant and good quality support is provided. This thus raised the question about how the cross-section of players in the ecosystem of capacity development providers can coalesce around a set of principles, indicators, or standards to assure quality.

## SECTION FIVE: DELIVERING CAPACITY TO CSOS – PREVAILING APPROACHES

### 5.0. Introduction

What can be done to increase the will and/ or skill of different stakeholders or actors in the ecosystem to ensure capacity development in policy dialogue as well as funding from a long-term perspective? The study explored possible approaches for delivering funding and technical capacity to CSOs and for institutionalizing suitable capacity among CSOs to engage in policy dialogue in Kenya.

### 5.1. Approaches to delivering support

Perspectives of most of the respondents coalesced around three major approaches: (i) targeting CSOs directly with funding and technical support, (ii) identifying and working with knowledge centres (universities, think-tanks and others) facilitating them to target CSOs with capacity development initiatives, (iii) developing communities of practice – comprising multiple stakeholders (CSOs, private sector, academia, think-tanks, government among others) and working with such frameworks to channel funding and technical support.

Table 3: Approaches to delivering resources to CSOs

Option 1: CSO-led	Option 2: Knowledge Centre-led	Option 3: Community of Practice
<ul style="list-style-type: none"> <li>- This option involves directly targeting CSOs, with funding, technical knowledge and other auxiliary support.</li> <li>- It proceeds on the understanding that CSOs are better placed to deal with their capacity needs. Its two-pronged;</li> <li>- Foremost for internal capacity development for targeted organizations. This involves assessments (or some mechanism for understanding capacity needs) carried out jointly between CSOs and donors. This produces capacity development objectives and policy dialogue goals that are pursued.</li> <li>- Together partners work to cost these interventions and donors avail resources accordingly. It is the role of CSOs to identify suitable sources or providers of capacity depending on their needs and resources available.</li> <li>- Alternatively, target CSOs that already have capacity, to implement projects targeting other CSOs with training, learnings, and experience sharing.</li> <li>- As, such, resources are allocated to CSOs for both internal capacity development activities, for policy influencing objectives and for external capacity development targeting other CSOs (that are not funded) with knowledge spill-overs and direct capacity development programmes – especially for smaller CSOs.</li> </ul>	<ul style="list-style-type: none"> <li>- This approach is based on the premise that there exist expert players (academia, think-tanks and independent experts) that are better placed to provide technical support as they research and produce knowledge.</li> <li>- Using this approach, development partners target universities, think-tanks and other expert organizations, with funding tasking them to identify and support CSOs accordingly.</li> <li>- This would involve channelling funding to these organisations and tasking them to develop programmes (short courses); partner with CSOs, and or developing capacity building materials like toolkits and training manuals.</li> <li>- They would be responsible for working together with CSOs to measure and monitor progress in terms of improvements in ability to engage in policy dialogue.</li> <li>- This mechanism envisages long-term pursuits that allow development of capacities at organizational level considering the long timespan that influencing policy demands.</li> </ul>	<ul style="list-style-type: none"> <li>- A <a href="#">community of practice</a> is a group of people who "share a concern or a passion for something they do and learn how to do it better as they interact regularly".</li> <li>- This approach involves forming communities of practice that include multiple stakeholders – CSOs, universities, expert organisations, think-tanks, development partners, government among others.</li> <li>- The communities of practice facilitate cross-learning, training, knowledge curation, mentorship, coaching, information and experience sharing.</li> <li>- Expert organizations bring technical knowledge, CSOs and other stakeholders bring practical knowledge and experience on challenges and opportunities for engaging in policy.</li> <li>- The approach provides opportunity to engage and include donors with resources or already funding other programmes related to policy dialogue and facilitate synergies and effective application of available resources</li> <li>- This mash up of actors in the community of practice would facilitate a blend of different perspectives, capabilities and experiences that can benefit all stake holders.</li> </ul>

- **CSO-led: Many actors, favour this approach arguing that it is the best way to support CSOs as it offers direct benefit, empowers them to determine and deal with their capacity needs, and involves lower transaction costs.** Others, however, indicated that the challenge with this is that often, the same CSOs usually get the funding; pointing to the need for deliberate effort to involve variety of CSOs at different levels with varying experience strength and capacity ensuring that a few CSOs don't monopolise support.

"I would give funding to CSOs to identify and build the capacities of organizations because they come from a place of experience. A CSO has been doing this for a while, so I can trust them to know what works" – **KII, CSO, County**

- **Knowledge Centre-led: There appeared to be less support for this approach though respondents from academia and think tanks indicated their preference for it. Many of those against this model argued that there remains a disconnect between CSOs and academia (and related expert organisations) that limits knowledge exchange.** CSOs maintain that because of the stark differences in their mandates expert institutions are less likely to be the most suitable players to explore capacity gaps and devise the most relevant means to address them. They however concede that expert organisations represent an avenue for institutionalizing knowledge transfer that can assure capacity development for CSOs in the longer run. Some respondents also argued that using this approach would skew or condition CSO capacities to a more academic outlook rather than their traditional society-facing stance, which may undermine their effectiveness.

- **Communities of Practice approach: There was considerable preference for this approach amongst most of the stakeholder groups interviewed. Many argued that this approach represented a sustainable and inclusive way to go about understanding and addressing capacity challenges that CSOs face in their endeavours to engage government and influence policy.** This would allow for sustained engagements between the different players (breaking existing barriers) that often work in silos. It also can be an effective mechanism to deal with some of the information and knowledge transfer challenges associated with opaqueness in government and mistrust between CSOs and public sector players. Others also argued that it can be a way to tap into and blend resources from the various players for the same course. There are, however, inherent challenges associated with pursuing this approach. It requires a great deal of investment in a coordinating mechanism that must be well resourced and with strong capabilities and convening power; to carefully tread the landscape and juggle the diverse interests and needs of the various players that would be in the framework. It can be characteristically slow and sometimes pinpointing outcomes or its effectiveness can be a challenge.

'It may take a bit of effort, but in the long run, it will pay off because you're now starting to build those relationships and when you embed these initiatives across different sectors, it gives a greater measure and replicability.' – **KII, CSO, County**

'Probably supporting them to establish a community of practice where they're able to interlink their work. You go to KSG, or you come to IPF and find we've developed brilliant materials, but those materials are not going there' – **KII, Expert**

'It's a tower of Babel, you want to avoid that. The power plays that I have seen personally, when you put civil society organizations and some of these think tanks, sometimes it takes quite a deep. You will have all the experience you need in one room but you will have bottlenecks at every corner you take, and that was my experience in the work that I was involved in with the multi-stakeholder group of persons a couple of years ago' – **KII, CSO National**

- **Mixed approach:** - There is considerable support for a hybrid approach that involves pursuit of a mix of two or all three strategies. They argued that each of the strategies proffers considerable benefit and as such need not be viewed exclusively. An effective capacity development programme would benefit from a multifaceted approach to tackling the challenges and pursuing the opportunities. Nonetheless, that would require a larger resource outlay that may not be feasible for one single development partner investing in an area. However, with collaborative work and engagements among donors funding the same area, it is possible to pool resources and or carry out efficient “division of labour” with donors choosing what areas or mechanisms for channelling support to pursue.

‘It tends to be a combination. There’s no one-size-fits-all when it comes to this stuff because it depends on the area you want to train people, and where the expertise to provide the skills is coming from’ – **KII, CSO, National.**

From the foregoing discussion on funding mechanisms for capacity development on **section 4.3 and 4.5**; it is clear that currently, most efforts still target CSOs directly (option1). However, there are some knowledge centres like think-tanks and academic institutions that have indicated that they have received funding and carried out some initiatives. It is the third option (communities of practice) that still appears largely untapped and underutilised. As is it, due to weaknesses and sustainability challenges amongst CSOs, weak linkages between CSOs and academia and think-tanks, it is unrealistic to argue for a scenario where CSOs are funding capacity development on their own. Many CSOs continue to struggle with ‘bread & butter’ issues like organisational survival. It is unlikely that even where CSOs are organised in consortiums and networks that they would be investing membership fees or subscriptions on capacity development of members. Nonetheless, there is opportunity for donors to identify and channel funding and support to jumpstart establishment of communities of practice. This can for instance, be through using mechanisms like counterpart funding; where money is made available on condition that CSOs and the other actors generate their own (and perhaps requiring that this is membership fees – NOT money from other donors).

