

NAP IV

Open Recovery Open Resilience

Executive summary

Kenya has been a member of OGP since its inception. Therefore, as the OGP community prepares to mark its 10-year anniversary, Kenya will be at the fore front of showcasing its progress and contribution towards an open and transparent global governance system. The 10th anniversary comes at a time when governments across the world continue to face the greatest challenge in centuries, one that threatens to undo developmental progress and global cooperation as we know it. The COVID-19 pandemic has proven to be an acid test of every single country's quality of health care, governance standards and social capital. As we have witnessed, the virus has exposed weaknesses and disparities within the social economic governance systems and further widened the already existing inequalities.

As the world continues to grapple with the growing threat, now more than ever, there is need to strengthen global cooperation towards building back better, more open and resilient systems that will shield communities from effects, both economic and health, that will be felt for years to come. It is therefore imperative that resource allocation get to those who need it the most. For this to happen, focus must shift to ensuring greater participation and transparency in decision making, strengthening of the anti-corruption ecosystem and support towards innovation in service delivery.

The Constitution of Kenya guarantees every citizen access to basic social economic rights and freedoms. The OGP platform continues to provide impetus through which these rights and freedoms can be accessed by Kenyan citizens. This is evident in the country's commitments made under the third National Action Plan (NAP III). Designed to progressively build on gains made in the first and second national action plans, NAP III placed greater focus on enabling more transparency of business operations through beneficial ownership, strengthened anti-corruption mechanism through open public procurement and overall building greater resiliency of open government and the OGP initiative by ensuring wider participation and consultation of government institutions and civil society.

As we embark on the implementation of NAP IV in earnest, Kenya hopes to continue being an OGP ambassador in the region and globally. To this end, the NAP IV will revolve around four key broader objectives:

- a) Local: Kenya currently has the highest number of Sub-national governments in the continent who are OGP members. NAP IV is designed to enhance participation of local governments in the implementation of various commitments.
- b) National: As the country approaches the next elections scheduled to take place in 2022, the NAP IV activities are designed to institutionalize open government and building greater resilience of OGP to withstand future political transitions, economic shocks among other instabilities therefore ensuring sustainability of the open government discourse.

- c) Regional: During the 2019 global summit, Kenya was a witness to the signing of the MoU between OGP and APRM. To this effect Kenya will work with other regional OGP members to advance greater articulation of OGP values and principles at the continental level.
- d) International: Strengthen multilateralism by contributing to an open and vibrant discourse through the OGP platform

This will be achieved by fast-tracking implementation of key reform areas that had already been identified in our previous action plan. NAP IV commitments continue to emphasize transparency, accountability, use of technology and increased public participation in governance processes. In addition to the old commitments, the fourth National Action Plan will include two new commitments. One on Access to Justice aimed at promoting the use of Alternative Justice System to facilitate greater access to justice by the citizenry and the second new commitment is on Access to Information which seek to ensure the effective implementation of the Access to Information Act while leveraging on technology to enhance the practice of proactive disclosure and promote effective records management.

At the core, the fourth National Action Plan will place greater focus on building a stronger and sustainable support system for open government. To achieve this, the steering committee has embarked on an aggressive process of expanding the consultation circle to include the private sector, academia and the Kenyan Judiciary with the hope that this will facilitate institutionalization and ownership of OGP.

