

United Nations Development Programme
Country: Kenya
Project Number - 00061019



Project Document

Project Title	KEN 08/201 -Civil Society Democratic Governance Facility
UNDAF Outcome:	Democratic governance that fosters inclusion, accountability, transparency and social justice in the public and private sectors and civil society at all levels.”
Expected CP Outcome:	Gender equality, empowerment of women and realization of human rights enhanced
Expected Output:	Capacities of non-state actors (NSAs) and coordination strengthened to enable effective delivery of their mandates
Executing Entity	UNDP

Brief Description

This project seeks to set up a Facility to support Civil Society activities in democratic governance. The long-term **outcomes** of the project are to enable citizens to benefit from a more accountable, just, transparent and democratic society and to support civic engagement which empowers all people to influence public policies. The project will support activities to strengthen participatory democracy, social justice, the rule of law and protection of human rights and facilitate citizens’ active engagement in development processes. Specific **outputs** include i)operational mechanisms for channelling support to civil society in the area of democratic governance established, ii)civil society engagement in national development objective reform areas and or other priority areas in the democratic governance field strengthened, iii)coordination of donor support enhanced, iv)principles of organizational good governance practices adopted and implemented by participating organizations, v)public debate and civic awareness on result areas increased, leading to a more informed and participative citizenry, including in rural and remote areas, vi) Structured dialogue between donors and civil society enhanced.

Programme period: 2008-2011	Total resources required	\$13,000,000
Key result Area 2.1 : Support national partners to implement democratic governance practices grounded in human rights ,gender equality and anti-corruption	Total allocated resources	\$13,000,000
Atlas Award ID 00049785	UNDP	\$400 000
Start Date June 2008	Other:	
End Date July 2011	Royal Netherlands Embassy	\$6 000 000
LPAC meeting date 16 April 2008	SIDA :	\$6 600 000
Management arrangements DEX	Unfunded Budget	nil
	In-kind contributions	-----

Amb. Amina C. Mohamed, PS, MOJNCCA *REFER TO LETTER* Date: *10 DECEMBER '08*

Mr. Joseph Kinyua, PS, Ministry of Finance *REFER TO LETTER* Date: *3 DECEMBER '08*

Mr. Aeneas C. Chuma, RR, UNDP Kenya.....Date: *16/12/08*

NSA ME

I SITUATION ANALYSIS

The political pillar of the Government of Kenya's (GoK) vision 2030 seeks to build "an issue-based people centered result oriented and accountable democratic political system". The government of Kenya's flagship programme on governance, the Governance, Justice, Law and Order Sector (GJLOS) complements the achievement of this objective, through focus on improved *governance, justice, law and order*, as elaborated in the GJLOS midterm strategy. However, a key challenge recognized under the GJLOS programme is the effective representation and participation of Non State Actors in this central reform programme.

Kenya has witnessed growth of vibrant and strong civil society organisations working on governance issues. They cover a wide range of areas related to governance and their coverage reaches even the remote parts of the country. Civil society organisations have achieved the capacity of gaining the attention of the government and compel it to hear its voice on various issues. However, civil society still needs to deepen its influence to a stage where it drives the identification of needs, sets policy objectives and monitors those policies for shaping the policy agenda while adequately relaying feedback and information to the constituencies that they represent. UNDP as a development partner has an important role to play in ensuring that policy voices and choices are made available to decision-makers guided by its policy of engagement with the Civil Society. Central to this function is guaranteeing that the perspectives of CSOs and other non state actors are provided the space for expression. In turn, civic engagement in policy processes and choices ensures their eventual sustainability.

Kenya has suffered serious social, political and economic devastation as a result of the electoral violence triggered by the announcement by the Electoral Commission of Kenya on the 30th December, 2007 that the incumbent President Mwai Kibaki had won a closely contested Presidential election. The violence that erupted saw over 1000 people lose their lives with hundreds of thousands of others displaced. There is however general agreement the Presidential elections announcement simply ignited a situation that has been simmering for a long time. Although the disputed results of the presidential election provided the 'trigger' for the recent violence, a number of long-standing issues with historical roots constitute the underlying causes of the prevailing social tensions, instability and cycle of violence in the country. At the root of these include inefficient and dysfunctional institutions of governance and ineffective and outdated laws and policies.

Although widespread political violence ended with the signing of the Peace Accord creating a Grand Coalition Government, the need for a strong, well funded, vibrant and independent Civil society to act as watch dog for the Government to forestall any further violations of the rights of individuals is even more necessary. Civil society further needs to be enabled to respond to the pressing community needs for human rights protection through provision of services while at the same time, strengthening capacity of individuals at the community level to deal with emergent rights violations as well as to continue holding the government accountable for the realization of the rights of individuals.

A major constraint to increasing civil society capacity to sustain work on democratic governance is lack of access to sustainable sources of funding. Many civil society organisations struggle to

mobilise resources. Only a few are well funded. Newer organisations and those based outside of the capital city often struggle to access donor funding and spend large amounts of time and resources in this pursuit.

Donors and other stakeholders in the Kenyan governance sector recognise the need to reinforce the advocacy, watchdog and counter-balancing roles of civil society and the private sector in relation to the deepening of democracy and governance reforms in Kenya. Development partners have recently moved towards increased coordination of their support to Kenyan non state actors in the governance arena. However the support has tended to be around specific and often narrowly defined programmes, which have led to a proliferation of baskets – each with high transaction costs and the establishment of several separate and un-coordinated Programme Management Units (PMUs). This has limited the contribution to achievement of national objectives as expressed in development blueprints such as the ERS and now the Vision 2030. Additionally this support has not particularly aligned to broader strategic harmonization principles on aid effectiveness outlined in the Paris and Rome declarations.

The demand for a Civil Society Democratic Governance Facility (hereinafter referred to as the “Facility”) has been confirmed through various discussions with CSOs themselves and with the development fraternity. Such a Facility will be supported by a number of development partners. High levels of mistrust and tension between government and civil society have precluded a more integrated Facility, such as the intended GJLOS NSA Support Facility, which was derailed when civil society withdrew their support over apparent fears of being under ‘government control’.

II STRATEGY

The aim of this project is to set up a Civil Society Democratic Governance Facility which will provide mechanisms for channeling support to civil society in the areas of democratic governance and key reforms. The Facility will support civil society to strengthen and fulfill their role in deepening democracy and achieving inclusive, citizen-led development in an accountable, coherent, results-oriented and responsive manner. This would enable citizens to benefit politically, socially and economically from a more accountable, just, transparent and democratic society that upholds the respect for human rights and freedoms.

The project is in line with the Focus Area 2 of the UNDP Strategic Plan 2008-2011, on Democratic Governance, key result area 2.1, seeking to foster inclusive participation by empowering the poor, women, youth, indigenous people, and other marginalized groups through expanding the core channels of civic engagement at the national regional and local levels

The establishment of the Facility will provide support to CSOs’ work in Kenya .This will result in deepening the impact of their interventions at national, regional and local levels. The Facility will foster monitoring and evaluation of results and enable wider participation of CSOs at all levels.

Project Objectives

Overall objectives

- To enable citizens to benefit politically, socially and economically from a more accountable, just, transparent and democratic society that upholds the respect for human rights and fundamental freedoms.

- To support civic engagement, which empowers all people to influence public policies, through their civil society organisations at all levels.

Specific objectives

- (i) Strengthen participatory democracy, social justice, the rule of law and protection of human rights,
- (ii) Increase organisations' internal good governance practices (against established benchmarks and as part of the capacity strengthening)
- (iii) Promote and facilitate citizens' active engagement in development processes and their capacity to take action
- (iv) Transmit citizens' concerns and ideas to local governance institutions and elected parliamentarians, appropriate parliamentary committees, committee staff and reform institutions, and
- (v) Enhance two-way communication flows between rural and remote areas/actors and national development processes.

Project scope

The Facility is entirely independent from any government-led reform programme. Initially it will focus on the 5 priority reform areas of the GJLOS programme namely;

- Governance reforms
- Human rights reforms
- Justice reforms
- Law and order reforms
- Reform oriented capacity building

Funding methods

The Facility will operate mainly as a challenge fund based on successive Calls for Proposals. The Calls will reflect different key result areas of the GJLOS programme and other areas as maybe advised by its stakeholders. In order to strengthen civil society response to the post election crisis the first call for proposals will focus on the post election crisis. The facility will operate the following funding windows:

i) Core funding

Grant making will mainly be in the form of long term core and programme funding to strengthen organizations. Funding will be for a period of up to three years. To be eligible for support, all applying organisations need to demonstrate *experience* in the focus area of the proposal and demonstrate capacity to manage core funds.

ii) Project Funding

To enable reach to organizations operating at grassroots level and other smaller CSOs, the Facility will have a window for project funding which will give smaller grants. Organizations applying under this window will be offered technical support to prepare their proposals where found necessary.

iii) Innovations Fund

A third window will support innovations. These will be run on an annual awards basis with a specific call for innovations. The innovations awards are meant to encourage new ways of

delivering democratic governance programmes as well as encourage new organisations to come up.

iv) Emerging issues fund

The Facility will operate a fourth responsive grant window to enable civil society to respond rapidly to emerging issues that may not have been reasonably expected at the time of the calls for proposals. This part of the Facility will be ongoing and special calls for proposals will be made as and when needed. The recent post election crisis makes the need for such a responsive window more evident. For 2008 the Facility will focus on supporting civil society's contribution to the national dialogue and reconciliation process. In particular it will support civil society input into the various commissions that have been set up as well as community based peace building initiatives.

Other functions

v) Capacity development

A major feature of the Facility will be capacity development. Ten percent of each donor's contribution will go towards capacity building. CSOs selected for funding will undergo a capacity assessment. The findings of the capacity assessment will determine the support provided to the organisations either before disbursement of funds should this be necessary or after the disbursement. Capacity strengthening for CSOs will also include aligning internal systems and development of planning and monitoring tools for technical and financial management. Furthermore, capacity building will include support to organisations' internal review and/or development of organisational strategic plans, tailored coaching in relation to adopting a rights-based framework and skills in relation to networking, coalition-building and information sharing, especially for rural constituents. Capacity building initiatives will also include work on establishing minimum standards for good organisational governance practices in participating organisations.

vi) Learning platforms

The Facility will provide platforms of engagement and learning that is directly targeted to national development priorities. Regular learning platforms for key result areas and an annual CSO democratic governance week for sharing of methodologies, lessons and best practice will be hosted. It will encourage and support networking and collaboration between organisations, and establish institutional links to existing civil society self-regulatory, coordination and networking fora for strategic direction. This will contribute to long-term sustainability and Kenyan ownership of the democratic governance agenda.

vii) Creating synergies

The Facility will enable synergies between processes such as the African Peer Review Mechanism (APRM), which addresses the areas of democratic governance, national economic governance and management, corporate governance and socio-economic development, and the areas covered under GJLOS. It will provide for institutionalised dialogue and coordination opportunities with donors and the GoK as well as other stakeholders thereby contributing towards structured engagement and dialogue between duty bearers and right holders.

The Facility will create coherence amongst development partners and provide broader strategic harmonization along the principles on aid effectiveness outlined in the Paris Agenda, thus

contributing directly to the Paris and Rome Declarations on Harmonization, Coordination and Alignment. This would ultimately lead to:

- Citizens benefiting politically, socially and economically through a more accountable, equal, transparent and democratic society that upholds the respect for human rights and fundamental freedoms;
- Civil society organizations practicing and promoting good democratic governance, thereby contributing to the deepening of democracy and inclusive citizen-led development in a coherent, results-oriented, and responsive manner

Deliverables/Outputs

Specific deliverables are;

- Operational mechanisms for channeling support to civil society in the area of democratic governance established,
- Civil society engagement in national development objective / reform area, or other priority areas in the democratic governance field is strengthened,
- Coordination of donor support enhanced,
- Principles of organizational good governance practices adopted and implemented by participating organizations,
- Public debate and civic awareness on result areas increased, leading to demand-side reform involvement from a more informed and participative citizenry, including rural and remote areas,
- Structured dialogue between donors and civil society and contribution to national development objectives.

Contribution to sustainability

The Facility will contribute to the sustainability and self-reliance of the sector by:

- Reducing the number of short-term baskets (which are sometimes competing and/or overlapping in nature), minimising potential funding gaps and supporting the “programmatic logic” of democratic governance through long-term and overlapping Calls for Proposals/ funding cycles,
- Ensuring more coherent and less divisive donor support to the sector through transparent information sharing and selection processes and through established links with other ongoing CSO support programmes,
- Harmonising reporting and M&E tools to ease the administrative burden on CSOs,
- reduce transaction costs (through streamlining of PMUs) for administering support to the sector, thereby leaving more funding for actual implementation and for capacity building,
- Setting up a benchmarking system for good organisational governance practices that will be used to build capacities rather than to exclude weaker organisations from support,
- Allowing for funding of parts of organisations’ strategic plans and regular operational costs (rather than additional project staff) as long as they relate to priority areas of the Calls and targeted national development objectives,
- Providing technical advice and strategic leadership based on a sustainable institutional memory.
- Facilitating strengthening of networks for structured participation in governance and other reforms

- Ensuring wide geographic coverage of supported activities with special efforts to inform and involve actors in rural and remote areas and grassroots institutions (CBOs, FBOs and others).
- Supporting a multitude of approaches for each key objective (civic education, gender mainstreaming, public information, lobbying & advocacy, media campaigns etc.) and encourage innovation by emphasising it in appraisal criteria, through regular learning platforms, and through the innovation awards.

III MANAGEMENT ARRANGEMENTS

Programme management

The Facility will be anchored in the Governance component of UNDP Kenya. A dedicated high-level Capacity Building Specialist within UNDP will have effective leadership and oversight on the Facility and provide technical guidance to the PMU.

The Facility will be managed by UNDP through a dedicated Programme Management Unit (PMU). Staffing for the initial phase will include:

- Project Manager based at the PMU,
- Programme Officer
- Programme Support Officer,
- IEC Officer
- Monitoring and Evaluation Officer.
- Programme Assistant
- Driver

The PMU will provide day-to-day management of the Facility in terms of grants management, assessment of expressions of interest and full proposals, technical advice, coordination, information sharing and M&E. It will be strategically located in order to provide easy access for CSOs and other stakeholders.

Roles of the UNDP

Country office

- Providing rigorous, transparent and efficient management of funds,
- Rapid disbursement and ensuring that payments are made in a timely manner,
- Satisfying recognised international standards of financial reports on income and expenditure of the funds,
- Supporting partnership building and resources mobilisation for the programme
- The use of UNDP's knowledge networks and potential for increased sector learning.
- Administer funds in accordance with UNDP's regulations, rules and directives.

