



**Government of Kenya  
Open Government Partnership (OGP)  
National Action Plan III  
2018 – 2020**

## Foreword:

The Government of Kenya, led by H.E President Uhuru Kenyatta is committed to growth and transformation of Kenya, by enshrining the principles of transparency, accountability and public participation in the delivery of its mandate as required by the Constitution.

Our determination to Open Up Government for public scrutiny to our citizens for them to co-create government- almost in near real time- speaks to the depth of our commitment. I am especially proud to have led our country to re-commit to the Open Government Partnership (OGP) in 2016, based on our belief that openness, civic participation and technological innovation are critical ingredients to the realization of our Vision 2030 and the Big 4 Agenda for prosperity.

It is refreshing to see an unprecedented level of collaboration between champions of Open Government from the Executive, Private Sector, Civil Society, Judiciary, Senate and National Assembly, develop commitments with measurable timelines, so that our collective actions are not vague and can be monitored for impact.

The process of formulating this National Action Plan III manifests the power of participation, partnerships and innovations that can emerge when we, as Kenyans, work together for the common good of this Nation. This process was a clear articulation that transparency and accountability cannot take root through individual entrapment and can only become resilient through a systems approach towards restoring the integrity of our systems of governance.

The NAP III in its wisdom speaks of maintaining an inclusive mechanism that ensures the reduction of opportunities for corruption and wastage, increase productivity and efficiency within public service and ultimately working towards building public trust.

These intrinsic values have therefore enabled us to agree towards the following targets in NAP III:

- Transparency in contractual processes of Government for the benefit of women and youth;
- Peeling the mask behind beneficiaries of Companies that engage with Government;
- Re-invigorating active citizenship that engages in co-creating Government at all levels;
- Improve quality of measurement of development and data for decision making for all;
- Curating a resilient and sustainable Culture of Open Government;

While we celebrate these remarkable feats in creating high level political momentum for Openness, we must now ensure that these values begin to create an impact on the lived reality of Kenyans.

Our development challenge is the challenge of now: maintaining our competitive edge in the global economy, improving health outcomes, mitigating climate change adversities, creating new jobs for our young people and securing our food supplies for a growing population. Open Government principles are the practical tools and mechanisms that we must deploy to accelerate our attainment of these noble goals.

The Government of Kenya is committed to making OGP work for Kenyans. We are conscious that this is a long-term project the success of which hinges on collaboration, creativity and resilience. I commit to mobilize citizen groups, media, private sector, subnational units, and national government entities toward making openness a default approach to service delivery.

I thank the entire National Steering Committee that drafted NAP III and the Technical Committee that will support its implementation. God bless Kenya.

A handwritten signature in blue ink that reads "William Ruto". The signature is written in a cursive, flowing style.

**H.E HON. WILLIAM RUTO, EGH**  
**DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

The Constitution of Kenya envisions a situation whereby Parliament is open to the public and the public is involved in Parliament's work to the highest extent possible. Resultantly the Senate has established various mechanisms to involve the public in its work.

This has been made possible by making Committee proceedings accessible to the public through both broadcast and print media. Further, the Senate conducts public hearings on all its Bills and provides for e-petition on the Parliament website which has recently been revamped for ease of navigation and access. Parliament has institutionalized a Parliament open day that is held every year.

Open Government Partnership (OGP) is a unique platform for parliamentary openness which seeks to bring governments and parliamentary monitoring organizations together to develop commitments to openness.

Parliamentary monitoring organizations (PMOs) work to create strong, open and accountable parliaments, through enhancing citizen participation in the legislative process and bringing parliaments closer to the people they represent. Timely, reliable, accessible, quality and comprehensive information is critical to empower PMOs and citizens to engage government and hold it accountable for its actions.

We have made concerted efforts to ensure that the Senate's engagement is structured and targeted by having representation and participation at the highest level in the development of this National Action Plan.

This not only demonstrates the seriousness with which the Senate takes this matter but the commitment we have towards promoting legislative openness.



**RT. HON. SEN. KENNETH MAKELO LUSAKA, EGH, MP,  
SPEAKER OF THE SENATE.**

The adoption of Kenya's National Action Plan (NAP) III for the country's Open Government Partnership (OGP) participation goes to further entrench and institutionalize the openness, accountability, inclusive governance and other good governance ideals already gained from the first two National Action Plans. It also creates an avenue for enhancing linkages with and amongst the country's devolved governments who have intentions or are already undertaking similar governance strategies.

There is no doubt that inclusive, open and participatory governance approaches inspire collective synergy and responsibilities amongst all stakeholders and also provides an essential platform for the achievement of desired development goals. Indeed, the Constitution of Kenya and the various enacted legislations prescribe obligatory governance practices which both levels of governments - central and devolved - must pursue together or separately with the objective of achieving minimum standards of acceptable good governance practices. However, these approaches have largely been unstructured, uncoordinated and not aligned.

Kenya's NAP III (2018-2020) as well as the country's participation in the OGP is therefore of immense importance to Elgeyo Marakwet County and indeed to all the other forty-six County Governments created under the two tier governance system by the Constitution of Kenya and whose main achievement so far has been the successful devolution of power and resources to citizens at the local level. Devolution has transformed local development aspirations of citizens and is expected to improve their welfare for many years to come. However for sustainable development, citizen's roles should not only be confined to infrastructural developments oversight as has been observed under devolution, but also good governance involvement in such practices as openness, accountability and inclusivity in government affairs.

In striving to address this need our county government along with nineteen other local governments across the world in 2016 successfully through a competitive process enrolled into the new OGP Local Program which was borne out of the need to replicate the observed OGP successes at the national governments levels since 2011. Upon joining OGP our government started implementing with significant success its first Local Action Plan for 2016-2017.

