

Evaluating progress on the Global Partnership for Effective Development Cooperation, post Busan

Kenya Case Study

May
2014

Development
Initiatives
exists to end
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by 2030

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List of Acronyms

AEG	Aid Effectiveness Group
CPIA	Country Policy and Institutional Assessment
CSO	Civil Society Organisation
DP	Development Partner
DPF	Development Partners Forum
eProMIS	Electronic Project Monitoring Information System
ERD	External Resources Department
GAVI	Global Alliance for Vaccines and Immunisation
GNI	Gross National Income
GoK	Government of Kenya
IATI	International Aid Transparency Initiative
IFMIS	Integrated Financial Management Information System
KAM	Kenya Association of Manufacturers
KEPSA	Kenya Private Sector Alliance
KODI	Kenya Open Data Initiative
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NGO	Non Government Organisation
NIMES	National Integrated Management Information System
NSA	Non- State Actor
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OECD-CRS	OECD-Creditor Reporting System
PFM	Public Finance Management
Pre-DPF	Pre- Development Partners Forum
SWG	Sector Working Group

INTRODUCTION

There is a marked shift by donors, especially non-traditional donors, to bilateralism, the main driver for this being commercial interest rather than the socio-economic development that traditional partners previously emphasised...

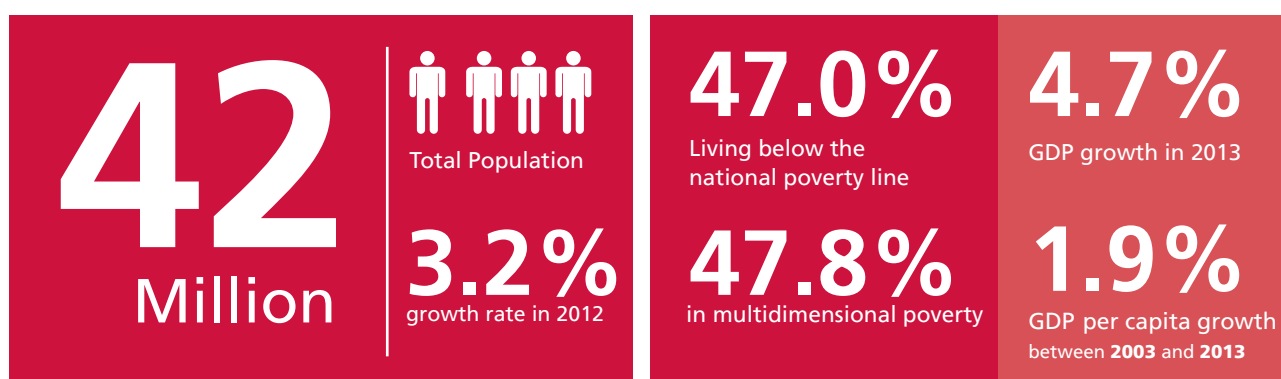
Purpose of the Study

This case study aimed at documenting progress, challenges as well as possible impacts of the Global Partnership (GP) in supporting implementation and monitoring of the Busan commitments in Kenya. Overall, the study focused on the implementation of the GP principles and how these principles are making a difference, rather than for instance, whether the GP is known about or certain structures are in place. The key thing was to understand what is changing on the ground related to transparency, country ownership, inclusivity and results, and whether these are having positive or negative effects. While it is an interesting question as to whether structures help with increasing or decreasing positive effects, the study narrowed its focus on what the actual experience on the ground is.

The case study sought to understand:

1. How the GP contributed to better implementation of the Busan commitments for better development outcomes and poverty eradication in Kenya,
2. The key drivers of progress, challenges and impact of the GP in Kenya, and how they can help champion success or inspire support in other contexts,
3. How access to data and information on progress and impact of the GP in Kenya could stimulate multi-stakeholder dialogue at the country and global levels for better development Cooperation, and
4. How implementation and monitoring of the renewed GP in a post-2015 era be strengthened in order to enhance effective development Cooperation.

It is envisaged that the findings herein will provide information that could be used in key reports, including the OECD/UNDP global progress report and also support country level accountability processes in Kenya in order to strengthen development Cooperation in the post-2015 era.



Country Profile: Political and socio-economic context

Kenya is a low income country with a total population of 42 million. Population growth rate was at 3.2% in 2012. Its gross Domestic Product (GDP) per capita grew at an average rate of 1.9% between 2003 and 2013. The economy experienced moderate growth of 4.4% in 2011, 4.6% in 2012, 4.7% in 2013 and is projected to reach 5.2% in 2014. It is estimated that if the country sustains this momentum it will attain middle income status by 2020. About 47.0% of the population lives below the national poverty line and 47.8% in multidimensional poverty.

In 2010, the people of Kenya promulgated a new constitution that has made significant changes in the way the country is governed. The constitution of Kenya (2010) has provided a solid framework for positioning the country on a reform path that has seen it embark on ambitious processes for state building, strengthening of institutions and growing of a competitive economy guided by a blue print called Vision 2030. The devolution of powers to counties has, among other things, given them constitutional powers to deal directly with development partners (especially in attracting grants).

In 2012 net Official Development Assistance (ODA) to Kenya was US\$ 2.7 billion, one third of which was channelled in the form of loans and equity (33.8%), the rest mainly through mixed project aid (28.1%), grants

(13.3%), commodity and food aid (13.2%) and technical cooperation (8.2%). Rising national income has seen ODA to GoK revenues ration fall to less than 5%; the proportion of ODA channelled through the public sector was only US\$ 1.3 billion in 2012. The USA was the top bilateral donor to Kenya followed by Germany, Japan, UK and France in that order. Bilateral arrangements remained the most preferred modality for delivery of ODA, though some DPs also disbursed funds through multilateral institutions like the UN and pooled funds like GAVI (also funded substantially by Bill and Melinda gates Foundation). EU institutions, IMF Concessional Trust Funds (providing cash grants), and IDA providing mostly equity and loans were the largest multilateral DPs. Other DPs in Kenya included Sweden, Denmark, Canada, the Netherlands, Finland, Australia, Norway, Switzerland, Ireland, South Korea, Belgium, Italy, Spain, and the African Development Bank. The entry or re-entry of non-traditional development partners from emerging economies particularly China, India, Turkey and Brazil is changing the development assistance dynamic in Kenya. Private foundations are also emerging as critical contributors to development financing in the country; in 2012, the Bill and Melinda Gates Foundation reported US\$ 50.62 million worth of gross disbursements to Kenya (amongst the top 15 DPs).