PMU

- Management and coordination of the Facility activities
- Appraise expression of interest (EOI) and full proposals from the civil society organisations, based on the set criteria, and make recommendations to the Project Approval Committee.
- Provide technical support and advice related to the management of the Facility (institutional set-up and arrangements, progress tracking, M&E, procedures etc.)

- Provide technical support in terms of democratic governance and the strategic direction of the Facility, based on stakeholder priorities
- Assist in commissioning consultancy services when needed, and in managing ongoing consultancies and capacity building services
- Manage tailored capacity building services to organisations, and facilitate a participative process to set minimum organisational good governance standards and benchmarking for participating organisations
- Coordinate and exchange information with other ongoing related programmes and initiatives
- Regularly convene and act as secretariat for meetings of the Facility Stakeholder Reference Group
- Ensure the capturing of lessons and documentation of best practice and sharing at regular learning platforms
- Manage Calls for Proposals and liaise with the UNDP Project Approval Committee for feedback on approved applications.
- Financial management in accordance with UNDP rules and procedures

Project assurance

This role is delegated to a UNDP based Capacity Building Specialist and Project Manager and includes;

- Adherence to the business case (on behalf of the Executive)
- Monitor the compliance with user needs and expectations (on behalf of Senior User)
- Supplier Assurance carried out by spot-checks of deliverables and outputs
- Review of Deliverables

Stakeholder Reference Group

For strategic choices and priority setting for the Facility, a Stakeholder Reference Group (SRG) will be constituted by representatives of civil society, donors and UNDP. Civil society will be responsible for electing its own representatives. The SRG will be advisory in nature and focus on strategic issues, priority setting and in achieving sector results.

Civil society representatives on the Stakeholder Reference Group sit in their individual capacity and not as potentially benefiting organisations. The Stakeholder Reference Group will consist of technically qualified representatives according to the targeted key result areas and national development objectives.

When and where it is felt to be appropriate, government representatives may be invited to SRG meetings to discuss a particular key result area/ national development objective for the sake of transparency and information sharing. The decision to invite government will be made by the SRG.

In order to minimise potential conflicts of interest, the stakeholder reference group will be advisory in nature. This will also allow for the stakeholder reference group to focus exclusively on strategic issues, priority setting and in achieving sector results.

The composition of the Stakeholders Reference Group is as follows

The initial composition of the SRG will be as follows:

- I. Five CSO Representatives representing each of the Key Priority Areas of GJLOS Reform Programme.
- II. At least three representatives of marginalised and vulnerable groups
- III. At least four representatives of CSOS with offices outside Nairobi.
- IV. Two Representatives of Development partners
- V. One UNDP Representative

The representation to the SRG shall ensure gender balance. CSO representatives to the SRG will serve for an initial period of one year after which one third of the members shall be eligible to be replaced at the next annual CSDG week.

The chair of the SRG shall be selected by SRG members from among the CSO representatives. Such selection shall be by consensus or where there is no such consensus by a simple majority vote of members in a meeting convened for that purpose.

The Stakeholder Reference Group will specifically do the following:

- Provide advisory services and strategic guidance for the different results-focused Calls for Proposals and implementation cycles.
- Lead strategic inputs and agenda-setting in learning platforms, stakeholder dialogue opportunities and joint reviews.
- Provide strategic guidance on emerging issues that may form basis for future or supplementary calls for proposals
- Provide advice on strategic ways of engaging and dialoguing with the Government on the priority areas.

The SRG representatives shall present a report of their activities to all the stakeholders during the annual CSDG week

Project Approval Committee

Funding decisions lie in the hands of UNDP's Project Approval Committee within UNDP country office. The PMU will assess applications from Calls for Proposals and make recommendations to the Project Approval Committee (PAC.)

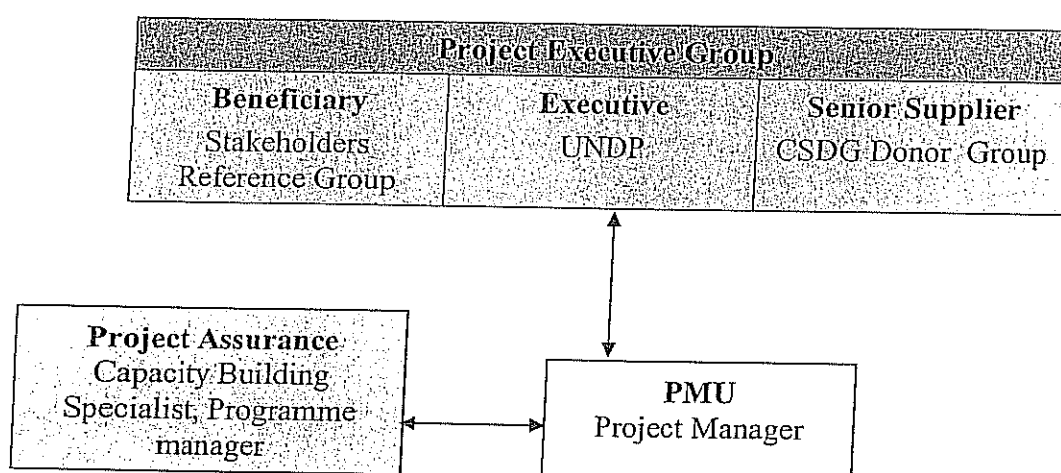
Members of the PAC will include:

1. UNDP Country Director – Chair
2. Assistant Resident Representative of another UNDP Unit
3. UNDP head of Governance Programme
4. One representative of the donors
5. Capacity Building Specialist – Ex officio

CSDG Donor Group

Development partners contributing to the Facility will form a Civil Society Democratic Governance Donor Group (CSDGDG). The group will meet bi monthly to review progress on the Facility. The CSDGDG will appoint a lead and deputy lead donor.

Project Organization Structure



IV PROCUREMENT OF GOODS AND SERVICES

The procurement of goods and services shall be undertaken on the basis of UNDP regulations relating to procurement of goods and services. The transfer and disposal of assets will be according to UNDP rules and procedures.

V MONITORING AND EVALUATION

The M&E framework will combine evidential/ quantitative approaches (against indicators in the overall and sub-component log frames). It will also use reflective/evocative approaches through the hosting of regular learning platforms, regular stakeholder reviews, documentation of methodology and examples of and good practice etc.

The PMU will be responsible for the overall monitoring and will have a full-time designated M&E programme officer. At the level of programme implementation, target outputs and performance indicators will be developed by the PMU. The target outputs will specifically be around the GJLOS priority and key result areas. The PMU will also develop indicators to measure the effectiveness of the CSFDG Facility systems, such as PMU performance,

responsiveness, timeliness of disbursements, CSO satisfaction and performance, added-value of donors etc. The capacity building component will also have targets to reach for setting and implementing organisational good governance standards within the participating organisations. Reaching of these benchmarks will be seen as indicators of success of the capacity building component and will not be tied to disbursements to individual organisations.

A central progress tracking system will be set up and administered by the PMU, from which a number of progress indicators will be derived to measure e.g. number of activities carried out against approved work plans, geographical areas covered, number of people reached (per target group), number of spin-off activities and community/citizen action recorded, number (and geographical location) of institutions interacting with the Facility etc. Information will be derived from PMU administration and reporting, organisations' quarterly reporting, annual and detailed quarterly work plans.

In cases where the Facility supports activities in and around a particular GJLOS reform area, efforts will be made to synchronise with the government-led reform programme so that the cumulative effects of government and civil society activities can be assessed. In the case of the first call for proposal which will focus on the post election crisis, monitoring will be based on the indicators outlined in the agreement.

In addition to results that are immediately attributable to outputs of CSO activities, a series of "bigger picture" impact indicators will be identified to determine the accumulative contribution of Facility activities to the targeted development objectives and reform processes. These indicators will be selected from national planning documents and programme plans.

Monitoring of Annual Work Plan activities will be the responsibility of the PMU and the project assurance. The mechanisms that will be used to monitor the Annual Work Plan will include:

1. Quarterly progress report, technical and financial report prepared according to UNDP procedures will be produced by the PMU and contracting CSOs
2. Quarterly review meetings convened by UNDP Country PMSU
3. Stakeholders reference group and donor group meetings
4. Annual progress report, technical and financial report prepared by the PMU at the end of the year;
5. Field visits by UNDP PMU staff
6. Bi annual joint review meetings with CSOs funded under the Facility

VI COMMUNICATION PLAN

The key stakeholders for the project are;

- CSOs
- Participating partners
- Civil Society for Democratic Governance donor group (CSFDG-DG)
- UNDP
- Government of Kenya

CSFDG - COMMUNICATION PLAN

Stakeholder group	Information required	Information provider	Frequency	Method
	Project initiation			
CSOs	Publication of the Facility and its TORs TORs of stakeholder forum and election/ selection procedures Guidelines for responding to calls for proposals Information on other functions of CSDG Facility e.g. learning events, CSO week etc. Support facilities for answering calls for proposals	UNDP interim PMU/Consultant	Intensive information campaign at the beginning and then specific information on the project quarterly	Face to face meetings across the country Dedicated pages on UNDP Kenya website. Mail Quarterly newsletter Minutes of stakeholder reference group meetings
UNDP	Finalised PD JSI to donors	Project Manager	Beginning of project	Mail
UNDP	Work plan Recruitment Funding commitments Procurement needs Progress and lessons learnt	Interim PMU/ consultant UNDP-HR office/ Procurement department Participating donors	Beginning of the project	Meetings Reports
CSOs	LPAC Review by stakeholders	Project Manager	Beginning of project	In person and minutes of

					LPAC
		Implementation phase			
	SRG, CSOs	Calls for proposals	Project Manager/SRG	As necessary	National Adverts
B	PMU/Project Assurance	EOIs and proposals submitted	CSOs	After each call for proposals	Mail
	Project Assurance	Financial Reports		Quarterly	Mail
	Project Manager/Assurance	Quarterly Review Report		Quarterly	Mail / Meetings
	Project Manager	Annual Project Report		Annually	In person during the CSO week
	CSOs	Financial Disbursements	UNDP PMU	On request from CSOs	
C	UNDP	Final Review documents	Project Manager/CSOs	End of project	Mail/Meeting
	Donor Group	Bi monthly project updates	Project Manager	Bi monthly	In person
	Government of Kenya	Information on the Facility's aims and objectives and scope Relationship to Kenya's vision 2030 political pillar. Lessons learnt Progress report	UNDP Head of Programmes Participating donors	Beginning of the project	Meetings Informal discussions Project documents Newsletter Report from PMU

Annual Work Plan
Year: 2008

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q 1	Q 2	Q 3	Q 4		Funding Source	Budget Description	Amount
Civil society engagement in national development objectives, in democratic governance strengthened. Baseline Absence of a grant making component for the Facility. Target: CSFDG grant making facility based on key reform priorities in place Baseline No m&e framework for facility Target Develop and implement M&E system	1)Grants disbursed to CSOs Send out calls for proposals(CFP) Support CBOs in submitting applications Organise briefings for CSOs					PMU coordinator/ programme and Procurement officer	UNDP RNE SIDA	Consultations Workshops meetings, advertisements printing and publishing, travel, communication	1,610000
		x							
	x								
	2)m&e system in place Develop M&E and tracking framework	X				PMU M&E officer consultant	UNDP RNE SIDA		30000
CSOs capacity for effective delivery developed: Baseline: absence of capacity development component for the facility. Target- structured capacity development	Capacity development plan and activities Establish benchmarks for organisations internal governance Conduct capacity assessments	X	X	X	X	PMU coordinator, Programme officer UNDP	UNDP RNE SIDA	Meetings training workshops consultants, mentoring, printing and publishing, travel, communication	174000
Public debate and civic awareness on democratic governance enhanced Baseline Low participation in democratic governance issues Target Provide platform for wider participation in DG issues	Facilitate platforms for sharing knowledge and dialogue on Democratic governance issues. Facilitate participation of marginalised and vulnerable groups in DG issues Organise annual civil society democratic governance week.(CSO-DG) Commission background papers and reviews		x	x	x	Stakeholders reference group, PMU programme officers UNDP	UNDP RNE SIDA	Meetings, travel, printing, consultants, advertisements, workshops	100.000

<ul style="list-style-type: none"> • Develop roster of consultants to review proposals • Define technical review process • Establish office • Establish donor group for the facility 	<p>programme, IEC and M&E officers, finance &, procurement officers, program assistant and driver. Office set up and equipped Roster of consultants in place Management structures in place System for structured dialogue between donors and civil society in place</p>	<ul style="list-style-type: none"> • Roster of consultants established • Number of CSFDG donor group meetings • Linkages to broader DG-DG • Numbers of non CSFDG donors participating in Facility events • Number of SRG &PAC meetings 							
GRAND TOTAL									2,116,640

Public debate and civic awareness on democratic governance enhanced	<ul style="list-style-type: none"> Facilitate platforms for sharing knowledge and dialogue on Democratic governance issues. Organise annual civil society democratic governance week.(CSO-DG) Commission background papers and reviews 	<p>Baseline Low participation in democratic governance issues</p> <p>Target Provide platform for wider participation in DG issues</p>	<ul style="list-style-type: none"> Numbers and categories/geographic /sector of participating organisations Website hits and downloads on CSO-DG week Number of rural organisations participating media coverage of CSO-DG week 	CSOs Media UNDP Donors GoK SRG			x	x	Meetings, travel, printing, consultants, advertisements, workshops	100.000
Operational mechanisms for support to civil society in the area of democratic governance established	<ul style="list-style-type: none"> Project development and approval process. 	<p>Baseline Absence of DG Facility for civil society</p> <p>Target Established framework for setting up Civil society for democratic governance facility.</p>	<ul style="list-style-type: none"> Number of meetings to review ,refine and complete framework documents (PID & JSI) Meetings with CSOs to brainstorm on facility 	UNDP procurement & human resources RNE, SIDA, CSOs, Development partners Government of Kenya	x				Consultants, Professional staff, equipment and furniture, printing and publication, workshops, meetings, vehicle, communication, travel, advertisements	733200
	<ul style="list-style-type: none"> Recruitment of staff, Set up and operationalising the Project Approval Committee and the Stakeholders Reference Group Organise quarterly meetings of the SRG 	<p>Baseline No operational structures for the facility.</p> <p>Target Recruit programme coordinator,</p>	<ul style="list-style-type: none"> Numbers and classification of staff recruited System of review and approval of proposals in place Website established 		x	x				

RESULTS AND RESOURCES FRAMEWORK

EXPECTED OUTPUTS	DETAILED ACTIVITIES	TARGETS AND BASELINES	INDICATORS	PARTNERS	TIME				INPUTS	AMOUNT
Civil society engagement in national development objectives, in democratic governance strengthened.	<ul style="list-style-type: none"> Send out calls for proposals(CFP) Support CBOs in submitting applications Organise briefings for CSOs Review and approve expressions of interest and full proposals Disburse grants. 	Baseline Absence of a grant making component for the Facility. Target: CSFDG grant making facility based on key reform priorities in place	<ul style="list-style-type: none"> Numbers and categories of CSOs responding to CFP. Numbers of CSOs from upcountry responding to CFP. Number of meetings with CSOs 	CSOS UNV UNDP PMU Donors		x	x	x	Consultations Workshops meetings, advertisements printing and publishing, travel, communication	1,610000
	<ul style="list-style-type: none"> Develop M&E and tracking framework 	Baseline No m&e framework for facility Target Develop and implement M&E system	<ul style="list-style-type: none"> M&e framework with programmatic indicators responding to project specific areas, Number of fields visits Number of meetings with CSOS in the field 		x	x	x	x		30000
CSOs capacity for effective delivery developed	<ul style="list-style-type: none"> Establish benchmarks for organisations internal governance Conduct capacity assessments Develop a capacity building programme Conduct capacity building 	Baseline: absence of capacity development component for the facility. Target- structured capacity development programme in place	<ul style="list-style-type: none"> Capacity development programme in place Reports on capacity assessments Number and nature of capacity development activities. 	CSOs UNDP Service providers. Mentoring CSOs UNV	x	x	x	Meetings , training workshops consultants, mentoring, printing and publishing, travel, communication	174000	

Logical Framework

UNDAF Outcome 1.1

Good governance, human rights and gender equality progressively accelerated and achieved

CP Outcome 1.1.3.

