

BRINGING FOUNDATIONS AND GOVERNMENTS CLOSER

EVIDENCE
FROM KENYA



KENYA

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING



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BRINGING FOUNDATIONS AND GOVERNMENTS CLOSER

Evidence from Kenya

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FOREWORD

In September 2015, member states of the United Nations, in a collective resolve to end extreme poverty, tackle climate change and leave no one behind, ushered in the Sustainable Development Goals (SDGs).

From the onset, the Government of Kenya played a leading role in the post 2015 process that resulted in these progressive goals by co-chairing the Open Working Group (OWG) and the subsequent intergovernmental negotiations process.

In this process, it was noted that while SDGs propose a comprehensive framework to tackle every day challenges that have plagued countries like Kenya: high disease burden, environmental degradation, malnutrition and illiteracy, collaborations and partnerships that leverage on innovations would be the catalyst that enables the world to finally end extreme poverty.

The Office of the Deputy President recognizes the magnitude of these challenges, but also the profound opportunities for development cooperation and collaboration with philanthropy. Months before the signing of the SDGs, H.E. Deputy President Hon. William Ruto, noted that our ability as a Country to realize Vision 2030 and the ability to determine our own development path is intrinsically connected to our ability to generate requisite and predictable financing.

He further noted that “the highest level of Government, led by H.E President Uhuru Kenyatta are committed to the creation of an inclusive ecosystem involving the government, the private sector, academia, civil society, local communities, philanthropy and development partners that tackles the information aspects of development decision-making, in support of the Sustainable Development Goals (SDGs).

”Our involvement therefore, in this ground-breaking initiative in partnership with OECD-netFWD, UNDP, the SDG Philanthropy Platform, and the East Africa Association of Grantmakers (EAAG) is a testament to our commitment to build progressive partnerships that leverage on the strength of the philanthropy sector in complementing Government to deliver better development outcomes for our citizens.

We would like to congratulate all the partners who made this initiative a success. We reiterate our commitment to deliberately pursue collaboration between the government, philanthropy, academia, non-profits, as a matter of rational economic and political choice.

Dr. Korir Singoei
Legal Advisor & Head of Policy
Office of the Deputy President

ACKNOWLEDGEMENTS

This study presents the results of a collaborative research project between Kenyan foundations and the government of Kenya conducted between July 2016 and January 2017. It was developed jointly by the UN SDG Philanthropy Platform (SDGPP), the East Africa Association of Grantmakers (EAAG), the OECD Development Centre's Network of Foundations Working for Development (netFWD), and the Office of the Deputy President and its Social Investment Focused Agenda (SIFA).

The study was designed and supervised by Bathylle Missika, Senior Counsellor to the Director (acting) and Head of the Partnerships and Networks Unit, OECD Development Centre, and Emilie Romon, Co-ordinator of netFWD. It took place in the context of implementing the Guidelines for Effective Philanthropic Engagement, a process led by netFWD in different countries. This report was drafted by Antony Otieno, Knowledge Management and New Media Officer at EAAG. Arif Neki, Advisor on UN Strategic Partnerships and Co-ordinator of the SDGPP, Korir Sing'Oei, Legal Advisor to the Deputy President, Lucy N. Kimanzi, Co-ordinator at SIFA and Evans Okinyi, Chief Executive Officer of EAAG, directed the work from their respective institutions.

This report was enhanced in the research phase by contributions from Catherine Mwendwa, Programme Officer of EAAG; Philip Thigo of SIFA, Office of the Deputy President; Anne Dalitz and Imran Rattansi, Programme and Research Officers at the UN SDGPP; and Lorenzo Pavone and Laura Stipanovic at the OECD Development Centre.

EAAG, the OECD Development Centre and SIFA wish to express their sincere thanks to UNDP and the SDG Philanthropy Platform in Kenya for their technical and financial support for this study.

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ACRONYMS AND ABBREVIATIONS

EAAG	East Africa Association of Grantmakers
EFC	European Foundation Centre
HELB	Higher Education Loan Board
KDCF	Kenya Community Development Foundation
KPF	Kenya Philanthropy Forum
netFWD	OECD Network of Foundations Working for Development
SDGPP	SDG Philanthropy Platform
SIFA	Social Investment Focused Agenda
UNDP	United Nations Development Programme
WINGS	Worldwide Initiatives for Grantmaker Support

EXECUTIVE SUMMARY

In Kenya, collaboration across sectors to foster sustainable development has been recently gaining momentum. Development players have started to work together more closely due to the ambitious scope of Agenda 2030, the limited financial resources available and the need to achieve greater scale. Other factors influencing this trend include new development strategies and tools such as venture philanthropyⁱ and the use of basket fundsⁱⁱ to pursue more sustainable development. Governments, which are the primary drivers of development, have been keen to plug into these new vehicles. Some have provided non-state players, such as the private sector, social businesses and philanthropists, with a strong policy and regulatory environment, while others have co-financed initiatives. However, the nature, scope and impact of these partnerships have not often been captured.

This study provides an overview of the current state of collaboration between foundations and the government in Kenya, and offers recommendations for enhancement. It is based on the three pillars of the Guidelines for Effective Philanthropic Engagement (“the Guidelines”): dialogue, data and knowledge sharing, and partnerships. The Guidelines were developed under the leadership of the OECD Network of Foundations Working for Development (netFWD), together with the Worldwide Initiatives for Grantmaker Support (WINGS), the European Foundation Centre (EFC), the United Nations Development Programme (UNDP), the Stars Foundation and the Rockefeller Foundation.

The findings of this study were obtained through two online questionnaires, focus group discussions and two workshops. For the online questionnaires, 57 foundation representatives and 46 government representatives responded. The focus group discussions allowed the authors to dig into the questionnaire responses and highlighted possible solutions to the challenges of engaging with one another. Participants at a final validation workshop further translated recommendations into tangible and practical action points. Ultimately, these will serve as the basis for better collaboration between government and foundations in the sector of technical and vocational education and training (TVET). This sector was selected by local philanthropic partners for its high potential in promoting the skills needed to drive the country’s 2030 blueprint for development. Indeed, the private and public sector, are both expected to benefit immensely from more skilled human resources. At the same time, a stronger TVET could also help reduce unemployment.

Kenya has one of Africa’s most vivid philanthropic sectors. While many foundations were set up during the colonial era, most have emerged in the last 15 years. The two most common types of foundations are community (36%) and corporate (21%). This well-developed domestic component operates alongside many large international foundations (13%) working in Kenya such as the Aga Khan, Ford and Rockefeller foundations. Intermediate foundations (11%), formed to administer funds from public or private entities, and family foundations (also 11%) represent the balance.

Education, social and economic development, and health are the sectors offering foundations and government the highest engagement opportunities. Since its creation in 2003, the East Africa Association of Grantmakers (EAAG) has helped to structure and institutionalise this nascent scene. In addition, the SDG Philanthropy Platform (SDGPP), EAAG and the Kenya Community Development Foundation (KCDF) launched a national dialogue and co ordination platform for philanthropy in 2014 (KDCF, n.d). Known as the Kenya Philanthropy Forum (KPF), the platform aims to increase recognition of philanthropy in Kenya, as well as demonstrate the contribution of philanthropy to national development.

The Kenyan regulatory framework for foundations is complex. In the absence of a proper legal status, foundations have been registered as non-governmental organisations (NGOs), trusts, companies limited by guarantee or as societies. Further, these registrations take place under a variety of legislation, including the Trustees Act, the Societies Act, the Companies Act and the Non-Governmental Organizations Act. Therefore, the authors examined foundations in this study based on their operations rather than their regulatory status.

Dialogue between government and foundations is common in Kenya. According to almost 90% of

respondents, dialogue happens very regularly. A majority of government (70%) and foundation (42%) respondents view this dialogue as positive and mutually beneficial. Forums and meetings are the most common platform for this dialogue (85%). EAAG and KPF offer regular opportunities for dialogue between government and foundations.

Influencing policy (67%), giving visibility to their causes (59%) and drawing governments' attention to issues (31%) are the main reasons why foundations share information with government. Engagement and partnership opportunities between foundations and government have often emerged after a foundation project demonstrated a successful impact. When foundations share information on such projects, it can draw the government's attention and result in joint initiatives. For instance, foundations have played a key role in the education sector. Their scholarships and specialised training institutions, such as the MPESA Foundation Academy, drew the government's attention to their activities.

As for the government, it primarily shares information with foundations to improve policies and programmes (33%) and get support for public programmes (29%) It also aims to give visibility to the efforts of the department/agency (23%) and to raise awareness to foundations on their activities (14%).

According to foundations, partnership with government occurs most strongly during project implementation. Few successful foundation projects are scaled up, despite the great opportunity for collaboration it offers. Co financing and co creation of projects in partnership offer foundations the fewest opportunities for collaboration. For government, opportunities to co finance projects and jointly implement projects offer the best window for collaboration with foundations.

