

Open Budget Survey 2021

Questionnaire

Kenya

May 2022

Country Questionnaire: Kenya

PBS-1. What is the fiscal year of the PBS evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:

FY 2020-2021

Source:

<https://treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Since the link has since been broken, please access at:

<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html> or <https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>

Comment:

The PBS (Budget Policy Statement- BPS) in Kenya is prepared pursuant to Section 25 of the PFM Act, 2012 and provides that the National Treasury shall prepare and submit to the Cabinet the BPS for approval. Subsequently, the approved BPS is submitted to Parliament, by the 15th of February each year

Peer Reviewer

Opinion: Agree

Comments: Source: <https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>. BPS is prepared pursuant to Section 25 (1 to 4) of the PFM, Act 2012 and attendant regulations via http://www.parliament.go.ke/sites/default/files/2017-05/Legal_Notice_No._34_National_Govt_Regu.pdf

Government Reviewer

Opinion: Agree

PBS-2. When is the PBS made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for a PBS to be considered publicly available, it must be made available to the public one month before the Executive's Budget Proposal is submitted to the legislature for consideration. If the PBS is not released to the public at least one month before the Executive's Budget Proposal is submitted to the legislature for consideration, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the PBS.

Answer:

a. At least four months in advance of the budget year, and at least one month before the Executive's Budget Proposal is introduced in the legislature

Source:

The document was published on February 15, 2020, which is over four months before the start of the fiscal year in July and two months before the budget was approved

<https://treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Since the link has since been broken, please access at:

<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Comment:

The Section 25 (9) of the PFM Act 2012 requires that the National Treasury shall publish and publicise the Budget Policy Statement not later than

fifteen days after submission of the Statement to Parliament. This not later after fifteen days effectively falls on 28th February each year arising of the prescribed date for submission to parliament which is 15th February each year and therefore falls exactly two months before submission of the estimates to parliament and four months in advance of the budget year

Peer Reviewer

Opinion: Agree

Comments: Answer "a" is correct, it is published four months in advance of BY and two months before the EBP. The BPS 2020-21 was submitted to parliament on 13 February according to the report of the Budget and Appropriation Committee on the BPS. If according to the law it was publicized 15 days later effectively on 28th February. From National Treasury's website the exact date of when it is was posted in not clear when it was posted. The cover page of the BPS however indicates the month of February.

Government Reviewer

Opinion: Agree

PBS-3a. If the PBS is published, what is the date of publication of the PBS?

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:
14/2/2020

Source:
<https://treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Since the link has since been broken, please access at:
<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Comment:
This is based on google search indicated the PBS was uploaded at least by 15 February 2020 but Wayback shows it online potentially 14 February
<https://web.archive.org/web/20200213003932/https://www.treasury.go.ke/>

Peer Reviewer

Opinion:

Comments: The exact date of when the PBS (Budget Policy Statement) was published, as I have noted in number 2 is not clear. I am not familiar with Wayback machine search. I have no evidence to agree or disagree with certainty.

Government Reviewer

Opinion: Agree

IBP Comment

Thanks to the peer reviewer for the note. Wayback is an internet archiving website that takes snapshots of websites over time. When there is no record of an official publication date, as was the case for the Treasury website for this document, researchers and IBP often uses this tool to help identify publication dates. Given the evidence provided by the researcher, the dates seem reasonably accurate, and IBP confirms this response.

PBS-3b. In the box below, please explain how you determined the date of publication of the PBS.

If the document is not published at all, researchers should mark this question "n/a."

Answer:
This is the time stamp on google search indicating 15 February as the date the document was uploaded online

Source:
<https://treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Since the link has since been broken, please access at:
<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Wayback archives also show it published on the website by Feb 14, 2020:
<https://web.archive.org/web/20200213003932/https://www.treasury.go.ke/>

Comment:

Peer Reviewer

Opinion:

Comments: The two responses are conflicting, from the wayback archives it is 14th of Feb 2020 and on the other hand from google search it is 15th Feb 2020. Unfortunately National Treasury's website does not indicate actual date the PBS was posted and maybe triangulation from the officer in charge may be useful to confirm the actual date of publication.

Government Reviewer

Opinion: Agree

PBS-4. If the PBS is published, what is the URL or weblink of the PBS?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

Answer:
<https://treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Source:
National Treasury Website

Comment:
Document is still available for download

Since the link has since been broken, please access at:
<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Peer Reviewer

Opinion: Agree

Comments: National Treasury revamped its website and hence the reason the link is different. <https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>

Government Reviewer

Opinion: Agree

PBS-5. If the PBS is published, are the numerical data contained in the PBS available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) or HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>

Option "d" applies if the PBS is not publicly available, therefore its machine readability cannot be assessed.

Answer:

c. No

Source:

The document is in PDF format and no annexes are provided in Machine Readable format

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

PBS-6a. If the PBS is not publicly available, is it still produced?

If the PBS is not considered publicly available under the OBS methodology (and thus the answer to Question PBS-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question PBS-2)

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

e. Not applicable (the document is publicly available)

Source:

N/A

Comment:

N/A

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

PBS-6b. If you selected option "c" or "d" in question PBS-6a, please specify how you determined whether the PBS was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question PBS-6a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer
Opinion:

Government Reviewer
Opinion:

PBS-7. If the PBS is produced, please write the full title of the PBS.

For example, a title for the Pre-Budget Statement could be "Proposed 2021 State Budget" or "Guidelines for the Preparation of Annual Plan and Budget for 2020/21."

If the document is not produced at all, researchers should mark this question "n/a."

Answer:

MEDIUM TERM 2020 BUDGET POLICY STATEMENT HARNESSING THE "BIG FOUR" FOR JOB CREATION AND ECONOMIC PROSPERITY

Source:

National Treasury Website

Comment:

Peer Reviewer

Opinion: Agree

Comments: For completeness, there is need to prefix the title with "Republic of Kenya, the National Treasury and Planning..."

Government Reviewer

Opinion: Agree

PBS-8. Is there a "citizens version" of the PBS?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

b. No

Source:

N/A

Comment:

There is no citizen's version of the PBS and the government of Kenya does not produce it

Peer Reviewer

Opinion: Agree

Comments: As an aside, a number of civil society organisations (CSOs) have over the years been analysing the PBS and producing briefs (simplified-breakdown of the PBS) but have not in anyway partnered with the government or the National Treasury. This is a latent opportunity for CSOs as an

entry point for the National Treasury to pick this and institutionalise it.

Government Reviewer

Opinion: Agree

Comments: The Government will endeavor to produce a citizens version of the document in future Budget processes.

EBP-1a. What is the fiscal year of the EBP evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:

FY 2020-21

Source:

PFM Act 2012 Section 37 (2) requires the Cabinet Secretary to submit to the National Assembly, by the 30th April the budget estimates for the coming year,

Comment:

Working with a cut off date of 31st December 2020, the most recent available document for assessment will be the Budget estimates for FY 2020/21 made available to parliament on 30.4.2020

Peer Reviewer

Opinion: Agree

Comments: Although constitutionally and based on the PFM Act, the EBP is supposed to be submitted to the National Assembly by 30th April every year, in practice the EBP FY 2020-21 was actually submitted on 29th April 2020. This is according to the Budget and Appropriation Committee Report of the Estimates of Revenue and Expenditure for the FY 2020-21 via parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf

Government Reviewer

Opinion: Agree

EBP-1b. When is the EBP submitted to the legislature for consideration?

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:

29/4/2020

Source:

Section 37 (2) of the PFM Act 2012

Comment:

This was determined according to the publicly available information from parliament website and also based on statutory provisions of when it should be available

http://www.parliament.go.ke/sites/default/files/2020-05/unpacking%20of%20the%202020%20budget%20final%20word_0.pdf

Peer Reviewer

Opinion: Agree

Comments: As noted in the previous question.

Government Reviewer

Opinion: Agree

Comments: The FY 2020-2021 Budget was Submitted to Parliament for consideration on 29th April, 2020

EBP-2. When is the EBP made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for an EBP to be considered publicly available, it must be made available to the public while the legislature is still considering it and before the legislature approves (enacts) it. If the EBP is not released to the public before the legislature approves it, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the EBP.

The OBS definition of an Executive's Budget Proposal is a document(s) that (i) the executive submits to the legislature as a formal part of the budget approval process and (ii) the legislature either approves or on which it approves proposed amendments.

The OBS will treat the Executive's Budget Proposal as "Not Produced," in the following cases:

- *The executive does not submit the draft budget to the legislature; or*
- *The legislature receives the draft budget but does not approve it or does not approve recommendations on the draft budget;*
- *The legislature rejects the draft budget submitted by the executive, but the executive implements it without legislative approval; or*
- *There is no legislature, or the legislature has been dissolved.*

Answer:

b. At least two months, but less than three months, in advance of the budget year, and in advance of the budget being approved by the legislature

Source:

Documents were published April 30, 2020, which is 2 months and one day before the start of the FY and before the budget was approved.

Section 37 (8) of the PFM Act 2012

Comment:

Section 37 of the PFM Act requires that "as soon as practicable after the budget estimates and other documents have been submitted to the National Assembly under this section, the Cabinet Secretary shall publicise those documents"

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

EBP-3a. If the EBP is published, what is the date of publication of the EBP?

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

In the comment boxes below, researchers should also list any supporting documents to the EBP and their date of publication.

Answer:

29/4/2020

Source:

Section 37 (8) of the PFM Act

Comment:

30th April is the statutory date of which submission to parliament is made and I consider this as the time which the document is now published and open to parliament

Peer Reviewer

Opinion: Disagree

Suggested Answer: The exact date the EBP 2020-21, as noted earlier, was submitted to parliament was on 29th April 2020. It is on this same day that it was published/made available to the public.

Government Reviewer

Opinion: Agree

Researcher Response

The exact date the EBP 2020-21, as noted earlier, was submitted to parliament was on 29th April 2020. It is on this same day that it was published/made available to the public.

EBP-3b. In the box below, please explain how you determined the date of publication of the EBP.

If the document is not published at all, researchers should mark this question "n/a."

Answer:

See also the documentation of the estimates based on statutory timelines online

Source:

Documents were published on April 30, 2020, and while there is no Javascript confirmation they can be seen as posted on the Wayback snapshot as of May 06, 2020, here: <https://web.archive.org/web/20200506182008/https://www.treasury.go.ke/>

Comment:

See also the memorandum submitted by the CSOs indicated the budget estimates were available as per the statutory timelines https://www.tisa.or.ke/images/uploads/Joint_Memorandum_on_the_Budget_Estimates_for_2020-21_Final_15052020.pdf

Peer Reviewer

Opinion: Disagree

Suggested Answer: EBP was published on 29th April 2020. This is confirmed in annexe 1 page 28 of the analysis by the Parliament Budget Office via http://parliament.go.ke/sites/default/files/2020-05/unpacking%20of%20the%202020%20budget%20final%20word_0.pdf. The EBP was published on the same day it was submitted to parliament

Government Reviewer

Opinion: Agree

Comments: The Budget and supporting documents are published on the National Treasury Website

IBP Comment

Thank you for the comment. See the response in EBP-3a.

EBP-4. If the EBP is published, what is the URL or weblink of the EBP?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

In the comment boxes below, researchers should also list any supporting documents to the EBP and their URL or weblink.

Answer:

<https://web.archive.org/web/20200513193326/https://www.treasury.go.ke/component/jdownloads/category/216-budget-books.html?Itemid=-1>

Source:

<https://treasury.go.ke/component/jdownloads/category/216-budget-books.html?Itemid=-1>

As the link is now broken, please access at:

<https://web.archive.org/web/20200513193326/https://www.treasury.go.ke/component/jdownloads/category/216-budget-books.html?Itemid=-1>

Documents for the draft 2020/2021 budget can also be access from the Parliament website (publication dates confirmed on Javascript) at <http://www.parliament.go.ke/the-national-assembly/committees/12/budget-an-appropriations-committee>

Comment:

The link contains the budget estimates and supporting documents for the FY 2020-21

Peer Reviewer

Opinion: Agree

Comments: <https://www.treasury.go.ke/budget-books-1/#1620032718947-ad0c1f99-3730> specific links to the EBP <https://www.treasury.go.ke/wp-content/uploads/2021/05/FY2020-21-Programme-Based-Budget.pdf> <https://www.treasury.go.ke/wp-content/uploads/2021/05/FY2020-21-Estimates-of-Revenue-Grants-and-Loans-1.pdf>

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for confirming the updated links, which are the same ones cited by the researcher in the remainder of the questionnaire so should also be added here. Note that based on additional comments on later questions on the EBP, the Budget Statement is also confirmed as published on June 11, 2020, and is therefore part of the EBP. The updated link to access this document is:

<https://www.treasury.go.ke/wp-content/uploads/2021/03/Budget-Speech-2020-2021.pdf> Wayback archive showing publication as of June 14 is here: <http://web.archive.org/web/20200614213443/https://www.treasury.go.ke/>

EBP-5. If the EBP is published, are the numerical data contained in the EBP or its supporting documents available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>.

Option "d" applies if the EBP is not publicly available, therefore its machine readability cannot be assessed.

Answer:

c. No

Source:

PDF only

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

EBP-6a. If the EBP is not publicly available, is it still produced?

If the EBP is not considered publicly available under the OBS methodology (and thus the answer to Question EBP-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question EBP-2).

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

e. Not applicable (the document is publicly available)

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

EBP-6b. If you selected option "c" or "d" in question EBP-6a, please specify how you determined whether the EBP was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question EBP-6a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer

Opinion:

Government Reviewer

Opinion:

EBP-7. If the EBP is produced, please write the full title of the EBP.

For example, a title for the Executive's Budget Proposal could be "Draft Estimates of Revenue and Expenditure for BY 2020-21, produced by the Ministry of Finance, Planning and Economic Development."

If there are any supporting documents to the EBP, please enter their full titles in the comment box below.

If the document is not produced at all, researchers should mark this question "n/a."

Answer:

2020/2021 PROGRAMME BASED BUDGET OF THE NATIONAL GOVERNMENT OF KENYA 2020/2021 JUNE 2020 FOR THE YEAR ENDING 30TH JUNE, 2021

Source:

<https://treasury.go.ke/component/jdownloads/send/216-budget-books/1621-pbb-final-july2020.html>

As the link is now broken, please access at:
<https://web.archive.org/web/20200513193326/https://www.treasury.go.ke/component/jdownloads/category/216-budget-books.html?Itemid=-1>

Comment:

Peer Reviewer

Opinion: Agree

Comments: I agree but need to note that EBP is both the expenditure side (PBB) and revenue side (Estimates of Revenue, Grants and loans Republic of Kenya 2020/2021 Programme Based Budget Of The National Government Of Kenya For The Year Ending 30th June, 2021 June 2020 Republic of Kenya 2020/2021 Estimates of Revenue Grants and Loans of the government of Kenya For The Year Ending 30th June, 2021 URL Links already provided in previous questions

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for the updated links and this clarification.

EBP-8. Is there a "citizens version" of the EBP?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

a. Yes

Source:

<https://treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

Document link is now broken, but can be accessed at

<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Wayback archives show publication on June 11, 2020, which is shortly before the budget was approved on June 25 (see response to EB-1b). The document is therefore considered publicly available.

Peer Reviewer

Opinion: Agree

Comments: <https://www.treasury.go.ke/wp-content/uploads/2021/03/The-Mwananchi-Guide-Final-Budget-Highlights-for-FY-2020-21.pdf>

Government Reviewer

Opinion: Agree

EB-1a. What is the fiscal year of the EB evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:

FY 2020-21

Source:
Section 37 (9) of the PFM Act 2012

Comment:
This section requires that upon approval of the budget estimates by the National Assembly, the Cabinet Secretary shall prepare and submit an Appropriation Bill of the approved estimates to the National Assembly.

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

EB-1b. When was the EB approved (enacted) by the legislature?

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:
25/06/2020

Source:
The Parliamentary Hansard shows the Appropriations Bill was approved on 25 June 2020 <http://parliament.go.ke/sites/default/files/2020-06/Hansard%20Report-%20Thursday%2C%2025th%20June%202020%20%28P%29%20-%20First%20Sitting.pdf>

Comment:
The Kenya Law report indicates the document was received approximately 10 days after assent (on June 30 by the President) and this provides credence that it was made publicly available in good time
http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Peer Reviewer
Opinion: Agree

Comments: Additional evidence Bill tracker by The National Assembly- number 189 via <http://www.parliament.go.ke/sites/default/files/2021-06/BILLS%20TRACKER%20AS%20AT%2011%20JUNE%202021%20final.pdf>. Passed on 25 th June 2020 and assented to by the President on 30 June 2020.

Government Reviewer
Opinion: Agree

EB-2. When is the EB made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for an EB to be considered publicly available, it must be made available to the public three months after the budget is approved by the legislature. If the EB is not released to the public at least three months after the budget is approved by the legislature, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the EB.

Answer:
b. Between two weeks and six weeks after the budget has been enacted

Source:
http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:
The Kenya Law report indicates the document was received approximately 10 days after assent (on June 30) and this provides credence that it was made publicly available in good time - <https://www.president.go.ke/2020/06/30/president-kenyatta-signs-into-law-the-2020-21-budget-2020-finance-bill-and-2019-20-third-supplementary-budget/>

However this is 15 days after the budget was approved on 25 June therefore the score is B

Peer Reviewer

Opinion: Disagree

Suggested Answer: a. Two weeks or less after the budget has been enacted

Comments: Both the Appropriations Act and the Finance Act

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/TheFinanceAct_No.8of2020.pdf) which comprise the EB were available on on 10th July and 7th July respectively. Given that the budget was enacted on 25 June, implies that the Appropriation Act was available 15 days later while the Finance Act was available 12 days later.

Government Reviewer

Opinion: Agree

Researcher Response

I would still work with choice B as one of the two documents was available more than two weeks after enactment

IBP Comment

Thank you to the reviewer for the comments. Since the main document used for the EB questions is the Appropriations Act, and the Finance Act only registers tax rate adjustments, the main EB document is used to assess this question and the researcher's score of B is confirmed.

EB-3a. If the EB is published, what is the date of publication of the EB?

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:
10/7/2020

Source:
See the date stamp of when the document was received http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

Peer Reviewer

Opinion: Agree

Comments: 10th July for the Appropriations Act, 2020 and 7th July for the Finance Act, 2020

Government Reviewer

Opinion: Agree

EB-3b. In the box below, please explain how you determined the date of publication of the EB.

If the document is not published at all, researchers should mark this question "n/a."

Answer:

This is based on the time stamp on the document as received by Kenya law for publication

Source:
http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:
Javascript also confirms the publication date is the same as the timestamp

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

EB-4. If the EB is published, what is the URL or weblink of the EB?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

Answer:
http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Source:
The URL does not exist on the national treasury but exists in the Kenya law reform which is a government agency responsible for managing legal documents online

Comment:

Peer Reviewer
Opinion: Agree
Comments: Already provided the links for each of the EB, Appropriation Act, 2020 and Finance Act, 2020

Government Reviewer
Opinion: Agree

IBP Comment
Thank you to the peer reviewer for the comment.

EB-5. If the EB is published, are the numerical data contained in the EB available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>

Option "d" applies if the EB is not publicly available, therefore its machine readability cannot be assessed.

Answer:
c. No

Source:
PDF only

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

EB-6a. If the EB is not publicly available, is it still produced?

If the EB is not considered publicly available under the OBS methodology (and thus the answer to Question EB-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question EB-2)

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

e. Not applicable (the document is publicly available)

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

EB-6b. If you selected option "c" or "d" in question EB-6a, please specify how you determined whether the EB was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question EB-6a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer
Opinion:

Government Reviewer
Opinion:

EB-7. If the EB is produced, please write the full title of the EB.

For example, a title for the Enacted Budget could be "Appropriation Act n. 10 of 2018."

If the document is not produced at all, researchers should mark this question "n/a."

Answer:

The Appropriation Act, 2020

Source:

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

Peer Reviewer

Opinion: Agree

Comments: Appropriation Act , 2020 Kenya Gazette Supplement No. 103 (Act No 7) and Finance Act, 2020 Kenya Gazette Supplement No 104 (Act No. 8)

Government Reviewer

Opinion: Agree

EB-8. Is there a "citizens version" of the EB?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

b. No

Source:

No CB of the EB is produced or published

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

Comments: This is a legal document with prescribed format

CB-1. What is the fiscal year of the CB evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

If more than one Citizens Budget is produced, for each CB please indicate the document the CB simplifies/refers to, and the fiscal year.

Answer:

FY 2020-21

Source:

The same fiscal year as the EBP evaluated in OBS 2021

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

CB-2a. For the fiscal year indicated in CB-1, what is the public availability status of the CB?

If more than one Citizens Budget is produced, please complete this question for one of them, specifying in the comment box below which document (Executive's Budget Proposal or Enacted Budget) you are referring to, and – in the same comment box – which other Citizens Budget is produced and its public availability status.

Remember that publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified by the OBS methodology and that all citizens are able to obtain free of charge. This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

*Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology
Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.*

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

Answer:

e. Not applicable (the document is publicly available)

Source:

<https://treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

Document is dated 11 June 2020, and Javascript dates the document 20 June 2020, which is close to, but before, the date the budget was approved on 25 June 2020, making the document publicly available

Peer Reviewer

Opinion: Agree

Comments: The CB was one of the documents that accompanied the Budget Speech on 11th June 2020.

Government Reviewer

Opinion: Agree

CB-2b. If you selected option "c" or "d" in question CB-2a, please specify how you determined whether the CB was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question CB-2a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer
Opinion:

Government Reviewer
Opinion:

CB-3a. If the CB is published, what is the date of publication of the CB?

*Note that the date of publication is not necessarily the same date that is printed on the document.
Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.*

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

If more than one Citizens Budget is published, please complete this question for one of them, specifying in the comment box below which document you are referring to, and – in the same comment box – which other Citizens Budget is produced and its dates of publication.

Answer:
11/6/2020

Source:
Link originally used to confirm the date (now broken): <https://webcache.googleusercontent.com/search?q=cache:1ruG5rQntZMJ:https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html+&cd=2&hl=en&ct=clnk&gl=ke>

See instead the document available here:
<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:
Document is dated 11 June 2020, and Javascript dates the document 20 June 2020, which is close to, but before, the date the budget was approved on 25 June 2020, making the document publicly available

Peer Reviewer
Opinion: Agree
Comments: The CB was posted online on the same day as it is dated (11/6/2020) on the front page.

Government Reviewer
Opinion: Agree

CB-3b. In the box below, please explain how you determined the date of publication of the CB.

If the document is not published at all, researchers should mark this question "n/a."

Answer:
the time stamp on google search provides good indication on when it was made publicly available

Source:

Comment:

Peer Reviewer

Opinion:

Comments: I am not aware of how time stamp on google search works. What I know is that I downloaded it on 13th June 2020 (saved documents in my office computer desktop). It is most likely based on my memory to have been published/posted online on the same date, 11th June 2020.

Government Reviewer

Opinion: I choose not to review this question

IBP Comment

Thank you to the peer reviewer for the comment. Google timestamps are based on dates on webpages or dates included in a page's structured data. See: <https://developers.google.com/search/blog/2019/03/help-google-search-know-best-date-for> Given that there is no timestamp on the government website, and if there is no Wayback Archive or ability to use a Javascript code to confirm a publication date, Google timestamps can be helpful references. The researcher's response is confirmed.

CB-4. If the CB is published, what is the URL or weblink of the CB?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

If more than one Citizens Budget is published, please complete this question for one of them, specifying in the comment box below which document you are referring to, and – in the same comment box – which other Citizens Budget is produced and its URL or weblink.

Answer:

https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html?option=com_jdownloads

Source:

Link is now broken so please see the document here:

<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

Link also now reposted here: <https://www.treasury.go.ke/wp-content/uploads/2021/03/The-Mwananchi-Guide-Final-Budget-Highlights-for-FY-2020-21.pdf>

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

CB-5. If the CB is produced, please write the full title of the CB.

For example, a title for the Citizens Budget could be "Budget 2020 People's Guide" or "2021 Proposed Budget in Brief: A People's Budget Publication."

If the document is not produced at all, researchers should mark this question "n/a."

If more than one Citizens Budget is produced, for the other CB, indicate the document the CB refers to and, next to it, its full title.

Answer:

BUDGET The "Mwananchi" Guide 20/21

Source:

Comment:

Peer Reviewer

Opinion: Disagree
Suggested Answer: BUDGET The "Mwananchi" Guide FY 2020/21

Government Reviewer
Opinion: Agree

IBP Comment
Thank you to the peer reviewer for this clarification.

CB-6. If the CB is produced, please indicate which budget document it corresponds to.

If more than one Citizens Budget is produced, please complete this question for one of them, specifying in the comment box below which document you are referring to, and – in the same comment box – which other Citizens Budget is produced and which budget document it simplifies.

Answer:
The CB corresponds to the Executive Budget Proposal 2020/21

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

IYRs-1. What is the fiscal year of the IYRs evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:
FY 2019/20 and FY 2020/21

Source:
FY 2019/20: <https://treasury.go.ke/component/jdownloads/category/210-quarterly-economic-budgetary-review.html?Itemid=-1>

FY 2020/21: <https://treasury.go.ke/component/jdownloads/send/222-quarterly-economic-budgetary-review-2020-2021/1680-quarterly-economic-budgetary-review-1st-quarter-2020-21-ending-30th-september-2020.html>

Comment:

Peer Reviewer
Opinion: Agree
Comments: Q1 to Q4 for Quarterly Economic Budgetary Review for FY 2019/10 and Q1 for FY 2020-21. It is important to also note that the other source of IYR is the Office of Controller of Budget (OCOB) Budget Implementation Review Report via <https://cob.go.ke/publications/national-government-budget-implementation-review-reports/#>

Government Reviewer
Opinion: Agree

IBP Comment
Thank you to the peer reviewer for this addition. The researcher has referred to these reports in the questionnaire (see Q68-71, for example) so the link should also be included on this question.

IYRs-2. When are the IYRs made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for IYRs to be considered publicly available, IYRs must be made available to the public no later than three months after the reporting period ends. If at least seven of the last 12 monthly IYRs, or at least three of the last four quarterly IYRs are not released to the public at least three months after the reporting period ends, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the IYRs.

Answer:

c. At least every quarter, and within three months of the period covered

Source:

Section 83 (5) of the PFM Act 2012

Comment:

The PFM Act 2012 requires the national treasury within forty five days after the end of each quarter to consolidate the quarterly reports and submit them to the National Assembly with copies of the reports to the Controller of Budget, Auditor-General and the Commission on Revenue Allocation; and publicise them

Peer Reviewer

Opinion: Agree

Comments: I agree, for both the National Treasury QEBRs and the Office of the Controller of Budget Implementation and Review reports, they are legally and in practice produced publicly every quarter and within just more than a month (45 days) of the period covered.

Government Reviewer

Opinion: Agree

IYRs-3a. If the IYRs are published, what are the dates of publication of the IYRs?

Specifically: if quarterly In-Year Reports are published, indicate the dates of publication of at least three of the last four IYRs that were publicly available. If monthly IYRs are published, indicate the dates of publication of at least seven of the last 12 IYRs that were publicly available.

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD Month YYYY." For example, 5 September 2020 should be entered as 05 September 2020. If the document is not published or not produced, please mark this question "n/a."

Answer:

The Quarterly Economic and Budgetary Review for September 2020 was publicly available online on 17 November 2020

The Quarterly Economic and Budgetary Review for June 2020 was publicly available online on 14 August 2020

The Quarterly Economic and Budgetary Review for March 2020 was publicly available online on 15 May 2020

The Quarterly Economic and Budgetary Review for December 2019 was publicly available online on 13 February 2020

The National Government Budget Implementation Review Report for September 2020 was publicly available online on 23 December 2020

The National Government Budget Implementation Review Report for June 2020 was publicly available online on 24 September 2020

The National Government Budget Implementation Review Report for March 2020 was publicly available online on 19 June 2020

The National Government Budget Implementation Review Report for December 2019 was publicly available online on 17 March 2020

Source:

The quarterly report for September 2020 was publicly available online on 17 November 2020 at:

<https://treasury.go.ke/component/jdownloads/send/222-quarterly-economic-budgetary-review-2020-2021/1680-quarterly-economic-budgetary-review-1st-quarter-2020-21-ending-30th-september-2020.html>

The quarterly report for June 2020 was publicly available online on 14 August 2020 at: https://treasury.go.ke/component/jdownloads/send/210-quarterly-economic-budgetary-review/1660-quarterly-economic-budgetary-review-4th-quarter-2019-2020-ending-31st-june-2020.html?option=com_jdownloads

option=com_jdownloads

The quarterly report for March 2020 was publicly available online on 15 May 2020 at: <https://treasury.go.ke/component/jdownloads/send/210-quarterly-economic-budgetary-review/1569-quarterly-economic-budgetary-review-3rd-quarter-2019-2020-ending-31st-march-2020.html>
The quarterly report for December 2019 was publicly available online on 13 February 2020 at: <https://www.treasury.go.ke/component/jdownloads/send/210-quarterly-economic-budgetary-review/1511-quarterly-economic-budgetary-review-1st-half-2019-2020-ending-31st-december-2019.html>

The quarterly report for September 2020 was publicly available online on 23 December 2020 at: <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>
The quarterly report for June 2020 was publicly available online on 24 September 2020 at: <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>
The quarterly report for March 2020 was publicly available online on 19 June 2020 at: <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>
The quarterly report for December 2019 was publicly available online on 17 March 2020 at: <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

Comment:

Peer Reviewer

Opinion: Agree

Comments: The date of publication is now not discernible from the links/websites.

Government Reviewer

Opinion: Agree

Comments: This reflects the actual documents and dates of publication

IYRs-3b. In the box below, please explain how you determined the date of publication of the IYRs.

If the document is not published at all, researchers should mark this question "n/a."

Answer:

Not all dates on the documents, but dates confirmed with Javascript

Source:

Comment:

Peer Reviewer

Opinion: Agree

Comments: Yes, the dates of publication are not explicitly mentioned. Whereas I am not knowledgeable with java script, I am informed it can be used to verify dates on documents.

Government Reviewer

Opinion: Agree

IYRs-4. If the IYRs are published, what is the URL or weblink of the IYRs?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Researchers should provide the weblink to the most recent In-Year Report in the space below, and – in the comment box underneath – the weblinks to older IYRs.

If the document is not published at all, researchers should leave this question blank.

Answer:

Direct download links are only available for the Quarterly Economic and Budgetary Review:
<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

Source:

<https://treasury.go.ke/component/jdownloads/category/222-quarterly-economic-budgetary-review-2020-2021.html?Itemid=-1>

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

<https://treasury.go.ke/component/jdownloads/category/210-quarterly-economic-budgetary-review.html?Itemid=-1>

Comment:

Direct download links are only available for the Quarterly Economic and Budgetary Review:

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

These links have since been broken but archives of this page are available at:

<https://web.archive.org/web/20200905022755/https://treasury.go.ke/component/jdownloads/category/210-quarterly-economic-budgetary-review.html?Itemid=-1>

Peer Reviewer

Opinion: Agree

Comments: It is important to add the link for IYR from the Office of the Controller of Budget via <https://cob.go.ke/publications/national-government-budget-implementation-review-reports/>

Government Reviewer

Opinion: Agree

IYRs-5. If the IYRs are published, are the numerical data contained in the IYRs available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>

Option "d" applies if the IYRs are not publicly available, therefore their machine readability cannot be assessed.

Answer:

c. No

Source:

PDF only

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

Comments: They are only available in pdf formats however machine readable versions can be obtained on request

IYRs-6a. If the IYRs are not publicly available, are they still produced?

If the IYRs are not considered publicly available under the OBS methodology (and thus the answer to Question IYRs-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question IYRs-2).

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.
Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:
e. Not applicable (the document is publicly available)

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

IYRs-6b. If you selected option "c" or "d" in question IYRs-6a, please specify how you determined whether the IYRs were produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question IYRs-6a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer
Opinion:

Government Reviewer
Opinion:

IYRs-7. If the IYRs are produced, please write the full title of the IYRs.

For example, a title for the In-Year Report could be "Budget Monitoring Report, Quarter 1" or "Budget Execution Report January-March 2020."

If In-Year Reports are not produced at all, researchers should mark this question "n/a."

Researchers should provide the full title of the most recent In-Year Report in the space below, and - in the comment box underneath - the full titles of older IYRs.

Answer:
Quarterly Economic and Budgetary Review Second Quarter Quarter, Financial Year 2019/2020 Period ending 31st December, 2019
Quarterly Economic and Budgetary Review Third Quarter, Financial Year 2019/2020 Period ending 31st March, 2020
Quarterly Economic and Budgetary Review Fourth Quarter, Financial Year 2019/2020 Period ending 30th June, 2020
Quarterly Economic and Budgetary Review First Quarter, Financial Year 2020/2021 Period ending 30th September, 2020

National Government Budget Implementation Review Report from the Controller of the Budget: Quarterly Reports for the same periods ending as the Quarterly Economic and Budgetary

Source:

<https://treasury.go.ke/component/jdownloads/category/210-quarterly-economic-budgetary-review.html?Itemid=-1>

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

IYRs-8. Is there a "citizens version" of the IYRs?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:
b. No

Source:

Comment:

Peer Reviewer
Opinion: Agree

Comments: There are opportunities for the National Treasury to partner with civil society organisations such as the Institute of Economic Affairs-Kenya www.ieakenya.or.ke to prepare citizen version of the IYRs

Government Reviewer
Opinion: Agree

Comments: These are reports produced for consumption by the Legislature and the general public.

MYR-1. What is the fiscal year of the MYR evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:
FY 2019/20

Source:
As the mid-year report for 2020/2021 could have been released in 2021, after the cut-off date, the correct FY for assessment is 2019/2020

Comment:
The Public finance Management Act 2012 in Kenya does not provide for the basis of a half year report but for quarterly reports

Peer Reviewer
Opinion: Agree

Comments: Produced by the National Treasury for internal use.

Government Reviewer

Opinion: Agree

Comments: The Quarter 2 Reports provide half year reports for the specified financial years,

IBP Comment

As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates the macro-economic and/or fiscal estimates for the remainder of the fiscal year. In this way, the MYR is more comprehensive than a Q2 IYR, and Q2 reports do not count as a MYR by OBS standards. The researcher's response is confirmed.

MYR-2. When is the MYR made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for an MYR to be considered publicly available, it must be made available to the public no later than three months after the reporting period ends (i.e., three months after the midpoint of the fiscal year). If the MYR is not released to the public at least three months after the reporting period ends, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the MYR.

Answer:

d. The MYR is not released to the public, or is released more than three months after the midpoint

Source:

There has been no practice of publishing MYRs in Kenya

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: a. Six weeks or less after the midpoint

Comments: The Second Quarter QEBR is technically the Mid Year Report and is published and publicized 45 days after the end of the review period, It provides budget implementation status as at end of December of every financial year,

IBP Comment

As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government reviewer does not qualify as a MYR.

MYR-3a. If the MYR is published, what is the date of publication of the MYR?

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:

Source:

Not produced or published

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Disagree
Suggested Answer: The Mid year report (Second Quarterly Economic and Budget Report) is published by the 45th day from the end of the review period as provided for by the PFMA, 2012
Comments: The Mid year report (Second Quarterly Economic and Budget Report) is published by the 45th day from the end of the review period as provided for by the PFMA, 2012

IBP Comment
As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government review does not qualify as a MYR.

MYR-3b. In the box below, please explain how you determined the date of publication of the MYR.

If the document is not published at all, researchers should mark this question "n/a."

Answer:
N/A

Source:
Not produced or published

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion:
Comments: To be provided as posted in the National Treasury website

IBP Comment
As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government review does not qualify as a MYR.

MYR-4. If the MYR is published, what is the URL or weblink of the MYR?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

Answer:

Source:
N/A

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion:

Comments: As provided in the National Treasury website

IBP Comment

As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government review does not qualify as a MYR.

MYR-5. If the MYR is published, are the numerical data contained in the MYR available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>.

Option "d" applies if the MYR is not publicly available, therefore its machine readability cannot be assessed.

Answer:

d. Not applicable

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion:

Comments: Data is provided in pdf format hence not machine readable

IBP Comment

As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government reviewer does not qualify as a MYR.

MYR-6a. If the MYR is not publicly available, is it still produced?

If the MYR is not considered publicly available under the OBS methodology (and thus the answer to Question MYR-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question MYR-2).

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

d. Not produced at all

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: I choose not to review this question

MYR-6b. If you selected option "c" or "d" in question MYR-6a, please specify how you determined whether the MYR was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question MYR-6a, researchers should mark this question "n/a."

Answer:

The Kenya second half report does not qualify as MYR and thus the MYR is not produced at all - however the government has indicated that a document that may be a MYR is produced but not published

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: I choose not to review this question

MYR-7. If the MYR is produced, please write the full title of the MYR.

For example, a title for the Mid-Year Review could be "Semi-annual Budget Performance Report, FY 2019/20" or "Mid-Year Report on the 2020 National Budget."

If the document is not produced at all, researchers should mark this question "n/a."

Answer:

N/A

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion:
Comments: Second Quarterly Economic and Budget Report for FY 2019\2020

IBP Comment

As defined by international practice and the Open Budget Survey, the Mid-Year Review provides not only an accounting of budget implementation half-way through the fiscal year, but also updates to the macro-economic and/or fiscal estimates for the rest of the year. In this way, the MYR is more comprehensive than a Q2 IYR. The documents suggested by the government reviewer does not qualify as a MYR.

MYR-8. Is there a "citizens version" of the MYR?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

b. No

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

YER-1. What is the fiscal year of the YER evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:

FY 2019/20

Source:

Section 26 of the PFM Act 2012

Comment:

The PFM act 2012 requires the National Treasury to produce an annual report providing actual fiscal performance in the previous financial year compared to the budget appropriation for that year among other details. While the document is not titled as YER, I have taken this into account as the YER as the information required of YER is similar to what is contained in the Budget review and outlook paper in Kenya

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

YER-2. When is the YER made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for an YER to be considered publicly available, it must be made available to the public no later than one year after the fiscal year to which it corresponds. If the YER is not released to the public within one year after the end of the fiscal year to which it corresponds, option "d" applies.

Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the YER.

Answer:

a. Six months or less after the end of the budget year

Source:

Section 26 (3) of the PFM Act

Comment:

The 2020 BUDGET REVIEW AND OUTLOOK PAPER was publicly available online on 17 October 2020 at:

<https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

Link is now broken so use this link: <https://web.archive.org/web/20201205132021/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

This is three months and 17 days after the end of the fiscal year on 30 June 2020.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

YER-3a. If the YER is published, what is the date of publication of the YER?

Note that the date of publication is not necessarily the same date that is printed on the document.

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:

17/10/2020

Source:

<https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

This link is now broken but an archive of the page is available at:

<https://web.archive.org/web/20201205132021/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

YER-3b. In the box below, please explain how you determined the date of publication of the YER.

