



Budget making in Kenya



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The Constitution of Kenya 2010 completely changed the way public budgets were done in Kenya.

The constitution introduced a new legal framework and institutions to ensure transparency, accountability and public participation in management of public finances.

The new dispensation provided a way to involve ordinary Kenyans in the budget making process, a complete turnaround from the situation pre-2010, where the budget making process was the work of a select few.

In this edition, we delve into the issue of budget making in Kenya.

We examine:

- The institutions and offices for budgetary monitoring and administration of public finance in Kenya
- What the law provides for concerning citizen participation in the budget making process and budget tracking in Kenya
- What tools and techniques that Kenyan citizens can use to engage in the budget making process.

We also speak to Jason Lakin of the International Budget Partnership (IBP) about his experience in budget advocacy in Kenya.

Institutions and offices for budgetary monitoring and administration of public finance in Kenya



By Matthew Toyama

The Constitution of Kenya, 2010 and various pieces of related laws, such as the Public Audit Act of 2003 and the Public Finance Management Act of 2012, detail the major government institutions and actors responsible for the monitoring of public funds.

There exists a monitoring pipeline, whereby financial actions taken via all treasury accounts at both the county and national levels, state corporations and county governments are first authorised, approved and monitored.

Such approvals are done by the Office of the Controller of Budget and respective accounts audited by the Office of the Auditor General.

Oversight of public finance in Kenya is

ultimately conducted by the county assemblies at the county level and at the national level by parliament through the national assembly and senate budget committees.

Financial officers and institutions

The Office of the Controller of Budget

The Office of the Controller of Budget is an independent office established under Article 228 of the Constitution of Kenya with the core mandate being to oversee implementation of the budgets of the national and county governments by authorizing withdrawal from public funds.

The functions of the Office of the Controller of Budget are:

Budget Oversight

This role involves overseeing the implementation of the budgets of both national and county governments.

The Controller of Budget in this role therefore monitors the use of public funds in-year and reports to Parliament on how the funds have been utilised.

Budget Control

The controlling function involves authorising withdrawals from public funds. Before withdrawal from public funds, the Controller of Budget must first be satisfied that the said withdrawal is authorised by law, as per Article 228 (5) of the Constitution.

Reporting

This role entails the preparation of quarterly, annual and special reports to the legislature and executive on budget implementation matters of the national and county governments.

Advisory

This function involves giving advice to Parliament on financial matters where a Cabinet Secretary has stopped the transfer of funds to a State organ or public entity. The suspension of funds cannot be lifted or sustained before the Controller of Budget gives a report to Parliament.

The Office of the Controller of Budget is expected to investigate the financial performance of a State organ or entity after which a report is prepared and presented to Parliament. This report is then used to approve or renew the transfer of funds to a State organ or public entity as provided for under Article 225 (7) of the Constitution.

Conciliation/Mediation

The Controller of Budget under Article 252(1) (b) of the Constitution has powers for conciliation, mediation and negotiation.

The mediation role may involve resolution of conflicts between the national government and the county government, or between county governments with respect to budget implementation. This role involves resolving disputes related to budget implementation through alternative dispute resolution mechanisms.

Public Sensitisation

This role involves the dissemination of information to the public on budget implementation at both national and county levels as stipulated under section 39(8) of the Public Finance Management Act, 2012. This role is buttressed by Article 35 of the Constitution which provides that the public has the right to access any information held by the state.

The Office of the Auditor General

The Office of the Auditor General draws its mandate from the Constitution of Kenya.

Chapter 12, Part 6, Article 229 establishes the Office of the Auditor General. Chapter 15, Article 248, Section 3 and Article 249, Section 2 (a) and (b) provides for the independence of the Office of the Auditor General.

Within six months after the end of each financial year, the Auditor General shall audit and report, in respect of that financial year, on:-

- The accounts of the national and county governments
- The accounts of all funds and authorities of the national and county governments
- The accounts of all courts
- The accounts of every commission and independent office established by this Constitution
- The accounts of the National Assembly, the Senate and the county assemblies
- The accounts of political parties funded from public funds
- The public debt

- The accounts of any other entity that legislation requires the Auditor General to audit.

The Auditor-General audits and reports on the accounts of any entity that is funded from public funds.

The audit reports from The Office of the Auditor General confirm whether or not public money has been applied lawfully and in an effective way. These audit reports shall be submitted to Parliament or the relevant county assembly.

