

MAKING AID MORE EFFECTIVE THROUGH GENDER, RIGHTS AND INCLUSION: EVIDENCE FROM IMPLEMENTING THE PARIS DECLARATION

Kenya Case Study



workingtogether ltd

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Preface and Acknowledgements

This is one of six country case studies (Bangladesh, Bolivia, Kenya, Sierra Leone, Uganda and Vietnam) undertaken as part of a study supported by the British, Dutch, Irish and Norwegian governments that aims to:

- Generate an evidence base on how human rights, gender and equity issues have been integrated into and benefit current approaches to aid effectiveness.
- Build support among Paris Declaration stakeholders.
- Provide practical recommendations for strengthening the focus on human rights, social exclusion and gender equality, and poverty outcomes, for the Third High Level Forum in Ghana (2008) and beyond.

A Synthesis Report has been prepared that draws on the country case studies (together with additional desk-based case studies) to provide overall findings and recommendations.

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Thanks are due government officials, donor agencies including DFID Kenya, and non-government agencies that helped in facilitating and providing information for this visit to Nairobi which took place in November/December 2007. Key informant interviews and two focus group discussions with a range of NGOs were carried out in Nairobi and relevant documents reviewed. The visit was conducted at a difficult time just before the disputed Presidential elections. The study represents a view of the situation at that time, and no attempt has been made to take account of developments subsequent to the elections.

This study represents the views of the consultants alone and conclusions or comments should not be attributed to the governments and donor agencies involved in supporting the study.

Executive Summary

This country case study contributes to an aid effectiveness evidence-gathering project on gender equality, human rights and social exclusion, focused on strengthening the poverty impact of the Paris Declaration. The aim of the overall study is:

- To generate an evidence base on how human rights, gender and equity issues have been integrated into and benefit current approaches to aid effectiveness.
- To build support among Paris Declaration (PD) stakeholders.
- To provide practical recommendations for strengthening the focus on the cross-cutting issues of human rights, social exclusion and gender equality, and poverty outcomes, for the Third High Level Forum in Ghana (2008) and beyond.

The study involved a review of the aid effectiveness and social issue context and three detailed examples of particular initiatives where the PD principles (country ownership, alignment, harmonisation, managing for development results and mutual accountability) and cross cutting social issues (human rights, social exclusion, gender equality) interacted in Kenya. Findings and conclusions from the case study are presented.

The Country Context

The political context in Kenya changed significantly following the victory of the National Rainbow Coalition (NARC) in the elections of 2002, and the replacement of President Moi by President Kibaki. The period between 2002 and 2007 was marked by improved economic growth, and an improvement in relations between government and donors, with an accompanying increase in bilateral aid.

A significant focus within the Kibaki government's strategy is on equity and poverty reduction. The government has articulated national policy frameworks that, in different ways, address social issues – for example the Economic Recovery Strategy (ERS), Vision 2030, the Gender Strategy and the National Integrated Monitoring and Evaluation System (NIMES) framework for government performance (linked to measurement of MDGs). There has also been some legislation on social issues – the Sexual Offences Act and the HIV Prevention Act for example. But this has not necessarily been translated into action nor are there effective implementation plans.

From the donor side there had been more confidence since the democratic elections of 2002. Almost 50% of the development budget comes from donor funding. Donors therefore have a significant role to play in supporting gender equality, social exclusion and human rights. Donors have greatly strengthened engagement with government over this period with the establishment of a Harmonisation, Alignment and Coordination Group (HAC) in 2004. Primarily this was through the development of a joint donor assistance strategy (KJAS), launched in September 2007. Only the EU provides direct budget support, with a commitment to government ownership of the process.

There are efforts by both government and donors to develop results frameworks with milestones and targets. However most of these are of recent development and have not yet been fully operationalised.

A SWAp has been developed in the education sector, and there are moves to develop a SWAp in Health. The KJAS sets out an intention to develop six to eight SWAps by the end of the three-year period. A multi-donor basket fund is one of the ways in which donors support the Governance, Justice, Law and Order programme – GJLOS, which is a major area of donor support.

Gender equality is the main cross cutting social issue promoted by the government and the donors, particularly through the sectoral response of the Gender and Governance Programme (GGP). There appears to be a high-level policy commitment by the government to gender equity but not necessarily ways of ensuring that performance is tracked in terms of financial management or implementation.

Government policy has been concerned with dimensions of social exclusion in terms of its equity focus in the ERS. Responding to this, a series of funds has been set up for particular vulnerable groups, such as the disabled. However, increasingly attention in this area has been focused on developing a joint and more strategic donor and government response around Social Protection.

In terms of human rights, more open and transparent government was a key commitment of Kibaki's government. There is support for civil society action within the ERS. However, the NGO network is weak and has struggled to take advantage of these opportunities. In terms of Civil Society, some NGO groups interviewed in the study saw themselves being left out of development activities, because they no longer have specific relations with donors as a result of SWAp and basket funding.

A major focus on human rights issues for donors is through the Governance, Justice, Law and Order Sector Programme (GJLOS), which has basket funding. This was started by the Ministry of Justice to see how they could bring justice closer to the community. Some European agencies, such as DANIDA, SIDA and GTZ, are especially concerned about the promotion of Human Rights and the need to promote this as strongly as Gender responses within the harmonisation process.

Case study evidence

The Kenya Country Case Study provides some particular evidence indicating how responses on gender equality, social exclusion and human rights respond to and support the achievement of the PD principles. Three detailed examples (discussed in Section 4) were identified by the consultants to illustrate interaction between the aid effectiveness agenda and gender equality, social exclusion and human rights:

- The Gender and Governance response by CIDA and GOK shows how the focus on a cross cutting issue may be lost in sector wide support and how one donor is taking the lead. CIDA is using the harmonisation process to work with an initial group of supportive donors to address gender equality as a cross cutting issue.
- Donors' support to the government in the development of a national Social Protection programme illustrates that there are some real issues of practical harmonisation and alignment that have to be faced even when donors and governments are committed to joint action. It underlines the importance of institutional strengthening within government to be able to manage a partnership initiative, which will provide a comprehensive response on social exclusion.
- NGOs experiences of harmonisation in Kenya illustrate how NGOs, particularly those supporting human rights, can be affected differently by stronger government – donor alignment, with both positive and negative effects. Their experience reflects broader civil society concerns about the PD framework limitations concerning ownership and accountability. It shows the challenges for NGOs and civil society organisations to participate as partners at policy level. There must be both NGO/CSO capacity to play this role and accountable structures in operation if civil society is to ensure that poverty and social issues are raised effectively at policy level. This point underlines the need for donors to use their influence to ensure democratic ownership of the development agenda.

Findings

The evidence set out in section 4 provides illustrations of some of the challenges and demonstrates how development results and the impact of the Paris Declaration can be strengthened through work on gender, social exclusion and human rights. Firstly some positive reflections can be drawn from the findings:

- Some donors are manoeuvring within the aid effectiveness framework to ensure gender equality is addressed in sector responses.
- Harmonisation can help develop a more strategic approach to social exclusion, such as in the area of Social Protection, linked to institutional strengthening within government.
- Where there are strong Civil Society networks they can become an effective lobby within national planning and SWAps to ensure more responsive and inclusive national planning. In the Kenya case the NGO Coalition promoting HIV Aids support has a stronger role than those working specifically on gender equality or rights.

However there are serious challenges to ensuring appropriate attention to rights, social exclusion and gender equality within the PD agenda, particularly in terms of democratic ownership and building citizen – state accountability.

- To ensure democratic ownership support has to be given to NGO participation and their involvement through accountable structures as well as to building their capacity
- Staff in Line Ministries may not be able to promote social policy at the national level because of lack of capacity and resources.
- Parliamentarians may lack skills and support to hold government accountable on gender equality.
- Mutual accountability between donors and government is important if there is to be national ownership of social priorities.
- In alignment processes with government systems, support and specific indicators in financial management systems are essential for accountability on gender equality.
- Legislative framework and performance indicators on gender equality are needed to ensure accountability on government commitments to social targets.
- Results based management frameworks and a database on variables relevant to rights, social exclusion and gender equality can contribute to accountability/ ownership and strengthening outcomes.

Conclusions

Country ownership and mutual accountability

- For broad based country ownership **NGOs/ CSOs need to participate but also have the skills to effectively play a role** in policymaking. Limited capacity to play this role affects the accountability of national decision making. It also undermines the space given to the range of interests of vulnerable and marginalised groups they can represent within national policymaking processes. In Kenya although consultation has been opened up, the NGO sector has not been able to respond effectively.
- **A range of stakeholders – Parliamentarians, Line Ministry staff as well as civil society - need to have skills to promote rights, social inclusion and gender equality** in strategic decision making, if there is to be broad ownership of this process. This is essential if they are

to lobby effectively for allocations for gender equality, social inclusion responses and human rights support. The example in Kenya of support for women parliamentarians shows that they can only hold the government **accountable on social issues within the budget** if they have the skills and resources to be an effective lobby.

- It is also essential that **Joint Assistance Strategies are not only a mechanism for donor co-ordination but also indicate the government's role in assessing performance** if they are to support mutual accountability. In Kenya for example, the KJAS gives different scenarios against which the development partners will assess levels and modalities of assistance. However, this does not indicate the government's role in this process, though it will presumably be government data, which are used in the process and hold donors accountable, particularly in supporting national social priorities.

Harmonisation and alignment

- The harmonisation process has been focused on government and donor relations; **the CSO role as a partner** holding both donors and government accountable on gender equality, social exclusion and human rights support has not been given the same attention.
- **The increased use of SWAPs has advantages but also implications** in terms of channelling (and possibly narrowing) responses on gender, social exclusion and human rights. This can also have impacts on country ownership and country (government and non government) prioritisation, where individual projects are no longer funded because priorities are set through the SWAP. In Kenya the evidence suggests that different NGO and CSO groups may benefit or be adversely affected by harmonisation of funds through SWAPs and government financial systems and this has effects on the level of support both for vulnerable and excluded groups and for action seen as important by communities but not seen as national priorities.
- The **budget process** is a key point for holding government accountable to social goals. In Kenya there is considerable focus on gender budgeting by Parliamentarians and some NGOs recognise the need to link into the budgetary process.
- The **Division of Labour exercise** is an important tool for starting the process of donor accountability and alignment. But the KJAS shows that this needs to indicate how particular commitments to social goals will be addressed and how country ownership by the national partners - the government, parliament and civil society will be strengthened and broadened.
- **Acknowledgement in policy is not sufficient** for commitments to be followed through into implementation or the government to be held accountable, for example in terms of gender mainstreaming; this undermines ownership of national action

Managing for results

- **Effective reporting mechanisms** are crucial to the process of developing results based management if there is to be performance improvements on gender equality, social exclusion and human rights. In Kenya the lack of national gender disaggregated data has meant that no specific indicator has been included in the KJAS.

