



Effective Public Participation Mechanisms

in Kilifi County



Towards Accountability
through Kenyans' Empowerment
in Participation and
Active Request for Transparency

Effective Public Participation Mechanisms

in Kilifi County

EFFECTIVE PUBLIC PARTICIPATION MECHANISMS IN KILIFI COUNTY

A county-specific report extracted from the research study entitled

"Effective Public Participation Mechanisms in Mombasa, Kilifi, Taita Taveta and Kajiado Counties"

TAKE PART (Towards Accountability through Kenyans Empowerment in Participation and Active Request for Transparency)

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**Towards Accountability
through Kenyans' Empowerment
in Participation and
Active Request for Transparency**



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FOREWORD

The Constitution of Kenya, 2010 gives prominence importance to public participation; it promotes democracy by providing the rights holders with the opportunity to take part in decision making processes affecting them and their communities. Article 1 of the Constitution states that all sovereign power is vested to the people of Kenya. This denotes the shift in governance from centralized to decentralized, and from “top-down” to “bottom-up”. Among many reforms, devolution is arguably the most significant.

The space for citizen-state interaction continues to expand, the government and civil society have gained significant experience deploying participatory tools and approaches for dialogue and engagement, especially connected with service delivery. During TAKE PART project implementation, we have gained remarkable insights on giving precedence to participatory approaches which have acted as an effective feedback loop into larger, macro scale interventions in policy and governance.

This publication reviews and examines the status of public participation framework in four counties namely, Taita Taveta, Mombasa, Kilifi and Kajiado. It highlights best practices and provides a comparative analysis of guidelines and models adopted by the mentioned counties. This study intends to contribute to the achievement of SDG 16 Peace, Justice and Strong Institution, by strengthening the dialogue

between county governments and civil society on what is working through appreciative inquiry lenses, highlighting positive changes, achievements and strengthening system capacity while amplifying best practices for exchange and adoption amongst the targeted counties.

We believe that both county governments and civil society organizations can use those findings to continue changing the narrative and approaches on citizen participation and steer conventional led approaches onto a trajectory that is more impactful and inclusive.

CISP hopes that lessons drawn from the four counties and the policy recommendations to be drawn after the research will provide valuable information to county governments and citizens on effective structures and ways of enhancing public participation in governance processes.

Africa Programme Director
Sandro De Luca

ACRONYM AND ABBREVIATIONS

ACEG.....	African Centre for Economic Growth	EXCO.....	Executive Committees
BROP.....	Budget Review and Outlook Paper	FBO.....	Faith Based Organization
CBEF.....	County Budget and Economic Forum	FGD.....	Focus Group Discussion
CBO.....	Community Based Organization	IEA.....	Institute for Economic Affairs
CEC	County Executive Member	IGRTC.....	Inter-Governmental Relations Technical Committee
CISP.....	Comitato Internazionale Per Lo Sviluppo Dei Popoli	IPD.....	Institute for Participatory Development
CIDP.....	County Integrated Development Plan	KII.....	Key Informant Interview
CFSP.....	County Fiscal Strategy Paper	KLRC.....	Kenya Law Reform Commission
CPSB.....	County Public Service Board	KRA.....	Kilifi Residents' Association
CSO.....	Civil Society Organization	KSG.....	Kenya School of Government
CSUDP.....	Civil Society Urban Development Programme	LASDAP.....	Local Authority Service Delivery Action Plan

LRA..... Local Research Assistant
MCA..... Member of County Assembly
MERL..... Monitoring, Evaluation, Reporting and Learning
M-LUF..... Mombasa Local Urban Forum
MoU..... Memorandum of Understanding
NGO..... Non-Governmental Organization
NDP..... National Decentralization Policy
NPPP..... National Public Participation Policy
PCM..... Programme Management Committee
PSO..... Private Sector Organizations
PWD..... Persons with Disabilities

RGB..... Rwanda Governance Board
SCEC..... Sub-County Education Coordinator
SPSS..... Statistical Package for Social Science
TAKE PART..... Towards Accountability through Kenyans Empowerment in
Participation and Active Request for Transparency
UNDP..... United Nations' Development Programme
VTMC..... Voi Town Management Committee
WASH..... Water, Sanitation and Hygiene
WPPF..... Ward Public Participation Facilitator



INTRODUCTION

This is a county-specific report extracted from the main study report entitled “Research on Effective Public Participation in Mombasa, Kilifi, Taita Taveta and Kajiado counties.”The research is an output of a larger project entitled TAKE PART (Towards Accountability through Kenyans’ Empowerment in Participation and Active Request for Transparency), co-funded by the European Commission (EC) and implemented by CISP in partnership with Tangaza University College and Pamoja Trust in Kilifi, Mombasa, Taita Teveta and Kajiado counties. Broadly, the research sought to assess the effectiveness of public participation mechanisms at county level. The following were the specific objectives of the study:

- ◇ To review and compare existing mechanisms of public participation and citizen engagement at county level;
- ◇ To explore existing laws and guidelines on public participation at county and national levels of government and their specific value addition;
- ◇ To assess the gains made in promoting and enhancing public participation in counties under study, and
- ◇ To establish best practices for future engagement and enhancement of public participation.