Gender equality, empowerment of women and realization of human rights enhanced

Country Programme Expected Output 1.1.3.4

Capacities of non-state actors (NSAs) and coordination strengthened to enable effective delivery of their mandates

Expected outputs	Detailed activities	Indicators	Means of Verification	Assumptions	Time line			
					Q1	Q2	Q3	Q4
Civil society engagement in democratic governance strengthened	<ul style="list-style-type: none"> -Calls for proposals (CFP) by July 2008 , November 2008 -Support CBOs in submitting applications -Organise ongoing briefings for CSOs and advertise through various media -Review and approve expressions of interest and full proposals -Disburse grants. 	<ul style="list-style-type: none"> -Numbers and categories of CSOs responding to CFP. -Numbers of CSOs from upcountry responding to CFP. -Number of meetings with CSOs -increased civil society activities in democratic governance -Number and categories of approved grants -number of media carrying CSFDG -CFP 	<ul style="list-style-type: none"> -PMU- log of proposals -Minutes and reports of meetings -PAC meeting reports -Donor group meeting minutes -Newspaper and website advertisements 	Lack of funding is one of the obstacles for sustained civil society engagement in democratic governance activities	X	X	X	X

	project	<ul style="list-style-type: none"> -Number of field visits to projects -Number of meetings with CSOs in the field -Number of review meetings held 	<ul style="list-style-type: none"> -Feedback from civil society -Back to office reports -Bi monthly Progress report of PMU -Minutes of SRG and donor group meetings -Annual report -Bi monthly progress reports to donor group meetings 	facilitate tracking of CSOs contribution to democratic governance reforms				
CSOs capacity for effective delivery developed	<ul style="list-style-type: none"> -Establish benchmarks for organisations internal governance -Conduct capacity assessments -Develop a capacity development plan -Conduct capacity building 	<ul style="list-style-type: none"> -numbers of capacity assessment undertaken -Number of capacity development plans developed - Number and type of capacity development activities undertaken -Reduced delays in disbursing funds to CSOs -Financial and narrative reports from CSOs submitted timeously¹ -Number and nature of capacity development activities. 	<ul style="list-style-type: none"> -Capacity development plans -Capacity assessment reports -Progress reports of PMU -CSOs reports -Business processes flow charts 	Strong and sustainable CSOs sector will Facilitate reform process		X	X	X

¹ Within the requisite time as per UNDP procedures and regulations

<p>Public debate and civic awareness on democratic governance enhanced</p>	<ul style="list-style-type: none"> -Establish platforms for sharing knowledge and dialogue on democratic governance issues. -Create forums for marginalised and vulnerable groups in DG issues -Organise annual civil society democratic governance week.(CSO-DG) Support the Programme Coordinator in facilitating the relevant PMU members in efficient procurement 	<ul style="list-style-type: none"> -Wider participation in DG issues by rural organisations and CBOs -Numbers and categories/geographic/sector of participating organisations -Number and nature of platforms created by facility for public debate -Increased media coverage of CSO-DG week and democratic governance issues -Increased demands for reform by rural people -More informed and participative citizens 	<ul style="list-style-type: none"> -Narrative reports from CSOs -SRG minutes Press clippings and media monitoring reports -lists of participants -Website hits and downloads on CSO- DG week -Bimonthly progress reports -SRG meeting minutes -CBOs reports -UNV reports -Comparison of citizen actions in project and non project areas. 	<p>Knowledge sharing and dissemination will strengthen CSOs in democratic governance</p>		X	X	X
<p>Operational mechanisms for support to civil society in the area of democratic governance established</p>	<p>Project development and approval process.</p>	<ul style="list-style-type: none"> -Complete framework documents (PID & JSI) -CSOs aware of facility CSOs make input into facility to brainstorm on facility -Functional CSFDG Facility by June 2008 	<ul style="list-style-type: none"> -Back to office reports -Number and reports of meetings with CSOs -LPAC minutes Signed project documents 	<p>Operational guidelines and structures are needed for effective implementation of the Facility</p>	X	X		
	<ul style="list-style-type: none"> -Recruitment of staff -Set up and operationalise the Project Approval Committee and the Stakeholders Reference Group -Organise quarterly meetings of the SRG -Develop roster of consultants to review proposals -Define technical review process -Establish office Establish donor group for the facility 	<ul style="list-style-type: none"> -operational and management structures in place -PMU staff Office set up and equipped -Roster of consultants in place -System for structured dialogue between donors and civil society in place 	<ul style="list-style-type: none"> -Adverts , recruitment records -Procurement records -Minutes of meetings -Numbers and classification of staff recruited -Minutes of SRG &PAC meetings -Consultants roster -Number of CSFDG donor group meetings 		X	X	X	X

Project Title:
Facility

Civil Society for Democratic governance

Award ID:

Date:

#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mngt response	Owner	Submi update
1	Political turmoil due to failure of grand coalition	May 2008	Political- turmoil Financial- donors may suspend funding Operational – it may be unsafe to do field visits and m&e	1= low 5=high P-.3 I-5	Continued dialogue with civil society and with government . Greater civil society engagement in safeguarding peace by participating in the commissions. developing early Warning systems rapid response fund to enable CSOs to deal with emerging issues	Project manager and project assurance	Project assurance
2	Lack of unified action by CSOs		Strategic-limited impact of the facility on democratic governance	The impact will be high as there is no opposition P =. 3 I = 4	Support to networks to execute projects Strengthen CSO networks Provide platforms for dialogue among CSOs Ensuring broad representation of civil society on the SRG	Project manager and project assurance	Project manager project assurance
3	Limited sign in by other donors or suspension of		Financial- limited funds Strategic- inability to	P =.2 I = 5	Continuous resource mobilisation from own	Lead donor Project	Project assurance

	funding		meet expectations		development partners to avoid unmet expectations due to limited funding Information and communication strategy to raise visibility of facility and highlight its achievements Open facility donor group meetings. brand facility as a flagship programme in response to post election crisis	project assurance			
4	Elite capture of facility by big CSOs leading to limited grounding community level		Strategic	P-3 I-4	Ear marking specific funding to go to upcountry CSOs and smaller CBOs who represent the poor. Representation of upcountry CSOs on SRG Capacity development programmes to enable smaller organisations not participate M&e will include mapping of the country.			May 2008	



MINISTRY OF JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS
OFFICE OF THE PERMANENT SECRETARY

Telegrams: "JUSTICE", Nairobi
Telephone: Nairobi 2224029/55/82
When replying please quote

CO-OPERATIVE BANK HOUSE
HAILE SELASSIE AVENUE
P.O. Box 56057-01
NAIROBI, KENYA

Ref. No. **MJCA/INTO/4/14 VOL. II**
and Date

....., 20.....

16 DEC 2008 **10th December, 2008**

Tomoko Nishimoto
Country Director
UNDP
NAIROBI

Kca/06/201
[Signature]
16/12/08

Dear Madam,

**RE: UNDP COUNTRY PROGRAMME PROJECT
NO.00061019 CIVIL SOCIETY DEMOCRATIC
GOVERNANCE FACILITY**

I refer to the above matter and to your earlier discussions with the Permanent Secretary on the same.

As you are aware, we had sought Treasury direction as to whether we should sign the financing agreement given that the project is independent of Government and the Ministry has no direct role in implementation.


We have now received directions to the effect that you should sign directly with the responsible Civil Society Organizations but that the Ministry will, on behalf of Government, monitor the project to ensure that the project objectives are met.

Kindly therefore proceed with the signing and implementation as appropriate.

We regret the delay in reverting to you but we had to wait for response from the Treasury which we only received on 9th December, 2008.

We hereby return, unsigned, the copies you had sent to us.

Yours Sincerely,



Gachira Kibara, OGW

FOR: PERMANENT SECRETARY

Received 16/12
Att. Sheila Ngatia

70

16 DEC 2008

Karuri/COO

REPUBLIC OF KENYA
MINISTRY OF FINANCE

Telegraphic Address: 22921
FINANCE - NAIROBI
Telephone: 252299
When replying please quote



THE TREASURY
P.O. BOX 30007-00100
NAIROBI
KENYA

Ref. No: EA/FA/107/78/05 AAD

3rd December, 2008

Amb. Amina C. Mohamed,
Permanent Secretary,
Ministry of Justice, National Cohesion and Constitutional Affairs,
Cooperative Bank House,
P. O. Box 56057,
NAIROBI.

Dear *Amb. Mohamed*,

RE: UNDP COUNTRY PROGRAMME PROJECT NO. 00061019
CIVIL SOCIETY DEMOCRATIC GOVERNANCE FACILITY

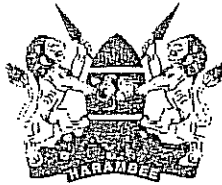
Thank you for your letter regarding the role of Civil Society in implementation of UNDP supported programmes.

We have noted that the Project seeks to set up a civil society basket fund (facility) whose intention is to facilitate Civil Society activities around GJLOS thematic areas. We note that the Government has no direct role to play in the Project while in principle your Ministry has no objection to the funding of Civil Society Organizations to undertake their activities.

In this respect given that you have been discussing implementation activities with UNDP, we advise that the Annual Work Plan be signed directly with the Civil Society Organizations. We also advise that you monitor the activities of the Project to ensure that the objectives are achieved for the interest of Kenyans.

Yours Sincerely,
Joseph K. Kinyua

JOSEPH K. KINYUA, CBS
PERMANENT SECRETARY/TREASURY



MINISTRY OF JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS
OFFICE OF THE PERMANENT SECRETARY

Telegrams: "JUSTICE", Nairobi
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CO-OPERATIVE BANK HOUSE
HAILE SELASSIE AVENUE
P.O. Box 56057-00200
NAIROBI, KENYA

Ref. No. **MJCA/INTO/4/14 VOL. II**
and Date

....., 20.....

15 DEC 2008 **10th December, 2008**

Tomoko Nishimoto
Country Director
UNDP
NAIROBI

Ken/08/201
[Signature]
15/12/08

Dear Madam,

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NO.00061019 CIVIL SOCIETY DEMOCRATIC
GOVERNANCE FACILITY**

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Yours Sincerely,



Gichira Kibara, OGW

FOR: PERMANENT SECRETARY

4th Shida Ngatia

Received 16/1/2

70

16 DEC 2008

Kep/1/100

REPUBLIC OF KENYA
MINISTRY OF FINANCE

Telegraphic Address: 22921
FINANCE - NAIROBI
Telephone: 252299
When replying please quote



THE TREASURY
P.O. Box 30007-00100
NAIROBI
KENYA

Ref. No: EA/FA 107/78/05 AAD

3rd December, 2008

Amb. Amina C. Mohamed,
Permanent Secretary,
Ministry of Justice, National Cohesion and Constitutional Affairs,
Cooperative Bank House,
P. O. Box 56057,
NAIROBI.

Dear Amb. Mohammed,

RE: UNDP COUNTRY PROGRAMME PROJECT NO. 00061019
CIVIL SOCIETY DEMOCRATIC GOVERNANCE FACILITY

Thank you for your letter regarding the role of Civil Society in implementation of UNDP supported programmes.

We have noted that the Project seeks to set up a civil society basket fund (facility) whose intention is to facilitate Civil Society activities around GJLOS thematic areas. We note that the Government has no direct role to play in the Project while in principle your Ministry has no objection to the funding of Civil Society Organizations to undertake their activities.

In this respect given that you have been discussing implementation activities with UNDP, we advise that the Annual Work Plan be signed directly with the Civil Society Organizations. We also advise that you monitor the activities of the Project to ensure that the objectives are achieved for the interest of Kenyans.

Yours Sincerely,

JOSEPH K. KINYUA, CBS
PERMANENT SECRETARY/TREASURY

Civil Society Democratic Governance Facility

Background Information to accompany call for proposals

1. Background and context

Over the past few years there have been significant improvements in governance in Kenya. Some of these achievements include the entrenchment of civil and political rights, through the expansion, greater responsiveness and strengthening of state institutions with the responsibility for protecting the rights of citizens and safeguarding the rule of law.

This has significantly strengthened the demand side of governance resulting in wider calls by a broad based public for government to be accountable. Non state actors, in particular civil society organizations have played a key role in demanding good governance and transparency and expanding civic and human rights education.

The political pillar of the Government of Kenya's (GOK) vision 2030 is to build "an issue-based people centered result oriented and accountable democratic political system". The government of Kenya's programme on governance, the Governance, Justice, Law and Order Sector (GJLOS) programme complements the achievement of this objective, through focus on improved governance, justice, law and order, as elaborated in the GJLOS midterm strategy. A key challenge recognized under the GJLOS programme is the effective representation and participation of Non State Actors in this central reform programme.

Civil society organizations have achieved the capacity of gaining the attention of the government and compel it to hear its voice on various issues. However, civil society still needs to deepen its influence to a stage where it drives the identification of needs, sets policy objectives and monitors those policies for shaping the policy agenda while adequately relaying feedback and information to the constituencies that they represent.