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Abbreviations

ASAL	Arid and Semi-Arid Lands
CIDA	Canada International Development Agency
CS	Civil Society
CSO	Civil Society Organisation
DFID	Department for International Development, UK
DoL	Division of Labour
EC	European Commission
EPPP	Engineering Political Processes Programme
ERS	Economic Recovery Strategy
FMA	Financial Management Agent
GDRT	Gender Donor Round Table
GESP	Gender and Equity Support Project
GGP	Gender & Governance Programme
GJLOS	Governance, Justice Law and Order Sector programme
GTZ	German Agency for Technical Co-operation
HAC	Harmonisation, Alignment and Co-ordination Group
IDA	International Development Association
IP-ERS	Investment Programme – Economic Recovery Strategy
KEWOPA	Kenya Women Parliamentary Association
KJAS	Kenya Joint Assistance Strategy
KNBS	Kenya National Bureau of Statistics
KSH	Kenyan Shillings
MDG	Millennium Development Goal
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
MP& ND	Ministry of Planning and National Development

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NACC	National Aids Control Council
NARC	National Rainbow Coalition
NESC	National Economic and Social Commission
NGO	Non Governmental Organisation
NIMES	National Integrated Monitoring and Evaluation System
ODA	Official Development Assistance
OECD/DAC	Organisation for Economic Co-operation and Development/ Development Assistance Committee
OVC	Orphans and Vulnerable Children
PD	Paris Declaration
PLWHA	People Living With HIV and AIDS
PRGF	Poverty Reduction and Growth Facility
PRSP	Poverty Reduction Strategy Paper
RBM	Results Based Management
SIDA	Swedish International Development Agency
SP	Social Protection
SUNY	State University of New York
SWAp	Sector Wide Approach
SWG	Sector Working Group
USAID	US Agency for International Development
UNDAF	UN Development Assistance Framework
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNV	United Nations Volunteer
WB	World Bank

1 Introduction

This country case study assesses how gender, rights and exclusion are being addressed in Kenya in the “new aid environment” of the Paris Declaration and specifically through the aid instruments, partnerships, and dialogue and accountability processes that provide the mechanisms through which the Paris Declaration and its Principles are being operationalised.

Kenya provides an example where there has been substantial progress in taking forward the aid effectiveness agenda in terms of the development of policy frameworks and harmonisation initiatives. The Kenyan government has also articulated commitments to social objectives, notably in relation to gender equality, as part of the overall national policy framework developed through a consultative process. However, there are major challenges to implementing these commitments.

The case study report is structured as follows. Section 2 summarises the main features of aid in Kenya and provides an overview of progress in application of the PD Principles. Section 3 provides an overview of the opportunities and challenges for gender equality, social exclusion and human rights in Kenya and the main policy initiatives to address these challenges. Section 4 focuses on specific examples of how gender, rights and exclusion are being addressed as part of the aid effectiveness agenda. The examples selected were:

- The Gender and Governance response by CIDA and the Government of Kenya;
- Donor support to the development of a national Social Protection programme;
- NGO experience of harmonisation.

Section 5 presents the findings of the case study for Kenya. These highlight the Kenyan government’s ownership at the policy and strategy level of both the aid effectiveness agenda and commitments to rights, addressing social exclusion and promoting gender equality. However there has been little effective implementation of this in specific programmes. The evidence from Kenya shows some positive examples of how harmonisation by donors and civil society can strengthen attention to social issues, but also that there are serious challenges particularly in terms of building accountability of the state to citizens.

Section 6 provides conclusions and wider reflections from the experience reviewed in terms of the relationship between the Paris Declaration Principles and progress in addressing gender equality, rights and exclusion.

Additional material is included in Annexes. The ToRs are included as Annex A. Annex B is from the Kenya Joint Assistance Strategy and identifies the involvement of donor partners in different sectoral work.

2 Context: Aid Effectiveness

2.1 Aid in Kenya

The political context in Kenya changed significantly following the victory of the National Rainbow Coalition (NARC) in the elections of 2002, and the replacement of President Moi by President Kibaki. The period between 2002 and 2007 was marked by improved economic growth, and an improvement in relations between government and donors, with an accompanying increase in bilateral ODA, from USD 276 million in 2001 to USD 777 million in 2006 (OECD statistics).

Donors have greatly strengthened engagement with government over this period. The first in-country Consultative Group meeting in 2003 was followed by the establishment of a Harmonisation, Alignment and Coordination Group (HAC) in 2004 and the development of a joint donor assistance strategy (KJAS), launched in September 2007.

Since 2002, there has also been significant progress in the development of a number of key national strategies and framework that have addressed various social policy issues:

- The Economic Recovery Strategy for Wealth and Employment Creation (ERS) was developed in 2003, with an associated investment programme in 2004 (IP-ERS), for the years 2004-2007.¹ This is taken as Kenya's Poverty Reduction Strategy and is the national policy document to which donor assistance is aligned.
- As part of the implementation process of the IP-ERS, a Monitoring and Evaluation Department was established within the Ministry of Planning and National Development (MP&ND). A master plan for a National Integrated Monitoring and Evaluation System (NIMES) was developed in 2007. This has the potential to be the main mechanism for holding government to account on their performance with regard to gender equality, social exclusion and human rights.
- Vision 2030 is the development blueprint for the period 2008-2030. It sets out the broad framework within which five-year development plans will be developed and identifies a range of social action, especially on gender equality. It is likely that the specific details of the 5-year plan will depend on the final outcome of the election process.

Official development assistance represented about 5% of GNI in 2006. Despite government revenue from taxes having increased from KSH 180 billion in 2002 to KSH 450 billion in 2006, the result of economic growth and better tax collection processes, almost 50% of the development budget comes from donor funding. Donors therefore have a significant role to play in supporting gender equality, social exclusion and human rights.

The top five donors to Kenya are the United States, the European Commission (EC), Japan, the United Kingdom and the World Bank, under its IDA window. Just over 60% of ODA is bilateral but only the EC gives budget support. This was designed in 2003-2004, and is strongly linked to indicators for the Poverty Reduction and Growth Facility (PRGF). Three other donors (DFID, SIDA and the WB) have shown interest in budget support, but at the time of the case study were waiting for election outcomes.

¹ Kenya prepared a PRSP (2001 – 2004), which was the basis for the 2002-2003 budget, but after the change of government in December 2002, the new government prioritised the development of a growth-based strategy to revitalise the economy.

2.2 Attitudes towards Aid and Progress with the Paris Declaration Agenda

Country ownership

Government ownership of the IP-ERS and Vision 2030 is strong. These are both recognised by donors as setting the framework for development assistance and therefore will be the focus for social priorities. In both cases there was considerable consultation with formal CSOs. Vision 2030 has also considerable public recognition and the concept has been heavily disseminated.

The ERS makes limited reference to issues of gender, human rights or social exclusion. Vision 2030 has a much broader perspective and there is a whole chapter devoted to issues of gender. Flagship projects are identified for the period until 2012, which include an increase in the Women Enterprise Fund, the establishment of a consolidated Social Protection fund, the rehabilitation or establishment of a youth empowerment centre in each constituency and an increase in the youth enterprise fund.

Mutual accountability

The partnership principles have relatively straightforward commitments on mutual accountability. Government commits to reinforce participatory approaches in the development of national strategies, thereby broadening ownership of the process. Donors commit to providing government with information on aid flows to enable comprehensive budget reports to Parliament and citizens. However there are wider issues in the area of mutual accountability, particularly around budgetary processes. Although civil society and Parliamentarians have been consulted in the development of national plans, there are real questions about their capacity to monitor the implementation of these plans through the budgetary process.

This process starts with the Sector Working Groups, which do not include civil society. The sector hearings are public, but the relevant documents are not always available in time for CSOs to have an informed input at the hearings. This could be one entry point for CSOs into the budgetary process, but they have not lobbied hard to engage with Parliamentarians and specifically the Budget Accounts Committee. There is also limited capacity to engage with the audit process, which, in any case, has a heavy backlog. There is a Parliamentary Support Programme, which was funded by USAID, and has worked with the finance committee to build technical capacity to understand and critique budget submissions. An office of fiscal analysis was established in Parliament in 2006, which provides public finance consultants to work with the Budget Committee and help them understand how the budget prioritises policy commitments. There is scope here for greater accountability on gender equality, social exclusion and human rights and leverage for ensuring that existing commitments to objectives in these areas are reflected in budget priorities.

Alignment

The principal instrument that key donors are using for engagement with government is the KJAS. It is based on the IP-ERS and, as part of the process of its development, a set of partnership principles were agreed between the Kenyan government and development partners (MoF, 2007). These have been signed by thirteen bilateral agencies and four multilateral organisations, including the UN. All of these are also signatories to the KJAS. The KJAS also sets targets for aid effectiveness in Kenya, in line with the OECD/DAC baseline report on implementation of the Paris Declaration. Many of the donors are basing their country strategies on the KJAS. For example, the latest UN Development Assistance Framework (UNDAF) takes it as its starting point.

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Some donors have found difficulty in using government financial systems, with implications for alignment possibilities. These difficulties come under two headings. The first is one of fiduciary risk, even when using government managed basket funding. Donors are committed to improving public financial management systems. The second is the level of bureaucracy, particularly if donors are funding CSOs to carry out service delivery, where a regular flow of funds is required. In practice the payment cycle through government systems has been difficult to reduce below two months, so donors often use Financial Management Agents (FMAs) to ensure more timely payments. Local government implementers, as well as smaller CSOs delivering local and small scale services and their clients (often vulnerable and marginalised groups) can be particularly affected by irregular flows of money. The partnership principles commit both government and development partners to strengthen development capacity, public financial management and national procurement systems to promote greater alignment.

As mentioned above, the EC is the only development partner giving budget support. However, a SWAp has been developed in the education sector, and there are moves to develop a SWAp in Health. The KJAS sets out an intention to develop six to eight SWAps by the end of the three-year period. Basket funding is a more common approach at present. A multi-donor basket fund is one of the ways in which donors support the Governance, Justice, Law and Order programme – GJLOS, which is a major area of donor support.

Harmonisation

This is an area where there has been considerable progress, through the KJAS, and the donor Division of Labour exercise.

The KJAS contains a Division of Labour chart (see Annex B), based on a questionnaire circulated to development partners on their comparative advantage and current engagement in sectors. It is anticipated that this could change over the period of the KJAS in response to domestic changes, and the need for parliamentary approval for changes to engagement. The chart shows particular donor engagement with democratic governance, with eighteen out of twenty donors intending to maintain a presence. The sector is further broken down into its component parts. It indicates the different commitments on particular social issues. There are some examples of delegated presence, and some donors are moving out of sectors, for example SIDA is moving out of Health and Education, and the UK is moving out of Environment, so there are shifts in some donor priorities as a result of harmonisation.

