

**MINUTES OF THE 19TH OSIEA REGIONAL BOARD MEETING**

**7th – 8th November 2015**

**Kampala Serena Hotel**

**Kampala, UGANDA**

**PARTICIPANTS (alphabetically by last name)**

**OSIEA regional board members:**

Jok Madut Jok, *board member*

Stella Mukasa*, board member*

Chris Maina Peter, *board chair*

**Apologies:**

Magda Ali, *board member*

Lawrence Mute, *board member*

**OSIEA staff members:**

Francis Akorikin, *food security program officer*

Victoria Akullu, *administration support - Uganda*

Mburu Gitu, *executive director*

Emmanuel Kamonyo, *health & rights program officer*

Nguru Karugu, *health & rights program consultant*

Jaki Mbogo, *health & rights program manager*

Richard Mugisha, *Uganda program officer*

Sarah Mukasa*, deputy director*

Joanna Oyediran, *Sudan & South Sudan program manager*

**Special invitees:**

Akwe Amosu, *OSF Africa regional director*

Anne Gathumbi, *OSF sexual health and rights program (SHARP) director*

Deng Kiir, *People’s Legal Aid Center (PLACE)*

Hala Al-Karib, *OSIEA regional board elder*

Mugambi Kiai, *special advisor to the executive director - OSIEA*

Rifaat Osman, *People’s Legal Aid Center (PLACE)*

Suliman Baldo, *OSIEA regional board elder*

**Minutes by:**

Myra Karani, *executive assistant to the deputy director*

Bridget Musungu, *Sudan program assistant*

**DAY 1: 7TH NOVEMBER 2015**

1. **Opening remarks and approval of the meeting’s agenda**

The meeting was opened at 9:16am by board chair Chris Maina Peter, who welcomed board members, as well as OSIEA and Open Society Foundations (OSF) staff. Following this, the board approved the agenda as outlined.

1. **Director’s update**

Mburu Gitu provided the following updates to the board:

* 1. **Staffing updates:**Abdi Ibrahim joined OSIEA in October 2015 as IT officer, while Nandy Kohanya joined in September 2015 as security advisor, seconded by Salama Fikira (a security consulting company). Joshua Lubandi, OSIEA’s communications officer, resigned from his post in July 2015. As his position has had a high level of staff turnover in the past couple of years, the role will be revised prior to re-advertising the job.
  2. **2016 work plan and budget**: OSIEA’s 2016 budget was presented to OSF’s president, as well as colleagues in OSF’s strategy and budget units in September 2015, alongside those of other Africa foundations. OSIEA’s 2016 work plan and budget have since been approved by the president’s office and are now under review by OSF’s global board’s budget and strategy committees. Final approvals are expected from George Soros and the global board before the end of the year. OSIEA’s budget has been flat at US$ 12.9 million for the last two years and is expected to be approved at the same level for 2016, save for a marginal increment of US$ 54,000 to support the costs of increased bandwidth. Having a flat budget means that in order to start a new body of work, an existing one must be down scaled or dropped. However, this can be mitigated by collaboration with network programs and tapping into OSF’s reserve funds. Akwe Amosu noted that the reserve fund gives one year grants and provides an opportunity to test new areas of work. She also noted that capped budgets were a stabilization measure that Chris Stone applied when he joined OSF and that they will not be permanent. OSIEA remains hopeful that from 2017 there will be room to increase its base budget.
  3. **Legal restructuring:** OSF’s general counsel has been working with OSIEA’s local counsel to register OSIEA’s new off-shore entity in Mauritius. The off-shore entity will be the parent company for OSIEA’s operations in the region and this new legal entity will be set up with an executive board, which will have the expanded roles that were approved by OSIEA’s regional board in July 2015. The timelines to finalize the new entity will be determined soon.
  4. **Expansion of OSIEA’s regional board’s terms of reference:** As OSIEA awaits the completion of the setup of its new legal entity the regional board will begin to act on its expanded terms of reference from 1st January 2016. The legal instruments to bring this into force have been filed and a final resolution will be available by the end of the year.
  5. **September 2015 New York visits by the director and deputy director:** In September 2015, OSIEA’s director and deputy director visited New York for a series of meetings, including one with Chris Stone and directors of other OSF regional and national foundations, to discuss proposed models for foundations and make tentative choices. OSIEA located itself in model ‘B’ in which a foundation has an independent legal status with a governance board, but with most of its systems and processes integrated with those of New York and other central OSF offices. There are no immediate changes that OSIEA will have to make based on its choice as its systems and processes are already fairly integrated. The choice of model will not affect the size of a foundation’s core budget and OSIEA will still have to develop its strategy and annual budget for approval by OSF’s president’s office. By the end of 2015, the process of matching foundations to their appropriate models will be complete. The directors also attended meetings of the Africa Regional Advisory Committee (AfRAC), as well meetings with a number of directors of thematic programs with projects in Africa, including the Fiscal Governance Program (FGP), the Public Health Program (PHP), the Women’s’ Rights Program (WRP), and the Justice Initiative (JI).
  6. **OSIWA and OSISA board meetings:** Between 13th and 18th October 2015, Chris Maina Peter and Mburu Gitu attended the Open Society Initiative for Southern Africa’s (OSISA’s) board meeting in Kinshasa, DRC. Mburu Gitu also attended the Open Society Initiative for West Africa’s (OSIWA’s) board meeting in Saly, Senegal, from 7th to 9th October 2015. These meetings provide opportunities to share knowledge, information and best practices among OSF’s Africa foundations. In the coming months, OSIEA will welcome board and staff members of other OSF Africa foundations to board meetings and encourage OSIEA board and staff members to attend other OSF Africa foundations’ meetings.