Kenya suffered serious social, political and economic devastation as a result of the post election violence triggered by the announcement of results in a hotly contested Presidential election. The violence that erupted then has seen over 1,000 people lose their lives with hundreds of thousands of others being displaced. There is however general feeling that the Presidential elections announcement simply ignited a situation that has been simmering for a long time. Ethnic tensions and unresolved political, economic and social injustices have been blamed for the widespread violence.

At the root of all these problems are dysfunctional institutions of governance and poor laws and policies that have created the loopholes that have led to the political impasse with the resultant violence.

With the signing of the Peace Accord creating the grand coalition Government the need for a strong, well funded, vibrant and independent civil society to act as watch dog for the Government to forestall any further violations of the rights of individuals is even more necessary. This demands a focus on improving capacity of civil society to monitor application of the law, upholding of basic rights of citizens, access to justice. It also calls for community empowerment in order to strengthening citizens' demands for participation and inclusiveness, and ensuring the government's accountability to citizens through improved governance, strengthening of relevant governance institutions and decentralization. Special emphasis should be given to equitable political and social empowerment of women, persons with disabilities and other vulnerable groups, highlighting civic, political, and social rights.

A major constraint to increasing civil society capacity to sustain work on democratic governance is lack of access to resources. Many civil society organizations struggle to mobilize resources. Only a few are well funded. Newer organizations and those based outside Nairobi often struggle to access donor funding and spend large amounts of time and resources in this pursuit.

2. CSDG facility

2.1 Introduction

The Civil Society Democratic Governance (CSDG) Facility is supported by a number of development partners and initially focuses on the GJLOS priority reform areas. The initial contributors to the Facility are The Royal Netherlands Embassy, SIDA, Norway and UNDP. While the main focus will be the GJLOS reform areas, the facility is not formally linked to GJLOS or the government.

2.2. Overall objectives

- To enable citizens to benefit politically, socially and economically from a more accountable, just, transparent and democratic society that upholds the respect for human rights and fundamental freedoms.
- To support civic engagement which empowers all people to influence public policies, through CSOs voluntary associations, trade unions, political parties, private sector organisations and citizens' audits.

2.3 Specific objectives

- strengthen participatory democracy, social justice, the rule of law and protection of human rights,
- increase organizations' internal good governance practices (against established benchmarks and as part of the capacity strengthening),
- promote and facilitate citizens' active engagement in development processes and their capacity to take action,
- transmit citizens' concerns and ideas to local governance institutions and elected parliamentarians, appropriate parliamentary committees, committee staff and reform institutions, and
- Enhance two-way communication flows between rural and remote areas/actors and national development processes.

3.0 Result areas

- operational mechanisms to channel support to civil society in the area of democratic governance established,
- civil society engagement per national development objective / reform area, or other priority areas in the democratic governance field is strengthened, and coordination of donor support enhanced,
- principles of organizational good governance practices adopted and implemented by participating organizations,
- public debate and civic awareness on result areas increased, leading to demand-side reform involvement from a more informed and participative citizenry, including in rural and remote areas,
- Dialogue between, government, donors and civil society facilitated.

4.0 Method of operation

4.1 Funding

The Facility operates mainly as a challenge fund based on successive Calls for Proposals. It has four funding windows:

Core Funding

Long term core and programme funding to strengthen programmes of organizations. Funding will range from \$100,000-200,000 per year for a period of up to three years.

Project funding

To enable reach to organizations operating at grassroots level, the Facility will also have a window for project funding which will give smaller grants. Organizations applying under this window will be offered capacity building support to prepare their proposals. Funding will range from 5,000-500,000.

Innovations award

These will be run on an annual awards basis with a specific call for innovations. The innovations awards are to encourage new ways of working and to encourage new organisations to come up. Once off funding awards will be \$ 5000.

Emerging issues fund

The Facility operates a third responsive grant window to enable civil society to respond rapidly to emerging issues that may not have been expected. The recent post election crisis makes the need for such a responsive window more evident. The stakeholders' reference group will determine the emerging issues. The first calls under this window were made in August 2008.

4.2 Capacity building

Capacity building of organizations will be an important aspect of the facility. Capacity development support will include tailor made programmes based on capacity assessments that depending on each organization's needs. CSOs will not be excluded from participation due to weak organizational capacities if their proposals are technically sound and innovative. The DG facility will instead work with organizations to develop good planning and monitoring tools for technical and financial management. Capacity development support will also include strengthening reporting systems within participating organizations.

4.3 Other Functions

Other functions of the facility are to:

- information and knowledge dissemination function to allow for transparent, inclusive and meaningful participation of civil society organisations across Kenya,
- ensure wide geographic coverage of supported activities with special efforts to inform and involve actors in rural and remote areas and grassroots institutions (CBOs, FBOs and others),

- encourage innovation by emphasising it in appraisal criteria, the innovations awards and through regular learning platforms; and by allowing also for the participation of newer/younger organisations,
- provide for institutionalised dialogue and coordination opportunities with donors and/or GOK as well as other stakeholders
- host regular learning platforms for key result areas and for sharing of methodologies, lessons and best practice,
- encourage and support networking and collaboration between organisations, and between organisations and their constituents,
- establish institutional links to existing civil society self-regulatory, coordination and networking fora for strategic direction,
- Provide the institutional framework and necessary funds to rapidly mobilise a civil society response to emerging issues in the democratic governance field.

5.0 Eligibility

- Organizations applying must be registered under the applicable Kenyan laws.
- The geographic focus of operations should be in Kenya.
- Governance of the organisation should be Kenyan
- CSOs are free to form consortia and submit joint proposals
- Organizations should demonstrate experience in the focus area of the proposal

THE NEXT PROPOSED CALL UNDER CORE AND PROJECT FUNDING

Background to the GJLOS Programme

Although there are proposals and initiatives to review the Government led GJLOS programme the broad purpose of the GJLOS programme is *improved governance, justice, law and order*. The Facility aims at galvanizing and enabling CSOs and CBOs to effectively engage on the demand side of the GJLOS key result areas.

Each thematic group has a work plan where target outputs for participating MDAs are determined against six key result areas. The *GJLOS key result areas (KRA)* are as follows:

- KRA1: Responsive and enforceable policy, law and regulation,
- KRA2: More effective GJLOS institutions,
- KRA3: Reduced corruption-related impunity,
- KRA4: Improved access to justice especially for the poor, marginalised and vulnerable,
- KRA5: More informed and participative citizenry and NSAs,
- KRA6: Effective management and coordination of the GJLOS Reform Programme.

For ease of reference, GJLOS reform priorities and target outcomes can be clustered into *governance reforms, human rights reforms, justice reforms, law and order reforms, and reform-oriented capacity building*. The DG facility will use the same broad categorisation of reform priorities and target outcomes in its first proposed next Call for Proposal. However, under these broad headings, organisations and networks are free to propose a wide range of activities and methods, and innovation will be emphasised during the evaluation process. This will help to show the accumulative contribution of state and non state actors towards particular priority reforms and key result areas. It will also contribute to more informed and structured participation of CSOs in the GJLOS engagement framework (through thematic groups, joint reviews etc.).

A more detailed description of the different reform areas includes:

A. Governance reforms:¹ These include intensifying the ongoing fight against corruption in a systematic and legally enforceable manner. Specific target outcomes from governance reforms include:

1. *Enhanced accountability and service delivery by governance institutions* especially in the areas recently identified after the recent PEV
2. *Reduced overall corruption*, as measured primarily by reduced incidence and prevalence of bribery, increased public and private sector compliance with anti-corruption ethos, and reduced public perception of corruption.
3. *Improved overall governance*, as measured primarily by level and degree of participation of women and men in governance processes, Decentralization, the degree of fiscal transparency, accountability and predictability, the extent to which resource allocations match sector-wide priorities, and participation levels in national policy and budgetary processes.

B. Human rights reforms: These are aimed primarily at empowering the poor, marginalised and vulnerable members of society, through promoting rights-based approaches across the sector. Specific target outcomes from human rights reforms include:

1. *Expanded information about rights and information about legal assistance*, as measured by the quantum and quality of information available to justice system participants, but also perceptions and awareness of actual justice system participants,
2. *Better empowered victims*, as measured by timeliness of support, information availability, legal support and overall institutional pro-activity and responsiveness.

C. Justice Reforms: These promote equal access to justice for all, including reform of commercial law to promote private sector development. Specific target outcomes from justice reforms include:

1. *Greater access and confidence among Kenyans in the justice system*, as measured by proportion of plaintiffs with no previous contact with the system ("new users") and qualitative assessment of respect for judiciary, especially for the poor and among private sector players,
2. *Lower costs of doing business* – in relation to commercial justice – as measured in cost, time and financial terms,
3. *Minimised pre-trial detention*, as measured by reduced number of people in remand and reduced pre-trial lead times,
4. *More outcomes that contribute to community well-being*, as measured by perceptions of court judgements and perceptions around court contribution to community safety.

D. Law and order reforms: These focus on crime prevention as well as broader police and penal reforms. Specific target outcomes from law and order reforms include:

¹ From Governance, Justice, Law and Order Sector (GJLOS) Reform Programme, Medium Term Strategy 2005/06 to 2008/09. Final Draft (version 5). 15 June 2005. Republic of Kenya.

1. *Enhanced safety in private spaces*, as measured by reduced domestic violence and household crime and improved public perceptions concerning their domestic safety and security,
2. *Enhanced safety in public spaces*, as measured by reduced street crime and crime in public places, and enhanced public perceptions of safety in public places,
3. *Greater public confidence in the police*, as measured by increased reporting of crime to the police, especially among poor people and improved confidence in the police among local community leaders and the general public,
4. *Improved living conditions within prisons*, as measured by the degree of "match" between prison population and capacity, falling prevalence of infectious diseases and qualitative assessments of improved access to clean water and toilet facilities.

E. Reform-oriented capacity building: These will emphasise sector-wide attitude and culture change. Specific target outcomes from reform-oriented capacity building include:

1. *Enhanced GJLOS capabilities*, as measured by GJLOS staff skill base against a target skill base for the other outcomes defined by the above priorities,
2. Increased public confidence in GJLOS institutions.

2. The Call for Proposals

This section provides the guidelines and rules for the submission, selection and implementation of actions financed under this particular Call for Proposals.

2.1 Eligibility criteria for organisations and networks

2.1.1 Actions for which a grant may be awarded

All actions funded under this Call for Proposals relate and directly contribute to the achievement of the key result areas of the GJLOS reform programme as elaborated above.

Types of activities and roles played by NSAs can include (but are not limited to): advocacy, information dissemination, awareness raising, joint monitoring, citizen's social audits, civic education on GJLOS reforms, sensitisation of local authorities to the reform initiatives, knowledge generation and evidence-gathering etc. The CSOs must clearly state through its proposal which role it intends to play against which key result area(s) of GJLOS. The key result areas (KRA) are as follows:

- KRA1: Responsive and enforceable policy, law and regulation,
- KRA2: More effective GJLOS institutions,
- KRA3: Reduced corruption-related impunity,
- KRA4: Improved access to justice especially for the poor, marginalised and vulnerable,
- KRA5: More informed and participative citizenry and NSAs,
- KRA6: Effective management and coordination of the GJLOS Reform Programme.

In exceptional circumstances the DG facility may support service delivery by civil society organisations where the purpose of the service delivery is to develop a rights-based approach that either seeks to strengthen people's ability to demand their rights to basic human services from the state, or that enables the state to provide the same.

There is no limit to the number of proposals any organisation may submit. However, if an organisation chooses to submit more than one Expression of Interest relating to different result areas, this must be stated up front on the application.

The main criteria for the evaluation of the activities will be:

- *Impact against indicated key result areas:* The activities must contribute towards sustainable, better governance, social justice, law and order and protection of human rights, particularly in areas currently underserved or underrepresented.
- *Innovation:* The activities should demonstrate a high level of innovative thinking or approach for achieving good governance or poverty reduction.
- *Integration* of gender equality concerns and other cross-cutting issues where relevant (such as human rights, environment, poverty reduction, rights-based approaches etc.),
- *Rural outreach* beyond Nairobi to constituencies particularly in rural and remote areas.

The application should indicate which part of the organisation's strategic and operational plan the proposed activities will fall under, and what other funding sources are being used for this purpose (including any core funding received by the organisation).

2.1.2 Ineligible actions

- (a) Actions intended to make a profit or activities of "for-profit" companies
- (b) Actions concerned only or mainly with individual sponsorships for participation in workshops, seminars, conferences, congresses;
- (c) Actions concerned only or mainly with individual scholarships for studies or training course
- (d) Travel associated with meetings unrelated or tenuously related to proposed activities
- (e) Salaries not related to specific activities and operating costs
- (f) Grants will not be utilised to finance any taxes, customs and import duties imposed under any law and where taxes are payable, such taxes shall be borne by the recipient
- (g) Conflict resolution exercises that do not have any bearing on policy issues

2.1.3 Organisations and networks which may request a grant

(a) Individual civil society organisations

The Call will be open to all individual civil society organisations including faith-based organisations, foundations, trusts, associations, interest organisations, statutory bodies, community-based / grassroots organisations, academia etc. who meet the eligibility criteria to apply for funding related to the seven GJLOS result areas.

The organizations must be registered under the applicable laws in Kenya, and the governance should be Kenyan and geographical focus of operations should be in Kenya.

As a general rule, it is preferred that each organisation that applies to the facility is treated and contracted as a separate legal entity for accountability reasons. However, CSOs who wish to collaborate with others on particular key result area(s) are encouraged to do so by clearly stating in their programme description what role and function it will play in relation to others in the partnership. That way, proposals from collaborating organisations will be assessed as a cluster even if contracts will be drawn up with each of the organisations individually. Such collaborations between organisations are encouraged.

In smaller partnerships between max. 2-3 organisations, the applicant will act as the lead organisation and, if selected, as the contracting party (the "Beneficiary"). Applicants' partners participate in implementing the action, and the costs they incur are eligible in the same way as those incurred by the grant Beneficiary. They must therefore satisfy the same eligibility criteria as

applicants. Consequently the cost of project activities in which a partner is involved must be included in the project budget.

Larger coalitions are to be considered as networks, which will apply in an earmarked category in order not to compete for the same funding as its members (see below).

(b) CSO/NSA Networks

A separate category in the Call will be restricted for applications from networks, and will have a stronger focus on advocacy, information sharing and mobilisation of members around GJLOS issues and result areas. The networks will be required to utilize resources and expertise (including knowledge generation / research) to influence policymaking and broaden the pro-poor impact of GJLOS.

Activities that mobilise CSOs or help to facilitate coordination between non-state actors active in the key result areas in GJLOS will also be eligible for support. At the very least, this will necessitate frequent consultations with constituencies and an ability to learn from past experiences.