Gender is included as a specific sector in the KJAS and the text points out that as a cross-cutting issue it will be addressed within other sectors. It does not, however, appear as a sector on the HAC website, illustrating how attention to rights, social exclusion and gender equality can be lost within sectoral initiatives, unless continually promoted. While the KJAS designers have seen gender as a major commitment, it is interesting that the recent JAS assessment, funded by Irish Aid, is critical of this gender response. The study recognises the attention given to gender equality but highlights shortfalls and questions that the issue is mainstreamed to the extent claimed. The lack of gender indicators is likely to mean that this issue is not addressed at implementation level, or at least performance cannot be measured without national collection of sex disaggregated data.

Other cross-cutting social issues are not considered in detail. Kenya's record on Human rights is discussed within the KJAS, though no specific indicators are identified and therefore there is no measure of accountability. The KJAS sets out criteria for determining future level of support of development partners, and the choice of aid instrument, and human rights performance is mentioned as one of a few factors which will determine either a high case or low case scenario. There is little explicit discussion of social exclusion within the KJAS.

Managing for development results

There are efforts by both government and donors to develop results frameworks with milestones and targets. However most of these are of recent development and have not yet been fully operationalised. The ERS contains a log frame, with indicators and targets. Some of these targets are disaggregated, but not in a consistent manner. The education target is not disaggregated by gender, but does have a target for pastoralist school enrolment. In health there is a target for maternal mortality reduction, for the treatment of HIV/AIDS pregnant women, and for the use of Insecticide treated nets in Western and Coast provinces. Indicators are linked to achievement of the Millennium Development Goals (MDGs). It is acknowledged in the ERS that the lack of gender-disaggregated analysis is a constraint and that gender targets are missing.

The KJAS contains a results framework with specific gender indicators. These include education enrolment and completion by gender, women's representation in Parliament, and gender disaggregated targets for HIV/AIDS prevalence. However most of the sector indicators are not gender disaggregated, again because of a lack of baseline indicators.

The GJLOS has semi-annual reporting against a number of themes, and these include elements of gender and social exclusion. In each theme, reports are made against six key results, which include responsive and enforceable policy law and regulations, and improved access to law especially for the poor, marginal and vulnerable.

The links between these macro-plans and the annual budget processes are still being developed. However, it should be noted that the budget preparation guidelines for the sector working groups (SWG) for 2008 include the Ministerial Public expenditure review guidelines. These in turn require the Ministries to link their Ministerial core activities to the objectives and priority projects included in Vision 2030, where one of the three pillars addresses social cohesion.

The NIMES project, the government's process for aligning M&E across government departments, established a series of some thirty indicators and has been reporting on these annually, although these are being reviewed in the light of data constraints. They could be a key mechanism for ensuring accountability on cross cutting social issues if they are accountable and can be tracked.

3 Context: Human Rights, Social Exclusion and Gender equality

Despite the recent gains in economic growth and poverty reduction, poverty and inequity are still major challenges for Kenya. In absolute numbers the 2005/6 population was estimated to be 35.5 million, of whom 16.7 million are poor. The key determinants of poverty in Kenya include location (rural/urban); household size; level of education of head of household, gender (male versus female headed households); agricultural output (cash crop farmers or subsistence farmers); access to land; and ownership of assets, such as livestock.

According to the MDG monitor there is insufficient data on poverty, HIV/AIDS, malaria, and global partnership. It may be possible for Kenya to achieve MDG3 gender equality targets and primary education is on track. However, Kenya is not likely to reach the targets under MDG 1, reducing extreme poverty, nor those related to child mortality and maternal mortality, both of which actually increased over the period 1990 – 2005. National absolute poverty is reported to have declined from 52.3 percent in 1997 to 46.1 percent in 2005/06 (WB) but there are some problems of data comparability.

Recent reviews, for example the government's Mid term Review and the World Bank's Country Assistance Strategy Progress Report 2004 – 2008, indicate some achievements but mixed results with regard to the overall provision of and access to services. For example, the free Primary Education programme introduced by the government in 2003 has, according to the World Bank, had positive impacts with enrolment rates rising from 80% in 2003 to 83% but with slight disparities between boys and girls and among regions. The proportion of children who die in their first year is more than twice as high in Nyanza province compared to the Rift Valley. Women in Kenya supply 70% of labour in the agricultural sector but hold only about 1% of registered land titles in their name. There are significant social inequalities to address and a range of risks and vulnerabilities in terms of sustainable and secure livelihoods for men, women, children and vulnerable groups.

3.1 Role of civil society

Under President Moi's government there had been considerable control of civil society. More open and transparent government was a key commitment of the new Kibaki government. There is support for civil society action within the ERS. There has been a process of consultation and dissemination of national planning documents and support to participatory planning. There has also been a focus on support for community action at the local and district levels and in relation to service provision and participation. The government has stated that it sees civil society's role as focusing on corruption and demanding better performance.

However, the NGO network is weak and has struggled to take advantage of these opportunities. One reason for this is a result of a significant number of senior figures from the NGO sector joining the government after 2002, which appears to have weakened NGO capacity and leadership. Before the December 2007 election there were signs that the situation was changing, for instance in engagement with the budget process.

At the moment NGOs have two conflicting roles: being the watchdog of government action, as well as providing technical support to policy reviews and studies. A range of NGOs expressed concern that greater harmonisation between donors and governments was affecting their own relations with donors. (See also a more detailed consideration of the NGO sector in section 4.3).

3.2 Human rights

There have been considerable shifts in terms of government concern with human rights – from Moi's tight control of the CSO sector, to Kibaki's focus on community action and the more recent opposition calls for action about corruption within government and inequality of rights amongst different ethnic groups.

The focus within the government's national planning framework is on an equity-, rather than a rights-based, approach. However there has been an amount of legislative reform supporting the rights of vulnerable groups, for example – HIV Prevention Act and the Sexual Offenders Act. But, as pointed out by the National AIDS Control Council (NACC) team, there is no training, materials or specific Human Rights legislation to support this.

While there has been a Kenya National Human Rights Commission established in 2003 within the government, it only receives 50% of its budget request – KSH 120m compared to KSH 1 billion for the Anti-Corruption Commission.

There is also a Human Rights agency set up outside the government intended to act as a watchdog on government action. While there is a Human Rights network, this group comes together for specific issues, rather than being a major lobbying group within the parliamentary system.

Some European donors, such as the Danish, SIDA and GTZ, are especially concerned about the promotion of Human Rights and consider that this agenda is not being promoted as strongly as Gender responses within the harmonisation process. These donors have tried to ensure that Human Rights are given due weight by the donor co-ordination group.

3.3 Social exclusion

Kenya provides particular reflections on issues of social inclusion and exclusion, at strategic and practical levels. Within the Economic Recovery Strategy some specific groups are identified as vulnerable. First, there are regional differences. Special attention is focused on the development of the Arid and Semi – Arid Lands (ASAL), which are mainly inhabited by pastoralist communities. Lacking ownership rights of land, and with limited access to educational services, inadequate health facilities, infrastructural development and livelihood vulnerability this group is seen as facing particular 'social and economic injustices'. Specific programmes and activities are identified within the Strategy to address these inequalities. The regional and ethnic differences within Kenya, which have generally not been identified within strategic documents proved, in the aftermath of the 2007 elections, still to provide the forms of social division within the country.

The other major excluded group identified within the ERS is made up of those people living in the urban slum areas and the main focus has been on low cost housing and infrastructure – (particularly a rights based approach to water and sanitation provision) to address this. Some particular vulnerable groups have been identified as needing support within the ERS – the Kenyan Youth, street children and the physically challenged.

People living with HIV-Aids (PLWHA) have been targeted as a vulnerable and excluded group through the HIV-Aids Strategic Plan, which is managed by NACC and takes a multi sector approach. However the rate of new HIV infections, especially among young people, is according to the Mid Term Review in 2006 still unacceptably high at 86,000 new cases every year.

Government policy has been concerned with dimensions of social exclusion through the equity focus in the IP-ERS. Responding to this, several funds have been set up for particular vulnerable

groups, such as the disabled. Increasingly donors and government have focused attention on joint development of a strategic approach to Social Protection. This is discussed in more detail in section 4.2.

The government's commitment to Good Governance work could be seen as a major commitment to ensure more inclusive governance and more equitable distribution of resources across Kenya. However the focus so far is more heavily on legislative and judicial improvements. The Ministry of Justice initiated the Governance, Justice, Law and Order Sector Programme (GJLOS) to bring justice closer to the community. GJLOS is seen very favourably by most donors as a major success of harmonised work. GJLOS is an umbrella for a range of activities. As an example, the National Council for Child Services is a government agency that operates under two sections of GJLOS and works mainly through UNICEF on whom they are fairly reliant. This does though provide an example of how government is seeing harmonisation operating in practice. Some agencies commented that GJLOS is a complicated and possibly unwieldy response. It has attracted a lot of donor support – but placed in a newly created ministry (the Ministry of Justice and Constitutional Affairs) – and taking a significant number of people with experience of community action from the NGO sector into government; it is seen as a new and therefore not yet a strong ministry.

3.4 Gender equality

Gender equality has been featured fairly strongly in recent policy documents. It has a chapter to itself in Vision 2030. A gender policy was developed in 2000 and gender mainstreaming action supported by various donors, but implementation has been slow and resources have not been committed to this task. For example, in late 2007, the process of mainstreaming gender within government started by appointing gender officers and establishing gender desks in all line ministries and parastatals. However, many of those allocated to these desks may have had little exposure to gender concepts (and key approaches such as gender budgeting), and will need considerable training if they are to perform these new functions effectively. Although the Ministry of Gender, Youth and Sports is responsible for coordinating these activities, the gender officers at the gender desks are not employees of the Ministry (and combine the role with other functions). This initiative is only two months old, so it is too early to say whether resources and time will be given for appropriate training and institutional support measures, and what the impact will be.

There appears to be a high-level policy commitment to gender equality. In 2007 a presidential decree was passed that 30% of new appointments and promotions in the civil service should be ring-fenced for women, and Vision 2030 looks to increase this to 50%. However, there is no indication how it will be enforced and who is responsible for monitoring it. At a national level support for gender equality seems much more mixed. A recent bill to ring-fence fifty seats in Parliament for women was defeated. One of the reasons the draft constitution was defeated in Parliament in 2005 was the contentious clauses addressing women's access to land.² The Sexual Offences Act was passed in 2006, a private member's bill introduced by a woman MP which was also highly contentious. A number of interviewees told the team that gender issues were seen as a donor agenda, rather than one driven by Kenyans. Although there is a local lobby in the Ministry of Gender the donor voice is stronger. This may also be a reflection of the status and funding (or limited funding) of the Gender Commission.

There has been a particular focus on gender within the governance sector. There is basket funding for Gender under the HAC Governance grouping. An initial 18-month start of work, Engendering Political Processes Programme (EPPP), led to a more comprehensive response – the Gender and

² Though the draft constitution was also criticised for failing to restrict Presidential powers.

Governance Programme (GGP). UNIFEM is managing this programme and using a single set of accounts and reporting process. However, CIDA is developing a Gender and Equity area of work, reflecting concern that Gender will be lost as a cross-cutting issue. A Gender Equity Adviser is now located within UNIFEM to develop this multi-levelled model This example is discussed further in section 4.1.

