

**EMPOWERING CIVIL SOCIETY FOR CHANGE:
TOWARDS HUMAN RIGHTS-CENTERED & TRANSFORMATIONAL GOVERNANCE IN KENYA**

**END OF PROJECT REPORT
(01 April 2016 – 30th September 2020)**

Project Summary: The current phase of Amkeni Wakenya 2015-2018 programme was designed to support the civil society sector in Kenya to effectively impact the society through promotion of democratic participation and human rights including access to justice through civic education and promoting citizen engagement at national and decentralized levels of governance.

Country: Kenya
Project Duration: 01st April 2016- 30th September 2020
Project Budget: USD 22,845,672
Annual workplan budget: USD 4,319,987

Donor	Cumulative Resources (USD)
Netherlands	USD 2,440,114
TOTAL	USD 2,440,114

Cumulative expenditure USD:

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Responsible Parties 2016: Centre for Human Rights and Civic Education (CHRCE); CSO Reference Group (CSRG); Diocese of Kitui; Diocese of Lodwar; Human Rights Agenda (HURIA), National Council of Churches of Kenya, Refugee Consortium of Kenya.

Responsible parties 2017: Centre for Human Rights and Civic Education (CHRCE); CSO Reference Group (CSRG); Diocese of Kitui; Diocese of Lodwar; Human Rights Agenda (HURIA), National Council of Churches of Kenya; Refugee Consortium of Kenya.

Responsible Parties 2018: Haki Yetu Organization; Human Rights Agenda (HURIA); Diocese of Kitui (DoK); Centre for Human Rights and Civic Education (CHRCE); Refugee Consortium of Kenya (RCK); Saku Accountability Forum; Marsabit Indigenous Organizations Network; African Gender and Media Trust; Kenya Union of the Blind; Institute of Participatory Development; KWETU Training Center. .

Responsible Parties 2019: Blind and Low Vision Network (BLINK), African Media and Gender Trust Initiative (GEM), Institute for Participatory Development (IPD), Kenya Union of the Blind (KUB), KWETU Training Centre, Marsabit Indigenous Organization's Network (MIO-NeT), Saku Accountability Forum (SAF), Turkana Bio-Aloe Organization (TUBAE).

Responsible Parties 2020: Kenya Union of the Blind (KUB); Nubian Rights Forum (NRF); Federation of Deaf Women Empowerment in Kenya (FEDWEN); Civil Society Reference Group (CSRG); Constitution and Reform Education Consortium (CRECO); Humanity Activism Knowledge and Integrity in Africa, HAKI Africa; Community Support for Development in Kisumu (CSD-Kisumu); Turkana Bio Aloe Association (TUBAE).

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Acronyms

Abbreviation	Meaning
ADR	Alternative Dispute Resolution
AfriCOG	African Centre for Open Governance
AWP	Annual Work Plan
EKN	Embassy of the Netherlands in Kenya
CIDP	County Integrated Development Plan
AWP	Annual Work Plan
C4D	Communications for Development
CHRCE	Centre for Enhancing Human Rights and Civic Education
CLE	Council of Legal Education
CMSDG	Civil Society & Media Donor Group
COVID-19	Coronavirus Disease of 2019
CPD	Country Programme Document
CRECO	Constitution and Reform Education Consortium
CSD Kisumu	Community Support for Development in Kisumu
CSFSP	County Fiscal Strategy Paper
CSOs	Civil Society Organization
GIG	Governance and Inclusive Growth
CSRG	Civil Society Reference Group
CUC	Court Users Committee
DP	Development Partners
DPO	Disabled People Organizations
DPP	Directorate of Public Prosecution
EACC	Ethics and Anti-Corruption Commission
EIF	Emerging Issues Fund
ETE	End Term Evaluation
FEDWEN	Federation of Deaf Women Empowerment
GIG	Governance and Inclusive Growth
GoK	Government of Kenya

HRBA	Human Rights Based Approach
HRD	Human Rights Defenders
IEBC	Independent Electoral and Boundaries Commission
HURIA	Human Rights Agenda
HYO	Haki Yetu Organization
ICNL	International Center for Not-for-Profit Law
IDLO	International Law Development Organization
IEBC	Independent Electoral and Boundaries Commission
IECRC	Information, Education and Communication Resource Center
IRCK	Inter- Religious Council of Kenya
KCDF	Kenya Community Development Foundation
KCO	Kenya Country Office
KHRC	Kenya Human Rights Commission
KICTANET	Kenya ICT Action Network
KIPPRA	Kenya Institute for Public Policy Research and Analysis
LOA	Letter of Agreement
LVGA	Low Value Grant Agreements
M&E	Monitoring and Evaluation
MENKEN	Men Engage Kenya
MoDP	Ministry of Devolution and Planning
MTEF	Medium-Term Expenditure Framework
NCCPDA	Nairobi City County Persons with Disability Act (2015)
NCPWD	National Council for Persons with Disabilities
NECC	National Environmental Complaints Committee
NGAAF	National Government Affirmative Action Fund
NGO	Non-Governmental Organization
NPS	National Police Service
NRF	Nubian Rights Forum
PADV Act	Protection Against Domestic Violence Act
PBO	Public Benefit Organization
PEN	Poverty Eradication Network

PHC	Primary Health Care
PMU	Project Management Unit
PRODOC	Project Document
PWDs	Persons with Disabilities
RCK	Refugee Consortium of Kenya
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SDGs	Strategic Development Goals
SID	Society for International Development
SOPs	Standard Operating Procedures
SRH	Sexual Reproductive Health
ToTs	Trainer of Trainers
TUBAE	Turkana Bio-Aloe Organization
UHC	Universal Health Care
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USD	United States Dollar

INTRODUCTION

This is the final report on the **Arrangement Based on a General Agreement** financing the **Activity number 28761** signed between Embassy of the Kingdom of Netherlands in Kenya (EKN) and United Nations Development Programme (UNDP) on 10th June, 2016 amounting to **USD 1,630,434** and subsequent amendments availing additional bridging funding of **USD 809,680** bringing total amount under this agreement to **USD 2,440,114**. This report presents the progress made by the Civil Society Democratic Governance Facility (Amkeni Wakenya) towards achieving the following five (5) outcomes:

1. Access to justice and realization of human rights.
2. A rights-responsive devolved system of governance entrenched.
3. Promoting an enabling environment for CSOs.
4. Capacity of civil society to respond to contemporary governance issues enhanced.
5. Effectiveness of Amkeni Wakenya to provide support to civil society organizations in democratic governance in Kenya enhanced.

Amkeni Wakenya was strategically linked to the **2014-2017** Country Programme Document (CPD) under Outcome 1.3 on Devolution and Accountability, more specifically to **CPD Output 1.2** (Kenya citizens and civil society meaningfully engage in democratic processes; and re-empowered to be politically and socially engaged, to demand responsible and accountable governance from elected leaders). In 2018 a new CPD for the period **2018-2022** was approved and Amkeni was linked to CPD Outcome 2 (By 2022, people in Kenya live in a secure, peaceful, inclusive and cohesive society) and under CPD Output 2.5: Rule of law, justice and legislative institutions have technical and financial capacities to deliver normative inclusive, accountable, equitable services).

During the reporting period, Amkeni Wakenya supported 21 CSOs to implement a human rights project in Kenya across eleven (11) targeted counties. Amkeni Wakenya supported six (6) CSOs under call 1¹ to implement project activities across three (3) counties²; six (6) CSOs under call 2³ to implement project activities across three (3) counties⁴ and; 9 CSOs⁵ under Emerging Issues Fund (EIF) modality to implement project activities across seven (7) counties⁶ in Kenya. Overall, **5,908,319** individuals were reached through human rights programming interventions, representing **43.1%** of the total population in the target counties compared to a target of **40%** in the Project Document (PRODOC). The attainment of this target in line with the agreement between EKN and UNDP demonstrates the agility, efficiency and effectiveness of Amkeni Wakenya as a basket fund, supported by the Country Office and its partners to implement human rights programmes in Kenya.

Amkeni Wakenya contributed to improved enabling environment for civil society, through building capacities of CSO grantees and supporting efforts to strengthen the regulatory environment for civil society. A key milestone was support to the CSO regulator in Kenya, the NGO Coordination Board, towards implementation of a strategy of reengaging with civil society. The strategy enabled the Board to reposition itself as a responsive regulator and establish the foundation of robust institutional development. To promote self-regulatory capacities and advocacy towards operationalization of the Public Benefits Organizations (PBO) Act (2013), Amkeni supported the Civil Society Reference Group (CSRG), a consortium of registered CSOs/NGOs in Kenya. Further, Amkeni supported 7 implementing partners⁷ through short-term grants issued under the emerging issues fund (EIF). These grantees received short-term grants to respond to strategic and emerging issues in Kenya in seven (7) counties. Through learning platforms, capacity building workshops and provision of advisory services, Amkeni continued to strengthen the capacities of the grantees to manage their respective interventions for greater efficiency, effectiveness, sustainability, and impact.

