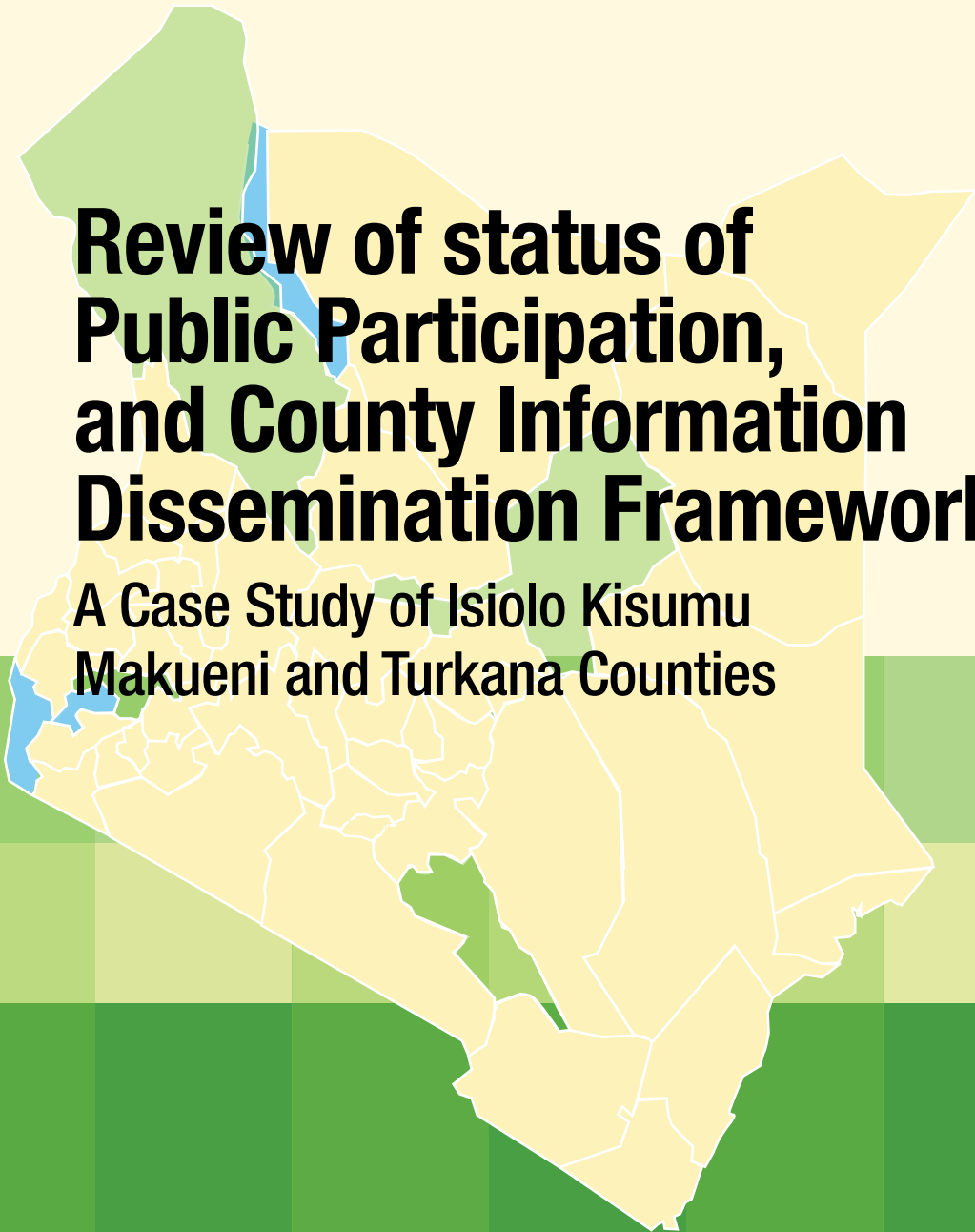




Institute of
Economic Affairs

Review of status of Public Participation, and County Information Dissemination Frameworks

**A Case Study of Isiolo Kisumu
Makueni and Turkana Counties**





Institute of
Economic Affairs

Review of status of Public Participation, and County Information Dissemination Frameworks

A Case Study of Isiolo Kisumu
Makueni and Turkana Counties

Written by:

Chispine Oduor, Rose Wanjiru and Festus L. Kisamwa

Published by



Institute of
Economic Affairs

With funding from

Uraia

© Institute of Economic Affairs, 2015

All rights reserved

5th Floor ACK Garden House

1st Ngong Avenue

P.O. Box 53989-00200 Nairobi, Kenya

Tel: +254-20-2721262, +254-20-2717402

Fax: +254-20-2716231

Cell: +254-724-256510, +254-733-272126

Email: admin@ieakenya.or.ke

Website: www.ieakenya.or.ke

ISBN No: 978-9966-092-35-9

Design and layout

Sunburst Communications Ltd.

Tel: +254-20-312328

Email: info@sun.co.ke

Foreword

Public participation is a principle that has been given prominence in the Constitution of Kenya 2010. Participation should imbue all public affairs and be promoted by both Non-State Actors and the State acting in public interest. The Constitution sets key requirements for the legislature at both levels of government to provide frameworks for public participation in governance processes. This emphasis for citizen participation underscores the fact that the election of representatives does not negate the need for people to continuously be involved in governance processes.

This publication by IEA-Kenya reviews the status of public participation and existing county public participation and information dissemination frameworks in four counties namely: Isiolo, Kisumu, Makueni and Turkana. The study examines the constitutional and legislative provisions on public participation, frameworks put in place by respective county governments that facilitate participation in governance, citizen and civil society involvement in county governance and information dissemination frameworks put in place by the four counties.

The IEA-Kenya hopes that lessons drawn from the four counties and the policy recommendations will provide valuable information to county governments on ways of enhancing information dissemination and public participation in governance processes.



Kwame Owino

Chief Executive Officer

Institute of Economic Affairs (IEA-Kenya)

Acknowledgements

The Institute of Economic Affairs (IEA-Kenya) would like to express its gratitude to all those who contributed to the completion of this report. We sincerely thank Mr. Chrispine Oduor of IEA-Kenya for compiling the final report and Mr. Lambi Kisamwa and Ms. Rose Wanjiru (Independent consultants) for undertaking the baseline study on the counties of Kisumu and Turkana, and the counties of Makueni and Isiolo respectively. Further appreciation goes to Ms Veronica Nguti of IEA-Kenya her for support throughout the development of the study and to the IEA-Kenya support staff for administration support.

The IEA appreciates individual Officers from the County Governments of Isiolo, Kisumu, Makueni and Turkana for taking time out of their busy schedules to provide the all important information that made the compilation of this report possible.

The IEA also expresses gratitude for input made by representatives of Uraia Trust partner County based CSOs in the four counties for their invaluable contribution. These include: Mr. Job Muisyo (Center for Human Rights and Civic Education-Mwingi County), Mr. Shabo Ibrahim (Pastoralist Women for Health and Education-Isiolo County) and Mr Collins Owuor (Transform Empowerment for Action-Kisumu County). Gratitude also goes to representatives of other County based CSOs in the four counties.

Last but not least, IEA-Kenya thankfully acknowledges Uraia Trust and the Danish International Development Agency (DANIDA) for providing us with the financial support that enabled us to successfully undertake this study.