Within three months after receiving an audit report, Parliament or the county assembly shall debate and consider the report and take appropriate action.

The Controller of Budget and Auditor General are also responsible for preparing respective financial reports showing all assets, liabilities, income and expenditure. The Controller of Budget and Auditor General then analyse this information to determine whether proper information was submitted, proper records maintained and that all accounts fairly reflect the financial position of the entity audited (section 8).

The Parliamentary Budget Committee

Parliament's budget committee is responsible for examining all financial and budgetary documents submitted to it and making recommendations to the National Assembly on the status quo and improvements regarding national government budgetary concerns (Section 7).

The senate budget committee is responsible for examination of financial and budgetary documents submitted to it by county treasuries pursuant to Part IV of the Act (Section 8).

County treasuries

County treasuries are responsible for the management of public finances and economic affairs of the county government in all regards including the County Revenue Fund, County Development Fund, County Emergency Fund and for reporting to the National Treasury, the national Auditor General and Senate Budget Committee pursuant to sections 102-118.

The Intergovernmental Budget and Economic Council

Lastly, the Public Finance Management Act, 2012 establishes an Intergovernmental Budget and Economic Council to provide a forum for cooperation between the national and county governments on all budgeting and integrated development matters and the administration of the revenue sharing process in the devolved structure. (Section 187 and 189).

The Intergovernmental Budget and Economic Council comprises of the Deputy

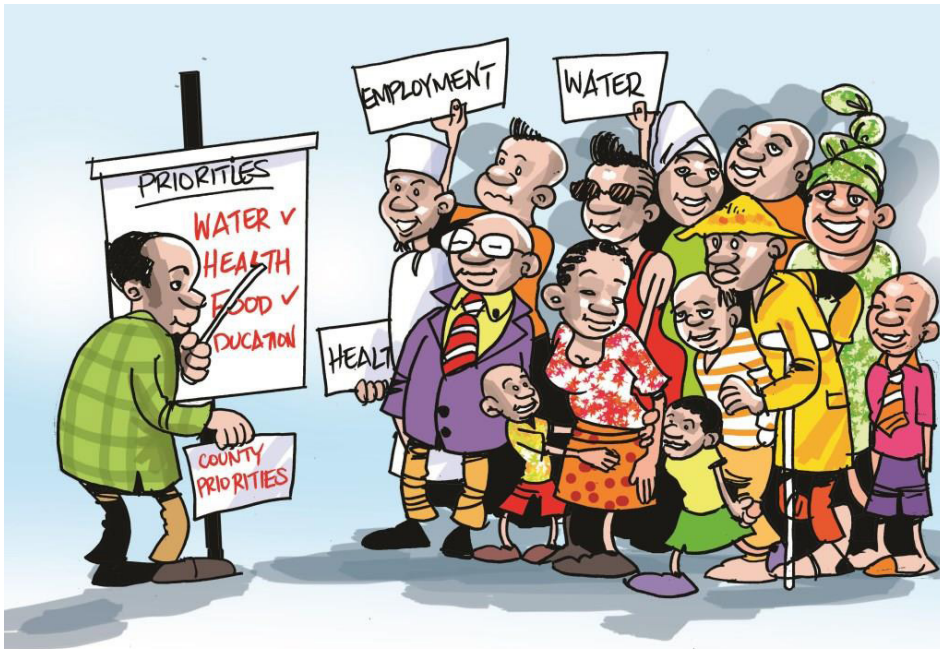
“There exists a monitoring pipeline, whereby financial actions taken via all treasury accounts at both the county and national levels, state corporations and county governments are first authorised, approved and monitored.”

President, Cabinet Secretary (finance), Cabinet Secretary (intergovernmental relations), Chair of Council of County Governors, each County Executive Committee members (finance) and representatives of Parliamentary Service Commission, Judicial Service Commission and Commission on Revenue Allocation.

The Intergovernmental Budget and Economic Council meets at least twice in a year to provide guidance on budget and economic matters. The council provides a means for consultation and cooperation between the two tiers of government on a broad range of economic and financial issues, including for example, borrowing by both levels of government.

The writer is a former volunteer in the Governance and Policy Programme, Transparency International Kenya

Budget monitoring and tracking: Tools and techniques that Kenyan citizens can use



By Elizabeth Rukwaro

The Constitution of Kenya, 2010 and the Public Finance Management Act, 2012 have presented great opportunities for citizens to monitor and track the application of public finances.