Although partnerships occur, they are still not truly strategic and long-term. As the survey shows, on the one hand, foundations tend to accept collaboration proposals from the government when it reaches out to them. They do this both to fulfil a programme goal for the foundation, but also to enhance their understanding of government bureaucracy and create lasting networks for future projects. On the other hand, the government does not seem to be against working with foundations beyond mere co implementation and co-financing of projects. Yet its participation is sometimes constrained by lack of appropriate entry points that could bring it on board in the design phase. As further evidence for this constraint, dialogue and information sharing between government and foundations do not always directly translate to partnerships. The bureaucratic and sometimes political nature of government could be a cause of this trend.

The main challenges for foundations when collaborating with government are: difficulty in establishing horizontal working relationships (29%), changes in government administration (21%), resistance by government to accept proposals from foundations (19%) and government's lack of recognition of their efforts (19%). For government, the main challenges experienced when collaborating with foundations resulted from differences in budgetary timelines (51%), little flexibility in project management (29%) and difficulty in establishing horizontal working relationships with foundations (20%).

The focus group discussions and the validation workshop conducted as part of this pilot offered recommendations to address these challenges. Among them, they identified outreach on the importance and value of the TVET courses as critical. According to the Higher Education Loans Board of the Ministry of Education, there has been a dismal uptake of loans available for students taking TVET courses in public institutions. This is largely because potential students are unaware that completing the course opens up opportunities to enter the labour market. In another recommendation, it is suggested that foundations working on TVET should agree on a common agenda before reaching out to the government. Joint participation from the project design phase is stressed as instrumental to building longer-term collaborations and a more accurate understanding of each other's' goals, roles, working systems and structures. Finally, to address the lack of appropriate legal instruments for collaboration, successful partnership models should be documented so they can be adopted and customised for other joint projects. A first step could be to screen successful models of partnerships globally and adapt if required.

	RECOMMENDATIONS	WHO
TVET-specific recommendations	1. Develop outreach and advocacy campaign to present opportunities of TVET to youth	Ministry of Education
	2. Develop database on TVET-related initiatives	Joint task force
	3. Develop joint foundations' agenda in TVET sector	Kenya Philanthropy Forum
General recommendations	4. Engage government administration at all levels	Kenya Philanthropy Forum
	5. Pursue formalised and standardised partnership agreements	Kenya Philanthropy Forum
	6. Build capacity for advocacy and negotiation skills to enhance mutual understanding	Kenya Philanthropy Forum

As mentioned earlier, TVET is high on the government agenda, and many foundations are already working in this sector. Therefore, implementing these recommendations should greatly foster successful initiatives between government and foundations in the TVET sector in Kenya.

INTRODUCTION

In September 2015, the UN General Assembly endorsed the Sustainable Development Goals (SDGs). This started a new global development agenda spanning from 2015-30, building on momentum generated by the Millennium Development Goals (MDGs). SDG 17 stresses that “achieving the ambitious targets of the 2030 Agenda requires a revitalised and enhanced global partnership that brings together Governments, civil society, the private sector, the United Nations system and other actors [e.g. philanthropic foundations] and mobilises all available resources”ⁱⁱⁱ. These inclusive partnerships, built upon principles and values, a shared vision and shared goals that place people and the planet at the centre, are needed at a global, regional and local level.

By coming together in an organised manner, foundations and governments can play a pivotal role in driving development globally and achieving the SDGs. This study attempts to provide an overview of collaboration between these two players in the context of Kenya. It also seeks to provide guidance and recommendations on how foundations and governments can work together in the sector of technical and vocational education and training (TVET) to advance development, which was identified by all stakeholders taking part in this study as holding much potential in support of Kenya’s development.

Over the last decade in Kenya, many foundations (family, corporate foundations or individual philanthropists) have enhanced their commitment to development and poverty reduction. They have designed and implemented programmes targeting the poor. And they have acted as funders, conveners or contributors to the global development agenda. For instance, the Kenya Community Development Foundation (KCDF) has been a critical player in the philanthropic sector. It has offered grants to key institutions all over the country in the areas of education, health and children. Further, it has become an advocate for policies affecting the non-profit working space in Kenya.

Simultaneously, a growing number of foundations have recognised their goals often converge or overlap with those of international development agencies, national governments and civil society. As a result, some philanthropists have at times become more engaged in shaping public policy and participating in multi-stakeholder partnerships.

Governments, on the other side, have also recognised that non-profit entities can enhance development. As a result, they have recently been keen to consult and, in some instances, join non-profits in poverty eradication campaigns. At the height of the 2011 drought in Kenya, for example, the Kenya Red Cross Society, which is a parastatal in Kenya, brought together both corporate and non-profit partners. Together, they launched the Kenyans For Kenya^{iv} campaign that raised KSH 1 billion (USD 10 million) to help people cope with the effects of the drought.

Despite shared goals, a wide communication and collaboration gap still exists between foundations and governments at national, regional and district levels. Philanthropic actors, governments and development agencies need deeper mutual understanding to allow dialogue, more data sharing and more tangible results. This, in turn, will lay the foundation to scale up innovative initiatives and improve the regulatory framework.

Kenya, the fourth country along with India, Mexico and Myanmar to implement the Guidelines, has specifically focused on TVET as its thematic area of interest. On the one hand, the sector holds high potential in providing employment to youth. On the other, government and foundations are already strongly involved in promoting and developing the sector. In Kenya, the East African Association of Grantmakers (EAAG), the Office of the Deputy President, the OECD Network of Foundations Working for Development (netFWD) and the SDG Philanthropy Platform (SDGPP) have implemented the Guidelines.

This document is organised into three sections. The first section offers a series of snapshots on the Kenyan context and defines the key concepts and contexts for the study. The second section covers the diagnostic assessment of the relationships between government and foundations, looking at the current interaction and experiences with a focus on TVET. The third section presents recommendations arising from the diagnostic assessment, stakeholder workshops and comments collected throughout the research process. It suggests a way forward for future enhanced collaboration between the Kenyan government and foundations, in particular in the TVET sector.

Box 1. The Guidelines for Effective Philanthropic Engagement and their implementation

The voluntary and non-binding Guidelines for Effective Philanthropic Engagement (“the Guidelines”) aim to help foundations and governments collaborate to improve development outcomes.

The Guidelines capture emerging good practices and key messages of foundations on how they view their relationships with governments. Foundations have identified three pillars critical to making their engagement with governments more effective:

- dialogue
- data and knowledge sharing
- partnership.

The Guidelines were developed under the leadership of the OECD Development Centre’s Network of Foundations Working for Development (netFWD), together with the Worldwide Initiatives for Grantmaker Support (WINGS), the European Foundation Centre (EFC), the UN Development Programme (UNDP), Stars Foundation and the Rockefeller Foundation.

At its First High-Level Meeting, held in Mexico in 2014, the Global Partnership for Effective Development Co-operation (the “Global Partnership”) gave netFWD the mandate to implement the Guidelines at the country level. The Guidelines were presented in a plenary session and further discussed in a side event dedicated to the engagement of governments with the philanthropic sector. The final Communiqué explicitly cites them: “We acknowledge the added value that philanthropic foundations bring to development co-operation. In particular, we welcome the voluntary Guidelines for Effective Philanthropic Engagement developed in conjunction with the OECD Network of Foundations Working for Development and encourage continuous multi-stakeholder dialogue and co-operation as appropriate to foster their implementation and follow-up” (GPEDC, Communiqué, 2014).

netFWD therefore developed a methodology to operationalise and implement the Guidelines. This methodology includes two surveys and a workshop where foundations and governments discuss ways to strengthen their future collaboration around a common issue. In each country, two questionnaires are applied to (i) relevant civil servants, either at the central or regional level depending on the country; and (ii) domestic and international foundations operating there. Workshops convene foundations and civil servants working on a theme of common interest to co-design a co-ordinated action plan. Each country’s diagnostic and related action plan feature in stand-alone case studies.

For more information on the Guidelines, please see:

www.oecd.org/site/netfwd/theguidelinesforeffectivephilanthropicengagementgepes.htm

**I. OUTLINE OF THE PROJECT:
CONTEXT, KEY CONCEPTS
AND METHODOLOGY**

1.1 Regulatory framework for Kenyan foundations

Understanding the complexity of the regulatory scheme for civil society organisations (CSOs) in Kenya, including foundations, is key to fully grasp the composition of the sector. Regulations combine substantive and procedural statutes, common law rules embodied in case law and administrative practices. Foundations have therefore been registered as NGOs, trusts, companies limited by guarantee or as societies, under the Non-Governmental Organizations Act, the Trustees Act, the Companies Act or the Societies Act, respectively. (Council of Foundations, n.d.).

Under the Trustees Act, a trust is created to hold and manage assets for the benefit of others. A trust can only be established for religious, educational, literary, scientific, social, athletic or charitable purposes (Republic of Kenya, 2012).