Table of Contents

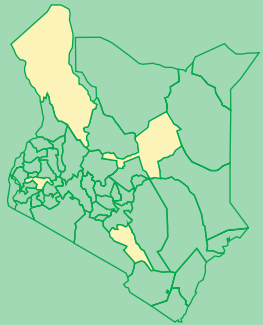
Acronyms and Abbreviations	iv
1.0 Executive Summary	1
1.1 Background	2
1.2 Objectives of The Study	2
1.3 Study Methodology	3
1.4 Organization of The Report	3
2.0 Overview of Public Participation, Conceptual, Constitutional and Legislative Frameworks	5
2.1 Conceptual Framework	6
2.2 Constitutional Provisions On Public Participation In Kenya	7
2.3 Legislative Framework For Public Participation In Kenya	9
2.3.1 County Government Act 2012	9
2.3.2 Urban Areas and Cities Act 2011	11
2.3.3 Public Finance Management Act 2012	11
3.0 County Findings	13
3.1 Kisumu County	14
3.1.1 Framework For Public Participation	14
3.1.2 Presence of County Public Participation Act	14
3.1.3 Established County offices	15
3.1.4 Framework For Information Dissemination	15
3.1.3 Gaps In Information Dissemination Framework and Recommendations	15
3.1. 4 County Based Civil Society Organizations Participation In Governance	16
3.2 Turkana County	19
3.2.1 Framework For Public Participation	19
3.2.2 Public Participation in County Affairs	19
3.2.3 Established County offices	20
3.2.4 Presence of Public Participation Act	21
3.2.5 The County Budget and Economic Forum	21
3.2.6 County Based Civil Society Organizations Participation In Governance	22
3.3 Isiolo County	23
3.3.1 Isiolo County Public Participation Frameworks	23
3.3.2 Information Dissemination Mechanisms	24
3.3.3 Local Civil Society Engagement In Governance	25
3.4 Makueni County	27
3.4.1 County Public Participation Regulatory and Institutional Frameworks	27
3.4.2 Public Participation	29
3.4.3 Information Dissemination Mechanisms	29
3.4.4 County Based Civil Society Organizations Participation In Governance	31
3.4.5 Lessons and Challenges of Public Participation	33
4.0 Conclusion and Policy Recommendations	35
References	39

Acronyms and Abbreviations

BROP	Budget Review and Outlook Paper
CBEF	County Budget and Economic Forum
CEC	County Executive Committee
CFSP	County Fiscal Strategy Paper
CHRCE	Centre for Human Rights and Civic Education
CIC	Commission for the Implementation of the Constitution
CIDP	County Integrated Development Plan
CJPC	Catholic Justice and Peace Commission
CoK	Constitution of Kenya
CSO	Civil Society Organization
DANIDA	Danish International Development Agency
FGD	Focus Group Discussion
FoLT	Friends of Lake Turkana
GoK	Government of Kenya
IAP2	International Association for Public Participation
ICT	Information Communications Technology
IEA	Institute of Economic Affairs- Kenya
MCA	Member of County Assembly
MID-P	Merti Integrated Development Program
NSA	Non State Actor
PFM	Public Finance Management
PFMA	Public Finance Management Act
PICDA	Participatory Integrated Community Development Approach
PMC	Project Management Committee
PPF	Public Participation Facilitator
PWD	Person with Disability
PWHE	Pastoralist Women for Health and Education
SCEC	Sub-County Civic Education Coordinator
TEAM	Transform Empowerment for Action Initiative
TI	Transparency International - Kenya
TISA	Institute of Social Accountability
WPPF	Ward Public Participation Facilitator

1.0

Executive Summary



1.1 Background

Meaningful citizen participation in governance is a key ingredient for public reforms that were instituted by the Constitution of Kenya (CoK) 2010. Article 1 (1) of the Constitution vests all sovereign power to the people of Kenya. This power can be expressed through direct participation or indirectly through elected representatives. In addition, various pieces of legislations anchoring devolution highlight the principles of citizen participation. Together, these constitutional and legislative provisions avail various platforms for citizen participation in devolved governance. Citizen participation is one of the national values and is also one of the principles of public service as articulated in the Constitution in Articles 10 (2,a) and Article 232 (1).

This study on Public Participation in County Governance and County Information Dissemination Frameworks, case study of Isiolo, Kisumu, Makueni and Turkana counties was undertaken in the project *Fostering Social Accountability in Devolved Governance* implemented by the Institute of Economic Affairs Kenya. The project was part of a wider project implemented by Uraia Trust titled *Rooting Democracy in Kenya through an Informed Citizenry*. The study was undertaken between November 2014 and May 2015.

In particular, the study reviewed provisions in the Constitution and existing legislation on public participation. The study identified frameworks, including processes and platforms put in place by the aforementioned county governments with the objective of facilitating public participation in governance processes. The study further assessed citizen participation and engagement in governance. Finally, the study identified the available information dissemination frameworks in the target counties. The findings in the study informed recommendations to county governments for strengthening citizen participation in governance.

1.2 Objectives of the study

The main objective of the study was to review the status of public participation and existing county public participation and information dissemination frameworks in four counties namely: Isiolo, Kisumu, Makueni and Turkana. The study included:

- a) A review of the provisions in the Constitution and existing laws anchoring devolution on public participation;
- b) Identification of frameworks (Including processes and platforms) put in place by respective county governments that aim at facilitating public participation in governance;

- c) Determining the level of civil society and citizen engagement in governance processes;
- d) Identification of information dissemination frameworks put in place by target counties; and
- e) Providing recommendations for policy considerations.

1.3 Study Methodology

The study used both primary and secondary methods to collect data. Primary sources of data included Key Informant Interviews to identify information dissemination frameworks in the target counties. Key informants included public officials and civil society representatives from the target counties. The interviews also sought to establish whether there exist Civil Society Organizations (CSOs) in the target counties working around governance and participation in county governance processes and whether there are organized CSO networks in the counties through which citizens could participate in governance processes.

Secondary data included a review of the Constitution and legal framework put in place by the Government of Kenya (GoK) to facilitate effective public participation and information dissemination framework at both levels of government (National and County). It also included a review of several documents developed by the county governments. Among these were Bills, Acts and policies. Some of these included: Public Participation Acts or Bills, County Planning Bills and Policies, County Monitoring and Evaluation Bills and Policies; and County Public Communication Bills and Policies.

1.4 Organization of the report

The report is organised in four sections. Section one provides the executive summary. This includes the background to the study and highlights on the objectives of the study. Section two of the report provides an overview of public participation. The section highlights the conceptual framework of public participation, the constitutional and legislative framework on public participation in devolved governance. The section examines provisions in specific legislations anchoring devolution namely: the County Government Act 2012, the Urban Areas and Cities Act 2011 and the Public Finance Management Act 2012.

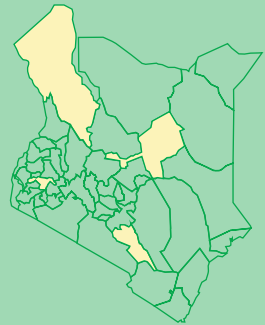
The findings of the study on specific counties are covered in section three of the report. In this section, the report examines framework for public participation that have been put in place by the four county governments aforementioned. The section informs on whether the county governments have enacted legislation on public

participation, whether they have established county offices that facilitate public participation, existing frameworks for information dissemination, gaps in information dissemination framework and recommendations. The section also examines some of the activities undertaken by county based civil society organizations implementing governance projects in the counties. The section also provides lessons and challenges of public participation in the counties.

Chapter four which is the final chapter of the study provides the conclusion and policy recommendations for consideration by county governments towards enhancing public participation in county governance and recommendations that aim at enhancing the dissemination of information by county governments in general to the public.

2.0

Overview of public participation, conceptual, constitutional and legislative



2.1 Conceptual Framework

Public participation is a political principle or practice, and may also be recognized as a right. Generally public participation seeks and facilitates the involvement of those potentially affected by or interested in a decision. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public's contribution will influence the decision.

Creighton (2005) defines public participation as a process by which public concerns, needs and values are incorporated into government and corporate decision making. The International Association for Public Participation (IAP2) defines it as a process by which agencies or institutions consult with interested and affected individuals, organisations and government agencies before making a decision.

Public participation is one of the foundational principles of democracy¹. Democracy is premised on the idea that all citizens are equally entitled to have a say in decisions affecting their lives and citizens' participating in government decision making is fundamental to the functioning of a democratic system of governance. Participation is not limited to citizens' political activities such as voting, campaigning, and lobbying by special interest groups. It also includes involvement in administrative processes such as policy and law making, and planning.

Through public participation, the public determines its development objectives and it is the role the leaders including representatives and bureaucratic staff to get the people there. The public *ends* (goals and objectives) should be chosen democratically even though the *means* (or strategies) for achieving these may be chosen by the State and public officials.

Public participation has many benefits some of which are: citizen empowerment; the generation of new, diverse and innovative ideas and actions; enhancement of citizen-government relations; appropriate prioritization of projects; improved delivery of public services and; governments responsiveness. A public participation exercise that does not lead in the public affecting or influencing the outcome of the process can be frustrating and futile.

The core values espoused by IAP2 state that those participating must of necessity be assured that their views will be considered in decision making. It is also expected that once the decisions are made, the public should get clear feedback on how much

¹ Democracy is a form of government in which the supreme power is vested in the people and exercised directly by the people or by their elected agents under a free electoral system.

their contributions affected decisions. In essence, participation gives “voice” to the voiceless and “agency” to attend to the needs of the marginalized, in this way the public’s needs come first through positive development.