It was further guided by the following broad study questions:

- ◇ What are the existing mechanisms of citizen participation and engagement in county governance?
- ◇ How do the existing mechanisms of participation in county governance compare and contrast?
- ◇ Which laws guide public participation at county and national government levels?
- ◇ Are there guidelines at the national and county government levels on public participation?
- ◇ To what extent do existing guidelines add value to citizen participation?
- ◇ What gains have counties made in implementing public participation?
- ◇ What are some of the best practices that can be harnessed from the existing mechanisms of participation to enhance future public participation?

The main report is based on a total sample of 183 citizens, 9 Focus Group Discussions (FGDs) and 38 Key Informant Interviews (KIIs). The citizens reached through the study were those who have taken part in forums organized by the counties and mostly mobilized by Civil Society Organizations (CSOs). The FGDs and KIIs sampled County Government Officers, citizens' representatives in established mechanisms of public participation such as the County Budget and Economic Forum (CBEF) and CSO officials.

EFFECTIVENESS OF PUBLIC PARTICIPATION IN KILIFI COUNTY



Citizen Participation Avenues and Dynamics

Findings from Kilifi County indicate a high level of interest among citizens to monitor what happens in their county. The County used various mechanisms to implement public participation. These include forums and meetings and the public gallery in the case of the County Assembly. Notice boards were found to be in use particularly at the county headquarters while various information and communication technology platforms were also in use. The meetings and forums were organized to discuss different issues including laws, county plans (such as the County Integrated Development Plan—CIDP) and the budget. According to county officials, budget preparation and validation forums were the most popular. The County was found to rely mostly on the Public Finance Management Act, 2011 and the County Governments Act, 2011, to carry out public participation.

Both laws are important in guiding public participation. The Public Finance Management Act, 2011, requires the County Executive Committee (CEC) member in charge of finance to ensure that citizens participate in budgeting. It also requires setting up of the County Budget and Economic Forum (CBEF) through which consultations are held with stakeholders during budget formulation. The County Governments Act, 2011, on the other hand, places emphasis on access to information in the form of media with the widest public outreach in the county as well as provision of civic education.

The key responsibilities for public participation in Kilifi County were found to be domiciled in two departments: Department of Devolution, Public Service and Disaster Management mainly in determination of level of public participation and Department of Finance and Economic Planning in relation to County budget-making process. To engender commitment of the various departments towards undertaking public participation, the County put in place a Public Participation Committee made of representatives from all departments.

The County Assembly carries out public participation activities in relation to the budget-making process and legislation. Resources for public participation for the Assembly were budgeted for as part of the Assembly's overall budget. Even though the Assembly's public gallery is a key avenue of public participation, it was established that it does not consistently attract significant numbers of members of the public.



Members of the public were noted to be reluctant to attend County Assembly sessions. Members of the public are unaware that they can walk into the public gallery any time to follow any discussion of interest in the assembly.”
Kilifi County Assembly Officer—KII—February 15th 2017.

Kilifi County was also found to have decentralized the structures of administration and public participation to the ward level through sub-county and ward administrators. This is in line with the Constitution and the objects of devolution. Article 176(2) states, “Every county government shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so.” The administrators mainly play the role of mobilizing citizens for public participation hence the importance of decentralizing to the ward level.

One of the key challenges noted by the administrators is the fact that not all citizen views are reflected in the decisions made by the County. This is a challenge since the administrators interact with citizens on a regular basis. They are therefore more likely to be questioned about the outcome of public participation by the citizens.

Citizens were also found to have used various avenues to engage with the County Government. The findings from the survey instrument shows that apart from meetings and forums, citizens used petitions/letters/memorandum (38.3%), county assemble sittings/gallery (36.2%) and demonstrations (25.5%).

County officials and stakeholders averred that there was a high level of commitment both on the part of citizens and the County Government to make public participation effective.



Public participation as conducted in this county has brought many changes in governance. There is now a sense of responsibility and responsiveness towards citizens' views. Citizens expect the county to be sensitive to their needs. It is important to note that this is happening despite the County not having a Public Participation Act.”

Kilifi County Executive Member—KII—February 2017.