## **5.2. Modalities for Funding**

It was notable that development partners pursue a wide range of modalities for channelling funding to CSOs in Kenya. The study explored these options with players consulted to understand their preference considering experiences in the past and prevailing opportunities for funding. Some of the most cited modalities for funding include: (i) contracting; (ii) direct grants (project funding); (iii) core (institutions) funding; (iv) funding through intermediaries (INGOs or aid management agencies); (v) pooled funds; (vi) intermediaries of donors (like UN agencies); (vii) small action funds; and (viii) innovation grants. It emerged that whilst different donors utilized different modalities and the choice also depended on specific circumstances of CSOs (in terms of organizational strength and relationships with donors), the most prevalent modality was the use of direct grants (project funding).

**There was strong opinion against the application of mechanisms that involve intermediaries. CSOs appeared to prefer direct funding relationships which they argued are more effective in handling dynamism in the context.** Nonetheless, they maintained that direct funding doesn’t come without challenges. CSOs argue that direct project grants are increasingly less informed by what CSOs wish to do; more and more determined by development partners and expected to align with agendas of governments (both donor and recipients). This limits independence of the work CSOs do and implicitly influences directions they take, especially in the areas of engaging government and influencing policy. Further, CSOs expressed concerns about ‘*managerialist*’ tendencies associated with direct project grants. There is increasingly a lot of pressure on CSOs to demonstrate value for money; that pushes many to agree to unrealistic overly ambitious targets or deliverables in funding contracts. This is more challenging for CSOs engaged in policy dialogue where there is need for tedious effort in long-term engagements (in most cases longer than life-spans of projects), gathering evidence, building informal relations, and being spontaneous to identify policy influencing opportunities and find resources to engage.

This requires substantive resource outlays but modalities for project funding tend to focus on deliverables and attaching budget to specific outcomes that often overlook the administrative and operational costs for delivering the outcomes. The unfortunate outcome of this, many players consulted indicated, is the tendency of CSOs working in the policy influencing space to work in silos, unhealthy competition, and a drive to demonstrate and take credit for work. This stifles collaboration and limits development of useful partnerships that have proven more effective in policy influencing. It explains the apathy for funding arrangements that involve consortiums.

'If you want to support any institution for posterity, directly support an institution. Trying to give them the resources they need, because you also you them the capacity to handle those resources, and money. These corners that people take, that, "We'll give you money, but it has to go through somewhere else. You have to be in another network for you to access resources," doesn't help anyone.' – **KII, CSO, National.**

**Overall, CSOs support funding modalities that involve a mix of flexible and institutional (or core) funding arguing that the environment within which they operate is increasingly volatile especially for interventions related to policy influencing.** This requires considerable flexibility in channelling funding to take advantage of opportunities for policy dialogue as they arise but also to address challenges that come with the slow processes of policy influencing. CSOs support a progressive funding modality that recognizes their critical role in society; that allows flexibility to adapt to the dynamic context in the country (considering the political economy context) and that, which takes into account the cost of sustaining strong, relevant and effective organisations capable of attracting, retaining and developing staffs committed to institutionalizing policy dialogue. Nonetheless, there still is significant reluctance amongst development partners to provide for core or institutional funding among donors. This is despite voices supporting this and some evidence indicating its efficacy. Donors argue that institutional funding may compromise independence of the CSOs. Other players argue that donors avoid it because of a lack of trust (due to past experiences where resources were misapplied) and sheer unwillingness to cede control to CSOs. Some donors also cite the difficulty to deliver it within sector programmes or other jointly-funded programmes and that the process for identifying strong CSOs to work with and provide core funding can also be daunting and risky. Other donors also indicate that legal and policy directives of donor governments limit opportunities for delivering core (institutional) funding.

"This is a structural problem within [our agency]. We have our legal framework and for us it is not possible to do [institutional] funding [...] I understand the importance for local CSOs, I understand the request, but I can say it is not possible." – **KII, Donor Agency**

### **5.3. Opportunities for sustainable capacity development of CSOs for Policy Dialogue**

Several opportunities exist that players in the ecosystem can leverage to promote sustainable capacity development of CSOs for Policy Dialogue. These include:

- **Foster networking and collaborations among CSOs: There is considerable appetite for collaborative work (partnerships, networks, and coalitions) that can be leveraged to achieve more in developing capacities of CSOs and in their overall impact in terms of policy influencing.** Many respondents agree that working together makes for efficient use of time, reaching a wider audience and increased chances of creating an impact.<sup>19</sup> Networks and coalitions allow CSOs to coalesce around a common cause, increase their voice, mobilise political will required for policy change, and be more effective in their policy influencing endeavours (Roebeling and Vries, 2011; Jorgensen, 2012). They are critical for minimising duplication, optimizing utility of resources and enhancing synergies between CSOs and other stakeholders. CSOs can share technical and human resources, thus providing an anchor for those with limited capacity, and optimising the use of the

<sup>19</sup><https://www.civicus.org/images/Good%20practices%20on%20CSO%20participation%20at%20the%20African%20Commission.pdf>

resources available for benefit of all and for the attainment of overall goals. There is already a great deal of networking and collaboration going on among CSOs. According to the NGO Coordination Board's sector report of 2019, up to 85% of Civil Society Organisations that were involved in some form of engagement or exchange with other organisations, government agencies and academic institutions between 2018 and 2019 (NGO Co-Ordination Board, 2019).

'When it comes to building capacity for CSOs, I think if more and more CSOs get into organized groups, that will unlock many things. One, it will unlock their ability to influence government, because they're going in a common voice. But it will also unlock opportunities for funding because then donors would be willing to fund an organized network.' – **KII, CSO, National**

- **Facilitate information sharing and knowledge transfers among CSOs: There is potential to create functional frameworks for information flow that can be leveraged to enrich and strengthen the policy advocacy work of organisations across grassroots, sub-national and national levels.** Although CSOs in the country, in many instances, work towards similar goals or in the same sectors, they do not share information as much as is possible. Fostering information sharing and knowledge transfers among CSOs has the potential to facilitate direct mentorship and coaching that can allow small organisations operating at the grassroots level to get technical assistance. Notably, there is work already going on to increase information sharing among CSOs that can be built on. According to the NGO Co-Coordination Board, 45% of collaborations reported by CSOs between 2018 and 2019 were largely for information exchange (NGO Co-Ordination Board, 2019).
- **Boost credibility of CSOs: CSOs express need for support to improve their credibility and influence which can open doors for partnerships and access to resources (both technical and monetary) for policy dialogue work.** Credibility is crucial for fulfilment of the social responsibilities of CSOs (USAID, 2018). This includes support towards compliance with the existing regulatory framework, actively participating in NGOs and donor communities and establishing functional partnerships and collaborations with media organisations, who are key to boosting the image and outlook, and consequently, the credibility of CSOs.
- **Link CSOs to capacity development providers: There remains a disconnect between major players in the ecosystem for capacity development for policy influencing in the country.** Working with players to address this portends a more sustainable framework. This includes convening multi-stakeholder forums like conferences, workshops, webinars, sector working groups, knowledge communities among others. This can happen within existing knowledge communities or new ones created through mutual interest. If well set up, they can facilitate linkages through which players can explore capacity needs, identify actors that can provide support and together add value to one another.
- **Provide support to capacity development organisations: Although it is assumed that knowledge centres will have the capacity needed by CSOs to engage in policy dialogue, there exists a disconnect between their technical (academic) capacity and the more nuanced and practical knowledge needed to influence policy.** Players argue that there is need for resources and effort to be invested in improving the technical ability of organisations offering capacity development to ensure that they deliver relevant and useful knowledge. This should include funding to enhance scope of activities (to reach out beyond their focus areas to CSOs), to advance learning and upskilling opportunities, and to improve their understanding of the context and intricacies of policymaking.

