Meeting Report

Bringing foundations and government together
8th March 2018 | Pride Inn hotel - Lantana | Nairobi Kenya
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Bringing Foundations and Government Together

Overview
On 8th March 2018, East Africa Philanthropy Network (EAPN), SDG Philanthropy Platform and Kenya Community Development Foundation (KCDF) convened a meeting to establish ways of strengthening the Kenya Philanthropy Forums’ strategy for advancing government-philanthropy collaborations, enhancing a favorable operating environment and developing a structured approach to building the forums influence.

In the current development framework, coordination and partnerships are not only a necessity but a prerequisite to achieving and measuring development goals at the county, national and global level. Both the county and national government have extended opportunities for engaging foundations in a structured manner. How best do foundations structure and adapt to advance their work while aligning and connecting to national and county plans?

Philanthropy Government Engagement; Opportunities and Challenges

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In the last two years, the Government of Kenya has sought efficient avenues of engaging the philanthropy sector to meet its commitment to advancing national and global development goals. By recognizing that revenue from tax is not adequate to achieve key development plans, the government had made explicit commitment to organize and leverage on varying development actors and businesses by;

- Pursuing multisector collaborations by understanding the different development actors in their dynamics
- Creating an inclusive data ecosystem involving government, private sector, academia, civil society, local communities & development partners that facilitates development decision-making.

This presents an opportunity for the philanthropy sector to leverage on existing avenues for engaging with the public sector in strategically supporting county and national development processes and profile its contribution as part of a broader ecosystem.

Opportunities

The following were presented as existing mechanism for engaging with the government. Some of which a number of foundations engage unilaterally;

- **Inter-Governmental Budget and Economic Council, (IBEC).** Convened by Deputy President of the Republic of Kenya Office constitute Governors, Finance Secretary, Planning Secretary, CECs Finance, Controller of Budget. (PFM Act). The forum provides a multistakeholder platform where shareable revenue if discussed and confirmed.

- **Development Partners Forum (DPF):** The Forum provides an opportunity for an open and constructive dialogue at political level on development in Kenya and the cooperation between the Government and Development Partners. This comprises high-level development partners and meets quarterly.

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1 Formerly East Africa Association of Grantmakers
Forums key to the philanthropy sector;

- The United Nations Development Assistance Framework (UNDAF) is a strategic, medium term results framework that describes the collective vision and response of the UN system to national development priorities. It describes how UN Country Teams will contribute to the achievement of development results based on a common country analysis and UN comparative advantage. It is convened by the President and UNRC.

- Agriculture Resource Donor (ARD): a forum for funders within the Agriculture and Food Sector to better coordinate and respond to the priorities of the Sector. A Joint Agriculture Sector Steering Committee (JASSCOM) provides the forum for ARD engagement with National & County Government (Chaired by CS Agriculture & CoG Chair Ag. Committee).

- Social Investment Focussed Agenda (SIFA): Seeks to work with private sector foundations on sustainability.

- SDG Philanthropy Platform (SDG PP) is a hub for philanthropy, governments and the UN to collaborate on the SDGs. It is a joint initiative led by UNDP, the Foundation Center and Rockefeller Philanthropy Advisors (RPA), with funding support from the Conrad N. Hilton Foundation, The MasterCard Foundation, Ford Foundation and others.

- SDG Compacts is a mechanism that leverages on Funders, especially Venture Capitalists and Impact investors to drive ambition in the implementation of SDGs at sub-national level. This specific forum is key for foundations and trusts without much financial resource as it is meant to be a catalytic grant to boost county plans.

Challenges and why organize?

Although various foundations and trusts engage the government unilaterally, the philanthropy sector lacks a common voice and agenda. Other sectors that are better organized have tended to achieve and benefit more from government engagements. Without a common voice and agenda government response to the needs of the sector will forever remain unstructured. The following challenges affecting the philanthropy sector were highlighted;

- **Identity**: the philanthropy sector lacks a clear identity – foundations legal frameworks lumps foundations among many other existing players in development financing space. For this reason the government doesn’t have a reference point for distinguishing the philanthropy sector from other development actors.

  ‘Everybody looks the same to us’ in reference to the identity of foundations and trusts in the development ecosystem

- **Resilience** - the government is keen in engaging development actors keen to provide long haul support which translates to at least a 5year commitment. Local foundations have in many occasions not demonstrated this commitment.

- **Voice** - Inadequate coordination and lack of clarity in communication among foundations and government. The philanthropy sector does not have a strong common voice and agenda in engaging with the government. Foundations and trusts use too many channels and hold parallel talks with government sometimes providing contradicting agenda.

- **Agenda** - attempts to engage with the government as a sector sometime do not align with government priorities for impact (such as CIDPs, MTPIII, Big4).

- **Data** - There is inadequate data to demonstrate the contribution of the philanthropy sector or significance of development investments by philanthropy
In the last year, over 40 foundations under the umbrella of the Kenya Philanthropy Forum have made strides to advance philanthropy data and design a structured approach to engaging government as a collective. Efforts that bred Guidelines for Philanthropy Government Engagement, a partnership with the SIFA and Kenya Philanthropy Data Portal that aligns to various national and global data agenda.

These processes will provide an avenue for profiling the philanthropy sector and developing frameworks for building government partnerships.