The findings also show different sources of motivation for public participation. The single largest proportion of citizens (26.9%) noted the need to air their views 'as citizens'. Other responses included: the need to familiarize (oneself) with the County budgetary allocations and to be informed about the county government (15.4% each), all as shown in Table 1

TABLE 1: MAIN MOTIVATION TO PARTICIPATE IN COUNTY FORUMS

MAIN MOTIVATION	FREQUENCY	PERCENTAGE
To air my views as a citizen	14	26.9
To know the budgetary allocation to the county	8	15.4
To be informed about the county government	8	15.4
It is my constitutional right as a citizen	6	11.5
I want to become an agent of change	3	5.8
To be informed in order to sensitize other citizens	2	3.8
To represent the youths	2	3.8
To keep leaders in check	2	3.8
To represent my community	2	3.8
To know about the county development agenda	2	3.8
To find employment	1	1.9
To represent people with disabilities	1	1.9
To follow up if the projects are implemented	1	1.9
TOTAL	52	100.0

Source: CISP Survey, 2017.

The importance of communication and information in public participation cannot be overestimated. The County was found to employ newspapers, direct phone calls to key stakeholder groups such as private sector and CSOs, SMS', as well as social media outlets mainly Twitter, Facebook and WhatsApp to convene meetings. WhatsApp came out as the preferred social media platform. Notice boards and public announcers (using

public address systems) are also used. Though the County had made efforts to streamline its communication, several challenges were cited that undermine those efforts. These include the lack of a law on public communication and the irregular updating of websites and social media outlets such as Facebook.



As a county, we do not have a law to guide public communication. What we have done is to use a mixture of different avenues and outlets. We usually communicate with the public through newspapers, phone calls and SMS' if necessary and social media platforms especially through the WhatsApp groups. The county government has a website which is updated regularly.”
Kilifi County Executive Member—KII—February 2017.

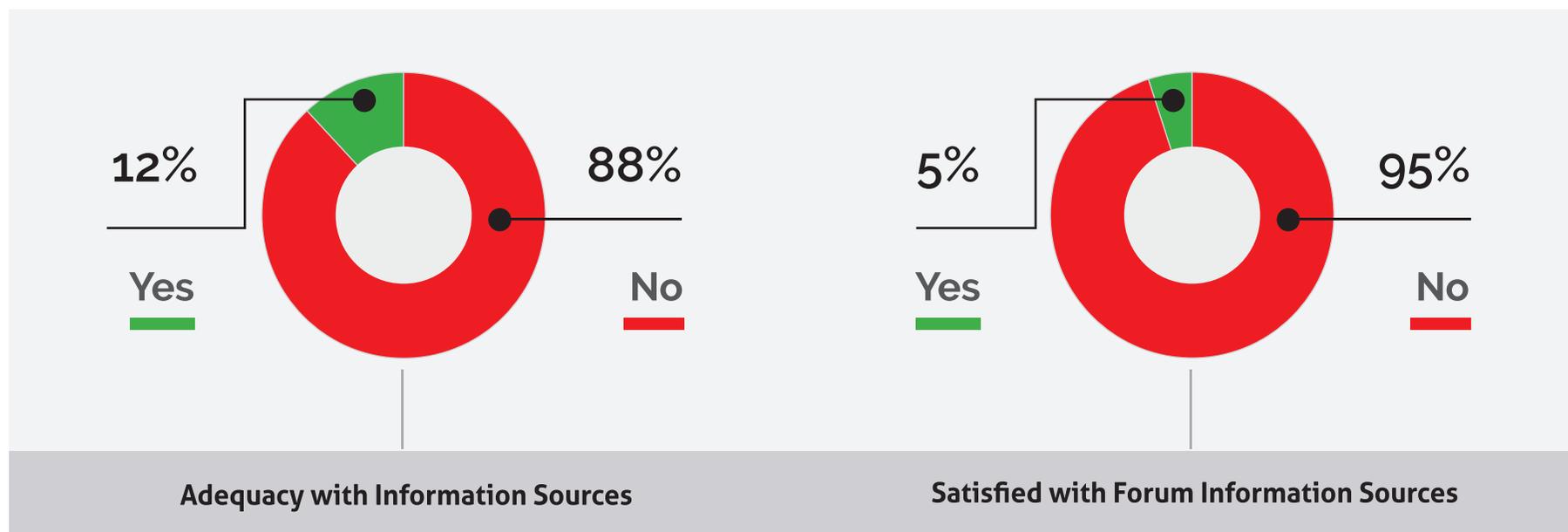


We have to acknowledge that the county has made attempts to communicate effectively. However, it has not been successful. There are notice boards all over but they are not always updated; every time you visit the website the information is the same yet the County has initiated projects that need to be communicated. The County can score highly on public communication if it improves on these aspects.”
Kilifi County CSO Member—FGD—February 2017.