'A technocrat, an expert out there has the professional skill to conduct training, but I'm not quite trusting that they have hands-on experience on how the field works' – **KII, CSO, County**

- **Funding impact evaluations: By making resources available for measuring impact of CSOs in policy influencing, it is possible to generate evidence on capacity needs and possible ways of addressing them.** At the core of demonstrating the importance of capacity development and, consequently, developing interest and demand for capacity development among CSOs is evidencing the impact of prior policy engagement initiatives. Often this can be done using a functional model like the “social research model”, “the deliberate democratic model” and the “localized model” that demonstrate the roles and contributions of CSOs as conduits of views, knowledge provision and service provision for citizens particular with regards to ensuring citizen’s voices translate to tangible policy reforms (Jones and Tembo, 2008).
- **Capacity assessments and reviews of CSOs capacities in policy dialogue: Beyond OCAs conducted by various donors as requisite for funding, players argue that there is need for ‘cleverer’ ways to assess capacity of CSOs. This requires spending more time with CSOs and to understand their circumstances vis-a-vis the national political economy context.** Critical to identifying internal capacity needs to drive the demand is conducting capacity assessments and reviews. Essentially, these are diagnostic processes for existing and desired capacities that, in turn, generates an understanding of capacity assets and the gaps (UNDP, 2008). This, in turn, informs the capacity development response by guiding the priorities and demands with regards to internal capacity building. Organisational capacity assessments and reviews can be done through interviews, focus group discussion and self-assessments.
- **Defining minimum capacity standards across all key metrics:** This will ensure CSOs continually work towards upscaling and maintaining their capacity to meet these minimum standards. This will help drive demands for capacity development. This can be attained by enforcing donor requirements for ring-fencing portions of programme funding to cater specifically to capacity development and strengthening.
- **Improve access to information: Championing access to information for CSOs sets the stage for improvements in the capacity to engage in policy dialogue.** This can foster self-made improvements in capacity as it allows CSOs to access relevant information needed not only for building skills but for participating in policy-making spaces where capabilities are honed. Although Article 35 of The Constitution of Kenya (2010) and the Access to Information Act provide for the right to access to information, their implementation remains inadequate. Improving access to information can include providing legal capacity to understand the provisions legal text on rights and freedoms related to policymaking.
- **Advocacy towards sustainable enabling environment for CSOs: Overall, advocating for improvements in the environment within which CSOs operate in the country portends a better landscape for their involvement in policy influencing.** This includes putting pressure on government (through donor groups) to recognise and respect legitimacy and of Civil Society as *bonafide* actors in society (Smolijaninovaitė and Belokurova, 2018). This is critical in motivating and incentivising CSOs to continue pursuing change through policy advocacy, demonstrate that the initiatives work thus providing CSOs with an incentive to participate.

## SECTION SIX: EMERGING ISSUES

- 1. The civic space in Kenya is substantively open; with receptive institutions of government, and supportive legal and policy environment that can be built upon to institutionalise policy dialogue.** There is a general sense, among CSOs that the policy dialogue landscape has improved since promulgation of the Constitution of Kenya in 2010, though there is still more that needs to be done to make it more open, inclusive and citizen-centered. There exist mechanisms employed by government to engage CSOs at various stages in policymaking processes. These include sector working groups, public participation forums, and open windows for direct engagement with ministries, departments and agencies.
- 2. Policymaking processes in the country tend to be complex, non-linear and demanding; conditioned by politics, resource constraints, bureaucratic capacity and influence of international players.** This can be sometimes daunting for CSOs and poses a challenge to CSOs in terms of demonstrating impact as policy dialogue processes can run for years before conclusion. Where government institutions have been receptive, to their ideas and contributions, CSOs have made substantial progress in influencing policy.
- 3. Capacity limitations: Despite their important role and potential, CSOs continue to operate with critical challenges related to institutional and technical capacities that have limited their ability to effectively and sustainably deliver on their mandates.** These include: (i) Communication and advocacy, (ii) institutional strengthening, (iii) understanding technical aspects of public policymaking, (iv) resource mobilisation, (v) internal governance, (vi) applied research (evidence generation), (vii) Knowledge management, Monitoring Evaluation and Learning; and (viii) Collaborative approaches to policy dialogue.
- 4. Prominent players in the sector (government, civil society and development partners) recognize that there is need to improve organisational systems for knowledge creation and management, leadership, and governance that CSOs are currently working with for them to deliver their mandates effectively and sustainably.** Some players however argue that the issue of CSOs capacity needs to be more nuanced to avoid blanket assumptions on gaps and needs. This can only be achieved by holistic mechanisms for capacity assessment (beyond projects) involving CSOs and donors.
- 5. There are people already doing something to address capacity gaps:** There are several notable efforts, driven mostly by development partners, to develop capacities of CSOs. An increasing number of donors (though still low) currently advocate for and provide grants to local CSOs for institutional strengthening.
- 6. Rich ecosystem: An elaborate, rich and diverse landscape of players exists that can be leveraged to promote capacity development of CSOs to engage in public policymaking processes.** It spans from CSOs (both receivers and providers of capacity), knowledge centres (in the form of academic institutions, think-tanks, independent research organisations, private sector knowledge organisations, individual experts), development partners (who provide funding and technical support), government entities (with mandates to promote or regulate public participation and engagement of government), philanthropic organisations (including foundations), and professional bodies that do work related to policy influencing.
- 7. Varying interests and power dynamics:** Players in the ecosystem come with diverse interests and have varying levels of influence that can be tapped into to mobilize resources, promote a favourable environment and achieve crucial synergies.
- 8. Funding limitation remains the single most challenge to developing capacities of CSOs to engage in policy dialogue. Capacity development remains underfunded and less prioritized by development partners.** Provisions for capacity development, whether hiring of suitable staff, organizational development, or allowing budget for trainings, rarely find space in prevailing funding mechanisms.

- 9. Intermittent resource-base for CSOs: There is a general shrinkage in funding sources and options available to CSOs, which further complicates the resource problem for capacity development.** CSOs have witnessed traditional funding streams shrink accompanied by greater uncertainty in relation to funding size, sources and models from traditional donors. There is also a lack of diversity in the funding modalities.
- 10. Alternative sources of funding:** Local philanthropy is growing; philanthropic institutions and local giving provide a small but growing portion of financial support to CSOs, though generally more forthcoming for service delivery-related projects than policy influencing. Some CSOs have pursued alternative mechanisms to mobilise resources to fund their work like consulting. It is also interesting to note that some agencies of government provide resources (both financial and technical) that CSOs have tapped into.
- 11. Problematic funding mechanisms: common funding mechanisms preferred by donors limit room for identification, allocation and ring-fencing of resources for capacity development.** Most CSOs in Kenya obtain only short-term funding (lasting about one year on average). Core financial support, longer-term funding is increasingly difficult to secure, although some donors support their trusted established partners. Bilateral donors (mainly governments) are increasingly offering service contracts to individuals and organizations rather than funding CSOs directly (USAID, 2019).
- 12. Sub-national CSOs are more disadvantaged in terms of accessing funding and capacity development opportunities – this points to missed opportunities for policy dialogue built on grassroots movements.** Sub-national and grassroots level CSOs seem to have limited access to funding opportunities and as such have folded up, reduced their interventions, or become less effective. This is despite the crucial contributions of such grassroots CSOs especially considering the context of devolution in Kenya that demands greater participation in public policy processes at decentralised levels and more scrutiny of government.
- 13. Disconnect between realities of CSOs and funding policies pursued by donors limits opportunities for building strong, durable Civil Society that can guarantee institutionalization of policy dialogue in the country.** CSOs express frustration at continuing disconnect between pledges by development partners and their policies. Many argue that high-level aid discussions appear to promise prioritisation of capacity development for local organisations, however, for over a decade, there has been no major shifts in terms of aid programming in that regard. This is especially regarding finding common ground on mechanisms for delivering funding, approaches to intervention and basic understanding of the circumstances of CSOs.
- 14. Availability and access to capacity development opportunities: there are no specific training packages, stand-alone fields or knowledge centres that provide specific skills and capacities necessary for policy influencing.** Whilst there exist think tanks, institutions of government, higher learning centres of knowledge that possess relevant technical capacity necessary for policy influencing, they lack tailored modules, toolkits or training packages that can cater to the specific capacity needs of CSOs.
- 15. Need for a coordinating mechanism - a functional framework to facilitate interactions between different actors that can play a role in delivering capacity development for CSOs to engage in policy dialogue.** Currently, the different stakeholder groups largely go about their work in silos and there are minimal linkages that can facilitate understanding of what goes on in other sectors, where opportunities exist and possible ways of exploiting existing opportunities. There is a plethora of institutions of higher learning in Kenya, with departments and schools that are knowledge centres that could benefit CSOs with information, knowledge and other learning opportunities to improve their capabilities in policy dialogue. However, CSOs and universities typically pursue different interests – universities focused on research, teaching and knowledge production and CSOs focused (in this case) on engaging government for policy change. This limits synergies.