Commitment number and Title	Commitment Overview	Lead Implementing Organization(s)	Other actors involved- Government	Other actors involved- CSOs, private sector, working groups, multilaterals
1. Beneficial Ownership	Publish a central public register of beneficial ownership information of companies operating within the Republic of Kenya	Office of the Attorney General-Business Registration Services	PPRA, National Treasury, Financial reporting Center, Ethics and Anti-Corruption Commission	TI-Kenya, HIVOS, NTA, KCSPGO, KEPISA
2. Open Contracting	Implement an interoperable end to end e-government system adopting the Open Contracting Data Standard (OCDS), to cover all stages of public procurement in Kenya.	Public Procurement Regulatory Authority	Senate of Kenya, Council of Governors (CoG), County Assemblies Forum (CAF)	Development Gateway, Hivos, Local Development and Research Institute (LDRI), MAPACA Trust, Twaweza East Africa, Youth Agenda, National Taxpayers Association
3. Open Data for Development	Lower the barrier and increase access to timely, affordable, up-to-date, and accurate data for socio-economic development, evidence based decision-making and enhanced service delivery.	Kenya Space Agency, ICT Authority, Council of Governors, Office of the Controller of Budget, County Government of Vihiga, County Government of Nandi	Office of the Deputy President, Kenya National Bureau of Statistics, Office of the Controller of Budget, State Department of Housing and Urban Development, Department of Surveys, Department of Resource Surveys and Remote Sensing (DRSRS), Kenya Agricultural and Livestock Research Organization (KALRO), Kenya	Local Development Research Institute (LDRI), Global Partnership for Sustainable Development Data (GPSDD), ESRI, Group on Earth Observations (GEO), Digital Earth Africa (DE Africa), Geospatial Society of Kenya (GeoSK), Women in GIS, Kenya ICT Action Network (KICTANet), Kenya Private

			<p>Meteorological Department (KMD), National Drought Management Authority (NDMA), National Disaster Operations Centre, National Environment Management Authority (NEMA), National Land Commission (NLC) and Intergovernmental Relations Technical Committee (IGRTC)</p>	<p>Sector Alliance (KEPSA), United Nations Development Programme, Food and Agriculture Organization and LocateIT Ltd.</p>
<p>4. Public Participation and Legislative Openness</p>	<p>Mainstream meaningful public participation in all developmental spheres in the country thereby ensuring that the voice of the public counts and shapes the eventual developmental outcome for ownership.</p>	<p>The Senate of the Republic of Kenya</p>	<p>Office of the Deputy President, Council of Governors (CoG), National Assembly, County Assemblies Forum (CAF)</p>	<p>Mzalendo Trust, Election Observation Group (ELOG), Youth Agenda, National Gender and Equality Commission (NGEC), United Disabled Persons of Kenya (UDPK), 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)</p>

				Kenya, National Taxpayers Association (NTA), Twaweza East Africa, NEPAD/APRM, Kenya Civil Society Platform on Oil and Gas (KCSPOG), Westminster Foundation for Democracy (WFD).
5. Improving Public Service Delivery Performance	Apply the sub-national survey instrument -the County Peer Review Mechanism (CPRM) to improve public service delivery performance by ensuring sustained citizens' engagements with their county governments.	NEPAD/APRM, Council of Governors	The Parliament of Kenya (The Senate and National Assembly),	LDRI, TI, Mzalendo, TISA, Katiba Institute, IGTRC
6. Access to Information	Seeking to ensure the effective implementation of the Access to Information Act for the realization of citizens' right of access to information by leveraging on the use of technology to enhance proactive disclosure and promote	Commission on Administrative Justice (CAJ)	Ministry of ICT, Kenya National Archives & Documentation Service, (KNADS)	ARTICLE 19 Eastern Africa, Mzalendo Trust

	effective records management			
7. Access to Justice	Seeking to expand Access to Justice through the implementation of Legal Aid Act and Alternative Justice Systems Policy	The Judiciary	Judiciary (Chief Registrar of the Judiciary or the National Council on the Administration of Justice), National Legal Aid Service, County Government of Mombasa	Kituo cha Sheria, Namati, Katiba Institute, Mzalendo, CICC, Haki Yetu
8. Building Open Government Resiliency	Build institutional support of OGP by ensuring engagement of broader interest groups across Public institutions, Private sector, Academia, Civil Society and strengthen multilateralism with other OGP participating countries	Office of the Deputy President, Commission on Administrative Justice	MDA's, Senate, National Assembly, Council of Governors (CoG), County Assemblies Forum (CAF), Judiciary, Ministry of Foreign Affairs	IDS-UON, Universities and Colleges, CSO's

Commitment 1: Beneficial Ownership

Reported increase of cases of loss of public funds through fraud, embezzlement and procurement malpractice through companies whose real owners remain shadowy or unknown. It is often speculated that the companies are owned by politically exposed persons that have potential to interfere with investigations, prosecution and adjudication of corruption cases.

