



**PERMANENT MISSION OF
THE REPUBLIC OF KENYA
TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS
GENEVA - SWITZERLAND**

REF. No **Note: 322.05**

The Permanent Mission of the Republic of Kenya to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations High Commissioner for Human Rights and with reference to the latter's Note referenced MLS/KA of 12th August 2005 has the honour to submit herewith written comments by the Government of Kenya on the Preliminary Concept note for the November Meeting.

The Permanent Mission of the Republic of Kenya to the United Nations Office in Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 4th October 2005.

United Nations High Commissioner for Human Rights,
Palais des Nations
1211 Geneva 20.



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Kenya's Contribution to the High Level Task Force On the Implementation of the Right to Development (Focusing Goal 8) - November 2005.

The challenge of *achieving the Millennium development goals* is a real and practical Viable alternative development strategy paradigm for the entire world especially the developing world. MDGs provide a new opportunity for the entire world to deal with human frustrations in a time-bound manner.

The Millennium Declaration committed both the developed and developing nations to meet certain requirements as a precursor to implementing the goals. The question that needs to be answered is 'to what extent have the contracting parties to the declaration met their commitments?' What reform initiatives are taking place in the developing nations favorable to the implementation of MDGs? What about the developed world - are they responsive to their Millennium commitments?

As previous reports on MDGs have indicated, most countries are still far off track towards realizing the goals because of several reasons. First, is that internal policy reforms in most countries have not yet reached an optimal point permissible for full implementation of the goals. National policy planning and budgeting is not yet fully responsive to the goals in the sense that policies and budgets are not fully MDG-based even though there is an attempt to realize this by most countries. Consequently, there is need for both developed and developing countries to make deliberate efforts to shift resources towards MDGs through conducive policy structures.

Countries must design relevant pro-MDG policy framework that must meet three criteria. First, it must benefit poor people more implying that such policy has to be pro-poor. Second, it should have a proper balance between short-run and long run needs. Third, synergies must be taken advantage of. Policy instruments that can contribute to more than one goal should be identified. For example, policies for enhancing girls' education will directly contribute to goal 3: eliminating gender disparity in education, but they will also, through creating a cadre of educated

women and mothers, significantly contribute to goals 4 and 5 covering child mortality and maternal health.

In Kenya, deliberate efforts are being made to have an MDG conducive policy framework. Through a cabinet directive, all government ministries and departments are now mainstreaming MDGs into their sector specific policy planning and budgeting. Currently, our national budgets have been aligned to the MDGs to reflect our desire and commitment to achieve the Goals. In the Budget Strategy Paper (2004/05 - 2007/08) for Kenya, the government proposed to substantially shift resources towards the MDG related programmes. The government has also taken deliberate measures to decentralize development by making it more inclusive and poverty targeted through such funds as Constituency Development Fund (CDF), Local Authority Transfer Fund (LATF), and other constituency-based funds. Currently, 2.5% of total ordinary government revenue is disbursed directly, to the constituencies as CDF funds to be spend on poverty alleviation programmes at this level.

Secondly, most countries have not addressed themselves to the question of what it would take them to meet the goals. Consequently, and as evidenced by the demonstrations at the recent UN General Assembly in New York, very few countries have undertaken a comprehensive Needs Assessment and costing study to determine the resource requirements and policy interventions for achieving the goals.

A comprehensive Needs Assessment Study that documents the full range of resource requirements, policy interventions and challenges to be overcome in order to meet the goals, forms a formidable basis for both internal and external resource mobilization and also increases the bargaining power for external support. It also forms a basis for focused planning and budgeting to meet the goals. Kenya finalized the needs assessment which is now being used inform the short-term and long-term national and sectoral policy agendas to meet the goals by 2015.

Thirdly, inadequate financial and policy support from the donor community is still a major cause for the slow rate of implementing the goals in the developing

world. Most developing countries are still experiencing difficulties in financing the goals and this will continue to be the main challenge unless the commitments of the declaration under goal 8 are honored. In Kenya, the MDG financing gap is nearly USD 3 billion annually. At an annual growth rate of 4.3% and an ODA inflow of \$ 0.75 per capita, Kenya cannot for sure meet these goals by 2015 despite internal efforts to mobilize resources towards the goals. This is worsened by the huge public debt for the country which stands at about USD 10.03 billion.

