

Supporting dialogue & advocacy in Kenya



Fifteen years of lessons

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Abbreviations

5SAA	Five step approach to advocacy	MDA	Ministry, Department or Agency
BAF	Business Advocacy Fund	PPD	Private public dialogue
BEE	Business enabling environment	PR	Public relations
BMO	Business membership organisation	RDE	Royal Danish Embassy
DANIDA	Danish International Development Agency	RPA	Research & policy adviser
GG	Green growth	TTIDE	Tetra Tech International Development Europe (formerly known as Coffey International Development Europe)
HRBA	Human rights-based approach		

Business Advocacy Fund

Supporting dialogue & advocacy in Kenya: fifteen years of lessons

1. Summary

1.1 The Business Advocacy Fund

The Business Advocacy Fund (BAF) was launched in Kenya in 2006 as the Danish International Development Agency's response to the desire of the World Bank and the Donor Committee for Enterprise Development for development partners to do more to support business associations which would, in turn, influence the reform of the business enabling environment (BEE). For 15 years, in three phases, BAF has supported business membership organisations (BMOs) to engage in private public dialogue and advocate policy reform to improve the BEE in Kenya. Despite its record of apparent success, DANIDA's priorities have changed and its funding for BAF will not be renewed in 2021. It is therefore the right moment to review what difference BAF has made to the ability of business associations to secure policy reforms.

In BAF1, we directly supported 39 BMOs with 58 advocacy and three sustainability support grants totalling almost \$1m. In BAF2, we directly supported 60 BMOs with 125 advocacy grants totalling \$3m and supported 36 BMOs (34 with revenue support grants) to improve their sustainability. In BAF3 we supported 48 BMOs with 112 grants for advocacy worth almost \$3m, provided one BMO with a sustainability grant and a further 10 BMOs received sustainability consultancy support. We provided training to more than 3,500 people from 580 organisations, who participated nearly 7,500 times in 381 training courses. We delivered a range of initiatives intended to improve the quality and quantity

of media coverage of business issues and set up a knowledge portal.

Including BMOs who participated in coalitions and alliances, BAF has supported some 825 BMOs during its lifetime. **These BMOs delivered some 426 policy reforms.**

Some of those reforms made a significant difference, such as the estimated \$1.9bn and 41,000 jobs dependent on Kenya's apparel exports remaining in the US African Growth & Opportunity Act arrangements, or the world first for East African Grain Council and the Kenya Bureau of Standards working together on a standard for hermetic packaging.

BAF's contribution has been acknowledged: Dr Geoffrey Mwau (then) Director General, Accounting Services, National Treasury said in 2019:

"BAF has been a strong partner in advancing [improvement of the business environment] through support to BMOs in virtually all sectors advocating policy, legal and regulatory reforms. It has greatly contributed to improving our ranking in [the World Bank's] Doing Business from 101 in 2008 to 61 in 2019."

Overall, our sense is that (i) BMO advocacy competence has improved, though many still benefit from external review and mentoring; (ii) BMOs are more likely to secure an audience with public officials; (iii) BMOs do not shy away from seeking reform of legislation and policy even though that is harder than administrative or interpretative

reforms; (iv) BMOs continue to under-estimate the time and effort involved in advocating reform of public policy; (v) BMOs are now more likely to work together; and (vi) BMOs are likely to take a collaborative approach to

their advocacy. For most reforms, it is difficult to attribute success but for some reforms, it has been very clear who has brought the reform about – and generally a BMO has been at the forefront.

1.2 Results

The table below summarises BAF’s results over the 15-year period.

Table 1: Summary of results

		BAF1	BAF2	BAF3	Total
Capacity Building	Programmes delivered	32	165	184	381
	Total participants		1,864	1,163	>3,500 ¹
	Total participations	629	3,600	3,218	7,447
	Organisations trained	117	261	202	580
Advocacy	Grants (number)	58	125	112	295
	Grants (commitment)	KES 122m	KES 414m	KES 542m	KES1 bn
	Grants (disbursed)	KES 89m	KES 327m	KES 333m	KES 750m
	BMOs supported	39	60	48	90
	Policy reforms	55	149 +108 ²	114	426
	Issues taken to gov't	167	441	335	943
	Policy positions published	52	150	102	304
	Dialogues & consultations	419	1346	772	2,537
	Research reports	52	98	37	187
	Sustainability	Revenue support grants	3	34	1
Committed		KES 12 m	KES 220m	KES 11 m	KES 243m
Disbursed		KES 12 m	KES 203m	KES 9 m	KES 224m

1.3 Lessons

1.3.1 Lessons from BAF’s approach

Supportive and rolling grants funding is ideal for public private dialogue. Given the state of advocacy in Kenya, BAF avoided the challenge fund approach and adopted a much more supportive approach. Most BMOs were weak hence would not qualify in challenge funding. BMOs with promising proposals were therefore coached to prepare applications that might be worthy of support.

BAF aimed to maintain a low profile which ensured BMOs and their issues were seen as legitimate and resulted in government being more willing to engage. Specifically, BAF supported BMOs to promote their own profile.

Unlike some other advocacy support funds, it requested anonymity in relation to its funding. This created BMO ownership of the advocacy, boldness and legitimacy in the issues advocated. The perception of advocacy being donor interference was thus eliminated.

BMOs were supported to be timely in their engagements. The Fund was initiated at a time when government was becoming more welcoming of private sector involvement in policy formulation. The promulgation of the new constitution was also a great opportunity for dialogue. The Fund Manager encouraged BMOs to keep track of how the political landscape was transforming and to engage in a timely manner and in all available channels including constitutional commissions, new

¹ Records of individual participants for BAF1 are no longer available, but BAF is confident that it provided training to more than 3,500 unique individuals

² A large number of reforms arising from projects started during BAF2 – 108 – came to fruition during BAF3.

institutions and new political vehicles such as county economic blocks.

Private sector advocacy is far from being sustainable. BMOs that received BAF support over the years have grown in their capacity to advocate policy reform. However, they still require much more support to continue to play their role and represent the collective interests of their members. This is because the private sector in Kenya is still not able to adequately fund BMOs let alone pay subscriptions consistently.

Donors should avoid disruptive funding breaks when approving new funding cycles. Advocacy projects need support for extended periods some which may span six months to two years. When supporting an advocacy fund the donor(s) need to ensure that any break across funding cycles, such as between BAF1 and BAF2, does not disrupt projects otherwise credibility of and trust in the advocacy programme will be lost.

Funding advocacy does not require large budgets but does require sustained support. Over the years, BAF's budget grew and by BAF3, it was clear that spending more money well was difficult. Donor funding needs to provide for longer support to improve BMO advocacy competence and building a sustainable approach to public private dialogue.

Supporting BMOs with larger grants, in such a way that learning remains within the BMO, could have made a difference to the long-term effectiveness of BMOs. BAF grants for advocacy only covered the direct costs of the project without contributing to staff costs or overheads. BAF recognised the need for additional support but this tended also to be provided externally, such as PR support delivered by consultants, or increased mentoring by the staff team and the Research & Policy Advisers. One BMO, Kenya Chamber of Mining (KCM), used its sustainability support grant to hire a policy manager – who drove their successful campaign to reform what became the Mining Act 2016.

1.3.2 Factors for advocacy success

Clarity of issue and the reform objective is fundamental. BMOs need to be very clear about the issue, and the root cause of the problem, as well as the specific policy reform that they are seeking.

Implement advocacy projects one step at a time. A step by step approach focuses on the short-term objectives and leads to better results. BAF's five step approach to advocacy (5SAA) has proven to be an effective way of dividing projects into clear and logical steps as well as helping in budgeting.

Independent, comprehensive and relevant evidence is essential. Good evidence is necessary for successful BEE reform and advocacy and, where possible, recognising there are often multiple sources of evidence that demonstrate legitimacy of the argument and the basis of the reform proposals.

A good policy position is a strong tool to shape a conversation with policy makers. Writing it down ensures that everyone is 'on the same page'. For instance, the blood transfusion policy brief was used to engage the media, to raise the issue with the National Assembly (resulting in increased budget allocation) and secured commitment from the Executive (Ministry of Health).

The style of interaction matters. The approach and style of interacting with key people is an important factor in the effectiveness and pace of advocacy. Personal interaction – preferably face to face – is best.

Early engagement with policy makers is important, so that the BMO can learn about the position of the government and its policy imperatives.

Dialogue has proven to be the most effective approach to policy reform in Kenya. BMOs need strong advocates who pursue their issues and engage in dialogue even when they are not initially successful. Advocates with passion, commitment and determination secured audiences with government. Building relationships through

dialogue ensures that BMOs are ready and accessible when Government needs information or is making appointments to taskforces.

Consistent messaging is critical. When BMOs and others are in any form of partnership, all must support the position and speak with one voice.

BMOs need to choose tactics carefully and should be patient, recognising that change can take a long time and that one must be ready when the opportunity arises.

Be vigilant, consistent and flexible. BMOs need to engage consistently, to understand the motivations of public officials, to rally wide support and to keep abreast of changes in the policy space so they can adjust their strategy. Even with success, however, there is still a need to retain momentum as issues may evolve during implementation or resurface if the promise to reform falters.

Engage beyond the policy success. Advocacy is a continuous process. Even after a project is complete and reforms implemented, monitoring is necessary to ensure compliance by business or to make further suggestions for better implementation or revision of the policy. BAF has supported BMOs to engage post-reform to ensure the initial economic impact is achieved. Donors need to allow room for this next level of support and not cease supporting an advocacy project when the reform is agreed.

Carry public officials along. Not surprisingly, public officials can support or hinder a BMO as it seeks to influence policy. BMOs that recognised that they needed to take officials with them, especially those that made a false start, develop a rather better, more co-operative, relationship. An important lesson is to ensure that there is something in it for the government as well as for business.

The government has become more receptive to collaborating with BMOs. BMO-MDA alliances demonstrated value in collaborating with government on issues of mutual interest. Such policy becomes mutually

acceptable leading to greater likelihood of policy reform, greater legitimacy and thus higher levels of compliance.

Champions inside government are beneficial. BMOs who have a government official who is willing to listen to their case and represent their position have achieved considerable success. Moreover, champions often find their collaboration helps them do their job more effectively.

Timing is critical to secure government attention. When BMOs engaged at the right time, or were able to pre-empt government's own intention, proposals often made good progress. BMOs therefore must be cognisant of government plans and priorities at any given time to determine when to participate.

BMOs need to be inclusive involving other stakeholders from public and private sectors. This is different to forming alliances, but rather is seeking to motivate other associations to act with them as a matter of course. Engagement therefore needs to be inclusive and relationships are important.

1.3.3 Lessons from supporting advocacy

A passionate, committed and involved Board was critical. The composition of BAF's Advisory Board included reputable individuals from public sector, business, BMOs and the Royal Danish Embassy (RDE). This provided a good mix of knowledge and background. Members marketed BAF and shared information on the issues with which businesses and government were dealing. Some of the projects, such as those that emerged from constitutional changes, were proposed by the Board.

Review eligibility before inviting a BMO to submit an application for funding. Information such as registration status, key contacts including the chairman and secretariat, objectives of the organisation, services they offer, their members and level of subscription, and their financial status allows for determination of eligibility before time is wasted preparing or assessing an application.

Concept notes must describe clearly the policy issue. BAF adopted a two-stage application process, with a concept note to explain the issue (followed by an application including an advocacy plan and budget). Each issue or problem must be clearly explained and, ideally, should further explain the desired reform and impact that might arise.

Many organisations can identify the issue but are unable to articulate it clearly and concisely. Most BMOs found it difficult to write persuasively about their issue, mainly because they lacked expertise or experience in advocacy. Thus, it was necessary to provide mentoring support even at that early stage.

Seeding of issues is sometimes necessary to take advantage of dialogue opportunities. BAF needed to stay abreast with the political debates and emerging challenges. Issues could then be seeded to BMOs, especially where BMOs were not aware that their intervention was necessary or even possible.

Funding multiple projects needs careful consideration. BMOs often had more than one issue to advocate. BAF found that unless a BMO could demonstrate its competence in project and financial management, multiple grants could be challenging to manage; not least because BMOs are generally under-resourced and lack sufficient competent staff.

BMOs that contributed funding tended to be more committed and BAF found it easier to approve and support their proposals. However, it was also apparent that BMOs were only willing to contribute towards working on issues that members (as opposed to the Board or external party) had prioritised.

Supporting dialogue requires motivating the advocates. Because of the political nature of the process, some BMOs may not know where to begin or how to overcome barriers in the policy making process. Reaching out to such organisations and motivating them, resulted in heightened interest and a desire to take action.

Dedicated public relations support enhanced the ability of BMOs to

communicate their issues. This resulted in increased attention from policy makers and often in increased levels of success.

Communications for advocacy may need more support. BMOs need to be clear about their target audiences, about the specific objective with each target audience and about the message most likely to result in the action that they seek.

Social media can be a powerful tool to engage decision makers, build the brand of associations and rally public support on a particular issue. Building up a social media following, however, is not something that happens in the short term. BMOs need a long-term strategy for the use of social media.

Consultants frequently require capacity building. Impressive qualifications do not necessarily translate into quality delivery and the quality of outputs can be compromised unless time is spent reviewing deliverables. Challenges included consultants lacking sufficient understanding of public policy, inability to distil and analyse issues, inability to present ideas in a clear, succinct and persuasive manner and inadequate writing style. Consultants struggled to mentor BMO staff to complete tasks, resulting in work being completed with little or no demonstration of skills acquisition by BMO staff.

An induction process for consultants is necessary, especially for public relations (PR) and communications consultants, as well as those involved in supporting BMOs deliver critical advocacy projects. This should include attending short courses on public policy and the role and purpose of BMOs.

BAF created a portal to share information, guidance and opinion with a focus on issues important to BMOs. The developers faced technical issues, leaving too short a time to market the portal effectively. As a result, there was insufficient time to make any informed assessment of the value of this resource and identify lessons for the future.

1.3.4 Lessons from county advocacy

Despite encouragement to work in coalitions on issues of importance to all businesses, county BMOs still prioritised their own issues. When BMOs were

organised to work together to engage in governor's round tables, most articulated only issues that affected their members directly. Creating a broad-based business agenda for any county requires considerable time, effort and external support.

Ownership of the agenda is important and a process of validation can help. For

collective county business agendas to be effective, the broader issues that impact the business environment, together with specific issues identified by individual BMOs, need to be validated by the BMO coalition. This can create ownership of the collective agenda.

Knowledge of the government agenda enables BMOs to raise relevant issues. All BMOs need to familiarise themselves with the government agenda. Especially at county level, we found that BMOs were not fully aware of what government is doing and sometimes raised issues which the county government was already addressing or has addressed. It is important for BMOs to form relationships with county officials, both in the executive and in the assembly, to explore and clarify the issues and the county government responses.

The competence of local associations was inadequate in terms of research, policy formulation and communications which made it hard for BMOs to secure attention. Counties tended to have standard formats for presentation of memoranda, for example, so BMOs needed to be aware of the requirements and then support their memoranda with background studies to justify their proposals. They also needed to understand the county planning cycle including the County Integrated Development Plans (CIDPs) and the associated Annual Development Plans (ADPs) both of which inform county budgets and finance bills.

County executive officers particularly appreciate being invited to meetings organised by county BMO coalitions and having the chance to engage in dialogue at an early stage.

County assemblies remain difficult to engage as members are hard to pin down. Finding allies and champions in the assembly committees improves the likelihood of learning and influencing their views.

1.3.5 Focus on BMO competence

After 15 years of working with BMOs and exploring what makes a difference, we have concluded that there are three areas where BMOs need to build significant competence.

The first requirement is that the BMO can prepare or procure appropriate evidence that is objective and comprehensive and needs to have thought through the implications of any policy proposals. The more hard evidence that a BMO has to support its case, the easier it will find it to make the case for reform.

The second requirement is engagement. The BMO needs to access, engage and develop relationships with the people who matter including cabinet secretaries, senior civil servants, junior civil servants, Parliamentarians and staff of government agencies. Good relationships will ensure that the BMO is an insider rather than an outsider and have much better access to be able to converse with the people who can make a difference. Securing access in the first place is not generally hard, but maintaining access requires that the BMO is credible and that there is a mutually beneficial relationship.

The third, and possibly most important, requirement is expression. The BMO needs to prepare and communicate its evidence and arguments to policy makers across a variety of venues. This requires clarity of thought when it comes to framing the issue – and possibly the solution. The BMO needs to construct an argument that makes a logical and persuasive case, ideally illustrated with good stories

about the situation now and what the situation could look like if reform occurred.

1.3.6 Lessons from sustainability support

BAF has learnt important lessons that we consider to be relevant both in the Kenyan context and more widely as part of the process of public policy reform. The key lessons from BAF's experience in building BMO sustainability are as follows:

A vibrant advocacy strategy and advocacy competence is perhaps the most significant factor for the sustainability of associations.

While governance and other organisational factors are important, BMOs that recognise that advocacy delivers results which directly impact members and addresses their needs, leads to improved membership commitment which, if well exploited, leads to improved financial sustainability.

BMOs need to have clear strategic objectives that emphasise advocacy and member services that will offer improved prospects of attracting members who will pay subscriptions and fees for services.

BMOs which grasp the strategic review and planning process see its value and find it useful. Those who participated in BAF's sustainability programmes said that the process gave them an opportunity to think objectively about issues they had not previously considered including what business they were in and how to remain relevant to their members. However:

Undertaking strategic reviews is not common among BMOs. Many BMOs do not take time to reflect on their institutional systems, business plans, service delivery and capacity in a way that would enable them to improve. Some which do so approach it too academically and as a result their planning documents are neither practical nor realistic.

Strategic reviews tend to heavily rely on BMO board members. Most BMOs rely on their board members, especially the chairmen, to lead strategic reviews because staff capacity is low. These people are very busy in their own

businesses and unable to commit adequate time and focus.

A focus on **three strategic objectives, with a short plan** explaining how each will be delivered, will provide most BMOs with a more than adequate strategy.

Institutional and individual capacity building support is necessary to build BMOs with good governance and management and strong planning, service delivery and financial systems that deliver the vision and strategy.

Capacity building requires the services of specialist advisers who are familiar with non-profit membership organisations. This may require some capacity building to enable such consultants to support BMOs effectively.

It should focus on **building the competence** of BMO boards and management.

It should **strengthen governance** where necessary as this is weak in many BMOs and will undermine the organisation's sustainability if not addressed.

It should be delivered for long enough to **design and embed the new systems** BMOs need to have in place.

Sustainability support needs to have a range of tools, but the key is technical assistance. BAF's mandate did not permit it to provide core funding to its BMO partners, particularly to recruit suitably qualified staff to better undertake core advocacy projects or build organisational competence. Given that BMO boards are comprised of members acting in a voluntary capacity while running their own businesses, they do not have the capacity or time to provide strategic direction necessary. We have observed that a consequence is that many BMOs either do not attract competent staff or see a high staff turnover. BAF's limited range of sustainability tools made it difficult to break this cycle of weak oversight and management.

BMOs require a membership base able to pay membership fees which are sufficient to meet core costs. The issue is not simply

one of number of members, but their ability (and willingness) to pay and there are examples of BMOs with less than 100 members who are well funded.

1.3.7 Lessons from supporting the media

A small component of BAF's work focused on stimulating the media to improve the quality of its coverage of BEE issues. Initiatives included journalist breakfasts with keynote speakers, bursaries for in-depth reporting and field visits to enable journalists to meet businesses facing specific issues.

The breakfasts were a learning and networking opportunity that gained momentum in terms of both the number of participants and the quality of the speakers. Journalists met speakers whom they might otherwise never have a chance to interview.

There was an appetite for in-depth reporting bursaries as it provided journalists with an opportunity to explore topics in which they were interested but for which they, or their organisations, did not have funding. Some excellent and widely read stories resulted.

Journalists were much less enthusiastic about field visits, particularly to BMOs outside Nairobi. There was some scepticism of the value of going into the field for a story that may not get past an editor.

1.3.8 Lessons from grants management

BAF's finances were managed locally and by the contractor, based in the UK. This resulted in the team in Kenya ensuring that documentation to support claims was accurate. Funds were then paid by the Tetra Tech International Development Europe (TTIDE) UK's finance team. This significantly improved the checks and balances.

Oversee financial reporting closely as some recipients were not rigorous in following the agreed process. Careful review of financial reporting by grantees is necessary to avoid errors and to catch hints of fraud. For example, BAF stamped original invoices so

that they could not be reused in other donor projects or recycled for another claim.

Ensure the BMO has contributed its share. It is important to define how the BMO's share is constituted and whether it is an actual financial contribution either from their own resources or other donors. Either way, funds need to be deposited in the project account to make up the full project budget.

Encourage BMOs to keep the correct backup documents to ease reporting. BMOs should be encouraged to practise the 'accounts in an envelope' approach when implementing donor funded advocacy projects. This is where they keep a large envelope for each month and mark every expense, as they add relevant supporting documents to the envelope. This minimises records tracing and finding back up documents during reconciliation.

Encourage BMOs to plan their activities well in advance to ensure funds are available and avoid a last minute request for the next tranche. The best approach is where the BMO finance team works closely with the BMO advocacy team to review constantly the budget as the project work plan is implemented. This ensures there is sight of level of funds well in advance to allow adequate time to account for the tranche of funds received and apply for a new tranche.

To discourage fraud, it is critical to enforce guidelines such as no cash withdrawals. Grant funds can be easily defrauded if the grant makers are not firm in enforcing their own guidelines.

Involve the BMO Board of Directors from the outset. Discuss and outline grant management guidelines and expectations with both the secretariat and a representative of the Board, preferably the Chairman, who signs acceptance of the grant conditions. This will ensure the Board is aware of the grant that the BMO has received and knows the institution is liable to ensure the funds are utilised as per the contract.

Supporting dialogue & advocacy in Kenya: fifteen years of lessons

2. Introduction

The Business Advocacy Fund was launched in Kenya in 2006 in response to a request for proposals from DANIDA reflecting a desire of the World Bank³ and the Donor Committee for Enterprise Development for development partners to do more to support business associations so that they, in turn, could influence the reform of the enabling environment⁴. For 15 years, it has supported business membership organisations to engage in public private dialogue and advocate policy reform to improve the business enabling environment in Kenya. Despite its record of apparent success DANIDA has decided not to renew funding. It is thus a good time to review what difference it has made to the ability of business associations to secure policy reforms.

In some countries, there are literally thousands of lobby groups – perhaps as many as 8,000 groups in the UK⁵ and 14,000 in the US⁶ – not to mention countless professional lobbyists⁷. In Kenya, BAF identified around 700 business lobby groups with 400 at the national level and a further 300 at the county level.

In the US, there is considerable money in the system: it is estimated that interest groups spend about \$2 billion every year lobbying the federal government⁸ and about \$500 million every two-year election cycle in campaign contributions. This raises the question whether it is the groups with the most money who have the most influence. The answer seems, on the whole, to be no. This is just as well because, in African countries, the resources available to business associations are very limited. We estimate that the total expenditure in Kenya, including the support provided by BAF, is no more than \$2-3m per annum. However, even in the US, there seems to be a low correlation between monetary resources and policy outcomes⁹ and empirical evidence does not demonstrate a clear

³ World Bank, (2005) Building the capacity of business membership organisations

⁴ White, S (2008) Supporting business environment reforms: practical guidance for development agencies, Donor Committee for Enterprise Development.

⁵ Dunleavy, P. (2017) The interest group process across the UK, in Dunleavy, P & Taylor, R (ed.), *The 2017 audit of UK democracy*, London: Democratic Audit.

⁶ Schlozman, K.L. (2010) Who sings in the heavenly chorus? The shape of the organised interest system, in Maisel, S.L. & Berry, J.M. (ed.), *Oxford Handbook of American Political Parties and Interest Groups*, Oxford: Oxford University Press, pp. 425-450.

⁷ Mahoney, C. (2008) *Brussels versus the Beltway: advocacy in the United States and the European Union*, Washington, DC: Georgetown University Press.

⁸ Leech, B.L., Baumgartner, F.R., Berry, J.M. et al (2007) *Does money buy power? Interest group resources and outcome*, Midwest Political Science Association, Annual Meeting, Chicago, Ill.

⁹ Baumgartner, F.R., Berry, J.M., Hojnacki, M. et al (2009) *Lobbying and policy change: who wins, who loses and why*, Chicago: University of Chicago Press.

relationship between resources and lobbying success¹⁰. Nevertheless, there has to be some resource to allow policy advocates to gain a better understanding of the political environment and the knowledge community in which they operate¹¹. It is thus important to support emerging BMOs in developing countries where businesses and associations rarely have power beyond their ability to provide research evidence and reasoned argument¹². Consequently, development partners support BMOs in developing countries to develop their competence in the hope that they will aim to improve the business enabling environment, reduce the cost of doing business and ensure a business environment that is stable and predictable.

Early in the first phase, we developed a theory of change – based on the assumption that business associations wanted to engage in advocacy to improve the business climate for their members – and an intervention logic based on the assumption that most associations lacked both competence and resources. However, rather than depict this as a simple linear model, we described it in a causal loop (see Figure 1), which became more complex, but has stood the test of time, as additional interventions were included in the programme.

Each loop shows a set of reinforcing activities; the boxes shaded yellow show the activities typically supported by donors and all, at various times, delivered by BAF. BAF's immediate objective was to develop the capacity of business membership organisations so that they could advocate reforms of public policy, leading to a more conducive business environment, and thus leading in turn to more investment, more employment and more tax revenue. This causal loop has stood the test of 15 years of the fund and has only undergone minor modification during that time. It is fair to say that not all the inherent assumptions in the loops have been proven, nor have they been disproven. We now have considerably more evidence to support the thesis.

In Figure 2, we set out a timeline which shows both key moments in the life of the Business Advocacy Fund (in yellow boxes) as well as key moments in Kenya's history (in blue boxes). BAF and its roles is explained in section 3, not least because the specific targets and indicators changed in each of the three phases; the political context is explained in section 4.

¹⁰ Mahoney, C. (2007) 'Lobbying success in the United States and the European Union', *Journal of Public Policy*, 27(1), pp. 35-56.

¹¹ Baumgartner op. cit.

¹² Chazan, N., Lewis, P., Mortimer, R. et al (1999) '*Politics and society in contemporary Africa*', 3rd, London: Palgrave Macmillan.

Figure 1: Theory of change: causal loop

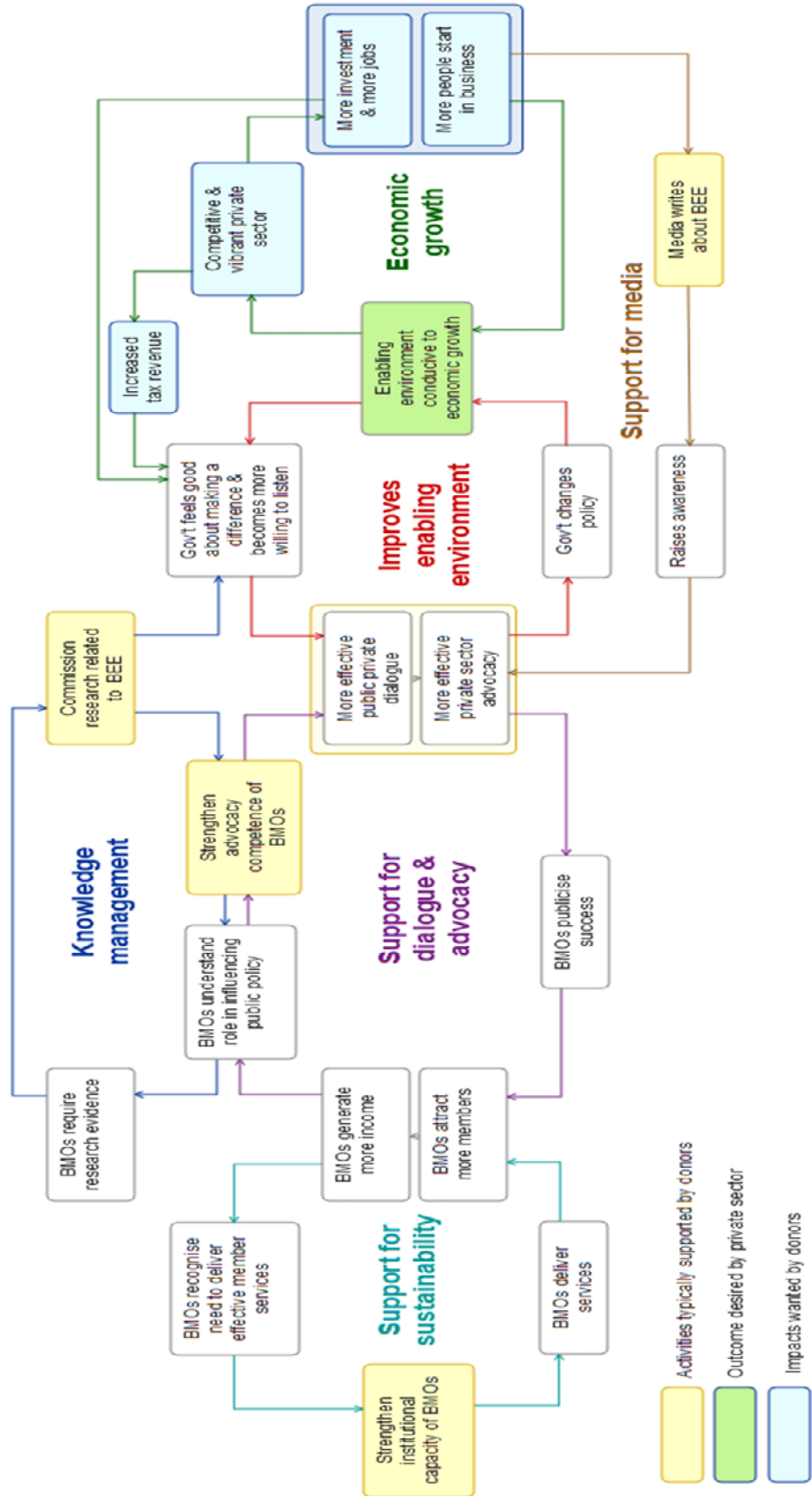
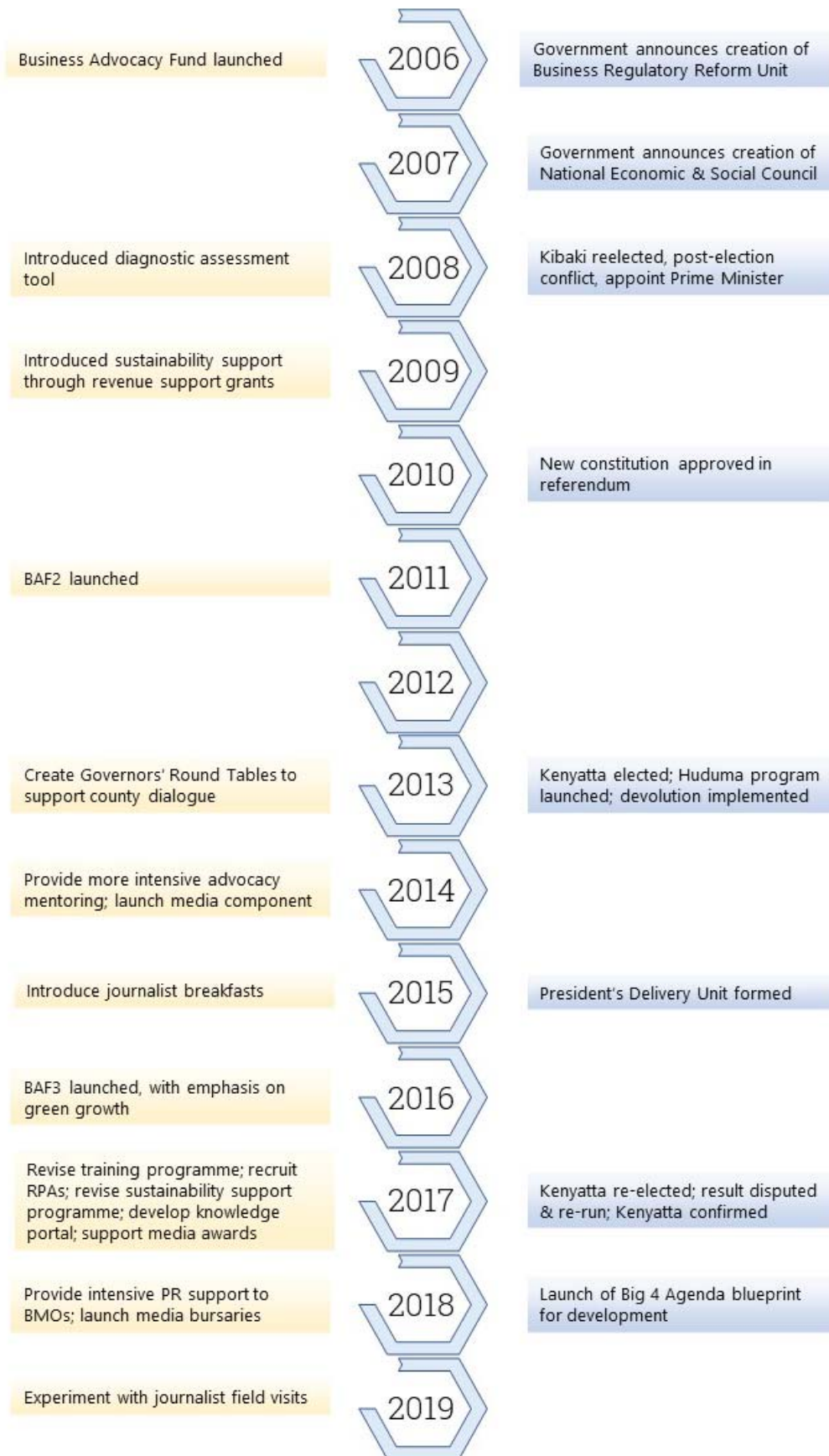


Figure 2: Timeline



3. Role and purpose of BAF

3.1 The inception of BAF

The Government of Denmark through its official development cooperation agency, DANIDA, supported the establishment of the first phase of the Business Advocacy Fund (BAF1) from 2006 to 2010¹³. BAF is implemented by a Fund Manager contracted as a donor funded project under an international competitive tender process and is not a legal entity.

BAF1 was an innovative initiative for the improvement of the business environment in Kenya. It was the first attempt to support private sector institutions to take ownership and responsibility for the improvement of the business climate and to encourage them to engage more effectively in public private dialogue and private sector advocacy.

As explained above, the principal rationale was to support business membership organisations (BMOs) build their capacity to develop policy positions which they can then use to advocate policy reform to government Ministries, Department or Agencies (MDAs). BAF's role was never to lobby for policy reform. Rather, it facilitated BMOs to engage in private public dialogue (PPD), to build BMO-MDA partnerships, and to identify policies and regulations in need of reform. Further, BAF provided the resources and advisory support to BMOs to make the case and seek consensus for reform.

This approach relied on a number of assumptions: (a) that BMOs can develop appropriate competences and secure the necessary resources to advocate reform to government; (b) that government is more inclined to change public policy as a result of dialogue with affected parties; (c) that reforming policy will improve the business enabling environment; and (d) that an improved enabling environment will lead to a more vibrant and competitive private sector, investing more and creating more jobs, and stimulating more men, women and young people to start in business and that more businesses, generating more profit, will lead to increased tax revenue, thus reinforcing the government's desire to make a difference.

The original two main activities of BAF 1 – funding advocacy and providing training to build advocacy competence – were successfully delivered and did lead to policy reforms. This was an important achievement in that it demonstrated that the Government of Kenya was prepared to engage in dialogue, to entertain proposals for policy reform and to agree to and implement policy change.

A third activity – to address BMO sustainability – was piloted in BAF1. A review of the 380+ BMOs that BAF had identified suggested that approximately 10 could be described as independent financially and organisationally sustainable. The implication was that unless more became sustainable there would be a continuing (and possibly growing) need for external support. A sustainability

¹³ Development Engagement Document – Business Advocacy Fund, 2016-2020

support programme was therefore developed and piloted to assist BMOs to develop new streams of income. The results of the pilot were encouraging.

3.2 The second cycle - BAF2

Following a successful first phase, DANIDA decided to support a second phase, starting in 2011. BAF2 focused on three core activities: building competence to engage in dialogue; providing grants for advocacy; and sustainability support. There was, however, more focus on micro, small and medium enterprises (MSME) business climate issues since regulations designed to work for small businesses are usually also appropriate for larger businesses, but the reverse is not necessarily true.

Unlike BAF1, which focused its support on national BMOs, non-profit organisations supported by members with common interests in the business sector, and trades unions such as the Kenya Coffee Producers' Association, BAF2's target market was expanded. It targeted any not-for-profit organisation with an interest in improving the business environment, though in practice this was still largely BMOs. It also aimed to promote more engagement between the private sector and county administrations following the adoption of the 2010 Constitution and its implementation, including devolution to the counties, after the 2013 general election.

Specifically, BAF sought to support the devolution process by establishing public private dialogue (PPD) platforms that would facilitate dialogue between county administration and business and ensure that the business environment was not distorted. This led to the creation of private sector led Governors' Round Tables (GRTs) in all the counties to provide PPD platforms to engage with county governments. BMOs formed coalitions of business associations in the counties and BAF's target market expanded beyond national BMOs.

Following the sustainability support pilot in BAF1, BAF2 also aimed to assist more BMOs to become financially independent and organisationally sustainable and to create a greater critical mass of BMOs able to hold government to account.

A fourth component, media, was added to BAF2, with an objective to improve media coverage to raise awareness of the importance of the private sector to economic growth and the need to make it easier for them to do business.

3.3 The third cycle - BAF3

The third cycle of support was approved under the Embassy of Denmark's Kenya Country Programme 2016–2020 which consisted of three thematic programmes on governance, green growth & employment, and health. BAF was one of nine projects in the green growth & employment thematic programme.

The focus of BAF3 was thus defined as: "improved policies, laws and regulations formulated and implemented for an improved natural environment and business climate at national and county level"¹⁴. BAF3 was designed to be more proactive

¹⁴ BAF 2016 Work plan and indicative budget

in relation to the natural environment by incorporating principles underpinning sustainable inclusive green growth. Being part of a country programme, it was expected that BAF would, indirectly, contribute to the governance thematic programme focusing on the implementation of the constitution and participatory democracy. In retrospect, it would have made much more sense for BAF to be part of the governance objective, “contributing to the implementation of the Constitution and consolidation of an accountable, inclusive and participatory democracy with increased stability”.

The same team that implemented BAF since its inception in 2006 was contracted to implement BAF3 with an expectation that they would proactively seek out proposals that promote green growth, that is, growth that “integrates environmental considerations and the value of natural capital into economic decision making and development planning”¹⁵.

As with the two earlier cycles, BAF3 supported BMOs, and other interest groups, to engage in private public dialogue and business advocacy. The expanded objective, though, was to support and build the PPD process to reform public policy and regulation that promoted an improved business climate and a natural resources environment at both national and county levels and to support the creation of sustainable and decent jobs. More simply put, BAF3 proactively ensured that BMOs advocated ‘greener’ policies, that is, policies that promote low carbon development, resource efficiency and social inclusiveness.

BAF3 was expected to achieve two key outcomes: (a) BMOs and other interest groups would develop effective working relationships with public sector policy makers; and (b) the media will have improved their coverage of the business enabling environment and green growth issues.

These were to be realised through five key activities, four of which had already been implemented in BAF2. The additional one was on knowledge management and entailed the creation and management of a knowledge portal to host information relevant to BMOs.

The activities implemented by BAF throughout its existence have been aimed at promoting partnership and dialogue between BMOs and MDAs, while at the same time supporting the establishment of a sustainable advocacy process, which included sufficient media coverage of issues affecting the business environment. Not only have these objectives been met, as this report will demonstrate, but BMOs have been able to make a significant difference to policy in Kenya.

¹⁵ This is OECD’s definition of inclusive green growth

4. Political context

4.1 Post-independence Kenya

Politically, Kenya is relatively stable. It achieved independence in 1963, with a bicameral legislature and a federal government. There were two major political parties, which reflected ethnic divides: KANU (the larger party, representing the Kikuyu and Luo) and KADU. The first president was Jomo Kenyatta. The federal system and the upper chamber were abolished in 1966 and opposition parties were banned in 1969¹⁶.

Kenyatta was succeeded as president in 1978 by Daniel Arap Moi. Opposition parties were allowed once again in 1991 and the first multi-party election in Kenya held in 1992.

From independence, there has been considerable involvement of politicians in business and business-people in politics. But whilst a number of individual business-people were able to influence politicians, there was little scope for independent business associations directly to influence policy and little private sector advocacy.

4.2 The beginning of private sector participation in policy formulation

In 2002, Mwai Kibaki, of the National Rainbow Coalition (NARC), was elected as the third president. In 2003, President Kibaki invited the private sector to participate in formulating economic policy, recognising that it was the private sector that created jobs and not the government. Kibaki established a Presidential Private Sector Working Forum. One of its outputs, the Economic Recovery Strategy for Wealth & Employment Creation (ERS), was published later in 2003. Economic growth followed and Vision 2030, Kenya's development plan for 2008-2030, emerged from ERS.

The private sector thus claims to have conceived Vision 2030, a view that has been confirmed by public officials.¹⁷ During this period, there was de facto encouragement for Ministers and Ministries to consult with the private sector. But the position was undoubtedly complicated by the relationships between politicians and business elites. Indeed, Fourie argues¹⁸ that there is a "close-knit alliance between Kenya's planners and business elite" though this is not always obvious to observers.

The establishment of a Business Regulatory Reform Unit, modelled on the UK's Better Regulation Unit, was announced in the 2006 budget speech, and based in the Ministry of Finance (now known as the National Treasury). Action was taken quickly to eliminate or simplify a large number of business licensing requirements. The principal business organisations continuously cited in the

¹⁶ Booth, D., Cooksey, B., Golooba-mutebi, F. & Kanyinga, K. (2014), East African prospects: an update on the political economy of Kenya, Rwanda, Tanzania and Uganda, London: ODI

¹⁷ According to Fourie (2014) Model students: policy emulation, modernisation and Kenya's Vision 2030, *African Affairs*, vol. 113, no. 453, pp. 540–62.

¹⁸ Ibid, p551

private public dialogue process during this period are Kenya Private Sector Alliance (KEPSA) and Kenya Association of Manufacturers (KAM).

4.3 A new constitution

Following a post-election conflict in 2008, in which more than 1,500 people died, a government of national unity was formed with Kibaki (now leader of the Party of National Unity) as President and, for the first time, a Prime Minister, Raila Odinga (leader of the Orange Democratic Movement) – and a commitment to introduce a new constitution.