- 16. Good collaborative arrangements already exist among CSOs that can be built upon to facilitate engagements for shared learning, knowledge transfers, skills spill-overs and other opportunities for capacity development.** There is a great deal of linkages amongst CSOs – working through networks and coalitions, bilaterally through joint interventions (projects and other collaborative work), and in sector working groups where they engage other CSOs, government and other players. These links can be exploited for symbiotic capacity development pursuits.
- 17. There is significant potential in tapping opportunities for capacity development that private sector entities can provide.** As it is, the relationship between CSOs and private sector entities remains largely contractual – limited to short-term assignments – jobs that provide expertise to CSOs in specific areas of need when there is funding to procure services.
- 18. The ecosystem lacks an effective mechanism for regulating capacity development work to assure quality and ensure that standards are upheld.** There are no specialist organisations that exclusively work on capacity development targeting CSOs. Thus, capacity development organisations remain largely generalist responding to multiple capacity needs. The regulatory environment for capacity development organisations is also almost non-existent. This poses the challenge of quality and expertise provided.
- 19. Actors in the ecosystem coalesce around three major approaches to delivering funding and technical support to CSOs.** These are: (i) targeting CSOs directly with funding and technical support, (ii) identifying and working with knowledge centres (universities, think-tanks and others) facilitating them to target CSOs with capacity development initiatives, (iii) developing communities of practice – comprising multiple stakeholders (from CSOs, private sector, academia, think-tanks, government among others) and working with such frameworks to channel funding and technical support.
- 20. Appetite for a mixed approach to delivering support: There is considerable support among most players for a hybrid approach that involves implementation of multiple strategies.** Many agree that an effective capacity development initiative would benefit from a multifaceted approach to tackling the challenges and pursuing the opportunities. Nonetheless, that would require large resource outlays that may not be feasible for one single development partner investing in this area.
- 21. CSOs prefer direct funding relationships with donors and support funding modalities that involve a mix of flexible and institutional (or core) funding.** This provides predictability in funding streams and allows room for manoeuvre for CSOs to attract, acquire and sustain valuable capacity and also to build strong durable organizations that can institutionalise policy dialogue. There is strong opinion against application of funding mechanisms that involve intermediaries. CSOs prefer direct funding relationships which they argued are more effective in handling dynamism in the context.
- 22. Gender implications: Women have a lot to contribute to public policy dialogue processes and are affected the most by the manifestations of public policy in general. However, there remains substantive exclusion of women in public policy processes reinforced by culture and enduring male attitudes that stifle effective public participation and involvement of women.** There remain deeply rooted cultural beliefs and practices that contribute to marginalisation of women and impinge on their abilities to organize and engage duty bearers on pertinent issues regarding their welfare and livelihoods. There is also the unresolved burden of care work borne by women which continues to limit their participation in civic processes – including policy dialogue. Nonetheless, there is evidence of women increasingly organising to demand their rights to access government services and collectively bargain, especially with politicians or agents of government, regarding their needs and/or challenges. CSOs run by or on behalf of women or that pursue women’s rights or issues do not necessarily operate in an alternative context different from what all other CSOs considered in this study experience.

## SECTION SEVEN: RECOMMENDATIONS

Considering the emerging issues documented in the previous section, hereunder are some things that can be done to increase the will and/ or skill of stakeholders/ system actors to ensure capacity development in policy dialogue as well as funding from a long-term perspective. They include feasible measures that HORIZONT3000 and partners take within this project to involve identified actors and further shape the environment of CSO engagement for the benefit of inclusive policy development.

1. Work with selected actors (knowledge centres and CSOs) to develop capacity development packages (tailored to specific capacity needs of CSOs) that tackle technical capacity necessary for policy influencing.
2. Work with major players to set up communities of practices to facilitate interactions between different actors that can play a role in developing capacities of CSOs for policy dialogue.
3. Develop knowledge portal(s) through which CSOs can access information, courses, training modules and other learning opportunities related to the practice of policy influencing.
4. Work with major players to define minimum capacity standards and develop an effective mechanism for regulating capacity development work to assure quality and ensure that standards are upheld.
5. Work with major CSOs to develop standard procedures and practices for capacity assessments that go beyond project-oriented OCAs conducted as requisites for funding.
6. Foster networking and collaborations among CSOs through funding projects with CSOs organised as coalitions or networks.
7. Work with CSOs and other actors (development partners) to advocate for promotion of an enabling environment for CSOs. This can include pushing for commencement of the Public Benefit Organisations (PBO) Act (2013) among other policy and institutional changes that can make it easier for CSOs to operate.
8. Pursue multi-faceted approaches to delivering funding and technical support that include both working through CSOs and also targeting knowledge centres (academia and think-tanks).
9. Consider funding mechanisms that recognize the limitations of sub-national CSOs to ensure they do not miss out on much-needed resources.
10. Encourage donors to fund more impact evaluations - measuring impact of CSOs in policy influencing that can generate evidence on capacity needs and possible ways of addressing them.
11. Engage and encourage current donors funding policy dialogue to develop a mechanism (working group) for sharing experiences, knowing who is funding what, polling resources or for effective 'division of labour'.

Here under is a matrix with suggestions of some organisations, institutions or agencies that HORIZONT3000 and partners can pursue to begin conversations on how to work on the recommendations suggested. It is important to note that this list of stakeholders is not exhaustive. As such there is room to explore further and engage other relevant or like-minded organisations accordingly.