Objective

Publish a central public register of company beneficial ownership information operating in the Republic of Kenya

Status Quo

As of October 2020, the BRS is actively collecting data on beneficial owners of companies registered in Kenya. This information is currently available to competent authorities

Ambition

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. This commitment seeks to progress to an accessible register that supports among others, a wider anti-corruption architecture including public procurement and other contracting spheres and anti-money laundering.

Lead implementing Organization

Office of the Attorney General: Business Registration Services

Timeline

February 2021 – March 2023

OGP Values

Transparency and strengthened public accountability

New or ongoing commitment

Ongoing

Other actors involved - government

PPRA, National Treasury, Financial reporting Center, Ethics and Anti- Corruption Commission

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

TI-Kenya, HIVOS, NTA, KCSPOG, KEPSA

No.	Milestone Activity with a verifiable deliverable	Status	Start Date:	End Date:
1.	Develop an open, accessible and machine-readable beneficial ownership register on BO standards	Old	December 2021	June 2022
2.	Establish a central register of foreign and local companies bidding on public contracts and buying property	Old	February 2021	June 2022
3.	Establish a central register of foreign and local companies buying property/ winning mining contracts	Old	February 2021	June 2022
4.	Build a module on the Beneficial Ownership Register Information of companies and individuals convicted of bribery and corrupt practices	Old	June 2021	June 2022
5.	Build a module on the Beneficial Ownership Register Information of debarred companies under the Public Procurement and Asset Disposal Act (PPAD) 2015	Old	June 2021	December 2022

Commitment 2: Open Contracting

This commitment will implement a national end to end e-government system adopting the Open Contracting Data Standard (OCDS), to cover all stages of public procurement in Kenya. The system will be interoperable with all other government E-Systems. This commitment will ensure more efficient delivery of public goods and services, and increased opportunities to do business with government for all citizens. This includes increased opportunities for Women, Youth and Persons with Disability under the Access to Government Procurement Opportunities (AGPO) initiative.

Objective

To ensure reduced fraud and corruption, increased transparency, accountability, value for money, competitiveness, and authenticity of all public procurement processes. This includes all emergency procurement during the Covid-19 pandemic. The system will also boost performance on public contracts, deliver more efficient planning, monitoring, evaluation, audit and reporting of public procurement.

Status quo:

Since 2003, public procurement in Kenya has been done through the country's Integrated Financial Management Information System (IFMIS). Despite a number of public finance management reforms including the adoption of IFMIS, procurement in Kenya has not yet achieved the threshold of accountability, transparency, competition, equity and inclusivity envisaged in the Constitution of Kenya 2010 and the Public Procurement and Asset Disposal Act (PPDA) 2015. More is needed to be done to strengthen the processes, controls and oversight of each stage of procurement. Additionally, improvements are needed in publishing high quality open data on all stages of procurement including planning, tendering, awarding, contracting, implementation and oversight. Finally, more robust public participation as envisaged in the Constitution of Kenya 2010 is required to achieve the objectives of this commitment.

Ambition

The commitment seeks to achieve maximum impact and accountability of public funds expenditure on behalf of citizens; effective delivery of goods and services, stimulate market opportunities including for Women, Youth and Persons with Disability, support diversification of supply chains, and increase checks and balances for emergency procurement - particularly in the Covid-19 pandemic response and recovery period.

Lead implementing Organizations

Government: Public Procurement and Regulatory Authority (PPRA)

CSO: Development Gateway, Hivos, Local Development and Research Institute (LDRI)

Timeline

February 2021 to December 2022

OGP Values

Technology for Openness and Accountability, Access to information, Civic Participation, Public Accountability

New or ongoing commitment

Ongoing

Other actors involved - government

Senate of Kenya, Council of Governors (CoG), County Assemblies Forum (CAF)

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

MAPACA Trust, Twaweza East Africa, Youth Agenda, National Taxpayers Association.