There is some evidence that business associations were becoming more active and indeed were achieving some success in influencing public policy during this period. Kenya Private Sector Alliance was able, to some extent, institutionalise dialogue by working with the Government to set up Ministerial Stakeholder Fora. Not surprisingly, business associations found it hard to lobby government both whilst it was discussing the new constitution and then during the election campaign of 2012-2013.

A new constitution was approved by referendum in 2010. This introduced a system much more closely modelled on the US bicameral system than on the UK system: a National Assembly (NA) and a Senate to represent the Counties, collectively known as Parliament. It also introduced the devolution of significant powers to 47 newly created Counties.

The 2013 general election gave effect to devolution, establishing in political terms the 47 new counties. The Senate has 67 members, comprising one senator for each of the 47 counties, together with 16 women members nominated by their political parties, two representing youth and two representing people with disabilities. The new constitution removed the office of prime minister, saw ministries headed up by cabinet secretaries who no longer sit in Parliament and created autonomous counties, each of the 47 with a directly elected governor. Each county also has a county assembly of elected members each representing a county ward and with legislative making powers like Parliament.

The counties became effective once office holders were elected in 2013. At the same election, a fourth president, Uhuru Kenyatta, leader of the Jubilee Alliance, came into office. He immediately reduced the number of ministries in line with

Warehouse Receipt System

The **East Africa Grain Council**, having piloted the provision of warehouses and the use of warehouse receipts to allow farmers to store grain safely rather than selling immediately after harvest, persuaded the government to introduce new legislation to promote and support a warehouse receipt system across the country.

The receipt provides evidence that the commodities have been stored in a protected environment. This reduces post-harvest losses and allows the farmer to choose when to sell, enabling the owner to sell the goods at fair prices or to secure credit against the warehouse receipt.

EAGC also worked with the Kenya Bureau of Standards to develop and implement the world's first standards for hermetic storage.



the new constitution to 18 and appointed technocrats as cabinet secretaries. The media had gained more freedom during the Kibaki years and was further liberated by the new constitution, although this became more constrained with the passing of the Kenya Information and Communications Amendment Act 2013.

Kenyatta tried to cast the government as being business friendly and was keen to do more to improve the investment climate¹⁹. Pro-market reform, including privatisation, better regulation and trade liberalisation to improve the business environment were made as promises in the new government's manifesto, including proposals to boost economic growth and employment. It was suggested that the government was relatively independent of business – and the reverse is probably also true. Whilst there was a lack of institutionalised political parties, the NA and Senate exerted pressure on other parts of government.

4.4 Advocacy opportunities

The country settled down into the new arrangements. With county governments now having policy and legislative power, business associations began lobbying them as well. Counties are expected to prepare and enact legislation to implement and regulate devolved functions while enforcing county-specific revenue-raising measures.

Public participation is now a requirement in the policy making process. This has created an opportunity for advocacy. While it is becoming easier for business associations to lobby, it is not necessarily easier to influence policy as political tensions between national and county governments keep arising.

The constitution requires that all new legislation is rooted in a formal policy document and the need to create many new policies gives more opportunities to business associations keen to explain and promote the policy most appropriate to their sector.

The constitution also requires older legislation to be updated, so there has been considerable pressure on legislators and ministries. Existing policies and legislation need to be revised to align them to the new governance system, especially where functions have been partially or fully devolved to counties.

BAF has been able to support private sector to create and exploit opportunities for dialogue. BMOs like KEPSA have, to some extent, institutionalised dialogue by working with the Government to set up various dialogue platforms such as the Ministerial Stakeholder Fora (MSF), the Presidential Round Table (PRT) with the executive, and a Speakers' Round Table (SRT) with Parliament. BAF assisted by providing KEPSA with the resources to prepare business agendas with private sector priority issues which form the basis for dialogue as well as resources to facilitate some platforms.

KEPSA also sought BAF support to revitalise the Kenya National Chamber of Commerce and Industry (KNCCI). Both technical and financial support was

¹⁹ Booth *et al.* op. cit.

provided to restructure, elect new leaders and relaunch KNCCI as a more credible body capable of representing business interests and undertaking economic diplomacy from the county level to national and international. Semiautonomous chamber branches in each county were advocacy actors to engage in dialogue with county governments.

Other dialogue tools such as KAM's Industrial Business Agenda, Federation of Kenya Employers' (FKE) Manifesto, KENAFF's Agricultural Business Agendas (for counties), and county business agendas in 36 counties were prepared with BAF support. These were used to encourage parties contesting elections or newly elected office holders to pledge to support private sector development across the country. Many of the private sector proposals were incorporated into political manifestoes and county development plans, with several subsequently being implemented.

4.5 Improved business climate

Many tools could be used to measure the extent to which the commitment by government to undertake reforms has been successful. The one tool that government uses and has deliberately focused on is the World Bank's doing business index. Doing Business,²⁰ launched by the World Bank in 2002, looks at domestic SMEs and assesses the impact of regulations applying to them.

While the index is not exhaustive, it is often seen as a catalyst for dialogue as economies commit to address business environment issues. Countries are ranked on their ease of doing business, from 1-190, hence a high ranking signifies a regulatory environment that is more conducive to starting and operating a business. It provides quantitative indicators on regulation for starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. It also measures features of employing workers but does not include this topic in the score or ranking of ease of doing business.

Kenya was ranked at 72 in the Doing Business league table in 2008. The then Principal Secretary at the Ministry of Industrialisation and Enterprise

The Physical Planning Bill

The **Architectural Association of Kenya (AAK)** worried about proposals in the Physical Planning Bill including a lack of alignment to the devolved functions of government and contradictions with existing national laws on land. It engaged with the Departmental Committee on Lands and with the Senate Standing Committee on Land. Many of AAK's proposals were accepted by the two committees and, in August 2019, the Physical and Land Use Planning Act was enacted.

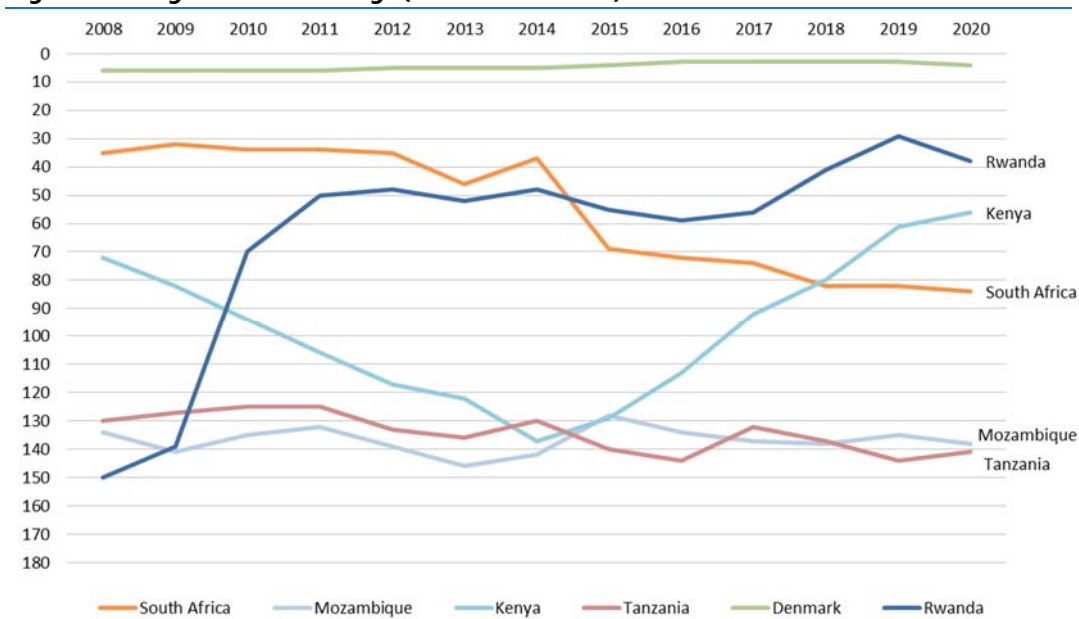


²⁰ Doing Business Report 2020

Development, Dr Wilson Songa, said that the Government was aiming to reach an ambitious position 20 by 2020²¹, suggesting a real desire to improve the business environment and consequently a need to talk constructively with the private sector.

Since then, the Government of Kenya in partnership with the private sector has prioritised issues that impact the investment climate leading to remarkable improvement over the years as shown below. Kenya's ranking fell to a nadir of 129 in 2014 and has since risen steadily reaching 62 in 2020. The Jubilee Government under its 'Big Four' agenda now aims for a top 50 ranking by the end of its term.

Figure 3: Doing Business Rankings (selected countries)



Source: World Bank Doing Business reports (DB2008-DB2020)

The 2021 Doing Business report had been expected to be published at the end of October but has been delayed because of irregularities discovered in the 2018 and 2020 reports. Some commentators question whether the 2021 report will ever be published and indeed speculate that Doing Business may now be shelved.

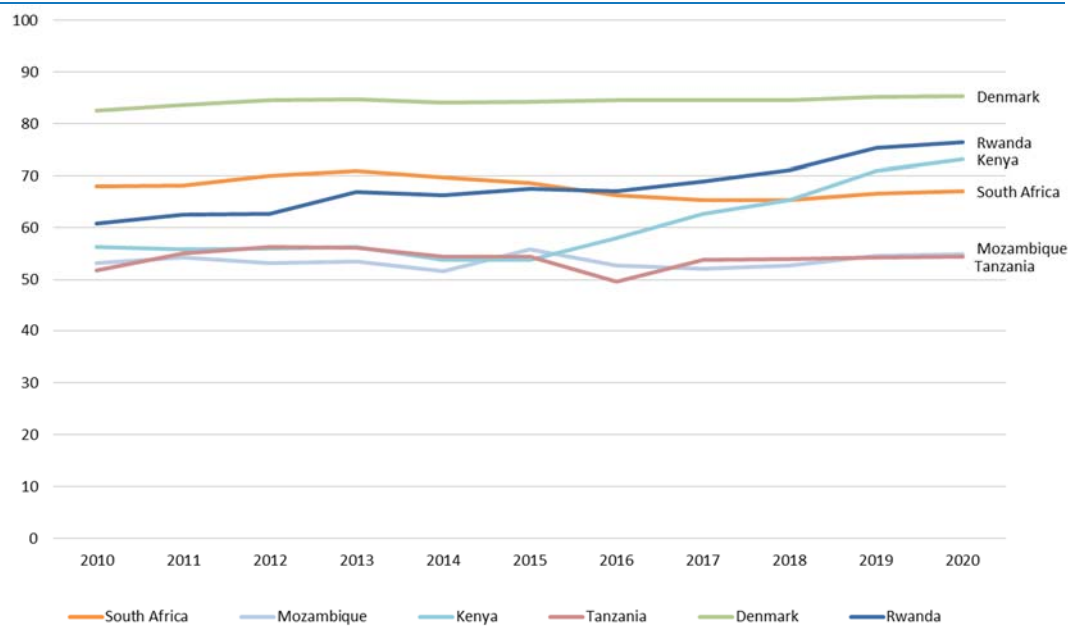
The problem with looking at the ranking, however, is that it does not reflect the efforts that have been made to improve but rather shows the combined efforts of all countries. A country can thus improve and yet still fall down the league table because other countries have improved even more. To address this criticism, the World Bank created a score that initially it called the 'Distance to the Frontier' (DTF). This is still, to some extent, dependent on the scores achieved by others, because it measures the gap between the country and the best country for each indicator. However, since the best countries do not move that much, it is close enough to be regarded as a score.

Figure 4 shows the DTF scores for the countries whose ranks are shown in Figure 3. This presents a rather different picture. It shows that Kenya was largely static

²¹ KEPSA press release 30 September 2014

between 2010, when World Bank started providing DTF scores, (with a score of 56.3) and 2015 (score 53.9) and, since then has been steadily improving, achieving a score of 73.2 in 2020.

Figure 4: Distance to Frontier scores (selected countries)



Source: World Bank Doing Business reports (DB2008-DB2020)

4.6 Government initiatives over the period

Over the period of the Business Advocacy Fund, government has implemented several initiatives aimed at improving dialogue, reducing regulatory burdens and enhancing efficiency in delivery of public services that have contributed to improvement of the business environment.

As noted above, during the inception year of BAF in 2006, the National Treasury announced the establishment of a Business Regulatory Reform Unit (BRRU) to be based in its offices. The first action was the formation of a committee to recommend the reduction, elimination and simplification of business licenses and their requirements. Of the identified 1,340 licences, this exercise led to the elimination of about 400 licences and simplification of a further 600. The BRRU created a portal containing information of licensing in Kenya. The formation of the National Economic and Social Council (NESC) in 2007 was also seen as a strategic move. NESC was tasked with the responsibility of facilitating and promoting public policy dialogue on economic and social issues. It brought together a cross section of stakeholders including private sector, donors, academia, government and civil society.

Post devolution, from 2013, the main challenge that confronted businesses was the new governance structure. Counties were quick to increase the cost of doing business mainly through the introduction of multiple licences, taxes, levies and fees creating a significant barrier for businesses within and across counties. BAF supported the private sector to engage the newly elected governors and to partner with key national MDAs to create minimal disruptions for businesses. Collaboration between private sector and the National Treasury, the Transition Authority, Commission of Revenue Allocation, Commission on Implementation of

the Constitution, Ministry of Devolution, the Council of Governors and the Intergovernmental Budget and Economic Council led to various policy directives which over time created some stability. Following these and other devolution issues, the Government established an annual summit of governors where devolution challenges and successes are reviewed.

In 2013, the Huduma Kenya programme was launched aimed at integrating service delivery and reducing inefficiencies. The programme improved accessibility of public services by citizens. Some specific benefits for businesses include one stop shop for registration of businesses, payment of stamp duty (land), payment of business permits for some counties, and reporting complaints on public procurement and corruption. Government co-ordination was also prioritised to improve service delivery across all sectors.

The Jubilee government was particularly keen to see that its election promises were delivered. The Office of the President formed the President's Delivery Unit (PDU) in 2015 to improve coordination of the National Government's economic development priorities. PDU is currently focussed on the achievement of President Kenyatta's Big 4 Agenda, which is a legacy development plan focussing on four pillars of manufacturing, affordable housing, universal health coverage and food security. Infrastructure development in railway, port and road network, fight against corruption, improved electricity access and stability have also been prioritised for the benefit of private sector.

Royalties on public music

Increasing confusion and overlap in the collection of royalties for recorded music played in public led to the **Kenya Association of Hotelkeepers & Caterers** and the **Pubs' & Restaurants' Association of Kenya** to seek reform of the way royalties were collected by three competing agencies.



5. Approach

5.1 Logical approach

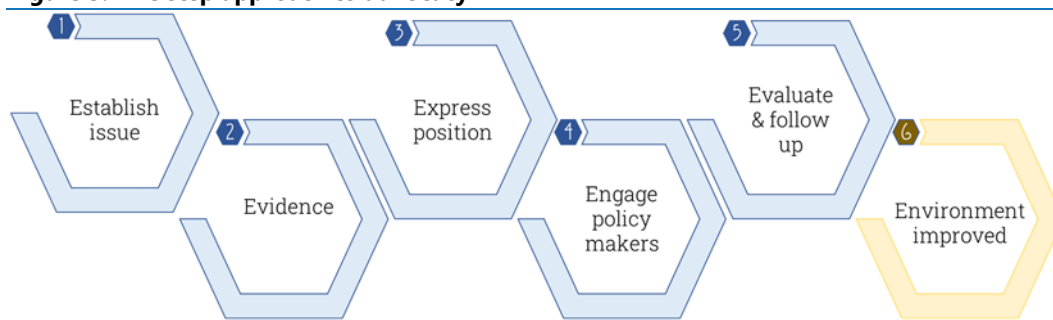
Experience with business membership organisations and advocacy elsewhere led us to adopt two important principles. The first was that the fund should not be run like a typical challenge fund, in which applicants make a pitch, are awarded a grant based on the quality of their pitch, and then largely left to manage by themselves. Instead, we took an approach often adopted by charitable foundations in which they spot organisations who might benefit from financial support and then work with them, often from even before they have applied, to ensure that they are able to absorb and deploy the grant effectively. This is described in more detail below.

The second principle was that BMOs should be clear about the steps and should take a logical progression through those steps. Indeed, the original funding arrangement was geared to the steps (as noted below). This approach became known as the Five Step Approach to Advocacy (Figure 5):

- Step 1: Establish or identify issues – which may come from business, government or other stakeholders and may require effort before the real issues and their priority are understood and articulated.
- Step 2: Understand issues and prepare the evidence – which requires excellent research, including a systematic gathering of views, the ability to draw logical conclusions and a process for developing consensus internally.
- Step 3: Develop responses and proposals and express a position – requiring distillation of objective evidence from reliable sources, consideration of policy options and preparation of compelling arguments for the chosen option.
- Step 4: Engage with and influence policy makers – reaching appropriate people in government to engage in dialogue to influence and bring about the desired change in public policy.
- Step 5: Evaluate and follow up – monitoring progress at all stages and ensuring that, when the public sector agrees to reform, they are implemented effectively. Additionally, BMOs need to evaluate their own work and assess their further development needs.

If all goes well, this will result in policy reform (labelled 6 in the graphic).

Figure 5: Five step approach to advocacy



Grant funding was geared to this staged approach, with a grant typically being agreed for one or two steps at a time, rather than agreeing a budget for a

complete project with the inherent difficulties of assessing the likely cost of engagement before an issue has even been wholly understood. A consequence is that BMOs could receive several grants for a single advocacy objective – but a further consequence is that BAF could easily cease supporting a project if it became clear that it was unlikely to succeed.

5.2 Marketing the programme

When BAF1 started, the Fund was mainly marketed through monthly breakfast meetings. The Fund Manager would identify contacts in BMOs in Kenya and invite them to the breakfast meetings where they would be introduced to the Fund and the means through which they could benefit from BAF's support. The BAF website was set up at the same time to provide more detailed information about the Fund and how to apply. With time, word about the Fund spread and more BMOs approached BAF for support. From the breakfast meetings and enquiries received, a database of contacts was developed which was instrumental in reaching out to the BMOs using regular updates on the Fund's activities.²²

Additional marketing initiatives were introduced over time and have been improved and used throughout the periods of BAF2 and BAF3, reducing reliance on the monthly breakfast meetings which were finally phased out in BAF3. These included:

- A revamped website which hosted information about the Fund including guidelines for applicants, description of different kinds of support provided, a list of BMOs, a list of approved consultants, BAF publications, and capacity building materials.
- BAF's training programme, specifically the introductory module on advocacy and dialogue. This aimed to introduce the concept of public policy reform through advocacy and show participants how they can benefit from BAF support.
- Regular newsflashes later dubbed, the Dialogue Bulletin. The bulletin featured reform issues supported by BAF, policy successes achieved by BMOs and other content around the advocacy process. It also encouraged BMOs to apply for support.
- BAF's Twitter handle, @BAFKenya, which was used as a general marketing and communications tool.

These marketing avenues were successful as demonstrated by the number of enquires received in the three phases, viz, 157 serious enquiries in BAF1, 330 enquiries in BAF2 and 385 enquiries in BAF3.

²² From 2006 onwards, and in the absence of any other consolidated information, BAF began to assemble a database of all BMOs across Kenya, including (from 2013 onwards) those operating at county level. This has been generally recognised as the most comprehensive record available of its type. The database has recently been transferred, at their specific request, to the Ministry of Industrialisation, Trade and Enterprise Development and TradeMark East Africa.

5.3 Applying to the programme

Applications were welcome from organisations that wanted to advocate business sector reforms including:

- organisations with membership, directly or indirectly, of private businesses engaged in legal business activities in the formal or informal sectors;
- professional organisations who have memberships of professional people working in business;
- Civil Society Organisations (CSOs), Non-governmental Organisations (NGOs), or Trusts that have an interest and a track record of advocacy on the business climate; and
- Trades unions

Collectively, BAF referred to these organisations as business membership organisations (BMOs). Applications were not only welcome but were encouraged from groups of organisations working in partnership to address an issue affecting them all. Applications from organisations outside 'greater Nairobi' and those interested in engaging county governments were particularly encouraged.

Applicants were expected to be not-for-profit, to have representation or advocacy as a primary objective and to be seeking a reform that might apply to business generally rather than looking for competitive advantage for one sector over another. BMOs could benefit from three main forms of support including capacity building, grants for advocacy and sustainability support as detailed in the section below.

5.4 Lessons from BAF's approach

Supportive and rolling grants funding is ideal for public private dialogue.

Given the state of advocacy and dialogue in Kenya, BAF avoided the challenge fund approach and adopted a much more supportive approach. Most BMOs were weak hence would not qualify in challenge funding. BMOs with promising proposals were therefore coached to prepare applications that might be worthy of support.

BAF aimed to maintain a low profile which ensured that the BMOs and their issues were seen as legitimate and resulted in government being more willing to engage. Specifically, BAF supported BMOs to promote their own profile. Unlike some other advocacy support funds, it requested anonymity in relation to its funding. This created BMO ownership of the advocacy, boldness and legitimacy in the issues advocated. The perception of advocacy being donor interference was thus eliminated.

BMOs were supported to be timely in their engagements. The Fund was initiated at a time when government was becoming more welcoming of private sector involvement in policy formulation. The promulgation of the new constitution was also a great opportunity for dialogue. The Fund Manager encouraged BMOs to keep track of how the political landscape was transforming and to engage in a timely manner and in all available channels including constitutional commissions, new institutions and new political vehicles such as county economic blocks.

Private sector advocacy is far from being sustainable due to persistent market failure. BMOs that received BAF support over the years have grown in their capacity to advocate policy reform. However, they still require much more support to continue to play their role and represent the collective interests of their members. This is because the private sector in Kenya is still not able to adequately fund BMOs let alone pay subscriptions consistently.

Donors should avoid disruptive funding breaks when approving new funding cycles. Advocacy projects need support for extended periods some which may span six months to two years. When supporting an advocacy fund the donor(s) need to ensure that any break across funding cycles, such as between BAF1 and BAF2, does not disrupt projects otherwise credibility of and trust in the advocacy programme will be lost.

Funding advocacy does not require large budgets but does require longer periods of support. Over the years, BAF's budget grew and by BAF3, it was clear that spending more money well was difficult. The BAF approach is not money-consuming, in that the support is to direct activities related to the project, and payment is to third parties only. Donor funding therefore needs to provide for longer support to improve BMO advocacy competence and building a sustainable approach to public private dialogue.

BAF grants for advocacy generally only covered the direct costs of the project without contributing to staff costs or overheads. **Supporting BMOs with larger grants, in such a way that the learning remained within the BMO, could have made a difference to the long-term effectiveness of BMOs.** BAF recognised the need for additional support but this tended also to be provided externally, such as with the PR support, delivered by consultants, or the increased level of mentoring, initially provided by the staff team and then by the Research & Policy Advisers. One BMO, KCM, used its sustainability support grant to hire a policy manager – who drove their successful campaign to reform what became the Mining Act 2016. Funding the salary of staff dedicated to the advocacy builds internal capacity.

6. Outcomes and impact

In BAF1, we directly supported 39 BMOs with 58 grants for advocacy totalling \$827,000; we additionally supported 22 BMOs with grants for sustainability totalling \$111,000. In BAF2, we directly supported 60 BMOs with 125 grants totalling \$3m; we supported 34 BMOs with revenue support grants to help them work towards sustainability totalling \$1.9m. And in BAF3 we supported 48 BMOs with 112 grants for advocacy totalling almost \$3m.

Table 2: Summary of grant support

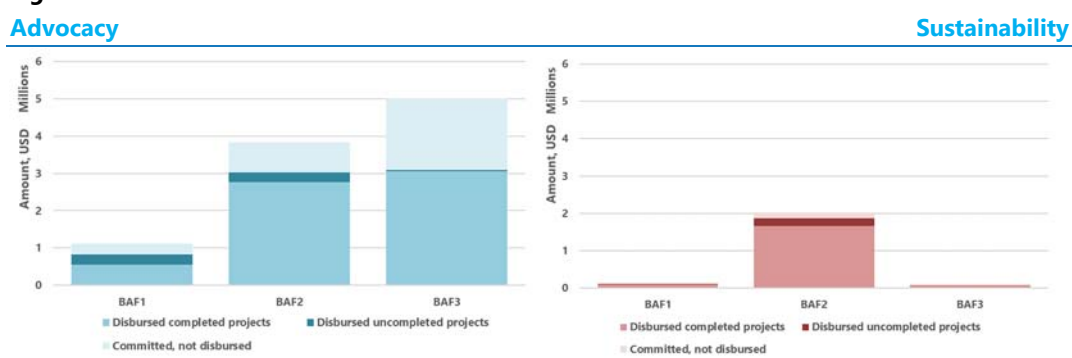
	BMOs	Projects	Amount (\$)²³
BAF1			
Advocacy (incl. writing grants)	39	58	837,617
Sustainability (RSG)	22	25 (3)	111,256
BAF2			
Advocacy	60	125	3,056,618
Sustainability (RSG)	36	82 (34)	1,880,007
BAF3			
Advocacy	48	112	2,885,725
Sustainability (RSG)	1	11 (1)	79,408
Total	97	403	9,014,488

In addition, BMOs were supported with mentoring (from the staff team and others) as well as additional consultancy support, for example, to provide public relations and communications advice.

As noted elsewhere, writing grants were quite important in assisting BMOs to make a 'fundable' application. We provided support (of KES70,000 in BAF1 and 2, and KES80,000 in BAF3) to 36 per cent of all approved projects. Only one writing grant failed to result in a funded application.

Some projects were agreed and did not proceed – indeed across the three phases, BAF committed grant support of more than \$12m – but very few projects that received grant support failed to complete their project, as shown in Figure 6 for both advocacy and sustainability.

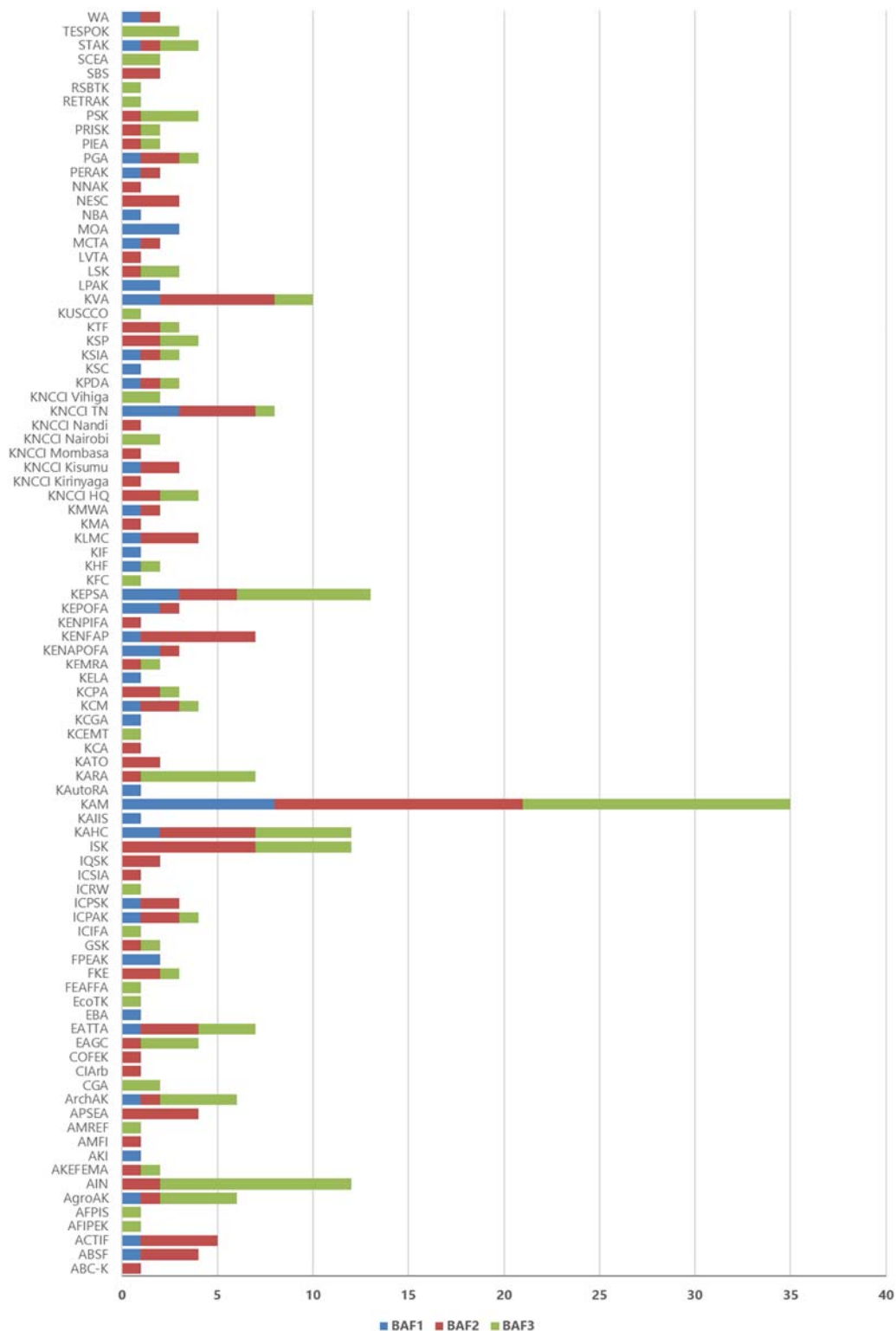
Figure 6: Grant utilisation



²³ Using a constant exchange rate of KES108=\$1.

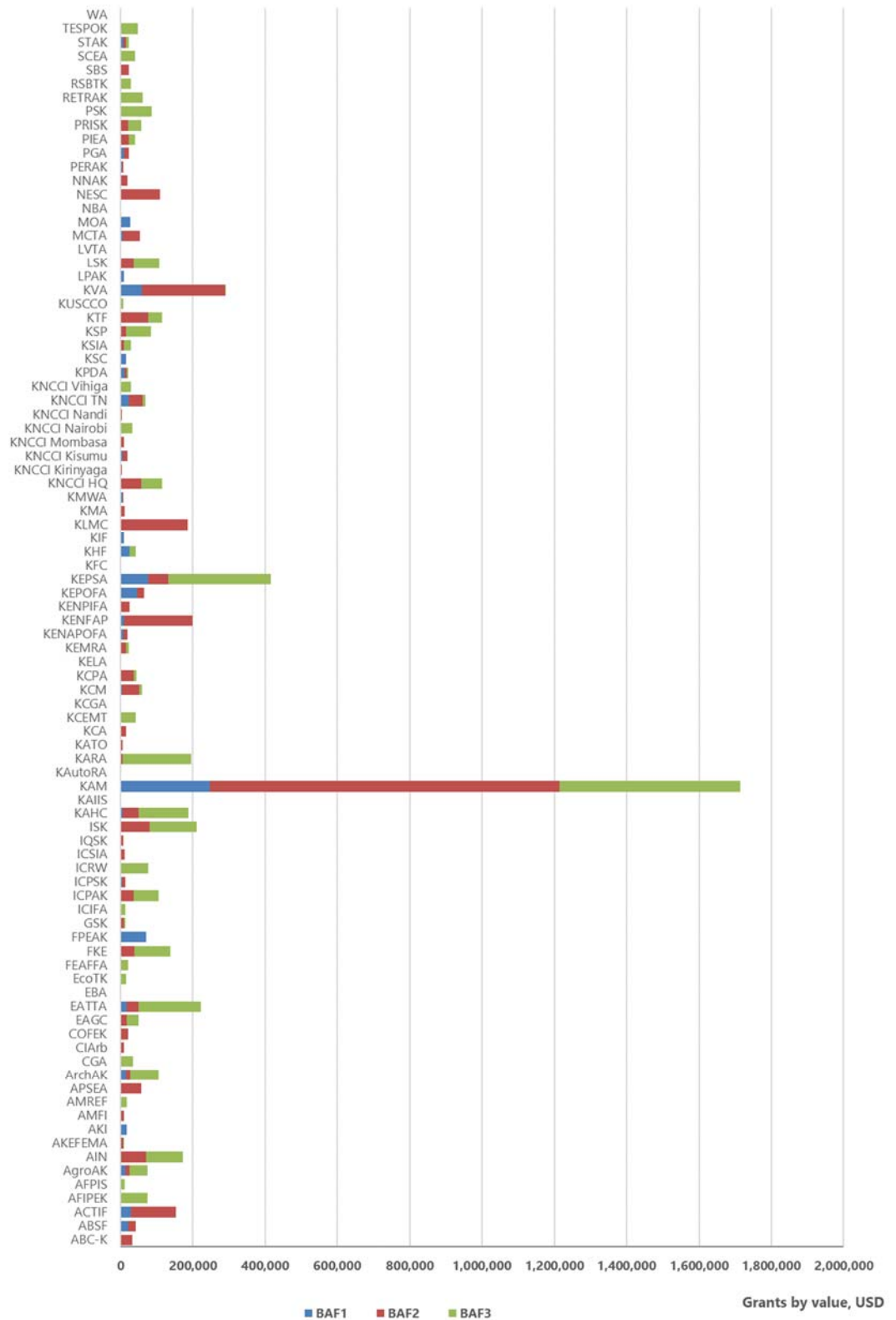
Focusing only on the number of grants given by BAF undersells the extent and reach of BAF support to BMOs and others. Capacity building was provided to many more BMOs and, in many cases, BMOs came together in coalitions to press for reforms.

Figure 7: BMOs supported for advocacy (by number of grants)



In BAF1, a total of 117 BMOs received BAF support in the form of advocacy grants, capacity building support and sustainability grants.

Figure 8: BMOs supported for advocacy (by value of grants, USD)



In BAF2, this number increased significantly with a total of 512 BMOs benefiting. These included 212 which participated in BAF’s training programme. A further 300 received advocacy support through indirect funding via a single BMO (who

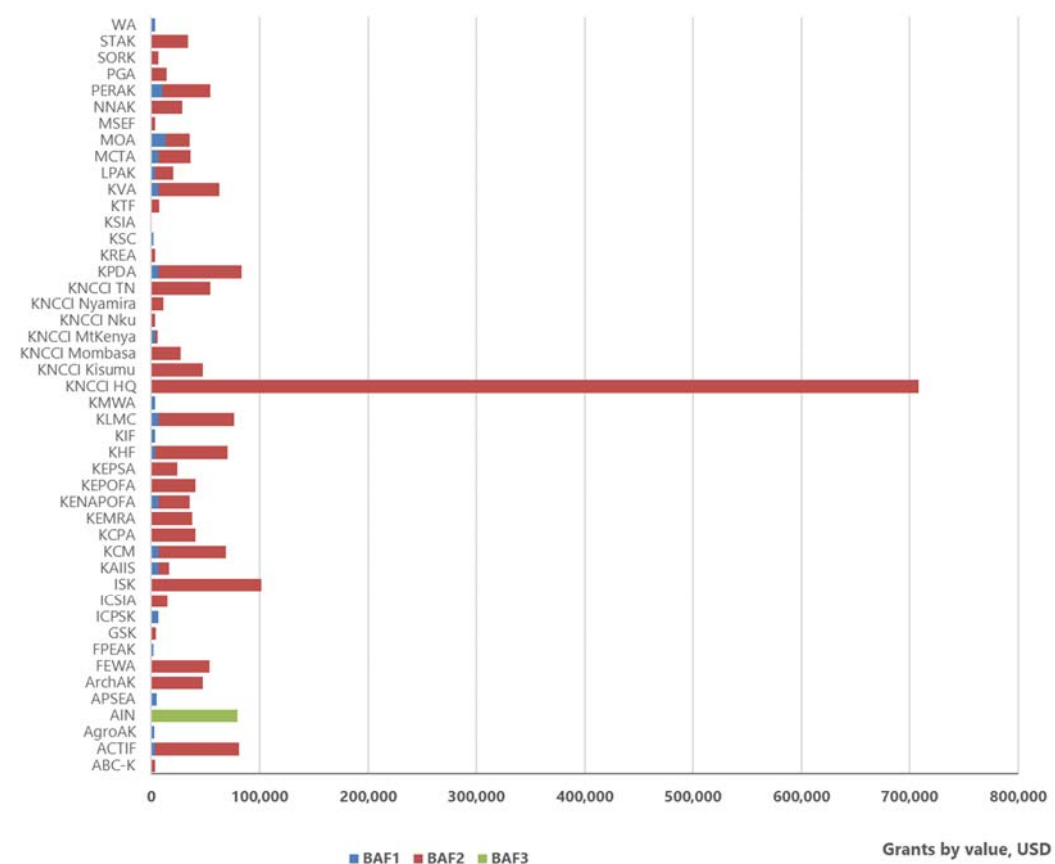
received the grant from BAF) but working in partnership or support to a coalition of BMOs which collaborated (particularly prevalent in, though not limited to, the work to prepare and advocate county business agenda).

In BAF3, 196 BMOs benefited through the training programme, advocacy grants which were offered directly or through partnering BMOs, and sustainability support.

It can therefore be concluded that BAF supported some 525 BMOs, and a further 300 during the various county advocacy programmes funded in BAF2 and BAF3, giving a total of at least 825 BMOs that received BAF support.

Figure 7 shows the BMOs who were directly funded over the three phases by number of advocacy projects; Figure 8 shows support for advocacy to BMOs by value. Figure 9 shows support to BMOs for sustainability by value. Overall, we supported 90 BMOs with advocacy grants. Many BMOs were supported with advocacy grants and assisted to improve their sustainability – indeed the objective was to improve the sustainability of BMOs that were active in dialogue and advocacy – but there were seven BMOs that received sustainability support but not an advocacy grant, meaning that a total of 97 BMOs were given a grant during the lifetime of BAF.

Figure 9: BMOs supported for sustainability (by value of grants, USD)



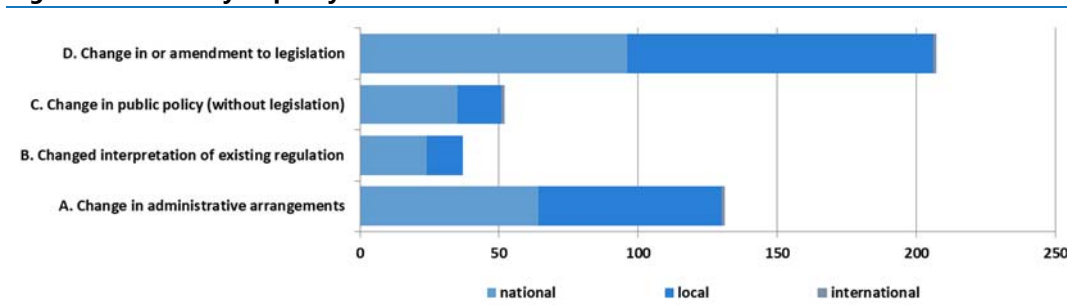
The support provided by BAF is essentially one of building the capacity of business membership organisations. Whilst an ineffective BMO is unlikely to secure a reform, a competent BMO may not achieve a reform either, simply because the government took a different view on the issue in question. So,

counting reforms is not necessarily the best metric to assess whether the programme performed well. However, it is an important metric.

BMOs supported by BAF delivered some 426 reforms, which have only been counted as reforms if there is some evidence to support the assertion, such as a new law or a new regulation being gazetted (though we recognise that this does not necessarily mean that it has then been implemented). We have classified reforms as (a) changes in administrative arrangements, which includes a change in the level of a tariff, or a change in the composition of a government appointed body, etc; (b) changed interpretation of an existing regulation or legislation, which includes the expansion of a government appointed body, a reform in an application process, etc; (c) a change in public policy, without a change in legislation; and (d) a reform in legislation or proposed legislation.

Whilst this is a fairly crude classification, it does suggest that BMOs have been immensely successful in amending legislation or amending government proposals to revise legislation. Very few reforms targeted international organisations. It would appear, ipso facto, that business associations are able to influence policy though it is not always clear whether in fact the government wanted to make the changes and perceived that support from the private sector could be helpful in so doing. Advocacy can take a long time, so associations have to be persistent. They find it easiest when they have champions in government, at all levels, whom they keep informed and who can make their case for them.

Figure 10: Summary of policy reforms



There were many examples of BMOs either securing legislation, such as the Kenya Society of Physiotherapists (who persuaded government and Parliament to enact the Physiotherapists Act, 2014), the Kenya Chamber of Mines (who first lobbied to convince the government of the need to update the Mining Act and then lobbied to amend the government's proposals securing more than 80 per cent of their suggestions) and the East African Grain Council (who advocated the Warehouse Receipt System Act). Indeed, the aim of many BMOs was to amend government proposals to reform or introduce legislation. At county level, BMOs came together to advocate county business agenda, setting up Governors' Round Tables to provide regular opportunities to engage in dialogue. However, they also lobbied the counties to ensure that they had in place proper legislation to allow for tax raising and were remarkably successful.

Much of the primary legislation in Kenya requires that there are more detailed regulations to implement the legislation and BMOs were intimately involved in lobbying to ensure that, as far as possible, regulations were fit for purpose. BMOs lobbied, inter alia, on sugar regulations, tea industry regulations, SACCO

regulations, land regulations, mining regulations, physiotherapy rules and much more.

Many BMOs were successful also in changing government policy. As well as reforming the Mining Act, KCM advocated reform of and adoption of a revised mining policy. Kenya Union of Savings and Credit Cooperatives advocated adoption of a new cooperatives policy.

There were only a small number of instances of international lobbying, but they were especially important to Kenya. These included the African Cotton & Textile Industries Federation lobbying both the Government of Kenya and the US Congress regarding the African Growth Opportunity Act and their desire that apparel from Kenya be retained within its scope and the Fresh Produce Exporters' Association of Kenya lobbying the Government of Kenya and the European Commission to encourage them both to sign an Economic Partnership Agreement.²⁴

Some BMOs wanted to avert proposals completely as with the work of Kenya Union of Savings and Credit Cooperatives to persuade the government not to amend existing legislation to create new classes of cooperative members and increase the levy imposed on SACCOs.

Advocacy was not all directed at government. The East Africa Grain Council, for example, persuaded the Kenya Bureau of Standards to adopt a standard on hermetic storage, now being replicated by other countries around the region.

Some BMOs wanted either to enforce legislation or ensure that it was applied fairly. So, as well as working with government on a national plan to combat illicit trade, the Kenya Association of Manufacturers prepared a practitioners' guide for use by investigators, prosecutors and judicial officers related to the identification and elimination of illicit trade. KAM also worked with the judiciary to prepare a commercial law bench book – to encourage the equitable and consistent application of the law related to commercial disputes.