However, realization of the results was hampered by constrained regulatory environment of civil society, which undermined optimal civic space. Related to this, delays in development of policy frameworks and guidelines on public participation which undermined the ability of citizens and duty bearers to fully undertake their obligations. CSOs addressed this challenge though enhanced engagement with duty bearers in the policy development discourses. The outbreak of COVID -19 disrupted programming for both Amkeni and grantees due to imposition of travel restrictions and social distancing guidelines which slowed down project implementation. CSOs

¹ CHRCE; DoK; DoL; RCK; HYO; HURIA

² Kitui; Kwale; Turkana

³ SAF; MIONET; GEM; KUB; IPD; Kwetu.

⁴ Marsabit; Nairobi; Kilifi

⁵ CSRG; NCK; BLINK; TUBAE; CRECO; CSD Kisumu; FEDWEN; NRF; HAKI Africa.

⁶ Nairobi; Kisumu; Turkana; Machakos; Tana-River; Murang'a; Laikipia

⁷ CRECO; CSD-Kisumu; TUBAE; NRF; CSRG; FEDWEN; HAKI Africa.

repurposed 10% of the resources to address this challenge. Recurrent episodes of violent inter-ethnic conflicts, natural disasters and climate-change induced emergencies in the project areas continued to hamper implementation. CSO grantees participated in conflict resolution efforts to address this challenge. Enhancing capacities of CSO grantees in reflexive project planning and implementation is critical in areas prone to these risks.

This report provides a situational background, provides an assessment of high-level results (key outcomes), snapshot of financial performance and challenges encountered during the reporting period. The report concludes that largely, the key objectives of the project were realized and the lessons drawn herein will form a good basis for future programming.

1. SITUATIONAL BACKGROUND

This section analyses the key developments, events and factors that broadly impacted on the implementation of the project from 2016 to 2020.

Political context

The project was initiated in 2016, three years into the first term of the Jubilee Administration under H.E. President Uhuru Kenyatta and Deputy President H.E. William Ruto. Several themes characterized the political context within which the project was implemented within the period.

First, implementation of the Constitution of Kenya (CoK) 2010 was a dominant theme,⁸ given that the Amkeni project was designed to facilitate involvement of citizens in the design, adoption and implementation of the supreme law. The 5-year transition phase required to facilitate adoption of key legislations as required under the Fifth Schedule to the CoK 2010 ended in 2015. Considerable progress was realized in rolling-out legislation and establishing institutions to support implementation of the Constitution.⁹ However, certain aspects of the Constitution, particularly the Bill of Rights and respect for rule of law received minimal support from the political establishment. The suitability of the CoK 2010 came under scrutiny, with concerns raised over the perceived high cost of implementation¹⁰ as well as appropriateness of institutional design.¹¹ There followed a campaign to revise the Constitution, under the Building Bridges Initiative (BBI) that commenced in 2018 and culminated in production of a draft Bill to amend the constitution¹² in 2020. The need to support citizen engagement on constitutional implementation remains pertinent, not least because of the relatively low levels of awareness on the constitutional reform proposals.

Secondly, the project commenced in the midst of a clamour for electoral reforms, ahead of the 2017 elections. Even though elections in Kenya are part and parcel of the democratic process, they also present a trigger for conflict and large-scale human rights violations, as witnessed in 2007/8 post-elections crisis. Though peaceful, the 2017 elections triggered a crisis after the Supreme Court of Kenya (SCOK) nullified the presidential poll for failure to meet the test of simplicity, accuracy and verifiability. A repeat poll was held on 26 October that year and was marked by boycotts and violence in opposition strongholds. The protracted electioneering period adversely affected the Amkeni project, because CSO grantees could not implement activities on a timely manner in the disrupted environment. The post-elections tensions persisted until President Uhuru Kenyatta and Hon Raila Odinga came together in a reconciliation bid acknowledging the deep rooted causes of conflict and divisions that

⁸ See Infotrak & Africog, 'Africog citizen perception survey 2016' accessed at < https://africog.org/wp-content/uploads/2016/08/AFRICOG-INFOTRAK-CITIZENS-SURVEY_MEDIA-RELEASE-PART-2-ON-CONSTITUTION.pdf > on 27 March 2021 which revealed at the time that 81% of Kenyans perceived implementation of the Constitution as important to them

⁹ Kenya Law Reform Commission, 'Implementing the total constitution: towards a normative approach- A report on the status of constitutional implementation to the Kenya Law Reform Commission, August 2015' 17 accessed from < <https://www.klrc.go.ke/images/images/downloads/implementing-the-total-constitution-towards-a-normative-approach.pdf> > on 27 March 2021; The report indicates that the 10th parliament enacted 173 Bills, a third which related to implementation of the CoK 2010

¹⁰ Office of Auditor General, 'Report of the working group on the socio-economic audit of the Constitution of Kenya, 2010' September 2016 accessed from <<http://oagkenya.oagkenya.go.ke/index.php/reports>> on 28 March 2021

¹¹ Kenya Law Reform Commission, *Implementing the total constitution*

¹² Constitution of Kenya Amendment Bill, 25 November 2020

emerge perennially during elections and resolved to address the same through dialogue.¹³ Thus, the electoral reforms theme and the role of civil society in promotion of peaceful, fair and credible elections will remain relevant within the context of BBI-led constitutional reforms. The need to ensure respect for human rights during the next electoral cycle also remains a key priority for Amkeni, given the emerging tensions.

Thirdly, devolution continued to take root during the project period with a great sense of optimism from the citizenry,¹⁴ despite concerns over intergovernmental tensions, increasing cases of corruption and weak citizen participation in the key decision-making and governance processes.¹⁵ Tense intergovernmental relations had impacted adversely on revenue sharing and transfer of functions between the two levels of government, with adverse effects on service delivery.¹⁶ However in the period after 2017 elections, intergovernmental relations significantly improved largely due to the BBI rapprochement. Indeed, the BBI reforms prioritized strengthening of devolution as a key reform issue, and the resultant draft constitutional amendment bill contained proposals to increase revenue share of counties (from minimum of 15% to 35% of national revenue) and establishing institutional structures¹⁷. Most functions of devolved governments correlate with the basic rights (food, water, health, participation among others), Amkeni prioritized support for civil society engagement in the promotion of human rights-based approaches in the formulation and implementation of county laws and policies. Amkeni also prioritized promotion of participation rights, to enhance citizen voice in key county decision-making as well as agency in social accountability processes to address corruption.

Fourth, judicial reform processes that begun after the promulgation of the Constitution in 2010, continued with the launch in 2016 of a blueprint for the new phase themed “*Sustaining Judiciary Transformation*” by the incoming Chief Justice, Hon David Maraga. Operationalization of the Legal Aid Act 2016 begun with the setting- up of the National Legal Aid Service Board and the launch of its strategic plan. Despite these key developments, progress in judicial reforms was hampered by deteriorating relations between the Judiciary and the Executive, which invariably led to underfunding of courts, delays in appointment of court officials and persistent disregard of court decisions by officials in the Executive.¹⁸ As a consequence, the backlog of cases began to rise within the said period at a steady rate of 5% per year.¹⁹ There are concerns that the role of the judiciary in guaranteeing rights is at risk, due to a proposal in the Bill on establishing an office of the Ombudsman that could undermine the independence of courts.²⁰ During the period, Amkeni continued supporting civil society efforts in the promotion of access to justice through provision of legal aid and advocacy for adoption of enabling policies and laws.

Lastly, strengthening of human rights continued within the reporting period, as part of the constitutional implementation process. Kenya participated in the Universal Periodic Review process in 2018, with commendable civil society participation. The courts continued enforcing human rights and interpreting the Bill of Rights in a progressive manner thereby enhancing an environment for enjoyment of rights. However, the realization of rights

¹³ Accessible from <http://www.president.go.ke/2018/03/09/building-bridges-to-a-new-kenyan-nation/>

¹⁴ Infortrak & Africog, *Africog citizen perception survey 2016*; 51% of Kenyans polled identified devolution as the most important benefit derived from implementation of CoK 2010

¹⁵ Ibid 50% of Kenyans polled were not happy with public public participation processes in the Counties.

¹⁶ Intergovernmental Technical Relations Committee, *Emerging issues on transfer of functions to national and county governments* (IGTRC, 2017), 101-104

¹⁷ Constitution of Kenya Amendment Bill, 25 November 2020, s 50

¹⁸ The Judiciary, *State of the judiciary and the administration of justice annual report 2019/2020* (Judiciary, 2020)

¹⁹ Ibid, vi

²⁰ Ibid, s 44

for all remains a challenge. Extra-judicial killings and enforced disappearances were commonly reported particularly in informal settlements and poor neighborhoods.²¹ Access to basic rights for majority of poor Kenyans remains constrained, as 32% of the population lack access to adequate food; 37% lack access to improved drinking sources of water and; 35% lack access to improved sanitation and hygiene services.²² Inequality runs deep in the Kenyan society with the country's GINI Co-efficient and gender inequality index estimated at 40.8 and 0.545 respectively thus undermining the overall human development status of the country.²³

Despite clear constitutional guarantees, Kenyans still find it difficult to access justice, with only 15% of Kenyans reported to have sought and had their disputes resolved and only 27% aware of existence of legal aid mechanisms.²⁴ The formal justice system is still riddled with such barriers to access to justice as prohibitive costs, inadequate infrastructure and personnel and complicated procedures. Majority of Kenyans in marginal regions rely on traditional justice systems which are regarded as incongruent with modern conceptions of rights and justice. With the sustainable development goals agenda inextricably interlinked with realization of human rights, Kenya risks not attaining the SDGs agenda by 2030 unless the foregoing issues are effectively addressed. Amkeni's focus on promotion of human rights within the project period was informed by the imperative to address the above issues.

