

KENYA

PULLING THE PIECES TOGETHER

'Kenya's motivation to join the OGP was very much linked to the euphoria surrounding the launch of Africa's first open data platform,'

says Jay Bhalla of the Open Institute. With a new constitution in place and the Freedom of Information Act (FoI) being discussed in parliament, there was a lot of fanfare about the government's commitment to good governance and increasing transparency, and about citizens' rights and access to information. The call from the software and techie community to provide more data was getting louder and the drive for open data provided the necessary impetus for the president to endorse Kenya's membership to the OGP in September 2011. 'The Permanent Secretary for Communications, Bitange Ndemo,

was able to get OGP adopted "under the radar" as it was seen as a technical push for open data rather than as a political push for open government,' says Gladwell Otieno of AfriCOG.

Within government, responsibility for the OGP has lain with the ICT Board in the Ministry of Information and Communication, which oversees the open data portal and has many different initiatives under its wing. For it to have more strategic thrust and the political intent, Gladwell believes the OGP Secretariat should have been more centrally placed. 'Although the Cabinet signed off on it, it would have been more strategic to have placed the Secretariat within the Prime Minister's office since this office was responsible for improving service delivery throughout the entire government.'

Weeks before the OGP conference in Brazil in April 2012, the ICT

Board convened a meeting with people interested in the open data agenda in order to discuss the draft OGP Action Plan. 'We had a staff member at the Board who looked at the OGP and World Bank benchmarks and gathered inputs from different agencies and wrote the first draft,' explains Paul Kukubo, the CEO of the ICT Board. At these meetings, representatives of civil society and government reviewed the document and gave their comments. 'Some of the CSOs had a lot of reservations and felt the plan didn't have many new actions, was too declarative and didn't do us justice,' says Jay. In hindsight, government acknowledges that the Action Plan was rushed to meet the schedule and while this may not be unusual, the breadth and depth of participation was seriously compromised. The Plan was posted on the ICT Board website and on Twitter for comments. No consultations took place beyond these meetings with a handful of

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CSOs, all of which were held in Nairobi, the capital city.

Participation in the OGP by Kenyan CSOs to date remains mixed. Many have attended video conferences and webinars organised by the World Bank and the international OGP Secretariat. These have enabled delegates to share and learn from the experiences of other countries. Closer to home, the CSO sector in Kenya is vibrant with many champions working on innovative programmes on access to information, transparency and open data. Notable successes include the work undertaken on the passage of the FoI legislation, in which CSOs coordinated in cooperation with the Commission for the Implementation of the Constitution under the leadership of the International Chamber of Jurists (Kenyan Section).

The involvement of a 'CSO community' in the OGP action-

planning processes has been less straightforward. Reflects Jay,

'Some of the stronger, well-funded organisations working on governance knew about the OGP, but there was no noise being made and certainly no coordination happening,'

Many CSOs, while working tirelessly, have been working with priorities framed by the unique political context of the previous coalition government. Similarly, while a number of international development partners have also been active in this sector, the OGP action-planning process has seen little in the way of leveraging and the coming together of the various stakeholders. Owing to

these dynamics, coordination on OGP matters from both sides – government and civil society – has been frayed.

Since the end of 2012 in particular, election fever and issues raised by the ICC have struck Kenya, dominating the national agenda and focus. 'We hit a very slow period with all attention being diverted to ensuring a free and fair election process. OGP was certainly not top-of-mind for government nor for civil society,' says Paul. The election has come and gone and the government is in a state of flux while various ministries are being set up. The new administration has put technology and being 'digital' at the heart of its strategies to offer many new windows of opportunity. 'We really want open government principles to be mainstreamed throughout government. Transparency and accountability should be embedded in all structures, and technology is a



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tool for increasing opportunities for citizen participation,' says Gladwell. For this to happen, the OGP needs political champions for openness within government.

🔗 For more information or to get in touch with one of the people interviewed, please e-mail nvaart@hivos.nl.