To be eligible networks must have the following requirements:

- an organisational mechanism for networking stakeholders,
- an active and operational coordination unit,
- capacity to develop and/or enhance communications and information products and services among member and stakeholders
- preferably proven communications links to organisations and constituencies also in rural areas,
- a clear mandate and potential for policy leverage in its field or geographic location.

Funding of networks refers to the coordination mechanisms and secretariats of networks whereas network members (individual CSOs) are to apply for funding directly as individual organisations. **Networks cannot apply for funding on behalf of their members, and should not act as intermediary funding mechanisms for their members.**

2.1.4 Disqualifications

Potential applicants may not participate in Calls for Proposals or be awarded grants if:

- they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- they have been convicted of an offence concerning professional conduct;
- they are guilty of grave professional misconduct proven by any means which the Facility can justify;
- they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or those of the country where the action is to take place;
- they are the subject of a judgment for fraud, corruption, involvement in a criminal organisation or any other illegal activity;

- they have been declared to be in serious breach of contract for failure to comply with their contractual obligations in connection with a procurement procedure or other grant award procedure financed by the donors supporting the Facility.

Applicants are also excluded from participation in calls for proposals or the award of grants if, at the time of the call for proposals, they:

- (a) are subject to a conflict of interests;
- (b) are guilty of misrepresentation in supplying the information required by the Facility as a condition of participation in the call for proposals or fail to supply this information;
- (c) Have attempted to obtain confidential information or influence the evaluation committee or the Facility during the evaluation process of the call for proposals.

2.1.5 Types of costs which may be taken into consideration

Only "eligible costs" can be taken into account for a grant. These are detailed below. The budget is therefore both a cost estimate and a ceiling for "eligible costs". Note that the eligible costs must be based on real costs, not lump sums (except for subsistence costs and indirect costs). Recommendations to award a grant are always subject to the condition that the checking process which precedes the signing of the contract does not reveal problems requiring changes to the budget. The checks may give rise to requests for clarification and may lead the Facility to impose reductions. It is therefore in the applicant's interest to provide a **realistic and cost-effective budget**.

(a) Eligible direct costs

To be eligible under the call for proposals, costs must:

- be necessary for carrying out the actions, and comply with the principles of sound financial management, in particular value for money and cost-effectiveness;
- will actually have been incurred by the beneficiary organisation during the implementing period for the actions;
- the costs of goods/services/works used/provided/delivered during the implementation period of the actions;
- be recorded in the Beneficiary's or the Beneficiary's partners' accounts or tax documents;
- be identifiable and verifiable, and be backed up by originals of supporting documents.

Subject to those conditions and where relevant to the contract-award procedures being respected, eligible direct costs borne by the Beneficiary and its partners include:

- the cost of staff assigned to the action, corresponding to actual salaries plus social security charges and other remuneration-related costs; salaries and costs must not exceed those normally borne by the Beneficiary or his partners, as the case may be, unless it is justified by showing that it is essential to carry out the action;
- travel and subsistence costs for staff and other persons taking part in the action, provided they do not exceed those normally borne by the Beneficiary or his partners, as the case may be;
- purchase or rental costs for equipment and supplies (new or used) specifically for the purposes of the actions, and costs of services, provided they correspond to market rates;
- the cost of consumables;
- subcontracting expenditure (where applicable);
- costs arising directly from the requirements of the contract (dissemination of

Information, evaluation specific to the action, audit, translation, printing, insurance, etc.)
Including financial service costs (in particular the cost of transfers and financial guarantees).

(b) Contingency reserve

A contingency reserve not exceeding 10% of the direct eligible costs may be included in the Budget of the actions. It can only be used with the **prior written authorisation** of the Facility.

(c) Eligible indirect costs (overheads)

A lump sum not exceeding 10% of the total amount of eligible costs of the actions may be claimed as indirect costs to cover the administrative overheads incurred by the Beneficiary for the actions.

Ineligible costs

The following costs are not eligible:

- (a) debts and provisions for losses or debts;
- (b) interest owed;
- (c) items already financed in another framework;
- (d) purchases of land or buildings, except where necessary for the direct implementation of the action, in which case ownership must be transferred to the final beneficiaries and/or local partners, at the latest by the end of the action;
- (e) currency exchange losses;
- (f) taxes, including VAT, unless the Beneficiary (or the Beneficiary's partners) cannot reclaim them and the applicable regulations do not forbid coverage of taxes;
- (g) Credits to third parties.



JOINT STATEMENT OF INTENT (JSI)

CIVIL SOCIETY DEMOCRATIC GOVERNANCE (CSDG) FACILITY

November 2008

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THE PARTNERS

The participants to this Joint Statement of Intent (JSI) are a group of Development Partners who currently include the Royal Netherlands Embassy (Netherlands), the Swedish International Development cooperation Agency (SIDA), The Norwegian Embassy (Norway) and United Nations Development Programme (UNDP). These development partners will be collectively called the "Development Partners".

The Development Partners to this JSI are divided into two categories:

Category 1 – Development Partners funding all aspects of the Civil Society Democratic Governance Facility (the "Facility"), through UNDP to support activities. At the time of signing this JSI; these partners are Royal Netherlands Embassy (RNE), the Swedish International Development cooperation Agency (SIDA), The Norwegian Embassy (Norway) and United Nations Development Programme (UNDP); hereinafter referred to as the Contributing Partners.

Category 2 – Development Partners with earmarked funds (hereinafter referred to as earmarking funding partners) funding earmarked activities under the Facility. Partners under this category shall commit 10% of the funds towards the Facility's Capacity Development funds and shall also pay such percentage towards UNDP's General Management Support (GMS) as may be agreed between UNDP and such partner.

Partners can change category from earmarking partner to contributing partner in case they decide to fund all aspects of the Facility. Other co-funding arrangements channelled through the Facility may also be added at a later stage. This JSI also allows for the inclusion of new development partners.

INTRODUCTION

1. Development partners acknowledge the need to *reinforce the advocacy, watchdog and counter-balancing roles of civil society* in relation to the deepening of democracy and governance reforms in Kenya and to integrate a rights based approach to development in social and economic reforms. This will be done through support to advocacy, service delivery and capacity development of NGOs and CBOs.
2. The Development Partners have committed to set up a flexible Multi-Donor Facility to jointly support and coordinate such civil society



efforts in democracy and human rights and governance reform interventions, and integration of a rights based approach in social economic reforms, and whereas UNDP has expressed the willingness and capability to manage such coordinated support.

3. The Development Partners have jointly prepared this JSI in line with the Paris Declaration on Aid Effectiveness¹. The Partners have reached an understanding on common procedures for consultation and decision-making, funding and disbursement mechanisms, monitoring and reporting, review and evaluation, audit, financial management and the exchange of information and cooperation. This understanding is intended to enhance effective implementation of the Facility, reduce the administrative burden for Development Partners and all other beneficiaries, and to minimise transaction costs.
4. This JSI provides a framework of collaboration between the Partners, and regulates the relationship among Development Partners providing support to the Facility. It also provides a specific framework for the cooperation between UNDP and other Development Partners.

The JSI is based on, and should be read in conjunction with the *UNDP Project Document (PD) for a Civil Society Democratic Governance Support Facility*.

SCOPE AND OBJECTIVES

5. Development Partners, by signing this JSI confirm their commitment to supporting organised Kenyan civil society to practice and promote good democratic governance and human rights, thereby contributing to the deepening of democracy and citizen-led development in a coherent, results-oriented and responsive manner.
6. The Facility is guided by the following principles: (i) *democratic information flows*: transparency and inclusiveness of information sharing – within networks, institutions/organisations and within society at large through issues-centred dialogue, (ii) *democratic terms of engagement*: representative and inclusive participation, special outreach efforts to rural and remote areas as well as to marginalised groups and groups with special needs, safe-guarding the independence of civil society; and (iii) *democratic access to resources*: widely publicised information on funding opportunities, transparent selection

¹ The Paris Declaration, 2 March 2005, www.oecd.org/effectiveness

criteria, independent selection processes, quality and issues-based selection, high accountability standards, minimised gate-keeping and conflict of interest, ongoing capacity support and skills building in organisational good governance practices and programme management.

7. The following values underpin all activities: social justice, gender equity, poverty reduction and respect for social, economic, cultural, civil and political human rights.
8. The Development Partners commit to transparent funding of the Facility and will share information on all relevant funding and activities.
9. The Development Partners will enter into financial arrangements or agreements with UNDP that are compatible with the spirit and provisions of this JSI and will refrain, as far as possible, from setting conditions in these agreements or arrangements that contradict or diverge from the spirit or the provision of this JSI. However, if there is any inconsistency between the provisions of this JSI and any of the financial arrangements or agreements entered into with UNDP, the financial arrangements or agreements will prevail.
10. The Facility will operate in parallel and as a complement to other ongoing programmes and bilateral arrangements to support civil society actors in Kenya in the field of democratic governance. However, it will seek to harmonise and complement other ongoing initiatives in terms of approaches and processes for increased effectiveness of civil society support in the sector. UNDP will make efforts to co-ordinate with other initiatives supporting civil society in the same areas.
11. It will operate with long-term funding cycles of maximum three (3) years through successive and overlapping Calls for Proposals, covering any aspect of democratic governance support that primarily (but not exclusively) reflects the key result areas of Kenya's national development objectives as envisaged in the, Medium Term Plan, Vision 2030 and other development commitments and Government of Kenya policy / reform strategies in the area of democratic governance.
12. The first focus area will be on the key reform priority areas of the Governance Justice Law and Order Support programme (GJLOS) through a targeted Call for Proposals. Possible areas for targeted



future Calls for Proposals include around the African Peer Review Mechanism (APRM), Public Service Reform (PSR), Public Financial Management (PFM), and/or targeted rights-based initiatives in service delivery around roads, water, health, education, etc. .

13. Methods of delivery, such as civic education, voter education (if/when applicable), and public awareness through an extensive media programme will be utilised as appropriate for all thematic areas covered by the Facility. Capacity building of NGOs and CBOs will also be given priority. NGOs training institutions on rights based approach in social reforms can apply for grants to carry out capacity building.

MANAGEMENT, DECISION-MAKING, COORDINATION AND APPROVALS

14. The Development Partners will cooperate to ensure effective realisation of the objectives of the Facility. The management framework and decision-making mechanisms of the Facility in relation to strategic direction and learning, as well as grant management and implementation are illustrated below:

The UNDP Programme Management Unit (PMU)

15. UNDP will manage the Facility, through a PMU on behalf of the Development Partners. The PMU will undertake the following responsibilities:
- (i) Management, coordination and oversight of Facility activities
 - (ii) Appraise the Expression of Interest (EOI) and Applications from the CSOs based on the set criteria and make recommendations to the Project Appraisal Committee (PAC).
 - (iii) Provide technical support and advice related to the management of the Facility (institutional set-up and arrangements, progress tracking, M&E, IEC procedures etc.)
 - (iv) Provide advice in terms of democratic governance and the strategic direction of the Facility, based on stakeholder priorities
 - (v) Commission consultancy services when needed, and in managing ongoing consultancies and capacity building services
 - (vi) Manage tailored capacity building services to organisations, and facilitate a participative process to set minimum organisational good governance standards and benchmarking for participating organisations.
 - (vii) Coordinate and exchange information with other ongoing related programmes and initiatives.

- (viii) Regularly convene and facilitate meetings of the Facility Stakeholder Reference Group (see below)
- (ix) Ensure the capturing of lessons and documentation of best practice, and sharing at regular learning platforms.
- (x) Manage Calls for Proposals and liaise with the UNDP Project Appraisal Committee (PAC) for feedback on approved applications.
- (xi) Ensure financial management in accordance with UNDP rules and procedures.
- (xii) Manage UNDP-donor cost-sharing agreements and arrangements, and
- (xiii) Monitoring, tracking and reporting to development partners
- (xiv) Ensure that UNDP Programme Management rules, regulations and procedures are followed in the implementation of the Programmes under the Facility.

In establishing the PMU, emphasis will be on qualified and sufficient human resources supported by a highly qualified and experienced Capacity Building Specialist within the UNDP country office.

The Stakeholder Reference Group (SRG)

16. A Stakeholder Reference Group (SRG) shall be constituted for the Facility.

The initial composition of the SRG will be as follows:

- I. Five CSO Representatives representing each of the Key Priority Areas of GJLOS Reform Programme.
- II. At least three representatives of marginalised and vulnerable groups.
- III. At least four representatives of CSOs/CBOs with offices outside Nairobi.
- IV. Two Representatives of Development partners.
- V. One UNDP Representative.
- VI. The Representation to the SRG shall ensure gender balance.

17. The Stakeholder Reference Group shall be advisory in nature, and funding decisions ultimately lie in the hands of the development partners through the Project Approval Committee and the CSDGDG.

18. The Stakeholder Reference Group will:

- I. Lead strategic inputs and agenda-setting in learning platforms, stakeholder dialogue opportunities and joint reviews.
 - II. Provide strategic guidance on emerging issues that may form basis for future or supplementary calls for proposals.
 - III. Provide advice on strategic ways of engaging and dialoguing with the Government on the Priority areas of reform.
 - IV. Provide advisory services and strategic guidance for the different results-focused Calls for Proposals and implementation cycles.
19. Civil society will be responsible for electing its own representatives (as provided in **Paragraph 16**) above in a forum convened for that purpose. The CSO representatives to the SRG should consist of technically qualified representatives according to targeted key priority areas of reforms and national development objectives. The Programme Management Unit (PMU) Manager will attend the SRG in an ex officio capacity. The PMU will act as a Secretariat for the Stakeholder Reference Group.
20. CSOs members elected to the SRG shall serve in their personal capacity and not as representatives of their respective organizations.
21. The chair of the SRG shall be selected by SRG members from among the CSO representatives. Such selection shall be by consensus or where there is no such consensus by a simple majority vote of members in a meeting convened for that purpose.
22. CSO representatives to the SRG will serve for an initial period of one year after which a third (1/3) of the members shall be eligible to be replaced at the next annual CSDG week in accordance with the criteria under paragraph 16 above.
23. The SRG representatives shall present a report of their activities to all the stakeholders during the annual CSDG week.
24. Decisions of the Stakeholder Reference Group will be made by consensus. Any such decision however shall not be contrary to the spirit and intent of this JSI or any bilateral Agreement entered into between UNDP and any of the other development partners AND shall not contravene UNDP's rules, procedures and Regulations.
25. Development Partners will participate in the Stakeholder Reference Group through their representatives as provided for under Paragraph 16. Participation will be on rotational basis, but to ensure continuity,

the lead donor and deputy Lead Donor cannot be replaced at the same time. Government representatives will be invited to attend as observers when needed and as felt appropriate (to be determined by Stakeholder Reference Group members).