For purposes of this report, public participation is defined as an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. It is further defined as a democratic process of engaging people in deciding, planning and playing an active role in the development and operation of services that impact on their lives.

2.2 Constitutional Provisions on Public Participation in Kenya

Public participation is a principle that has been given prominence in the Constitution of Kenya 2010. The people’s sovereign power can be expressed through direct participation or indirectly through elected representatives. Article 10 (2) of the Constitution provides that public participation is a national value and principle of governance. The principle of public participation is echoed across the Constitution. The public is expected to participate and be involved in the legislative and other business of Parliament and its committees². One of the objects of devolution is to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them³.

Participation should imbue all public affairs and be promoted by both State and Non-State Actors (NSAs) acting in public interest. The Constitution particularly sets key requirement for Parliament and the County Assemblies to provide frameworks for public participation in legislative processes.⁴ This emphasis for the people’s representatives to ensure public participation underscores the fact that the election of representatives does not negate the need for people to continuously be involved in governance processes. This could be established through administrative and/or legislative frameworks/guidelines. Parliament and County Assemblies are required to enact legislation on participation and also develop procedural guidelines for people to exercise this right.⁵

The Fourth Schedule of the Constitution gives County Governments the power to ensure and coordinate the participation of communities in governance at the

2 Constitution of Kenya, Article 118

3 Constitution of Kenya, Article 174 (c)

4 Constitution of Kenya, 2010, Articles 118, 119 and 196

5 Article 119 (2) Parliament shall make provision for the procedure for the exercise of this right

local level and assisting communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Conversely, devolution may lead to the translation of national government bureaucracies, poor utilization of resources, rent seeking and lack of accountability to the sub-national units. With the foregoing therefore, policies to support new, flexible approaches to ensuring a greater degree or active participation by citizens' are necessary and captured in the Constitution and legislative framework.

The Constitution provides that the marginalized and minorities have the right to fully participate in the integrated social and economic life of Kenya as a whole and in the counties in particular. County governments should enact legislation that promote the interests and rights of minorities and marginalised communities in county development. Additionally, there should be a commitment to affirmative action and equal opportunity if participation in governance and development is to be realized by all individuals and groups of people regardless of bias factors such as ethnicity, race, colour, religion, sex, age, genetic information, or disability.

From the constitutional, legislative, regulatory and practical perspectives, citizen participation is a two-way process where the government provides opportunities for citizen involvement in governance and the citizens choose whether or not to utilize these opportunities. The citizen may participate in: the identification of community needs, development planning for the county; county budget preparation and validation; implementation of development projects at the local level and in the actual monitoring and evaluation of projects or programs being implemented through public funds in the county.

The public can also support mechanisms of social accountability by participating in Local referendum, town hall meetings, and visiting development project sites. The Public Finance Management (PFM) Act, 2012 provides for public participation in public financial management and in particular: the formulation of the County Fiscal Strategy Papers (CFSP), County Budget Estimates; County Integrated Development Plans (CIDP).

2.3 Legislative Framework for Public Participation in Kenya

2.3.1 County Government Act 2012

The County Government Act, 2012 at the preamble articulates what is meant by *the public* stating that, when used in relation to public participation it means: (a) the residents of a particular county; (b) the rate payers of a particular city or municipality; (c) any resident civic organisation or non-governmental, private sector or labour organization with an interest in the governance of a particular county, city or municipality; and (d) non-resident persons who because of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality.

The Act in Part 2 Section 6 states that in exercising its powers or performing any of its functions a county government shall ensure efficiency, effectiveness, inclusivity and participation of the people. Section 87 of the Act provides for the principles of citizen participation in county governance. These include: -

- (a) timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
- (b) reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- (c) protection and promotion of the interest and rights of minorities, marginalised groups and communities;
- (d) legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities;
- (e) reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- (f) promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and
- (g) recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

These are key provisions which underpin effective participation. Any lack of support or adherence to these provisions can be pursued even through a court of law.

The County Governments Act, in sub section 91 identifies modalities and platforms for citizen participation. These obligate the county government to facilitate the establishment of structures for citizen participation among them information communication technology based platforms, town hall meetings, budget preparation and validation fora, notice boards that announce jobs, appointments, procurement, awards and other important announcements of public interest, development project sites, avenues for the participation of peoples' representatives including but not limited to members of the Parliament (the National Assembly and Senate) and establishment of citizen fora at county and decentralized units.

Effective public participation requires enabling conditions such as clear mechanism for participation and communication channels between citizens and government, and that the actors, private individuals and organisations, need to have an understanding and knowledge of the issues and public processes to engage meaningfully. In essence, while the supply side of participation requires that enabling systems, mechanisms and frameworks are in place, the extent to which participation achieves its intended objectives largely depends on how the demand side (the public) is organised and informed on the issues they seek to influence.

While the latter precondition requires citizens/communities to be organised and informed in order for them to be effective, the Constitution emphasises the importance of government in ensuring that the people's capacity to engage is built. County governments are therefore expected to "ensure" that there is public participation; to "coordinate" the participation and to "develop" the capacity of the communities to participate.⁶

In Part IX, of the Act establishes Principles and Objectives of public communication. Furthermore in sub section 96, the Act establishes the modalities of access to information. It specifies that 'every county government and its agencies shall designate an office for purposes of ensuring access to information.' It further enshrines the inclusion and integration of minorities and marginalized groups. In Part X, the Act obligates the county governments to conduct civic education as part of enhancing public participation. And in sub section 105, it obligates the county governments to ensure 'meaningful engagement of citizens in the planning

6 COK 2010, Schedule 4 clause 14 states, "ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level" is one of the functions of the county governments.

process.’ It further specifies this in sub section 115 ‘Public participation in county planning.’ In sub section 119, it obligates the County Executive Committee (CEC) to establish Citizen’s Service Centres at the County, Sub-County, Ward and any other decentralized levels. The Citizen Service Centres are expected to ‘serve as the central office for the provision by the county executive committee in conjunction with the national government of public services to the county citizens.’

2.3.2 Urban Areas and Cities Act 2011

The Urban Areas and Cities Act of 2011 makes further provisions for public participation. In sub section 2, the Act provides for a Citizen Fora as a ‘forum for citizens organized for purposes of participating in the affairs of an urban area or a city.’ In Sub Section 3 (c), it identifies ‘participation by the residents in the governance of urban areas and cities.’ In Sub Section 11 (d), it establishes ‘institutionalized active participation by its residents in the management of the urban area and city affairs’ as one of the principles of governance and management of urban areas and cities.

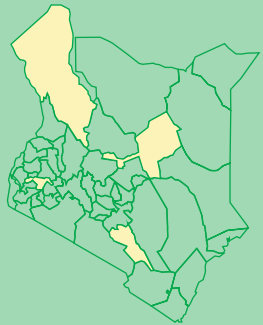
The rights of, and participation by residents in affairs of their city or urban area are elaborated in the Second Schedule of the Act. It obligates the authorities in an urban area or city to ‘develop a system of governance that encourages participation by residents in its affairs’ through creating ‘appropriate conditions for participation in the preparation, implementation and review of the integrated development plan, the establishment, implementation and review of its performance management system, the monitoring and review of its performance, including the outcomes and impact of its performance, the preparation of its budget and making of strategic decisions relating to delivery of service.’

2.3.3 Public Finance Management Act 2012

On economic issues, the Public Finance Management Act 2012 provides for the establishment of a County Budget and Economic Forum (CBEF) in each county. The CBEFs are intended to provide a platform for the county and public to consult on areas such as preparation of a County Fiscal Strategy Paper, preparation the County Budget Review and Outlook Paper (BRPOP) and other matters relating to budgeting, the economy and financial management at the county level. The CBEF is specifically designed to ensure participation of the public in the county’s budgeting process. They were to be instituted in each county to ensure public participation in public finances.

3.0

County findings



3.1 Kisumu County

3.1.1 Framework for Public Participation

Based on the findings of this study, Kisumu County has put in place a number of processes and platforms for effective public participation. These include the establishment of decentralized structures to the Ward and Sub-County levels and the appointment of the Ward and Sub - County Administrators. This has effectively enabled the citizens to attend public forums on development projects at these two levels.