Table 1: Resource flows to Kenya (2000 - 2011) - US\$ millions

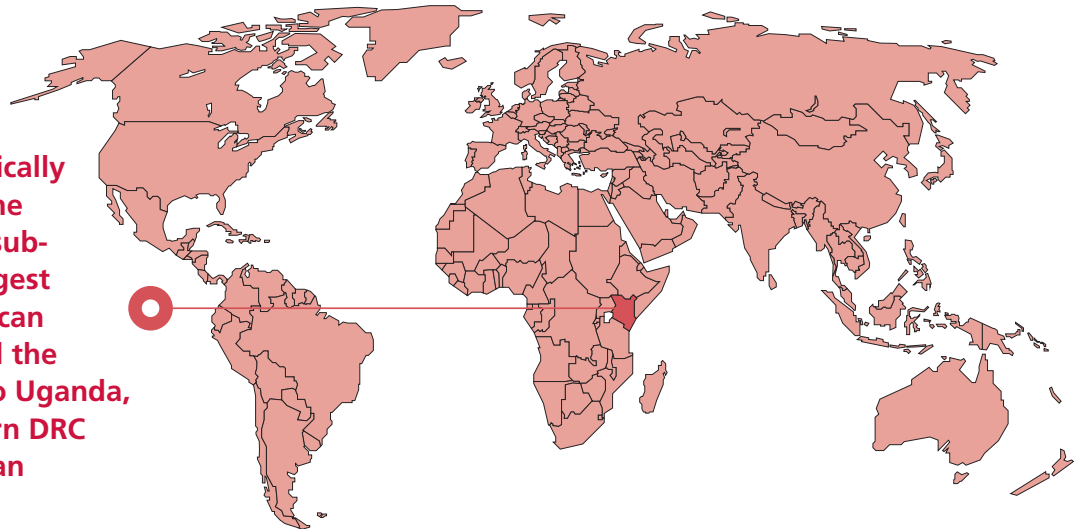
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Official Development Assistance¹	729.7	710.7	545.4	632.6	797.5	933.9	1129.1	1365.2	1450.4	1981.4	1789.6	2928.3
Commercial flows	414.0	-298.3	508.9	870.3	-103.4	-281.4	175.9	1160.3	43.9	243.0	199.5	947.0
Private flows	0.0	88.7	98.8	102.7	573.0	589.7	700.8	700.7	657.8	636.7	695.3	934.1
GoK revenues	4374.8	5074.6	5210.2	5126.4	5496.9	6084.5	6833.6	7586.7	8180.1	8417.5	9823.4	9566.7
Total ODA as % of GNI	5.3	4.8	4.28	4.85	5.04	4.86	4.95	5.76	5.29	6.56	5.9	8.22

Source: Development Initiatives based on ITEP (2013)

1 ODA values include Other Official Flows (OOFs)

METHODOLOGY

...It is geo-politically positioned in the Eastern Africa sub-region, the biggest of the East African economies, and the entry point into Uganda, Rwanda, Eastern DRC and South Sudan



Country peculiarity – why Kenya?

Kenya only receives a small proportion of external resources in government revenues, about 5%, but the country is deeply committed to the Global Partnership principles, and has signed all the key protocols - from Paris to Busan. It is geo-politically positioned in the Eastern Africa sub-region, the biggest of the East African economies, and the entry point into Uganda, Rwanda, Eastern DRC and South Sudan. It shares borders with Somalia and South Sudan as well having a long shore on the Indian Ocean, all aspects of which have regional and global economic and security implications. Kenya signed up, committed to GP principles and reports to the GP. In addition Kenya is among a number of African countries that are prospecting for, and have recently found, new natural resources.

Respondents - Who we met

The study consulted a total of twenty respondents purposively selected because of their familiarity with the Aid/development effectiveness discourse. A few respondents who were not at the centre of the development discourse were selected in order to obtain an independent perspective. Three government officers in strategic departments of the Ministry of Finance and an independent GoK institution (The Controller of Budget) were among those interviewed. The sample also included ten Development Partners (mainly traditional OECD-DAC donors) and five Civil Society Organisations, two of which were actively involved in the Global Partnership agenda and attended Busan. In addition two private sector institutions – umbrella bodies of all private sector organisations, one think tank and one respondent associated with an active foundation who chose to make their views personal were also interviewed.

Tools

The study employed largely qualitative methods in gathering data and information, picking up aspects of the indicators and targets in the Global Partnership monitoring guidance. The design of the semi-structured questionnaire and interview schedules was informed by the ten indicators and targets on the Global Partnership Monitoring Framework. This was augmented by previous data collection work at the country level. A range of tools including stakeholder mapping and analysis, and semi-structured interviews were employed. The research team purposively identified interviewees from different categories of stakeholders, ensuring that the process of selection guaranteed full representation. Information was recorded through interviewer notes and where permitted, audio taping. Data was analysed mainly using the card recording and sorting methodology.

Process challenges

There was a time constraint especially in dealing with bureaucracies whose established procedures are lengthy. Time constraints also precluded consultations with GoK officers at the devolved structures of government (counties) who would have enriched the conversation on ownership and inclusivity. Issues of accessibility frustrated efforts to gather perspectives on emerging non-traditional donors affected. Security restrictions prevented the use of audio methods of data collection with some development partner respondents and this impacted on quality and depth of information gathered.

Issues of accessibility frustrated efforts to gather perspectives on emerging non-traditional donors affected

SPECIFIC FINDINGS ALONG THE FOUR BUSAN PRINCIPLES

Principle I: Country Ownership

Top line message: The narrative is no longer about alignment of resources to country priorities, especially on-budget support. The Government of Kenya demands that of DPs

Country ownership remains very much relevant to effective development cooperation. A focus on approaches informed more by country specific situations: aligning resources and partnerships to country priorities, working with and strengthening existing country systems can increase national ownership and foster more country oriented solutions. In Kenya, although the proportion of external resources in the overall government revenues was small, about 5% on average between 2011 and 2013, compared to 36.5% in Burundi, 45% in Rwanda and just under 20% in Tanzania, the GoK continued good practices and relations with DPs and took the Global Partnership agenda seriously.