The civil society and the general public now have better opportunities to participate in the budget process for both the national and county governments.

There are three major stages in the budget process where civil society organisations and citizens can engage and each stage presents an opportunity to employ different tactics in tracking and monitoring government budgets.

1. The pre-budget period

The County Budget and Economic Forum, Memoranda during the formulation of the County Budget Review and Outlook Paper.

At this stage, civil society organisations can participate through their working groups based on their area of expertise.

Civil society organisations as well as individual citizens can also participate through the County Budget and Economic Forum (CBEF) as established by Section 137 of the Public Finance Management Act.

The County Budget and Economic Forum is constituted in a way that includes the views of diverse groups in a county as it has representatives, who are not county public officers, of persons nominated by organisations representing the interests of professionals, business, labour issues, women, persons with disabilities, the elderly and faiths.

Citizens and civil society organisations can also make their views by way of consultations and writing of memoranda during the formulation of the County Budget Review and Outlook Paper.

2. Formulation and approval (February – June)

Pre-budget consultative forums, the citizens' alternative budget, memoranda to the Clerk of the National Assembly and County Assembly.

During this period, civil society organisations and citizens can participate at the pre-budget consultative forums where they can give their input for the upcoming budget estimates.

Further, during the formulation of the County Fiscal Strategy Paper and the Budget and Economic Forum must give the public an opportunity to participate through citizens' forums.

The citizens' alternative budget is yet another key tool that can be employed by civil society organisations and citizens at this stage. The citizen alternative budgets can be used in collecting proposals from the public including views of those in the private sector.

The proposals in the citizens' alternative budget are very well aligned with the upcoming budget proposals as they are guided by the Budget Policy Statement.

On 30th April, the national and county budget proposals are submitted to Parliament and County Assembly respectively for approval. In the month of May and June, citizens have the opportunity to participate through public budget hearings which are held around the country by the Budget and Appropriations Committee of the National Assembly.

The hearings are also conducted by the Budget and Appropriations Committee of the County Assembly at the village, ward and

Citizen participation in the budget making process and budget tracking in Kenya: What the law provides for

By **Benjamin Maina**

Budget tracking constitutes a set of actions guided by predetermined tools to monitor expenditure of resources according to laid down plans. It is an important process of ensuring transparency and accountability in the use of resources.

The process of budget tracking can and should be done by the general public and all other entities required by law bringing in the element of public participation in budget making and review.

Budget tracking must not be construed to mean oversight after the budget has been passed rather monitoring the whole process of formation through to implementation. The process is therefore

guided by the laws as discussed below.

1. The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 focuses power around the people and articles 10, 196 and 201 of the Constitution provide for public participation as a guiding principle of the Constitution.

County assemblies are required to facilitate public participation and involvement in the legislative and other business of the assembly and its committees and; that there shall be openness and accountability, including public participation in financial matters respectively. The Constitution therefore validates public participation and by extension civilian oversight over the budget process.

Other than public participation, Article 35 provides for the right to access to information.

The Constitution also saw the introduction of other key institutions such as the office of the Controller of Budget, Auditor General and Commission on Revenue Allocation all playing important roles at various levels in the budget making process and tracking.

Office of the Controller of Budget is established under Article 228 of the Constitution and its functions include:

- Monitoring the use of public funds in-year and report to Parliament on how the funds have been utilised
- Conducting investigations on its own

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Tools and techniques that Kenyan citizens can use in budget monitoring

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sub-county level. Citizens and civil society organisations can also make their views on the budget by writing their memoranda to the clerk of the National Assembly and County Assembly respectively with regard to the budget proposals.

Further, participation can be done through the Sector Working Groups that look into sector specific proposals as presented in the budget proposal.

3. Post-budget phase (June – December)

Quarterly reports by the Office of The Controller of Budget, social audits, citizens' score cards.

After the budget proposals are scrutinised and go through public participation, the budget is approved. June 30th then marks the end of the government financial year with the National and County Appropriation Bills being passed.

This now marks the implementation and reporting phase with counties publishing their 4th quarter implementation reports by July 31st and August 15th for the national government.

During this period, citizens and civil society organisations should monitor the implementation of the budget and can play a crucial oversight role by analysing the quarterly reports that are published as per Section 166 of the

Public Finance Management Act.