Chris Maina Peter shared that the OSISA board usually has a business meeting within their board meeting, where they discuss the technicalities of management. After this they have a half-day docket review session where every program head defends their grants. He felt that the approach was time consuming, but gave board members clarity on the grants that were presented to them for approval, as well as a better picture of the organizations whose proposals were under review. He also noted that every grant docket contains the bios of the relevant grantee’s board members.

Jok Madut Jok felt there was need to have grant dockets presented by staff members, in order to understand why they choose particular grantees. Stella Mukasa stated that elements of eligibility assessments are noticeable in OSIEA’s dockets and she trusts OSIEA staff members to make reliable eligibility judgments.

Mburu Gitu informed board members that eligibility assessments had not been shared with them in order to reduce the number of documents presented to them for their review. However, information from eligibility assessments are usually captured in final grant dockets presented to the board. He urged board members to ask for eligibility assessments, should they feel that they would enable them to review dockets better. He also recommended that a longer discussion about eligibility assessments be held at a future meeting. Akwe Amosu informed the board that OSIWA does not undertake eligibility assessments, which is why they have a more involved grant review process.

Board members requested the secretariat to think of a process that incorporates OSISA’s presentation-style of reviewing grants and OSIEA’s current processes.

* 1. **OSIEA’s financial management system, GMS:** OSF continues the search for a better functioning financial management system to replace GMS. An alternative system was being piloted at OSIWA, but decisions pertaining to the success of the pilot will be made in the latter part of 2016. In the meantime, OSIEA will continue to use GMS.
  2. **Strategy updates:** 
     1. ***Tanzania:*** Chris Maina Peter gave a brief update on Tanzania’s October 2015 elections, noting that competition was stiff this time around, with a lot of involvement from the youth who wanted to see change. Initially, Edward Lowassa had been a member of *Chama Cha Mapinduzi (CCM),* but was not nominated the party’s presidential candidate. This saw him leave CCM to join the opposition, *Chadema*, where he was then nominated the party’s presidential candidate competing against CCM’s John Magufuli. However, Edward Lowassa had two major challenges working against him, including his links to corruption and his diminishing health, which contributed to John Magufuli’s victory by about one million votes. Edward Lowassa then proceeded to dispute the results in vain, as Tanzania’s constitution makes it impossible to dispute results once the electoral commission has announced a winner. CCM had been strategic in choosing a presidential candidate, ensuring that his campaign message focused on national development and not to his affiliate party. This was effective given John Magufuli’s good track record in the ministries he had led. Conversely, Zanzibar’s electoral commission annulled its results, announcing that elections would be rescheduled within 90 days. This raised questions on the legality of the presidency and state officials. Chris Maina Peter added that OSIEA had contributed greatly to the electoral process in Tanzania through facilitating the distribution of copies of Tanzania’s constitution via the constitution review commission. This increased awareness among Tanzanians and saw more women vie for elected positions successfully.

Mugambi Kiai, who had observed Tanzania’s elections, noted that the elections were competitive and that the announcement of results was slow, which led to mounting tension and heightened security. This scenario demonstrated the need for OSIEA to develop a responsive portfolio on elections.

Jok Madut Jok noted that there are high levels of corruption in the region, which result in the misuse of funds intended for development and contribute to instability in the region, especially during elections. Sarah Mukasa added that political work should take into consideration the economic situation of any given place and OSIEA should think through how to address corruption differently.