Alignment with country priorities and plans

According to a range of respondents, the GoK remains assertive (albeit with a considerable level of flexibility) in the manner in which it deals with the international community – development partners inclusive. It was largely in control of mechanisms and processes for development of country priorities and plans (like the Vision 2030, MTPs and MTEFs) and apt in demanding that DPs align assistance accordingly (especially resources channelled through budget). There was no contestation of the fact that development and execution of the Vision 2030, the Medium Term Plans (MTP I and II) and the Medium Term expenditure frameworks were largely GoK driven with involvement of DPs and other stakeholders. A think tank and CSO respondent were both categorical that “It is now unlikely that policies or programmes could be imposed on the country by external parties”. According to various respondents, a directorate for external resources was in place, situated within the Ministry of Finance coordinating development cooperation, an external resources policy was at advanced stages of approval at cabinet level, and the second Medium Term Plan (MTP-II) had a subchapter on aid effectiveness. These indicated overt leadership by GoK in determining the conduct of development cooperation in the country.

Most DPs interviewed indicated that they had developed their strategic plans and matched their assistance to GoK priorities; and a significant proportion of DP projects could be sufficiently situated within the country’s MTPs and Vision 2030. However, this could have also been because the country’s priorities were too broad and stretched to the extent that DPs could easily locate most of their work within the framework of goals without deliberate intention to align. Other stakeholders, non-state actors including Civil Society Organisations and private sector players were sufficiently involved in the preparation of the MTPs. These stakeholders indicated that these documents reflected their input and the overall aspiration of most of the people in Kenya.

Country systems

Respect and use of country systems is at the centre of effective and sustainable development cooperation. This implies more use of country Public Finance Management (PFM) laws and regulations, Monitoring and Evaluation frameworks, procurement modalities, budget processes, country led coordination arrangements, and joint programming. These are understood to function to reduce transaction costs, enhance country ownership as well as a greater level of accountability.

A number of respondents noted that indeed there was notable progress by GoK towards establishing country systems to facilitate effective development cooperation. According to the Director of External Resources Department, a process was underway at Treasury to review the existing audit regulations, the budget process had been substantially opened up for greater citizen participation and the country had enacted a PFM law with a financial management system (IFMIS) focussed on improving budget implementation, timely and accurate fiscal reporting. However, the same official highlighted the fact that DPs were not satisfactorily utilising these systems; most of them still electing to use their own procurement processes, evaluation and reporting frameworks.

“Kenya in control of its own development programmes and processes. It is unlikely that GoK would be impressed upon; policies, programmes or structures imposed on the country by external parties”

– Private Sector Representative

“Fiduciary risks are a concern of every development partner. We have weak systems; you might be familiar with Kenya Education Support Programme (KESP) which remains an eyesore. [DPs] believe in the need to use country systems to transfer money to government and expect a job to be done. It was never done, actually until today. The Kenyan government eventually paid back almost 4.1 Billion shillings”

– Development Partner

On their part, most DPs indicated that the reason they were not motivated to utilise existing country systems (like the national audit framework, IFMIS, NIMES) was that, as one put it, “these systems were weak and inadequate with loopholes for corruption - even the GoK was not fully utilising and complying with these systems”.

“as I told you at the beginning when you mentioned IFMIS, it is good on paper [but] prone to manipulation. IFMIS literally collapses just before the last quarter of financial year. It’s meant to collapse. So I mean you are this person who is putting your several billions into IFMIS and you know [it can be compromised]. Tell me, how does that work?”

- Development Partner

Besides the inadequacy of GoK systems, DPs also indicated that their own country systems had to synchronise with GoK systems for them to comply arguing that:

“if the Government of Kenya put together effective systems to ensure accountability to their people and to Development Partners, the best way to channel resources would be through budget support”

– Development Partner

CSOs and GoK (the office of the Controller of Budget) further noted that stringent, tedious and lengthy processes for negotiation of project terms, approval and monitoring preferred by some DPs led to slow implementation and low absorption rates. Sometimes resources are merely spent to increase burn rate and avoid cuts in subsequent disbursements resulting from low absorption. These limited outcomes of development assistance had implications on achievement of value for money.

DPs expressed reservations about channelling resources through budget due to difficulty to track resource application, results associated with them and ensure value for money through budget processes. Some DPs (like the AfDB and Sweden) however indicated that they carry out annual country portfolio performance reviews jointly with GoK. Sweden indicated that almost all its support goes through budget with only a very small proportion given off budget. Canada on the other hand indicated that all its support is off budget.

“these systems were weak and inadequate with loopholes for corruption - even the GoK was not fully utilising and complying with these systems”

Principle II: Inclusive development partnerships

Top line message: You can no longer argue that you are not on the table; what's needed is to shift focus from making noise to effective, informed, meaningful CSO participation

A fresh impetus to modernise, deepen and broaden cooperation was agreed on at Busan. This underscored the need to recognise the role all stakeholders can play (traditional or emerging, DP or recipient state, CSO or private sector). It called for a shift from initial domination by a select group of development partners to involvement of non-state actors and mainstreaming south-south cooperation into an all inclusive development cooperation agenda built on trust, openness, mutual respect and learning.

Drawing from most of the respondents - some progress had been achieved in terms of institutionalisation of multiple forums and mechanisms for engaging a broader range of actors to influence or shape the conduct of development cooperation in the country. These included the i) Development Partnership Forum (highest level meeting bi-annually and chaired by the Deputy President of Kenya), ii) Development Partners Consultative Group, iii) Aid Effectiveness Group, iv) Aid effectiveness Secretariat, v) Sector Working Groups, and vi) a standing committee on South – South cooperation. In addition, two private sector organisations KAM and KEPSA, and two Civil Society Organisations represented interests of non state actors in the Aid Effectiveness Group that meets monthly to discuss development cooperation. They argued thus:

"[...] you can no longer argue that you are not on the table, [now there is] need to shift focus from making noise to effective, informed, meaningful CSO participation in development assistance forums [...]"