This can be done before or after the Auditor General releases the Audit Report on 31st December, which indicates the use of the budget allocations by various government agencies and ministries.

Finally, civil society organisations and citizens can employ the use of social audits and citizen score cards as a monitoring and evaluation intervention of the national and county budget implementation.

The writer is the Deputy Programme Officer, Advocacy and Legal Advisory Centre, Nairobi.

Collective action crucial for effective public monitoring - Jason Lakin

With Kenya allocating over Ksh 291 billion to counties in the 2015/2016 financial year coupled with reports that resources are not being applied according to the law, the importance of participation of citizens in the budget making process is becoming clearer by the day.

TI-Kenya's Anne Wagacha spoke to Jason Lakin, the Country Manager, Kenya, at International Budget Partnership about his experience and insight on budget making in Kenya.



Recent reports by both the Office of the Controller of Budget and the Office of the Auditor General show that expenditure of funds at county level have many times deviated from the amounts and lines in the approved budget. Is there explanation why this happens as often as it does?

There are many explanations. Now, remember that these reports are covering the first financial year after a pretty

massive transition. With that in mind, I feel no one should expect things to have gone smoothly during that first year. This is because there was a massive transition, but very minimal support.

Counties were just setting up their systems, many of them were not given adequate support at the beginning to set up public finance management systems and were also unable to use and access the Integrated Financial Management Information System (IFMIS), while little training was provided.

The Transitional Authority provided officers, but many of them had no experience either. A lot of mistakes were made when people were making budgets. For instance, this is evident in the fact that most of them massively under budgeted for health in the beginning because they didn't understand that they were going to be taking over the health pay roll and that majority of their spending would be going to human resources.

At the same time, there are not a lot of systems of accountability in place. In a transitional situation where there is neither strong support for people to understand how to use systems, nor is there pressure coming from the public, who don't understand what is happening and who is responsible for what, mistakes are bound to be made.

County Assemblies as you know spent a better part of their first months in office fighting about their salaries and not focusing on oversight and some didn't know much about how to perform oversight.

However, if we look at the reports coming out, they are in a sense partial. A lot of information is actually missing. The audit reports covered by the media are very spotty. They don't cover everything, so we the public don't really get the full picture, and I think the Auditor General himself, has also faced some challenges.

Who is responsible for Budget Monitoring/Tracking?

Speaking of who should be engaging in the budget process and checking what is happening to the budget, I think the Constitution and the Public Finance Management Act, are pretty clear that this is a joint responsibility of a number of institutions.

The County Assembly, the National Assembly, the Controller of Budget, the Commission of Revenue Allocation, the Auditor General Etc. all have a role to play. On top of that, of course, the citizens as well, have a role to play in the compilation of the budget, and in reviewing what is actually happening with the budget. They should also make sure the oversight information being produced for instance, audit reports, is taken up and used beyond the "one-day" splash in the media when these reports come out.

Legislative bodies, which are supposed to pick upon those findings are only going to do so if they feel some pressure coming from the media and the public. Otherwise what we've seen, is that, both the county and national assemblies, are more concerned about their own peculiar benefits that they get through the budget process and using the stakes that are made by the executive to actually extort more resources. So unless they feel pressure coming from and their constituents to actually act on or use information when for example the audit reports come out, there will not be any follow up.

What are the biggest impediments facing budget monitoring / budget tracking in Kenya today?

When monitoring the actual use of funds as opposed to the budget process, then the number one impediment is lack of access to information. The counties have not

Public participation in budget making and

been regularly producing their quarterly implementation reports.

There are two types of regular quarterly reports. Those produced by the Controller of Budget, which are aggregated with some challenges and inconsistencies. Then when you do get the reports, one is not always able to align what is in the county report with what is in the Controller of Budget report. The good thing is that they are produced regularly.

However, for someone at the county level who wants to track how spending is happening in a more disaggregated way, they are bound to need reports from the county, but the counties are not producing the reports on a regular basis. The ones that have been produced, are not in the same format as the budget, thus it becomes difficult to make any link between the implementation report and the budget. All of these things are bound to need access to information and the lack of access to information is a critical factor.

We also need to recognise that the capacity of the average citizen to read even a high quality budget implementation report is limited. So, we have the problem of access to information, and even when we do have access to information, we are:

1. Unable to use it because we don't understand the information
2. We don't know what to do with it either because we don't understand the process, or because we're not that interested.