Having already submitted our own government's OGP Local Action Plan (LAP) II 2018-2020 developed through an inclusive and participatory process, I am delighted to note that four of the five OGP Commitments -beneficial ownership, open contracting, public participation and open data -prioritized in this NAP III directly relates to all of our own Commitments in our LAP II. The five commitments in our LAP II include; open procurement and projects management, special interest groups' inclusion in decision making, re-engineering of health systems and drugs management, open data management, and youth empowerment through access to segregated and targeted information access.

Given that the two Actions Plans' implementation periods are similar, we intend to anchor our Plan's implementation strategies on the opportunities created by this NAP III. Being the only county government in Kenya participating in the OGP, we commit to offer our government for piloting or full-scale roll-out regarding relevant NAP III commitments requiring local governments' participation.

It is our utmost expectation that the elaborate inclusive and participatory processes which led to the successful preparation of this NAP III will lead to sustained good governance agenda and synergy amongst all development stakeholders as this is important in our desire to fully include citizens in governance agenda both at the national and at the devolved levels.

A handwritten signature in blue ink that reads "Alex Tolgos". The signature is written in a cursive, flowing style.

**H.E ALEX TOLGOS**  
**GOVERNOR, ELGEYO MARAKWET COUNTY**

It is seven years since Kenya joined Open Government Partnership. It remains one of the 12 member states in Africa. It is the lone Eastern Africa state in the partnership after Tanzania withdrew.

Kenya began its formal participation in OGP in August 2011, the same year that the OGP was launched as a platform for domestic reformers, both in Government and civil society, committed to making their governments more open, accountable and responsive to citizens.

Kenya joined the platform on the basis of its implementation of the Open Government Initiative whose major achievement was the launch of the first Open Data Portal in sub-Saharan Africa which intended to make public government data sets freely accessible in easily reusable formats.

This process was first in fulfillment of the constitutional requirement that public bodies provide access to information for citizens. Second, it was a process that sought to consolidate efforts undertaken in the previous years to enhance public service delivery, transparency, accountability and good governance.

Kenya has since developed and submitted two action plans in 2014 and 2016 with ambitious commitments ranging from electoral openness, judicial openness, access to information, records management, legislative openness, open budgets, climate change, anti – corruption, beneficial ownership and transparency in public procurement.

The International Review Mechanism (IRM) report (2016 – 2018) however noted that while Kenya had made commitments in critical areas of governance, implementation had been limited as a result of financial and capacity constraints.

It behooves the country therefore to show commitment to the process by developing cogent, clear commitments in this NAP III which the state should be serious to implement and deliver.

The National Action Plan III represents the intent to build on previous commitments while expanding opportunities for civic participation as the country moves from ‘commitments to action.’ It is instructive that the plan also includes the commitment to build OGP resilience within government which has been a major concern in the implementation of previous action plans.

Some of the steps that should be taken by government to address this includes the strengthening of inter- agency coordination between implementing public bodies, undertake promotional measure to promote public awareness of the Open Government Partnership, and take measures to effectively institutionalize Kenya's commitments and goals under the OGP.

The NAP III also recognizes the opportunity provided by sub-national governments and their potential to entrench openness by also embracing OGP principles and being part of the commitments. In this, the sub national governments of Elgeyo Marakwet, Makueni and Vihiga have shown their willingness to be committed to openness by participating in the OGP. It is our hope that other sub-nationals follow suit.

We laud the fact that the action plan seeks to uphold the constitutional tenets of participation and inclusion, and embrace the principle of 'Leave no One Behind' as espoused by the Sustainable Development Goals (SDG's) by broadening the base of stakeholders to include vulnerable groups like women, youth, and persons with disabilities and sub national actors as a means to realizing more inclusive and co-owned OGP processes.

A handwritten signature in blue ink that reads "Henry Maina". The signature is written in a cursive, flowing style.

**HENRY O. MAINA,**  
**REGIONAL DIRECTOR, ARTICLE 19 EASTERN AFRICA**



The importance of the ability of well-informed citizens to exercise their democratic right and to play an active role in society cannot be overemphasized. It goes a long way in safeguarding democratic values and universal civil rights such as access to information, which is essential for a well-informed citizenry to enforce government transparency.

History has shown that opaque governance not only increases the cost of doing business, but also constrains investors participation and adversely affects the country's capacity to attract foreign direct investments. On the other hand, the positive effect of good Governance spills over into other sectors including education, Health, security as well as infrastructure development, among others. The immediate outcome is the more favorable, less risky environment for investors.

The opportunity to engage in initiatives such as the Open Government Partnership (OGP) has never been stronger – technological innovation, new forms of financing, evolving consumer demands, changing regulation and the shared global development goals are creating new openings to co-create thriving democracies, which is essential for business.

OGP as we understand promotes transparency, accountability and citizen engagement as principles that reduce opportunities for corruption and the propagation of inefficiencies. It provides a universal rationale for a capable developmental state which often involves the private sector in delivering public goods, works and services.

Negating the principles of OGP undermines basic social values, threatens the rule of law, and undermines trust in institutions, whether public or private. It creates a business environment in which only the corrupt thrive, weakens the State and Private sector, and obstructs the emergence of an equitable, just and knowledge society. Needless to say, it is a major contributor to underdevelopment and a threat to peace and security.

Thus, the Open Government Partnership (OGP) in Kenya is, in its very essence, is the key to expanding the democratic space in which businesses as part of the Kenyan society, co-creates development outcomes that emerge from a vibrant fact-based public discourse that is underpinned by trust.

