



# KENYA GOOD GOVERNANCE PROJECT (KGGP)

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END OF PROJECT EVALUATION

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**Nairobi, Kenya**

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## **Acronyms and Words with Unfamiliar Meaning**

ACHPR	– African Commission on Human and People’s Rights
CfP	– Call for Proposals
CIC	– Constitution Implementation Commission
EWC	– Endorois Welfare Council
FGD	– Focus Group Discussion
IEBC	– Independent Electoral Boundaries Commission
IIBRC	– Interim Independent Boundaries Review Commission
KGGP	– The Kenya Good Governance Project
KMCC	– Kenyan Minority Communities Council
KNCHR	– Kenya National Commission on Human Rights
MICs	– Minority and Indigenous Communities
MIPs NSAs	– Minority and Indigenous People’s Non State Actors
MRG	– Minority Rights Group International
OECD	– Organisation for Economic Cooperation and Development
OPDP	– Ogiek People’s Development Programme
The project	– The Kenya Good Governance Project (KGGP)
WIFIP	– Women in the Fishing Industry Project

## PROJECT INFORMATION SUMMARY

<b>Reference of the Call for Proposals</b>	EUROPEAID/128187/L/ACT/KE
<b>Title of the Call for Proposals</b>	Non State Actors in Development, Action in partner countries, Kenya
<b>Title of the action:</b>	Promoting Good Governance and Ensuring the Inclusion of Minorities and Indigenous Peoples in Kenya
<b>Number and title of lot</b>	Lot 2, Governance
<b>Location(s) of the action:</b>	Country: Kenya nationwide with a particular focus on Rift Valley and Nyanza Provinces
<b>Name of the applicant</b>	Minority Rights Group International (MRG)
<b>Nationality of the applicant</b>	British
<b>EuropeAid ID</b>	GB-2007-DQR-2711290645
<b>Legal status</b>	Non Profit Making, registered under UK Charity Law
<b>Partner 1</b>	Endorois Welfare Council (EWC), non profit making, Kenya
<b>Partner 2</b>	Indigenous Fisher Peoples Network (IFNP), non profit making, Kenya
<b>Partner 3</b>	Ogiek's People Development Programme (OPDP), non profit making, Kenya
<b>Budget</b>	EUR 599,857.41

## **EXECUTIVE SUMMARY**

The Kenya Good Governance Project (KGGP) was a partnership project between Minority Rights Group International and three Kenyan minority and indigenous communities' organisations – Ogiek People's Development Programme (OPDP), Endorois Welfare Council (EWC) and the Women in the Fishing Industry Project (WIFIP), funded by the European Union. The project supported the Kenyan partners in capacity building to enable them push for political and constitutional changes in favour of minority communities in Kenya.

This evaluation assesses the impact of the project on the target communities and organisations by investigating whether activities were effective in contributing to the outputs and whether the projects outputs made the best fit that contributes to the project outcomes. In addition, the evaluation assessed the quality and level of completion of activities by the time the project ended and whether the project was efficient by comparing the results with the investments made.

The evaluation employed a participatory approach where in addition to literature review, perspectives of MRG staff and those of staff from partners implementing the project were sought through discussions, meetings and consultations. Similarly, we interviewed community members and leaders in the project areas affording them the opportunity to discuss and interrogate the performance of the project. Other organisations that had interacted with the project were interviewed.

The KGGP was premised on capacity gaps within minority and indigenous civil society organisations (CSOs), limited collaboration between minority and indigenous representatives and the Kenya state actors, and limited support from the Kenyan society and the Kenyan media for the struggle faced by minority communities. Accordingly, KGGP worked to facilitate linkages between MIPs NSAs to work with CSOs, state agencies, and the media in Kenya. Specifically, the project worked with community leaders from targeted minority and indigenous communities, members of the minority and indigenous communities, Kenyan CSOs, MPs, Government, district authorities, academy, media, UN and International Organisations.

KGGP activities covered four broad areas of capacity building, research and publications, advocacy, public and media work. Capacity building activities comprised of training workshops for minority and indigenous communities (MICs) on media skills, human rights, advocacy, and techniques of engaging national actors. Although not part of the initial plan, implementing partners received training in financial reporting, monitoring and evaluation and fundraising skills. In addition to these, EWC received training in strategic planning. Research and publication activities comprised of reports on the state of Kenya's indigenous and minority people and advocacy briefs. Activities under advocacy included community specific advocacy campaigns, a national advocacy campaign on access to justice, election

work, and an annual parliamentary event aimed at seeking the support of members of the national parliament. Publication of positive stories about minorities in Kenya was successful with a number of media houses highlighting minority issues thereby raising the level of awareness of the public.

Activities under KGGP were implemented one at a time. Before funds could be disbursed for an activity, a partner would prepare a concept for such an activity with related sub-activities. The approach allowed partners the space to react to emerging issues and make modifications according to circumstances while remaining within the scope of the project proposal.

The media campaign and training events at the community level were the most effective activities. These activities brought MIPs NSAs in Kenya into contact with national processes and state actors and into the national CSOs landscape, a key objective of the project.

The activities prior to and during the KGGP have opened a new chapter in the lives of MICs in Kenya. MRG's support to the Endorois community quest to reclaim lost land achieved positive results with immense impact on MICs and their pursuit of their rights. MRG supported the process through provision of legal services when the community filed a case with the African Commission on Human and People's Rights (ACHPR). The ACHRP ruling on the Endorois Community Land Complaint, which recommended that the community be given back their land, has aroused interest among scholars who view it as a landmark and progressive judgement. There is also renewed interest among many MICs to map out their land. Several MICs in Kenya including the Pokot, Boni, Turkana, etc will be supported by the Ford Foundation to map out their lands. Two other minority communities in Baringo County, the Lempus and the Ilchamus, are each exploring ways of reclaiming land that was taken from them or compensation for resources exploited on their land.

The complementary relationship between the different KGGP activities e.g. research and publications, media campaign, and advocacy was not utilised fully to make them optimally effective. Further, were activities conducted with long time intervals, which rendered some less effective due to loss of momentum among target communities.

Some of the valuable lessons from the project are listed below:

- Organisations are dynamic entities that need regular monitoring and up to date assessment to gauge their capacities before collaborating with them. Above all, proof of sound governance systems on the part of potential partners is paramount.
- For capacity building to be integrated into an organisation's culture and new skills institutionalised, a formal and systematic organisational development framework with clear targets is necessary.

- An effective way to build capacity it turned out was exposing partners to the rigor of developing concept notes before they received funding to implement those activities. The requirement of concept notes before disbursement served as a motivation.
- The risk of a project being affected adversely by the withdrawal of one or more partners is reduced drastically where there is more than one partner engaged in implementation.
- When non-state actors capitalise on national processes with government support the effectiveness of their activities is enhanced. The civic education and constitution writing processes in Kenya gave impetus to activities under KGGP.

In view of the findings, we recommend the following:

- i.) As far as unrestricted budget limitations allow, MRG should review its partner assessment tool to include criteria such as track record, respect/standing within sector, wide ranging and useful sectors, willingness to share, sound management, governance structures, audited financial accounts (done by reputable firms) and strict fiduciary measures.
- ii.) Part of the partner selection criteria should be recommendations on what actions an organisation should take to enhance its capacity before partnership is formalised with MRG.
- iii.) MRG and partner should form strategic alliances with enduring national institutions such as the National Gender and Equality Commission and the Kenya National Commission on Human Rights to reduce costs in its programming.
- iv.) MRG and partners should strive to implement activities at closer intervals as much as possible to keep the momentum and maintain the motivation of the target group.
- v.) Where funding conditions allow, MRG and partners should consider advocacy at the international level in addition to the national level because international institutions can influence protection of minorities by national governments.
- vi.) A monitoring budget for implementing partner should be allocated for future activities in order to facilitate follow up activities and thereby enhancing their effectiveness, while addressing any emerging issues.
- vii.) Implementing partners should strive to diversify their resource bases around strategic areas where they have a comparative advantage and where opportunities exist.
- viii.) MRG and partners should consider twinning/mentoring as a capacity building approach for local partners.
- ix.) Future activities should include support to partners to equip them with technical skills in gender mainstreaming in order to improve the status of women from MICs.
- x.) Subject to point i) above, in view of the national CSOs increased interest to work with MICs, MRG should find ways of harnessing and organising such interest into a national movement for a stronger voice of minority groups in the country. A lead agency could be identified among CSOs e.g. CEMIRIDE and Kenya Minority

Communities Council (KMCC) be further strengthened through capacity development for improved coordination.