If the document is not published at all, researchers should mark this question "n/a."

Answer:

This is based on the time stamp as per google searches on when the document was uploaded on treasury website

Source:

Comment:

Peer Reviewer

Opinion: Agree

Comments: While I am not conversant with time stamp as per google searches, my frequent interaction with the BRDP, Kenya YER is that it is often posted anytime in October after Cabinet approval by 30th September.

Government Reviewer

Opinion: Agree

YER-4. If the YER is published, what is the URL or weblink of the YER?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

Answer:

<https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

Source:

This link is now broken but the archived page can be accessed at:

<https://web.archive.org/web/20201205132021/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1669-final-2020-budget-review-and-outlook-paper.html>

Comment:

Peer Reviewer

Opinion: Agree

Comments: current link: <http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Government Reviewer

Opinion: Agree

YER-5. If the YER is published, are the numerical data contained in the YER available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>

Option "d" applies if the YER is not publicly available, therefore its machine readability cannot be assessed.

Answer:

c. No

Source:

Comment:

The document is in .PDF format

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

YER-6a. If the YER is not publicly available, is it still produced?

If the YER is not considered publicly available under the OBS methodology (and thus the answer to Question YER-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question YER-2)

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

e. Not applicable (the document is publicly available)

Source:

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

YER-6b. If you selected option "c" or "d" in question YER-6a, please specify how you determined whether the YER was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question YER-6a, researchers should mark this question "n/a."

Answer:

Source:

Comment:

Peer Reviewer
Opinion:

Government Reviewer
Opinion:

YER-7. If the YER is produced, please write the full title of the YER.

For example, a title for the Year-End Report could be "Consolidated Financial Statement for the Year Ended 31 March 2020" or "Annual Report 2019 Published by the Ministry of Finance and Planning." If the document is not produced at all, researchers should mark this question "n/a."

Answer:

2020 BUDGET REVIEW AND OUTLOOK PAPER

Source:

The document provides the fiscal outturn for the FY 2019/20

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer: Republic of Kenya, The National Treasury and Planning 2020 Budget Review and Outlook Paper, September 2020.

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for this additional information.

YER-8. Is there a "citizens version" of the YER?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

b. No

Source:

NO CB available

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

AR-1. What is the fiscal year of the AR evaluated in this Open Budget Survey questionnaire?

Please enter the fiscal year in the following format: "FY YYYY" or "FY YYYY-YY."

Answer:
FY 2018-19

Source:
Article 229 of the Constitution of Kenya requires the auditor General to within six months after the end of each financial year audit and report

Comment:
The Audit Report for FY 2018-19 was due 31 December 2020, which is 18 months after the end of that fiscal year.

Peer Reviewer

Opinion: Agree

Comments: However, AR 2018/19 was supposed, legally to be due by 31 December 2019. It was actually posted on OAG's website around May 2021.

Government Reviewer

Opinion: Agree

AR-2. When is the AR made available to the public?

Publicly available budget documents are defined as those documents that are published on the website of the public authority issuing the document within the time frame specified in the OBS methodology and that all citizens are able to obtain free of charge. (See the Open Budget Survey Guidelines on Public Availability of Budget Documents.) This is a change from previous rounds of the Open Budget Survey: now at minimum documents must be made available on the Internet and free of charge to be considered publicly available.

The OBS methodology requires that for an AR to be considered publicly available, it must be made available to the public no later than 18 months after the end of the fiscal year to which it corresponds. If the AR is not released to the public at least 18 months after the end of the fiscal year to which it corresponds, option "d" applies. Option "d" should also be chosen for documents that are produced for internal purposes only (that is, produced but never released to the public) or are not produced at all. Some governments may publish budget documents further in advance than the latest possible dates outlined above. In these instances, researchers should choose options "a" or "b," depending on the date of publication identified for the AR.

Answer:

d. Does not release to the public, or is released more than 18 months after the end of the budget year

Source:

http://oagkenya.oagkenya.go.ke/index.php/reports/cat_view/2-reports/9-national-government-and-state-corporations/69-government-ministries

Comment:

As of the research period, the only Audit Report available on the website is for FY 2017-2018, while the 2018-2019 report was not available

Peer Reviewer

Opinion: Agree

Comments: For the past years, the OAG is often made available within 18 months, after ed of the budget year. I agree that the AR 2018/19 was however delayed inordinately as it was made publicly available in May 2021, around 22 months after the end of the budget year.

Government Reviewer

Opinion: I choose not to review this question

AR-3a. If the AR is published, what is the date of publication of the AR?

Note that the date of publication is not necessarily the same date that is printed on the document. Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late.

Please enter the date in the following format: "DD/MM/YYYY." For example, 5 September 2020 should be entered as 05/09/2020. If the document is not published or not produced, leave this question blank.

Answer:

Source:
N/A

Comment:

Peer Reviewer

Opinion: Agree

Comments: AR is only posted by Office of the Auditor General (OAG) upon parliamentary approval. Lateness in posting this report is due to delays in timely approval of the AR even after it had been submitted on a timely fashion by OAG..

Government Reviewer

Opinion: I choose not to review this question

AR-3b. In the box below, please explain how you determined the date of publication of the AR.

If the document is not published at all, researchers should mark this question "n/a."

Answer:

N/A

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

AR-4. If the AR is published, what is the URL or weblink of the AR?

Researchers should respond to this question if the document is published either within the time frame accepted by the OBS methodology or too late. If the document is not published at all, researchers should leave this question blank.

Answer:

Source:
N/A

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

AR-5. If the AR is published, are the numerical data contained in the AR available in a machine readable format?

Material (data or content) is machine readable if it is in a format that can be easily processed by a computer, such as .csv, .xls/.xlsx, and .json. Numerical data found in PDFs, Word (.doc/.docx) and HTML files do not qualify as machine readable. See more at: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>

Option "d" applies if the AR is not publicly available, therefore its machine readability cannot be assessed.

Answer:

d. Not applicable

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

AR-6a. If the AR is not publicly available, is it still produced?

If the AR is not considered publicly available under the OBS methodology (and thus the answer to Question AR-2 was "d"), a government may nonetheless produce the document.

Option "a" applies if the document is produced and made available to the public online but not within the time frame specified in the OBS methodology (see Question AR-2).

Option "b" applies if the document is produced and made available to the public within the time frame specified by the OBS methodology but only in hard copy (and is not available online). Option "b" also applies if the document is made available to the public within the time frame specified by the OBS methodology in soft electronic copy but is not available online.

Option "c" applies if the document is produced for internal purposes only and so is not made available to the public.

Option "d" applies if the document is not produced at all.

Option "e" applies if the document is publicly available.

If a document is not released to the public, researchers may need to write to or visit the relevant government office in order to determine whether answer "c" or "d" applies.

Answer:

c. Produced for internal purposes/use only

Source:

Comment:

The Auditor General in correspondence with the researcher indicated that the AR was produced but currently not available until authorised by parliament.

Peer Reviewer

Opinion: Disagree

Suggested Answer: a. Produced but made available online to the public too late (published after the acceptable time frame)

Comments: http://oagkenya.go.ke/index.php/reports/doc_download/2847-report-of-the-auditor-general-for-the-national-government-for-the-year-2018-2019-Summary-Report-2018/19 via http://oagkenya.go.ke/index.php/reports/doc_download/2889-summary-report-2018-2019 AR is produced and made available online. Again the delay is approval was with parliament.

Government Reviewer

Opinion: I choose not to review this question

Researcher Response

The report was made publicly available after the cut off date

IBP Comment

Thank you to the peer reviewer for this updated link. While we could not access the document from the links cited, we could access the document here: <https://www.oagkenya.go.ke/wp-content/uploads/2021/08/REPORT-OF-THE-AUDITOR-GENERAL-FOR-THE-NATIONAL-GOVERNMENT-2018-2019.pdf> Based on Javascript and the PDF document properties, this document was published only in mid-2021, which is after the OBS research cut-off date of 31 Dec 2020, so cannot be assessed by this round of the OBS. In that case, the researcher's original response of C is confirmed.

AR-6b. If you selected option "c" or "d" in question AR-6a, please specify how you determined whether the AR was produced for internal use only, versus not produced at all.

If option "a," "b," or "e" was selected in question AR-6a, researchers should mark this question "n/a."

Answer:

Correspondence with Auditor General indicated it was available but for internal use until authorized by parliament

Source:

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer: Now, given evidence of link provide in question AR-6a, the AR was actually produced and made online but just over 18 months after the end of budget year.

Government Reviewer

Opinion: I choose not to review this question

Researcher Response

This document was not available for review due to cut off date limitation

IBP Comment

Thank you to the peer reviewer. As explained in AR-6a, when documents are published in 2021 they cannot be assessed by this round of the OBS, even if the document is made available later after the research cut-off date. The researcher's response is confirmed.

AR-7. If the AR is produced, please write the full title of the AR.

For example, a title for the Audit Report could be "Annual General Reports of the Controller and Auditor General." If the document is not produced at all, researchers should mark this question "n/a."

Answer:

N/A

Source:

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer: Report of the Auditor General for the National Government for the Year 2018/19 published by the Office of the Auditor General

Government Reviewer

Opinion: I choose not to review this question

IBP Comment

Thank you to the peer reviewer. See the response on AR-6A. The researcher's response is confirmed.

AR-8. Is there a "citizens version" of the AR?

While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle. While it is recognized that it may be unreasonable to expect that a citizens version is produced for each and every one of those key documents, it seems acceptable to expect that according to good practice, the executive releases a citizens version of key budget documents for each of the four stages of the budget process to allow citizens to be aware of what is happening, in terms of public financial management, throughout the entire budget cycle. For more information on Citizens Budget see: <https://www.internationalbudget.org/publications/citizens-budgets/>.

Answer:

b. No

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

GQ-1a. Are there one or more websites or web portals for disseminating government fiscal information? If yes, please provide the necessary links in the comment/citation.

GQ-1a asks the researcher to list any government websites or portals where fiscal information can be found. For example, in New Zealand the Treasury website (<http://www.treasury.govt.nz/>) hosts important budget-related information, including the Pre-Budget Statement, the Executive's Budget Proposal, the Citizens Budget, In-Year Reports, the Mid-Year Review, and the Year-End Report. In addition, New Zealand's Parliamentary Counsel Office (<http://www.legislation.govt.nz/>) posts the Enacted Budget while the Controller and Auditor-General website (<http://www.oag.govt.nz/>) publishes the annual Audit Report. The New Zealand researcher would provide the links to each of these sites. Other countries have developed portals that include fiscal information, though not in the "documents" format. For example, these portals have been created by Mexico (<https://www.transparenciapresupuestaria.gob.mx/>) and Brazil (<http://www.portaltransparencia.gov.br/>). Some countries have both a website and a portal. The Brazilian government, for example, apart from the Transparency Portal, has a dedicated website for the federal budget, where all key documents and other information can be found (www.orcamentofederal.gov.br). Researchers should include details about all of the relevant websites and/or portals that can be used to access budget information.

Answer:

a. Yes

Source:

Controller of the Budget: <https://cob.go.ke/publications/national-government-budget-implementation-review-reports/>

National Bureau of Statistics: <http://knbs.or.ke/>

Central Bank of Kenya: <https://www.centralbank.go.ke/>

Open Data portal: www.opendata.go.ke

www.mygov.go.ke

Auditor General's website: <http://kenao.go.ke/index.php/audit-reports>

Comment:

Peer Reviewer

Opinion: Agree

Comments: Others: National Treasury: <https://www.treasury.go.ke/> Parliament: <http://www.parliament.go.ke> Kenya Law: <http://kenyalaw.org>

Government Reviewer

Opinion: Agree

GQ-1b. On these websites/portals, can revenue and/or expenditure data for the current fiscal year be downloaded as a consolidated, machine readable file (or set of files)? If yes, please provide the necessary links in the comment/citation. For more information on machine readability, see: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>.

GQ-1b, GQ-1c, and GQ-1d ask about whether governments publish specific types of content on their websites/portals: (a) consolidated files that contain disaggregated revenue and/or expenditure information for the current fiscal year; (b) consolidated files that contain disaggregated revenue and/or expenditure information for multiple years in consistent formats; and (c) infographics/visualizations or other similar tools used to simplify data access and analysis. Researchers should provide the links to relevant webpages and some explanations of what they contain.

Answer:

d. No, neither expenditure or revenue data can be downloaded as a consolidated file

Source:

No such files found

Comment:

Peer Reviewer

Opinion: Agree

Comments: Open data portal provides visualization and some specific types of data, expenditure and revenue but it has not been updated. Some of information is for 2017 and years back

Government Reviewer

Opinion: Agree

GQ-1c. On these websites/portals, can disaggregated revenue and/or expenditure data in consolidated, machine readable files be downloaded for multiple years in consistent formats? If yes, please provide the necessary links and details in the comment/citation. For more information on machine readability, see: <http://opendatahandbook.org/glossary/en/terms/machine-readable/>.

Answer:

d. No, neither expenditure or revenue data can be downloaded for multiple years in consistent formats

Source:

No such data or files found

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

GQ-1d. On these websites/portals, are infographics/visualizations or other similar tools used to simplify data access and analysis? If yes, please provide the necessary links and details in the comment/citation.

Answer:
b. No

Source:
Not available

Comment:

Peer Reviewer

Opinion:

Comments: Open data portal provide visualisation but is a bit dated (most recent updates in 2017)

Government Reviewer

Opinion: Agree

GQ-2. Are there laws in place guiding public financial management and/or auditing? If yes, please provide the necessary details and links in the comment/citation, and specify whether and where the law(s) contains specific provisions for budget transparency and/or participation.

GQ-2 asks about the existence of any national laws governing public financial management and auditing. These may include a public finance act, a section of the constitution, or an organic budget law. In some countries, fiscal responsibility legislation may also be relevant. For example, the Kenya researcher may include the link to its Public Finance Management Act, 2012 (<http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2018%20of%202012>), and the Macedonian researcher may include a link to its State Audit Law (<https://www.finance.gov.mk/files/u11/Audit%20law.pdf>). Researchers should provide links to websites where such laws are published, if possible, or an electronic copy of the law itself. They should also indicate if and where (e.g. which article) these laws include specific provisions for budget transparency and citizen participation in budget processes.

Answer:
a. Yes

Source:
Chapter 12 of the Constitution of Kenya
Public Finance Management Act 2012
Public Audit Act 2015
Controller of Budget Act 2016

Comment:

The laws above provide provisions of transparency and public participation

Section 10 (2) of the PFM Act 2012 requires that In carrying out its functions the Parliamentary Budget Office shall observe the principle of public participation in budgetary matters.

Section 35 (2) of the PFM Act 2012 requires that the Cabinet Secretary shall ensure public participation in the budget process

Section 3(2) of the Public Audit Act 2015 requires that the Auditor-General promote efficiency, accountability, effectiveness and transparency on use of public resources.

Section 72 of the Public Audit Act 2015 requires that the Public have right of access to official reports of the Auditor-General in line with Article 35 of the Constitution for transparency and accountability, except where such access may unduly jeopardize state security.

Peer Reviewer

Opinion: Agree

Comments: Some additions: Accountability: Article 174; 201 of the Constitution of Kenya and sect 89 of County Government Act, 2012 Public consultation and decision making - budget and policy formulation -Art 174, 201 of the Constitution of Kenya; sec 125, 128, 131&, 137 of PFMA, 2012 PFM Act, 2012 via <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2018%20of%202012> Pubiic Audit Act 2015 <https://www.google.com/search?client=safari&rls=en&q=Public+Audit+Act+2015&ie=UTF-8&oe=UTF-8>

Government Reviewer

Opinion: Agree

GQ-3. Is there at least one additional law regulating: (1) access to information; (2) government transparency; or (3) citizens participation? If yes, please provide the necessary details and links in the comment/citation, and specify whether and where these laws contain specific provisions for budget transparency and/or participation.

The third and last question asks researchers to list any additional laws regulating access to information, transparency, or citizens' participation that are relevant for the promotion of budget transparency and citizen participation in budget processes. These might include legislation related to access to information, to planning processes, or to public administration more generally. India's Right to Information Act of 2005 (<https://www.ncess.gov.in/facilities/central-public-information-officer/rti-act-details.html>) is an example of this type of law. More information on access to information legislation (constitutional provisions, laws, and regulations), including examples of model laws, can be found here: <http://www.right2info.org/laws/constitutional-provisions-laws-and-regulations#section-1>.

Answer:

a. Yes

Source:

Access to information Act 2016

<http://kenyalaw.org/lex/actview.xql?actid=No.%2031%20of%202016>

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

1. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for the budget year that are classified by administrative unit (that is, by ministry, department, or agency)?

GUIDELINES:

Question 1 addresses the presentation of expenditure by administrative unit. This information indicates which government entity (ministry, department, or agency, or MDAs) will be responsible for spending the funds and, ultimately, held accountable for their use.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for all administrative units, accounting for all expenditures, in the budget year. To answer "b," the administrative units shown individually, in the Executive's Budget Proposal or its supporting documentation, must account for at least two-thirds of all expenditures in the budget year. In other words, the sum of the expenditures assigned to the individual MDAs (education, health, infrastructure, interior, defense, etc.) must account for at least two-thirds of the total expenditure budgeted for that particular year. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents administrative units that account for less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by administrative unit.

Answer:

a. Yes, administrative units accounting for all expenditures are presented.

Source:

FY 2020/21 Program Based Budget

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Peer Reviewer

Opinion: Agree

Comments: The other source is line item Estimates of Recurrent (Vol I-II) and Development (Vol I-III) Expenditure via <https://www.treasury.go.ke/budget-books-1/#1620032718947-ad0c1f99-3730>

Government Reviewer

Opinion: Agree

2. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for the budget year by functional classification?

GUIDELINES:

Question 2 addresses the presentation of expenditure by functional classification. This classification indicates the programmatic purpose, sector, or objective for which the funds will be used, such as health, education, or defense. Administrative units are not necessarily aligned with functional classifications. For instance, in one country all functions connected with water supply (which fall into the "Housing" function) may be undertaken by a single government agency, while in another country they may be distributed across the Ministries of Environment, Housing, and Industrial Development. In the latter case, three ministries have programs addressing water supply, so three ministries contribute to one function. Similarly, some administrative units may conduct activities that cut across more than one function. For instance, in the example above, some programs of the Ministry of Environment would also be classified in the "environmental protection" function.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for the budget year organized by functional classification.

Answer:

b. No, expenditures are not presented by functional classification.

Source:

Comment:

Functional classification is not presented in the 2020/21 EBP

Peer Reviewer

Opinion: Agree

Comments: Despite adoption of international classification of government statistics- Government Finance Statistics (GFS) in 2005/06, the EBP is not strictly presented in functional classification. However this is presented in Kenya National Bureau of Statistics Economic Surveys which is a relevant document via https://www.knbs.or.ke/?page_id=3142#

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, expenditures are presented by functional classification.

Comments: the Programme Based Budget presents information at programme and sub programme level with clearly stated objectives.

Administrative units are aligned to different functions as provided in the Executive Orders stipulating their individual mandates.

IBP Comment

Thank you to the government for the comment. As functional classifications are a separate budget classification structure (and assessed in different questions in the OBS, for example, see Q6) a program structure does not count for this question. This question is looking for cross-cutting expenditures organized by sectors. The researcher's response of B is confirmed.

3. If the Executive's Budget Proposal or any supporting budget documentation presents expenditures for the budget year by functional classification, is the functional classification compatible with international standards?

GUIDELINES:

Question 3 asks whether a country's functional classification meets international standards. To answer "a," a country's functional classification must be aligned with the OECD and the UN's Classification of the Functions of Government (COFOG), or provide a cross-walk between the national functional presentation and COFOG.

The OECD Best Practices for Budget Transparency can be viewed at <http://www.oecd.org/gov/budgeting/Best%20Practices%20Budget%20Transparency%20-%20complete%20with%20cover%20page.pdf>

COFOG can be viewed at https://unstats.un.org/unsd/publication/SeriesM/SeriesM_84E.pdf or at <http://www.imf.org/external/pubs/ft/gfs/manual/pdf/ch6ann.pdf>.

Answer:

b. No, the functional classification is not compatible with international standards, or expenditures are not presented by functional classification.

Source:

The FY 2020/21 budget does not present the functional classification

Comment:

Peer Reviewer

Opinion: Agree

Comments: As noted in the previous question. EBP is not compatible to UN-COFOG.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the functional classification is compatible with international standards.

Comments: Expenditures are captured using functional classifications in the Standard Chart of Accounts (SCOA) which applies intranational Best Practice as provided in the 2014 GFS standards on the Classification of Functions of Government (COFOG). This is evidenced in the itemized Budget Estimates Books (both Recurrent and Development) submitted to Parliament alongside the PBB.

IBP Comment

As discussed in Q2, as there is no functional classification presented in the EBP, this question must score B. The researcher's response is confirmed.

4. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for the budget year by economic classification?

GUIDELINES:

Question 4 asks whether the Executive's Budget Proposal or its supporting documentation presents expenditures for the budget year organized by economic classification. Economic classification provides information on the nature of the expenditure, such as whether funds are being used to pay for wages and salaries, capital projects, or social assistance benefits. Please note that a presentation of expenditures by current and capital expenditures without additional disaggregation or detail will not qualify as an economic classification.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for the budget year organized by economic classification.

Answer:

a. Yes, expenditures are presented by economic classification.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The Fy 2020/21 presents expenditure by economic classification - see for example Part G and Part H starting on p. 10

Peer Reviewer

Opinion: Agree

Comments: This classification cuts across entire PBB.

Government Reviewer

Opinion: Agree

5. If the Executive's Budget Proposal or any supporting budget documentation presents expenditures for the budget year by economic classification, is the economic classification compatible with international standards?

GUIDELINES:

Question 5 asks whether a country's economic classification meets international standards. To answer "a," a country's economic classification must be consistent with the International Monetary Fund's (IMF) 2001 Government Finance Statistics (GFS). The GFS economic classification is presented here: <http://www.imf.org/external/pubs/ft/gfs/manual/pdf/app4.pdf>. To learn more about Government Finance Statistics also refer to the entire IMF 2001 GFS manual (<http://www.imf.org/external/pubs/ft/gfs/manual/pdf/all.pdf>).

Answer:

a. Yes, the economic classification is compatible with international standards.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The FY 2020/21 Program Based Budget includes economic classification that is compatible with the GFS standard. For example, it includes "Compensation to Employees," "Use of Goods and Services," "Social Benefits," and "Non Financial Assets."

See for example Part G and Part H starting on p. 10

Peer Reviewer

Opinion: Agree

Comments: Of note is that this classification is aggregated by recurrent and development expenditure. The other notable items are current and capital transfers to government agencies (that is grants to state owned agencies).

Government Reviewer

Opinion: Agree

Comments: Based on a Standard Charts of Accounts incorporating international best practices

6. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for individual programs for the budget year?

GUIDELINES:

Question 6 asks whether expenditures are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should treat the term "program" as meaning any level of detail below an administrative unit – that is, any programmatic grouping that is below the ministry, department, or agency level. For example, the Ministry of Health's budget could be broken down into several subgroups, such as "primary health care," "hospitals," or "administration." These subgroups should be considered programs even if they could be, but are not, broken down into smaller, more detailed units.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaillé. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for all individual programs, accounting for all expenditures, in the budget year. To answer "b," the programs shown individually in the Executive's Budget Proposal or its supporting documentation must account for at least two-thirds of all expenditures in the budget year. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents programs that account for less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by program.

Budget decisions for the upcoming year can also affect the parameters of future budgets. It is therefore useful to estimate revenues and expenditures for multi-year periods, understanding that these estimates might be revised as circumstances change. Sometimes referred to as a Medium Term Expenditure Framework (MTEF), a three-year period – that is, the budget year plus two more years – is generally considered an appropriate horizon for budgeting and planning.

Answer:

a. Yes, programs accounting for all expenditures are presented.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The FY 2020/21 presents the program accounting for all expenditures

Peer Reviewer

Opinion: Agree

Comments: All ministries, department and agencies budget vote is broken down into various units (sub votes and heads for example general administration and planning, policy and research and so on.

Government Reviewer

Opinion: Agree

7. Does the Executive's Budget Proposal or any supporting budget documentation present expenditure estimates for a multi-year period (at least two-years

beyond the budget year) by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 7 asks if multi-year expenditure estimates are presented by any one of the three expenditure classifications – by administrative, economic, and functional classifications – which were addressed in Questions 1-5 above. Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditure estimates by all three of the expenditure classifications for at least two years beyond the budget year. To answer "b," multi-year expenditure estimates must be presented by two of these three classifications. A "c" answer applies if multi-year expenditure estimates are presented by one of the three classifications. Answer "d" applies if multi-year expenditure estimates are not presented by any of the three classifications.

Answer:

b. Yes, multi-year expenditure estimates are presented by two of the three expenditure classifications.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The FY 2020/21 lacks functional classification

We note that the administrative and economic classification are presented. See part H, for example, starting on p. 12, that shows BY (2020/2021) plus the next two years (2-2021/2022 and 2022/2023) for each ministry/department, economic classification, and program

Peer Reviewer

Opinion: Agree

Comments: This is consistent with MTEF adopted in 2000/01 and in line with the annual Treasury Call Circular sent to all ministries, department and agencies to guide preparation of their respective budgets.

Government Reviewer

Opinion: Agree

7b. Based on the response to Question 7, check the box(es) to identify which expenditure classifications have estimates for a multi-year period in the Executive's Budget Proposal?

Answer:

Administrative classification
Economic classification

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

8. Does the Executive's Budget Proposal or any supporting budget documentation present expenditure estimates for a multi-year period (at least two-years beyond the budget year) by program?

GUIDELINES:

Question 8 asks if multi-year expenditure estimates are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department. For example, the Ministry of Health's budget could be broken down into several subgroups, such as "primary health care," "hospitals," or "administration." These subgroups should be considered programs even if they could be, but are not, broken down into smaller, more detailed units.

A note for francophone countries: "Program" level detail is sometimes referred to as *le plan comptable* or *le plan comptable detaillé*. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for all individual programs, accounting for all expenditures, for at least two years beyond the budget year. To answer "b," the programs shown individually in the Executive's Budget Proposal or its supporting documentation must account for at least two-thirds of all expenditures over the multi-year period. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents multi-year estimates for programs that account for less than two-thirds of expenditures. Answer "d" applies if multi-year estimates are not presented by program.

Revenues generally are separated into two major categories: "tax" and "non-tax" revenues. Taxes are compulsory transfers that result from government exercising its sovereign power. The largest sources of tax revenue in some countries are taxes on personal and business income and taxes on goods and services, such as sales or value-added taxes. The category of non-tax revenues is more diverse, ranging from grants from international institutions and foreign governments to funds raised through the sale of government-provided goods and services. Note that some forms of revenue, such as contributions to social security funds, can be considered either a tax or non-tax revenue depending on the nature of the approach to these contributions. Particularly because different revenues have different characteristics, including who bears the burden of paying the tax and how collections are affected by economic conditions, it is helpful when estimates for revenues are disaggregated and displayed based on their sources.

For more information, please refer to the 2001 GFS manual, in particular Appendix 4 (<http://www.imf.org/external/pubs/ft/gfs/manual/pdf/app4.pdf>).

Answer:

a. Yes, multi-year estimates for programs accounting for all expenditures are presented.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The FY 2020/21 PBB presents estimates for the current year and at least two years post

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

9. Does the Executive's Budget Proposal or any supporting budget documentation present the individual sources of tax revenue (such as income tax or VAT) for the budget year?

GUIDELINES:

Question 9 assesses the degree to which the individual sources of "tax" revenue are disaggregated in the budget. The largest sources of tax revenue in some countries are taxes on personal and business income and taxes on goods and services, such as sales or value-added taxes.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present all individual sources of tax revenue for the budget year, and "other" or "miscellaneous" revenue must account for three percent or less of all tax revenue. To answer "b," the Executive's Budget Proposal or its supporting documentation must present individual sources of tax revenue that when combined account for at least two-thirds of all tax revenue, but not all revenue. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents individual sources of tax revenue that account for less than two-thirds of tax revenues. Answer "d" applies if individual sources of tax revenue are not presented.

Answer:

a. Yes, individual sources of tax revenue accounting for all tax revenue are presented.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Page 1 provides PAYE tax while excise taxes and capital gain taxes are provided on page 2.

All tax heads are provided for under this document

Peer Reviewer

Opinion: Agree

Comments: The document, presents a summary key tax heads (income, VAT, trade) and non taxes (fines, penalties and forfeiture, property income, etc), grants. Subsequent pages presents further disaggregated information.

Government Reviewer

Opinion: Agree

10. Does the Executive's Budget Proposal or any supporting budget documentation present the individual sources of non-tax revenue (such as grants, property income, and sales of government-produced goods and services) for the budget year?

GUIDELINES:

Question 10 assesses the degree to which the individual sources of "non-tax" revenue are disaggregated in the budget. The category of non-tax revenues is diverse, and can include revenue ranging from grants from international institutions and foreign governments to funds raised through the sale of government-provided goods and services.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present all individual sources of non-tax revenue for the budget year, and "other" or "miscellaneous" revenue must account for three percent or less of all non-tax revenue. To answer "b," the Executive's Budget Proposal or its supporting documentation must present individual sources of non-tax revenue that when combined account for at least two-thirds of all non-tax revenue, but not all revenue. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents individual sources of non-tax revenue that account for less than two-thirds of non-tax revenues. Answer "d" applies if individual sources of non-tax revenue are not presented.

Answer:

a. Yes, individual sources of non-tax revenue accounting for all non-tax revenue are presented.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Page 4 provides the total property income and which is a sample provision of all the non tax revenue presented with page v providing the total of all non property income.

Peer Reviewer

Opinion: Agree

Comments: This is information is presented from pages 3-8, that is social security contributions; property income; sales of goods and services; receipts from incidental sales of goods and services; fines, penalties and forfeitures; other receipts not classified elsewhere and receipts from sales of non financial assets)

Government Reviewer

Opinion: Agree

11. Does the Executive's Budget Proposal or any supporting budget documentation present revenue estimates by category (such as tax and non-tax) for a multi-year period (at least two-years beyond the budget year)?

GUIDELINES:

Question 11 evaluates whether revenue estimates are presented for a multi-year period (at least two years beyond the budget year) by "category," that is, whether tax and non-tax sources of revenue are shown separately.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present multi-year estimates of revenues classified by category for at least two years following the budget year in question.

Answer:

a. Yes, multi-year estimates of revenue are presented by category.

Source:
<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:
Page V presents multi year estimates of revenue presented by category

Peer Reviewer
Opinion: Agree
Comments: All through out tax and non tax revenue items.

Government Reviewer
Opinion: Agree

12. Does the Executive's Budget Proposal or any supporting budget documentation present estimates for individual sources of revenue presented for a multi-year period (at least two-years beyond the budget year)?

GUIDELINES:

Question 12 evaluates whether revenue estimates for individual sources of revenue are presented for a multi-year period (at least two years beyond the budget year). The question applies to both tax and non-tax revenue.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present multi-year estimates of all sources of revenue individually, accounting for all revenue, and "other" or "miscellaneous" revenue must account for three percent or less of all revenue. To answer "b," the Executive's Budget Proposal or its supporting documentation must present multi-year estimates of individual sources of revenue that when combined account for at least two-thirds of all revenue, but not all revenue. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents multi-year estimates of individual revenue sources that account for less than two-thirds of revenue. Answer "d" applies if individual sources of revenue are not presented for a multi-year period.

Answer:
a. Yes, multi-year estimates for individual sources of revenue accounting for all revenue are presented.

Source:
Estimates of revenue, grants and loans of the Government of Kenya for the year ending 30th June, 2021 contains information on Multi year estimates for individual sources of revenue .

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:
The Estimates of revenue, grants and loans of the Government of Kenya for the year ending 30th June, 2021, on pages v-vii on the table labeled "ESTIMATES OF REVENUE AND GRANTS - OVERALL SUMMARY I" shows sources of tax revenue and grants . The information shows Actual receipts for 2017/18, 2018/2019, printed and revised estimates for 2019/2020 and projections of revenues and grants for 2020/21, 2021/22 and 2022/23

Peer Reviewer
Opinion: Agree
Comments: Not only in the overall summary but also through out the breakdown of individual sources revenue.

Government Reviewer
Opinion: Agree

13. Does the Executive's Budget Proposal or any supporting budget documentation present three estimates related to government borrowing and debt: the amount of net new borrowing required during the budget year; the total debt outstanding at the end of the budget year; and interest payments on the debt for the budget year?

GUIDELINES:

Question 13 asks about three key estimates related to borrowing and debt that the budget should include:

- *the amount of net new borrowing required during the budget year;*
- *the central government's total debt burden at the end of the budget year; and*

the interest payments on the outstanding debt for the budget year.

Debt is the accumulated amount of money that the government borrows. The government can borrow from its citizens and banks and businesses within the country (domestic debt) or from creditors outside the country (external debt). External debt is typically owed to private commercial banks, other governments, or international financial institutions such as the World Bank and the IMF.

Net new borrowing is the additional amount of new borrowing that is required for the budget year to finance expenditures in the budget that exceed available revenues. Net new borrowing adds to the accumulated debt. It is distinct from gross borrowing, which also includes borrowing needed to repay existing debt that matured during the budget year; debt that is replaced (or rolled over) does not add to the total of accumulated debt. For the purposes of this question, the deficit may be accepted as a proxy for net new borrowing.

Interest payments on the debt (or debt service costs) are typically made at regular intervals, and these payments must be made on a timely basis in order to avoid defaulting on the debt obligation. Interest payments are separate from the repayment of principal, which occurs only when the loan has matured and must be paid back in full.

To answer "a," the Executive's Budget Proposal or its supporting documentation must present all three estimates of borrowing and debt. For a "b" answer, the Executive's Budget Proposal or its supporting documentation must present two of those three estimates. For a "c" answer, the Executive's Budget Proposal or its supporting documentation must present one of the three estimates. Answer "d" applies no information on borrowing and debt is presented for the budget year.

Answer:

b. Yes, two of the three estimates related to government borrowing and debt are presented.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf

Comment:

Page 908 and 909 of the PBB presents two of the estimates related to government borrowing and debt are presented

When we confirm with page 48 of the Budget statement 2020, and look at the deficit introduced from the previous year there is an increase of approximately Ksh 233 billion as read on page 9 of the 2019 budget statement

Peer Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, all three estimates related to government borrowing and debt are presented.

Comments: Interest payment is presented on page (i) which come right after page 935 of the PBB Amount of new debt (proxy deficit) is presented the budget speech as noted by the researcher. While number three, debt burden is presented in the Statistical Annex to page 4, table 3A

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for the additional reference. The Statistical Annex cited by the peer reviewer (<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>) appears to be published in 2021, so would not be counted in this round of the OBS. However, even if the document were counted, Table 3A only shows debt figures for BY-1 (2019/2020) so that would not count for this question which asks about the Budget Year (BY). The researcher's response is confirmed.

13b. Based on the response to Question 13, check the box(es) below to identify which estimates of government borrowing and debt are presented in the Executive's Budget Proposal:

Answer:

The amount of net new borrowing required during the budget year

The interest payments on outstanding debt for the budget year

Source:

Estimates of revenue, grants and loans of the Government of Kenya for the year ending 30th June, 2021. <https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

PBB,
http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

On page 35 of the Estimates of revenue, grants and loans of the Government of Kenya for the year ending on the June 2021 on Table 'Transactions in Financial assets and Liabilities table' shows Total Borrowing and repayment and net new borrowing. Actual Receipts 2017/2018, Actual Receipts 2018/2019, printed and Revised Estimates 2019/2020 and Estimates for 2020/21, 2021/22 and 2022/23

On the PBB after page 886, on pages i and ii there is information on interest payments (external and domestic). These tables have information for revised estimates, 2019/2020 and estimates for 2020/21, 2021/22, 2022/23 and 2023/2

Peer Reviewer

Opinion: Disagree

Suggested Answer: I agree with the two checked answers. The addition is need to check total debt budget as this is presented in the statistical annex to the Budget Table 3A on page 4 via <https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Government Reviewer

Opinion: Agree

IBP Comment

See the response in Q13.

14. "Does the Executive's Budget Proposal or any supporting budget documentation present information related to the composition of the total debt outstanding at the end of the budget year?"

(The core information must include interest rates on the debt instruments; maturity profile of the debt; and whether it is domestic or external debt.)"

GUIDELINES:

Question 14 focuses on the composition of government debt at the end of the budget year, asking whether "core" information related to its composition is presented. These core components include:

- *interest rates on the debt;*
- *maturity profile of the debt; and*
- *whether the debt is domestic or external.*

The interest rates affect the amount of interest that must be paid to creditors. The maturity profile indicates the final payment date of the loan, at which point the principal (and all remaining interest) is due to be paid; government borrowing typically includes a mix of short-term and long-term debt. As discussed in Question 13, domestic debt is held by a country's citizens, banks, and businesses, while external debt is held by foreigners. These factors related to the composition of the debt give an indication of the potential vulnerability of the country's debt position, and ultimately whether the cost of servicing the accumulated debt is affordable.

Beyond these core elements, a government may also provide additional information related to the composition of its debt, including for instance: whether interest rates are fixed or variable; whether debt is callable; the currency of the debt; a profile of the creditors (bilateral institutions, multilateral institutions, commercial banks, Central Bank, etc.); an analysis of the risk associated with the debt; and where appropriate, what the debt is being used to finance.

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to the composition of government debt at the end of the budget year as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to the composition of government debt is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on the composition of the debt outstanding at the end of the budget year.

Answer:

c. Yes, information is presented, but it excludes some core elements.

Source:

The program based budget for the year ending 30th June 2021 contains information on interest rate, maturity profile and Debt redemption on pages 907 -917

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Interest rate Both internal and external and internal on Page 907. In addition interest on external debt is provided on pages 915

Vote 2420000 internal interest on Public Debt
Vote 2410100 External Interest on Debt
Page 907 on The CFS table Debt Redemption(Both Internal and External)
Page 909 -913 information on the maturity profile of domestic debt (not external debt) is presented
Whether public debt is internal or external is not presented

Peer Reviewer

Opinion: Disagree

Suggested Answer:

b. Yes, the core information is presented for the composition of the total debt outstanding.

Comments: Annual Public Debt Management Report 2019/20 by the National Treasury via <http://ntnt.treasury.go.ke/wp-content/uploads/2021/02/Annual-Public-Debt-Report-2019-2020.pdf> has information on composition of public debt into domestic and external on page 14

Government Reviewer

Opinion: Agree

Researcher Response

The Annual Public Debt report is not part of the EBP and it is also made available independently after the proposals are enacted. Therefore it cannot be used or relied upon during decision making in approval of the estimates

IBP Comment

The Annual Public Debt Management Report is dated as being produced in September 2020, which is well after the budget is tabled and approved, so this document cannot be counted as part of the budget proposal, and does not cover 2020/2021 (BY) figures. <https://treasury.go.ke/wp-content/uploads/2021/02/Annual-Public-Debt-Report-2019-2020.pdf> The researcher's response is confirmed.