* + 1. ***South Sudan****:* The two main protagonists in the South Sudan conflict finally signed a peace deal in September 2015, which seeks to return Riek Machar to Juba as vice president. Fidelity to previous peace agreements have been wanting on both sides, which raises questions about the latest one. President Salva Kiir only signed the deal after giving in to external pressures, as he had reservations on the provisions on power sharing and security arrangements, among others. The peace deal offers the possibility for the country’s renewal if steps are taken towards promises on constitutional reform, accountability for serious human rights violations, and national healing and reconciliation. For now the political, economic and security situation in South Sudan will remain fragile for the foreseeable future. It is hoped that regional leaders and the international community will play a positive role to progress the peace deal and make the financial, diplomatic, and political investments that are required to support it.
    2. ***Uganda****:* Efforts to unite the opposition behind one candidate to face incumbent President Yoweri Museveni in the February 2016 polls have not succeeded. This is likely to give the incumbent a significant head start in the elections, which will likely not represent any significant change. Contestations over the electoral outcome can be expected as in previous elections, with the consequent escalation of state-driven violence and arrests of activists and opposition members. OSIEA will continue to monitor the situation closely in 2016.
    3. ***Kenya****:* The ongoing International Criminal Court (ICC) trial against the deputy president for his alleged involvement in the 2007/08 electoral violence continues to animate much of the country’s political debates and threatens to fracture the fragile ruling coalition of the president and deputy president, with the deputy president’s supporters accusing the president’s supporters of having a role to play in instigating the case. There have been increased efforts by the government to terminate the case through political processes both locally and internationally, but these are unlikely to affect the proceedings. Though the case seemed to be collapsing a few months ago, the judges’ decision to consider recanted evidence has changed this. It now looks like the case will proceed to full trial, unless the appeal challenging the use of this evidence succeeds.
    4. ***The region’s economies:*** The erosion of the values of local currencies, particularly against the US dollar, is likely to continue to have consequences for the economies and people of Eastern Africa. People are beginning to experience increased product prices, including for basic commodities, and rising interest rates. Still there are reports of misuse of public resources by state officials and political elites.
  1. ***2017-2020 strategy:*** Within OSF, foundations are required to submit four-year strategies that are refreshed every two years. In line with this practice, in 2016 OSIEA will be required to refresh its current 2014-17 strategy and replace it with a new 2017-20 strategy. The process will be undertaken when OSIEA will just have completed 10 years, which is an ideal time for the organization to review its goals and programs and possibly explore new themes of work and geographies, as it continues its current work to the extent that it is necessary. The secretariat hopes to develop a corporate-level strategy that will define the organization’s work and direct its programming for the next strategy. This ambition is consistent with OSIEA’s commitment to being a regional foundation, as opposed to a federation with individual national programs. Additionally, the new strategy will hopefully contribute to improved connectivity across the organization and allow the organization’s mandate to be better understood and reported on. It will be anchored on a few key thematic areas, each with a number of high level goals, both of which will be developed during OSIEA’s November 2015 staff meeting. In preparation for this meeting, OSIEA staff have been undertaking program reflections over the past two months, as well as holding discussions with internal and external resource persons on various topics that are relevant to the region, including Daniel Kalinaki (Nation Media Group) and Don Deya (Pan African Lawyers Union – PALU), among others. A draft 2017-20 strategy will be submitted to the board at the March 2016 board meeting. Following this, the draft approved by the board will be forwarded to OSF’s president’s office in New York in April 2016 for a joint review with the global board’s committee on strategy and budget in May 2016.

1. **Approval of July 2015 board minutes**

Board members felt that the July 2015 board minutes had captured the tone and substance of the meeting. Stella Mukasa moved a motion to approve the minutes, seconded by Jok Madut Jok and passed unanimously.

1. **Matters arising from July 2015 board minutes** 
   1. ***KARL intranet:*** Some board members expressed that they still experience challenges accessing the portal. Stella Mukasa reported that she receives notifications about emails posted on KARL but is unable to read some of them or respond to them as they keep bouncing back. Akwe Amosu shared that there are rules for non-OSF users and asked the secretariat to check on this.
   2. ***OSIEA’s deputy director:*** Chris Maina Peter inquired how things were working out between the deputy director and her assistant, as the latter is based in Nairobi and the former in Kampala. Mburu Gitu explained that such remote relationships are common in OSF.
   3. ***Grants Management System (GMS)***: Mburu Gitu explained that the shortfalls with GMS were being addressed through both short and long term initiatives to ensure that operations continue. Russell Pickard added that a consultancy firm had been hired by OSF New York to look into alternative systems and OSIEA would participate in pilots related to the same.
   4. ***Budget and work plan presentation***: Akwe Amosu suggested that the board chair accompany the executive and deputy directors to present OSIEA’s budget and work plan in 2016, in order to ensure that decisions that have been made by the board are upheld and not altered by OSF’s strategy and budget committee.
   5. ***OSIEA’s calendar of events:*** Mburu Gitu suggested a review of July board meetings to June, in order to meet deadlines for submission of the organization’s budget and work plan to OSF’s president’s office. Board members agreed to check their calendars and confirm if this would be viable.
   6. ***OSIEA’s security advisor:*** Chris Maina Peter noted that the position is temporary though the person taking it up would have access to confidential information, which raises questions about OSIEA’s security. Mburu Gitu acknowledged that OSIEA was in a vulnerable position, but the current arrangement was the only feasible option given the current headcount freeze within OSF. Akwe Amosu added that there was need to undertake a periodic information technology safety check, given the interest in OSIEA’s data by governments in the region.
   7. ***Global board member’s visit:*** Mburu Gitu informed the board that Jonathan Soros, an OSF global board member, had visited the region with some members of his family, and that they had been extremely humble. The board applauded the secretariat for their good work in hosting Jonathan Soros and his family.
   8. ***Conflict of interest:*** Akwe Amosu stated that the practice of board members recusing themselves in instances of likely or actual conflict of interest is well established within OSF. Given that OSIEA’s board would become a management board, she advised that there was need to identify clear boundaries on conflict of interest. She also mentioned that there was a conflict of interest policy that was issued by the president’s office and asked Mburu Gitu to circulate it to board members before the recruitment of new members began.
2. **Review of November 2015 grant dockets**

Chris Maina Peter noted that the grants submitted for the November 2015 board meeting had been reviewed electronically by board members ahead of the meeting. All grants had been approved and the comments from the board would be circulated to staff members. Any responses from staff members would then be forwarded to the board. Below is a summary of the approved November 2015 grants.