## I. INTRODUCTION

### 1. 1. Description of the Project

The Kenya Good Governance Project (KGGP) aimed to work with local partners and support them through capacity building to enable them push for political and constitutional changes in favour of minority communities in Kenya. Once the new Constitution was in place, the focus switched to both ensuring communities were aware of it and its provisions and ensuring that it was implemented in the most beneficial ways. The European Commission (EC) in Nairobi funded the project under the Lot 2 on Governance for Non State Actors in Development. The programme ran for three years from 2010 to the end of January 2013. KGGP involved four partner organisations: Minority Rights Group International (MRG) a UK based international nongovernmental organisation and three Kenyan civil society organisations:

#### i.) Minority Rights Group International (MRG)

Minority Rights Group International campaigns worldwide with partners in over 60 countries to ensure that disadvantaged minorities and indigenous peoples, often the poorest of the poor, can make their voices heard. Through training and education, legal cases, publications and the media, MRG supports minority and indigenous people as they strive to maintain their rights to the land they live on, the languages they speak, equal opportunities in education, employment, and full participation in public life.

MRG applied for and received the grant from the European Commission (EC) for funding activities related to the KGGP. Besides disbursement of funds, MRG with input from local implementing partners prepared the necessary reports to the EC under the project.

#### ii.) Ogiek Peoples' Development Program (OPDP)

The OPDP was founded in 2001 to advocate for the rights of the Ogiek people, a hunter-gather minority community in Kenya that has suffered much injustice and exclusion by the government and Kenyan society. OPDP is based in Nakuru town and operates in three main counties inhabited by the Ogiek – Nakuru, Uasin Gishu and Narok. OPDP implemented activities under the KGGP with a focus on Ogiek People's and other minority communities' interests.

#### iii.) Endorois Welfare Council (EWC)

EWC is a Kenyan community-based organization, established in 1996. It was founded by members of the Endorois indigenous minority community living in the Lake Bogoria area of Baringo, Marigat and Mogotio districts of Baringo County, as well as in Nakuru and Laikipia Counties. The EWC seeks to empower these indigenous and minority people to advocate for their social, economic and political rights.

EWC was one of the three local implementing partners for the KGGP.

iv.) Women in the Fishing Industry Project (WIFIP)

WIFIP started as a joint project of the International Extension College (IEC), Cambridge, UK and hosted at the Tropical Institute of Community Health and Development (TICH) in Africa in January 2002. At the time, it was only a project referred to as "Women in the Fishing Industry Project" (WIFIP) aimed at educating and empowering women towards economic and social development through non-formal and distance education strategies. The project subsequently registered as a local nongovernmental organisation (NGO). WIFIP had been part of a consortium working in Manyatta and Obunga informal settlements in Kisumu Country on an integrated poverty alleviation programme focusing on a common target group.

WIFIP joined the KGGP one year into implementation of the project to fill the void created by the withdrawal of Indigenous Fisher Peoples Network (IFP).

## **1. 2. Project Operating Context**

Following its adoption in a referendum on 4th August 2010, The Constitution of Kenya (2010) was promulgated on 27th August 2010, effectively replacing the independence constitution that was in force since 1963. This previous constitution provided for a centralised system of governance. Under that system, the Executive at the centre exercised significant political, administrative and fiscal power and control over both the national and sub-national governments. With inadequate checks and balances, there resulted skewed distribution of resources and opportunities within government and the public service by the centre. Soon there were distributional grievances from different pockets of the Kenyan society, which in turn have contributed to the political strife. The Post-Election Violence (PEV) that followed the hotly disputed 2007 presidential election results underscored the urgency for the enactment of a new constitution that addresses distribution of opportunities and resources. During another referendum held in August 2010, Kenyans voted for a new constitution.

The new constitution introduced the most radical and far-reaching governance reforms the country has ever known.. A key departure from the earlier system of governance is the move from a highly centralised to a decentralised governance framework, comprising of two levels of government — the national government and 47 county governments which are autonomous. This change in the governance structure effectively makes Kenya a 'Unitary State'. By devolving more powers and responsibilities to the counties, the new Constitution, gives hope for improved governance, political stability and economic prosperity. The implementation of the Constitution began in earnest immediately after its promulgation and the process continues to date.

The national values and principles of governance of the Constitution of Kenya, 2010 include equity, inclusiveness, equality, non-discrimination, and protection of the marginalized. These principles require the representation of persons with disabilities, youth, ethnic and other minorities; marginalized communities, and women; in elective and appointive positions at national and county government levels. This is the most significant public reform effort since independence. The expectation is that the move will lead to better

services, more equity, open up government to public participation and scrutiny, and improve the usage of public resources.

The country's previous constitutional order alienated most citizens from the state, but minority and indigenous communities have withstood the worst of this exclusion<sup>1</sup>. The state pursued what appeared to be an 'ethnically blind' approach, justified based on national unity while successfully concealing the ethnic privileging of some sections of the society<sup>2</sup>. In the process, ethnic minorities and indigenous peoples are facing identical issues: extreme poverty, non-respect of their most basic human rights and lack of access to justice to challenge the non-respect of these rights, as well as limited of participation, in the political and decision-making processes affecting their lives.

### **1. 3. Purpose and Scope of the Evaluation**

This evaluation coming after end of the KGGP assesses a number of aspects of the project. First, is the extent to which planned activities have been implemented, their levels of completion and quality of tasks undertaken during the course of implementation of the project. Secondly, the evaluation assesses the impact of the project on the target communities and organisations by investigating whether activities contributed to the outputs and whether the projects outputs made the best fit that contributes to the project outcomes. Thirdly, the evaluation sought to capture any valuable lessons learnt in the course of the project. Fourthly, the evaluation seeks to provide advice on the most appropriate way forward in continuing to push for the constitutional provisions regarding the protection of minorities and indigenous issues.

## **II. EVALUATION METHODOLOGY**

### **2.1. Approach**

The evaluation employed a participatory approach. Perspectives of MRG staff and those of staff from partners implementing the project were sought through discussions, meetings and consultations. Similarly, community members and leaders in the project areas were interviewed and afforded the opportunity to interrogate the performance of the project. Efforts were made to ensure that the groups interviewed were representative and inclusive i.e. the youth, women, men, and other groups and afforded the space to share their views.

### **2.2. Literature Review**

A review of all secondary data or reports on the project preceded all steps. The review gave the consultant a clear understanding of the project: its rationale, design, implementation, and history. Such an understanding gave guidance in the development of an interview guide for the evaluation and informed probing during fieldwork. In addition, literature review gave the consultant an indication of issues that needed probing.

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<sup>1</sup> MRG, 2012

<sup>2</sup> Muhula, R., 'Horizontal inequalities and ethno regional politics in Kenya', Kenya Studies Review, vol. 1, no. 1, December 2009.

After literature review, the consultant developed an interview guide and a work plan with specific dates, sites to be visited, and activities to be carried out. Subsequently, the consultant, in liaison with MRG set up meetings at the project sites before the start of fieldwork.

### **2.3. Data Collection**

The evaluation used in-depth interviews and focus group discussions. In-depth interviews were conducted with community leaders, local activists, and opinion leaders identified from the focus group discussions (FGDs) or through recommendation by other key informants. An in-depth interview guide containing the relevant questions directed these interviews, lasting between 30 minutes to one hour.

Focused group discussions (FGDs) were conducted in the relevant site using an interview guide, a set of questions that the consultant used to direct the discussion. The FGDs allowed for the collection of data from multiple respondents. They also allowed respondents to open up easily because they create familiarity and help to build confidence. Each FGD comprised of 6-8 discussants and ran for approximately one hour. Whenever necessary the consultant asked probing questions on new issues as they emerged without being limited to the guide.

### **2.4. Independence of the Evaluation**

To enhance triangulation and maintain independence, the consultant carried out random interviews in Nakuru town, Nakuru County, Marigat town in Baringo County and in Nairobi with persons identified by him independent of implementing partners.