Under the Companies Act, a company limited by guarantee provides for liability. Its members contribute a fixed sum of money towards its debts should the company be wound up. This is not a common form of registration because prior clearance from the National Intelligence Service is required to be incorporated in the Registrar of Companies. This process can be costly and time-consuming (Capita Registrars, n.d.).

Under the Societies Act, a society includes any club, company, partnership or other association of ten or more persons, whatever its nature or object, established in Kenya or with its headquarters or chief place of business in Kenya, and any branch of a society. Political parties, churches, welfare associations, sports associations and private clubs prefer this mode because approval is relatively easy and the legislation covers a wide scope of organisation.

The NGO Act defines non-governmental organisations (NGOs) as private voluntary groupings of individuals or associations, not operating for profit or for other commercial purposes. They have organised themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development charity or research in specific areas. These areas include, but are not restricted to, health, relief, agriculture, education, industry and the supply of amenities and services. Due to the stringent, costly and sometimes complicated requirements of this type of registration, many new organisations prefer other options, especially given the perception that government wants to create obstacles for dissenting political groups.

The term “foundation” is also used to depict non-profit organisations that fall within the description provided by the NGO Act. It can be set up by individuals, families, communities and corporate entities. Given the various forms of registration regimes (Sihanya, 1996), there was a need to better regulate the sector. To that end, an umbrella body known as the CSO Reference Group was formed in 2009 to help CSOs in Kenya review the NGO Coordination Act No. 19 of 1990. Led by the reference group, CSOs helped develop the “PBO Act” (see Box 2).

Box 2. The Public Benefit Organisation (PBO) Bill 2012

What is the Public Benefit Organisation (PBO) Bill?

This bill seeks to provide for the regulation, establishment and operation of Public Benefit Organisations (PBOs). The Public Benefit Organisation Bill 2012 results from extensive consultations within civil society over the previous three years. The bill, which was sponsored by Hon. Sophia Abdi Noor, was published and gazetted by Parliament on 4 May 2012.

What is a Public Benefit Organisation (PBO)?

A PBO is a voluntary grouping of individuals or organisations that operates locally, nationally or internationally to support or promote public benefit.

Why was the PBO Bill needed?

The legal and regulatory framework for PBOs had several challenges, including the following:

1. multiple and overlapping legal and regulatory frameworks for PBOs, which make it difficult for the government to harmonise plans for the sector and ensure accountability by PBOs
2. inadequate mechanisms and processes for self-regulation of PBOs in Kenya
3. absence of an independent body to provide checks and balances in case the self-regulatory mechanism fails
4. leadership and integrity problems in the sector
5. absence of an effective complaints and dispute resolution mechanism for PBOs
6. lack of a general framework to guide collaboration between the government and PBOs.

Source: CSO Reference Group, 2013

Kenya's Parliament passed the PBO Act in December 2012; the president approved it in January 2013. However, its implementation has been delayed for political and legal reasons as the government wanted to amend it first^{vi}. Foundations therefore still operate and are regulated by the four schemes above.

1.2 Key concepts and definitions

Kenyan foundations

While the same regimes regulate both foundations and other types of non-profit organisations in Kenya, they have specific characteristics. EAAG refers to foundations as “non-profit bodies established to make grants to individuals or organisations for scientific, educational, cultural, religious or other social purposes”. This definition includes two broad foundation types: private (individual, corporate or family foundations) and public (religious/faith-based and community foundations).^{vii}(EAAG, 2012).

Since its creation in 2003, EAAG has helped to structure and institutionalise this nascent scene across East Africa. In 2014, the SDGPP, EAAG and KCDF launched the Kenya Philanthropy Forum (KPF) as a national dialogue and co ordination platform for philanthropy. KPF aims to increase the recognition of philanthropy in Kenya, as well as demonstrate philanthropy's contribution to national development.

Box 3. Historical snapshot of philanthropy in Kenya

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Kenyan government

The national government offers services to the public through ministries and semi-autonomous government bodies. These entities, which have also received grants and loans, have formed different partnerships to drive the development agenda. For instance, the Public Private Partnerships Act 2015 has allowed the government to bring on board private local and international institutions to help advance the development agenda.

In 2015, the Office of the Deputy President launched the Social Investment Focused Agenda (SIFA). It aims to leverage private resources from the corporate sector and foundations, and align them towards Vision 2030, Kenya's national development plan. Sectoral ministries, such as education, have also been engaging with foundations through the KPF; most foundations' financial resources flow to the education sector.

In May 2016, the SDGPP hosted a high-level meeting. It brought together the principal secretaries, directors and technical staff from the Ministry of Education and the philanthropy sector led by the KPF Education Sub-Committee. The meeting aimed to discuss – among other questions – implementation of the National Education Sector Plan. It also sought to identify gaps and areas where the government could efficiently leverage expertise from foundations and trusts (including areas of quality, access and cost) in its multi-stakeholder process. Further, the meeting provided potential avenues for philanthropy-government collaborations through five concurrent roundtable sessions in key thematic areas: early childhood development, technical vocational education and training (TVET), basic education, adult education and special needs education.

In addition, the Constitution of Kenya, in 2010, created a decentralised system that devolved two of the three arms of government (the legislature and executive) to the 47 political and administrative counties. Thus, the counties, which previously existed as municipalities, have more responsibilities. They have, in turn, forged partnerships to promote development, receiving grants and loans from different local and international entities, including foundations. Devolution, strictly speaking, presents immense opportunities for partnerships in the development space. Widespread misuse of resources, poor planning and runaway corruption in the counties, however, remain a challenge.

1.3 Technical vocational education and training in Kenya

Government policies in the TVET sector

Since Kenya's independence, the TVET sector has been relatively disorganised. Multiple players work in the sector, but lack a joint and systematic approach. (KPF 2015). The government has not traditionally viewed TVET as a priority. Recently, however, it recognised the enormous potential of TVET to create jobs for a large number of unemployed youth in the country. As a result, the TVET sector was reformed in 2013 and given the following key objectives:

- provision of access to quality and relevant training to all those who require it
- sustainable resource mobilisation for the sector
- stakeholder involvement in training and in redesign of curriculum from supply-driven to demand-driven by changing to competency-based education and training. (TVET Authority, n.d.).

Since its reform, the TVET sector has further developed, according to the figures provided by the Ministry of Education:

- 59 technical vocational colleges under the Ministry of Education, with another 16 under other ministries running specialised institutions, such as the Railways Training Institute (Ministry of

“Technical vocational education and training (TVET) is a skills development system which, if well organised, can take Kenya to the next level of economic growth and employment for majority of the population,”

(Bashir H. Mursal, 2016)

Transport, Infrastructure, Housing and Urban Development) and the Kenya Water Institute (Minister of Water and Irrigation).

- 800 vocational training centres under the county governments previously operating as youth polytechnics under the Ministry of Education
- 1 000 private training institutions
- Nearly 240 000 students enrolled in the public training institutions in 2015
- KSH 15 000 to 120 000 per student per year to public institutions to support training costs.

A TVET Master Plan is also being developed by the government, which has already established several authorities:

- the TVET Authority, which regulates the TVET sector through licensing, registration and accreditation of institutions, programmes and trainers
- the TVET Curriculum Development, Assessment and Certification Council (TVET CDACC, n.d.), which designs and develops curricula for the training institutions' examination, assessment and competence certification, and advises the government on related matters
- the Kenya National Qualifications Authority, which co ordinates and supervises the development of policies on national qualifications.

Foundation activities to support the TVET sector

Many foundations, such as the Aga Khan Foundation, KCDF, the Chandaria Foundation and the Housing Finance Foundation have been working in the sector .(KPF, 2015). Of the surveyed foundations, 75% have some involvement in the TVET sector with a majority (37%) running training centres or programmes.

Involvement of Foundations in TVET

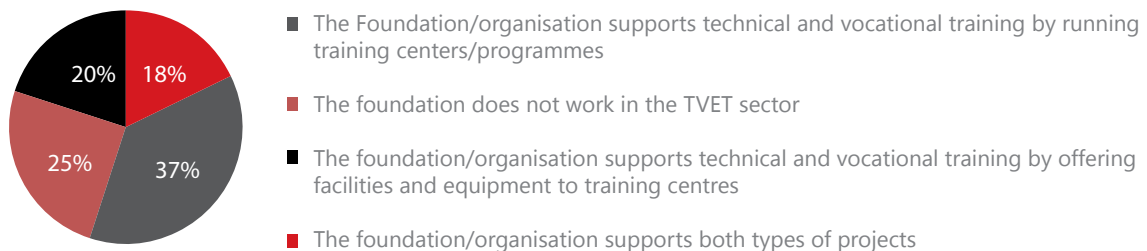


Figure 1. Involvement of foundations in the TVET sector^{viii}

Box 4. The Army of 1 Million Artisans: HF Foundation and the Ministry of Education

In 2002, HF Group created the Housing Finance (HF) Foundation as its non-profit, social investment arm. The foundation, which provides mortgage financing, decided to focus on TVET because, despite being a critical supplier of jobs, building and construction in Kenya is faced by a significant skills shortage; only 25% of workers are formally trained. HF Foundation aims to spark the creation of a building and construction workforce that is effective, entrepreneurial and employable in both the Kenyan and the East Africa regional markets through the “Army of 1 Million Artisans”. Kenya’s Vision 2030, a national long-term development plan, granted the HF Foundation initiative “flagship status”.