<b>Recommendation</b>	<b>Some Stakeholders to begin engaging</b>
1. Work with selected actors (knowledge centres and CSOs) to develop capacity development packages (tailored to specific capacity needs of CSOs) that tackle technical capacity necessary for policy influencing.	<ul style="list-style-type: none"> <li>- International Budget Partnership</li> <li>- IPF Kenya</li> <li>- Institute of Economic Affairs</li> <li>- IDS – University of Nairobi</li> <li>- ICPAK</li> <li>- Strathmore University-Extractives Baraza</li> <li>- University of Nairobi – Department of Political Science &amp; Public Administration</li> </ul>
2. Work with major players to set up communities of practices to facilitate interactions between different actors that can play a role in developing capacities of CSOs for policy dialogue.	<ul style="list-style-type: none"> <li>- Diakonia – Africa Regional Office</li> <li>- Oxfam – Kenya</li> <li>- Transparency International - Kenya</li> <li>- International Budget Partnership</li> <li>- IPF Kenya</li> <li>- Institute of Economic Affairs</li> <li>- ICPAK</li> <li>- Strathmore University-Extractives Baraza</li> <li>- University of Nairobi – IDS; Department of Political Science &amp; Public Administration</li> <li>- KICD</li> <li>- Kenya School of Government</li> <li>- Law Society of Kenya</li> <li>- Public Relations Society of Kenya</li> <li>- Siasa Place</li> <li>- ICS Africa</li> <li>- HERAF</li> </ul>
3. Develop knowledge portal(s) through which CSOs can access information, courses, training modules and other learning opportunities related to the practice of policy influencing.	<ul style="list-style-type: none"> <li>- International Budget Partnership</li> <li>- IPF Kenya</li> <li>- Institute of Economic Affairs</li> <li>- ICPAK</li> <li>- Strathmore University-Extractives Baraza</li> <li>- University of Nairobi – IDS; Department of Political Science &amp; Public Administration</li> </ul>
4. Work with major players to define minimum capacity standards and develop an effective mechanism for regulating capacity development work to assure quality and ensure that standards are upheld.	<ul style="list-style-type: none"> <li>- KICD</li> <li>- Kenya School of Government</li> <li>- Institute of Economic Affairs</li> <li>- University of Nairobi – IDS; Department of Political Science &amp; Public Administration</li> <li>- ICPAK</li> <li>- Strathmore University - Extractives Baraza</li> <li>- Law Society of Kenya</li> <li>- Public Relations Society of Kenya</li> <li>- Diakonia – Africa Regional Office</li> <li>- Oxfam – Kenya</li> <li>- Transparency International - Kenya</li> <li>- International Budget Partnership</li> <li>- IPF Kenya</li> </ul>

<p>5. Work with major CSOs and donors to develop standard procedures and practices for capacity assessments that go beyond project-oriented OCAs conducted as requisites for funding.</p>	<ul style="list-style-type: none"> <li>- SDG Kenya Forum</li> <li>- Diakonia – Africa Regional Office</li> <li>- Oxfam – Kenya</li> <li>- Transparency International - Kenya</li> <li>- International Budget Partnership</li> <li>- IPF Kenya</li> </ul>
<p>6. Work with CSOs and other actors (development partners) to advocate for promotion of an enabling environment for CSOs. This can include pushing for commencement of the Public Benefit Organisations (PBO) Act (2013) among other policy and institutional changes that can make it easier for CSOs to operate.</p>	<ul style="list-style-type: none"> <li>- Institute of Economic Affairs</li> <li>- National Tax Payers Association</li> <li>- Kenya Red Cross</li> <li>- The Institute for Social Accountability (TISA)</li> <li>- Tax Justice network</li> <li>- CSO platform on Oil and Gas (KCSPOG)</li> <li>- Siasa Place</li> <li>- ICS Africa</li> <li>- HERAF</li> <li>- Haki Jamii</li> </ul>
<p>7. Foster networking and collaborations among CSOs through funding projects with CSOs organised as coalitions or networks.</p>	<ul style="list-style-type: none"> <li>- Development Partners Group – Kenya</li> <li>- Austrian Development Cooperation</li> <li>- European Union – in Kenya</li> <li>- UN Agencies - UNDP; UNESCO</li> </ul>
<p>8. Pursue multi-faceted approaches to delivering funding and technical support that include both working through CSOs and also targeting knowledge centres (academia and think-tanks).</p>	<ul style="list-style-type: none"> <li>- Swedish Embassy – Nairobi</li> <li>- USAID – Kenya</li> <li>- Canadian Embassy – Nairobi</li> <li>- FCDO (DFID)</li> <li>- GIZ</li> <li>- World Bank</li> </ul>
<p>9. Consider funding mechanisms that recognize the limitations of sub-national CSOs to ensure they do not miss out on much-needed resources.</p>	<ul style="list-style-type: none"> <li>- IMF</li> <li>- AFDB</li> </ul>
<p>10. Encourage donors to fund more impact evaluations - measuring impact of CSOs in policy influencing that can generate evidence on capacity needs and possible ways of addressing them.</p>	
<p>11. Engage and encourage current donors funding policy dialogue to develop a mechanism (working group) for sharing experiences, knowing who is funding what, polling resources or for effective 'division of labour'.</p>	

## REFERENCES

- AFIC, 2016. *Enhancing good governance through citizens' access to information*, Kampala: Africa Freedom of Information Centre.
- Africa Center for Health Systems Research and Management, 2019. *Consortium Project "Civil Society Organizations and Policy Dialogue" in East Africa*, Nairobi: s.n.
- AICS, 2018. *CSOs' Image and Credibility in Public*, s.l.: Afghanistan Institute for Civil Society.
- Aniekwe, C. C. et al., 2012. *Academic-NGO Collaboration in International Development Research: a reflection on the issues*, s.l.: International NGO Training and Research Centre, World Vision, University of Bradford.
- Anon., n.d. *Annex 2) Logical framework/planning matrix*, s.l.: s.n.
- Anon., n.d. *Consortium Project "CSOs and Policy Dialogue" Part III-CSOs systematically engaging in Policy Dialogue*, s.l.: s.n.
- Anon., n.d. *Consortium Project Policy Dialogue\_Final Evaluation Report\_Annex Study Design and Tools*, s.l.: s.n.
- Baser, H. & Morgan, P., 2008. *Capacity, Change and Performance*, s.l.: European Centre for Development Policy Management .
- Belokurova, E. & Smolijaninovaitė, K., 2018. *2017 Report on the State of Civil Society in the EU and Russia*, Berlin: EU-Russia Civil Society Forum.
- Blagescu, M. & Young, J., 2005. *Partnerships and Accountability: Current thinking and approaches among agencies supporting Civil Society Organisations*, London: Overseas Development Institute.
- Bowman, K. et al., 2015. *Systems Thinking: An introduction for Oxfam programme staff*, Oxford: Oxfam.
- Brooks, S., 1989. *Public Policy in Canada: An Introduction*. 1st ed. Toronto: McClelland and Stewart Inc.
- CIPESA, 2019. *The Shrinking Civic Space in East Africa*, Kampala: Collaboration of International ICT Policy for East and Southern Africa.
- Cochran, C. L. & Malone, E. F., 2014. *Public Policy: Perspectives and Choices*. 5th ed. Boulder: Lynne Rienner Publishers.
- Connolly, P. & York, P., 2003. *Building the Capacity of Capacity Builders*, s.l.: The Conservation Company.
- EPRD, 2019. *EU Roadmap for Engagement with Civil Society in Kenya 2019-2022*, Brussels: European Commission Directorate General for International Cooperation and Development Europeaid.
- EU-Russia Civil Society Forum , 2018. *2018 Report on the State of Civil Society in the EU and Russia*, Berlin: EU-Russia Civil Society Forum.
- FANIKISHA, 2014. *The Institutional Strengthening Standards for Kenyan Civil Society Organisations*, Nairobi: FANIKISHA.
- Fioramonti, L. & Heinrich, V. F., 2007. *How Civil Society Influences Policy: A Comparative Analysis of the CIVICUS Civil Society Index in Post-Communist Europe*, Johannesburg: CIVICUS.
- Fioramonti, L. & Heinrich, V. F., 2007. *How Civil Society Influences Policy: A Comparative Analysis of the CIVICUS Civil Society Index in Post-Communist Europe*, Johannesburg: s.n.