The Business Community acknowledges with appreciation the leadership of the Government of Kenya and its inclusivity in the development the Second and now, the third Nation Action Plan. This process has reinforced the notion that cooperation between government and the private sector must involve both participation and institutions. The Rule of Law, Accountability, and Transparency are technical and legal issues at some levels, but also interactive to assure government is open, legitimate, effective, and widely supported by the private sector, citizens, as well as civil society.

As the NAP III co-creation has shown, OGP should not only be convened on novel ideas, but moreso, on sustained and coordinated efforts that brings leaders of all sector and citizens together in support of a common vision that ensures development leaves no one behind. The NAP III commitments are a demonstration of the desire by all the stakeholders to ensure that our common developmental objectives and targets are achieved in a timely manner. The business community as evidenced is eager to effectively participate towards the achievement of the six key commitments.

Specifically, the Business community is eager to promote Beneficial Ownership, Open Contracting as well as public participation. In addition, the commitment to Open Geo Spatial Data for Development will be a key deliverable for the business Community in identifying opportunities as well as offer a transparent and accountability platform on the timeliness in completing projects.

Good governance involves far more than the power of the state or the strength of political will. Never have these concerns been linked to more momentous opportunities that benefit business that at the same times delivers public value. Therefore, the partnerships created under the OGP initiative must be sustained not only by good intentions alone but by lasting, converging incentives and strong institutions.

We look forward to continued collaboration and engagement with all the stakeholders for the benefit of business community and the Country at large.

**Regards,**

A handwritten signature in blue ink that reads "Nemaisa Kiereini". The signature is written in a cursive, flowing style.

**NEMAISA KIEREINI**  
**CEO, KENYA NATIONAL CHAMBER OF COMMERCE & INDUSTRIES (KNCCI)**  
**NAIROBI COUNTY.**

## Introduction: Normative, Policy & Programs Context of OGP

The Kenyan state is still fragile 55 years since independence<sup>1</sup> despite tremendous social economic progress made. A critical factor in the reproduction of state fragility is trust deficit manifested by feelings of exclusion largely caused by inadequate citizen engagement in public policy and decision making. Open governance seeks to respond to this core challenge to democratic consolidation.

The Government of Kenya is conscious of the significance of detailed disclosure of its programmes and financing processes to its citizens as key to shared prosperity. Kenya was part of the community of African nations that appended its signature to the *50th Anniversary Solemn Declaration of the African Union*, expressing its determination to anchor the Kenyan society on respect for rule of law, human rights and dignity, popular participation, the management of diversity, as well as inclusion in development and democracy (Au.int:2018)<sup>2</sup>.

Through this declaration, the Government of Kenya and those of other African Countries, committed to:

- Strengthen democratic governance including decentralized systems, the rule of law and capacities of national institutions to meet the aspirations of African peoples;
- Promote integrity, fight corruption in the management of public affairs and promote leadership that is committed to the interests of the people.

While democracy broadens the frontiers of civil and political liberties, it equally has an instrumental value in promoting socio-cultural, economic and environmental rights. The process of nurturing and consolidating democratic governance on the continent relates directly to the extent to which the twin-values of democracy (intrinsic and instrumental) are realized on a more sustainable basis.

The intrinsic value of democracy is measured, among other things, through the quality of citizens' engagement and participation, including the holding of regular, credible and transparent elections, establishment of effective and efficient democratic institutions and respect and promotion of human and peoples' rights. Democracy must also address effective realization of socio-economic rights, gender equality, youth empowerment and protection of minority rights.

The instrumental value of democracy is measured by the extent to which democracy delivers basic or fundamental needs such as socio economic and environmental rights i.e. food, water, health, education, housing, clothing, and environmental protection particularly to marginalized social groups such as women, youth, people with disabilities and minorities.

Article 35 of the Kenya Constitution on access to information as read together with article 38 on political rights provide the foundation on which transparency for accountability as a political or governing doctrine is laid.

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<sup>1</sup> Fragile State Index 2018 (Fund for Peace) online at <https://fundforpeace.org/fsi/wp-content/uploads/2018/04/951181805-Fragile-States-Index-Annual-Report-2018.pdf> (accessed 5 December 2018). The Index highlights Kenya fragility on "alert status" as a result of factionalised elites, group grievances and perceived uneven economic development.

<sup>2</sup> Au.int. (2018). *50th Anniversary Solemn Declaration*. [online] Available at: [https://au.int/sites/default/files/newsevents/workingdocuments/29149-wd-50\\_declaration\\_en.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/29149-wd-50_declaration_en.pdf) [Accessed 19 Jan. 2018].

This is buttressed by the sacrosanct article 1 of the constitution which reserves sovereign power to the people who may choose to exercise it directly or through their elected representatives. It follows, without need for elaboration, that a sovereign people who have the power to act directly must have right to the information needed to exercise their power. This is the constitutional and normative foundation of open and collaborative governance in Kenya.

Resulting from these imperatives, the Government has been leading in critical global process and initiatives that amplify its commitment to open government principles. The Government of Kenya through the Deputy President, H.E. William Ruto has been championing the Data Revolution for Sustainable Development where Kenya continues to lead over 200 Government, Technology Companies, Foundations and Civil Society in seeking to leverage technology and big data for informed decision making and action in furtherance of the 2030 Sustainable Development Goals.