Often reforms were administrative or interpretative rather than a change in policy or a change in regulation. This could be as simple as securing the appointment of private sector representatives to government task forces or committees or

Enhancing international trade

AGOA enhances market access – tariff free, quota free – to the US for qualifying sub-Saharan African countries. Apparel from Kenya was included in the original legislation but was due to fall out in 2012, even though AGOA had been extended to 2015. **ACTIF** gathered evidence, prepared policy positions and argued for Kenya's apparel to remain within AGOA. They were successful. In 2015, AGOA was extended for a further 10 years. Apparel from Kenya was again due to drop out. ACTIF lobbied again and was successful again. The net benefit to the Kenyan economy over the 13 years is about \$1.9 billion and 41,000 jobs. See businessadvocacy.net/impKenya.php



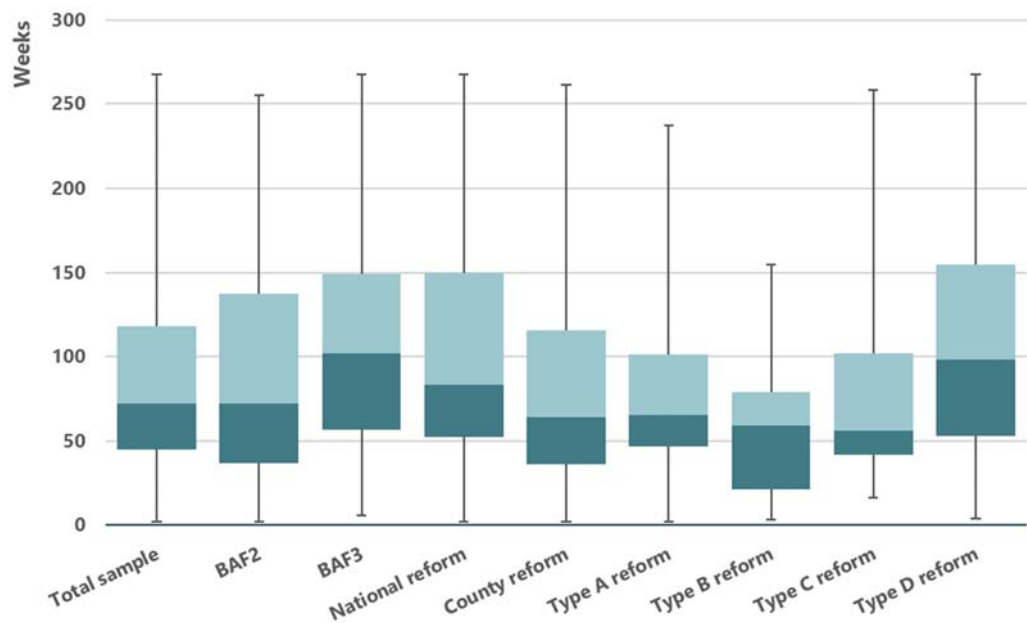
²⁴ See businessadvocacy.net/kenya/impactFPEAK.pdf

waiving or changing fees for licences or establishing a retail trade dispute resolution committee.

A list of policy reforms is included in appendix 1. Impact assessments for several of them are available at businessadvocacy.net/impKenya.php together with three volumes of briefer impact assessments covering a wider range of projects.

In general, advocacy takes a long time. We have been able to assess durations for 339 of the reforms, with a start date regarded as the day the advisory board approved support and the end date being when a law or other reform was gazetted or, for reforms not requiring gazetted, some other suitable evidence. We do not have dates for BAF1. The median overall is 72 weeks. The median for BAF2 was also 72 weeks but rather longer for BAF3, though this could be a result of government inaction whilst the Presidential election was re-run. It is notable but not surprising that the median for a type D reform, legislation, at 98 weeks, is somewhat longer than other reforms. The longest duration was 267 weeks. Based on the number of reforms that started in BAF2 and only resulted in a reform during BAF3, we fully expect many more reforms to be delivered.

Figure 11: Durations of advocacy projects



Note: The chart shows median, interquartile range and maximum and minimum

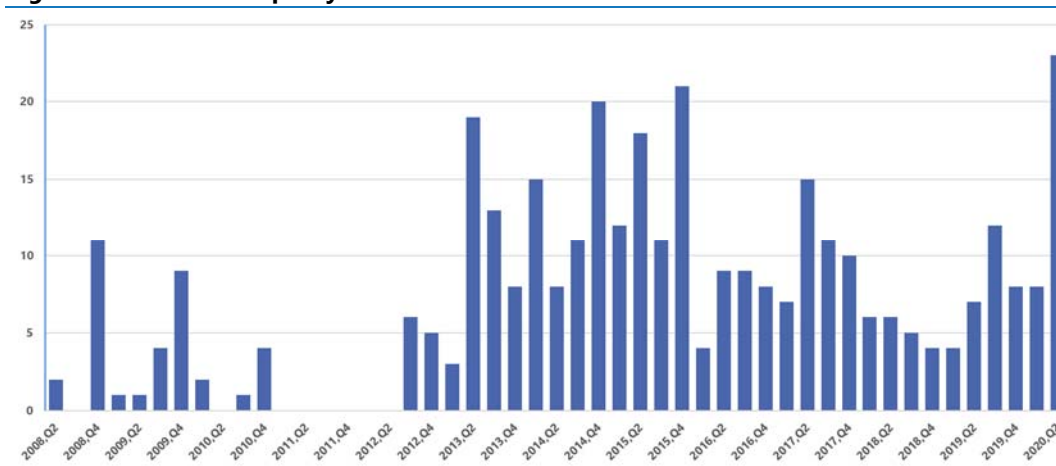
Figure 12 shows the time at which reforms were confirmed. There were fewer reforms in BAF1, followed by a short hiatus in 2011 (between BAF1 and BAF2). Since then, reforms have tended to follow the political cycle.

BAF's contribution to these efforts has been acknowledged: Dr Geoffrey Mwau (then) Director General, Accounting Services & Quality Assurance, National Treasury said in 2019:

"A key pillar for economic transformation agenda for the government is improving business environment in Kenya. BAF has been a strong partner in advancing this agenda through support to BMOs in virtually all sectors advocating policy, legal and regulatory reforms. It has greatly contributed

to improving our ranking in [the World Bank's] Doing Business from 101 in 2008 to 61 in 2019.”

Figure 12: Timeline for policy reforms



Some projects resulted in additional and unexpected or unplanned benefits²⁵. While it has not been possible to develop a systematic approach to record such benefits, due to their nature, BAF’s close and on-going ties to its partners have enabled us to capture these unintended results. For example:

- The hermetic standards developed by East African Grain Council (KS 2873:2019 and KS 2874:2019) were adopted by other countries around East Africa
- The work of Kenya Association of Manufacturers to prepare a commercial law bench book was picked up by its counterparts in Nigeria and Malawi, both of which were keen to adopt the same approach with their own judicial officers. The book was duly shared.
- Having successfully led the private sector contribution to revising Kenya’s land legislation, The Institution of Surveyors of Kenya was appointed to each of the taskforces on the National Land Commission to develop the regulations to operationalise the updated land laws.
- The Chamber of Commerce in Vihiga County advocated for enactment of suitable revenue-raising laws that complied with the new Constitution. Following enactment of revised laws, the former CEO of Vihiga Chamber was appointed to the post of County Executive Committee Member for Trade.

We also saw a small but growing number of people transferring from business membership organisations to government and from government to business membership organisations. Perhaps the highest profile has been Betty Maina, former CEO of the Kenya Association of Manufacturers who first was appointed as Principal Secretary and is now the Cabinet Secretary for Ministry of Industrialisation, Trade and Enterprise Development.

²⁵ Which DANIDA captures as ‘outcome harvesting’.

6.1 Lessons for advocacy success

Clarity of issue and the reform objective is fundamental. BMOs need to be very clear about the issue, and the root cause of the problem, as well as the specific policy reform that they are seeking.

Implement advocacy projects one step at a time. A step by step approach focuses on the short-term objectives and leads to better results. BAF's five step approach to advocacy (5SAA) has proven to be an effective way of dividing projects into clear and logical steps as well as helping in budgeting.

Independent, comprehensive and relevant evidence is essential. Good evidence is necessary for successful advocacy and, where possible, recognising that there are often multiple sources of evidence demonstrates legitimacy of the argument and the basis of the reform proposals.

A good policy position is a strong tool to shape a conversation with policy makers. Writing it down helps to ensure that everyone is 'on the same page'. For instance, the blood transfusion policy brief was used to engage the media, to raise the issue with the National Assembly (resulting in increased budget allocation) and secure commitment from the executive (Ministry of Health) to address the issue.

The style of interaction matters. The approach and style of interacting with key people is an important factor in the effectiveness and pace of advocacy. Personal interaction – preferably face to face, or otherwise by telephone – is best.

Effective engagement is important, ideally at an early stage, so that the association can learn about the desire of the public sector and the policy imperative.

Dialogue has proven to be the most effective approach to policy reform in Kenya. Litigation has shown little results. However, BMOs need passionate and persistent advocates who are willing to pursue their issues and continue to engage in dialogue even when they are not initially successful. BMOs whose advocates showed passion, commitment and determination secured audiences with government. Moreover, building a relationship through dialogue ensures that BMOs are ready and accessible when government needs information or is making appointments to taskforces.

Associations need to be inclusive involving stakeholders from both public and private sectors. This is different to forming alliances, but rather is seeking to motivate other associations to act with them as a matter of course. Engagement therefore needs to be inclusive and relationships are important.

Consistent messaging within a coalition is critical. When BMOs and others are in partnership, all must support the position and speak with one voice.

BMOs need to choose tactics carefully and should be patient, recognising that change can take a long time and that one must be ready when the opportunity arises. However, BMOs also need to be committed and persistent, continually pushing until they achieve success, or it becomes clear that they will never achieve the reform that they desire.

Be vigilant, consistent and flexible. BMOs need to engage consistently, to understand the motivations of public officials, to rally wide support and to keep abreast of changes in the policy space so they can adjust their strategy. Even with success, however, there is still a need to retain momentum as issues may evolve during implementation or resurface if the promise to reform falters.

Engage beyond the policy success. Advocacy is a continuous process. Even after a project is complete and reforms implemented, monitoring is necessary to ensure compliance by business or to make further suggestions for better implementation or revision of the policy. BMOs need to recognise the need to keep on following issues even after they think they have been successful – and also to remember that a law or regulation being gazetted is not the same as a law or regulation being implemented. BAF had started supporting BMOs to engage post-reform to ensure the initial economic impact is achieved. Donors need to allow room for this next level of support and not cease supporting an advocacy project when the reform is agreed.

Carry public officials along. Not surprisingly, public officials can support or hinder a BMO as it seeks to influence policy. BMOs that recognised that they needed to take officials with them, especially those that made a false start, developed a rather better, more co-operative, relationship. An important lesson is to ensure that there is something in it for the government as well as for business.

The government has become more receptive to collaborating with BMOs. Some key BMO-MDA alliances have demonstrated that there is value in collaborating with government on issues of mutual interest. Such policy becomes mutually acceptable leading to greater likelihood of policy reform, greater legitimacy and thus higher levels of compliance.

Champions inside government are beneficial. BMOs who have a government official who is willing to listen to their case and represent their position have achieved considerable success. Moreover, champions often find that their collaboration helps them do their job more effectively.

Timing is critical to secure government attention. When BMOs engaged at the right time, or were able to pre-empt government's own intention, proposals often made good progress. BMOs therefore must be cognizant of government plans and priorities at any given time to determine when to participate.

7. The support

7.1 Capacity building

Capacity building was delivered mainly through a comprehensive training programme. Over the years, this programme greatly improved and expanded to address gaps identified during implementation and in response to feedback received from participants. The programme grew from just three units in the beginning of BAF1 to 20 units by the end of BAF3. The target audience for this programme has been BMO staff, board members and other stakeholders interested in private sector advocacy. The programme was designed to help BMOs produce better quality research papers and convincing policy position papers as well as to improve their advocacy skills. The venue of the training has mainly been Nairobi with participants drawn from all 47 counties. The courses have also been delivered in counties when the number of participants from a particular county could fill a class.

In BAF1, the training materials were developed in collaboration with consultants. The training was then delivered by the Fund Manager with support from two consulting firms. As demand for the training grew in BAF2, consultants increasingly took over delivery of the programme, as well as revision as needed.²⁶

By BAF3, new courses were found to be necessary, materials needed to be updated, and the course needed to address the feedback raised by participants. Therefore, a new programme was developed. Six subject knowledge experts were contracted to revise and develop the materials. The final programme is divided into a foundation, introduction to advocacy and dialogue, followed by 19 units, grouped into seven modules. Each unit now has a handbook, a PowerPoint presentation, tutor's notes, case studies and exercises. Delivery of the training has been through contracting with a pool of 11 consultants some of whom were involved in the development of the materials.

Each unit is designed to be delivered in one day apart from the research methods which is delivered in three days and the policy position workshop which typically requires a day and a half. The units are described in Table 3.

Table 3: Training programme

Modules & units	Objective
Foundation	
Introduction to advocacy & dialogue	To provide a basic introduction to public private dialogue and private sector advocacy.
Module 1: The policy process	
Understanding policy and regulation	To introduce the institutions of government and concepts of policy, legislation, regulation, administrative rules and political change.
Formulating and reforming policy	To introduce the processes in which policy, legislation and regulation is made – at county, national, East African and international levels.

²⁶ All consultants were accredited by BAF before being permitted to deliver training unsupervised and their performance and accreditation reviewed in the light of participant feedback.

Modules & units	Objective
Identifying and understanding issues	To explore what is necessary to substantiate that an issue exists, to understand how to commission research and to consider how to assess research evidence once it has been completed.
Module 2: Policy positions	
Policy analysis and framing	To explore why policy institutions have developed existing policy positions, to consider whether the policy imperative is still pertinent, to review whether the policy imperative can be met in a different way – and then to consider how to frame an issue so that it is perceived to have a simple solution.
Preparing policy position papers	Not so much a training course, but a workshop which takes an actual issue, with research evidence and pulls together an early draft of a policy position paper.
Influencing and negotiation	To explore a range of tools and techniques that will help BMOs engage in dialogue and advocacy in face to face meetings.
Module 3: Communications	
Communications & public relations	To raise awareness of the power of and introduce effective communication and public relations. This unit provides a foundation for the other units in module 3 and all the units in module 4.
Media relations & use of social media	To explore when, and when not, and how to use the media, including the setting of objectives for a media campaign and techniques to measure the effectiveness of a media campaign. This unit will also introduce social media and how it can be used effectively.
Interview skills	To learn a range of techniques to be employed when being interviewed by journalists.
Module 4: Written communications	
Branding & house styles	To offer suggestions to ensure that BMOs adopt and maintain a brand so that all documents consistently adhere to a house style. This will cover, inter alia, formatting, fonts, etc.
Writing press releases	To understand the key requirements in preparing a press release and to practice doing so on a range of issues.
Preparing written documents	To explore the requirements of written documents, so that the reader is led logically and persuasively through a document.
Module 5: Managing advocacy projects	
Planning an advocacy project	To introduce tools and techniques to ensure that an advocacy project is carefully designed and effectively implemented.
Budgeting & financial management	To understand the need for budgets and effective financial control, including the need for regular management accounts.
Evaluation of advocacy	To introduce a range of techniques to evaluate whether advocacy has been successful, including impact assessment, cost benefit analysis and regulatory impact assessment.
Module 6: Managing a BMO	
Leadership, strategy & business planning	To understand the need for effective leadership and strategy in setting the direction of a BMO and how advocacy and dialogue fits within that strategy. To understand strategies for sustainable resource mobilisation.
Governance and ethics	To explore key aspects of governance and ethics.
Members and member services	To consider how to attract and retain members and how to encourage them to pay their subscriptions. .
Module 7: Research	
Research methods	To introduce a range of quantitative and qualitative research methods together with tools and techniques to analyse the results of the research

Following a competitive bidding process, the training materials, and contact details of BAF's accredited trainers, were transferred to the Kenya Association of

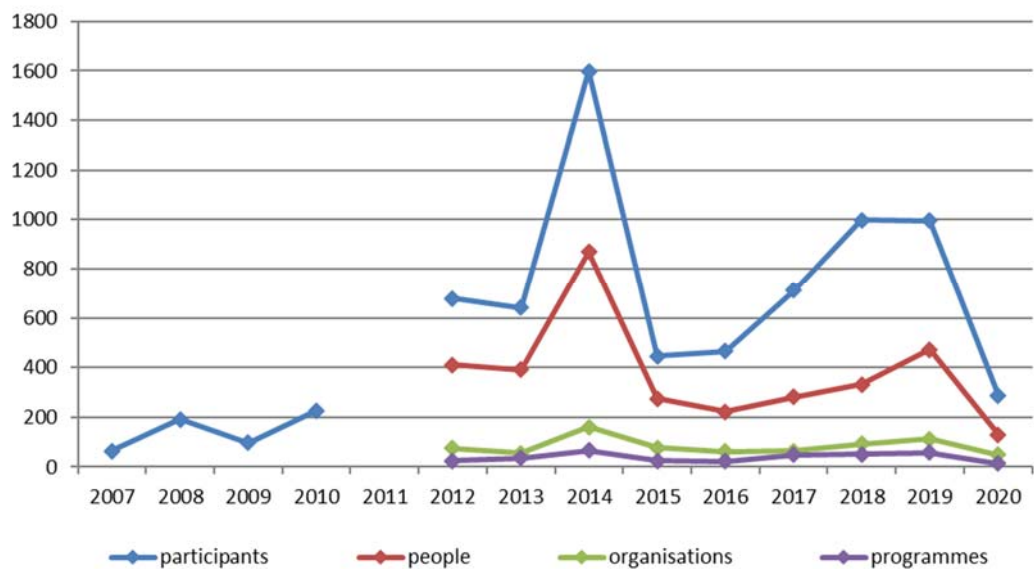
Manufacturers and TradeMark East Africa in the expectation they will continue to provide training to business membership organisations and other interested parties.

The modules and units were designed with the intention that the entire programme could be accredited by a university as Masters’ Degree in Public Policy. This idea was tested by approaching the University of Chester, UK, with a proposal to accredit and professionalise private sector advocacy. Due to the closure of BAF, this proposal was not pursued any further, and the programme has been transferred to Strathmore Business School (SBS) which has an Institute of Public Policy. The institute offers academic and executive programmes on public policy. If interested, SBS is expected to offer the BAF programme as academic or executive courses to private sector policy and research managers hence professionalising PPD. Copies of the handbooks and fact sheets are additionally available at businessadvocacy.net, maintained by one of the BAF team, and are in the process of being updated once again.

7.1.1 Participation

In BAF1, there were a total of 629 participations in training while a total of 1,864 people from 261 organisations participated 3,600 times in training in BAF2. In BAF3, some 1,163 people, from 202 different organisations, participated 3,218 times (that is, on average everyone participated in almost three programmes) in 184 training courses. Over the 15 years of BAF, we have supported 7,447 participations in 381 training courses, representing more than 3,500 different people from 580 organisations.

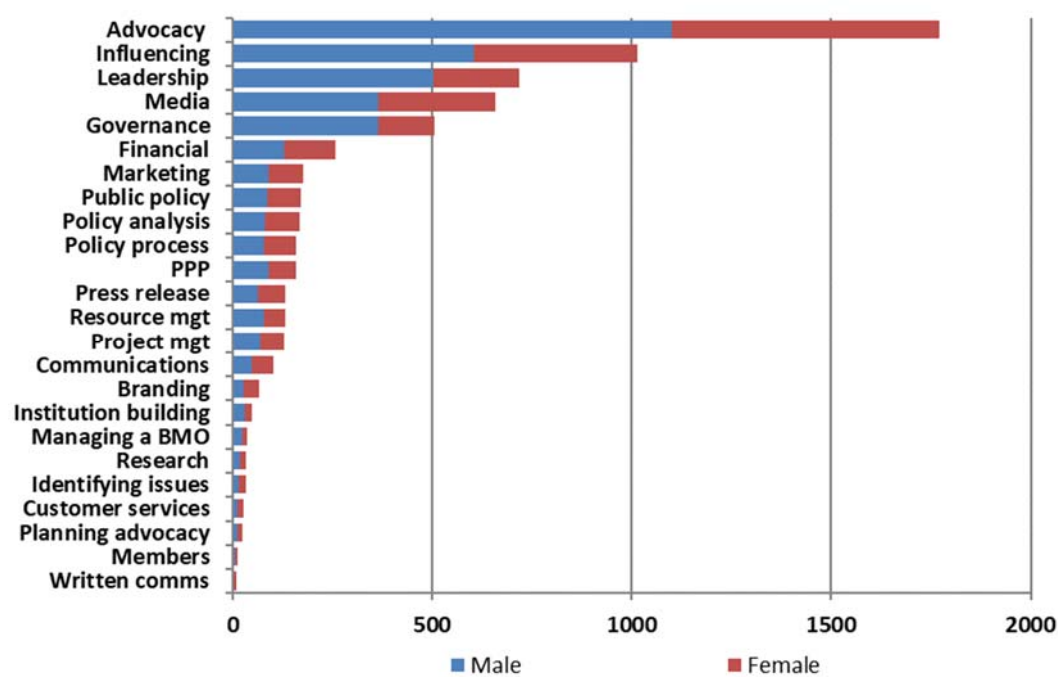
Figure 13: Participation in training programmes 2007-2020



Note: there was an interregnum between BAF1 and BAF2 in 2011, so no training was available

The gender split has slowly improved over the duration and by BAF3 was 42 per cent female and 58 per cent male. Some of the training courses changed over the period and a couple – writing skills and branding – were merged. Most people participated in the introduction to advocacy and dialogue but then chose additional units depending on their interest and specialism.

Figure 14: Participation in training



7.2 Advocacy support

The advocacy support provided to BMOs was in various forms. Throughout BAF1 and 2, the key support was through advocacy grants, with climate change advocacy and county advocacy being initiated. In addition to this, advocacy mentoring was provided to grantees and was mainly provided by the BAF Fund Management team with the support of consultants where need be. In BAF3, this support was enhanced to include Research and Policy Advisers (RPAs) and communications support, while other innovative support including BMO-MDA alliances was introduced. Each of these forms of support are discussed in this section.

7.2.1 Advocacy grants

As discussed earlier, BAF chose from the outset to avoid the challenge fund approach and preferred a more supportive approach. This would be a rolling grant approval process as and when proposals were received and considered appropriate by the Fund Manager. BAF adopted a two-stage application process. In the first stage, a BMO would submit a concept note – intended to set out the specific issue and to explain how that was problematic, even if the extent of the burden could not be quantified – and then, if the concept was approved, to submit an application which provided a plan to tackle the issue and a budget.²⁷

The Fund supported BMOs to advocate specific reform(s) focusing on a particular problem of public policy. These could be issues related to laws or regulations that were imposing additional costs, compliance requirements or administrative

²⁷ All BAF's processes have been captured in the BAF Operations Manual. First developed in 2006-7, The Manual has been reviewed and updated as necessary at least annually to coincide with BAF's annual external audit; and at other times to operationalise new or revised approaches to delivering outputs.

burdens making it difficult to do business, hence causing the investment climate to be less conducive or attractive.

Proposals that were supportive of inclusive green growth, and those that ensured economic policy and regulatory formulation promoted inclusion of all groups of society, women and youth in particular were encouraged.

Advocacy projects were expected to fit within the 5SAA though organisations could start at whichever step that seemed most appropriate for their issues. Examples of the type of initiatives that were funded are:

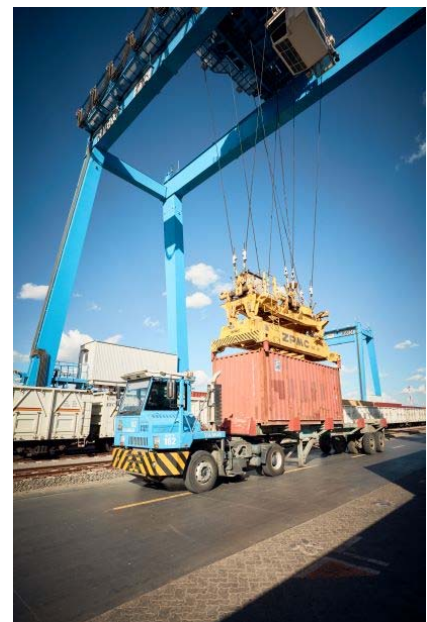
- Assessing impact of existing regulatory arrangements;
- Joint proposals from BMOs and MDAs to develop public policy of mutual interest;
- Undertaking research including use of surveys and focus groups, in order to gather appropriate evidence in support of private sector policy negotiations with national or county government;
- Preparing and submitting well-argued proposals to improve existing or proposed regulation or to improve the way in which policy is implemented and thus reduce the compliance burden on private businesses;
- Monitoring and evaluating the implementation of national or county government policies which affect the private sector;
- Developing and strengthening networks and consortia of BMOs to undertake a specific advocacy project.
- Organising seminars, workshops and meetings to facilitate policy dialogue within the private sector, and between the private sector and national or county government.

Often, applications were for one step at a time. Organisations who successfully completed a step were encouraged to make further applications for each subsequent step. Funding would contribute up to 100 per cent of the eligible project costs. However, for established BMOs which were advocating an issue of high priority to their members and only affected those members, BAF required the BMO to contribute up to 20 per cent of the eligible project costs. The Fund supported new innovative ideas and judged proposals on their merits.

In BAF's supportive approach, grant writing assistance was provided by the Fund management team for BMOs with a convincing concept note though some

Improved logistics

In 2017, the **Shippers' Council of Eastern Africa** undertook two studies, one to review Kenya's air freight policy and regulatory framework and the other to undertake a Logistics Performance Survey. One consequence of their lobbying was the government fast-tracking use of the newly completed Standard Gauge Railway to transfer cargo bound for the local market to the Inland Container Depot in Embakasi.



required more support than others. Those which required more support received grant writing consultancy support which was funded from the BMO's grant. Eligible BMO project costs only covered direct third-party expenses related to advocacy activities along the 5SAA though in BAF1, for emerging BMOs, the Fund provided an additional 15 per cent of the project budget as a contribution towards overhead costs.

It is worth noting that, for advocacy projects, BAF did not support:

- Projects which were seen to be anti-competitive (for example, trying to give one group of businesses an advantage over another), discriminatory (along gender, social lines or any other) or those with detrimental impact on the environment.
- Physical capacity building such as purchase or lease of land, buildings or vehicles.
- Costs of equipment.

In general, BAF shied away from funding staff, though it did occasionally fund staff through a sustainability support grant and this was often beneficial. There was concern that funding staff would make it too difficult to track the money; however, this also led to a perverse incentive to use consultants, since they could be funded, rather than staff, since they could not, meaning that the BMO did not build its capacity as much as hoped.

Multiple applications were permitted. BMOs with more than one idea were invited to discuss them with the Fund Manager before submitting applications and, where merited, they were funded to undertake more than one project concurrently. However, this was dependent on the BMO's project and financial management capacity.

7.2.2 Preparing advocacy proposals

BAF received enquiries and screened them for eligibility as per the guidelines and criteria. If acceptable, BMOs were invited to start the process of developing a full application which would be presented to the Advisory Board²⁸ for consideration. BMOs were encouraged to carefully think about the issue they wanted to address and what they hoped to achieve if they were to be successful. Proposals for projects needed to explain the issue, the objective, and the activities intended to achieve the objective.

The concept note

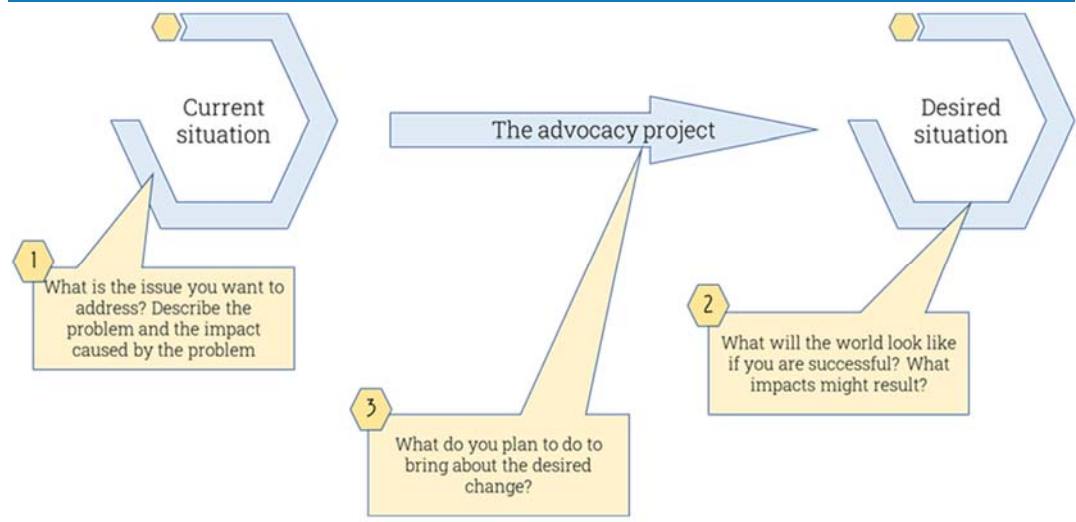
The objective of the concept note was for BMOs to convince the Fund that they had a proposal which contributed to the improvement of the enabling environment as set out in the Government's Vision 2030 and which met the objectives of the Fund (including "inclusive green growth"). The concept note

²⁸ The BAF Advisory Board was made up of experienced, committed individuals from Kenya's corporate sector, business associations, senior public servants and representatives of the Embassy of Denmark. This mix gave the Board great breadth and depth of knowledge of Kenya's business environment, regulatory challenges, economic transformation and government policy. The Board, which met as often as necessary, was therefore able to consider applications on a continuing basis; meetings were generally held every six to eight weeks throughout BAF1, 2 and 3.

described the issue and the proposed activities to address the issue. The BMO had to articulate clearly the problem they wanted to address, taking care not to describe something different. The questions asked in the concept note are as captured in the graphic in Figure 15.

After receiving a completed concept note, the Fund Manager assessed the proposals against specified criteria and invited BMOs with promising proposals to complete a detailed application.

Figure 15: Description of the concept



Concept notes and applications were to be submitted exclusively on the forms available from the Fund’s website. Ideally, forms had to be prepared using a software package compatible with Microsoft Word as handwritten forms were not acceptable. They also had to be written in English.

Concept notes could be submitted at any time. Applications could only be submitted upon approval of the concept notes. The two would be submitted by e-mail followed by the submission of a signed original of the certification page.

The detailed advocacy application

The objective of the detailed application was for the BMOs to convince the Fund Manager that they were a responsible and well-managed organisation that could make effective use of a grant to engage in an advocacy project and, where appropriate, to build on advocacy capacity. The BMOs seeking a grant needed to demonstrate that they met the organisational, project and cost requirements.

Organisational requirements – the organisations were to demonstrate that they:

- Were an organisation registered in Kenya with a membership, directly or indirectly, of private businesses engaged in legal business activities in the formal or informal sectors;
- Were an existing participant or were willing to become a participant in the institutional framework for policy dialogue agreed with Government;
- Were a non-profit-distributing organisation and had a written constitution or rule book which set out the organisation’s aims and way of operating;

- Had a bank account (or had opened a bank account prior to receiving any grant monies);
- Had, or were working towards developing, a code of ethics (although BMOs without a code of ethics could use BAF's code of ethics) which they were to show commitment to uphold by signing;
- Would be directly responsible for implementation of the project and were not acting as an intermediary.

The applicants were:

- Not to be insolvent, bankrupt or in liquidation or receivership or have any judgements against them outstanding;
- Not to have been convicted of an offence concerning professional conduct or be guilty of grave professional misconduct or of fraud or of any illegal activity;
- To have fulfilled all the obligations relating to the payment of social security contributions or payment of taxes in accordance with the Laws of Kenya;
- Not to have been declared to be in serious breach of contract for failure to comply with contractual obligations in connection with a procurement procedure or other grant award procedure financed by other local, national or international donors;
- Not to be subject to conflicts of interest.

Project requirements – In addition to the requirements set out under the concept note, the proposal also had:

- To be in line with the applicant's own objectives and activities in which the organisation was already involved;
- To have a clear policy dialogue focus, though where appropriate this could include capacity building, or a clear objective to build sustainability;
- To have a duration that was expected not to exceed 12 months;

Cost requirements – The proposed budget was:

- To cover all the costs to undertake the project but also to be realistic;
- Expected to be actually incurred by the applicant;
- To be recorded in the applicant's accounts or tax documents;
- To be identifiable and verifiable and supported by original documents.

All information provided to the Fund was to be accurate and supportable. Applicants were not to attempt, other than through the quality of their proposal, to influence the decision of the Fund.

Preparing the project budget

The budget would only relate to the specific stage for which support was sought and not necessarily to all the five stages of the advocacy process. Only "eligible" costs were considered for calculating the amount of a grant. The budget was the cost estimate for "eligible" costs, which were based on real costs, and not on lump sums.

All proposals were subjected to due diligence checks prior to submission to the BAF Advisory Board. The checks could result in requests for clarification, or a reduction in the agreed eligible costs or, in some circumstances, in grant approval being withdrawn. All applicants were therefore encouraged to provide realistic and value for money budgets.

The eligible project costs typically included:

- The costs of consultants or other third parties contracted to undertake some or all of the project. These costs could not exceed those normally borne by the applicant, or those of the market;
- The actual costs of travel and subsistence for technical staff who took part in the project, provided they did not exceed those normally borne by the applicant, or those of the market;
- The costs of conference, seminars, workshops and other facilities which arose directly from the requirements of the project;
- The costs of research and dissemination of information, printing etc;

Capacity building costs where it would be demonstrated that specific support was required but was not available through BAF's training programme;

Overhead costs (such as rent, property taxes, accounting, depreciation of equipment, etc) were not eligible project costs.

Where a BMO was provided with grant writing support to prepare a detailed application, the sum would be included in the budget. If the application was successful, the sum would be deducted from the monies payable to the grantee.

Due diligence, financial certification and adjustments

Upon receiving a complete application and the required documents, the Fund Manager would undertake several checks. At this point, applicants needed to provide some supporting documents which would be verified during a visit to the applicant's premises and as part of the due diligence process.

The following supporting documents, where applicable and available were inspected:

- The constitution or articles of association of the applicant organisation;

County revenue laws

The **Kenya Association of Manufacturers** worked in all 47 counties with County Business Coalitions (created by KAM in an earlier project), the Commission on Revenue Allocation, the Kenya Law Reform Commission and the Council of Governors resulting in the drafting of over 300 county laws to regularise revenue raising by counties. The laws included Revenue Administration, Rating, Trade Licensing, Agricultural Cess, Public Participation, Finance and Tariff Policy. In addition, two policy guidelines, the Economic Policy Framework Guidebook and the Constitutional and Legislative Policy Guidebook, were prepared to guide the drafting of county revenue laws.



- The applicant's most recent annual report and accounts (the profit and loss account and the balance sheet for the previous financial year);
- An external and independent audit report, certifying the accounts for the last financial year and stating to what extent, in the auditor's opinion, the applicant had stable and sufficient sources of finance to maintain its activity throughout the period during which the project proposal was to be carried out and, where appropriate, to participate in its funding; and
- Evidence that the organisation's board was elected from amongst the members.

Where necessary, other documents and information would be requested during the due diligence process.

Evaluation, assessment and board consideration of detailed applications

Once the detailed applications were received at BAF, they would be assessed by the Fund Manager against specified criteria and then submitted to the Advisory Board for review and consideration. Once considered, the Fund Manager would communicate the Board decision to the applicant. If approved, the grant disbursement process would follow. Where proposals were turned down or deferred, reasons would be provided. The Fund's decision to reject an application or not to award a grant was final.

Conditions applicable to grant implementation

Where a grant was awarded, the applicant was offered a grant contract based on the Fund's standard contract letter and any conditions attached to an approval would be included in the contract. The concept note, application form and budget approved by the Advisory Board would form part of the BAF-BMO grant contract.

The grantees were expected to monitor and review their projects as they progressed. The grant funds were disbursed in quarterly instalments spread over the life of the project. The first disbursement was made at the beginning of the project. Subsequent disbursements would be dependent on the receipt of satisfactory progress reports and evidenced financial reports from the grantee. Details of this process are contained in a separate section below.

Data confidentiality, disclosure and publicity

The grantees were informed that data about their organisation and their application was stored on a computer and, that the information would be held confidentially and will not be divulged to a third party without their consent.

BAF did however reserve the right to make public the fact that particular BMOs had received a grant, and the purpose of the grant. Information about BMOs' projects was also to be used for both publicity and case study purposes. Detailed description of the advocacy issues, BMO position and main arguments would be included in the BAF website to encourage other associations with similar interests to contact the BMO for collaboration.

Grantees had to agree that any research paper(s) or policy position paper(s) prepared as part of the BAF-funded project would be made available to BAF and

for BAF to make them available to the general public. In BAF3, these publications were made available through the knowledge portal, www.dialogkenya.info.²⁹

Disbursement of grants

All disbursements to BMOs were in Kenya Shillings (KES) and were transferred from the BAF Danish Kroner (DKK) bank account set up by Tetra Tech International Development Europe (TTIDE), formally known as Coffey International Development Europe, in the UK. Disbursements were made in tranches as set out in the budget template (BMOs could revise the next tranche depending on the activities to be carried out) and Contract Letter which specified the drawdown, reporting, supervision and review of the grantees' projects. This procedure was also set out in the BAF Procedures and Operations Manual. The BAF Financial Controller and the TTIDE Finance Manager were the key persons responsible for disbursement of grants.

The disbursements were guided by the following processes:

- The BAF Financial Controller would obtain a signed advance request from the BMO and collate the following documentation: signed payment voucher; signed contract; minutes of Board approval and project budget signed by the BAF Board Chair.
- For a first advance, the BAF Financial Controller would provide the TTIDE Project Team and Finance Manager with a signed payment voucher, Q1 advance claim signed by the BMO's Chair and the budget signed by the BAF Chair. The Fund Manager signed the advance claim and, in so doing, certified that the BAF Chair had signed the budget and the request was in order.
- The second and subsequent tranches would be disbursed only after satisfactory accounting for the previous tranche had been submitted and approved. The grantee would prepare its revised activities and budget for the second and subsequent tranches using the BAF Financial Report template. The revised activities and budget for the next quarter and subsequent quarters had to be within the overall approved grant budget. The next tranche 'advance request page' would be signed by the BMO Chair and submitted to BAF for processing.
- For payment processing of second and subsequent tranches, the BAF Financial Controller would provide the Project Team and Finance Manager with a signed payment voucher, a signed relevant quarter advance claim together with the revised budget page. The advance page would again require the Fund Manager's signature as above.
- All payment vouchers had to be prepared and signed by the BAF Financial Controller, signed by the Fund Manager and the Programme Director.
- All requests for disbursements had to be approved in writing via email by TTIDE's Programme Director.

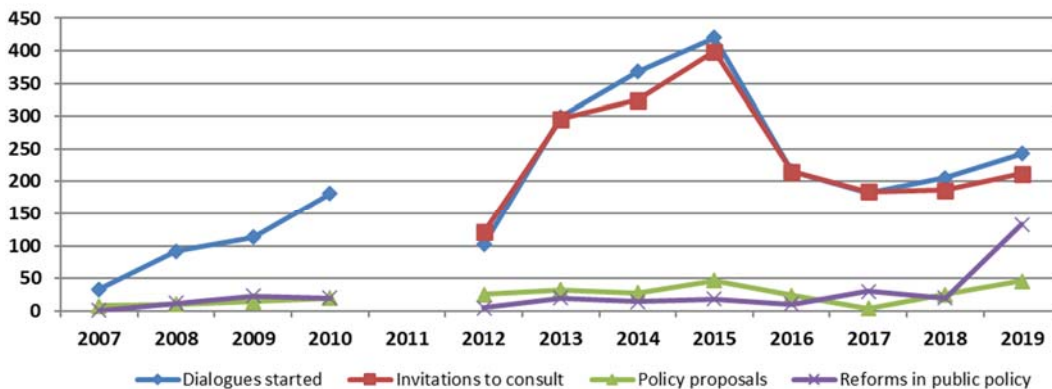
²⁹ The portal address has been transferred to Strathmore Business School but there is no obligation on them to continue maintaining it.

- TTIDE’s Finance Manager would then transfer funds directly to the recipient BMO when all required documentation was submitted and approved.
- The recipient BMO was required to confirm receipt of funds to the Financial Controller in writing via email with the date and amount received.

7.2.3 Level of advocacy support

BAF noted steady growth in the level of advocacy activity. However, advocacy projects were often interrupted by the country’s election calendar and BAF’s funding cycles. Figure 16 shows dialogues undertaken, invitations from government to BMOs to consult (which we only started asking in BAF2), policy proposals submitted, and policy reforms achieved.

Figure 16: Level of activity



The gap between mid-2010 and mid-2012 was occasioned by the end of BAF1. At the end of BAF1, BMO projects were completely shut down and re-started in 2012 causing a major gap and disruption. Activity peaked in 2015, which was the second half of BAF2, as most projects had gained momentum. At the same time, the political climate was relatively stable following election of a new Government creating a conducive environment for advocacy projects to progress. However, BAF2 came to an end in mid-2016, hence funding for new projects was minimised. BAF3 was approved in July 2016 and activities increased again though the political climate in 2017-2018 caused a major interference following a court-ordered rerun of the presidential election.

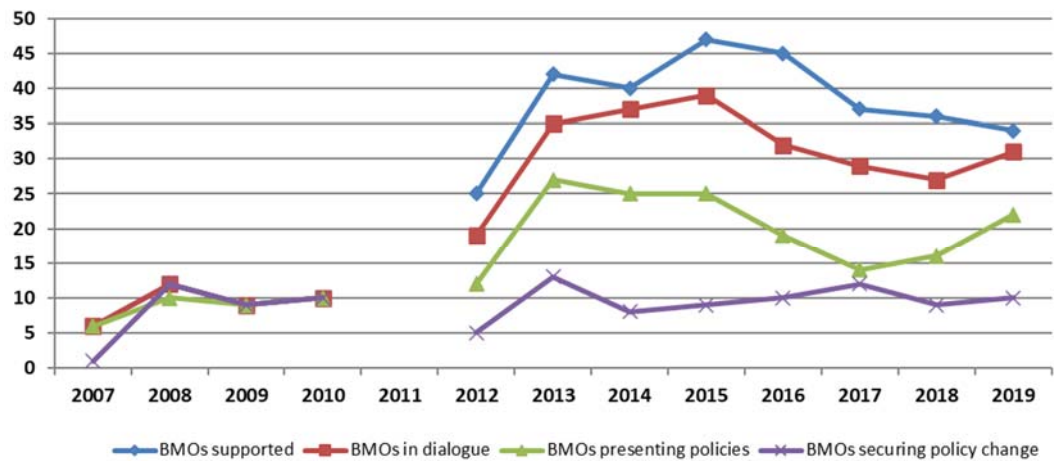
Although the level of PPD activity before BAF is not documented, there was a steady growth in PPD activity which coincided with the peak in BMOs engaging in dialogue with government and securing reforms as shown in Figure 17.