Public meetings at the ward level are held on quarterly basis to engage the public on planning and policy development. The members of the public usually attend these meetings so as to give their views on development projects in their ward. In 2014, a total of four ward meetings were held in all the thirty five wards in the county. The Members of County Assembly (MCA's) and the Governor organize these public gatherings. However, an emerging concern is that where the MCAs were involved in publicizing participation forums, there was a tendency to exclude those with contradictory opinions.

The FY 2014/15 County budget was taken to the public in all the seven sub-counties. The public were given an opportunity to scrutinize the budget and therefore proposed development projects that were of priority to them. This was done between 2 and 24 December 2014 and was advertised in a local vernacular FM radio station, Ramogi FM. During this period, the public was further given an opportunity to give feedback on the projects that were initiated in the FY 2013/14. As such, the County government through its representatives had an opportunity to find out whether the projects were indeed ongoing, completed or stalled, based on the discussions with the public. During this period, the public participated in the county affairs through; selecting the development projects for the FY 2015/16, discussing the findings of the FY2013/14 budget implementation status report presented by the county officials.

3.1.2 Presence of County Public Participation Act

Based on the findings of this study, Kisumu County does not have a Public Participation Policy. This is attributed to lack of a Public Participation Act that will provide the legal basis for any policy formulation. Further, the policy should combine in views of the public, which were not included during the formulation of Public Participation Bill, which then means that the formulation of policy on public participation will have to be delayed until such a point when the public will provide

their views on the bill. The County Government intends to collect the views on the public on all the Bills that have already been drafted before they are enacted. This is aimed at ensuring that there is enough public participation in County legislative process.

Some of the Bills that are on the draft stage include: The Kisumu County Assembly Service Bill 2014 which establishes and provides a legal framework for the Kisumu County Assembly Service Board which was established by virtue of section 12 (l) of the County Governments Act, 2012. This is intended to enhance the independence and autonomy of the assembly and improve the oversight role of the County Assembly over the Executive. Another bill is the Kisumu County Wards Development Fund Bill, 2014 which devolves certain amounts of money for the development of all wards in the county. Others include: the Kisumu County Access to Information Bill, 2014 which legalizes access to information by the general public on county development programmes and the Kisumu County Public Appointments Bill 2014 which empowers the County Assembly to provide for procedures for County Assembly approval of constitutional and statutory appointments.

3.1.3 Established the County Offices

Based on the findings of this study, Kisumu County has established thirty-five (35) Ward Administration offices and seven (7) Sub County Administration offices. Village Administrators and Village Councils are yet to be established because the Executive is waiting for a bill that will define the Village and Councils. The Ward Administrator reports to the Sub County Administrator on all matters relating to public participation and civic education in the ward, including preparing annual public participation plans, civic education plans and budget estimates for the ward; receiving complaints and feedback from citizens at ward level; preparing periodic reports on public participation and civic education at the Village as may be required.

3.1.4 Framework for Information Dissemination

Kisumu County has created an Information Communications Technology (ICT) forum with a toll free number: 21142, which enable the public to ask questions to all County departments on basic service delivery, financial matters, and other county affairs. The public for instance uses the toll free number to raise concerns regarding development projects and service delivery in relation to allocations from the County Treasury. The platform enables the county government to engage with the public on the policies and public projects that are being implemented and their significance to the common citizens through relevant departments so as to engage the public.

County departments conduct public barazas⁷ to enlighten the public on resources that have been allocated to specific community projects so that the people can be ‘watchdogs’ during the implementation period. The County government also uses notice boards that are pinned in the Chief’s offices and the offices the ward representatives. The boards contain the status of project implementation (whether completed, stalled, on-going). The County is currently establishing Public Complaints Boards in all Wards that will enable the public to launch complaints unanimously and report corruption and mismanagement of County resources.

3.1.3 Gaps in Information Dissemination Framework and Recommendations

The study noted some gaps in relation to information dissemination and proposed requisite recommendations for the same. These are:

The Kisumu county government noted low funding of the ICT platform as one of the main challenge to information dissemination. The current platform (21142) is a joint partnership between the County government and the Ecumenical Church Organizations. Withdrawal of financial support by the Ecumenical Church Organizations would effectively paralyze the platform. The county government therefore recommends supporting the platform from its own sources in the FY 2015/16.

The study further noted lack of civic education occasioned by the failure of the public to attend public meetings as yet another challenge. The County government therefore recommends civic education through local FM stations to enlighten the public on the relevance of public participation and the need for the public to engage in governance processes. The County government projects that this will effectively increase public participation in governance from the current forty percent to sixty percent.

3.1. 4 County based civil society organizations participation in governance

There exist a number of local CSOs in Kisumu County that implement governance programmes on public participation. This section highlights some of the activities undertaken by a few of these organizations.

7 Gatherings at the local level for deliberations on matters of interest and concern

Transform Empowerment for Action Initiative

Transform Empowerment for Action Initiative (TEAM) is a grassroots civil society organization focused in promoting democratic governance, human rights, Constitution and constitutionalism thus been borne out of the realization that sustainable and meaningful development is only attainable in an environment where the citizenry are empowered to take charge of the management of their local and national affairs holistically encompassing the political, social and economic perspectives.

TEAM's main objective is advocating for improved quality of life for the general community focusing on the youth, women and children by enhancing their levels and quality of meaningful participation and engagement in just and democratic governance thus decision making at all levels. TEAM has constantly promoted the inclusion of the, youth, women, children and other stakeholders in decision making especially in county budget process focusing on primary health care and early childhood development education.

The organization has facilitated community forums in Kisumu county with the objective of enhancing the capacity of the citizenry to engage meaningfully in promoting efficient service delivery, transparency and accountability through the devolved structures. This has been through; Local FM radio stations, social audit, civic education, dissemination of Information Education Communication (IEC) material, civilian oversight, public accountability forums and networking and collaboration with like-minded partners amongst others.

TEAM acknowledges that the major reason for under development in Western Kenya region is attributed to lack of citizenry participation in decision making and ignorance on development policies and decentralized resources. Besides educating participants on policy issues and decentralized resources, forums organised by TEAM also aim at stimulating citizens to form dialogue forums or audit assemblies where they can discuss their concerns in depth and pursue alternative avenues for redress.

Dukoke

The core mandate of DUKOKE is to carry out in Kisumu County advocacy for the rights of Persons with Disabilities (PWD) and the general community members. DUKOKE has been in existence for the last five years. The organization has worked with the Kisumu County Government and the public on public participation in a number of ways. For instance, it has mobilized 1,050 PWDs in the county to give their views and input on the Disability Bill that was initiated by DUKOKE and consequently passed by the County Assembly. This was done between 2013 and 2014.

The CSO in partnership with PLAN International initiated the county disability board, which has enabled the County to set a sub-department for addressing the issues that affect persons with disabilities. Public participation through DUKOKE was further noted through the involvement of PWDS in the county budgeting process. As a result the county government allocated Kshs. 530,000 towards facilitating sporting events for PWDs.

DUKOKE has also carried out civic education on devolved governance structures to forty-one (41) disability groups in the county managing to reach 1,733 people. Because of the enhanced participation of PWDs in the county affairs persons with disability have registered eight companies that will apply for tender awards by the county.

Kisumu Youth and Development Working Group

Kisumu Youth and Development Working Group (KY&DWG) is a network of nine CSOs within Kisumu County. The network has held a number of public forums in the county with the objective of identifying and prioritizing community needs and development projects for implementation in the wards within the county. This was done through pair wise ranking method⁸.

The network further partnered with Kisumu Town East, Kisumu Town West and Seme Constituencies to identify the projects that were of priority to the citizens. The needs identification was done within a period of twenty working days in thirteen wards. This included Nyalenda B, Market Milimani, Railways, Nyangoma, Kolwa central, Nyalenda A, East Seme, North, Central Nyakach, Migosi, Kondele, Ahero and Miwani wards.

The network has also engaged in County budgeting process. The network organized community forums where community members identified their priorities and specific allocations e.g.

⁸ Is one of the best method of prioritizing projects. One first need to list all the proposals from the community, then develops a table that has row and column then pairs with the last column used for ranking, then a project with the highest number of votes is the project that community prefer

allocations for youth, women and PWDs to have funds to help them run their programs. This was represented through a memorandum signed by communities during the final public participation on budgeting. The network mobilized various interest groups including women, persons with disability and the youth contributing to enhanced public participation in County affairs in the FY 2014/15.