During the London Anti-Corruption Summit in 2016, the Government through the Attorney General observed that public contracting and governments' budgets ought to be open and transparent to prevent and expose the theft or misuse of taxpayers' money. At this summit, the Government recommitted to promoting the use of technology as a tool for exposing corruption and strengthening accountability while encouraging the strengthening of international cooperation using the Open Government Partnership as an independent reporting mechanism.<sup>3</sup>

### **The Big Four**

The 'Big Four' Agenda mooted after the contested 2017 elections, is a bold attempt to craft a final solution to challenges that have plagued the country since independence. The four pillars of the 'Big Four' are manufacturing, affordable housing, health for all and food security. Their outcomes include construction of 500,000 low cost houses, 100% universal healthcare, increase manufacturing contribution to GDP to 14%, attaining food and nutrition security through modernizing production through irrigated agriculture, value addition, and reduction of cost of food from the current 47% of monthly income to 25%.

The prospects for the Kenyan Open Government ecosystem to catalyze these critical elements of development for the social and economic benefit of Kenyans and take leadership of the Open Government Partnership at continental and international level therefore exists. OGP presents an immediate opportunity for the Government to ensure the transparency and accountability of Big 4 Agenda programmes, ensure citizen participation in their detailed development and implementation, facilitate cost-efficient delivery and use of digital solutions to achieve outcomes.



**DR. KORIR SINGOEI, LEGAL ADVISOR  
EXECUTIVE OFFICE OF THE DEPUTY PRESIDENT, AND  
CONVENOR, OPEN GOVERNMENT PARTNERSHIP – KENYA**

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<sup>3</sup> State Law Office and Department of Justice. (2018). *Kenya Attends Anti-Corruption Summit in UK*. [online] Available at: <http://www.statelaw.go.ke/kenya-attends-anti-corruption-summit-in-uk/> [Accessed 19 Jan. 2018].

## Open Government Efforts to Date:

Since 2011, the Government of Kenya has been at the forefront of Opening Up Government, creating an enabling environment for development decision making and action, that empowers our citizens to co-create our young democracy. The promulgation of our 1<sup>st</sup> Constitution post-independence, eight years ago, was a watershed moment for our Country, enshrining into the social contract, the recognition of the centrality of citizens in the day to day running of government and service delivery.

**Open Government** and its principles are at the core of our governance practice and drive towards improving our status as a middle-income country, based on values that set the highest of standards for service delivery. The Government in 2016, co-created, together with civil society, private sector and parliament, a progressive NAP II, that was further amplified by our commitments at the 2016 London Anti-Corruption Summit. Our NAP II focused on Extractives Transparency, Beneficial Ownership, Access to information and open contracting on procurement of public goods, works and services.

Our progressive NAP II as you may know, ushered in many firsts: a Freedom of Information Legislation, a local content legislation on revenue share with communities around extractives and the first ever climate change legislation in Africa following the Paris Climate Change Accord. It also reinforced the importance of the achievement of the Sustainable Development Goals (SDGs), especially on harnessing the data revolution for sustainable development.

The fight against corruption and opaqueness is an on-going task that requires collaboration and cooperation across countries, jurisdictions and sectors. While we have made tremendous progress through the first two NAPs, we continually recognize that ending Corruption requires creativity and determination.

Leading from the top, H.E President Kenyatta has undertaken a raft of measure to stem the vice. This year alone, he has directed all procurement and accounting officers in Government step aside and under-go fresh vetting, including undertaking a lie detector test. In June 2018, the President directed, through **Executive Order 2 of 2018**, that all arms of Government maintain and continually update an open and accessible public register on procurement of public good, works and services.

And finally, during the recent visit by the Swiss President, H.E Alain Berset, Kenya and Switzerland signed the declaration of intent on the Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK), setting out best practices regarding the return of close to (USD 2 Million) illegally acquired funds to Kenya.

The Government of Kenya will also sign a similar agreement with the UK and the Channel Island of Jersey. This process, in particular, will include transparency and accountability in the return process, the use of funds for the benefit of the public, and the possibility of investing the funds in projects to promote sustainable development.

Our Third National Action Plan therefore articulates progressive and ambitious commitments that builds on the energies of civil society and private sector to end all forms of corruption and ensures that development progress remains a shared goal for inclusive prosperity.

The Sustainable Development Goals (SDGs) and our Big Four Agenda, hold great promise for our Country as we aspire to equalize our fragmented societies.

As a proud Africa Nation, we are also committed to embedding the values of OGP into our African shared values instruments and institutions. NAP III seeks to integrate with the Africa Peer Review Mechanism (APRM) reporting recommendations and continually work with New Economic Partnership for Africa on Development (NEPAD) to further advance Open Government at the subnational level.

As a young and budding democracy, we will continue to uphold the values that bind these community of nations, in the interest of improving services and ensuring that our development outcomes leave no one behind.

## Developing this plan

The Government of Kenya believes in curating deliberate multi-stakeholder ecosystems to delivery responsive development outcomes. In an Op-ed in 2015, H.E William Ruto articulated that *‘this administration is not blind to the increasing inequalities in our society, poverty, corruption, unemployment, increased insecurity and terrorism threats, and exclusion of women and persons with disabilities. A community does not develop until it is inclusive and cohesive.’* He further stated that *“if Kenya is to move ahead, we must deliberately pursue collaboration between the government, academia, civil society, business and entrepreneurs. It is no longer an issue of political will, but a matter of rational economic and political choice.”*

This succinct articulation of our vision drove our progressive NAP II, but also laid the foundation of the development of NAP III, that is the most inclusive and consultative action plan ever developed in the Country. The NAP leveraged on the Independent Reporting Mechanism (IRM) that spoke of the need to shield OGP from potential shocks within the public sector transitions, deepen engagement and awareness of the NAP and build resiliency.

The NAP III Process saw a deeper one-on-one engagement with stakeholders from civil society, business and government that entailed listening sessions and elaborate co-creation processes. Two joint meeting were organized between civil society in February and April, while civil society held three gathering to better articulate their contributions into the 6 core areas of the NAP III.