Socio- Economic context

In 2016, Kenya was designated as a lower middle-income country, following years of sustained economic growth.²⁵ The new status improved Kenya's credit rating and allowed the country access to credit from foreign markets with less restrictions. The implication was that receipt of foreign aid from developed countries continued to decline, as donor countries and international financial institutions changed their focus from aid to trade. Amkeni was affected by the aforesaid change of policy, and this was evidenced by the fact that the facility managed to raise \$11M from development partners, a third of what was fundraised during phase one of Amkeni (2008-2014). This in turn manifested in reduced funding for CSOs involved in promotion of human rights and democratic governance.

From 2016- 2019, the economy performed generally well with an estimate of average annual growth of 5.59%, With no significant internal and external shocks, the economic situation from 2016-2019 provided a stable economic environment in which Amkeni implemented its projects, with minimal changes to the cost of doing business. In 2020, COVID-19 spread globally with the first confirmed case in Kenya reported in March. The government swiftly introduced a series of sweeping measures including social distancing, travel restrictions and scaling-down of public services to combat the spread of this disease. This resulted in a major economic downturn,

²¹ Kenya National Commission on Human Rights, 'Third cycle UPR Report, July 17 2019' (KNCHR, 2019) 3 accessed from <<https://www.knchr.org/Portals/0/InternationalObligationsReports/KNCHR%203RD%20CYCLE%20UPR%20REPORT.pdf?ver=2019-07-22-084058-850>> on 10 May 2021

²² Kenya National Bureau of Statistics, *Basic Report- based on 2015/16 Kenya integrated household budget survey (KIHBS)*, (KNBS, March 2018).

²³ UNDP, *Human Development Index Report 2019*, (UNDP, New York, 2019) 310: when adjusted for inequality, Kenya's HDI index reduces to 0.462 thus downgrading to the low human development category; gender inequality is reflected in the fact that with few women than men able to access secondary education and participate in labor force.

²⁴ UNDP & InfoTrack, *Baseline Survey for Phase II of Amkeni Wakenya Program (2015-2018)*, (UNDP Kenya, 2017)

²⁵ See Republic of Kenya, *Economic Survey 2015*, (KNBS,2016) 16; the rebased national accounts revealed that the revised GDP of the country was 20-25% higher than previously estimated; per capita GDP was revised to above \$1,137 hence moving Kenya into the LMIC status (whose threshold is \$1,036)

with the economy estimated to grow at a maximum 1.4% in 2020.²⁶ This reflects a global trend and if the same persists, donor funding to developing countries is likely to decline, with drastic consequences for civil society funding.

The COVID-19 related public health restrictions though necessary, adversely affected business continuity among CSO grantees and forced many to scale- down activities due to social distancing guidelines. The government initially reduced provision of essential public services to the public, including justice sector services and this put rights related to access to basic services and justice at great risk. The Kenya National Commission on Human Rights reported human rights violations arising out of enforcement of containment measures wherein 10 people lost lives and 87 suffered degrading and inhuman treatment in the hands of law enforcement agents.²⁷ There was a notable increase in gender based violence and exposure of vulnerable girls and women.²⁸ Amkeni responded by seeking concurrence from the EKN to repurpose CSO grants towards COVID-19 responses that sought to integrate human rights based approaches and safeguard the vulnerable from attendant violations.

The year 2016 marked the beginning of implementation of the 2030 sustainable development goals (SDGs). The SDGs received publicity by government and development partners. In the United Nations system, UNDP is mandated to play an integrator role, with the SDGs as its compass and Amkeni is strategically positioned to support CSO engagement in translation of SDGs into their interventions. With the economic disruption occasioned by COVID -19 pandemic, which is likely to undermine progress made towards realization of SDGs since 2016, the mandate is ever more pressing to ensure that the interventions by CSOs are aligned with SDGs and are normatively and operationally geared towards the principle of leaving no one behind.

Civil Society Environment

The termination of the Kenyan cases at the International Criminal Court (ICC) in 2016 raised optimism that a new chapter would open in the hitherto tenuous state-civil society relations. Prosecution of the six Kenyans at the ICC had been blamed on the work of human rights organizations, which explained much of the antipathy that had been extended to civil society organizations by the Jubilee administration since 2013. Notably, the government declined to commence implementation of the Public Benefit Organizations (PBO) Act of 2013- which sought to replace the current Non-Governmental Organizations (NGO) Coordination Act of 1990. The PBO Act provides an opportunity for PBOs to self-regulate effectively; sets up an independent regulator and specifies requirements for the transparent and speedy registration of PBOs; and provides a framework for partnership between the government and PBOs. Efforts by CSOs to compel government to operationalize the PBO Act through court orders failed to materialize after government ignored the same. In 2016, pronouncement by the-then cabinet secretary for devolution, Hon Mwangi Kiunjuri of his intention to operationalize the PBO Act seemed to signify the end of a protracted struggle to have in place an enabling legal framework for CSO regulation.

²⁶ See AfDB, 'Kenya economic outlook' accessed from < <https://www.afdb.org/en/countries-east-africa-kenya/kenya-economic-outlook>> on 28 March 2021

²⁷ See: Kenya National Commission on Human Rights, 'Pain and pandemic: unmasking the state of human rights in Kenya in the containment of COVID-19 pandemic' (KNCHR, June 2020) <<https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1104/Pain-and-Pandemic-Unmasking-the-State-of-Human-Rights-in-Kenya-in-Containment-of-the-COVID-19-Pandemic>> accessed 28 August 2020.

²⁸ Ibid

However, the pronouncement was withdrawn and what followed were a series of negative regulatory actions and a deterioration of the regulatory environment between 2016-2018.²⁹ Policy oversight and control for the PBO sector was shifted from the Devolution ministry to the interior ministry, underlining the government's intention to securitize CSO regulation. Following the BBI initiative, the NGO Board saw leadership changes with the exit of Mr. Fazul Mohamed under whose leadership as the Executive Director, the relationship between CSOs and the NGO Board had deteriorated significantly having been characterized by mass deregistration threats issued to CSOs and suspension of not less than five CSOs over allegations of non-compliance.³⁰ The Government appointed Mr Gichira Kibara³¹ as the new Chairperson of the NGO Board in June 2018. The change in leadership offered an opportunity for improvement in the relationship between the CSOs and the regulator.

In 2019, the regulatory environment of civil society was characterized by improved relations between the NGO Coordination Board and civil society organizations. The Board organized several forums with support from Amkeni Wakenya as part of its reengagement strategy with civil society. The meetings attracted high participation from NGOs and both parties freely shared views and perspectives on pertinent issues relating to the sector. However, the government did not operationalize the PBO Act of 2013 as was widely expected and despite previous commitments from the Ministry of Interior.

In February 2020, during the Annual NGO Week, the Cabinet Secretary for Interior reiterated the government's commitment towards the operationalization of the Public Benefit Organizations (PBO) Act of 2013. This announcement sparked optimism, but soon the government's attention was diverted away by the ravaging COVID-19 pandemic. The Amkeni project nevertheless continued to support the institutional strengthening of the NGO Coordination Board with a view to ensuring greater responsiveness of the regulator to the needs of PBOs. In addition, the project supported a study on the imperatives of transition from the NGO Coordination Act to the PBO Act, as a way of promoting preparedness of the NGO sector. It was necessary to sustain CSO-led advocacy for operationalization of the PBO Act and monitoring of civic space, especially when government-initiated travel restrictions to combat the spread of COVID-19.

UNDP Internal Context

The change management process at the UNDP Kenya Country Office (KCO) was initiated in 2017 as a consequence of global reforms that sought to delink UN Resident Coordinator's Office from the UNDP as well as the unfavorable financial outlook of the organization. It became necessary therefore for UNDP-KCO to rationalize its internal structure in line with the constraints of the resource envelop and the new country strategy (2018-2022). As with other projects and programmes in the KCO, the change management process significantly affected Amkeni's operations and delivery, not least in the central oversight and assurance functions at the KCO. The change process ended in 2019, after recruitment of new staff and reorganization of the KCO structures and processes.

In 2017, UNDP signed a new funding (\$10.49million) agreement with the EU under the Programme for Legal Empowerment and Aid Delivery (PLEAD) in Kenya. Under PLEAD, Amkeni was mandated to provide technical and

²⁹ The NGO Board denied work permits to foreign aid workers and threatened to deregister NGOs, among them human rights organizations under rather arbitrary circumstances.