No	Verifiable and measurable milestones to fulfill the commitment	New or Ongoing	Start Date	End Date
1.	Adopt an interoperable solution to integrate the E-Government Procurement system and all open contracting portals developed by all national and devolved governments set up for public funds management	New	Feb 2021	Dec 2021
2.	Enact national and county open contracting policies, acts and regulations to guide the data collection, disclosure and management of the E-Government Procurement system which adopts the Open Contracting Data Standard (OCDS).	New	Feb 2021	Dec 2021
3.	Amend PPDA 2015 to strengthen and encourage whistleblowing with a clear definition and scope of (robust and comprehensive) protection. Offer protective and easily accessible anonymous whistleblowing channels	New	Feb 2021	Dec 2021
4.	Fully operationalize the Public Procurement Information Portal (PPIP) with 100% of all procuring entities registered and actively submitting all information on the portal as per Executive Order No. 2 of 2018 in a timely manner. Information provided for publication to the PPIP by should include both foreign and local companies bidding for contracts in Kenya	New	March 2021	January 2022
5.	Publish all quarterly, annual and periodic reports generated under the Public Procurement and Assets Disposal Act (PPDA) 2015, on the Public Procurement Information Portal (PPIP) for transparency.	New	March 2021	Jan 2023
6.	Adopt low tech/rural connectivity information dissemination mechanism for all Access to Government Procurement Opportunities (AGPO) documentation (including providing hard copies of documentation) as per provisions of the Access to Information Act 2016.	New	April 2021	April 2022
7.	Develop a feedback mechanism to ensure public feedback is documented and meaningfully channeled into decision making.	New	April 2021	April 2022
8.	Develop and implement joint public awareness campaign on measures for protection of whistleblowers with civil society.	New	May 2021	Dec 2022

Commitment 3: Open Data for Development

We will lower the barrier and increase access to timely, affordable, up-to-date, and accurate data for socio-economic development in order to reduce inequality and improve evidence-based decision-making for enhanced service delivery.

Objectives

Promote transparent and accountable use of public expenditures, 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, physical and land-use planning, disaster management, natural resources management, environmental conservation and climate change.

Status Quo

Analysis-ready Earth Observations Data - datasets that have been processed to allow analysis with minimum additional user effort and infrastructure - and information are currently not easily available or accessible to data communities such as farmers, planners, surveyors, health workers, academia and first responders in disaster. Data on public expenditures and location of capital projects in datasets that are also analysis-ready and can be used by both government and non-state actors is also not easy to find. County planning is guided by Section 102-115 of the County Government Act, 2012. County Governments are required to prepare a 5-year County Integrated Development Plan (CIDP) that informs annual budget of a county, a 10-year County Sectoral Plan, a 10-year County Spatial Plan, and city and municipal plans based on geographic information system (GIS). Clause 105 (f), in particular, obligates counties to establish a GIS based database system to be used as a tool for planning and implementation of development programmes in order to ensure inequalities in resource allocation are addressed. However, these requirements are currently at disparate levels of implementation. Further, current Disaster Risk Reduction (DRR) and Resilience interventions at national and sub-national level are not supported by accurate and timely data.

Ambition

The initiative will help provide affordable access to analysis-ready data in open standards, including publishing, and where possible disaggregated to include gender, minorities etc. The intent is to publish and share algorithms for re-use, through openly accessible platforms. This will enable decision makers and innovators leverage on open data to create products and services 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. The infrastructure will also be repurposed to ensure adequate disaster preparedness, faster response and recovery.

Lead implementing organizations

Kenya Space Agency, ICT Authority, Council of Governors, Office of the Controller of Budget, County Government of Vihiga, County Government of Nandi

Contact Person

- Andrew Otieno Nyawade (Kenya Space Agency)
- Mathew Chemwei Kipchemon (ICT Authority)

- Evans Kipruto (Council of Governors)
- Noah Asanga Okaya (County Government of Vihiga)

Timeline: February 2021 – May 2022

OGP Values

Access to information, public accountability and use of technology and innovation.

Status of commitment: Ongoing

Other actors involved – Government

Office of the Deputy President, Kenya National Bureau of Statistics (KNBS), Office of Controller of Budget, State Department of Housing and Urban Development, Department of Surveys, Department of Resource Surveys and Remote Sensing (DRSRS), Kenya Agricultural and Livestock Research Organization (KALRO), Kenya Meteorological Department (KMD), National Drought Management Authority (NDMA), National Disaster Operations Centre, National Environment Management Authority (NEMA), National Land Commission (NLC) and Intergovernmental Relations Technical Committee (IGRTC).