The Draft NAP was opened to public consultation for about four weeks, especially through online channels. In addition, conversations were held in our Open Government WhatsApp Group and information sharing with Elgeyo Marakwet, so that the National Action Plan III is synchronized with the Sub National NAP II.

An inclusive steering committee (SC) was constituted an inaugurated by H.E the Deputy President. The SC include the Chamber of Commerce, both houses (parliament and senate), the Executive, Africa Peer Review Mechanism, Civil Society and Sub-National Governments, who validated the NAP and proposed the development of an Open Government Program, to include the Judiciary and other subnational governments.

This initiative will, for the first time, be the inclusive Open Government Program of Government.

## Summary of Commitments:

Commitment number and title	Commitment summary	Lead implementing organisation(s)	Other actors involved – government	Other actors involved - CSOs, private sector, working groups, multilaterals etc
<b>1 Beneficial Ownership</b>	We will publish a central public register of company beneficial ownership information operating in the Republic of Kenya	Office of the Attorney General (AG)	Ministry of ICT, ICT Authority	INFONET Africa, Transparency International (K) and Humanistic Institute for Cooperation with Developing Countries (Hivos) East Africa.
<b>2. Open Contracting</b>	We will implement the Open Contracting Data Standard (OCDS), to improve transparency and reduce opportunities for corruption by enhancing openness and accessibility of the Public Procurement Information Portal	The National Treasury, Public Procurement Oversight Authority	Ministry of Public Service, Gender and Youth Affairs, Ministry of Labor and Social Protection, Ministry of ICT, ICTA County Government of Makueni	Infonet Africa Local Development Research Institute (LDRI) Humanistic Institute for Cooperation with Developing Countries (Hivos) East Africa, Article 19, ICJ- Kenya
<b>3. Open Geo-Spatial Data for Development</b>	We will lower the barrier and increase access to geospatial data to support Health, Disaster Management, Food and Nutrition Security.	Kenya Space Agency Ministry of Defence	Ministry of Agriculture and Irrigation Ministry of Environment County Government of Vihiga	Development Initiatives (DI), Institute of Public Finance Kenya (IPFK), International Budget Partnership (IBP), Strathmore University, Local Development Research Institute (LDRI), Global Partnership for Sustainable Development Data (GPSDD), ESRI, Group on Earth Observations (GEO), Digital Earth

<b>Commitment number and title</b>	<b>Commitment summary</b>	<b>Lead implementing organisation(s)</b>	<b>Other actors involved – government</b>	<b>Other actors involved - CSOs, private sector, working groups, multilaterals etc</b>
				Africa (DEA), East Africa Institute at the Aga Khan Foundation
<b>4. Public Participation</b>	We will work together to improve public participation in development decision making for better and responsive service delivery	The Senate Office of the Deputy President	Office of the President, Ministry of Devolution NEPAD/APRM Council of Governors (CoG)	Mzalendo, INFONET Africa, CRECO, International Budget Partnership (IBP), Katiba Institute, Well Told Story, Institute of Public Finance Kenya (IPFK), TISA, KARA, IEA Kenya,
<b>5. Improve public sector performance through governance indices</b>	To provide a comparative analysis of five key governance indices for their veracity and reliability to allow the society to evaluate and possibly redefine its perception towards performance of public sector and its specific institutions.	NEPAD/APRM	Office of the president – Performance Contracting. Office of the Deputy President, Council of Governors (CoG)	Infonet Africa Local Development Research Institute (LDRI) Transparency International (K) International Budget Partnership (IBP),
<b>6. Building Open Government Resiliency</b>	We will build political support across National, County Government, Civil Society, Private sector, Pan African Institutions and other OGP participating Countries in Africa to share skills, knowledge, resources and expertise.	Office of the Deputy President Ministry of Foreign Affairs	Senate National Assembly Africa Peer Review Mechanism (APRM)	Development Partners Forum United Nations in Kenya Local Development Research Institute (LDRI), Africa Open Data Network (AODN), IDRC



# **Commitment 1: Beneficial ownership**

**We will publish a central public register of company beneficial ownership information operating in the Republic of Kenya**

## **Objective**

The proposed beneficial ownership register will bring greater transparency services in Kenya.

## **Status quo**

We currently collect but do not publish this information in an open and centrally accessible and in machine readable format.

## **Ambition**

The Companies Act, 2015 (“the Act”) has been amended by the Companies (Amendment) Act, 2017, to promote transparency in the ownership of companies in Kenya as committed in Kenya’s OGP NAP II. The Act now includes a definition of a beneficial owner and requires that every company keep a register of its members which shall include information relating to the beneficial owners of the company and must be lodged with the Registrar of Companies within 30 days after its preparation, and within 14 days in case of amendment(s). The President in June 2018 through Executive Order 2 of 2018 further directed that all entities wishing to provide goods, works and services across all National and County Governments must disclose Beneficial Ownership Information online for public scrutiny.

## **Lead implementing Organization**

Office of the Attorney General (AG),

## **Contact Person:**

Ms Mariam Shighadi Mwakio,  
Email: mwakiomariam@gmail.com  
+254 721 585 443

## **Timeline**

September 2018 to May 2020

## **OGP values**

Access to information, Public accountability

## **New or ongoing commitment**

On-Going

### **Other actors involved - government**

Ministry of ICT, ICTA

### **Other actors involved - CSOs, private sector, working groups, Multilaterals etc**

INFONET Africa, Transparency International (K) and Humanistic Institute for Cooperation with Developing Countries (Hivos) East Africa.

