

NOTES ON THE MEETING TO REVIEW THE PROGRESS OF EXCELLENT DEVELOPMENT (KENYA) FOR PERIOD 2006-2008 HELD ON WEDNESDAY 18 JANUARY 2009 AT UFUNGAMANO HOUSE ROOM 404 (PEEA OFFICE) AT 11.20 AM TO 1.20 PM.

PRESENT:

Simon Maddrell	Excellent Development UK & Excellent Development Kenya
Jenine Langrin	Excellent Development UK & Excellent Development Kenya
Joshua Mukusya	Utooni Development Project & Excellent Development Kenya
Esther Ithau	Utooni Development Project & Excellent Development Kenya
Harold Miller	Senior Friend of Utooni Community/ M BEA Staff (Retired)
Gideon C. Mutiso	Senior Friend of Utooni Community/ Consultant
Jesse Mugambi	Senior Friend of Utooni Community/ EDK Potential Member.

1. Prayer: The meeting began at 11.20 a.m. with prayer led by Prof. Jesse Mugambi.

2. Self Introductions: The persons present introduced themselves with particular reference to the Kola-based Utooni Self-Help Community Group and the Utooni Development Project (both of which have been the inspiration of many initiatives elsewhere, including Excellent Development UK).

3. Purpose of the Meeting: In January 2009 Simon Maddrell as Chairman of the Board of Excellent Development (Kenya) wrote an e-mail to Jesse Mugambi inviting him to become a Board member. Mugambi replied that it was necessary for him to become acquainted with the various aspects of the governance and operations both Excellent Development (UK) and Excellent Development (Kenya) to enable him make a decision. For that purpose a meeting was proposed and agreed for Wednesday 18 February 2009. Simon suggested that it would be useful for Jenine Langrish, Joshua Mukusya and Esther Ithau to attend. Mugambi also invited Harold Miller (a long-term supporter of Utooni Self-Help Community Group (since 1970s) and Gideon Mutiso (a supporter of Utooni who has diffused the sand-dam technology to Kitui). In the meantime Mugambi perused the Web Site of Excellent Development UK and printed dozens of pages pertaining to the relationship between Excellent Development (UK) and Excellent Development (Kenya). Several concerns became evident from information contained in these web-site pages, and also from the concerns of Utooni Self-help Community. These concerns would form the basis of the Review in this meeting.

4. Agenda: It was agreed through consensus that the following items would form the Agenda of this meeting

- i) Authority: Governance and legal status of Excellent Development (Kenya).
- ii) Credibility: Contradictory information contained in the pages of the Excellent Development Web-Site.
- iii) Integrity: Implications of the contradictory information on the Integrity of the leadership of Excellent Development.
- iv) Ownership: Claims of ownership of Utooni Projects by Excellent Development (UK).
- v) Partnership: The meaning of Partnership in the self-perception of Excellent Development (UK) in its relationship with Excellent Development (Kenya); Utooni Self-Help Community Group; Mennonite Central Committee; Jesse Mugambi, and others.

- vi) The Way Forward: Regularizing the Registration and legal status of the Kenya Partner of Excellent Development (UK).
- vii) Follow-up Process: a) Formation of the Local Kenyan NGO to partner with Excellent Development (UK). b) Memorandum of Understanding between the Local Kenyan NGO and Excellent Development (UK) c) Internal Operational Guidelines of the Local Kenyan NGO.
- viii) Any Other Business.

DELIBERATIONS.

1. **Authority:** The following points were discussed at length:

- a) **Legality:** Excellent Development (Kenya) was registered in 2005. It has defaulted in annual subscriptions for three years both to the NGO Council and the NGO Coordinating Board.
- b) **Accountability of EDK:** To whom is EDK accountable? Is Excellent Development (Kenya) a subsidiary of Excellent Development (UK) or an independent Kenyan NGO? Simon Maddrell explained that he registered Excellent Development (Kenya) in Nairobi, but as an “International” NGO”, with him as Chairman. He paid the requisite registration fees for international NGOs.
- c) **Independence of EDK:** Independence of Excellent Development (Kenya) is impossible with its Chairman as the CEO of Excellent Development (UK). The portrayal of EDK as a local Kenyan NGO is thus deceptive.
- d) **Board Membership of Excellent Development (Kenya):** The registered members of EDK have been mostly British. The Board consists of Simon Maddrell (British – Chairman); Jenine Langrin (British); Esther Ithau (Kenyan– Signatory). With this arrangement it is clear that decisions are made in the UK for a Kenyan NGO.
- e) **EDK Accounts:** The Income and Expenditure Accounts for Excellent Development (Kenya) are controlled by Excellent Development (UK), although a Kenyan Audit firm ratifies the Balance Sheet. Excellent Development has included in its accounts the funds from some agencies (such as MCC) which have been, been supporting the Utooni Community for many years, long before Excellent Development (UK) was registered.