We can look at this also from a different angle: how many BMOs were engaged in this activity? As we can see from Figure 17, there was a large increase in BMOs engaged in phases two and three compared to phase one. In part this was due to having more resource; in part it was due to BMOs recognising that perhaps they could, after all, make a difference; and in part, it was because BAF became more proactive, especially in encouraging smaller and weaker BMOs to become involved in dialogue and advocacy.

Part of the leap in activity can be ascribed to the availability of a much bigger budget in BAF2. But a significant difference was made by introducing the writing

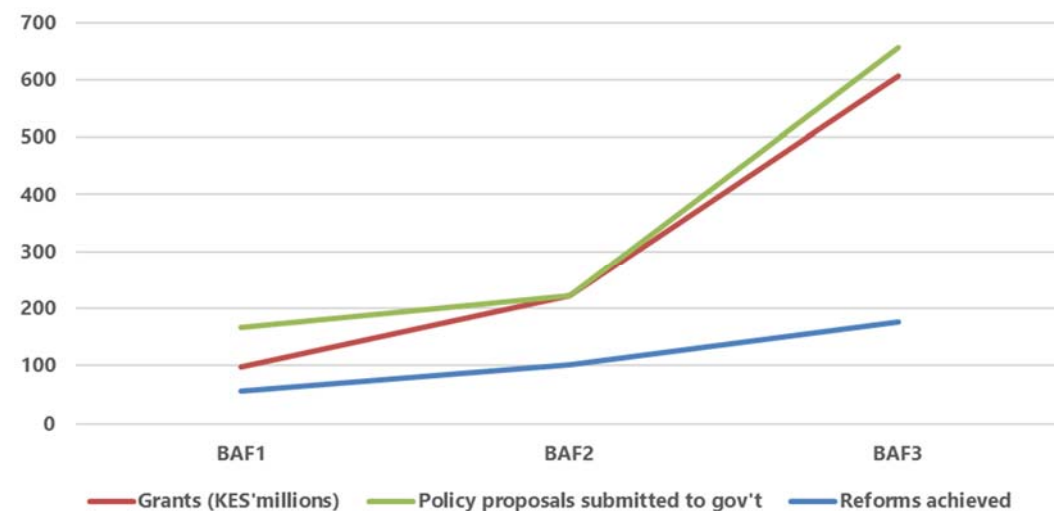
grants which led to better preparation of proposals and to bigger projects. BAF also aimed to encourage BMOs to remain active in dialogue even after grants were expended, so that BMOs developed more of a long term relationship with government rather than a transactional relationship. The perception of the staff team, however, was that around two thirds of BMOs seeking support were simply reacting to government proposals rather than being proactive.

Figure 17: BMO engagement



It is interesting to look at the correlation between the value of grants and the level of activity as measured by the number of policy proposals submitted to government. We are not claiming that there is a direct causation but there is a close correlation and this could be an interesting topic for academic research.

Figure 18: Relationship between activity & funding



Throughout the three phases of its existence, BAF has reported impressive results against the programme logframes and results frameworks. These are recorded in summary in the appendix. Beyond the results, BAF evaluated its achievements in an attempt to understand the outcomes and impacts of its interventions and achievements which are discussed in detail in a separate section of this report.

7.2.4 Mentoring BMOs

BAF's objective for capacity building was to support BMOs improve their ability to undertake or commission research and to prepare policy positions. In BAF1, mentoring support – and feedback on research reports and draft policy positions – was provided to individual BMOs by the core team, which was generally possible because the portfolio was relatively small. This became harder in BAF2 as the portfolio grew, so increasingly external consultants were engaged to supplement the support from the BAF team. We concluded, however, that the mentoring and coaching support was inadequate as BMOs continued to struggle to produce quality research reports and compelling policy positions.

This led to the idea of developing a programme in which BAF would recruit and train people to act, full-time, as Research and Policy Advisers (RPAs) and who could then provide intensive advice and support to BMOs with research, preparing policy positions and sitting alongside BMOs as they met with public officials. The original plan was that an RPA would be assigned to a BMO and would potentially work themselves into a job.

Following a competitive recruitment process, four RPAs were engaged and inducted in November 2017. They underwent an intensive six-week training programme completing 15 units of BAF's revised training programme and covering all aspects of dialogue and advocacy.

As BAF began to talk with BMOs about placing the RPAs, it became apparent that (a) BMOs were reluctant, for whatever reason, to have someone from outside effectively seconded to them full time; and (b), that we needed to support many more than just four BMOs. As a result, BAF instead assigned projects to the RPAs who consequently each worked with several BMOs simultaneously.

The programme worked remarkably well, as the results below show, but the nature of the support for each BMO, more like consultancy than staff, meant that none of the RPAs were offered employment. BAF's intention had been to recruit a second cohort of RPAs once the first cohort was all employed; instead, we retained all four of the RPAs for a second year (and would have retained them longer if there had been a fourth phase of BAF support).

RPA support was thus provided for two years, during which 36 BMOs were supported, some more than once, leading to 43 assignments: 24 in the first year and 19 in the second. RPA support was provided to 75 per cent of the

Gathering intelligence

Shippers' Council of Eastern Africa demonstrated an ability to identify government's own objectives and then build their case to improve port efficiency and railway transport on the back of what government wanted to achieve.

Kenya Association of Manufacturers has been effective in shaping public policy through introducing ideas on which government catches up later. This has included, inter alia, prioritising manufacturing as a key job-creation sector; pushing for action on counterfeits; pressing for prompt payment regulation; supporting more effective implementation of the law; and structuring PPD mechanisms such as presidential round tables.



BMOs in the portfolio. RPAs advised on 52 projects, covering almost 50 per cent of the projects.

RPA support resulted in the detailed review of 13 BMO research reports and 42 policies, bills, regulations and acts authored by the government; the completion of three research assignments; and the development of 39 policy positions. In addition, the RPAs assisted 10 BMOs to prepare 15 grant applications and project workplans. Other outputs realised with the support of the RPAs included:

- drafting appropriate terms of reference for the engagement of consultants;
- assisting BMOs to evaluate responses received to advertisements of requests for proposals for various consultancies; and
- project management support for grant-funded projects.

The RPA engagement ended in 2019 when a survey was undertaken to understand how the program had impacted BMO projects and their operations. The relationship between RPAs and the BMOs was also assessed. The survey provided an opportunity for BAF to establish if the programme objectives had been achieved and reflect on the challenges faced.

BMOs surveyed were carefully selected to assess RPA support provided across different sectors of the economy. Overall, the feedback was positive with seven (78%) of BMOs interviewed giving positive responses, one saying satisfactory, and one expressing frustration with the support.

The BMOs stated RPAs were a great addition to the support provided by BAF, illustrating some value addition had been created. RPA ownership of the advocacy issue, participation in various BMO advocacy meetings, activities and stakeholder engagements and availability at short notice were some of the strong aspects of the support on which BMOs remarked and appreciated the most. Other notable observations were that RPAs provided project management support and increased the likelihood of BMOs adhering to project timelines. RPAs supported BMOs to obtain better results with the drafting, critiquing, refining and focusing of their research reports and PPPs.

Mentorship provided through the RPAs was important and necessary. The BMOs surveyed presented 27 per cent of all recorded proposals presented to government in 2019 and engaged in 42 per cent of all dialogues recorded. BMOs were able to increase the number and quality of outputs, reflected by the number of and improvement in research reports and policy positions. There appeared also to be a marked increase in the number of dialogues or consultations with government by BMOs receiving support from RPAs.

7.2.5 Alliance, coalitions and cooperation

BAF frequently sought to encourage cooperation between BMOs where they had a common interest and in some cases was able to support the creation of completely new coalitions, such as the Agricultural Industry Network, which brought together more than 40 agricultural commodity BMOs.

The perception of the staff team is that the forming of alliances, both informally and formally, is now more common than when BAF was first launched. BMOs are realising the strength of working together to achieve a common goal for their

members. While this is more prevalent with sector-specific BMOs, umbrella associations or the larger more established BMOs have yet to come around and willingly to collaborate strongly on common policy agendas. Partnerships between umbrella BMOs such as Kenya Private Sector Alliance (KEPSA), Kenya Association of Manufacturers (KAM) and Kenya National Chamber of Commerce & Industry (KNCCI) on crosscutting economic issues or Federation of Kenya Employers (FKE) and KAM on labour relations and productivity issues or Association of Professional Societies of East Africa (APSEA) members such as nurses and doctors, or pharmacists and veterinarians on health sector and animal resource issues or Agricultural Industry Network (AIN), Agricultural Council of Kenya (AgCK) and Kenya Agribusiness & Agro-Industry Alliance (KAAA) on agricultural sector policy could create strong and united voices on major issues that require the attention of government or compliance by businesses at large.

In BAF2, a new approach was adopted where BMOs were encouraged to build networks and round tables for more collaborative advocacy. The rationale was primarily to promote information and experience sharing between BMOs, resulting in them working together.

It was envisaged that some enquiries arising from networks would require extensive research. As such, BAF established a working relationship with the National Economic and Social Council (NESC) to undertake sectoral research on policy areas of relevance to the entire private sector. NESC's primary role is to provide government with medium to long term policy advice.

In addition, a memorandum of understanding (MoU) had been signed between the Royal Danish Embassy (RDE) and UK Department for International Development (DFID) in December 2011 where DFID committed £250,000 (approx. KES 33 million) to the Fund to finance climate change dialogue and advocacy. In reaching out to various stakeholders, the Fund discovered there existed a diverse grouping of BMOs, NGOs and donors with a particular interest in climate change. In addition, the government was undertaking review of climate related policy issues including the draft Energy Policy and Energy Bill, the Climate Change Action Plan, the National Climate Change Response Strategy and the Least Cost Power Development Plan.

In total, 10 advocacy projects were approved under climate change advocacy. KEPSA hosted the Climate Business Information Network (CBIN) tasked to consolidate climate related issues. However, CBIN was unable to match government's engagement, dialogue and advocacy for the climate change agenda sufficiently to seek the support available from BAF. This was evidence there was a very low appetite for climate change focused business issues relating to policy. Nevertheless, BAF was able to support BMO projects which achieved major policy reforms including:

- Review of National Environment Management Authority (NEMA) Regulations on waste-water management, in a project led by the Kenya Association of Hotelkeepers and Caterers. NEMA published the review of EMCA (Water quality) Amendment Regulations 2012 in subsidiary legislation.
- KAM led a project on the development and enactment of a Climate Change Policy and Climate Change Act, No. 11 of 2016 in partnership with the Ministry of Environment, Water and Natural Resources.

- Kenya Alliance of Residents Associations led a coalition seeking enactment of the Nairobi City County Solid Waste Management Act, No. 5 of 2015.
- The Association of Biogas Contractors of Kenya worked on the development of biogas standards in partnership with the Kenya Bureau of Standards. Two standards were gazetted: (1) Kenya Standard – Domestic Biogas Stove, and (2) the Kenya Standard – Domestic biogas lamps specification.
- East Africa Tea Traders’ Association led on the inclusion of power wheeling tariffs in the draft Energy Policy and Energy Bill.
- Kenya National Farmers’ Federation developed a biogas technical training curriculum in partnership with National Industrial Training Authority and Kenya Institute of Curriculum Development (KICD). The curriculum was adopted by KICD for mainstreaming in all the technical training institutes.
- A study approved for the NESC on Waste Management Policy Framework was successfully completed for sharing with the responsible line ministries and counties.

BAF encouraged BMOs to establish industry networks through which mentoring and coaching was provided to BMOs implementing advocacy projects:

- Kenya Property Industry Network hosted by the Kenya Property Developers Association for the property sector;
- Agricultural Industry Network (AIN) initially hosted by the Kenya National Farmers Federation for the agricultural sector. AIN is now an independent legal entity;
- Tourism Network hosted by the Kenya Tourism Federation for the tourism sector;
- Professional Network hosted by the Association of Professional Societies of East Africa for the professionals’ sectors.

All these networks proved to be a good source for new advocacy projects.

In 2013, BAF funded the establishment of county dialogue mechanisms through BMO county business coalitions. This enabled BAF to extend its reach into counties more effectively where BMOS tended to be small and often with limited capacity to engage in dialogue and advocacy. Under the coalition, the advocacy grant would be approved to a principal BMO capable of managing the project and implemented in partnership with the other BMOs. In addition, coalitions improved advocacy effectiveness and demonstrated cohesion and critical mass among the private sector. When BMOs worked together, they were able to show wide private sector support to policy makers and reduced resistance within private sector players.

The coalitions hosted Governors’ Round Tables (GRTs) in all 47 counties. Some 36 GRTs were successfully established through five principal BMO partners. BAF was thus able to reach 143 county BMOs participating in the GRTs.

By June 2015, this model of advocacy support had resulted in 305 BMOs (57 principal BMOs with 249 BMOs in 12 coalitions) receiving support (see Table 4).

Coalition building was a key factor for success. This was evidenced by AIN’s engagement on agricultural laws; the 55 policy wins achieved by business coalitions around the country under the GRT projects; and ICPAK’s success in changing aspects of the capital gains tax were all dependent on forming an influential coalition of BMOs. These coalitions demonstrated more traction is possible in advocating policy and legislative change.

Table 4: Coalitions formed

Principal BMO	Project name	No. of BMOs
KAM	County revenue laws	40
Five principal BMOs: KAM, KLMC, MCTA, KENAFF, KNCCI Trans Nzoia	Governor’s Round Tables in all 47 counties	143
AIN	Agricultural laws	35
NNAK	Health policy and bill	10
KAM	Economic Partnership Agreement – EPA	3
KENAFF	Potato Marketing Bill	2
ICPAK	Business laws	3
KARA	Nairobi County Waste Management Bill	2
PRISK	Music policy	2
CIArb	Alternative Dispute Resolution Bill	2
FKE and COTU	Joint on issues on labour laws	2
PERAK	Copyright Act amendment	5
Total	12 coalitions	249

As well as BMO-BMO coalitions, throughout the first two phases, there were incidences where the private and public sectors worked closely together to develop a new approach or a new policy. These were initiated in BAF2 with support for research by a partnership of Kenya Association of Manufacturers and the National Council for the Administration of Justice which resulted in the publication of the ‘Enforcement Manual to Combat Illicit Trade in Kenya’. This in turn led to further BAF-supported research by KAM in partnership with the Kenya Magistrates’ and Judges’ Association to develop a ‘Commercial Bench Book’ for use by judges and magistrates when dealing with commercial court cases.

BAF also funded the Kenya Tourism Federation research on the tourism sector to document the economic involvement and impact of segments of Kenya’s tourism industry along the value chain. This research was requested by the Ministry of Tourism and it was encouraging to see these instances of collaboration.

In BAF3, there was an attempt to encourage these BMO-MDA partnerships more proactively. Specifically, BAF encouraged BMOs to partner with government on issues of mutual interest. This involved asking BMOs to seek government agreement in advance of completing grant applications to develop joint policy positions and commission research. These partnerships were important in achieving consensus between the private sector and government on policy positions that may have otherwise taken a long time on which to reach agreement or would have failed all together.

This resulted in 25 BMOs partnering with MDAs to develop joint policy positions, review policy and commission research, ahead of our target of 21. Not all partnerships, however, led to success. In fact, some partnerships slowed down the

momentum of policy reform due to emerging divergent interests resulting in changes of strategy.

To learn from these alliances, BAF commissioned three reviews:

- Retail Trade Association of Kenya and Ministry of Industry, Trade & Cooperatives on regulation of retail trade and, in particular, the need for prompt payment by supermarkets to their suppliers.
- KNCCI Nairobi and Nairobi City County Government (NCCG) on county markets policy and legislation.
- Kenya Association of Fish Processors and Exporters and State Department of Fisheries in the Ministry of Agriculture, Livestock & Fisheries on Fisheries Act Regulations.

The review involved interviewing the BMOs and MDAs engaged in each alliance to determine the:

- Extent to which the relationship was considered mutually beneficial;
- Roles played by each party in the relationship;
- Agreement on key outcomes; and
- Change of attitudes of the parties about the relationship, level of trust and the value of this approach to advocacy.

A questionnaire was developed for use by each BMO and MDA quarterly over the period of a year and both parties were asked to keep a diary of their interactions. However, this process was challenging to implement. BMOs felt there was a lot of duplication of effort by BAF, given the projects also had project managers who followed up on the same issues. The **key lessons** were:

- Each relationship between a BMO and MDA is unique and does not necessarily result in improving advocacy outcomes. For example, the RETRAK-MITC relationship has been a positive one resulting in various policy successes, open discussions, mutual communication and positive exchange between industry and government. However, for the KNCCI Nairobi-NCCG alliance, the relationship was difficult with issues including mistrust between the partners, regular changes of the leaders in the county, and cancellation of agreed meetings without notice.
- Government officials in all instances were not readily available for a conversation

Public private alliances

There had been an expectation that **KAM** would work with the Inter-Agency Anti-Illicit Trade Executive Forum (IAT-TEF) to develop Standard Operating Procedures (SOPs) to combat illicit trade. There was resistance from IAT-TEF and KAM unilaterally developed an SOP framework to provide a reference for all government agencies and other actors tasked with the inspection, verification and clearance of imported cargo.

During a virtual launch, the government applauded KAM for taking this bold initiative and assured the private sector that it has accepted the proposals and they would be used to enhance efficiencies where need be within the framework of sustaining the fight against illicit trade in Kenya.



on the status of their relationship with the BMO despite multiple attempts by the BMOs to reach them.

- The attitude of government officials was markedly different in one instance where the BMO felt that government had grown more receptive and engaged in the conversation with them, and as a result led to various policy changes.

7.2.6 Lessons from supporting advocacy

A passionate, committed and involved Board was critical. The composition of BAF's Advisory Board included reputable individuals from public sector, business, BMOs and RDE. This provided a good mix of knowledge and background when considering grant proposals. The Board members helped to market BAF and share information on the issues with which businesses and government were dealing. Some of the projects supported, such as the county advocacy approach that emerged from constitutional changes, were proposed by the Board.

Review eligibility before inviting application. Information such as registration status, key contacts including the chairman and secretariat, objectives of the organisation, services they offer, their members and level of subscription, and their financial status allows for determination of eligibility before time is wasted preparing or assessing an application.

BAF adopted a two-stage application process, with a concept note to explain the issue followed by an application including an advocacy plan and budget.

Concept notes must describe clearly the policy issue. Each issue or problem must be clearly explained and, ideally, should further explain the desired reform and impact that might arise.

Many organisations can identify the issue but are unable to articulate it clearly and concisely. Most BMOs found it difficult to write persuasively about their issue, mainly because they lacked expertise or experience in advocacy. Thus, it was necessary to provide mentoring support even at that early stage.

BMO staff need training in advocacy strategies and to **understand the public policy process** to advocate effectively and improve their engagement with government.

Seeding of issues is sometimes necessary to take advantage of dialogue opportunities. BAF needed to stay abreast with the political debates and emerging challenges. Issues could then be seeded to BMOs, especially where BMOs were not aware that their intervention was necessary or even possible.

Funding multiple projects needs careful consideration. BMOs often had more than one issue to advocate. BAF found that unless a BMO could demonstrate its competence in project and financial management, multiple grants could be challenging to manage, not least because BMOs are generally under-resourced and lack sufficient competent staff.

BMOs that contributed funding tended to be more committed to their project and so BAF found it easier to approve and support their proposals. However, it was also apparent that BMOs were only willing to contribute towards working on issues that members had prioritised.

In many instances, supporting dialogue requires motivating the advocates.

Because of the political nature of the process, some BMOs may not know where to begin or how to overcome barriers in the policy making process, hence failed to approach BAF for support. Reaching out to such organisations and motivating them to act often resulted in heightened interest and a desire to act.

Consultants also require capacity building. Impressive qualifications do not necessarily translate into quality delivery and the quality of outputs can be compromised unless time is spent reviewing deliverables. Common challenges included consultants lacking sufficient understanding of public policy, inability to distil and analyse issues, inability to present ideas in a clear, succinct and persuasive manner, and inadequate writing style. Consultants struggled to mentor BMO staff to complete tasks, resulting in them completing work with little or no demonstration of skills acquisition by BMO staff.

An induction process for consultants is necessary, especially for PR and communications consultants (discussed below), as well as those involved in supporting BMOs deliver critical advocacy projects. This should include attending short courses on public policy and the role and purpose of BMOs.

Support is need for the long term: since the timescale for advocacy can be long, there is a need to provide mentoring support and advice, and possibly grant support, over a matching period.

BAF experimented through creating a portal to share information, guidance and opinion with a focus on issues important to BMOs. It was hoped that this would become the gateway for BMOs as well as policy makers and researchers. It seems, however, that BMOs either tend still not to use web-based resources or, if they do, already have other resources. The developers faced technical issues and took too long, **leaving too short a time to market the portal effectively.** As a result, the portal never really took off. It did, however, become a key resource for participants in the training programmes when BAF stopped printing handbooks and made them available electronically.

7.2.7 Lessons from county advocacy

Despite encouragement to work in coalitions on issues of importance to all businesses, **county BMOs still prioritised their own issues.** When BMOs were organised to work together to engage in governor's round tables, most articulated only issues that affected their members directly. Perhaps this was not surprising and could have been overcome with a different approach to facilitation. However, the issues captured through consultations generally depended on who was in the room. Creating a broad-based business agenda thus requires considerable research.

Ownership of the agenda is important, and a process of validation can help.

For collective county business agendas to be effective, the broader issues that impact the business environment, together with specific issues identified by individual BMOs, need to be validated by the BMO coalition. This created ownership of the collective agenda.

Knowledge of the government agenda enables BMOs to raise relevant

issues. All BMOs need to familiarise themselves with the government agenda. In many cases, especially at the county level, we found that BMOs were not fully

aware of what government is doing and hence sometimes raised issues which the county government was already addressing or has addressed. Therefore, it is important for BMOs to form relationships with county officials, both in the executive and in the assembly, to explore and clarify the issues and the County government responses.

The competence of local associations was particularly inadequate which made it especially hard for BMOs to secure attention. Counties tended to have standard formats for presentation of memoranda, for example, so BMOs need to be aware of the requirements and then accompany their memoranda with background studies and policy briefs to justify their proposals. They also need to understand the county planning cycle for timely inclusion of their issues in county planning documents such as the County Integrated Development Plans (CIDPs) and the associated Annual Development Plans (ADPs) both of which inform county budgets and finance Bills. County BMOs therefore need to improve their competence on research, preparing policy proposals, presenting to policy makers, influencing tactics, communications and other management skills that improve both the organisational profile and their voice.

County executive officers particularly appreciate being invited to meetings organised by county BMO coalitions and having the chance to engage in dialogue at an early stage.

On the other hand, **County assemblies remain difficult to engage** as Members are harder to pin down. Finding allies and champions in the assembly committees can improve the likelihood of learning and influencing their views.

7.3 Supporting communications for advocacy

7.3.1 Improving advocacy communications

Whilst supporting BMOs with advice on communications and public relations had been seen as important from the outset (indeed one of the original training programmes specifically focused on communications and public relations), BAF2 included a media component, with an objective to expand media coverage of the business enabling environment, and specifically with the objective that 'the media will have given more coverage to private sector development issues in general and to investment climate issues in particular'.

BAF prepared a media strategy that would simultaneously achieve two goals: to improve media coverage for participating BMOs and improve media coverage of BEE more generally. Support with communications for BMOs continued to be delivered through funding dialogue and advocacy for participating BMOs. However, BAF also concluded that whilst communications and public relations was covered in the capacity building programme, BMOs needed more support to implement effective communications strategies. BAF thus detailed communications objectives for BMOs as:

- To raise the awareness of the leaders of BMOs of the value to be gained from effective public relations;
- To provide training in appropriate skills (including writing media handling, writing press releases and interview skills);
- To assist BMOs to implement effective public relations.

There is a challenge in Kenya (and indeed many other countries) that public relations is often seen as synonymous with media relations. BAF thus stressed that communications would include BMOs' publications, newsletters, websites and face to face contact with public officials as well as, if considered appropriate and not counter-productive for the project, the media. Target audiences would need to be identified which could include policy makers, influencers, Parliamentarians, other business associations and members. Strategies might need to cover areas such as branding, report formatting, website design etc so that the BMO presented a consistent and coherent approach to all its communications. Moreover, the need for a PR or communications plan fitted well with the need for a detailed plan to engage in advocacy. Indeed, there should only be one plan. So BAF encouraged BMOs, once they had prepared a policy position, to consider their communications plan.

BAF also reviewed the training offer (as noted earlier) to support BMOs to develop their knowledge of the media and to develop their skills so that they became sources of credible industry information for the media. Courses on writing press releases and interview skills were developed and delivered to 22 BMOs by the end of BAF2.

BMOs were however still not preparing and implementing effective communications plans and so BAF3 provided additional support to selected BMOs to develop and implement a public relations and communication strategy linked to a specific advocacy project. The selection of these projects was determined based on a combination of the potential for high economic impact of an advocacy project and the perceived need for widespread communication.

Initially, funding for the PR support was included within the grant agreed with the BMO but was paid directly to the PR consultants delivering the support but it later became administratively easier to keep the funding used to pay the PR consultants quite separate from the advocacy grant.

BAF contracted a Media Activities Coordinator (MAC) to oversee delivery of the media initiatives. This included providing support to selected BMOs to recruit PR firms. The process of developing PR and communication strategies (often) demonstrated that BMOs did not have a clear understanding of the motivations and attitudes of key decision makers. It was also evident that BMOs only thought about PR as an opportunity to be in the press rather than an opportunity to communicate strategically with decision makers and encourage them to act. The BMOs lacked the capacity to draw up terms of reference for PR firms; typically, BMOs were too prescriptive and too focused on media relations.

As a result, BAF changed its approach, so that BAF became more involved in managing the PR support initiative in partnership with the BMO. This was expected to deliver more effective interventions with PR strategies focused on goals rather than tasks and with a greater level of dedication and sufficient flexibility to adjust to emerging issues.

This new strategy had assignments structured in three stages as follows:

- Assignment 1: Development of PR and communications strategy – the PR firm develops a comprehensive PR strategy to be approved by the BMO and BAF;

Regulation of medicines

The Health Act (HA), 2017 envisioned the revision of the regulation of medicines and medicinal products administered by the Pharmacy and Poisons Board (PPB) in line with the Pharmacy and Poisons Act. Section 62 of the HA stated that there would be established a single regulatory body for health products and technologies. In response, the Ministry of Health with the Ministry of Agriculture, Livestock and Fisheries drafted a Kenya Food and Drug Authority (KFDA) Bill, 2018 which sought to ensure the safety of food, medicines and medicinal products as well as veterinary medicines and cosmetics. The **Pharmaceutical Society of Kenya** advocated the separation of regulation of food from that of medicines and medicinal products, in line with global practice to improve efficiency, effectiveness and accountability. They engaged in a PR campaign to raise awareness of:

- the negative implications of combining food regulation and drug regulation;
- the costs of abandoning all other regulatory functions of the PPB;
- the costs of omitting professional practice regulation from Kenya's drug regulations.

The PR campaign was successful in halting the passing of the Bill and PSK was able to present a proposed Medicines and Health Products Bill, agreed with stakeholders, to replace the KFDA Bill. The PR consultant however also delivered publications and interviews on *"What a genuine pharmacy? Look out for Green Cross"* and *"Is it time to legalise medical marijuana?"*



Photo by Sharon McCutcheon on Unsplash

- Assignment 2: Implementation and monitoring of the PR strategy – the PR firm implements the agreed PR strategy;
- Assignment 3: Evaluation of the intervention – subsequently, the PR firm is tasked to evaluate the implementation of the PR strategy with BAF support.

The overall expectation was that the PR consultant would unite the BMO's advocacy objectives with a multi-strand PR strategy, targeting policy makers directly and indirectly, and support them in implementing the strategy. A secondary expectation was for the PR agencies to mentor the BMOs to be able to undertake PR activities on their own in the future.

BAF recruited two PR firms on to a panel who would be assigned work from time to time on a non-competitive basis, to provide PR support to BMOs with outputs closely managed together with the BMO. Following assignments to some six BMOs, it quickly became clear that BMOs needed additional support to develop and implement effective PR strategies.

It was also clear that the PR agencies themselves were mainly used to assisting their clients achieve media coverage rather than preparing comprehensive and coherent PR strategies. PR firms traditionally implement PR campaigns for commercial organisations who are more interested in publicity through the mainstream press. On the other hand, PR support for advocacy is complex and requires clarity on the advocacy process, the advocacy issue and the various audiences targeted by the BMO. Because of this complexity, there was a slow start to getting PR strategies approved as the PR firms did not understand how BAF and BMOs worked. BAF was obliged to work closely with the PR firms to develop their competences in structuring effective and interactive public relations communication which is fundamental to successful advocacy. In particular, the PR agencies needed to understand the advocacy process and how to engage with policy makers as this would guide them in developing effective and interactive PR communication. This understanding was expected to increase their ability to reach and manage targeted audiences.

Despite this challenge, BMOs benefited from the increased communications. The consultants supported BMOs to track their media coverage and it was noted there was an increase in both the coverage and quality of reporting by the BMO of the coverage received. The number of BMOs expressing interest in PR support increased and it became apparent that the number of BMOs requiring PR support would increase as more advocacy grants were approved. Additional PR consultants were recruited to the panel, bringing the total to five.

By the end of June 2020, a total of 22 BMOs had received support and 33 PR strategies had been developed and implemented. Whilst the objective was to help the BMOs with advocacy related communications, the PR support resulted in an increase in the number of stories published or aired by mainstream media. This was attributed to the fact that during implementation of the PR strategy, the PR consultants in some instances preferred to take an easier route to communicate the message – relevant to the BMO, as opposed to following the PR strategy as outlined to achieve the designed objective. It was unclear if this was a result of a 'lack of buy in' from the BMO on the PR strategy, or lack of consistent follow through by the PR firm. A good example was PSK's support on KFDA that was extended to other advocacy issues (pharmacy regulations and regulation on Marijuana) outside of the strategy.

7.3.2 Lessons from advocacy communications

None of the PR consultants were able to evaluate the outcomes of the PR campaigns they implemented, but we have several lessons:

Recognising earlier the specific **need to provide strategic communications support to BMOs** – and promoting communications and advocacy as two sides of the same coin – could have positively impacted the ability of BMOs to influence policy makers successfully.

Dedicated public relations support enhanced the ability of BMOs to communicate their issues. This resulted in increased attention from policy makers and often in increased levels of success. Good examples are KAHC's beach management advocacy (see box on p66) and AgroAK's PR campaign on pesticides (see box on p67). It is worth noting, however, that too often public relations in Kenya is seen as synonymous with media relations and indeed **media**

relations is seen as the easy option, not least for consultants who confuse outputs (coverage in the media) with outcomes (officials taking action as a result of the efforts of the BMO's advocacy).

Communications for advocacy needs more support to develop. BMOs need to be clear about their target audiences, about the specific objective with each target audience and about the message most likely to result in the action that they seek. They especially need to expand their engagement with policy makers.

Social media can be a powerful tool to engage decision makers, build the brand of associations and rally public support on a particular issue. Building up a social media following, however, is not something that happens in the short term, so BMOs need a long-term strategy for the use of social media.

Ideally BMOs will have a general and **long-term public relations strategy** into which advocacy communications can fit – rather than a series of occasional communications tied to specific projects. PR campaigns undertaken by BMOs

Beach management

The **Kenya Association of Hotelkeepers and Caterers (KAHC)** was concerned about ineffective beach management in Kwale and Mombasa counties and especially worried about a port expansion project undertaken by the Kenya Ports Authority in Kwale which resulted in both the dumping of dredged materials and the harvesting of sand in ecologically sensitive areas. The dumping polluted the coastline affecting marine life, fish volumes, and by extension affected beach activities such as swimming and diving and were leading to irreversible damage of Diani's fragile ecosystem reducing the flora and fauna inhabiting the formal marine park. KAHC sought better management and conservation of the Kwale coastline by engaging concerned stakeholders to facilitate the enactment of policies and laws to regulate the management of beaches. At the same time, KAHC advocated the enactment of a similar beach management law for Mombasa County. The Mombasa County Government enacted the Mombasa County Local Tourism Act, 2018 but KAHC argued the law fell short in comprehensively addressing beach management in Mombasa.

The PR campaign brought together diverse stakeholders including the county government and beach operators such as small-scale traders to discuss the provisions contained in the proposed Mombasa County Beach Management Bill. Expansion of the port by KPA was halted to facilitate discussions on how to complete sustainably the expansion while preserving the environment.



Photo Michael Mims on Unsplash

need to be strategic, timely, consistent, and fit into a long-term communications plan. It is not enough simply to publicise an issue for a few weeks.

Social media can be a powerful tool to engage decision makers, build the brand of associations, and rally public support on a particular issue. However, this should be managed by the BMO so they can develop a long-term social media strategy since PR consultants will not necessarily have wide exposure to BMOs' target audiences.

7.4 Focus on BMO competence

After 15 years of working with BMOs and exploring what makes a difference, we have concluded that there are three areas where BMOs need to build significant competence. We have touched on all these in the earlier lessons, but it is worth pulling them together and reinforcing the message.

The first requirement is that the BMO is able to prepare or procure appropriate **evidence**. The BMO needs objective and comprehensive facts and figures at their fingertips and needs to have thought through the implications of any policy proposals. There is a spectrum that ranges from hard evidence to total self-

Pest control products

The Pest Control Products Act was enacted in 1982 to regulate "the importation, exportation, manufacture, distribution and use of products used for the control of pests and of organic function of plants and animals". The consensus, however, was that the Act omitted key provisions that impeded the effective regulation of pest control products by the Pest Control Products Board (PCPB). The Act was successfully amended in 2010, but upon presentation of regulations to implement the revised Act, the regulations were found to be at odds with other agricultural reforms, as well as the newly promulgated Constitution. The Act therefore required revision and it was expected that the draft PCP Bill, 2016 would repeal the act and provide autonomy to the PCPB, in line with agricultural sector reforms.

A perception emerged that there was insufficient legislation of PCP products and there was even a discussion in Parliament about a possible ban. There was a need to modify this discussion by educating the public on the benefits of pesticide use in attaining food security, as well as restoring confidence of the regulatory system in stakeholders and law makers alike.

A PR campaign by the **Agrochemicals Association of Kenya** aimed to reframe the discussion to one that positioned pesticides as vital in attaining food security. It was able successfully to change perceptions that 'pesticides are bad inputs' to 'pesticides are a necessary input' and facilitated effective regulation of pest control products.



Photo: Agrochemicals Association of Kenya

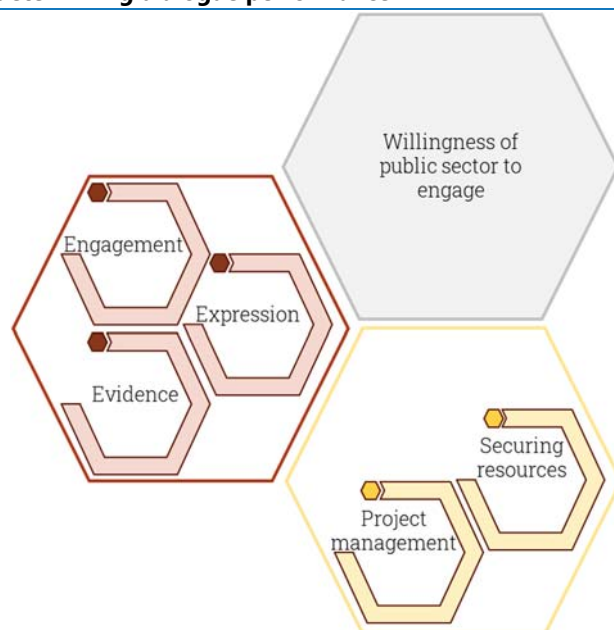
interest. The more that a BMO can ensure that it has hard evidence to support its case, the easier it will find pulling together the case for reform.

The second requirement is **engagement**. The BMO needs to be able to access, engage and develop relationships with the people who matter including Cabinet Secretaries, senior civil servants, junior civil servants, Parliamentarians and staff of government agencies. Good relationships will ensure that the BMO is an insider rather than an outsider and so have much better access to be able to converse with the people who can make a difference.

Securing access in the first place is not generally hard, but maintaining access requires that the BMO is credible and that there is a mutually beneficial relationship.

The third, and possibly most important, requirement is **expression**. The BMO needs to be able to prepare and communicate its evidence and arguments to policy makers, both elected and appointed, across a variety of venues. This requires clarity of thought when it comes to framing the issue – and possibly the solution. The BMO needs to construct an argument that makes a logical and persuasive case, ideally illustrated with good stories about the situation now and what the situation could look like if reform occurred.

Figure 19: Factors determining dialogue performance



Source: David Irwin

7.5 Sustainability support

7.5.1 Building sustainability

A key aim of BAF was to build a core network of BMOs and other business-related associations that are capable of engaging on a continuing basis in effective dialogue and advocacy.

In 2009, BAF realised that, of the circa 400 BMOs it had identified, fewer than 15 were financially viable. On the basis that BAF sought to increase the number of capable BMOs, their financial independence was considered to be crucial if

advocacy for public sector policy reform was to become a core element of business activity and engagement with government in Kenya.

BAF defined sustainability as *“the ability of an organisation effectively to service and respond to the needs of its members and in doing so generate sufficient income, through a range of sources (including but not dependent on external donor project funding), to cover all of its costs and to continue to do so”*.

BAF’s rationale for initiating sustainability support was based on the premise that there needs to be a core of well governed and managed BMOs with a high degree of financial independence that represent the interests of the business community if advocacy for public sector policy reform was to become a core element of business activity and engagement with government whether in Kenya or elsewhere.

Following a small pilot, initial sustainability support worked with BMOs to become more financially sustainable through growing their membership base and introducing new fee earning services and set ambitious targets. The approach was to create a financial incentive to BMOs to build sustainable revenue sources that, in turn, would release retrospective BAF funded revenue support grants (RSG) to support further efforts to build the new revenue sources. The objective of the RSG was to give the BMO the confidence to launch a service which had the potential to generate income but was unable to reach the necessary scale from day one, so required additional support ideally on a tapered basis as demand for the service increased over a period of a year or two.

From 2011 to 2015, BAF supported 26 BMOs with 34 Revenue Support Grants (RSGs) with eight BMOs receiving two rounds of funding, totalling KES 152m. The range of BMOs receiving RSG support was diverse in nature and scale, giving rise to a portfolio of BMOs where the challenges of building sustainability varied greatly.

We learnt that, while the targets were broadly met, reviews of BMOs’ financial statements revealed that most of the gains in membership and services were temporary (12-24 months) and the BMOs supported were not financially viable based on the definition of sustainability. Interviews with BMOs suggested that the boards and senior staff did not fully “own” this programme of change.

In 2017, BAF initiated a revised approach to sustainability support that emphasised assistance to a smaller number of BMOs to create organisational and financial viability through provision of technical assistance and no direct financial support. We revised the definition of sustainability to include *“achieving a ten per cent surplus of income over expenditure annually and a strong balance sheet”*. The approach emphasised that financial support would only be offered when a BMO required it to survive.

The support covered three phases:

- Phase 1 – initial selection.
- Phase 2 – vision, objectives and strategy to establish the ownership and commitment of the Board to undertake and implement a process that had good prospects of achieving financial viability and sustainability.
- Phase 3 – implementation and technical support, which included:

- Detailed due diligence from which an action plan for sustainability would be developed and agreed,
- Implementation deliverables – best practice management systems and procedures required to run a BMO professionally and profitably,
- Support to implementation through provision of technical advice,
- Progress and performance monitoring and remedial support where required,
- A “health-check” to evaluate the extent to which the BMO is now managed to best practice standards.³⁰

The effectiveness of sustainability support during BAF3 can be assessed as follows:

- The support created the opportunity for BMOs to receive independent and focused analysis of the way they operate. Identification and agreement on the extent of remedial action required, revealed the improvements that were possible and which BMOs themselves could undertake. There was agreement that it required independent assistance to analyse their strengths and weaknesses. There was also agreement that implementation of the changes was, probably, not possible without the technical advice and support provided by BAF. Perhaps most importantly, the procedures and systems proposed and implemented showed how much the BMOs could do themselves to improve their effectiveness in delivering services to their members.
- The rationale of aiming for a 10 per cent financial surplus is now well understood. Four of the six BMOs are now financially sustainable. A fifth is well capable of becoming sustainable if it implements the remedial action proposed. The final BMO has the organisational tools in place to become sustainable but needs to make management changes and find additional income to overcome its current financial difficulties. All the BMOs have the systems and tools in place to improve their performance further.
- The BAF3 sustainability component offered good value for money. While we cannot be sure BMOs will continue to consolidate the gains made, the foundations for sustainability are more solid and embedded within the BMOs concerned. The cost per BMO supported in BAF3 was less than half the cost per BMO in BAF2.

Some 10 years of experience working with a range of BMOs confirms the necessity and importance of working with BMOs to build their long-term sustainability. Sustainability support has been challenging, possibly more challenging than other programmes BAF has undertaken and demands a long-term commitment over several years with each BMO being supported.

³⁰ Leaving behind the health check framework for BMOs to self-diagnose their organisational and financial “health” going forward will address a major weakness in all BMOs we engaged, namely a lack of adequate oversight and management skills to manage their entities in an efficient and effective manner that will translate to financial sustainability. This is common in entities that have non-executive Boards or Councils. We received positive feedback the health check tool will be particularly useful for BMOs and will be used on a bi-annual / annual basis.

We can also conclude this is a justifiable and necessary element of programmes that seek to work with the business community to address public policy reform through advocacy. The ability of BMOs to undertake effective advocacy on a continuous basis critically requires they have the organisational focus, skills, resources and competent management that can be built through sustainability support which are necessary to deliver reforms their members want to enable them to invest with confidence in and build their business operations.