The network engaged with the County Assembly Finance Committee to ensure that the proposals were incorporated in the final FY2014/15 county budget. The network further engaged with the county government in planning of the County Integrated Development Plan. This was done through engagement with the ward representatives to ensure that the public view was considered right from village level.

3.2 Turkana County

3.2.1 Framework for Public Participation

Based on the findings of this study, Turkana County has put in place adequate mechanism and processes for effective public participation in county policy making and budgeting. Firstly, public meetings at civic ward levels are held on quarterly basis. These are intended to allow community members to participate in county planning and budgeting processes. Secondly, the County government has developed and created an Information Communications Technology platform that occasionally informs citizen through local media about the County progress. Two local magazines: the *Turkana Mirror* and *Turkana Times* have also been developed to educate and inform citizens on a weekly basis on County plans and activities' undertaken in specified locations and progress made.

3.2.2 Public participation in county affairs

The budget hearing for FY 2014/15 for the County was made public through a gazette notice in the national print media before it was announced and taken to the public in all six Sub - Counties. Ten (10) people representing every ward were selected to attend the hearings at the County headquarters in Lodwar. Development Partners were also invited to share their views and memorandums. The public representatives submitted their proposals and the development priorities in their Wards.

Community members were consulted and this enabled continued participation in forums whenever their inputs were actually taken into consideration. One way of ensuring that locals see that their inputs are considered is to make at least some part

of the consultation binding on government at the formulation stage. This is one of the attractions of the “classic” model of participatory budgeting. The citizens selected specific development projects that they preferred, although their decisions were not binding to the Executive. Therefore, it is recommended the use of specific, binding decisions because it ensures that consultations have clear and concrete purposes, and are not just winding discussions with no obvious beginning or end.

In the FY 2014/15, copies of the county budget were issued to the public to determine the status of the previously funded projects. People gave their input as well as suggestions towards education and health projects that were to be constructed in every ward because they were few. It was suggested that each ward gets at least two projects.

County sectoral bills including the Finance Bill were also taken to Sub-Counties headquarters for the public to give their views on matters related to local taxation. Another issue which is pertinent to participation in Turkana County is how decisions are taken through consultation. For example, should the group that is deliberating come to a consensus decision? Should they take a majoritarian vote (at least 50 percent plus 1)? Or should they vote but require a supermajority (at least 2/3)? There are also questions about whether voting should include only those who attend a particular meeting, or whether it can include a broader array of participants who may vote online or by mobile phone.

Different approaches to decision making are linked to different types of questions. It is easier to vote on concrete development projects than other types of issues. If people are polling, the County probably cannot use consensus, which is more appropriate for smaller, deliberative groups where people can exchange views during a discussion. Consensus is particularly useful on divisive issues to avoid creating distrust. If people must work toward consensus, then the dangers of extreme polarization can be reduced. However, if it is not possible to come to a consensus, this could lead to paralysis, so there may be need for a fallback plan in cases where no consensus can be reached.

3.2.3 Established County Offices

Sections 8 (1); 9 (1) and 10 (1) of the Turkana County Public Participation Act establish the offices of the Sub-County Administrator and Ward Administrator and Village Administrator respectively. Based on the findings of this study, Turkana County has managed to establish the office of the Ward Administrators and Sub-County administrators but is yet to establish the offices of the Village Administrators and Village Councils due to lack of a policy to define their operations.

3.2.4 Presence of Public Participation Act

Based on the findings of this study, Turkana County has a Public participation Act that was passed on October 30, 2014. Although the Act provides for public engagement and matters of public interest in relation to policy formulation processes, the County government is yet to engage the public on legislative processes. Based on the Catholic Justice and Peace Commission (CJPC)-Lodwar, the County lacks accountability mechanisms for the citizens to exact accountability from the supply side of governance in ensuring that there is participation of the citizens in County Public Service and therefore exercise their constitutional and legislative right to public participation.

The Act further provides for public engagement on matters of public interest in relation to policy formulation and legislative processes and provides for mechanisms by which the public may participate in the affairs. The main objectives of the Turkana County Public Participation Act are: to provide for matters necessary or convenient to give effect to Chapter Eleven of the Constitution; to provide a framework for the direct exercise of sovereignty by the people through actively informing the form and content of legislation, policy and development plans; to provide for a framework for informed, effective, efficient and sustainable engagement of persons in policy, legislation and development plans and programmes; to provide for a framework for public participation in service delivery by the County government; and provide for written and oral submissions on draft county policies, legislation and development plans.

However, based in the findings of this study, the county government did not provide adequate platform for public participation before the Act came into effect. A number of CSO's in the county have raised this issue with the county government.

3.2.5 The County Budget and Economic Forum

Section 11 of the Turkana County Public Participation Act established the County Budget and Economic Forum. Chaired by the Governor, the CBEF allows citizens to give their views and input in planning and budgeting. The forum includes members of the County Executive, representatives from professional bodies, business, women, PWDs, and faith-based groups.

The CBEF only met once in July 2014 to collect citizens' views. In terms of financing of its activities, the county government set aside one percent of the total county revenue for facilitating public participation per fiscal year. The CBEF has not been very much involved in the budget making and policy formulation because the

members have not been inducted on their roles and mandate in matters related to public participation. However, the county intends to organize a meeting of CBEF members so as to come up with terms of reference that will guide them in their work.

3.2.6 County based civil society organizations participation in governance

Friends of Lake Turkana

Friends of Lake Turkana (FoLT) is a grassroots organization founded in 2009. The mission of the organization is to foster social, economic and environmental justice in the Lake Turkana Basin. FoLT tries to achieve this by protecting and conserving Lake Turkana and its environment, by advocating for the rights of the Turkana Basin communities and by increasing the participation of communities in environmental protection policy formulation, sustainable management and wise use of natural resources.

FoLT works with County government and communities within the basin to bring out the needs of communities and to educate them on their rights to resources and a healthy environment. Since the formation of counties in Kenya, FoLT has been training county government in the Lake Turkana basin on rights and on environmental custodianship. This is geared towards eliminating environmental injustices in the area. "We cannot risk losing the momentum of illuminating environmental injustices around the world. We at FoLT are committed to ensuring that environmental justice, natural resource use rights and community rights stay high on the political agenda, and that decision-making that affects environment and natural resources is based on solid science and the rich indigenous knowledge of our people. Decision making will be based on good principles of governance and it will reflect the perspectives of the communities within the Lake Turkana basin.

Catholic Justice and Peace Commission - Lodwar Diocese

The Catholic Justice and Peace Commission (CJPC) - Lodwar diocese covers Turkana County. The diocese has worked with the public and the Turkana County Government on public participation in devolved governance. In particular, CJPC advertised the hearing date of the County budget for the FY 2015/16. The budget was taken to the public in all the six Sub-Counties headquarters. Sections of the people (10) from every civic ward were selected to attend the functions. Development partners were also invited to give their views and

memorandums. The public representatives invited gave their views and memorandums.

The CJPC- Lodwar diocese also engaged with the County Government during the development of Turkana County Public Participation Act. The commission made proposals to the County Assembly in relation to providing for public engagement and matters of public interest in relation to policy formulation processes and legislative processes.

The CJPC- Lodwar diocese also proposed to the county government for adequate public participation in matters of policy formulation. One of the mechanisms that CJPC has proposed is through budget tracking and social audit, which are aimed at increasing openness, transparency, and accountability in the county.

3.3 Isiolo County

3.3.1 Isiolo County Public Participation Frameworks

Institutional and Community Level Structures

Isiolo County Government structures for the Executive have been established up to the ward level. These are however not well established as most of the Sub-County and Ward Administrators lack physical office space and facilitation such as motorbikes and vehicles. The County Government Act, 2012 provides that the county governments can establish decentralised units at sub-county, to ward and to village levels.

Public Participation

In the FY2013/14 budgeting process, the county government held ward based consultations on budget priorities. These consultations were conducted by the County Executives jointly with the members of the County Assembly. The public received information on the proposed projects by the county government and they were provided with opportunity to give feedback on the proposed projects and budget allocations. This was an inadequate approach to public participation as most of the projects had already been predetermined and the meetings were intended for information sharing. Even though there were opportunities for communities to share their priority projects, the processes of engagement did not provide clear indication of the extent to which the public view were incorporated.

The other opportunity during which the community was approached to give their views was with regard to the Finance Bill for FY 2013/14 and also the Isiolo County Revenue Administration Bill. The two were deliberated on together at the sub county level. The meetings at the sub-county level brought together representatives from all the wards.