- GTZ, 2007. *Capacity Development in the Water Sector How GTZ supports sustainable water management and sanitation*, Eschborn: Deutsche Gesellschaft für Technische Zusammenarbeit.
- Haynes, R., Ireland, V. & Duke, J., 2019. *Funding Civil Society Organisations and Networks*, Paris: Forum International.
- HORIZONT 3000, n.d. *Capacity Development Plan 2017 -19 – Policy Dialogue Consortium Project*, s.l.: s.n.
- HORIZONT 3000, n.d. *Policy Dialogue Consortium\_partner organisations EA*, s.l.: s.n.
- HORIZONT3000, 2020. *CSOs & Policy Dialogue: A Manual for Civil Society Organizations in East Africa*, Austria: HORIZONT3000.
- Howard, K. et al., 2014. *How to Protect and Expand an Enabling Environment Space for Civil Society*, Brussels: CIDSE.
- International CUTS, 2010. *Capability Statement*, Nairobi: CUTS-Africa Resource Centre.
- INTRAC, 2017. *Results Based Management*, s.l.: INTRAC.
- Irura, M. & Bett, K., 2020. *How CSOs in Kenya are coping with the COVID19 pandemic*, Nairobi: SDGs Kenya Forum.
- James, R., 2020. *Cultivating capacity amidst COVID-19*, s.l.: Intrac for civil society.
- Jerving, S., 2017. *4 ways Kenyan NGOs want international partners to do better on capacity building*, Nairobi: Devex.
- Jones, N. & Tembo, F., 2008. *Promoting Good Governance through Civil Society-Legislator Linkages: Opportunities and Challenges for Policy Engagement in Developing Country Contexts*, London: Overseas Development Institute.
- Jones, N. & Tembo, F., 2008. *Promoting Good Governance through Civil Society–Legislator Linkages: Opportunities and Challenges for Policy Engagement in Developing Country Contexts*, London: Overseas Development Institute.
- Kabebere, N., 2016. Under Pressure-Shrinking Space for Civil Society in Africa. In: J. Luckscheiter, . K. Ben-Zeev & L. Al-Zubaidi, eds. *Under Pressure: Shrinking Space for Civil Society in Africa. Perspectives: Political Analyses and Commentary*. Cape Town: Heinrich-Böll-Stiftung e.V, pp. 28-31.
- KCG, 2015. *Kenya Devolution Working Paper 3*, Nairobi: Kenya School of Government.
- Kenya Human Rights Commission, n.d. *Know Your Rights and Duties as a Civil Society Organisation*, Nairobi: Kenya Human Rights Commission.
- Keutgen, J. & Dodsworth, S., 2020. *Addressing the global emergency of shrinking civic space and how to reclaim it: a programming guide*, London: Westminster Foundation for Democracy.
- Kisinga, F., 2010. The International Journal for Not-for-profit Law. *Sub-Saharan Africa Country Reports*.
- KNBS, 2015. *Kenya Intergrated Household Budget Survey*, Nairobi: KNBS.
- Kroyer, K., 2017. *Policy Dialogue*, Nairobi: s.n.
- Kroyer, K., 2018. *Consortium Project II: Further strengthening capacities of CSOs engaging in Policy Dialogue*, Nairobi: s.n.

- Kroyer, K., 2019. *Consortium Project II: Further strengthening capacities*, Nairobi: Horizont 3000.
- Kumi, D. E., Bandyopadhyay, D. K. & Collada, P., 2021. *Landscape Analysis of CSO Capacity Strengthening Efforts in the Global South*, s.l.: INTRAC.
- Mbote, D. P. K., 2002. *The Operational Environment and Constraints for NGOs in Kenya: Strategies for Good Policy and Practice*, Geneva: International Environment Law Research Centre.
- MCDonough', A. & Rodriguez, D. C., 2020. *How donors support Civil Society as government accountability advocates: a review of strategies and implications for transition of donor funding in global health*, s.l.: Springer Nature.
- Metta, A., 2020. *The Role of Non-Governmental Organizations in Promoting Self-Reliance for Women in Rural Communities in Nandi County*, Helsinki: Diaconia University of Applied Sciences .
- Ministry of Foreign Affairs of Denmark, 2012. *Support to Civil Society Engagement in Policy Dialogue*, Denmark: Ministry of Foreign Affairs of Denmark.
- NGO Coordination Board, 2019. *Annual NGO Sector Report*, Nairobi: NGO Coordination Board.
- NGO Coordination Board, 2019. *Annual NGO Sector Report 2018/19*, Nairobi: NGO Coordination Board.
- Ngunyi, M., Kithinji, H. & Matsvai, S., 2003. *Review of Swedish Support to Human Rights and Democracy through Partnership with CSOs in Kenya*, Stokholm: Swedish International Development Cooperation.
- Odhiambo, M., 2017. *Background Paper on the State of Legislation for Civil Society Organisations in the East Africa Community and Its Effect on CSO Operating Environment*, s.l.: Westminster Foundation for Democracy.
- Odindo, D. M., 2009. *Capacity Needs of Community Based Organizations in Kenya to apply for Global Fund Grants*, Cologne: Stop Malaria Now.
- OECD, 2001. *Citizens as Partners: Information, Consultation, and Public Participation in Policy making*, Paris: OECD.
- OECD, 2008. *Accra Agenda for Action* , Paris: OECD Publishing .
- OECD, 2009. *Civil Society and Aid Effectiveness: Findings, Recommendations and Good Practice* , Paris: OECD.
- OHCHR, 2015. *Protecting civic space and the right to access resources*, s.l.: Office of the United Nations High Commissioner for Human Rights.
- Omungo, P. A., 2011. A review of the role of civil society in advocacy and lobbying for enforcement of health policy in Kenya. *African Population Studies*, 25(1), pp. 1-15.
- Oronje, R. N., Murunga, V. N. & Zulu, E. M., 2019. *Strengthening capacity to use research evidence in health sector policy-making: experience from Kenya and Malawi*, s.l.: Springer Nature.
- Oswald, K., 2016. *Strengthening the capacity of civil society organisations to enhance democratisation, decentralisation and local governance processes* , s.l.: Institute of Development Studies .
- Otibine, L. I., 2016. *Effects of Capacity Development Strategies on the Performance of the Department for International Development in Kenya*, Nairobi: University of Nairobi.
- PMNCH, 2013. *Strengthening National Advocacy Coalitions for Improved Women's and Children's Health: A progress report on the PMNCH programme of support*, s.l.: The Partnership for Maternal, Newborn & Child Health.

- Radley, B., 2011. *The NGO Sector and Civil Society in Kenya: A Literature Review*, London: Overseas Development Institute.
- Roebeling, G. & Vries, J. d., 2011. *Advocacy and Policy Influencing for Social Change*, s.l.: Technical Assistance for Civil Society Organisations .
- Roebeling, G. & Vries, J. d., 2011. *Advocacy and Policy Influencing for Social Change*, Sarajevo: Technical Assistance for Civil Society Organisations.
- SIDA, 2012. *Support to Civil Society Engagement in Policy Dialogue*, Stockholm: Ministry of Foreign Affairs of Denmark.
- Smiddy, K., Kjaer, M., Sudi, K. & Ngosia, E., 2013. *Final Evaluation of CSO's Kenya Engagement*, Arlington: Social Impact.
- Smith, B. L., 2003. *Public Policy and Public Participation: Engaging Citizens and Community in the Development of Public Policy*, Halifax: BLSmith Groupwork Inc.
- UN Women, 2020. *Covid-19 and the Impact on Civil Society Organisations (CSOs) working to end violence against women and girls*, s.l.: UN Women.
- UNDP, 2008. *A Capacity Development Plan for CSOs in the Pacific*, Suva: UNDP Pacific Centre.
- UNDP, 2008. *Capacity Assessment Methodology*, New York: UNDP.
- UNDP, 2008. *Capacity Assessment Practice Note*, New York: United Nations Development Programme.
- UNDP, 2009. *Capacity Development: A UNDP PRIMER*, New York: United Nations Development Programme.
- USAID, 2013. *The Capable Partners Learning Agenda on Local Organization Capacity Development*, New York: USAID.
- USAID, 2018. *CSOs' Image and Credibility in Public*, Afghanistan: USAID.
- USAID, 2019. *2017 Civil Society Organization-Sustainability Index Kenya Report*, New York: USAID.
- Watershed Uganda, n.d. *Capacity Building for Civil Society Organisations*, Kampala: Watershed Uganda.
- WIEGO, 2013. *Conducting a Policy Dialogue to Achieve Results*, Manchester: Women in Informal Employment: Globalizing and Organizing.
- Wood, J., 2016. *Overseeing Kenyan Civil Society: Understanding Regulatory Waves*, Stockholm: Ersta Sköndal University College.
- Wood, J., 2016. Unintended consequences: DAC governments and shrinking CSO space. *Development in Practice*, 26(5), p. 543.
- World Health Organisation, 2014. *Strategies, tactics and approaches: Conducting and evaluating national civil society advocacy for reproductive , maternal and child health*, Geneva: World Health Organisation.