There are also cultural issues. The idea that the public has a role to play in reading and analysing these reports and actually going and confronting for instance, members of the county assembly or members of the (county) executive saying "you need to do something about this", "you are not doing your job".

I think we need to realise that while that may be something urban residents

in Nairobi are much more comfortable doing, the vast majority of Kenyans still feel that it's quite difficult due to the tradition of power dynamics around the rich and how you treat people in office that actually confront people even when they think there is something wrong. That is something that will take a while to change. Unfortunately the Constitution changed the rules but did not change people's culture and the way they relate to each other. There is still a lot of 'big-man' syndrome at the county and ward level, where people worry, and rightfully so, where people worry that if they confront some people, then they get locked out or miss out on opportunities.

What happens to/with the reports once the Auditor General releases them?

The procedure for auditing is, once the auditor does the report, the report is then tabled with the Publics Accounts Committees in the different assemblies at the respective level of government.

The PACs then review the report to identify the most important issues regarding potential misuse of funds and lack of accountability for funds and then take some type of action.

The action in the first instance normally involves calling the officers that are being questioned in the report to come and give responses to what the auditor has raised. Often times however, officers are very slow to respond to the auditor, therefore sometimes the auditor will have a negative finding against an officer because they didn't provide information, and by the time the PAC are reviewing that report, the officer is able to find the documentation, avail it to the auditor, and the audit issue has been cleared.

You will also find that most of the issues raised are actually cleared by the time the public accounts committee is reviewing the report. However a number of other

issues will not have been cleared and those are issues the PAC needs to focus on and find out what is the problem with a particular case. In such a case, the accounting officer will be called to explain the irregularity, if they are unable to give a satisfying explanation, then that accounting officer should be sanctioned. There are sanctions in the PFM (Public Finance Management) Act for officers who do not account for funds. If there is enough evidence that this is a criminal issue, then the police or the Director of Public Prosecutions should get involved.

However, more often than not, there is a lot of delay in the review of these reports, and the public accounts committees do not have the capacity to read and understand the complex issues and transactions of these reports.

One possible strategy that has been mooted to ensure that public funds are put to good use and directed to projects that citizens feel are the most pressing areas of need is budget monitoring / tracking. In context of the Kenyan setting, what is budget tracking in its most practical sense?

There is a set of formal procedures which public institutions are supposed to apply to take care of provisions of budget monitoring and tracking. These public institutions are subject to oversight by parliament or county assemblies enabling generation of information that can be used to monitor and track budgets

However, that isn't enough. There is need for citizens to actually get more involved by generally making a lot of noise and engaging in budget documentation, question what is going on and put pressure on their elected officials to respond to issues, if they are not already doing so on their own.

Citizen participation in the budget making process and budget tracking in Kenya

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- initiative or following a complaint made by a member of the public on budget implementation matters
- Dissemination of information to the public on budget implementation at both national and county levels.

The Office of the Auditor General

The Auditor General is mandated by the Kenyan Constitution to audit and report within six months after the end of each financial year:

- The accounts of the national and county governments
- The accounts of all funds and authorities of the national and county governments
- The accounts of all courts
- The accounts of every commission and independent office established by this Constitution
- The accounts of the National Assembly, the Senate and the county assemblies
- The accounts of political parties funded from public funds
- The public debt
- The accounts of any other entity that legislation requires the Auditor General to audit.

Such audit reports shall confirm whether or not public money has been applied lawfully and in an effective way.

2. The Public Finance Management Act, 2012

The main objectives of the Act are that:

- Public finances are managed at both the national and the county levels of government in accordance with our Constitution.
- Public officers who are given responsibility for managing the

finances are accountable to the public for the management of those finances through Parliament and County Assemblies.

“The process of budget tracking can and should be done by the general public and all other entities required by law bringing in the element of public participation in budget making and review .”

The County Government Act 2012

This is a law created by the National Assembly providing a framework of engagement between the people and the 47 county governments.

Under section 87 (b) of the act, citizen participation in county governments shall be based upon the following principles:

- Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects

and budgets, the granting of permits and the establishment of specific performance standards.

- This means that citizens have the right to actively participate in the budget making process; voicing their concerns without any fear of victimisation.