It is unfortunate that while the Millennium Declaration, the Monterrey Conference on Financing for Development (March 2002), the World Summit on Sustainable Development (September 2002), and the Global Conference on Scaling Up Poverty Reduction (May 2004) all called on developed countries that had not increased their funding towards the MDGs to make concrete efforts to achieve the target set since 1970s of 0.7% of Gross National Product as Official Development Assistance, as at end of 2003, only 5 of the 23 OECD largest donors had attained the target. If the donor countries would have delivered on the global ODA commitment, aid would be US\$165 billion a year, which is about three times the current level and above the current estimates of what is needed to achieve the MDGs. At the Monterrey Conference, donors promised an increase of US\$18.5 billion per annum in aid yet between 2002 and 2003, aid increased by less than US\$2 billion. The Millennium Declaration also, required the international community to support Africa and other developing countries through increased Foreign Direct Investment, fairer trading system, and debt cancellation yet to date there are no significant improvements to honour this call.

The donor community has always given the excuse of bad governance especially in Africa. Currently, most of the African countries, including Kenya have taken measures to better their governance and create a better environment for development. For instance, towards addressing governance issues, the Government of Kenya enacted two major pieces of anti-corruption legislation: The Anti-Corruption and Economic Crimes Act, 2003 and the Public Officer Ethics Act, 2003. The Public Audit Act, 2003 and the Public Procurement and Disposal Act, the Privatisation Bill, 2004 and the Government Financial Management Bill, 2003 have been passed by Parliament.

The Government launched a "Strategy for Performance Improvement In the Public Service", in April 2002. The objective of this reform area was to introduce Results Oriented Management (ROM) in the public service with the aim of improving quality, efficiency and effectiveness of services and performance on a continuous basis and hence reduce the cost of doing business.

In addition, changes to the Parliament's Standing Orders made in 1997 established departmental committees, and required that these committees review legislation. By 2001, the initiative for policy change had shifted to Parliament's committees. These Committees are playing an increasing role in instilling discipline in the management of public affairs, and have the capacity to prevent mismanagement of public funds before it happens and thus are useful in the fight against corruption.

These measures have substantially improved governance and created a better environment for business thereby improving the case for a significant increase in aid flows, yet the status on ODA has not changed much because the donor community has not honoured the Millennium Declaration commitments. This decline in ODA levels seriously affected the pace of development in the country, as the development budget was highly dependent on external support.

Admittedly therefore, if substantial inroads are to be made towards meeting the goals, the donor community should steadfast deliver on the following:

- Significantly and steadily increase the level of ODA towards the target of 0.7% of GNP by or before 2010.
- Improve the quality of aid by de-linking it from trade and geopolitical interests; linking it to MDGs and the development strategies of individual countries; improving predictability of ODA etc.
- Establish a fair and equitable global trading system that is MDGs-friendly and more responsive to the development needs of developing countries especially Africa. In this regard, African products need to access the developed markets and trade distortions (tariffs, quotas and subsidies) need to be addressed.
- External debt is taking a substantial amount of resources that would have been invested towards meeting the MDGs. At this time in point when most

of the developing countries are facing severe constraints in funding MDGs, there should be total debt cancellation for these countries. It is a pity that many countries, Kenya included, have not adequately benefited from debt relief. The experience in Kenya is that debt does not leave sufficient resources to implement the MDGs. Consequently, it is impossible to achieve any of the MDGs, without addressing the debt burden for most of the developing world Kenya included. Without debt cancellation the government will continue channeling resources towards servicing the previous debt. Therefore with the International community's call to achieve the MDGs by 2015, debt sustainability criteria need to be redefined to focus on the MDGs and not merely on exports, as is the case in the HIPC criteria. In this regard, debt should be said to be sustainable if it leaves enough resources to meet the MDGs.

While increase in the ODA status to developing countries will substantially increase their chances to meet the goals, it should be emphasized that without a proper policy framework for implementing the goals and frequent monitoring and reporting on the progress, such an increase in ODA may still not enable developing countries to realize the goals. It is prudent therefore that proper mechanism for monitoring the indicators and reporting on the progress is put in place.

The task of monitoring and reporting on MDGs is critical on several fronts.

- First, it presents a balance sheet as to what has been achieved and what remains to be the unfinished path (it is a snapshot of progress and challenges).
- Second, such a balance sheet is important for further debates and dialogues on future courses of action, for deciding upon the required policy and strategy package, for re-evaluating the resource envelope and institutional structures.
- Third, it helps all actors to identify the constraints that lie in the path for attaining MDGs.
- Fourth, regular monitoring is also essential for transparency of the process and accountability of relevant actors.

- Finally, reporting can be a powerful tool for advocacy and awareness building, for starting friendly competition among various actors or even among neighbouring countries in their race for achieving the time-bound MDGs and also for sharing experiences and lessons as well as best practices. It should therefore be encouraged that countries find a common ground to regularly compare their efforts and challenges towards meeting the goals.