Consensus on Authority: A Kenyan NGO should be registered with a Kenyan Board and a different name (other than Excellent Development) in order to be in partnership with Excellent Development (UK) and with any other agencies of its choice. The new NGO will take over the functions of EDK and enter into a Memorandum of understanding specifying the expectations and obligations between itself and each of its Partners. Equity will be the guiding principle in the Partnership.

2. Credibility:

- a) **Founders:** Some pages excerpted from Excellent Development indicate that Simon Maddrell founded the Excellent Development (UK) Charity in May 2002.¹ Others report that it was registered in November, the same year.² In others it is reported to have been set up in 2003. In some pages Joshua Mukusya is introduced as Founder of Excellent Development (Group Effort, 16 July 2008). In others he is presented as co-Founder with Simon Maddrell.³ In other pages he is presented as a rural farmer cum “helper” of Simon Maddrell in running Excellent Development (UK).⁴ (12 June 2008).
- b) **Core Functions:** Some Web pages portray Excellent Development as a business selling services and products, while other pages it is a charity dependent on donations. These contradictions, and others not listed have eroded much of the charity’s credibility. A visitor logging into various pages of the Web Site is left wondering whether the priority of Excellent Development (UK) is in making money to spend in UK, or to solicit donations for the needy people of eastern Kenya.
- c) **Apportionment of Funds:** The documents on the Web site show that the rate of increase in revenue in the UK is much, much higher than the rate of increase in support of Excellent Development Kenya. If the primary “Partner” of Excellent Development (UK) is Excellent Development (Kenya) why is the rate of increase in the support of the latter so low? The donors are promised that the funds will go to help needy Kenyans, but most of the money remains in the UK. The erosion of credibility raises questions of transparency in accounting for donations.
- d) **Designated and Restricted Funds:** The Annual Accounts columns of “designated” and “restricted” funds, but there are no notes to explain what these terms mean. Most donors do not know that the funds they have given in good faith will never reach the community in Kenya on whose behalf the funds were requested and received by Excellent Development (UK).

Consensus on Credibility: Through consensus it was agreed that Simon Maddrell has created a credibility crisis for Excellent Development (UK) by posting contradictory information on various pages of his Web Site – about himself, Excellent Development (UK); Excellent Development (Kenya); Partners; Revenue; etc. Keen visitors to the Web Site are left wondering how much more contradictory information is conveyed through other media apart from the Web Site. A great deal of work will have to be done to build credibility, especially in Kenya. The cooperation of Simon Maddrell will be essential. In response, Maddrell agreed to cooperate in the process of restoring credibility for his NGO.

3. **Integrity:** Someone’s Integrity is dented when one takes credit for the achievements of others. The sand dams constructed, terraces dug and trees planted in and around Kola are the achievements of the people of that area, and it is unethical for anyone to claim credit for that achievement.⁵ In the Annual Report of 2005 Excellent Development UK states: “An amazing

amount of work has been done in the self-help communities we are working with including the completion of 39 sand dams, the extensions of 8 previously built dams, a total of 90km of terracing dug and in Kenya alone 55,000 trees have been planted. During this year we have also started income generation programmes in beekeeping and goat improvement for milk production.”⁶ In a news item dated 26 November 2003 posted on the Excellent Development Web Site, it is reported: ‘Simon Maddrell, Founder of Excellent Development, commented, “I’m delighted that we have all been given recognition for our work. Our main partner organisation in Kenya has been driving development as a community group for an almost unprecedented 25 years. I have been involved with them since 1984 and am very proud to be given the opportunity to support their work, which has transformed lives and landscapes.”’⁷

Consensus on Integrity: Through consensus it was agreed as follows: a) that the current Excellent Development (UK) Web Site should be cleaned of all pages that make untrue claims, particularly those concerning achievements, ownership and partnership; b) that the draft of any future pages mentioning Kenyan individuals and operations for posting on the Excellent Development (UK) Web Site should be shared with Board members of the Kenyan NGO for review before posting. The same should apply in reverse if and when the Kenyan NGO launches its own Web Site. This provision is essential to avoid embarrassment of either party.