7.5.2 Lessons from supporting sustainability

BAF has learnt several important lessons that we consider to be relevant both in the Kenyan context and more widely as part of the process of public policy reform. The key lessons from BAF's experience are as follows:

- **A vibrant advocacy strategy and advocacy competence is perhaps the most significant factor for the sustainability of associations.** While governance and other organisational factors are important, BMOs that recognise that advocacy delivers results that directly impact members and addresses their needs, leads to improved membership commitment which, if well exploited, leads to improved financial sustainability.
- **BMOs need to have clear strategic objectives that include representing members (that is, advocacy) and the delivery of services** that will offer improved prospects of attracting members who will pay subscriptions and fees for services.
- **BMOs which grasp the strategic review and planning process see its value and find it useful.** Those who participated in BAF's sustainability programmes said that the process gave them an opportunity to think objectively about issues they had not previously considered including what business they were in and how to remain relevant to their members. However:
 - **Undertaking strategic reviews is not common among BMOs.** Many BMOs do not take time to reflect on their institutional systems, business plans, service delivery and capacity in a way that would enable them to improve. Some which do so approach it too academically and, as a result, their planning documents are neither practical nor realistic.
 - **Strategic reviews tend to heavily rely on BMO board members.** Most BMOs rely on their board members, especially the chairmen, to lead strategic reviews because staff capacity is low. Unfortunately, these people are very busy in their own businesses and unable to commit adequate time and focus.
 - A focus on **three strategic objectives, with a short plan** explaining how each will be delivered, will provide most BMOs with a more than adequate strategy
- **Institutional and individual capacity building support is necessary** to build BMOs as organisations with good governance and management, and strong planning, service delivery and financial systems that need to underpin delivery of the vision and strategy. Capacity building:
 - **Requires the services of specialist advisers** who are familiar with non-profit membership organisations.

- **Should focus on building the competence of BMO boards and management.**
- **Should address and strengthen governance where necessary** as this is weak in many BMOs and will undermine the organisation's sustainability if not addressed.
- **Should be delivered for long enough to design and embed** the new systems BMOs need to have in place.
- In practice, as with advocacy support, **consultants also require capacity building** since most consultants are not familiar with non-profit membership organisations and require more support to be able, in turn, to support BMOs effectively.
- **Sustainability support needs to deploy a range of tools** but the key is technical assistance. BAF's mandate did not permit it to provide core funding to its BMO partners, particularly to recruit suitably qualified staff to undertake advocacy projects or build organisational competence. As discussed above, given that BMO boards are comprised of members acting in a voluntary capacity while running their own businesses, they do not have the capacity or time to provide the strategic direction necessary. We have observed that a consequence is that many BMOs either do not attract competent staff or see a high staff turnover. BAF's limited range of sustainability tools made it very difficult to break this cycle of weak oversight and management through selective and time-bound funding for high quality staff.
- BMOs require a **membership base that is able to pay membership fees** that are sufficient to meet the core costs. The issue is not simply one of numbers of members but their ability (and willingness) to pay and there are examples of BMOs with fewer than 100 members who are well funded. BMOs whose members are unable to meet their organisations' core costs are unlikely to benefit from sustainability support. Rather, they should be supported to join together to form sector or sub-sector networks or even merge to create a critical mass. BAF's experience working with unsustainable BMOs to come together is limited but suggests such an approach is feasible, provided it is resourced with the quality technical advisory services that have characterised BAF3's sustainability component.

8. Raising media coverage of enabling environment issues

As noted above, the redesign of BAF for the second phase included a media component which had an objective both to increase and to improve media coverage of the business enabling environment. BAF's analysis of coverage of business issues showed that there was extensive coverage of business issues, but that quality sometimes fell somewhat short. In 2012, a short-term consultancy was undertaken with the Editors' Guild and journalists. It revealed that editors were willing to devote more space to business issues but concluded that the training of journalists was weak while, somewhat contradictorily, there was evidence of high-quality journalistic ability on political issues. BAF undertook several initiatives intended to improve the quality of enabling environment coverage. Whilst all the initiatives had an underlying aim of building journalistic competence, none were presented in that way.

8.1 Journalist breakfasts

Journalist breakfasts were events with a guest speaker from government, the private sector or an international non-governmental organisation with whom the journalists might not normally have had the chance to interact. Specifically, the objective was to connect business journalists with public policy actors to foster understanding of policy issues and their impact on economy and society.

There was no expectation that individual breakfasts would lead to media stories; rather the objective was that a cohort of business journalists would have good background material when a story broke and thus would be able to write a more balanced and more articulate article.

The breakfasts programme was launched during BAF2. Strathmore Business School was given a contract to manage them, not least because both Bloomberg and Safaricom had sponsored them to deliver more journalist training. BAF supported 31 breakfasts, featuring 38 speakers. Breakfasts allowed for a presentation from the speakers followed by questions and answers.

The initial target was for 25 participants at each breakfast, but growing interest necessitated an increase with the best attended events peaking at over 40 participants. Evaluations undertaken by SBS on the quality of the event and the speakers indicated over 90 per cent approval. Speakers and topics included:

- Ms. Pinelopi Koujianou Goldberg, then Chief Economist at the World Bank Group, in January 2020, on *Global value chain led development and how it can transform development in Africa*;
- Mr. Siddharth Chatterjee, the UN Resident Coordinator and UNDP Resident Representative in June 2019, speaking on *UN support for Kenya's flagship projects under the United Nations Development Assistance Framework 2018 – 2022*;



- Mr. Irungu Nyakera, the former Principal Secretary, State Department for Planning and Statistics in July 2017, speaking on *Infrastructure investment in Kenya and economic growth*;
- Ms. Betty Maina, (then) Principal Secretary, East African Affairs and Mr. Mohammed Guleid, Deputy Governor, Isiolo County, in March 2017, speaking on *Strategies to enhance Kenya's competitiveness*.

While not a primary objective of these events, there were regular articles written by journalists and even television coverage, with the event featuring the World Bank Chief Economist drawing international correspondents. Additionally, journalists that regularly participated floated the idea of creating a Business Journalists' Association of Kenya (BJAK) which received a pledge of USD 10,000 from a featured speaker at the breakfast, Dr Chris Kiburi, then Chairman of Kenya Tourism Board and a local businessman (though by the close of BAF the BJAK had yet to set up an office and claim the pledge).

8.2 In-depth reporting bursaries

Journalists face many challenges in Kenya, but one is the inability to find the resources that will allow them to undertake serious investigative journalism, either because they are freelance and do not have the resources themselves especially with no guarantee that their story will be used, or because their employer is unwilling to provide them. BAF therefore decided to explore whether it was possible to encourage more investigative journalism specifically in the area of the business enabling environment by offering bursaries.

Aga Khan University Graduate School of Media and Communications (AKU-GSMC) was selected to manage this programme and began implementation in the last quarter of 2018. Some 23 bursaries were granted resulting in more than 23 stories that featured in print, online and on television.

The grant was issued to journalists with persuasive proposals for stories that touched on economic, policy or green growth and had the support of an editor that would publish the story once complete. These applications were evaluated by a panel of media experts assembled by AKU-GSMC. The school additionally provided advice to support the journalists to craft stories that would better speak to the issues in the sector.

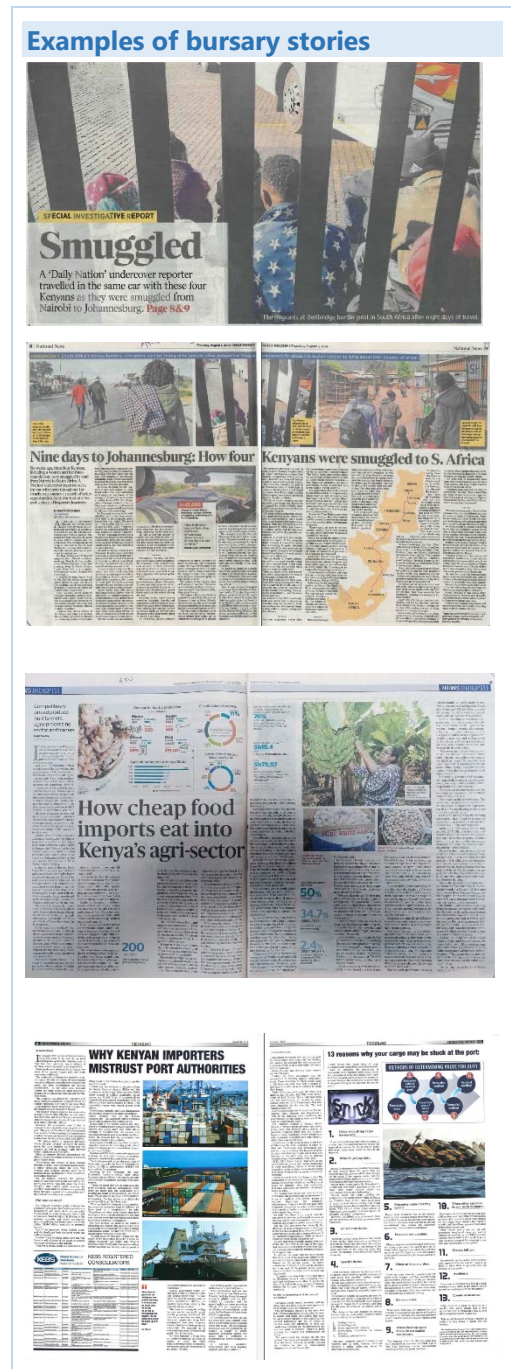
Initially, there was a slow uptake but as the programme progressed more applied. This was in part due to leveraging on our other media interventions such as inviting AKU-GSMC to pitch the grants at journalists' breakfasts and sharing the call for proposals with our contacts at the Media Council of Kenya and journalists who were already writing on issues about the business enabling environment.

Room does not allow us to cover all the published articles in this report, but we highlight three stories that exemplify the merits of this intervention.

The Daily Nation serialised a story, *Smuggled*, by Beatrice Kangai, describing how Kenyans were willing to immigrate illegally to South Africa to seek economic opportunities³¹. This was serialised as a front-page article and also covered as a primetime television feature on NTV Kenya with a sub-website on the Nation Media Group’s website resulting in a strong reaction on social media.

John Robinson Njiru writing for the online newspaper, The Kenyan Wall Street, broke a story on Chinese immigrants taking up jobs in the trade of second-hand goods in Nairobi’s Gikomba Market³². This story was later picked up by other publications and Kenyan’s top television stations leading to a statement by Fred Matiangi, Cabinet Secretary for the Ministry of Interior and Coordination of National Security, ordering the deportation of Chinese nationals illegally trading at Gikomba Market³³.

A Swahili language long form piece by Margaret Matunda for Pambazuko Radio, examining how policies around extractives have impacted small-scale miners in Taita-Taveta County, won the award in the Devolution category for broadcast radio journalism at the Annual Journalism Excellence Awards 2019. This underscored the value that this intervention was creating for journalists.



8.3 Journalist field visits

One of the business membership organisations in Tanzania had identified that persuading journalists out from behind their desks to meet with business people at their place of work and talk to them about the issues they face every day could be immensely helpful in ensuring fair and balanced press coverage. BAF decided also to experiment with 'journalist field visits' intended to promote and support close interaction between journalists and BMO members on the basis that

³¹ https://beyondtheframe.shorthandstories.com/desperate_journeys/

³² <https://kenyanwallstreet.com/kenyan-small-scale-traders-plea-to-the-chinese-please-leave-our-mitumba-businesses-to-us%EF%BB%BF/>

³³ <https://nation.africa/kenya/news/matiang-i-orders-deportation-of-chinese-traders-at-gikomba-176290>

journalists would then be better placed to produce informed articles on the issues. As with the breakfasts, there was no expectation of immediate press coverage but the hope that journalists would be better informed when a story broke. The contract for this programme was also given to AKU-GMSC who organised six field visits during BAF3.



Field visits took place with the Sugar Campaign for Change, Pyrethrum Growers' Association, Kenya Association of Hotelkeepers & Caterers in Mombasa, the Regional Society for Blood Transfusion of Kenya, the Kenya Alliance of Resident Associations and the Pharmaceutical Society of Kenya.

One of the highlights of this activity was the coverage garnered by the Regional Society for Blood Transfusion of Kenya which resulted in coverage of the issue around blood transfusion in the national dailies and an article appearing in the Lancet, an international medical journal, in September 2019³⁴. The issue has gone on to secure coverage across several media platforms.

A further three field visits were planned but had to be cancelled following the outbreak of Covid.

This activity proved more difficult to implement than had been anticipated as few of the BMOs proposed for field visits, while acknowledging the opportunity, could not secure the approval of their boards or were unable to organise themselves in time to capitalise on it. This could be due to doubts regarding the value of media engagement to the advocacy process and bureaucracy within the BMO.



8.4 Journalism awards

In 2016, BAF explored the scope to establish a "Business Environment Journalists Award", on the premise that the quality of journalism and how news is reported affects the understanding and perception of the business environment, especially by policy makers and allied with the Media Council of Kenya to do this.

³⁴ <https://pubmed.ncbi.nlm.nih.gov/31544753/>

The Media Council of Kenya already organised the Annual Journalism Excellence Awards to recognise, appreciate and promote professional and ethical standards among journalists, modelled on the CNN journalist of the year awards.

As a result, BAF provided KES 1.5 million to sponsor two categories of award, Environment Reporting and Business Reporting, for the period of 2017-2019.

The Business Reporting Award recognised journalists who accurately reported on the impact of public policies and legislation on the business sector. It encouraged stories on finance, business, innovative enterprises and other economic development issues and their effects on the business world trends.

The Environment Reporting Award recognised journalists who displayed in-depth knowledge when covering new developments in environmental conservation and the impact on human life, as well as ways in which climate change could be mitigated.

8.5 Raising awareness amongst policy makers

During the second phase, BAF offered to fund research that looked more broadly at the business enabling environment, partly in an effort to encourage more academic research of the work of interest groups in Kenya. An early project resulted in research undertaken by Christine Mwangi of Strathmore Business School on *“media influence on public policy in Kenya”*. The research was in the form of three case studies featuring stories covered extensively by the media: the VAT Act 2013, illegal alcoholic drinks³⁵ and pyramid schemes. The study concluded that the media can influence public policy but not consistently. The study demonstrated the benefit BMOs could gain by using carefully structured media engagement in their advocacy, though BAF continued to remind BMOs that media coverage was not always helpful.

However, a specific objective set for BAF3 was that ‘media coverage will have raised awareness amongst policy makers. This was a rather indirect objective, given that BAF has no control of what stories might be covered by the media and even less control about whether policy makers read those stories. BAF therefore focused on undertaking research to explore the extent to which the media did indeed raise awareness amongst policy makers of business issues. In all, three studies were undertaken – all using semi-structured interviews. The first two focused on public officials. In the first, it was clear that all respondents were very aware of what was being covered in the media. The second also focused on public officials, but succeeded in securing many more respondents, and was thus able to draw stronger conclusions. Specifically, there seems to be a high level of awareness about business enabling environment coverage in the media. Furthermore, there is evidence that the media has an impact on policy making by raising policy makers’ awareness of issues, which leads in many cases to issues being placed on a public policy agenda and in some cases to policy reforms. A working paper is available and a paper on this topic has been accepted for publication in the *Journal of Modern African Studies*.

³⁵ See Mwangi (2018), journals.sagepub.com/doi/10.1177/2158244018764245

The third study focused on interviewing politicians. The conclusion was that whilst almost all respondents used the media, there appeared to be less reliance on it for the officials and more checking of facts – though this could be because politicians generally have more resource to commission additional research if they need it. However, there were clear instances of where the media had not only put an issue on the agenda but had influenced action. A working paper is available; and it is hoped this, too, will be picked up by an academic journal.

8.6 Lessons from supporting the media

The breakfasts were a learning and networking opportunity that gained momentum in terms of both the number of participants and the quality of the speakers. Journalists met speakers whom they might otherwise never have a chance to interview. A forum such as this can be instrumental in stimulating journalists to understand fields outside their usual areas of expertise.

Often the **speakers were willing to share contacts** and to agree further meetings with journalists thus enriching the network of expert sources.

There was an appetite among journalists for in-depth reporting bursaries as it provided them with an opportunity to explore topics in which they were interested but for which they, or their organisations, did not have funding. Some excellent and widely read stories resulted.

The bursaries led to some big stories resulting in **dramatic coverage** that secured the attention of policy makers. This demonstrates the value of such an intervention for policy advocacy. Moreover, it demonstrates that journalists in Kenya, like journalists elsewhere, can undertake investigative journalism and write compelling copy given the right support.

On the other hand, **journalists were much less enthusiastic about field visits**, particularly to BMOs outside Nairobi. There was some scepticism of the value of going into the field for a story that may not get past an editor.

Sponsoring the AJEA awards and promoting it through the other media interventions drove the journalists with whom BAF interacted with to write stories relevant to the award categories.

9. Communication to stakeholders

9.1 BAF website

Beyond interpersonal communication, through meetings and events like breakfasts and training programmes, the BAF website was the main tool the Fund communicated its activities with BMOs and stakeholders. The interpersonal sessions were key to introducing the Fund to its audience, while the website became key to accessing information on BAF.

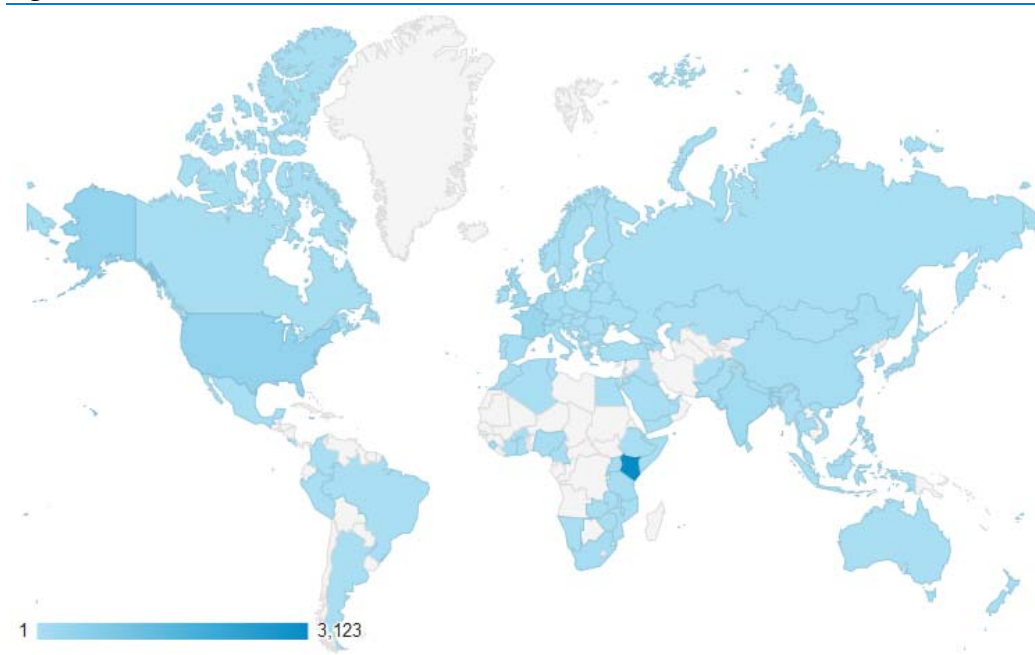
The website has hosted BAF publications, reports, a wide range of fact sheets, a database of BMOs and a list of BAF approved consultants. The website also features general information about the Fund management team, Board and more importantly, all the forms and procedures necessary to help BMOs to apply for BAF support.

It has been a key resource but was to some extent shaped by a design partly influenced by BAF's stance which put the BMOs at the fore while remaining lowkey, avoiding publicity that would compromise BMOs' advocacy efforts.

Many people who discovered the Fund did so through word of mouth. The website was the second place they interacted with the Fund to download documents and forms for either grant applications or consultancy work.

The website was the first attempt at encouraging knowledge sharing across BMOs the Fund supported. There were a number of BAF's capacity building material on the website and a page detailing the issues the Fund had supported. The knowledge sharing was through learning how different BMOs were going about their advocacy in the issues section, accessing various BAF publications and capacity building handbooks and factsheets.

Figure 20: Interest in the website (Nov 2017 – Oct 2020)



The design remained relatively the same over the period, originally designed to cope with low bandwidth in Kenya, with minor additions when needed. Given that

its primary purpose was to convey information about the Fund and the BMOs that it supported, rather than marketing, this low-key design was sufficient to serve the stakeholders that sought BAF support.

Google Analytics has changed the way in which it records data so it is no longer possible to go back more than two or three years. The chart shows the location of users accessing the website over the last three years, with an average of around 2,000 users and 2,500 user sessions each year. Not surprisingly most users are in Kenya, followed by USA, France, South Korea, UK and India.

9.2 Newsletter

Through the years the Fund published a regular newsletter and maintained a comprehensive mailing list. The newsletter has featured issued grants, success stories, guidance on advocacy and general information on the Fund. The Fund has published 85 email newsletters to an audience of over 1,200 contacts that include various public policy actors from the private and public sector.

BAF initially used the email marketing tool Sendblaster™ but later switched to Mailchimp™ which would allow us to track how many people opened the emails sent. The reports on Mailchimp indicate that most read emails were opened by 34 per cent of our audience which is about 400 people. Statistics from Mailchimp indicate that opening rates vary from sector to sector, with an average of 20 per cent. The audience for the last newsletter was seven per cent.

9.3 Twitter

Twitter was the only social media platform BAF used, with two Twitter handles, one for the Fund and another for the knowledge portal.

The handle for the Fund, @BAFkenya, was used to share information about the Fund's activities, interact with BMOs and policy actors, and highlight media coverage around the business enabling environment. By the close of BAF there were 800 followers on the handle and 900 following @DialogKenya.

Some BMOs would mention BAF when tweeting about the projects undertaken with BAF support. This potentially brought BAF to the attention of other BMOs. The Twitter handle was also used to highlight the journalist's policy breakfasts implemented by Strathmore Business School.

9.4 The knowledge portal - DialogKenya

BAF recognised that at some point it would have to cease operations and wanted to ensure that some of the hard work could continue through leaving legacies. One of the potential legacies was a portal that might include information about the issues and guidance on how to engage effectively in advocacy. The terms of reference for BAF3 incorporated a new output to establish a knowledge portal.

In late-2016, a platform – DialogKenya.info was initiated – intended to serve individuals and organisations interested in public policy issues that impact the BEE, through offering a repository of information, guidance and opinion. The material on the portal is supplemented with links to other platforms of information and opinion to offer a comprehensive view on policy issues.

DialogKenya.info was designed to target private and public sectors including BMO staff, public officials, researchers and journalists³⁶ and has these features:

- The information section includes a repository of publications that features research reports, policy documents, sessional papers, Acts of Parliament, County Assemblies, gazetted Bills, published Regulations, policy briefs, publications, news articles and other documents relevant to policy issues and the business enabling environment. This now includes 965 documents.
- The information section also includes a platform for users to share information on their policy issues, research reports, publications and other issues of interest to them. There are currently 109 issues listed on the portal.
- The guidance section contains information on a range of topics to help business member organisations and other organisations gather knowledge and learn skills relevant to their needs. There are 78 documents in this section.
- The opinion section provides a discussion forum to share opinions on issues that impact the business enabling environment. The opinion pieces are drawn either from the public or private sector and provide more insight and thought on policy issues. We currently have 63 opinion pieces on the portal.
- There is also a directory of BMOs, Government ministries, departments and agencies and research institutions relevant to the business advocacy process.

Since the portal was set up a total of 1,043 documents have been uploaded against a target of 1,000. Through the lifespan of the portal up to the end of June 2020 a total of 2,120 documents had been downloaded against a target of 1,713. A majority of these were through the Guidance section.

Google Analytics from January 2018, when the portal was officially launched, to June 2020, when BAF ended, showed that through the lifespan of the portal there were 3,278 users and a total of 24,476 pageviews.

The portal was built on the content management system (CMS) Joomla which was proposed by the vendors based on a previous assignment they had completed for an international non-governmental organisation. This platform proved to have limitations which became apparent as development started and even after the portal went live, exacerbated by staff changes at the vendor. Most issues were eventually resolved with a relatively high level of functionality being achieved. However, we note that Joomla is still vulnerable to bots and that there has been a decline in popularity among developers.

DialogKenya.info was created as a gateway to conversations happening around policy advocacy. It is apparent since the work on the portal began, that our target audiences are diverse in how they view their information needs and how they fulfil them. BMOs have professionals that all engage in advocacy but don't view their engagements on policy reform as similar. The most popular section on the

³⁶ Twitter handle for the portal – dialogkenya.info – using the handle @DialogKenya, was set up in November 2017 and has 901 followers. It was used to highlight content available on the portal and to interact with policy actors as well.

portal was the guidance section which had documents on capacity building and running a BMO.

In developing the knowledge portal, we sought to establish a platform but did not seek to create a community of practice that shared a common interest in advocacy and interacted often to learn from each other³⁷. While broadly targeting MDAs, BMOs, policy makers and journalists, we created some opportunities through some of BAF media activities for them to interact; and could have done more to foster a community of practice.

An alternative approach would have been to start with a community and nurture knowledge sharing and learning then extend that to an online platform once attendees perceived a common interest.

The portal has now been handed over to Strathmore Business School which has an interest in developing the quality of business reporting in Kenya through its Africa Media Hub. Strathmore University also offers a master's programme in Public Policy and Management.

9.5 Lessons from stakeholder communications

The BAF website was the first experiment in knowledge sharing across BMOs on best practice in advocacy and was established in its first few weeks, at a time when bandwidth was low and speeds were slow, primarily as a way of communicating information, not least about the application process. Whilst the website was kept up to date, it was never redesigned as internet quality improved. In retrospect, this was a mistake as a more attractive, perhaps more dynamic, website may have encouraged more BMOs to interact more effectively.

While the portal was not as popular as we had hoped it would become, it secured attention from targeted users. There are gaps in the understanding of policy advocacy and how to carry it out that could be filled through resources available online through a platform like the portal developed by BAF. There are transferable lessons on policy advocacy that could be shared across BMOs and sectors and as BMOs develop, they will recognise the value of this.

A newsletter was also launched, initially as a way of communicating with and marketing to BMOs, but then increasingly to communicate with other stakeholders as well. It seems, however, that it never achieved widespread readership. This could be due to a myriad of factors from content to attitudes towards marketing emails such as MailchimpTM and as similar services become more common. It could also be a pointer that **email communication is not effective as people are bombarded by request for the attention** and new tactics should be sought to communicate with stakeholders.

Social media platforms have become channels through which people can easily interact and share information. These channels can secure the attention of policy makers and others interested in policy advocacy. Both Twitter handles have proven useful in amplifying BMO's advocacy efforts.

³⁷ https://usaidlearninglab.org/sites/default/files/resource/files/ppl_guidance_docs_cops_final.pdf

10. Evaluation

10.1 Approach to M&E

BAF implemented programme management and monitoring systems which were designed to manage effectively the challenges, opportunities and risks of the Fund. The systems emerged through tried and tested processes in Kenya's complex political economy environment.

The BAF approach enabled monitoring and evaluation to become sophisticated over time to ensure collection, processing and dissemination of information on how BAF was delivering on its objectives. It also enabled the Fund to incorporate learning to improve its delivery over the period. The main tools were:

Training evaluation: at the end of every training session, participants were required to complete feedback forms. The feedback was analysed for performance, assessing usefulness and satisfaction with the course. As often as possible and especially when new trainers or materials were being introduced, an observer sat in the sessions and gave independent feedback. Both the observers' and participants' feedback were used to improve the training programmes throughout the period.

Diagnostic assessment: in BAF1 and 2, the Fund undertook annual diagnostic assessments of all individual BMOs which approached BAF for support (q.v.), and especially those which received direct funding. This provided the basis for developing capacity building programmes tailored to respond to both the urgent and the strategic needs of BMOs. These were also used as baselines against which mentoring was provided and progress was monitored.

Quarterly progress reports: All BMOs which received grants, either advocacy or sustainability, were required to submit quarterly narrative reports which documented and monitored their progress against planned activities. The reports were carefully reviewed by the BAF team who engaged the BMOs in discussions about challenges and solutions. Important information such as number of consultations and dialogues started with government, policy proposals and issues presented to government, policy successes, media coverage received on issues, as well as internal and external challenges faced by the grantee was collected using these reports. In BAF3 new interventions such as BMO-MDA alliances were monitored separately to document lessons and determine the suitability of the intervention as an advocacy approach.

Financial reports: All BMOs which received advocacy grants were also required to submit financial reports before qualifying for the next tranche.

Impact case studies and selected cost benefit analysis: beyond monitoring progress, BAF evaluated the impact of its interventions through the preparation of detailed impact reports. These reports evaluated the process of engagement to capture lessons for BMOs on the advocacy process. They also evaluated the impact of the policy wins to demonstrate how businesses and the economy at large will benefit. In addition to impact case studies, some advocacy outcomes were selected for a deeper cost benefit analysis to demonstrate value for money of BAF's activities and show the impact of DANIDA's support to regulatory business environment reform in Kenya.

Analysis of press coverage: BAF collected information on the “column inches” and “broadcast minutes” achieved by BMOs and by journalists on their advocacy issues and general business enabling environment reporting respectively. This was necessary for monitoring whether BAF was contributing to a greater awareness of regulatory and policy issues affecting businesses. Further monitoring was commissioned to media consultancy firms to improve the understanding of the level of coverage especially broadcast.

Financial performance reports: for those BMOs receiving sustainability support in BAF2, quarterly reports on BMOs’ progress against financial milestones were collected. At the end of BAF2, a comprehensive review of the sustainability support programme and the Revenue Support Grants (RSGs) was undertaken and it informed the design of BAF3’s sustainability support component. Closer analysis and reporting in BAF3’s sustainability support approach enabled the BAF team to work closely with BMOs’ senior management to enhance management expertise that would increase the potential for BMOs to become financially sustainable.

Monitoring contribution to green growth, HRBA and gender: to demonstrate how BAF3 contributed to the Embassy of Denmark’s 2016-2020 country programme agenda, BAF required all grantees to show how their advocacy activities and outcomes would deliver greener growth, gender inclusion and human rights-based approach (HRBA) to economic development. An evaluation of BAF’s portfolio was later undertaken to ascertain the same despite the programme design not including indicators for these aspects.

Feedback to guide decision making and work plans: BAF analysed information from all its monitoring activities to create effective feedback loops to inform the management’s team decisions and annual strategies/work plans. Work plans were the main tools for developing and implementing the Fund’s interventions throughout the period.

Risk register: The Fund created a risk register which assessed external, programmatic and project risks which could impact the programme. Given that it was an intervention in a political climate, BAF was exposed to significant external risks over which it had no control. At the programme and projects level activities were also heavily reliant on the capability and motivation of grantees. A regular review of the associated risks facilitated adequate planning to mitigate their effects as much as possible.

10.2 Building BMO competence

For the first two complete phases of BAF, we employed a diagnostic tool to assess the advocacy competence of the business membership organisations that we were supporting. The diagnostic considered the stages of a logic model: resources, processes, outputs and outcomes. It embraces the activities outlined in the five-step approach to advocacy (Figure 5), developed in response to the poor planning of advocacy projects by business associations³⁸.

³⁸ Irwin, D, Jackson, A & Hawley, P (2012) *Advocacy for Business Associations* (businessadvocacy.net/books.php)

A series of questions were then prepared with several themes covering building knowledge (including planning, learning and evaluating), building organisational capacity (including communication skills, negotiation skills, systems, staffing and funding), building credibility (including recruiting and retaining members, quality of research, annual accounts and governance), building efficiency and building sustainability. This was then used to develop the 37 questions of the diagnostic questionnaire. Some require text answers, for example, stating the names of the key public sector bodies with which a BMO has a relationship. Some questions are multiple-choice, for example, reflecting an approach to developing relationships or undertaking research. Some are numerical, such as income or number of staff. Some questions, when answered, ask for additional information designed to encourage truthful answers. For example, saying yes to a question about contact with a public sector body will prompt a further question asking about the nature of the contact.

The answers are scored, weighted, combined and displayed on an eight-axis spider diagram with the axes showing aggregated scores in four areas for both breadth and depth (think of breadth as, say, the number of relationships and depth as, say, the intensity of the relationships):

- OD, organisation development, gives an approximate measure of resources.
- REL, relationships, gives an indication of the processes used by the organisation: it looks at links and frequency of contact with policy makers, knowledge of and contacts with other interest groups and type and frequency of contacts with members.
- ADV, advocacy, gives a measure of outputs: it looks at number and experience of staff, processes used to identify and prioritise issues, approaches to researching and understanding issues and utilisation of a range of advocacy tools and approaches.
- RES, results or outcomes, shows whether the organisation has been successful: it covers media coverage (scale and accuracy), perception of the support of stakeholders for an issue, perception of the extent to which policy makers have been influenced (from changing the way that they see an issue through to legislating) and an assessment of improvement by the organisation in competence.

Looking at whether improved competence (OD, REL, ADV) leads to success in changing public policy (RES) poses questions about what is meant by success (for example, if associations agree to compromise), attribution and whether changes in policy that are agreed but then not implemented should be counted. In any event, changes to policy may occur years after the intervention to support the BMO, so would not be picked up in a short-term evaluation. Many studies simply look at access but securing access is not the same as securing influence. The diagnostic, however, defines success more broadly, asking respondents to indicate whether they perceive that:

- public bodies have changed the way they see the issues,
- public bodies have given a higher priority to the issues,
- public bodies have made a commitment to address one or more of the issues,

- public bodies have programmed a solution to one or more of the issues, there are specific cases where public bodies have changed policy to address the issues for example, published white paper or secured executive change in regulation and
- there are specific cases where the public policy bodies have implemented (Parliamentary) legislation to take account of the issues.

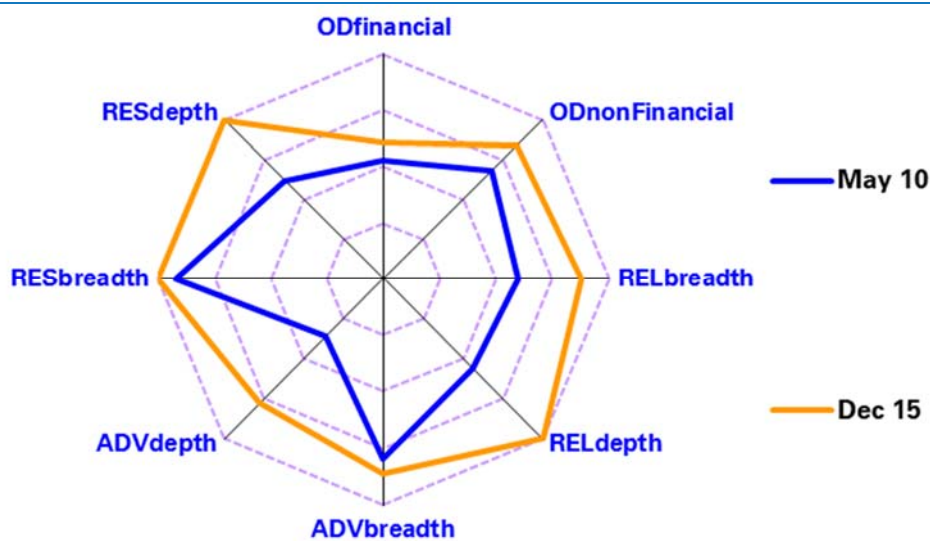
It is possible that there is some bias in the assessments, both through the way that the questions are posed and through the way that they are answered. Efforts were made to minimise the effect of any bias by using a small number of facilitators and, as far as possible, interviewing the same person each year, and then by using the scores to look at relative improvements rather than to compare organisations.

Answers were not verified, except through the probing of the facilitator, but the range of scores suggested that most respondents answered honestly (and the facilitators had a fair idea of what has been achieved). The results are shown graphically in a 'spider web'.

A BMO that scored the maximum would have a result round the outside edge of the web. The diagnostic was not used to say whether a BMO was 'good' or 'bad' but rather to facilitate a discussion about the areas that needed attention for the BMO to become better and areas where it might be sensible to focus capacity building. It is therefore interesting to look at how BMOs improved. Most BMOs did not have access to other capacity building support so improvements in competence can be largely attributed to the Funds' support.

The figures below show some examples of BMO assessments and their improvements. Kenya Association of Hotelkeepers & Caterers improved across all aspects of the assessment and, in particular, improved in RESdepth or, in other words, were more successful in terms of actually changing policy.

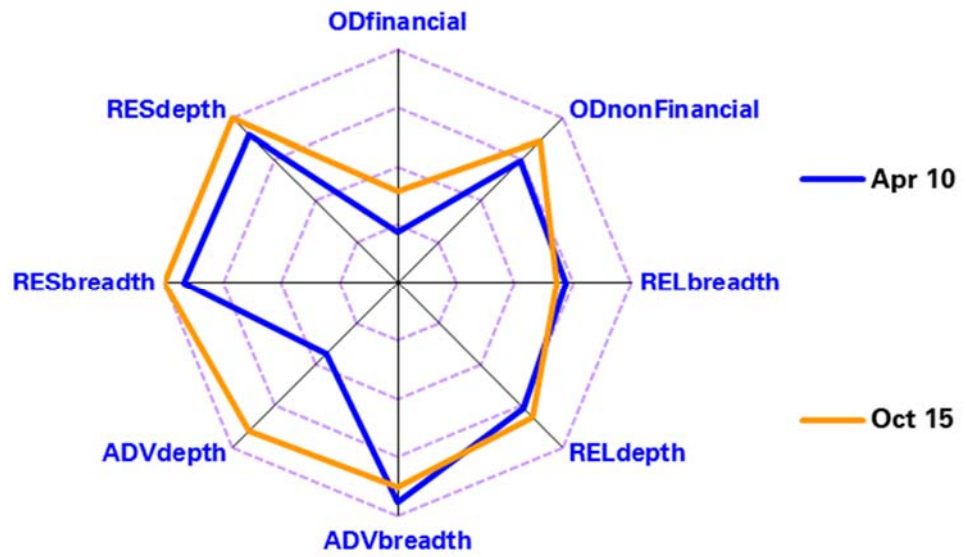
Figure 21: Kenya Association of Hotelkeepers & Caterers



The African Cotton & Textile Industries Federation, when BAF first supported them, already had good relationships – as one might expect of an international

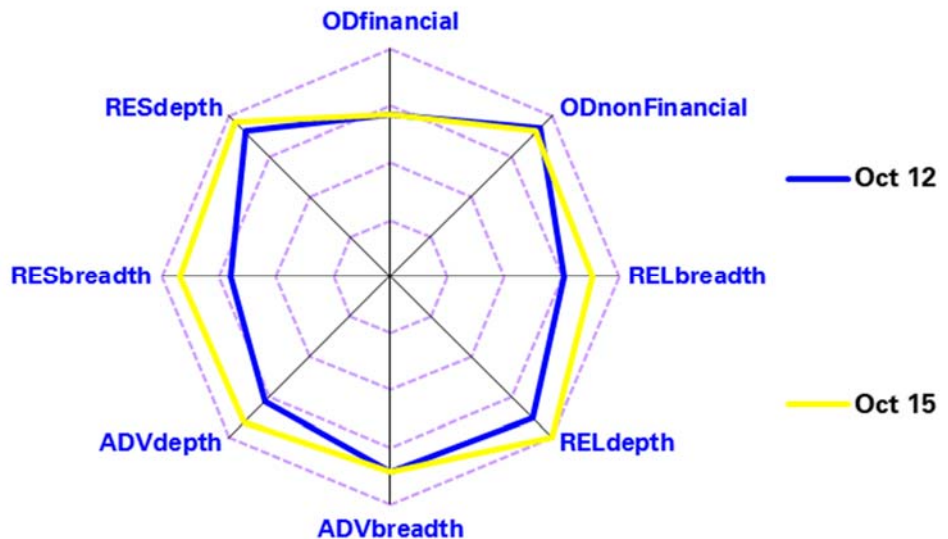
body – and fairly good results. However, with BAF support they developed their advocacy competence significantly and improved their results.

Figure 22: African Cotton & Textile Industries Federation



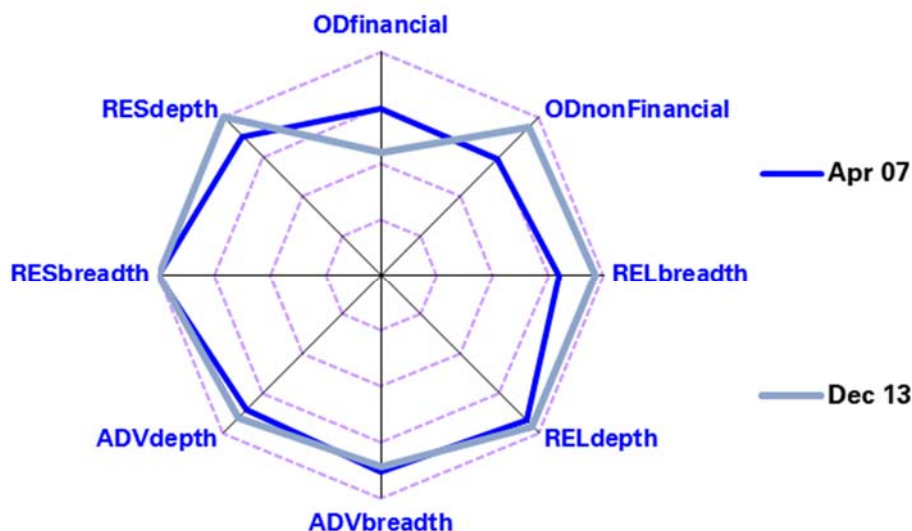
The Federation of Kenya Employers, as one of the more established BMOs, had a good score for their first assessment, but still managed to improve in all aspects including results.

Figure 23: Federation of Kenya Employers



Similarly, the Kenya Association of Manufacturers was one of the few BMOs already to be heavily engaged in dialogue and advocacy when BAF started with apparently little room for improvement. However, they still made modest improvements.