<b>Verifiable and measurable milestones to fulfil the commitment</b>	<b>New or ongoing</b>	<b>Start date</b>	<b>End date</b>
1. Conduct a national risk assessment, consult external stakeholders (e.g. financial institutions, designated non-financial businesses or professions (DNFPBs), Private Sector and NGOs	New	October 2018	February 2019
2. Develop regulations that govern and give effect to Beneficial Ownership legislation	New	September 2018	December 2018
3. Develop an open, accessible and machine-readable beneficial ownership register on BO standards	Ongoing	December 2018	July 2020
4. Establish a central register of foreign and local companies bidding on public contracts and buying property	New	January 2019	May 2020
5. Build a module on the Beneficial Ownership Register Information of companies and individuals convicted of bribery and corrupt practices	New	August 2019	December 2019

## **Commitment 2: Open Contracting**

**We will implement the Open Contracting Data Standard (OCDS), to improve transparency and reduce opportunities for corruption by enhancing openness and accessibility of the Public Procurement Information Portal**

### **Objective**

To ensure realization or actualization of **Executive Order No 2 of 2018** and its alignment to international standards such as the Open Contracting Data Standard. Further, that 30 percent of public procurement opportunities set aside for youths, women and persons with disabilities (PWDs) benefits these categories of “disadvantaged groups”, actively monitored by citizens.

### **Status quo**

President Uhuru Kenyatta directed the publishing of all public contracting information in the Executive Order no 2 of 2018. Further, that procurement rules be amended to allow 30 percent of public procurement opportunities to be set aside for youths, women and persons with disabilities (PWDs) as disadvantaged groups. Amendments to the Public Act and Asset Disposal Act were adopted in 2015, forming the legal framework of **Access to Government Procurement Opportunities (AGPO)**. The Challenge has been the inability to ascertain whether the 30% actually benefits these disadvantaged groups and whether the quality of tenders accessed by these groups have the potential to improve the economic status.

### **Ambition**

Development of an Open Contracting Data Standard will reduce opportunities for corruption in public procurement, especially on the Big 4 Projects, assure fair and effective contracting, create more business opportunities for small and medium sized businesses who are the beneficiaries of AGPO. This commitment responds to the Sustainable Development Goals (SDGs) Agenda of leave no one behind and our national values and principles of governance, including “human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and the protection of the marginalized. This is the first time such a disaggregation of government opportunities by women, youth and persons with disabilities is being undertaken globally.

### **Lead implementing organization**

The National Treasury, Public Procurement Oversight Authority

### **Contact Person:**

Ms. Josephine Wambua Mong'are (Mrs.)  
Public Procurement Oversight Administrative Board

Email: [info@ppoa.go.ke](mailto:info@ppoa.go.ke)  
 10th Floor, Harambee Avenue  
 Telephone: +254-020-3244000/2213106

**Timeline**

September 2018 to May 2020

**OGP values**

Access to information, civic participation, public accountability, Technology and innovation

**New or ongoing commitment**

New

**Other actors involved - government**

Ministry of Public Service, Gender and Youth Affairs, Ministry of Labor and Social Protection, Ministry of ICT, ICTA

**Other actors involved - CSOs, private sector, working groups, multilaterals etc**

INFONET Africa, Local Development Research Institute (LDRI), Article 19, ICJ- Kenya

Verifiable and measurable milestones to fulfil the commitment	New or ongoing	Start date	End date
6. Improve access to AGPO through consultations with women, youth and people living with disabilities including review of recommendations in studies published by partners and additional research on closing existing data gaps.	New	January 2019	December 2019
7. Open Contracting Data Standard implemented on Public Procurement Information Portal (PPIP)	New	September 2018	May 2020
8. Revamping the Kenya Open Data Portal, to include Open Contracting Data from national government and at least One County (Makueni)	New	March 2019	May 2020
9. Sensitization and public engagement, especially with Women, Youth and Persons with Disabilities on monitoring AGPO	New	June 2019	May 2020

## **Commitment 3: Open Geo-Spatial Data for Development**

**We will lower the barrier and increase access to geospatial data to support Health, Disaster Management, Food and Nutrition Security.**

### **Objective**

Promote transparent and accountable use of Earth Observations and geo-spatial information to enable academia, citizens, innovators and other data communities harness its capability for use in the areas of health, agriculture, water, land-use planning disaster management, environmental conservation and climate change.

### **Status quo**

Analysis ready Earth Observations Data and information are currently not available or accessible to data communities such as farmers, health workers, Arid first responders in disaster. Such information is often available to the scientific communities or behind a paywall.

### **Ambition**

The initiative will help provide free access to analysis ready data in open standards, including publishing and sharing algorithms for re-use, through the first ever Africa Open Data Cube (ARDC) and other Scale Geo-spatial technologies and platforms. This will enable innovators leverage on Earth Observations to create products that are more context specific to cater for service gaps to farmers, policy makers, health workers in aid of every day decision making and action.

### **Lead implementing Organization**

Kenya Space Agency (KSA), ICT Authority (ICTA)

### **Contact Person:**

Major Andrew Otieno Nyawade  
Space Engineer,  
Kenya Space Agency (KSA) at Ministry of Defence  
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### **Timeline**

September 2018 to May 2020

### **OGP values**

Access to information, Public accountability, Use of Technology

**New or ongoing commitment**

New

**Other actors involved - government**

Office of the Deputy President, County Government of Vihiga

**Other actors involved - CSOs, private sector, working groups, Multilaterals etc**

Development Initiatives (DI), Institute of Public Finance Kenya (IPFK), International Budget Partnership (IBP), Strathmore University, Local Development Research Institute (LDRI), , East Africa Institute at the Aga Khan, Global Partnership for Sustainable Development Data (GPSDD), ESRI, Group on Earth Observations (GEO), Digital Earth Africa (DEA).