The main sources of information for the interviewed citizens were listed as leaders (30.8%), county/national government officers (27.7%) and both print and electronic media (26.2%). Other sources are CBOs (7.7%), NGOs (4.6%) and churches/mosques (3.1%). During the FGDs and KIIs, the CBOs, NGOs and FBOs were seen by the County officials as participants and not collaborators, despite playing active roles such as educating, inviting and mobilizing citizens to participate in county forums.

The majority (88%) of the citizens indicated not receiving adequate information to enable them to participate in county forums. This corresponds well with the finding that only a small minority of respondents (5%) is satisfied with the manner in which they receive information about the county forums as shown in Chart 1. Among the inadequacies cited were short notifications, late sharing of documents and the language barrier. It was noted, however, that 80% of those with adequate information rated the county public participation to be effective as compared to 56.7% of those without adequate information. This underscores the importance of information in public participation.

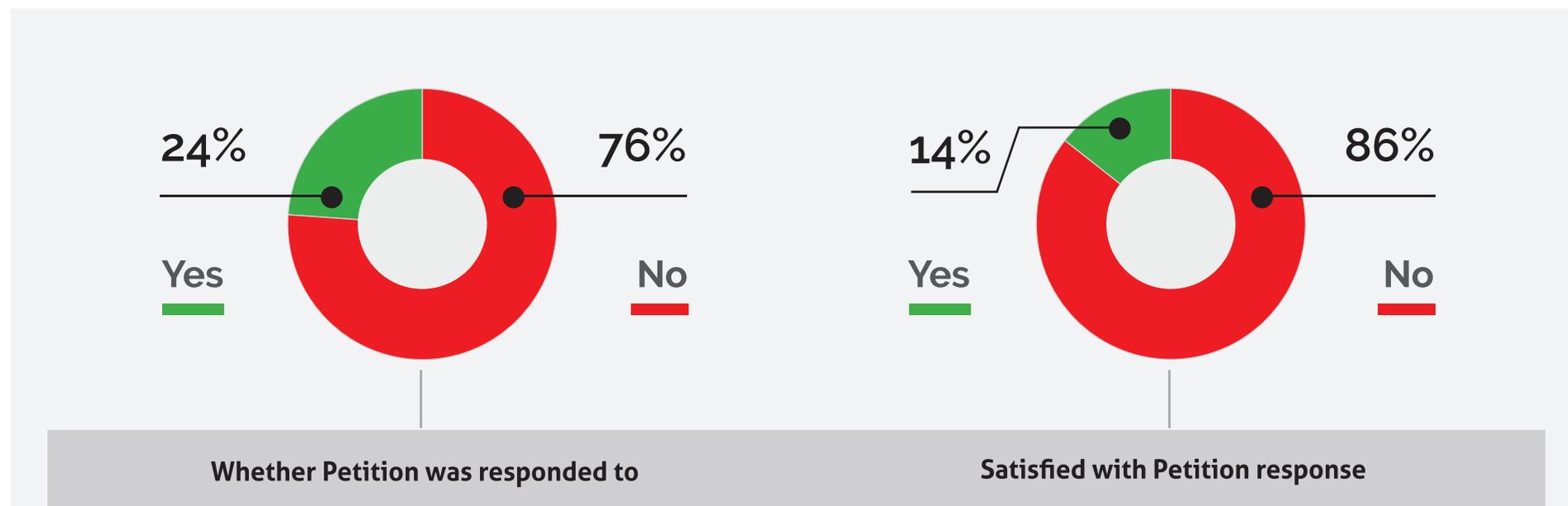
CHART 1: INFORMATION ADEQUACY AND SATISFACTION WITH THE SOURCES



Source: CISP Survey, 2017.

The effectiveness of petitions as an avenue of public participation depends largely on whether or not the County responds to them and takes actions to address the issues as framed by the petitioners. The right to receive feedback on petitions is enshrined in the County Governments Act, 2011. CSOs interviewed through FGDs and KII affirmed that the county rarely sends feedback on petitions. Citizens interviewed through the questionnaire concurred with this finding. As shown in Chart 2, most (76%) of the petitions were not responded to and for those which were responded to, only a minority (14%) were satisfied with the outcome of the response.

CHART 2: PETITIONING EXPERIENCE



Source: CISP Survey, 2017.

County officials, on the other hand, pointed out some of the challenges that make the County fail to consistently respond to petitions. Some of the issues raised by petitioners are not the mandate of the County but of the National Government. This is because citizens are still unable to differentiate functions of the two levels of government. However, officials of the County Assembly also noted that because of a high number of petitions received by the Assembly, a decision had been made to enact a law to guide how petitions are handled.