– CSO representative

Within this framework, both government and CSO respondents were convinced that "DPs were less likely to dominate discussions on development assistance". They also were of the view that there was increased space for private sector and CSO involvement. The head of the Aid Effectiveness Secretariat stated how the creation of South-South centre was an indication of deliberate effort to encourage South-South development cooperation though there was still some scepticism among the other players on the motives of emerging non-traditional development partners. The composition of the Development Partners Group expanded to include DPs initially not participating. Private foundations like the Bill and Melinda Gates, William and Flora Hewlett, Open Society and Rockefeller foundations

were emerging as a significant set of development actors playing a crucial role in providing development assistance in Kenya (especially for non-state actors).

"I can tell you for a fact that before, in this country, we never had dialogue [with DPs]. It used to be very haphazard and as a result there used to be a lot of tension between DPs and the government because there was nowhere to share common goals common challenges and so most of the DPs were going to the media"

– GoK official

Graduating from participation to meaningful inclusiveness

One of the findings of this study is that a lot of attention appeared to have been paid to increasing participation rather than constructive engagement. Whilst considerable progress was made in providing supplementary space to engage non-traditional development partners, civil society and private sector, their engagements had not increased substantially as, according to a DP respondent, they remained unable to meaningfully inform or influence discourse on effective development cooperation in the country.

According to the Aid Effectiveness Secretariat and most DPs, the non-traditional DPs were mostly involved in the Development Partnership Forums (DPFs) but not Aid Effectiveness Group (AEG) meetings, which were more frequent and where most of the critical conversations about development cooperation took place. In addition, for the forums they attend, their participation was largely passive, non-committal and inconsistent – mostly on observer basis.

Most CSOs and private sector actors indicated that the perennial challenges of modalities for invitation to meetings - short notice, large detailed documents not shared in time prior to meetings still persisted and stifled meaningful engagement.

Furthermore, the following issues were highlighted by DPs, CSOs and Private Sector as affecting inclusion: i) resource constraints, ii) capacity limitations, iii) scepticism of the role of CSOs, and iv) access to information. They are discussed below:

Resource constraints

According to CSOs interviewed, many CSOs especially national ones whose stated objectives did not include working on issues of development cooperation lacked the resources to finance participation in conversations on development cooperation. This view was not contested by DPs. With very specific project objectives and tight resources it was a challenge for CSOs to actively and consistently participate especially in Sector Working Groups (SWGs) where their contribution could have been most useful.

Moreover, CSOs lacked a firm coordinated platform (umbrella forum) to sum up constituent CSO perspectives to inform conversations in the AEG, Pre-DPFs, and DPFs. The net effect was that participating CSOs did not necessarily represent “the CSO perspective” in the forums, and these participating CSOs most vocally pointed this out. This was blamed on inability to organise CSOs to meet and collectively agree on their common agenda because such meetings required substantive resource investments that they were not able to mobilise. One respondent put it starkly:

“While CSOs and other non-state actors like private [sector] have been included in some processes, there is a gap between the representatives and the rest. Do they speak on behalf of all CSOs? At what forums is the content of what they say in the meetings [they are invited to] agreed on as representing [overall] CSO perspectives?”

– CSO representative

Capacity limitations

A range of respondents representing GoK, CSOs and think tanks reflected the significant capacity gaps evident in Kenya (not only limited CSOs but amongst GoK officials especially at county levels). These included i) inability to access, analyse, and make policy sense out of information, ii) technical capacity to conduct studies to produce evidence to back plans, resource allocation and evaluation, and iii) skills in financial management. Such capacity constraints frustrated efforts to achieve meaningful inclusive development partnerships in Kenya.

Scepticism on the role of CSOs

A number of development partners pointed to the fact that in their assessment, CSOs were not making the

impact on decisions in the AEG meetings, SWGs and DPFs. They observed that they were quiet and did not raise critical issues. On their part, some CSOs felt that there was scepticism and suspicion by GoK which ensured that they were actively excluded due to their stance on particular governance issues. Whilst CSOs do not operate in a hostile environment per se, they were increasingly frowned upon on account of their stance on particular governance issues and demand for access to information and accountability from GoK. Some CSOs appeared to be viewed by GoK as overly vocal about corruption issues, and/or stooges leveraging perspectives of some Development Partners. As one CSO respondent admitted:

“Don’t think there is effective participation by anyone besides GoK and DPs – most of the time we have had our opinion/input passed through GoK or the DPs’

– CSO representative

The motivation behind the PBO Bill by GoK (seeking to limit funding sources for CSOs to up to 15% from external sources) was thus perceived as largely furthering the desire to cap civil society space. This illustrated the extent to which mistrust between GoK and CSOs could adversely affect interest, capacity, and resources available for CSOs to participate in GP forums.

Information for meaningful engagement

Limited access to information emerged as a significant impediment to inclusive development partnership in the Kenyan case. Non-state actors (NSAs) lacked sufficient information on the conduct of existing partnerships, on the outcomes of projects and on their roles in the forums. This was attributed to reluctance by GoK and some DPs to make such information open, lack of a Freedom of Information law to support demand for information and capacity constraints that limited their ability to source, analyse, interpret and utilise. Equally, knowledge on Busan commitments or progress on GPEDC was not apparent to many such NSAs. The net effect was that additional space was allowed but participants lacked sufficient understanding of their roles and substantial information to enrich their contribution. One respondent put it thus:

“We don’t know how much, what they fund, whether they are loans or grants etc”

– CSO representative

Principle III: Focus on results

Top line message: A lot of focus is put on outputs of projects than outcomes because outputs are tangible. This is a challenge to achievement of real results

Development cooperation is most effective when it is focussed on the intended outcomes for which assistance is given. Deliberate attention must thus be paid to the results. There must be in place:

- i) an effective country level results framework with indicators drawn from the country's development priorities/strategies jointly developed or agreed on with DPs, and
- ii) a coherent mechanism for assessing and tracking performance.