Urban Areas and Cities Act, 2012

Section 22 (1) (a) (iv) provides that subject to the Second Schedule, residents of a city, municipality or town may deliberate and make

proposals to the relevant bodies or institutions on the proposed annual budget estimates of the county and of the national government.

The Constitution of Kenya, 2010 gives clear guidelines making it possible for citizens to track public budgets. These guidelines concern access to information and public participation, making it possible for citizens to participate in the budget making process and consequently track the implementation process.

However, both the national and many county governments are yet to enact access to information and public participation laws to operationalise constitutional provisions on access to information and public participation laws.

The writer is the Deputy Programme Officer, Advocacy and Legal Advisory Centre, Western.

Corruption biggest threat to devolution, more Kenyans engaging at county level



59% of Kenyans regard corruption as the biggest threat to devolution in Kenya according to the findings of a national opinion poll conducted by Transparency International Kenya.

The study, Pulling together to move forward: A national opinion poll on devolution and governance in Kenya, also found that more Kenyans feel that corruption is the most pressing problem county governments should address, with 25% identifying it as a major problem up from 9% in 2014.

Concern on corruption has also increased significantly at national level, with 28% highlighting it as the most pressing problem up from 10% last year. Insecurity was cited as the most pressing problem at national level by 32% of the respondents, down from 52% in 2014.

Summary findings:

Awareness of leaders' roles:

Awareness on the role of the Member of County Assembly increased from 57% in 2014 to 70% in 2015. The level of awareness on the roles of the Member of Parliament and the President also increased. There was a decrease in the number of respondents that knew the roles of the Senator and Women Representative at 45% and 37% respectively.

Contact with leaders:

There was a marked increase in the number of respondents that had contacted their leaders with the MCAs and MPs being the most contacted at 36% and 21% respectively. The Senator, Women Representative and President were the least contacted at 6%, 5% and 3% respectively.

Awareness of county funds:

Only 8% of Kenyans were aware of the funds allocated to their county, a decrease from 17% in 2014.

Awareness and attendance of various meetings convened by the county government:

About 41% of respondents were aware of meetings convened by their county governments with 46% reporting attendance to the meetings, a significant increase from the 15% that reported attendance to county meetings in 2014.

Overall satisfaction with county governments:

Overall, 51% were dissatisfied with their county government compared to 53% in 2014, with 20% reporting satisfaction.

Most trusted to drive anti-corruption efforts:

21% of the respondents said citizens had the best chance to fight corruption, an increase from 15% in 2014. The media and Presidency followed, both at 19%.

There was a significant drop in the number of respondents that trusted anti-corruption institutions to lead these efforts with 9% citing trust in them, down from 15% in 2014.

Summary recommendations

Civic education: There is need for civic

education on the roles of elected leaders particularly those of the Senator and Women Representative. The Senate and National Assembly should raise awareness on the mandates of these leaders as this will enable citizens to demand more accountability from them and engage them appropriately. Civic education is also critical in creating awareness and understanding of various key processes such as budget making, planning and legislative development in the county to increase public participation and accountability.

Localising anti-corruption efforts at the county level:

There should be strict enforcement of the Leadership and Integrity Act and other relevant laws. Requisite legislation to bolster the war against corruption such as the access to information and whistleblower protection laws should be developed and enacted. Agencies responsible for anti-corruption, domestication of national values and principles of governance should be devolved. There is a need to fast track the roll out of the Ethics and Anti-Corruption Commission and Commission on Administrative Justice operations at the county level through partnership with county governments, other state agencies and civil society organisations to expand complaints reporting and redress mechanisms.

Public participation:

Engagement of the public in county processes should be guided by public participation frameworks that are anchored on appropriate county policies and legislation. Developing or improving public participation mechanisms should include enhancing or broadening the channels of communication employed to get citizens to participate in county processes.

Visit www.tikenya.org for the full copy of the report

I wouldn't use the term 'budget tracking' here, because this is about citizens involving themselves in the full process: Formulation of the budget, understanding what choices are being made with the budget, what projects are being financed, where they are being financed, asking questions at the beginning and then later checking to see what is happening with these, not just coming at the end to start asking questions.

How can Kenyan citizens engage in effective budget tracking/monitoring, even though critical elements such as laws on access to information and public participation are in many cases not in place? What tools, strategies or techniques can citizens use?