The high number of petitions received by the County Assembly caused it to consider enacting a law to codify procedures for petitioning. The County Petition to County Assembly (Procedure) Bill, 2016 was passed on 2nd of August 2016. It seeks, among others, to enhance public participation in the affairs of the County Assembly including legislative processes.”
Kilifi County Assembly Officer—KII—February 15th 2017.

The finding that citizens are still unable to differentiate functions of the two levels of government (national and devolved governments) further underscores the need for civic education and collaboration between CSOs and the County.

Citizen Participation Relevance and Legality

One of the indicators of effective public participation applied in this study is the extent to which citizens' views shape the decisions of the County. There was consensus among citizens reached through the survey instrument, as well as FGD attendants and key informants, that there is a shortcoming in this regard. Some of the key informants attributed this finding to the manner in which citizens participate. Whether one is addressing legislation or budgeting, citizens may not consistently participate in all meetings that discuss the budget or some piece of legislation. The only way counties can sustain and have consistent participants in forums is when they operate through networks of citizens who become regular participants. Another issue pointed out by county officials some citizens join a process in the middle or towards the end making it difficult for them to understand the whole process or be properly informed about decisions that have already been made.

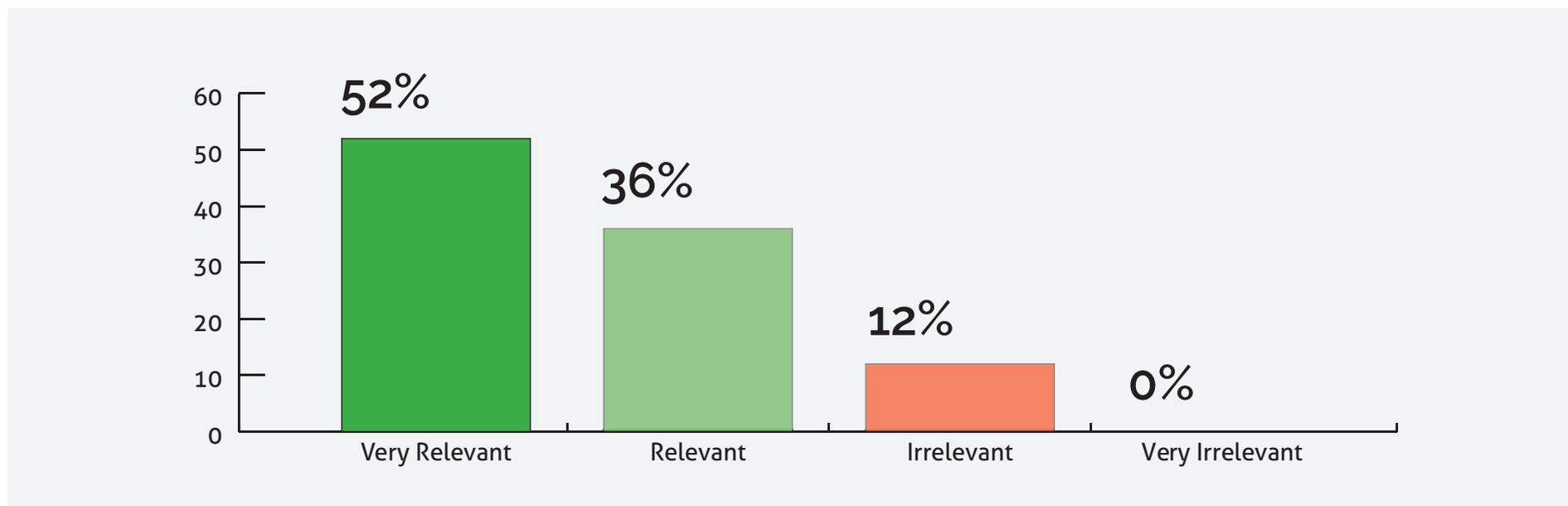
These complexities could partly explain why an overwhelming majority (90.5%) of citizens reached through the survey instrument were of the view that their opinions are not taken into account when the county makes decisions. This is despite a good portion (69%) confirming that the forums discuss issues of importance to their community a significant point given that the county system was embraced to give citizens powers of self-governance.

To attain deeper understanding of this issue, the question was posed differently with respondents being asked what they think the County does with citizen views. For a majority of those interviewed (73.2%), the County ignores public views when it comes to decision-making; however, 17.1% noted that their inputs are partially implemented and 9.8% took a contrary view, noting that the County Government normally implements citizens' inputs. This issue caused a healthy debate during the two FGDs. County officials noted impatience on the part of citizens who assume that all their views would automatically inform decision-making. However, stakeholders also emphasized the fact that the County had been noted to change project priorities agreed with citizens without informing them, which goes against the requirements of public participation.