In Kenya, in a broad sense, Monitoring and Evaluation, joint programming and program based budgeting emerged as the key issues determining the extent to which external resources were focused on achieving results. The issues are discussed further below:

Monitoring and Evaluation framework

Stakeholders ranging from GoK officers, DPs, to CSOs indicated that the country lacked an effective Monitoring and Evaluation framework to facilitate a focus on results mostly attributed to limitations in manpower and technical capacity in M and E. However, respondents were aware of the M and E directorate located within the Ministry of Devolution and Planning, and efforts of the GoK to establish a National Integrated Monitoring and Evaluation system (NIMES). Nonetheless there was inherent focus on output reporting rather than outcome measurement that prevented effective tracking of progress and achievement of value for money. One respondent put it thus:

"A lot of focus is put on outputs of projects than outcomes [which are the] tangible products of development assistance. [This] could be a challenge to achievement of real results"

– CSO representative

Joint programming

Whilst joint programming is the cornerstone for focusing development cooperation on results, this remained

highly ineffective in the Kenyan context. An agreed mutual results framework was lacking. GoK was in the process of developing a benchmark of indicators to guide measurement of results. An initial attempt had a lot of indicators which made measurement of progress cumbersome and confusing. GoK was working with DPs and other stakeholders to trim down and tighten the indicators. In some instances, poor planning and program/project design prevented a focus on results. This allowed insufficient attention to outcomes and exclusion of requisite accountability measures to ensure projects met objectives. The fact that the MTP II was not linked to budget, nor costed, itself meant that resource allocation may not have been allocated accordingly and thus affecting the delivery of outputs. The development of integrated plans at the county levels clearly outlining outputs, outcomes however represented a suitable opportunity to focus on results where development partners are actively involved.

"We do not have adequate capability [especially GoK] to effectively do joint programming. Therefore even if you desire to do it you end up with something that does not inspire DPs around it. The expertise and competence to put together sector approaches is limited"

– Development Partner

Program based budgeting

The implementation of a program based budgeting process commencing FY 2013/14 was viewed as an opportunity to increase focus on results if appropriately executed. Since program based budgeting allows an outline of inputs, outputs and how they relate to intended outcomes – this was largely viewed as a concrete step towards result-centric development cooperation. Respondents also noted that inadequacies in complementary processes or systems that related to transparency and accountability like enforcement of the PFM Act or operationalisation of reviewed procurement systems could however still frustrate this.

Principle IV: Mutual accountability

Top line message: Lack of Freedom of Information law makes it difficult for the bodies mandated to make information available unable to compel those with the information to provide it.

Accountability and transparency have been touted as key drivers for effective development cooperation. Stakeholders committed at Busan to bolster mutual accountability; encouraging joint action between recipient countries and development partners in monitoring execution and evaluation of outcomes of development cooperation. In Kenya whilst an effective mutual accountability framework was still lacking, both DPs and GoK had made substantial progress towards enhancing mutual accountability:

Commencing FY 2013/14, the GoK was implementing a more open programme based budget process that would allow greater participation in monitoring allocation, application and reporting on external resources. Public Finance Management systems and legislation had been strengthened through the enactment of PFM law in 2013, the review of the audit policy, and operationalisation of IFMS. The Kenya Open Data Initiative (though hamstrung by lack of a Freedom of Information law – no legal basis to demand for information) also represented a bold step towards increasing information access. Other accountability mechanisms anchored in the constitution (like the Auditor General's office and the Office of the Controller of Budget office) were also emerging as effective mechanisms for monitoring application of resources especially for devolved government structures. For example, reports by the Office of the Controller Of Budget (OCOB) and the Auditor General (AG) were extensively scrutinised and debated by parliament in 2014, effectively increasing pressure for transparency, accountability and prudent financial management on county governments. Some DPs recalled following this on local media and felt that this was feeding into public interest and demand for greater accountability. One CSO respondent highlighted how access to information can make for effective engendering of accountability:

"The Freedom of Information law would be very key in facilitating mutual accountability. It could increase openness of budgets and reporting or accountability for resources at GoK level. It could also facilitate access to information on commitments by donors, eventual disbursement which can then help in keeping DPs accountable on commitment but also inform active participation of the public in overall management of external resources"

– A respondent representing a Think tank

DPs on their part worked with GoK to establish an online platform for reporting Appropriation In Aid (AIA) known as *eProMIS*. Its utilisation was however still unsatisfactory. Nonetheless, most DPs continued to provide quarterly and/or annual reports on progress and others (like the AfDB and Sweden) carried out joint annual portfolio performance reviews with the GoK. Some DPs also continued to provide technical and financial support for public finance management reform and strengthening of related institutions. However, when asked, how the resources channelled through non-state actors were accounted for to GoK, most DPS indicated that they did not provide sufficient information on resources channelled through non-state actors (mostly NGOs), and that this was *'where [we] have not performed well'*. DPs also argued that the GoK did not provide leadership in agreeing on the modalities for providing this information while still ensuring that CSOs continue to effectively play their oversight roles.

There was a broad perception that the executive influences decisions of parliament despite provisions for separation of powers in the constitution due incestuous relationships between the legislature and the executive. Some respondents acknowledged improvement citing the handling of the Auditor General and OCOB's reports. A GoK officer who had been before a committee of parliament indicated 'how hot' the quizzing by MPs had become.

"Ooooh my friend it is usually hot, you should go to those meetings when they are taking ministries to task on some of these accounts. They go through the entire audit reports and insist that you address all the issues raised by the Kenya National Audit Office"

– GoK official

However, most of the respondents including DPs were of the view that limited analytical and technical capacity had constrained the ability of parliamentarians to aptly scrutinise budgets or reports presented by treasury or line ministries. Other respondents also noted that sometimes parliament focussed more on peripheral sensational issues (playing to the gallery) than the critical PFM issues that required more attention.

GENERAL FINDINGS

The following are some of the general findings from the study. They are further detailed and justified in the following sections.

“Country ownership presupposes a full democracy [...] quite a bit of negotiation of a country’s priorities. Unfortunately in some respects, some of the things put before DPs have not been negotiated in a democratic process”

– Development partner

1. There is government commitment to achieving development effectiveness ideals:

While the proportion of external resources in the overall government revenues remains small (only around 5% on average) the Government of Kenya continued to uphold good practices and relations with DPs and took the Global Partnership agenda seriously. This is perhaps due to the importance which is attached to compliance when it comes to non-aid resource flows such as FDI, loans, as well as other private flows.

