

TRANSPARENCY
(OPEN BUDGET INDEX)

48

OUT OF 100

The Government of Kenya provides the public with **limited** budget information.

PUBLIC PARTICIPATION

33

OUT OF 100

The Government of Kenya is **weak** in providing the public with opportunities to engage in the budget process.

BUDGET OVERSIGHT

49

OUT OF 100

BY LEGISLATURE
Budget oversight by the legislature in Kenya is **limited**.

67

OUT OF 100

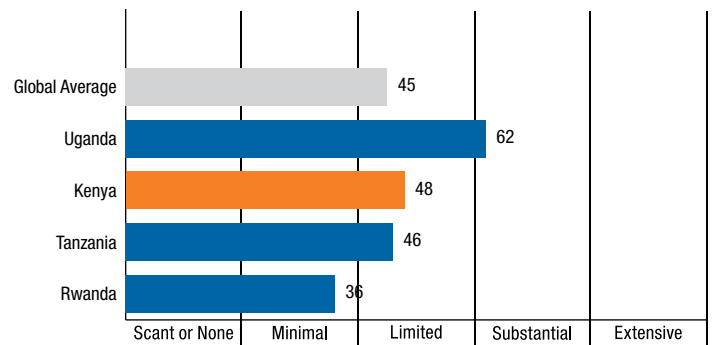
BY AUDIT
Budget oversight by the supreme audit institution in Kenya is **adequate**.

TRANSPARENCY (OPEN BUDGET INDEX)

Drawing on internationally accepted criteria developed by multilateral organizations, the Open Budget Survey uses 109 indicators to measure budget transparency. These indicators are used to assess whether the central government makes eight key budget documents available to the public in a timely manner and whether the data contained in these documents are comprehensive and useful.

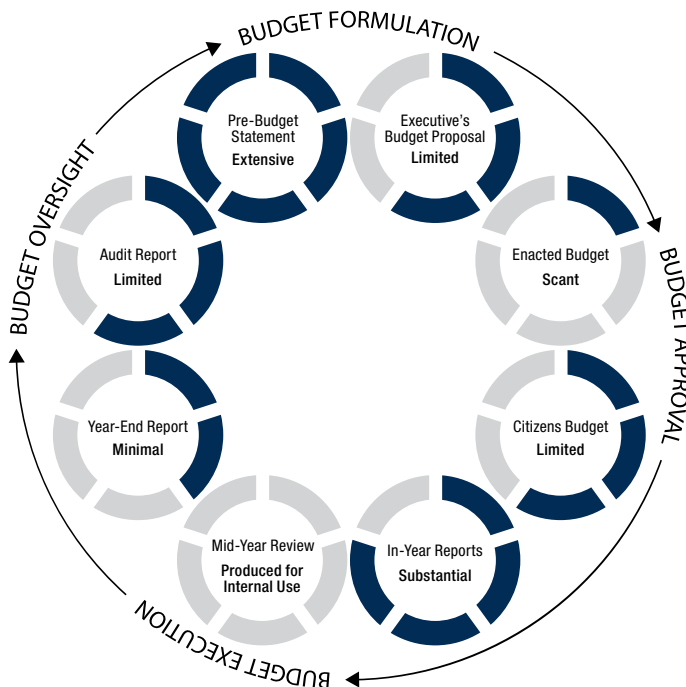
Each country is given a score out of 100 which determines its ranking on the Open Budget Index – the world’s only independent and comparative measure of budget transparency.

Regional Comparison

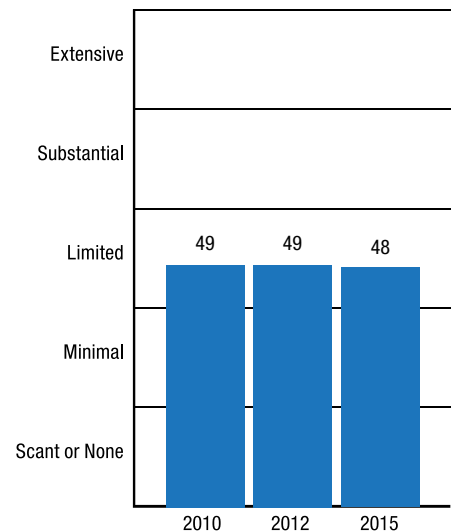


Kenya’s score of 48 out of 100 is a little higher than the global average score of 45.