There is a right to information in the Constitution, so even though we don't actually have an 'access to information' law, it is not entirely out of the realm of possibility that people can go to court.

I also think that we are not using the laws that are already there. Looking at the PFM (Public Finance Management) Act, first, it requires county assemblies to have public engagement in the budget before the approval, and many county assemblies didn't do that this year. It's in the law already, but they are not actually following the law. Second, the law also contains the requirements of every county having a county budget economic forum. Today, most counties have such forums, but only under duress did they set them up.

When we went around the country with the Commission of Revenue Allocation, between May and July, to pitch the guidelines on how these forums should work, we found that most of these forums were meeting for the first time when we met with them, more than two years after the election, yet the PFM Act was already in place.

I therefore would like to challenge the logic in the sense that yes we need more laws, but we already have laws that we don't actually enforce. Citizens need to be informed and more organised to demand what is already in the law. Otherwise, we

are not likely to get very far. My sense from my visits in the country and our partnerships in the counties is that people are not organised and need to be much more organised effectively to take action against their elected officials' or approach their elected officials.

In the event that citizens attempt to track county budgets but are denied access to information to enable them do so, does the law provide for sanction for public offices/ officials who deny citizens access to such information? Do they have a way to compel public offices/officials to release this information?

There is no sanction for that. The right to information is a requirement but I think that is where lack of an access to information law is a challenge. The Constitution is very clear that this information has to be provided. The courts have found that the people have an entitlement to this information, so essentially at the moment, the only recourse is to go to court.

Let us say that some citizens are able to access the information they need, and while monitoring/tracking their county budgets, they come across deviations in expenditure, what possible actions can they take?

You take your issue to the assembly, but the question is, will they take you seriously? However if you are properly organised, be it in the constituency or the ward level, you are most likely to be more effective in an effectively organised group to hold leaders to account, rather than as an individual.

Moving forward, what can be done so that more citizens can engage in budget monitoring/tracking? Will making 'mwananchi friendly' documents help?

Yes, it is possible to have mwananchi

documents to help people understand them. We should however be cautious about that, because often, those documents are so simple, they end up not providing enough information for people to actually understand.

We need to accept that budgeting, accounting and financing are not simple. We can make it simpler, but if we make it so simple that everybody engages with it, then it becomes probably less meaningful. We therefore have to find a balance. However, looking at the documents produced by both the national and county assemblies, we are not yet at the point where we can worry about the documents being too simple. These documents have a long way to go to become high quality documents, and only then can we start thinking of breaking them into bits.

The second thing is the media, which has a huge role to play. The average person in any country will not spend their time reading budget tracking. While I read budgets for a living but most people don't, and would rather not. Therefore we become dependent on information from the media, which has to be of high quality.

This is a big challenge because the media doesn't seem to understand much of the financial information they are reporting on and they have a fairly casual attitude, I would say. In terms of improving the quality of media, I feel that there is a lot of work to be done. There are also structural issues in terms of who owns the media, who runs the media, and what the media thinks is appropriate material to report on, etc. Perhaps there is need for new media outlets that focus more on investigative journalism and have a higher standard of integrity.

The interviewer is a Communications Intern at Transparency International Kenya

TI-Kenya conducts a public lecture on corruption with Strathmore University



Transparency International's Chairman José Carlos Ugaz during his public lecture



Transparency International's Chairman José Carlos Ugaz



Transparency International Kenya Executive Director- Samuel Kimeu

José Carlos Ugaz, the Chair of Transparency International's Board of Directors addressed a public lecture at Strathmore University on Thursday, 16th July 2015 during his visit to Kenya.

The subject of the lecture was 'Grand corruption, transnational bribery and no impunity'

A lawyer by training, Mr. Ugaz served as Ad-Hoc State Attorney of Peru

and prosecuted several top-level corruption cases. Most notably, he was instrumental in the corruption case against former Peruvian

President Alberto Fujimori and Vladimiro Montesinos, the former head of the country's intelligence services.

During the Fujimori-Montesinos affair (2000-2002), his office opened more than 200 cases against 1,500


members of the Fujimori network. Under his mandate, US\$205 million in assets were frozen abroad and US\$75 million were recovered. Mr Ugaz, who was elected to the TI Board in 2011, and elected chair in 2014, shared lessons on successfully leading the charge against corruption cases, given the challenges Kenya has faced in corruption prosecution while citing the Fujimori-Montesinos case.



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