2. Use of country systems remains unsatisfactory

GoK has made considerable progress in introducing country systems to ensure that resources are administered prudently. The use of these systems however remains unsatisfactory. DPs still prefer to use their own procurement, evaluation and reporting frameworks, citing weaknesses and inadequacy of GoK systems as well as loopholes that make it possible for corruption. The CPIA score on transparency, accountability and corruption in the public sector in Kenya remained 3 (on average) between 2010 and 2012, compared to 4 for Ghana, 3 for Mozambique and 3.5 for Rwanda over the same period. Kenya’s CPIA score for quality of budgetary and financial management also remained 3.5 between 2010 and 2012 indicating no progress. On the other hand CSOs and GoK noted that stringent, tedious and lengthy processes for negotiating project terms, approval and monitoring preferred by some Development Partners led to slow implementation, low absorption rates, and duplication of efforts.

3. Participation often happens but without meaningful engagement

Since Busan, the “GoK increased space for engagement with non-traditional development partners, civil society and private sector”. A key implication here is that GoK is the granter and guarantor of space for the participation of other “partners” – a notion which in some ways contradicts the equal partnership principle. However, even where space has been created for participation, the depth of engagement and level of “invitees’” influence on the discourse on effective development cooperation in the country remains un-evidenced.

4. Partnership at sub-national level presents both opportunities and challenges

The newly adopted system of devolution in Kenya presents both opportunities and challenges. On the positive side, it is a perfect opportunity to see how resources that are available at global and national levels translate into programmes, activities and impacts at the local levels. In this regard devolution has the potential to change the nature of the resources architecture and the DP – GoK dynamic in the country. Viewed differently, the devolved system of government presents new opportunities for ensuring that all resources, including development assistance, produce results due to the “greater proximity to beneficiaries”. On the other hand, the devolution statute gives powers to sub-national entities to directly negotiate with donors on any priorities for which they would like to have funding support limited to grants. Besides the challenge this may present with regard to coordination of development assistance, the move may lead to donors “cherry-picking” projects, geographical areas or even pet sectors to the disadvantage of national priorities. Further, by by-passing the centre it is conceivable that there would be increased risk of the national government clawing back on such powers/opportunities.

5. GP conversations are limited to a select few

The GP conversation in Kenya appeared to be exclusive to a preferred group of stakeholders, mostly those that are involved in development effectiveness processes and forums – referred to by some respondents as “the Busan people”. The same knowledge found in the GP responsible units in government was not shared effectively across sectors and did not cascade down to lower GoK structures or among a wide range of CSOs. This shortcoming was exhibited not only across other sectors in government (such as education and health) but also within the central Ministry of Finance itself.

6. Ineffective monitoring and evaluation framework frustrating a focus on results

The link between progress in GP implementation and the results/outcomes on the lives of the people was tenuous. A number of reasons explained this, ranging from the absence of an effective, simplified framework for tracking and measuring progress to make this linkage work, to the sheer number of objectives, results and indicators that are involved.

7. Discussions are still “stuck” in aid effectiveness discourse

The two principle departures that Busan was expected to have ushered in relate to the move from “aid effectiveness” to “development cooperation effectiveness” on one hand and the shift from “donor – recipient” to “equal partnership”. However, most respondents seemed to have “aid effectiveness” and “donor-recipient” as the main narratives.

8. The planning framework does not fully reflect views of all stakeholders in the “partnership”

Two issues emerged from the study regarding the link between planning and implementation. The first is that not all stakeholders were “invited” to the discussion table when planning happens. This implies that some priorities are excluded from the planning framework itself, leaving room for some DPs to consider alternative ways of “inclusion and alignment”. The second issue relates to the weak link between long-term, medium, and annual planning. This results in the different plans being out of sync with actual programme design and implementation. In the case of the former, some DPs channelled resources through non-state actors to fund alternative programmes to fill the identified “gaps”.

“Country ownership presupposes a full democracy [...] quite a bit of negotiation of a country's priorities. Unfortunately in some respects, some of the things put before DPs have not been negotiated in a democratic process”

– Development partner

9. Limited access to information is a serious barrier to effective partnership

A number of respondents stated that the flow of information, both vertically (from global to local) and horizontally (across sectors), as well as the quality of that information, was poor. The absence of quality information not only made it difficult for suitable design of development programmes to happen but was also a barrier to effectively measuring progress, and hence being able to focus on results, or to achieve mutual accountability. That said a number of DPs indicated that they were publishing information on the conduct of their partnerships with GoK on international platforms like IATI and OECD-CRS. Nonetheless there was demand for them to utilise existing country systems like eProMIS to provide this data first at country level to increase access and verification of this information.

SUMMARY

-
- GP Discussions are still “stuck” in the aid effectiveness rather than development effectiveness discourse and references frequently fall back to “donors” and “recipients” instead “partners in development”;
 - The newly adopted system of devolution in Kenya presents both opportunities and challenges. Devolved governments are an opportunity for resources to flow to the lowest levels of government and service delivery, hence potential for better impacts, but are also challenged by coordination and prioritisation problems with the possibility that central government could “withdraw” some of the decentralised powers if it felt that DPs were by-passing central authority and “cherry-picking” local governments;
 - Limited access to information is a key barrier to effective partnership; and
 - There is a marked shift by donors, especially new donors, to bilateralism, the main driver for this being commercial interest rather than the socio-economic development that traditional partners previously emphasised, and with the emerging DPs preferring to take on an ‘observer status’ in the GP discourse.

The entry or re-entry of non-traditional development partners from emerging economies particularly China, India, Turkey, and Brazil is changing the development assistance dynamic in Kenya.

DRIVERS AND CONSTRAINTS OF PROGRESS

From the foregoing analysis a number of factors emerged either as drivers or constraints of GP progress in Kenya. These included:

Drivers

- Desire by the GoK to provide leadership and be seen to take charge of the agenda for development of the country in general and development cooperation in particular;
- The new Constitution of Kenya 2010 which provides a basis for improving governance across the board;
- The legacy of the Kibaki administration that focused on service delivery and infrastructure development. External resources are critical to the delivery of some of these services;
- Prospected natural resource rents; a potential source of national wealth but which GoK is not using to antagonise traditional DPs; and
- The fiscal space and modus operandi of emerging DPs which are changing the dynamic of the Global Partnership and its implementation.