To achieve its goal, HF Foundation has partnered with the government of Kenya (at both national and county level), the National Construction Authority, the TVET Authority, a multitude of industry players in the private sector and global training experts. Ultimately, HF Foundation wants the government to integrate its successful pilots into the national vocational training programme.

HF Foundation has developed, piloted and helped entrench competency-based education and training throughout Kenya’s TVET ecosystem to address a lack of practical skills needed by employers. In collaboration with government bodies, HF Foundation championed the development of occupational standards for ten trade areas in the building and construction industry. It also piloted competency-based trainings on live construction sites, giving hands-on experience to trainees. In addition, the Foundation advocated for a bursary fund of Ksh 300 million (approximately USD 3 million) by the Higher Education Loan Board (HELB) for students enrolling in public TVET institutions.

Foundations’ substantial involvement in support of TVET, as well as the priority now given to this sector by the government, justified selecting it as the focus area for this project.

1.4 Methodology

Phase I of the study used two online questionnaires with both structured and unstructured questions (one for foundations, one for government). The databases of EAAG, SDGPP and the government’s SIFA initiative helped identify 570 potential respondents to the questionnaires. Of these, 46 government and 57 foundation officials participated in the surveys.

In Phase II, during a diagnostic workshop on the outcomes of the questionnaires, 62 representatives of both government and foundations co-developed a set of recommendations. These highlighted how engagement between foundations and the government can be made more effective. A validation workshop, held early in 2017, determined how the TVET sector could use the recommendations to forge partnerships. As mentioned earlier, foundations and government jointly chose TVET as a focus area for its high potential to provide employment opportunities through enhanced collaboration.

This report is a result of the deliberations and insights collected through the surveys and workshops. It aims to promote dialogue, stimulating a desire to develop more learning and information sharing. It should ultimately promote more aligned and systematic partnerships between foundations and government. Implementation of recommendations is expected to drive more partnerships in the TVET sector.

**II. SURVEY FINDINGS:
DIAGNOSIS OF THE
RELATIONS BETWEEN
KENYAN FOUNDATIONS AND
THE GOVERNMENT**

This section provides diagnosis of the relations between Kenyan foundations and the government drawn from survey findings and focus group discussions with an analysis of these findings after each section.

2.1 Characteristics of Kenyan foundations

This section of the report decrypts the nature of foundations in Kenya, showcasing both similarities and diversity within the philanthropic sector.

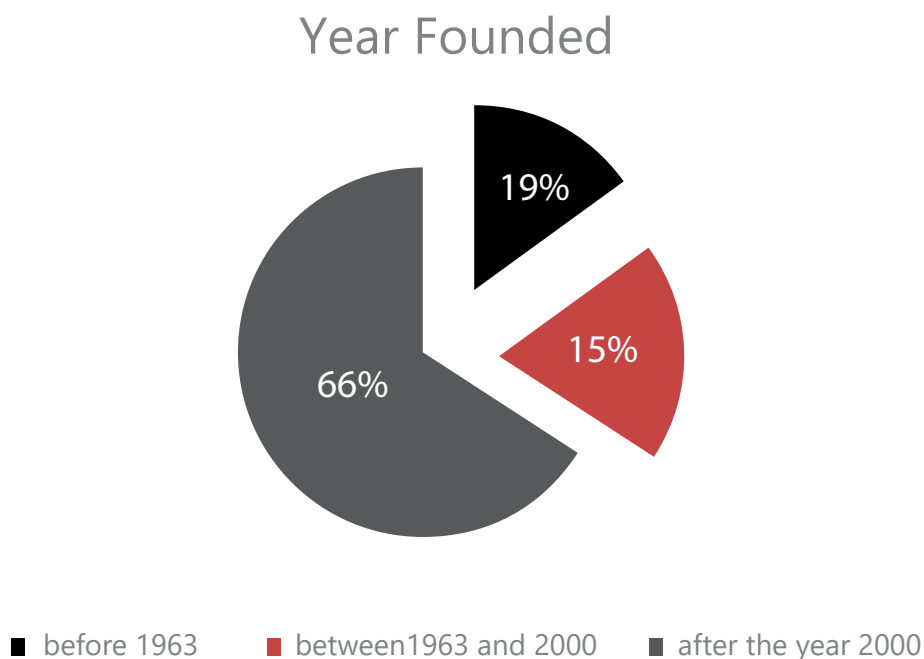


Figure 2. **Year of formal registration of foundations in Kenya**

According to the surveys, 16% of the respondent foundations were set up within the last 15 years, while 19% were created during the colonial era, i.e. before 1963. The findings also featured a foundation that is more than a century old. The most preferred forms of local legal registration regimes are under the Trustees Act (44%) and the Companies Act (22%). The third most common form of registration for foundations is under the Non-Governmental Organizations Act (24%).

According to the survey, foundations in Kenya can be divided into three main categories –community, corporate and international. Community foundations (those formed by a group of individuals for the benefit of a community or geographically delimited sub-region) represent the majority of the respondent foundations at 36%. Corporate foundations (founded by one or a group of enterprises that fuel the foundations' budget with their own assets or regular resource) come in second at 21%. International foundations operating in Kenya (but legally based in another country and with an endowment fueled from foreign sources) and individual (founded by an individual or benefiting from an endowment or regular resources from an individual) make up 13% and 11% of the respondent foundations, respectively. Intermediate foundations formed to administer funds from public or private entities and family foundations each made up 9% of the total respondents.

Annual budgets of surveyed Foundations

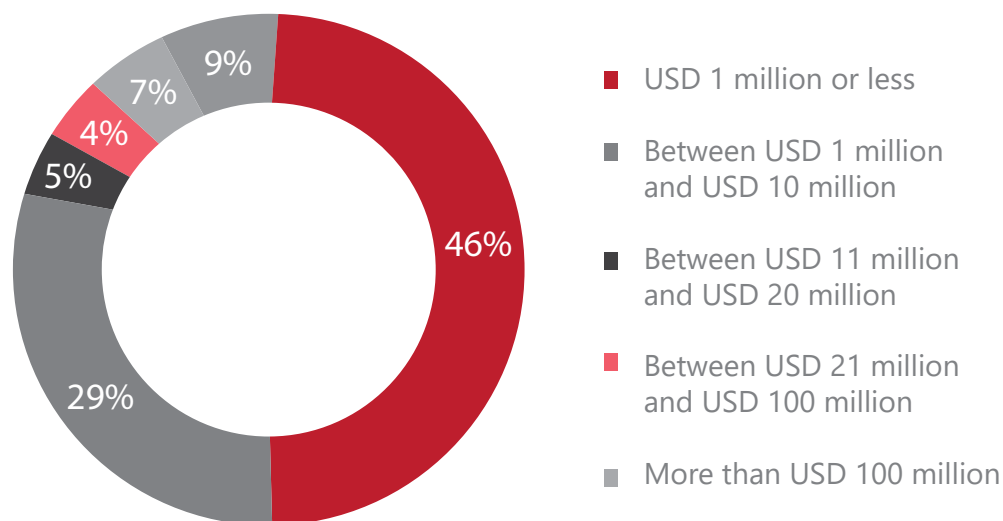


Figure 3. **Annual Budgets**

Most (57%) are operating foundations that run their programmes on the ground, whereas 19% are purely grantmakers. A good number, representing 25% of respondents, provide both grants (to other organisations) and non-financial support (programme work). Interestingly, only 29% of foundations have an endowment in place. This indicates that most depend on regular support from other institutions or individuals.

Further, the vast majority of foundations are rather small organisations; 75% operate with an annual budget of less than USD 10 million; 46% operate on less than USD 1 million and 29% have budgets of between USD 1-10 million. Finally, survey results show that the 7% of foundations with budgets exceeding USD 100 million operating in Kenya are mostly international foundations.

2.2 Overview of relationships between Kenyan foundations and the government

According to foundation respondents, collaboration with government is highest in the education (66%), social and economic development (48%), and philanthropy and volunteerism (25%) sectors. Consistently, government respondents point to social and economic development (68%), education (51%), and social assistance and disaster response (36%) as areas of greatest collaboration with foundations. Accordingly, then, the ministries with the highest interaction with foundations are Education (61%), Health (43%), and Devolution and Planning (23%). This finding is backed by past EAAG studies that indicated similar trends. These priorities even informed programmatic choices in driving the Kenya Philanthropy Forum and the Givers' Lounge^{ix} engagements.