Figure 24: Kenya Association of Manufacturers



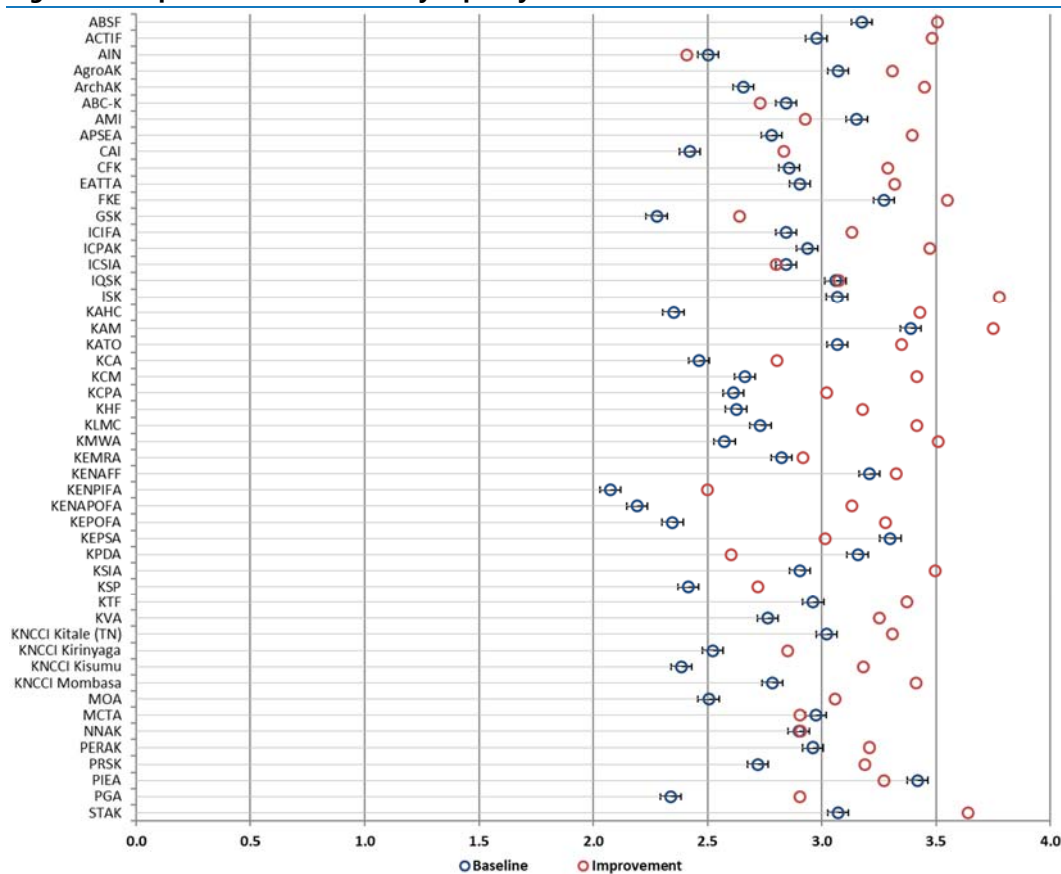
The World Bank has argued that advocacy support mechanisms should focus on supporting the BMOs that are most likely to benefit from support and should ignore those that already appear competent. We refute that argument on the basis that even those BMOs that are deemed to be effective in a baseline assessment can be helped to improve – and indeed they may then become much more effective in terms of reforming regulations and the enabling environment. Figure 25 below shows the total score for each BMO that we ever tested – both their baseline and their best. Of the 50 BMOs for whom we have enough test results to compare, some 43 BMOs improved, albeit by varying amounts. This is a positive endorsement of the considerable effort made by BAF.

As well as reviewing the competence improvement of individual BMOs, we can use the assessments to look more generally at the relationship between the (independent) competence variables (of which there are six) and the (dependent) results variables (two) to make an assessment about BAF's contribution.

There are 50 BMOs for which there are more than one assessment. Rather than trying to work with six independent variables, an arithmetic average has been calculated for each year for which there is an assessment. An argument could be made for weighting the components such that advocacy competence and competence in building relationships counts for more than organisation development competence, but that poses a question about how to weight so we have not attempted to weight. Similarly, an arithmetic average has been calculated for the dependent variable, that is, the results.

The comparisons below took the baseline figures and compared with the best competence and best results. We were interested in two relationships. The expectation was that higher scores in organisational development (OD), relationships (REL) and advocacy (ADV), our independent variables, will lead to higher scores in results (RES). This leads to a further expectation that an improvement in any of the independent variables, and particularly in REL and ADV, will lead to an improvement in RES.

Figure 25: Improvements in advocacy capacity 2010-2015



Source: data from diagnostic assessments, n=50

It should be noted that there is wide variation in the baseline with some BMOs, such as KAM and KEPSA, already demonstrating a high level of competence, and others, such as KENAPOFA demonstrating a much lower level of competence. It is reasonable to take the best performance during the period, since maintaining a high level of competence depends on retaining staff and good institutional memory on the part of the person being interviewed. Since results is likely to lag improvement in competence, it seems reasonable to do the same with the results scores.

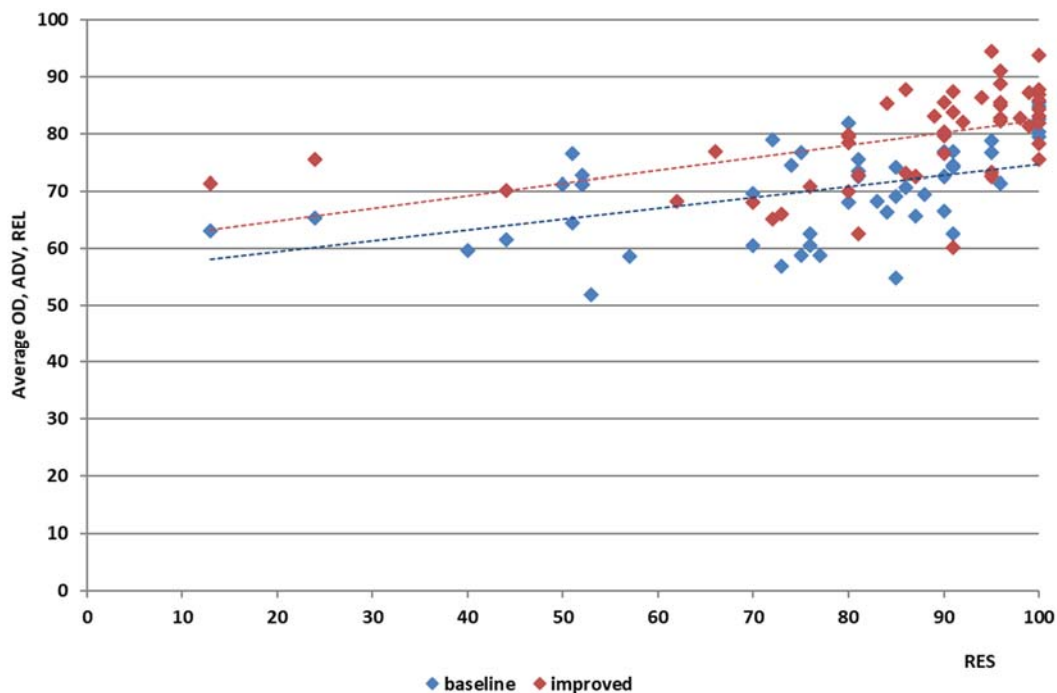
Figure 26 plots the advocacy score against the results score for the baseline and for the improved position. The dotted lines show the linear relationship.

Note that in both the baseline and improved position the relationship is more or less the same. This is as you would expect if there is indeed a relationship between the advocacy competence and the results.

The intercept is at about 50 per cent on the advocacy score implying that there is a minimum requirement before a BMO starts to achieve results.

The baseline scores are spread out along the linear relationship line. For the improved BMOs, they are mostly clustered towards the right-hand end, that is, towards achievement of results. This seems very positive.

Figure 26: Improvement in results 2010-2015



Source: data from diagnostic assessments, n=50

10.3 Evaluating research reports

Throughout BAF, we have stressed the importance of good research evidence to support the case for policy reform. BAF has thus been proactive in the research process to improve the quality of reports. BAF provided support through Research and Policy Advisers, Project Managers and the Fund’s advocacy team. Over the period of BAF we have reached conclusions both about the determinants of research quality and about the quality of research prepared by BMOs.

Factors that affect the quality of advocacy research include:

- **Terms of reference** are very important in setting the agenda for the researcher and so should set out clearly and succinctly the background to the issue, the issue to be researched, and the expected output. Often there is considerable research evidence already available, so there can be merit in splitting research assignments into stages, with an initial inception report covering an assessment of what is already known and then describing, precisely, what is to be done to address the gaps. Briefs should include the expectation that the research will be precise on matters such as impact and logical argument, the need for a range of costed solutions and an assessment of the benefits of each solution.
- **Selection of researchers.** BMOs should select researchers based on a combination of a proposal in which they explain their proposed methodology and methods and how this will deliver the required outputs, allied with an assessment of their previous research. Do not be fooled by researchers who have undertaken research in partnership with others – you need to know who was leading the process.

- **Steering of research.** Too often, researchers are appointed and then left to do the work by themselves. There is considerable merit in BMOs meeting regularly with the researchers for a progress report. Often, potential problems can then be avoided.
- **Feedback on reports.** Academic researchers tend to follow their existing research conventions, and can be resistant to feedback from third parties, especially from those who do not have equal academic qualifications. Remember that you are the one who has commissioned the research. Whilst you will benefit from the objectivity and independence of a researcher, they still need to generate evidence from which you can draw appropriate and persuasive conclusions.
- **Involvement of public sector stakeholders.** Having some of the research jointly commissioned with government would help to smooth the research process. This is better than involving government officials at the end of the research, in a so-called validation workshop, when the participants can, at best, only comment on conclusions or recommendations.

Whilst many research reports collect and present detailed research data and give detailed analysis of the strengths and weaknesses of existing legislation or proposed changes, we also note that many (first draft) research reports fall down in one or more of the following areas:

- Reports are often poorly structured, so the reader has to work hard to separate key facts from background. Too much of the background is given in the main text rather than in appendices. Key points are often hidden in long tables rather than shown vividly in charts or graphs.
- Reports often fail to identify the critical area, so they produce excellent data to answer the 'wrong' question or else fail to demonstrate that they are researching the 'right' question.
- Reports generally fail to specify the impact of the issues on the private sector and the potential impacts of the various solutions for the government.
- Reports draw conclusions that are not supported by the evidence presented.
- Reports generally do not offer a range of solutions, with advantages and disadvantages of each, but instead jump straight to the favoured solution, which can give the impression that the evidence has been gathered to support that solution and is therefore biased.
- Reports tend to assume that the answer lies with the government.
- Solutions are generally not costed, and the benefits are not explained or assessed.
- Recommendations are often not supported by argument or justification and are often too vague, leaving the policy maker to guess what needs to change.
- Reports would benefit from better proof reading.
- Reports take a long time to be produced. Consultants often take months rather than days to produce revised versions following comments. Some reports never reach a final version, but stall at the draft stage.

BAF has worked hard to ensure that research reports published with our assistance do not fall into any of these traps – though at the end of the day the decision to publish is for the BMO. In addition, BAF prepared a factsheet covering this topic to draw these possible problems to the attention of BMOs and their consultants undertaking research.

10.4 Evaluating policy positions

Following completion of research, further mentoring support was provided to BMOs to prepare policy positions that present a compelling case for change. We summarised the requirements thus:

Position papers prepared by a BMO need to:

- Describe an issue or problem faced by public policy makers and, if appropriate, the implications for business and other stakeholders.
- Explain the current policy of the government (which will require an understanding of the policy imperative).
- Describe the possible options for addressing the issue.
- Recommend a public policy which will minimise the impact on business.

In brief:

- Policy position papers should be brief. They should be two to four pages long, not 30 or 100.
- Policy position papers are not the place to fill in gaps in the research. If research reports are strong in analysing issues and their impact, and comparing possible solutions, then researchers and BMOs will be able easily to pick out key points in policy position papers.
- Policy position papers should be written from the perspective of the target audience.
- Policy position papers should be action based. They should clearly tell the target audience what they should do and why and give a sense of urgency.
- Policy position papers should be clearly written. They should present the evidence. They should make an argument for change. They should be succinct. Every word should be carefully chosen to be clear and persuasive.

(For further information, see the factsheets on *Assessing the quality of research reports and policy positions* available at <http://businessadvocacy.net/fsheets.php>)

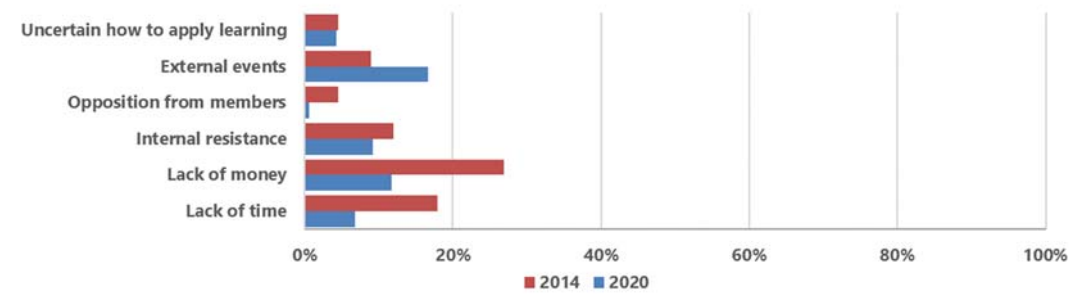
10.5 Evaluating training

We asked participants in all training programmes to complete an evaluation form at the end of the course. Overall, everyone was extremely satisfied with the training – but this does not help very much in providing the necessary feedback to improve the offer. We thus periodically undertook a follow-up survey with participants from across all the training programmes. The objective was to determine, in so far as we could, how much respondents valued the training that they had received and how many were still using what they had learnt. In BAF3, we interviewed 162 people, that is 14 per cent of all those who had participated.

The last time that we undertook such a survey was in 2014, when there were 67 respondents, mostly participants from training in BAF1.

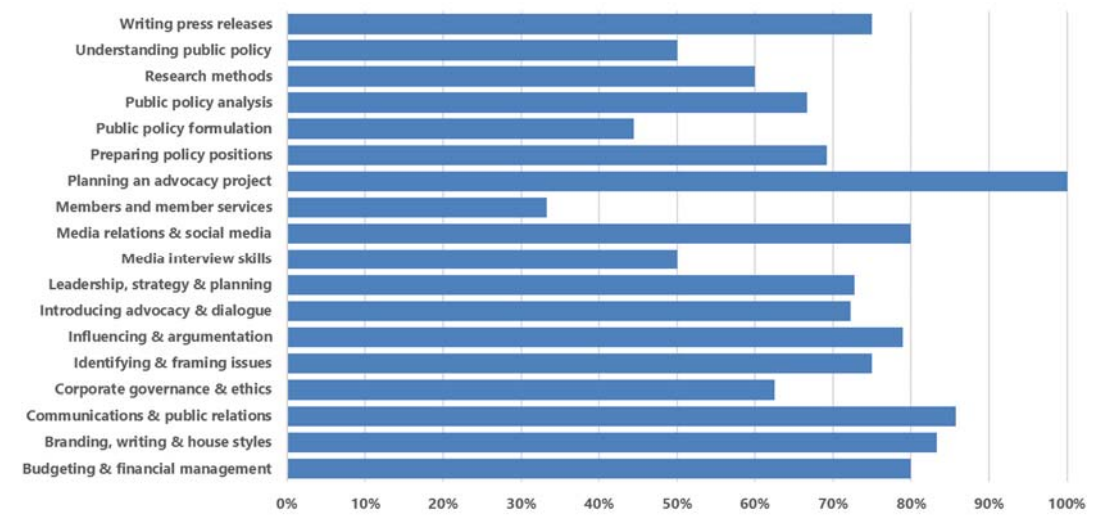
Most trainers worry that participants will be constrained from applying their learning once they get back to their workplace, for a variety of reasons stretching from the training being inappropriate to being given a new job. We therefore asked respondents whether they had been constrained in applying their learning. The chart shows those who said that there were constrained so the lower the response rate the better for this chart.

Figure 27: Barriers to applying learning



Most (69%) respondents continued to refer to the course handbook after their training, though this was course specific. There was only one respondent from the advocacy planning course, so having 100 per cent refer to the handbook is perhaps a little misleading. Overall, however, a pleasing number of people continued to refer to the handbook.

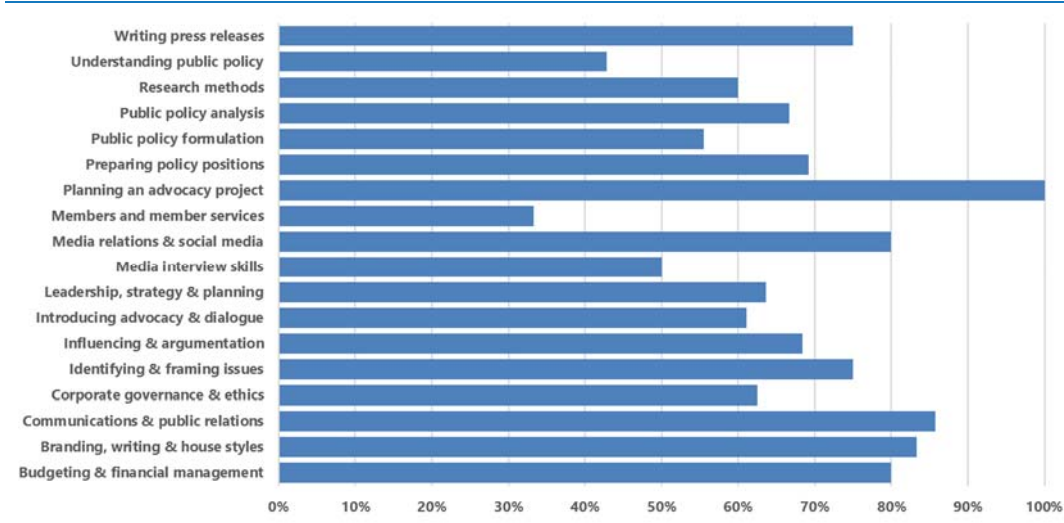
Figure 28: Respondents referring to handbook post training



Most (65%) respondents thought that the handbook was a good summary of the material to which they had been introduced on their course (Figure 29), though there were a wide range of ideas for ways in which the handbooks could be improved. The comments were clearly directed at the particular course but can also be generalised. Comments included having more detail, being more colourful, having more examples and case studies, being updated more often, making more use of graphics, and share online and send by e-mail. Some gave a

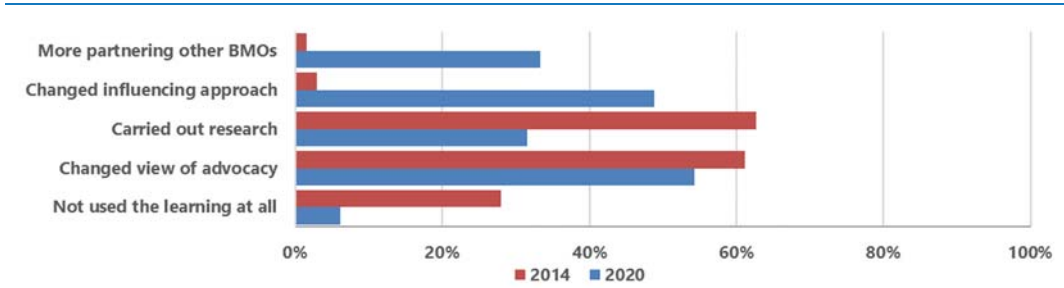
contrary view – almost as many said the handbooks were too long and wanted them shorter for example. Many respondents felt that they were about right. By the end of BAF3, we had moved all the handbooks on to the DialogKenya portal and were encouraging participants to download them rather than printing them out. Some suggestions, for example for video and for interactive learning materials, were beyond the budget available.

Figure 29: Is the handbook a good summary of the material



Respondents were asked how they used their learning – just six per cent said that they had not – with some 54 per cent saying that it had changed their view of advocacy and 49 per cent that they had changed their approach to influencing.

Figure 30: Ways in which respondents had used the learning



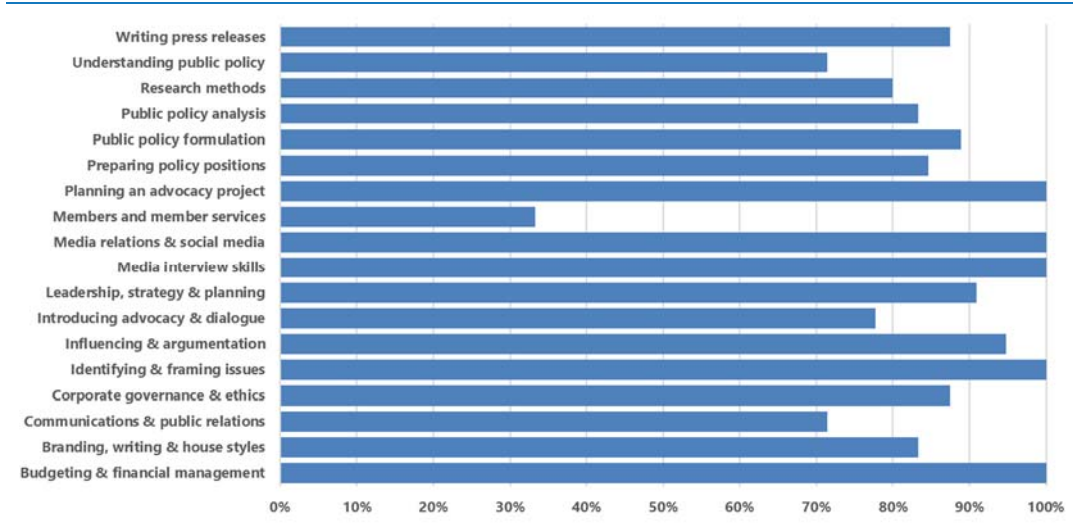
Participants trained in 2020 could remember most of what they learnt but have not been able to apply the learning because of the situation presented by Covid-19 pandemic. Many participants in training in 2018 could remember well, especially those who were implementing projects funded by BAF and were thus able to apply the learning. One 2018 participant, employed as an intern, made such a good impression with his employer that he was confirmed as staff. He recently undertook and published research on policy issues related to Covid. He attributes his career progression to the BAF training.

There is a possibility that the figures are not as good as they first appear since participants who could not remember anything from their participation opted not to be interviewed.

Some participants mentioned that they had engaged the trainers post-training on matters covered during the training while others maintained the contacts. Trainers specifically mentioned were Kiragu Wachira on the *Policy Process* course, David Irwin on *preparing policy positions*, Twalib Ebrahim on *Leadership & Governance* and Joanna Martin on *Communications and Media*.

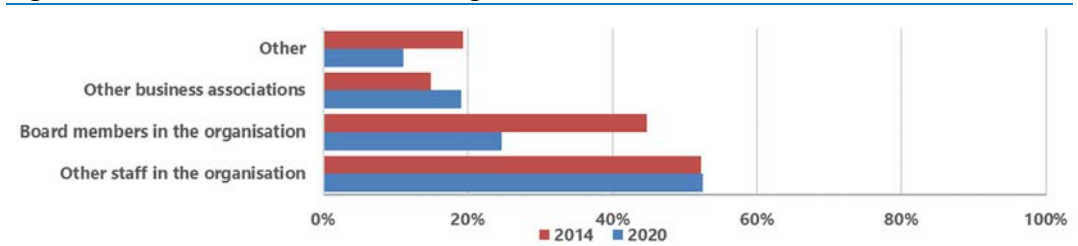
Whether people share their learning is a good indication both of whether the training was useful and whether the organisation from which the participant comes has a learning culture. Some 84 per cent of respondents told us that they shared their learning.

Figure 31: Respondents sharing their learning



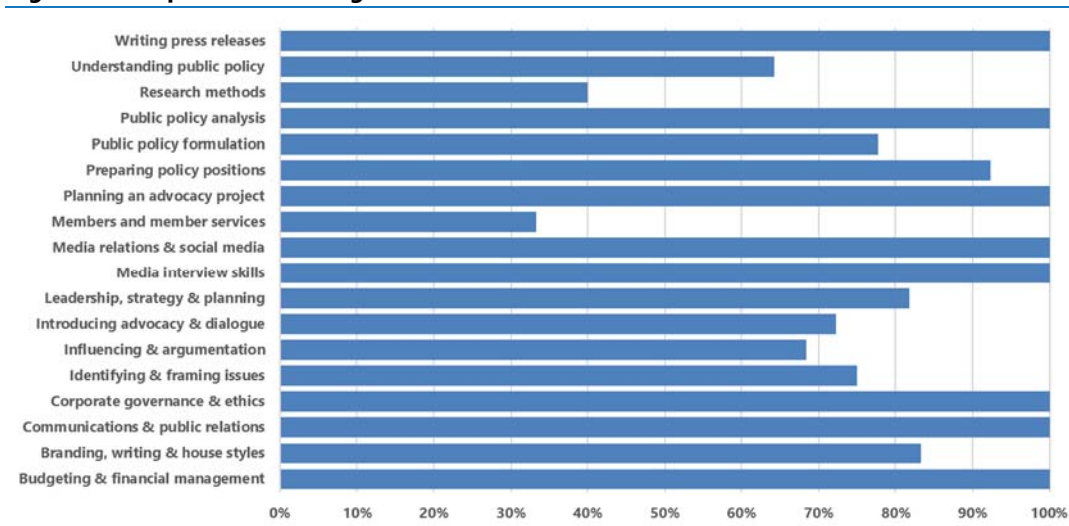
We asked respondents with whom they had shared their learning. Most sharing was with colleagues, though there was a wide variety captured within 'other', including mentees and students, friends and family, partners and even county government officials.

Figure 32: Beneficiaries of shared learning



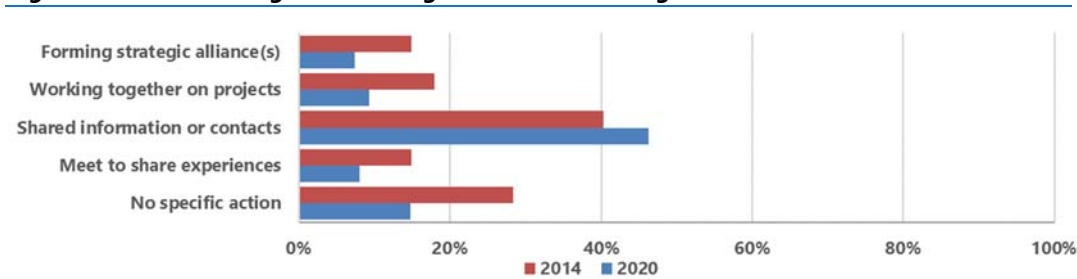
Training is not all about learning. A secondary objective of all BAF's training – reflected in the use of group work during courses and appropriate breaks – was to encourage networking. Some 78 per cent of participants claimed that they made useful contacts.

Figure 33: Respondents making useful contacts



We asked respondents whether any further action arose from making contacts. Some 15 per cent said that they had not taken any action. Most respondents had used the contacts to share information or to network further, and in some cases the contact had led to the formation of alliances and collaborating on projects.

Figure 34: Action arising from making contacts on training courses



10.6 Evaluating green growth and human rights

BAF3 had an emphasis on green growth (GG), a human rights-based approach (HRBA) and gender inclusive policy reforms. At the suggestion of the mid-term reviewers and following discussions with the RDE M&E team, BAF commissioned a review of all its public policy grants and processes to assess the extent to which BAF3 contributed to GG, gender and HRBA agendas. The research, commissioned in 2019, was intended to develop a robust methodology to assess objectively the promotion of gender inclusion, GG and HRBA throughout BAF programming, in particularly its support for public policy reform. The research was undertaken by an independent consultant.

Indicators to measure the presence of these three qualities were developed and used to assess the extent to which BAF-supported interventions had any of these three characteristics. The research method applied was an iterative process of document review, indicator development and discussions with the BAF team. The following documents were studied to inform the process and output of the assessment:

- Project proposals and proposal review documents to ensure that the proposals and the process of assessment described in the Project Operations Manual were gender inclusion, GG and human rights conscious.
- All project reports that stated that advocacy interventions by the projects will have/had an impact on certain gender groups and on GG.
- Newspaper articles from mainstream media, press releases and policy position papers.

Some 75 per cent of the interventions supported by BAF had one or more aspects of HRBA, GG and gender and age inclusive intentions (purpose, objectives, interventions).

After the document review, the consultant developed indicators and frameworks to measure impact of projects demonstrating gender inclusion, GG and HRBA.

The reviews revealed that some 75 per cent of the interventions supported by BAF had one or more aspects of HRBA, GG and gender and age inclusive intentions (purpose, objectives, interventions). For the remaining 25 per cent, it was not clear whether they had considerations for any of the components. Generally, the low clarity of projects on their integration of one or all three components may have been attributed to the low emphasis, in the project forms, on the importance of these values and variables in the mainstream of the project. These forms were therefore revised.

The requirement by BAF that grantees demonstrate how their advocacy interventions improved the business environment made it possible for the projects to show how inextricable gender inclusion, GG and HRBA are in business environment reforms. Consequently, HRBA, GG and gender inclusion should form a major component of business environment reform purpose and objectives, and their indicators used to monitor progress and evaluate outcomes.

Although the role of media journalists in the project was independent of BAF's agenda to demonstrate the importance of gender inclusion, GG and HRBA in the business environment reform process, most articles from public newspapers were able to elicit the presence of one or more of these qualities in the organisations about which they wrote. Most print media articles from local dailies demonstrated that business membership organisations advocated business reforms that improved voice and welfare (social inclusion) of their members and quality of the member business products, in terms of GG, gender and youth inclusion were implied in the social inclusion. In terms of HRBA, most organisations were available and accessible to their membership, demonstrated active participation of their membership through consultative meetings and demanded for quality facilities and services for their membership and to their clients.

For each project's outcome and output, in BAF's results framework, indicators for social inclusion, green growth, and human rights-based approaches, were identified and added to the tracker outcomes and outputs.

In short, the report indicated that BAF funding was compliant to HRBA principles.

10.7 Completion interviews

We surveyed a wide selection of stakeholders including BMOs who had received grants, BMOs who had not received grants, consultants and trainers, the board and public officials who had been on the 'receiving' end of BMOs' dialogue and advocacy.

10.7.1 Trainer perceptions

Trainers were engaged both to develop and prepare training materials and to deliver training courses to BMOs and others. In many cases, though not always, they were delivering courses that they had prepared. During the period of BAF, we worked with a total of 26 trainers, which included David Irwin, Clive Davis, Kariuki Waweru and Mary Githinji, though they were not interviewed as part of this survey.

Some eight trainers were interviewed. All thought that their assignments were clear and relevant. They all received the information necessary and relevant to undertake the assignment and all received it in a timely manner.

They shared a perception that BMOs struggle to understand public policy – which may explain why they then often struggle to make effective arguments for its reform. In particular, there was a perception that BMOs lack any background in research methods. Indeed, there is a likelihood that they sent participants to the research module precisely because they did not have a research background, but generally BMOs sent the person most appropriate to the topic and so the perception is probably accurate.

There was a further perception, also rooted in reality, that BMOs are underfunded, understaffed and lack capacity. The respondent was referring particularly to communications and media relations, though this could be applied to all the skills necessary for effective advocacy.

Respondents felt well supported by BAF:

"I have never felt as supported when implementing an assignment before. BAF was not shy to give direction and address issues that arose. BAF was useful in giving critical feedback"

"BAF always advises on the BMO to be trained. This helps the trainer to prepare as well as to research the BMO's issues"

"[...] offered a lot of support and guidance while developing the training materials"

"The BAF team organised briefing sessions with all the trainers where they highlighted the realities and challenges that the BMOs face in their day to day operations. This helped us to enhance the quality of the content"

"Whilst the aim was to offer integrated support that included training and mentoring, it seems that the two did not always go hand in hand"

"After training, we should work with BMOs' co-teams in the development of their agenda"

"BMOs should put in place learning and development mechanisms i.e. share what they learnt and analyse how that learning should be integrated in the BMO operations; BMOs should have proactive [...] more structured conversations of public policy; BMOs should invest in capacity development."

10.8 BMO perceptions

We interviewed some 43 BMOs (43%) who had received grants from BAF. BMOs were asked to describe their interaction with BAF and, in particular, whether they felt that BAF support was relevant and fit for purpose. Some 67 per cent said that support was relevant and 55 per cent said that it was fit for purpose. Every respondent was very positive, using terms such as professional, important, beneficial, positive, efficient, transparent and timely. Comments included:

"the support was immense, and we received a lot of technical support from BAF. [We have] grown a lot in membership and professionalism"

"BAF ensured that they were transparent and run by good governance principles"

"KEPSA stated that BAF over the years has been one of their best partners and were very supportive in their technical empowerment and capacity building"

"BAF has been well focused [... It] has a good understanding of the political and economic [environment]."

Some 95 per cent of respondents reported that their understanding of public policy and advocacy has changed as a result of BAF support.

Respondents offered up to two key lessons resulting from their interaction with BAF. Lessons included the importance of having good research, having clear policy proposals, participating in training, seeking knowledge, sharing information and clear communications. Comments included:

"As a result of BAF, the Chamber was able to engage the county government, the county assembly and at the end of the project changed policy on the issue"

"were able to be better advocacy champions as a result"

"how to engage in public policy and advocacy issues and follow that process, and make sure they tackled the issue via negotiation and influencing government effectively"

"They learned to be more purposeful in terms of what they were achieving and what they sought to achieve as opposed to quickly coming up with solutions that had not been thought through"

"now approaches engaging with government through policy positions, media and dialogue"

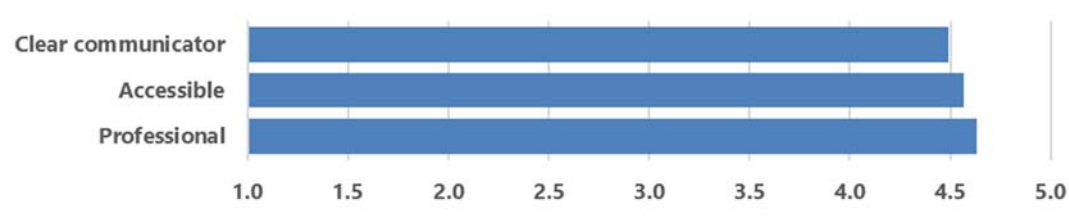
"It's a lot of fun. In the past it seemed difficult and laborious."

Respondents were asked to relate things that they now do differently as a result of BAF support. This was a completely open question so has required some content analysis. Typical responses included that BMOs have improved the way that they identify issues (65%), have improved the way that they engage with government and others (51%), have improved the preparation of policy positions (47%), are now more focused (23%), are better at communicating including through the media (43%) and make more use of research and evidence (25%). Whilst not directly related to doing things differently, KEPSA claimed:

"The National Business Agenda ... has been held in Washington which UN has quoted. President Uhuru adopted our NBA to run his government for the past five years and it grounded their presidential round tables."

Respondents were asked to assess BAF team members on a scale of 1 (weak) to 5 (strong) on three indicators:

Figure 35: BMO assessment of BAF team



BMOs reported that 72 per cent had received funding from other donors.

"Funds received from BAF were the best because they gave an approach where they were not really imposing their opinions on the way or whatever it was that the BMO was doing."

"BAF projects were more pragmatic and BAF are open when they are implementing a project especially in terms of dealing with challenges that would come up and are beyond anyone's control. They also mentioned that BAF were very time conscious and provided technical support via experts to make sure that you deliver. These are the differences that other donors do not provide."

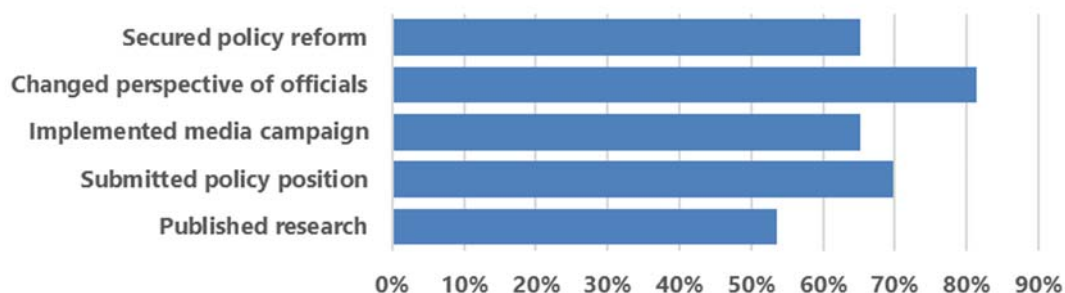
"FKE stated they had each experience was different in that BAF required more detailed information compared to other donors. BAF were more accommodating, and not very rigid on the work you should do but it was about doing the relevant thing within their mandate to able to bring a meaningful change in the society."

"LSK stated that BAF engagement style is SMART and better than other donors."

"The funding is closely and well managed - clear focus maintained in project objectives. This is not the same as other funders."

Respondents were asked which of a series of activities were achieved:

Figure 36: BMO achievements



An impressive 81 per cent believed that they had changed the perspective of government officials and that 65 per cent secured a policy reform.

Some 91 per cent of respondents reported that their relationships with other BMOs and non-state actors improved as a result of their project.

Some 88 per cent of respondents felt that there were areas where BAF could have delivered differently and which would have enhanced their advocacy process further. One BMO, for example, felt that the consultants assigned were confused about their roles. A few thought that there was a need for more flexibility. Some wanted allowances for participants in meetings and others wanted a contribution towards their staff and overhead costs – and one commented that they had plenty of money to advocate but nothing from any source for office or staff. Several asked for more training. One especially sensible, though difficult to implement, request was for BAF to open doors to legislators.

Some 98 per cent of respondents reported that they still had gaps in their capacity to advocate. Some BMOs are under-resourced, and this makes it hard for them to engage in advocacy. One BMO commented that board members received training but when they changed there was no transfer of knowledge to the incoming board. The key themes overall were that BMOs lacked knowledgeable and competent staff, lacked resources and lacked basic approaches to management such as putting in place continuous learning programmes and succession plans.

10.9 Non-grantee perceptions

We interviewed nine further BMOs, none of which had received grants, though eight had applied for funding towards an advocacy project. In five cases, including the non-applicant, BAF was unable to provide support because it was coming to an end and the applicants were simply too late. In two cases, the BMOs were told that their issue was not eligible. And in two cases, the organisations were advised to do more research and then re-approach BAF. One of these, ACTIF, had previously been supported with grant funding. The other was a building society and it is unlikely, therefore, that they would have been eligible. Some of these organisations did, however, participate in BAF training and found it helpful.

A respondent from the Green Building Society reported that “we have been receiving a listening ear from government and private sector. We are now

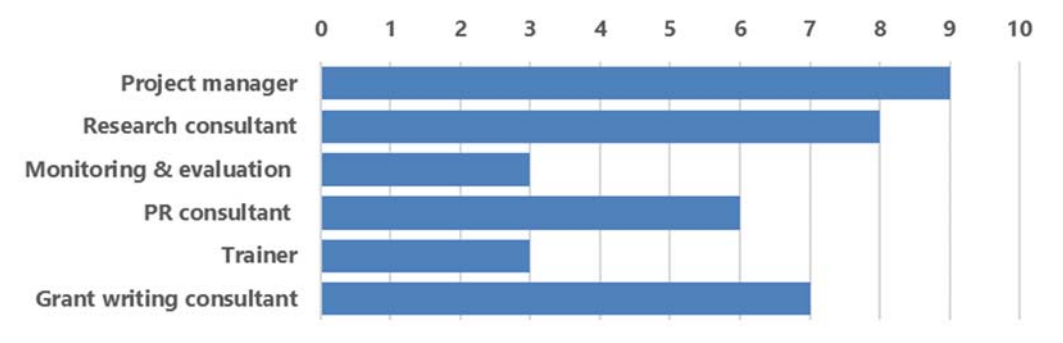
considered as a valuable player in addressing green policies. We are considered as valuable partners in the green public space.”

A respondent from the Pan African Climate Justice Alliance explained how he had used the lessons from the training: “I have been able to write policy position papers for Kenya for the Conference of Parties; I also wrote the African position papers.” He said that this resulted in the “adoption of the National Action Plan Climate Change Act [...]. Isiolo County has established a policy on gender, and in Marsabit there is a task force already set up to develop the gender issue”. He concluded by saying that “there are always policy position papers and policy briefs submitted and the issues have become clearer. Also understanding the business perspective – economic side of a PPP – helped my thinking in not lamenting all the time when submitting a proposal to government, but to showing how the proposed change will be beneficial.”

10.10 Consultant perceptions

Consultants provided support in a number of ways, including direct support to BMOs, for example, to assist with undertaking research, preparing policy positions, to develop communication and public relations strategies and, in some cases, to project manage the advocacy. Some 20 consultants, including two of the Research & Policy Advisers, were interviewed. Many performed multiple roles, as can be seen from the numbers fulfilling each role seen in Figure 37.

Figure 37: Consultant roles



Respondents were asked if their assignment was clear, to which 85 per cent responded positively. One person did not respond and two said that they were initially unclear, in one case about the role and in the other about the reporting line.

Respondents were asked if the assignment had been relevant to the needs of the BMO that was being supported. Some 95 per cent thought that it was; one did not answer.

All respondents reported that the BMOs provided additional information or guidance as required; some 90 per cent thought that it was relevant. Comments included:

“I have never felt as supported when implementing an assignment before. BMOs are complicated and, in many instances, I felt that I needed

someone to give clear direction on how to engage or move on an issue. BAF was not shy to give direction."

"The BAF team was supportive with encouragement, guidance and mentoring and help to find solutions for problems."

It seems, however, that it was not always received in a timely manner, with just 55 per cent responding positively. One respondent reported that "some BMOs were not too cooperative"; another that "BMOs did not feel obliged to provide information"; one consultant felt that he "was treated like an intruder".

Respondents were asked about the challenges. Some 65 per cent said that they faced challenges. Some were very positive, such as:

"I ended up working with a very competent project officer [who] was willing to give feedback and documents quickly."

Challenges included delays in receiving requested information (40%).

No respondent reported a lack of support from BAF, though one did complain that the "billing does not relate to the amount of work put in".

Some 15 per cent of respondents perceived a lack of cooperation from the BMO, though noted that often this was due to having to reach consensus or take decisions in committees. Other responses included:

"Sometimes one had to manage the BMOs to do what they were supposed to do."

"BMOs needed to be cajoled to provide information."

"Many organisations don't like projects where there are no per-diems. Lack of per diems lead to many delays in project implementation."

"Competing for the project lead's time [...] and leadership buy in."

"At times it felt like the BAF approach on some assignments was too prescriptive limiting/stifling creativity."

"There were instances where the BMO and BAF were not on the same page."

"BMOs did not really understand the role of the PR person."

"BMOs expected communication and PR support beyond the scope of the contract."

"The assignment required drawing connections between several stakeholders to better understand how aspects of the assignment were interconnected."

Respondents were asked what could have been done better. Responses included:

"Administrative support is very important. Every project has costs, BAF assumes that the BMO can cater for the administrative budget even when

they are implementing a BAF project, that is, overheads directed at the employee implementing a BAF project."

"There could have been more research training and capacity building on research skills for BMOs. A BMO conference could have helped BMOs build their networks and encouraged BMO collaboration."

"BAF could have created a database for BMOs to learn from one another's experiences. BMOs need a platform to learn and share with each other."

"BAF could have helped BMOs cover some administrative costs."

Respondents were also asked about the lessons:

"BMOs should internalise advocacy as a core part of their functions. BMOs separate advocacy from member services, however this is core and has to be a key part of membership services"

"Leadership from the BMOs is paramount."

"BMOs should engage in evidence drive advocacy. BMOs should form coalitions and collaborate more."

"BMOs should seek clarity in the issues they want to address."

"BMOs could benefit from focus on evidence-based advocacy."

"BMOs should seek to be sustainable. They are too donor reliant."

"BMOs could be more sustainable and have lower turnover of staff."

"Advocacy proposals should be owned by the BMOs."

"BMOs ought to be clear on what they would like to implement through their advocacy efforts."

"BMOs could be better organised and could plan better."