Data from both in-depth interviews and FGDs was analysed based on the emerging themes as well as on the key outcome areas of the project.

### **2.5. Challenges during the Evaluation**

The evaluation exercise encountered four main challenges. First, a number of the key informants identified for interview are senior government officials, politicians, or consultants roaming on local and international assignments. The evaluation took place after general elections in the country when government officials and politicians were busy settling down. Setting up meetings with these groups of respondents proved elusive and a number of them could not be interviewed.

Secondly, communities and other interviewees were not always able to isolate KGGP related activities from other initiatives that partners have implemented especially with support from MRG. This is because MRG has had a long working relationship with two of the partners – OPDP and EWC. Over that period, significant achievements have been realized. Consequently, the consultant resorted to repeatedly reminding participants about the period covered by the evaluation and objectives of KGGP.

Thirdly, the land is an emotive issue among the Ogiek and Endorois communities as it is generally in Kenya. In fact, the TJRC in its report noted that, the administration stole large amounts of highly productive land from the local population, and removed communities from their ancestral lands. The report further states that, historical grievances over land

constitute the single most powerful driver of conflicts and ethnic tension in Kenya. Close to 50 percent of statements and memorandum received by the Commission related to or touched on claims over land.<sup>3</sup> The consultant allowed participants to air their views on land and the cases as these provided a focus for the two communities to plan their work around them, before focusing on KGGP. This meant that the participants still spent more time talking about the cases compared to other activities in the project.

Fourthly, an initial field visit to OPDP and EWC during the evaluation did not succeed in collecting meaningful data. A second field visit was made which resulted in more meaningful interviews and data. However, this meant more time was spent in the evaluation than initially planned.

### **III. EVALUATION RESULTS**

#### **3.1. Project Design**

##### *Implementation arrangement*

KGGP involved four partners: MRG, OPDP, EWC and WIFIP. MRG provided for technical support and guidance where necessary as well as coordination between the three partners in order to ensure coherence of activities and overall project harmony. In addition, it served the role of the custodian of project funds, which it disbursed according to activities and receiving accountability reports – both narrative and financial. It is necessary to note that the other partners are relatively smaller organisations that do not have the same capacity as MRG in fundraising and resources mobilisation.

The other three partners, OPDP, EWC and WIFIP, are local minority and indigenous people's organisations with a presence in their respective locations and communities in the country. These three carried out activities either at the community level or nationally wherever appropriate. Implementation by local organisations with strong ties with the communities they serve gave the project the required experience of manoeuvring through local politics. These organisations are also knowledgeable on issues affecting the target communities and practiced project implementation from experience and deep knowledge. The localisation of implementation to specific communities per partner added to the detailed and customised nature of activities carried out in the different locations. For example, the OPDP conducted community forums through elders' forums and the elders were selected based on the clan system. On its part, EWC based mobilisation on administrative Wards within Counties. WIFIP facilitated the establishment of elders', youth, and women's fora as a basis for training and mobilisation among the Abasuba people.

The communities in which the project partners operated expressed their confidence in the respective organisations working with them. The Abasuba community, a linguistic minority

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<sup>3</sup> Truth, Justice and Reconciliation Commission (TJRC), Kenya, 2013

in Western Kenya, were hugely appreciative of the work initiated among them by WIFIP on governance training and distribution of literature on the Abasuba language. “We now had many people including women from our community contesting for elective positions during the last general election. We ask WIFIP to continue the partnership with us, and we know our children will also live to speak our language”<sup>4</sup>. Similarly, members of the Ogiek community were proud of OPDP and its activities. Zakayo Lesingo of Nesuit community in Nakuru County remarked, “Our fight for our land is far from over. But had it not been for OPDP, we would have long been uprooted from here and we would be squatters living by the roadside by now. They (OPDP) have been extremely supportive.”<sup>5</sup> The Endorois community now has annual social and cultural events facilitated by EWC. Members of the community were proud of the organisation that has supported them to reclaim their land and advocated for their self-representation in political positions. The three implementing partners were found to enjoy warm relations with the communities they serve.

Implementation by more than one partner (three in this case) served as an appropriate risk mitigation measure in the event of the pulling out of a partner. This indeed happened when IFP pulled out. The other partners were still able to carry on with other project activities without the entire project coming to a halt before WIFIP joined the consortium to replace IFP.

Nevertheless, the pulling out of IFP as one of the implementation partners slowed down the pace of implementation specifically in relation to activities that fell directly under the remit of IFP. The exit of IFP from the programme came after it failed to meet the financial accountability threshold required. It is worth noting that a scenario such as this could probably have been avoided at the partner recruitment stage via a more thorough background check of the agency and more stringent selection criteria. MRG does not, however, have sufficient funds to visit every partner prior to embarking on funded work with them.

#### *Working with strategic stakeholders/actors*

The KGGP was premised on capacity gaps within minority and indigenous civil society organisations (CSOs), limited collaboration between minority and indigenous representatives and the Kenya state actors, and limited support from the Kenyan society and the Kenyan media for the struggle faced by minority communities. Accordingly, KGGP worked to facilitate linkages and collaboration between MIPs NSAs to work with CSOs, state agencies, and the media in Kenya. Specifically, the project worked with community leaders from targeted minority and indigenous communities, members of the minority and indigenous communities, Kenyan CSOs, MPs, Government, district authorities, academy, media, UN and International Organisations. Meetings, joint activities, and consultations were envisaged with these important actors as a way of fostering relationships and bringing

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<sup>4</sup> Chief Grace, Kaksingri location, Suba County.

<sup>5</sup> Zakayo Lesingo, Nesuit, Nakuru County

minority issues of the target communities to the national purview. In the end, the project worked with most of these actors. However, the levels of engagement varied with the actor.

### *Results chain*

The project assumed a linear model where a succession of activities carried out by partners, often in collaboration with other actors, was expected to deliver specific outputs, which in turn would lead to the project outcome and contribute to the ultimate project objective. This model is presented in the diagram below:

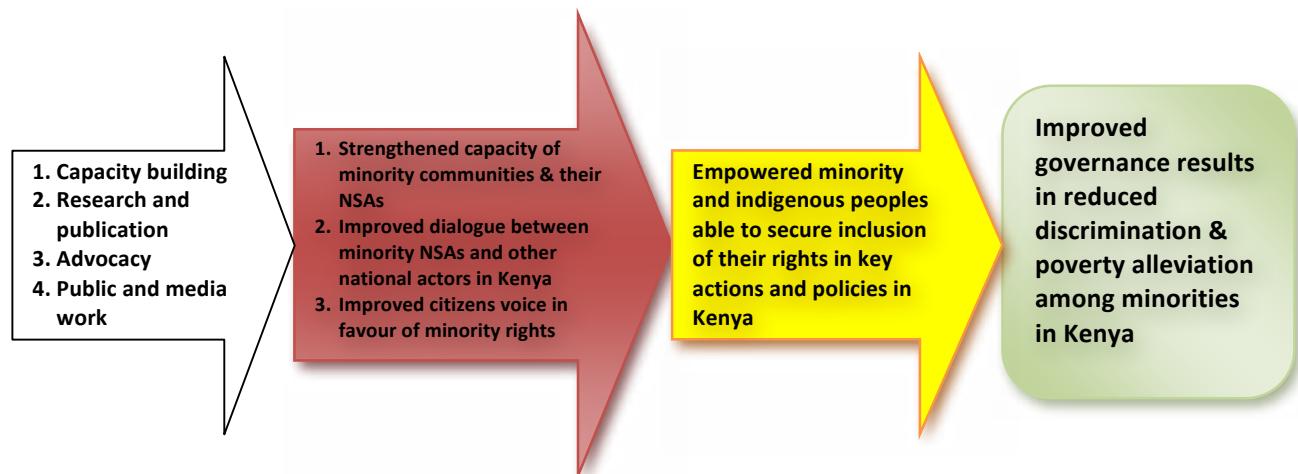


Figure 0: KGGP Results Chain Model

Strong civil society organisations acting on behalf of local minority communities are a requisite to such communities being able to acquire self-agency, mobilise and have voice to influence governance issues affecting them.