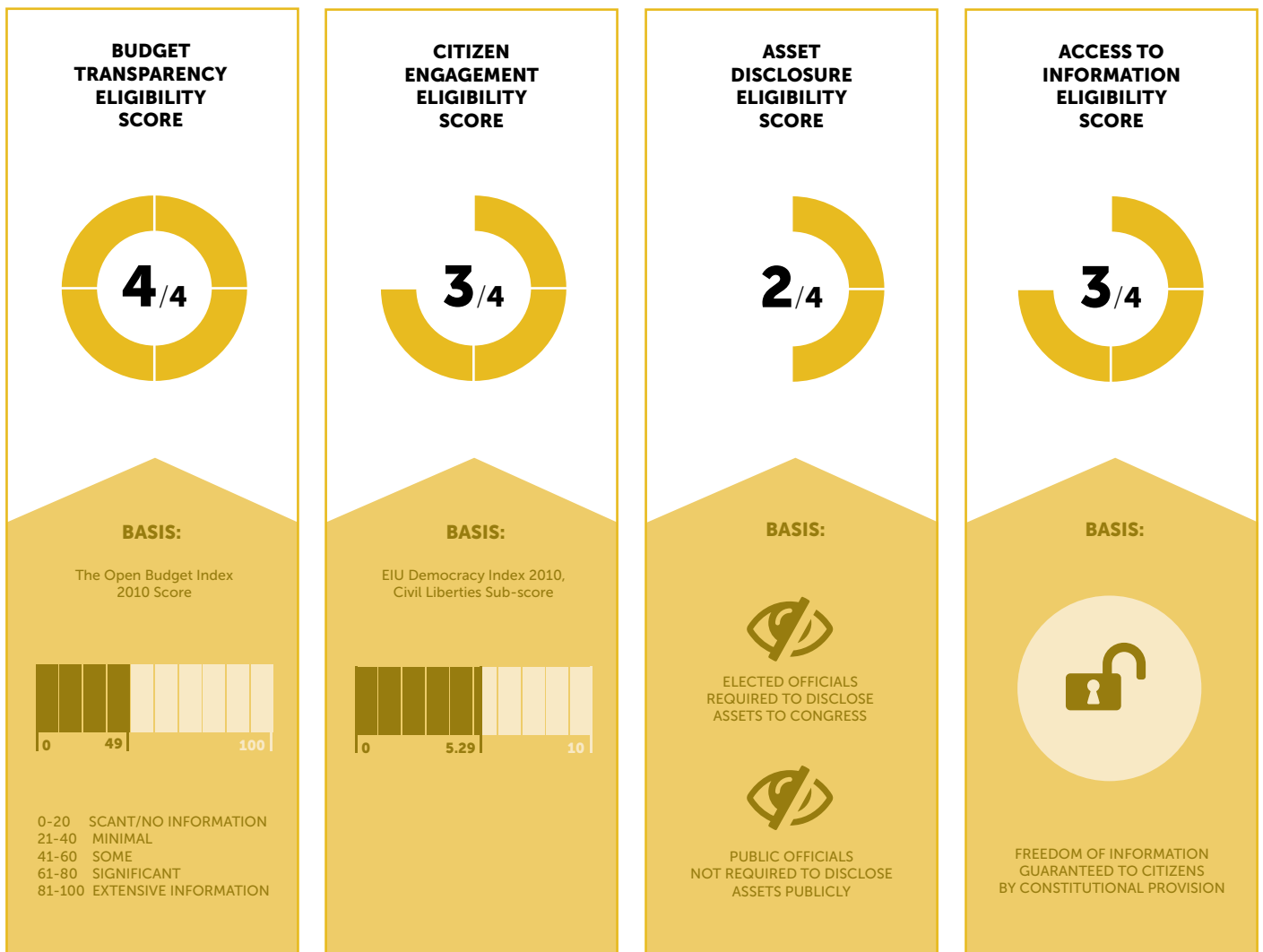
Kenya will soon host the OGP Africa meeting in late May 2013. This event can provide reformers with the opportunity to work more collectively and to revitalise the work of evaluating the first Action Plan. It is a chance to take stock of the journey thus far. The meeting also provides a real opportunity to revive the Task Force and for civil society and the new government to start working together. The OGP offers both government and civil society a unique platform for discussing all actions on anti-corruption, budget monitoring and service delivery. All the pieces of the OGP jigsaw are in place within both government and civil society. The time is nigh to fit them together, enabling a powerful united picture to emerge.

📅 OGP MEMBER SINCE:
April 2012

🏠 CURRENT STAGE:
1st Action Plan

🌐 OGP SITE:
Pending

KENYA OGP ELIGIBILITY DATASHEET



TOTAL OGP ELIGIBILITY SCORE: **12/16**