The Isiolo County government has had various governance challenges that have made progress on many fronts including establishing the frameworks that would ensure effective public participation. Misunderstandings between the County Executive and County Assembly made it difficult for the county to progress in its policy and legislative agendas as well as in its development plans. The challenges were particularly experienced in the FY 2014/15. Prior to this, in FY2013/14 the county government had made some effort to provide communities opportunity to identify and prioritize on development projects at the ward level. The FY 2014/15 county budget was however not deliberated on at the community level largely due to misunderstandings between the two arms of the county government. The County Assembly also failed to pass the Appropriation Bill by the 30th of June 2014 as required by law. Nevertheless, the spending continued as per the law which allows up to fifty percent spending of the budget.⁹

To mobilise for public participation, the county government has used its Sub- County Administrators and Ward Administrators and the members of County Assembly but also CSOs such as Merti Integrated Development Programme (MID-P) and the Pastoralist Women on Health and Education (PWHE) among others.

Civic Education

Isiolo county government has not instituted any mechanisms for providing civic education. The county government had advertised the post of the civic education coordinator, but later cancelled it. Considering that this is a key prerequisite for effective public participation, it is critical that the county government establishes the office and rolls out the civic education programme.

3.3.2 Information Dissemination Mechanisms

The county government engages its administrative structure to communicate and disseminate information to the communities. The Sub- County Administrators and Ward Administrators are the main dissemination channel to communities at the lowest level.

⁹ Public Finance Management Act, 2012 Section 134.

The county government has on occasions used Isiolo and Baliti community radios to make announcements. The county government also has a website ¹⁰ at which some information is uploaded. The website however lacks critical county documents such as county budget estimates, Finance Acts, and other budget documents that can inform public participation.

The county government has put in place other measures/mechanisms for the dissemination of information to the public. These include: notice boards, press releases and newspaper adverts. However these have largely been for information sharing and provide minimum interaction with the communities on development initiatives.

3.3.3 Local civil society engagement in governance

Civil society organisations in the county have been providing civic education at the community level. The Pastoralist Women in Health and Education and Merti Integrated Development Program amongst other CSOs have been instrumental in providing civic education in the county.

Part of the civic education is carried out through radio programs which have been very effective in broadcasting governance, development and human rights information across the county. The facilitators of the radio programs are the trained community members and not necessarily the CSO officials. Members of County Assembly have in several occasions participated in the radio talks hosted by the county based CSOs.

Through the radio programs the roles and responsibilities of the different county government structures, the constitution and specifically devolution have been elaborated during the radio talk shows. The radio programs have provisions for call in which have provided opportunity for the communities to interact with the presenters. The radio programs have included infomercial which provide succinct information repeatedly to enable communities remember. The talk shows and infomercial have been provided by *Isiolo* and *Baliti* community radios. The radio stations have provided the airtime at discounted rates and therefore the media has been contributing in kind to the civic education initiatives.

The civil society have also been involved in other sectors including agriculture, health, water and land projects through which they have sort to get the county governments input. Local CSOs have been providing platform for the county government to share information of the sectoral programmes and projects. Pastoralist Women in Health

10 <http://www.isiolo.go.ke/>

and Education and MID-P were cited as examples of CSOs that have engaged county government and provided platforms for county government to share information on sectoral plans, policies and budgets. There is however need for better response by public officers to requests to attend forums.

Pastoralist Women for Health and Education

Pastoralist Women for Health and Education (PWHE) is a local Non Governmental Organization based and working in Isiolo County and part of Samburu County. The organization which started as a well fare group was registered as a Community Based Organization (CBO) in the year 2003 by a group of elite pastoralist women with the principle objective of addressing high illiteracy level, poverty and unjust social system that hindered girl-child and women from pursuing better education and economic/developmental prospects. PWHE was later in the year 2006 registered as an NGO with the NGO Coordination board and is currently working around the following thematic areas; Justice, Peace Building and Conflict Resolution, Governance and civic education, health and education and Diversified Livelihood for Women and Youth.

PWHE was one of the organizations who received financial support from Uraia under the 'rooting for democracy in Kenya programme' which began in July 2014 to march 2015. During this period PWHE managed to implement activities which were aimed at enhancing citizens' knowledge on constitution and their participation in governance processes. The organization has also managed to implement a number of planned activities that were meant to promote peaceful coexistence among different ethnic communities in Isiolo County and part of Samburu East Sub – County.

In order to attain the set objectives and bring significant changes to the governance status and processes at the County level, PWHE managed to conduct two social accountability trainings that targeted community group representatives (including women, youth, persons with disability), community elders and administrators. Twelve social auditors were trained and eventually engaged in the auditing of public projects financed either by the County government or the Isiolo North CDF. During the social audit of the FY 2013/14 implemented public projects, PWHE mainly targeted the following sectors; Roads, public works and housing, and water and irrigation.

Findings from the social audits done were shared with citizens, CSO representatives and leaders during the social accountability forums which were held on 26 November 2014 at the Isiolo rural training, 9 March 2015 at the Ngamia ground – kambi juu and on 10 March 2015 at Ngaremara Catholic Hall. In total 631 people were reached through the three social accountability forums held. Institute of economic affairs in collaboration with PWHE also held a social accountability forum at the Pastoral Centre Isiolo on 13 March 2015. Apart from learning a lot on social

accountability and on what IEA and PWHE has been doing, participants also had a chance to share numerous issues and concerns on county governance.

In addition to the above PWHE also carried out the following activities which were all geared towards improving public knowledge on constitution and participation in governance processes; radio shows on county participatory planning and budgeting processes, analysis of Isiolo County's budget FY 2013/14 and sharing of the findings, intensive civic education (through the use of trained civic educators, media and theatre groups), mobilization of citizens and CSOs to attend and participate in budget discussion forums, lobbying for relevant county legislations and community awareness on draft county bills and policies among others.

3.4 Makueni County

3.4.1 County public participation regulatory and institutional frameworks

The Makueni County civic education and public participation mechanisms and institutional frameworks were established soon after the County Government was established. The top leadership of the County having had a good appreciation of what civic education and public participation are were keen to establish the mechanisms and institutional arrangement. This was also in adherence to the provisions of the Constitution and legislation anchoring devolution.

To develop the civic education and public participation mechanisms and institutional frameworks, the County Government organised a number of meetings that were attended by representatives selected to ensure good representation of the public from the Ward level, interest groups, civil society, and government officials, amongst others. They jointly developed the content for civic education and public participation training manual and also made suggestions on the institutional arrangement that would ensure effective public participation. The end product was a *Handbook on Civic Education*. The handbook covers content on civic education and public participation and acts as a guide book for the county ¹¹.

3.4.1.1 Structures for civic education and public participation

The civic education and public participation role was assigned to the County Executive Committee (CEC) member responsible for Devolution and Public Service. Under the CEC there is established the Public Participation Office which is headed by the Public

¹¹ Handbook can be accessed at <http://www.makueni.go.ke/node/182>

Participation Coordinator (PPC). This office ensures that public participation is well organised and coordinated across the various departments; and that communities are well educated and organised to effectively participate.

Under the Public Participation Coordinator, there are six Sub - County Civic Education Coordinators (SCEC), one per sub-county. The SCEC work with the Ward Public Participation Facilitators (WPPF) who are based at the Ward level. The SCECs are formally employed while the WPPF are provided with short term contracts of three months or less depending on the demand and need for civic education, training and mobilisation for public participation.

Isiolo county government has in place six Sub- County Administrators and thirty Ward Administrators. The lowest devolved unit is the ward and therefore no village administrators have been appointed. The Sub- County and Ward Administrators are responsible for the coordination, management and supervision of the general administrative functions of their devolved units. Part of this responsibility is *“facilitation and coordination of citizen participation in the development of policies and plans and delivery of services.”*¹²

Due to the administrators broad mandate and responsibilities, as well as in consideration of the broad demands and technical requirements for effective civic education and public participation function, Makeni county government has assigned the civic education and public participation function to the SCECs and the WPPFs who liaise with the Administrators for mobilisation, public announcements and overall coordination.