There have been particular initiatives supporting parliamentarians. For example, the SUNY (State University of New York) / USAID Parliamentary Strengthening Programme has worked with women parliamentarians to build their capacity. There are now 18 women MPs informally working together as a group – KEWOPA (Kenya Women’s Parliamentarians Association), but because this is only an informal association, they have no resources, are dependent on specific project funds and therefore have no leverage (no matter what their skills are in speaking/ parliamentary knowledge). Currently the project is helping the women MPs to push for a Gender Committee to be set up. The project is focused on increasing their skills in terms of reviewing the budget and ensuring accountability on gender commitments.

The NIMES project has been set up to co-ordinate M&E across the government and to monitor performance against the MDGs. It therefore has strong potential as a mechanism for measuring government performance and accountability on social action. The unit’s staff have been undertaking a first medium term plan and re-visiting the indicators. It is recognised that they are not able to collect data on some of the indicator categories and a review is currently being made. Originally the M&E indicators did not provide disaggregated data, though more attention is now being paid to this by the Ministry of Planning and National Development (MP&ND) in its Annual Progress Reports. There are currently only gender-disaggregated indicators included in reporting on education, and on maternal mortality rates. Annual APRs on the implementation of the ERS include text on gender issues, but data only on women in public positions.³

The MP&ND has been pressured/ pushed by the need to respond to the MDGs and the fact that UNDP has a co-ordinator in the department. They also faced criticism when consulting on their annual findings, especially from the Ministry of Gender and women’s groups. The Kenya National Bureau of Statistics (KNBS) is the key to disaggregated gender reporting and the Ministry of Gender has worked with them to produce a disaggregated data sheet for 2005. The Ministry is aware that there is still some way to go to make this a user-friendly tool for dissemination. In its current form it is quite technical and a large spreadsheet that the Ministry of Gender recognises is too complex to be useful for civil society groups to comprehend or use. They are currently considering how to present it in a useable way but it is not clear what its use would be for civil society groups.

³ Third Annual Progress Report (2005-2006), Monitoring and Evaluation Directorate, Ministry of Planning and National Development, August 2007.

4 Case Study Evidence

In this section, the focus is on three specific examples that were reviewed in detail by the case study team. They were selected as illustrations of the interaction between the aid effectiveness agenda and rights, social exclusion and gender equality. They provide evidence on particular challenges in the relationship between the Aid Effectiveness agenda and gender equality, social exclusion and human rights:

- The **Gender and Governance response by CIDA and GOK** shows how the focus on a cross-cutting issue may be lost in sector wide support and how one donor is taking the lead to try to address this problem. CIDA is using the harmonisation process to work with an initial group of supportive donors to address gender equality as a cross-cutting issue.
- **Donors' support to the government in the development of a national Social Protection programme** illustrates that there are some real issues of practical harmonisation and alignment that have to be faced even when donors and governments are committed to joint action. It underlines the importance of institutional strengthening within government to be able to manage a partnership initiative, which will provide a comprehensive response on social exclusion.
- **NGOs experiences of harmonisation in Kenya** illustrate how NGOs, particularly those supporting human rights, can be affected differently by stronger government – donor alignment, with both positive and negative effects. Their experience reflects broader civil society concerns about the PD framework limitations concerning ownership and accountability. It shows the challenges for NGOs and civil society organisations to participate as partners at policy level. Not only is it a question of building NGOs/ CSOs capacity to play this role but also accountable structures have to be in operation if civil society is to ensure that poverty and social issues are raised effectively at policy level. It underlines the need for donors to use their influence to ensure democratic ownership of the development agenda.

4.1 Gender and governance

The harmonisation process is not only a way of engaging donors but also a forum where donors concerned about particular social issues can join together to link with government departments and promote greater attention to social issues. In the case of gender equality, one donor is championing a harmonised process approach to ensure that gender equality initiatives are not only channelled into SWAPs but also promoted as broader cross-cutting responses.

A strong gender equality response within a SWAp: In Kenya there has been considerable focus on gender equality as part of harmonisation. In 2002 a number of donors joined together as part of the response on Governance to give support to women to participate in the 2002 general elections. They put together funding in a quick 18-month programme - the EPPP (Engendering Political Processes Programme).

As a result of this programme, it was realized that a more comprehensive response was needed. This has been developed as the Gender and Governance Programme. Direct contributors to the GGP basket are Netherlands, Norway, Sweden and the UK. Finland, Spain, Canada and Denmark have agreements to provide support in particular areas but are not part of the basket funding arrangements.

This programme is now being managed by UNIFEM, which also supports the capacity building of NGOs on a range of issues – financial management, M&E and managing for results. They have

thirty NGO partners and are working on four main areas: legislature⁴, lobbying and working with political parties and empowering women and communities. They use harmonising techniques (one set of accounts/one set of reports). Seeing how this approach has worked has attracted other donors to become involved. This would seem to be a significant initiative in terms of addressing gender equality as a response to the Paris Declaration agenda. It has been developed within a harmonisation context, responds to national policy concerns, has broader ownership, including substantive involvement of the non-government sector. It is related to a broader SWAp – the Governance, Justice and Law and Order SWAp – which has its own funding mechanism.

Accountability and evaporation of gender concerns in a sectoral approach: However, from the perspective of CIDA, the Canadian agency, with a long-term commitment to gender and equity – gender equality as a cross-cutting issue could be lost. This Governance SWAp, while providing a strong context and support for gender equality, is also channelling gender responses into the governance sector.

There are accountability challenges concerning social action within such PD mechanisms as the Gender and Governance basket funding. Under these arrangements, for example it is not possible to track gender support in the budget. Once budget support goes to government it is not clear how or where it goes, unless the project is specifically addressing gender. This therefore undermines accountability on gender equality commitments, particularly by civil society stakeholders and the possible evaporation of gender equality within a sectoral response.

Using harmonisation to gain support for attention to gender equality: So far CIDA's own support has been through the Gender and Equity Support Project GESP– it is in its thirteenth and final year. The PD agenda has helped CIDA realise that its support needs to be more focused. CIDA has therefore been looking at further funding and arrangements. It is committed to respond to Paris Declaration principles and harmonise with other donors but wants to maintain a cross-cutting perspective on gender. Also it has always given support to civil society and wants to continue with its support to CSOs but as part of the promotion of broad ownership by working with both the government and CSOs.

The challenge CIDA has faced is how to promote a broader gender response but in a harmonised way, in line with PD Principles. The approach it has adopted is to engage other donors who are also committed to gender equality. To initiate this process it required someone to work on a more robust response to the PD principles and develop a model for financing Gender Equality. Consequently CIDA is funding a single gender equality adviser within the UNIFEM offices. Since UNIFEM manages the GGP on behalf of the donors, the adviser is within the harmonisation framework but also trying to refine the harmonisation process. For example, as a first stage the Adviser's role is to develop the model for CIDA, support the Gender Donor Round Table (GDRT) and transform GDRT as a sector working group under the HAC.

Building broader ownership of gender equality: In a way CIDA's current response could be seen as contradicting PD principles or as an example of a donor really wanting to hold on to its area of work. But this is, in fact, an example of a donor exploring ways to build harmonisation as well as ownership as a process.

It highlights some of the challenges that could undermine the effectiveness of the gender equality responses. This has involved a number of ownership and accountability as well as harmonisation challenges, as described by CIDA, as follows:

⁴ GGP has also worked with women Parliamentarians through (KEWOPA) and will do so also in the future.

i. Strengthening government capacity not just for those concerned with gender. The Ministry concerned with gender equality (which also deals with sports, culture and social welfare) is not in a strong enough position to be the only one through which harmonised donor support is channelled. There are few staff engaged in gender work and they have limited relevant skills and do not command resources. Another challenge is the capacity of other stakeholders, such as civil society agencies, to lobby effectively about gender inequality, especially at the policy level. These stakeholders are not in a supportive environment; they face considerable difficulties lobbying for social interests. Donors need to look at see how best they can support actors in this area.

ii. Exploring the incentives for broader government support. The government response provides opportunities for addressing gender equality. Through the KJAS and other PD processes the Government machinery is opening up the dialogue and it is evident, through CIDA's work on budget committees with the Ministry of Finance, that gender issues are recognised by staff. But there is a need to examine the rationale of why those in government who are not immediately responsible for lobbying for gender equality would want to support or promote this agenda. The big question is: "What is the incentive for them?" CIDA has recognised that for government staff harmonisation by donors can be a disincentive, since they may lose territory, status or control of areas of work with greater partnership working and harmonised allocation of funds.

iii. Promoting CS as partners. CIDA acknowledges, in response to the PD agenda, the need to engage with government, while previously their main relationship was with civil society. However their concern is that donors should have a specific role within the harmonisation agenda, facilitating a dialogue between government and CS groups. At the moment CS involvement is generally after agreements have been reached. This treats CS groups as recipients rather than partners in policy making. This initiative will focus on strengthening CSOs to press for gender and human rights as an integral part of national policymaking and budgeting and ensure that processes are clear and women are in a position to put their voices.

iv. Long term donor concern but in a supportive rather than a driving role

From the donor perspective, the SWAp needs to be seen as only one mechanism for addressing gender and equity. The long-term support of CIDA for gender equality has provided a broader range of responses, for example providing small amounts of funding for specific events, such as workshops and activities of community based organisations. It has been able to respond on initiatives that would otherwise be under-funded. The current work by the Gender specialist is to develop in consultation with a wide range of donors the method for doing this.

One donor championing Gender Equality as a cross-cutting issue: This evidence has illustrated the possibility of donors working within the harmonisation framework but also using the harmonisation framework. CIDA is championing gender equality in a pragmatic way, recognising that its role is limited – it is only USD \$ 1 million per annum.

The proposal here is for a responsive fund on gender equality, undertaken as a process, not only building up ownership from the government and CS stakeholders but also building up donor support. What is critical is to have positive support and recognition of gender as both a cross-cutting and a sectoral issue. This initiative is utilising the opportunity within the PD framework to bring like-minded donors together and harmonise efforts more substantively around gender equality.

4.2 Social protection

The Social Exclusion responses in Kenya are being consolidated into a more strategic programme of Social Protection linked to institutional strengthening within government through harmonised

donor support. This example illustrates how harmonisation can help support the government to take a more strategic and comprehensive approach to addressing social objectives. It builds around a common commitment to social inclusion by government and donors that has gained broader political endorsement.

Building capacity and accountability of government action on social exclusion: As discussed in Section 3, Kenya has a range of recognised social inequalities for example in terms of location (rural/urban), gender inequalities, access to services; access to land; and ownership of assets. Social Protection (SP) policies have been identified as a means to address the key sources or aspects of vulnerability facing the large sections of Kenyan society who depend on agriculture for their livelihoods.⁵ This Social Protection work can include a range of protective, preventative, promotional and transformative measures⁶ that respond to Social Exclusion/ Rights issues as well as gender equality issues. The donors' concern is to help government not only to address the livelihood needs and reduce the risks for vulnerable and marginalised groups but also to promote economic and agricultural growth. It therefore has great potential to ensure that concern about social exclusion is at the centre of government work.