### *Capacity building*

Capacity building activities under KGGP consisted of training workshops for minority and indigenous communities (MICs) on media skills, human rights, advocacy, and techniques of engaging national actors. In addition, there were training on access to justice for paralegals and the establishment of short message service (SMS) mechanism to keep communities in remote villages informed of pertinent and relevant happenings on the national stage. Capacity building events took place amid many activities in the organisations and on the national scene affording participants and communities the opportunity to input into key national processes such as the demarcation of electoral boundaries by the Interim Independent Boundaries Review Commission (IIBRC), and the Truth Justice and Reconciliation Commission (TJRC) hearings on historical injustices, etc.

The SMS mechanism, which was based at the offices of EWC, was used but went up and down throughout the project. Throughout the project, partners used the system to raise awareness on important happenings on the legal cases and invite community members to activities. According to participants interviewed during the evaluation, the challenge was twofold. First, some of the recipients of messages sent out did not understand the messages. Recipients of messages ended up calling back EWC to seek more information.

This overwhelmed EWC especially without additional resource to manage the system beyond hosting and sending out messages. Secondly, the partners did not all come together to make use of the service. EWC being the host of the service was viewed to be the one to take full responsibility in looking out for vital information and informing everyone else. Nevertheless, there was increased usage of the information mechanism closer to the election period to sensitize community members to register to vote, letting them know when they could register and stressing the importance of participating in the election process.

Although not part of the initial plan, implementing partners received training in financial reporting, monitoring and evaluation and fundraising skills. This was geared toward enhancing their capacities in implementation and complying to reporting requirements as agreed with the funding agency. Although partners reported periodically as required, there was no adequate prioritising of such reporting, and it was not done in a timely manner. The KGGP officer in Kenya often had to liaise with partners to have reports submitted on time after delays and to have them submitted at the required quality levels.

#### *Research and publications*

Research and publication activities comprised of reports on the state of Kenya's indigenous and minority peoples and advocacy briefs. The reports and briefs reveal a high standard of quality production and research that informs the work of MRG. The quality of research and briefs further demonstrates the quality standards to which MRG holds itself and experience it has gathered over the years working on minority issues. In all cases except one, the publications came out on time and to the desirable quality standards.

#### *Advocacy*

Activities under advocacy included community specific advocacy campaigns, a national advocacy campaign on access to justice, and an annual parliamentary event aimed at seeking the support of members of the national parliament. Communities identified pressing issues and organised local campaigns around these issues. As part of the national advocacy, local partners linked up with other national processes and campaigns by other CSOs in the country thereby getting the opportunity to be part of other networks. For example, EWC took part in the Kenya Pastoralist week to showcase the Endorois culture. This was a particularly momentous event for MICs to attend in view of the fact that representatives from the Commission on Revenue Allocation (CRA) and the Vision 2030, attended.

Lobbying at the national assembly level turned out to be expensive and the high budget was not foreseen. Despite this challenge, EWC held a very successful event with 16 MPs of the Pastoralist Parliamentary Group in 2011. IFP organised a meeting with the Fisher People's Parliamentary Group. However, the other partners having seen the difficulties that EWC had

in organizing this event expressed an interest to focus their energy on the election process to ensure that minorities would be represented in elections – partners carried out a lot of work around elections.

#### *Public and media work*

Media campaign aimed at the publication of positive stories on issues faced by local communities, and a conference on “Advancing Minority Rights in Kenya” that was to be held in Nairobi with Kenya MPs, representatives of media and civil society and representatives of relevant state actors. Publication of positive stories about minorities in Kenya was successful with a number of media houses highlighting minority issues thereby educating the Kenyan public and raising their level of awareness. However, just like the annual parliamentary event, it was a challenge attracting the right number of MPs to the national conference again because of the allowances they demanded to attend such a meeting, and preferred venue of such a meeting.

KGGP comprised a set of different activities that called for follow-up at different times after execution. The project, however, did not have a monitoring and evaluation budget line for the three partners. However, towards the end of the project, the partners carried out an internal evaluation with community members. This exercise was found useful and allowed the partners to follow up with community members, strengthening the relationship, and asked them what kind of work they thought was necessary for the future.

### **3.2. Project Implementation**

All activities planned under the project were carried out albeit with some delays and later on the pulling out of IFP from the project. The initial three partners IFP, OPDP, and EWC were well conversant with the issues relevant to their communities. When WIFIP joined the project to replace IFP, it took some time learning about the project and locating a constituency. This further added to loss of momentum in implementation gained before they came in, especially for the part of the portfolio where IFP was responsible.

Activities under KGGP were implemented one at a time. Before funds could be disbursed for an activity, a partner would prepare a concept for such an activity with related sub-activities. What this meant is that although there was a framework to guide on activities within the project scope, there was enough space to accommodate new and emerging issues by incorporating new activities or modifying those foreseen. Partners viewed the development of concept notes as “rigorous but a good learning process”<sup>6</sup>. To most partners, this was a tiresome and time-consuming process, especially when the project document/proposal listed activities to be undertaken. However, because of the same process and the attendant administrative and accountability procedures before funds could be disbursed, activities were carried out with significant time lapses from one activity to the

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<sup>6</sup> Interview with Bernard Obara, EWC

next. Because of such time lapses between activities, in some instances, a succeeding activity ended up looking like a new start and communities had to be reoriented.

### **3.3. Efficiency**

According to Organisation for Economic Cooperation and Development (OECD), efficiency in project evaluation refers to the input-output ratio or the amount of resources invested compared to the results realised. The value of activities accomplished under KGGP, for example training and mobilising communities to acquire self-agency and voice, is more than their financial costs. The quality of reports/briefs under the project represented good value for money.

The use of chief's *barazas* (public forums convened by a chief) – a direct bottom-up approach where everyone in the community received the same information at the same time, was found to be an efficient method. Such meetings not only allow for the dissemination of information to large numbers of community members without restriction to invitations, but also attract no significant cost on the part of implementing partners. On the other hand, the implementing partners and communities have received enormous exposure to local and international networks that have further raised their profile and publicised their plight in Kenya and beyond.

### **3.4. Effectiveness**

The media campaign and training events at the community level are two of the KGGP activities that have been most effective. Interviews held with contacts in Nairobi, indicate that Kenyans now appreciate the ethnic diversity in/of the country because of stories concerning minority groups that have been aired in the media. Knowledge of these groups has also inspired a sense of empathy among observers who now say that the constitution should be implemented in letter and spirit in order to address marginalisation of both areas and communities<sup>7</sup>.

Activities carried out by partners were conducted with considerable gaps in between different activities. One activity was fully accounted for through narrative and financial reports before the next activity began. This served as a risk mitigation strategy. On the other hand, this rendered some activities that were meant to be continuations to preceding ones look like new activities altogether. The momentum was lost. Such a scenario makes activities less effective since one would appear to start afresh rather than build up on an earlier step.

Although there is a reference to working with the UN and international organisations in the project document; while project actors have in the past secured favourable judgements to the preferment of the MIPs in Kenya through the intervention of regional bodies, the project lacked an advocacy element at the international and regional levels. This is because

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<sup>7</sup> Interview with George Gathigi, University of Nairobi

the EU call for proposals (CfP) on which the project is funded disallowed advocacy beyond Kenya. This limitation by the terms of the CfP meant that opportunities that come with international advocacy could not be utilised (at least under this project, although MRG did find some other sources of funding to do some of this work). Despite this, MRG together with the partners submitted to shadow report to UN treaty bodies, CERD and the Human Rights Committee. Both committees mentioned minority issues in the concluding observations and the Endorois and Ogiek were mentioned explicitly. In addition, members of Endorois community were facilitated by KGGP to meet with a Commissioner from ACHPR in Nairobi.

The capacity development support to implementing partners – training in monitoring and evaluation, financial reporting and fundraising – focused on the activities they carried out in the course of the project. The initial project design did not cover this kind of capacity building which came in at a later stage in order to aid the partners' capabilities for the smooth implementation of the project activities and for their sustainability efforts. While this capacity building achieved its purpose of improving reporting, according to the three partners, a limited monitoring budget did not allow for much scope for application of knowledge and skills learnt. Despite this limitation, MRG together with the partners developed questionnaires based on the project results and indicators. The partners administered the tool in communities and reported to MRG on progress. Fundraising skills, however, proved immensely useful, and partners have and continue to make presentations to different donors registering success in fundraising activities.