The following remedies were proposed including:

- **Unique legal identity**: Exploring formulating a Foundation Law that explicitly distinguished and governs foundations and trusts to provide clarity on the legal identity. Suggestion towards this also proposed exploring other avenues including pursuing amendment within the existing PBO Law. It was noted as timely for there is political will to grow local philanthropy including the support for a new law and convening a parliamentary Committee to support the process.

- **One strong voice**: Leverage on KPF – a local philanthropy network to mobilise more foundations and trusts in strengthening the collective voice and common agenda for the philanthropy sector. This is not a substitute for other philanthropy government engagements but rather an attempt to provide a stronger voice to champion collective agenda. An ideal forum would provide for an accountability mechanism, clear leadership and engagement structure (scheduled meeting that allow government to organize to attend and respond to issues raised).

- **Streamline**: Align the philanthropy agenda to existing government development priorities

- **Advance Data**: Develop a common data sharing and management process to profile the sectors contribution and create a better picture of the landscape of the philanthropy sector in Kenya.

- **Innovate** – philanthropy’s uniqueness and flexibility presents an opportunity for innovation and pursuing quick wins within the existing development priorities. Its ability to leverage on the influence and social capital among philanthropy leaders, makes it possible to pursue policy, legal and practice agenda.
A STRONGER NATIONAL PHILANTHROPY MOVEMENT

In the interest of strengthening the Kenya National Philanthropy forum the meeting held a session to re-define:

- Key priority areas of focus for KPF (2018-2019)
- Relevant working groups to lead (priority sectors and themes)
- Determine frequency of members’ forums
- Strengthen the forums steering committee
- Suggest Ways of strengthening communication

In line with this, the following agreements were made on setting Key priority areas of focus for KPF (2018-2019):

**Strengthen Collective Data Management & Sharing**

In 2016-2017 KPF data working group in a series of workshops designed a collective philanthropy data and capacity building plan for Kenya. The plan developed with contributions of over 60 foundations and trusts would provide a framework for mapping philanthropy actors, providing more accurate and details descriptions of philanthropy’s contribution, trends and practices including sharing relevant reports within KPF membership.

The result was the development of an online data collection tool that would collect and share information on an online philanthropy data portal - East Africa Philanthropy Data Portal. [www.eaphilanthropydata.com](http://www.eaphilanthropydata.com). The portal now provides an avenue for collecting and sharing data as a community of practice to strengthen knowledge on philanthropy contribution, connect foundations and trust, support in decision making and collaboration.

The portal built in line with global philanthropy data principles and values provide a long-term framework for reporting on trends and contribution of philanthropy in line with global, national and county development plan.

- The subgroup was tasked to mobilise members in support of the agenda, data governance and connecting the process to other data ecosystems at national and global level.
- Working group members will continue to provide guidance in enriching data, fostering collaborations along the data agenda and refining the access and data governance process of the portal.

For more details or to subscribe: contact Faith Muriithi [faith@eaag.org](mailto:faith@eaag.org)

**Strengthening Philanthropy Government Collaborations**

i) To strengthen organized interactions between philanthropy and government, it was agreed that there is a need to urgently define the identity of KPF members (constituency of the forum)

Given the diversity and lack of harmonized legal framework for foundations, providing a clear identity of philanthropy organisations would pose a challenge because there is no legal meaning of the name. For the forum to strategically collaborate across sectors and advance favorable policy for philanthropy it will be required to demonstrate the exclusivity/identity of its constituency.

It was proposed that KPF revive the ‘Legal environment for Philanthropy Working Group’ to deliberate and share alternative proposals on how to set parameters in defining a foundation. This will require;
- Highlighting limitations of the existing legal framework to the philanthropy
- Review of existing law to evaluate whether there are provisions for deriving this definition
- Whether through amendments to the existing PBO Law, foundations would pursue explicit
definition/categorization of ‘foundation’
- Propose and draft a foundation Law – that would govern foundations

A report from the subgroup would be presented as a proposal for members’ approval.

ii) It was proposed that KPF collectively agree on common key policy agenda for advancing
the philanthropy sector. This is while considering its support to the current government
priority areas and other national development processes. In addition explore
opportunities for collectively engaging in the multi-stakeholder platforms on national
and county development processes.

Leadership & Communication

KPF Working Groups
The following working groups were proposed to provide strategic leadership on key thematic
areas for 2018 as identified below;

- KPF Steering Committee
- Education Working Group
- Enabling legal and policy environment Working Groups
- Health Working Group (includes Early Childhood Education – ECD)

The secretariat with the support of working group leads were tasked to develop Terms of References
for members who wish to join any of the groups for institutional reference.

Leadership
It was agreed that the current steering committee made up of (Aga Khan Foundation, KCDF, EAAG,
SDG Philanthropy Platform) with the support of subgroup leads continues providing leadership to
the KPF. It was agreed that foundations keen on joining the steering committee and supporting
respective working group express their interest to do so.

EAAG and KCDF to continue providing secretariat support to the forum.

Building the Movement
On improving communication the following agreements were made:

Philanthropy Updates: It was agreed that the secretariat and subgroup leads produce a quarterly
newsletter on key issues relevant to the forum and create a database for circulating updates, policy
reviews, and opportunities to members.

Establish a Standing Forum: There was a proposal to host quarterly meetings to afford members and
stakeholder’s regular time-plan to participate and develop plans.

Strategy Engagement: explore and secure space in key development forum meetings led by
government and other relevant stakeholders. Members, depending on their areas of interest,
influence and expertise would be called upon to represent the forum.