Developing, with the government, a strategic Social Protection (SP) response is very much at the design stage. It is building on the number of cash/ social transfer programmes that the government has already established – one for women, one for youths, a bursary fund, one for the disabled and most notably the CDF (Constituency Development Fund - CDF) which provides funds down at constituency level so that communities can choose responses, rather than all the funding being spent at District level.⁷

There are other donor-supported SP pilot programmes including the orphans and vulnerable children (OVC) initiative supported by UNICEF and the Hunger Safety Net funded by DFID. There are also a range of international organisations supporting specific action including the World Food Programme (food relief), World Vision (bursary for orphans and access to AIDS care) and Compassion International (bursary schemes for OVCs).

The need for institutional strengthening on social issues: These government programmes are not necessarily having an impact. They are ad hoc arrangements – “weak co-ordination, overlaps, supervision and monitoring of the multisectoral programmes is recognised as cause for concern.”⁸ There is considerable commitment on Social Protection – the donor group identified this as a gap in the KJAS process and the main political parties had, in December 2007, made this part of their election promises. NESC considers the Social Protection initiative as pro-poor. It is now proposed to embed this range of responses within a SP Strategy.

Donors are supporting the government not only to respond in a more strategic way but with a stronger institutional framework. They are harmonising their work with the government to establish a Strategy and policy framework, set up an interim Secretariat within the government and establish management and co-ordination mechanisms.

The challenge of harmonising existing initiatives to pursue social goals. However this not only requires government ownership and management. Donors are increasingly faced with the

⁵ Omiti, J. and Nyanamba, T. (2007) *Using Social Protection Policies to reduce Vulnerability and Promote Economic Growth* Future Agricultures/ KIPPRA

⁶ Devereux and Sabates-Wheeler 2004 quoted in Omiti et al (2007)

⁷ However there is much discussion about this and possible misuse of this funding by MPs.

⁸ Ibid Omiti et al 2007: p.ii

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practical dilemmas of how to harmonise their own efforts with all those that could be involved. There are currently different donor agencies taking action with or on behalf of the government, undertaking pilots or with an interest in some specific SP aspects. The impact on social exclusion can be undermined by uncoordinated, or even competitive, initiatives. DFID, UNICEF, and the World Bank are funding different parts, not necessarily all in partnership nor combining the funding. Separately a SIDA, UNICEF, EU/World Bank donor group developed a pilot OVC response. This has raised a debate among donors of how to harmonise for most effective social impact – whether to build on pilot action or use a strategy as the framework.

Designing this Social Protection response in partnership has also raised a number of practical harmonisation and alignment challenges, in terms of:

- Stipulations within different institutions.
- Working with the Ministry of Gender when there is limited capacity.
- Deciding where to locate the National Secretariat – within or outside of government.
- Linking this with other ongoing government support and arrangements to other SP initiatives, such as the OVC and Safety Net responses.
- Trying to align with government budget and procurement procedures.

These experiences indicate how problematic alignment can be, for example in terms of financial arrangements. As mentioned in Section 2, lengthy government payment processes have resulted in donors having to use FMA to fund CSOs to deliver services.

The extent of harmonising a range of social issues: DFID convenes a SP group and by the time of this study they had held five meetings. This is a core group of donors interested in risk management and vulnerability reduction (rather than just Social Protection), providing a context for broader social policy concerns. The various groups involved in this SP group currently have to consider how far harmonisation should go. This process has raised questions about the challenges of articulating a Social Protection strategy that illustrate the interaction between the aid effectiveness agenda and wider social objectives:

- Where are the outer limits of a particular arena of harmonisation? For example the Italians were interested to fund support in relation to sex workers/ children trafficked, the Spanish are interested in migration.
- How far should the range of issues around SP be included?
- Should SP include all those agencies that are involved in providing specific cash support?
- How far should it cover any discussions about risk and vulnerability?
- Does that mean that it should encompass the whole livelihoods agenda?
- Should it therefore also include more pro-poor growth responses in terms of micro credit?

Development partners are considering how to organise and respond to some of the above implications of the Paris Declaration principles. In the case of Kenya their current thinking is to set up a sub-group of the SP Council and then maybe ad hoc sub groups (working groups). Although this work is in its early days, it provides an illustration of some of the significant debates and negotiations. This is important to ensure a comprehensive response on social issues but also one that is not too unwieldy so it can have a significant impact.

4.3 The impact of harmonisation on the NGO sector

This study could not undertake a detailed survey of NGOs but it included interviews with NGOs and Networks involved in Gender, Social Exclusion and Human rights. It involved focus group discussions with a range of Human Rights NGOs, such as Kituo Cha Sheria, the Social and Economic Rights Foundation, the Kenya Human Rights Institute and Umande Trust, and with Gender Equality and Gender and AIDS groups. It also discussed participation of international and local NGOs and local community based organisations in the Aid Effectiveness process with both government and donors.

These interviews indicated challenges in relation to building the capacity of CSOs to engage in policy work for ownership and accountability. It particularly illustrates why it is important that donors use their influence to broaden ownership of the development agenda.

The NGO sector in Kenya is complicated as summarised by Nyamu-Musembi and Musyoki (2004) "Organised civil society activity in Kenya has experienced tremendous growth and visibility since the early 1990's, following one party rule in late 1991 and the outright repression that characterised the late 1970s and 80s."⁹ Kibaki's government meant further changes. As discussed in Section 2, NGO personnel were taken into the government after the 2002 election and the NGO sector lost some of its key leaders.

The role of this dynamic and changing NGO sector is also complicated by the fact that various NGOs in Kenya came into operation for very different reasons: to deal with the economic ills that government failed to address; to provide support in the struggle for participation in decision making; as development agents in the redistribution of Kenya's resources and; to push for socio-political change.¹⁰ They have, and continue to play, a significant role in supporting and lobbying for social concerns and social change in Kenya.¹¹

This evidence therefore provides a particular reflection on the Country Led approach (CLA) contention that "national policy agendas will be more pro-poor in nature if there is broad ownership across society of the poverty reduction agenda and if the poor themselves have opportunities to participate and influence the policy process of the need for broader ownership if policies are to be pro-poor."¹² (2006: i)

The importance of NGO involvement in policy work for ownership and accountability: Civil Society representatives generally have expressed concern about the PD agenda, specifically in terms of ownership and accountability and the role that Civil Society plays in this context. The concern is that NGO ownership and accountability might be too easily managed in 'the absence of a genuine Civil Society voice and given the lack of recognition of the crucial role played by non state-actors in the development process'¹³

⁹ Nyamu - Musembi, C. and Musyoki, S (Dec 2004) *Kenyan civil society perspectives on rights, rights-base approaches to development and participation* IDS Working Paper 236 Dec 2004

¹⁰ Kameri-Mbote, P (2002) *The Operational Environment and Constraints on NGOs in Kenya: Strategies for Good Policy and Practice* IELRC Working paper: Switzerland

¹¹ Onyando, R Muganda *Are NGOs essential for Kenya's development?* Nomadnet 20th Nov 1999

¹² Cox, M., Thornton, N. and Cameron, C. (2006) *Does the Country led approach deliver results? A Synthesis of emerging evidence* Agulhas

¹³ INTRAC *Civil Society Perspectives: Strengthening the Poverty Impact of the Paris Declaration: through Gender Equality, Human Rights and Social Exclusion* Oxford March 2007

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Broad ownership is essential for democratic participation¹⁴ (2007:4) and the particular consideration of poverty and social concerns that the NGO sector brings to the policy table. Cox, Thornton and Cameron (2006) provide a useful framework for a consideration of challenges for broad and inclusive ownership by NGOs:

“A growing consensus that the focus should be on strengthening participation in core political systems, building up formal accountable institutions and strengthening stakeholder capacity to contribute to policy making” (2006: iv)

The Kenya discussions, as summarised here, illustrate how a failure on each of these – participation and ownership, involvement through accountable structures and the capacity to play a role in policymaking and national budget decisions, can undermine the partnership role of NGOs in the national development agenda.

Participation for Democratic ownership of policymaking: Donors and government staff have used various consultation and participatory planning processes in policy and national plan making. For example the NACC annual planning preparation in 2007 started at the community level and involved sixty NGO agencies at local and national level, including those NGOs focused on rights, social exclusion and gender issues. The Gender and Governance project is working with thirty NGOs. In the health sector the health NGOs’ network, HENNET represents the health sub sectors in discussions and policy dialogue with the Ministry of Health (MoH) and health sector sub-committees of MoH. KJAS indicates that NGOs as well as private sector, political parties, parliamentarians and other groups were consulted and provided their comments on the JAS.

However the case of Kenya illustrates how important it is to recognise that participation may be understood differently by different stakeholders – government, donors and civil society. Afrodad interviewed non-government stakeholders and concluded that “Most stakeholders interviewed about the (KJAS) process viewed it as not open. They were only invited to meetings to be briefed on status and trends” (2007: 9)¹⁵. Democratic ownership of national policymaking requires the NGO and civil society sectors are involved as partners in the process.

Harmonisation and accountable structures – representation by networks: Organised lobbying is important for NGOs to be involved effectively in policymaking. The National Council of NGOs is currently playing a limited role (a number of key NGO people are now working within government) and does not provide that strategic lobbying role at the moment.

There are various networks concerned with social issues such as gender, health and human rights. Those groups, where there is a stronger network both nationally and regionally such as the gender networks, have been able to respond more as players about policy issues within the government/donor discussions. Other networks, such as the Human Rights network play a much more limited lobbying role.

The KJAS structure and the HAC process can provide a channel for NGO lobbying and ownership. However some groups have been able to link in to this harmonisation process more effectively than others. For example, the Kenya AIDS NGO Coalition has been involved in HAC working groups and finds that their good links into the communities and ability to draw on the support of a range of NGOs gives them strength as a lobby within the working group and ensures that they are consulted as a representative voice, for example on a recent gender budgeting study.

¹⁴ Ibid INTRAC 2007

¹⁵ Afrodad (2007) *A critical assessment of aid management and donor harmonisation: The case of Kenya*

However, even where there is a common and partnership arrangement with NGO networks – as with HENNET, the umbrella organisation for health NGOs – there can be “a lack of a clear mechanism for providing funding through the SWAp for NGOs and CSOs who are supposed to participate in delivering services and fostering the programme of participation and empowerment at community level outlined in NHSSP II (the National Health Strategic Plan II).¹⁶ Support for NGO networks and lobbying groups has to also ensure that structures are accountable and supportive.