### **3.5. Sustainability**

The KGGP activities have brought MIPs NSAs in Kenya into contact with national processes and state actors and into the national CSOs landscape. The benefits derived from the linkages so far established will continue accruing even after KGGP has ended. This is especially because issues affecting minorities have found their way into the constitution and national institutions and there is increased awareness among the Kenyan public on issues affecting minorities. The enthusiasm communities have about their identity and land rights is strong. This too is expected to continue into the future because of increased awareness of specific provisions in the constitution.

The enhanced capacity of partners through new skills has enabled OPDP and EWC raise funds without sole reliance on MRG. New funding streams guarantees the survival of these organisations in the longer term.

The continued unmet need of MICs issues and the creation of institutions such as the NGEC, CIC and the KNCHR as well as the constitutional provisions on minority and marginalised groups, all combined, provide for engagement opportunities in the longer term. It will therefore be incumbent upon MICs to keep their part of the bargain by continuously engaging these actors.

The integrated approach used by implementing partners in which KGGP related activities were not stand-alone initiatives ensures that there is regular contact with communities in the longer-term post KGGP. Through the support of the implementing partners, the three communities – Ogiek, Abasuba and Endorois – now hold annual cultural events, something that enhances inter and intra community interaction among minorities. EWC is implementing a number of projects in the community. These include water, sanitation, health, sport, education, etc. OPDP also supports bee keeping and poultry rearing activities among women in the community. These projects and events created regular platforms for each community to enhance its cohesion and articulate pertinent issues.

At an organisational level WIFIP has a number of ongoing projects e.g. microfinance and business development services that not only support the organisation's financial sustainability but also support vulnerable groups such as women and youth through business start-up, business skills for sustainable livelihoods. This integrated approach to programming ensures the organisations' activities within their respective constituencies are regular and hence continued presence within the community.

Programming in areas such as gender and livelihoods is especially beneficial for minority groups that have endured the most of exclusion. This integrated approach is fitting because the challenges facing minority groups are multiple calling for multiple interventions.

### **3.6. Relevance**

The KGGP dealt with an important issue; human rights as they relate to governance of minority communities. MICs have had their rights violated, and this has put them in a disadvantaged position where their precise identity and livelihoods are under threat. These issues remain thus making the project as relevant when it was implemented, as it will be in the future.

The current Kenyan Constitution (2010) encourages participation in governance in the belief that only communities can articulate their own interests in the best way possible. This came as a relief for MICs who have for far too long been grouped together with larger hegemonic communities and their issues suppressed or pushed to the margin. KGGP afforded MICs the opportunity to build their capacity and mobilise themselves in order to participate in governance alongside the rest of Kenyans.

Governance issues in Kenya and the implementation of the constitution have been a protracted and negotiated process with many competing interests from the different groups. Yet, it is clear that whereas everyone is in principle free to air their views, it takes considerable mobilisation, strong self-agency and voice to have a community or any group to get a hearing and its agenda addressed fully. The activities under KGGP responded to this situation especially combining education, media work, capacity building and advocacy for MICs so that they too can be heard.

Devolution is one radical aspects of the new constitution. The creation of County Governments means there is an additional tier of government to engage with besides the national government. The national government will be concerned with more policy formulation while county governments will carry out the implementation of those policies. KGGP activities such as educating communities on the provisions of the constitution equipped them with skills to engage with these new power structures besides seeking to be represented.

### **3.7. Impact**

#### *Capacity of MICs and their NSAs*

Through training in monitoring and evaluation (M&E), financial management and reporting, the partners' capacities have been enhanced in the respective areas. The organisational culture of two of the three implementing partners i.e. OPDP and EWC remains weak. Communication and reporting remain weak and require a structured capacity building approach at the institution level – an organisational development process.

The capacity building enabled representatives of OPDP and EWC to participate by making presentations in national processes such as the Truth Justice and Reconciliation Commission (TJRC) and the Interim Independent Boundaries Review Commission (IIBRC). The Ogiek community in Nakuru County were able to have a Ward i.e. a County Assembly area of representation hived out for them so that they could get self-representation. TJRC report captured the Endorois issues.

Two of the partners – OPDP and EWC – were already well versed with issues of governance (in relation to MICs) and human rights. WIFIP on the other hand had no prior experience in governance before joining KGGP. Upon joining KGGP, WIFIP became skilled in governance issues. Governance now appears prominently in its revised strategic plan. WIFIP is now keen to engage the new county government on matters of governance. The appointment of the former Executive Director, Jennifer Atieno to head the Education Department in Kisumu County, will open further doors for WIFIP while engaging the county government.

#### *Capacity of and awakening among MICs*

Because of KGGP, the Abasuba, hitherto a subdued and silenced minority group, whose language is under threat, are increasingly becoming vocal on issues that affect them as a community. KGGP facilitated the formation of the Abasuba Women Council and Abasuba Youth Council. Women are now also part of the Abasuba Council of Elders. These under KGGP, have generated a sense of solidarity among the Abasuba and enthusiasm among the youth who were risking assimilation by dominant surrounding groups. Although delayed implementation of the recommendations of the Endorois Case has caused some relative disappointment among the community, activities under KGGP have aided in keeping the hopes alive.

The activities prior to and during the KGGP have opened a new chapter on the lives of MICs in Kenya and diversity in the country as a whole. The African Commission on Human and People's Rights (ACHPR) ruling in the Endorois Community Land Complaint in particular has aroused interest among scholars who view it as a landmark judgement and a progressive one as well.

The Endorois case has served as an inspiration to MICs on issues of land and natural resources. There is also renewed interest among many MICs to map out their land. Several MICs in Kenya including the Pokot, Boni, Maasai, etc will be supported by the Ford Foundation to map out their lands<sup>8</sup>. Two communities living adjacent to Endorois have studied the activities of EWC and are taking action concerning resources within their community land. The Lempus, a minority community in Rift Valley, Kenya have gone to court to put an end to logging in Lempus forest in the same manner the Endorois are claiming resources in and around Lake Bogoria<sup>9</sup>. Similarly, Endorois lay of claim on Lake Bogoria has inspired the Ilchamus community living in Marigat to start exploring how to get back what was once their land, the Njemps Plains now Perkerra Irrigation Scheme<sup>10</sup>.

#### *Governance*

The last general election in Kenya saw the largest ever number of contestants from target MICs (Ogiek, Suba and Endorois) vying for political office. Among the contestants were also women. This new reality came following sensitisation and awareness creation activities under KGGP in the countdown to the general election. On their part, OPDP filed a case in court and obtained a favourable judgement. The court ordered the then IIBRC to demarcate for the Ogiek community in Nakuru a new Ward – a county assembly area of representation – in order for them to stand a chance of electing one of their own and enjoy self-representation. This is a key achievement that is directly attributed to the activities of the partner and which makes operational the spirit and letter of the constitution.

The media campaign educated the Kenyan public about minority communities, the issues they grapple with and their success stories. Consequently, the profile of minority communities in the eyes of ordinary Kenyans has been raised and a lot of bias addressed. Kenyans are now more aware and welcoming to the diversity that exists within the country. Minority communities have also started asserting their rights and establishing cultural centres, which not only aid the preservation of their cultures but also serve to educate the public about these minority communities.

#### *Profile of MICs NSAs*

Following the Endorois Case there is a surge in interest among CSOs in Kenya to work with MICs and the NSAs that serve them. The Kenya Human Rights Commission (KHRC), Kituo cha Sheria, International Commission of Jurists (ICJ), etc are all keen to work with minority

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<sup>8</sup> Yobo Rutin, Executive Director, CEMIRIDE

<sup>9</sup> Interview with Jackson Kiplangat

<sup>10</sup> Interview with Zephania Lekachuma, Chief, Marigat Location

communities by leveraging the experience and knowledge of local NSAs that work for the preferment of these communities and groups<sup>11</sup>.

### **3.8. Partnership**

Overall, the KGGP partners have had a close working relationship with each other and with MRG. Each partner brought to KGGP certain strengths and value to the partnership. EWC's strategy to pursue justice in land rights in court is now being employed by OPDP. OPDP has particularly been strong in advocacy. WIFIP has particular strengths in gender programming and activities geared toward the financial sustainability of the organisation. The partnership has thus been one of complementarities. In the process, the partners have learnt from each other.