26. All decisions made at Stakeholder Reference Group meetings shall be recorded and circulated via email to the SRG, CSOs and CSDGDG by the PMU.

The Project Appraisal and Approval process

27. The PMU together shall conduct the Appraisal of expressions of interests and Proposals submitted by applicants and shall prepare a report and recommendations to the Project Approval Committee (PAC). Where the PMU deems it necessary to engage experts to assist in evaluating EOI and proposals, independent experts will be hired by the PMU for this purpose. The PMU will act as a secretariat for the PAC.

28. Project Approval Committee (PAC) will be set up to Appraise, consider and approve the recommendations on the applications received from the PMU and make a decision on the funding to the CSOs.

29. Members of the PAC will be:

- I. UNDP Country Director – Chair
- II. Assistant Resident Representative of another UNDP Unit
- III. UNDP head of Governance Programme
- IV. One representative of the donors
- V. Capacity Building Specialist – Ex officio

30. TORS for the PAC

- I. As provided for under Paragraph 27 above, the PAC shall receive recommendations and reports on proposals submitted by CSOs from the PMU
- II. Make decisions on the funding of applications from CSOs.
- III. Communicate decision to CSDGDG for information
- IV. Such decisions of the PAC shall be final

31. Decisions of the PAC shall be communicated to the CSOs by the PMU.



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The Civil Society Democratic Governance Donor Group (CSDGDG)

32. CSDGDG shall comprise of donors contributing or earmarking funds through the Facility and UNDP.
33. It shall regularly meet to discuss issues and give strategic guidance and advisory input to facilitate effective management and functioning of the Facility including: to endorse the decisions of the PAC on the Funding of Applications from CSOs.; to discuss issues on funding levels or needs; to consider change of development partners funding category; to review of priority areas of focus and to receive feedback from PMU and SRG as necessary.
34. The quorum for any meetings of the CSDGDG meetings shall be a half of the contributing partners or two Development Partners whichever is higher.
35. The CSDGDG shall elect a lead and deputy Lead Donor who will hold office period of one and half years after which another lead donor shall be elected. If the Lead Donor or Deputy Lead Donor chooses to resign, an election will be held to fill the positions.
36. The PMU will act as secretariat for the CSDGDG.
37. The CSDGDG of development partners will meet every two months (second Thursday of every second month) or more often if considered necessary. The Lead Donor will convene the meetings.
38. The CSDGDG will reach decisions by consensus.
39. When consensus cannot be achieved on a decision point after discussion at a meeting, then the decision of two-thirds majority of the Contributing Partners including UNDP will be considered final. Any such decision however shall not be in contravention of any bilateral agreements signed between UNDP and any Development Partner on the funding modalities of funding the facility **AND shall** not contravene UNDP's rules, regulations and procedures.
40. For major or controversial issues that require urgent action, the Lead Donor may consult the Contributing Partners in writing (including via email, provided receipt notification is requested) rather than calling a meeting. If the Lead Donor does not receive any objections within two working days of delivery of the written communication, the proposal

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will be considered approved. If an objection is received, the matter must be taken up at the next CSDGDG meeting (and an emergency meeting can be called upon 2 days written notice to deal with such an issue). Each Contributing Partner is responsible to submit a timely response to urgent requests.

41. It is the responsibility of each Contributing Partner to make sure that an alternate contact is added to the contact list to ensure that a member of the respective partner is contacted in case the normal focal point is absent.
42. In case a Contributing Partner is not able to attend a meeting, the partner can nominate another Contributing Partner to vote on their behalf.
43. All Development Partners will immediately inform each other of any circumstance that may interfere or threaten to interfere with the successful implementation of the planned activities of the Facility and will call a meeting to inform or consult with the other Partners on the remedial action to be taken.

MANAGEMENT ARRANGEMENTS

44. The Development Partners shall contribute to the Facility through UNDP. A cost sharing agreement, contribution arrangement or trust fund agreement will be signed bilaterally between each respective Development Partner and UNDP.
45. UNDP will administer the funds provided by the Development Partners, for the purpose of:
 - i. Providing rigorous, transparent and efficient management of funds,
 - ii. Rapid disbursement and ensuring that payments are made in a timely manner,
 - iii. Satisfying recognised international standards of financial reports on income and expenditure of the funds,
 - iv. Supporting partnership building and resources mobilisation for the program,
 - v. The use of UNDP's knowledge networks and potential for increased sector learning.
46. The funds will be administered in accordance with UNDP's financial and programming regulations, rules and procedures.





47. The Facility will be managed in accordance with UNDP Programming and operations policies and procedures.
48. The Programme Management Unit (PMU) will be anchored in the Governance component of UNDP Kenya.
49. UNDP shall provide dedicated highly qualified Country Office staff within UNDP country office to manage effective oversight and liaison with the UNDP PMU.
50. UNDP shall inform the Development Partners of all the developments relevant to the Programme and shall provide information regarding the Facility that may be reasonably requested. Consultation and exchange of information and documents under this paragraph shall be without prejudice to arrangements, which may be required to safeguard the confidential and restricted character of certain information and documents. Such arrangements will survive the termination of this JSI and of any agreements signed by the Development Partners within the scope of the Facility.
51. Provision of audit and UNDP's reporting to the Development Partners will be included in the cost sharing agreement, contribution arrangements and trust fund agreements signed between each respective donor and UNDP.
52. UNDP will ensure maximum efficiency and effectiveness in administering the funds while promoting sound financial management and accountability. In line with UNDP's policy a cost recovery of 7% will be levied on actual expenditures for the provision of the general management support. A contribution will also be charged of the direct cost for the implementation support services provided by UNDP.

CONTRIBUTIONS AND COMMITMENTS OF DEVELOPMENT PARTNERS

53. Partners will make contributions and commitments to the fund based on annual projections made by UNDP PMU. Supplementary projections may be made to respond to emerging issues. Contributing partners and earmarking partners agree to contribute the following:
 - I. 7% of their contribution towards the UNDP's General Management Support (GMS) and will also pay UNDP's global Implementation Support Services (ISS) charged by UNDP to manage such programmes.

II. Administration and other core costs of the PMU to be calculated each year by the PMU and included as part of the budget.

54. Development Partners will confirm funds to be contributed to the Facility, and financial agreement or arrangements will be entered into bilaterally with UNDP for the same. UNDP will communicate such agreements to the CSDGDG.

55. If no legally binding commitments have been made by UNDP on a particular activity under the Facility, Development Partners have the right to withhold disbursements to any activity where in their view, and after consultation with the CSDGDG, significant risk exists that implementation of the said activity would undermine the guiding principles or the effective utilisation of the funds for the Programme.

JOINT REVIEW AND EVALUATION

56. The PMU will be responsible for ongoing monitoring and will have a full-time designated M&E programme officer. The PMU will summarise the quarterly reports received from the implementing CSOs that will include an update on results achieved and any challenges or blockages faced by the Facility.

57. Progress will be reviewed every two months at the CSDGDG meetings, based upon brief financial and progress reports provided by the PMU Manager.

58. The Development Partners will, to the extent possible, refrain from conducting unilateral reviews and evaluations of the Facility, the Work Plan and the implementation of activities.

59. All Partners will participate in the Facility's annual CSDG week once a year to follow up on the progress of the Facility.

60. In cases where the Facility supports activities in and around a particular reform area/programme, reporting should as far as possible be synchronised with the government-led reform programme so that the accumulative effect of government and civil society activities in a designated area can be discussed during joint review meetings and in other stakeholder fora.

61. A midterm review of the Facility (after the first two years of operation); and a final independent review (towards the end of the first funding

cycle) will be commissioned by UNDP, in consultation with the CSDGDG, to assess the structure of the Facility as well as progress towards the realization of target outputs and outcomes.

REPORTING

62. The PMU will provide the Partners with all information relevant to the implementation of the Facility activities and the Work Plan. The PMU will monitor, evaluate and report on an ongoing basis on the implementation of Facility activities and the achievement of its expected results and objectives.
63. The PMU will also provide the CSDGDG with any other information regarding the Programme and its implementation that it may reasonably request.

ANTI CORRUPTION

64. The Signatories will cooperate on preventing corruption within and through the programmes financed by Development Partners, and will require that the PMU's staff, CSOs staff and consultants under projects or programmes financed by the facility refrain from offering third parties, or seeking, accepting or being promised by third parties, for themselves or for any other party, any gift, remuneration, compensation or benefit of any kind whatsoever, which could be interpreted as an illegal or corrupt practice. The Signatories will take swift action to stop, investigate and deal with any person suspected of misuse of resources or corruption, in accordance with applicable law and /or regulations.

RISK MANAGEMENT

65. In the case of non-compliance with the provisions of this JSI, Development Partners may suspend further disbursements, terminate this JSI and reclaim funds already transferred in whole or in part to the Facility. However, such suspension or termination shall not impact any obligation entered into by the Development Partners and UNDP in the related cost sharing and financial agreement or arrangements which will be governed by the terms of those agreements.

Such non-compliance for purposes of this paragraph refers to:

- a) Serious lack of progress on implementation;
- b) Substantial deviations from agreed plans and budgets;
- c) Compromised competitiveness in relation to any tender and/or open Call for Proposal launched by the Facility;

- d) Unsatisfactory management and misuse of funds;
- e) Occurrence of a fundamental change in programmatic circumstances compared to those that existed at the start of the programme.

Contributing Partners and UNDP, shall agree on the action needed based on consensus.

66. If a Development Partner pulls out of the programme for reasons other than those set forth above, the remaining Development Partners commit to use their best endeavours to find the most appropriate options to ensure continuity of the programme.

67. To avoid disruption in the implementation of the Facility, a Development Partner must give at least three months notice of intention to withdraw from the programme unless the withdrawal is motivated by non-compliance as described in paragraph 65 above.

CONFLICT RESOLUTION

68. Any dispute involving UNDP and other Development Partners shall be resolved in a meeting of CSDGDG and the UNDP Country Director failing which it shall be resolved in a meeting constituted of Heads of Agencies and Heads of Missions and the UNDP Resident Representative.

69. In any disputes involving the CSOs and the UNDP PMU on any matter related the facility UNDP Country Director's Office shall arbitrate and initiate dialogue with a view to amicably resolve the dispute. Specifically the following shall apply:

- I. In a case where an issue or complaint is raised against a CSO touching on financial accountability; implementation challenges and significant budgetary deviation above the 10% tolerance levels UNDP policies and procedures for handling such matters will be applied.
- II. In cases of complaints or grievances outside the above the following conflict resolution procedure shall apply:
 - vi. The issue or complaint once received, registered and or raised by the PMU shall first be discussed internally within the PMU.
 - vii. Should the issue or complaint not be resolved within the PMU, the same shall be forwarded to the UNDP CSDG Programme Specialist for discussions with the UNDP EU ARR and the PMU Manager;
 - viii. If the matter is not resolved the same is then discussed by the ARR who will seek advice from members of the UNDAF governance cluster before referring the matter to the UNDP

Country Director whose decision, direction or recommendation on the issue is final.

- III. Any issue, or complaint raised against the SRG by a CSO or other stakeholders
- a. The issue or complaint is received, acknowledged or raised by the PMU;
 - b. The issue is discussed by the PMU and CO ARR and CSDG Programme specialist;
 - c. If the matter is not resolved the matter is discussed within UNDP CO with the CD whose decision, direction or recommendation on the issue is final.
- IV. In any issue or complaint raised against PMU;
- a. The issue is received and logged by UNDP Capacity Building Specialist.
 - b. The Issue is discussed by ARR and CSDG Programme specialist within the Country Office.
 - c. If not resolved the matter is referred for discussion with the CD whose decision, direction or recommendation on the issue is final.

DEVELOPMENT PARTNER ACCESSION

70. This JSI will be open to signature by additional Partners subject to the approval of the CSDGDG. The approval will be based on coherence with the Facility, and acceptance of the guiding principles as described in this JSI.

EXPIRATION, MODIFICATION AND TERMINATION OF THE JSI

72. This JSI will expire after the first three years operation. It will be renewable every three years since the Facility is not time-bound in nature, but follows the programme cycles of different thematic and results-oriented Calls for Proposals (the first one focusing on strengthening the demand-side in and around GJLOS key result areas.
73. The JSI may be modified only by written arrangements between the Development Partners and UNDP.
74. Any of the Partners may withdraw from the JSI upon 90 days written notice to all parties of the JSI.

75. Obligations assumed by the Partners under this JSI shall survive the expiration or termination of this JSI to the extent necessary to permit the orderly conclusion of the implementation of the activities of the Facility.

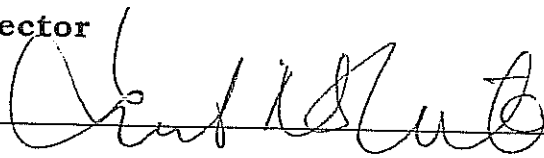
COMMENCEMENT

76. This JSI commences upon signature of UNDP and at least two other Development Partners.

For United Nations Development Programme (UNDP):

Tomoko Nishimoto

Country Director

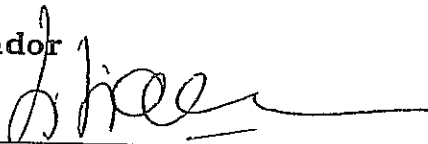


Date: ----- 11/12/2008 -----

For Royal Netherlands Embassy:

H.E Laetitia van den Assum

Ambassador



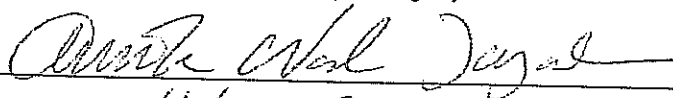
Date: ----- 10.12.08 -----

For the Government of Sweden through SIDA

Annika Nordin Jayawardena

Head of Development Cooperation -SIDA,

Embassy of Sweden (Kenya)



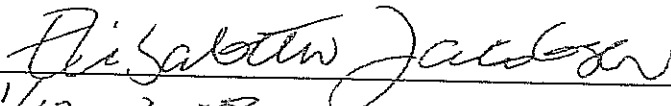
Date: ----- 4/12 2008 -----

For the Government of Norway

H.E Elisabeth Jacobsen

Ambassador

Royal Norwegian Embassy (Kenya)



Date: ----- 1/12-2008 -----

Civil Society Democratic Governance Facility
(AMKENI WAKENYA)

JOINT STATEMENT
OF INTENT
(JSI)

(c) UNDP/November 2010

THE PARTNERS

The participants to this Joint Statement of Intent (JSI) are a group of Development Partners who currently include the Embassy of the Kingdom of the Netherlands, Norwegian Ministry of Foreign Affairs, the Embassy of Sweden, The European Commission Delegation in Kenya and the United Nations Development Programme (UNDP). These will be collectively called the "Development Partners".