Capacity of innovative social responses by some NGOs in sectoral processes: Addressing the PD agenda can open up possibilities for NGO social responses. There were examples of NGOs/ civil society groups undertaking some innovative and contributory action within the harmonisation process. As a positive example, one rights agency has been involved in two thematic areas of the Governance, Justice and Law and Order Reform programme (GJLOS) with basket funding from a range of donors. It had a campaign aimed at youths – Nimegutuka, where they involved celebrities and held music concerts encouraging young people to register to vote and had a tent where youths could register on the spot.

Also it had a pilot to promote the secrecy of voting in a marginalised northern area where there is a 90% illiteracy rate (a pastoral area) and most have to be assisted to vote. This focused on very basic election skills – how to hold a pen, what a ballot paper looks like, what a symbol is, how to find the symbol of their party, how to put their mark without assistance.

NGOs have also been involved with government departments in sector programmes. For example the Ministry of Water and Irrigation has explicitly used human rights standards as a basis for sector reform, and developed guidelines to be included in contracts between Water Services Boards and Water Service Providers. It provides community based organisations with a means of ensuring accountability on service provision.

So there is the scope for innovative social action by NGOs involved in sector wide responses where they are given support or if they have the capacity to respond.

NGO capacity at policymaking level, holding government accountable: Civil Society representatives have internationally stressed the need, within the framework of the PD agenda, for the recognition of “CSOs in general and women’s rights organisations in particular, as autonomous development actors in their own right.”¹⁷

However this raises particular challenges because it requires specific skills for NGOs and civil society stakeholders to operate effectively, as lobby groups, at the policymaking level. It is not just a question of being included, but that inclusion should be around effective shared policy making and democratic ownership rather than consultation. It also requires some specialist skills as the experiences of some local NGOs concerned with MoF budgetary process illustrates. One Gender support group pointed out that they had not understood the process, so came in too late last year to have any input to the budgetary cycle. Others pointed out that NGO groups that have been working at the community level do not have the skills or training to make substantive inputs to the budgetary process or to the sector working groups.

¹⁶ Quoted in Ferguson, C. 2008 “Human Rights and Aid Effectiveness: Inter-linkages and synergies to improve development outcomes in the health sector” Draft Report for OECD-DAC Govnet, Human Rights Task Team

¹⁷ Preliminary recommendations of the International Consultation of Women’s Organisations and Networks and Aid Effectiveness

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Also NGOs working at the community level are not necessarily aware of the process of harmonisation. In the Gender and AIDS focus group discussions for example, the agencies were asking what basket funding would mean for them. Some had not realised that increased harmonisation and alignment of donor and government action was taking place as an Aid Effectiveness process rather than as a specific donor activity.

Particular alignment challenges for human rights based NGOs: The case of Kenya also illustrates some particular ownership and social inclusion issues for those groups promoting human rights. As Nyamu-Musembi and Musyoki (2004) indicate there has been a particular growth in NGOs taking a rights-based approach, both international agencies such as ActionAid and through local NGOs taking on an explicit rights-based approach as part of their work with communities.

Some of the rights groups interviewed highlighted a specific challenge to human rights agencies from the alignment with government systems and financial support managed by government through basket funds or General Budget Support. If all funding came through the government to NGOs then only certain NGOs, those supportive of government policies might be funded. In the focus groups there was a fear that the government would use this process to control NGO action. This was a particular concern for the Human Rights agencies, since they are a watchdog on the government's performance. As discussed in the example in section 3, in the case of SIDA, DFID and the Dutch they are exploring mechanisms for funding support to such groups within a harmonised and aligned process. Donors therefore have a role to play to ensure that watchdog NGOs, particularly focused on human rights, can continue to operate.

The range of evidence about different NGOs affected by greater harmonisation illustrates not only the challenges involved in ensuring Civil Society ownership of the development agenda but also how those who are more organised are more likely to gain from a harmonisation framework. It emphasises the role of donors to ensure that the broad range of NGOs and Civil Society representatives, who are focused on gender equality, social exclusion and human rights are able to hold the government accountable.

5 Findings

In summary, the Kibaki government's ownership of the aid effectiveness agenda and commitment to at least part of the rights, social exclusion and gender equality agenda have been relatively strong at the overall policy and strategy level. But there has been limited progress in the implementation of this yet in particular programmes. While there has been acknowledgement of government priority on social issues in relation to poverty, equity and gender, the main donors have not necessarily given strong weight to these in their actions. There has been particular support within the KJAS on gender equality and a particular response on social inclusion through the Social Protection programme. However ensuring accountability by pressing for specific gender indicators still needs to be addressed. The limited progress in taking forward the aid effectiveness agenda, and the political difficulties that have impeded implementation of the government's programme mean that findings in relation to the interaction between aid effectiveness (for instance through new aid instruments) and social issues are focussed on specific examples.

The evidence set out in section 4 provides illustrations of some of the challenges and demonstrates how development results and the impact of the Paris Declaration can be strengthened through work on gender, social exclusion and human rights. First, some positive reflections can be drawn from the findings:

- ***Some donors are manoeuvring within the aid effectiveness framework to ensure, specifically, that gender equality is addressed in sector responses.*** The Gender and Governance response by CIDA and GOK illustrates how one donor, concerned that the focus on gender equality may be lost in sector wide support, is taking the lead and using the harmonisation process to work with an initial group of supportive donors to provide a cross-cutting gender equality response.
- ***Harmonisation can help develop a more strategic approach to social exclusion, such as in the area of Social Protection, linked to institutional strengthening within government.*** The Social Protection initiative underlines the importance of donor support to institutional strengthening within government to be able to manage a partnership initiative and provide a comprehensive response on social exclusion.
- ***Strong Civil Society networks can become an effective lobby within national planning and SWAps to ensure more responsive and inclusive national planning.*** In the Kenya case the NGO Coalition promoting HIV Aids support has a stronger role and therefore more input to national plan making that those working on rights, social exclusion or gender equality, because of the range of community groups that it can draw on for support and to take action. Where NGOs, groupings or networks are well organised or have gained experience at the level of strategic responses they can respond, if a participatory approach is taken in national plans and aid instruments such as SWAps, JAS and PRSP.

However there are serious challenges to ensuring appropriate attention to rights, social exclusion and gender equality within the PD agenda, particularly in terms of democratic ownership and building citizen – state accountability.

- ***To ensure democratic ownership support has to be given to NGO participation and their involvement through accountable structures as well as building their capacity.*** The need to strengthen the civil society sector so it can play a role within policy making was a clear concern of CIDA in their current Gender and Equality deliberations. It underlines the importance of donors using their influence to broaden ownership of the development agenda and provide greater accountability and support to the range of poverty and social issues that NGOs champion.

- ***Staff in Line Ministries may not be able to promote social policy at the national level because of lack of capacity and resources.*** The Ministry of Gender in Kenya, as an example, has limited resources or skills to put pressure for consideration of gender equality issues at key points of strategic plan making, budget allocations and performance evaluation. However in combination with NGOs focused on gender equality, the Ministry has lobbied the NIMES project to now include some gender indicators but this has taken some time.
- ***Parliamentarians may lack skills and support to hold government accountable on gender equality.*** Parliamentarians require skills and support if they are to hold government accountable and be partners in the ownership of the policy making process. For example in Kenya donors have taken action to try to strengthen women parliamentarians as a lobby group so they can challenge the budget and the gender implications of resource management. As an informal lobby group they did not have leverage.
- ***Mutual accountability between donors and government is important if there is to be national ownership of social priorities.*** In Kenya the donor partnership principles have relatively straightforward commitments on mutual accountability. However these have still to be tried out in practice and this undermines national ownership. The mechanisms are not, as yet, fully developed. The government feels that there are still problems getting information on donor plans and disbursements. The KJAS gives different scenarios against which the development partners will assess levels and modalities of assistance, and will cooperate in assessing performance. However, this does not indicate the government's role in this process, though it will presumably be government data, which are used in the process.
- ***In alignment processes with government systems, support and specific indicators in financial management systems are essential for accountability on gender equality.*** For alignment governments and donors need to set up better financial management to track resources. While there has been support to gender equality measures in the process of developing the KJAS, and donors, with input from government, have taken steps to improve alignment with government policy and strategies and have adopted government indicators and targets; specific indicators for tracking financial commitment to gender equality action are missing. The external resources policy being prepared by government and currently in draft form will hopefully address some of these issues by setting out mechanisms and time frames for donor funding and reporting and which, along with the KJAS, should become the basis for improving alignment. But this has to be undertaken in conjunction with improved government accountability.
- ***Legislative framework and performance indicators on gender equality are needed to ensure accountability on government commitments to social targets.*** The example of gender equality concern in Kenya illustrates this point. Historically there has been considerable support to gender equality initiatives, through donor and government action. As part of harmonisation through the KJAS there has been further consolidation of donor support through the Gender and Governance. However, if gender equality policy is not supported by legislation or implementation then this can undermine the pressure or commitment within government structures. In the focus group, NGOs concerned with Gender and Aids pointed out that the President's commitment to 50% of new civil service posts for women is only likely to happen if there is legislation about this. It is essential therefore that gender commitments within national plans have specific legislative support as well as identifiable performance indicators to ensure further action.
- ***Results based management frameworks and a database of variable related to rights, social exclusion and gender equality can contribute to accountability/ownership and to strengthening outcomes.*** There has been definite progress in developing results based management frameworks, in the ERS and in the KJAS. The GoK is also developing an annual government strategy review mechanism. However the challenge is twofold - to develop effective reporting mechanisms, which then lead to performance improvement but also to

address areas where the current statistical base is inadequate. This particularly affects cross-cutting issues, including gender and environment. In both these areas the statistical data are currently insufficient to set appropriate targets for monitoring. For example there have been problems identifying appropriate indicators with baselines to include in the KJAS results framework. Under the PD development partners are committed to working with government to develop appropriate systems. In the absence of such systems, certain key areas suffer from less priority and the risk is that Results Based Management will focus on what can be measured at the expense of what should be measured to the detriment of rights, social exclusion and gender equality.

6 Conclusions

The following conclusions can be drawn from overall reflection on the context and specific examples analysed in Kenya. Conclusions are presented as pointers from experience, rather than in the form of recommendations, because the evidence base is restricted to only one country. Conclusions are grouped according to categories of the Paris Declaration principles. Inevitably, some reflections touch upon a number of these principles and the categorisation below is intended to be indicative, rather than definitive.

Country ownership and mutual accountability

- For broad based country ownership **NGOs/ CSOs need to participate but also have the skills to effectively play a role** in policymaking. Limited capacity to play this role affects the accountability of national decision making. It also undermines the space given to the range of interests of vulnerable and marginalised groups they can represent within national policymaking. In Kenya although consultation has been opened up, the NGO sector has not been able to respond effectively.
- **A range of stakeholders – Parliamentarians, Line Ministry staff as well as civil society - need to have skills to promote rights, social inclusion and gender equality** in strategic decision making, if there is to be broad ownership of this process. This is essential if they are to lobby effectively for allocations for gender equality, social inclusion responses and human rights support. The example in Kenya of support for women parliamentarians shows that they can only hold the government **accountable on social issues within the budget** if they have the skills and resources to be an effective lobby.
- It is also essential that **Joint Assistance Strategies are not only a mechanism for donor co-ordination but also indicate the government's role in assessing performance** if they are to support mutual accountability. In Kenya for example, the KJAS gives different scenarios against which the development partners will assess levels and modalities of assistance. However, this does not indicate the government's role in this process, though it will presumably be government data, which are used in the process and hold donors accountable, particularly in supporting national social priorities.