It was noted further that the presence of 'various layers of decision-making' complicate the intake of citizen views and more so when it comes to budget priorities. For instance, whereas it is the duty of the County Executive to formulate budgets, the duty of approving the same is the constitutional responsibility of the Assembly. To the extent that the Assembly is not simply a rubberstamp of the County Executive, it often practices its limited leeway to adjust the budget. Despite the issues raised and the shortcomings noted, a majority of those interviewed (56.1%) still feel that citizens' participation since the year 2013 has contributed to improved service delivery in Kilifi County.

A majority of the respondents (90.5%) would participate again if called upon to do so. The main reasons why they would still participate in future county forums were listed as the need to keep the county in check, the opportunity to give their views and to sensitive other citizens, to fulfil their constitutional mandates and general concerns and interest with the development agenda of the County. These factors point to some intrinsic value attached to public participation. This conforms to the rating on the relevance of public participation as very relevant (52%) and relevant by (36%) as shown in Chart 3.

CHART 3: PUBLIC PARTICIPATION RELEVANCE



Source: CISP Survey, 2017.

To further confirm the importance of participation, those interviewed also overwhelmingly (95.2%) supported the idea of encouraging more citizens to take part in public participation forums. Reasons given include: that the forums provide an avenue for citizens to raise their concerns (22.4%) apart from according an opportunity to get informed of what the county government is doing (14.3%). Further, participation was seen as a way of holding the County Government accountable to its promises (14.3%), and also to ensure equality in the distribution of resources (12.2%). The surveyed citizens noted that the following can be accomplished through public participation; implementing what is discussed at county forums (27.1%), transparency (22.9%), accountability (18.8%), civic education (12.5%), development (12.5%), equality and citizen's empowerment at (4.2%) and (2.1%) respectively.

There were varied perspectives on the issue of laws guiding public participation in the County. In the absence of the Public Participation Act, the County relies on the Constitution, the County Governments Act, 2011, and the Public Finance Management Act, 2011 to guide public participation. CSOs were critical of the lack of a Public Participation Act citing lack of commitment by both the Executive and the Assembly. A Public Participation Bill was passed by the Assembly in 2016 but was yet to be signed into law at the time of the study. Various KIIs noted the eventual approval of the bill will provide better guidance on public participation.

Citizens interviewed were found to be generally aware of law(s) guiding public participation as shown by (64.3%) who said they were knowledgeable of such laws. They listed the Constitution (53.3%), the Public Participation Act (33.3%) and the County Government Act (6.7%). Two of the citizens pointed to specific articles of the constitution; namely article 33, which is under the bill of rights and is specifically on freedom of expression. Article 174 was also referred to, that is under the devolved government chapter and specifically spells out the objects of devolution. Analysis shows that the citizens' education level may not be a key determinant of knowledge of public participation law.

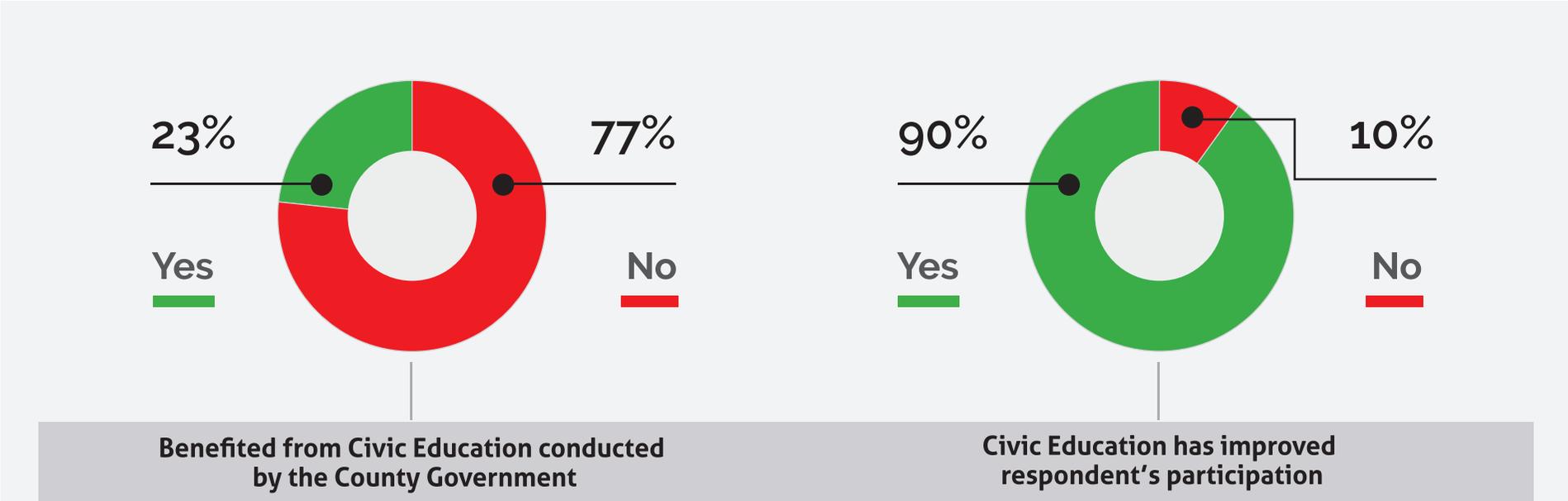
Varied views were expressed regarding the consequences of not having the Public Participation Act. County officials and some CSO leaders were of the view that the absence of the law does not stop public participation from taking place. Those belonging to this school of thought opined that the Constitution and the other laws (e.g. the County Governments Act, 2011) provide a sufficient framework for public participation. Those opposed to this point of view pointed out that these laws are 'generic' and do not consider the peculiar circumstances of the County.