Other actors involved – CSOs, private sector, working groups, Multilaterals etc.

Local Development Research Institute (LDRI), Global Partnership for Sustainable Development Data (GPSDD), ESRI, Group on Earth Observations (GEO), Digital Earth Africa (DE Africa), Geospatial Society of Kenya (GeoSK), Women in GIS, Kenya ICT Action Network (KICTANet), Kenya Private Sector Alliance (KEPSA), United Nations Development Programme, Food and Agriculture Organization and LocatelT Ltd.

No.	Verifiable and measurable milestones	Status of milestone	State date	End Date
1.	Support implementation of the Kenya Open Data portal	Old	February 2021	May 2022
2.	Include geographical information of capital projects in County budgeting processes	Old	February 2021	December 2021
3.	Establish conditional grant to support development of geographic information system laboratories (GIS Labs), and digitization of development control	New	February 2021	May 2022
4.	Support development and implementation of Spatial Plans through technical assistance, capacity building and sensitization, infrastructure development and data provision in at least five Counties	New	February 2021	May 2022
5.	Integrate use of analysis-ready data for development and disaster risk reduction.	Old	February 2021	May 2022
6.	Support the implementation of a Disaster Early Warning System	New	July 2021	May 2022
7.	Developing demand driven, simplified data products for decision making and action for	New	June 2021	May 2022

	different data communities (Governments, Civil Society, citizens)			
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Commitment 4: Public Participation and Legislative Openness

We will strive to mainstream meaningful public participation in all developmental spheres in the country, ensuring that the voice of the public counts and shapes the eventual developmental outcome for ownership.

Objective

To optimally actualize the constitutional aspiration on public participation, identified as a national value and principle of governance and a key requirement in legislative, economic and social development.

Status quo

The Constitution of Kenya, 2010 (COK, 2010), in Article 10, identifies public participation as one of the key national values and principles of governance. Via Article 118, COK, 2010 binds Parliament to engaging members of the public in its business. It requires Parliament to ‘facilitate public participation and involvement in the legislative and other business of Parliament and its committees.’ Despite being over a decade old provision, implementation of public participation largely remains sub-optimal, either completely ignored or half-heartedly implemented. A national-level legislation to refine its implementation is yet to be passed, thus confining the process largely to the zone of mere formality and tokenistic undertaking. It fails the test of inclusivity and genuine desire to incorporate the views as shared by members of the public. There lack robust and effective mechanisms of binding duty bearers to meaningful public participation process. Access to information, to inform optimal participation by the public, lacks optimal guarantee.

Ambition

Secure a framework to allow for meaningful public participation in the country’s governance ecosystem, in all its variations; political, economic and social. Further open up the Parliament and County Assemblies by ensuring that all proceedings, both plenary and committee, are availed to the public for comprehensive scrutiny and robust engagement with the country’s law making system and regime. By seeking to secure the place of civic education, focus shall also be trained on empowering and equipping the public with requisite capacity to meaningfully engage with and in public participation spaces and engender in them the consciousness to ensure that their voices count in the best way possible. Intensifying the use of technology, particularly coming against the backdrop of the COVID-19 pandemic, to accord multiple and diverse alternatives of public participation.

Lead implementing Organizations

Government: The Senate of the Republic of Kenya

CSO: Mzalendo Trust

Timeline

January 2021 to December 2022

OGP values

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

New or ongoing commitment

Ongoing

Other actors involved - government

Office of the Deputy President, Council of Governors (CoG), The National Assembly, County Assemblies Forum (CAF)

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

Election Observation Group (ELOG), Youth Agenda, National Gender and Equality Commission (NGEC), United Disabled Persons of Kenya (UDPK), 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, National Taxpayers Association (NTA), Twaweza East Africa, NEPAD/APRM, Kenya Civil Society Platform on Oil and Gas (KCSPOG), Westminster Foundation for Democracy (WFD).