The Development Partners to this JSI are divided into two categories:

Category 1 – Development Partners funding all aspects of the Amkeni Wakenya Civil Society Democratic Governance Facility ("Amkeni Wakenya"), through UNDP to support activities. At the time of signing this JSI, these partners are: Embassy of the Kingdom of the Netherlands, the Embassy of Sweden, Norwegian Ministry of Foreign Affairs and the United Nations Development Programme (UNDP); hereinafter referred to as the Contributing Partners.

Category 2 – Development Partners with earmarked funds (hereinafter referred to as Earmarking funding partners) funding earmarked activities under Amkeni's programmes. Partners under this category shall commit 10% of the funds towards Amkeni Wakenya's Capacity Development funds and shall also pay such percentage towards UNDP's General Management Support (GMS) as may be agreed between UNDP and such partner. At the time of signing this JSI, these partners are The European Commission Delegation in Kenya.

Development Partners can change category from Earmarking partner to Contributing Partner in case they decide to fund all aspects of the Facility. Other co-funding arrangements channelled through the Facility may also be added at a later stage. This JSI also allows for the inclusion of new development partners.

INTRODUCTION

1. The Development Partners acknowledge the need to *reinforce the advocacy, watchdog and counter-balancing roles of civil society* in relation to the deepening of democracy and governance reforms in Kenya and to integrate human rights based approach to development in social and economic reforms. This will be done through support to advocacy, service delivery and capacity development of NGOs and CBOs.

2. The Development Partners have committed to set up a flexible Multi-Donor Facility to jointly support and coordinate such civil society efforts in democracy, human rights, access to justice and governance reform interventions, and integration of a human rights based approach in social economic reforms, and whereas UNDP has expressed the willingness and capability to manage such coordinated support.
3. The Development Partners have jointly prepared this JSI in line with the Paris Declaration on Aid Effectiveness¹. The Partners have reached an understanding on common procedures for consultation and decision-making, funding and disbursement mechanisms, monitoring and reporting, review and evaluation, audit, financial management and the exchange of information and cooperation. This understanding is intended to enhance effective implementation of the Facility, reduce the administrative burden for Development Partners and all other beneficiaries, and to minimise transaction costs.
4. This JSI provides a framework of collaboration between the Development Partners, and regulates the relationship among Development Partners providing support to Amkeni Wakenya, also known as the Facility. It also provides a specific framework for the cooperation between UNDP and other Development Partners.

The JSI is based on, and should be read in conjunction with the *UNDP Project Document (PD) for a Civil Society Democratic Governance Support Facility*.

SCOPE AND OBJECTIVES

5. Development Partners, by signing this JSI confirm their commitment to supporting organised Kenyan civil society to practice and promote good democratic governance, human rights and access to justice, thereby contributing to the deepening of democracy and citizen-led development in a coherent, results-oriented and responsive manner.
6. Amkeni Wakenya is guided by the following principles: (i) *democratic information flows*: transparency and inclusiveness of information sharing – within networks, institutions/organisations and within society at large through issues-centred dialogue, (ii) *democratic terms of engagement*: representative and inclusive participation, special

¹ The Paris Declaration, 2 March 2005, www.oecd.org/effectiveness

outreach efforts to rural and remote areas as well as to marginalised groups and groups with special needs, safe-guarding the independence of civil society; and (iii) *democratic access to resources*: widely publicised information on funding opportunities, transparent selection criteria, independent selection processes, quality and issues-based selection, high accountability standards, minimised gate-keeping and conflict of interest, ongoing capacity support and skills building in organisational good governance practices and programme management.

7. The following values underpin all activities: social justice, gender equity, poverty reduction and respect for social, economic, cultural, civil and political human rights.
8. The Development Partners commit to transparent funding of Amkeni Wakenya and will share information on all relevant funding and activities.
9. The Development Partners will enter into financial arrangements or agreements with UNDP that are compatible with the spirit and provisions of this JSI and will refrain, as far as possible, from setting conditions in these agreements or arrangements that contradict or diverge from the spirit or the provision of this JSI. However, if there is any inconsistency between the provisions of this JSI and any of the financial arrangements or agreements entered into with UNDP, the financial arrangements or agreements will prevail.
10. Amkeni Wakenya will operate in parallel and as a complement to other ongoing programmes and bilateral arrangements to support civil society actors in Kenya in the field of democratic governance. However, it will seek to harmonise and complement other ongoing initiatives in terms of approaches and processes for increased effectiveness of civil society support in the sector. UNDP will make efforts to co-ordinate with other initiatives supporting civil society in the same areas.
11. It will operate with long-term funding cycles of maximum three (3) years through successive and overlapping Calls for Proposals, covering any aspect of democratic governance, human rights, and access to justice support that primarily (but not exclusively) reflects the key result areas of Kenya's national development objectives as envisaged in the Medium Term Plan, Vision 2030 and other development

commitments and Government of Kenya policy / reform strategies in the area of democratic governance.

12. The first focus area was on the key reform priority areas of the Governance Justice Law and Order Support programme (GJLOS) through a targeted Call for Proposals. Possible areas for targeted future Calls for Proposals include Agenda 4 and general Governance reforms as well as emerging opportunities for reforms that require urgent civil society intervention.
13. Methods of delivery, such as civic education, voter education (if/when applicable), and public awareness through an extensive media programme will be utilised as appropriate for all thematic areas covered by the Facility. Capacity building of NGOs and CBOs will also be given priority. NGOs training institutions on rights based approach in social reforms can apply for grants to carry out capacity building.

MANAGEMENT, DECISION-MAKING, COORDINATION AND APPROVALS

14. The Development Partners will cooperate to ensure effective realisation of the objectives of Amkeni Wakenya. The Management Framework and decision-making mechanisms of Amkeni Wakenya in relation to strategic direction and learning, as well as grant management and implementation are illustrated below:

The UNDP Programme Management Unit (PMU)

15. UNDP will manage Amkeni Wakenya, through a PMU on behalf of the Development Partners. The PMU will undertake the following responsibilities:
 - (i) Management, coordination and oversight of Facility activities
 - (ii) Appraise the Expression of Interest (EOI) and Applications from the CSOs based on the set criteria and make recommendations to the Project Appraisal Committee (PAC).
 - (iii) Provide technical support and advice related to the management of Amkeni Wakenya (institutional set-up and arrangements, progress tracking, M&E, IEC procedures etc.)
 - (iv) Provide advice in terms of democratic governance, human rights, and access to justice and the strategic direction of Amkeni Wakenya, based on stakeholder priorities
 - (v) Commission consultancy services when needed, and in managing ongoing consultancies and capacity building services

- (vi) Manage tailored capacity building services to organisations, and facilitate a participative process to set minimum organisational good governance standards and benchmarking for participating organisations.
- (vii) Coordinate and exchange information with other ongoing related programmes and initiatives.
- (viii) Regularly convene and facilitate meetings of the Stakeholder Reference Group (see below).
- (ix) Regularly convene and facilitate meetings of the Facility and various government / quasi-government institutions spearheading reforms in specific areas.
- (x) Ensure the capturing of lessons and documentation of best practice, and sharing at regular learning platforms.
- (xi) Manage Calls for Proposals and liaise with the UNDP Project Appraisal Committee (PAC) for feedback on approved applications.
- (xii) Ensure financial management in accordance with UNDP rules and procedures.
- (xiii) Manage UNDP-donor cost-sharing agreements and arrangements
- (xiv) Monitoring, tracking and reporting to Development Partners
- (xv) Ensure that UNDP Programme Management rules, regulations and procedures are followed in the implementation of the Programmes under Amkeni Wakenya.

In establishing the PMU, emphasis will be on qualified and sufficient human resources supported by a highly qualified and experienced Capacity Building Specialist within the UNDP country office.

The Stakeholder Reference Group (SRG)

16. A Stakeholder Reference Group (SRG) shall be constituted for Amkeni Wakenya.

The initial composition of the SRG will be as follows:

- I. Five CSO representatives representing key GJLOS priority areas of Governance, Human Rights, Access to Justice, Law and order, and Security.
- II. At least three representatives of marginalised and vulnerable groups.
- III. At least four representatives of CSOs/CBOs with offices outside Nairobi.
- IV. Two Representatives of Development partners.

- V. One UNDP Representative.
 - VI. The Representation to the SRG shall ensure gender balance.
17. The SRG shall be advisory in nature, and funding decisions ultimately lie in the hands of the Development Partners through the Project Approval Committee.
 18. The SRG will:
 - i. Lead strategic inputs and agenda-setting in learning platforms, stakeholder dialogue opportunities and joint reviews.
 - ii. Provide strategic guidance on emerging issues that may form basis for future or supplementary calls for proposals.
 - iii. Provide advice on strategic ways of engaging and dialoguing with the Government on the Priority areas of reform.
 - iv. Provide advisory services and strategic guidance for the different results-focused Calls for Proposals and implementation cycles.
 19. Civil society will be responsible for electing its own representatives (as provided in **Paragraph 16** above) in a forum convened for that purpose. The CSO representatives to the SRG should consist of technically qualified representatives according to targeted key priority areas of reforms and national development objectives. The Programme Manager of the Programme Management Unit (PMU) will attend the SRG in an ex officio capacity. The PMU will act as a Secretariat for the SRG.
 20. CSOs members elected to the SRG shall serve in their personal capacity and not as representatives of their respective organizations.
 21. The Chair of the SRG shall be selected by SRG members from among the CSO representatives. Such selection shall be by consensus or where there is no such consensus by a simple majority vote of members in a meeting convened for that purpose.
 22. Persons elected to the SRG shall only serve for a maximum of two consecutive terms of one year each and shall not thereafter be eligible for re-election or nomination to the SRG.

23. The SRG representatives shall present a report of their activities to all the stakeholders during the annual Amkeni Wakenya Civil Society Week.
24. Decisions of the SRG will be made by consensus. Any such decision however shall not be contrary to the spirit and intent of this JSI or any Bilateral Agreement entered into between UNDP and any of the other development partners AND shall not contravene UNDP's rules, procedures and Regulations.
25. Development Partners will participate in the SRG through their representatives as provided for under Paragraph 16. Participation will be on rotational basis, but to ensure continuity, the Lead Donor and Deputy Lead Donor cannot be replaced at the same time. Government representatives may be invited to attend as observers when needed and as felt appropriate (to be determined by SRG members).
26. All decisions made at SRG meetings shall be recorded and circulated via email to the SRG, CSOs and DPs by the PMU.

The Project Appraisal and Approval process

27. The PMU together shall conduct the Appraisal of Expressions of Interests and Proposals submitted by applicants and shall prepare a report with relevant supporting documents and recommendations to the Project Approval Committee (PAC). Where the PMU deems it necessary to engage experts to assist in evaluating EOI and proposals, independent experts will be hired for this purpose. The PMU will act as a secretariat for the PAC.
28. Project Approval Committee (PAC) will be set up to appraise, consider and approve the recommendations on the applications received from the PMU and make a decision on the funding to the CSOs.
29. Members of the PAC will be:
 - i. UNDP Deputy Country Director- Programmes or his or her representative – Chair
 - ii. UNDP Head of Governance Team or his or her representative
 - iii. Two representatives of the Amkeni Wakenya Development Partners.
 - iv. Programme Manager of Amkeni Wakenya will be an ex-officio member of the PAC.
30. TORS for the PAC

- I. As provided for under Paragraph 27 above, the PAC shall receive recommendations and reports on proposals submitted by CSOs from the PMU
- II. Make decisions on the funding of applications from CSOs.
- III. Communicate decision to Amkeni Wakenya's DPs for information
- IV. Such decisions of the PAC shall be final but the PAC may for good reason review an earlier decision if it was based on wrong, incomplete, or falsified information.

31. Decisions of the PAC shall be communicated to the CSOs by the PMU.

The Development Partners Group.

32. The Amkeni Wakenya Development Partners Group (DPG) shall comprise of Development Partners contributing or earmarking funds through the Facility and UNDP.
33. It shall regularly meet to discuss issues and give strategic guidance and advisory input to facilitate effective management and functioning of the Facility including: to endorse the decisions of the PAC on the Funding of Applications from CSOs; to discuss issues on funding levels or needs; to consider change of Development Partners funding category; to review of priority areas of focus and to receive feedback from PMU and SRG as necessary.
34. The quorum for any meetings of the Amkeni Wakenya DPG meetings shall be a half of the Contributing Partners or two Development Partners whichever is higher.
35. The Amkeni Wakenya DPG shall elect a Lead and deputy Lead Donor who will hold office period of one and half years after which another Lead Donor shall be elected. If the Lead Donor or Deputy Lead Donor chooses to resign, an election will be held to fill the positions.
36. The PMU will act as secretariat for the Amkeni Wakenya DPG.
37. The Amkeni Wakenya DPG will meet every six weeks or more often if considered necessary. The Lead Donor will convene the meetings with support from Amkeni Wakenya Programme Manager.
38. The Amkeni Wakenya DPG will reach decisions by consensus.

39. When consensus cannot be achieved on a decision point after discussion at a meeting, then the proposed decision will be postponed or withdrawn. A Development Partner including UNDP not wishing to block a decision may state an objection by attaching a note to the decision. Any such decision however shall not be in contravention of any Bilateral Agreements signed between UNDP and any Development Partner on the funding modalities of funding Amkeni Wakenya **AND shall** not contravene UNDP's rules, regulations and procedures.
40. For major or controversial issues that require urgent action, the Lead Donor may consult the Development Partners in writing (including via email, provided receipt notification is requested) rather than calling a meeting. If the Lead Donor does not receive any objections within two working days of delivery of the written communication, the proposal will be considered approved. If an objection is received, the matter must be taken up at the next Amkeni Wakenya DPG meeting (and an emergency meeting can be called upon 2 days written notice to deal with such an issue). Each Development Partner is responsible for submitting a timely response to urgent requests.
41. It is the responsibility of each Development Partner to make sure that an alternate contact is added to the contact list to ensure that a member of the respective partner is contacted in case the normal focal point is absent.
42. In case a Development Partner is not able to attend a meeting, the partner can nominate another Development Partner to vote on their behalf.
43. All Development Partners will immediately inform each other of any circumstance that may interfere or threaten to interfere with the successful implementation of the planned activities of Amkeni Wakenya and will call a meeting to inform or consult with the other Development Partners on the remedial action to be taken.