We acknowledge that there is no law governing public participation but we cannot say that has created a serious void. Initially, we had a challenge where the county officials assumed they had the sole responsibility to conduct forums. However, there is a good understanding now about the roles of stakeholders in the entire process.”
Kilifi County CSO Member—FGD—February 2017.

Civic education conducted by the county was found to be minimal as only 23.1% expressed that they were exposed to civic education organized by the County. Those who had been exposed to civic education by the County rated it to be very relevant (63.6%) and relevant (27.3%) while only 9.1% said it was irrelevant. This positive rating can be confirmed in Chart 4 where 90% noted that civic education has improved their participation in county forums. Further analysis of the findings indicates that those who have attended civic education (77.8%) were more aware of the laws guiding public participation than those (56.7%) who had not received any civic education. These findings show that civic education is an asset for deeper knowledge of public participation, which is key for effective citizen participation and engagement in county forums.

CHART 4: CIVIC EDUCATION EXPOSURE AND RELEVANCE

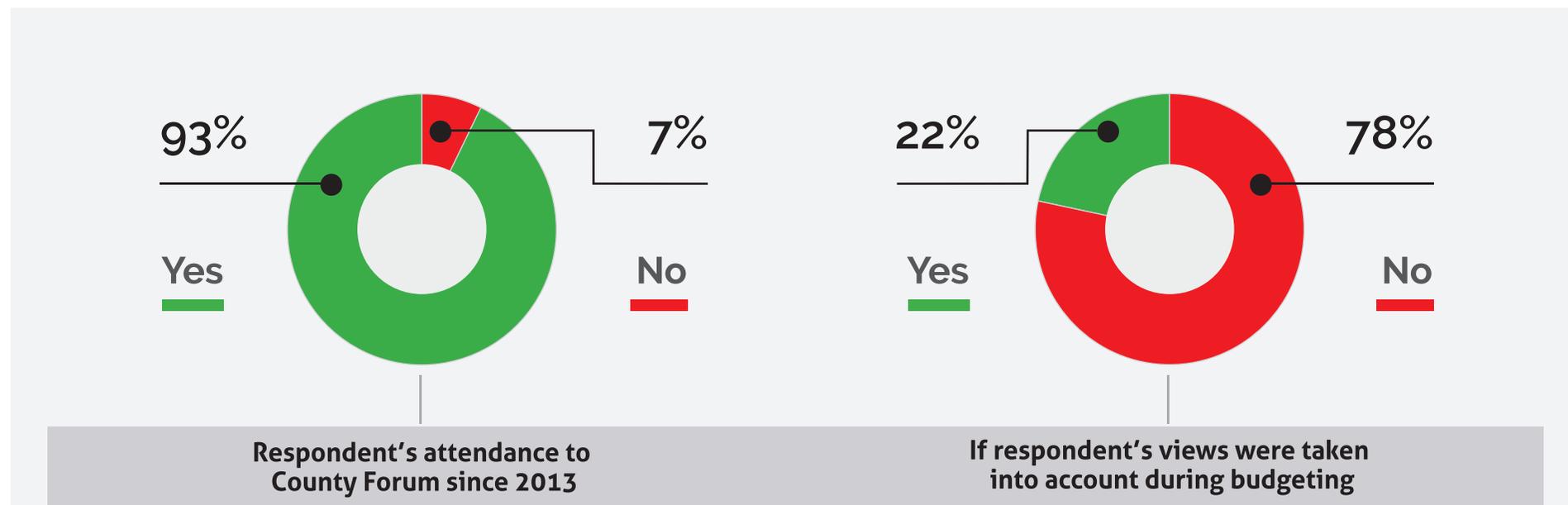


Source: CISP Survey, 2017.