The results also indicate that government entities partner most often with community, corporate and international foundations as indicated below. These findings may reflect the fact that the three types of foundations make up, in the same order, the largest number of foundations in Kenya based on the surveys. In addition, assuming these three types are most likely to have formalised their operational and administrative structures because of their size, they might have greater capacity to engage constructively. For instance, the Ministry of Education, through the TVET department, has partnered

with the Equity Group Foundation. Together, they promote and enhance access to vocational training for students who did not attain the necessary grades to attend public universities.

Government collaboration with foundations by type

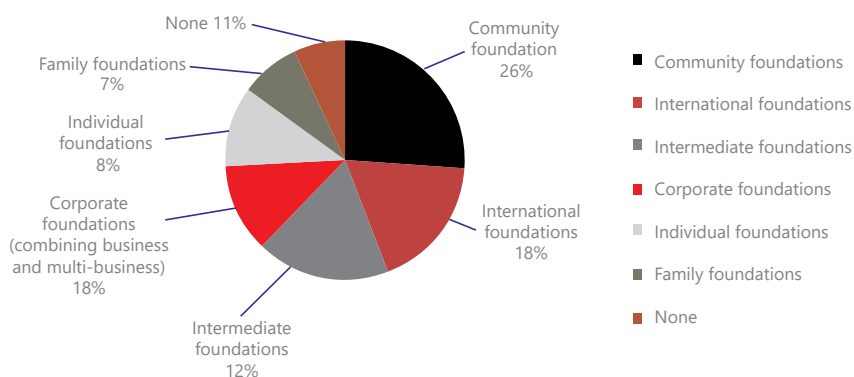


Figure 4. Types of foundation-government partnerships in Kenya

2.3 Diagnosis according to the OECD Guidelines for Effective Philanthropic Engagement Dialogue

According to almost 90% of respondents, dialogue happens very regularly between government and foundations. Most of the time (85%), forums and meetings are the most common platform for dialogue. These high figures are not surprising as the Kenyan Constitution mandates Parliament to seek public opinion on legislation before it is discussed and passed as law. In addition, organisations such as EAAG and KPF have repeatedly, through events such as the Givers’ Lounge and the East Africa Philanthropy Conference, offered opportunities for dialogue between government and foundations.

There is no single formal structure through which dialogue takes place between government and foundations in Kenya, although the KPF is expected to increasingly play that role. As mentioned earlier, KPF’s main objective is to act as a conduit through which foundations in Kenya can communicate, learn and work with the government.

The following section provides a periscope view of the dialogue taking place between government and foundations, including through KPF.

Benefits of dialogue

A majority of government and foundation respondents view dialogue positively: 70% of foundations and 42% of government respondents consider the dialogue is mutually beneficial. Interestingly, 32% of government respondents believe dialogue only benefits them. This being said, 16% of government and 12% of foundation respondents said they did not know the benefits of dialogue. This can in part be explained by the lack of clarity about how dialogue informs both government policy and foundation activities.

“Great partnerships begin with dialogue. We need to keep talking to one another regularly. With enhanced communication, it will be much easier to work together.”

– A Foundation respondent

How would you define the benefit derived from dialogue?

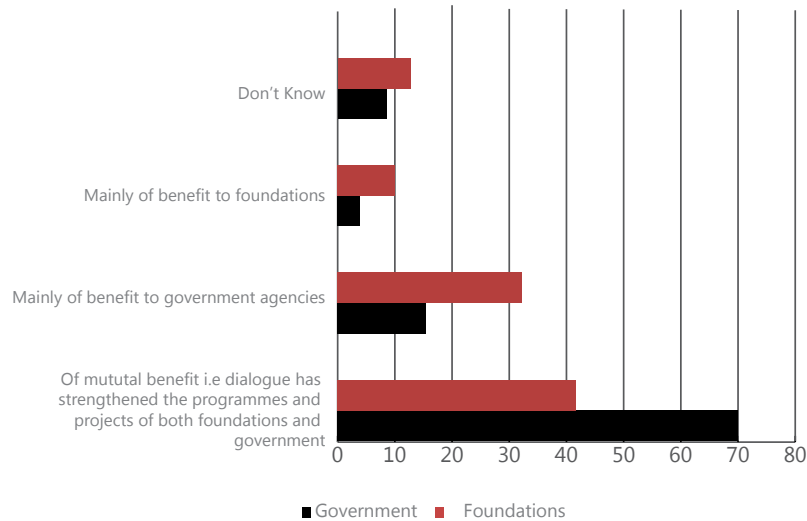


Figure 5. **Description of who benefits from dialogue between foundations and governments**

A majority of foundations (57%) and civil servants (51%) indicated they got to know each other better through dialogue. Dialogue has also further enhanced clarity and precision with respect to each other's objectives for 34% of foundations and 20% of government representatives. Additionally, 41% of government respondents state that dialogue with foundations has enabled them to realign and enhance their programmes, which in the end generated greater development results. Further benefits of dialogue to respondents are indicated in Figure 6.

Aims of dialogue

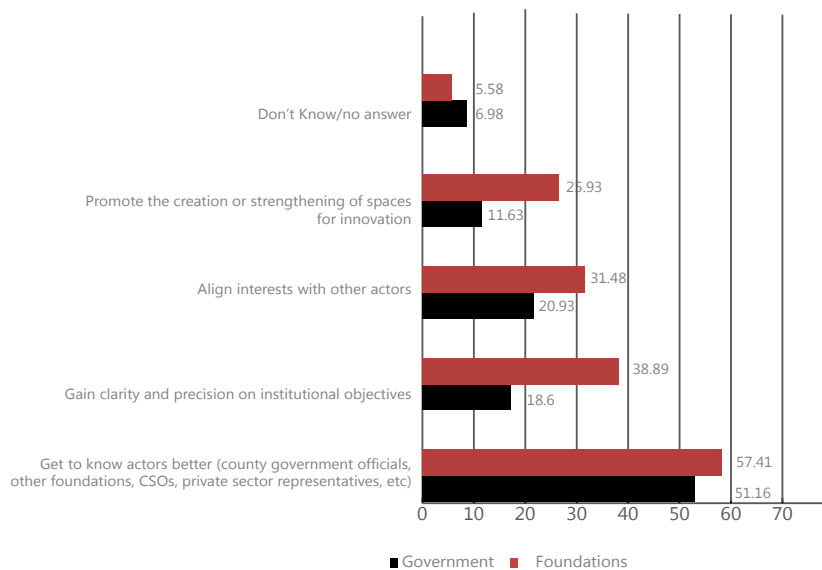


Figure 6: **Typology of the aims of dialogue between foundations and government**

Dialogue platforms

According to the survey, 91% of foundations have participated in dialogue platforms with government in the last year. Forums and meetings are the most common platform for dialogue according to 85% of respondents. Boards, committees or councils come in second at 32%.

Frequency of participation in dialogue

Between 88-89% of foundation and government respondents indicate that dialogue between them is common. There is also consensus on the frequency of dialogue between the parties: 54% of government and 61% of foundation respondents stated that it happens “sometimes”. Another 33% of civil servants and 27% of foundation respondents stated that dialogue happens “very often” as indicated below.

Frequency of dialogue

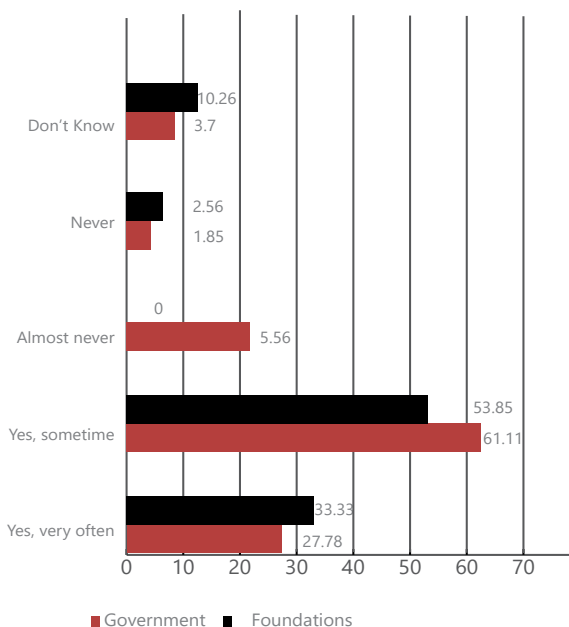


Figure 7. Frequency of dialogue in 2015

Data and information sharing

Survey results relating to data and knowledge sharing between government and foundations revealed they share information regularly and smoothly. Government uses most information to strengthen policy, while foundations use it to influence policy.

Purposes of data and information sharing

Foundations mainly share information to influence policy (67%), give visibility to their causes (59%) and draw governments' attention (31%). This has to some degree led to engagement opportunities between foundations and government. For instance, foundations in the education sector offer scholarships or set up specialised training institutions such as the MPESA Foundation Academy. These activities have drawn the governments' attention.