³⁰ The NGO Coordination Board, "Annual NGO Sector Report 2018/9" (2018, NGO Coordination Board) 21

³¹ Mr Gichira Kibara is a former Permanent Secretary in the former President Mwai Kibaki's administration and past chairperson of the National Council for NGOs.

financial support to CSOs for the promotion of legal aid and assistance to poor and vulnerable people in eleven (11) counties.³² PLEAD provided resources for expansion of the Amkeni project management unit (PMU) through the recruitment of a project manager, project specialist, grants associate and regional field officers. Two regional offices were established in Wajir and Mombasa and a third one earmarked for Kisumu.

COVID-19 pandemic occasioned disruptions to UNDP KCO operations following the shutdown of the UN Office in Nairobi (UNON) and commencement of teleworking arrangements. CSO grantees experienced similar disruptions, which slowed project implementation, forcing UNDP to seek a no-cost extension to the Amkeni project from the EKN up to September 2020. Eventually, UNDP adjusted to the new reality and ensured greater efficiency in teleworking arrangements, which allowed for virtual project monitoring and oversight. As part of UN global response to the pandemic, UNDP KCO initiated COVID-19 initiatives funded by the Governments of Japan and Norway, which focused on safeguarding human rights of the vulnerable including persons living with disabilities, women, and girls. Amkeni implemented the civil society engagement components of these interventions, within the framework of integrated programming at the KCO.

³² Kitui; Kwale; Turkana; Marsabit; Nairobi; Kilifi; Kisumu; Machakos; Tana-River; Murang'a; Laikipia.

2. CONTRIBUTION TO ACHIEVEMENT OF DEVELOPMENT RESULTS

2.1 Contribution towards long term results.

The support from the Embassy of the Netherlands in Kenya transcends two Country Programme Documents: CPD 2014-2017 and CPD 2018-2022 as summarized in the table below.

CPD-2014-2017; Outcome 1.3: Devolution and Accountability: By 2017, a participatory devolution process that is well understood by stakeholders adequately coordinated and equitably resourced for the delivery of acceptable and quality services; devolved institutions are legally, financially and technically empowered, well-managed, effective, accountable; resource management is transparent, equitable, effective and efficient at all levels. Amkeni Wakenya was directly linked to **CPD Output 1.2:** Kenya citizens and civil society meaningfully engage in democratic processes; and re-empowered to be politically and socially engaged and to demand responsible and accountable governance from elected leaders.

CPD-2018-2022; UNDAF Outcome: By 2022, people in Kenya live in a secure, peaceful, inclusive and cohesive society **CPD Output 2.5:** Rule of law, justice and legislative institutions have technical and financial capacities to deliver normative inclusive, accountable, equitable services.

These long-term results were to be pursued through five (5) outcome areas that were identified in the Amkeni Project Document (ProDoc) which provided the basic framework of engagement with the EKN. This section provides a summary of the major achievements during the implementation of the EKN-supported project.

Project Outcome 1: Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans

For Kenya citizens and CSOs to meaningfully engage in democratic process there is need to enhance civic engagement, which according to UNDP entails ensuring people's involvement in decision-making, eliciting their contributions to development interventions and enhancing their enjoyment of the shared benefits from the development process.³³ Thus, promotion of human rights and access to justice is critical to sustaining citizen civic engagement for positive development outcomes. During this period, the project promoted human rights and access to justice as well as citizen involvement in devolution processes in the eleven (11) target counties.

Overall, a total of **259,773 (116,213M; 143,560F)** beneficiaries were reached directly and an estimated **5,648,546** individuals reached indirectly, hence a total of **5,908,319** individuals reached with information and assistance to enable them claim their rights. The Project's reach represents **43.1%** of the total population in the target counties compared to a target of **40%** in the Project Document (PRODOC). This implies that Amkeni Wakenya fully achieved the target that was set in the agreement between EKN and UNDP thus proving the efficiency and effectiveness of Amkeni Wakenya as a basket fund. After sensitization of communities, the grantees established **31** platforms which included Haki Yetu Action Groups, social media platforms, tango talks in community structures, School Haki Clubs, collaborative legal aid framework for PWDs, CSO-County Assembly Networks, establishments of information, education and communication resource center for indigent citizens amongst

³³ Maria Zlavetareva, 'Promoting civic engagement in a post-totalitarian and EU accession context: a case from Bulgaria, (UNDP Oslo Governance Center, 2008) accessed from <https://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/oslo-governance-center/ogc-fellowship-papers/promoting-civic-engagement-in-a-post-totalitarian-a-case-from-bulgaria/PromotingCivicEngagement.pdf> on 28 March 2021

others. These platforms continue to strengthen to sustain human rights advocacy at the local level. These structures aimed at empowering the rights holders to claim entitlement and liberties from duty bearers equally require organized and sustained actions

According to the Amkeni Wakenya Baseline Survey (2017), approximately 95% of citizens in the target counties (Kitui-89%; Turkana-98%; Marsabit-67.9%; Nairobi-91.3%; Kisumu-67.9%; Tana-River-94.7%; Laikipia-65.7% and Kwale-99%) had no access to formal justice system. This is perhaps due to the vast geographical land area of counties, high poverty incidences, with limited court infrastructure and relatively low literacy levels. Initially, Amkeni was supposed to focus on the three counties of Kitui, Turkana and Kwale, but after EKN provided additional resources, the project extended outreach to 8 more counties, thus realizing a total of 11. In total, the grantees supported by Amkeni were able to provide legal aid and assistance to **65,874 persons (35,803 M; 30,071 F)** through provisions of legal aid and representation. 11 counties. This entailed organizing legal aid clinics; door-to-door legal aid campaigns by paralegals; assigning advocates to take up cases *pro bono*; attending to walk-in clients in the respective offices of the grantees and; referring serious cases to larger legal aid providers and other duty-bearers.

To sustain the continuous provision of legal aid and assistance beyond the life of the project, grantees under this project ensured the embedding of legal empowerment and assistance capacities with duty bearer institutions and communities. Principally, the grantees relied on the paralegal approach in providing legal awareness and assistance to communities. In total, **29 paralegals (16M; 13 F)** were identified and trained on legal issues before deployment to facilitate legal awareness sessions and provide legal aid during clinics and in door-to-door campaigns. A critical strength about this approach is that the trained paralegals will continue providing these services to their respective communities beyond the project, thus guaranteeing sustainability of results.

To promote sustainability of desirable actions aimed at improving the realization of human rights and access to justice, Amkeni sought to support engagement between CSO grantees and duty bearers at the national and county government levels, with a view to achieving policy, legislative and administrative changes. Thus, the project ensured integration of the human rights- based approaches (HRBA) into the County Integrated Development Plans (CIDPs)³⁴ in the initial three counties (Kitui, Kwale and Turkana) targeted under the project. In this regard, the capacity of **190 (100f; 90m)** county and CSO staff from Kitui, Kwale and Turkana on HRBA was enhanced. The trained CSO staff were able to advocate for adoption of rights-responsive policies to facilitate the implementation of the CIDPs. In Kwale County for instance, CSO grantees in Kwale succeeded in advocating for the County Government of Kwale to adopt a policy on creating affirmative action fund for marginalized groups, as part of CIDP implementation. In addition, the CSOs successfully advocated for the adoption of **20 legislative and policy instruments at county levels** on human rights with CSO participation and engagement. This was achieved through lobbying the respective county governments to either enact or review specific legislations and policies that impacted on provision of basic services and rights.

The project supported advocacy towards developed and/or operationalization of **four (4) legislations** at national levels on human rights with CSO participation and engagement. Amkeni PMU and grantees provided technical support in the drafting and popularization of the Preservation of Human Dignity and Economic, Social and Cultural

³⁴ Every 5 years, all counties in Kenya are expected to develop County Integrated Development Plan (CIDP) to guide planning, budgeting, implementation and evaluation of development programmes and projects in the respective counties.

Rights Bill³⁵ that sought to provide a framework for the integration, financing, monitoring and reporting on ECOSOC rights by national and county governments. Through the advocacy actions of a grantee, the Judiciary adopted regulations to operationalize the Protection Against Domestic Violence Act of 2015 with public participation. As a result of concerted civic action by a grantee, the Government of Kenya published public participation notices, asking for comments on the adoption of the HUDUMA Bill of 2019.³⁶ CSOs supported under the project advocated for adoption of rights-based approaches in development and operationalization of the various regulations under the Public Health Act, which sought to restrict travel, public gatherings and provide legal force to quarantine measures that had been imposed prior. Even though the GoK did not amend the regulations, it however opened-up the composition of the national COVID-19 response mechanism to include civil society, thus embracing one of the key demands made by CSOs.

Through systematic advocacy campaigns, CSO grantees succeeded in ensuring more effective and responsive enforcement of human rights by respective duty bearers in the 11 target Counties. Improved protection and enforcement of land rights registered more attentions by CSO grantees. In Kitui County for instance, the Center for Human Rights and Civic Education (CHRCE) pursued a sustained campaign against forced evictions ahead of the anticipated commencement of coal and cement mining. CHRCE secured commitment from the County Governor that no (especially female-headed) household shall be evicted or relocated without adequate compensation. In 2018/9, MIONET conducted community-level advocacy on registration of community land held by public utilities (school and health centers) under the Community Land Act. After engaging with local authorities, MIONET succeeded in initiating registration processes for 49 public schools and 17 health centers in Saku sub-county of Marsabit County. In Kilifi and Kwale Counties, grantees (Institute for Participatory Development and Haki Yetu Organization respectively) built capacity of land officials and local communities in alternative dispute resolution (ADR), laying the ground for peaceful resolution of longstanding land claims and the eventual adjudication and registration of disputed lands.