3.4.1.2 Community Structures and Processes for Civic Education and Public Participation

The institutional framework is cascade from the County to the Sub- County to the Ward level. In order to facilitate civic education from the lowest level, three ward representatives from each of the thirty wards were identified and trained as Trainers of Trainers (TOTs). They are also referred to as Public Participation Facilitators (PPFs). The PPFs/TOTs organised civic education training at the ward level where thirty interlocutors were trained from each ward. The county has thirty wards and therefore by end of FY 2013/14 a total of 900 community members (interlocutors) had been trained on civic education. Including the ninety TOTs, Makeni county had 990 members of the community trained on civic education at the ward levels. The 990 trained community members (interlocutors) have had a multiplier effect in transferring this knowledge and information to the general public although it is difficult to quantify the extent to which they have transferred these to the general public.

¹² County Government Act, 2012 Section 50 (3) (g) and 51 (3) (g)

3.4.2 Public Participation

Makueni County has established three core mechanisms for public participation. Firstly, the general public as well as interest groups including professional associations are provided opportunity to participate in decision making with regard to county identification and prioritization of development projects and allocations of budget to the prioritized projects.

The second mechanism for participation established by the county government is through the Project Management Committees (PMC). Every project has an oversight PMC whose members would be selected or elected at a public forum. For every project construction project, the Bills of Quantity would be availed at a public place for the public to scrutinize. When the project is completed the PMC had to give a report to express their satisfaction before payments are made. In FY 2013/14 the county government implemented 700 projects and all these had PMCs.¹³ In cases where there exist committees such as in schools or health facilities, the school and health facility committees would become the PMCs for the project.

The third component of public participation involves giving the first opportunity for the locals to provide the needed goods or services. For instance, locals are encouraged to provide material such as sand, stones instead of these services being contracted to outsiders. The county government ensures that the contractors and suppliers come from that area where the project is being implemented. During the procurement process, the county government also ensures women and youth participate and are given priority in supplying goods and services.

3.4.3 Information Dissemination Mechanisms

The County Government of Makueni developed and passed the *County Disclosure and Communications Policy*¹⁴ in September 2013. The Policy states that the County government is obligated to provide the public with timely, accurate, clear, objective and complete information about its policies, programmes, services and initiatives. It further states that the county government is committed to providing timely, consistent and fair disclosure of County Government information to enable informed and orderly market decisions by investors and other interested parties. The document sets a broad framework for disclosure of County Government information to third parties through various communication platforms and channels. This policy is in harmony and in furtherance of the County Government values of respect to integrity

¹³ Shared by the County Executive Committee member responsible for Devolution and Public Services

¹⁴ <http://www.makueni.go.ke/sites/default/files/Communications%20Policy-Government%20of%20Makueni%20County%20Sept2013.pdf>

and fairness, disclosure and good governance. The county government through these values undertakes to apply impartiality, transparency and accountability internally and externally in the discharge of its statutory mandate, and in promoting communication and dissemination of all appropriate information.

To effectively facilitate public participation, the county government is using the county administrative and civic education and public participation functional structures to disseminate information. Official communication is sent through the Sub- County Administrators; Ward Administrators; SCEC and the WPPF. The SCEC and WPPF disseminate the information further through the 900 interlocutors. On other occasions, the Members of County Assemblies are also involved in disseminating information.

The county also has a quarterly newsletter known as ENE ¹⁵: The Makueni People's Magazine ¹⁶ which provides information on what the county government has implemented in various sectors. The Magazine also provides sections for the public letters and views.

In addition, the Makueni County Government has been involved in sponsoring various radio talk shows on *Musyi* FM and *Mbaitu* FM radio stations. The Agriculture sector in particular has actively provided information through radio programmes.

Makueni county also has various social media platforms some established by the county government press service and others by various citizens. The leading social media platforms on Face book are Makueni County Sharing Forum and the Governor Press Service.

The information dissemination in Makueni County is therefore through interlocutors; print and electronic media; and also internet based through website and social media platforms. Except for the information disseminated through the interlocutors and electronic media (radio); the print and the internet based platforms are inaccessible to the majority poor and rural community. The county government is required to designate an office for the purposes of ensuring access to information. ¹⁷ The county has planned to establish information centres and allocated resources for this in the FY2014/15 budget.

15 ENE is a word from the Kamba language that when directly translated means 'theirs'. It is meant to inspire greater ownership of the county development initiatives by the citizens.

16 <http://www.makueni.go.ke/node/212>

17 County Government Act, 2012 Section 96 (2)

3.4.4 County based civil society organizations participation in governance

To begin the civic education, the county government conducted a brief mapping of CSOs that were involved in civic education and governance initiatives. One of the leading organisations, Mobilisation Agency for Paralegal Communities in Africa (MAPACA) was involved in mapping and identifying the ward interlocutors for civic education.

The MAPACA was also involved in identifying the relevant CSOs to engage in the development of the Handbook on Civic Education which was developed through the input of a group of experts, think tanks and with active participation of the public. Other civil society organisations such as professional associations, business associations have also been involved in civic education and public participation. The approach used to target interest groups and associations has been similar to the one used for the general public whereby the associations appointed three individuals who were first trained. The TOTs from these associations later trained the rest of the members.

Certain civil society organisations and professional associations have also been subcontracted by the county government to carry out some of the public participation assignments. MAPACA, the Teachers Association Union of Makueni; Transformational Education Initiative (TEI); and Makueni Churches and Pastors Associations (MACOPAP) were contracted to conduct civic education and to mobilise for and facilitate public participation.

Outside the subcontracting arrangement, CSOs have been involved in providing civic education and training on various methodologies of social accountability such as community score cards and social audit, amongst others.

Centre for Human Rights and Civic Education

The Centre for Human Rights and Civic Education (CHRCE) is a non-political, non-partisan and nonprofit making membership organization. It began operating in 1996 and has been registered as an NGO in Kenya under the 1990 NGO Coordination Act since 2005.

CHRCE is dedicated to improving enjoyment of Human Rights and root for Democratic Governance among the people in Eastern Region of Kenya. Following 15 years of successfully working with communities, civil society and government agencies CHRCE has developed a reputation as a credible, professional and effective organization.

CHRCE to realize her objectives there are some factors which should be addressed which include and not limited to citizen participation and monitoring of national and county development projects. Therefore, CHRCE is deploying social accountability tools and methodologies (social audits, Quantitative Service Delivery surveys, Community Scorecards, Public Expenditure Tracking Surveys) by conducting social audit of selected public development projects with a view of holding the leaders and county government accountable, and help the citizen demand for accountability and transparency in regards to the use of decentralized funds. Before starting social audit CHRCE contacts public engagement forums at the ward level to help communities understand the importance of social audit in their ward and make the locals master the skills to effectively track development expenditure or any other development funds.

In the year 2014 CHRCE conducted social audit of 62 county development projects under different departments (health, agriculture, education and infrastructure) in four counties (Kitui, machakos, Makueni and Tharaka Nithi). This social audit examined all aspects of a public development projects, including the management of finances, officers responsible, recordkeeping, access to information by the citizens, accountability to the citizens, levels of public involvement in the project from planning to implementation, and so forth. The essence of this exercise was to evaluate how well public resources are being used and give recommendation on how to improve performance. The process focused on all details of a public development project and scrutinized them in a public and duty bearers meeting to validate the information before developing a final report.

Through its programmes and thematic work, CHRCE has created platforms through which citizens have been able to engage the county government. At the same time CHRCE has been able to carry out civic education and trained communities on devolution, human rights and social accountability.

3.4.5 Lessons and Challenges of Public Participation

The Makueni County Government approach to public participation has been effective due to the following reasons:

- The public participation was buttressed by civic education. Due to rural communities' low understanding of their civic rights and duties, civic education is a prerequisite effective public participation.
- Civil society organisations that have been carrying out civic education in the county are potential partners for the county government in establishing public participation policy, legislative, institutional and structural frameworks. CSOs have community links that can enable the county government establish institutionalised citizen fora, budget validation fora, town hall meetings and also carry out surveys, focus group discussions and other public participation interventions.
- Well established public participation structures ensure timely and accurate sharing of information across the county. This is important in for the enhancement of transparency and accountability. This has in the case of Makueni County improved citizen-government relations in a manner that has not been experienced before.
- The public has actively been participating in civic education dissemination, decision making on development projects and in oversight of projects being implemented. An example was cited of a project by the Trade department whereby the construction of a market was halted and completely overhauled to the point of starting off the procurement process from the beginning when the women involve in the project rejected what the county government had initiated.¹⁶¹⁸ Through citizen groups, in December 2014, over 50,000 signatures required for the dissolution of the county government were collected in a span of two weeks as the community felt aggrieved by the lack of unity and working relationship between the two arms of government.