Government primarily (86%) shares information with foundations to learn how to design or improve policies and programmes. Government therefore recognises and values foundations' expertise and

proximity with the field. Other leading reasons include to better understand causes and trends of public issues (32%) and to justify including a departmental issue in the public agenda (30%).

Channels of data and information sharing

Government and foundations in Kenya mostly share data and information through official channels (such as official requests or reporting) and public channels. This attests to the good engagement level between foundations and government. It is probably because they know each other that they are able to know where and how to find the information they need.

Government primarily receives information from foundations through official reporting (39%) or publications (23%). More than half the time (58%), foundations could access needed information (e.g. budgetary expenditures, supported organisations, processes or project assessments, public information programmes) through official media. Just over half (55%) of the time, official requests to specific government agencies yielded the desired information.

Characteristics of the information

Foundations in Kenya, as noted earlier, are registered differently. Those established under legislation for Societies, NGOs and Companies acts are legally required to file annual returns on their activities. Both government and foundations agreed the quality of information sought and received by either party was updated, sufficient and clear.

Information on expenditures per county, sectoral expenditures and project evaluation results emerge as the most important datasets of interest for foundations. With respect to government, foundations mostly share information relating to their geographical or thematic operating areas. With respect to other non-profit organisations, foundations mostly share information on their programmes, activities and results. This tends to show a certain level of mutual awareness. Foundations and government know that other stakeholders operate in the same environment, and wish to stay informed on their activities.

In another interesting finding, both government and foundations share more information with peers and other development partners than they do with each other. The public administration tends to circulate information mainly among its internal bodies, while foundations primarily share it with other players in the non-profit sector. Academic institutions and multilateral/bilateral donors make up the rest of the top three institutions that both foundations and government share information with regularly.

Partnerships

According to foundations, partnerships with government have manifested most strongly through co-implementation followed by co-financing of projects. For government, the order is reversed, as partnerships are most common in co-financing of projects followed by co-implementation. The preponderance of community foundations in Kenya, which are by definition close to the field, probably encourages this type of co-implementation partnerships. Scaling up of successful foundation projects, which should offer a rich opportunity for both government and foundations, has been the least common form of partnership over the last two years.

According to these results, partnerships exist, but they are still not truly strategic and long-term. On the one hand, foundations tend to accept collaboration proposals from government. They may wish to fulfill a programme goal and/or to enhance their understanding of government bureaucracy and create lasting networks for future projects. For its part, the government does not seem to be against working with foundations beyond mere co-implementation and co-financing of projects. However, lack of appropriate entry points can sometimes create a barrier to participation early in the design phase. Furthermore, even though dialogue and information sharing between government and foundations are occurring, they do not always directly translate to partnerships. This trend could change once parties know and trust each other more.

Characteristics of foundation-government partnerships in Kenya

The frequency of collaboration varies between parties, which makes it difficult to establish a pattern, as depicted below.

All government respondents noted their experience of working with foundations was mostly positive; 72% of foundation respondents concurred, with another 10% indicating their experience was mostly negative, with the remaining 17% responding that they did not know whether the experience was positive or negative.

Frequency of Foundations - Government Partnerships

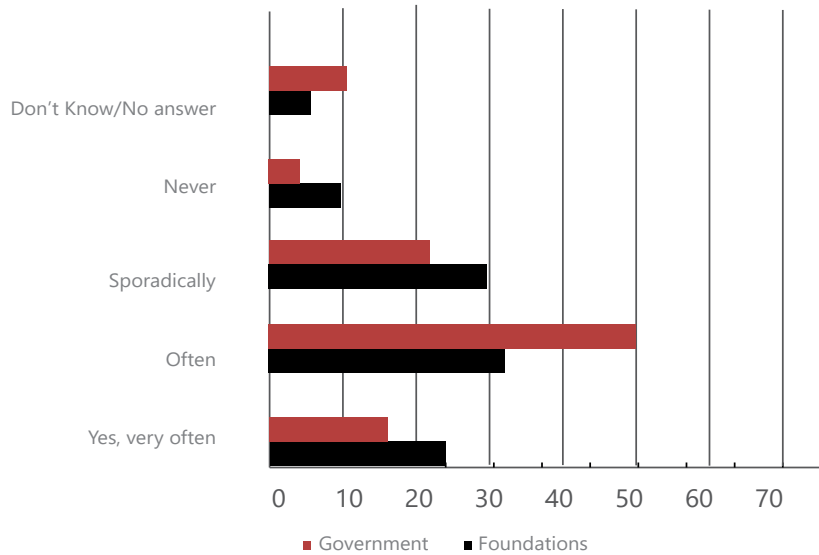


Figure 8: Frequency of foundation-government partnerships in Kenya

The fact that 83% of government respondents and 92% of foundation respondents consider that the impact of their joint efforts greater than if they work separately confirms this positive perception (Figure 12).

Respondents view of the positive value of joint efforts

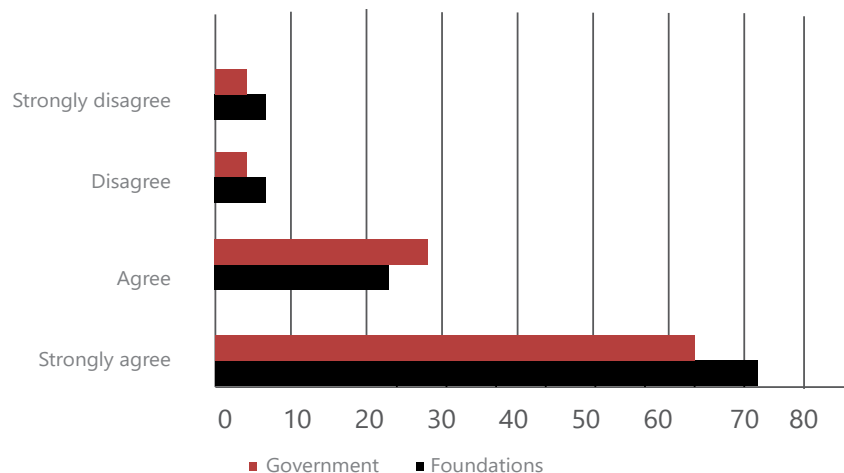


Figure 9: Value-added of joint efforts between foundations and government

The main advantage for government in collaborating with foundations is by far enhancement of technical knowledge on issues (67%), which shows recognition of foundations' non-financial resources, in this case their expertise. Foundation respondents cite strengthening of programmes (58%) and increased impact of programmes (56%) as the main advantages for partnering with government.

Over the past two years, 92% of foundations have collaborated with other foundations. This depicts an environment that supports foundation to foundation partnerships; committees offer the most common co operation platform. Working among peers is also easier as they share similar structures, challenges and working methods. Of the foundations that have previously collaborated with each other, 96% agree the experience has been mostly positive. The two top benefits are increased impact and the strengthening of programmes. Conversely, the top two risks are failure by one party to adhere to agreements or allocation of resources, and high co ordination costs. This is illustrated in the figures below.

Foundations-Main risks of collaborating with other foundations

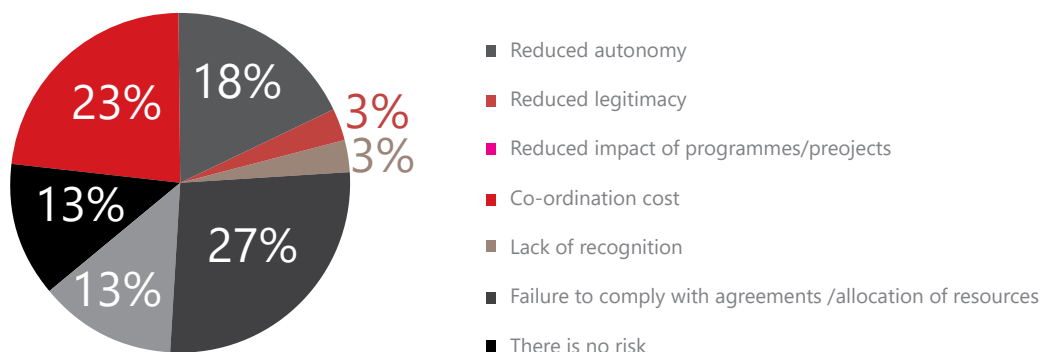


Figure 10. Main risks of collaborating with other foundations

The survey revealed a marked difference in government's economic or in-kind contribution to projects. Government receives grants nearly three times more often (68%) than it provides them (23%). This finding explains government's interest in co-financing projects with foundations.

2.4 Obstacles to collaboration between government and foundations

This section focuses on the challenges experienced by government and foundations when collaborating or seeking to collaborate.

Foundations

- **Changes in government administration**

Changes in government administration are a challenge for 29% of foundations at both the top decision-making level and the project managerial level. First, it is perceived that new leaders often come in with different policy ideas that adversely affect ongoing projects or discussions. Second, the transfer of staff that run certain government projects or interactions at the management level to other institutions creates a vacuum with respect to ongoing projects or discussions.