Improvement of health care and access to reproductive health rights were registered in at least four (4) counties³⁷ through advocacy actions of grantees under the project. In Marsabit county, SAF advocated for increased demand for and supply of maternal and reproductive health care services within Saku sub-County in 2018-2019. In Kisumu County, CSD successfully advocated for the enrolment of 60,000 women into the universal health coverage scheme operated by the Kisumu County Government in FYs 2019/2020 & 2020/21. FEDWEN working in Murang'a, and Laikipia Counties, successfully convinced county education officials to allow for provision of reproductive health education to deaf pupils in public schools in the two counties.

The project promoted rights of persons with disabilities and their access to basic services in Nairobi and Kwale Counties where both HURIA³⁸ and KUB³⁹ managed to secure free medical assessments for PWDs in Nairobi and

³⁵ Senate Bills No 27, Kenya Gazette Supplement No.116 accessed <parliament.go.ke/sites/default/files/2018-10/preservation%20of%20human%20dignity%20Bill%20combined.pdf> on 23 March 2021

³⁶ The Bill sought to establish the national Integrated Identity Management System (NIIMS) while consolidating and harmonizing existing registration regimes. There were concerns that if enacted in its original state, the Bill would disentitle minorities and marginalized groups from accessing registration under NIIMS due to lack of various identification documents (identity cards, birth certificates among others) owing to historical marginalization

³⁷ Marsabit, Kisumu, Murang'a and Laikipia Counties.

³⁸ Working in Kwale County

³⁹ Working in Nairobi County

Kwale Counties respectively, by the local health facilities and after intervention by local NCPWD officials. Without such assessments, PWDs cannot access basic services under preferential terms and preferences from government.

Project Outcome 2: A rights-responsive devolved system of governance entrenched

Progress towards achievement of this outcome was to be assessed against the number of target counties with functional citizenry engagement mechanisms and number of rights whose enforcement is attributed to engagement by Amkeni CSO partners. According to Amkeni Baseline Survey 2017, the three target counties had established variety of citizen engagement mechanisms. However, there was relatively high level of dissatisfaction with how county governments were facilitating public participation in county operations particularly in Kitui (60%) and Kwale (55%) even though Turkana registered a modest 21% dissatisfaction rate.

However, Amkeni project did not attract any funding from the EKN for this outcome area and therefore no interventions were carried out. For this reason, there is substantial results to report on this outcome area.

Project Outcome 3: Improved organizational performance, sustainability and enabling environment for CSOs in Kenya

Amkeni's support to CSO partners includes capacity development interventions aimed at enhancing the organizational, technical and institutional strengthening. Related to the same, Amkeni interventions are designed to promote a conducive and enabling environment for civil society to thrive and freely pursue their respective mandates. As a result, there is supposed to be improved knowledge, skills and competency among staff of CSO partners, enhanced organizations capabilities and sustainability as well as improve regulatory environment for CSOs. This is expected to manifest in improved capacity performance indices (CPI) and improved rating of Kenya's enabling environment for CSOs as measured by the Civicus Index, which currently ranks at 0.49 (below contemporary democracies in Africa such as South Africa, Ghana and Botswana).⁴⁰

Amkeni project contributed to sustained advocacy by CSOs towards the operationalization of the Public Benefits Authority (PBO) Act of 2013, which seeks to improve the enabling environment for CSOs. This was achieved through continued provision of financial and technical support to the Civil Society Reference Group (CSRG)⁴¹ and its membership towards pressing the GoK to operationalizing the Act. In this regard, the CSRG continued mobilizing support for PBO Act through organizing PBOs into county-based networks; organizing PBO leaders conferences as high-level political advocacy forums; drafting and submitting petitions to GoK through the county-based PBO networks; organizing policy dialogues with GoK and; developing various advocacy tools (e.g. simplified version of PBO Act, draft regulations elaborating the substantive provisions of the PBO Act 2013). The CSRG has

⁴⁰ See Civicus, 'The civicus 2013 enabling environment index' (Civicus, 2013) 26 available at <https://www.civicus.org/eei/downloads/Civicus_EEI%20REPORT%202013_WEB_FINAL.pdf> accessed on 01 May 2021; the Index measures governance, social and cultural factors that determine the enabling environment, using 53 indicators.

⁴¹ The CSRG is a national coalition of PBOs and individuals who came together in the late 2000s and began the process of conceptualization and advocacy for the enactment of the PBO Act. Amkeni Wakenya provided financial and technical assistance to the CSRG in its efforts to lobby for enactment of the PBO Act during the first phase of the project (2008-2014)

maintained a critical mass of support for sustained advocacy for the operationalization of the PBO Act. The interventions by CSRG and its vocal stance have likely forestalled deleterious revisions to the PBO Act.

Advocacy by CSRG has been complemented by diplomatic support for operationalization of PBO Act for foreign missions and development agencies (including UNDP) that rely on partnerships with civil society in undertaking development cooperation initiatives in Kenya. The UNDP Resident Representative together with other heads of missions for instance graced the PBO Leaders Conference held in 2017 and reiterated support for operationalization of the PBO Act. Amkeni actively participated in the Civil Society & Media Donor Group (CMSDG)⁴² which regularly carried out analysis on the regulatory environment and developed diplomatic and programmatic proposals on enhancing advocacy for operationalization of the PBO Act. Amkeni also provided technical support to CSRG and other PBOs during negotiations held in 2016 that forestalled deleterious changes to the PBO Act.

During the reporting period, the capacity of the Non-Governmental Organizations Coordination Board (NGO Board)⁴³ greatly improved particularly with regards to discharging its mandate in a responsive manner to the NGO sector. Since 2013, the NGO Board instituted adverse and severe regulatory measures against NGOs perceived to be critical of the government. The Board then supported failed attempts at amending the PBO Act (2013) which sought to introduce clauses that would have reduced civic space and undermined self-regulatory capacities of PBOs. Consequently, the Board lost the confidence of most CSOs and the support of development partners (including UNDP) whose financial contributions accounted for a significant portion of its development budget. Following leadership changes instituted in 2018, the NGO Board with support from Amkeni developed and implemented a *Re-engagement with CSOs strategy* which sought to win over the confidence of civil society and other stakeholders through public forums and exchange of information.

The NGO Board could not have effectively pursued the re-engagement strategy and fulfilment of its mandate without the support from this project, due to chronic weak budgetary position that had been aggravated by withdrawal of donor funding between 2014- 2017. It was clear that the Board could not fulfil its mandate of conducting research, promoting compliance and building capacities of PBOs, having operated for close to 5 years without a valid strategic plan and therefore with a limited vision of its strategic direction. In 2019, Amkeni provided financial and technical support in the development of a new strategic plan for the NGO Board (2020-2022) and thereafter organizational change management. To enhance business operations of the NGO Board in line with the new strategic plan, Amkeni Wakenya provided financial and technical support towards the development of an Enterprise and Resources Planning (ERP) system, to digitize, integrate and hasten management and business processes of the NGO Board.⁴⁴ To strengthen internal capacity of staff, Amkeni organized a Public Policy Analysis training workshop for NGO Board staff to ensure they are able to meet the Board's mandate to conduct regular research and analysis of trends on key issues affecting the NGO sector. Amkeni provided financial and technical support to the NGO Board towards analysis and compilation of relevant data on NGOs in Kenya, with participation

⁴² CMSDG brings together development partners supporting civil society and media interventions in Kenya. It is a sub-group of the democratic governance donor group. It is co-chaired by the Embassy of the Netherlands and the DFID

⁴³ The NGO Coordination Board is the preeminent regulator of CSOs in Kenya and is supposed to transition into the PBO Authority upon the operationalization of the PBO Act (2013).

⁴⁴ The system will not only support internal business process of the Board (e.g. human resources, financial management and procurement) but will also support service delivery mandate of the Board towards NGOs e.g. digitalizing NGO registration, reporting, compliance and capacity building services.

of civil society and other stakeholders. This endeavor culminated in the publication, printing and launch of the Annual NGO Sector Report of 2019.

Viewed together, the above interventions and results have served to improve the institutional and organizational capabilities of the NGO Board in a way that promotes its responsiveness to the needs and demands from the civil society sector that it regulates. After 2018, 5 NGOs that were previously deregistered were reinstated upon consideration of applications made to this effect.⁴⁵ Contrasted with 2014 when 510 NGOs faced de-registration and 2015 when 959 faced similar circumstances, a significant change is manifest.⁴⁶ In the same period 3,028 (or 34%) of the active 8,893 NGOs filed returns and therefore deemed compliant. This however should be a point of concern to the NGO Board and hence the reasons why NGOs are not complying ought to be interrogated and appropriate measures put in place to enhance compliance.