14b. Based on the response to Question 14, check the box(es) to identify which elements of the composition of the total debt outstanding are presented in the Executive's Budget Proposal:

Answer:

Maturity profile of the debt

Interest rates on the debt

Source:

The PBB provides information on maturity profile and interest rates (both internal and External on pages 907-917

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Interest rate Both internal and external and internal on Page 907. In addition interest on external debt is provided on pages 915

Vote 2420000 internal interest on Public Debt

Vote 2410100 External Interest on Debt

Page 907 on The CFS table Debt Redemption(Both Internal and External)

Page 909 -913 information on the maturity profile of domestic debt (not external debt) is presented

Whether public debt is internal or external is not presented

Peer Reviewer

Opinion: Disagree

Suggested Answer: Whether the debt is domestic or external should be checked too.

Comments: As noted in the previous questions is reflected in the Annual Public Debt Management report 2019/20

Government Reviewer

Opinion: Agree

IBP Comment

See the response to the peer reviewer's comment in Q14.

15. "Does the Executive's Budget Proposal or any supporting budget documentation present information on the macroeconomic forecast upon which the

budget projections are based?

(The core information must include a discussion of the economic outlook with estimates of nominal GDP level, inflation rate, real GDP growth, and interest rates.)"

GUIDELINES:

Question 15 focuses on the macroeconomic forecast that underlies the budget's revenue and expenditure estimates, asking whether "core" information related to the economic assumptions is presented. These core components include a discussion of the economic outlook as well as estimates of the following:

- nominal GDP level;
- inflation rate;
- real GDP growth; and
- interest rates.

While the core macroeconomic information should be a standard feature of the Executive's Budget Proposal, the importance of some types of macroeconomic assumptions may vary from country to country. For example, the budget estimates of some countries are particularly affected by changes in the price of oil and other commodities.

Beyond these core elements, some governments also provide additional information related to the economic outlook, including for instance: short and long-term interest rates; rate of employment and unemployment; GDP deflator; price of oil and other commodities; current account; exchange rate; and composition of GDP growth.

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to the macroeconomic forecast as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to the macroeconomic forecast is presented, but some of the core pieces of information are not included. Answer "d" applies if no information on the macroeconomic forecast is presented.

Answer:

c. Yes, information is presented, but it excludes some core elements.

Source:

The Budget statement on page 4 presents information on real GDP growth. However information on nominal GDP, Inflation rate and interest rate is not presented.

http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf

Comment:

Nominal GDP level: not presented

Inflation rate: not presented

Real GDP growth: Budget Statement, page 4 provides information on Real GDP growth, " The economy was projected to grow by 6.1 percent in 2020 which was an improvement from 5.4 percent in 2019"

Interest rates: not presented

Peer Reviewer

Opinion: Disagree

Suggested Answer:

b. Yes, the core information is presented for the macroeconomic forecast.

Comments: Statistical Annex to the Budget Statement for the Fiscal Year 2020/2021 presents information on nominal GDP level and inflation rate on pages 2 and 3 respectively via <https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, information beyond the core elements is presented for the macroeconomic forecast.

Comments: This information is provided in the approved Budget Policy Statement gives the basis for finalizing the Estimates of Revenues and Expenditures submitted to Parliament for approval, The Budget Statement is just a highlight of the Budget and does not provide comprehensive macro and fiscal forecasts informing the Budget. These are contained in the approved Budget Policy Statement as provided for in the PFMA, 2012,

IBP Comment

For the Peer Reviewer - the Statistical Annex was not published until 2021 so is too late to be part of the EBP. For the Government Reviewer - The Budget Policy Statement is assessed as the Pre-Budget Statement, and not part of the EBP unless it is updated, published, and included as part of the package of documents that is submitted to the legislature as part of the budget proposal package. For these reasons, the researcher's response is confirmed as C.

15b. Based on the response to Question 15, check the box(es) to identify which elements of the macroeconomic forecast are included in the Executive's Budget Proposal:

Answer:

Real GDP growth

Source:

Information on Real GDP growth is provided on the Budget statement for the year ending 30th June 2021 on page 4 see link

http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf

Comment:

nominal GDP level: not presented

inflation rate: not presented

real GDP growth: Budget Statement, page 4

interest rates: not presented

Peer Reviewer

Opinion: Disagree

Suggested Answer: Nominal GDP level Inflation rate and Interest rate

Comments: In the Statistical Annexe to the Budget noted in the previous qn on pages 2 and 3 respectively.

Government Reviewer

Opinion: Disagree

Suggested Answer: This information is provided in the approved Budget Policy Statement gives the basis for finalizing the Estimates of Revenues and Expenditures submitted to Parliament for approval, The Budget Statement is just a highlight of the Budget and does not provide comprehensive macro and fiscal forecasts informing the Budget. These are contained in the approved Budget Policy Statement as provided for in the PFMA, 2012, Comments: This information is provided in the approved Budget Policy Statement gives the basis for finalizing the Estimates of Revenues and Expenditures submitted to Parliament for approval, The Budget Statement is just a highlight of the Budget and does not provide comprehensive macro and fiscal forecasts informing the Budget. These are contained in the approved Budget Policy Statement as provided for in the PFMA, 2012,

IBP Comment

The sources provided by the external reviewers fall outside the acceptable timeframe for EBP documents, as shown in Q15, therefore the researcher's response is confirmed.

16. "Does the Executive's Budget Proposal or any supporting budget documentation show the impact of different macroeconomic assumptions (i.e., sensitivity analysis) on the budget?"

(The core information must include estimates of the impact on expenditures, revenue, and debt of different assumptions for the inflation rate, real GDP growth, and interest rates.)"

GUIDELINES:

Question 16 focuses on the issue of whether the Executive's Budget Proposal shows how different macroeconomic assumptions affect the budget estimates (known as a "sensitivity analysis"). It asks whether "core" information related to a sensitivity analysis is presented, estimating the impact on expenditures, revenue, and debt of different assumptions for:

- *inflation rate;*
- *real GDP growth; and*
- *interest rates.*

A sensitivity analysis shows the effect on the budget of possible changes in some macroeconomic assumptions, and is important for understanding the impact of the economy on the budget; for instance, what would happen to revenue collections if GDP growth were slower than what is assumed in the budget proposal? Or what would happen to expenditure if inflation were higher than estimated? Or how will revenue be affected by a decrease in the price of oil?

As noted for Question 15, changes in certain macroeconomic assumptions, such as the price of oil and other commodities, can have a significant impact on the budget estimates. As a result, some sensitivity analyses may also examine the impact on the budget estimates of changes in assumptions such as the price of oil that are beyond the core elements of the inflation rate, real GDP growth, and interest rates.

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to a "sensitivity analysis" as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the

core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to a "sensitivity analysis" is presented, but some of the core pieces of information are not included. Answer "d" applies if no information on "sensitivity analysis" is presented.

Answer:

d. No, information related to different macroeconomic assumptions is not presented.

Source:

N/A

Comment:

There is no document with such information

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

Comments: This information is provided in the approved Budget Policy Statement gives the basis for finalizing the Estimates of Revenues and Expenditures submitted to Parliament for approval as provided for in the PFMA, 2012,

Researcher Response

The BPS or PBS is assessed differently and would not fit in this question

IBP Comment

The Budget Policy Statement is the Pre-Budget Statement does not qualify as an EBP document, therefore the researcher's answer is confirmed as D.

17. Does the Executive's Budget Proposal or any supporting budget documentation present information for at least the budget year that shows how new policy proposals, as distinct from existing policies, affect expenditures?

GUIDELINES:

Questions 17 and 18 ask about new policy proposals in the budget. In any given year, most of the expenditures and revenues in the budget reflect the continuation of existing policies. However, much of the attention during the budget debate is focused on new proposals – whether they call for eliminating an existing program, introducing a new one, or changing an existing program at the margins. Typically, these new proposals are accompanied by an increase, a decrease, or a shift in expenditures or revenues. Because these changes may have different impacts on people's lives, the budget proposal should present sufficient detail about new policies and their budgetary impact.

Question 17 asks about new expenditure policies, and Question 18 asks about new revenue policies. To answer "a," the Executive's Budget Proposal or supporting documentation must present both estimates of how all new policy proposals affect expenditures (for Question 17) or revenues (for Question 18) and a narrative discussion of the impact of these new policies. To answer "b" for either question, the Executive's Budget Proposal or supporting documentation must present estimates that show the impact of all new policy proposals, but no narrative discussion is included. A "c" response applies if the presentation includes only a narrative discussion, or if it includes estimates that show the impact of only some, but not all, policy proposals (regardless of whether it also includes a narrative discussion). Answer "d" applies if no information is presented on the impact of new policy proposals.

Answer:

c. Yes, information that shows how some but not all new policy proposals affect expenditure is presented.

Source:

N/A

Comment:

There is no document showing how new proposals affect expenditure is present

Peer Reviewer

Opinion: Disagree

Suggested Answer:

c. Yes, information that shows how some but not all new policy proposals affect expenditure is presented.

Comments: From the Budget Statement 2020/21 via <https://www.treasury.go.ke/wp-content/uploads/2021/06/FY-2020-2021-Budget-Speech.pdf> the following example is evidence of choice of "c". Ksh 2.4 billion for recruitment of 10,000 intern teachers to support the 100 percent transition in 23 schools; and Ksh 300 million for recruitment of 1,000 ICT interns to support digital learning in public schools....pp22/23 Agriculture and Food Security Mr. Speaker, the fifth theme will focus on agriculture and food security. I have set aside Ksh 3.0 billion to subsidize the supply of farm inputs through

the voucher system to reach 200,000 small scale farmers. I have also allocated Ksh 3.4 billion for expanded community household irrigation. This will cushion 26 farmers from the adverse effects of weather and further secure food supply chains. pp25 and 26

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates that show how all new policy proposals affect expenditures are presented, along with a narrative discussion.

Comments: This information is provided in the Budget Summary submitted along with the Budget Estimates, any new policy and its financial implication will be provided under the Highlights of the Budget,

Researcher Response

I will agree with change of answer to C based on availability of budget speech

IBP Comment

The Budget Summary document cited by the government shows a document production date of 30 June 2020, which is after the budget is approved so cannot be considered part of the EBP. The Budget Speech cited by the Peer Reviewer can be confirmed as being published 11 June 2020, therefore can be considered part of the budget proposal: <http://web.archive.org/web/20200614213443/https://www.treasury.go.ke/> Based on this information the score can be revised from D to C.

18. Does the Executive's Budget Proposal or any supporting budget documentation present information for at least the budget year that shows how new policy proposals, as distinct from existing policies, affect revenues?

GUIDELINES:

Questions 17 and 18 ask about new policy proposals in the budget. In any given year, most of the expenditures and revenues in the budget reflect the continuation of existing policies. However, much of the attention during the budget debate is focused on new proposals – whether they call for eliminating an existing program, introducing a new one, or changing an existing program at the margins. Typically, these new proposals are accompanied by an increase, a decrease, or a shift in expenditures or revenues. Because these changes may have different impacts on people's lives, the budget proposal should present sufficient detail about new policies and their budgetary impact.

Question 17 asks about new expenditure policies, and Question 18 asks about new revenue policies. To answer "a," the Executive's Budget Proposal or supporting documentation must present both estimates of how all new policy proposals affect expenditures (for Question 17) or revenues (for Question 18) and a narrative discussion of the impact of these new policies. To answer "b" for either question, the Executive's Budget Proposal or supporting documentation must present estimates that show the impact of all new policy proposals, but no narrative discussion is included. A "c" response applies if the presentation includes only a narrative discussion, or if it includes estimates that show the impact of only some, but not all, policy proposals (regardless of whether it also includes a narrative discussion). Answer "d" applies if no information is presented on the impact of new policy proposals.

Prior-year information constitutes an important benchmark for assessing the proposals for the upcoming budget year. Estimates of prior years should be presented in the same formats (in terms of classification) as the budget year to ensure that year-to-year comparisons are meaningful. For example, if the budget proposes shifting responsibility for a particular program from one administrative unit to another – such as shifting responsibility for the training of nurses from the health department to the education department – the prior-year figures must be adjusted before year-to-year comparisons of administrative budgets can be made.

Typically, when the budget proposal is submitted, the year prior to the budget year (BY-1), also known as the current year, has not ended, so the executive will provide estimates of the anticipated outcome for BY-1. The soundness of these estimates is directly related to the degree to which they have been updated to reflect actual expenditures to date, legislative changes that have occurred, and anticipated changes in macroeconomic, caseload, and other relevant factors for the remainder of the year.

The first year that can reflect actual outcomes, therefore, is generally two years before the budget year (BY-2). Thus the OECD recommends that data covering at least two years before the budget year (along with two years of projections beyond the budget year) are provided in order to assess fully the trends in the budget.

Answer:

c. Yes, information that shows how some but not all new policy proposals affect revenues are presented.

Source:

N/A

Comment:

NO information is presented on how new policy proposals affect revenues

Peer Reviewer

Opinion: Disagree

Suggested Answer:

c. Yes, information that shows how some but not all new policy proposals affect revenues are presented.

Comments: From the Budget Statement/Speech as noted in the previous question. the following is an example of some information As noted earlier in my Statement, in order to cushion Kenyans against the adverse impact of the Pandemic and to further increase liquidity in the economy, the

Government lowered tax rates for corporate and personal incomes, turnover tax, value added tax and provided tax relief to low income earners and employees. These measures are estimated to cost the exchequer Ksh 172.0 billion in revenue foregone by the Government in one financial year. Pp 44

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates that show how all new policy proposals affect revenues are presented, along with a narrative discussion.

Comments: This information is provided in the approved Budget Policy Statement gives the basis for finalizing the Estimates of Revenues and Expenditures submitted to Parliament for approval as provided for in the PFMA, 2012,

IBP Comment

Same as in Q17, the Budget Statement cited by the Peer Reviewer can be considered as part of the EBP, having been published 11 June 2020.

However, the Budget Policy Statement cited by the government reviewer is considered as the PBS, and therefore is not counted as part of the EBP.

Based on this information the score can be revised from D to C.

19. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for the year preceding the budget year (BY-1) by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 19 asks if expenditure estimates for the year prior to the budget year (BY-1) are presented by one of the three expenditure classifications – by administrative, economic, and functional classifications. Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on. (See Questions 1-5 above.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditure estimates for BY-1 by all three of the expenditure classifications. To answer "b," expenditure estimates for BY-1 must be presented by two of these three classifications. A "c" answer applies if expenditure estimates for BY-1 are presented by one of the three classifications. Answer "d" applies if expenditure estimates for BY-1 are not presented by any of the three classifications.

Answer:

b. Yes, expenditure estimates for BY-1 are presented by two of the three expenditure classifications.

Source:

FY 2020/21 Program based budget

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The FY 2020/21 lacks functional classification

We note that the administrative and economic classification are presented. See part H, for example, starting on p. 12, that shows BY (2020/2021) and BY-1 (2019/2020) for each ministry/department, economic classification, and program

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

20. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for individual programs for the year preceding the budget year (BY-1)?

GUIDELINES:

Question 20 asks if expenditure estimates for the year before the budget year (BY-1) are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department. For example, the Ministry of Health's budget could be broken down into several subgroups, such as "primary health care," "hospitals," or "administration." These subgroups should be considered programs even if they could be, but are not, broken down into smaller, more detailed units.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaille. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional

classification.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for all individual programs, accounting for all expenditures, for BY-1. To answer "b," the programs shown individually in the Executive's Budget Proposal or its supporting documentation must account for at least two-thirds of all expenditures for BY-1. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents programs that account for only less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by program.

Answer:

a. Yes, programs accounting for all expenditures are presented for BY-1.

Source:

FY 2020/21 Program based budget

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The information is presented for all programs for BY-1 (2019-2020)

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

21. In the Executive's Budget Proposal or any supporting budget documentation, have expenditure estimates of the year prior to the budget year (BY-1) been updated from the original enacted levels to reflect actual expenditures?

GUIDELINES:

Question 21 asks whether the expenditure estimates for the year before the budget year (BY-1) have been updated from the original enacted levels. Updates can reflect actual experience to date; revised estimates due to shifting of funds by the executive, as permitted under the law; enactment of supplemental budgets; and revised assumptions regarding macroeconomic conditions, caseload, and other relevant factors for the remainder of the year.

Answer "a" applies if the estimates have been updated; answer "b" applies if the original estimates are still being used.

Answer:

b. No, expenditure estimates for BY-1 have not been updated from the original enacted levels.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

No information has been provided on updated expenditure estimates

Peer Reviewer

Opinion: Agree

Comments: The PBB and the line items estimates of recurrent and development expenditure provides approved/original enacted BY-1 figures.

Government Reviewer

Opinion: Agree

22. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of expenditure for more than one year prior to the budget year (that is, BY-2 and prior years) by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 22 asks if expenditure estimates for more than one year prior to the budget year (BY-2 and prior years) are presented by any of the three expenditure classifications – by administrative, economic, and functional classifications. Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money

is spent on. (See Questions 1-5 above.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditure estimates for BY-2 and prior years by all three of the expenditure classifications. To answer "b," expenditure estimates for BY-2 and prior years must be presented by two of these three classifications. A "c" answer applies if expenditure estimates for BY-2 and prior years are presented by one of the three classifications. Answer "d" applies if expenditure estimates for BY-2 and prior years are not presented by any of the three classifications

Answer:

c. Yes, expenditure estimates for BY-2 and prior years are presented by only one of the three expenditure classifications.

Source:

Statistical Annex to the budget statement for the fiscal year 2020/2021

see link

<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Comment:

Statistical Annex to the budget statement for the fiscal year 2020/2021 on page 4 table 3A titled " Government Budget & Public Debt Values in (Ksh. Million)" contains information on Total government Expenditure, Total recurrent expenditure, salaries & Allowances.... for the year 2018/2019. (Economic classification)

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

22b. Based on the response to Question 22, check the box(es) to identify which expenditure classifications have estimates for more than one year prior to the budget year in the Executive Budget Proposal:

Answer:

Economic classification

Source:

Statistical Annex to the Budget statement FY 2020/2021

<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Comment:

Table 3a in the Statistical Annex shows government expenditure broken down by economic classification (Salaries and allowances, total interest) for 2018/19, which is BY-2.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

23. Does the Executive's Budget Proposal or any supporting budget documentation present expenditures for individual programs for more than one year preceding the budget year (that is, BY-2 and prior years)?

GUIDELINES:

Question 23 asks if expenditure estimates for more than one year before the budget year (BY-2 and prior years) are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department. For example, the Ministry of Health's budget could be broken down into several subgroups, such as "primary health care," "hospitals," or "administration." These subgroups should be considered programs even if they could be, but are not, broken down into smaller, more detailed units.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaillé. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Executive's Budget Proposal or its supporting documentation must present expenditures for all individual programs, accounting for all expenditures, for BY-2 and prior years. To answer "b," the programs shown individually in the Executive's Budget Proposal or its supporting documentation must account for at least two-thirds of all expenditures for BY-2 and prior years. A "c" answer applies if the Executive's Budget Proposal or its supporting documentation presents programs that account for only less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by program.

Answer:

d. No, expenditures are not presented by program for BY-2 and prior years.

Source:

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

The 2020/2021 program based budget contains program level expenditures for 2018/19, 2019/20, 2020/21, 2021/22

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

24. In the Executive's Budget Proposal or any supporting budget documentation, what is the most recent year presented for which all expenditures reflect actual outcomes?

GUIDELINES:

Question 24 asks for which year the actual outcomes for expenditures are shown. In most cases, the most recent year for which budget data on actual outcomes are available will be BY-2, as BY-1 is generally not yet finished when the budget proposal is drafted. So a government that has updated all its expenditure data for BY-2 to reflect what actually occurred, as opposed to estimating the outcome for that year, shows good public financial management practice.

For an "a" answer, a country must meet the good practice of having the figures for BY-2 reflect actual outcomes.

Answer:

a. Two years prior to the budget year (BY-2).

Source:

Statistical Annex to the budget statement FY 2020/2021

<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Comment:

Statistical Annex to the budget statement FY 2020/2021 on page 4 table 3A presents information on actual expenditure.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

25. Does the Executive's Budget Proposal or any supporting budget documentation present revenue by category (such as tax and non-tax) for the year preceding the budget year (BY-1)?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Yes, revenue estimates for BY-1 are presented by category.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Page v- viii of the Estimates of Revenue, Grants and Loans shows the revenue estimates for BY-1 (2019-2020) presented by category

Peer Reviewer

Opinion: Agree

Comments: Throughout the entire Estimates of Revenue, Grants and Loans document.

Government Reviewer

Opinion: Agree

26. Does the Executive's Budget Proposal or any supporting budget documentation present individual sources of revenue for the year preceding the budget year (BY-1)?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Yes, individual sources of revenue accounting for all revenue are presented for BY-1.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Estimates of Revenue Grants and Loans 2020/2021 gives a breakdown of the various revenue streams of the previous financial years . see pages v- viii

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

27. In the Executive's Budget Proposal or any supporting budget documentation, have the original estimates of revenue for the year prior to the budget year (BY-1) been updated to reflect actual revenue collections?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Yes, revenue estimates for BY-1 have been updated from the original enacted levels.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Page v of the Estimates for Revenue, Grants and Loans 2020/2021 contains Revised Estimates 2019/2020

Peer Reviewer

Opinion: Agree

Comments: BY-1 shows figures based on budget revisions but not actual revenue collection

Government Reviewer

Opinion: Agree

28. Does the Executive's Budget Proposal or any supporting budget documentation present revenue estimates by category (such as tax and non-tax) for more than one year prior to the budget year (that is, BY-2 and prior years)?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Yes, revenue estimates for BY-2 and prior years are presented by category.

Source:

Estimates for Revenue and Grants 2020/2021

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

The Estimates for Revenues, Grants and Loans for the FY 2020-2021 presents revenue estimates by category for three years prior to the budget year i.e., FY 2017-18, FY 2018-19 and FY 2019-20

Peer Reviewer

Opinion: Agree

Comments: Absolutely, again throughout the entire document.

Government Reviewer

Opinion: Agree

29. Does the Executive's Budget Proposal or any supporting budget documentation present individual sources of revenue for more than one year prior to the budget year (that is, BY-2 and prior years)?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Yes, individual sources of revenue accounting for all revenue are presented for BY-2 and prior years.

Source:

Estimates of Revenue, Grants and Loans

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

The estimates of the revenue grants and loans 2020-2021 on pages v-viii shows that the printed estimates gives a breakdown of the individual sources of revenue for more than two years

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

30. In the Executive's Budget Proposal or any supporting budget documentation, what is the most recent year presented for which all revenues reflect actual outcomes?

GUIDELINES:

Questions 25 through 30 cover the same topics about prior-year information as the previous six questions, only they ask about information provided for revenues rather than expenditures.

Answer:

a. Two years prior to the budget year (BY-2).

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

Page v and after of the Estimates of Revenue Grants and Loans show the actuals are for BY-2 and BY-3 and the original and revised estimates for BY-1

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

31. "Does the Executive's Budget Proposal or any supporting budget documentation present information on government borrowing and debt, including its composition, for the year preceding the budget year (BY-1)?"

(The core information must include the total debt outstanding at the end of BY-1; the amount of net new borrowing required during BY-1; interest payments on the debt; interest rates on the debt instruments; maturity profile of the debt; and whether it is domestic or external debt.)"

GUIDELINES:

Question 31 focuses on prior-year debt information, rather than on prior-year expenditures or revenues, asking whether "core" information is provided on government borrowing and debt, including its composition, for the year preceding the budget year (BY-1).

The "core" information includes:

- total debt outstanding at the end of BY-1;
- amount of net new borrowing required during BY-1;
- interest payments on the debt;
- interest rates on the debt instruments;
- maturity profile of the debt; and
- whether it is domestic or external debt.

This core information for BY-1 is consistent with the budget year information for borrowing and debt, which is examined in Questions 13 and 14. Please note that for the purposes of this question, the deficit may be accepted as a proxy for net new borrowing.

In addition, some governments provide information beyond the core elements, such as gross new borrowing required during BY-1; currency of the debt; whether the debt carries a fixed or variable interest rate; whether it is callable; a profile of the creditors (bilateral institutions, multilateral institutions, commercial banks, Central Bank, etc.); where appropriate, what the debt is being used to finance.

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to government borrowing and debt, including its composition, for BY-1 as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to government borrowing and debt, including its composition, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on government borrowing and

debt for BY-1.

Answer:

c. Yes, information is presented, but it excludes some core elements.

Source:

Recurrent Budget

<https://www.treasury.go.ke/wp-content/uploads/2021/05/FY2020-21-Recurrent-Expenditure-Vol-I.pdf>

Comment:

The recurrent Budget: page ii shows interest payment for BY-1 (which in this case is the FY 2019/20)

Peer Reviewer

Opinion: Agree

Comments: Statistical Annexe to the Budget 2020/21 has more information particularly on net new borrowing; breakdown of total debt and total debt outstanding at the end BY-1. What is however missing is information on maturity profile of debt and and interest rate on debt.

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for the additional reference. The Statistical Annex cited by the peer reviewer (<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>) appears to be published in 2021, so would not be counted in this round of the OBS. The researcher's response is confirmed.

32. In the Executive's Budget Proposal or any supporting budget documentation, what is the most recent year presented for which the debt figures reflect actual outcomes?

GUIDELINES:

Question 32 asks for which year the actual outcome for total debt outstanding is shown. In most cases, the most recent year for which budget data on actual outcomes are available will be BY-2, as BY-1 is generally not yet finished when the budget proposal is drafted. So a government that has updated its debt data for BY-2 to reflect what actually occurred, as opposed to estimating the outcome for that year, shows good public financial management practice.

For an "a" answer, a country must meet the good practice of having the figures for BY-2 reflect actual outcomes.

It is essential that all government activities that may have an impact on the budget – in the current budget year or in future budget years – be fully disclosed to the legislature and the public in budget documents. In some countries, for instance, entities outside central government (such as public corporations) undertake fiscal activities that could affect current and future budgets. Similarly, activities that can have a significant impact on the budget, such as payment arrears and contingent liabilities, sometimes are not properly captured by the regular presentations of expenditure, revenue, and debt.

Answer:

a. Two years prior to the budget year (BY-2).

Source:

Statistical annex to the budget statement FY 2020/2021

<https://www.treasury.go.ke/wp-content/uploads/2021/07/Statistical-Annex-to-the-Budget-Statement-for-FY-2020-21.pdf>

Comment:

Table 3 A of the Statistical annex to the budget statement FY 2020/2021 contains information on debt for the year 2018/2019 (BY -2).

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

33. "Does the Executive's Budget Proposal or any supporting budget documentation present information on extra-budgetary funds for at least the budget year?"

(The core information must include a statement of purpose or policy rationale for the extra-budgetary fund; and complete income, expenditure, and financing data on a gross basis.)"

GUIDELINES:

Question 33 focuses on extra-budgetary funds, asking whether "core" information related to these funds, which exist outside the budget, are presented. These core components include:

- a statement of purpose or policy rationale for the extra-budgetary fund (i.e., why was a particular fund set up? what is it used for?); and
- estimates of its income, expenditure, and financing. (These estimates should be presented on a gross basis so that it is possible to tell how much money flows through each extra-budgetary fund.)

In most countries, governments engage in certain budgetary activities that are not included in the central government's budget. Known as extra-budgetary funds, they can range in size and scope. For example, countries frequently set up pension and social security programs as extra-budgetary funds, where the revenues collected and the benefits paid are recorded in a separate fund outside the budget. Another example of an extra-budgetary fund can be found in countries dependent on hydrocarbon/mineral resources, where revenues from producing and selling those resources are channeled through systems outside the annual budget.

In some cases, the separation engendered by an extra-budgetary fund serves a legitimate political purpose, and the finances and activities of these funds are well documented. In other cases, however, this structure is used for obfuscation, and little or nothing is known about a fund's finances and activities.

The availability of information related to extra-budgetary funds is essential for a comprehensive understanding of the government's true fiscal position. In addition to the core information, other information about extra-budgetary funds is also desirable. Such information includes a discussion of the risks associated with the extra-budgetary fund; expenditures classified by economic, functional, or administrative unit; and the rules and procedures that govern the operations and management of the extra-budgetary fund.

For more information about extra-budgetary funds, see the Guide to Transparency in Public Finances: Looking Beyond the Core Budget (<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>) and Principle 2.1.1 of the IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>).

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to extra-budgetary funds as well as some additional information beyond the core elements. A "b" answer applies if the Executive's Budget Proposal or supporting documentation presents all of the core information. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to extra-budgetary funds is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on extra-budgetary funds.

Please provide in the comments a list of all known extra-budgetary funds.

Answer:

c. Yes, information is presented, but it excludes some core elements or some extra-budgetary funds.

Source:

National Government Constituency Fund(NGCDF) information is shown on pages 506-519 of the ESTIMATES OF DEVELOPMENT EXPENDITURE OF THE GOVERNMENT OF KENYA
http://www.parliament.go.ke/sites/default/files/2020-05/FY%202020-21%20Development%20Estimates%20Vol%20I%20%28Votes%201011-1081%29_0.pdf

Comment:

Funding for members of parliament is under the National Government Constituency Fund

Peer Reviewer

Opinion: Agree

Comments: NGCDF constitutes about 2.5% of national government revenue share and is not funding for members of parliament (MPs) but one that MPs use to enhance infrastructure and social economic development projects at the constituency level

Government Reviewer

Opinion: Disagree

Suggested Answer:

d. No, information related to extra-budgetary funds is not presented.

Comments: no information on extra budgetary funds is provided such as NHIF, NSSF etc, Allocation to the NGCDF is appropriated by Parliament. NGCDF has been reformed with a management structure of which the MP is the patron, It funds specific functions as stated in the NGCDF Act and does not fund the MPs directly,

Researcher Response

The NGCDF meets the criteria below: "In some cases, the separation engendered by an extra-budgetary fund serves a legitimate political purpose, and the finances and activities of these funds are well documented. In other cases, however, this structure is used for obfuscation, and little or nothing is known about a fund's finances and activities." The NGCDF is well documented and sources of funds are appropriated according to the law

34. Does the Executive's Budget Proposal or any supporting budget documentation present central government finances (both budgetary and extra-budgetary) on a consolidated basis for at least the budget year?

GUIDELINES:

Question 34 asks whether the Executive's Budget Proposal or supporting documents present the finances of the central government on a consolidated basis, showing both its budgetary and extra-budgetary activities. Virtually all of the questions in the OBS questionnaire focus on budgetary central government – the activities of the ministries, departments, or agencies of central government. In addition, Question 33 asks about extra-budgetary funds, such as social security funds that are not included in the budget.

Coverage is an important aspect of fiscal reporting. Budget documents should cover the full scope of government's financial activity. In many countries, extra-budgetary activities are substantial, and can represent a sizable share of the central government's activities. To get a full picture of the central government's finances, therefore, it is necessary to examine both activities that are included in the budget and those that are extra-budgetary. This question asks whether such a consolidated presentation of central government finances is provided.

The central government is only one component of the overall public sector. The public sector also includes other levels of government, such as state and local government, and public corporations. (See Box 2.1 under Principle 1.1.1 of the IMF's Fiscal Transparency Handbook (2018): <https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>). For the purpose of answering this question, please consider only the central government level.

In order to answer "a," the Executive's Budget Proposal or supporting documentation must present central government finances (both budgetary and extra-budgetary) on a consolidated basis for at least the budget year.

Answer:

b. No, central government finances are not presented on a consolidated basis.

Source:

Comment:

The Government of Kenya finances are not presented on a consolidated basis

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

35. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of intergovernmental transfers for at least the budget year?

GUIDELINES:

Question 35 asks about intergovernmental transfers. In many cases, the central government supports the provision of a good or service by a lower level of government through an intergovernmental transfer of funds. This is necessary because, independent from the level of administrative decentralization that exists in a given country, the capacity for revenue collection of a local government is unlikely to be sufficient to pay for all its expenses. However, because the activity is not being undertaken by an administrative unit of the central government, it is unlikely to receive the same level of review in the budget. Thus it is important to include in the budget proposal a statement that explicitly indicates the amount and purposes of these transfers.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year both estimates covering all intergovernmental transfers and a narrative discussing these transfers. If a narrative discussion is not included, but estimates for all intergovernmental transfers are presented, then a "b" answer is appropriate. A "c" response applies if the presentation includes estimates covering only some, but not all, intergovernmental transfers (regardless of whether it also includes a narrative discussion). Answer "d" applies if no estimates of intergovernmental transfers are presented.

Answer:

c. Yes, estimates of some but not all intergovernmental transfers are presented.

Source:

http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf

Comment:

Page 47 and 66-67 of the 2020/2021 Budget Statement gives a breakdown of the intergovernmental transfers which include equitable share, conditional grants, but not transfers to individual subnational governments.

The total Transfers to the Counties in 2020/2021 is Ksh 633.1 billion, of which, 316.5 billion is the equitable share and Ksh 13.7 billion conditional transfers, including Ksh 30.2 billion from development partners.

Peer Reviewer

Opinion: Disagree

Suggested Answer:

b. Yes, estimates of all intergovernmental transfers are presented, but a narrative discussion is not included.

Comments: Detailed information on intergovernmental transfers is presented in the Division of Revenue Act and County Allocation of Revenue Act annually including allocation to individual sub-national governments but a narrative discussion is excluded.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates of all intergovernmental transfers are presented, along with a narrative discussion.

Comments: Intergovernmental transfers are presented in the Division of Revenue Bill (DoRB) and the County Allocation of Revenue Bill (CARB) presented to Parliament alongside the Estimates of Revenues and Expenditures by 30th April according to the PFMA,2012,

Researcher Response

I suppose the answer could be adjusted to score b based on section 38 (1) (b) (III) of the PFM act but not the DORA or CARA as these documents are supposed to have been approved earlier with BPS as per the PFM Act Section 38 (1) (b) (iii) all revenue allocations to county governments from the national government's share in terms of Article 202 (2) of the Constitution, including conditional and unconditional grants;

IBP Comment

The researcher cited the PFM law that confirms that the DoRB and the CARB should be presented alongside the budget to Parliament. However, the Division of Revenue Bill, which approved just as the budget is tabled to parliament and published in April 2020, gives total amount of sharable revenue by type of transfer, but not to each individual unit: <http://www.parliament.go.ke/sites/default/files/2020-04/Division%20of%20Revenue%20Bill%20%28National%20Assembly%20Bill%20No.%203%20of%202020%29.pdf> The County Allocation of Revenue Bill provides more details but only is published in October 2020, which is after the budget is approved, so can't be counted: <http://www.parliament.go.ke/sites/default/files/2020-10/COUNTY%20ALLOCATION%20OF%20REVENUE%20BILL%202020.pdf> The original score of C is confirmed.

36. Does the Executive's Budget Proposal or any supporting budget documentation present alternative displays of expenditures (such as by gender, by age, by income, or by region) to illustrate the financial impact of policies on different groups of citizens, for at least the budget year?

GUIDELINES:

Question 36 asks about "alternative displays" of expenditures that highlight the financial impact of policies on different groups of citizens. As discussed above, expenditures are typically presented by at least one of three classifications – administrative, functional, and economic classifications (see Questions 1-5) – and by individual program (Question 6). In addition, governments can provide alternative displays to emphasize different aspects of expenditure policies and to show who benefits from these expenditures.

For the purpose of answering this question, the alternative presentation must differ from the presentations (such as administrative, functional, or economic classifications or presentation by program) used to answer other questions. The alternative display can cover all expenditures or only a portion of expenditures. For instance, it can show how all expenditures are distributed according to geographic region or it can show how selected expenditures (such as the health budget or the agriculture budget) are distributed to different regions. But such a geographic display must be something different than the presentation of intergovernmental transfers used to answer question 35. One exception is when a country includes a special presentation of all policies intended to benefit the most impoverished populations (and is used to answer Question 52) then that can be considered an alternative display for purposes of answering this question as well. Finally, brief fact sheets showing how proposals in the budget benefit particular groups would be insufficient; only more detailed presentations would be considered.

The IBP Budget Brief, "How Transparent are Governments When it Comes to Their Budget's Impact on Poverty and Inequality?"

(<https://www.internationalbudget.org/wp-content/uploads/government-transparency-of-budgets-impact-on-poverty-inequality-ibp-2019.pdf>) includes a discussion of the importance of alternative displays of budget information and provides a number of examples. For instance,

- *Bangladesh in its 2017-18 Budget included a detailed supplementary Gender Budgeting Report, which presents the spending dedicated to advancing women across various departments. (<https://mof.portal.gov.bd/site/page/3bb14732-b5b1-44df-9921-efedf1496295>).*
- *The UK's 2017 budget included a supplementary analysis that provided a distributional analysis of the budget by households in different income groups (see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/661465/distributional_analysis_autumn_budget_2017.pdf)*
- *South Africa's 2017 Budget Review goes beyond the standard presentation of intergovernmental transfers, discussing the redistribution that results from national revenue flowing to the provinces and municipalities and presenting the allocations on a per capita basis (see chapter 6, <http://www.treasury.gov.za/documents/national%20budget/2017/review/FullBR.pdf>).*

To answer "a," the Executive's Budget Proposal or supporting documentation must include at least three different presentations that illustrate the financial impact of policies on different groups of citizens for at least the budget year. To answer "b," the Executive's Budget Proposal or supporting documentation must include at least two different alternative displays of expenditures. A "c" applies if only one type of alternative display of expenditure is presented. Answer "d" applies if no alternative display of expenditure is presented.

Answer:

d. No, alternative displays of expenditures are not presented to illustrate the financial impact of policies on different groups of citizens.

Source:

Comment:

This information is not given

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

36b. Based on the response to Question 36, select the box(es) below to identify which types of alternative displays are included in the Executive's Budget Proposal:

Answer:

None of the above

Source:

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

37. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of transfers to public corporations for at least the budget year?

GUIDELINES:

Question 37 asks about transfers to public corporations. It is often the case that governments have a stake in enterprises that manage resources that are particularly relevant for the public good (such as electricity, water, and oil). While these public corporations can operate independently, in some cases the government will provide direct support by making transfers to these corporations, including to subsidize capital investment and operating expenses.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year both estimates covering all transfers to public corporations and a narrative discussing the purposes of these transfers. If a narrative discussion is not included, but estimates for all transfers to public corporations are presented, then a "b" answer is appropriate. A "c" response applies if the presentation includes estimates covering only some, but not all, transfers to public corporations (regardless of whether it also includes a narrative discussion). Answer "c" also applies if estimates of transfers to public corporations are presented as a single line item. Answer "d" applies if no estimates of transfers to public corporations are presented.

Please provide in the comments a list of all known public corporations.

Answer:

c. Yes, estimates of some but not all transfers to public corporations are presented.

Source:

Program Based Budget 2020/21

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Pages 9, 12 and 13 of the 2020/21 program based budget contains information on a public corporations estimates and projected estimates

All transfers to SoEs are captured under State departments in the heading current transfers to government agencies and capital transfers to government agencies. These figures are not provided for each individual SOE, however, which is needed for a B response, so the total amounts of the transfers reported score as C.