## Appendix 1 – List of Acronyms of Organisations cited

ACCESS	Alliance of Civil Society Organisations for Clean Energy Access
ACTED	Agency for Technical Cooperation and Development
ACTS	Africa Centre for Technology Studies
ACBF	African Capacity Building Foundation
ADA	Austrian Development Agency
ADS	Anglican Development Services
AERC	African Economic Research Consortium
AFDB	African Development Bank
AFIDEP	African Institute for Development Policy
AFRALTI	African Advanced Level Telecommunications Institute
AFRICOG	Africa Centre for Open Governance
AICAD	African Institute for Capacity Development
APHRC	African Population and Health Research Centre
AU	Africa Union
CARD	Community Action for Rural Development
CEDGG	Centre for Enhancing Democracy and Good Governance
CEEC	Community Education and Empowerment Centre
CEG	Centre for Economic Growth
CONSENT	Consumer Education Trust
CORG	Consortium of Researchers on Governance
CPF	Cerebral Palsy Society of Kenya
CREAW	Centre for Rights Education and Awareness
CREP	Community Rehabilitation & Environmental Protection
CUTS	Consumer Unity and Trust Society
CWID	Collaboration of Women in Development
DANIDA	Danish International Development Agency
DAYO Kenya	Dream Achievers Youth Kenya
DESECE	Development Education Services for Community Empowerment
DFID FCDO	Department for International Development; Foreign, Commonwealth and Development Office
EATGN	East African Tax and Governance Network
ECDPM	European Centre for Development Policy Management
EGPAF	Elizabeth Glaser Paediatric Aids Foundation
FAO	Food and Agricultural Organisation
FIDA Kenya	Federation Of Women Lawyers-Kenya
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GPSDD	Global Partnership for Sustainable Development Data
GROOTS Kenya	Grassroots Organizations Operating Together in Sisterhood
HERAF	Health Rights Advocacy Forum
HURIA	Human Rights Agenda
IBP	International Budget Partnership
ICIPE	International Centre of Insect Physiology and Ecology
ICPAK	Institute of Certified Public Accountants of Kenya
ICRAF	International Centre for Research in Agroforestry
ICRC	International Committee of the Red Cross
ICRH	International Centre for Reproductive Health-Kenya
ICS Africa	Investing in Children and their Societies Africa
IDRC	International Development Research Centre
IDS	Institute for Development Studies – University of Nairobi
IEA	Institute of Economic Affairs
IESR	Institute of Energy Studies and Research

IFRA	French Institute for Research in Africa
ILRI	International Livestock Research Institute
IMF	International Monetary Fund
INEND	Initiative for Equality and Non-Discrimination
IOM	International Organisation for Migration
IPAR	Institute of Policy Analysis and Research
IPF Kenya	Institute of Public Finance – Kenya
IREN	Inter Region Economic Network
IRES	In-depth Research Institute
ISS Africa	Institute for Security Studies – Africa
JKUAT	Jomo Kenyatta University of Science & Technology
KALRO	Kenya Agricultural & Livestock Research Organisation
KAM	Kenya Association of Manufacturers
KARE	Kenya Alliance for Rural Empowerment
KCA	Kenya Correspondents Association
KCB Foundation	Kenya Commercial Bank – Foundation
KCCWG	Kenya Climate Change Working Group
KCDF	Kenya Capacity Development Foundation
KCSA	Kenya Civil Society Alliance
KCSPOG	Kenya CSO platform on Oil and Gas
KEFRI	Kenya Forest Research Institute
KMET	Kisumu Medical and Education Trust
KEMRI	Kenya Medical Research Institute
KENDREN	Kenya Debt Relief Network
KEPSA	Kenya Private Sector Alliance
KESOSCE	Kenya Community Support Centre
KEWI	Kenya Water Institute
KHRC	Kenya Human Rights Commission
KICD	Kenya Institute of Curriculum Development
KIPPRA	The Kenya Institute for Public Policy Research and Analysis
KIRDI	Kenya Industrial Research and Development Institute
KMFRI	Kenya Marine and Fisheries
KPMG Kenya	Klynveld Peat Marwick Goerdeler Kenya
KRCS	Kenya Red Cross Society
KSG	Kenya School of Government
KTDA	Kenya Tea Development Agency
LRF	Legal Resources Foundation
LSK	Law Society of Kenya
LVCT	Liverpool VCT Care and Treatment
MUHURI	Muslims for Human Rights
NEPHAK	The National Empowerment Network of People Living with HIV and AIDS in Kenya
NTA	National Taxpayers Association
ODI	Overseas Development Institute
OSF OSIEA	Open Society Foundations – Open Society Initiative for Eastern Africa
PACIDA	Pastoralist Community Initiative and Development Assistance
PRSK	Public Relations Society of Kenya
REFSCO	Rural Energy and Food Security Organisation
SEATINI	The Southern and Eastern Africa Trade Information and Negotiations Institute
SEIC	Strathmore Extractives Industry Centre
SIDA	The Swedish International Development Cooperation Agency
SODNET	Social Development Network Kenya
STADA	Stawisha Dada
SWAP	Safe Water & AIDS Project

TI	Transparency International
TI Kenya	Transparency International Kenya
TIFA	Trends and Insights for Africa
TISA	The Institute for Social Accountability
TJNA	Tax Justice Network Africa
UNECA	United Nations Economic Commission for Africa
UNDP	United Nations Development Programme
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UoN	University of Nairobi
KU	Kenyatta University
UN	United Nations
USAID	The United States Agency for International Development
USIU	United States International University
VOWEK	Voice of Women in Kenya
YCCM Kenya	Young Country Change Makers Kenya

## Appendix – 2: Lessons from CSOs & Policy Dialogue Project

### Outcomes of the Project Related to Capacity Development

The external evaluation report for the CSOs and Policy Dialogue Project conducted in 2019 (Africa Center for Health Systems Research and Management, ACHESREM) indicated that the impact of the project was manifested in the improved capacities of the participating organisations to influence policies. These findings align with evidence from the study that demonstrates increased capacity of the participating organisations to conduct policy advocacy and influencing. These are discussed below:

- 1. Partners developed capacity development and cross-learning plans, resulting in a learning community where partners could exchange ideas, skills and experiences.** The capacity development plan was developed jointly in 2017 by Austrian consortium partners and beneficiary organisations in East Africa. This demonstrates mainstreaming capacity development as a key pillar in the project. Partners were aware of each other's expertise, allowing for complementary relations.
- 2. There was general improvement in the understanding of policymaking processes.** The understanding was facilitated largely by trainings and capacity-building workshops. The study established HORIZONT3000 facilitated trainings for the partner organisations on various fields, including the policy-making cycle, entry points for engagements and ideal approaches to leverage. Additionally, there were cross-learnings among the partner organisations that augmented partner's knowledge on policymaking processes and approaches. For instance, Kenya Red Cross Society (KRCS) trained staff from GROOTs on effective communication for policy dialogue. GROOTs trained DESECE on resource mobilisation strategies and evidence-based advocacy.
- 3. Partners adopted a variety of strategies in their policy advocacy and dialogue efforts. Additionally, some partners had a clearly articulated strategy guiding their activities.** This was a demonstration of improved awareness of the utility of the different approaches to policy engagement and the strength and effectiveness of the various strategies. GROOTS Kenya, for instance, developed advocacy strategies that were topic and county-specific. PACIDA cultivated relationships with policy-makers, resulting in various policy outcomes, including enactment of Disaster Management Policy, Climate Change Policy and Climate Change Finance Act. It also employed other strategies, including media engagement, networking with other stakeholders, and mainstreaming policy dialogue into other organisational programmes. These strategies aided CSOs to adapt to the context.
- 4. Built resource organisations and persons within organisations who facilitated sharing and transfer of knowledge and experiences among participating organisations.** This approach provided a framework for facilitating peer-to-peer learning among participating organisations. Kenya Red Cross Society was particularly notable as a knowledge hub where other partner organisations would get training and technical support to conduct their various policy influencing activities. A member of Staff from PACIDA was highlighted as one of the resource persons within the project who could be consulted by other organisations in the project.
- 5. Development of resources and materials for building knowledge and capacity for the CSOs to engage in policy dialogue.** The main materials developed include: i) Guidelines for CSOs engagement in policy dialogue, ii) Documented recommendations for various stakeholders – CSOs, Government and Donor Agencies, iii) CSOs and dialogue engagement manual and iv) Video on policy dialogue engagement; documenting the policy cycle, how CSOs can engage and some case studies. The presentations from various trainings also formed part of the compendium of resources and materials for capacity development. These were shared in HORIZONT3000's knowledge management platform and made accessible to participating organisations.
- 6. Partner organisations improved their ability to network, engage and build functional relationships with policymakers.** They were trained on networking and engagement with policymakers. This was augmented by practical experience gained through advocacy work and direct