The PBO Act (2013) envisages the establishment of a PBO Federation as a voluntary self-regulatory body for registered PBOs. The Federation is required to establish County PBO Networks to promote local self-regulation at that level. Presently, the National Council of NGOs is supposed to be the self-regulatory forum for NGOs, but it has been fraught with perpetual wrangles and factionalism. During the reporting period, Amkeni supported the Civil Society Reference Group (CSRG) to promote self-regulatory efforts of PBOs. A total of 1,540 PBO leaders successfully undertook a course offered by CSRG on self-regulation, thus enhancing their capacity in this area. In addition, the CSRG developed and has shared 3500 brochures (simplified information on the PBO Act - 1500 in Swahili, 2500 in English) and 3000 copies of the voluntary service charter (draft code of conduct for PBOs)⁴⁷ as IEC materials on the PBO Act and self-regulation.

Amkeni project improved CSO partners' compliance with their contractual obligations (financial and programmatic reporting) to UNDP. Through provision of practical training, the CSOs were able to enhance their operational systems (on financial, project management, administrative and human resource management) as well as improve their financial sustainability such that at least 10% of their annual budget is raised from own-revenue.

Within the reporting period, Amkeni carried out capacity assessments for 21 CSO partners that had been recommended for award of grants under EKN funding. The assessments revealed strengths and areas of improvement in human resource policy environment, regulatory compliance (especially for organizations registered as NGOs), strategic management capacities, M&E capacities and competencies and sustainability of organizations. Before inception of implementation of the CSO projects, Amkeni organized an induction workshop for all the 21 CSO partners. In addition, Amkeni PMU organized training activities focused on monitoring and evaluation, financial management and Human Rights Based Approach (HRBA) and Communication and Knowledge Management. Because of these interventions, all CSOs completed their projects in accordance with their contractual obligations to UNDP.

With regards to promotion of organizational sustainability of CSO partners, Amkeni jointly hosted with Kenya Community Development Foundation (KCDF), a knowledge sharing session with 35 CSOs on uptake of tax

⁴⁵ The NGO Coordination Board, *Annual NGO Sector Report 2018/9*, NGO Coordination Board(, 2018) 21

⁴⁶ IRIN, 'NGOs in Kenya protest threatened deregistration of 959 organizations' 30 October 2015 accessed from <https://reliefweb.int/report/kenya/ngos-kenya-protest-threatened-deregistration-959-organisations> on 03/04/2020

⁴⁷ The draft code of conduct is adapted for organisations seeking registration under the PBO Act once operationalized.

incentives by CSOs in Sept 2016. In addition, Amkeni allowed the 21 CSOs grantees to earmark 5% of their budget for spending on sustainability initiatives. As a result, the grantees procured assets (ICT equipment, public address systems and furniture) which could be put into commercial use hence generating internal revenue for supporting sustainability of the respective organizations.

Project Outcome 4: Effectiveness of CSOs response to contemporary emerging issues enhanced

Kenya's governance context is quite dynamic, with new issues constantly emerging, which require reflexive civil society attention and intervention. However, the capacity of civil society to respond to these issues is hampered by resources constraints as well as limited analytical capacity of CSOs and development partners to anticipate and reflexively plan for these issues. Within the reporting period, however, Amkeni received limited support through EKN funding to undertake activities aimed at enhancing monitoring and evaluation as well as project visibility in order to provide analytical resources to support reflexive actions to the emerging governance issues. Progress under this outcome is measured against the number of emerging governance issues, which CSOs are facilitated to respond to through Amkeni support; and the % of key stakeholders perceiving civil society response to governance issues as effective.

During the reporting period Amkeni project strengthened its monitoring, evaluation and reporting systems with a view to enhancing capabilities for identifying, tracking and analyzing emerging governance issues which require urgent and reflexive CSO interventions. This was achieved through scheduling and undertaking joint monitoring visits (with EKN and other development partners) to target counties and undertaking routine quarterly visits to all the 21 CSO grantees respectively and assessing the progress towards implementation of project actions. In 2015, Amkeni Wakenya developed and deployed an online monitoring, evaluation and reporting system, which provides a platform to managing and archiving project reports from grantees. The M&E online reporting system offers staff a more efficient means of reporting and provides a platform to continue developing technological solutions to assist in the collection of relevant and timely information. To ensure effective and efficient utilization of the system by the grantees, Amkeni PMU organized 5 capacity building sessions targeting all grantees during which the 90 responsible officers received training on the use of Amkeni's online M&E system. In addition, the M&E specialist and field-based project officers continued providing remote support, troubleshooting and advising grantees on the use of the system.

The project enhanced knowledge sharing among Amkeni project stakeholders aimed at ensuring responsiveness of programming to emerging contexts and challenges within the operating environment. In this regard, Amkeni Wakenya held annual review meetings and quarterly learning forums with its all supported CSOs to assess the progress achieved, key challenges and lessons learned in the previous years; provided insights as well as building consensus on key recommendations for the next programming cycles. Additionally, the PMU facilitated policy discussions between grantees and duty bearers drawn from the administration of justice sector (Council for Legal Education, National Legal Aid Services, and the NGO Co-ordination Board).

In addition, the project achieved enhanced visibility of the project's intervention through production of IEC materials, media advocacy and use of social and online media. Amkeni Wakenya also designed and operationalized a microsite in 2019. The microsite provides project information and enables Amkeni to disseminate calls for proposals to prospective grantees. During the project period 1,780 interactions were reported on the Amkeni Wakenya website. The PMU designed and produced the annual reports for each respective year

during the project period. The annual reports documented lessons learnt but also provided visibility to the work of Amkeni. The project also produced assorted multimedia items (newsletters, project factsheets, newspaper adverts) which amplified visibility as well.

Project Outcome 5: Strengthened Capacity of Amkeni to support CSOs and stakeholders efficiently, effectively and sustainably

The ability of Amkeni to provide efficient, effective and coordinated support to CSOs is premised on a functional project management unit (PMU), decentralized field offices, effective project oversight structures and robust resource mobilization. During the project period, the staffing establishment of Amkeni expanded through the recruitment of six core staff recruited (Project Manager, Monitoring and Evaluation Specialist, Project Specialist, Capacity Building Officer, Programme Finance Associate, and Grants Associate). The pace of the recruitment was adversely affected by the change management process, but UNDP addressed the staffing gaps by drawing idle staff capacity from other projects on short-term basis. With increased staff size, Amkeni was able to accelerate delivery of the AWP and this eventually led to improvements in the pace of project implementation and budget delivery. Besides, UNDP recruited project officers for the three field offices (Wajir, Mombasa and Kisumu) with funding from the European Union. The project officers provided support to this project through monitoring and overseeing EKN-funded CSO grantees.

The new leadership of the KCO came on board and immediately instituted a new strategy under that mantra, "CO-RESET" for driving UNDP into the new dispensation.⁴⁸ A new team leader and two portfolio analysts joined the Governance and Inclusive Growth (GIG) Unit which provides oversight and assurance to the Amkeni Facility. Stability at the KCO and GIG contributed to efficiency in assurance and approval actions, contributing to overall acceleration of delivery and quality outcomes. Amkeni staff also benefited from the communications for development (C4D) training on promotion of access to justice, besides other mandatory courses⁴⁹ offered through UNDP's learning management system.

Amkeni has largely adhered to the UNDP corporate guidelines for project management, upheld current donor agreements and no major lapse in oversight was reported during the reporting period. This was achieved through revitalization and sustained engagement of the internal governance structures of the project. Amkeni's project oversight structures included the Strategic Reference Group (SRG) and Development Partners Group. The SRG comprised of CSOs representatives, elected by a meeting of Amkeni partners and stakeholders, to provide strategic advice to Amkeni and represent CSOs concerns in the decision-making processes. Due to changes in UNDP's corporate framework, the SRG was replaced by a Project Steering Committee with a strategic and oversight role.

During the period under review, UNDP issued new low value grant agreements (LVGA) policy guidelines which govern Amkeni's grantee selection processes. The PMU reviewed, internalized and began applying these guidelines to the selection of EKN-sponsored grantees. In 2019, UNDP- Kenya commissioned the review of standard operating procedures (SOPs) to streamline key business processes at the Country Office. The PMU

⁴⁸ The strategy focuses on full roll-out of the Country Development Programme, enhancing operational efficiency and improving staff capacity and welfare.

⁴⁹ These include Field Security Training, Ethics, Gender mainstreaming, UNDP Legal Framework, Fraud and Corruption Awareness and Prevention and Greening the Blue.

participated in the review and contributed to documentation of SOPs relating to grant selection and management. The SOPs have contributed to shared understanding of the selection procedures between the PMU and other approvers within UNDP Kenya. However, given gaps in the LVGA grant selection guidelines, there is need to revamp the SOPs to cater for all situations.⁵⁰

The Amkeni project ensured adequate resources for the Facility's work was generated in sustainable manner. In 2017, UNDP signed a 10.49million agreement with the EU Delegation for support to Amkeni Wakenya under the 5-year PLEAD programme. The new resources available by the EU meant that 50% of Amkeni's Programme document budget (2015-2022) had been realized. Amkeni PMU participated in the regular meetings of the Civil Society and Media Donor Group (CSMDG) which coordinates donor support for CSOs working in the democratic governance issues. The PMU was therefore able to keep track of resource mobilization opportunities within the sector. UNDP hosted a donor roundtable meeting with the high-level delegation from the Embassy of the Kingdom of the Netherlands (EKN) in 2019. The meeting explored the current partnership but also examined the prospects for continued support on human rights promotion and strengthening of civil society. The EKN reiterated their willingness to support Amkeni Wakenya beyond the current funding agreement which ended in September 2020.