| **Name of organization** | **Proposal title** | **Recommended Amount (US$)** | **Project duration** | **Board decision** |
| --- | --- | --- | --- | --- |
| **Political participation of citizens** | | | | |
| National Association of Professional Environmentalists (NAPE) | Amplifying women’s and men’s voices in Bunyoro’s oil host communities through a strengthened sustainability school approach | $300,000  (OSIEA: $160,000) | 3 years | Approved |
| The Gaia Foundation | Promoting people and women-centered approaches to protecting Lake Albert ecosystems and people’s livelihoods, Uganda | $200,000  (OSIEA: $100,000) | 2 years | Approved |
| **Human rights monitoring and documentation** | | | | |
| International Refugee Rights Initiative (IRRI) | Information capacity building II | $200,000 | 2 years | Approved |
| The Strategic Initiative for Women in the Horn of African (SIHA) | South Sudan: Building universality from below II | $150,000 | 18 months | Approved |
| New Sudan Women Federation (NSWF) | South Sudan: Institution strengthening of NSWF to eliminate violence against women in South Sudan | $80,000 | 18 months | Approved |
| Muslims for Human Rights (MUHURI) | Core support and access to justice in Kenya’s coast region | $150,000  (OSIEA: $100,000) | 1 year | Approved |
| Tanganyika Law Society (TLS) | Advocacy for promoting democratic policing in Tanzania through Haki na Usalama Forum/Justice and Security Forum | $91,430 | 1 year | Approved |
| Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN) | General support grant to advocate for the full implementation of health as a human right in Kenya | $336,000  (OSIEA: $80,000) | 2 years | Approved |
| Uganda National Health Users’/Consumers’ Organization (UNHCO) | Promoting accountability and social justice in health for all Ugandans | $110,000  (OSIEA: $105,000) | 2 years | Approved |
| Uganda Network on Law, Ethics and HIV/AIDS (UGANET) | Promoting health rights and justice in Uganda | $200,000  (OSIEA: $105,000) | 2 years | Approved |
| **Shared framework: Food security** | | | | |
| Kapitur Resource Management Association (KARMA) | Turkana drought response project (TDRP) | $101,053  (OSIEA: $25,110) | 2 years | Approved |
| Centre for Africa Bio-Entrepreneurship (CABE) | Livestock and climate change: re-thinking policies on animal health and food security in Turkana – Kenya | $79,912  (OSIEA: $20,335) | 1 year | Approved |
| **Own initiative: Maternal health** | | | | |
| Impact Health Organization (IHO) | South Sudan: building community capacity for improved delivery of maternal health services | $75,000 | 2 years | Approved |
| Interreligious Council of Kenya (IRCK) | Faith communities advocating for improved maternal health service delivery in Kenya using the health and human right-based approach | $100,000 | 2 years | Approved |

**General comments:**

* ***Gender equality:*** Stella Mukasa was pleased to see increased gender and women’s rights issues incorporated into OSIEA’s work.
* ***Fiscal management agents (FMAs):*** Stella Mukasa shared with the board that a grantee had brought the issue of mistreatment and mistrust by a FMA to her attention. She also noted that the 7.5% FMA fee was a significant investment by OSIEA. She reminded the board that FMAs are meant to be facilitators, not decision makers, and should improve the capacity of grantees to manage their own funds. The relationships between FMAs and grantees have various levels of success, and it is important to periodically assess them. It may be useful to create common learning platforms between FMAs and grantees with the aim of ironing out issues, in addition to pairing grantees with varying degrees of strength in financial management for peer-to-peer learning. OSIEA should also consider incorporating the relationships with FMAs into its portfolio reviews.
* ***Inflation rates:*** Jok Madut Jok noted that there are parallel exchange rates in South Sudan – one from the government and the other from banks. This has meant that grantees who receive their funds through banks in South Sudan get fewer funds than intended. Mburu Gitu said that he would give an update to the board at the next board meeting.
* ***Muslims for Human Rights (MUHURI) and Haki Africa:*** Mburu Gitu reported that MUHURI and Haki Africa had some of their accounts frozen after the government of Kenya accused them of being associated with terrorism. OSIEA had supported them during that time, for instance through channeling funds through the bank accounts of their board members. He also noted that the organizations had filed a case in court to have the government’s actions reversed and the court had dismissed their involvement in terrorism. However, this did not result in their accounts being unfrozen.

1. **Review of OSIEA’s updated thoughtful grant making memo**

Mburu Gitu told the board that the secretariat had proposed amendments to the board’s thoughtful grant making memo of 2011 based on reflection sessions with staff members. Newly articulated ideas included: fidelity to OSIEA’s strategy; commitment to transformational change; risk taking, risk management and solidarity with partners; preference for local knowledge, skills, capacities and learning; measuring change or progress; and collaboration with other donors.

Jok Madut Jok emphasized the need for balance between long term commitments to organizations doing good work and equitable distribution of funds in the region, to allow the periodic selection of new grantees. Chris Maina Peter noted that a majority of the grants submitted for the current board meeting were renewals and urged the secretariat to think more about when relationships with long time partners should end. Mburu Gitu stated that OSIEA was committed to getting grantees to a point of reduced dependency and was taking advantage of co-funding relationships with OSF network programs to increase the funds available for engagement with new grantees.

Stella Mukasa questioned OSIEA’s understanding of change and suggested that gender responsiveness in OSIEA’s grant making should be incorporated into the updated memo. Sarah Mukasa reported that OSIEA had been working to incorporate gender responsiveness into its new strategy, working with other foundations as well as OSF’s Women’s Rights Program. Jok Madut Jok reminded board members that gender inclusiveness is not solely about bringing women on board.