Changes in governments are inherent to democracy. Yet ideally changes at the highest levels should not challenge the continuity of project activities. For foundations, the reality of a possible change may lead to decisions to hold off on implementation of projects or a shift towards short- term "quick win" projects.

- **Resistance to accept proposals from foundations**

Of surveyed foundations, 19% view resistance by government to take up and adopt or play a part in implementing proposed projects as a major challenge. The government usually spells out its development agenda clearly in annual fiscal plans and budgets. If a foundation’s proposal falls outside the government’s agenda or annual budget, then it is hard for government to come on board. This should encourage foundations to engage with governments in the policy design phase, as this is when they can influence annual planning.

- **Lack of recognition of foundations’ contributions**

According to the findings, 19% of foundations reported the government did not recognise their role in development. Not coincidentally, this is the same percentage that reported resistance from government to their proposals. Better recognition of their efforts would enable foundations to capitalise on this added legitimacy. They could, for example, lobby for systematic tax incentives for all foundations and involvement in policy discussions.

Challenges in collaboration

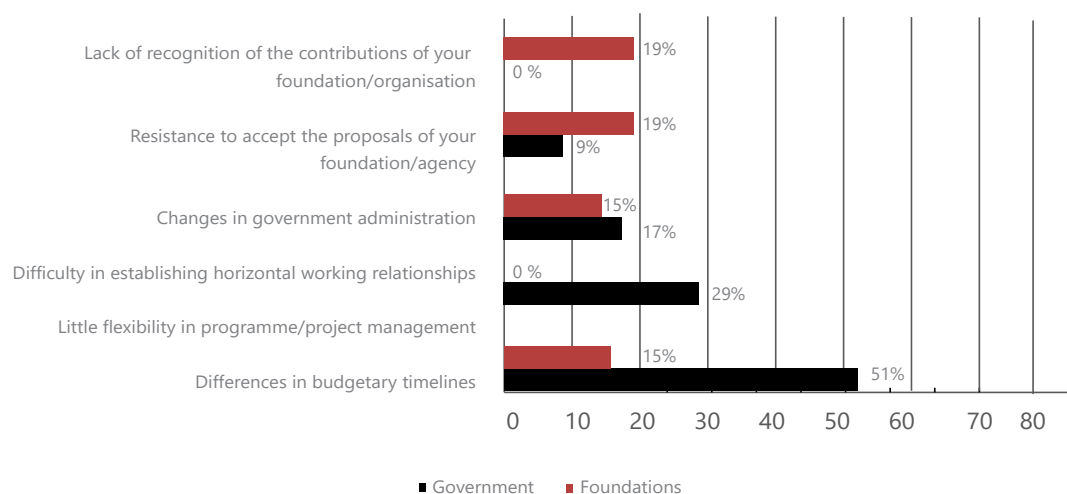


Figure 11: Challenges to collaboration between foundations and government

Government

- **Differences in budgetary timelines**

The annual government budget cycle begins in July and ends in June of the next year. This cycle often clashes with the annual calendar budget cycles of most foundations. More than half of government respondents (52%) cite these differences in budgetary timelines with foundations as their main obstacle to co-operation.

Government’s regular expenditures have to be identified in the annual financial plans. Consequently, foundations have to align their budget timelines with that of the government when co-financing projects. Foundations that may be willing to engage in mid- or long-term projects end up having to re-work their budget timelines every year. This can potentially affect programmes that have a long-term financial commitment. Furthermore, as the government’s fiscal policy is changing often, the lack of multi-year budgets forces foundations to “wait and see” before committing fully to projects.

- **Little flexibility in programme management**

Of the surveyed civil servants, 29% rank the lack of flexibility in project management as the second

biggest obstacle for government when collaborating with foundations. This can be explained in two ways.

First, it points to possible rigidity within government management that does not allow staff to come up with flexible off-the-cuff solutions to challenges arising during project implementation. As a result, project managers have to go through sometimes long and tedious bureaucratic processes that may adversely affect project discussions or implementation. Interestingly, foundations do not seem to be affected by this heavy red-tape, as none of them identified it as a hurdle.

Second, it appears that while government would also like to play a management role in projects, foundations would rather have them play peripheral roles. It thus could indicate some level of distrust, where the foundations do not want to have government officials managing projects. The distrust probably stems from past experience or the general public perception of corruption and lack of accountability within government circles.

Common challenges

- **Difficulty in establishing horizontal working relationships**

Difficulty in establishing horizontal working relationships with each other appears as the first common challenge (29%) for foundations and the third (20%) for government. The benefits of horizontal networks across partnering organisations include faster and more consultative decision making, and communication. Horizontal working relationships nurture innovation, a collaborative approach and a focus on external issues. This, in turn, leads to a team-based approach towards achieving programme goals.

This difficulty is further evidenced by administrative structures set up within government. These add layers of bureaucracy to activities relating to projects such as communications and decision making. This results in phenomenal resources – financial, and human – going to waste and consequently producing few tangible results.

- **Difficulty in finding appropriate legal instruments for co operation**

Foundations (15%) and government (17%) concluded the lack of a standardised legal instrument for co operation made it harder to work with each other. Given this finding, both parties should define their relationships and develop appropriate legal instruments to formalise them.

There is no blueprint for collaboration between government and foundations. As a result, every new project faces similar government bureaucracy. In the face of such obstacles, foundations seek to negotiate terms that ensure project goals line up with their organizational interests. A common challenge at this stage is the length of time needed to put agreements in place.

III. RECOMMENDATIONS

Recommendations in this section are based on the diagnostic of the foundation-government relationships presented above. They also reflect discussions held during the two workshops, which brought together foundations' staff and civil servants. Recommendations aim to tackle the challenges highlighted earlier. Some are specifically oriented to enhance collaboration in the TVET sector, while others are more general.

	RECOMMENDATIONS	WHO
TVET-specific recommendations	1. Develop outreach and advocacy campaign to present opportunities of TVET to youth	Ministry of Education
	2. Develop database on TVET-related initiatives	Joint task force
	3. Develop joint foundations' agenda in TVET sector	Kenya Philanthropy Forum
General recommendations	4. Engage government administration at all levels	Foundations
	5. Pursue formalised and standardised partnership agreements	Kenya Philanthropy Forum
	6. Build capacity for advocacy and negotiation skills to enhance mutual understanding	Kenya Philanthropy Forum

TVET-specific recommendations

1. Develop outreach and advocacy campaign to present opportunities of TVET to youth

The TVET sector holds immense potential to help drive the national development agenda of job creation and industrialisation. However, the uptake of TVET courses by pupils is low. Potential students are unaware of opportunities created by completing a TVET course. For that reason, they have not taken sufficient advantage of loans available for TVET courses from the Ministry of Education through the Higher Education Loans Board. Indeed, the ministry has recorded a “dismal uptake” of these loans.

Through outreach activities, the Ministry of Education should ensure that students applying for placement into institutions of higher education are also made aware of opportunities in TVET institutions. This campaign could be run jointly by foundations and the government. The Ministry of Education would be best placed to take the lead.

2. Develop database on TVET-related initiatives

Information on the TVET sector is scattered due to lack of a central database compiling all the players and projects. This leads in some cases to duplication of work. Moreover, partnerships are harder to build when information on activities of potential partners is not available. Making information on the sector available through a database would thus foster dialogue and partnerships.

The Permanent Working Group on TVET, housed by the German Chamber of Commerce and United States Agency for International Development (USAID), once attempted to create such a database. Relevant government authorities should investigate the reason why this first attempt did not succeed and be put in charge of its development, update and communication.

3. Develop joint foundations' agenda in TVET sector

Over time, foundations have learned that collaboration can enhance development outcomes. Through institutions such as EAAG and KPF, foundations have been able to speak more boldly and louder on issues affecting the operating environment, to share lessons and to inspire actions. The creation of a coalition of foundations interested in TVET could create a common voice and agenda, enhancing dialogue and partnerships with government. As a starting point for

“One voice for a sector would help collaboration versus a huge number of individuals with each trying to advocate for their own priorities”

– A Foundation Representative

future collaboration, foundations through the coalition would identify a series of projects or entry points for joint programming, or focus area, to seek partnerships with government.

Through the data base mentioned above and the coalition, data can be collected and shared publicly and with government on the actual impact of foundations in the sector. This would showcase foundations in the coalition as integral partners in the government's development agenda. Working through a coalition will be instrumental in driving the joint agendas of all foundations. It will be a unique opportunity to show government that partnerships achieve more than the sum of their parts.

Ministry of Education policy strictly considers proposals based on its strategic focus areas (access, equity, quality and relevance). KPF could align the agenda of the coalition to this policy. Through such a coalition, it would be possible to establish large-scale long-term projects that would interest the government. This could help solve the challenge of differences in budgetary timelines and changing personnel in government.

General recommendations

4. Engage government administration at all levels

Foundations should get the buy-in of the department heads in government. In addition, they should make deliberate efforts to develop strong relationships with technical staff; these staff are likely to remain in their positions despite elections and government reshuffles. This will ensure continuity of projects even after the heads leave. It will also enhance project implementation, as the technical staff are directly involved in implementation.