⁵⁰ Some of the gaps noted relate to timelines for steps in grant selection processes; composition of selection committee; selection criteria etc

3. FINANCIAL PROGRESS

The Embassy of the Kingdom of the Netherlands (EKN) and UNDP signed the first financing Contribution agreement on 10th June 2016 for an initial USD 1,630,434 to support activities in Access to Justice and Human

rights. The cordial and long-term partnership between the EKN and UNDP continued to yield impactful changes in Kenyan communities which resulted to additional funding on 8th November 2017. The additional funding of USD 750,000 increased total funding to USD 2,380,434. The efforts by UNDP-Amkeni to promote harmonious engagement between the civil society sector regulator, the NGO Coordination Board and the Civil

Table1: Funding growth over 5 years since 2016 (USD)

FUNDING	YEAR				
	2016	2017	2018	2019	2020
1st Contribution Arrangement	1,630,434	-	-	-	-
2nd Contribution Arrangement	-	750,000	-	-	-
3rd Contribution Arrangement	-	-	-	59,680	-
Total	1,630,434	750,000	-	59,680	-
FUNDING GROWTH	1,630,434	2,380,434	2,380,434	2,440,114	2,440,114
%ge GROWTH IN FUNDING	-	46.0%	0.0%	3.7%	0.0%

Society organizations (CSOs) in Kenya resulted in yet another funding commitment by EKN which on 8th April 2019 resulted in signing of an additional USD 59,680 to support the process. Thus, the total support from EKN gradually

grew from an initial USD 1,630,434 in 2016 to USD 2,440,114 in 2019 representing a 49.7% growth in a span of four years. This tremendous growth in funding is an indication of trust that EKN has on UNDP's ability to implement impactful projects while upholding integrity, transparency and accountability of donor funds for the benefit of the Kenyan people. Cumulatively, the actual expenditure over the five years starting 1st April 2016 to 30th September 2020 amounted to USD 2,392,705. The year 2020 presented implementation challenges due to Covid-19 pandemic which necessitated UNDP to re-purpose resources of the project to support COVID-19 response interventions and encouraged grantees to

embrace use of ICT tools and innovative interventions which allowed for continuity of project implementation despite the various travel restrictions and social distancing guidelines. UNDP-Amkeni's project delivery

Table2: Cumulative Expenditure outlook Per Outcome

	#Actual Expenditure (USD)	#Delivery Rate (%)
Outcome1	885,320	37%
Outcome2	3,413	0%
Outcome3	325,102	14%
Outcome4	334,315	14%
Outcome5	667,320	27%
GMS	177,235	8%
Total	2,392,705	100%

Graph1: Cumulative Expenditure outlook Per Outcome

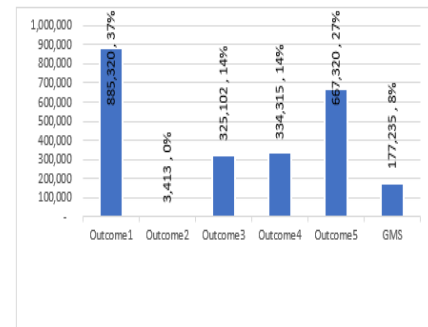
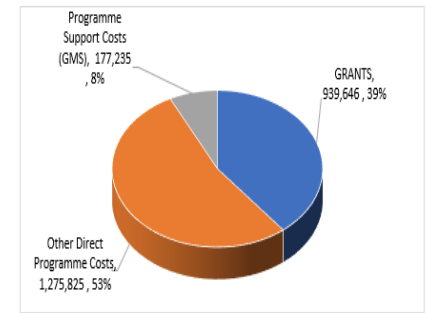


Table3: Cumulative Expenditure Outlook per Expense category

	Actual Expenditure (USD)	Percentage (%) of the Total Expenditure
GRANTS	939,646	39%
Other Direct Programme Costs	1,275,825	53%
Programme Support Costs (GMS)	177,235	8%
Total	2,392,705	100%

Graph2: Cumulative Expenditure Outlook per Expense category



methodology through grants remained key, which accounted for **39%** of the expenditure while other direct and indirect programme costs accounted for **53%** and **8%** respectively.

4. CHALLENGES AND LESSONS LEARNT

The following challenges affected realization of results in the reporting period:

- **Lack of political will towards implementation of the PBO Act** continues to undermine creation of a conducive operating environment for CSOs. This had been exacerbated by the long-drawn-out controversy over the leadership of the NGO Coordination Board, which has created uncertainty over the ability of the Board to preside over creation of an enabling environment for CSOs. The outbreak of COVID-19 pandemic has temporarily shifted GoK's attention away from operationalization of the PBO Act. However, sustained advocacy is necessary to prevent negative regulatory actions being meted out against human rights NGOs.
- **Misalignment of incentives/expectations from county officials:** Mobilizing county duty bearers (e.g. high-ranking county executive officials and county assembly members) to take part in project activities (training workshops, advocacy events among others) was impeded by demands of hefty travel allowance from the project. The demands fall outside the scope of the project's support hence could not be met. For this reason, CSO activities targeting high ranking duty bearers reported low turnout and this undermined the efficacy of engagement initiatives.
- **COVID -19 pandemic-related disruptions due to travel restrictions and social distancing guidelines:** The pandemic temporarily stalled project activities but also slowed down project delivery following reorganization of project interventions to ensure business continuity. The capacity of Amkeni to monitor and oversee projects was temporarily forestalled due to imposition of travel restrictions. Amkeni responded to this challenge by promoting virtual approaches to project implementation and monitoring. Amkeni supported business continuity among partners by procuring zoom licenses for 8 grantees and this enabled the beneficiaries to organize virtual meetings and undertake project activities through online platforms.
- **Delays in development of policy frameworks and guidelines on public participation:** The GoK is yet to adopt national standards for guiding public participation processes. As a result, majority of the target counties lack frameworks for guiding public participation, citing the absence of national guidelines. This delay undermined the ability of citizens and duty bearers to fully undertake their obligations.
- **Recurrent violent inter-ethnic conflicts, natural disasters and climate-change shocks:** The various shocks related to violent conflict, natural disasters and climate change effects in the project areas hampered effective and timely implementation. Marsabit for instance experiences intermittent ethnic conflicts which made access to project sites difficult. In parts of Kitui, Turkana and Kilifi counties, climate induced droughts forced target beneficiaries to prioritize their survival, rather than participation in project activities. This caused disruption of activities in the affected project sites hence undermining delivery. CSO grantees participated in conflict resolution efforts to address this challenge. Enhancing capacities of CSO grantees in reflexive project planning and implementation is critical in areas prone to these risks.
- **Weak regulatory compliance among CSOs:** Most grantees delayed in submitting statutory compliance documents to UNDP to facilitate creation of vendor accounts and hence delaying the disbursement of funds to their respective bank accounts. This is linked to failure by grantees to comply with basic regulatory requirements (e.g. registration of change of name; notification to authorities on change of officials and bank accounts; filing tax returns and obtaining tax compliance certificates). There is need to promote awareness on compliance and strengthening the NGO Board's capacity in promoting CSO accountability and compliance among registered NGOs.

- **Weak CSO network governance and capacities:** Weaknesses in institutional frameworks and capacities often resulted in conflicts and wrangles especially for CSOs who had received EKN funding and working as consortia on particular projects. The PMU actively mediated some conflicts, but it became clear that self-regulation among coalitions is undermined by unwillingness of coalition members to settle disputes amicably and weak legal framework governing operations of coalitions in Kenya. There is need for the NGO Coordination Board to provide a clear regulatory framework governing registration and operations of coalition arrangements in Kenya.

Arising from the challenges and experiences gained during implementation of the project, the following were notable lessons learnt during the reporting period.