No	Verifiable and measurable milestones to fulfil the commitment	New or Ongoing	Start Date	End Date
1.	Fast track the enactment of the Public Participation Law in Parliament (Senate & National Assembly).	Old	February 2021	May 2022
2.	Push for the enactment of Civic Education Legislation in Parliament (Senate & National Assembly).	New	February 2021	May 2022
3.	Entrench legislative openness through access to Parliamentary and county assembly plenary and committee proceedings.	New	February 2021	December 2021
4.	Adoption and entrenchment of use of technology as an enabler and alternative in public participation.	New	February 2021	May 2022
5.	Establishment of mechanism to guarantee inclusivity in public participation to include Women, Youth and Person with Disability, minority and marginalized communities.	New	February 2021	May 2022
6.	Institutionalization of the Open Government Partnership (OGP) in Parliament through technical and membership committees.	New	February 2021	May 2022
7.	Institutionalized multi-stakeholder implementation engagement frameworks through regularized roundtable forums.	New	February 2021	December 2021

8.	Institutionalized multi-stakeholder implementation engagement frameworks through regularized roundtable forums.	New	February 2021	August 2021
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Commitment 5: Improving public service delivery performance

In accordance with resolution 32 of the fourth Devolution Conference, we will apply the sub-national survey instrument -the County Peer Review Mechanism (CPRM) to improve public service delivery performance by ensuring sustained citizens' engagements with their county governments.

Objective

CRPM is an evidenced based framework for promoting rigorous citizens engagement, peer reviews and peer learning for mutual accountability and improved service delivery performance.

Status quo

Kenya has voluntarily submitted two comprehensive reviews of governance. The most recent review was undertaken under the two-tier governance system. The resolution was done but has never been implemented. County Governments committed to undertake peer reviews and peer learning activities. They are however yet to set in motion the implementation of the peer review and mutual learning processes.

Ambition

- To facilitate extensive governance assessments in the semi-autonomous sub national units and peer reviews between Governors. This will be a pioneer initiative and one of the best ways of spurring democratic dialogue over service delivery.
- To publicize a county programme of action for continued citizens' engagement through an online platform that will enable citizens to interactively track its implementation.
- **For resilience purposes:** Lobby for the preparation of a piece of legislation to anchor the CPRM process. Also promote adoption and endorsement of the review reports by the Senate and County Assemblies (as oversight instruments).

Lead Implementing Organizations

Government: NEPAD/APRM, Council of Governors
CSO: LDRI

Other Implementing Organizations

TI, Mzalendo, TISA, Katiba Institute, The Parliament of Kenya (The Senate and National Assembly), IGTRC

Timeline

February 2021- December 2022

Our OGP Values:

Access to Information, Technology, Public Accountability

Milestones to fulfill the Commitment

No.	Verifiable and measurable milestones	Status of milestone	Start Date	End Date
1.	Providing technical assistance to the counties on CPRM	New	February 2021	July 2021
2.	Validation of the county self-assessment report	New	April 2021	May 2021
3.	Peer review Summit	New	June 2021	July 2021
4.	Production of the county programme of action (outline of commitment by government)	New	June 2021	July 2021
5.	Using APRM as a tool for oversight by Parliament	New		

Commitment 6: Access to Information

We seek to ensure the effective implementation of the Access to Information Act (ATI Act) for the realization of citizens' right of access to information. We will leverage on technology to enhance the practice of proactive disclosure and promote effective records management.

Objective

To operationalize Article 35(1) and the Access to Information Act 2016.

Access to information is the bedrock upon which open governance is founded. When people are informed, they can participate fully in public life and contribute to determining priorities on policies and public spending. The public is also able to meaningfully participate in ensuring the government is accountable, responsive and transparent.

Status Quo

Kenya passed the Access to Information Act on 31st August 2016. The law gives Kenyan citizens the right of access to information held by public entities and relevant public bodies. The Act came into force and is being implemented at both national and county levels of government. Effective implementation is hampered by the lack of regulations which would better articulate the processes through which information is provided to citizens. Lack of a proper monitoring framework on proactive disclosure ensures that no clear standards are applied by the public institutions in disclosure of information making

it difficult to assess whether the objectives of the Access to Information Act are being met. Further, non-digitization of records as required by the Act has hindered access to information held by public entities.