The roll out of public participation processes and mechanisms has not been without challenges. The challenges shared by Makueni county officials were the following:

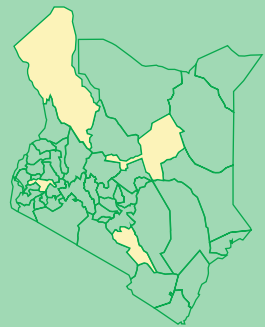
- There was a lot of resistance from contractors and some elected representatives when the community oversight structures of PMCs were established. The oversight through PMC is not popular amongst the elected leaders as it is amongst the public.

18 As shared by the County Executive Committee Member responsible for Devolution and Public Service

- Some County departments have not fully embraced public participation as a value and have not change their practices to incorporate public views in decision making. These departments avoid engaging communities even when it is critical and they could get support and facilitation. This is particularly common in departments that have staff who were inherited from the national government structures such as agriculture and water.
- The County Government is yet to establish a County Budget and Economic Forum.

4.0

Conclusion and Policy Recommendations



Civic education, public participation and availability of information are key requirements of the Constitution as avenues for citizens to actively participate in devolved governance. County governments have the responsibility to establish mechanisms to promote civic education, public participation and access to information as required by the County Governments Act 2012. County governments should put in place frameworks required by the Constitution and the laws on devolution that will enable citizens participate in governance and meaningfully do so in the exercise of the powers of the State and in making decisions affecting them. The citizens, being the ones with sovereign power, should play their role in monitoring the State organs they have delegated power to and the officer whom they have entrusted authority to.

County governments should ensure that citizens participate in governance through the following ways.

a) *Enhance Participation through Awareness Creation*

County governments should adopt an open governance policy especially through proactive disclosure of information to enhance meaningful participation. This should promote sharing of information through use of accessible channels of communication such as county websites, transparency boards, bulk Short Message Service (SMS), local newsletters, local or community radio, television, barazas and any other media. County governments should provide timely information and sufficient notice for forthcoming meetings; and provide information in formats that are accessible to a wide group of people including persons with disabilities. This includes the translation of information to local language where necessary for wider reach.

Well-equipped and managed information centres should be established up to the village levels. These centres should be furnished with all important critical government documents such as County Fiscal Strategy Papers, County budget documents including approved budget and estimates, County Budget Review and Outlook Paper and the County Integrated Development Plan among others. The information centres should be furnished with relevant documents on a timely basis to ensure that citizens have access to information prior to public forums for meaningful participation.

b) *Capacity Building of Citizens/Community and public officers*

Capacity building is aimed at promoting community involvement in policy formulation, implementation and all stages of project cycle management to achieve

sustainability of development initiatives and enhance poverty reduction. County governments should: enlist resource persons to conduct community profiling and a comprehensive needs assessment, organize seminars and short courses for the community on devolution and public participation.

Majority of the population are not well informed about the duties and responsibilities of the county government, their rights and civic duties; amongst others. Civic education needs to be rolled out throughout the county in a consistent and continuous manner. To do so, the counties need to invest adequate in human and financial resources. Adequate budget and trained civic educators with clear civic education implementation plan are important to achieve this. County governments should also encourage training in local language and the use of creative media such as drama, art and music, and make adequate budgetary provisions and work plans for the training seminars.

County governments should also build the capacity of public officers on social accountability including participatory decision making and other participatory methodologies. There has been an assumption that public officers know, understand and appreciate public participation. This assumption has led to poor roll out of public participation; resistance by some of the public officials; and a furor of public forums that have been meaningless.

c) *Composition of County Budget and Economic Forums*

County governments should establish and operationalise County Budget and Economic Forums. This is aimed at ensuring integrity and capability of committees to perform effectively in the development of counties. County governments should engage in democratic or popular processes in the selection of committee members of the forum. The popular process injects integrity into the process. Because the popular process will not always guarantee the best expert. The forums should comprise of individuals with specialized knowledge and information.

d) *Regular reporting by county governments*

Reporting should aim at creating a culture of accountability both amongst public officers and citizens exacting accountability. County governments should submit periodic reports e.g. reports on the Status of implementation of the County budget and the Governor's annual report on public participation to the citizens through their committees.

e) *Development of policy and legislation and establishment of institutions for further decentralization*

County governments should establish policy, legislative and institutional frameworks in order to facilitate effective public participation in devolved governance processes. They should also fully develop and resource all institutional frameworks including the offices of the administrators at the various levels.

f) *Strengthening of CSO civic education capacity and programmes, and CSO and government synergy*

Civil society are key players in establishing effective public participation systems and county government should take advantage of the social capital, skills and knowledge in civil society organizations to establish the mechanisms and platforms for engagement of the public. Civil society organisations should also create spaces and invite the State and public officials in order to have greater influence and impact in governance processes and development implementation.

Civil society organisations at the county level should deepen and strengthen their civic education programs in order to promote active citizenship. They should also strengthen their capacity and that of the communities in participating in devolved governance processes, review of performance by their county governments and to exact accountability and improved delivery of public services.

References

Government of Kenya. 2010. *Constitution of Kenya 2010*. The Government Printer. Nairobi

Government of Kenya. *Kenya Vision 2030*. The Government Printer. Nairobi:

Government of Kenya. 2012. *Public Finance Management Act 2012*. The Government Printer. Nairobi

Government of Kenya. *Public Officer Ethics Act 2003*. The Government Printer. Nairobi

Government of Kenya. *Leadership and Integrity Act 2012*. The Government Printer. Nairobi

Government of Kenya. 2013. *National Assembly Standing Orders* (2nd edition). The Government Printer. Nairobi

Kantai, W. (2010) *Lessons for Devolution: A Country Comparative Study in Devolution in Kenya, Prospects, Challenges and the Future*. Mwenda (ed). IEA Research Paper No. 24. Nairobi

Kibua T.N. and Mwabu G. 2008. *Decentralization and Devolution in Kenya: New Approaches*. Nairobi: University of Nairobi Press. Nairobi.

Kimani, F. *et al.* 2009. *Best Practices in Constituency Development Fund (CDF)*. Nairobi: Collaborative Centre for Gender and Development. Nairobi

Legal Resources Foundation Trust. 2009. *Proposed Policy on Community Participation in the Governance of Devolved Funds*. Nairobi

Legal Resources Foundation Trust. 2008. *Proposed "Who pocketed My Money?" LASDAP, Whose Priority?" A report on LATF/LASDAP in Kenya: the Place of Citizens Participation in a Local Service Delivery Enterprise*. Nairobi

Non State Actors. 2010. *Preliminary Proposals on Decentralization in Kenya*. Nairobi

Odhiambo, M. and Taifa, A. 2009. *Devolved Funds Development: A Handbook on Participation*. Claripress. Nairobi

Omolo, A. 2009. *Baseline Survey Report on Governance in the Greater Turkana Region*. Oxfam GB. Nairobi

Omolo, A. 2010. *Devolution in Kenya: A Critical Review of Past and Present Frameworks in Devolution in Kenya, Prospects, Challenges and the Future*. Mwenda (ed). IEA Research Paper No. 24. Nairobi

Okello, M *et al.* 2008. *Participatory Urban Planning Toolkit Based on the Kitale Experience: A guide to Community Based Action Planning for Effective Infrastructure and Services Delivery*. Practical Action. Nairobi

Oyugi, N. and Kibua, T. N. 2006. *Planning and Budgeting at the Grassroots Level: The Case of Local Authority Service Delivery Action Plans*. IPAR. Nairobi

Institute of Social Accountability. 2010 Policy and legislative Proposals aimed at Sound Planning, Accountability and Citizen Participation in County governments. Nairobi.

Wakwabubi, E. and Shiverenje, H. 2003. *Guidelines on Participatory Development in Kenya: Critical Reflection on Training, Policy and Scaling Up*. Nairobi

Notes

A series of horizontal dashed lines for taking notes.

Notes

A series of horizontal dashed lines for taking notes.



Institute of
Economic Affairs

Institute of Economic Affairs, 2015

5th Floor ACK Garden House, 1st Ngong Avenue | P.O. Box 53989-00200 Nairobi, Kenya

Tel: +254-20-2721262, +254-20-2717402 | Fax: +254-20-2716231

Email: admin@ieakenya.or.ke | Website: www.ieakenya.or.ke