Harmonisation and alignment

- The harmonisation process has been focused on government and donor relations. **The CSO role as a partner** holding both donors and government accountable on gender equality, social exclusion and human rights support has not been given the same attention.
- **The increased use of SWAps has advantages but also implications** in terms of channelling (and possibly narrowing) responses on gender, social exclusion and human rights. This can also have impacts on country ownership and country (government and non government) prioritisation, where individual projects are no longer funded because priorities and modalities are set through the SWAP. In Kenya the evidence suggests that different NGO and CSO groups may benefit or be adversely affected by harmonisation of funds through SWAps and government financial systems. This has effects on the level of support both for vulnerable, poor and excluded groups and for action seen as important by communities but not seen as national priorities.
- The **budget process** is a key point for holding government accountable to social goals. In Kenya there is considerable focus on gender budgeting by Parliamentarians and some NGOs are recognising the need to link into the budgetary process.

- The **Division of Labour exercise** is an important tool for starting the process of donor accountability and alignment. But the KJAS shows that this needs to indicate how particular commitments on social issues will be addressed and how country ownership by the national partners - the government, parliament and civil society will be strengthened and broadened.
- **Acknowledgement in policy is not sufficient** for commitments to be followed through into implementation or the government to be held accountable, for example in terms of gender mainstreaming; this undermines ownership of national action.

Managing for results

- **Effective reporting mechanisms** are crucial to the process of developing results based management, if there is to be performance improvements on gender equality, social exclusion and human rights. In Kenya the lack of national gender disaggregated data has meant that no specific indicator has been included in the KJAS.

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The women's rights movement and democratization in Kenya

<http://www.eldis.org/go/country-profiles&id=11427&type=Document>

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Education access and retention for educationally marginalised children: innovations in social protection

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Pulling apart: facts and figures on inequality in Kenya

<http://www.eldis.org/go/country-profiles&id=16693&type=Document>

Using Social Protection Policies to Reduce Vulnerability and Promote Economic Growth in Kenya

http://64.233.169.104/search?q=cache:rVVoVMDySTQJ:www.future-agricultures.org/pdf%2520files/social_protection_food_security_Kenya.pdf+social+protection+and+kenya&hl=en&ct=clnk&cd=5&client=safari

4. Social exclusion (children, youth, ethnicity)/ rights and health/ HIV

Reproductive rights and healthcare

<http://www.siyanda.org/search/summary.cfm?NN=3102&ST=SS&Keywords=kenya&Subject=0&dnor=0&langu=E&StartRow=1&Ref=Adv>

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List of people met

Name	Position	Organization
Jan Hansen		European Commission
Achim Blume		GTZ-MOP
Lucas Ojiambo		World Bank
Njonjo Mue		Kenya National Commission on Human Rights
Florence Machio		Population Reference Bureau
Wendy Ayers		World Bank
Njoroge Riunge		NESC
Boniface Koyugi		NCAPD
Jane Onyango		FIDA
Rosemary Okello		AWC Features
Dr Gakuru Wahome	Director, Social Sector	National Economic and Social Council (NESC)
Fred Matiang'i Osendo More	Country Director Programme Officer	Parliamentary Support Programme - State Uni. Of New York/ USAID
Allan Ragi	Director	Kenya Aids NGO Coalition KANCO
Lineth Oyugi		Institute of Policy Analysis and Research
Mr Ngugi		MoF
Peter Njoroge Dr Olney Daly	UN M&E Advisor	Min of Planning – M&E NIMES project
Winnie Mwasiaji Collette Suda	Principal Social Development Officer (Social Protection) Secretary for Gender and Social Services	Ministry of Gender
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John Kamigwi Regina Ombam Magdalene Munyao Eunice Odongi	Deputy Director – Policy Strategy and Communications Head, Strategy Legal Officer UNV Gender	National AIDS Control Council
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Nicholas Kipyego		UNDP
Bo Jensen Henning Nøhr Jacinta Oichoe	Ambassador Head of Mission Programme Officer	Danish Embassy
Annika Nordin Jayawardena	Head of Development Cooperation	Embassy of Sweden
Peter Aling'o		Institute of Education in Democracy
Mwajuma Alice Abok		AWEAPON -
Colin Bruce	Country Director	World Bank
Meshack Ndolo		USAID/MOP
Focus Group Discussions Kigen Korir Julie Wambui Mutuma Ruteere Jack Oduor		Civil Society (rights-based groups) Kituo Cha Sheria – Legal Advice Centre Social Economic Rights Foundation (SRF) Kenya Human Rights Institute Umande Trust (In Kibera, concerned with rights)

Kenya Case Study

Name	Position	Organization
Blair Walker Milcha Ong'ayo Robert Simiyu	Programme Officer Gender Adviser Governance Adviser	CIDA
Jacinta Murgor	Assistant Director	National Council for Children Services
Nancy Nafula		KIPPRA
Brigitte Lined-Henriksen		UNICEF
Focus Group Discussion		Women Living with HIV/AIDS Kenya Women's AIDS Support (KWASO)
Prof. William Lyakura		AERC
Winnie Mitula		University of Nairobi, IDS

Annex A Terms of reference

Strengthening the poverty impact of the Paris Declaration:

Aid effectiveness evidence gathering project on gender equality, human rights and social exclusion:

Terms of reference for Phase Two, July 2007

Background and rationale

1. In March 2005 over one hundred official agency donors and developing countries established global commitments to support more effective aid in the context of significant scaling up of aid. The result, the *Paris Declaration on Aid Effectiveness (PD)*, marks an unprecedented level of consensus and resolve to reform aid. These reforms are intended *'to increase the impact of aid...in reducing poverty and inequality, increasing growth, building capacity and accelerating the achievement of the MDGs'* (Paris Declaration para 2).

2. The PD framework agreed five overarching principles or partnership commitments – ownership, alignment, harmonization, managing for development results and mutual accountability. It goes beyond previous agreements and lays down a practical, action-oriented roadmap to improve the quality of aid and its impact on development. Donor and partner countries agreed a set of indicators, targets, timetables and processes to monitor the implementation of the PD up to 2010. This includes the **Third High Level Forum to take place in Ghana in September 2008**.

3. To date attention by donors and partner governments has primarily focused on aid and agency effectiveness, in particular improvements in aid delivery to increase the efficiency of financial and administrative arrangements; harmonisation of donor procedures and activities, and strengthening partner government leadership and ownership with alignment behind national development plans. The Paris Declaration itself and the indicators for monitoring focus on mechanisms and processes, and does not monitor substantive issues such as the development of content and outcomes. The focus on aid delivery mechanisms is much needed. However, on their own, they will not lead to the envisaged development effectiveness or sustainable benefits for poor women and men unless issues of substance such as gender equality, rights and inclusion are addressed in parallel.

4. However, a more complete reading of the PD locates the commitments more clearly within the ultimate goal of reducing poverty and inequality and requires an assessment of wider outcomes and impacts on poor and excluded women and men. The partnership commitments are major reference points for strengthening broad based ownership, guiding policy dialogue, shaping the contents of development co-operation programmes and bringing about institutional and budgetary changes required to improve poverty outcomes and empower poor and excluded groups. More attention needs to be paid to ends as well as means of channelling aid, and to processes necessary for poverty reduction, particularly those concerned with human rights, social exclusion and gender if the aims of the PD and the MDGs are to be realised. These reforms provide an opportunity to improve current practice of donor agencies, recipient governments and civil society in pursuit of gender, rights and inclusion to the betterment of women, men, girls and boys (Gaynor 2007).

5. In September 2008 the **Third High Level Forum on AE**, in Accra Ghana, will review progress in implementing the PD and set a pathway to 2010 and beyond. This is likely to be a high profile event, attracting far greater scrutiny from the media, civil society and partner governments than in Paris 2005. It is an opportunity to reaffirm, accelerate and deepen the Paris Agenda and to mark

its transformation into a country-led framework for aid relationships and aid effectiveness. It also is an opportunity to strengthen the focus on poverty outcomes in the implementation of the PD, including through greater integration of cross cutting issues.

6. To ensure the HLF recognises the relevance of cross cutting issues in operationalising the Aid Effectiveness agenda, more systematic evidence is required on how, and to what extent, cross-cutting issues of gender equality, human rights and social exclusion are analysed, captured and monitored in the evolving new approaches to aid delivery and partnerships. In discussion with the Gendernet, Govnet, the Working Party on Aid Effectiveness (WP-EFF) and Nordic + colleagues, DFID proposed an evidence gathering exercise on aid effectiveness and gender, rights and exclusion to fill this identified gap.

7. In the spirit of the Paris principles, this work is jointly funded by a number of Nordic + partners including the Irish, DFID and the possibly the Dutch. It builds on the momentum created by the Dublin Workshop in April 2007, which brought together the WP-EFF, Gendernet, Govnet and Environet.¹⁸ It seeks to complement on ongoing cross-cutting work to strengthen the evidence base such as the Unifem project on Building Capacity and Improving Accountability for Gender Equality in Development, Peace and Security, and also Irish Aid's desk study on Gender and Joint Assistance Strategies. It should also complement other efforts in monitoring progress such as the Baseline Survey and the DAC joint evaluation on Aid Effectiveness. Overall this work should contribute to the development of shared messages and agreed outcomes for the HLF3 for a strengthened focus on social outcomes especially gender outcomes beyond Ghana.

8. A scoping study (phase 1) funded by DFID was undertaken as a first step towards developing this evidence base. This produced a synthesis of relevant literature on aid effectiveness and cross cutting approaches; a synthesis of civil society perspectives; an initial analytical framework and approach for evidence gathering; and a partnership and influencing strategy which maps key opportunities, partners and processes leading up to Ghana 2008. Building partnerships and influencing is an important component of the work.

9. The initial **analytical framework** is described in the main body of the Phase 1 report¹⁹. It builds on the synergies between the cross-cutting issues of gender equality, human rights and social exclusion, and that of the PD. It maps change processes in both onto key areas of the policy cycle and enables a matching of opportunities and risks as well as good practice in both the aid effectiveness and cross-cutting agendas.

10. The **partnership and influencing strategy** is set out in the main body of the Phase 1 report.²⁰ It is integral to the selection and implementation of the case studies and the dissemination of findings. The aim is for the project to be carried out in such a way as to maximise opportunities for joint work among a range of partners, and to influence key stakeholders in the lead-up to the Ghana HLF and beyond.