Peer Reviewer

Opinion: Agree

Comments: In addition and of importance to note is that the line item budget, Estimate of Recurrent Expenditure and Estimate of Development Expenditures provide information to individual SOEs, Eg vol 1 of the former on page 525 shows current grants to 1091000702 Kenya Roads Boards, 1091000702 Kenya Roads Boards via <https://www.treasury.go.ke/wp-content/uploads/2021/05/FY2020-21-Recurrent-Expenditure-Vol-I.pdf>

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates of all transfers to public corporations are presented, along with a narrative discussion.

Comments: A list of Transfers to Semi Autonomous Government Agencies and State Corporations provided for in the current Budget are submitted to Parliament by the Department of Government Investments and Public Enterprises alongside the Estimates of Revenue and Expenditure by 30th April,

IBP Comment

To qualify for an A or B score for this question, transfers to state corporations need to be present for each individual SOE. Since that is not present, the researcher's response is confirmed as C.

38. Does the Executive's Budget Proposal or any supporting budget documentation present information on quasi-fiscal activities for at least the budget year?

(The core information must include a statement of purpose or policy rationale for the quasi-fiscal activity and the intended beneficiaries.)

GUIDELINES:

Question 38 focuses on quasi-fiscal activities, asking whether "core" information related to such activities is presented. These core components include:

- A statement of purpose or policy rationale for the quasi-fiscal activity (i.e., what is the reason for engaging in this activity?);
- The identification of intended beneficiaries of the quasi-fiscal activity.

The term "quasi-fiscal activities" refers to a broad range of activities that are fiscal in character and could be carried out through the regular budget process but are not. For example, a quasi-fiscal activity could take place if, instead of providing a direct subsidy through the budget for a particular activity, a public financial institution provides an indirect subsidy by offering loans at below-market rates for that activity. Similarly, it is a quasi-fiscal activity when an enterprise provides goods or services at prices below commercial rates to certain individuals or groups to support the government's policy goals.

The above examples are policy choices that may be approved by the government and legislature. However, quasi-fiscal activities can also involve activities that violate or circumvent a country's budget process laws or are not subject to the regular legislative approval process for expenditures. For example, the executive may issue an informal order to a government entity, such as a public commercial enterprise, to provide the executive with goods and services that normally would have to be purchased with funding authorized by the legislature. All quasi-fiscal activities should be disclosed to the public and subject to public scrutiny.

Beyond the core information, some governments may also provide other information about quasi-fiscal activities, including for example: the anticipated duration of the quasi-fiscal activity; a quantification of the activity and the assumptions that support these estimates; and a discussion of the fiscal significance and potential risks associated with the activity, including the impact on the entity carrying out the activity. Principle 3.3.2 of the IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>) provides examples of quasi-fiscal activities that can be consulted as needed. And more details on quasi-fiscal activities can be found in the Guide to Transparency in Public Finances: Looking Beyond the Core Budget (<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>).

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to all quasi-fiscal activities for at least the budget year as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to quasi-fiscal activities is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on quasi-fiscal activities.

If quasi-fiscal activities do not represent a significant problem in your country, please mark "e." However, please exercise caution in answering this question.

Answer:

d. No, information related to quasi-fiscal activities is not presented.

Source:

No information on quasi-fiscal activities

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

39. Does the Executive's Budget Proposal or any supporting budget documentation present information on financial assets held by the government for at least the budget year?

(The core information must include a listing of the assets, and an estimate of their value.)

GUIDELINES:

Question 39 focuses on financial assets held by the government, asking whether "core" information related to these assets is presented. These core components include:

- *A listing of the financial assets; and*
- *An estimate of their value.*

Governments own financial assets such as cash, bonds, or equities. Unlike private sector businesses, however, few governments maintain balance sheets that show the value of their assets and liabilities.

Beyond the core information, some governments may also provide other information about financial assets, including for example: a discussion of their purpose; historical information on defaults; differences between reported values and market values; and a summary of financial assets as part of the government's balance sheet.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year all of the core information related to all financial assets held by the government as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to financial assets is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on financial assets held by the government.

Answer:

d. No, information related to financial assets is not presented.

Source:

Comment:

The documents assessed do not show information related to financial assets

Peer Reviewer

Opinion: Agree

Comments: Other documents often for internal use by the government capture this information on financial assets

Government Reviewer

Opinion: Agree

40. Does the Executive's Budget Proposal or any supporting budget documentation present information on nonfinancial assets held by the government for at

least the budget year?

(The core information must include a listing of the assets by category.)

GUIDELINES:

Question 40 focuses on nonfinancial assets held by the government, asking whether "core" information related to these assets is presented. The core information is a listing of nonfinancial assets, grouped by the type (or category) of asset.

Nonfinancial assets are things of value that the government owns or controls (excluding financial assets) such as land, buildings, and machinery. The valuation of public nonfinancial assets can be problematic, particularly in cases where the asset is not typically available on the open market (such as a government monument). In these cases, it is considered acceptable to provide summary information in budget documents from a country's register of assets. But, in some cases, governments are able to value their nonfinancial assets; some present a summary of nonfinancial assets as part of their balance sheets. For an example of how nonfinancial assets are presented in one of the many supporting documents to the New Zealand Executive's Budget Proposal, see the Forecast Financial Statement 2011, Notes to the Financial Statements (Continued), Note 14, accessible here: <https://treasury.govt.nz/sites/default/files/2011-05/befu11-pt6of8.pdf>.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year a listing by category of all nonfinancial assets held by the government as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to nonfinancial assets is presented, but some nonfinancial assets are not included. Answer "d" applies if no information is presented on nonfinancial assets held by the government.

Answer:

d. No, information related to nonfinancial assets is not presented.

Source:

The Program based Budget 2020/2021 http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Page 10 of the PBB 2020/21 provides information on non financial assets Vote 1011 Executive office of the present a summary of expenditure by vote and economic classification, and this is shown for other administrative units as well. However this is a change in the value of an asset (stock), not a flow (value), and there is no listing or narrative of what has changed value/been purchased, just the expenditure amount.

Note from IBP: As a result of a methodology clarification in OBS 2021, this question is now scored as a D, instead of a C in the last OBS 2019 assessment, as the question asks for information about the assessed value (stocks) of assets, rather than the purchase, sales, or change in value of assets (flows). As information presented in the documents in Kenya only shows the expenditures on assets, rather than an listing of assets, or an assessment of the value of assets, the question is now assessed as a D.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

41. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of expenditure arrears for at least the budget year?

GUIDELINES:

Question 41 asks about estimates of expenditure arrears, which arise when government has entered into a commitment to spend funds but has not made the payment when it is due. (For more information see sections 3.49-3.50 of the IMF's GFS Manual 2001, <http://www.imf.org/external/pubs/ft/qfs/manual/pdf/all.pdf> (page 29)). Though equivalent to borrowing, this liability is often not recorded in the budget, making it difficult to assess fully a government's financial position. Moreover, the obligation to repay this debt affects the government's ability to pay for other activities.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year both estimates covering all expenditure arrears and a narrative discussing the arrears. If a narrative discussion is not included, but estimates for all expenditure arrears are presented, then a "b" answer is appropriate. A "c" response applies if the presentation includes estimates covering only some, but not all, expenditure arrears (regardless of whether it also includes a narrative discussion). Answer "d" applies if no estimates of expenditure arrears are presented. Answer "d" also applies if information is only available for the changes in arrears, and not the stock or balance of arrears.

If expenditure arrears do not represent a significant problem in your country, please mark "e." However, please exercise caution in answering this question. Public expenditure management laws and regulations often will allow for reasonable delays, perhaps 30 or 60 days, in the routine payment of invoices due. Expenditure arrears impacting a small percentage of expenditure that are due to contractual disputes should not be considered a significant problem for the purpose of answering this question.

Answer:

d. No, estimates of expenditure arrears are not presented.

Source:

Page 208 of the Program based Budget shows that amount of pending bills less than KShs.3million paid to local businesses will be paid out by the National Treasury. But there is no document showing Total stock of pending bills
http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

There is no table showing consolidated pending bills for all state departments showing government unsettled obligations.

Peer Reviewer

Opinion: Agree

Comments: The Budget Statement 2020 provides on pp35 general information on pending bills but not on total aggregated value of pending bills.

Government Reviewer

Opinion: Agree

IBP Comment

Thank you to the peer reviewer for the additional citation. The Budget Statement does have general references to progress on pending bills, but no estimates, therefore the researcher's response is confirmed.

42. Does the Executive's Budget Proposal or any supporting budget documentation present information on contingent liabilities, such as government loan guarantees or insurance programs, for at least the budget year?

(The core information must include a statement of purpose or policy rationale for each contingent liability; the new guarantees or insurance commitments proposed for the budget year; and the total amount of outstanding guarantees or insurance commitments (the gross exposure) at the end of the budget year.)

GUIDELINES:

Question 42 focuses on contingent liabilities, asking whether "core" information related to these liabilities is presented. These core components include:

- *a statement of purpose or policy rationale for each contingent liability;*
- *the new contingent liabilities for the budget year, such as new guarantees or insurance commitments proposed for the budget year; and*
- *the total amount of outstanding guarantees or insurance commitments at the end of the budget year. This reflects the gross exposure of the government in the case that all guarantees or commitments come due (even though that may be unlikely to occur).*

Contingent liabilities are recognized under a cash accounting method only when the contingent event occurs and the payment is made. An example of such liabilities is the case of loans guaranteed by the central government, which can include loans to state-owned banks and other state-owned commercial enterprises, subnational governments, or private enterprises. Under such guarantees, government will only make a payment if the borrower defaults. Thus a key issue for making quantitative estimates of these liabilities is assessing the likelihood of the contingency occurring.

In the budget, according to the OECD, "[w]here feasible, the total amount of contingent liabilities should be disclosed and classified by major category reflecting their nature; historical information on defaults for each category should be disclosed where available. In cases where contingent liabilities cannot be quantified, they should be listed and described."

Beyond the core information, some governments may also provide other information about contingent liabilities, including for example: historical default rates for each program, and likely default rates in the future; the maximum guarantee that is authorized by law; any special financing associated with the guarantee (e.g., whether fees are charged, whether a reserve fund exists for the purpose of paying off guarantees, etc.); the duration of each guarantee; and an estimate of the fiscal significance and potential risks associated with the guarantees.

For more details on contingent liabilities, see Guide to Transparency in Public Finances: Looking Beyond the Core Budget (<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>) and page 59 (Box 11) and Principle 3.2.3 of the IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>).

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year all of the core information related to contingent liabilities as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to contingent liabilities is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on contingent liabilities.

Answer:

d. No, information related to contingent liabilities is not presented.

Source:

While not a part of the EBP, the Medium Term Debt Management strategy 2020, page 14 highlights that Fiscal Commitments and Contingent Liabilities is a threat to fiscal stability however core information is not provided.
<http://ntnt.treasury.go.ke/wp-content/uploads/2021/02/Medium-Term-Debt-Management-Strategy-2020.pdf>

Comment:

Core information on contingent liabilities is not provided in EBP documents

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

43. Does the Executive's Budget Proposal or any supporting budget documentation present projections that assess the government's future liabilities and the sustainability of its finances over the longer term?

(The core information must cover a period of at least 10 years and include the macroeconomic and demographic assumptions used and a discussion of the fiscal implications and risks highlighted by the projections.)

GUIDELINES:

Question 43 focuses on government's future liabilities and the sustainability of its finances over the longer-term, asking whether "core" information related to these issues is presented. These core components must include:

- *Projections that cover a period of at least 10 years.*
- *The macroeconomic and demographic assumptions used in making the projections.*
- *A discussion of the fiscal implications and risks highlighted by the projections. Good public financial management calls for budgets to include fiscal sustainability analyses.*

The IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>) recommends that governments regularly publish the projected evolution of the public finances over the longer term (see Principle 3.1.3). Future liabilities are a particularly important element when assessing the sustainability of public finances over the long term. Future liabilities are the result of government commitments that, unlike contingent liabilities, are virtually certain to occur at some future point and result in an expenditure. A typical example consists of government obligations to pay pension benefits or cover health care costs of future retirees. Under a cash accounting system, only current payments associated with such obligations are recognized in the budget. To capture the future impact on the budget of these liabilities, a separate statement is required.

Beyond the core information, some governments may also provide other information about the sustainability of their finances, including for example: projections that cover 20 or 30 years; multiple scenarios with different sets of assumptions; assumptions about other factors (such as the depletion of natural resources) that go beyond just the core macroeconomic and demographic data; and a detailed presentation of particular programs that have long time horizons, such as civil service pensions.

For more details on future liabilities, see Guide to Transparency in Public Finances: Looking Beyond the Core Budget (<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>).

To answer "a," the Executive's Budget Proposal or supporting documentation must present all of the core information related to future liabilities and the sustainability of government finances over the longer term as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to future liabilities is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on future liabilities and the sustainability of government's finances

Answer:

d. No, information related to future liabilities and the sustainability of finances over the longer term is not presented.

Source:

No information is available on the government's future liabilities and the sustainability of its finances over the longer term

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, information beyond the core elements is presented to assess the government's future liabilities and the sustainability of its finances over the longer term.

Comments: This information is provided in the Medium Term Debt Management Strategy (MTDMS) approved by Parliament alongside the Budget Policy Statement,

IBP Comment

Since the Medium Term Debt Management Strategy is provided alongside the Budget Policy Statement (which is the Pre-Budget Statement), and the MTDMS was not updated and republished along with EBP documents, this document is not considered as part of the EBP and the contents cannot be assessed for this question. The researcher's response is confirmed.

44. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of the sources of donor assistance, both financial and in-kind, for at least the budget year?

GUIDELINES:

Question 44 asks about estimates of donor assistance, both financial and in-kind assistance. Such assistance is considered non-tax revenue, and the sources of this assistance should be explicitly identified. In terms of in-kind assistance, the concern is primarily with the provision of goods (particularly those for which there is a market that would allow goods received as in-kind aid to be sold, thereby converting them into cash) rather than with in-kind aid like advisors from a donor country providing technical assistance.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year both estimates covering all donor assistance and a narrative discussing the assistance. If a narrative discussion is not included, but estimates for all donor assistance are presented, then a "b" answer is appropriate. A "c" response applies if the presentation includes estimates covering only some, but not all, donor assistance (regardless of whether it also includes a narrative discussion). Answer "c" also applies if the sources of donor assistance are not presented, but the total amount of donor assistance is presented as a single line item. Answer "d" applies if no estimates of donor assistance are presented. Select answer "e" if your country does not receive donor assistance.

Answer:

b. Yes, estimates of all sources of donor assistance are presented, but a narrative discussion is not included.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-2021-Estimates-of-Revenue-Grants-and-Loans.pdf>

Comment:

The grants from donor sources are captured in the Estimates of Revenue, Grants and Loans FY 2020-21. The report captures the figures but doesn't have a narrative discussion - see p. viii for the total amounts, and p. 25-34 for aid received by each ministry/department (however it does not show aid from individual donors).

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

45. Does the Executive's Budget Proposal or any supporting budget documentation present information on tax expenditures for at least the budget year?

(The core information must include a statement of purpose or policy rationale for each tax expenditure, the intended beneficiaries, and an estimate of the revenue foregone.)

GUIDELINES:

Question 45 focuses on tax expenditures, asking whether "core" information related to these tax preferences is presented. These core components must include for both new and existing tax expenditures:

- a statement of purpose or policy rationale;
- a listing of the intended beneficiaries; and
- an estimate of the revenue foregone.

Tax expenditures arise as a result of exceptions or other preferences in the tax code provided for specified entities, individuals, or activities. Tax expenditures often have the same impact on public policy and budgets as providing direct subsidies, benefits, or goods and services. For example, encouraging a company to engage in more research through a special tax break can have the same effect as subsidizing it directly through the expenditure side of the budget, as it still constitutes a cost in terms of foregone revenues. However, expenditure items that require annual authorization are likely to receive more scrutiny than tax breaks that are a permanent feature of the tax code.

Beyond the core information, some governments may also provide other information about tax expenditures, including for example: the intended beneficiaries by sector and income class (distributional impact); a statement of the estimating assumptions, including the definition of the benchmark against which the foregone revenue is measured; and a discussion of tax expenditures as part of a general discussion of expenditures for those program areas that receive both types of government support (in order to better inform policy choices). For more details on tax expenditures, see Guide to Transparency in Public Finances: Looking Beyond the Core Budget (<http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>) and Principle 1.1.4 of the IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>).

To answer "a," the Executive's Budget Proposal or supporting documentation must present, for at least the budget year, all of the core information related to tax expenditures as well as some additional information beyond the core elements. To answer "b," the Executive's Budget Proposal or supporting documentation must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to tax expenditures is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on tax expenditures.

Answer:

d. No, information related to tax expenditures is not presented.

Source:

The PBB 2020 does not explicitly indicate tax expenditures

http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

There is no explicit information on tax expenditures

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

46. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of earmarked revenues for at least the budget year?

GUIDELINES:

Question 46 asks about estimates of earmarked revenues, which are revenues that may only be used for a specific purpose (for example, revenues from a tax on fuel that can only be used for building roads). This information is important in determining which revenues are available to fund the government's general expenses, and which revenues are reserved for particular purposes.

To answer "a," the Executive's Budget Proposal or supporting documentation must present for at least the budget year both estimates covering all earmarked revenues and a narrative discussing the earmarks. If a narrative discussion is not included, but estimates for all earmarked revenues are presented, then a "b" answer is appropriate. A "c" response applies if the presentation includes estimates covering only some, but not all, earmarked revenues (regardless of whether it also includes a narrative discussion). Answer "d" applies if no estimates of earmarked revenues are presented. An "e" response applies if revenue is not earmarked or the practice is disallowed by law or regulation.

Answer:

c. Yes, estimates of some but not all earmarked revenues are presented.

Source:

Page 68 of the Budget speech "...The NMS has also been allocated Ksh 1.5 billion from the National Government's equitable revenue share to finance the Mukuru Renewal Project.."

[http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-](http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf)

[Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf](http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf)

Comment:

Peer Reviewer

Opinion: Agree

Comments: Other examples include Petroleum Development Levy reflected in the Estimates of Revenue, Grants and Loans

Government Reviewer

Opinion: I choose not to review this question

47. Does the Executive's Budget Proposal or any supporting budget documentation present information on how the proposed budget (both new proposals and existing policies) is linked to government's policy goals for the budget year?

GUIDELINES:

Questions 47 and 48 ask about information that shows how the budget (both new proposals and existing policies) is linked to the government's policy goals. The budget is the executive's main policy document, the culmination of the executive's planning and budgeting processes. Therefore, it should include a clear description of the link between policy goals and the budget – that is, an explicit explanation of how the government's policy goals are reflected in its budget choices. For an example of a discussion of a government's policy goals in the budget, see pages 13-18 of New Zealand's 2011 Statement of Intent (<http://www.treasury.govt.nz/publications/abouttreasury/soi/2011-16>), one of the many documents supporting its budget.

In some countries the government prepares strategic/development plans. These plans include all the policies the government is planning to implement for the budget year and very often cover a multi-year perspective. In some cases, these plans do not match the budget documentation, and it is possible that they are completely disconnected from the Executive's Budget Proposal. So the question is examining whether government policy plans are "translated" into revenue and expenditure figures in the actual budget documents.

Question 47 asks about the information covering the budget year, and Question 48 asks about the period at least two years beyond the budget year. To answer "a," the Executive's Budget Proposal or supporting documentation must present both estimates of how the budget is linked to government's policy goals for the budget year (for Question 47) or for a multi-year period beyond the budget year (for Question 48) and a narrative discussion of how these policy goals are reflected in the budget. To answer "b" for either question, the Executive's Budget Proposal or supporting documentation must present estimates that show how the budget is linked to government's policy goals, but no narrative discussion is included. A "c" response applies if the presentation includes only a narrative discussion, or if it includes estimates that show how the budget is linked to some, but not all, of the government's policy goals (regardless of whether it also includes a narrative discussion). Answer "d" applies if no information is presented on how the budget is linked to government's policy goals.

Answer:

a. Yes, estimates that show how the proposed budget is linked to all the government's policy goals for the budget year are presented, along with a narrative discussion.

Source:

Page 18 of the Budget speech by the cabinet secretary of the National Treasury states that the government is committed to support the implementation of the Big Four Agenda and Proposes allocations and enablers . Page 52 of the same document shows that the CS set aside Ksh 128.3 billion for the "Big Four" Agenda drivers and enablers.

[http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-](http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf)

[Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf](http://www.parliament.go.ke/sites/default/files/2020-06/Budget%20Statement%20-%20Public%20pronouncement%20of%20the%20Budget%20Highlights%20and%20Revenue-Raising%20Measures%20for%20the%20National%20Government%20for%20the%20FY%2020202021%20%26%20the%20Medium-Term_0.pdf)

Comment:

The Budget speech shows both the government policies and allocation . For agenda 4 this is on pages 18 and 52 respectively

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

Comments: Same is provided in the approved Budget Policy Statement

IBP Comment

Thank you to the Government for the comment. However, the approved Budget Policy Statement is not part of the EBP package therefore not counted for this question.

48. Does the Executive's Budget Proposal or any supporting budget documentation present information on how the proposed budget (both new proposals and existing policies) is linked to government's policy goals for a multi-year period (for at least two years beyond the budget year)?

GUIDELINES:

Questions 47 and 48 ask about information that shows how the budget (both new proposals and existing policies) is linked to the government's policy goals. The budget is the executive's main policy document, the culmination of the executive's planning and budgeting processes. Therefore, it should include a clear description of the link between policy goals and the budget – that is, an explicit explanation of how the government's policy goals are reflected in its budget

choices. For an example of a discussion of a government's policy goals in the budget, see pages 13-18 of New Zealand's 2011 Statement of Intent (<http://www.treasury.govt.nz/publications/abouttreasury/soi/2011-16>), one of the many documents supporting its budget.

In some countries the government prepares strategic/development plans. These plans include all the policies the government is planning to implement for the budget year and very often cover a multi-year perspective. In some cases, these plans do not match the budget documentation, and it is possible that they are completely disconnected from the Executive's Budget Proposal. So the question is examining whether government policy plans are "translated" into revenue and expenditure figures in the actual budget documents.

Question 47 asks about the information covering the budget year, and Question 48 asks about the period at least two years beyond the budget year. To answer "a," the Executive's Budget Proposal or supporting documentation must present both estimates of how the budget is linked to government's policy goals for the budget year (for Question 47) or for a multi-year period beyond the budget year (for Question 48) and a narrative discussion of how these policy goals are reflected in the budget. To answer "b" for either question, the Executive's Budget Proposal or supporting documentation must present estimates that show how the budget is linked to government's policy goals, but no narrative discussion is included. A "c" response applies if the presentation includes only a narrative discussion, or if it includes estimates that show how the budget is linked to some, but not all, of the government's policy goals (regardless of whether it also includes a narrative discussion). Answer "d" applies if no information is presented on how the budget is linked to government's policy goals.

Answer:

c. Yes, information that shows how the proposed budget is linked to some but not all of the government's policy goals for a multi-year period is presented.

Source:

The Budget highlights links government policy to the Budget

Page 1 shows that Ksh 52.8 Billion is set aside for Enhancing Food and Nutrition Security to all Kenyans by 2022. Ksh 50.3 Billion is for Providing Universal Health coverage to guarantee quality and affordable healthcare to all Kenyans. Ksh 6.9 Billion is for provision of Affordable and Decent Housing for all Kenyans among Others.

Page 2 also shows plans to enhance liquidity

<https://www.treasury.go.ke/wp-content/uploads/2021/03/The-Mwananchi-Guide-Final-Budget-Highlights-for-FY-2020-21.pdf>

(Updated link above, archived version of original link published before the EBP was approved is here:

<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>)

Comment:

The Budget highlights for 2020/21 links government policy to the Budget allocation

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

Comments: Same is provided in the approved Budget Policy Statement

IBP Comment

Thank you to the Government for the comment. However, the approved Budget Policy Statement is not part of the EBP package therefore not counted for this question.

49. Does the Executive's Budget Proposal or any supporting budget documentation present nonfinancial data on inputs to be acquired for at least the budget year?

GUIDELINES:

Question 49 asks about the availability of nonfinancial data on inputs for the budget year. (Nonfinancial data on outputs and outcomes are addressed in Question 50.)

The budget should disclose not only the amount of money that is being allocated on a program but also any information needed to analyze that expenditure. Nonfinancial data and performance targets associated with budget proposals are used to assess the success of a given policy. For example, even when allocated funds are spent according to plan, there remains the question of whether the policy delivered the results that it aimed to achieve.

Nonfinancial data can include information on:

Inputs - These are the resources assigned to achieve results. For example, in regards to education, nonfinancial data on inputs could include the number of books to be provided to each school or the materials to be used to build or refurbish a school.

Outputs - These are products and services delivered as a result of inputs. For example, the number of pupils taught every year; the number of children that received vaccines; or the number of beneficiaries of a social security program.

Outcomes - These are the intended impact or policy goals achieved. For example, an increase in literacy rates among children under 10, or a reduction in rates of maternal mortality.

In addition, governments that set performance targets must use nonfinancial data for outputs and outcomes to determine if these targets have been met.

To answer "a," the Executive's Budget Proposal or supporting documentation must present, for at least the budget year, nonfinancial data on inputs for each individual program within all administrative units (ministries, departments, and agencies). It is also acceptable if nonfinancial data on inputs for each individual program is organized by functions. To answer "b," the Executive's Budget Proposal or supporting documentation must present nonfinancial data on inputs for all administrative units or all functions, but not for each individual program (or even for any programs) within those administrative units or functions. A "c" response applies if nonfinancial data on inputs are presented only for some programs and/or some administrative units or some functions. Answer "d" applies if no nonfinancial data on inputs is presented.

Answer:

c. Yes, nonfinancial data on inputs are presented for some programs and/or some administrative units (or functions).

Source:

This information is not available

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer:

c. Yes, nonfinancial data on inputs are presented for some programs and/or some administrative units (or functions).

Comments: Budget Speech on pp 22 has some information on inputs. For example,Mr. Speaker, Ksh 2.1 billion will go to schools; Ksh 1.9 billion 250,000 locally fabricated desks for secondary and for provision of at least primary schools; improvement of infrastructure in low cost boarding schools in Arid and Semi-Arid Lands (ASALs) using local Ksh 700 million for capitation and labour; teachers to support the 100 percent transition in Ksh 2.4 billion for recruitment of 10,000 intern teachers to support the 100 percent transition in schools...

Government Reviewer

Opinion: Agree

Comments: this requirement is not practical considering the size of Government. However, information is provided at output, outcomes and impact levels in line with international best practices on Programme Based Budgeting.

Researcher Response

I agree with the peer reviewer and I have adjusted the score to C

50. Does the Executive's Budget Proposal or any supporting budget documentation present nonfinancial data on results (in terms of outputs or outcomes) for at least the budget year?

GUIDELINES:

Question 50 asks about the availability of nonfinancial data on results for the budget year. Nonfinancial data on results can include data on both outputs and outcomes, but not on inputs (which are addressed in Question 49).

To answer "a," the Executive's Budget Proposal or supporting documentation must present, for at least the budget year, nonfinancial data on results for each individual program within all administrative units (ministries, departments, and agencies). It is also acceptable if nonfinancial data on results for each individual program is organized by functional classification. To answer "b," the Executive's Budget Proposal or supporting documentation must present nonfinancial data on results for all administrative units or all functional classifications, but not for each individual program (or even for any programs) within those administrative units or functions. A "c" response applies if nonfinancial data on results are presented only for some programs and/or some administrative units or some functions. Answer "d" applies if no nonfinancial data on results is presented.

Answer:

a. Yes, nonfinancial data on results are provided for each program within all administrative units (or functions).

Source:

The program based Budget provides information on outputs/ outcomes and Key performance indicators see PART E page 8 http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

Page 8 on the PBB shows

Programme: 0745000 Nairobi Metropolitan Services

Outcome: A well planned Metropolitan City with an efficient transport network, effective health services

Sub Programme: 0745010 General Administration and Support

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

51. Are performance targets assigned to nonfinancial data on results in the Executive's Budget Proposal or any supporting budget documentation?

GUIDELINES:

Question 51 asks about performance targets assigned to nonfinancial data on results for the budget year. The question applies to those nonfinancial results shown in the budget, and that were identified for purposes of Question 50.

To answer "a," the Executive's Budget Proposal or supporting documentation must assign performance targets to all nonfinancial data on results shown in the budget for at least the budget year. To answer "b," the Executive's Budget Proposal or supporting documentation must assign performance targets to a majority (but not all) of the nonfinancial data on results shown in the budget. A "c" response applies performance targets are assigned only to less than half of the nonfinancial data on results. Answer "d" applies if no performance targets are assigned to nonfinancial data on results shown in the budget, or the budget does not present nonfinancial results.

Answer:

a. Yes, performance targets are assigned to all nonfinancial data on results.

Source:

The program Based Budget provides information on performance targets assigned to nonfinancial data on results.
http://www.parliament.go.ke/sites/default/files/2020-05/Programme%20Based%20Budget_FY%202020-21_0.pdf

Comment:

see part E of the program based Budget

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

52. Does the Executive's Budget Proposal or any supporting budget documentation present estimates of policies (both new proposals and existing policies) that are intended to benefit directly the country's most impoverished populations in at least the budget year?

GUIDELINES:

Question 52 asks whether the budget highlight policies, both new and existing, that benefit the poorest segments of society. This question is intended to assess only those programs that directly address the immediate needs of the poor, such as through cash assistance programs or the provision of housing, rather than indirectly, such as through a stronger national defense. This information is of particular interest to those seeking to bolster government's commitment to anti-poverty efforts. For purposes of answering this question, a departmental budget (such as the Department of Social Welfare) would not be considered acceptable. In general, this question is asking whether the EBP includes a special presentation that pulls together estimates of all the relevant policies in one place. However, if the country uses "program budgeting," where programs are presented as expenditure categories with specific and identified objectives, and it identifies anti-poverty programs within each administrative unit, then that is also acceptable for this question.

The IBP Budget Brief, "How Transparent are Governments When it Comes to Their Budget's Impact on Poverty and Inequality?"

(<https://www.internationalbudget.org/wp-content/uploads/government-transparency-of-budgets-impact-on-poverty-inequality-ibp-2019.pdf>) includes a discussion of countries that have provided information on how its policies affect the poor.

For instance, Pakistan provides a detailed breakdown of pro-poor expenditure as part of its 2017-18 budget proposal. In one document, the government sets out policy priorities, expected outputs, and estimates of past and future spending for several programs aimed at poverty alleviation. Another supporting document provides a comprehensive overview of ongoing policies, including a chapter on social safety nets, covering both financial and performance information of poverty alleviation schemes over a period of eight years. (http://www.finance.gov.pk/budget/mtbf_2018_21.pdf and http://www.finance.gov.pk/survey_1718.html).

To answer "a," the Executive's Budget Proposal or supporting documentation must for at least the budget year both present estimates covering all policies that are intended to benefit the most impoverished populations and include a narrative discussion that specifically addresses these policies. (For countries using program budgeting that breaks out individual anti-poverty programs, there should be a separate narrative associated with each such program.) Answer "b" if a narrative discussion is not included, but estimates for all policies that are intended to benefit the most impoverished populations are presented. Answer "c" if the presentation includes estimates covering only some, but not all, policies that are intended to benefit the most impoverished populations (regardless of whether it also includes a narrative discussion). Answer "d" if no estimates of policies that are intended to benefit the most impoverished populations are

presented.

Answer:

a. Yes, estimates of all policies that are intended to benefit directly the country's most impoverished populations are presented, along with a narrative discussion.

Source:

The Budget speech FY 2020/21 page 61 ".....Mr. Speaker, I have also set aside, Ksh 4.3 billion for the Kenya Hunger Safety Net Programme; Ksh 2.5 billion for the Kenya Social and Economic Inclusion Project; Ksh 3.5 billion for Kenya Development Response to the Displacement Impact Project; and Ksh 400 million for the National Development Fund for Persons with Disabilities (PWDs); and a further Ksh 720 million for purchase of a building for these vulnerable members of our society..."

<https://www.treasury.go.ke/wp-content/uploads/2021/06/FY-2020-2021-Budget-Speech.pdf>

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

53. Does the executive release to the public its timetable for formulating the Executive's Budget Proposal (that is, a document setting deadlines for submissions from other government entities, such as line ministries or subnational government, to the Ministry of Finance or whatever central government agency is in charge of coordinating the budget's formulation)?

GUIDELINES:

Question 53 asks about the budget timetable. An internal timetable is particularly important for the executive's management of the budget preparation process, in order to ensure that the executive accounts for the views of the different departments and agencies in the proposed budget. The timetable would, for instance, set deadlines for submissions from other government entities, such as line ministries or subnational government, to the Ministry of Finance or whatever central government agency is in charge of coordinating the budget's formulation. So that civil society is aware of the various steps in the budget formulation process, and when opportunities may exist to engage the executive, it is essential that this timetable be made available to the public.

To answer "a," the executive must prepare a detailed budget timetable and release it to the public. A "b" answer applies if the timetable is made public, but some details are not included. A "c" response applies if the timetable is made public, but many important details are excluded, reducing its value for those outside government. Answer "d" applies if no timetable is made available to the public. As long as a timetable for formulating the Executive's Budget Proposal is released, answer "a," "b," or "c" may be selected, even if the Executive's Budget Proposal is not made publicly available.

Answer:

a. Yes, a detailed timetable is released to the public.

Source:

The budget circular provides a guideline of the annual budget for the state corporations

<https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.22-2019-on-Guidelines-for-the-Preparation-of-the-Annual-Budget-for-State-Corporation-for-FY-2020-2021-and-MTP-for-FYs-20212022-and-2022-2023.pdf>

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

IBP Comment

Note that the researcher's response is confirmed, however the document that should be cited for this question related to the 2020-2021 budget cycle can be found at this link: <https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.16-2020-on-Guidelines-for-Preparation-of-the-2021.22-2023.24-Medium-Term-Budget.pdf>

54. Does the Pre-Budget Statement present information on the macroeconomic forecast upon which the budget projections are based?

(The core information must include a discussion of the economic outlook with estimates of nominal GDP level, inflation rate, real GDP growth, and interest rates.)

GUIDELINES:

Question 54 focuses on the macroeconomic forecast that underlies the Pre-Budget Statement, asking whether “core” information related to the economic assumptions is presented. These core components include a discussion of the economic outlook as well as estimates of the following:

- nominal GDP level;
- inflation rate;
- real GDP growth; and
- interest rates.

Beyond these core elements, some governments also provide additional information related to the economic outlook, including for instance: short- and long-term interest rates; the rate of employment and unemployment; GDP deflator; price of oil and other commodities; current account; exchange rate; and composition of GDP growth.

To answer “a,” the Pre-Budget Statement must present all of the core information related to the macroeconomic forecast as well as some additional information beyond the core elements. To answer “b,” the Pre-Budget Statement must present all of the core components noted above. Answer “b” is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A “c” answer applies if some information related to the macroeconomic forecast is presented, but some of the core pieces of information are not included. Answer “d” applies if no information on the macroeconomic forecast is presented.

Answer:

b. Yes, the core information is presented for the macroeconomic forecast.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>

Comment:

Annex Table 1: Macroeconomic Indicators in the BPS provides information on Nominal GDP and Real GDP growth, CPI (inflation) for the upcoming FY 2020-2021 (there is also beyond the core information such as GDP deflator which justifies an A score here)

For additional historical information see:

Pages 6 and 7 of the BPS provide information on Inflation rate

Pages 8 and 9 of the BPS interest rate

Peer Reviewer

Opinion: Agree

Comments: The only beyond core information that is missing is, the rate of employment and GDP deflator but the rest of the additional information including current account, exchange and so on is presented.

Government Reviewer

Opinion: Agree

55. Does the Pre-Budget Statement present information on the government’s expenditure policies and priorities that will guide the development of detailed estimates for the upcoming budget?

(The core information must include a discussion of expenditure policies and priorities and an estimate of total expenditures.)

GUIDELINES:

Question 55 focuses on the government’s expenditure policies and priorities in the Pre-Budget Statement, asking whether “core” information related to these policies is presented. These core components include:

- a discussion of expenditure policies and priorities; and
- an estimate of total expenditures.

Although a Pre-Budget Statement is unlikely to include detailed programmatic proposals (such detailed information is typically only presented in the budget itself), it should include a discussion of broad policy priorities and a projection of at least total expenditures associated with these policies for the budget year. The Pre-Budget Statement can include some detail, for instance, estimates provided by any of the three expenditure classifications – by administrative, economic, and functional classifications.

To answer "a," the Pre-Budget Statement must present for the upcoming budget year all of the core information related to the government's expenditure policies and priorities as well as some additional information beyond the core elements. To answer "b," the Pre-Budget Statement must present all of the core components noted above for the upcoming budget year. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to the government's expenditure policies and priorities is presented, but some of the core pieces of information are not included. Answer "d" applies if no information on the government's expenditure policies and priorities is presented.

Answer:

a. Yes, information beyond the core elements is presented for the government's expenditure policies and priorities.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>

Comment:

Page 40 of the BPS 2020 provides Expenditure projections. In addition, information on summary Budget Allocations for the FY2020/21 – 2022/23 is provided in table Table 3.1. page 43 paragraph 180 shows Medium Term Sector Ceilings for the period 2020/21 - 2022/23 Table 3.2: Fiscal policies are also discussed p. 14-15 and major policies such as the "Big Four" Agenda discussed on p. 19-39

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

56. Does the Pre-Budget Statement present information on the government's revenue policies and priorities that will guide the development of detailed estimates for the upcoming budget?

(The core information must include a discussion of revenue policies and priorities and an estimate of total revenues.)

GUIDELINES:

Question 56 focuses on the government's revenue policies and priorities in the Pre-Budget Statement, asking whether "core" information related to these policies is presented. These core components include:

- *a discussion of revenue policies and priorities; and*
- *an estimate of total revenue.*

Although a Pre-Budget Statement is unlikely to include detailed revenue proposals, it should include a discussion of broad policy priorities and a projection of at least the total revenue associated with these policies for the budget year. The Pre-Budget Statement can also include more detail, for instance, with estimates provided by revenue category – tax and non-tax – or some of the major individual sources of revenue, such as the Value Added Tax or the income tax.

To answer "a," the Pre-Budget Statement must present for the upcoming budget year all of the core information related to the government's revenue policies and priorities as well as some additional information beyond the core elements. To answer "b," the Pre-Budget Statement must present all of the core components noted above for the upcoming budget year. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to the government's revenue policies and priorities is presented, but some of the core pieces of information are not included. Answer "d" applies if no information on the government's revenue policies and priorities is presented.

Answer:

a. Yes, information beyond the core elements is presented for the government's revenue policies and priorities.