### **3.9. Inclusion**

Effective participation of the minority communities in governance is yet to be fully realised. This is especially so because even though the constitution provides for their representation, there are many interest groups and minority groups that have for a long time been ignored and are now raising their voices. The creation of the KMCC provides for a platform through which MIPs in Kenya can continue to advocate for their cause.

### **3.10. Gender**

Women remain a marginalised group even among MICs. Except for WIFIP, the partners did not demonstrate any technical expertise in the area of gender programming despite receiving training on gender from WIFIP. Nevertheless, the partners ensured equal number of females and males attended training events. EWC and OPDP are also implementing different projects aimed at improving the livelihoods of women. Gender balancing is still being confused with gender mainstreaming.

### **3.11. Minority Issues and Devolution**

The existence of county governments presents a second tier for advocacy besides the national government. Majority of policies will originate from the national government. County governments will implement them. Cultivating strong working relations with county governments becomes essential.

On the other hand, the national government will feel less of the push for rights by MICs. Instead, the county governments will feel it more. For example, the claim for revenue from Lake Bogoria by Endorois community means less revenue for the Baringo County treasury. This is a measure likely to be met with resistance at the county level. Going by this scenario, county governments, present a challenge. While Counties are best suited to implement policies because they are closer to communities, competition for resources and opportunities is at the same time, heightened.

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<sup>11</sup> Interview with Yobo Rutin, Executive Director, CEMIRIDE

### **3.12. External Factors that Aided the Project**

Several national processes had significant positive influence on the KGGP. The then draft constitution had already recognized minorities and marginalized groups in the county and made express mention of them. This bold step underscored the place and rights of minorities within the Kenyan society. Accordingly, initiatives that supported minority communities to live to the spirit of the constitution such as the KGGP received greater legitimacy.

A massive civic education drive took place in Kenya in the countdown to and after the referendum on the new constitution in 2010. After the constitution was promulgated civic education on the constitution continued under programmes such as Amkeni Wakenya – a basket fund managed by UNDP – and the government's Kenya National Integrated Civic Education (K-NICE) programme. Beginning 2011, another round of civic education was underway in the run-up to the 2013 general elections. These nationwide civic education drives became a natural feed to the KGGP activities and gave impetus to the project.

Other national processes that took place before, during or after the KGGP were the IIBRC hearings and the TJRC hearings. The IIBRC hearings afforded minority communities the opportunity to influence demarcation of electoral boundaries. The Ogiek had a Ward created exclusively for them in Nakuru County. The Endorois made presentations to the TJRC, and their land grievances have since been captured in the reports of the commission.

### **3.13. Challenges Encountered during Implementation**

The 80-20 % rule on disbursement under KGGP required that after partners develop a concept note for an activity and the concept note is approved by MRG, MRG will disburse funds equivalent to 80% of the cost required to carry out that activity, and the balance 20% after the activity has been completed and all reports submitted. As a result, partners had to get funds from other sources to finance the 20% of the budget. This rule was found to be unpopular with partners and particularly inconveniencing to those that did not have adequate extra funding. As with the case of delayed disbursements, partners ‘borrowed’ from other projects to finance 20% of the costs of KGGP activities before the amounts were disbursed to them.

Partners found reporting a challenge because of the need to balance the rigor of reporting with fundraising activities for the sustainability of the organizations. The partners shared this challenge even after receiving training in monitoring and evaluation for them to appreciate the importance of reporting and its role in sound project management.

The distances to minority communities in the country were also a challenge. Members of the Ogiek community live in Nakuru, Narok, Uasin Gishu, and Mt. Elgon Counties. The Endorois live in Baringo, Nakuru, Laikipia and parts of West Pokot Counties. The long distances between the locations of abode of these communities present a challenge to both OPDP and EWC in visiting all these communities and coordinating their activities. The

distance between Kisumu where WIFIP is based, and Suba where the Abasuba community live is considerable. Nevertheless, regular telephone communication, occasional visits and invitations of representatives of these communities to meetings has ensured that target MICs and the partners maintain contact.

#### **IV. CONCLUSIONS**

Overall, the KGGP was implemented according to plan albeit with some delays. All planned activities were carried out except for the annual parliamentary event that turned out to be more costly than projected as well as challenging to set up meetings with very busy MPs and the SMS-based communication mechanism whose use went up and down. The quality of activities matched the financial investment. The publication and reports were particularly of high quality.

KGGP made significant contributions in raising the profile of MICs in Kenya through media campaigns and participation in national processes. There is thus an awakening and inspiration among MICs well beyond the direct target group, including the Sabaot, Sengwer, the Nubians, Lempus, etc to assert their identity and constitutional rights. Similarly, the project raised the profile of MICs NSAs by bringing to and linking them within the national CSOs spectrum.

Although KGGP made remarkable achievements, the fight for MIPs issues and agitation required of and on behalf of MICs is far from over. The new constitution currently undergoing implementation has only opened a new chapter for marginalised and minority groups to ensure that the laws capture the spirit of the constitution, and they are implemented to the letter. The creation of county governments has opened a new front for negotiation and a second tier of government to deal with. However, the increased awareness on MIPs issues and renewed interest among CSOs in Kenya to work with MICs, an achievement largely contributed by the work of MRG, is promising. MICs and their NSAs are likely to find a critical mass of national organisations willing to support them in their pursuit of rights in governance and other sectors.

#### **V. LESSONS LEARNT**

##### i.) Selecting of partners

While past track record is crucial, discipline, transparency and playing by set rules are even more crucial for successful implementation. IFP in spite of a track record ended up not adhering to the terms of the partnership. Past performance should not therefore override the need for up to date capacity assessment of a potential partner including their fiduciary mechanism. However, it is worth noting that fundraising can be a costly undertaking in which an organisation such as MRG lacks external funding dedicated for such a purpose and

donors barely ever directly support the process. This compromises on the capacity of organisations to do a thorough background check on potential partners including making regular missions to Southern partners.

ii.) Activity based concept notes

An effective way to build capacity it turned out to be was exposing partners to the rigor of developing concept notes before they can have funds disbursed to them for execution of those activities. Although not popular among partners, many acknowledged that they learnt a lot in the process of developing concept notes and can handle similar tasks in the future with confidence.

iii.) Reducing risk through more partners

The exit of IFP without the project coming to a halt shows that having more than one partner reduces the risk of challenges that might arise when there is only one partner, and they are unable to continue being part a project.

iv.) National process can give impetus to programming

The national processes such as civic education that were going on in the country during the implementation of the KGGP gave the work of KGGP impetus making it relevant on a broader scale.

## VI. RECOMMENDATIONS

### **Partner selection**

- i.) To the extent practical, MRG should review its partner assessment tool to include criteria such as track record, respect/standing within sector, wide ranging and useful sectors and willingness to share, sound management and governance structures, and audited financial accounts (done by reputable firms) and requiring strict fiduciary responsibility.
- ii.) Part of the partner selection criteria should be recommendations on what actions and organisation should take to enhance its capacity before partnership is formalised with MRG.

### **Strategic collaboration**

- iii.) MRG and partners should form strategic alliances with national institutions such as the National Gender and Equality Commission and the Kenya National Commission on Human Rights to keep at bay the prohibitive costs of working with the national or county parliaments on advocacy.

### **Implementation**

- iv.) MRG and partners should strive to implement at close intervals as much as possible to keep the momentum from one activity to the next and maintain the motivation of the target group.

## **Project effectiveness**

- v.) Where funding conditions allow, MRG and partners should consider advocacy at the international level in addition to the national and regional levels as international institutions are likely to exert pressure on their counterparts at national level and push for protection of minorities.
- vi.) A monitoring budget for implementing partner should be allocated for future activities in order to facilitate follow up of activities and thereby enhancing their effectiveness, capturing and addressing any emerging issues.
- vii.) Partners should be encouraged to use the SMS mechanism and all should take responsibility of seeking out information that needs to be communicated to target communities.

## **Sustainability**

- viii.) Implementing partners should strive diversify their resource bases around strategic areas where they have a comparative advantage and where opportunities exist. Partner could learn from WIFIP.

## **Capacity building**

- ix.) MRG and partners should adopt twinning<sup>12</sup> /mentoring as a capacity building approach for partners.