interactions and engagement with policymakers. The utility of this outcome was demonstrated by GROOTS Kenya towards implementation of potato packaging policy, and PACIDA with its cost-sharing agreement with government for some activities.

### **Striking elements and strategies employed during implementation**

Some of the key elements approaches and strategies employed in identifying capacity needs and institutionalisation of policy dialogue within organisational structures, and other striking elements that contributed to attainment of project results:

1. **Capacity assessments and development, and knowledge building:** The project facilitated capacity development initiatives for partners. These were informed by capacity needs assessments that sought to identify organisations' unique capacity gaps. The initiatives were in two tiers. The first was collective training involving all organisations. These focused on strategy development, policy-making cycle and entry points for CSOs, approaches to policy influencing, risk management, monitoring and evaluation of policy advocacy activities, research and evidence generation, resource mobilisation for policy advocacy, media engagement, and engagement with policymakers. Experts and external consultants facilitated these trainings. The second tier involved addressing unique organisational capacity needs. These were done through peer-to-peer learning through exchange visits and knowledge sharing through resource organisations and individuals. These efforts improved organisations' understanding of policy development cycle, opportunities and strategies for engagement with policymakers.
2. **Exchange visits with other CSOs:** Organisations developed individual capacity development plans that guided individual initiative by the organisations to seek opportunities and means of enhancing their internal capacities. Exchange visits among partners and other external stakeholders was a key component for learning, skills transfer and sharing experiences. GROOTS, for instance, noted exchanges with Kenya Red Cross as one of the key component of its capacity building activities. Outside the project, they indicated to have benefited from an exchange with Action Aid.
3. **Stakeholder mapping and engagement with CSOs and Policy-makers:** Stakeholder mapping was useful for identifying policymakers to engage while conducting advocacy activities. Partners demonstrated ability to identify their individual strengths and weaknesses, thus allowing for development of synergies and organising exchange visits for knowledge and skills sharing. Analysis of stakeholders outside the project provided partners with an understanding of the landscape and benchmarking opportunities – GROOTS Kenya and Action Aid.
4. **Networking and collaborations:** Networking and collaboration were useful for establishing relationships with other stakeholders, including policymakers. It presented an opportunity for pooling resources for common advocacy agenda to ease the financial burden associated with policy advocacy. For instance, PACIDA indicated that through their collaboration with government, they shared costs for implementing various field-level activities targeted at community mobilisation and engagement. GROOTS Kenya also noted that working in a network was useful in navigating limitations of funding.
5. **Media engagement:** Capacity development on media engagement was instrumental to the realisation of successes by partner organisations. Partners spoke to the utility of media engagement in advancing their advocacy efforts. This strategy was useful to PACIDA who indicate that it was a core strategy applied in their advocacy activities. They also hinted to the potential of media engagement in amplifying their advocacy efforts by enhancing community awareness, building prominence of the advocacy subject and improving organisations visibility within the broader CSOs landscape.

**Community engagement and involvement:** Community buy-in is useful for enhancing prominence of policy advocacy efforts. Partners demonstrated realisation of the importance of community engagement and involvement as a strategy. Partners indicated that this empowered communities to demand for policy action directly from the various leaders in policymaking spaces. This strategy was

particularly strongly applied by GROOTS Kenya to push for the successful implementation of the potato packaging policy.

### **Challenges encountered during implementation**

- **Resources provided to organisations for their policy advocacy initiatives remained limited; especially considering policy influencing is a lengthy and expensive process.** Consequently, organisations were limited with regards to the scope of activities and opportunities for engaging various policymakers. Resource constraints provided limited room for the organisations to focus policy implementation and monitoring of their effectiveness. This presents a gap that links back to the utility of the overall project objective. It also points to funding limitations for CSOs who argue that funding is often constricted and insufficient to adequately meet resource demands for policy advocacy initiatives. It also points to the limited capacity for organisations to mobilise resources beyond donor funding.
- **Evolving priorities of policymakers posed a challenge to the advocacy efforts by organisations in the project.** Contextual issues had significant influence over the focus and priorities of policymakers. This was best demonstrated with the occurrence of Covid-19 that shifted focus from certain policy issues to the pandemic. The shifting priorities were particularly noted to impact the activities of PACIDA where occurrence of conflict and natural calamities like drought in Marsabit impacted policy advocacy efforts. The shifting priorities for policymakers, combined with the aspect of limited resources extended advocacy period and effective monitoring and evaluation of policies.
- **Staff turnover reverses gains made in building internal organisational capacity.** While this is an aspect that cannot be controlled directly, partners indicated that its occurrence resulted in significant capacity gaps limiting their capabilities to conduct some activities that demand specialised skills or training. Consequently, the organisations have had to commence capacity building for other staff, which slows down progress and speed for action. This challenge was noted to be limiting, particularly where the opportunity to engage and influence a particular policy issue is narrow and demands swift action.
- **Access to information remains a challenge for many organisations despite it being provided by the Constitution of Kenya 2010.** Partner organisations involved in the project indicated that information flow, particularly from the county government was slow. This limited the extent to which they could leverage information to develop robust policy proposals.
- **Limited capacity of community.** It emerged that a substantive proportion of citizens lack sufficient capacity to understand their role in advocating for policy change. This is largely demonstrated by the limited involvement of citizens in public participation processes such as organised forums, and often limited awareness of policy cycle and stages of engagement. Consequently, CSOs advocating for policy change have to channel a lot of resources in mobilising citizens to understand their role in advocacy; further stretching the process and adding strain to the limited resources available to the organisations.
- **Accessing capacity development services, technical support and research services provided by academic and research institutions was costly.** This limited ability of partners to engage such institutions in their advocacy activities. Costly capacity development services was argued to limit room expended to organisations to expand the scope of their skills critical for their advocacy efforts.
- **Political interference and change of office bearers through the policy cycle has proven to reverse gains made by CSOs towards cultivating relationships with the officials.** As a result, organisations in the project have to initiate their advocacy efforts by cultivating new relationships with new office bearers. This strained efforts by the CSOs in policy dialogue with regards to resources and adhering to timelines. Political interference was particularly noted to impact the activities of PACIDA.

### **Appendix – 3: Constellation of Stakeholder Explored During the Study**

The object attached is a matrix of stakeholders identified that could be engaged in policy advocacy and capacity development for civil society organisations. The matrix contains the i) Name of stakeholder, ii) Their categorisation, iii) Sector they operate in: and iv) Resources they offer or require.



CSO Stakeholder  
Matrix-HORIZONT300

## Appendix – 4: Data Collection Tool



Data Collection Tool -  
CSOs and Policy Dialc