Source:

Paragraph 91 of the BPS shows that the government uses both monetary policy and fiscal consolidation efforts anchored on revenue mobilization and expenditure rationalization. on page 40 of the BPS gives estimates of total revenues

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer
Opinion: Agree

57. Does Pre-Budget Statement present three estimates related to government borrowing and debt: the amount of net new borrowing required during the budget year; the total debt outstanding at the end of the budget year; and interest payments on the debt for the budget year?

GUIDELINES:

Question 57 asks whether the Pre-Budget Statement includes three key estimates related to borrowing and debt:

- *the amount of net new borrowing needed in the upcoming budget year;*
- *the central government's total debt burden at the end of the upcoming budget year; and*
- *the interest payments on the outstanding debt for the upcoming budget year.*

Debt is the accumulated amount of money that the government borrows. The government can borrow from its citizens, banks, and businesses within the country (domestic debt) or from creditors outside the country (external debt). External debt is typically owed to private commercial banks, other governments, or international financial institutions such as the World Bank and the International Monetary Fund.

Net new borrowing is the additional amount of new borrowing that is required for the budget year to finance expenditures in the budget that exceed available revenues. Net new borrowing adds to the accumulated debt. It is distinct from gross borrowing, which also includes borrowing needed to repay existing debt that matured during the budget year; debt that is replaced (or rolled over) does not add to the total of accumulated debt. For the purposes of this question, the deficit may be accepted as a proxy for net new borrowing.

Interest payments on the debt (or debt service costs) are typically made at regular intervals, and these payments must be made on a timely basis in order to avoid defaulting on the debt obligation. Interest payments are separate from the repayment of principal, which occurs only when the loan has matured and must be paid back in full.

To answer "a," the Pre-Budget Statement must present all three estimates of borrowing and debt for at least the upcoming budget year. For a "b" answer, the Pre-Budget Statement must present two of those three estimates. For a "c" answer, the PBS must present one of the three estimates. Answer "d" applies if no information on borrowing and debt is presented in the PBS.

Answer:

a. Yes, all three estimates related to government borrowing and debt are presented.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf>

Comment:

On page 48 as well as the Budget Policy Statement 2020 pg. 92 that has information on net borrowing, interest payable during the year and stock of debt. Annex Table 3: Government Fiscal Operations

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

58. Does the Pre-Budget Statement present estimates of total expenditures for a multi-year period (at least two-years beyond the budget year)?

GUIDELINES:

Question 58 asks about multi-year expenditure estimates in the Pre-Budget Statement.

To answer "a," expenditure estimates for at least two years beyond the upcoming budget year must be presented. The estimates must be for at least total expenditures, but could include more detail than just the aggregate total.

Answer:

a. Yes, multi-year expenditure estimates are presented.

Source:

Page 43 of Budget policy statement outlines the government expenditure priorities by sector in addition Page 41 of the document outlines the total expenditures for the multiyear period

www.treasury.go.ke/wp-content/uploads/2020/11/2020-Budget-Policy-Statement.pdf

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

59. Does the Enacted Budget present expenditure estimates by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 59 asks if expenditure estimates in the Enacted Budget are presented by any one of the three expenditure classifications – by administrative, economic, and functional classifications – which were addressed in Questions 1-5 above. Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on. Unlike classification by administrative unit, which tends to be unique to each country, functional and economic classifications for government budgeting have been developed and standardized by international institutions. Cross-country comparisons are facilitated by adherence to these international classification standards.

To answer "a," the Enacted Budget must present expenditure estimates by all three of the expenditure classifications. To answer "b," expenditure estimates must be presented by two of the three classifications. A "c" answer applies if expenditure estimates are presented by one of the three classifications. Answer "d" applies if expenditure estimates are not presented by any of the three classifications.

Answer:

b. Yes, the Enacted Budget presents expenditure estimates by two of the three expenditure classifications.

Source:

The appropriation Act 2020 provides expenditure estimates by administrative expenditure classification only.

Comment:

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the Enacted Budget presents expenditure estimates by all three expenditure classifications (by administrative, economic, and functional classification).

Comments: This is provided in the approved Programme Based Budget and the approved itemized Budgets. The Appropriations Act is a summarized legal instrument with specified format which is generated from the Programme Based Budget and in extension the itemized budget.

Researcher Response

I agree with the government reviewer but the functional classification is unavailable for the PBB to be considered as having met the A score criteria

IBP Comment

Note that the PBB that is cited by the government reviewer can be considered part of the EB, given that the PBB is updated and republished after the budget was approved. The researcher's revised response is confirmed. Snapshot as of August 2020:

<http://web.archive.org/web/20200810225519/https://www.treasury.go.ke/component/jdownloads/category/216-budget-books.html?Itemid=-1>

Republished version of the PBB is now available on the new website here: <https://www.treasury.go.ke/wp-content/uploads/2021/05/FY2020-21-Programme-Based-Budget.pdf> According to IBP's assessment, however, there is an economic classification, which qualifies for a B score. As the researcher correctly notes there is no functional classification.

59b. Based on the response to Question 59, check the box(es) to identify which expenditure classifications are included in the Enacted Budget:

Answer:

Administrative classification

Economic classification

Source:

Appropriation ACT 2020

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: The Enacted Budget presents expenditure estimates by all three expenditure classifications (by administrative, economic, and functional classification).

Comments: This is provided in the approved Programme Based Budget and the approved itemized Budgets. The Appropriations Act is a summarized legal instrument with specified format which is generated from the Programme Based Budget and in extension the itemized budget.

IBP Comment

See Q59 - the PBB can be accepted as it is updated and republished after the budget is approved and includes an economic classification.

60. Does the Enacted Budget present expenditure estimates for individual programs?

GUIDELINES:

Question 60 asks if expenditure estimates in the Enacted Budget are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaillé. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Enacted Budget must present all programs, which account for all expenditures, in the budget year. To answer "b," the Enacted Budget must present expenditures for individual programs that when combined account for at least two-thirds of expenditures, but not all expenditures. A "c" answer applies if the Enacted Budget presents programs that account for less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by program in the Enacted Budget.

Answer:

a. Yes, the Enacted Budget presents estimates for programs accounting for all expenditures.

Source:

The appropriation ACT 2020 shows expenditure broken down by administrative unit, and then by program. See for example all pages of the act or p. 70 that shows breakdowns below the Office of the President

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

61. Does the Enacted Budget present revenue estimates by category (such as tax and non-tax)?

GUIDELINES:

Question 61 asks whether revenue estimates in the Enacted Budget are presented by "category" – that is, whether tax and non-tax sources of revenue are shown separately.

To answer "a," the Enacted Budget must present revenue estimates classified by category.

Answer:

b. No, the Enacted Budget does not present revenue estimates by category.

Source:

The available enacted budget(2020/21)does not present revenue estimates by category

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

The appropriation Act does not breakdown revenue sources by category

Peer Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the Enacted Budget presents revenue estimates by category.

Comments: The right document to cite is the Finance Act

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/TheFinanceAct_No.8of2020.pdf which to some extent shows what proposed tax policy changes are approved often presented by the four key tax heads and miscellaneous levies.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the Enacted Budget presents revenue estimates by category.

Comments: This is provided in the Finance Act

Researcher Response

The finance act presents tax changes and not revenue estimates while the appropaition act does not breakdown revenue sources by category. I would still maintain a B score

62. Does the Enacted Budget present individual sources of revenue?

GUIDELINES:

Question 62 asks whether revenue estimates for individual sources of revenue are presented in the Enacted Budget. The question applies to both tax and non-tax revenue.

To answer "a," the Enacted Budget must present all individual sources of revenue, and "other" or "miscellaneous" revenue must account for three percent or less of all revenue. To answer "b," the Enacted Budget must present individual sources of revenue that when combined account for at least two-thirds of all revenue, but not all revenue. A "c" answer applies if the Enacted Budget presents individual sources of revenue that account for less than two-thirds of revenues. Answer "d" applies if individual sources of revenue are not presented.

Answer:

d. No, the Enacted Budget does not present individual sources of revenue.

Source:

Individual sources of revenue are not provided.

http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2020/AppropriationAct_2020.pdf

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer:

b. Yes, the Enacted Budget presents individual sources of revenue accounting for at least two-thirds of, but not all, revenue.

Comments: The right document however to be referenced is the Finance Act, 2020 as noted in the previous question.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the Enacted Budget presents individual sources of revenue accounting for all revenue.

Comments: This is provided in the Finance Act

IBP Comment

As the researcher confirmed in 61, the finance act revises tax rates, and does not provide revenue estimates for those taxes. The score of D is confirmed.

63. Does the Enacted Budget present three estimates related to government borrowing and debt: the amount of net new borrowing required during the budget year; the total debt outstanding at the end of the budget year; and interest payments on the debt for the budget year?

GUIDELINES:

Question 63 asks about three key estimates related to borrowing and debt:

- the amount of net new borrowing required during the budget year;*
- the total debt outstanding at the end of the budget year;*
- the interest payments on the outstanding debt for the budget year.*

Debt is the accumulated amount of money that the government borrows. The government can borrow from its citizens, banks, and businesses within the country (domestic debt) or from creditors outside the country (external debt). External debt is typically owed to private commercial banks, other governments, or international financial institutions such as the World Bank and the International Monetary Fund.

Net new borrowing is the additional amount of new borrowing that is required for the budget year to finance expenditures in the budget that exceed available revenues. Net new borrowing adds to the accumulated debt. It is distinct from gross borrowing, which also includes borrowing needed to repay existing debt that matured during the budget year; debt that is replaced (or rolled over) does not add to the total of accumulated debt. For the purposes of this question, the deficit may be accepted as a proxy for net new borrowing.

Interest payments on the debt (or debt service costs) are typically made at regular intervals, and these payments must be made on a timely basis in order to avoid defaulting on the debt obligation. Interest payments are separate from the repayment of principal, which occurs only when the loan has matured and must be paid back in full.

To answer "a," the Enacted Budget must present all three estimates of borrowing and debt. For a "b" answer, the Enacted Budget must present two of those three estimates. For a "c" answer, the Enacted Budget must present one of the three estimates. Answer "d" applies if no information on borrowing and debt is presented in the Enacted Budget.

Answer:

d. No, none of the three estimates related to government borrowing and debt are not presented.

Source:

Information Related to Debt is not provided in the enacted budget

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, all three estimates related to government borrowing and debt are presented.

Comments: This is provided in the approved Medium Term Debt Management Strategy

IBP Comment

Since the Medium Term Debt Management Strategy is provided alongside the Budget Policy Statement (which is the PBS), several months before the budget is approved, and the MTDM was not published along with Enacted Budget documents, it therefore can't be considered for this question. The researcher's response of D is confirmed.

64. What information is provided in the Citizens Budget?

(The core information must include expenditure and revenue totals, the main policy initiatives in the budget, the macroeconomic forecast upon which the budget is based, and contact information for follow-up by citizens.)

GUIDELINES:

Question 64 focuses on the content of the Citizens Budget, asking whether "core" information is presented. These core components include:

- expenditure and revenue totals;
- the main policy initiatives in the budget;
- the macroeconomic forecast upon which the budget is based; and
- contact information for follow-up by citizens.

To answer "a," the Citizens Budget or supporting documentation must present all of the above core information as well as some additional information beyond the core elements. To answer "b," the Citizens Budget must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if the Citizens Budget includes some of the core components above, but other core pieces of information are not included. Answer "d" applies if a Citizens Budget is not published.

Answer:

b. The Citizens Budget provides the core information.

Source:

The 2020/2021 Citizen Budget provides core information

Page 1 contains information on the overall budget, total expenditures and total revenue inclusive of AIA, major policies such as the big four Agenda and the Eight Point Economic Stimulus

Page 12 provides a summary of tax measures.

<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

The focus of the 2020/2021 Mwananchi Budget was on the Big Four Agenda

Peer Reviewer

Opinion: Agree

Comments: The main information that is missing is main policy initiatives in the budget and macroeconomic forecast.

Government Reviewer

Opinion: I choose not to review this question

IBP Comment

Thank you to the peer reviewer. Main policy initiatives are covered in the Big Four agenda. Contact information is on the last page. Macroeconomic information (other than monetary policy) is missing, however as there is information beyond the core (tax rate changes and expenditures for specific policies) the researcher's score of B is maintained.

65. How is the Citizens Budget disseminated to the public?

GUIDELINES:

Question 65 asks how the Citizens Budget is disseminated to the public. Citizens Budgets should be made available to a variety of audiences. Therefore paper versions and an Internet posting of a document might not be sufficient.

To answer "a," the executive must use three or more different types of creative media tools to reach the largest possible share of the population, including those who otherwise would not normally have access to budget documents or information. Dissemination would also be pursued at the very local level, so that the coverage is targeted both by geographic area and population group (e.g., women, elderly, low income, urban, rural, etc.). Option "b" applies if significant dissemination efforts are made through a combination of two means of communications, for instance, both posting the Citizens Budget on the executive's

official website and distributing printed copies of it. Option "c" applies if the Citizens Budget is disseminated through only posting on the executive's official website. Option "d" applies when the executive does not publish a Citizens Budget.

Answer:

b. A Citizens Budget is published by using at least two, but less than three, means of dissemination, but no other dissemination efforts are undertaken by the executive.

Source:

The citizen Budget is made available on the National Treasury website .

<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

It is called the Mwananchi Budget/Budget highlights on the National treasury Website. It is usually published by the Standard, Nation and People daily newspapers.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

66. Has the executive established mechanisms to identify the public's requirements for budget information prior to publishing the Citizens Budget?

GUIDELINES:

Question 66 asks whether the executive has established mechanisms to identify the public's requirements for budget information before publishing a Citizens Budget. What the public wants to know about the budget might differ from the information the executive includes in technical documents that comprise the Executive's Budget Proposal or the Enacted Budget; similarly, different perspectives might exist on how the budget should be presented, and this may vary depending on the context. For this reason the executive should consult with the public on the content and presentation of the Citizens Budget.

To answer "a," the executive must have established mechanisms to consult with the public, and these mechanisms for consultation are both accessible and widely used by the public. Such mechanisms can include focus groups, social networks, surveys, hotlines, and meetings/events in universities or other locations where people gather to discuss public issues. In countries where Citizens Budgets are consistently produced and released, it may be sufficient for the government to provide the public with contact information and feedback opportunities, and subsequently use the feedback to improve its management of public resources.

Option "b" applies if the executive has established mechanisms for consultation that are accessible to the public, but that the public nonetheless does not use frequently. That is, the public does not typically engage with the executive on the content of the Citizens Budget, even though the executive has created opportunities for such consultation. Option "c" applies if the executive has established mechanism for consultation with the public, but they are poorly designed and thus not accessible to the public. Option "d" applies if the executive has not created any mechanisms to seek feedback from the public on the content of the Citizens Budget.

Answer:

d. No, the executive has not established any mechanisms to identify the public's requirements for budget information in the Citizen's Budget.

Source:

There is no existing mechanism which is established by the executive for public engagement before citizens budget is generated

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive has established mechanisms to identify the public's requirements for budget information in the Citizen's Budget, and these mechanisms are accessible and widely used by the public.

Comments: The citizens budget is a simplified version of the approved budget. The approved Budget is a product of various levels of public engagements in project identification, allocation and stakeholder validation. There are existing mechanisms for engaging the public in the Budget process through the annual public hearings. Additionally, MDAs conduct public participation during project identification as required by the Constitution which are prioritized by the Sector Working Groups.

Researcher Response

There is no evidence to show that citizens are engaged prior to production of a citizens budget. Answer should be maintained as D

IBP Comment

Thank you to the government for the comment. This question asks specifically about input into the format and contents of the citizens budget document, not the budget itself. Participation in the budget process is assessed in other OBS questions in Section 5. As the mechanisms described by the government reviewer do not relate to soliciting input or feedback on the citizens budget document, the researcher's score of D is confirmed.

67. Are "citizens" versions of budget documents published throughout the budget process?

GUIDELINES:

Question 67 asks if "citizens" versions of budget documents are published throughout the budget process. While the Citizens Budget was initially conceived as a simplified version of the Executive's Budget Proposal or the Enacted Budget, good practice is now evolving and suggests that a "citizens" version of key budget documents should be produced during each of the four phases of the budget cycle. This would serve to inform citizens of the state of public financial management throughout the entire budget cycle.

To answer "a," a citizens version of at least one budget document is published for each of the four stages of the budget process (budget formulation, enactment, execution, and audit) – for a total of at least four citizens budget documents throughout the process. Option "b" applies if a citizens version of a budget document is published for at least two of the four stages of the budget process. Option "c" applies if a citizens version of a budget document is published for at least one of the four stages of the budget process. Select option "d" if no "citizens" version of budget documents is published.

Answer:

c. A citizens version of budget documents is published for at least one stage of the budget process.

Source:

Citizen versions are published during the formulation stage making reference to the highlights of the budget estimates
<https://web.archive.org/web/20200904145843/https://www.treasury.go.ke/component/jdownloads/send/208-2020-2021/1580-budget-highlights-fy-2020-21.html>

Comment:

Citizen versions are published during the formulation stage making reference to the highlights of the budget estimates

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

68. Do the In-Year Reports present actual expenditures by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 68 asks if expenditure estimates in In-Year Reports are presented by any one of the three expenditure classifications – by administrative, economic, and functional classifications – which were addressed in Questions 1-5 above.

Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on. Unlike classification by administrative unit, which tends to be unique to each country, functional and economic classifications for government budgeting have been developed and standardized by international institutions. Cross-country comparisons are facilitated by adherence to these international classification standards.

To answer "a," In-Year Reports must present actual expenditures by all three of the expenditure classifications. To answer "b," actual expenditures must be presented by two of these three classifications. A "c" answer applies if actual expenditures are presented by one of the three classifications. Answer "d" applies if actual expenditures are not presented by any of the three classifications in In-Year Reports.

Answer:

a. Yes, the In-Year Reports present actual expenditures by all three expenditure classifications (by administrative, economic, and functional classification).

Source:

The in-year reports present expenditure for all programmes First 9 months BIRR for 2019/2020 published June 2020
<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/#>

Comment:

Pg. 57-66 of the first nine months BIRR 2019/20. For example, in Pg. 64 of the First Nine Months Budget implementation report of 2019/20, there is the expenditure of the health sector, showing ministries and programs that correspond to each sector. This is similar for all ministries and departments

For economic classification see Table 3.3 on p. 19 for development expenditures and Table 3.4 on p. 23 for recurrent expenditures

Annex 1-2 also have summary by MDAs (administrative)
Annex 3-4 also have summary by sector (functional)

Peer Reviewer

Opinion: Agree

Comments: The National Treasury Quarterly Economic and Budgetary Report via <https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf> in Annexe 1 on pp 29 has some information on economic classification which is however in the BIRR.

Government Reviewer

Opinion: Agree

68b. Based on the response to Question 68, check the box(es) to identify which expenditure classifications are included in the In-Year Reports:

Answer:

Administrative classification
Economic classification
Functional classification

Source:

The in-year reports present expenditure for all three expenditure classifications – First 9 months BIRR for 2019/2020

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/#>

Comment:

Peer Reviewer

Opinion: Agree

Comments: Quarterly Economic and Budgetary report noted in the previous QN should be included as man IYR produced by National Treasury

Government Reviewer

Opinion: Agree

69. Do the In-Year Reports present actual expenditures for individual programs?

GUIDELINES:

Question 69 asks if expenditure estimates in In-Year Reports are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaille. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," In-Year Reports must present actual expenditures for all individual programs, accounting for all expenditures. To answer "b," In-Year Reports must present actual expenditures for individual programs that when combined account for at least two-thirds of expenditures, but not all expenditures. A "c"

answer applies if In-Year Reports present actual expenditures for programs that account for less than two-thirds of expenditures. Answer "d" applies if actual expenditures are not presented by program in In-Year Reports.

Answer:

a. Yes, the In-Year Reports present actual expenditures for programs accounting for all expenditures.

Source:

National government implementation review report for the first nine months 2019/2020

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

Comment:

The controllers of Budget in Year Reports contain information on actual expenditures for programs in the quarter under which the report is made.

See for example reporting by program starting on p. 57

Peer Reviewer

Opinion: Agree

Comments: Reference QEBR 2020 Q3

Government Reviewer

Opinion: Agree

70. Do the In-Year Reports compare actual year-to-date expenditures with either the original estimate for that period (based on the enacted budget) or the same period in the previous year?

GUIDELINES:

Question 70 asks whether In-Year Reports compare actual expenditures to-date with either the enacted levels or actual expenditures for the same period in the previous year.

The OECD recommends that the reports contain the total year-to-date expenditures in a format that allows for a comparison with the budget's forecast expenditures (based on enacted levels) for the same period.

To answer "a," comparisons must be made for expenditures presented in the In-Year Reports

Answer:

a. Yes, comparisons are made for expenditures presented in the In-Year Reports.

Source:

The National Government Budget Implementation Review Report Page xiv that shows first nine months expenditures and absorption rates for that period (for total expenditures) in 2019/2020 compared to 2018/2019 and also Table 2.3 and 2.4 on p. 5-7 for total expenditures and expenditures by sector compared to the same period in the previous year. see link

<https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

71. Do In-Year Reports present actual revenue by category (such as tax and non-tax)?

GUIDELINES:

Questions 71 asks whether In-Year Reports present actual revenues by "category"— that is, whether tax and non-tax sources of revenue are shown separately.

To answer "a," In-Year Reports must present revenue estimates classified by category.

Answer:

a. Yes, In-Year Reports present actual revenue by category.

Source:

The in year reports present the actual revenue by category in the page 2 of the 2019 reports <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/#> and page 2 of 2020 in year reports <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/#>

Page 13 of Quarter 1 report outlines revenues by category QEBR 2020 <https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-1st-Quarter-2020-21-ending-30th-September-2020.pdf>

Page 11 of Quarter 3 QEBR report gives revenue by category

<https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf>

Comment:

Both National Treasury and Controller of Budget reports provide the actual revenue by category

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

72. Do In-Year Reports present the individual sources of revenue for actual revenues collected?

GUIDELINES:

Question 72 asks whether In-Year Reports present actual collections of individual sources of revenue (such as income taxes, VAT, etc.). The question applies to both tax and non-tax revenue.

To answer "a," In-Year Reports must present actual collections for all individual sources of revenue, and "other" or "miscellaneous" revenue must account for three percent or less of all revenue. To answer "b," In-Year Reports must present actual collections for individual sources of revenue that when combined account for at least two-thirds of all revenue collected, but not all revenue. A "c" answer applies if In-Year Reports present individual sources of actual revenue that account for less than two-thirds of all revenue collected. Answer "d" applies if individual sources of actual revenue are not presented.

Answer:

a. Yes, In-Year Reports present individual sources of actual revenue accounting for all revenue.

Source:

Page 13 of Quarter 1 report outlines revenues by category QEBR 2020 <https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-1st-Quarter-2020-21-ending-30th-September-2020.pdf>

Page 11 of Quarter 3 QEBR report gives revenue by category <https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf>

Comment:

Other revenues are 6,968 out of 382,593 total revenue which is 1.8% and qualifies for an A score

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

73. Do the In-Year Reports compare actual year-to-date revenues with either the original estimate for that period (based on the enacted budget) or the same period in the previous year?

GUIDELINES:

Question 73 asks whether In-Year Reports compare actual revenues to-date with either the enacted levels or actual revenues for the same period in the previous year.

The OECD recommends that the reports contain the total year-to-date revenues in a format that allows for a comparison with the budget's forecast revenues (based on enacted levels) for the same period.

To answer "a," comparisons must be made for revenues presented in the In-Year Reports.

Answer:

a. Yes, comparisons are made for revenues presented in the In-Year Reports.

Source:

In page 11 of the The Quarterly Economic and Budget Reviews compare actual year-to-date revenues for the current budget period e.g., the 3rd Quarter 2019-20 Quarterly Economic and Budget Review for the period ending 31st March 2020 with the same period in the previous year and the expected target according to the budget

<https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf>

Comment:

Table 4 on page 11 has this information

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

74. Do In-Year Reports present three estimates related to actual government borrowing and debt: the amount of net new borrowing; the total debt outstanding; and interest payments?

GUIDELINES:

Question 74 asks about three key estimates related to borrowing and debt:

- the amount of net new borrowing so far during the year;
- the central government's total debt burden at that point in the year; and
- the interest payments to-date on the outstanding debt.

Debt is the accumulated amount of money that the government borrows. The government can borrow from its citizens and banks and businesses within the country (domestic debt) or from creditors outside the country (external debt). External debt is typically owed to private commercial banks, other governments, or international financial institutions such as the World Bank and the International Monetary Fund.

Net new borrowing is the additional amount of new borrowing that is required for the budget year to finance expenditures in the budget that exceed available revenues. Net new borrowing adds to the accumulated debt. It is distinct from gross borrowing, which also includes borrowing needed to repay existing debt that matured during the budget year; debt that is replaced (or rolled over) does not add to the total of accumulated debt. For the purposes of this question, the deficit may be accepted as a proxy for net new borrowing.

Interest payments on the debt (or debt service costs) are typically made at regular intervals, and these payments must be made on a timely basis in order to avoid defaulting on the debt obligation. Interest payments are separate from the repayment of principal, which occurs only when the loan has matured and must be paid back in full.

To answer "a," In-Year Reports must present all three estimates of borrowing and debt. For a "b" answer, In-Year Reports must present two of those three estimates. For a "c" answer, IYRs must present one of the three estimates. Answer "d" applies if no information on borrowing and debt is presented in In-Year Reports.

Answer:

a. Yes, all three estimates related to government borrowing and debt are presented.

Source:

Page 29 of the QEBR 2019/20 presents the three of the estimates

<https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf>

Page 24 to 29 of 2020/21 of the QEBR presents the three of the estimates <https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-1st-Quarter-2020-21-ending-30th-September-2020.pdf>

Comment:

Total debt: Table 11, page 22

Net new borrowing: page 19

Interest payments: paragraph page 13

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

75. Do In-Year Reports present information related to the composition of the total actual debt outstanding?

(The core information must include interest rates on the debt instruments; maturity profile of the debt; and whether it is domestic or external debt.)

GUIDELINES:

Question 75 focuses on the composition of government debt, asking whether "core" information related to its composition is presented. These core components include:

- *interest rates on the debt;*
- *maturity profile of the debt; and*
- *whether the debt is domestic or external.*

The interest rates affect the amount of interest that must be paid to creditors. The maturity profile indicates the final payment date of the loan, at which point the principal (and all remaining interest) is due to be paid; government borrowing typically includes a mix of short-term and long-term debt. As discussed in Question 74, domestic debt is held by a country's citizens and banks and businesses, while external debt is held by foreigners. These factors related to the composition of the debt give an indication of the potential vulnerability of the country's debt position, and ultimately whether the cost of servicing the accumulated debt is affordable.

Beyond these core elements, a government may also provide additional information related to the composition of its debt, including for instance: whether interest rates are fixed or variable; whether debt is callable; the currency of the debt; a profile of the creditors (bilateral institutions, multilateral institutions, commercial banks, Central Bank, etc.); an analysis of the risk associated with the debt; and where appropriate, what the debt is being used to finance.

To answer "a," In-Year Reports must present all of the core information related to the composition of government debt to-date as well as some additional information beyond the core elements. To answer "b," In-Year Reports must present all of the core components noted above. Answer "b" is also accepted if one of the core elements is not presented but additional information beyond the core elements is presented. A "c" answer applies if some information related to the composition of government debt is presented, but some of the core pieces of information are not included. Answer "d" applies if no information is presented on the composition of the debt outstanding in In-Year Reports.

Answer:

c. Yes, information is presented, but it excludes some core elements.

Source:

QEBR 2019/2020

<https://www.treasury.go.ke/wp-content/uploads/2020/11/QEBR-3rd-Quarter-2019-2020-ending-31st-March-2020.pdf>

Comment:

Page 22 to 26 of 2019/20 provides some information related to the composition debt instruments including whether debt is internal or external but maturity profile of the debt are missing. Some information on interest rates is seen on p. 10 but not for individual lending instruments.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

76. Does the Mid-Year Review of the budget include an updated macroeconomic forecast for the budget year underway?

GUIDELINES:

Question 76 asks whether the Mid-Year Review includes an updated macroeconomic forecast for the budget year underway, and provides an explanation of the update.

Refer to Question 15 for the components of the macroeconomic forecast presented in the Executive's Budget Proposal.

To answer "a," the Mid-Year Review must include an updated macroeconomic forecast and explain all of the differences between the initial forecast presented in the Executive's Budget Proposal and the updated forecast. The explanation must include at least estimates of all differences; a narrative discussion is desirable but not required if estimates of all the differences are provided. To answer "b," the macroeconomic forecast must be updated, but only some of the differences between the initial and updated forecasts are explained. The explanation would be more limited, such as only a narrative discussion of the differences or estimates covering only some of the differences. A "c" response applies if the Mid-Year Review includes an updated macroeconomic forecast, but does not provide an explanation for the revisions. A "d" response applies if the macroeconomic forecast has not been updated.

Answer:

d. No, the estimates for macroeconomic forecast have not been updated.

Source:

No published MYR

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

77. Does the Mid-Year Review of the budget include updated expenditure estimates for the budget year underway?

GUIDELINES:

Question 77 asks whether the Mid-Year Review includes updated estimates of expenditure for the budget year underway, and provides an explanation of the update. Please note that year-to-date expenditures as assessed in Question 70 do not qualify as updated estimates of expenditure for the purposes of this indicator.

To answer "a," the Mid-Year Review must include updated expenditure estimates and explain all of the differences between the initial levels presented in the Executive's Budget Proposal (or the Enacted Budget) and the updated estimates. The explanation must include at least estimates of all differences; a narrative discussion is desirable but not required if estimates of all the differences are provided. The expenditure estimates must be updated, but only some of the differences between the initial and updated estimates are explained. The explanation would be more limited, such as only a narrative discussion of the differences or estimates covering only some of the differences. A "c" response applies if the Mid-Year Review includes updated expenditure estimates, but does not provide an explanation for the revisions. A "d" response applies if the expenditure estimates have not been updated.

Answer:

d. No, expenditure estimates have not been updated.

Source:

Mid year Report is not publicly available

Comment:

MYR is not available

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: e. Not applicable/other (please comment).

Comments: Expenditures and revenues are reviewed during the Supplementary Budget Process

IBP Comment

In cases where there is no publicly available document for a Mid-Year Review (which are often prepared and published in advance of, and to inform, revised estimates that are approved in Supplementary Budgets), this question must score D by OBS methodology. The researcher's response is confirmed.

78. Does the Mid-Year Review of the budget present updated expenditure estimates for the budget year underway by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 78 asks if expenditure estimates for the budget year underway in the Mid-Year Review are presented by any one of the three expenditure classifications – by administrative, economic, and functional classifications – which were addressed in Questions 1-5 above. Please note that year-to-date expenditures as assessed in Question 70 do not qualify as updated estimates of expenditure for the purposes of this indicator.

Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on. Unlike classification by administrative unit, which tends to be unique to each country, functional and economic classifications for government budgeting have been developed and standardized by international institutions. Cross-country comparisons are facilitated by adherence to these international classification standards.

To answer "a," the Mid-Year Review must present expenditure estimates by all three of the expenditure classifications. To answer "b," expenditure estimates must be presented by two of these three classifications. A "c" answer applies if expenditure estimates are presented by one of the three classifications. Answer "d" applies if expenditure estimates are not presented by any of the three classifications in the Mid-Year Review.

Answer:

d. No, the Mid-Year Review does not present expenditure estimates by any expenditure classification.

Source:

Mid year Report is not available

Comment:

The mid year Report is not available

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: e. Not applicable/other (please comment).

Comments: Expenditures are reviewed during the Supplementary Budget Process

IBP Comment

In cases where there is no publicly available document for a Mid-Year Review (which are often prepared and published in advance of, and to inform, revised estimates that are approved in Supplementary Budgets), this question must score D by OBS methodology. The researcher's response is confirmed.

78b. Based on the response to Question 78, check the box(es) to identify which expenditure classifications are included in the Mid-Year Review:

Answer:

None of the above

Source:

Mid-year Report is not available

Comment:

Mid-year Report is not available

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Disagree
Suggested Answer: not practical
Comments: Expenditures, including classifications can only be reviewed during the Supplementary Budget process

IBP Comment
This question asks specifically about the Mid-Year Review. Where there is no publicly available MYR, this question must score as None of the Above.

79. Does the Mid-Year Review of the budget present updated expenditure estimates for the budget year underway for individual programs?

GUIDELINES:

Question 79 asks if expenditure estimates in the Mid-Year Review are presented by program for the budget year underway. Please note that year-to-date expenditures as assessed in Question 70 do not qualify as updated estimates of expenditure for the purposes of this indicator.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaille. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Mid-Year Review must present expenditures for all individual programs, accounting for all expenditures. To answer "b," the Mid-Year Review must present expenditures for individual programs that when combined account for at least two-thirds of expenditures, but not all expenditures. A "c" answer applies if the Mid-Year Review presents programs that account for less than two-thirds of expenditures. Answer "d" applies if expenditures are not presented by program in the Mid-Year Review.

Answer:
d. No, the Mid-Year Review does not present expenditure estimates by program.

Source:
The Mid Year review is not publicly available

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: I choose not to review this question

80. Does the Mid-Year Review of the budget include updated revenue estimates for the budget year underway?

GUIDELINES:

Question 80 asks whether the Mid-Year Review includes updated estimates of revenue for the budget year underway, and provides an explanation of the update. Please note that year-to-date revenues as assessed in Question 73 do not qualify as updated estimates of revenue for the purposes of this indicator.

To answer "a," the Mid-Year Review must include updated revenue estimates and explain all of the differences between the initial levels presented in the Executive's Budget Proposal (or the Enacted Budget) and the updated estimates. The explanation must include at least estimates of all differences; a narrative discussion is desirable but not required if estimates of all the differences are provided. To answer "b," the revenue estimates must be updated, but only some of the differences between the initial and updated estimates are explained. The explanation would be more limited, such as only a narrative discussion of the differences or estimates covering only some of the differences. A "c" response applies if the Mid-Year Review includes updated revenue estimates, but no explanation for the revisions is provided. A "d" response applies if the revenue estimates have not been updated.

Answer:

d. No, revenue estimates have not been updated.

Source:

Mid-year review Report is not available

Comment:

Mid-year review Report is not available

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

81. Does the Mid-Year Review of the budget present updated revenue estimates for the budget year underway by category (such as tax and non-tax)?

GUIDELINES:

Question 81 asks whether revenue estimates for the budget year underway in the Mid-Year Review are presented by "category"— that is, whether tax and non-tax sources of revenue are shown separately. Please note that year-to-date revenues as assessed in Question 73 do not qualify as updated estimates of revenue for the purposes of this indicator.

To answer "a," the Mid-Year Review must present revenue estimates classified by category.

Answer:

b. No, the Mid-Year Review does not present revenue estimates by category.

Source:

The Mid year review is not publicly available

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

82. Does the Mid-Year Review of the budget present updated individual sources of revenue for the budget year underway?

GUIDELINES:

Question 82 asks whether revenue estimates for individual sources of revenue for the budget year underway are presented in the Mid-Year Review. Please note that year-to-date revenues as assessed in Question 73 do not qualify as updated estimates of revenue for the purposes of this indicator.

To answer "a," the Mid-Year Review must present all sources of revenue individually, accounting for all revenues, and "other" or "miscellaneous" revenue must account for three percent or less of all revenue. To answer "b," the Mid-Year Review must present individual sources of revenue that when combined account for at least two-thirds of all revenue, but not all revenue. A "c" answer applies if the Mid-Year Review presents estimates of individual revenue sources that account for less than two-thirds of revenue. Answer "d" applies if individual sources of revenue are not presented in the Mid-Year Review.

Answer:

d. No, the Mid-Year Review does not present individual sources of revenue.

Source:

Comment:

The Mid-year review is not publicly available

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

83. Does the Mid-Year Review of the budget include updated estimates of government borrowing and debt, including its composition, for the budget year underway?

GUIDELINES:

Question 83 asks whether the Mid-Year Review includes updated estimates of borrowing and debt, including its composition, for the budget year underway, and provides an explanation of the update.

Refer to Question 13 for details on estimates in the Executive's Budget Proposal of borrowing and debt. Key estimates related to borrowing and debt include:

- *The amount of net new borrowing required during the budget year;*
- *The central government's total debt burden at the end of the budget year; and*
- *The interest payments on the outstanding debt for the budget year.*

Refer to Question 14 for details on estimates in the Executive's Budget Proposal related to the composition of the debt. Core information related to the composition of government debt include:

- *interest rates on the debt;*
- *maturity profile of the debt; and*
- *whether the debt is domestic or external.*

To answer "a," the Mid-Year Review must include an updated estimates of borrowing and debt, including its composition, and explain all of the differences between the initial estimates presented in the Executive's Budget Proposal (or Enacted Budget) and the updated estimates. The explanation must include at least estimates of all differences; a narrative discussion is desirable but not required if estimates of all the differences are provided. To answer "b," the estimates of borrowing and debt must be updated, but only some of the differences between the initial and updated estimates are explained. The explanation would be more limited, such as only a narrative discussion of the differences or estimates covering only some of the differences. A "c" response applies if the Mid-Year Review includes updated estimates, but no explanation for the revisions is provided. A "d" response applies if the estimates of borrowing and debt have not been updated.

Answer:

d. No, estimates of government borrowing and debt have not been updated.

Source:

Comment:

The Mid-year review is not publicly available

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question

84. Does the Year-End Report present the differences between the enacted levels (including in-year changes approved by the legislature) and the actual outcome for expenditures?

GUIDELINES:

Question 84 asks whether the Year-End Report includes estimates of the differences between the enacted levels and actual expenditures for the year, and whether these estimates are accompanied by a narrative discussion.

To answer "a," the Year-End Report must present estimates of the differences between the enacted levels and the actual outcome for all expenditures, along with a narrative discussion. Answer "b" if estimates of the differences for all expenditures are presented, but a narrative discussion is not included. Answer "c" if estimates of the differences are presented for some, but not all expenditures, regardless of whether a narrative discussion is included. Answer "d" if no estimates of the differences are presented in the Year-End Report

Answer:

a. Yes, estimates of the differences between the enacted levels and the actual outcome for all expenditures are presented, along with a narrative discussion.

Source:

Table 5 on page 15 shows expenditures whereas table 1 and 3 show revenue performance by government and sector respectively.

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

The Budget Review and Outlook Paper 2020 also provides differences between enacted an actual outcome for expenditure. Narration is provided in the document

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

85. Does the Year-End Report present expenditure estimates by any of the three expenditure classifications (by administrative, economic, or functional classification)?

GUIDELINES:

Question 85 asks if expenditure estimates in the Year-End Report are presented by any one of the three expenditure classifications – by administrative, economic, and functional classifications – which were addressed in Questions 1-5 above. Each of the classifications answers a different question: administrative unit indicates who spends the money; functional classification shows for what purpose is the money spent; and economic classification displays what the money is spent on. Unlike classification by administrative unit, which tends to be unique to each country, functional and economic classifications for government budgeting have been developed and standardized by international institutions. Cross-country comparisons are facilitated by adherence to these international classification standards.