Goal

11. Cross-cutting issues of gender equality, rights and exclusion firmly on the Ghana HLF agenda and analysed and captured in the implementation and review of the Paris Declaration on Aid Effectiveness, in order to strengthen the focus and impact on poor women and men.

¹⁸ The Dublin workshop looked at environmental issues. We recognise that HIV/Aids is seen as a cross cutting issue. This work will however, focus on gender, rights and exclusion only.

¹⁹ Aid effectiveness and cross cutting issues – gender equality, human rights and social exclusion: Strengthening the poverty impact of the Paris Declaration. By S. Fleming, M. Cox, Kasturi Sen, Katie Wright-Revollo. 31 March 2007.

²⁰ Ibid

Purpose

12. To generate an evidence base, build support among Paris Declaration stakeholders and provide practical recommendations for strengthening the focus on the cross-cutting issues of human rights, social exclusion and gender equality, and poverty outcomes, for the Third High Level Forum in Ghana (2008) and beyond.

13. Specifically the research should be able to answer how effectively the policy areas of gender, rights and social exclusion are addressed in: -

- Budget support processes, structures and mechanisms; Sector Wide Approaches
- New aid effectiveness mechanisms for operationalising the Paris Declaration at country level e.g. Performance Assessment frameworks, Joint Assistance Strategies, Aid Policy frameworks; national planning processes and plans, PRS monitoring frameworks
- The country level dialogue, relationships and decision making related to the new aid environment. Including the relationships and dialogue between donors, partner governments and civil society, and the spaces and processes for dialogue and decision making e.g. harmonisation groups, results and resources groups/ consultative groups, mutual accountability mechanisms.

Outputs and timing

14. The outputs for the project will include:

i) An inception report detailing methodology, locations and partners, with rationale; a work plan with timetable; and a partnership and influencing plan: by end of month 1, to be discussed and agreed and updated as required

ii) A series of approximately 6 in-depth case studies of 10-15 pages each: finalised by December 2007

iii) A document summarising the other, approximately, 18 relevant examples and experience from the literature and other on-going research (36-50 pages): finalised by December 2007

iv) A synthesis report (maximum 50 pages including annexes) which presents the main lessons from the case studies, rapid assessments, and additional contemporary research and literature: finalised by January 2008. The synthesis report will include:

- (a) Evidence on how cross-cutting social issues have been integrated into and benefit current approaches to aid effectiveness; as well as where they have been omitted
- (b) How the PD applies to donor and partner country efforts to promote cross-cutting social issues;
- (c) Recommendations for integrating cross cutting issues into PD implementation, monitoring and evaluation.
- (d) Recommendation for 2 – 3 high level strategic key messages and concrete outcomes for the HLF

v) An influencing strategy with identification of alliances and influencing opportunities supported by a short presentation paper (4-6 pages) to present the results of the study and its principal

recommendations to senior policy makers and other stakeholders at the Accra HLF: finalised by March 2008

vi) A series of briefs and/or presentations on emerging findings. These outputs should be tailored to specific events and audiences outlined in the partnership and influencing strategy: on-going and responsive

vii) Series of workshops and presentation materials for final events in the in-depth case study countries and for the project as a whole: on-going and responsive

viii) Quarterly progress reports

Tasks

15. The tasks are outlined below:

i) Finalise a work plan and a partnership and influencing plan, detailing roles of collaborating donors and country government, civil society and research partners. Outline types and timetable of products for DAC, donor, country government and civil society audiences, including proposals for feedback at country level, and final presentation and discussion. Some flexibility will be needed to respond to changing priorities and opportunities for building partnerships and exercising influence as they arise. Guidance for the plan is in the method section of these TORs.

ii) Develop a methodology to assess how gender, rights and exclusion in relation to the Paris Declaration are addressed in budget support processes, structures and mechanisms; new aid effectiveness mechanisms for operationalising the Paris Declaration and country level dialogue, relationships and decision-making in the new aid environment. A suggested list of study questions and an overall conceptual framework for these studies are included in the phase 1 scoping report²¹ as a guide

iii) Carry out approximately 6 in-depth country case studies and 18 rapid assessments. Criteria for choice of case studies are in the method section of these TORs.

iii) Monitor and brief joint donor steering group on key processes, events and developments in preparation for Accra, amongst the DAC WP-EFF, the donor community and key civil society actors.

iv) Organise feed back of results in the case study countries, and a series of workshops to present the findings and recommendations to a diverse group of key stakeholders e.g. donors, civil society, WP-EFF, North and South.

Method and principles

16. Study principles and design:

- The PD principles and commitments and their relationship with the cross-cutting issues of gender, human rights and social exclusion, are the central focus of the study;
- Aid instruments (e.g. Poverty Reduction Budget Support, Sector Wide Approaches), modalities (e.g. gender and participatory budget / monitoring and evaluation initiatives, PRS

²¹ Ibid

processes) and management frameworks (e.g. Joint Assistance Strategies, Performance Assessment Frameworks, harmonisation groups, national planning cycles) and systems for dialogue and decision making (donor working groups etc.) should provide concrete examples of the PD commitments and issues;

- The case studies will focus on practical lessons and experience, particularly of emerging good practice, that could act as a guide for policy makers and practitioners (both aid effectiveness generalists as well as cross cutting specialists);
- The study design and implementation should adhere as far as possible to the spirit of the PD principles of i) broad-based country ownership (the issue could be of importance to either sector ministries, regional and local government, parliaments and assemblies, or civil society organisations), ii) alignment with research strategies of in-country actors (through consultation and possible direct participation with southern researchers), iii) harmonisation with other donor efforts on cross-cutting issues, iv) consultation with both government and civil society in country-specific design, open and transparent with study results, ensuring accessibility, enabling feedback to the range of in-country partners;
- The two levels of research are a) in-depth studies, using secondary data, individual and focus group interviews with stakeholders and where appropriate use of the relevant research in the area and b) rapid assessments using secondary data, telephone interviews as needed, as well as findings from other research and studies;
- Involve government and civil society in the preparation of individual case studies; work with southern researchers and/or research institutions, and in-country partners, as far as possible.

17. Suggested criteria for selection of case study countries and rapid assessment examples. These are to be chosen to provide a range of different country contexts:

- Regional spread across e.g. Asia, Africa, Middle East and South America
- Country capacity/ context (good performer, fragile and non-fragile, post conflict)
- Degree of dependency (HIPC/MICS/LICS)
- Mixture of budget support and non-budget support countries
- Presence of best practice examples and/or risks and opportunities (across the principles)
- Where implementation of the Paris principles is making a clear difference (for the better or otherwise)
- Relevant issue, owned by partner country governments (central and local) and/or civil society
- Preferably non duplication with Unifem country case studies²² but possible complementarity with some country case studies from the AE evaluation
- Countries where DFID offices are keen to engage and can provide a strong country case study e.g. Cambodia

18. Partnership and influencing strategy

- The project will be carried out in such a way so as to maximise opportunities for joint work among a range of partners, and to influence key stakeholders in the lead-up to the Accra

²² Unifem country case studies include Ghana, Ethiopia, Honduras, Cameroon, Ukraine, Kyrgyzstan, Papua New Guinea – possibly Nepal and DRC; AE evaluation include Bangladesh, Bolivia, Mali, Philippines, Senegal, South Africa, Sri Lanka, Uganda, Vietnam, and Zambia.

HLF.

- Briefing and dissemination may need to tailor different messages to different audiences, described in the partnership and influencing strategy.
- Briefing and dissemination of evidence will be carried out throughout the life of the project, in order to build awareness of and receptivity to project evidence and recommendations.
- The project will use a range of events and processes as opportunities for disseminating its findings, including international fora and Northern and Southern civil society networks, in the lead up to Ghana.

Reporting

19. The project will be led by the CLEAR and Equity and Rights teams in DFID with reporting to Katja Jobes (CLEAR team) and Clare Castillejo (Equity and Rights Team), who will chair a joint donor management group with Irish aid. The exact composition and roles will be determined at the time of awarding contracts. The consultants will submit quarterly progress reports.


Competencies

20. The team will have skills and experience in the following areas:





- Multidisciplinary team covering the technical areas of mainstreaming cross cutting approaches – gender, human rights, social exclusion *and* aid effectiveness; current knowledge and experience of both areas
- Policy aptitude and experience in multi-donor fora, and with policy engagement on cross cutting issues and aid effectiveness
- Understanding and experience of the Paris Agenda, the process and the OECD/DAC machinery for effective influencing
- Research/communication skills and experience, experience of managing different research sites, working in partnership with a range of government, civil society and southern research partners
- Qualitative and participatory research skills
- Wide geographic experience, with country coverage in the team across Asia, Africa, Middle East and Latin America

Department for International Development

Annex B Proposed Sector Presence of KJAS Partners

As the chart currently stands, the symbol of  for lead donor/chair also includes where donors have assessed that their agencies have comparative advantage in the sector, but have not yet specified if they are prepared to lead the sector. Therefore, the number of lead roles for some agencies may be artificially high on this chart, but will be reduced as agencies specify their leadership preferences. Additionally, some issues such as gender and environment are mainstreamed across an agency's entire program. Therefore no indication for presence in a cross-cutting sector does not mean no involvement.

Current List of Sector Groups	Lead Ministry	Agency																	Total proposed leads	Total lead/active in			
		ADB*	CANADA	DENMARK	EC	FRANCE	FINLAND	GERMANY	ITALY	JAPAN	NETHERLANDS	NORWAY	SPAIN	SWEDEN	UK	UN SYSTEM	US	WORLD BANK					
Agriculture & Rural Development	MoA, MoLFD																		5	9			
Democratic Governance	MoJCA, MoLG, MoF																elections, NCEP, civil society		4	12			
Education	MoEST									secondary education, TIVET										5	10		
Energy	MoE																rural electric				3	8	
Environment	MoENR, MoTW									forestry											4	10	
Gender	MoGSCSS																				1	7	
Health and HIV/Aids	MoH						HIV/AIDS				PPP										4	12	
Land	MoLH																				1	6	
Private Sector	MoTI						financial sector														3	9	
Development Public	MoF																			Proc'ment	4	10	
Financial Management	MoJCA, MoLG																				2	7	
Public Service Reform	MoJCA, MoLG																				2	7	
Roads and Transportation	MoRPW, MoT						roads															4	6
Social Protection							ECHO															3	7
Statistics and M&E										child protection	child protection						immigration	child protection				2	4
Urban, Local Government, Decentralization	MoLG,									slum upgrading												3	6
Water and Sanitation	MoW																					4	11
Total lead roles for each agency		5	2	2	5	3	0	4	2	3	0	0	1	3	6	9	3	4					
Total active roles for each agency		3	3	4	9	4	3	1	4	6	5	3	5	5	3	7	7	10					

 Lead Donor/Chair (See note above chart)  Active Donor  Silent Partner/Delegated Partnership  Phasing out

*ADB is a new partner and joined after the survey was completed. Data will be sought from them as they come on board.
[Source: KJAS, Annex 2]