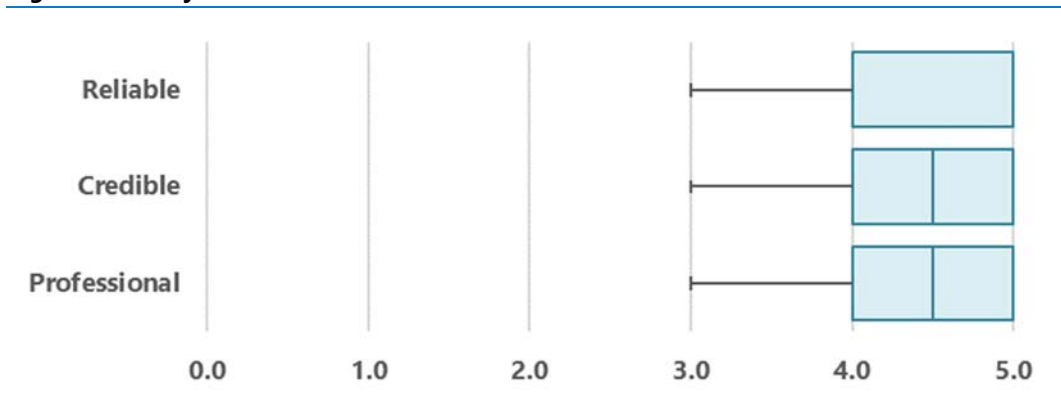
"BMOs could be clearer on articulating their policy issues to government by presenting them more convincingly."

10.11 Policy maker perceptions

We asked BMOs to tell us who in government had been their key contact for one or more of their issues and were able to interview some 13 policy makers. Interactions were typically described as cordial, successful, eye-opening and professional.

We asked policy makers to assess the BMOs for each of professionalism, credibility and reliability on a scale of 1-5. Credibility and professionalism both achieved medians of 4.5; reliability had a median of 5, which was also the highest possible score. The box in the chart represents the interquartile range; the whisker shows the minimum score which was never below three on any of the criteria. The average (mean) score was 4.4 on each of the criteria.

Figure 38: Policy makers' assessment of BMOs



Some 85 per cent of policy makers said that they continued to engage with the BMOs after the advocacy project had ended, which is very positive. Sometimes this was on further issues; other times, it was following up the initial policy reform.

When compared to other BMOs with which the policy makers may have interacted, it seems that BAF supported BMOs were more proactive, engaged more effectively, offered more support to the policy makers, were more consistent and more focused. Only one respondent suggested that there was no difference between BAF supported BMOs and others.

Policy makers were asked whether the BMOs with which they interacted lacked competence or capability. Responses included the need for more subject expertise (for example, on the environment); over reliance on consultants rather than their own ability; more skill and experience in argumentation; data management; and, internal management. Only two respondents thought that the BMOs had all the competences required for effective engagement.

Respondents generally seem to have been very positive and to have welcomed the chance to interact with the BMOs. Moreover, they seem to be well disposed towards them.

There is no doubt that this kind of feedback would have been useful earlier in the programme and it would make sense in similar programmes in the future for the Fund to engage more with the public sector policy makers, not to influence the policy reform, but to explore their relationship with the BMOs and the policy-makers' assessments of the professionalism of the BMOs so that the capacity building programmes can be adjusted accordingly. In the case of BAF, the training did begin to reflect these needs, but earlier feedback may have brought about those improvements earlier as well.

10.12 Advisory Board perceptions

Eleven past or current board members were approached to learn their perceptions of BAF's performance, of which eight responded.

Seven confirmed that BAF's objectives were aligned to the Engagement Document; worryingly the one respondent who did not answer this question explained that she could not comment because she had not received the Engagement Document. Whilst this should have been provided, equally she could

have asked for it at any time – and indeed semi-annual reports to RDE were based on it.

Board members were asked if the support given to the BMOs was crucial in assisting them to represent the interests of their members. Some 75 per cent said that it was extremely valuable with the remaining 25 per cent saying it was significant. No one thought that the BMOs could have managed on their own.

Board members were then asked about the quality of the proposals submitted to them for consideration. Some 88 per cent (7/8) thought that the proposals were of high quality and appropriate; one person did not answer this question.

Board members were asked what could have been done better. Responses included:

- Nothing.
- More focus on SMEs who may not have had the capacity to put together the sorts of proposals that the more established BMOs could put together. The bias was more towards the more formal well-structured BMOs, but the need was for the more informal less well-structured BMOs.
- The Board should have been more involved in the programme through visiting more projects, attending conferences and witnessing the impact of BAF.
- BAF did it best. As recipients needed to align to BAF's goals, it was clear that the older BMOs were able to focus more on these, but the newer BMOs required more back and forth.
- Better disbursement of funds such that by the close of the project nothing was left.
- BAF succeeded in implementing its mandate.

Lastly, board members were asked about lessons that could be useful to BAF's stakeholders. Responses included:

- The model of BAF worked and worked well. Having representatives of the government, umbrella organisations (BMOs) and Danida was extremely important. All proposals submitted were unanimously agreed on; if a proposal was not up to scratch, it was revised and brought back.
- BAF is a brilliant concept, but maybe there should have been more focus on BMO sustainability; more effort needed to be placed on the less well-structured BMOs which represent the larger part of the business universe, that is, SMEs.
- The corporate governance, due diligence and financial management of the programme was very good. One member was especially impressed by how unused funds were refunded. These traits of BAF were very good and not seen in other programmes. The sudden abrupt ending of BAF is the biggest downfall for such a good programme otherwise.
- My experience on the BAF board has raised my expectation on how boards should operate.
- BMOs could put more effort into their internally capacity building.

10.13 Learning as a continuous activity

As will be clear from this section, we have tried hard throughout the duration of BAF to learn from our activities and to feed that learning back into the development of new and revised approaches. In addition, we have tried at least to a small extent to make public some of that learning. That has included publishing reports of impact and cost benefit analysis and publishing annual reports which have focused on providing pen portraits of supported BMOs. However, it has also included seeking publication of results in academic journals. Papers and chapters include:

Irwin, D. & Kiereini, N (forthcoming), Media influence on public policy in Kenya, *Journal of Modern African Studies*, 59(2).

Irwin, D & Githinji, M (2017), The influence of business associations on legislation: the case of Kenya, *Journal of Public Affairs*, 17 (4) e1636. DOI 10.1002/pa.1636

Irwin, D & Waweru, K (2017), *The Kenya Chamber of Mines: a case study in public sector advocacy*, in The SAGE Handbook of International Corporate & Public Affairs, Eds: Phil Harris and Craig S. Fleisher Sage: London

Irwin, D & Githinji, M (2016), Business Associations in Kenya: the success factors, *Journal of Public Affairs*, 16 (2) pp.162-180, DOI: 10.1002/pa.1573

Irwin, D (2015) Building the capacity of business associations in developing countries to influence public policy, *Interest Groups & Advocacy*, 4 (2), pp.185-204, DOI:10.1057/iga.2014.21

Irwin, D (2015), Kenya's business networks: an inside circle? *Sage Open* DOI: 10.1177/2158244014565977

11. Financial management and value for money analysis

11.1 Financial management

BAF has had a robust financial management system for grants and management costs, with adequate checks and balances.

The approach to grant funding is straightforward, as described in the earlier sections of this report. The financial control system for grants has been documented in the BAF Finance and Administration Manual. The separation of financial management and project financial control were instituted as a control measure. The grants finance system has been found by auditors and external evaluators to be sufficient for the throughput of funding and volume of transactions handled. The manual has been revised and amended in the light of external audit findings and those of internal audits by our UK finance teams, and introduction of new activities.³⁹

There have been limited transactions for each grant disbursement which are facilitated by a Fund Administrator in Kenya and paid directly to the recipient BMO from an account managed by TTIDE, the Fund Management firm, in UK. It is subject to annual audit designed to check that management costs detailed on the invoices to DANIDA are valid and in accordance with the agreed budget. UK auditors have not raised any exceptions on the management costs.

11.2 Managing financial risk

BAF was conscious that giving large grants to BMOs may lead to high levels of misuse or fraud. On the other hand, paying in arrears would have meant that the BMOs that were weakest financially would have been unable to participate since they would not have had the necessary working capital. Grants were thus divided into tranches, with an expectation that they would be paid quarterly in advance, subject to a satisfactory review of expenditure and supporting evidence from the previous quarter. BMOs that spent their budget more quickly could request that this process be speeded up. Overall, this worked well, and levels of fraud were very low.

11.3 Value for money

We are conscious that many donors regard the percentage of their grant funding spent on administration as a key metric in assessing value for money (VfM). We are by no means convinced that is a good metric for a programme such as this. It would make more sense for a metric which assessed the cost of the programme as a percentage of the impact delivered. That is, however, a challenge due to the complexity of measuring impact and attribution and the long timescales over which reform is achieved.

³⁹ The BAF grants fund has received an unqualified audit for every audit period since 2006. The effective application of the financial control systems is evidenced by the fact that only one grant where the funding advanced remained unspent and needed to be recovered, has been unrecoverable. This was due to the fraudulent action on the part of the BMO concerned; it subsequently ceased operations and became insolvent.

From a wider perspective, the BAF contribution to policy change is more obvious. BAF remained relevant to Danish development objectives in Kenya for 15 years. It remained highly relevant to its main beneficiaries, BMOs, which have benefitted from improved advocacy capability, leading to them being better recognised by MDAs at national and county level and becoming more active in policy dialogue. The resultant effect of achieving many policy successes is evident and contributes to a demonstration of the Fund's value. These policy reforms were subject to impact assessments and some to in-depth cost benefit analyses. These were able to demonstrate the impact of BAF at an industry level and at the national economic level. BAF's investment was found to be small compared to the benefits realised or those expected from the projects supported. Projects which ensured US-Kenya and EU-Kenya trade preferential arrangements, for example, were maintained over the years and delivered a measurable benefit to the economy. Similarly, successful projects in the tea, coffee, mining, hospitality, cereal trade and logistics sub sectors have demonstrated value for money.

To take one example, our assessment of the ACTIF-led project to retain apparel from Kenya in the remit of AGOA demonstrated it was worth c. \$1.9 billion to the economy of Kenya. Even if the entire costs of BAF across the 15 years were balanced against that one success, the return would still have been 86 times.

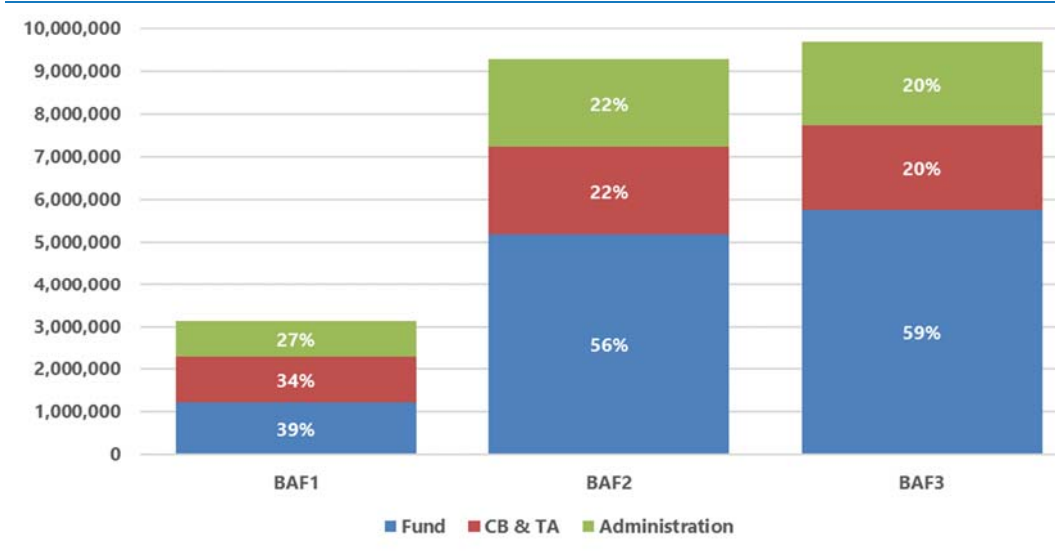
A second reason, however, why the VfM metric is a poor metric is because, as described above, the team have heavily involved in advising and supporting BMOs and not merely administering some sort of challenge fund. It would, of course, be possible to have a smaller team, and to fund consultants to provide this technical support, but this would both raise the administrative spend since there would be a need to brief and debrief consultants and would reduce effectiveness since the team already know the BMOs and can thus provide that advice and support more easily. The deployment of RPAs throughout BAF3 supports this argument. It took 12-18 months of intensive support and training on the part of the management team before the RPAs were able to provide the level of support to BMOs that positively contributed to the success of their advocacy efforts.

The first phase, with a relatively small budget was definitely sub-optimal but the ratios improved considerably as the fund budget was increased. We would maintain, however, that challenge funds are the wrong benchmark, since their procedures and approaches to funding are very different to BAF's inclusive approach, and that a better benchmark, if one is needed, would be grant giving facilities who provide support to prospective applicants. We argue that BAF should perhaps be seen as a "think tank" for advocacy in Kenya. This way, it will be possible to see that costs relating to key management staff who spend a significant amount of their time guiding, coaching and mentoring BMOs is a programmatic cost as opposed to an administrative overhead.

As set out in Figure 39 below, disaggregating management time spent on capacity building and technical support and on purely management functions, shows significant value for money is demonstrated. Based on disbursements – the ratios would have been even better if some of the fund in BAF3 had not been clawed back – some 59 per cent of the total was disbursed in grants or the direct costs of supporting BMOs for example through training or PR consultancy. The balance splits more or less equally between the provision of capacity building and

technical assistance to BMOs – which could cover discussing initial concepts all the way through to offering advice on how to approach a Parliamentary committee – and on genuine fund administration. It should perhaps also be noted that the desire not to lose money yet also to help the weakest BMOs resulted in the need for greater levels of administration for example to confirm expenditure by BMOs was legitimate before releasing later tranches

Figure 39: Analysis of disbursements (USD)



11.4 Lessons from grants management

Oversee the financial reporting very closely as some recipients were not rigorous in following the agreed process. Careful review of financial reporting by grantees is necessary to avoid errors and to catch hints of fraud. For example, BAF stamped original invoices so that they could not be reused in other donor projects or recycled for another claim.

Ensure the BMO has contributed their share. It is important to define how the BMO's share is constituted and whether it is an actual financial contribution either from their own resources or other donors. Either way, funds need to be deposited in the project account to make up the full project budget.

Encourage BMOs to keep the correct backup documents to ease reporting. BMOs should be encouraged to practise the 'accounts in an envelope' approach when implementing donor funded advocacy projects. This is where they keep a large envelope for each month and mark every expense, as they add relevant supporting documents to the envelope. This minimises records tracing and finding back up documents during reconciliation.

Encourage BMOs to plan their activities well in advance and ensure funds are available to avoid last minute rush to request the next tranche. The best approach is where the finance team works closely with the advocacy team to review constantly the budget as the project work plan is implemented. This ensures there is sight of level of funds well in advance to allow adequate time to account for the tranche of funds received and apply for a new tranche.

To discourage fraud, is it critical to enforce guidelines such as no cash withdrawals. Grant funds can be easily defrauded if the grant makers are not firm in enforcing their own guidelines.

Involve the BMO Board from the outset. Discuss and outline grant management guidelines and expectations with both the BMO secretariat and a representative of the Board of Directors, preferably the Chairman who signs acceptance of the grant conditions. This will ensure the Board is not only aware of the grant that the BMO has received, but also that the institution is liable to ensure the funds are utilised as per the contract.

Be clear from the outset what data needs to be recorded and do so rigorously. We set up a comprehensive database, required BMOs with grants to report quarterly, set up a separate financial management portfolio, and pulled all the data together quarterly to assist in preparing quarterly management reports. This imposed a discipline on both BMOs and the staff team and allowed for more efficient reporting against the results framework.

Appendix 1: Policy reforms

Table 5: Policy reforms achieved in BAF3

BMO	Project	Policy reform	Evidence	Date
Kenya Veterinary Association (KVA)	Regulations for Veterinary Medicines Directorate (BAF2)	Gazetting of VMD Council Members	Kenya Gazette Notice No. 9122	26 Oct 16
Institution of Surveyors of Kenya (ISK)	Lobbying for delay in the enactment of Minimum and Maximum Land Holding Acreages Bill 2015 (BAF2)	Amendments to the land law through gazetting of the Land Laws (Amendment) Act, 2015.	Kenya Gazette Notice No. 159 (Acts No. 28) The Land Laws (Amendment) Act, 2015	9 Jul 16
Kenya Medical Association (KMA)	Review of Cap 253 (BAF2)	Medical and dental professional fees schedule	Kenya Gazette, Legal Notice No. 131, The Medical Practitioners and Dentists Professional Fees Rules, 2016	22 Jul 16
Kenya Association of Manufacturers (KAM)	Economic Partnership Agreement	Ratification and continued market access to the EU	MFA note from Brussels indicating ratification and continued market access.	Sep 16
Seed Trade Association of Kenya (STAK)	Seeds and Plants Varieties Act (BAF2)	Gazetting of Seed and Plants (Varieties and release) Regulations, 2016	Kenya Gazette, Legal Notice No. 215, 13 Jan, 2017	Jan 17
Kenya National Chamber of Commerce and Industry (KNCCI) Vihiga County	County Revenue Raising Legislation	Assent of the Vihiga Trade Licensing Act, 2016	Signed copy of the Act on file	23 Feb 17
Kenya National Chamber of Commerce and Industry (KNCCI) Vihiga County	County Revenue Raising Legislation	Assent of the Vihiga Rating Act, 2016	Signed copy of the Act on file	27 Feb 17
Kenya Livestock Marketing Council (KLMC)	Livestock Sale Yard Bills (BAF2)	Enactment of the Isiolo Sale Yard Act, 2016	Signed copy of the Act on file	20 Dec 16
Law Society of Kenya (LSK)	Code of Standards of Professional Practice (BAF2)	Gazetting of code of standards of professional practice and ethical conduct	Kenya Gazette Legal Notice No. 5212 Vol No. 69	26 May 17

BMO	Project	Policy reform	Evidence	Date
Kenya Alliance of Resident Associations (KARA)	Nairobi County Non-Motorised Transport Policy	Adoption of the NMT Policy by the Nairobi County Assembly.	Nairobi County Assembly Report on the NMT Sessional paper adopted by the County Assembly; Motion tracker of the Nairobi County Assembly.	28 Jun 17
Architectural Association of Kenya (ArchAK)	Development Control (BAF2)	Launch of the National Spatial Plan 2015-2045	National Spatial Plan 2015 2045	2 Mar 17
Agrochemicals Association of Kenya (AgroAK)	Impact of tax on locally manufactured pesticides	Finance Act 2017 zero rated pest control products	The Finance Act, No. 15 of 2017 Kenya Gazette Supplement No. 95 (Acts No 15)	21 Jun 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (use of assets) Regulations, 2017	Kenya Gazette Supplement No. 78. Legal Notice No. 80: The Mining (Use of assets) Regulations 2017	19 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (use of local goods and services) Regulations, 2017	Kenya Gazette supplement No. 78 Legal Notice No. 81: The Mining (Use of local goods and services) Regulations, 2017	19 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Employment and training) Regulations, 2017	Kenya Gazette Supplement No. 78 Legal Notice No. 82: The Mining (Employment and training) Regulations, 2017	19 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (State Participation) Regulations, 2017	Kenya Gazette Supplement No. 78 Legal Notice No. 84: The Mining (State Participation) Regulations, 2017	19 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Work Programmes and Exploration Reports) Guidelines, 2017	Kenya Gazette Supplement No. 78 Legal Notice No. 85: The Mining (Work Programmes and Exploration Reports) Guidelines, 2017	19 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (License and Permit) Regulations, 2017	Kenya Gazette Supplement No. 81: Legal Notice No. 87: The Mining (License and Permit) Regulations, 2017)	24 May 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Dealings in Minerals) Regulations, 2017	Kenya Gazette Supplement No. 82 Legal Notice No. 88: The Mining (Dealings in Minerals) Regulations, 2017	24 May 17

BMO	Project	Policy reform	Evidence	Date
Kenya Association of Hotelkeepers and Caterers (KAHC)	Beach Management (Mombasa and Kwale)	Withdrawal of the draft Mombasa County Local Tourism Bill by the CEC Member Tourism	Letter from the County Government of Mombasa CEC Tourism	21 Mar 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Community Development Agreement) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 148	28 Jul 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Strategic Minerals) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 149	28 Jul 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (National Mining Corporation) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 150	28 Jul 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting the Mining (Mine Support Services) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 151	28 Jul 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Reporting of Mining and Mineral Related Activities) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 152	28 Jul 17
Kenya Chamber of Mines (KCM)	Mining Bill Advocacy (BAF2)	Gazetting of the Mining (Award of Mineral Rights by Tender) Regulations, 2017	Kenya Gazette supplement No. 58; Legal Notice No. 153	28 Jul 17
Kenya Society of Physiotherapists (KSP)	Physiotherapy Regulations (BAF2)	Gazetting of the Physiotherapy (Registration and Licensing) Rules, 2017	Kenya Gazette Supplement No 138, legislative supplement No. 72; Legal Notice No. 239 The Physiotherapy Rules, 2017	25 Aug 17
Kenya Association of Hotelkeepers and Caterers (KAHC)	Music Copyright Tariffs	MOU between CMOs and KAHC on new tariff structure (agreed with KECOBO)	MOU and agreed mechanism for collection based on SBP and Liquor license	August, 17
Kenya Association of Manufacturers (KAM)	Commercial Bench Book (BAF2)	Launch and use of the commercial bench book in training magistrates	2016/17 Annual Report State of Judiciary and the administration of justice report.	12 Jan 17
Kenya Association of Manufacturers (KAM)	Commercial Bench Book (BAF2)	Launch and operation of the Business Court Users Committee.	Report on successes KAM; 2014/2015 Annual Report – State of judiciary and the administration of justice	1 Nov 17
Kenya Association of Manufacturers (KAM)	Commercial Bench Book (BAF2)	KAM is the secretary to the BCUC committee.	2016/17 Annual Report – State of Judiciary and the administration of justice; KAM invitation letters to committee members.	31 Dec 17
Kenya Alliance of Resident Associations (KARA)	NMT Policy Nairobi County	County plans to expand existing NMT facilities to include the 6km expansion of Kenyatta Market, Haile Selassie Ave, and City Hallway. The County also stated	County Fiscal Strategy Paper 2017/18	9 Jan 18

BMO	Project	Policy reform that it will maintain the existing 5000M of NMT infrastructure.	Evidence	Date
National Nurses Association of Kenya (NNAK)	Health Bill (BAF2)	Enactment of the Health Act, 2017	Health Act, 2017	23 Jun 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land Registration (Registration Units) Order, 2017	Kenya Gazette Supplement No. 175. Legal Notice No. 277	11 Nov 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land Registration (General) Regulations, 2017	Kenya Gazette Supplement No. 176. Legal Notice No. 278	22 Dec 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land Regulations, 2017	Kenya Gazette Supplement No. 179. Legal Notice No. 280	24 Nov 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land (Extension and Renewal of Leases) Rules, 2017	Kenya Gazette Supplement No. 180. Legal Notice No. 281	12 Jan 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land (Conversion of Land) Rules, 2017	Legal Notice No. 282	21 Nov 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land (Assessment of Just Compensation) Rules, 2017	Legal Notice No. 283	21 Nov 17
Institution of Surveyors of Kenya	Land Regulations (BAF2)	The Land (Allocation of Public Land) Regulations	Legal Notice No. 284	21 Nov 17
Technology Service Providers of Kenya	Computer & Cybercrimes Bill, 2017	Enactment of the Computer Misuse and Cybercrimes Act, 2018.	Kenya Gazette supplement No. 60 (Acts No. 5)	16 May 18
Kenya National Chamber of Commerce and Industry (KNCCI) – Vihiga County	Enabling revenue raising legislation	Enactment of the County Finance Act, 2017	Copy of the County Finance Act, 2017	Jan 18
Kenya National Chamber of Commerce and Industry (KNCCI) – Vihiga County	Enabling revenue raising legislation	Waiver of licence fee charges	Letter from the County treasury Directorate of Revenue.	Mar 18
Kenya Association of Hotelkeepers and Caterers (KAHC)	County ADC (Liquor) Bill (Kwale and Kilifi)	Gazetting of the Kilifi Liquor Regulation Committees (Northern and Southern region).	Kenya Gazette Notice 2606 (Vol CXX No. 36) 16th March, 2018	Mar 18

BMO	Project	Policy reform	Evidence	Date
Kenya Association of Hotelkeepers and Caterers (KAHC)	Beach Management Bill (Mombasa and Kwale)	Enactment of Local Tourism Act, 2017	Kenya Gazette supplement - The Mombasa County Local Tourism Act, 2018 - Part V public beaches.	24 Jul 17
Shippers Council of Eastern Africa (SCEA)	Logistics and transport sector policies	Notice to port stakeholders by KPA for the transfer of all empty containers to CFS yards.	KPA Notice	28 May 18
Shippers Council of Eastern Africa (SCEA)	Logistics and transport sector policies	KRA notice to exporters and clearing agents on SCT Cargo and exports by roads all intra trade cargo to partner states and all other exports by road shall no longer be allowed into the ICDE.	KRA Notice	31 Mar 18
Seed Trade Association of Kenya (STAK)	Gazetting of Seed and Plant (Seeds) Regulations, 2016 (BAF2)	Kenya gazette, Legal Notice No. 220, 30th December, 2016	Gazetting of Seed and Plant (Seeds) Regulations, 2016	30 Dec 16
Institution of Surveyors of Kenya (ISK)	Review of Valuers Act	Amendment to Stamp Duty Act, Cap 280	The Tax Laws Amendment Act No. 9 of 2018 Kenya Gazette supplement No. 104 (Acts No. 9) 25 July, 2018	18 Jul 18
Association of Fish Processors & Exporters of Kenya	Fisheries Regulations	AFIPEK was co-opted to be members of the Board of the Fish Marketing Authority for a period of three years	The Fisheries Development and Management Act (No. 35 of 2016) Gazette Notice No. 11715	4 Oct 18
Association of Fish Processors & Exporters of Kenya	Fisheries Regulations	AFIPEK was co-opted to be members of the Board of the Fish Levy Trust Fund for a period of three years	The Fisheries Development and Management Act (No. 35 of 2016) Gazette Notice No. 11716	19 Sep 18
Eastern Africa Grain Council (EAGC)	HSTs scientific research	Agreement by KEBS to incorporate HST standards into their work plan through the National Standardization Plan for the Financial year starting July 2018.	Email to EAGC from KEBS	22 Jun 18
Kenya Association of Manufacturers (KAM) / RETRAK	Prompt Payment	Publishing of the Retail study by the State Department of Trade, MITC.	Final report published by the State Department of Trade	2 Oct 18 Reported: RETRAK Q2 2019
Retail Trade Association of Kenya (RETRAK)	Retail trade sector regulations and Code of Practice	Launch of a Retail Trade Harmonised Code of Practice by the Ministry of Industry Trade and Cooperatives State Department of Trade & RETRAK, KAM and AKS	Code of Practice	17 Jan 19
Architectural Association of Kenya (ArchAK)	Automation of Development Control in three counties	Signing an MoU between Kajiado County and IFC on automation of development control processes	News article documenting the agreement between IFC and the Kajiado County Government.	15 Feb 19

BMO	Project	Policy reform	Evidence	Date
Institution of Surveyors of Kenya (ISK)	Sectional Properties Act	Sectional Properties (Amendment) Bill, 2018 approved by the Cabinet and introduced to Parliament with views of ISK.	Sectional Properties Amendment Bill, 2018	21 Feb 19
Kenya Union of Savings and Credit Co-operatives	Adoption of Cooperatives Policy and Withdrawal of proposed legislative amendments	Withdrawal of the proposed amendments to the Cooperatives SACCOs Act (Cap 490)	National Assembly order paper	23 Apr 19
Kenya Association of Manufacturers (KAM)	Combating illicit trade	Finalisation of the National Action Plan and Implementation Framework to Combat Illicit Trade 2019-2022	National Action Plan and Implementation Framework 2019-2022	24 Jun 19
Eastern Africa Grain Council (EAGC)	Warehouse Receipt System Bill	Enactment of Warehouse Receipt System Bill, 2019	State house press release waiting on final Act	14 Jun 19
Petroleum Institute of East Africa (PIEA)	Implementation of LPG Legal notices	Nomination to the committee on petroleum data verification	Letter from the Energy Regulatory Commission	27 May 19
Technology Service Providers of Kenya (TESPOK)	Critical Infrastructure Bill	Compilation of an infrastructure asset register to implement and maintain critical government infrastructure.	Letter from ICT Authority	1 Jun 19
Architectural Association of Kenya (ArchAK)	Physical Planning Bill	Enactment of the Physical Planning and Land Use Act, 2019	Kenya Gazette Supplement No. 129 (Acts No. 13)	22 Jul 19
Kenya Alliance of Resident Associations (KARA)	SWM Influencing (3 counties)	Agreement by Nakuru County on the proposed Policy as suitable and ready to be subjected to public participation.	Letter from the Nakuru County Chief Officer Environment, Energy and Natural Resources	24 Jul 19
Kenya Alliance of Resident Associations (KARA)	SWM Influencing (3 counties)	Agreement by Nakuru County on the proposed Bill as suitable and ready to be subjected to public participation.		24 Jul 19
Kenya Alliance of Resident Associations (KARA)	SWM Influencing (3 counties)	Agreement by Mombasa County on the proposed Policy as suitable and ready to be subjected to public participation.	Letter from the Mombasa County Executive Committee Member Environment, Energy and Natural Resources	25 Jul 19
Kenya Alliance of Resident Associations (KARA)	SWM Influencing (3 counties)	Agreement by Mombasa County on the proposed Bill as suitable and ready to be subjected to public participation.		25 Jul 19
Retail Trade Association of Kenya (RETRAK)	Retail trade sector regulations and Code of Practice	Formation and launch of the retail trade dispute resolution committee		12 Jul 19

BMO	Project	Policy reform	Evidence	Date
East African Grain Council (EAGC)	HST Standards	Gazetting of KS 2873:2019 Hermetic Storage Bags, First Edition specifying the requirements and test methods for hermetic bags for storage of dried food commodities, derived products and seeds	Kenya Gazette Vol No. CXXI No. 99 Notice No. 79	09 Aug 19
East African Grain Council (EAGC)	HST Standards	Gazetting of KS 2874:2019 Portable Rigid Plastic Hermetic Grain Silo specification, First Edition specifying the requirements and methods of test for portable rigid plastic hermetic silos used for storage of dry food commodities, derived products and seeds where controlled conditions of moisture and oxygen is required	Kenya Gazette Vol No. CXXI No. 99 Notice No. 79	9 Aug 19
Performance Rights Society of Kenya (PRISK)	CMO Regulations	Acceptance by KECOBO on Copyright (Collective) Management Regulations	Request to review draft regulations by the Office of the Attorney General KECOBO/AG/CONF/410/2015 Vol II	21 May 19
Kenya Security Industry Association (KSIA)	Implementation of PSR Act	The Parliamentary Committee on Delegated Legislation recommended that the proposed Security (General) Regulations be annulled.	Legal Notice no. 108 of 2019, Report on the consideration of Private Security (General) Regulations, November 2019	6 Nov 19
Technology Service Providers of Kenya (TESPOK)	Data Protection	Enactment of the Data Protection Act, 2019	https://www.businessdailyafrica.com/releases/Uhuru signs Data Protection Bill into law/1941082 5341658 njto1jz/index.html	8 Nov 19
Kenya Security Industry Association (KSIA)	Implementation of the PSR Act, 2016	Gazetting of new PSR Board including two industry representatives from KSIA and the Kenya Security Consortium.	The Kenya Gazette notice No. 10237: Vol. CXXI No. 149	31 Oct 19
Kenya Association of Hotelkeepers and Caterers (KAHC)	Copyright tariffs	Agreement on copyright tariffs for 2020-2021 in line with proposals made by KAHC.	KECOBO letter on agreed tariffs	9 Dec 19
Kenya Union of Savings and Credit Co-operatives	Adoption of Cooperatives Policy and Withdrawal of proposed legislative amendments	Cabinet approval of the National Cooperatives Policy	President press service article	21 Nov 19
Kenya Union of Savings and Credit Cooperatives	Adoption of Cooperatives Policy and Withdrawal of proposed legislative amendments	Cabinet approval of non-deposit taking SACCOS regulations	President press service article	21 Nov 19

BMO	Project	Policy reform	Evidence	Date
Retail Trade Association of Kenya and the Kenya Association of Manufacturers	Retail trade sector regulations and Code of Practice	Competition (Amendment) Act, 2019	https://www.nation.co.ke/business/Uhuru-signs-competition-insurance-laws/9965384454d8j5hu/index.html	13 Dec 19
Performance Rights Society of Kenya	CMO Regulations	Copyright (Amendment) Act, 2019	Kenya Gazette Supplement No. 160 (Acts No. 20)	19 Sep 19
Regional Society for Blood Transfusion Kenya (RSBTK)	Kenya National Blood Transfusion Service Bill	Gazetting of the Kenya National Blood Transfusion Service Bill, 2020	Kenya Gazette supplement Vol CXXII No. 58	3 Apr 20
Kenya Association of Manufacturers	Combating illicit trade	Publishing the updated Enforcement Manual to Combat Illicit Trade by KAM and NCAJ	Enforcement Manual on file	30 Mar 20
Kenya Alliance of Resident Associations/ Kenya Association of Manufacturers	County Solid Waste Management Policy and Bill (3 counties influencing)	Approval of Mombasa Solid Waste Management Policy, 2020	Letter from Mombasa County CEC Environment	7 Apr 20
		Approval of Mombasa Solid Waste Management Bill, 2020		
Regional Society for Blood Transfusion Kenya (RSBTK)	Kenya National Blood Transfusion Service Bill	Gazetting the National Advisory Committee to Advise the Supply and Utilization of Blood and Blood Products	Kenya Gazette Supplement Vol CXXII No. 75 Gazette Notice No. 3241	24 Apr 20
Architectural Association of Kenya (ArchAK)	Automation of Development Control in three counties	Scheduling of technical committee meetings for the approval of construction permits on a weekly basis for the consideration of low risk development applications.	Notice from Nairobi City County by the CEC Lands, Urban Planning, Urban Renewal and Project Management	17 Feb 20
Kenya Association of Manufacturers (KAM)	County Dialogue Forum (7 counties)	Inclusion of KAM in the County Budget and Economic Forum in Kisumu County	Kenya Gazette Vol. CXXII No. 50 Gazette Notice 2386: Establishment of the County Budget and Economic Forum, Kisumu County according to the PFM Act, 2012	20 Mar 20
East African Tea Trade Association (EATTA)	Tea Policy, Bill and Regulations	The Crops (Tea Industry) Regulations, 2020	Kenya Gazette Supplement No. 80. (Legislative Supplement No. 56) Legal Notice No. 97	22 May 20

BMO	Project	Policy reform	Evidence	Date
Kenya Association of Manufacturers (KAM)	Plastics sector research	Gazetting of the Environmental Management Coordination Authority, Extended Producer Responsibility Regulations, 2020 for memorandum	Gazette notice requesting memoranda be submitted	26 May 20
Kenya Coffee Producers Association (KCPA)	Coffee Regulations	Gazetting of the Coffee (General) Regulations, 2019	Kenya Gazette Supplement No. 100 (Legislative Supplement No. 31). Legal Notice No. 102 The Crops Act (No. 16 of 2013) The Crops (Coffee) (General) Regulations, 2019	01 Jul 19
Regional Society for Blood Transfusion Kenya (RSBTK)	Kenya National Blood Transfusion Service Bill	Supplementary estimate for the y/e 30 June 2020 on procurement of equipment for the National Blood Transfusion Service of KES 175,280,000	Supplementary Estimates 1 (Development Expenditure (VOTESD1011 D1081)	01 Nov 19
Regional Society for Blood Transfusion Kenya (RSBTK)	Kenya National Blood Transfusion Service Bill	Supplementary Recurrent expenditure estimate 2019 2020 for the National Blood Transfusion Service of KES 266,265,096 for the y/e 30 June 2020	Supplementary Estimates II (Recurrent Expenditure)	01 Apr 20
Agricultural Industry Network (AIN)	Sugar Regulations	The Crops (Sugar) General Regulations, 2020	Kenya Gazette Supplement No. 84. Legislative supplement No. 58. Legal Notice No. 99.	27 May 20
Kenya Private Sector Alliance (KEPSA)	SME Policy Index	Guidelines for business operations during Covid-19	Guidelines	02 Jun 20
Kenya Private Sector Alliance (KEPSA)	NBA III – PPD on NBA priorities NDICCC	Magical Kenya Tourism and Travel Health and Safety Protocols for the new normal	Safety protocols	01 Jun 20
		The 8 th Presidential address on the Corona virus pandemic extending curfew hours to allow extended business operations.	Presidential address	06 Jun 20
		100% tax relief for persons earning gross monthly income of up to KES 24,000	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20
		Reduction of income tax rate (Pay As You Earn) from 30% to 25%	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20
		Reduction of resident income tax (Corporation tax) from 30% to 25%	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20
		Reduction of turnover tax rate from 3% to 1% for MSMEs	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20
		Reduction of VAT from 16% to 14% effective 1 st April 2020	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20

BMO	Project	Policy reform	Evidence	Date
		Tax exemptions of fertilizers and agricultural inputs	Tax laws (Amendment) Act, 2020, No. 2 of 2020.	25 Apr 20
		Lowering the Central Bank Rate (CBR) to 7.25 percent from 8.25 percent.	Press release from the Monetary Policy Committee Meeting	23 Mar 20
		Reducing the Cash Reserve Ratio (CRR) to 4.25 percent from 5.25 percent, releasing KES 35.2 billion as additional liquidity availed to banks to directly support borrowers that are distressed as a result of Covid-19.		
		CBK provided flexibility to banks regarding requirements for loan classification and provisioning for loans that were performing on March 2, 2020 and whose repayment period was extended or were restructured due to the pandemic.	CBK presentation to the Senate ad hoc committee on the Covid-19 situation	07 May 20
		Temporary suspension of Credit Reference Bureau (CRB) listing for all whose loan accounts fall overdue or is in arrears effective 1 st April, 2020	Presidential address on Covid-19 measures	25 Mar 20
		KRA paying KES 10 Billion VAT refunds to business entities	KRA press statement on website accessed 2 July 20	30 May 20
		Treasury paid KES 13 Billion in bills owed by MDAs	Budget Statement	11 Jun 20
		Directorate of Occupational Safety and Health Services (DOSHS), gazetting of Occupational Safety and Health Post Covid-19 return to work advisory.	Advisory	26 Jun 20
		Allowing EPZs to sell up to 100% to the local market temporarily during the Covid-19 pandemic	News articles accessed on 7 July 20 documenting the measures taken by government on EPZ.	30 Mar 20
		Protocols for management of restaurants and eateries during Covid-19 pandemic	Protocol	24 Apr 40
		Implementation of green channel by KRA to allow for manufacturers to import their cargo faster.	KRA blog post	13 Mar 20
		8 point economic stimulus package worth KES 53.7 billion through the budget statement various budgetary allocations to stimulate the economy.	Tax laws (Amendment) Act, 2020 No. 2 of 2020.	25 Apr 20
		Social assistance and protection: monthly stipend of KES 5,000 by Ministry of Labour to Kenyans rendered	President's speech, and national budget	25 Mar 20

BMO	Project	Policy reform	Evidence	Date
		jobless by Covid-19, appropriation of additional KES 10 billion.		
Architectural Association of Kenya (ArchAK)	Automation of Development Control in three counties	New e-construction development management system restored by Nairobi Metropolitan Service (NMS)	Public notice by the Director General, NMS	16 May 20
Kenya Association of Manufacturers (KAM)	Combating illicit trade	Practitioners Guide - a tool for use by investigators, prosecutors, judicial officers and the general public in the identification and elimination of illicit trade in Kenya.	Publication of the Practitioners Guide for enforcement officers on combating illicit trade.	19 May 20

Table 6: BAF2 policy successes discovered during BAF3

BMO	Project	Policy reform	Evidence	Date
Pubs, Entertainment and Restaurants Association of Kenya (PERAK)	Copyright Act Amendment	Gazetting of joint Copyright Tariffs Collecting Society Tariffs Legal Notice No. 57	Copy on file (KAHC BAF3)	21 Apr 17
Kenya Association of Manufacturers (KAM)	Enforcement of illicit trade manual	Launch and use of Illicit Trade Manual in collaboration with NCAJ and the judiciary.	2014-2015 Annual Report State of judiciary and the administration of justice	25 Mar 15
Kenya Association of Manufacturers (KAM)		Recognition of KAM training judicial officers on enforcement of illicit trade manual.	2014-2015 Annual Report State of judiciary and the administration of justice	25 Mar 15
Kenya Chamber of Mines (KCM)	Mining Policy and Bill	Adoption of Mining and Minerals Policy Session Paper No. 7,2016	Mining & Minerals Policy document/ Implementation of NBA report	10 Jan 16
Petroleum Institute of East Africa (PIEA)	National Energy and Petroleum Policy	Adoption of the NEPP August, 2015	NEPP Policy	Aug 15
Kenya Association of Manufacturers	Counterfeit Implementation (BAFII project)	Gazetting of the Inter Agency Anti Illicit Trade Executive's forum and Technical Working Group.	Kenya Gazette Notice No. 7270	12 Aug 18
Kenya Association of Manufacturers (KAM)		Amendment to the Anti-Counterfeit Act No. 13 of 2008 through the Statute Law Miscellaneous Amendments Act, 2018.	Kenya Gazette Notice No. 161 (Acts No. 18)	10 Aug 18
Kenya Association of Manufacturers		Presidential directive on the Multi-Agency Taskforce	Multi-agency taskforce document (MITC)	04 Jan 19
Kenya Association of Manufacturers	Revenue laws project (Financed during BAF 2)	Kiambu County Valuation and Rating Act, 2016	Kiambu County Gazette Supplement No. 20 (Act No. 6)	23 Dec 16
		5 reforms: Kiambu County Finance Act, 2013, 2014, 2015, 2016, 2017	Kiambu County Gazette Supplement No. 19 (Acts No. 5)	21 Dec 16