Ambition

The commitment will help put focus on the adoption of the Access to Information regulations which will ensure better implementation of the Act by giving clarity on process issues. The digitization of records will help ensure better record keeping practices and in turn improve proactive disclosure standards of public entities, thereby ensuring maximum disclosure of information, a principle of ATI. The development of a county ATI law will ensure that the most requisite principles of access to information and best practices are adhered to when counties draft their own ATI laws.

Lead implementing organizations

Commission on Administrative Justice (CAJ) Ministry of ICT, Kenya National Archives & Documentation Service, (KNADS)

Other Actors Involved;

ARTICLE 19 Eastern Africa, Mzalendo Trust

OGP Values

Access to Information, Use of Technology

New or Ongoing Commitment

New

Timeline

January 2021 to January 2023

Milestones to fulfill the Commitment

No.	Milestone	New or Ongoing	Start Date	End Date
1.	Passing of Access to Information Regulations	New	Jan 2021	June 2021
2.	Development of a model county Access to Information law for adoption by counties	New	Jan 2021	Dec 2021
3.	Development of a reporting framework on proactive disclosure for public institutions	New	Jan 2021	June 2022

4.	Improved digitization of records and better records management by public institutions	New	Jan 2021	Dec 2022
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Commitment 7: Access to Justice

The Legal Aid Act was enacted in 2016. However, the State has not taken full responsibility for provision of legal aid and assistance and more broadly access to justice for indigent Kenyans. Inaccessibility of justice for indigent litigants has been exacerbated by the use of technology in court processes e.g. e-filing and virtual court sittings. Majority of Kenyans have limited or no access to internet connectivity, devices or technical knowledge to enable the adequate use of technology in these court processes.

Some provisions of the Legal Aid Act that remained unrealized include: the establishment of the Legal Aid Fund for financing, fair accreditation of community paralegals and legal aid providers and appointment and allocation of adequate funding to the National Legal Aid Service.

Very few disputes are resolved by the formal Courts. Instead, a majority of them are resolved using Alternative Justice Systems (AJS) that is, traditional, informal and other mechanisms used in access to justice in Kenya. The AJS Taskforce found that AJS is part and parcel of the everyday lives of Kenyans and is effective in increasing access to justice for the people. A later survey by the Judiciary, together with the Hague Institute for Innovation of Law found that only 10% of Kenyans use the formal justice system to resolve their disputes. The field studies conducted by the AJS Taskforce also confirmed that AJS is indeed an avenue Kenyans around the country, in both rural and urban settings, invoke when they have disputes.

Objectives

- 1) Mainstream customary and traditional means of dispute resolution consequently increasing citizen participation in justice delivery while promoting transparency and accountability in the local alternative justice structures that communities are most likely to engage in/with.
- 2) Expand legal aid capacity by creating an online system to process claims for indigent clients and advocating for increased financing for legal aid services

Status Quo

Emergency actions to contain the spread of COVID 19 necessitated the use of innovative strategies which included the use of technology to promote access to justice. COVID 19 is as much a justice crisis as it is a health crisis as the pandemic threatens to widen the justice gap, especially for vulnerable communities who have borne the brunt of the pandemic. In using technology to expand legal aid, this commitment seeks to ensure that people seeking justice are supported to do so and are not left behind due to the digital divide.

Ambition

We seek to pilot the implementation of the Alternative Justice System Policy in Mombasa County and share lessons learnt with the broader Judiciary. The AJS policy presents an accessible model for timely and efficient resolution of disputes for a majority of Kenyans who still cannot access the formal courts.

Furthermore, through the OGP platform, we seek to leverage the use of technology to facilitate access to justice for clients who do not have access to internet services and at the same time advocate for the establishment of the legal aid fund.

Lead implementing Organization

The Judiciary

Other actors involved

Kituo cha Sheria, Namati, National Legal Aid Service, Katiba Institute, Mzalendo, Judiciary (CRJ or NCAJ) County Government of Mombasa, CICC, Haki Yetu

OGP Values

Sustainability, use of technology, inclusivity, expertise, resiliency, link to existing strategy, access to information, transparency and accountability.