MANAGEMENT ARRANGEMENTS

44. The Development Partners shall contribute to Amkeni Wakenya through UNDP. A cost sharing agreement, contribution arrangement or trust fund agreement will be signed bilaterally between each respective Development Partner and UNDP.

45. UNDP will administer the funds provided by the Development Partners, for the purpose of:
 - i. Providing rigorous, transparent and efficient management of funds,
 - ii. Rapid disbursement and ensuring that payments are made in a timely manner,
 - iii. Satisfying recognised international standards of financial reports on income and expenditure of the funds,
 - iv. Supporting partnership building and resources mobilisation for the program,
 - v. The use of UNDP's knowledge networks and potential for increased sector learning.
46. The funds will be administered in accordance with UNDP's financial and programming regulations, rules and procedures.
47. Amkeni Wakenya will be managed in accordance with UNDP Programming and operations policies and procedures.
48. The Programme Management Unit (PMU) will be anchored in the Governance Unit of UNDP Kenya.
49. UNDP shall provide dedicated highly qualified Country Office staff within UNDP country office to manage effective oversight and liaison with the UNDP PMU.
50. UNDP shall inform the Development Partners of all the developments relevant to the Programme and shall provide information regarding Amkeni Wakenya that may be reasonably requested. Consultation and exchange of information and documents under this paragraph shall be without prejudice to arrangements, which may be required to safeguard the confidential and restricted character of certain information and documents. Such arrangements will survive the termination of this JSI and of any agreements signed by the Development Partners within the scope of the Facility.
51. Provision of audit and UNDP's reporting to the Development Partners will be included in the cost sharing agreement, contribution arrangements and trust fund agreements signed between each respective donor and UNDP.
52. UNDP will ensure maximum efficiency and effectiveness in administering the funds while promoting sound financial management

and accountability. In line with UNDP's policy a cost recovery of 7% will be levied on actual expenditures for the provision of the general management support. A contribution will also be charged of the direct cost for the implementation support services provided by UNDP.

CONTRIBUTIONS AND COMMITMENTS OF DEVELOPMENT PARTNERS

53. Development Partners will make contributions and commitments to the fund based on annual projections made by UNDP PMU. Supplementary projections may be made to respond to emerging issues. Contributing Partners and earmarking partners agree to contribute the following:

- I. 7% of their contribution towards the UNDP's General Management Support (GMS) and will also pay UNDP's global Implementation Support Services (ISS) charged by UNDP to manage such programmes.
- II. Administration and other core costs of the PMU to be calculated each year by the PMU and included as part of the budget.

54. Development Partners will confirm funds to be contributed to the Facility, and financial agreement or arrangements will be entered into bilaterally with UNDP for the same. UNDP will communicate such agreements to the Amkeni Wakenya DPG.

55. If no legally binding commitments have been made by UNDP on a particular activity under Amkeni Wakenya, Development Partners have the right to withhold disbursements to any activity where in their view, and after consultation with the Amkeni Wakenya DPG, significant risk exists that implementation of the said activity would undermine the guiding principles or the effective utilisation of the funds for the Programme.

JOINT REVIEW AND EVALUATION

56. The PMU will be responsible for ongoing monitoring and will have a full-time designated M&E programme officer. The PMU will summarise the quarterly reports received from the implementing CSOs that will include an update on results achieved and any challenges or blockages faced by the Facility.

57. Progress will be reviewed every six weeks at the Amkeni Wakenya DPG meetings, based upon brief financial and progress reports provided by the PMU Manager.
58. The Development Partners will, to the extent possible, refrain from conducting unilateral reviews and evaluations of Amkeni Wakenya, the Work Plan and the implementation of activities.
59. All Development Partners will participate in the Amkeni Wakenya's Annual Civil Society Week (CSW) held once a year to follow up on the progress of Amkeni Wakenya.
60. In cases where Amkeni Wakenya supports activities in and around a particular reform area/programme, reporting should as far as possible be synchronised with the government-led reform programme so that the cumulative effect of government and civil society activities in a designated area can be discussed during joint review meetings and in other stakeholder fora.
61. A Mid Term Review of Amkeni Wakenya will be conducted by an external consultant in or around March 2011; and an independent review (towards the end of the first funding cycle) will be commissioned by UNDP in consultation with the Amkeni Wakenya Development Partners to assess the structure of Amkeni Wakenya as well as progress towards the realisation of target outputs and outcomes. Additional subsequent independent reviews may be agreed by Contributing Partners.

REPORTING

62. The PMU will provide the Development Partners with all information relevant to the implementation of Amkeni's activities and the Work Plan. The PMU will monitor, evaluate and report on an ongoing basis on the implementation of Amkeni Wakenya's activities and the achievement of its expected results and objectives.
63. The PMU will also provide the Amkeni Wakenya DPG with any other information regarding the Programme and its implementation that it may reasonably request.
64. The PMU will submit one (1) Annual Progress Report (Narrative and financial) to all Development Partners. This Report, will cover the period between January and December of every year, will become due on the last day of February the following year. Development Partners

shall as far as possible refrain from placing separate bilateral reporting obligations on the PMU to ensure consistency and harmonisation of Reports.

ANTI CORRUPTION

65. The Signatories will cooperate on preventing corruption within and through the programmes financed by Development Partners, and will require that the PMU's staff, CSOs staff and consultants under projects or programmes financed by Amkeni Wakenya to refrain from offering third parties, or seeking, accepting or being promised by third parties, for themselves or for any other party, any gift, remuneration, compensation or benefit of any kind whatsoever, which could be interpreted as an illegal or corrupt practice. The Signatories will take swift action to stop, investigate and deal with any person suspected of misuse of resources or corruption, in accordance with applicable law and /or regulations.

RISK MANAGEMENT

66. In the case of non-compliance with the provisions of this JSI, Development Partners may suspend further disbursements, terminate this JSI and reclaim funds already transferred in whole or in part to the Facility. However, such suspension or termination shall not impact any obligation entered into by the Development Partners and UNDP in the related cost sharing and financial agreement or arrangements which will be governed by the terms of those agreements.

Such non-compliance for purposes of this paragraph refers to:

- a) Serious lack of progress on implementation;
- b) Substantial deviations from agreed plans and budgets;
- c) Compromised competitiveness in relation to any tender and/or open Call for Proposal launched by the Facility;
- d) Unsatisfactory management and misuse of funds;
- e) Occurrence of a fundamental change in programmatic circumstances compared to those that existed at the start of the programme.

Development Partners and UNDP shall agree on the action needed based on consensus.

67. If a Development Partner pulls out of the programme for reasons other than those set forth above, the remaining Development Partners commit to use their best endeavours to find the most appropriate options to ensure continuity of the programme.

68. To avoid disruption in the implementation of Amkeni Wakenya, a Development Partner must give at least three months notice of intention to withdraw from the programme unless the withdrawal is motivated by non-compliance as described in paragraph 66 above.

CONFLICT RESOLUTION

69. Any dispute involving UNDP and other Development Partners shall be resolved in a meeting of the Amkeni Wakenya DPG and the UNDP Country Director failing which it shall be resolved in a meeting constituted of Heads of Agencies and Heads of Missions and the UNDP Resident Representative.
70. In any disputes involving the CSOs and the UNDP PMU on any matter related Amkeni Wakenya, UNDP Deputy Country Director-Programmes shall arbitrate and initiate dialogue with a view to amicably resolve the dispute. Specifically the following shall apply:
- I. In a case where an issue or complaint is raised against a CSO touching on financial accountability; implementation challenges and significant budgetary deviation above the 10% tolerance levels UNDP policies and procedures for handling such matters will be applied.
 - II. In cases of complaints or grievances outside the above the following conflict resolution procedure shall apply:
 - a. The issue or complaint once received, registered and or raised by the PMU shall first be discussed internally within the PMU.
 - b. Should the issue or complaint not be resolved within the PMU, the same shall be forwarded to the Team leader – UNDP Governance Team for discussions with the UNDP and the PMU Manager;
 - c. If the matter is not resolved the same is then discussed by the Deputy Country Director-Programmes who will seek advice from members of the UNDAF governance cluster before referring the matter to the UNDP Country Director whose decision, direction or recommendation on the issue is final.
 - III. Any issue or complaint raised against the SRG by a CSO or other stakeholders
 - a. The issue or complaint is received, acknowledged or raised by the PMU;

- b. The issue is discussed by the PMU and Team Leader, Governance Unit (UNDP) and Amkeni Wakenya Programme Manager;
 - c. If the matter is not resolved the matter is discussed within UNDP DCD-Programmes whose decision, direction or recommendation on the issue is final.
- IV. In any issue or complaint raised against PMU;
- a. The issue is received and logged by the Team Leader, Governance Unit (UNDP)
 - b. The issue is discussed by the Team Leader - Governance Unit and the DCD-Programmes within the Country Office.
 - c. If not resolved the matter is referred for discussion with the CD whose decision, direction or recommendation on the issue is final.

DEVELOPMENT PARTNER ACCESSION

70. This JSI will be open to signature by additional Development Partners subject to the approval of the Amkeni Wakenya DPG. The approval will be based on coherence with Amkeni Wakenya, and acceptance of the guiding principles as described in this JSI.

EXPIRATION, MODIFICATION AND TERMINATION OF THE JSI

72. This JSI will be valid for the duration of this Programme and will be in accordance with the Bilateral Agreement between the UNDP and each Development Partner.

73. The JSI will be renewed every three years. The first review will be in July 2013.

74. The JSI may be modified only by written arrangements between the Development Partners and UNDP.

75. Any of the Development Partners may withdraw from the JSI upon 90 days written notice to all parties of the JSI.

76. Obligations assumed by the Development Partners under this JSI shall survive the expiration or termination of this JSI to the extent necessary to permit the orderly conclusion of the implementation of the activities of Amkeni Wakenya.

COMMENCEMENT

77. This JSI commences upon signature of UNDP and the Development Partner.

For United Nations Development Programme (UNDP):

Aeneas Chuma

Aeneas Chuma
Resident Representative

Date: *17/10/12*

For the European Commission Delegation in Kenya
H. E. Mr. Lodewijk Briet,
Head of Delegation

Date: *23/10/12 f.o. B. Wt d'ergid'offices a.i.*

76. Obligations assumed by the Development Partners under this JSI shall survive the expiration or termination of this JSI to the extent necessary to permit the orderly conclusion of the implementation of the activities of Amkeni Wakenya.

COMMENCEMENT

77. This JSI commences upon signature of UNDP and at least two other Development Partners.

For United Nations Development Programme (UNDP):

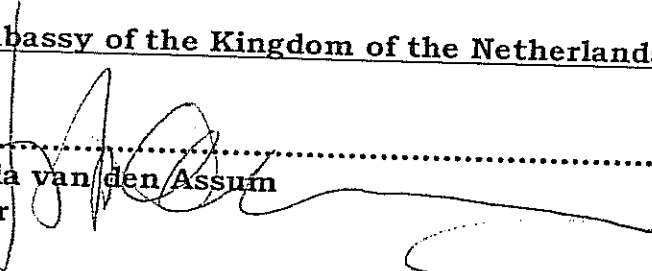


Aeneas Chuma
Resident Representative

Date: _____

30/11/10

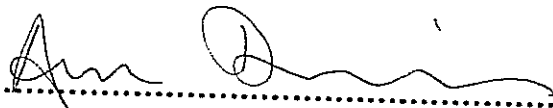
For the Embassy of the Kingdom of the Netherlands



H.E. Laetitia van den Assum
Ambassador

Date: _____

For the Embassy of Sweden



H.E Ann Dismorr
Ambassador

Date: -----

For the Norwegian Ministry of Foreign Affairs

Per Ludvig Magnus

H.E. Per Ludvig Magnus
Ambassador

Date: 15 XI 2010 -----

For the European Commission Delegation in Kenya
H.E. Eric Van Der Linden
Head of Delegation

Date: -----



*Empowered lives,
Resilient nations.*

2KEN 8215

7th July 2014

Dear Mr. Dieye,

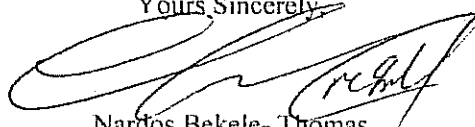
Subject: Request for DEX Authorization of our Non- State Actors Facility (ATLAS Project 00061019) until August 2015

Reference is made to the Note on Implementation of Country Programmes by UNDP Country Offices.

UNDP Kenya hereby requests that the Annual Work Plan 2KEN8215: Non State Actors Facility (ATLAS project 00061019) for 2014 is authorized for Country Office Implementation. The support is in line with the United Nations Development Assistance Framework (UNDAF) for 2014- 2018 and UNDP's Country Programme Document (CPD) for Kenya 2014- 2018 from August 2014- August 2015. A new Project Document for this Project, which is aligned to the UNDAF and CPD, has been developed. A copy is attached for your information. The following justifies the request for Country Office Implementation:

- 1) UNDP has maintained its neutrality in dealing with CSOs in the country
- 2) There is no functional coordinating or regulating agency for CSOs in the country
- 3) UNDP has expertise, both nationally and globally, in dealing with CSOs
- 4) UNDP's track record in managing multi-donor basket funds including the current one which it has managed since 2008
- 5) Strategic role of UNDP in working with CSOs, Government and Development partners
- 6) Democratic Governance is one of UNDPs Practice areas and CSOs remain a key stakeholder.

Yours Sincerely,



Nardos Bekele- Thomas
Resident Representative

Mr. Abdoulaye Mar Dieye
Regional Director of UNDP Africa
UNDP Headquarters
New York



2KEN8215

18th May 2012

Dear Dr. Gettu,

Subject: Request for DEX Authorization

Reference is made to the note on Implementation of Country Programmes by UNDP Country Offices.

UNDP Kenya hereby requests that the Annual Work Plan 2KEN8215: Non State Actors Facility (ATLAS project 00061019) is authorized for Country Office Implementation. The support is in line with the Country Programme Action Plan for Kenya 2009-2013. The following justifies the request for Country Office Implementation:

- 1) Neutrality of UNDP in dealing with CSOs in the Country
- 2) Lack of a functional coordinating or regulating agency for CSO in the country
- 3) Expertise available in UNDP, both nationally and globally
- 4) UNDP's track record in managing multi-donor basket funds like the Electoral Assistance Basket fund among others
- 5) Strategic role of UNDP in working with CSOs, Government and Development partners.
- 6) Democratic Governance is one of UNDP's Practice areas.
- 7) UNDP has been managing the funds effectively since 2005.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Aeneas C. Chuma'.

Aeneas C. Chuma
Resident Representative

Dr. Tegegnework Gettu
Assistant Secretary-General and Regional Director of UNDP Africa
UNDP Headquarters
New York