Constraints

- Global financial crisis limiting the resources available to a wide range of partners;
- Lack of a clear link between progress in GP and results is a basis for questioning the efficacy of GP;
- Capacity limitations are impacting on efficiency and effectiveness, use of new found spaces and effective engagement;
- The absence of a Freedom of Information Law severely limiting access to information as institutions put in place cannot compel MDAs to provide this information; and
- The contradiction between the establishment of forums to increase space for CSOs and planned legislation to shrink that CSO space is creating uncertainty about their continuing contribution.

The new **Constitution** of
Kenya 2010
provides a basis for improving
governance across the board;

CONCLUSION AND RECOMMENDATIONS

Conclusion

There is evidence to suggest that substantial progress was made towards enhancing ownership through alignment of external resources to the country's priorities and plans. The conversation on ownership, however, now needs to shift to honouring commitments and use of country systems. Whilst considerable supplementary space was provided by GoK to engage non-traditional development partners, civil society and private sector, their engagements remained unsubstantial as they were unable to meaningfully inform or influence discourse on effective development cooperation in the country. The Lack of a coherent results framework and an effective, functional monitoring and evaluation system in Kenya continued to frustrate a focus on results. The devolved system of government presents new opportunities for ensuring development assistance produces results due to greater proximity to beneficiaries but also significant challenges as well, linked to coordination of development assistance that could offset such opportunities. Access to information is paramount to effective development cooperation. With limited access to quality information, it was impossible to; i) effectively measure progress and focus on results, ii) meaningfully include as many stakeholders as possible, and iii) achieve mutual accountability.

Recommendations

Government of Kenya:

- Reviews priority setting mechanisms to ensure that they are more broad-based and provide space for evolution and re-emergence of alternative options for tackling development in the country;
- Considers improving modalities for convening development cooperation/partnership forums or meetings to provide more time for preparation and hence more meaningful engagement;
- Becomes more consistent in opening up space for non-state actors without restricting their participation through enacting prohibitive laws, restricting resource flows and other similar measures;
- Addresses the weaknesses, inadequacies and loopholes within existing country systems (especially PFM and procurement systems) to encourage their full utilisation by DPs; and
- Strengthens the weak linkage of resources to results by fast tracking implementation of the Program Based Budgeting process.

Development Partners:

- Work with GoK and CSOs to agree modalities for reporting on resources channelled through CSOs and other non-state actors in a way that addresses the concerns of all stakeholders;
- Collaborate with GoK and other stakeholders to find ways of addressing capacity and resource gaps amongst non-state actors and devolved government structures for effective and sustainable engagements;
- Consider providing supplementary support to CSOs to facilitate a national platform for CSOs engagement on development cooperation to enhance inclusiveness; and
- Both traditional and emerging DPs and GoK endeavour to operate within the principles of development cooperation, using the same country systems and effectively participating in established forums for dialogue.

Address the weaknesses, inadequacies and loopholes within existing country systems (especially PFM and procurement systems) to encourage their full utilisation by DPs.

APPENDIX – 1: SOME QUOTES FROM RESPONDENTS

Country ownership

Development Partners

"Fiduciary risks are a concern of every development partner. We have weak systems; you might be familiar with Kenya Education Support Programme (KESP) which remains an eyesore. [DPs] believe in the need to use to use country systems to transfer money to government and expect a job to be done. It was never done, actually until today. The Kenyan government eventually paid back almost 4.1 Billion shillings"

"As I told you at the beginning when you mentioned IFMIS, it is good on paper [but] prone to manipulation. IFMIS literally collapses just before the last quarter of financial year. It's meant to collapse. So I mean you are this person who is putting your several billions into IFMIS and you know [it can be compromised]. Tell me, how does that work?"

"Country ownership presupposes a full democracy [...] quite a bit of negotiation of a country's priorities. Unfortunately in some respects, some of the things put before DPs have not been negotiated in a democratic process"

Civil Society Organisations

"the narrative is no longer about alignment of resources to country priorities, especially on budget support. GoK demands that from DPs"

Private Sector

"Kenya in control of its own development programmes and processes. It is unlikely that GoK would be impressed upon; policies, programmes or structures imposed on the country by external parties"

Inclusive partnerships

Development Partners

"The problem is that these structures' do not interface with their constituencies. CSOs, who do they go to consult on the issues they raise on aid? DPs at least have the DPGs, they talk among themselves. What are the structures for engaging in the discussions on aid for [CSOs]? They use the money issue as an excuse"

Government of Kenya

"I can tell you for a fact that before, in this country, we never had dialogue [with DPs]. It used to be very haphazard and as a result there used to be a lot of tension between DPs and the government because there was nowhere to share common goals, common challenges and so most of the DPs were going to the media"

Civil Society Organisations

"while CSOs and other non-state actors like private [sector] have been included in some processes, there is a gap between the representatives and the rest. Do they speak on behalf of all CSOs? At what forums is the content of what they say at the [GP] forums [they are invited to] agreed on as representing [overall] CSO perspectives?"

Focus on results

Development Partners

"We do not have adequate capability [especially GoK] to effectively do joint programming. Therefore even if you desire to do it you end up with something that does not inspire DPs around it. The expertise and competence to put together sector approaches is limited"

"I was chair of a process after Kenya promulgated the constitution in 2010, myself representing Development Partners and [XXX] representing GoK. I can tell you the government was eager to be able to come up with a joint programme as a basis for engaging with the DPs"

Civil Society Organisations

"A lot of focus is on outputs of projects than outcomes - the tangible products of development assistance. Could be a challenge to achievement of real results"

Mutual accountability

Development Partners

"[CSOs] are weak in engaging with government; partly because of fragmentation. The supervision of civil society as envisaged by the NGO coordination bureau is not how it was supposed to be and therefore you have had fragmentation. There is lack of accountability; [...] there are no systems through which they can report properly"

"There is contestation around Vision 2030, whose vision was it? It was two people who had ingenious ideas and they decided that's Vision 2030. Was it Kenyan, was it debated in parliament? Did Kenyans all agree to push for it? No, accountability starts on agreeing on priorities"

Government of Kenya

"oooooh my friend its usually hot you should go to those meetings when they are taking ministries to task on some of these accounts. They go through all those audit reports, address all the issues raised by the Kenya National Audit Office"