To answer "a," the Year-End Report must present expenditure estimates by all three of the expenditure classifications. Answer "b" if expenditure estimates are presented by two of these three classifications. Answer "c" if expenditure estimates are presented by one of the three classifications. Answer "d" if expenditure estimates are not presented by any of the three classifications in the Year-End Report.

Answer:

b. Yes, the Year-End Report presents expenditure estimates by two of the three expenditure classifications.

Source:

The BROP 2020 on page 15 provides expenditure by administrative classification and p. 16 by economic

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

The report presents the expenditure estimates by only two of the three expenditure classifications - administrative classification (see Table 5 , page 15 on the BROP) and also economic classification on p. 16. However, the mentions of functional classification is not detailed enough to warrant answer 'a' consideration

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

85b. Based on the response to Question 85, check the box(es) to identify which expenditure classifications are included in the Year-End Report:

Answer:

Administrative classification

Economic classification

Source:

The Budget Review and outlook paper information on expenditures according to Administrative and economic classification.

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

Page 15 and 16 of the BROP 2020 presents this information.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

86. Does the Year-End Report present expenditure estimates for individual programs?

GUIDELINES:

Question 86 asks if expenditure estimates in the Year-End Report are presented by program. There is no standard definition for the term "program," and the meaning can vary from country to country. However, for the purposes of answering the questionnaire, researchers should understand the term "program" to mean any level of detail below an administrative unit, such as a ministry or department.

A note for francophone countries: "Program" level detail is sometimes referred to as le plan comptable or le plan comptable detaillé. (These data are typically coded in the financial management database, following the chart of budgetary accounts, so that they can be organized by administrative and functional classification.)

To answer "a," the Year-End Report must present expenditure estimates for all individual programs, accounting for all expenditures. Answer "b" if the Year-End Report presents expenditures for individual programs that when combined account for at least two-thirds of expenditures, but not all expenditures. Answer "c" if the Year-End Report presents programs that account for only less than two-thirds of expenditures. Answer "d" if expenditures are not presented by program in the Year-End Report.

Answer:

d. No, the Year-End Report does not present expenditure estimates by program.

Source:

The Budget Review and outlook paper information on expenditures according to Administrative classification and not by program

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

The BROP 2020 does not provide expenditure estimates by program

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

87. Does the Year-End Report present the differences between the enacted levels (including in-year changes approved by the legislature) and the actual outcome for revenues?

GUIDELINES:

Question 87 asks whether the Year-End Report includes estimates of the differences between the enacted levels and actual revenues for the year, and whether these estimates are accompanied by a narrative discussion.

To answer "a," the Year-End Report must present estimates of the differences between the enacted levels and the actual outcome for all revenues, along with a narrative discussion. Answer "b" if estimates of the differences for all revenues are presented, but a narrative discussion is not included. Answer "c" if estimates of the differences are presented for some, but not all revenues, regardless of whether a narrative discussion is included. Answer "d" if no estimates of the differences are presented in the Year-End Report.

Answer:

a. Yes, estimates of the differences between the enacted levels and the actual outcome for all revenues are presented, along with a narrative discussion.

Source:

The Budget review and Outlook paper 2019/2020 actual and revenues along with a narrative
<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

see Table 1 on page 12 shows Government Revenue and External Grants, FY 2019/20 with comparisons between actuals and target and Table 3 shows Revenue Performance by Sector

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

88. Does the Year-End Report present revenue estimates by category (such as tax and non-tax)?

GUIDELINES:

Question 88 asks whether revenue estimates in the Year-End Report are presented by "category"— that is, whether tax and non-tax sources of revenue are shown separately.

To answer "a," the Year-End Report must present revenue estimates classified by category.

Answer:

a. Yes, the Year-End Report presents revenue estimates by category.

Source:

Budget Review and Outlook paper 2019/2020 contains information on revenue by category
<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

See Table 1 on Government Revenue and External Grants, FY 2019/20(KSH Million)

See also Table 9 on p. 20 for tax and non-tax categories

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

89. Does the Year-End Report present individual sources of revenue?

GUIDELINES:

Question 89 asks whether revenue estimates for individual sources of revenue are presented in the Year-End Report. The question applies to both tax and non-tax revenue.

To answer "a," the Year-End Report must present all sources of revenue individually, accounting for all revenue, and "other" or "miscellaneous" revenue must account for three percent or less of all revenue. Answer "b" if the Year-End Report presents individual sources of revenue that when combined account for at least two-thirds of all revenue, but not all revenue. Answer "c" if the Year-End Report presents estimates of individual revenue sources that account for less than two-thirds of revenue. Answer "d" if individual sources of revenue are not presented in the Year-End Report.

Answer:

a. Yes, the Year-End Report presents individual sources of revenue accounting for all revenue.

Source:

The BROP 2019/2020 also has information on individual revenue sources
<http://nntt.treasury.gov.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

See Table 1 Government Revenue and External Grants, FY 2019/20 of the BROP 2019/2020

Other revenues are 2.99% which is just below 3% so this qualifies for an A score

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

90. Does the Year-End Report present the differences between the original estimates of government borrowing and debt, including its composition, for the fiscal year and the actual outcome for that year?

GUIDELINES:

Question 90 asks whether the Year-End Report includes estimates of the differences between the original estimates and the actual outcome for the fiscal year for borrowing and debt, including its composition, and whether these estimates are accompanied by a narrative discussion.

Refer to Question 13 for details on estimates in the Executive's Budget Proposal of borrowing and debt. Key estimates related to borrowing and debt include:

- *the amount of net new borrowing required during the budget year;*
- *the central government's total debt burden at the end of the budget year; and*
- *the interest payments on the outstanding debt for the budget year.*

Refer to Question 14 for details on estimates in the Executive's Budget Proposal related to the composition of the debt. Core information related to the composition of government debt include:

- *interest rates on the debt;*
- *maturity profile of the debt; and*
- *whether the debt is domestic or external.*

To answer "a," the Year-End Report must include estimates of the differences between all of the original estimates of borrowing and debt, including its composition, for the fiscal year and the actual outcome for that year, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between all of the original estimates of borrowing and debt for the fiscal year and the actual outcome for that year, but does not include a narrative discussion. Answer "c" if estimates of the differences between some but not all of the original estimates of borrowing and debt for the fiscal year and the actual outcome for that year are presented, regardless of whether a narrative discussion is included. A "d" response applies if estimates of the differences are not presented.

Answer:

c. Yes, estimates of the differences between some but not all of the original estimates of government borrowing and debt for the fiscal year and the actual outcome for that year are presented.

Source:

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Table 6 shows net new borrowing, interest rates

Comment:

The BROP 2020 Table 6 on page 16 provides information on Budget Outturn for the FY 2019/20 (Ksh Million) provides actual and estimates of government borrowing and debt for the fiscal year and the actual outcome for that year are presented. Additionally, on p. 20 Table 9 there is information on public debt as % of GDP along with nominal GDP. On p. 39 Table 15

Domestic and External Debt is shown on p. 45 Annex Table 1 and p. 46 Annex Table 2

Interest payments are shown on Table 4 p. 14. A discussion on interest rates on debt is on p. 33 but not as a comparison to original estimates.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates of the differences between all of the original estimates of government borrowing and debt for the fiscal year and the actual outcome for that year are presented, along with a narrative discussion.

IBP Comment

Thank you to the government reviewer for the feedback. However, since the maturity profile of debt and interest rates are not shown as compared to the original estimates, the researcher's response of C is confirmed.

90b. Based on the response to Question 90, check the box(es) to identify which estimates of government borrowing and debt, including its composition, have the differences between the original forecast and the actual outcome for the year presented in the Year-End Report:

Answer:

The amount of net new borrowing required during the budget year

The central government's total debt burden at the end of the budget year

The interest payments on outstanding debt for the budget year

Whether the debt is domestic or external

Source:

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

The BROP 2020 Table 6 on page 16 provides information on Budget Outturn for the FY 2019/20 (Ksh Million) provides actual and estimates of government borrowing and debt for the fiscal year and the actual outcome for that year are presented. Additionally, on p. 20 Table 9 there is information on public debt as % of GDP along with nominal GDP. On p. 39 Table 15

Domestic and External Debt is shown on p. 45 Annex Table 1 and p. 46 Annex Table 2

Interest payments are shown on Table 4 p. 14. A discussion on interest rates on debt is on p. 33 but not as a comparison to original estimates.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

91. Does the Year-End Report present the differences between the original macroeconomic forecast for the fiscal year and the actual outcome for that year?

GUIDELINES:

Question 91 asks whether the Year-End Report includes estimates of the differences between the original macroeconomic forecast for the fiscal year and the actual outcome for that year, and whether these estimates are accompanied by a narrative discussion.

Refer to Question 15 for the components of the macroeconomic forecast in the Executive's Budget Proposal. Core components include estimates of the nominal GDP level, inflation rate, real GDP growth, and interest rates, although the importance of other macroeconomic assumptions, such as the price of oil,

can vary from country to country.

To answer "a," the Year-End Report must include estimates of the differences between all of the original macroeconomic assumptions for the fiscal year and the actual outcome for that year, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between all of the original macroeconomic assumptions for the fiscal year and the actual outcome for that year, but does not include a narrative discussion. Answer "c" if estimates of the differences between some but not all of the original macroeconomic assumptions for the fiscal year and the actual outcome for that year are presented, regardless of whether a narrative discussion is included. A "d" response applies if estimates of the differences are not presented.

Answer:

a. Yes, estimates of the differences between all of the original macroeconomic assumptions for the fiscal year and the actual outcome for that year are presented, along with a narrative discussion.

Source:

Budget Review and Outlook paper 2019/2020

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

See Table 15: Macroeconomic Indicators, in Fiscal Years on the BRPOP page 39 as actuals and comparison to original projections
This includes information beyond the core including GDP deflator and terms of trade

Narrative on macroeconomic indicators presented p. 38-39

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

91b. Based on the response to Question 91, check the box(es) to identify which elements of the macroeconomic forecast have the differences between the original forecast and the outcome for the year presented in the Year-End Report:

Answer:

Nominal GDP level

Inflation rate

Real GDP growth

Interest rates

Information beyond the core elements

Source:

This includes information beyond the core including GDP deflator and terms of trade

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

92. Does the Year-End Report present the differences between the original estimates of nonfinancial data on inputs and the actual outcome?

GUIDELINES:

Question 92 asks whether the Year-End Report includes estimates of the differences between the original estimates of nonfinancial data on inputs and the actual outcome for the year, and whether these estimates are accompanied by a narrative discussion.

Refer to Question 49 for the nonfinancial data on inputs included in the Executive's Budget Proposal.

To answer "a," the Year-End Report must include estimates of the differences between all of the original estimates of nonfinancial data on inputs and the actual outcome, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between all of the original estimates of nonfinancial data on inputs and the actual outcome, but does not include a narrative discussion. Answer "c" if estimates of the differences between some but not all of the original estimates of nonfinancial data on inputs and the actual outcome are presented, regardless of whether a narrative discussion is included. A "d" response applies if estimates of the differences are not presented.

Answer:

d. No, estimates of the differences between the original estimates of nonfinancial data on inputs and the actual outcome are not presented.

Source:

Comment:

This information is not available in the Budget Review and Outlook 2019/2020

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: e. Not applicable/other (please comment).

Comments: This information should be available in MDAs work plan and procurement plan, Not practical at the National Budget level, Consider reviewing this in next surveys.

IBP Comment

Thank you to the government for the feedback. In many countries, MDA report on their performance, including for inputs, as part of their year-end reporting. Since this information is not presented in the Budget Review and Outlook 2019/2020, the researcher's answer of D is confirmed.

93. Does the Year-End Report present the differences between the original estimates of nonfinancial data on results and the actual outcome?

GUIDELINES:

Question 93 asks whether the Year-End Report includes estimates of the differences between the original estimates of nonfinancial data on results and the actual outcome for the year, and whether these estimates are accompanied by a narrative discussion. Nonfinancial data on results can include data on both outputs and outcomes, but not on inputs (which are addressed in Question 92).

Refer to Question 50 for the nonfinancial data on results included in the Executive's Budget Proposal.

To answer "a," the Year-End Report must include estimates of the differences between all of the original estimates of nonfinancial data on results and the actual outcome, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between all of the original estimates of nonfinancial data on results and the actual outcome, but does not include a narrative discussion. Answer "c" if estimates of the differences between some but not all of the original estimates of nonfinancial data on results and the actual outcome are presented, regardless of whether a narrative discussion is included. A "d" response applies if estimates of the differences are not presented.

Answer:

d. No, estimates of the differences between the original estimates of nonfinancial data on results and the actual outcome are not presented.

Source:

This information is not available in the Budget Review and Outlook 2019/2020

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

Estimates of the differences between the original estimates of nonfinancial data on results and the actual outcome are not presented in the BROP.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates of the differences between all of the original estimates of nonfinancial data on results and the actual outcome are presented, along

with a narrative discussion.

Comments: This information is available in the Chapter 2 of individual Sector Reports available on the National Treasury website

IBP Comment

Based on a review of the Sector Reports found on the Treasury Website (<https://www.treasury.go.ke/reports/>) these reports appear to be estimates developed for the Medium-Term Expenditure Framework, rather than reporting on year-end outcomes for FY2019/2020, which would be what would be needed to consider these reports as annexes to the YER for Kenya. As a result, the researcher's response of D is confirmed.

94. Does the Year-End Report present the differences between the enacted level of funds for policies (both new proposals and existing policies) that are intended to benefit directly the country's most impoverished populations and the actual outcome?

GUIDELINES:

Question 94 asks whether the Year-End Report includes estimates of the differences between the enacted level of funds for policies that are intended to benefit directly the country's most impoverished populations and the actual outcome for the year, and whether these estimates are accompanied by a narrative discussion.

Refer to Question 52 for assistance to the most impoverished populations in the Executive's Budget Proposal.

To answer "a," the Year-End Report must present estimates of the differences between the enacted level for all policies that are intended to benefit the country's most impoverished populations and the actual outcome, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between the enacted level for all policies that are intended to benefit the country's most impoverished populations and the actual outcome, but does not include a narrative discussion. Answer "c" if estimates of the differences between the enacted level for some but not all of the policies that are intended to benefit the country's most impoverished populations and the actual outcome are presented, regardless of whether a narrative discussion is included. A "d" response applies if estimates of the differences are not presented.

Answer:

d. No, estimates of the differences between the enacted level for policies that are intended to benefit directly the country's most impoverished populations and the actual outcome are not presented.

Source:

Comment:

That information is not provided in The BROP

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, estimates of the differences between the enacted level for all policies that are intended to benefit directly the country's most impoverished populations and the actual outcome are presented, along with a narrative discussion.

Comments: Is available in concerned MDAs reports

IBP Comment

Based on a review of the Sector Reports found on the Treasury Website (<https://www.treasury.go.ke/reports/>) these reports appear to be estimates developed for the Medium-Term Expenditure Framework, rather than reporting on year-end outcomes for FY2019/2020, which would be what would be needed to consider these reports as annexes to the YER for Kenya. As a result, the researcher's response of D is confirmed.

95. Does the Year-End Report present the differences between the original estimates of extra-budgetary funds and the actual outcome?

GUIDELINES:

Question 95 asks whether the Year-End Report presents estimates of the differences between the original estimates of extra-budgetary funds and the actual outcome for the year, and whether these estimates are accompanied by a narrative discussion.

Refer to Question 33 for estimates of extra-budgetary funds in the Executive's Budget Proposal.

To answer "a," the Year-End Report must include estimates of the differences between all of the original estimates of extra-budgetary funds and the actual outcome, including a narrative discussion. Answer "b" if the Year-End Report presents estimates of the differences between all of the original estimates of extra-budgetary funds and the actual outcome, but does not include a narrative discussion. Answer "c" if estimates of the differences between some but not all of the original estimates of extra-budgetary funds and the actual outcome are presented, regardless of whether a narrative discussion is included. A "d"

response applies if estimates of the differences are not presented

Answer:

d. No, estimates of the differences between the original estimates of extra-budgetary funds and the actual outcome is not presented.

Source:

<http://ntnt.treasury.go.ke/wp-content/uploads/2020/11/Final-2020-Budget-Review-and-Outlook-Paper.pdf>

Comment:

Information on the differences between the original estimates of extra-budgetary funds and the actual outcome is not presented

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

96. Is a financial statement included as part of the Year-End Report or released as a separate report?

GUIDELINES:

Question 96 asks whether a financial statement is included as part of the Year-End Report, or whether it is released as a separate report. The financial statement can include some or all of the following elements: a cash flow statement, an operating statement, a balance sheet, and notes on accounting. For purposes of responding to this question, the financial statement in question does not need to be audited. For an example of a financial statement, see the document "Financial Statements of the Government of New Zealand 2013" (<https://treasury.govt.nz/sites/default/files/2013-10/fsgnz-year-jun13.pdf>)

To answer "a," a financial statement must either be included in the Year-End Report or must be released as a separate report. Answer "a" applies if a financial statement is released as a separate report, even if the Year-End Report is not publicly available. Answer "b" applies if no financial statement is released either as part of the Year-End Report or as a separate report.

Answer:

b. No, a financial statement is neither part of the Year-End Report nor released as a separate report.

Source:

No sources

Comment:

A financial statement is not published with the BROP or separately.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, a financial statement is part of the Year-End Report or is released as a separate report.

Comments: This is published and in accordance to the PFMA 2012,

Researcher Response

The cut off date for publication was December 2020 and thus this would not count for consideration

IBP Comment

Thank you to the government reviewer for the feedback. While a report appears to have been published in 2021 on the website, this document can not be assessed in this OBS as it was published after the research cut-off date: <https://www.treasury.go.ke/financial-statements/> The researcher's response of B is confirmed.

97. What type of audits (compliance, financial, or performance) has the Supreme Audit Institution (SAI) conducted and made available to the public?

GUIDELINES:

Question 97 asks about the types of audits conducted by the Supreme Audit Institution (SAI). There are three basic types of audits:

- Financial audits are intended to determine if an entity's financial information is accurate (free from errors or fraud) and presented in accordance with the applicable financial reporting and regulatory framework. See ISSAI 200 (<http://www.issai.org/issai-framework/3-fundamental-auditing-principles.htm>) for more detail.
- Compliance audits look at the extent to which the relevant regulations and procedures have been followed. See ISSAI 400 (<https://www.issai.org/pronouncements/issai-400-compliance-audit-principles/>) for more details.
- Performance audits assess whether activities are adhering to the principles of economy, efficiency, and effectiveness. See ISSAI 300 (<https://www.issai.org/pronouncements/issai-300-performance-audit-principles/>) for more details.

Financial and compliance audits are more common than performance audits, which usually occur only once a performance framework has been agreed upon. In some countries, the SAI's mandate limits the type of audit it can conduct.

To answer "a," the SAI must have conducted all three types of audit – financial, compliance, and performance – and made all of them available to the public. A "b" response applies if the SAI has conducted two of the three audit types, and a "c" applies if it has conducted only one type of audit. Answers "b" and "c" may be selected even if the Audit Report is not publicly available, as long as the SAI has conducted compliance or performance audits and made them available to the public. A "d" response applies if the SAI has not conducted any of the three types of audits, or has not made them available to the public.

Answer:

d. The SAI has not conducted any of the three types of audits, or has not made them available to the public.

Source:

N/A

Comment:

The auditor general has not conducted performance and financial audits for the research period

For performance audits none were published that cover information from FY 2017-2018 - the most recent reports online at the end of the research period (Dec 2020) covered information from 2015-2016: http://oagkenya.oagkenya.go.ke/index.php/reports/cat_view/2-reports/255-performance-audit

For financial audits, as of the end of the research period no financial audits of MDAs were published after 2017-2018, though these were later published in May-June 2021 after the end of the research cut-off date: http://oagkenya.oagkenya.go.ke/index.php/reports/cat_view/2-reports/9-national-government-and-state-corporations/69-government-ministries

Peer Reviewer

Opinion: Agree

Comments: Often the Office of the Auditor General conducts on a regular, annual financial and performance audits but the 2018/19 report was released after the cut off date.

Government Reviewer

Opinion: I choose not to review this question

Comments: Should confirm with the Office of the Auditor General on accuracy of this conclusion

98. What percentage of expenditures within the mandate of the Supreme Audit Institution (SAI) has been audited?

GUIDELINES:

Question 98 focuses on the coverage of audits by the Supreme Audit Institution (SAI), asking what percentage of expenditures within the SAI's mandate has been audited.

The SAI's mandate is typically defined in statute. Only expenditures related to budgetary central government (ministries, departments, and agencies) that are within the SAI's mandate should be considered for this question. (Question 99 addresses audits of extra-budgetary funds.) Further, the question does not apply to "secret programs" (for example, security-related expenditures that are confidential). Further, if the mandate gives the SAI the authority to outsource some audits, then those audits count for purposes of this question.

Only the Audit Report identified in Section 1 should be used to answer this question. Financial audits and compliance audits, or a hybrid of the two, can be taken into account to answer this question. Performance audits should not be considered for this question.

To answer "a," all expenditures within the SAI's mandate must be audited. A "b" response applies if at least two-thirds, but not all, expenditures within the SAI's mandate have been audited. A "c" response is appropriate when less than two-thirds of expenditures within the SAI's mandate have been audited. A "d" response applies when no expenditures have been audited.

Answer:

d. No expenditures have been audited.

Source:

No audit report for the financial statements of 2018-2019 was published by the OBS research cut-off date

Comment:

The latest Auditor General Report was published for the FY 2017-18, lack of recent publications may be attributed to the delay in appointment of a substantive office holder in the Office of the Auditor General following the expiry of the term of the previous office holder

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. All expenditures within the SAI's mandate have been audited.

Comments: The Auditor General has conducted the audits, the output of the process should be viewed on the basis of where their mandate ends, Parliamentary procedures on approval of the reports are beyond their control.

IBP Comment

The Audit Report for FY 2018-2019 was published in May 2021, after the OBS cut-off date. Therefore, according to OBS methodology, the AR is not considered publicly available for OBS 2021, and the expenditures covered in the audit cannot be assessed in this question. The researcher's response of D is confirmed.

99. What percentage of extra-budgetary funds within the mandate of the Supreme Audit Institution (SAI) has been audited?

GUIDELINES:

Question 99 focuses on audits of extra-budgetary funds, asking what percentage of extra-budgetary funds within the mandate of the Supreme Audit Institution (SAI) has been audited. These funds, although technically outside the budget, are governmental in nature and thus should be subject to the same audit requirement as other government programs.

The SAI's mandate is typically defined in statute. Only expenditures related to extra-budgetary funds within the SAI's mandate should be considered for this question. (Question 98 addresses audits of budgetary central government.) Further, if the mandate gives the SAI the authority to outsource some audits, then those audits count for purposes of this question.

To answer "a," all extra-budgetary funds within the SAI's mandate must be audited. A "b" response applies if extra-budgetary funds accounting for at least two-thirds of, but not all, expenditures associated with extra-budgetary funds within the SAI's mandate have been audited. A "c" response applies if extra-budgetary funds accounting for less than two-thirds of expenditures associated with extra-budgetary funds within the SAI's mandate have been audited. A "d" response applies if extra-budgetary funds have not been audited.

Answer:

d. No extra-budgetary funds have been audited.

Source:

No audit report for the financial statements of 2018-2019 was published by the OBS research cut-off date - for EBFs as well

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. All extra-budgetary funds within the SAI's mandate have been audited.

IBP Comment

The Audit Report for FY 2018-2019 was published in May 2021, after the OBS cut-off date. Therefore, according to OBS methodology, the AR is not considered publicly available for OBS 2021, and the expenditures covered in the audit cannot be assessed in this question. The researcher's response of D is confirmed.

100. Does the annual Audit Report(s) prepared by the Supreme Audit Institution (SAI) include an executive summary?

GUIDELINES:

Question 100 asks whether the annual Audit Report includes an executive summary. Only the Audit Report identified in Section 1 should be used to answer this question. The Audit Report can be a fairly technical document, and an executive summary of the report's findings can help make it more accessible to the media and the public.

To answer "a," the Audit Report must include at least one executive summary summarizing the report's content. Answer "b" applies if the Audit Report does not include an executive summary, or the Audit Report is not made publicly available.

Answer:

b. No, the annual Audit Report(s) does not include an executive summary.

Source:

The 2018/2019 Auditor report has not yet been published

Comment:

Peer Reviewer

Opinion: Agree

Comments: The current 2018/19 and past report albeit produced after cut off has an executive summary.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the annual Audit Report(s) includes one or more executive summaries summarizing the report's content.

IBP Comment

The Audit Report for FY 2018-2019 was published in May 2021, after the OBS cut-off date. Therefore, according to OBS methodology, the AR is not considered publicly available for OBS 2021.

101. Does the executive make available to the public a report on what steps it has taken to address audit recommendations or findings that indicate a need for remedial action?

GUIDELINES:

Question 101 asks whether the executive reports to the public on the steps it has taken to address audit recommendations made by the Supreme Audit Institution (SAI). The ultimate purpose of audits is to verify that the budget was executed in a manner consistent with existing law, and to hold the government accountable for this execution and its future improvement. The extent to which audits achieve the latter depends on whether there is adequate and timely follow-up on the recommendations provided in the SAI's audit reports.

To answer "a," the executive must report publicly on the steps it has taken to address all audit findings. A "b" response applies if the executive reports publicly on the steps it has taken to address most, but not all, audit findings. A "c" response applies if the executive reports publicly on the steps it has taken to address only some audit findings. As long as the executive reports publicly on the steps it has taken to address audit finding, answer "a," "b," or "c" may be selected, even if the Audit Report is not made publicly available. A "d" response applies if the executive does not report at all on its steps to address audit findings.

Answer:

d. No, the executive does not report on steps it has taken to address audit findings.

Source:

That document is not produced

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer: a. Yes, the executive reports publicly on what steps it has taken to address audit findings.

Researcher Response

There is no publicly available report that shows the executive commitment on addressing the audit findings.

IBP Comment

The Audit Report for FY 2018-2019 was published in May 2021, after the OBS cut-off date. Therefore, according to OBS methodology, the AR is not considered publicly available for OBS 2021, and the contents of the audit cannot be assessed in this question. The researcher's response of D is confirmed.

102. Does either the Supreme Audit Institution (SAI) or legislature release to the public a report that tracks actions taken by the executive to address audit recommendations?

GUIDELINES:

Question 102 asks whether the Supreme Audit Institution (SAI) or the legislature track actions by the executive to address audit recommendations. After audit results and recommendations are discussed and validated by the legislature, the executive is normally asked to take certain actions to address the audit findings. For accountability purposes, the public needs to be informed about the status of those actions, and steps the executive has taken to address audit recommendations. In addition to the executive reporting on its actions (see Question 101), the SAI and legislature – as the key oversight institutions – have a responsibility to keep the public informed by tracking the executive's progress in addressing audit recommendations.

To answer "a," the SAI or legislature must report publicly on what steps the executive has taken to address all audit findings. A "b" response applies if the SAI or legislature reports publicly on what steps the executive has taken to address most, but not all, audit findings. A "c" response applies if the SAI or legislature reports publicly on what steps the executive has taken to address only some audit findings. As long as the SAI or legislature reports publicly on the steps the executive has taken, answer "a," "b," or "c" may be selected, even if the Audit Report is not made publicly available. A "d" response applies if neither the SAI nor the legislature reports on the executive's steps to address audit findings.

Answer:

d. No, neither the SAI nor legislature reports on steps the executive has taken to address audit recommendations.

Source:

No report back on actions taken on the audit report (which is also not available)

Comment:

Peer Reviewer

Opinion: Agree

Comments: The National Assembly has a Committee on Implementation that is expected to undertake tracking or monitoring of action taken on implementation of audit recommendations but this very adhoc are almost absent.

Government Reviewer

Opinion: I choose not to review this question

103. Is there an Independent Fiscal Institution (IFI) that conducts budget analyses for the budget formulation and/or approval process?

GUIDELINES:

Question 103 examines whether an Independent Fiscal Institution (IFI) exists that contributes budget analyses to the budget formulation and/or approval process. According to the Principles for Independent Fiscal Institutions, adopted by the OECD Council in 2014, "independent fiscal institutions are publicly funded, independent bodies under the statutory authority of the executive or the legislature which provide non-partisan oversight and analysis of, and in some cases advice on, fiscal policy and performance", and with "a forward-looking ex ante diagnostic task". In practice, they come in two main forms:

- *Parliamentary budget offices (also known as PBOs) such as the Congressional Budget Office in the United States (<https://www.cbo.gov/>), the Parliamentary Budget Office in South Africa (<https://www.parliament.gov.za/parliamentary-budget-office>), and the Center for Public Finance Studies in Mexico (Centro de Estudios de las Finanzas Públicas, <http://www.cefp.gob.mx/>); or*
- *Fiscal councils such as the Office for Budget Responsibility in the United Kingdom (<https://obr.uk/>) and the High Council for Public Finances in France (Haut Conseil des finances publiques, <https://www.hcfp.fr/>).*

For more information, see von Trapp et al. 'Principles for Independent Fiscal Institutions and Case Studies', *OECD Journal on Budgeting 15:2 (special issue, 2016)*, <https://doi.org/10.1787/budget-15-5jm2795tv625>.

To answer "a," there must be an IFI, and its independence must be set in law. In addition, it must have sufficient staffing and resources, including funding, to carry out its tasks. Answer "b" applies if an IFI exists, but either its independence is not set in law or its staffing and resources are insufficient to carry out its tasks. Answer "c" applies if an IFI exists, but its independence is not set in law and it lacks sufficient staffing and resources. Answer "d" applies if no IFI exists.

If the answer is "a," "b," or "c," please specify in the comments the name and type of IFI that exists (e.g., parliamentary budget office or fiscal council). If the answer is "a" or "b," identify the law that guarantees its independence, and provide evidence in support of the assessment of the adequacy of its staffing and resources. This can include the IFI's total budget allocation over recent years, any press reports that discuss perceived funding shortfalls, assessments by international organizations, and/or information from interviews with staff of the IFI.

Answer:

b. Yes, there is an IFI, but either its independence is not set in law or its staffing and resources, including funding, are insufficient to carry out its tasks.

Source:

<http://www.parliament.go.ke/the-national-assembly/budget-office/about-PBO>: Parliamentary Budget Office (PBO) is a non-partisan professional office of Parliament of the Republic of Kenya. The primary function of the Office is to provide professional non-partisan advice in respect of budget, finance and economic information to committees of Parliament.

<http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2018%20of%202012>

Comment:

Further, this is evidenced by CABRI SBO documentation in the report The role of the legislature in the budget process, county case study 2018 on page 10 that says the PBO in Kenya is an independent, non-partisan entity (<https://www.cabri-sbo.org/uploads/files/Documents/CABRI-Legislature-CS-Kenya-ENG-WEB.pdf>)

Peer Reviewer

Opinion: Agree

Comments: Sections 9 and 10 of the Public Finance Management Act, 2012 contain further provisions on the Parliamentary Budget Office in Kenya. Its staff size is over 50. Although the office is independent, this is not explicitly set in law.

Government Reviewer

Opinion: Agree

104. Does the Independent Fiscal Institution (IFI) publish macroeconomic and/or fiscal forecasts?

GUIDELINES:

Question 104 assesses whether an Independent Fiscal Institution (IFI) has a role in producing the macroeconomic forecast (e.g., GDP growth, inflation, interest rates, etc.) and/or the fiscal forecast (revenues, expenditure, deficits, and debt), and if so, what kind of role it has. Macroeconomic and/or fiscal forecasting is a typical core function across IFIs, but their role in forecasting takes several forms (von Trapp et al. 2016, p. 17 and Table 2). Some IFIs produce just a macroeconomic forecast, while others produce a complete fiscal forecast (which also typically requires an underlying macroeconomic forecast). In some cases, the fiscal forecast reflects continuation of current budget policies; such forecasts can be used by the legislature, the media, or the public to assess the projections in the executive's budget reflecting the government's policy proposals.

Some IFIs produce the official macroeconomic and fiscal forecasts used in the executive's budget. In other cases, IFIs do not prepare their own independent forecasts, but rather produce an assessment of the official estimates, or provide an opinion on, or endorsement of, the government's forecasts. Some others have no role at all in forecasting.

To answer "a," there must be an IFI that publishes both its own macroeconomic AND fiscal forecasts. Answer "b" applies if an IFI publishes its own macroeconomic OR fiscal forecast (but not both). Answer "c" applies if the IFI does not publish a macroeconomic or fiscal forecast, but rather publishes an assessment of the official forecasts produced by the executive and used in the budget. Choose option "d" if there is no IFI; or if there is an IFI that neither publishes its own macroeconomic and/or fiscal forecasts, nor a commentary on the official forecasts for the budget.

Macroeconomic forecasts may include indicators relating to economic output and economic growth, inflation, and the labor market, amongst others. Fiscal forecasts may include estimates of revenues, expenditures, the budget balance, and debt. If the answer is "a" or "b," please specify which indicators and estimates are included in the forecasts and whether the forecast is used by government as the official forecast. If the answer is "c," please describe the nature and depth of the assessment (e.g., the length of the commentary, or whether it covers both economic and fiscal issues).

Answer:

a. Yes, the IFI publishes its own macroeconomic and fiscal forecasts.

Source:

Yes. the PBO publishes its own macro economic forecasts

see for example:

<http://parliament.go.ke/sites/default/files/2020-04/Special%20Bulletin%20Covid%2019%202.4.2020%20final.pdf>

<http://parliament.go.ke/sites/default/files/2020-08/Half%20Year%20Economic%20and%20Fiscal%20Update%20Final%2018.8.2020.pdf>

<http://parliament.go.ke/sites/default/files/2020-09/Budget%20Watch%202020.pdf>

<http://www.parliament.go.ke/index.php/the-national-assembly/budget-office/about-PBO>

Comment:

The PBO publication are on a dedicated page in parliament website

Peer Reviewer

Opinion: Agree

Comments: The PBO in their annual analysis of the national Budget policy statement "Pre Budget Statement" and some times in the analysis of budget statement public share macro economic forecasts

Government Reviewer

Opinion: Agree

105. Does the Independent Fiscal Institution (IFI) publish its own costings of new policy proposals, to assess their impact on the budget?

GUIDELINES:

Question 105 assesses whether an Independent Fiscal Institution (IFI) has a costing function that involves assessing the budgetary implications of new policy proposals for both revenues and expenditures, and if so, what kind of role it has. Many IFIs have a costing role, but with substantial diversity in the nature and extent of this work (von Trapp et al 2016, pp. 17-18 and Table 2). Some assess virtually all new policy proposals, while others cost only a selection of new policy proposals. Others only publish opinions on, or scrutinize the costings of, budget measures produced by the executive.

To answer "a," the IFI must publish its own costings of all (or virtually all) new policy proposals. Answer "b" applies if the IFI publishes its own costings, but only for major new policy proposals – for instance, only those proposals that cost or save above a certain amount. Answer "c" applies if the IFI publishes its own costings, but only on a limited number of proposals. This could occur, for instance, if the IFI lacked the capacity to assess proposals dealing with certain sectors. Instead of producing a cost estimate, it can also publish an assessment of the estimates produced by the executive. Answer "d" applies if there is no IFI; or if the IFI does not publish its own costings of new policy proposals or provide an assessment of the official costings of new policy proposals.

Answer:

c. Yes, the IFI publishes its own costings of a limited number of new policy proposals.

Source:

No source identified

Comment:

While PBO staff indicate that they do their costing, I have not seen any evidence on the same.

Peer Reviewer

Opinion: Disagree

Suggested Answer:

c. Yes, the IFI publishes its own costings of a limited number of new policy proposals.

Comments: The COVID 19 global pandemic: Impact to the economy and policy options report via <http://parliament.go.ke/sites/default/files/2020-04/Special%20Bulletin%20Covid%2019%202.4.2020%20final.pdf> on page 11, table 3 show costing (revenue loss of tax relief measures to cushion vulnerable from effects of covid 19 restrictions)of tax policy changes

Government Reviewer

Opinion: I choose not to review this question

Researcher Response

I agree with the peer reviewers comment adn score is adjusted to C

106. In the past 12 months, how frequently did the head or a senior staff member of the Independent Fiscal Institution (IFI) take part and testify in hearings of a committee of the legislature?

GUIDELINES:

Question 106 concerns the interaction between two important oversight actors and assesses how frequently the Independent Fiscal Institution (IFI) made high-level inputs to the work of legislative committees. Almost all IFIs interact with the legislature in some form (von Trapp et al 2016, p. 18), but the intensity of the interaction varies. This question assesses this aspect by asking, with reference to the past 12 months, how frequently the head or a senior staff member of the IFI took part and testified in hearings of a committee of the legislature. The intent is to assess the extent to which the IFI staff member in question was not only present at a meeting of a legislative committee, but was an active participant (as opposed to a passive observer, serving only as a resource when called upon). As evidence to support your answer, you can refer to official records of legislative committees, websites and annual reports of the IFI, press releases and media coverage, for example. Choose answer "a" if this occurred five times or more; "b" for three times or more, but less than five times; and "c" for once or twice. Answer "d" should be selected if the head or a senior staff member of the IFI never took part and testified in hearings of a committee of the legislature, or if there is no IFI.

Answer:

c. Rarely (i.e., once or twice).

Source:

The auditor general presented KEMSA special audit report
<http://www.parliament.go.ke/auditor-general-presents-damning-special-audit-report-kemsa-senate-committee>

Comment:

No evidence available publicly on how the PBO take part and testify in committee hearings apart from documentation during key budget hearings.

Peer Reviewer

Opinion: Agree

Comments: PBO senior staff rarely testify during Committee hearings. They make presentations once in a while during hearings. Phone call from a senior officer.

Government Reviewer

Opinion: I choose not to review this question

107. Does the full legislature and/or a legislative committee debate budget policy prior to the tabling of the Executive's Budget Proposal?

GUIDELINES:

Question 107 asks whether the legislature debated budget policies prior to the tabling of the Executive's Budget Proposal for the most recent budget year before the research cut-off date. In general, prior to discussing the Executive's Budget Proposal for the coming year, the legislature should have an opportunity to review the government's broad budget priorities and fiscal parameters. Often times this information is laid out in a Pre-Budget Statement, which the executive presents to the legislature for debate. (See Questions 54-58.)

A number of countries conduct a pre-budget debate in the legislature around six months before the start of the budget year. In some cases, they adopt laws that guide the upcoming budget, for example the Budget Guidelines Law in Brazil and the Spring Fiscal Policy Bill in Sweden. A pre-budget debate can serve two main purposes: 1) to allow the executive to inform the legislature of its fiscal policy intentions by presenting updated reports on its annual and medium-term budget strategy and policy priorities; and 2) to establish "hard" multi-year fiscal targets or spending ceilings, which the government must adhere to when preparing its detailed spending estimates for the upcoming budget year.

To answer "a," the full legislature must debate budget policy prior to the tabling of the Executive's Budget Proposal and approve recommendations for the upcoming budget.