5. Pursue formalised and standardised partnership agreements

Formalised partnerships can enable parties to reach a common understanding of the issue they are trying to address and of each other's own objectives. Furthermore, they can ensure continuity of projects despite staff turnover. This, in turn, fosters longer-term collaborations.

However, building partnerships, as well as defining each other's roles and responsibilities, often requires a lot of time before actual project implementation. At times, the desire to establish partnerships across different sectors is hampered for simple reasons. These can include not knowing how to approach the partnership, to define its modalities or to divide labour between partners.

With no specific partnership model that can be copied and customised, the legal and operational issues surrounding each partnership can become a headache. Based on experience and best practice, parties should develop a standard form that can be customised and adopted for use by other partnerships. This will help save time, and also promote partnership as both parties will have a better understanding on how to work with each other.

For projects in the TVET sector, KPF should identify best practices by reviewing partnership agreements used in Kenya and other countries. It could then suggest a partnership form to the Ministry of Education and TVET institutions. If the form is approved and shows its effectiveness in helping build partnerships, its use could then be spread out to other sectors.

6. Build capacity for advocacy and negotiation skills to enhance mutual understanding

While foundations and government do a lot in their respective areas of focus, they run their operations and programmes differently. This diversity of approaches means that delays or misunderstandings may

“You have to put your house in order. (...)The space in which foundations operate is not as organised as that of private sector players and that is why government will at most times work, consult and partner with the private sector more readily.”

– A government representative

arise when working together. Government and foundation representatives should thus deliberately try to engage and learn about each other so they can share among themselves knowledge about how both parties work. Once they understand each other's working systems, they can plan and design programmes that could be executed as joint partnerships.

As a concrete action, therefore, KPF should build capacity of both governments and foundation for advocacy and negotiation. This training workshop should be developed in consultations with concerned parties to take their needs and expectations into account.

CONCLUSIONS

The scope of global challenges requires non-state actors to step up alongside governments to implement the sustainable development agenda. Over time, foundations have risen to be partners. Without necessarily working directly with governments, foundations help drive the development agenda either through partnerships with organisations that directly implement projects or by rolling out projects on their own. In other instances, foundations have partnered with each other and formed coalitions that then support governments directly in running different projects. In Kenya, both scenarios have been and continue to be witnessed today.

Relationships between foundations and governments are already well established, even if it is possible to get more out of their partnerships. The benefits of dialogue are broadly recognised, and platforms such as the Kenya Philanthropy Forum are increasingly emerging to structure it. Data and information flow well between parties and often through formal channels. The quality of information they share is very good. They are also willing to share information that is not publicly available. Government mostly uses such information to design or improve policies and programmes. Foundations mostly share information with government to influence policy. The number of actual partnerships resulting from dialogue and data-sharing is, however, low and usually not truly strategic and long term.

The recommendations in this report are meant to unlock the potential of greater collaboration between these two actors. They detail how foundations need to coalesce to have a joint agenda on TVET prior to seeking collaboration with the government. They also show how, with the support of foundations, the government needs to enhance awareness of youth about employment opportunities fostered by vocational training.

In addition, developing a replicable partnership agreement would aid and accelerate formal collaboration. This structured model for partnerships would detail each party's legal, institutional and practical roles, and be refined by including standards of best practice. This will help ensure that future partnerships have working models that can be adopted to suit their needs.

The report is, however, not without limitations. On the one hand, it was a challenge to apply the study to foundations because the local regulatory framework does not provide for a specific regime or definition for them. On the other, representative samples were lacking for the online surveys. These disparities were covered partially by engaging in in-depth discussions and deliberations during the workshops.

This study is part of a global movement to document, through country pilots, the co operation between two major development players – governments and foundations – at the national level. This methodology is therefore open to application in other regions with a desire to put into context the nature of collaboration between governments and foundations. It also offers lessons that can be adopted to suit other regions with similar challenges and demographics.

REFERENCES

- Capita Registrars (n.d), Capita Registrars website, <http://capitaregistrars.co.ke> (accessed 11 November 2016).
- Council on Foundations (n.d.), Council on Foundations website, www.cof.org/content/kenya (accessed 11 November 2016).
- CSO Reference Group (2013), “The PBO Act”, webpage, <http://pboact.or.ke/the-pbo-act/cso-reference-group> (accessed 11 November 2016).
- EAAG (2012), *The State and Nature of Philanthropy in East Africa*, Summary Report, East Africa Association of Grantmakers, Nairobi, https://media.wix.com/ugd/d0bf7d_739992a58b9b4868a935da2b27bc67d9.pdf (accessed 11 November 2016).
- GPEDC (30 March 2014), “Communiqué for the first high-level meeting of the Global Partnership”, GPEDC blog, <http://effectivecooperation.org/2014/03/draft-communiqué-for-the-first-high-level-meeting-of-the-global-partnership/>.
- KCDF (n.d.), Kenya Community Development Foundation website, www.kcdf.or.ke/ (accessed 14 January 2017).
- KPF (2015), *Strengthening Collaboration among Philanthropy Actors in the Education Sector*, Kenya Philanthropy Network, Nairobi, https://media.wix.com/ugd/d0bf7d_f1ef48c03e544e9498a985a3553d1879.pdf (accessed 11 November 2016)
- Mbithi, P. and R. Rasmusson (1977), *Self-Reliance in Kenya: The Case For Harambee*, Scandinavian Institute of African Studies, Uppsala.
- Bashir H. Mursal, (2016), Kenya TVET Landscape Presentation, Guidelines for Effective Philanthropy Engagements Workshop held on 4th November, 2016, Nairobi.
- OECD netFWD et al. (2014), *Guidelines for Effective Philanthropic Engagement*, OECD Global Network of Foundations Working for Development, Paris, [Guidelines for Effective Philanthropic Engagement.pdf](#) (accessed 06 December 2016).
- Republic of Kenya (2012), *Trustees (Perpetual Succession) Act*, Chapter 164, Section 3, Paragraph 1, Republic of Kenya, Nairobi.
- Sihanya, B. (1996), *The Regulatory Regime Governing NGOs in Kenya*, University of Nairobi.
- TVET Authority (n.d.), Technical and Vocational Education Authority website, www.tvetauthority.go.ke/ (accessed 04 March 2017).
- TVET CDACC (n.d.), TVET Curriculum Development and Certification Council website, www.tvetcdacc.go.ke (accessed 04 March 2017).

NOTES

- i. Venture philanthropy takes concepts and techniques from venture capital finance and business management and applies them to achieving philanthropic goals. See the study *Venture Philanthropy for Development: Dynamics, Challenges and Lessons in the Search for Greater Impact* (OECD netFWD, 2014).
- ii. Basket funds are a mechanism for pooling funds from various sources – typically governments, donors and the private sector – to support priorities and ensure adequate resource allocation for agreed upon programme areas.
- iii. Sustainable Development Goal 17: Strengthen the means of implementation and revitalise the global partnership for sustainable development. Visit <https://sustainabledevelopment.un.org/sdg17> for more information.
- iv. On 23 July 2011, a Nairobi-based Kenyan media consultant, Ahmed Salim, posted on Twitter to encourage people to donate to the Kenya Red Cross Society (KRCS) with the trending tag #FeedKE. In one day, more than 59 people donated. As #FeedKe started to trend and the donations began coming in, Ahmed asked KRCS to set up a financial platform to absorb the donations. A few weeks later, KRCS saw the potential of the campaign and partnered with mobile network provider Safaricom, mobile money transfer system M-Pesa, and the Kenyan bank KCB, to launch the Kenyans for Kenya initiative. Visit www.kenyaredcross.org/index.php/kenyans-for-kenya for more information.
- v. As a result of Petition 351 of 2015 (see <http://kenyalaw.org/caselaw/cases/view/128172>), the High Court of Kenya delivered a judgement on 31 October 2016. The Cabinet Secretary responsible for devolution and planning was ordered to appoint a date for the operationalisation of the act before proposing any amendments to Parliament. This process, however, has been followed by a lull in adopting the act's provisions and therefore to solve some of the concerns that led to its development in the first place.
- vi. Private foundations have a core mandate and activities run by either an individual or an incorporated body. Therefore, all policy decisions are made privately. Conversely, funding, decision making and/or management of public foundations is a matter of public interest depending on who exactly is setting them up.
- vii. All figures are based on the results of the survey carried out for this report.
- viii. EAAG has conducted various studies on the areas that receive highest resources and interest by foundations. The Annual Giving Reports and surveys accessible at <https://www.eaag.org/resources> offer more insights.
- ix. The Giver's lounge is a peer-to-peer event run by EAAG. It cuts across different sectors that seek to decipher the practice of philanthropy in different sectors by providing both learning and networking opportunities to philanthropists.
- x. An average of both government and foundation respondents that answered the questionnaires.

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