Civil Society Organisations

"we don't know how much, what they fund, whether they are loans or grants etc"

Think Tank

"The Freedom of Information law would be very key in facilitating mutual accountability. It could increase openness of budgets and reporting or accountability for resources at GoK level. It could also facilitate access to information on commitments by donors, eventual disbursement which can then help in keeping DPs accountable on commitment but also inform active participation of the public in overall management of external resources"

APPENDIX – 2: ANALYSIS OF KEY RESPONSES

ISSUE	AGREEMENTS	RESPONDENTS	DISAGREEMENTS	RESPONDENTS
1.	Inclusiveness increased - DPs less likely to dominate discussions; but engagement still not satisfactory	Even for those co-opted into the processes and discussions, participation is still not substantial, not able to influence decisions significantly Emerging DPs not participating effectively - passive, non-committal and inconsistent. Involved more in DPFs than in AEG which are more useful CSOs lack umbrella body to coordinate activities and collate and organise their agenda	NONE	NONE
2.	Challenges to inclusive partnerships include capacity limitation, and resource constraints, scepticism	Capacity Resources Scepticism, suspicion from GoK	Inability to access, analyse, and make policy sense out of information, Technical capacity to conduct studies to produce evidence to back plans, resource allocation and evaluation, Lack of coordinating body blamed on resource limitations amongst CSOs; overall sub-optimal participation of CSOs partly attributed to resource constraints CSOs not necessarily operating in a hostile environment (compared to countries in the region). However, noticeable trend towards shrinking of democratic space by GoK - PBO bill and media law are examples	DPs; CSOs; GoK; Think Tanks DPs; CSOs; GoK; Think Tanks DPs; CSOs; GoK; Think Tanks DPs; CSOs; GoK; Think Tanks
3.	Narrative no longer about alignment; a lot has been achieved in aligning objectives/plans to GoK priorities	Alignment Utilising country systems	Narrative no longer about alignment; a lot has been achieved in aligning objectives/plans to GoK priorities GoK established multiple country systems, county on the right track regarding setting up systems	Some DPs Most DPs Some DPs
Wither alignment?		The planning framework does not fully reflect views of all stakeholders in the "partnership". What DPs are asked to fund or work with might not be sufficiently reflecting aspirations and priorities of all Kenyans eg Vision 2030, MTP	Country systems have got to synchronise with DP headquarter systems for them to comply Focus and debate should be on how to ensure inclusiveness of priorities - to ensure they reflect and cover everyone than working outside them or doing away with them	Some DPs; GoK

4.	Both DPs and GoK had made substantial progress towards enhancing mutual accountability:	GoK Establishing mechanisms for enhancing accountability	Mechanisms anchored on the constitutions showing positive signs eg OCOB, Auditor General Enactment of PFM law and reviewing of procurement regulations	DPs; CSOs; GoK; Think Tanks	There still exist linkage between legislature and executive (despite separation of power) which continues to jeopardise effectiveness of these instruments Some of these systems good on paper but lame in reality. Not effectively executed	Some DPs, CSOs, Think tank
		DPs providing more information	Working with GoK to establish online platform for reporting - eProMIS; and continuing to provide quarterly and/or annual reports on progress. DPs also reporting on international portals like OECD-CRS and IATI	DPs; CSOs; Think Tanks	Minimal utilisation of eProMIS, DPs still insist on utilising parallel reporting systems DPs should begin by providing quality - timely information to GoK before going to international platforms like IATI or CRS	GoK
5.	Access to information still a significant impediment to mutual accountability	Lack of Freedom of Information law Unwillingness by GoK to release timely, accurate data - issue of 'official data' delaying access Limited capacity to access, analyse and use information	CSOs, DPs, Think tank, Private Sector	Lack of interest, confrontational approach - CSOs 'making noise' instead of meaningful engagement for information. Also because of limitations in skills to use information (especially amongst CSOs)	GoK	GoK

APPENDIX – 3: INTERVIEW GUIDE

1. Country Ownership

- To what extent is Kenya in control of concessions/agreements with Development Partners on development cooperation?
- Is development cooperation aligned to the country's priorities? – to what extent have DPs aligned their strategic plans or objectives and matched their resources to the country's priorities?
- Have DPs adopted, utilised existing country systems – for public finance management, measuring and reporting of progress? – what country systems are these?
- What other ways apart from using country systems, and aligning resources and objectives to country priorities?

2. Inclusive partnerships

- Are development partnerships inclusive?
- What mechanisms exist in the country (established by government or in collaboration with DPs and other stakeholders) for ensuring that as many actors as possible are included in the development partnership forums?
- To what extent are partnership forums involving non-traditional development partners, civil society, private sector and other non-state actors?
- Comment about the quality of participation of CSOs, emerging DPs, Private sector in these forums
- What challenges would be preventing new actors co-opted after Busan from actively participating and meaningfully affecting conversations in the partnership forums – (probe for capacity, Resources, Information, any others)

3. Focus on results

- Is development assistance achieving the results it is intended for in Kenya?
- Does the country possess the systems, capacity and/or resources to measure progress? Are DPs using country systems/structures to measure progress/results?
- Has an agreement been reached between government and DPs on indicators/targets for assessing performance?
- What challenges could be preventing a focus on results? (probe for capacity, NIMES, HR, leadership, resources, etc)
- Through what mechanisms do you ensure that development work and partnerships in the country focus on results? (probe for results framework, joint programming, M and E system, joint evaluations etc)

4. Mutual accountability

- To what extent is mutual accountability on development assistance being realised between the Government of Kenya, Development Partners and Civil Society?
- What accountability mechanisms exist for ensuring that government accounts to DPs and citizens and that DPs account to partner governments as well as their citizens? (probe for parliament, mechanisms anchored on the constitution like Auditor General, parliament oversight committees, CSO role, PFM laws, openness in budget processes, procurement regulations etc)
- How effective are the existing accountability mechanisms?
- How accessible is information on resource flows from Development Partners? Is it available in standardised, comparable, disaggregated and in a timely manner? (probe for OGP, IATI, GIFT, OECD-CRS etc)
- Is there willingness by the government/politicians and other citizens to pursue mutual accountability?

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