## **Gender**

- x.) Future activities should include support to OPDP and EWC to equip them with technical skills in gender mainstreaming in order to improve the status of women from MICs.

## **Looking ahead working with MICs in Kenya**

- xi.) In view of the national CSOs increased interest to work with MICs, MRG should find ways of harnessing and organising such interest into a national movement for a stronger voice of and greater impact among all minority groups in the country. A lead agency could be identified among CSOs e.g. CEMIRIDE and Kenya Minority Communities Council (KMCC) be further strengthened through capacity development for improved coordination.
- xii.) Kenyan partners should identify activities they can carry out in common in order to sustain the working relationship established under KGGP through joint activities.

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<sup>12</sup> Twinning is a capacity strengthening arrangement where an entity seconds technical personnel to another to offer the required support in specific fields and must yield mandatory results. It is a close partnership in which the specific commitment of the beneficiary, who is also the driving force behind the changes targeted, is vital.

## VII. ANNEXES

### 1. List of Persons Interviewed

Name	Organisation/community
1. Albert Okumu	Abasuba Community Elder
2. Grace Musuni Binox	Abasuba Community Member
3. Jane Rangi	Abasuba Community Member
4. Charles Odongo	Abasuba Community Member
5. Zarana Akinyi Achila	Abasuba Community Member
6. Grace Akinyi Jamalanga	Abasuba Community Youth
7. Freddy Banduti	Capacity Building Officer, MRG East Africa
8. Hon. Dr. Wako	Chair, Regional Centre for Pastoralist Elders
9. Claire Thomas	Deputy Director, MRG
10. Nelson Kipchumba Kibon Elder	Endorois Community
11. Jackson Kiplangat	Endorois Community Elder
12. Dorcas Kipteroi	Endorois Community Member
13. Richard Yegon	Endorois Community Member
14. Salina Sadiki	Endorois Community Member
15. Christine Chebii	EWC
16. Patrick Marigat	EWC chairperson
17. Bernard Obara	EWC, Governance Officer
18. Yobo Rutin	Executive Director, CEMIRIDE
19. Daniel Kobei	Executive Director, OPDP
20. Jennifer Atieno	Executive Director, WIFIP
21. Molu Tepo	KGGP, Kenya Project Consultant
22. Julius Baskwony	Chief, Koibos, Soi Location
23. Zephania Lekachuma	Chief, Marigat Location
24. Giulia Di Mattia	MRG, Programme Coordinator
25. Zakayo Lesingo	Ogiek Community Elder
26. Christopher Kipkones	Ogiek Community Member
27. Leah Kawawa	Ogiek Community Member
28. Regina Naisuru	Ogiek Community Member
29. John Lesongi Lembikas	Ogiek Community Member
30. Zakayo Chelule	Ogiek Community Member
31. Hellen Sitienei	Ogiek Community Member
32. Ismael Lenduse	Ogiek Community Member
33. Emanuel Lemis	OPDP
34. Peter Cheruiyot	OPDP, Human Rights and Governance Officer
35. Wilson Kipkazi	Programme Coordinator, EWC
36. Rebecca Didi	Programme Officer, WIFIP
37. Margaret Lerrapi	Teacher, Marigat
38. Shobha Das	Director of Programmes, MRG

## 2. Field Schedule

Date	Site visited/group met
2 <sup>nd</sup> April 2013, 9am	Met OPDP staff
2 <sup>nd</sup> April 2013, 2pm	Met Ogiek community members in Nesuit
3 <sup>rd</sup> April 2013, 9am	EWC staff
3 <sup>rd</sup> April 2013, 2pm	Endorois Community members, Loboi, Baringo
4 <sup>th</sup> April 2013, 2pm	WIFIP staff
5 <sup>th</sup> April 2013, 12noon	Abasuba community members, Kaksingri, Suba
4 <sup>th</sup> June 2013, 2pm	EWC Staff
5 <sup>th</sup> June 2013, 9pm	OPDP staff
5 <sup>th</sup> June 2013, 2pm	Meeting with paralegal training participants from OPDP
6 <sup>th</sup> June 2013, 9am	Radat and marigat, Baringo
7 <sup>th</sup> June 2013, 9am	Nakuru – key informant interviews
7 <sup>th</sup> June 2013, 2pm	Nakuru – key informant interviews
9 <sup>th</sup> June 2013, 9am	Nakuru – key informant interviews
9 <sup>th</sup> June 2013, 2pm	Meeting with paralegal training participants from EWC

## 3. List of Documents source of Information Consulted

- i.) A success story of the Endorois People of Kenya: ACHPR Ruling on the Endorois Community Land Complaint, Kenyan Land Alliance, 2010.
- ii.) Briefing: Taking diversity seriously: minorities and political participation in Kenya, Minority Rights International, 2012.
- iii.) Challenges at the intersection of gender and ethnic identity in Kenya, Minority Rights International, 2012.
- iv.) <http://www.minorityrights.org/>
- v.) <http://www.ogiekpeoples.org/>
- vi.) Human Rights Committee: Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012.
- vii.) Kenya at 50: Unrealized rights of minorities and indigenous peoples, Minority Rights International, 2012.
- viii.) Kenya's indigenous Endorois: Centre for Minority Rights Development & Minority Rights Group International (MRG) on behalf of the Endorois Community v The Republic of Kenya, Minority Rights International, 2010.
- ix.) KGGP Interim Evaluation Report, MRG, 2011
- x.) KGGP Project Document
- xi.) KGGP Year 1 Narrative Report Final
- xii.) MRG Year 2 Narrative Report
- xiii.) Notes: *Mainstreaming Minority Communities' Issues in the Governance of Baringo County, 2013*
- xiv.) OPDP Annual Report For The Year 2010
- xv.) OPDP organisation Profile
- xvi.) OPDP strategic plan 2007 – 2011
- xvii.) Reports of The Truth, Justice And Reconciliation Commission, Kenya 2013

#### **4. Terms of Reference of the Evaluation**

Kenya Good Governance Project

##### Final Evaluation – Terms of Reference and call for Expressions of Interest

The programme Kenya Good Governance Project aimed to work with local partners and support them through capacity building to push for political and constitutional changes in favour of minority communities in Kenya. Once the Constitution was in place, the focus switched to both ensuring communities were aware of it and its provisions and aiming to ensure that it was implemented in the most beneficial ways. The programme ran for three years and ends at the end of January 2013.

Ideally substantial work on the evaluation should be carried out between February and May 2013 with a report drafted in May/June (and submitted no later than 15<sup>th</sup> June), after MRG and partners' input the finalised report should reach MRG no later than the 15<sup>th</sup> July 2013. We would expect that the evaluator selected would have extensive knowledge and experience of working on minority rights, expertise on and experience of working on governance issues in Kenya, capacity building in small organisations, gender issues, experience of advocacy strategies and of influencing decision makers.

In the logframe for the project the purpose/specific objective was:

<b>Objective or result</b>	<b>Objectively verifiable indicator</b>
To empower minority and indigenous peoples so that they can secure the inclusion of their rights in key actions and policies at local and national levels in Kenya.	<ol style="list-style-type: none"> <li>1. National policies and new legislation adopted in the 2nd and 3rd year of the intervention specifically mention minority rights/minority communities, with an attention to specific needs of minority women.</li> <li>2. Minority communities (including minority women) report an increasing involvement in the design/monitoring of relevant processes/policies. This is seen in the number of meetings between MP/Government officials and representatives of minority/IP communities.</li> <li>3. By year 3, one out of the 4 planned advocacy campaigns (act. 3.1) reaches its objectives (OVI as planned in campaign design). Two more report significant progress, and/or positive dialogue with the authorities on the issue.</li> <li>4. Minority issues and solutions to those issues (including those affecting specifically women) are discussed in the preparation of the 2012 elections.</li> <li>5. By the end of the constitutional process, the new Constitution adopted effectively protects the rights of minority communities.</li> </ol>
#1 Strengthened capacities of minority and indigenous communities and the NSA representing them to actively engage in key current governance challenges for the country.	<ol style="list-style-type: none"> <li>1. In the 6 months following the trainings, 80% of trained community activists/CBO reps report greater knowledge and awareness of human/minority rights. 80% of these go on to use this knowledge by undertaking advocacy and/or training others over the following year.</li> <li>2. In at least 2 of the 4 communities where trainings occur, activists and local government officials meet at least 5 times per year to discuss solutions to problems facing the community (including specific problems of women / children / elderly / disabled / HIV-Aids suffering) and monitor their effectiveness/impact.</li> <li>3. 70% of the people who receive information via the information system feel they are better aware of the latest political</li> </ol>