Akwe Amosu cautioned OSIEA colleagues against finding solutions to every problem, stating that it was fine to have unanswered questions as they would contribute to open and candid debate about appropriate interventions. Stella Mukasa asked OSIEA colleagues to stay abreast of key drivers in global affairs as they point to where the world is heading, which is important in shaping OSIEA’s strategy. Sarah Mukasa assured the board that OSIEA was addressing this with guidance from the learning, evaluation and achievement program (LEAP), which was helping the organization to strengthen its grant making through research.

Chris Maina Peter requested the secretariat to revise the updated thoughtful grant making memo with the inputs from board members, and resubmit it to the board for final approval.

1. **Health and rights program review**

Jaki Mbogo stated that the review was currently ongoing and as such, a final draft would be shared with the board at a later date. Below is a summary of the review:

OSF began public health programming in the 1980s as a medical program focusing on human resource capacity building. This transformed into a fully-fledged public health program with globally recognized initiatives connecting health and human rights. In 2007, OSF partnered with OSIEA to create the health and rights program that seeks to contribute towards improving quality of life and livelihoods, particularly of marginalized individuals, using a rights-based approach. OSIEA’s health and rights program has to-date supported over 100 local partners in Eastern Africa through partnerships with different initiatives within OSF’s public health program (PHP). The review is aimed at identifying progress in the program and how it can be used as an opportunity for mapping and further programming.

The disease burden in Eastern Africa has changed dramatically since the health and rights program began its work in Eastern Africa. The legal and policy environment has become unfavorable and health systems have become distorted and more challenging. One key question that the review hopes to address is how the program can remain aligned to PHP while still remaining relevant to the Eastern Africa context. Important lessons that have been learned over the years have included: the importance of engaging governments and building allies through partnerships; the importance of building and strengthening institutions and movements; the need for evidence building to justify more investment in the region; and the need to work more efficiently and harness tools for impact.

So far the program has put forward three propositions as ways forward, including: (a) the recalibration of program priorities into three objectives (health and community systems strengthening; ensuring quality access for key affected and marginalized populations; and prevention, care and treatment support); (b) realigning the program’s vision; and (c) refocusing tools and approaches.

Jok Madut Jok noted that disease burden is also a social issue, as there are direct links between foods and diseases like diabetes. He also sought clarity on the rates of child mortality. Chris Alando explained that although existing data on child mortality indicates a decrease in rates, further disaggregation of data shows that quite a number of children die before they are born.

Stella Mukasa asked for clarification on the program’s ambitions to support prevention, care and treatment, questioning whether it is aimed at supporting grantees who work on service delivery, whether it will support models that government structures could take on, and whether it will take devolution into account. Emmanuel Kamonyo assured the board about the program’s commitment to a rights-based approach, stating that the choice to focus on prevention was to reduce the number of patients visiting health facilities and getting admitted to hospitals, as there are also inadequate human resources available. Within this objective, the program will also advocate for governments to increase budgets on communication and health.

Sarah Mukasa inquired how decisions about resources are made and who is accountable for them, particularly in light of governments’ high rates of taxation. She also questioned how OSIEA can contribute towards raising local capacities to address such challenges. Anne Gathumbi noted that health financing was under threat as aid had greatly reduced. She added that the role played by national governments was critical, yet most governments in the region carried on like aid would forever be available. Such an impending situation makes it even more important to advocate governments in the region to allocate adequate resources to avert a crisis. Jaki Mbogo emphasized the importance of accountability for resources in the region, asking how OSIEA could strengthen movements to address this issue through a public health lens.

Jaki Mbogo questioned if OSIEA and PHP can be aligned in their thinking but non-convergent in their interventions, given that the contexts in which OSIEA operates are unique. She added that there is need to review the health and rights program’s vision and how it will be funded in order to clarify whether OSIEA will fund areas of non-convergence or non-alignment with PHP. Chris Alando added that OSIEA will need to change how it works, particularly in light of PHP’s reorganization into five sub-themes. Stella Mukasa noted that attention to country specific contexts was important to ensure that OSIEA remains relevant in the region, adding that it was crucial to maintain a balance between what was working well and where new grants or approaches may be required.

Akwe Amosu applauded the program’s commitment to specificity, urging the team to align themselves with other actors in the field. She said that the Africa Regional Office (AfRO) would be willing to engage with the health and rights program.

Jaki Mbogo concluded by emphasizing the need to reflect further on the issues raised, informing the board that another review would be presented to them after the exercise was over.

1. **2017-2020 strategy**

Mburu Gitu recalled the update he gave on OSIEA’s new 2017-2020 strategy earlier.

Akwe Amosu noted that all four OSF Africa foundations and AfRO would be undergoing their strategy refresh processes in 2016 and it would be useful to tap into each other’s draft strategies to find common areas of interest. This was a role that would be coordinated by AfRO. She also noted that the budget template disaggregated information using different criteria, including themes, and board members asked Mburu Gitu to share an illustration of the budget template.

Akwe Amosu reiterated that the board chair should join the executive and deputy directors for the strategy presentation session in New York in 2016, in order to demonstrate ownership of the document.

1. **OSIEA’s programmatic assessments** 
   1. **Great Lakes region:**

The assessment team comprised Richard Mugisha, Emmanuel Kamonyo and Nguru Karugu. Below is a summary of the assessment.