Usefulness of Budget Information Throughout the Budget Cycle



Change in Transparency Over Time



Note: The following categories are used to report the usefulness of each document:

Not produced, Published Late, Internal Use, Scant, Minimal, Limited, Substantial, or Extensive.

TRANSPARENCY (OPEN BUDGET INDEX)

The Availability of Budget Documents Over Time

Document	2010	2012	2015
Pre-Budget Statement	●	●	●
Executive's Budget Proposal	●	●	●
Enacted Budget	●	●	●
Citizens Budget	●	●	●
In-Year Reports	●	●	●
Mid-Year Review	●	●	●
Year-End Report	●	●	●
Audit Report	●	●	●

● Not produced/published late ● Produced for internal use ● Published

Since 2012, the Government of Kenya has taken some measures to increase the availability of budget information, in particular by:

- Introducing program-based budgeting and presenting the Executive's Budget Proposal in this format.
- Publishing the Year-End Report, albeit the document includes only minimal information.
- Improving the comprehensiveness of the Citizens Budget.

However, Kenya's score of 48 on the 2015 Open Budget Index is largely the same as its score in 2012. This is due to the refinements made to the 2015 questionnaire, which includes new and improved questions that aim to better measure budget transparency (see the Technical Note in the global report for details). Without these refinements, Kenya's 2015 score for budget transparency would have been slightly higher.

In addition, the Government of Kenya has failed to make progress in the following ways:

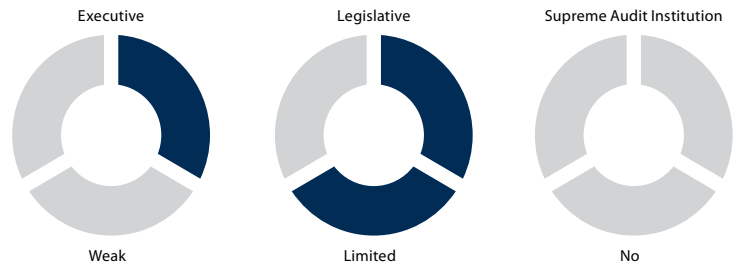
- Not increasing the comprehensiveness of the Executive's Budget Proposal.
- Not making the Mid-Year Review available to the public.
- Publishing an Enacted Budget that only contains scant budget information.

PUBLIC PARTICIPATION

Evidence suggests that transparency alone is insufficient for improving governance, and that public participation in budgeting can maximize the positive outcomes associated with greater budget transparency.

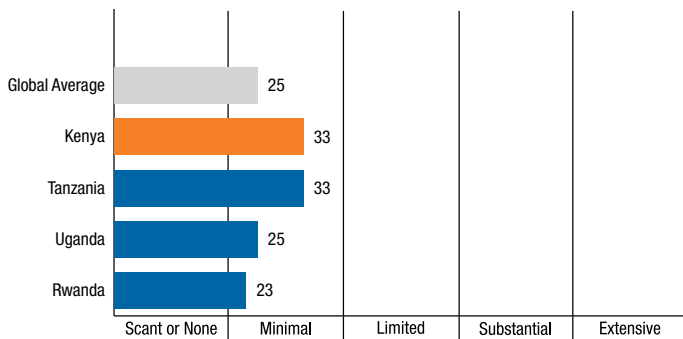
To measure public participation, the Open Budget Survey assesses the degree to which the government provides opportunities for the public to engage in budget processes. Such opportunities should be provided throughout the budget cycle by the executive, the legislature, and the supreme audit institution.

Elements of Public Participation



Kenya's score of 33 out of 100 indicates that the provision of opportunities for the public to engage in the budget process is **weak**. This is higher than the global average score of 25.

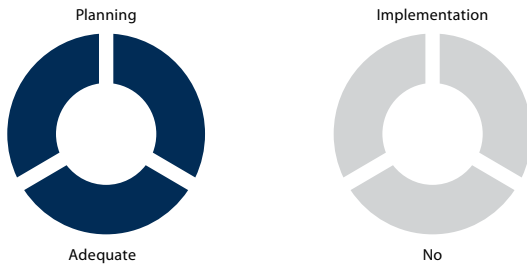
Regional Comparison



BUDGET OVERSIGHT

The Open Budget Survey examines the extent to which legislatures and supreme audit institutions are able to provide effective oversight of the budget. These institutions play a critical role – often enshrined in national constitutions – in planning budgets and overseeing their implementation.