<b>Verifiable and measurable milestones to fulfil the commitment</b>	<b>New or ongoing</b>	<b>Start date</b>	<b>End date</b>
10. Establish and sustain an appropriate public-private cooperation platform on Earth Observations and Geo-Spatial Information	New	January 2019	August 2020
11. Develop draft open geo-spatial data guidelines and standards to ensure interoperability and accessibility	New	December 2018	August 2020
12. Improve access to open geospatial data through the Africa Data Cube by working with researchers, innovators, data scientists to develop tools and share their tools, knowledge and technology through an open platform.	Ongoing	December 2018	August 2020
13. Include geographical information of capital projects in County budgets.	New	June 2019	July 2020
14. Co-create targeted open geo-spatial/earth observations applications to address the Big 4 policy priorities through open calls and challenges.	New	January 2019	August 2020

## **Commitment 4: Public Participation**

**We will work together to improve public participation in development decision making for better and responsive service delivery**

### **Objective:**

To operationalize the Constitutional requirement of public participation on all matters of policy, decision making and service delivery in Kenya.

### **Status quo:**

We currently do not have a public participation legislation at national level that provide a general framework for effective public participation as per our constitutional principles of democracy and participation of the people. Public participation process is often unstructured and undertaken in a manner that is contrary to the principles of democracy. There is also little capacity building on the citizens to enable them engage in the process from an informed, structured and meaningful way. More often, the process is perceived as expensive, tedious and time consuming. Citizens are often ill informed when participating in public forums, thereby compromising the quality of their participation.

### **Ambition**

Design a whole-of-government program that supports meaningful, open, public participation into National and County Governments and empowers oversight bodies to hold Governments to Account. More specifically, Public participation in budget sector hearings by the National Government will be more open and inclusive. Progressively these hearings should be more open to a larger number of stakeholders and be held at the county level as well. This was also a key ask in the Budget and Appropriations Committee report on the budget estimates for 2018/19.

### **Lead implementing Organization**

The Senate

### **Contact Person:**

Hon. Fatuma Dullo  
Senate Deputy Majority Leader  
+254 707 165 221

### **Timeline**

September 2018 to May 2020

### **OGP values**

Access to information, Public accountability, Citizen Engagement, Use of Technology

## New or ongoing commitment

New

### Other actors involved - government

Office of the Deputy President, Office of the President, Council of Governors (CoG)

### Other actors involved - CSOs, private sector, working groups, Multilaterals etc

Mzalendo, INFONET Africa, CRECO, International Budget Partnership (IBP), Institute of Public Finance Kenya (IPFK). Katiba Institute, Well Told Story, TISA, Kenya Alliance of Resident Associations (KARA), Institute of Economic Affairs (IEA) Kenya,

Verifiable and measurable milestones to fulfil the commitment	New or ongoing	Start date	End date
15. Fastrack the enactment of the Public Participation Law in Senate	Ongoing	September 2018	November 2019
16. Making senate committee proceedings open by deploying live stream capabilities.	New	April 2019	July 2020
17. Develop technology tools and platforms (Web, SMS) to enhance citizens participation and feedback (311 type applications and Petitions)	New	May 2019	July 2020
18. Develop an Open Government Commitment indicators and online Tracker	New	March 2019	July 2020
19. Open up Court User Committee (CUC) complaints and resolution, including the judiciary ombudsman complaints portal.	New	May 2019	July 2020
20. Digitize and make publicly accessible, Government Performance Contracts for public scrutiny, monitoring and citizen feedback	New	June 2019	July 2020
21. Roll out a public participation and engagement campaign in <i>atleast 3 Counties</i> , to sensitize citizens on the Constitutional provisions, the Public Participation legislations, tools and platforms that facilitate engagement with policy and decision makers.	New	June 2019	July 2020



## **Commitment 5: Improve public sector performance through governance indices**

**To provide a comparative analysis of five key governance indices for their veracity and reliability to allow the society to evaluate and possibly redefine its perception towards performance of public sector and its specific institutions.**

### **Objective:**

To assist the public in making informed choices, understand the impact of their collective actions on public finances; and perhaps most importantly enable the public to judge the performance of government and governmental institutions from a composite analysis of the indices.

### **Status Quo:**

Since the concept of governance is multidimensional, focus of the governance indices vary substantially from narrow definition of bureaucratic corruption to broader notion of governance, including a host of dimensions, such as, safety and security, control of corruption, rule of law, voice and accountability. Existing indicators do not take a comprehensive view of governance therefore, unresponsive to its multidimensionality.

The commonly used indicators are; The World Bank's Worldwide Governance Indicator (WGI) and Country Policy and Institutional Assessment (CPIA), Overseas Development Institute (ODI)'s World Governance Assessment (WGA), Mo Ibrahim Foundation's Ibrahim's Index of African Governance (IIAG) and United Nations Economic Commission for Africa's (ECA) African Governance Report (AGR).

All these indices are faced with a host of problems in primary sources and survey questions, perceived biases in the enumeration of respondents that may skew results based on subjective contexts or ideology. These problems are passed on to composite indicators too. These biases have an impact on the acceptability of their results.

### **Ambition:**

Develop a comprehensive framework for tracking and analysing governance indices to bring out realistic and well-founded arguments to counter the negative representation such indicators portray regarding the country.