BMO	Project	Policy reform	Evidence	Date
		Kiambu County Trade License Act, 2016	Kiambu County Gazette Supplement No. 20 (Acts No. 6)	15 Nov 16
		5 reforms: Mombasa County Finance Act, 2013, 2014, 2015, 2016, 2017	Mombasa County Gazette Supplement No. 19 (Acts No. 12)	23 Dec 16
		Nakuru County Revenue Administration Act, 2016	Nakuru County Gazette Supplement No. 11 (Acts No. 2)	20 Sep 16
		5 reforms: Kiambu County Finance Acts, 2013, 2014, 2015, 2016, 2017	Kiambu County Gazette Supplement No. 19 (Acts No. 5 of 2016)	21 Dec 16
		Baringo County Trade License Act, 2014	Baringo County Gazette Supplement No 21(Acts No. 8)	04 Nov 14
		Baringo County Public Participation Act, 2015	Baringo County Gazette Supplement No. 5 (Acts No. 3)	09 Sep 15
		Busia County Cess Act, 2017	Busia County Acts No. 4 of 2017	04 Jul 17
		Busia County Rating Act, 2017	Busia County Acts No. 3 of 2017	03 Jul 17
		Elgeyo Marakwet Public Participation Act, 2014	Elgeyo Marakwet County Gazette Supplement No. 11 (Acts No. 5)	30 Jun 14
		Embu County Trade License Act, 2015	Embu County Gazette Supplement No. 6 (Acts No, 1)	20 May 15
		Embu County Public Participation Act, 2015	Embu County Gazette Supplement No. 26 (Acts No. 9)	29 Sep 15
		Embu County Rating Act, 2015	Embu County Gazette Supplement No. 9 (Acts No. 4)	20 May 15
		Embu County Revenue Administration Act, 2015	Embu County Gazette Supplement No. 7 (Acts No. 2)	20 May 15
		Isiolo County Business Licensing Act, 2016	Isiolo County Gazette Supplement No. 19 (Acts No. 7)	21 Dec 15
		Isiolo County Civic Education and Public Participation Act, 2015	Isiolo County Gazette Supplement No. 25 (Acts No. 13)	21 Dec 15
		Kajiado County Trade License Act, 2016	Kajiado County Gazette Supplement No. 10 (Acts No. 5 of 2016)	01 May 19
		Kajiado County Rating Act, 2016	Kajiado County Gazette Supplement No. 9 (Acts No. 4 of 2016)	04 Aug 16
		Kajiado County Revenue Administration Act, 2016	Kajiado County Gazette Supplement No. 8 (Acts No. 3 of 2016)	04 Aug 16
		Kakamega County Revenue Administration and Management Act, 2017	Kakamega County Acts No. 8 of 2017	17 Oct 17
		Kakamega County Revenue Administration and Collection Act, 2014	Kakamega County Gazette Supplement No 7 (Acts No. 2)	13 Jun 14
		Kericho County Public Participation Act, 2014	Kericho County Gazette Supplement No. 24 (Acts No. 7)	13 Oct 14

BMO	Project	Policy reform	Evidence	Date
		Kilifi County Valuation for Rating Act, 2016	Kilifi County Acts No. 8 of 2016	10 Jun 16
		Kirinyaga County Revenue Administration Act, 2015	Kirinyaga County Gazette Supplement No. 7 (Acts No. 3)	09 Nov 15
		Kisii County Business Licensing Act, 2015	Kisii County Gazette Supplement No. 40 (Acts No. 13)	24 Nov 15
		Kisii County Public Participation Act, 2015	Kisii County Gazette Supplement No. 9 (Acts No. 2)	14 May 15
		Kisii County Revenue Administration Act, 2014	Kisii County Gazette Supplement No. 24 (Acts No.8)	14 Nov 14
		Kisii County Rating Act, 2015	Kisii County Gazette Supplement No. 39 (Acts No. 12)	24 Nov 15
		Kisumu County Trade Licensing Act, 2015	Kisumu County Gazette Supplement No. 15 (Acts No. 6)	29 Jun 15
		Kisumu County Public Participation Act, 2015	Kisumu County Gazette Supplement No. 22 (Acts No. 11)	31 Dec 15
		Kisumu County Revenue Administration Act, 2015	Kisumu County Gazette Supplement No. 25 (Acts No. 14)	31 Dec 15
		Kitui County Business Licensing Act, 2014	Kenya Gazette Supplement No. 22 (Kitui County Acts No. 11)	01 Sep 14
		Lamu County Trade and License Act, 2015	Lamu County Gazette Supplement No. 23 (Acts No. 10)	25 Nov 15
		Lamu County Revenue Administration Act, 2015	Lamu County Gazette Supplement No. 22 (Acts No. 9)	25 Nov 15
		Lamu County Valuation and Rating Act, 2015	Lamu County Gazette Supplement No. 24 (Acts No. 11)	25 Nov 15
		Machakos County Trade License Act, 2014	Machakos County Gazette Supplement No. 25 (Acts No. 9)	29 Dec 14
		Machakos County Public Participation Act, 2014	Machakos County Gazette Supplement No. 24 (Acts No. 8)	29 Dec 14
		Machakos County Rating Act, 2014	Machakos County Gazette Supplement No. 21 (Acts No. 5)	29 Nov 14
		Machakos County Revenue Administration Act, 2015	Machakos County Gazette Supplement No. 20 (Acts No. 7)	20 Apr 16
		Marsabit County Trade Licensing Act, 2017	Marsabit County Acts No. 3 of 2017	25 May 17
		Meru County Tea Cess Act, 2018	Meru County Acts No. 6 of 2018	13 Sep 18
		Meru County Public Participation Act, 2014	Meru County Gazette Supplement No. 18 (Acts No. 6)	19 Sep 14
		Mombasa County Revenue Administration Act, 2013	Mombasa County No. 3 of 2014	20 Nov 14
		Mombasa County Rating Act, 2014	Mombasa County No. 4 of 2014	20 Nov 14
		Mombasa County Trade License Act, 2014	Mombasa County No. 5 of 2014	20 Nov 14

BMO	Project	Policy reform	Evidence	Date
		Nairobi City County Public Participation Act, 2015	Nairobi City County Gazette Supplement No. 26 (Acts No. 11)	22 Apr 16
		Nakuru County Revenue Administration Act, 2016	Nakuru County Gazette Supplement No. 11 (Acts No. 2 of 2016)	20 Sep 16
		Nakuru County Public Participation Act, 2016	Nakuru County Gazette Supplement No. 25 (Acts No. 13 of 2016)	19 May 16
		Nyandarua County Public Participation and Civic Education Act, 2016	Nyandarua County Gazette Supplement No. 10 (Acts No. 4)	26 Aug 16
		Nyeri County Tea Cess Act, 2016	Nyeri County Acts No. 4 of 2017	20 Apr 17
		Nyeri County Public Participation Act, 2015	Nyeri County Gazette Supplement No. 19 (Acts No. 7)	02 Dec 15
		Nyeri County Revenue Administration Act, 2014	Nyeri County Gazette Supplement No. 12 (Acts No. 4)	09 Jan 14
		Siaya County Trade License Act, 2014	Siaya County Gazette Supplement No. 12 (Acts No. 4)	16 Jan 15
		Siaya County Revenue Administration Act, 2014	Siaya County Gazette Supplement No. 13 (Acts No. 5)	23 Jan 15
		Tana River Trade County Licensing Act, 2017	Tana River County Acts No. 5 of 2017	16 Oct 17
		Tana River County Revenue Administration Act, 2016	Tana River County Gazette Supplement No. 18 (Acts No. 15)	04 Jul 16
		Turkana County Public Participation Act, 2015	Turkana County Gazette Supplement Bo. 3 (Acts No. 1)	17 Apr 15
		Uasin Gishu County Trade and Licensing Act, 2016	Uasin Gishu County Gazette Supplement No. 1 (Acts No. 1)	11 Mar 16
		West Pokot County Trade License Act, 2015	West Pokot County Gazette Supplement No. 12 (Acts No. 2)	08 Jun 15
		West Pokot County Revenue Administration Act, 2015	West Pokot County Gazette Supplement No. 19 (Acts No. 7)	16 Oct 15
		West Pokot County Valuation and Rating Act, 2015	West Pokot County Gazette Supplement No. 22 (Acts No. 9)	31 Dec 15
From the CRA Report additions		The Bungoma County Finance Bill, 2016		
		The Bungoma County Finance Bill, 2017		
		The Bungoma County Finance Bill, 2018		14 Nov 18
		Embu County Finance Act, 2014		20 Mar 14
		Garissa County Finance Bill, 2017		05 Mar 18
		Garissa County Finance Bill, 2018		22 Nov 18
		The Isiolo County Finance, 2015		25 Nov 15
		Kakamega County Rating Bill, 2016		
		The Kakamega County Finance Bill, 2018		19 Sep 19

BMO	Project	Policy reform	Evidence	Date
		Kericho County Finance Act, 2015		06 Oct 15
		Kirinyaga County Revenue Laws Amendment Bill, 2018		20 Jun 18
		Kisii County Finance Bill, 2014		
		Finance Bill 2014		
		Business Licensing Bill, 2016		24 May 17
		Machakos County Finance Bill, 2013		21 Oct 13
		Machakos County Finance Bill, 2014		25 Nov 14
		Mombasa County Public Participation Bill, 2017		Enacted
		Mombasa County Finance Bill, 2018		Enacted
		Muranga County Finance (Amendment) Bill, 2016		07 May 16
		The Nairobi City County Finance Bill, 2015		28 Oct 15
		Nyandarua County Finance Bill, 2013		30 Jan 14
		Samburu County Trade Bill, 2018		01 Aug 18
		The West Pokot County Finance Bill 2018		09 Oct 18
		The West Pokot Public Participation and Civic Education Bill, 2018		29 Jun 2018

Table 7: Policy reforms achieved in BAF2

BMO	Project	Policy reform	Evidence	Date
ISK	Land Bills	Successful lobbying for Enactment of the Land Act, 2012	Gazette notice; National Land Act of 2012	Sep-13
	Land Bills	Successful lobbying for the Enactment of Land Registration Act of 2012	Gazette notice; Land Registration Act of 2012	Sep-13
	Land Bills	Successful lobbying for the enactment of Land Act Regulations	Gazette notice; Land Act Regulation Act of 2012	Mar-13
	Land Bills	Successful lobbying for the enactment of the National Land Commission Act, 2012	Gazette notice; Land Commission Act of 2012	Sep-13
KAHC	NEMA Regulations	Successful lobbying for the Amendment of NEMA regulations on wastewater management	Subsidiary legislation by the Legal Notice No. 85 of 2012	Dec-12
	Alcoholic drinks Control Amendment Bill	Lobbying for the drafting and Gazetting of Alcoholic drinks control (Amendment) Bill No. 51	Gazette notice: Bill No. 151 (Senate Bill no. 10) (2014)	Dec-13
		Successfully lobbied for the Withdrawal of ADC Bill	Hansard & newspaper cutting	Mar-13
	County ADC Bill in 4 counties i.e. Kwale, Mombasa, Kisumu and Nakuru	Successfully lobbied for the passing of the Alcoholic Drinks Control (Amendment) Bill, 2014	Kenya Gazette Supplement No. 17, Bills No. 5	Apr-15
		Successful lobbying for the enactment of the Mombasa and Alcohol Drinks Control Acts	Daily Nation Article dated 8 th Jan, 2015	Dec-14

BMO	Project	Policy reform	Evidence	Date
		Appointment to the Mombasa Directorate of Liquor Control	Appointment letter dated 29 th Jan, 2015	Jan-15
		Successful lobbying for the enactment of the Nakuru Alcohol Drinks Control Acts	Daily Nation Article dated 8 th Jan, 2015	Dec-14
KAM	NIBA	Were able to influence the 2013 VAT bill for plant and industry tax exemptions.	Gazetting of 2013 VAT Bill	Mar-13
		Jubilee manifesto: Government has merged public institutions	Was taken up in the Jubilee Manifesto and implemented by Government Newspaper article	Apr-13
		Jubilee manifesto: Port- Expand capacity of ports- Berth 19 at Mombasa now functional	This was taken up in Jubilee Manifesto and implemented by government. Newspaper article	Aug-13
KATO	Research on TSV and Visa laws	Gazetting of the National Transport and Safety Authority (Operation of Tourist Service Vehicles Regulations, 2015)	Legal Notice No 20 of February 2015, NTSA Operation of TSV 2015	Feb-15
KCM	Amendment of National Mining and Minerals Bill, 2012	The Mining (Publication of Information) Regulations 2013 Publishing of Mining (Local equity) Participation Regulations, 2012 requiring 20% to locals.	Legal Notice No. 185 of August 2013 Legal Notice 118 of 2012	Sep-13
KCPA	Coffee tax, representation and market rules	Approval of two representatives to National Coffee Exchange Management Committee.	Letter from CBK to enlist 2 representatives dated 26 th August 2013	Sep-13
KEMRA	Standards	Membership to the tripartite protocol (IRA/MAAK/KEMRA) Gazetting of standards for Road vehicles — Inspection centre evaluation — Code of practice: It provides general provisions for the evaluation of the technical competence of a road vehicle inspection centre Gazetting of standards for Motor vehicle garages for repair and services — Code of practice	Minutes Gazetted by KEBS as KS 2499: 2013 - ICS 43.040; 43.180 KNWA 2460: 2013 - ICS 43.020; 91.090	Jun-13
KENPIFA	Development of a National Pig Strategy	Acceptance of a national pig strategy by the Ministry of Agriculture	Final strategy	Sep-13
KLMC	Impact assessment of PPP agreements	Co-management partnership agreement signed with Garissa County Co-management partnership agreement signed with Turkana County Co-management partnership agreement signed with West Pokot County Co-management partnership agreement signed with Baringo County	MoUs signed with 12 local authorities - on file	Jun-13

BMO	Project	Policy reform	Evidence	Date
		Co-management partnership agreement signed with Narok County		
		Co-management partnership agreement signed with Tana River County		
		Co-management partnership agreement signed with Wajir County		
		Co-management partnership agreement signed with Samburu County		
		Co-management partnership agreement signed with Isiolo County		
		Co-management partnership agreement signed with Marsabit County		
		Co-management partnership agreement signed with Moyale County		
		Co-management partnership agreement signed with Ijara County		
KEPSA	National Business Agenda II	Implementation of NBA priorities in the Medium Term Plan II	Medium Term Plan (2013-2017)	Sep-13
KNCCI- Kitale	Single Business Permit	Lobbying for the implementation of SBP	Implementation of SBP	Dec-12
KNCCI-Kisumu	Single Business Permit	Lobbying for the implementation of SBP	Implementation of SBP	Dec-12
KNCCI-Mombasa	Mombasa Business Agenda	Regulations for tuktuks to use feeder roads during peak hours	County by laws	Jun-13
	Mombasa Business Agenda	Implementation of the proposed higher parking fees for lorries within CBD to reduce congestion	Finance Bill	Dec-13
	Mombasa Business Agenda	Hawkers were relocated from the CBD to a designated area	County bylaws – newspaper article	Nov-2013
KVA	Veterinary Medicines and Professional Reform	Reform of Veterinary Surgeons Regulations	Reform of Veterinary Surgeons Regulations	Dec-12
PGA	Enactment of pyrethrum Act of 2011	Enactment of the Pyrethrum Act 2011	Enactment of The Pyrethrum Act 2011	Dec-12
STAK	Seed and Plant Varieties Bill	Seed and Plant Varieties Act assented in 2013	Seed and Plant Varieties Act	Dec-13
	Seed and Plant Varieties Bill	Removal of KEPHIS from AFFA Act	Gazette notice supplement No. 2: Legal Notice No. 4 – The Agriculture Fisheries and Food Authority Act (No. 13 of 2013)	Sep-13
KENFAP	AIN Network	Appointment to the KALRO implementation taskforce	Gazette Notice No. 1364 (February 27, 2014)	Feb-14
		Appointment to the AFFFA implementation taskforce	Gazette Notice No. 1963 (February 27, 2014)	Feb-14
		Suspension of the scheduled scrapping of KEPHIS and PCPB	Business Daily Article – Jan 27, 2014	Jan-14

BMO	Project	Policy reform	Evidence	Date
KEPOFA	National Poultry Policy	National Poultry Policy	Sessional Paper No. 6 of 2013 on National Poultry Policy	Aug-13
KLMC	GRTs	MOU signed in West Pokot County for co-management of livestock markets.	Copy of signed MOU on file	Oct-14
		MOU signed in Isiolo County for co-management of livestock markets.	Copy of signed MOU on file	Aug-13
		MOU signed in Tana River County for co-management of livestock markets.	Copy of signed MOU on file	Jan-14
		MOU signed in Wajir County for co-management of livestock markets.	Copy of signed MOU on file	Jan-14
		MOU signed in Marsabit County for co-management of livestock markets.	Copy of signed MOU on file	Aug-13
		MOU signed in Kitui County for co-management of livestock markets.	Copy of signed MOU on file	Dec-14
KCM	Mining Policy and Bill	Mining Bill passed by National Assembly	Mining Act 2016 No. 12 of 2016, Kenya Gazette Supplement (National Assembly Bills No. 8)	Oct-14
KAM	Support on EAC-EU EPAs negotiations	Amendment of EU Market Access Regulation No. 1528/2007 to include Kenya in countries that are on the Duty-Free Quota-Free Status	Commission Delegated Regulation (EU) No. 1387/2014 of Nov 2014 (Official Journal of the European Union): http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R1387	Nov-14
KSP	Enactment of Physiotherapy Bill	Successful lobbying for the enactment of the Physiotherapists Act, 2014	Kenya Gazette Supplement No. 169 (Acts No. 20) of 2014	Dec-14
KEPSA	NBA II	Enactment of the National Police Service Act	National Police Service (Amendment) Act 2014. Kenya Gazette Notice No. 103 (Acts No. 11)	Jul-14
		Enactment of the National Police Commission Act	National Police Service Commission (Amendment) Act of 2014 Kenya Gazette Supplement No. 47 (Acts No. 3)	Apr-14
		Lobbying for the operation of the National Land Commission	The Appropriation Act, 2014	Jul-14
		Development of the Standard Gauge Railway	MTP II, Newspaper articles on implementation.	Nov-13
		Amendment to Public Procurement and Disposal Act (No. 3 of 2005)	Public Procurement and Disposal Amendment of 2013. Legal Notice No. 114 of 2013	18-Jun-13

BMO	Project	Policy reform	Evidence	Date
		Electronic government	Government has moved most of its services online including driving licenses, company records and titles at the Lands office.	
KAM	GRTs: Mombasa	Expansion of the Kipevu - Changamwe - Miritini stretch into a dual carriageway.	Newspaper articles confirming the building of the road and funding from TMEA.	Jun-14
		Mombasa county has partnered with Japanese donor to develop a new county master plan at a cost of KES 120 million	Newspaper articles.	Mar-15
		The county is working African Road Maintenance Funds Association (ARMFA) to improve English Point-Mkomani, Cement Road, Kengeleni-Soko Mjinga, Jomvu and Allidina Visram Road.	Newspaper articles.	Nov-13
		The county has partnered with DFID to launch a youth employment programme in the county; the program is expected to create 5,000 youth.	Newspaper articles	May-14
		The County has procured rapid response vehicles for the security agents	Online article	Jul-14
		Street lighting programme	Newspaper article	Apr-15
		Mombasa County is spending KES 2.2. billion to improve infrastructure in the county.	Newspaper article	Jul-13
		Inclusion of coalition representatives in the County Budget Economic Forum,		
		Developing and launching of new products to attract local and foreign tourist such as 'Mshikaki festival', 'Mombasa cultural festival' Miss Tourism Mombasa.	Newspaper articles	Apr-15
	GRTs: Nairobi County	Lobbying National Transport Safety Authority to regulate boda boda (tuk-tuks) in the city and has been successful with the gazettelement of Legal Notice No. 19 of 2015.	The National Transport and Safety Authority (Operation of Motorcycles) Regulations, 2015 in the Legal Notice No. 19 of 2015. http://www.nairobi.go.ke/	Mar-15
		Influenced Nairobi County to accelerate the set-up of a county website for information dissemination and to act as a linkage of the business community.		
		Successfully influenced Nairobi County to incorporate technology in governance such as accepting e-payment systems for license application and other payments.	http://www.nairobi.go.ke/home/news/nairibi-city-county-embrases-e-payment-module/	Jul-14
		Lobbied for the fast tracking of the street lighting project in the county.	Newspaper articles	

BMO	Project	Policy reform	Evidence	Date
		<p>Lobbied for the suspension of the enactment of the Nairobi County Plastic Materials Control Bill, 2014 that had been passed by County Assembly.</p> <p>Lobbied for the reduction of land rates from 34% to 25% of lands value in the 2014/15 Finance Bill.</p> <p>Convinced County Government to improve inspection procedures in the county. The county is drafting a Bill to address this.</p>		
	GRTs: Uasin Gishu	<p>Lobbied government to simplify the process of making payments to County Government; implemented through e-payment for single business permits, parking fee, rent and land rates.</p>	County Government website	Jul-14
		<p>Successfully influenced the county to enhance the existing road networks to improve transportation and marketing of farm produce; gravelling of major rural roads is ongoing. The construction of a bypass is underway to ease traffic. Establishment and expansion of link roads that join the main Uganda Highway to ease traffic. Establishment of walkways to ease traffic congestion within the CBD.</p>	Newspaper article	Feb-15
		<p>The county is putting in place plans to deal with disaster preparedness and in particular has constructed a fire substation at Maili Nne and purchase of rapid response fire vehicle</p>	KAM website	
		<p>The coalition was successful in lobbying the County Government to put in place various projects to improve agriculture including procuring inputs and farm machinery.</p>	Newspaper article	Mar-14
		<p>Strategies to improve waste management led to: A waste management committee was set up to manage waste management as part of youth empowerment and employment programme; Purchase of 40 skip containers, purchase of 12 acres of land for waste disposal and contracting of solid waste management work. Purchase of 3 side loader truck, 2 four-wheel drive tractors.</p>	Newspaper article	Feb-14
		<p>The coalition successfully lobbied for the inclusion of coalition BMOs in county committees: County Economic Forum (1 member); County Integrated Development Plan Drafting Committee (4</p>		

BMO	Project	Policy reform	Evidence	Date
	GRT: Nakuru County	<p>representatives); County Peace and Security Committee (1 member); and representation on both the disaster preparedness committee and the environmental committee.</p> <p>The coalition lobbied Nakuru county to look into strategies to make Nakuru residents the first beneficiaries of power generated in the county. As a result, GDC formed a joint stakeholders committee to look into modalities of the locals benefitting from energy generated in Nakuru.</p> <p>A programme to boost pyrethrum production in Nakuru is underway.</p> <p>Lobbied the County Government to incentivise increased investments in fertiliser plants in the county. Under Nakuru Integrated Development Plan 2013 - 2017 one of the key flagship projects in agriculture is fertilizer cost reduction investment, enactment of the consolidated Agriculture Reform Bill and creation of free zone disease area for livestock production.</p> <p>Lobbied the County Government to gazette rules regulating potato packaging to protect farmers from exploitation have been put in place.</p> <p>Coalition provided input into the Nakuru County Agricultural Development Fund Bill 2014 which provides legal structures, provides for the growth and development of the agricultural sector, enhance production, improve quality value addition and marketing; to establish the County Agricultural Development Fund to finance the agricultural sector and for connected purposes.</p> <p>Successfully lobbied for the construction of a new wakulima market while the old one has been renovated and waste management and garbage collection improved.</p> <p>The County Government relocated all hawkers from the CBD to a newly constructed 3 storey market for all fresh produce vendors and the rest of the vendors allocated a former matatu terminus.</p>	<p>County Government website</p> <p>County Government website</p> <p>Nakuru County Integrated Development Plan 2013-2017</p> <p>Newspaper article</p> <p>Nakuru County Agricultural Development Fund Bill, 2014</p> <p>Nakuru County Website</p> <p>Newspaper article</p>	<p>Jul-14</p> <p>Jun-14</p> <p>Apr-14</p> <p>Dec-14</p> <p>Jan-15</p>

BMO**Project****Policy reform****Evidence****Date**

Successfully lobbied for improvements to internet connectivity; Nakuru County has provided free Wi-Fi within Nakuru CBD.

Newspaper article

Mar-14

Nakuru County set up a county website for information dissemination and as a link to the business community. The website has also been used to post laws being proposed and laws approved by the County Assembly.

Nakuru County Website

Mar-14

Successfully lobbied the County Government to be responsive to inputs by the business community on review of taxes, fees and charges. The business community lobbied for changes in the Finance Act 2014 notably a reduction on cess on flowers and timber as well as scrapping county fees to access national parks.

Finance Act 2014

Aug-14

Lobbied the County Government to automate revenue collection to improve efficiency and reduce graft.

Newspaper article

Oct-14

Lobbied County Government to add representatives of the business coalition in the County Budget and Economic Forum (6 reps as opposed to the stated 2). The business coalition is now represented on county committees including the County Disaster.

Management Committee and the board of the newly formed County Policing Authority.

There has been an improvement in the process of stakeholder participation in the county.

GRTs: Kiambu County

The coalition successfully convinced the County government to suspend change of user applications for a period in order to regulate commercial and farming property in the county. This is intended to rationalise the loss of agricultural land to commercial and residential use.

Online article

Rehabilitation of several bus parks within the county including: Limuru, Dagoretti, Kabete and Ruiru.

Kiambu County Annual Report - Annex

Dec-14

The county has rehabilitated major rural roads in Githunguri and Lari sub counties to enable farmers access the markets and collection centres; improvement of roads such as Kiambu-Githunguri.

Newspaper article

Sep-14

Launch of an Agriculture, Livestock and Fisheries Strategic Plan which has ensured that adequate

Online article

BMO	Project	Policy reform	Evidence	Date
		emphasis is given to the sectors investments, value addition and technology towards farmers empowerment to optimise benefits.		
		Lobbied the County Government to collaborate with Kenya Urban and Rural Roads Authority (KURA) to repair roads in the county.		
		Convinced County Government to carry out a survey to map out land in the area and zone it. A spatial plan was created and a zoning strategy for the county and for Thika Sub County.	Kiambu County Spatial Bill, 2015	
		The county launched a 'digitika' program, a cashless payment system.	Online article	
	GRTs: Kisumu County	Improved involvement of private sector in County Government activities: - Private sector desk at county office to improve relationship between private sector and government in the county. - Finance Bill was shared with private sector in good time to allow private sector to provide input.	2015/16 F113 Kisumu County Finance Bill	Jun-15
		Automation of revenue collection.	Newspaper article	Mar-14
		The coalition lobbied the County Government to rehabilitate link roads across the county.	Newspaper article	May-14
		Inclusion of coalition representatives in the County Budget Economic Forum.		May-15
		Adoption of the County Integrated Strategic Urban Development Plan by the Cabinet.	ISUD	Jun-15
KNCCI TNC	GRTs: Trans Nzoia County	The coalition successfully lobbied for agreeable parking fees and charges.	Finance Act, 2013	Oct-13
KENAFF	GRTs: Bungoma County	The coalition lobbied the County Government to invest in value addition. As a result, a chicken processing plant which will be operated by the private sector has been completed and will soon be operational. Oil palm processing machine installed and operationalised in Sirisia, 3 mobile maize driers procured for Tangoreni and Mt. Elgon sub-counties.	Newspaper article	Feb-15
		The coalition made proposals to improve rural access; Bungoma County Government is upgrading of 68 rural roads in all wards.	County Government website	

BMO	Project	Policy reform	Evidence	Date
		The county has installed high mast flood lights in six major markets of Kanduyi, Myanga, Chwele, Kamukuywa, Lugulu and Cheptais.	Governor's speech	
		The business coalition lobbied for the construction of Jua Kali sheds at Mbakalo, Tongaren and Kanduyi markets at a cost of KES 45 million.	Online article	
		The coalition successfully lobbied for the acquisition of county ambulances for emergency response, with the county procuring one per sub county.	County website	Sep-14
		Lobbied County Government to invest in and distribute 105 greenhouses worth KES 59 million.		
ABCK	Biogas Standards	Lobbying for the successful Gazetting of Kenya Standard domestic biogas stove – First edition	Kenya Gazette	Mar-15
		Lobbying for the successful Gazetting of Kenya Standard – Domestic biogas lamps specification – First edition.	Kenya Gazette	Mar-15
PERAK	Copyright Act	Lobbied KECOBO to propose amendments to the Copyright Act requiring CMOs to share tariff schedule with KECOBO for approval and gazetting by AG's office.	Kenya Gazette: Miscellaneous Amendment Bill, 2014	Mar-14
ACTIF	AGOA renewal	The US Senate passed the African Growth and Opportunity Act (AGOA) Extension and Enhancement Act of 2015 (Bills H.R. 1891/S.) whose intended purpose is to extend the AGOA and the Generalized System of Preferences (GSP). It was assented to by the President on 29th June, 2015.	http://agoa.info/news/article/5686-us-africa-agoa-trade-legislation-passes-in-senate.html	Jun-15
ICPAK	Capital Gains Tax	0.3% withholding tax on sales value for stocks as opposed to the 5% on Capital Gains.	Finance Act, 2015/16; BD article	Jun-15
KNCCI Nandi	Withdrawal of Nandi County Cess Bill	Successfully lobbied for the withdrawal of the proposed cess Bill that had already gone through the first reading at the County Assembly.	Revised budget communique from the county government.	Jun-15
PIEA	National Energy Policy and Bill	Increase in taxes for vehicles older than 3 years to support the cleaner fuels/cleaner vehicles agenda.	Excise Duty Bill, 2015	Jun-15
KAHC	Beach Management	Reduction in excise duties on diesel and kerosene. Parliament's National Environment Tribunal issued a stop order for the proposed offshore sea and sand harvesting in South Coast, Kwale County.	Excise Duty Bill. 2015 Letter from Parliament	Jun-15 Jul-15
ISK	Land Acreage Bill	Lobbied for the extension of the constitutional deadline on the Minimum and Maximum Land	Hansard report with motion passed by Parliament	Aug-15

BMO	Project	Policy reform	Evidence	Date
		Acreage Bill, 2015 from August 2015 to 27 th August 2016.		
ICSIA	Securities and Investment Analysis Act No 21 of 2014	The Securities and Investment Analysis Act was passed by the National Assembly and assented to by the President.	The Investment and Financial Analysts Act, 2015	Aug-15
ICPAK	Business Laws	The enactment of the Companies Act, 2015 The enactment of the Insolvency Act, 2015 The enactment of the Business Registration Service Act, 2015	Companies Act, 2015 Insolvency Act, 2015 Business Registration Service Bill, 2015	Sep-15 Sep-15 Sep-15
	Capital Gains Tax	Amendment to Finance Bill 2015 on the administration of Capital Gains tax - removal of 5% CGT to 0.3% withholding tax on the transaction value arising from the sale of shares	Finance Bill, 2015	Sep-15
ABCK	Finance Bill 2015	Biogas digesters, biogas and leasing of biogas processing equipment are now exempted from VAT.	Finance Bill, 2015	Sep-15
ACTIF	Cotton Value Chain	Gazettement and implementation of a Kenya Textile and Apparel Industry Diagnosis, Strategy and Action Plan.	The Kenya Textile and Apparel Industry Diagnosis, Strategy and Action Plan	Oct-15
KAM	County Money Bills	Advisory on levying of taxes and fees charges by county government.	Letter from the Commission of Revenue Allocation	Dec-15
PIEA	Petroleum Bill	Delayed gazetting of proposed upper capping of EIA License Fees. PVOC operations manual for certificate of conformity to be undertaken for the oil industry	Letter from the Ministry of Environment PVOC Manual	Nov-15 Nov-15
KARA	Nairobi Waste Management	Successfully lobbied for the gazetting of the Nairobi County Solid Waste Management Bill, 2015	Awaiting the gazette notice- website shows this was passed	
KCM	Mining Policy and Bill	Mining and minerals Bill approved by Cabinet	News item from Citizen.co.ke.	Apr-16
KTF	Tourism Economic Value Chain Research	Tourism incentives for world travellers	Ministry of Tourism Press release	Jan-16
KSIA	Private Security Industry Bill	President Assented to the Private Security Industry Regulation Act, 2016	http://www.businessdailyafrica.com/President-Kenyatta-signs-Private-Security-Bill-into-law/-/539546/3208672/-/ok4lk5z/-/index.html	May-16
KSP	Physiotherapy Act	Gazetting of the Physiotherapy Council of Kenya board members	Legal notice no. 7244	Oct-15
KVA	Veterinary Medicines and Professional Reform	VMD regulations		
	Code of Ethics	Code of Ethics		
KCM	Mining Policy and Bill	Mining Act		

BMO	Project	Policy reform	Evidence	Date
KCPA	Coffee tax, representation and market rules	Mining Policy Acceptance of recommendations on taxes and fees in the Finance Bill 2016		
EATTA	Ad valorem Levy	Removal of ad valorem levy in the Finance Bill 2016. The elimination of taxes and fees in the tea value chain		
KCPA	Coffee tax, representation and market rules	The abolishment of statutory levies 4% of coffee sales proceeds that are deducted to finance- CRI, Coffee Directorate and Roads Board. Abolition of coffee license fees	State of the Nation address, 24th March, 2016	Mar-16
		Improved transparency in the coffee milling process as proposed in the draft Coffee (General) Regulations, 2016 including: - A miller shall ensure that there is a representative of the grower during the milling process. - AFFA shall prescribe maximum milling losses and publicise information to growers.	President's Task Force Report on coffee Reforms	May-16
		Reduction of roasters fees to KES 7,500 NCE to create a sales window to cater for local roasters with appropriate trading rules and catalogues.	President's Task Force Report on coffee reforms President's Task Force Report on coffee reforms	May-16

Table 8: Policy reforms achieved in BAF1

BMO	Project	Policy reform
ABSF	Drafting regulations for 2009 Bio security Act	Policy standard that provides guidelines for labelling GMOs and derived products intended for use as food, feed or ingredients
ACTIF	AGOA	Policy Guideline for establishing a biotechnology awareness strategy for Kenya
AgroAk	Amendment to PCP Act	Imposition of tariffs on Chinese imports
EATTA	Enhancement of tea trade business	Miscellaneous amendment to PCP Act to address counterfeits
FPEAK	Multiple standards	The Tea Amendment Bill
	Levy Burden	Lobbying KEBS to accept Kenya GAP mark of quality
	Levy Burden	Waiving horticultural export cess levy through a Ministerial notice through the Horticultural Crops Development Authority Order of 2011
	Levy Burden	Repeal of 120% tax on plastics by the Tax Remission Export Office
	Levy Burden	10% Rebate on water fees- Water Act of 2002 that was previously not implemented

BMO	Project	Policy reform
ICPSK ISK	Multiple Standards	Approval of HCDA levy funds for a percentage to be paid to FPEAK.
	Multiple Standards	Naivasha levy to be accumulated in a central pool
KAM	Competent Authority	Formation of a competent authority through a Ministerial notice
	Unclaimed Financial Assets Act	Enactment of the Unclaimed Financial Assets Act
KAHC KCM KENAPOFA KEPSA KHF KIF KPSA KSC	Land Reforms	Land Act
		Land Registration Act
		National Land Commission Act
	Tax administration	Lobbied KRA/KPLC to reduce VAT on electricity bills to 12%
	IPR	Adoption of most provisions in the anti-counterfeit regulations
	Tax administration	Budget proposals for 2009
		-Reduction of excise duty on plastics
	Trade Facility	Adoption of some EAC/COMESA tariff proposals
	Think Tank	Amendment to Land Policy
		Revision of IDF fee from 2.75% to 2.25%
	Conformance Standards Harmonised	
	Views incorporated into new constitution	
	EAC duty remission extended to June 2011	
	Review of duty on paper to 10% from the previous 25%	
	Review of NEMA laws through Legal Notice no. 120 and 121	
	Clause relating to access to land (overseeing that a mining title was granted before the right, the miner does not have to request consent from the new landowner.)	
	Use of standard size potato bags while selling potatoes in the markets	
	Enactment of MSE Bill of 2012	
	Formal partnership with the Kenya National Assembly- Parliamentary Liaison Committee that will remain open to engage with private sector on any issues that require legislative intervention.	
	Wins include:	
	- University Education Bill	
	- Energy Sector Bill review	
	- VAT Bill, 2012 (KRA returns and e-system implementation)	
	Rejection of the President to assent to the Price Control Bill	
	Healthcare financing strategy to affordable and accessible quality healthcare presented to NESC	
	CCK Act promulgated	
	Proposals to NESC accepted	
	Advocated for 24/7 port operations and border posts which was agreed and implemented by Kenya Ports Authority/ Ministry of Immigration, KRA and other Govt agencies.	
	Implementation of the Kilindini Waterfront Automated Terminal Operating System (KWATOS)	
	Introduction of a single weighing point of exit and including private sector in the management of weigh bridges	
	Lobbied KPA and KRA to harmonize their automated systems i.e. Kilindini Waterfront Automated Terminal Operating System and Simba 2005 system.	

BMO	Project	Policy reform
KVA	Veterinary medicines distribution reform	Lobbied KPA in redirecting the Port Community Based System into a single window system Veterinary disease free zones
LPAK	Enforcement of PPD Act	Lobbied PPOA in the enforcement of public tender regulations. The Government of Kenya procurement agent is obliged to tender for quotations while ensuring fairness and open competition
MOA	National Road Safety	Advocated for revision of city by laws to include business owners in the management of Nairobi City Council owned bus termini 14 seater matatus to 33/40 seater
STAK	Regulatory Reform of seed and plant varieties act	National performance trials regulations of 2009 Seed Policy enacted in 2010 (Was not reported)
ICPAK WA	Business Regulation Bills	Limited Liabilities Partnerships Act - this was Assented to as LLP Act Cap 30A of March 2012 (a) JICA sponsored a feasibility on missing links (roads) this resulted in Kenya Urban Roads Authority (KURA) getting some funding from JICA and various linking roads were opened up. (b) There were traffic lights in Westlands that were causing congestion as they were not 'smart'. These were removed and replaced with better functioning lights that better controlled the traffic. (c) Conversion of several roads to one-way streets including Ring Road (although this was reconverted back due to expansion of the market and illegal occupants' refusal to move). This was agreed in principle and the funds are there as well as project plans. Other roads that were converted including the Sarit way (paved by the Mall) amongst others.

Appendix 2: Summaries of results

Table 9: BAF1 targets & results

Objectives and outputs	Indicators	Target	Result
<i>Intermediate objective</i> The business environment is improved through the formulation and implementation of policies, laws and regulations conducive for private sector development	Number of laws affecting the business sector enacted or amended ⁴⁰	10	14
	Cost of doing business (% of income per capita)	40%	c. 40%
	Ease of doing business ranking (country ranked no. 1 is considered easiest for doing business)	78	98
	Ranking in Corruption Perception Index	130	154
	Number of licensing reforms implemented out of 1,325	25%	52% ⁴¹
<i>Immediate objective</i> To build the capacity in business associations to be capable players in policy dialogue	Number of policy issues presented to Government by 2010	65	167
	Number of policy changes effected	16	56
<i>Output 1</i> Capacity of Business associations in leadership, research, governance and policy advocacy strengthened	Number of BMOs (male and female) trained in Research, Advocacy, Leadership, Governance	75	117 BMOs 629 people
	Beneficiaries % satisfaction rate with training	80%	95%
<i>Output 2</i> Communication on policy advocacy to the public through various media channels improved	Number of position papers	35	52
	Number of radio announcements	92	322
	Number of television interviews	58	262
	Number of newspaper articles	122	487
<i>Output 4</i> Funds disbursed to Grantees	Number of enquiries received from BMOs	131	270
	Number of approved applications	66	57
	% of applications addressing BEE issues		100%
	Issues relating to Gender / HIV/AIDS	5%	3%

⁴⁰ In addition to Finance Bill

⁴¹ BAF (2009) Kenya Association of Manufacturers: impact of licensing reforms on doing business and competitiveness in Kenya, available at See <http://businessadvocacy.net/kenya/impactKAMlic.pdf>

Table 10: BAF2 targets & results

Objectives and outputs	Indicators & targets	Results
Capacity building	60 partner BMOs demonstrate improvement in competence by end of 2015.	42 out of 50 demonstrated improvement in advocacy by end of December 2015
Funding advocacy	100 BMOs (30 previously supported, 70 new) engaged to deliver advocacy projects by end of 2015.	305 BMOs (270 new) supported through 57 lead BMOs (31 new).
Climate change window	14 climate change advocacy projects by end of 2013.	10 climate change advocacy projects approved to nine organisations (eight BMOs and a policy advisory body, NESO)
Advocacy projects	100 projects supported by end of 2015	124 projects supported
Changes in public policy	120 changes by end of 2015	149 changes achieved by end of BAF2. An additional 108 changes were discovered during the period of BAF3.
Sustainability support	16 BMOs by end of 2015 will have demonstrated improved capacity to introduce or improved fee-based services to members; and will have increased membership bases by 30 per cent by end of 2015.	26 BMOs supported of which 16 exceeded targeted growth in revenues of 30 per cent by the end of 2014.
Media coverage and raising awareness	100 articles related to BEE issues by end of 2015	BMOs secured 601 press articles, 179 radio features and 186 TV features

Table 11: BAF3 targets & results

Objectives & outputs	Indicators	Targets	Results
OUTCOME 1: BMOs and CSOs have developed effective working relationships with public sector policy makers	Number of BMOs and CSOs that have engaged in policy dialogue	75	240
	Number of BMOs presenting policy proposals to government	50	209
	Reforms of public policy	108	222
OUTPUT A: BMOs will have improved their skills and capabilities to engage with government and participate effectively in dialogue and advocacy on a sustainable basis	Research reports published	25	37
	Policy position papers published	91	102
	BMOs earning sufficient revenue to cover all expenditure	6	4
OUTPUT B: BMOs and MDAs have worked together to achieve change in public policy	Number of BMOs involved in partnerships with MDAs to jointly commission policy reviews, research and policy positions	21	25
OUTCOME 2: Media will have improved their coverage of business enabling environment and green growth issues	Media coverage has raised awareness amongst policy makers	50% of policy makers surveyed	86% (mean)
OUTPUT C: Knowledge and information related to regulation, regulatory reform, government data and good practice in dialogue and green growth is more widely available	Number of sources provided through knowledge portal (uploads)	1,000	1,043
	Number of resources accessed from the portal by BMOs (downloads)	1,463	1,864
	Number of times resources accessed from knowledge portal by policy makers and media (downloads)	250	256
OUTPUT D: Media is more aware of business enabling environment and green growth issues	Number of articles in the media at the initiative of journalists	75	306
	BMOs will have achieved press coverage (Press articles)	900	2,337
	BMOs will have achieved press coverage (radio articles)	300	1,763
	BMOs will have achieved press coverage (TV articles)	300	1,039



The Business Advocacy Fund was launched in Kenya in 2006 with support from DANIDA to support business associations so that they, in turn, could influence the reform of the enabling environment. For 15 years, it supported business membership organisations to engage in public private dialogue and advocate policy reform to improve the business enabling environment in Kenya. This report reviews the difference that it made to the ability of business associations to secure policy reforms and summarises 15 years of lessons.