New or ongoing commitment

New

Timelines

March 2021 – December 2022

Milestones to fulfill the Commitment

IMPROVED ACCESS TO JUSTICE			
Expand Access to Justice through implementation of Legal Aid Act and Alternative Justice Systems Policy			
VERIFIABLE AND MEASURABLE MILESTONES TO FULFIL THE COMMITMENT	NEW OR ONGOING	START DATE	END DATE
Create public awareness on the use of AJS in partnership with the AJS implementation Committee	New	March 2021	Dec 2022
Enhance co-referencing of cases between the Mombasa County Legal Aid Unit and AJS Mechanisms	New	March 2021	Dec 2022
Provide funding to the Judiciary for the implementation of the AJS policy	New	March 2021	Dec 2022

Set up 1 virtual court centre in collaboration with Kituo's ICT centre and build the capacity of indigent self-representing clients to use technology in accessing the Employment and Labour Relations Court in Milimani, Nairobi.	New	March 2021	Dec 2022
Benchmark with other OGP global justice actors using technology to promote access to justice	New	March 2021	Dec 2022
Establish the Legal Aid Fund for the full implementation of the Legal Aid Act	New	March 2021	Dec 2022

Commitment 8: Building Open Government Resiliency

Build institutional support of OGP by ensuring engagement of broader interest groups across Public institutions, Private sector, Academia, Civil Society and strengthen multilateralism with other OGP participating countries.

Objectives

- Build resilience through supporting documentation of OGP process
- Build resilience through targeted and strategic institutional involvement in OGP
- Build resilience through enabling greater institutional ownership of OGP backed processes
- Increase the capacity of public and private sectors to deliver on NAP IV commitments.

Status Quo

The last two years have seen increased participation and ownership by government of the OGP process. However, support systems for Open Government continues to revolve around individual PoC's and lacks high level political support both at the national and subnational levels. As noted in the Independent Review Mechanism (IRM) report, the resourcing of OGP commitments continues to impact ownership and collective implementation thus affecting sustainability of OGP beyond electoral cycles.

Ambition

Following the impact of the pandemic on government operations, the Open Government Partnership platform provides an opportunity for rebuilding of resilient institutions with greater government openness and inclusion in the design and implementation of the recovery strategies.

Lead implementing organization

Office of the Deputy President, Commission on Administrative Justice

Contact Person

- DR. Korir Sing'oei
- Commissioner Lucy Ndungu

Timeline: January 2021 – May 2022

OGP Values

Inclusive decision making, access to information, accountability, citizen engagement, innovation

Status of commitment: Ongoing

Other Government actors involved: MDA's, Senate, National Assembly, Council of Governors, County Assemblies Forum, Judiciary, Ministry of Foreign Affairs

Other actors

IDS-UON, Universities and Colleges, CSO's

No.	Verifiable and measurable milestones	Status of milestone	State date	End Date
1.	Document stories and best practices amongst the Open Government Partners in Kenya/Africa	Old	March 2021	July 2022
2.	Develop policy briefs for each of the commitment areas	New	February 2021	June 2022
3.	Establishment of OGP technical desks in each of the implementing public institutions	New	September 2021	May 2022
4.	Develop an induction program for new players and conduct quarterly review of progress of commitments	New	February 2021	December 2021
5.	Expansion of OGP within Kenya, more specifically, ensure engagement and active participation of Sub-National Governments, Independent Commissions and the Judiciary.	New	March 2021	May 2022
6.	Expand OGP participation of at least 5 African countries through AUDA-APRM Collaboration	New	April 2021	May 2022
7.	Establish an institutional mechanism for open government (Operations and resource mobilization)	New	February 2021	May 2022
8.	Capacity building of subnational members of OGP on building resiliency at the subnational level.	New	March 2021	May 2022
9.	Develop an Open government curriculum with the Kenya School of Government	New	February 2021	June 2022
10.	Hold periodic peer-learning with OGP Member countries towards better CSO engagement.	New	March 2021	June 2022