	developments.
#2 Improved dialogue between minority and indigenous NSA and local and national state actors to respond to the concerns of minority and indigenous communities (including women and vulnerable groups)	<ol style="list-style-type: none"> <li>1. By the end of year 2, caucus of MPs sympathetic to minority issues is set up in Parliament. This is seen in questions raised by MPs in Parliament on behalf of communities.</li> <li>2. Minority issues are a central issue in the 2012 elections with candidates presenting viable and effective solutions to address these issues, with attention to the specific needs of women and vulnerable groups.</li> <li>3. Targeted minority communities report an better collaboration with government representatives on the issues they face.</li> </ol>
#3 Strengthened citizen voice in favour of the struggle of minority and indigenous communities to secure their rights.	<ol style="list-style-type: none"> <li>1. A minimum of 10 positive stories on minority issues are published in the media each year. At least 4 are about women.</li> <li>2. At least 2 meetings between media and communities representatives (including women) are organized annually.</li> <li>3. By year 3, campaigns carried out by partner NGOs/CBOs and community activists lead to national debates on specific issues faced by these communities. This is seen in media coverage referring to the campaigns.</li> </ol>

#### Key evaluation questions

Referring to the logical framework, did we complete all of the **activities** as planned to a reasonably high quality? What problems were encountered at this level? How did they affect the activities and to what extent were they overcome?

#### Outcome level

Where completed as planned, did the activities contribute to the planned **results**? Where this was so, refer to evidence. Where not so, what factors intervened and explain how they impacted. Suggest ways that MRG tried to overcome any problems and how successful this was (or not). Document any changes in the external environment that may have helped or hindered the project. If there were any unplanned results (positive or negative) explain what these were and how they came about.

#### Impact level

If at all possible, make an assessment as to whether the results achieved are likely, over the longer term to achieve or contribute to the achievement of the **purpose** of the project:

If it is unlikely that all or part of the purpose will be achieved, why is this and is this something that could have been foreseen or overcome?

#### Additional evaluation questions:

1. What effect has the project had (if any) on communities and partners' capacities to represent the rights and interests of their communities through advocacy campaigns? Detail progress made but equally identify gaps or constraints that are still impeding progress. What input have other organisations or individuals had in supporting and developing partners' capacities in addition to or alongside MRG's input? Assess the MRG contribution to any capacity gains vis a vis the work of others. Assess to what extent the project has made good decisions in deciding which aspects of capacity building to prioritise. Which capacity building methods worked best and why? Which capacity building methods were less effective and why? Are any gains in partners' capacity sustainable over the longer term? To what extent have any improvements in capacity translated into benefits for the community on the ground? Are partners more sustainable organisations than February 2010? Have their governance structures been strengthened?

2. What sort of partnership relationship has developed between MRG and the partners and amongst the partners? What aspects of this have been more or less helpful? One partner (IFP) withdrew from the project and a new partner (WIFIP) was brought on board in the middle of the project. WIFIP has been less active than the other partners since it joined the project. Investigate and report on the reasons for this. What impact (positive & negative) has this had, if any, and could MRG have handled this better? What other lessons could be learned from this?
3. In relation to the advocacy work, what was possible to date in relation to ensuring inclusion of minorities and IP in reform and governance processes? What were the contributions of the partners in the process which culminated in the promulgation of the 2010 constitution? What has been if any the level of participation in the implementation of the Kenya Constitution 2010? What gaps exist? What are the barriers to ensuring communities benefit from the provisions of the constitution? How have the partner participated in the implementation of the constitution? Is there space for manoeuvre and how able are the partners to find this space? Were the project objectives realistic given the time frame i.e. was it realistic to expect to be able to make some headway into the negotiation and influence the policy of the Government of Kenya in less than three years? What are the indications at this stage in terms of a meaningful change in policy by the Government of Kenya? How likely is it looking that this change (if achieved) will translate into concrete benefits for communities on the ground?
4. Government officials including MPs (at national level) have been less active in this project than originally planned, investigate and report on the reasons for this. What impact has this had, if any, and could the four partners (MRG and the local partners) have handled this better? What other lessons could be learned from this?
5. To what extent have grassroots communities benefited from the project? Have the benefits been reasonably balanced between different areas and groups e.g. women, men, young and older people? Has the project contributed to or detracted from cooperation and harmony within the community? Has the project improved or proved negative for relationships between the partners and other MIP communities? Who has been included in their work and who feels excluded? How well have partners been able to reach and work with women and youths and are women and/or youths represented in any way in the planning of the activities? Has the project in any way contributed to the unity of purpose for MIPs in Kenya? How different should this have been done?
6. Were the publications produced in this project timely and relevant? Did they address the issues of importance to the target communities and other MIP? Were they disseminated appropriately and if so, did they prove useful to those who received them?
7. Did MRG and partners incorporate women' issues and gender in the way envisaged? If not, why not? If yes, how was this achieved? What can MRG learn from this in the future in similar programme?
8. It would be useful to have comments on how MRG and partners have monitored, kept track of and reacted to changes in circumstances? Have the reactions and changes in project implementation been based on a sound analysis and agreements reached? Have they proven to be good decisions? Have any critical external context changes slipped under the radar or been picked up too late and, if so, has this impacted on the effectiveness of the work?
9. In what ways if any did the media support the realisation of the objective of the project?
10. The information mechanism has not been as successful as originally planned, investigate and report the reasons for this.
11. In light of the new constitution and its on-going implementation, including the devolution process, provide advice about the most appropriate ways forward in continuing to push for implementation of the provisions regarding the protection of minority and indigenous issues. For example, should we continue to push for unity of purpose of MIPs in Kenya? Or would international advocacy work, not included in this project, be effective in providing some leverage to push for implementation and inclusion of MIPs in the reform process?

What other advocacy strategies could make a difference for MIPs in Kenya?

#### Specific tasks of the evaluator

- Read all project materials, review feedback from project partners (including notes of meetings, reports of campaigns, training evaluations, capacity assessments, notes of meetings, email correspondence.)
- Speak to MRG project staff in London, (Giulia, Shobha, Lucy/Carla, Claire), Kampala (Freddy) and Kenya (Molu). Visit partners' staff in three locations in Kenya to be briefed on the project and again to discuss the conclusions and findings with the project staff (if necessary, some of the conversations with London and Kampala staff could take place via skype). (Potentially to meet with ex partner IFP Director in Kenya).
- Travel to or within Kenya to hold detailed discussions re project implementation, results and impact with staff in 3 partner organisations. In each of the three locations visit at least two communities (one community visit to be arranged by partner, one to be undertaken independently) to interview a sample of project beneficiaries as well as others who have not directly benefitted. From a list of 20 local and national advocacy targets, media sources and independent experts, speak to or correspond with at least 10 to seek out opinions on the project, attribution and impact. Independently identify and get opinions from at least 5 additional expert/well informed sources.
- Report with an assessment of the effectiveness and impact of the programme and on lessons that MRG, partners and others can learn for the future in similar initiatives. This should include an executive summary of around 2 pages.

There is no preset format for this evaluation although MRG is particularly interested to learn from it, lessons that we can apply in designing and running work with similar objectives in the future. It is essential that the evaluation also assesses how well gender has been mainstreamed in the work throughout. The evaluator will need to be independent of MRG, its donors, the project targets and will need to demonstrate that no perceived or actual conflict of interests would arise during the evaluation. The evaluator will need to work within the time frames outlined above.

The budget for this piece of work including the evaluators' fee, all travel, communication and other costs is €5,500.

If you are interested in being considered for this opportunity, please send your CV and a covering letter setting out your relevant experience and your suggested methodology of tackling this evaluation to [Claire.thomas@mrgmail.org](mailto:Claire.thomas@mrgmail.org) to arrive by 12.00 midday (Greenwich Mean Time) on Monday 14<sup>th</sup> January 2013. MRG will endeavour to shortlist potentially strong candidates on or by Weds 17<sup>th</sup> January and hopes to have made an appointment by the end of January 2013.