- i. **Securing goodwill of local administrators contributes to success of projects in counties:** The government's administrative infrastructure at national and county levels can be leveraged to support project mobilization activities hence reducing project costs. In the target counties, CSOs (particularly in Turkana, Kitui and Kwale) that forged collaborative relations with government structures enjoyed this advantage. The PMU should develop thorough risk assessments in collaboration with its partners and put in place a risk mitigation plans that are regularly monitored and updated.
- ii. **Partnership with duty bearers in human rights and access to justice interventions is key to sustainability:** CSOs that were able to establish viable partnerships with duty bearers are optimistic that the interventions are likely to continue beyond the life of current programming. In Kilifi, county education officials plan to expand the uptake of Haki Clubs to all schools as a strategy for combating early pregnancies and marriages in the county.
- iii. **Rights-based approaches to provision of legal aid and assistance** is critical in addressing the root causes of various barriers to realization of rights. Some CSO grantees have identified policy and legislative barriers to realization of rights and implemented strategies towards alleviating the same.
- iv. **Progressive leadership in NGO Board** and other regulatory bodies can be harnessed, despite weaknesses in the CSO regulatory framework, to advance the enabling environment for CSOs. The accession to office by progressive leaders in the NGO Board contributed to a conducive regulatory environment, despite delays in operationalization of the PBO Act. It is therefore necessary for CSOs to pay attention to the process of appointment of NGO Board officials with a view to ensuring progressive leaders step forward for nomination and selection.
- v. **Without effective policy and legislative frameworks on public participation, CSO efforts to mobilize for participation will remain inadequate.** Yet, public participation is critical in promoting human rights-based approaches to development as it affords the vulnerable and marginalized an opportunity to voice their concerns in decision-making processes. CSOs therefore need to marshal for political support from county governors and Assemblies towards enactment of these vital frameworks.
- vi. **The adoption of virtual engagement platforms ensured a larger reach of the beneficiaries during the COVID-19 period.** These platforms included the use of webinars, social media, and community radio stations. This approach ensured that the community members received messages on COVID-19 prevention, SGBV preventions, and referral pathways for the survivors during the restriction of movement period in the targeted counties.
- vii. **Whilst emerging virtual innovations are local responses to short-term impacts of COVID-19 pandemic,** they have long term impacts that build resilient communities within the shifting space of response to

access to justice. Looking ahead, there is an opportunity for collaboration, learning, and scaling up including re-evaluating the relevance of access to justice in a crisis. This is because, with COVID-19 crisis turning lives upside-down, most poor, vulnerable, PWD communities prioritized basic needs, food supplements, jobs and day to day survival.

- viii. **Integrated programming and complementarity with the Programme for Legal Aid and Delivery (PLEAD) in Kenya and UNDP Kenya Country Office played a great role in the project progress.** The partnerships have greatly impacted positively on the progress of Amkeni project towards addressing and advocating for enhanced access to justice as well as addressing Integrity and political accountability through innovative anti-corruption initiatives.
- ix. **The use of remote based monitoring tools enhanced and increased efficiency of monitoring activities during the surge of Covid-19.** To ensure that the Covid-19 restrictions did not hinder M&E activities, the Amkeni M&E data collection tool (Form D) was digitized and uploaded to the ODK Platform and is being hosted by UNDP Servers. The digitized form allows for collection of activity level data from any part of the country (for as long as mobile phone signal is available) and makes it possible for real time analysis and aggregation of results. Amkeni also upgraded the online reporting system with an aim of increasing its efficiency in consolidating grantee reports in a paperless manner.
- x. **Existence of different types of disabilities require different interventions.** There is need to forge partnerships with other networks while implementing interventions aimed at People Living with Disabilities. Additionally, there is need to involve more community members, leaders and caregivers of PWDs in project activities that target to improve community's attitude towards PWDs. This is because, it was evident that community members are the main perpetrators of human rights violations from the cases documented.

ANNEX 1

Cumulative Progress Financial Report

Project Title: Amkeni Wakenya-II (Civil Society Democratic Governance Facility)- **ACTIVITY No. # 28761**

Reporting Period: April 1, 2016 to September 30, 2020

Project Number: 00093740

TO: Embassy of the Kingdom of the Netherlands

Reporting Currency: United States Dollars



CONTRIBUTIONS:	2016	2017	2018	2019	30th Sep 2020	Total
Opening Balance	-	77,467	711,819	902,709	509,505	
Contribution made in Year	652,174	989,130	530,000	268,810		2,440,114
Transfer to/from other Funds in the Year						-
Refund to Donors						-
Other Revenue						-
Total Contributions (Funds Received)	652,174	1,066,597	1,241,819	1,171,519	509,505	2,440,114
EXPENDITURE:						
DIRECT PROGRAMME COSTS						
OUTCOME ₁ (Improved respect, enjoyment and promotion of access to justice, human rights and freedoms for Kenyans)	205,911	39,112	130,737	353,492	156,069	885,320
OUTCOME ₂ (Devolution)	2,150	1,263	-	-	-	3,413
OUTCOME ₃ (organizational performance, sustainability and enabling environment for CSOs)	871	20,618	18,701	84,140	200,773	325,102
OUTCOME ₄ Effectiveness of CSOs response to Contemporary emerging issues enhanced)	124,910	63,410	73,955	26,988	45,052	334,315
OUTCOME ₅ (Effectiveness of Amkeni Wakenya to provide support to civil society organizations in the Democratic Governance in Kenya enhanced)	198,273	204,087	90,609	148,408	25,942	667,320
Total Direct Programme costs	532,115	328,490	314,002	613,028	427,835	2,215,471
INDIRECT PROGRAMME COSTS						
GMS	42,592	26,289	25,108	48,986	34,261	177,235
Total Indirect Programme costs	42,592	26,289	25,108	48,986	34,261	177,235
TOTAL EXPENDITURE (Direct + Indirect Programme Costs)	574,707	354,778	339,110	662,014	462,096	2,392,705
LEGAL COMMITMENTS						
Legal Commitments	74,231	58,548	33,142	47,280	27,402	27,402
Total Legal Commitments	74,231	58,548	33,142	47,280	27,402	27,402
ASSETS						
Undepreciated Assets	-	45,938	35,170	27,022	19,702	19,702
Total Assets	-	45,938	35,170	27,022	19,702	19,702
Total Expenditure, Legal Commitments, Undepreciated Assets & NEX Advances	648,938	459,264	407,423	736,316	509,201	2,439,810
LESS: RECEIVABLE	-	20	-	-	-	-
NET BALANCES AS AT 30 September 2020	3,236	607,313	834,396	435,203	304	304

Notes:

1.Funds received converted to USD at prevailing exchange rate on date of transfer.

2.Contribution amounts are inclusive of General Management Support Costs (GMS)

3. Disclaimer: All financial information provided for nine months ending 30th September 2020 is an extract of UNDP financial records and is provisional until a Certified Financial Statement has been issued by the UNDP Comptroller's Office for the year ending 31st December 2020. The certified Financial Statements for the year ended 31st December 2020 will be available on 1st July 2021

5. Annex 2: Amkeni Wakenya EKN supported IPs 2016-2020

Annex 2

Implementing Partners supported by Amkeni Wakenya through Embassy of Netherlands donor funding. They are grouped according to the year of project Implementation and the relevant Calls for Proposals (CfPs).

Year	Type of Call	IPs supported by Amkeni		County of Operation
		IP Abbreviation	IP Full Name	
2016	Call 1	CHRCE	Centre for Human Rights and Civic Education	Kitui
		DoK	Diocese of Kitui	Kitui
		DoL	Diocese of Lodwar	Turkana
		HURIA	Human Rights Agenda	Kwale
		RCK	Refugee Consortium of Kenya	Turkana
		HYO	Haki Yetu Organization	Kwale
	EIF Modality	CSRG	CSO Reference Group	Nation Wide
		NCKK	National Council of Churches Kenya	Nation Wide
2017	Call 1	RCK	Refugee Consortium of Kenya	Turkana
		DoK	Diocese of Kitui	Kitui
		CHRCE	Centre for Human Rights and Civic Education	Kitui
		DoL	Diocese of Lodwar	Turkana
		HURIA	Human Rights Agenda	Kwale
		HYO	Haki Yetu Organization	Kwale
	EIF Modality	CSRG	CSO Reference Group	Nation Wide
		NCKK	National Council of Churches Kenya	Nation Wide
2018	Call 1	HYO	Haki Yetu Organization	Kwale
		HURIA	Human Rights Agenda	Kwale
		DoK	Diocese of Kitui	Kitui

Year	Type of Call	IPs supported by Amkeni		County of Operation
		IP Abbreviation	IP Full Name	
		CHRCE	Centre for Human Rights and Civic Education	Kitui
		RCK	Refugee Consortium of Kenya	Turkana
2019	Call 2	SAF	Saku Accountability Forum	Marsabit
		MIONet	Marsabit Indigenous Organizations Network	Marsabit
		GEM	African Gender and Media Trust	Nairobi
		KUB	Kenya Union of the Blind	Nairobi
		IPD	Institute of Participatory Development	Kilifi
		KTC	KWETU Training Center	Kilifi
	EIF Modality	BLINK	Blind and Low Vision Network	Machakos
		TUBAE	Turkana Bio-Aloe Organization	Turkana
2020	Call 2	KUB	Kenya Union of the Blind	Nairobi
	EIF Modality	CRECO	Constitution and Reform Education Consortium	Nation Wide
		CSD Kisumu	Community Support for Development in Kisumu	Kisumu
		CSRG	Civil Society Reference Group	Nation Wide
		FEDWEN	Federation of Deaf Women Empowerment Forum	Murang'a & Laikipia
		NRF	Nubian Rights Forum	Nairobi
		TUBAE	Turkana Bio-Aloe Organization	Turkana
		HAKI Africa	Humanity Activism Knowledge and Integrity in Africa	Tana-River