- 4. Ownership:** The Web Site of Excellent Development (UK) has many pages claiming to have constructed two hundred sand dams. The entry on 13 November 2008 reports: “Excellent Development has built its 200th sand dam, bringing sustainable clean water supplies to over 140,000 people in rural Kenya.”⁸ The local communities constructed some sand dams in and around Kola with some support from such agencies as the National Council of Churches of Kenya (NCCCK; Mennonite Central Committee; World Neighbours; Lutheran World Relief; World Council of Churches; All Africa Conference of Churches; Norwegian Church Aid; etc. Some of the dams have had multiple sponsorship. It is unethical for Excellent Development to claim ownership of these dams. It is also unethical for Excellent Development UK to place plaques on those dams, claiming total credit for partial sponsorship. If such plaques were legitimate, the acknowledgement list for each dam would be very long. The local community would be on top of each list. It is not clear why Excellent Development (UK) has claimed ownership, if indeed Excellent Development (Kenya) are “Partners.” Nor is it clear why Simon Maddrell is recording GPS numbers for the dams he claims for Excellent Development UK. When he was asked to respond, he admitted that he had erred in claiming more than he had achieved. With regard to mapping of the sand dams, he claimed that this was being done for “research purposes”. However, he did not disclose who was conducting the research, and for what purpose, for whose benefit. Esther Ithau expressed (on behalf of the Utooni community) their anger at the way Simon Maddrell was treating them as objects for fund-raising and for “research”. She emphasised that the community is at the point of dissociating itself with his enterprise because of this objectification and trivialization.

Consensus on Ownership: Through consensus it was agreed that the ownership of all projects associated with Utooni Self-Help Community Group (and the results of its extension services elsewhere) is vested in the local communities who made these constructions possible by giving permission, providing local materials and working on each site in lieu of pay. It would have been unaffordable to construct the dams with paid labour. In view of these considerations, it was agreed that the Excellent Development labels should be erased. If there is any acknowledgement for dams constructed or extended with financial support from Excellent Development (UK), the wording of such credit should be factual and must acknowledge all the interested parties. Such wording should have the approval of the Kenyan NGO that will be in partnership with Excellent Development (UK).

5. **Partnership:** The word “Partner” has several meanings. In business it means someone with partial equity in an enterprise. In marriage it means a “spouse”. In dancing and other sports it means someone in the same team in a competitive game. In the contemporary charity jargon it means a donor’s recipients of donations. On the Excellent Development (UK) Web Site it is not clear how the work “Partner” is used. On one page the “partners” of Excellent Development (UK) are listed as “Excellent Development (USA)”; Excellent “Development (Australia)” and Excellent Development (Kenya). Ironically, the largest financial supporter of Excellent Development (Kenya) is not listed as a “Partner” on the Web site. What is the implication of this omission? What is the intention? The omission of Mennonite Central Committee (which currently provides at least 60% of EDK external revenue) as a partner of either Excellent Development (UK) or Excellent Development (Kenya) is ominous. Excellent Development Kenya is not a “partner” in the NGO vocabulary, since its Board is overwhelmingly British, and its Chairman is the CEO of Excellent Development (UK). Factually, Excellent Development Kenya is an operation of the excellent UK CEO. This anomaly has caused great distress to the community that was originally intended to be the main beneficiaries of Excellent Development (UK). It will be difficult to heal the breach of confidence caused by this anomaly, but it is never too late to change one’s attitudes. Esther Ithau and Joshua Mukusya explained in detail how the misuse of the word “partner” by Excellent Development (UK) has damaged the relationships within the Utooni Self-help Group. To many members it appears as if the Utooni Development projects have been “sold” to Excellent Development (UK).

Consensus on Partnership: Through Consensus it was agreed that Excellent Development (UK) should enter into proper partnership with a Kenyan NGO with a Kenyan Board totally independent and locally accountable, led by Kenyans in the same way that Britons lead Excellent Development (UK). The Kenyans involved should determine the membership of that Board and its chairmanship. The NGO should have a name other than Excellent Development, and should be subject to the laws of Kenya, in the same way that other NGOs relate with their European and North American “Partners”.