Answer "b" applies if a legislative committee (but not the full legislature) debates budget policy prior to the tabling of the Executive's Budget Proposal, and approves recommendations for the budget. Option "b" also applies if, in addition to the action by the committee, the full legislature also debates budget policy in advance of the budget, but does not approve recommendations.

Answer "c" applies if the full legislature and/or a legislative committee debates budget policy prior to the tabling of the Executive's Budget Proposal, but does not approve recommendations for the budget. Answer "d" applies if neither the full legislature nor any legislative committee debate budget policy prior to the tabling of the Executive's Budget Proposal.

In your comment, please indicate the dates of the budget debate, and if both the full legislature and a legislative committee held a debate. Note that a debate does not need to be open to the public, but a public record of the meeting or a public notice that the meeting occurred is required. In addition, please indicate whether the budget debate was focused on a Pre-Budget Statement published by the Executive. If the Executive did not publish a Pre-Budget Statement, then please indicate what served as the focus of the legislature's debate (for instance, a report released by an IFI or some other institution).

Answer:

a. Yes, the full legislature debates budget policy prior to the tabling of the Executive's Budget Proposal, and approves recommendations for the upcoming budget.

Source:

The national Assembly approval of the BPS is evidence of the involvement of the legislature
<http://www.parliament.go.ke/national-assembly-approves-budget-policy-statement-albeit-amendments>

Comment:

The 2020 BPS approval is well documented as evidence of the whole legislature involvement in the approval process

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

108. How far in advance of the start of the budget year does the legislature receive the Executive's Budget Proposal?

GUIDELINES:

Question 108 examines how far in advance of the start of the most recent budget year the legislature receives the Executive's Budget Proposal. International good practice recommends that the Executive's Budget Proposal should be submitted to the legislature far enough in advance to allow the legislature time to review it properly, or at least three months prior to the start of the fiscal year. (See, for instance, Principle 2.2.2 of the IMF's Fiscal Transparency Handbook (2018) (<https://www.elibrary.imf.org/view/IMF069/24788-9781484331859/24788-9781484331859/24788-9781484331859.xml>)).

For the purposes of responding to this question, if – and only if – the most recent budget submission occurred later than usual as a result of a particular event, such as an election, please use a more normal year as the basis for the response. If, however, delays have been observed for more than one budget year, and the legislature has not received the Executive's Budget Proposal in a timely manner on more than one occasion in the last three years, then "d" will be the appropriate answer.

To answer "a," the legislature must receive the Executive's Budget Proposal at least three months in advance of the start of the budget year. Answer "b" applies if the legislature receives the Executive's Budget Proposal at least two months, but less than three months, before the start of the budget year. Answer "c" applies if the legislature receives the Executive's Budget Proposal at least one month, but less than two months, before the start of the budget year. Answer "d" applies if the legislature does not receive the Executive's Budget Proposal at least one month prior to the start of the budget year, or does not receive it at all.

Answer:

b. The legislature receives the Executive's Budget Proposal at least two months, but less than three months, before the start of the budget year.

Source:

Section 37 (2) of the Public Finance Management Act 2012 requires that the Executive Budget Proposal be tabled in the legislature by the 30th April each year which is two months in advance of the start of the Financial Year.

Comment:

The legislature receives the EBP 29 April 2020, which is at least two months but less than three months, before the start of the budget year (Start of FY 1 July 2020)

Peer Reviewer

Opinion: Agree

Comments: Evidence in the hansard as well as via http://parliament.go.ke/sites/default/files/2020-05/unpacking%20of%20the%202020%20budget%20final%20word_0.pdf on page 5 it confirms that the EBP was tabled to the National Assembly on 29th April 2020.

Government Reviewer

Opinion: Agree

109. When does the legislature approve the Executive's Budget Proposal?

GUIDELINES:

Question 109 examines when the legislature approves the Executive's Budget Proposal. International good practice recommends that the Executive's Budget Proposal should be approved by the legislature before the start of the fiscal year the budget proposal refers to. This gives the executive time to implement the budget in its entirety, particularly new programs and policies.

In some countries, the expenditure and revenue estimates of the Executive's Budget Proposal are approved separately; for purposes of this question, at least the expenditure estimates must be approved. Further, approval of the budget implies approval of the full-year budget, not just a short-term continuation of spending and revenue authority.

To answer "a," the legislature must approve the Executive's Budget Proposal at least one month before the start of the budget year. Answer "b" applies if the legislature approves the Executive's Budget Proposal less than one month in advance of the start of the budget year, but at least by the start of the budget year. Answer "c" applies if the legislature approves the Executive's Budget Proposal less than one month after the start of the budget year. Answer "d" applies if the legislature approves the Executive's Budget Proposal more than one month after the start of the budget year, or does not approve the budget.

Answer:

b. The legislature approves the budget less than one month in advance of the start of the budget year, but at least by the start of the budget year.

Source:

Parliament authority to approve the budget estimates is anchored on Section 39 of the PFM Act 2012.

Comment:

The legislature confirmed the budget 25 June 2020, which is less than one month in advance of the start of the budget year 1 July 2020, but at least by the start of the budget year

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

110. Does the legislature have the authority in law to amend the Executive's Budget Proposal?

GUIDELINES:

Question 110 examines the legislature's power to amend—as opposed to simply accept or reject—the budget proposal presented by the executive. This question is about legal authority rather than actions the legislature takes in practice. The legislature's powers to amend the budget can vary substantially across countries.

The "a" response is appropriate only if there are no restrictions on the right of the legislature to modify the Executive's Budget Proposal, including its right to change the size of the proposed deficit or surplus. The "b" response would be appropriate if, for instance, the legislature is restricted from changing the deficit or surplus, but it still has the power to increase or decrease funding and revenue levels. The more limited "c" response would apply if, for instance, the legislature can only re-allocate spending within the totals set in the Executive's Budget Proposal or can only decrease funding levels or increase revenues. Finally, response "d" would apply if the legislature may not make any changes (or only small technical changes), or if amendments must first be approved by the executive. In these cases, the legislature is essentially only able to approve or reject the budget as a whole. If the answer is "b" or "c", please indicate the nature of the amendment powers available to the Parliament and how they are limited.

Answer:

b. Yes, the legislature has authority in law to amend the Executive's Budget Proposal, with some limitations.

Source:

Section 39 (1) of the PFM Act 2012 provides that the National Assembly shall consider the budget estimates of the national government, including those of Parliament and the Judiciary, with a view to approving them, with or without amendments.

Further section 39 of the PFM regulations 2015 (national government) places limitation of changes that parliament can make

http://www.parliament.go.ke/sites/default/files/2017-05/Legal_Notice_No._34_National_Govt_Regu.pdf

Comment:

See Section 39. Where Parliament approves any changes in the annual estimates of budget under section 39 of the Act, any increase or reduction in expenditure of a Vote, shall not exceed one (1%) percent

of the Vote's ceilings'.

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

111. During the most recent budget approval process, did the legislature use its authority in law to amend the Executive's Budget Proposal?

GUIDELINES:

Question 111 assesses whether any formal authority of the legislature to amend the Executive's Budget Proposal is used in practice. The responses to this question should be determined based on action by the legislature related to the Enacted Budget used in the OBS. Choose answer "a" if the legislature used its authority in law to amend the Executive's Budget Proposal during the most recent budget approval process, and amendments were adopted (all, or at least some of them). Answer "a" also applies if the legislature used its authority in law to amend the Executive's Budget Proposal, but the amendments were rejected by executive veto. Answer "b" applies if the legislature used its authority in law to propose amendments to the Executive's Budget Proposal, but none of these amendments were adopted. Answer "c" applies if the legislature has the authority in law to amend the budget, but no amendments were proposed during its consideration. Answer "d" applies when the legislature does not have any authority to amend the budget (that is, Question 110 is answered "d").

If the answer is "a" or "b", please specify in the comments the number of amendments introduced by the legislature (and in the case of an "a" response, the number adopted, or if applicable, information about an executive veto) and describe their nature. For example, did the amendments result in an increase or decrease of the deficit? What were the most significant amendments to revenues and to expenditures in terms of the sums involved? How did amendments affect the composition of expenditures? If the answer is "a," please specify which amendments were adopted, and provide evidence for it.

Answer:

a. Yes, the legislature used its authority in law to amend the Executive's Budget Proposal, and (at least some of) its amendments were adopted.

Source:

The Budget Committee made recommendations for amending the FY 20/21 budget

According to parliament deliberations see link to the Hansard report (<http://parliament.go.ke/sites/default/files/2021-05/Hansard%20Report%20-%20Tuesday%2C%2011th%20May%202021%20%28P%29.pdf>).

Comment:

During the Tuesdays Deliberations, During its sitting on Tuesday afternoon, the National assembly made a resolution that the ceilings of each arm of government for the Financial Year 2019/2020, be capped as follows: Parliament- Kshs. 39.501 Billion, Judiciary- Kshs. 18.937 Billion and Executive- Kshs. 1,766.363 Billion.

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

112. During the last budget approval process, did a specialized budget or finance committee in the legislature examine the Executive's Budget Proposal?

GUIDELINES:

Question 112 assesses the role of a specialized budget or finance committee during the budget approval stage. Effective committee involvement is an essential condition for legislative influence in the budget process. Specialized committees provide opportunities for individual legislators to gain relevant expertise, and to examine budgets and policy in depth. Yet, the involvement of committees differs across legislatures. Some legislatures have separate committees to examine spending and tax proposals, while others have a single finance committee. Not all legislatures have a specialized budget or finance committee to examine the budget. In addition, there can be differences in the time available for the committee's analysis of the budget.

A report with the committee's findings and recommendations is intended to inform the debate in the full legislature, therefore it must be published before the legislature has adopted the budget.

Response "a" requires that, in the last budget approval process, a specialized budget or finance committee had one month or more to examine the Executive's Budget Proposal, and it published a report with findings and recommendations prior to the budget being adopted. Response "b" applies where such a committee examined the draft budget and published a report, but within a shorter timeframe of less than one month. Response "c" applies if a committee

examined the budget (without regard to the time period), but did not publish a report prior to the adoption of the budget. Response "d" applies where a specialized budget or finance committee did not examine the Executive's Budget Proposal.

Please specify in your comment the name of the committee and the number of days it had available to examine the budget. For bicameral legislatures where one house or chamber has greater constitutional authority in budgetary matters, the question applies to the house or chamber (usually the upper or second one) that is decisive. For bicameral legislatures with co-equal houses or chambers, the question should be answered with reference to the one that achieves the higher score for this question. In the case of bicameral legislatures, please note the relevant arrangements in each house or chamber. If applicable, provide a copy of the report. Please note also if a report is published, but only after the budget has been adopted.

Answer:

a. Yes, a specialized budget or finance committee had at least one month to examine the Executive's Budget Proposal, and it published a report with findings and recommendations prior to the budget being adopted.

Source:

<http://www.parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf>

Comment:

The FY 20/21 budget and appropriations committee report is available on the parliament website. It was published on 5 June 2020, before the budget was approved on 25 June 2020, and more than one month after the budget was tabled in Parliament on 29 April 2020. This qualifies as an A score.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

113. During the last approval process, did legislative committees, responsible for particular sectors (e.g., health, education, defense, etc.), examine spending in the Executive's Budget Proposal related to the sector for which they are responsible?

GUIDELINES:

Question 113 assesses the role of committees of the legislature that are responsible for particular sectors (e.g., health, education, defense, etc.) during the budget approval stage. The role of sectoral committees differs across legislatures. Some legislatures do not involve them in the budget approval process, while others do. In addition, the time available for committee analysis differs.

A report with the committee's findings and recommendations is intended to inform the debate in the full legislature, so therefore must be published before the legislature has adopted the budget. Response "a" requires that sector committees had one month or more to examine the Executive's Budget Proposal, and published a report with findings and recommendations prior the budget being adopted. Response "b" applies where such committees examined the draft budget and published a report, but within a shorter timeframe of less than one month. Response "c" applies if sectoral committees examined the budget (without regard to the time period), but did not publish a report prior to the adoption of the budget. Response "d" applies where sectoral committees did not examine the Executive's Budget Proposal.

Please note that the examination of sectoral budgets by a specialized budget or finance committee is assessed in Question 112 and should not be considered for this question.

Please provide in the comments a brief overview of the committee structure and specify the number of days that sectoral committees had available to examine the budget and to publish their reports. For bicameral legislatures where one house or chamber has greater constitutional authority in budgetary matters, the question applies to the house or chamber (usually the upper or second one) that is decisive. For bicameral legislatures with co-equal houses or chambers, the question should be answered with reference to the one that achieves the higher score for this question. In the case of bicameral legislatures, please note the relevant arrangements in each house or chamber. If applicable, provide a sample copy of at least one of the reports. Please note if a report is published, but only after the budget has been adopted.

For purposes of responding to this question, use those sectoral committees that are best performing – that is, the ones that examine the budget the longest and that publish reports.

Answer:

c. Yes, sector committees examined the Executive's Budget Proposal, but they did not publish reports with findings and recommendations prior to the budget being adopted.

Source:

Budget and Liaison Committees held stakeholders' engagement to deliberate on the Budget
<http://www.parliament.go.ke/budget-and-liaison-committees-hold-stakeholders-engagement-over-budget>

BAC Report on the 2020/21 Estimates:

<http://www.parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf>

Comment:

The Budget committee report was published on 4th March 2021

Page 7 of the Budget and Appropriations report on the 2020/21 indicates that the estimates were committed to sectoral committees for review but reports have not been made public

Peer Reviewer

Opinion: Agree

Comments: Each respective Departmental Committee, eg Health Departmental Committee reviews the budget related to the sector and prepares a report that is submitted for consolidation by the Budget and Appropriation Committee. This consolidated report is the one that is consequently discussed before the floor of the National Assembly

Government Reviewer

Opinion: Disagree

Suggested Answer: a. Yes, sector committees had at least one month to examine the Executive's Budget Proposal, and they published reports with findings and recommendations prior to the budget being adopted.

Comments: Budgets are subjected to Departmental Committees who present their proposals to the Budget and Appropriations Committee of Parliament

Researcher Response

There is no evidence that is publicly available on availability of sector committee reports.

IBP Comment

Since the sector committees did not publish reports with findings and recommendations prior to the budget being adopted, the answer choice from the researcher of C is confirmed.

114. In the past 12 months, did a committee of the legislature examine in-year implementation of the Enacted Budget during the relevant budget execution period?

GUIDELINES:

Question 114 is about legislative oversight of budget execution. It assesses whether and how often a committee examined the implementation of the budget during the budget execution period (i.e., financial year) for which it was approved, and whether this resulted in an official report with findings and recommendations. This question does not apply to the ex post review of implementation following the end of the budget year as part of the audit stage, which is assessed separately. Nor does it apply to the legislature's review of the budget that it may undertake as part of the process of considering a supplemental budget during the year. In-year monitoring by the legislature will be affected by the frequency that the executive publishes In-Year Reports.

To answer "a," a committee must have examined in-year implementation of the Enacted Budget at least three times during the course of the relevant budget year and published reports with findings and recommendations. Answer "b" applies where this occurred only once or twice during the year.

Exception: If a legislature is in session only twice during the year, and it examines the implementation of the budget during both sessions, then it would be eligible for an "a" response.

Choose "c" if a committee examined in-year implementation (without regard to frequency), but did not publish any report with findings and recommendations. Answer "d" applies where no committee examined in-year implementation.

If the answer is "a" or "b," please specify the name of the committee and when it reviewed budget implementation, and provide a copy of its report(s). If the answer is "c," please specify the name of the committee and when it reviewed budget implementation.

For purposes of responding to this question, if more than one committee holds in-year reviews of the budget, use the committee that is best performing – that is, the one that examines in-year implementation the most times and that publishes a report.

Answer:

d. No, a committee did not examine in-year implementation.

Source:

Comment:

There is no evidence that in year reports were evaluated by parliament

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, a committee examined in-year implementation on at least three occasions during a fiscal year, and it published reports with findings and recommendations.

Comments: Check Budget and Appropriations Committee review on implementation of the Budget and Committee on Implementation Reports

Researcher Response

The reports mentioned by government reviewer are not available publicly.

115. Does the executive seek approval from the legislature prior to shifting funds between administrative units that receive explicit funding in the Enacted Budget, and is it legally required to do so?

GUIDELINES:

Question 115 examines whether the executive seeks approval from the legislature prior to shifting funds between administrative units, and whether it is legally required to do so.

In some countries, the executive has the power in law to adjust funding levels for specific appropriations during the execution of the budget. This question examines rules around shifting funds between administrative units (ministries, departments, or agencies) or whatever funding unit (or "vote") is specified in the Enacted Budget.

The conditions under which the executive may exercise its discretion to shift funds should be clearly defined in publicly available regulations or law. In addition, the amount of funds that the executive is allowed to transfer between administrative units should not be so excessive as to undermine the accountability of the executive to the legislature.

To answer "a," the executive is required by law or regulation to obtain prior legislative approval before shifting funds between administrative units, and it does so in practice. Answer "b" applies if the executive obtains legislative approval before shifting funds between administrative units, but is not legally required to do so. Answer "c" applies if the executive is legally required to receive legislative approval before shifting funds, but does not do so in practice. Answer "d" applies if legislative approval is not legally required for the executive to shift funds between administrative units and the executive does not obtain legislative approval in practice. Answer "d" also applies if the executive is authorized to shift an amount considered so excessive as to undermine accountability (roughly equal to 3 percent of total budgeted expenditures). A "d" response applies if the legislature only approves the shifting of funds after it has already occurred.

In the comments, please indicate any law or regulation that provides the executive with standing authority to shift funds between administrative units and, if so, describe that authority. Similarly, legislative approval for shifting funds between administrative units typically occurs with the adoption of legislation such as a supplemental budget. But if other formal procedures for gaining approval from the legislature exist, then please provide information about that approval process.

Answer:

d. There is no law or regulation requiring the executive to obtain approval from the legislature prior to shifting funds between administrative units, and in practice the executive shifts funds between administrative units before obtaining approval from the legislature.

Source:

"Section 43 2(c) of the PFM Act allows reallocations to be made to or from a program or Sub-Vote and should not exceed ten percent of the total expenditure approved for that program or Sub-Vote for that financial year."

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Public-Finance-Management-Act-2012.pdf>

Further Article 223 of the Constitution of Kenya allows the National Government to incur expenditure not appropriated in the annual Appropriation Act on account of insufficiency of amounts or when a need has arisen to which no amounts have been allocated. However, it is required that parliaments approval be sought for these expenditures within two months of spending.

<http://kenyalaw.org/kl/index.php?id=398>

Comment:

Peer Reviewer

Opinion: Agree

Comments: Approval is done ex-post.

Government Reviewer

Opinion: Agree

116. Does the executive seek approval from the legislature prior to spending excess revenue (that is, amounts higher than originally anticipated) that may become available during the budget execution period, and is it legally required to do so?

GUIDELINES:

Question 116 examines whether the executive receives approval from the legislature prior to spending excess revenue, and whether it is legally required to do so. Good practice requires the legislature to approve changes in revenue or expenditure relative to the Enacted Budget. For example, if additional revenue is collected unexpectedly during the year, which often happens in oil/mineral-dependent countries, and it was not accounted for in the Enacted Budget, there should be a procedure in place to ensure that the legislature approves any proposed use of these "new" funds. If such requirements are not in place, the executive might deliberately underestimate revenue in the budget proposal it submits to the legislature, in order to have additional resources to spend at the executive's discretion, with no legislative control.

To answer "a," the executive is required by law or regulation to obtain prior legislative approval before spending any funds resulting from higher-than-expected revenues, and it does so in practice. Answer "b" applies if the executive obtains legislative approval before spending excess revenue, but is not legally required to do so. Answer "c" applies if the executive is legally required to receive legislative approval before spending excess revenue, but does not do so in practice. Answer "d" applies if prior legislative approval is not legally required for the executive to spend excess revenue and the executive does not obtain legislative approval in practice. A "d" response applies if the legislature only approves the additional spending after it has already occurred.

Typically, legislative approval of additional spending beyond what was reflected in the Enacted Budget would occur with the adoption of a supplemental budget. But other formal procedures for getting approval from the legislature in advance of it adopting the supplemental budget may exist. If that is the case, then please provide information about that approval process.

Answer:

d. There is no law or regulation requiring the executive to obtain approval from the legislature prior to spending excess revenues, and in practice the executive spends these funds before obtaining approval from the legislature.

Source:

Comment:

There is no legal requirement for executive to obtain approval on spending excess revenue

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a The executive is required by law or regulation to obtain approval from the legislature prior to spending excess revenues, and it does so in practice.

Comments: this is addressed during the Supplementary Budget process unless the expenditure is incurred under Article 223 of the Constitution which requires for regularization by Parliament after withdrawal is done from the Consolidated Funds.

Researcher Response

Section 44 of the PFM act makes reference to expenditure incurred to be provided for parliament regularisation. The supplementary budget in practice over the last years has been more on regularising expenditure and adjusting the estimates downwards or movement of funds from one vote to the other. There is no evidence publicly available and in documentation of executive seeking approval of spending excess revenue

117. Does the executive seek approval from the legislature prior to reducing spending below the levels in the Enacted Budget in response to revenue shortfalls (that is, revenues lower than originally anticipated) or other reasons during the budget execution period, and is it legally required to do so?

GUIDELINES:

Question 117 examines whether the executive receives approval from the legislature prior to cutting spending below the levels in the Enacted Budget in response to revenue shortfalls or for any other reason, and whether it is legally required to do so. Good practice requires the legislature to approve changes in revenue or expenditure relative to the Enacted Budget. For example, if less revenue is collected unexpectedly during the year, the legislature should approve or reject any proposed reductions in expenditures that are implemented as a result. If such requirements are not in place, the executive might substantially change the composition of the budget at the executive's discretion, with no legislative control.

Typically, legislative approval of proposals to reduce spending below the levels reflected in the Enacted Budget would occur as part of the supplemental budget. But other formal procedures for getting approval from the legislature in advance of it adopting the supplemental budget may exist. If that is the case, then please provide information about that approval process.

To answer "a," the executive is required by law or regulation to obtain prior legislative approval before implementing spending cuts in response to revenue shortfalls or for other reasons, and it does so in practice. Answer "b" applies if the executive received legislative approval before implementing such cuts, but is not legally required to do so. Answer "c" applies if the executive is legally required to obtain legislative approval before implementing such cuts, but does not do so in practice. Answer "d" applies if legislative approval is not legally required for the executive to implement such cuts and the executive does not obtain such approval in practice. A "d" response applies if the legislature only approves the spending cuts after they have already occurred.

Answer:

d. There is no law or regulation requiring the executive to obtain approval from the legislature prior to reducing spending below enacted levels, and in practice the executive implements these spending cuts before seeking prior approval from the legislature.

Source:

The requirement to present a supplementary budget based on section 44 of the PFM Act 2012 is on funds already spent. The recommendation found in the report was based on the fact that money had already been spent and revenue projection needed to be revised. Further there is no law on revenue revision presentation in parliament and in practice, the executive does not present.

<https://afsee.atlanticfellows.org/blog/2020/james-muraguri-kenya-office-auditor-general-independence>

Comment:

In 2020 during the COVID-19 pandemic, the executive reduced the budget through supplementary provisions but there is no legal framework for that.

Peer Reviewer

Opinion: Agree

Comments: I think it is not correct to say that there is no legal framework for budget revision, it is just that approval is done after, after reallocations. After all there is a provision for controlling abuse of magnitude of revisions, that is a threshold that a revision should not exceed 10% of the approved budget.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. The executive is required by law or regulation to obtain approval from the legislature prior to reducing spending below the enacted levels in response to revenue shortfalls or other reasons, and it does so in practice.

Comments: The executive cannot vary expenditures without the express approval by parliament through a supplementary appropriation act

Researcher Response

The executive presents to parliament a supplementary budget when spending or reduction has already occurred. So there are no provisions requiring the executive to obtain approval from the legislature prior to reducing spending below the enacted levels.

IBP Comment

A review of the PFM Act, 2012, and the Constitution shows no provisions requiring the executive to obtain approval from the legislature prior to reducing spending below the enacted levels.

118. Did a committee of the legislature examine the Audit Report on the annual budget produced by the Supreme Audit Institution (SAI)?

GUIDELINES:

Question 118 is about ex post oversight following the implementation of the budget. It probes whether a committee examined the Audit Report on the annual budget produced by the Supreme Audit Institution (SAI), and whether this resulted in an official report with findings and recommendations. A key issue is how soon after the SAI releases the report does the legislature review it. This question does not apply to the legislative scrutiny of in-year implementation of the Enacted Budget during the relevant budget execution period, which is assessed separately. Also, the question is asking specifically about the SAI's annual report on the execution of the budget, not about other audit reports that the SAI may produce. (This is the Audit Report used for responding to Question 98.)

To answer "a," a legislative committee must have examined the annual Audit Report within three months of it being released by the SAI, and then published a report (or reports) with findings and recommendations. (Note that the three-month period should only take into account time when the legislature is in session.)

Answer "b" applies when the committee examines it within six months of it being released (but more than three months), and then published a report with its findings and recommendations. Choose "c" if a committee examined the annual Audit Report more than six months after it became available or it did not publish any report with findings and recommendations. Answer "d" applies where no committee examined the annual Audit Report.

If the answer is "a" or "b," please specify the name of the committee and when it reviewed the Audit Report, and provide a copy of its report(s). If the answer is "c," please specify the name of the committee and when it reviewed budget implementation. Answers "a," "b," or "c" may be selected if the Audit Report is produced by the SAI but not made publicly available.

Answer:

d. No, a committee did not examine the Audit Report on the annual budget.

Source:

Comment:

There is no evidence that a committee of parliament has examined the Audit Report on the annual budget for FY 2018/19 which is the subject of this research based on a cut off date of 31st December 2020 or eighteen months prior to cut off date.

The available report on parliament website is for FY 2017/18 which falls more than 18 months to cut off date

Peer Reviewer

Opinion: Agree

Comments: The FY 2018/19 Audit report is currently being examined by the Public Accounts Committee of the National Assembly past the cut off date.

Government Reviewer

Opinion: I choose not to review this question

119. Was the process of appointing (or re-appointing) the current head of the SAI carried out in a way that ensures his or her independence?

GUIDELINES:

Question 119 concerns the appointment process of the current head of the Supreme Audit Institution (SAI). Appointment procedures vary greatly across countries, as well as across different types of SAIs. Moreover, conventions and informal practices can greatly affect the de facto independence of the head of the SAI. While these factors make it difficult to devise a single metric against which all SAIs can be assessed with regard to this particular aspect, this question focuses on whether the legislature or judiciary must appoint or approve the appointment of the head of the SAI as a way to ensure the SAI's independence from the executive. However, if the appointment is carried out in another way that nonetheless ensures the independence of the SAI head, then that approach could be also considered.

To answer "a," the legislature or judiciary must appoint (or re-appoint) the head of the SAI, or approve the recommendation of the executive, as a way that ensure his or her independence from the executive. (As noted above, alternative approaches may also be acceptable.) Choose "b" if the appointment process does not ensure the independence of the head of the SAI, e.g. the executive may appoint the head of the SAI without the final consent of the legislature or judiciary.

Irrespective of which answer you selected, provide a description of how the head of the SAI is appointed.

Answer:

a. Yes, the head of the SAI may only be appointed by the legislature or judiciary, or the legislature or judiciary must give final consent before the appointment takes effect.

Source:

<http://kenyalaw.org/kl/index.php?id=398>

Comment:

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.

Article 229 states: 1. There shall be an Auditor-General who shall be nominated by the President and, with the approval of the National Assembly, appointed by the President.

Further, 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.

Peer Reviewer

Opinion: Agree

Comments: The legislature vets the head of the SAI and gives their approval for presentation to the president.

Government Reviewer

Opinion: Agree

120. Must a branch of government other than the executive (such as the legislature or the judiciary) give final consent before the head of the Supreme Audit Institution (SAI) can be removed from office?

GUIDELINES:

Question 120 covers the manner in which the head or senior members of the SAI may be removed from office. This question draws on best practices identified in the Lima Declaration of Guidelines on Auditing Precepts (<http://internationalbudget.org/wp-content/uploads/LimaDeclaration.pdf>), including measures intended to guarantee the office's independence from the executive.

To answer "a," the head of the SAI may only be removed by the legislature or judiciary, or the legislature or judiciary must give final consent before the head of the SAI is removed. For example, the legislature or judiciary may give final consent following a certain external process, such as a criminal proceeding. So while

the executive may initiate a criminal proceeding, the final consent of a member of the judiciary – or a judge – is necessary to render a verdict of wrongdoing that may lead to the removal from office of the head of the SAI. Answer “b” applies if the executive may remove the head of the SAI without the final consent of the judiciary or legislature.

Answer:

a. Yes, the head of the SAI may only be removed by the legislature or judiciary, or the legislature or judiciary must give final consent before he or she is removed.

Source:

Constitution of Kenya Article 251 (2) <http://kenyalaw.org/kl/index.php?id=398>

Comment:

The Constitution of Kenya Article 251 (2) provides that the head of SAI which is an independent constitutional office can only be removed through a petition to the National assembly. " A person desiring the removal of a member of a commission or of a holder of an independent office on any ground specified in clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground"

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

121. Who determines the budget of the Supreme Audit Institution (SAI)?

GUIDELINES:

Question 121 asks who determines the budget of the Supreme Audit Institution (SAI). To ensure objective audits of government budgets, another important component of the SAI's independence from the executive is the extent to which the SAI's budget is determined by a body other than the executive, and whether the SAI has adequate resources to fulfill its mandate.

Answer “a” applies if the funding level is broadly consistent with the resources the SAI needs to fulfill its mandate, AND either the SAI determines its own budget and then submits it to the executive (which accepts it with little or no change) or directly to the legislature, or the budget of the SAI is determined directly by the legislature or judiciary (or some independent body). Answer “b” applies if the SAI's budget is determined by the executive (absent a recommendation from the SAI), and the funding level is broadly consistent with the resources the SAI needs to fulfill its mandate. Answer “c” applies if the legislature or judiciary (or some independent body) determines the SAI's budget, but the funding level is not consistent with the resources the SAI needs to fulfill its mandate. Answer “d” applies if the executive determines the SAI's budget, and the funding level is not consistent with the resources the SAI needs to fulfill its mandate. Please provide evidence in support of the assessment that the funding level is or is not broadly consistent with the resources the SAI needs to fulfill its mandate.

Answer:

c. The budget of the SAI is determined by the legislature or judiciary (or some independent body), but the funding level is not consistent with the resources the SAI needs to fulfill its mandate.

Source:

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2015/PublicAuditAct34of2015.pdf>

<https://afsee.atlanticfellows.org/blog/2020/james-muraguri-kenya-office-auditor-general-independence>

Comment:

The legislature determines the Budget of the SAI Section 20 (2) of the Public Audit Act, indicates that legislature has powers to allocate the budget to the SAI. the SAI has first to submit the budget to the executive who determines the funds to be allocated to the SAI before forwarding to the legislature.

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

122. Does the Supreme Audit Institution (SAI) have the discretion in law to undertake those audits it may wish to?

GUIDELINES:

Question 122 explores the scope of the investigative powers of the Supreme Audit Institution (SAI) as prescribed in law.

Question 97 asks which of the three types of audits – financial, compliance, and performance – the SAI conducts. This question asks if the SAI is constrained by law (rather than by a lack of capacity or an inadequate budget) from undertaking any form of audit or investigating irregularities in any program or activity.

There are numerous examples of limitations. For instance, some SAIs are not permitted by their legal mandate to audit joint ventures or other public-private arrangements. Others are only allowed to undertake financial audits, precluded from conducting performance or value-for-money audits. The SAIs in some countries do not have the legal mandate to review arrangements involving oil or stabilization funds, or other types of special or extra-budgetary funds. The SAI may also not have the ability to audit commercial projects involving the public and private sector.

To answer “a,” the SAI must have full discretion in law to decide which audits to undertake. Answer “b” applies if some limitations exist, but the SAI enjoys significant discretion to undertake those audits it wishes to. Answer “c” applies if the SAI has some discretion, but significant legal limitations exist. Answer “d” applies if the SAI has no power at all to choose which audits to undertake

Consulting the Lima Declaration of Guidelines on Auditing Precepts (<http://internationalbudget.org/wp-content/uploads/LimaDeclaration.pdf>) may be useful in answering this question as its provisions serve to define the appropriate scope of a SAI’s legal mandate and jurisdiction.

Answer:

a. The SAI has full discretion to decide which audits it wishes to undertake.

Source:

The Auditor General has full discretion to undertake audits it wishes
<http://kenyalaw.org/caselaw/cases/view/147941/>

Comment:

The Auditor general has full discretion on audit that he may wish to undertake. The limitations provided by the Public Audit Act 2015 were declared unconstitutional by the High Court

See <http://kenyalaw.org/caselaw/cases/view/147941/>

Peer Reviewer

Opinion: Agree

Comments: It conducts performance audits, special audit and others.

Government Reviewer

Opinion: Agree

123. Are the audit processes of the Supreme Audit Institution (SAI) reviewed by an independent agency?

GUIDELINES:

Question 123 assesses whether and to what extent the audit processes of the Supreme Audit Institution (SAI) are subject to review by an independent agency. The latter could be a peer SAI, an international organization, an academic institution with relevant expertise, or an independent domestic agency with quality assurance functions in the area of financial reporting.

To answer “a,” an independent agency must conduct and publish a review of the audit processes of the SAI on an annual basis. Answer “b” applies if a review was carried out within the past five years, and published, but it is not conducted annually, but. Choose answer “c” if the SAI has an internal unit that reviews the audit processes of the SAI on a regular basis, but an independent agency does not conduct such a review. Answer “d” applies if the audit processes of the SAI are reviewed neither by an independent agency nor by a unit within the SAI.

If the answer is either “a” or “b,” please specify the name of the independent agency and when last it conducted such a review, and provide a copy of the published report. If the answer is “c,” please specify the name of the unit within the SAI that is tasked with conducting such reviews.

Answer:

c. No, but a unit within the SAI conducts a review of the audit processes of the SAI on a regular basis.

Source:

The OAG has a Quality Assurance Unit, which conducts internal reviews of the Auditor General's audit processes. The executive office of the Auditor general deals with quality assurance and standards.
see link

<http://oagkenya.oagkenya.go.ke/index.php/ex-office>

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Agree

124. In the past 12 months, how frequently did the head or a senior staff member of the Supreme Audit Institution (SAI) take part and testify in hearings of a committee of the legislature?

GUIDELINES:

Question 124 concerns the interaction between two important oversight actors and assesses how frequently the Supreme Audit Institution (SAI) made high-level inputs to the work of legislative committees. Many SAIs interact with the legislature in some form, but the nature and intensity of the interaction varies. This question probes this aspect by asking, with reference to the past 12 months, how frequently the head or a senior staff member of the SAI took part and testified in hearings of a committee of the legislature. The intent is to assess the extent to which the SAI representative in question was not only present at a meeting of a legislative committee, but was an active participant (as opposed to a passive observer, serving only as a resource when called upon). You can refer to official records of legislative committees, websites and annual reports of the SAI, press releases and media coverage, for example. Choose answer "a" if this occurred five times or more; "b" for three times or more, but less than five times; "c" for once or twice, and "d" for never.

Answer:

b. Sometimes (i.e., three times or more, but less than five times).

Source:

There is no publicly available evidence for 2020 /21 to show how frequently the head or a senior staff member of the Supreme Audit Institution (SAI) take part and testify in hearings of a committee of the legislature. But there is a link showing the auditor general presenting special Audit on KEMSA scandal.

<http://www.parliament.go.ke/auditor-general-presents-damning-special-audit-report-kemsa-senate-committee>

Comment:

The practice is that the auditors are embedded in the parliament committees but there is no publicly available evidence of them testifying in those committees

Peer Reviewer
Opinion: Agree

Comments: I personally attended a meeting where I was presenting IEA Kenya analysis of medical leasing equipment project: value for money assessment where senior officers from the SAI were invited to give testimony othe project during a Health Committee of the National Assembly proceedings

Government Reviewer
Opinion: I choose not to review this question

125. Does the executive use participation mechanisms through which the public can provide input during the formulation of the annual budget (prior to the budget being tabled in parliament)?

GUIDELINES:

This question reflects the GIFT principles on "Inclusiveness" and "Timeliness" and assesses the extent to which the participation mechanism(s) used by the executive are truly interactive and involve a two-way conversation between citizens and the executive.

The drafting of this question and its answers are partially drawn from the IAP2 Spectrum of Public Participation, in particular with regards to the concepts of "involvement" (option "a" in the responses) and "consultation" (option "b"). See:

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

Please consider only participation mechanisms that the Ministry of Finance, lead budget agency, or central coordinating agency designated by the government to implement participation mechanisms ("the executive") is currently using to allow the public to participate in the formulation of the annual budget, including annual pre-budget discussions. Participation mechanisms used only by line ministries should not be used to answer this question. If there is more than one

mechanism used by the executive, please select the deepest or most interactive mechanism that reflects the government's efforts to incorporate citizens' input into the formulation of the annual budget. The participation mechanisms can involve a range of different issues, such as spending and tax policy, funding and revenue levels, and macro-fiscal planning .

To answer "a," the executive must use open participation mechanisms that involve the public in the formulation of the annual budget. This means that a public process is in place whereby CSOs and/or individual members of the public and government officials interact, and have the opportunity to express their opinions to each other in what can be considered a public dialogue between them (i.e., in-person and online discussion forums). Additionally, the mechanism should be open to any CSO and/or individual members of the public who wish to participate. By selecting this answer, the researcher must present evidence to support the presence of a public dialogue among citizens and government officials. Examples include public meetings and online deliberative exchanges.

Answer "b" applies if an open consultation mechanism is in place whereby members of the public (i.e., individuals and/or CSOs as well as academics, independent experts, policy think tanks, and business organizations) can provide their input in the formulation of the annual budget. This answer applies if the government is using a mechanism that is structured and well established, and not ad-hoc. The researcher must present evidence to support the presence of consultative processes through which the executive seeks out inputs from citizens. Examples include surveys, focus groups, report cards, published policy consultation exercises, and online platforms that government officials actively manage to solicit inputs.

Answer "c" applies if the executive has established a mechanism or mechanisms to allow citizens to participate in the budget formulation phase, but:

1) The mechanisms are not structured and happen only on ad-hoc basis, or not regularly.

and/or

2) The executive consults with and/or interacts with, citizens, but there is discretion in who is allowed to participate, and the executive determines fully or partially such selection process by inviting specific groups (for example by making an open call but just to experts from a particular sector, or naming specific organizations). While it is not possible for all citizens and/or CSOs to participate in this or other phases of the budget process, options "a" and "b" apply if the government does not exercise any discretion in determining who is allowed to participate. While there is likely going to be self-selection, it is important that the selection is not made by the executive.