At the time that the team did the assessment, elections had not yet taken place in Burundi, but violence had begun. Nonetheless, elections were still held and a flawed electoral process saw President Pierre Nkurunziza back in power for a third term. This threw the country into a crisis that saw thousands lose their lives, freedom of expression curtailed, and civil society and the media being silenced. There are allegations that Rwanda has been supporting rebels in Burundi, creating tension between the two countries. Furthermore, Burundi has been hostile towards EAC interventions to act as a mediator in this tension. The cohesion of the EAC is at risk and there is a possibility that Burundi will face isolation from other members in the bloc.

In Rwanda, a petition that sought to amend the constitution to remove presidential term limits was accepted. Following this, the Green Party took the government to court sighting conflict of interest, as the extension had been sought by individuals who were currently in power. Unfortunately the court ruled against them. Interestingly, Rwanda’s civil society organizations (CSOs) and political parties are registered and regulated by the Rwanda Governance Board, a relationship referred to as ‘consensual democracy’, which has been made politically necessary by the fear of a recurrence of genocide.

Mburu Gitu shared the following recommendations for engagement in Rwanda and Burundi:

* From 2016, exploratory grant making, advocacy, and other operational activities should be carried out in Rwanda and Burundi to support human rights defenders at risk, facilitate exchanges between Rwanda and Burundi civil society actors and within the rest of the region, support regional media (such as the *East African*) to profile issues in these countries, and increase the profiling of these countries and critical issues in policy centers.
* From 2017, OSIEA should expand its programming to include Rwanda and Burundi.
* Programming in Rwanda and Burundi should be remotely managed, without establishing an office in any of the two countries.
* A program growth model that is gradual should be explored, starting in Rwanda and Burundi, because of their immediate connection to EAC.
  1. **Horn of Africa:**

The assessment team comprised Joanna Oyediran, Sarah Nkuchia and Francis Akorikin. Below is a summary of the assessment.

OSF has not engaged significantly in the Horn of Africa, except through the scholarships program and the higher education support program (HESP). There are many issues in the region, including conflict, environmental degradation, mass migration and religious extremism, among others.

Ethiopia is a strong state with an authoritarian character. It has experienced a social revolution, but has never had a peaceful transition of power. After the overthrow of the Derg in 1991, the country developed a unique governance model of ethnic federalism. An attempt to hold multiparty democratic elections in 2005 did not succeed and as a result, the country emerged a *de facto* one-party state. The Ethiopian People’s Revolutionary Democratic Party (EPRDF) sees itself as a vanguard party whose legitimacy is based on Ethiopia’s economic transformation through top-down state-led developmentalism, and the government monitors civil society actors very closely. Ethiopia is an important regional actor in Eastern Africa, and globally development interventions in Ethiopia can be influential in what happens elsewhere because of the successes of some of these interventions.

Somaliland is relatively stable, although the eastern parts of the country are barely under government control. The country has a liberal NGO law compared with other parts of the region and the country has held peaceful presidential, parliamentary and local elections that resulted in smooth transitions of power. Most civil society actors and donor resources have supported elections, which are financially and politically demanding. Somaliland has a good human rights record compared with those of its neighbors, though the country has not yet internalized the new rights-based culture reflected in its constitution. For government accountability to be achieved, there needs to be increased space for debate, access to accurate information and relevant expertise, which are difficult to achieve in the face of government hostility, powerful non-state actors (including the private sector and religious groups), and the desire not to undermine peace.

Mburu Gitu shared the following recommendations for engagement in the Horn of Africa:

* From 2016 and beyond, OSIEA should follow the political, economic, and social developments in Ethiopia, Eritrea, and Somaliland closely in the context of open society work, in order to stay well informed about developments in these countries. In addition, OSIEA should not commence programming in these countries as the conditions to do so do not exist.
  1. **Discussion on OSIEA’s programmatic assessments**

Akwe Amosu questioned the extent to which the assessments had been aligned with OSIEA’s work, and Stella Mukasa inquired what the most impactful strategic intervention for OSIEA would be and how OSIEA planned to make decisions on navigating the proposed new spaces. Joanna Oyediran said that operations in the Horn of Africa would be operationally different, but choices of what to work on would have to be made through strategy decisions. She added that Ethiopia is more focused on development-based, as opposed to rights-based approaches.

Jok Madut Jok requested more time to reflect on the assessments, noting that he saw room to work in Ethiopia and Somaliland, unlike in Rwanda where succession of the incumbent president was unlikely.

Akwe Amosu said that there were good reasons why OSF did not work in closed societies, as the tools used by the foundation require some degree of space. She further supported engagement in Ethiopia and Somaliland.

Chris Maina Peter partially supported the recommendations from Mburu Gitu based on physical geographies and political economies in the region, but asked to see the full reports for the respective assessments. He also urged the secretariat to consult organizations like *Kituo cha Katiba* about such kinds of engagements. He expressed that he felt more comfortable assessing Rwanda, Burundi and Somaliland as OSIEA considers the possibilities of expansion.

Board members agreed to continue the discussion electronically to involve board members who were not present. The secretariat was asked to circulate the full assessment reports and any other related reports, as well as a summary of the board’s discussion on the topic. Following this, the board would either make a decision electronically or agree to convene virtually before the end of November 2015.