6. **The Way Forward:** It is essential and urgent to correct the irregularities described in the preceding sections. The NGO Coordinating Board and the NGO Council expect the corrections without delay, and the payment of requisite penalties. Esther Ithau pleaded with Simon Maddrell to speed up this normalization. She asked whether the requisite payments are required in British law, and Simon responded in the negative. This difference in legal requirements indicates the importance of establishing a Kenyan NGO, under Kenyan legislation. In view of the fact that the Fiscal year of Excellent Development (UK) runs from April to March, the formalization will need to be completed in February-March 2009.

Consensus on “The Way Forward”: Through Consensus it was agreed that Jesse Mugambi should compile the Deliberations of this meeting without delay and circulate them to all the persons present. These Deliberations should form the basis for registration of a new NGO, which will have formal relationship with Excellent Development UK and with any other agencies as the new Board may choose in the interest of the host communities.

7. **Process:** Since the 1970s Utooni Self-Help Community has grown tremendously and achieved a great deal. It has accumulated much experience in community mobilization and responsible management of local and external resources. Its interaction with Excellent Development (UK) has helped the community to appreciate its own Strengths, Weaknesses, Opportunities and Threats (SWOT). The formation of the new NGO should consolidate this experience, and facilitate the formulation of detailed Operational Guidelines, which can be instructive of other African NGOs struggling to be relevant and sustainable in their specific cultural contexts.

Consensus on Process: Through Consensus it was agreed that the registration and launch of the new NGO should include formulation of these operational guidelines and management systems, to prevent the kind of challenges the Utooni community has suffered in recent years. It will be essential for senior Kenyan experts to oversee this process, to ensure that the interests of the local communities take precedence over personal aggrandisement. It is essential that future operations should be based on implementation of these first steps in the Process, to minimize the risk of further erosion of confidence and credibility.

8. **Any Other Business:** The Following issues were raised in addition to the preceding deliberations:

- a) **Anthropology and Technology:** Anthropology is much more important than technology in the diffusion and sustainability of technological innovations. The Utooni Self-help community has demonstrated this insight for more than thirty years. The community upheld its cultural and religious values and virtues,

which helped its members to work together in times of plenty and also in times of scarcity. Foreign NGOs are interested much more in technology than anthropology. For that reason they fail to resonate with the world-view and the ethos of the communities they claim to help.

- b) **Lesson for Other NGOs:** The crisis of confidence suffered by Excellent Development (UK) in Kenya may help other NGOs, which, though ostensibly charitable, have focused much more on their own self-interest than the communities on whose behalf they have raised huge amounts of money.
- c) **Sharing of Insights:** It will be necessary to share with others the insights derived from these deliberations, while protecting without dragging the names of individuals into public debate.
- d) **Conflict Resolution for Social Reconstruction:** Kenya has reached a period in its history for the cultivation of social spaces where discourse on responsible leadership can be conducted with dignity and integrity. This meeting was an exemplary way of facilitating restoration of broken relationships and healing, with the long-term goal of ensuring sustainable community. Engagement across cultures ought to be founded on the ethical principles of equity; mutual respect; consultation; inclusion and participation.
- e) **Facilitation:** Jesse Mugambi accepted the request to facilitate the process as agreed, provided that there is commitment, readiness and willingness to correct the past errors of commission and omission, particularly those which have caused the breach of trust, credibility and confidence. It was emphasised that there is urgency in this process, in view of the fiscal year beginning in April 2009. The registration of the new NGO has to be processed during February-March 2009 to ensure fund transfer for timely implementation of the planned operations.
- f) **Adjournment:** There being no other business, the meeting ended at 1.20 p.m.

NOTES

- ¹ www.excellentdevelopment.com/founders.php
- ² <http://www.excellentdevelopment.com/news.php>
- ³ <http://www.charityfinance.co.uk/home/content.php?id=2482&pg=19&cat=34>
- ⁴ www.charityfinance.co.uk/home/content.php?id=1988 - Similar pages
- ⁵ <http://www.charityfinance.co.uk/home/content.php?id=2482&pg=19&cat=34>;
<http://www.charityfinance.co.uk/home/content.php?id=2482&pg=19&cat=34>;
- ⁶ http://www.excellentdevelopment.co.uk/news_detail.php?id=40 (14 March 2006).
- ⁷ http://www.excellentdevelopment.com/news_detail.php?id=16
- ⁸ http://www.excellentdevelopment.com/news_detail.php?id=113