## Leading implementing Organization

Nepad/APRM Secretariat, Kenya

### Contact Person:

Mr. Daniel Osiemo

Chief Executive Officer

NEPAD/Africa Peer Review Mechanism (Kenya) Secretariat

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Phone: +254729 260 597

### Timeline

September 2018 to May 2020

### Open Government Values

Access to information, public accountability, citizen engagement,

### New of on-going commitment

New

### Other actors involved-government

Office of the president, Office of the Deputy President, NAKs

### Other actors involved-

INFONET Africa, Local Development Research Institute (LDRI)

Verifiable and measurable milestones to fulfil the commitment	New or ongoing	Start date	End date
22. Develop a tracker for available governance indices (APRM, Performance Contracts, SDGs, Corruption Perception Index, Ease of Doing Business)	New	January 2019	December 2019
23. Develop technology tools and platforms for available for access and analytics of governance indices in the country	New	April 2019	July 2020
24. Build capacity of public service entities to improve services based on indices recommendations.	New	September 2019	May 2020
25. Disseminate indices analysis reports, two times annual to the all stakeholders and public	New	June 2019	May 2020

# **Commitment 6: Build Open Government Resiliency**

**We will build political support across National, County Government, Civil Society, Private sector, Pan African Institutions and other OGP participating Countries in Africa to share skills, knowledge, resources and expertise.**

## **Objective**

Ensure that the Open Government Partnership initiative in Kenya and Africa is resilient, continuing its unique role as a platform for co-creation, dialogue and collaboration between governments, parliaments, private sector and civil society.

## **Status quo**

Support system for Open Government is currently unstructured or non-existent within and across African Countries. As noted by the Support Unit, Open Government in Africa mostly revolves around individual PoC's and lacks whole-of-government high level political support.

## **Ambition**

Open Government Partnership is a unique platform that could de-risk the implementation of the Big 4 Agenda, consolidate democratic gains and bring into existence, the values of Agenda 2063 that seeks to ensure that Africa remains a cohesive Union, not only of member states but that of peoples.

## **Lead implementing Organization**

Office of the Deputy President, Ministry of Foreign Affairs

## **Contact Person:**

Dr. Korir Singoei

Legal Advisor/Lead-Legislative and Inter-governmental Liaison Office

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## **Timeline**

September 2018 to May 2020

## **OGP values**

Access to information, Public accountability, Citizen Engagement, Use of Technology

## **New or ongoing commitment**

New

**Other actors involved - government**

Senate, National Assembly

**Other actors involved - CSOs, private sector, working groups, Multilaterals etc**

Local Development Research Institute (LDRI), Africa Peer Review Mechanism (APRM), Africa Open Data Network (AODN), IDRC

<b>Verifiable and measurable milestones to fulfil the commitment</b>	<b>New or ongoing</b>	<b>Start date</b>	<b>End date</b>
26. Develop an Open Government Program in support of the NAP III	New	January 2018	April 2019
27. Establishment of a multi-stakeholder technical committee and OGP National Secretariat	New	December 2018	April 2019
28. Create an Open Government Network in Kenya as the permanent dialogue mechanism	New	June 2019	December 2019
29. Create a Community of Practice for Open Government, including an OGP Kenya Website and knowledge sharing platform	New	January 2019	July 2020
30. Document stories and best practices amongst the Open Government Partners in Kenya/Africa	New	June 2019	July 2020

## Annex A: Open Government Steering Committee

H.E Hon. William Samoei Ruto  
Deputy President

H.E Hon. Alex Tanui Tolgos  
Governor  
Elgeyo Marakwet County Government

H.E Hon. Kivutha Kibwana  
Governor  
Makueni County Government

H.E Hon. Dr. Wilbur Ottichilo  
Governor  
Vihiga County Government

Hon. Jessica Mbalu  
Member of Parliament, Kibwezi  
National Assembly

Dr. Fatuma Dullo  
Deputy Leader of Majority  
The Senate

Dr. Korir Singoei  
Legal Advisor/Head-LiLO  
Executive Office of the Deputy President  
**OGP Convenor**

Ambassador Tom Amollo  
Principal Administrative Secretary  
Ministry of Foreign Affairs

Mr. Daniel Nyakundi **Osiemo**, OGW  
Chief Executive Officer,  
NEPAD/APRM Kenya Secretariat

Ms. Jessica Musila  
Executive Director  
Mzalendo Trust

Ms. Grace Githaiga  
Co-Convenor,  
KICTANet

Mr. Henry Maina  
Executive Director  
Article 19

Ms. Nemaisa Kiereini  
Chief Executive Officer  
Nairobi Chapter  
Kenya National Chamber of Commerce  
and Industries (KNCCI)

Ms. Mendi Njonjo  
Regional Manager  
Hivos Foundation

Mr. Muchiri Nyaggah  
Executive Director  
Local Development Research Institute  
(LDRI)

## **Annex B: Technical Committee**

Philip Thigo  
Data and Innovation Lead  
Executive Office of the Deputy President  
***Point of Contact (PoC) for Kenya***

Ms. Sandra Musoga  
Senior Program Officer, Access to Information  
Article 19

Ms. Kavata Musyoka  
Gender and Democratic Governance Specialist  
Senate

Ms. Stephanie Muchai  
Country Engagement Developer – Open Contracting  
HIVOS

Mr. John Maritim  
Director of Economic Planning  
County Government of Elgeyo Marakwet

Ms. Redempta Kavindu  
Chief of Staff  
County Government of Makueni

Mr. Noah Asanga  
Chief of Staff  
County Government of Vihiga

Mr. Peter Kimemia  
Director, Africa Peer Review Mechanism (APRM)  
APRM/NEPAD Secretariat

Mr. Peter Mwaura  
Senior Legal Counsel  
The National Assembly