**DAY 2: 8TH NOVEMBER 2015**

1. **Learning session: Citizenship issues that affect South Sudanese in Sudan**

Rifaat Osman kicked off the session with an overview of the work undertaken by the People’s Legal Aid Center (PLACE) in Sudan, noting that PLACE is a non-profit association of lawyers serving the legal needs of vulnerable people in Sudan, including South Sudanese at risk of statelessness and children in conflict with law, among others.

In Sudan, all NGOs must be registered with the Humanitarian Aid Commission (HAC) who has the power to permit or prevent activities. As such, creative approaches are required to do human rights work. PLACE faces several challenges operating in Sudan, including difficulties identifying committed pro bono lawyers, intimidation, clients who lack of awareness of legal processes and have inconsistent testimonies, partisan and bureaucratic courts, and corrupt police departments. The organization has come up with strategies to counter these challenges, including establishing a core group of experienced lawyers to work with young graduate lawyers who are interested in human rights, training paralegals who work with South Sudanese communities and juvenile courts, and working with sultans to increase trust and cooperation with communities. PLACE uses both Islamic and human rights law for their advocacy.

Deng Kiir, also part of PLACE, shared that following the independence of South Sudan in 2011, persons of South Sudanese origin lost their right to live and work in Sudan. Despite major efforts to return South Sudanese to the new country of South Sudan, an estimated 700,000 remained in Sudan. PLACE seeks to prevent abuse of these persons, through providing legal assistance to those who are arbitrarily denied nationality. They also work to ensure that children of South Sudanese origin who reside in Khartoum are not prevented from accessing education. Accessing documentation, including birth certificates, remains problematic in Sudan, which further exacerbates the issue of accessing resources such as education.

Stella Mukasa commended PLACE for their work and Jok Madut Jok noted that the nine agreements between Sudan and South Sudan included provisions on citizenship and free movement of persons, which have unfortunately not been implemented. He added that the moralization of the law was the biggest contributor to issues on citizenship, noting that appearance was used as a basis for denying a person Sudanese citizenship.

Relatedly, Hala Al-Karib noted that women are commonly accused of adultery and her organization (The Strategic Initiative for Women in the Horn of Africa – SIHA) deals with plenty of cases of women being flogged and stoned to death. Whereas the constitution pushes for inclusion and equality, women’s lived realities are different as they are not viewed as equal citizens. Sarah Mukasa questioned how women in Sudan organize around their interests and how OSIEA could adopt a similar lens to support them. Hala Al-Karib responded saying that women in Sudan understand that they have a role to play in effecting change and that OSIEA could contribute through standing in solidarity with women’s movements. She added that there is need to look into different frameworks as challenging the system is best done from within. Suliman Baldo added that the interpretation of Islam can be challenged by scholars, since interpretations are commonly used to devalue people in order to control them.

1. **Portfolio review: Citizenship issues in Sudan**

Joanna Oyediran began the review by noting that OSIEA had sought to reduce the exposure of South Sudanese living in Sudan and Sudanese living in South Sudan to statelessness and the denial of other human rights within the context of South Sudan’s secession, through issuing publications, and conducting advocacy and grant making primarily focusing on legal aid provision. As such, the portfolio review examined the impact and continued relevance of this work in a changing context.

Within days of South Sudan’s secession from Sudan, the speaker of Sudan’s national assembly drove through an amendment to the Nationality Act, stripping people who had acquired South Sudanese citizenship “de facto or de jure” of their Sudanese nationality. Hundreds of thousands of people, who could be deemed to have acquired nationality under the new citizenship law of South Sudan, lost their Sudanese nationality overnight, creating a risk of statelessness for some. Interestingly in Sudan one can have dual nationality, except South Sudanese nationality.

Initially OSIEA’s focus was on ensuring that post-referendum arrangements relating to nationality were consistent with human rights principles and with nationality standards applicable to state succession. After both countries opted for a unilateral approach, these goals evolved to focus on addressing the risk of statelessness in Sudan and the increased vulnerability to human rights abuses resulting from the marginalized status of southerners in Sudan. After South Sudan’s independence, OSIEA did not focus on northerners living in South Sudan because they were at less risk as the South Sudan Nationality Act was quite generous.

OSIEA’s work in Sudan has been a good example of how different parts of OSF can leverage pockets of knowledge and relationships in the network to mutually reinforce their work. The Sudan program and its grantees have been able to leverage significant knowledge, expertise and networks within OSF to inform their programming. As grantees’ have developed knowledge they have been able to feed this back into efforts to advance the right to nationality at the African union (AU) level, in particular by contributing to the AU study on nationality in Africa and by attending campaign events for the adoption of a protocol to the African Charter on Human and Peoples’ Rights (ACHPR) on the right to nationality.

The Sudan’s program’s overall achievements have been:

* Submission of a case challenging amendments to the Sudan Nationality Act to the African committee on the rights and welfare of the child after the exhaustion of domestic remedies at the constitutional court;
* Adoption of a South Sudanese Citizenship Act which provides for dual nationality and does not discriminate against women’s ability to pass nationality to their children;
* Creation of a network of lawyers and paralegals in areas of Sudan with large concentrations of South Sudanese and a network of community leaders in Khartoum, all trained to address nationality and other legal issues faced by South Sudanese, provide basic advice and refer cases to PLACE;
* Court of Appeal precedents stopping deportation of South Sudanese for minor offences;
* Release of 364 convicted South Sudanese prisoners;
* Reversal of the decision by the Kassala State to refuse access of South Sudanese to primary schools;
* Cancellation of a decision by the Khartoum State to withdraw the licenses of two Christian schools; and
* 65 South Sudanese obtaining their pensions from the Red Sea state government.