Oversight by the Legislature



The legislature provides **adequate** oversight during the planning stage of the budget cycle and **no** oversight during the implementation stage of the budget cycle. The executive does not receive prior approval by the legislature before implementing a supplemental budget, and in both law and practice, the legislature is not consulted prior to the virement of funds in the Enacted Budget, spending any unanticipated revenue, and spending contingency funds that were not identified in the Enacted Budget.

Oversight by the Supreme Audit Institution



The supreme audit institution provides **adequate** budget oversight. Under the existing law, it has full discretion to undertake audits as it sees fit and the head of the supreme audit institution cannot be removed without legislative or judicial approval, which bolsters its independence. However, the supreme audit institution is provided with insufficient resources to fulfill its mandate and has a weak quality assurance system in place. In addition, a new audit bill is currently being discussed in Parliament, and some constraints are being considered on the ability of the auditor to audit security-related expenditure, which would further restrict the supreme audit institution's freedom and capacity to fulfill its mandate.

RECOMMENDATIONS

Improving Transparency

Kenya should prioritize the following actions to improve budget transparency:

- Publish a Mid-Year Review.
- Increase the comprehensiveness of the Executive's Budget Proposal by presenting the classification of expenditures for prior years and more details on state corporation assets. While macroeconomic forecasts are dealt with fairly comprehensively in the Pre-Budget Statement, published eight weeks prior to the Executive's Budget Proposal, information should be included in this document as well.
- Increase the comprehensiveness of the Year-End Report by presenting more details on planned versus actual expenditures and performance.

Improving Participation

Kenya should prioritize the following actions to improve budget participation:

- Improve the existing mechanisms of public participation during the budget formulation phase and establish credible and effective mechanisms (i.e., public hearings, surveys, focus groups) for capturing a range of public perspectives on budget matters during execution.

- Hold separate legislative hearings on the budgets of specific ministries, departments, and agencies at which testimony from the public is heard.
- Hold public meetings to review Audit Reports.
- Establish formal mechanisms for the public to assist the supreme audit institution to formulate its audit program and participate in audit investigations.

Improving Oversight

Kenya should prioritize the following actions to strengthen budget oversight:

- Ensure the executive receives prior approval by the legislature before implementing a supplemental budget.
- In both law and practice, ensure the legislature is consulted prior to the virement of funds in the Enacted Budget, the spending of any unanticipated revenue, and the spending of contingency funds that were not identified in the Enacted Budget.
- Ensure the supreme audit institution has adequate funding to perform its duties, as determined by an independent body (e.g., the legislature or judiciary).

METHODOLOGY

The Open Budget Survey uses internationally accepted criteria developed by multilateral organizations such as the International Monetary Fund (IMF), the Organisation for Economic Co-operation and Development (OECD), and the International Organisation of Supreme Audit Institutions (INTOSAI). It is a fact-based research instrument that assesses what occurs in practice through readily observable phenomena. The entire research process took approximately 18 months between March 2014 and September 2015 and involved about 300 experts in 102 countries. The Survey was revised somewhat from the 2012 version to reflect emerging developments in accepted good practice and to strengthen individual questions. A full discussion of these changes can be found in a technical note on the comparability of the Open Budget Index over time (see below).

Survey responses are typically supported by citations and comments. This may include a reference to a public document, an official statement by the government, or comments from a face-to-face interview with a government official or other knowledgeable party.

The Survey is compiled from a questionnaire completed for each country by independent budget experts who are not associated with the national government. Each country's questionnaire is then independently reviewed by an anonymous expert who also has no association to government. In addition, IBP invites national governments to comment on the draft results from the Survey and considers these comments before finalizing the Survey results.

Despite repeated efforts, IBP was unable to get comments on the draft Open Budget Questionnaire results from the Government of Kenya.

Research to complete this country's Open Budget Survey was undertaken by:

John Mutua
Institute of Economic Affairs
P.O. Box 53989-00200, Nairobi, Kenya
mutua@ieakenya.or.ke

Further Information

Visit www.openbudgetsurvey.org for more information, including:

- The Open Budget Survey 2015: Global Report
- Individual datasets for each of the 102 countries surveyed.
- A technical note on the comparability of the Open Budget Index over time.