In cases where there is discretion in who is allowed to participate, to select answer choice "c", there should be some sort of public record (held in public, minutes of meetings released to public) so that the all CSOs and individual members of the public can have knowledge of the meeting, who participated, and what was discussed.

Examples of mechanisms that might qualify as a "c" response include hotlines, Facebook announcements, and one-off meetings with NGOs in which there is a public record.

The researcher must present evidence to support selection of a "c" response.

Answer "d" applies if the requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget formulation stage.

Answer:

c. Yes, the executive uses participation mechanisms during the budget formulation phase, but either these mechanisms capture only some ad-hoc views, or the executive invites specific individuals or groups for budget discussions (participation is not, in practice, open to everyone).

Source:

Section 36 (2) of the PFM Act 2012 requires that the cabinet secretary issue a circular setting out guidelines on the budget process to be followed by them.

Further, section 36 (3) (d) requires that the circular include procedures setting out the manner in which members of the public shall participate in the budget process. Notably the circular does not explicitly discuss avenues for public engagement.

<https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.22-2019-on-Guidelines-for-the-Preparation-of-the-Annual-Budget-for-State-Corporation-for-FY-2020-2021-and-MTP-for-FYs-20212022-and-2022-2023.pdf>

The Budget Public Hearings organized by the National Treasury Themed " THE FINANCIAL YEAR 2020/21 AND THE MEDIUM TERM EXPENDITURE FRAMEWORK (MTEF) BUDGET " provided avenues for citizen engagement through the program and invitation to the members of the public to participate in the Public Sector Hearings .See link

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Advert-for-FY2020-21-Budget-Public-Hearings.pdf>

Comment:

The National Treasury organized public hearings on the Sector Budget Proposals for the Financial Year 2020/21 and the Medium-Term from 15th to 17th January 2020, at the Kenyatta International Convention Centre (KICC).

Peer Reviewer

Opinion: Disagree

Suggested Answer:

b. Yes, the executive uses open participation mechanisms through which members of the public provide their inputs on the budget.

Comments: The National Treasury not only organises annual public sector hearings for three days open to any member of the public but also provides an email that any interested party, student, representative of associations, individual, civil society organization representative, etc can submit written budget submissions/inputs. Public sector hearings are open to everyone, the only blip is that these meetings are often only in Nairobi, thus geographical barrier, otherwise one would be forced to travel to the venue. The other avenue for public participation is through sector working group (SWG), however participation in this forum is based on request and approval by convenors of respective SWG.

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive uses open participation mechanisms through which members of the public and government officials exchange views on the budget.

Comments: the National Treasury organizes public hearings on the Sector Budget Proposals which inform the Budget Policy Statement and ultimately the Budget estimates

Researcher Response

By placing a geographic limitation, the executive locks out the majority of citizens in participation. We contrast this with parliament budget committee which provides a sample minimum of 12 venues each year for public participation plus email option. There fore I conclude that the executive provided mechanism for public participation is not in practice open to everyone. My score is still maintained at C

IBP Comment

Thank you to the peer reviewer comments. Even though there is an email address, since there is no evidence that submissions via email are used during the budget discussions, the researcher's response of C is confirmed.

126. With regard to the mechanism identified in question 125, does the executive take concrete steps to include vulnerable and under-represented parts of the population in the formulation of the annual budget?

GUIDELINES:

This question reflects the GIFT principle of "Inclusiveness", and examines the executive's effort to actively reach out to citizens who are from socially vulnerable groups and/or underrepresented in national processes. The emphasis here is on the executive's efforts to seek out the views of members of the public from socially vulnerable groups and/or who are underrepresented in the process.

To answer "a," the executive must actively seek out individuals from at least one vulnerable and underrepresented community and/or civil society organization representing vulnerable and underrepresented individuals and communities. The researcher must provide evidence to show the government's efforts and actions. The researcher must speak with the relevant government official(s), and subsequently double check with an alternative source, such as representatives of vulnerable/underrepresented groups.

Answer "b" applies if the executive does not take concrete steps to incorporate vulnerable/underrepresented individuals, or organizations representing them, into participation mechanisms or if the executive does not use public participation mechanisms during the budget formulation stage.

Answer:

b. The requirements for an "a" response are not met.

Source:

No evidence of engaging vulnerable citizen groups

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive takes concrete steps to include individuals and/or CSOs representing vulnerable and underrepresented parts of the population in the formulation of the annual budget.

IBP Comment

As there is no evidence that the executive engages vulnerable citizen groups, the researcher's response of B is confirmed.

127. During the budget formulation stage, which of the following key topics does the executive's engagement with citizens cover?

For the purpose of this question, key topics are considered to be:

1. Macroeconomic issues
2. Revenue forecasts, policies, and administration
3. Social spending policies
4. Deficit and debt levels

- 5. Public investment projects
- 6. Public services

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Timeliness". Please consider all of the mechanisms currently used by the executive to promote public participation during the formulation of the annual budget.

Please note that while the public engagement can/may cover other topics -- and for this reason the other questions assessing the executive's engagement with the public during budget formulation can be answered on the basis of engagement on topics other than the six listed above -- for the purpose of answering this question, "key topics" are considered to be only the ones listed above. If the executive's engagement with the public covers topics other than the six listed above, please specify these topics in the comments.

Note also that this question assesses only the coverage of public engagement (i.e., "what issues is the public invited to engage on?") and issues related to the depth of engagement or selectivity of engaged are not dealt with by this question.

If written materials about the public engagement, such as an invitation, do not specify the coverage of the public engagement, but the researcher has personally participated in the engagement, s/he may respond to this question based on firsthand experience of the coverage of the public engagement.

Answer "d" applies if requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget formulation stage.

Answer:

b. The executive's engagement with citizens covers at least three (but less than six) of the above-mentioned topics.

Source:

Budget Public Hearings 2020/21

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Advert-for-FY2020-21-Budget-Public-Hearings.pdf>

Comment:

During the public hearings, while the Cabinet secretary makes presentation on revenue, macro fiscal policies to government social policies and where resources will be directed, there is very little engagement between citizens and such revenue policies

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. The executive's engagement with citizens covers all six topics.

IBP Comment

As there is no evidence that the executive covers all six topics in the public hearings, the researcher's response of B is confirmed.

128. Does the executive use participation mechanisms through which the public can provide input in monitoring the implementation of the annual budget?

GUIDELINES:

This question reflects the GIFT principles on "Inclusiveness" and "Timeliness" and assesses the extent to which the participation mechanism(s) used by the executive are truly interactive and involve a two-way conversation between citizens and the executive.

The drafting of this question and its answers are partially drawn from the IAP2 Spectrum of Public Participation, in particular with regards to the concepts of "involvement" (option "a" in the responses) and "consultation" (option "b"). See:

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

Please consider only participation mechanisms that the Ministry of Finance, lead budget agency, or central coordinating agency designated by the government to implement participation mechanisms ("the executive") is currently using to allow the public to participate in monitoring the implementation of the annual budget. If the executive has designated a central coordinating agency to implement participation mechanisms throughout the national budget process, researchers may consider these mechanisms. Participation mechanisms used only by line ministries should not be used to answer this question. If there is more than one mechanism used by the executive, please select the deepest or most interactive mechanism that reflects the government's efforts to incorporate citizens' input into the implementation of the annual budget. The participation mechanisms can involve a range of different issues, such as revenue administration, public service delivery, public investment project implementation, including procurement, and the administration of social transfer schemes.

To answer "a," the executive must use open participation mechanisms that involve the public in the implementation of the annual budget. This means that a public process is in place whereby CSOs and/or individual members of the public and government officials interact, and have the opportunity to express their opinions to each other in what can be considered a public dialogue between them (i.e., in-person and online discussion forums). Additionally, the mechanism

should be open to any CSO and/or individual members of the public who wish to participate. By selecting this answer, the researcher must present evidence to support the presence of a public dialogue among citizens and government official. Examples include public meetings, online, deliberative exchanges, procurement complaint mechanisms, and social monitoring and dialogue.

Answer "b" applies if an open consultation mechanism is in place whereby members of the public (i.e., individuals and/or CSOs as well as academics, independent experts, policy think tanks, and business organizations) can provide their input on the implementation of the annual budget. This answer applies if the government is using a mechanism that is structured and well established, and not ad-hoc. The researcher must present evidence to support the presence of consultative processes through which the executive seeks out inputs from citizens. Examples include public hearings, surveys, focus groups, report cards, and online platforms that government officials actively manage to solicit inputs.

Answer "c" applies if the executive has established a mechanism or mechanisms to allow citizens to provide input on budget implementation, but:

1) The mechanisms are not structured, happen only on ad-hoc basis, or not regularly.

and/or

2) The executive consults with and/or interacts with, citizens, but there is discretion in who is allowed to participate, and the executive determines fully or partially such selection process by inviting specific groups (for example by making an open call but just to experts from a particular sector, or naming specific organizations). While it is not possible for all citizens and/or CSOs to participate in this or other phases of the budget process, options "a" and "b" apply if the government does not exercise any discretion in determining who is allowed to participate. While there is likely going to be self-selection, it is important that the selection is not made by the executive.

In cases where there is discretion in who is allowed to participate, to select answer choice "c", the researcher must have evidence that the government is holding participation mechanisms that have some sort of public record (held in public, minutes of meetings released to public) so that all CSOs and members of the public can have knowledge of the meeting, who participated, and what was discussed.

Examples include hotlines, Facebook announcements, one-off meetings with NGOs in which there is a public record.

The researcher must present evidence to support selection of a "c" response.

Answer "d" applies if the requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget implementation stage.

Answer:

d. The requirements for a "c" response or above are not met.

Source:

No such mechanism to monitor the budget has been established yet

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive uses open participation mechanisms through which members of the public and government officials exchange views on budget implementation.

Comments: Members of the public and government officials exchange views on budget implementation through their elected leaders as provided in the Constitution

IBP Comment

This question asks about formal mechanisms for the government to directly engage the public on budget implementation issues. Indirect representation of the public through their democratically elected leaders is not assessed in this question. As there is no evidence of participation with the public around budget implementation issues, the researcher's response of D is confirmed.

129. With regard to the mechanism identified in question 128, does the executive take concrete steps to receive input from vulnerable and underrepresented parts of the population on the implementation of the annual budget?

GUIDELINES:

This question reflects the GIFT principle of "Inclusiveness", and examines the executive's effort to actively reach out to citizens who are from socially vulnerable groups and/or underrepresented in national processes. The emphasis here is on national government's efforts to obtain input from members of the public who are from socially vulnerable groups and/or underrepresented in national processes during the implementation of the annual budget.

To answer "a," the executive must actively seek out individuals from at least one vulnerable and underrepresented community and/or civil society organization

representing vulnerable and underrepresented individuals and communities. The researcher must provide evidence to show the government's efforts and actions. The researcher must speak with the relevant government official(s), and subsequently double check with an alternative source, such as representatives from vulnerable/underrepresented groups.

Answer "b" applies if the national executive does not take concrete steps to incorporate vulnerable/underrepresented individuals, or organizations representing them, into participation mechanisms or if the executive does not use public participation mechanisms during the budget implementation stage.

Answer:

b. The requirements for an "a" response are not met.

Source:

No such mechanism to monitor the budget has been established yet

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive takes concrete steps to receive input from individuals from and/or organizations representing vulnerable and underrepresented parts of the population on the implementation of the annual budget.

IBP Comment

This question asks about formal mechanisms for the government to directly engage the public on budget implementation issues. As there is no mechanism identified in Q128, the answer to this question must be B. The researcher's response is confirmed.

130. During the implementation of the annual budget, which of the following topics does the executive's engagement with citizens cover?

For the purpose of this question, key topics are considered to be:

1. Changes in macroeconomic circumstances
2. Delivery of public services
3. Collection of revenue
4. Implementation of social spending
5. Changes in deficit and debt levels
6. Implementation of public investment projects

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Timeliness". Please consider all of the mechanisms currently used by the executive to promote public participation during the implementation of the annual budget.

Please note that while the public engagement can/may cover other topics -- and for this reason the other questions assessing the executive's engagement with the public during budget implementation can be answered on the basis of engagement on topics other than the six listed above -- for the purpose of answering this question, "key topics" are considered to be ONLY the ones listed above. If the executive's engagement with the public covers topics other than the six listed above, please specify these topics in the comments.

Note also that this question assesses only the coverage of public engagement (i.e., "what issues is the public invited to engage on?") and issues related to the depth of engagement or selectivity of engaged are not dealt with by this question.

If written materials about the public engagement, such as an invitation, do not specify the coverage of the public engagement, but the researcher has personally participated in the engagement, s/he may respond to this question based on firsthand experience of the coverage of the public engagement.

Answer "d" applies if requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget implementation stage.

Answer:

d. The requirements for a "c" response or above are not met.

Source:

No such mechanism to monitor the budget has been established yet

Comment:

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Disagree
Suggested Answer:
a. The executive's engagement with citizens covers all six topics.

IBP Comment
This question asks about formal mechanisms for the government to directly engage the public on budget implementation issues. As there is no mechanism identified in Q128, the answer to this question must be D. The researcher's response is confirmed.

131. When the executive engages with the public, does it provide comprehensive prior information on the process of the engagement, so that the public can participate in an informed manner?

Comprehensive information must include at least three of the following elements:

1. Purpose
2. Scope
3. Constraints
4. Intended outcomes
5. Process and timeline

GUIDELINES:

This question relates to the GIFT principle of "Openness," and addresses whether the executive provides relevant information on the process of the engagement before public participation takes place, in order to help citizens engage effectively. The question addresses whether the "rules of the public engagement" are clearly spelled out, in advance and in detail, so that those members of the public who want to engage know how to do so, in terms of when they can do so, what they are expected to provide input on, by when, to whom, etc. This question does not cover the substance of the engagement, which is covered by questions 127 and 130.

Non-comprehensive information means that the government provides information that includes at least one but less than three of the elements listed above.

Purpose refers to a brief explanation of why the public engagement is being undertaken, including the executive's objectives for its engagement with the public.

Scope refers to what is within the subject matter of the engagement as well as what is outside the subject matter of the engagement. For example, the scope may include how a current policy is administered but exclude the specifics of the policies themselves.

Constraints refers to whether there are any explicit limitations on the engagement. An example of a constraint could be that any policy changes must not cost (or forgo revenue) more than a specific amount or have no net fiscal cost.

Intended outcomes refers to what the executive hopes to achieve as a result of the engagement. Examples of intended outcomes could be revising a policy to better reflect citizen or service-user views or to improve the way in which a particular program is administered.

Process refers to the methods by which the public engagement will take place and the discrete steps in the process. For example, the process may simply be a one-off Internet-based consultation, with a summary published of public inputs and the official response. The process may involve simultaneous or overlapping steps, and may be conducted in one round or in two or more rounds of engagement.

Timeline refers to the specific dates on which the discrete steps in the process will take place, or during which they will be completed, and clear start and end dates for the overall engagement.

Answer "d" applies if the executive does not use public participation mechanisms during the budget implementation or formulation stage.

Answer:

c. Information is provided in a timely manner in both or one of the two phases, but it is not comprehensive.

Source:

Budget- Public- Hearing
<https://www.treasury.go.ke/wp-content/uploads/2020/11/Advert-for-FY2020-21-Budget-Public-Hearings.pdf>

Comment:

While the National Treasury makes the notice publicly available online, there is no other option of citizen engagement with the notice

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Disagree
Suggested Answer:

- a. Comprehensive information is provided in a timely manner prior to citizens engagement in both budget formulation and implementation phases.

IBP Comment

As there is no additional information provided about information provided to citizens in advance of participation engagements, the researcher's response of C is confirmed.

132. With regard to the mechanism identified in question 125, does the executive provide the public with feedback on how citizens' inputs have been used in the formulation of the annual budget?

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Sustainability", and examines the extent to which the executive provides information to citizens on which public inputs were received, which ones are used in the formulation of the annual budget, and how/why.

By "written record", we mean a document that is produced and released by the lead budget agency (Ministry of Finance, Treasury) that has set up and holds the participation activity.

Answer "a" applies when the executive provides a written document with:

- *The inputs (e.g., a written transcript) received from the public and*
- *A detailed report on how the inputs were used or not used (such report should include information on which inputs were used or not used, why, and how)*

Answer "b" applies when the executive provides a written document that includes:

- *The inputs (e.g., a written transcript) received from the public and*
- *A not-so-detailed report, such as a document with a few paragraphs, on how public inputs were used or not used. This document only gives a general idea on how those inputs were used or not used.*

Answer "c" applies when the executive provides a written document that includes:

- *The inputs (e.g., a written transcript) received from the public or*
- *A report (being it detailed or not-so-detailed) on how public inputs have been used or not used.*

Answer "d" applies if the requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget formulation stage.

Answer:

c. Yes, the executive provides a written record which includes either the list of the inputs received or a report or summary on how they were used.

Source:

Annex table 6 on the BPS 2020 shows key issues received during public participation.

<https://web.archive.org/web/20200904211256/https://www.treasury.go.ke/component/jdownloads/send/212-budget-policy-statement/1510-2020-budget-policy-statement.html>

Comment:

Nonetheless, on those key issues received during public participation, there is no evidence of how they were used in budget formulation

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: Disagree
Suggested Answer:

- a. Yes, the executive provides a written record which includes both the list of the inputs received and a detailed report of how the inputs were used in the formulation of the annual budget.

IBP Comment

As there is no additional evidence of how inputs were used in the formulation of the budget, therefore the researcher's response of C is confirmed.

133. With regard to the mechanism identified in question 128, does the executive provide the public with information on how citizens' inputs have been used to assist in monitoring the implementation of the annual budget?

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Sustainability", and examines the extent to which the executive provides information to citizens on which public inputs were received during the implementation of the annual budget, which ones are take into account to improve budget monitoring, and how/why.

By "written record", we mean a document that is produced and released by the lead budget agency (Ministry of Finance, Treasury) that has set up and holds the participation activity.

Answer "a" applies when the executive provides a written document with:

- *The inputs (e.g., a written transcript) received from the public and*
- *A detailed report on how the inputs were used or not used (such report should include information on which inputs were used or not used, why, and how)*

Answer "b" applies when the executive provides a written document that includes:

- *The inputs received (e.g., a written transcript) from the public and*
- *A not-so-detailed report, such as a document with a few paragraphs, on how public inputs were used or not used. This document only gives a general idea on how those inputs were or were not taken into account by the executive during budget monitoring.*

Answer "c" applies when the executive provides a written document that includes:

- *The inputs (e.g., a written transcript) received from the public or*
- *A report (being it detailed or not-so-detailed) on how public inputs have been used or not used.*

Answer "d" applies if the requirements for a "c" response or above are not met or if the executive does not use public participation mechanisms during the budget implementation stage.

Answer:

d. The requirements for a "c" response or above are not met.

Source:

No such mechanism

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive provides a written record which includes both the list of the inputs received from the public and a detailed report of how the inputs were used to assist in monitoring the annual budget.

Comments: this is provided in the Budget Policy Statement indicating issues raised by stakeholders and how they have been accommodated in the Budget

Researcher Response

I recommend we stick to the answer D as there is not mechanism of monitoring the annual budget either in practice or documented

IBP Comment

Annex Table 6: Summary of Public Participation Highlights (p112-7 of the Budget Policy Statement) does provide info on proposals/comments and some project implementation issues, however these appear to come from sector working groups, not from consultations held by the Treasury. Therefore, as there is no mechanism for public participation in monitoring budget implementation identified in Q128, this question must be scored as D.

134. Are participation mechanisms incorporated into the timetable for formulating the Executive's Budget Proposal?

GUIDELINES:

This question reflects the GIFT principles on "Sustainability," "Timeliness" and "Complementarity" and addresses whether the executive is able to link participation mechanisms to the administrative processes that are used to create the annual budget.

Please note that "timetable" refers to a document setting deadlines for submissions from other government entities, such as line ministries or subnational government, to the Ministry of Finance or whatever central government agency is in charge of coordinating the budget's formulation. This document is sometimes referred to as the budget calendar and is the same document referenced in Question 53.

Answer "a" applies if the national executive establishes a clear set of guidelines that enable citizens and civil servants to understand when participation mechanisms should be used to enable citizen inputs to be incorporated into the annual budget. For answer choice "a", the timetable must be available to the public prior to the budget preparation process beginning.

Answer "b" applies if the executive does not establish a clear set of guidelines that enable citizens and civil servants to understand when participation mechanisms should be used to enable citizen inputs to be incorporated into the annual budget or if the executive does not use public participation mechanisms during the budget formulation or implementation stage.

Answer:

a. Yes, the executive incorporates participation into its timetable for formulating the Executive's Budget Proposal and the timetable is available to the public.

Source:

<https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.16-2020-on-Guidelines-for-Preparation-of-the-2021.22-2023.24-Medium-Term-Budget.pdf>

<https://www.treasury.go.ke/wp-content/uploads/2020/11/Advert-for-FY2020-21-Budget-Public-Hearings.pdf>

Comment:

While the budget preparation circular for 2020/2021 supports the role of public participation, it does not explicitly enable citizens and civil servants to understand when participation mechanisms should be applied in the annual Budget preparation

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, the executive incorporates participation into its timetable for formulating the Executive's Budget Proposal and the timetable is available to the public.

Comments: Public hearings are scheduled in the Budget calendar

Researcher Response

Based on the circular and government reviewers feedback. I have adjusted the score to a

IBP Comment

IBP confirms the score of A based on the inclusion of the Sector Working Groups and Public Hearings into the Circular for the Guidelines of Preparing the MTEF <https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.13-2019-on-Guidelines-for-Preparation-of-the-202021-202223-Medium-Term-Budget.pdf> (see p. 15, 19).

135. Do one or more line ministries use participation mechanisms through which the public can provide input during the formulation or implementation of the annual budget?

GUIDELINES

While questions 125 – 134 focus only on participation mechanisms that the Ministry of Finance, lead budget agency, or central coordinating agency currently use to allow the public to participate in the national budget process, this question asks about participation mechanisms used by line ministries to allow the public to participate in national budget processes. Thus, participation mechanisms used by the Ministry of Finance, lead budget agency, or central coordinating agency should not be used to answer this question. If there is more than one mechanism used by a line ministry or if multiple line ministries use participation mechanisms, please select the deepest or most interactive mechanism that reflects the government's efforts to incorporate citizens' input into the formulation and/or implementation of the annual budget.

This question reflects the GIFT principles on "Inclusiveness" and "Timeliness" and assesses the extent to which the participation mechanism(s) used by the executive are truly interactive and involve a two-way conversation between citizens and the executive.

The drafting of this question and its answers are partially drawn from the IAP2 Spectrum of Public Participation, in particular with regards to the concepts of "involvement" (option "a" in the responses) and "consultation" (option "b"). See:

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

To answer "a," a line ministry must use open participation mechanisms that involve the public in the formulation or implementation of the annual budget. This means that a public process is in place whereby CSOs and/or individual members of the public and government officials interact, and have the opportunity to express their opinions to each other in what can be considered a public dialogue between them (i.e., in-person and online discussion forums). Additionally, the mechanism should be open to any CSO and/or individual members of the public who wish to participate. By selecting this answer, the researcher must present evidence to support the presence of a public dialogue among citizens and government official. Examples include public meetings and online deliberative exchanges.

Answer "b" applies if an open consultation mechanism is in place whereby members of the public (i.e., individuals and/or CSOs as well as academics, independent experts, policy think tanks, and business organizations) can provide their input in the formulation or implementation of the annual budget. This answer applies if the government is using a mechanism that is structured and well established, and not ad-hoc. The researcher must present evidence to support the presence of consultative processes through which a line ministry seeks out inputs from citizens. Examples include surveys, focus groups, report cards, published policy consultation exercises, and online platforms that government officials actively manage to solicit inputs.

Answer "c" applies if a line ministry has established a mechanism or mechanisms to allow citizens to participate in the budget formulation phase, but:

1) The mechanisms are not structured and happen only on ad-hoc basis, or not regularly.

and/or

2) A line ministry consults with and/or interacts with, citizens, but there is discretion in who is allowed to participate, and the line ministry determines fully or partially such selection process by inviting specific groups (for example by making an open call but just to experts from a particular sector, or naming specific organizations). While it is not possible for all citizens and/or CSOs to participate in this or other phases of the budget process, options "a" and "b" apply if the government does not exercise any discretion in determining who is allowed to participate. While there is likely going to be self-selection, it is important that the selection is not made by the executive.

In cases where there is discretion in who is allowed to participate, to select answer choice "c", there should be some sort of public record (held in public, minutes of meetings released to public) so that the all CSOs and individual members of the public can have knowledge of the meeting, who participated, and what was discussed.

The researcher must present evidence to support selection of a "c" response.

Examples of mechanisms that might qualify as a "c" response include hotlines, Facebook announcements, and one-off meetings with NGOs in which there is a public record.

Answer:

c. Yes, at least one line ministry uses participation mechanisms during the budget formulation or implementation phase, but either these mechanisms capture only some ad-hoc views, or the executive invites specific individuals or groups for budget discussions (participation is not, in practice, open to everyone).

Source:

No such mechanisms exist

Comment:

Peer Reviewer

Opinion: Disagree

Suggested Answer:

c. Yes, at least one line ministry uses participation mechanisms during the budget formulation or implementation phase, but either these mechanisms capture only some ad-hoc views, or the executive invites specific individuals or groups for budget discussions (participation is not, in practice, open to everyone).

Comments: According to the budget circular issued, often around August every year by the National Treasury, sector working groups which constitute line ministries and other non state actors (they have to make a formal request to participate and upon approval they are allowed to participate) provide a mechanism for participation to "select civil society groups". Hence the reason for selecting answer "c"

Government Reviewer

Opinion: Disagree

Suggested Answer:

a. Yes, at least one line ministry uses open participation mechanisms through which members of the public and government officials exchange views on the budget.

Comments: MDAs consult with the public on projects to be funded as required by the the Constitution

IBP Comment

As confirmed with the researcher, line ministries participate in Sector Working Groups that include representatives from CSOs, however participation in practice is not open to all. This mechanism therefore scores a C. <https://www.treasury.go.ke/wp-content/uploads/2021/03/Circular-No.13-2019-on-Guidelines-for-Preparation-of-the-202021-202223-Medium-Term-Budget.pdf>

136. Does the legislature or the relevant legislative committee(s) hold public hearings and/or use other participation mechanisms through which the public can provide input during its public deliberations on the formulation of the annual budget (pre-budget and/or approval stages)?

GUIDELINES:

This question reflects the GIFT principle on "Sustainability," "Transparency," and "Complementarity" and assesses the extent to which the participation mechanism(s) used by the legislature are interactive and involve a two-way conversation between citizens and the legislature, rather than being limited to allowing the public to attend or hear public budget deliberations.

Please consider participation mechanisms that the legislature (both in its whole institution or its relevant budget/public accounts/finance committees) has put in place and is using to allow the public to participate in their deliberations on the annual budget. This includes deliberations during the pre-budget phase (i.e., when the executive is still in the process of formulating the draft budget) and the budget discussions after the budget has been tabled to parliament and before it is approved. In the comment box, please specify during which stage of the budget cycle the legislature has put in place a public participation mechanism.

Mechanisms through which members of the public reach out to individual Members of Parliament as opposed to the legislature (both in its whole institution or its relevant budget/public accounts/finance committees) or unofficial hearings organized by a subset of committee members should not be considered in answering this question.

If there is more than one mechanism, please select a mechanism that best shows/reflects the legislature's efforts to incorporate citizens into the formulation of the annual budget. The participation mechanisms can involve a range of different issues, such as revenues, policy selection, and macro-fiscal planning (please note that the issue of coverage is covered in a subsequent question).

To answer "a," the legislature must hold public hearings where citizens are allowed to testify. This answer applies only if the legislature does not exercise discretion in determining which citizens and/or CSOs can testify (for example, participation takes place on a first-come-first-served basis).

Answer "b" should be selected if the following applies:

- *The legislature holds public hearings on the budget;*
- *Testimony is not allowed from members of the public or CSOs; but*
- *There are other means used by the legislature to receive and collect views from citizens and CSOs on the budget, and the legislature does not exercise discretion in determining which citizens and/or CSOs can provide input. The researcher must provide evidence to support the presence of those alternative processes through which the legislature seeks inputs from citizens. For example, there should be a public record indicating that views from citizens and the public were sought.*

Answer "c" should be selected if the following applies:

- *The legislature holds public hearings on the budget;*
- *Testimony is not allowed from members of the public or CSOs;*
- *No other means are used by the legislature to receive and collect views/input from citizens and CSOs on the budget, but*
- *The legislature invites a few individuals/groups to provide input (through public hearings or elsewhere)*
- *The legislature has a provision (via standing orders or in law) through which the public can submit their inputs, and members of the public or CSOs actively use it to submit opinions on the budget.*

Answer "d" applies if the requirements for a "c" response or above are not met or if the legislature does not use public participation mechanisms during its deliberations on the annual budget

Answer:

a. Yes, public hearings on the budget are held, and members of the public/CSOs testify.

Source:

<http://www.parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf>

Comment:

Page 9 of the Budget and Appropriations committee report indicates that public views were sought in 12 counties and the summary of public hearings is provided as an annex

Peer Reviewer

Opinion: Agree

Comments: This is done after the budget estimates have been tabled before the House/National Assembly, often in the month of May every year.

Government Reviewer

Opinion: Agree

137. During the legislative deliberations on the annual budget (pre-budget or approval stages), which of the following key topics does the legislature's (or relevant legislative budget committee) engagement with citizens cover?

For the purpose of this question, key topics are considered to be:

1. Macroeconomic issues
2. Revenue forecasts, policies, and administration
3. Social spending policies
4. Deficit and debt levels
5. Public investment projects
6. Public services

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Timeliness". Please consider the range of mechanisms currently used by the legislature to promote public participation during legislative deliberations on the annual budget.

Please note that while the public engagement can/may cover other topics, for the purpose of answering this question, "key topics" are considered to be only the ones listed above. If the legislature's engagement with the public covers topics other than the six listed above, please specify these topics in the comments.

Note also that this question assesses only the coverage of public engagement (i.e., "what issues is the public invited to engage on?") and issues related to the depth of engagement or selectivity of engaged are not dealt with by this question.

If written materials about the public engagement, such as an invitation, do not specify the coverage of the public engagement, but the researcher has personally participated in the engagement, s/he may respond to this question based on firsthand experience of the coverage of the public engagement.

Answer "d" applies if the requirements for a "c" response or above are not met or if the legislature does not use public participation mechanisms during its deliberations on the annual budget.

Answer:

- a. The legislature seeks input on all six topics.

Source:

The Legislature seeks input on all six topics as provided in The Budget Appropriation Committee Report which was published in June 2020 and contains information and recommendations on the key areas.

<http://www.parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf>

Comment:

Page 9 of the report states that....submissions were received.....highlighting various concerns on matters public finance as well as key expenditure priorities

The Budget Appropriation Committee Report which was published in June 2020 and contains information and recommendations on the following key areas

Health page 18

Education and Research page 18

Energy page 19

Finance page 15

Defense page 15

Transport page 17

Agriculture page 18

Peer Reviewer

Opinion: Agree

Comments: Legislative engagement with the public is however more or less driven by what the different groups will present and not deliberate to ensure that all the six topics are covered. What happens is that the six topics may end up been presented and discussed but there are no deliberate efforts to ensure that they are covered.

Government Reviewer

Opinion: Agree

138. Does the legislature provide feedback to the public on how citizens' inputs have been used during legislative deliberations on the annual budget?

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Sustainability", and examines the extent to which the legislature provides information to citizens on which public inputs were received and how inputs were used during legislative deliberations (please note that these deliberations can refer to the pre-budget and approval phases). By "written record" in this question, we mean a document that is produced and released by the legislature.

Answer "a" applies when the legislature provides a written document with:

- The inputs received from the public (e.g., a written transcript) and
- A detailed report on how the inputs were used or not used (such report should include information on which inputs were used or not used, why, and how).

Answer "b" applies when the legislature provides a written document that includes:

- The inputs received from the public (e.g., a written transcript) and
- A not-so-detailed report on how public inputs were used or not used. This document only gives a general idea on how those inputs were used or not used in legislative deliberations on the annual budget (please note that these deliberations refer to the pre-budget and approval phases).

Answer "c" applies when the legislature makes available a video recording of the relevant legislative session or provides a written document that includes:

- The inputs received from the public (e.g., a written transcript) or
- A report (being it detailed or not-so-detailed) on how public inputs have been used or not used.

Answer "d" applies if the requirements for a "c" response or above are not met or if the legislature does not use public participation mechanisms during its deliberations on the annual budget.

Answer:

b. Yes, the legislature provides a written record which includes both the list of inputs received and a summary of the how the inputs were used.

Source:

Budget and Appropriation Committee Report provides recommendation arising out of public participation.
<http://www.parliament.go.ke/sites/default/files/2020-06/REPORT%20OF%20BAC%202020-21.pdf>

Comment:

Page 21 of the FY 20/21 BAC report indicates the committee recommendations arising out of public participation

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

IBP Comment

During an IBP review, page 25 also shows how the recommendations were used based on the public consultations. Based on this, the score is revised from C to B.

139. Does the legislature hold public hearings and/or use other participation mechanisms through which the public can provide input during its public deliberations on the Audit Report?

GUIDELINES:

This question reflects the GIFT principle on "Sustainability," "Transparency," and "Complementarity" and assesses the extent to which the participation mechanism(s) used by the legislative are interactive and involve a two-way conversation between citizens and the legislature, rather than being limited to allowing the public to attend or hear public budget deliberations.

A key constitutional role of the legislature in almost all countries is to oversee the government's management of public resources. While the Supreme Audit Institution is responsible for checking the government's accounts and publishing the outcome of their audits, for accountability purposes it is essential that the legislature reviews and scrutinizes those reports, and checks on whether the executive is taking the appropriate corrective actions based on the Supreme Audit Institution's recommendations.

Holding public hearings to review audit findings allows the public to learn more about how the government has managed its resources for the budget years that have ended, and demand accountability in case of mismanagement and irregularities. Reviewing and discussing those reports in public is therefore a key responsibility of a legislature.

Please note that by "Audit Report" we refer to the same audit report assessed in the transparency section of this Survey, i.e., one of the eight key budget documents that all governments (in this case, the Supreme Audit Institution) must produce, according to best practice.

Please consider participation mechanisms that the legislature (both in its whole institution or its relevant budget/public accounts/finance committees) have put in place and using to allow the public to participate in their deliberations on the Audit Report.

Mechanisms through which members of the public reach out to individual members of parliament as opposed to the legislature (both in its whole institution or its relevant budget/public accounts/finance committees) or unofficial hearings organized by a subset of committee members should not be considered in

answering this question.

To answer "a," the national legislature must hold public hearings where citizens are allowed to testify. This answer applies only if the legislature does not exercise discretion in determining which citizens and/or CSOs can testify (for example, participation takes place on a first-come-first-served basis).

Answer "b" should be selected if the following applies:

- The legislature holds public hearings on the budget;
- No testimony is allowed from the public; BUT
- There are other means used by the legislature to receive and collect views from citizens and CSOs on the budget, and the legislature does not exercise discretion in determining which citizens and/or CSOs can provide input. The researcher must provide evidence to support the presence of those alternative processes through which the legislature seeks inputs from citizens. For example, there should be a public record indicating that views from citizens and the public were sought.

Answer "c" should be selected if the following applies:

- The legislature holds public hearings on the budget;
- No testimony is allowed from the public;
- No other means are used by the legislature to receive and collect views/input from citizens and CSOs on the budget, BUT
- The legislature invites a few individuals/groups to provide input (through public hearings or elsewhere)

Answer "d" applies if the requirements for a "c" response or above are not met or if the legislature does not use public participation mechanisms during its deliberations on the Audit Report.

Answer:

d. The requirements for a "c" response or above are not met.

Source:

No such hearings that allow for public input

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: Agree

140. Does the Supreme Audit Institution (SAI) maintain formal mechanisms through which the public can suggest issues/topics to include in the SAI's audit program (for example, by bringing ideas on agencies, programs, or projects that could be audited)?

GUIDELINES:

This question assesses whether the Supreme Audit Institution (SAI) has established mechanisms through which the public can provide suggestions on issues/topics to be included in its audit program. When deciding its audit agenda, the SAI may undertake audits for a sample of agencies, projects, and programs in the country; and such a selection could be based on complaints and suggestions made by members of the public. To receive such suggestions, the SAI may create formal mechanisms, like setting up a website, hotline, or office (or assigning staff to liaise with the public).

Please note that formal mechanisms that do not explicitly seek the public's input in the audit program (such as general comment submission boxes on the SAI's website) should not be considered for this question.

Answer:

b. The requirements for an "a" response are not met.

Source:

Comment:

There are no formal mechanisms in place though the SAI receives suggestions from the public and professional groups.

Peer Reviewer

Opinion: Agree

Government Reviewer
Opinion: I choose not to review this question

141. Does the Supreme Audit Institution (SAI) provide the public with feedback on how citizens' inputs have been used to determine its audit program?

GUIDELINES:

This question reflects the GIFT principles of "Transparency" and "Sustainability", and examines the extent to which the Supreme Audit Institution provides information to citizens on which public inputs were received, which ones are used to determine the Supreme Audit Institution's audit program. By "written record" in this question, we mean a document that is produced and released by the Supreme Audit Institution.

Answer "a" applies when the Supreme Audit Institution provides a written document with:

- *The inputs received from the public and*
- *A detailed report on how the inputs were used or not used (such report should include information on which inputs were used or not used, why, and how).*

Answer "b" applies when the SAI provides a written document that includes:

- *The inputs received from the public and*
- *A not-so-detailed report on how public inputs were used or not used. This document only gives a general idea on how those inputs were used or not used to determine the SAI's annual audit program.*

Answer "c" applies when the SAI provides a written document that includes:

- *The received from the public or*
- *A report (being it detailed or not-so-detailed) on how public inputs have been used or not used.*

Answer "d" applies if requirements for a "c" response or above are not met or if maintain formal mechanisms through which the public can suggests issues/topics to include in the SAI's audit program.

Answer:

d. The requirements for a "c" response or above are not met.

Source:

Comment:

There are no formal mechanisms in place though the SAI receives suggestions from the public and professional groups.

Peer Reviewer
Opinion: Agree

Government Reviewer
Opinion: I choose not to review this question

142. Does the Supreme Audit Institution (SAI) maintain formal mechanisms through which the public can contribute to audit investigations (as respondents, witnesses, etc.)?

GUIDELINES:

This question mirrors question 140, but instead of covering public assistance in formulating the SAI's audit program, it focuses on whether the Supreme Audit Institution has established mechanisms through which the public can participate in audit investigations. In addition to seeking public input to determine its audit agenda, the SAI may wish to provide formal opportunities for the public and civil society organizations to participate in the actual audit investigations, as witnesses or respondents.

Answer:

b. The requirements for an "a" response are not met.

Source:

No known SAI collaboration with the public yet during audits, such as social audits or other engagement.

Comment:

Peer Reviewer

Opinion: Agree

Government Reviewer

Opinion: I choose not to review this question