Suliman Baldo, the lead discussant of the portfolio review, commended OSIEA’s efforts, noting that citizenship remains a real risk in state succession and that it is often ignored by civil society and the communities at risk. OSIEA and OSF were pioneers among international actors in Sudan doing similar work. OSIEA’s partnership with a small organization (PLACE) that has great potential is innovative and commendable. He urged OSIEA to learn from OSF’s foundations in the Soviet Union on how the two countries can collaborate effectively given that they had dealt with similar issues.

Board members applauded the hope that OSIEA’s grantees gave to affected persons, but cautioned against the use of the term ‘statelessness’ as it undermines ownership and detracts the enforcement of citizenship rights. They also wondered why OSIEA was looking to withdraw from this area of work as it had made such a significant contribution, which should continue. Board members suggested that OSIEA should explore entry points for contributions to the situation at the Intergovernmental Authority on Development (IGAD) and how social media can be used to advance this work. They emphasized the need to continue parallel initiatives in order to bring about change and identified the experience between Ethiopia and Eritrea as a learning opportunity, as Ethiopia eventually accommodated Eritreans in Ethiopia.

Board members agreed that this work in Sudan is relevant and should continue and noted that at the center of OSIEA’s intervention is transformation and reliance on the wisdom of affected communities. Joanna Oyediran concluded by saying that OSIEA needs a holistic approach to solving the issues associated with statelessness and nationality. However, OSIEA might have to withdraw from some of the work due to budget cuts.

Chris Maina Peter applauded the team and reiterated that the project should be enhanced.

1. **OSIEA board members’ terms extensions and policy update**

Mburu Gitu informed the board that some members’ first terms had come to an end or were about to, including:

* Lawrence Mute: April 2013 to April 2015;
* Jok Madut Jok: November 2013 to November 2015; and
* Stella Mukasa: November 2013 to November 2015.

Chris Maina Peter invited Jok Madut Jok and Stella Mukasa to serve on the board for a second term. Stella Mukasa accepted the invitation saying that it had been a privilege and pleasure to serve on the board. Jok Madut Jok echoed Stella Mukasa’s sentiments saying that he was honored to continue serving on the board for another term. Chris Maina Peter thanked the two board members for their enormous contributions, sacrifice and availability in the face of the long distances they had to travel. Board members agreed that Chris Maina Peter would also invite Lawrence Mute to serve on the board for a second term.

Mburu Gitu sought clarification from the board on how to capture the attendance of board members who sent in their comments on grants under review, but were unable to join board meetings in person. He noted that OSIEA’s board’s policy states that a member must not be absent for more than two meetings in a term.

Jok Madut Jok appreciated the contribution of board members who sent in their comments on grants and proposed to have such board members considered present for their participation in grant reviews. However, he noted that their participation was limited, for instance in sessions that required board members to vote, and urged the board to be supportive of members’ professional and personal commitments.

Akwe Amosu called for a case-by-case consideration of absence, saying that in instances where a board member is committed to attending a meeting but is unable to do so physically due to a family emergency then the policy should be applied selectively. She also proposed alternative methods of attendance, including via phone, and urged the secretariat to try and plan meetings that do not coincide with other roles played by board members, as they look into increasing the number of board members in future.

Chris Maina Peter suggested that the issue be given more thought to see how to accommodate various cases and urged board members to check their calendars carefully to minimize the number of conflicting commitments the following year.

1. **Expansion of the board**

Chris Maina Peter invited board members to give their views on the possibility of expanding the board, informing them that the maximum number of board members allowed was seven. Jok Madut Jok urged board members to seek suggestions on potential candidates from program teams as they had networks in the countries in which they work. Stella Mukasa proposed that the conversation take place from a thematic point of view, suggesting that an analysis of existing gaps would give a good indication of who to identify as new board members. Mburu Gitu endorsed Stella Mukasa’s proposal, noting that it was a useful approach in light of the added responsibilities of the board beginning in January 2016. Akwe Amosu noted that balancing geographical and thematic representation was necessary.

The board agreed that by the March 2016 board meeting, progress should be made with regard to the next steps in identifying new board members. Chris Maina Peter suggested that the conversation should start early so that a way forward can be agreed before the end of the next year.

1. **Any other business (AOB)**

The secretariat proposed dates for the board’s 2016 meetings and board members agreed to check their calendars and communicate their availability electronically.

1. **Annual and meeting evaluations**

Mburu Gitu led board members in completing a written evaluation of the meeting, as well as a more detailed evaluation for the entire year.

1. **Vote of thanks and adjournment**

With no other business, Chris Maina Peter thanked OSIEA and OSF staff members and partners for their contributions towards a successful board meeting. Akwe Amosu thanked the board for welcoming her to the meeting. Mburu Gitu also thanked Chris Maina Peter for chairing the meeting and board members for their active participation.

The meeting was adjourned at 1:05pm.

**Reviewed and approved by the board during the 20th OSIEA regional board meeting in Dar es Salaam, Tanzania.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Chris Maina Peter**

**Chair, OSIEA Regional Board**