Interviewed Kilifi citizens' attendance in county budgeting forums was noted to be high, scoring (93%) as shown in Chart 5. Attendance was noted to be highest in 2016 (47.6%), 2015 (31.7%), 2017 (12.7%), 2014 (6.3%) and 2013 (1.6%). This trend shows that there is an increase in the numbers attending county budgeting forums in the recent past as compared to the initial forums organized in 2013. This partly points to increased awareness by citizens on the importance of County budgets in addressing their development needs and concerns. It was also noted

that despite increased attendance, citizens' views are still not taken into account (78%). This reality is still related to the point at which citizens participate in county budget-making processes and the possible change of priorities during Assembly deliberations or the possible mismatch between priorities of the Executive and those of citizens. Some Key Informants noted that Kilifi lacks a County Budget and Economic Forum (CBEF). This has been a bone of contention between the County and the interested stakeholders. Kilifi Residents' Association (KRA) and other CSOs have petitioned the County on this.

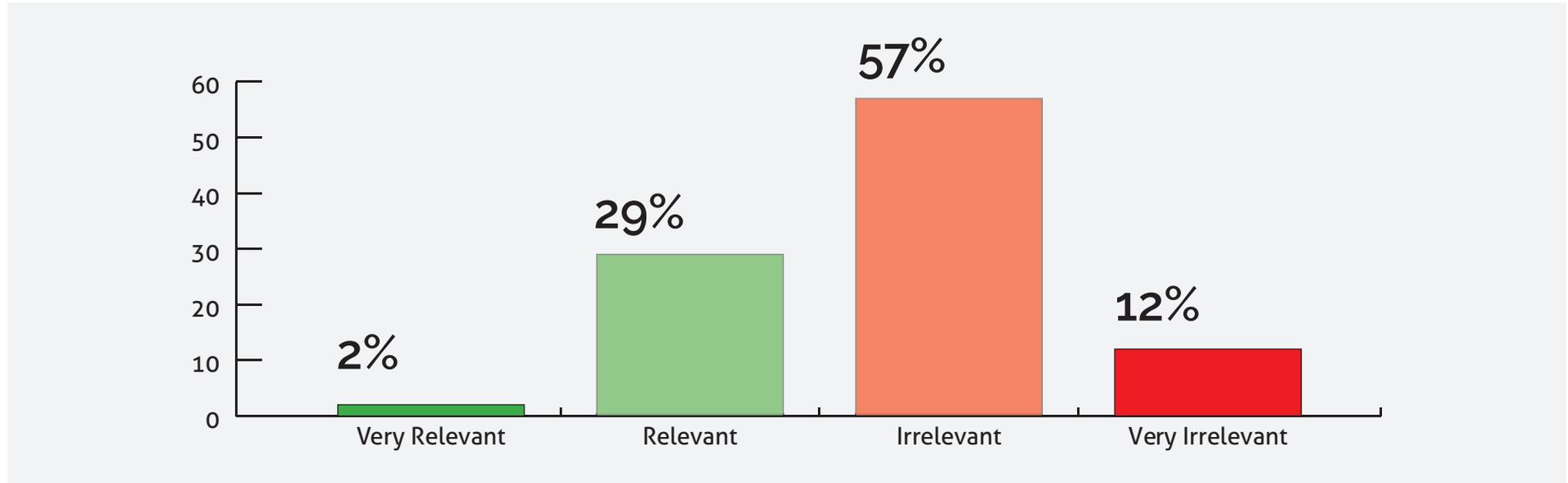
CHART 5: ATTENDING BUDGETING AND PARTICIPATION IMPACT



Source: CISP Survey, 2017.

According to the questionnaire respondents, Kilifi County has not put in enough effort to create a conducive environment for effective participation. Only 2% and 29% rated the County's efforts as very effective and effective respectively as shown in Chart 6. Further analysis shows there is no significant difference between beneficiaries and non-beneficiaries of civic education on this question.

CHART 6: RATING KILIFI COUNTY'S PUBLIC PARTICIPATION EFFECTIVENESS



Source: CISP Survey, 2017.

Reasons for the poor rating were given as: untimely (late) communication (23.6%), poor mobilization of citizens (20%), lack of transparency by some county officials (20%), lack of competence and commitment (9.1%), inadequate resources to mobilize citizens and poor planning each accounting for (5.5%). CSO representatives also felt that public participation can be improved by building the capacity of ward administrators.



Some ward administrators may not have the capacity to fully implement public participation in accordance with the law. It would be a good idea for CSOs to work with the County Government to organize training workshops for them prior to their deployment.”
CSO/CBO Participants—FGD—February 17th 2017.

Citizens engaged in the study proposed several ways in which citizen participation can be improved. These include: communicating with citizens about the date and content of the public participation forum (28.3%) and carrying out civic education (17.9%). Other proposed measures are: devolving public participation to the village level, approval and implementation of the Public Participation Bill, proper funding of public participation, giving feedback on the outcome of public participation, working closely with various stakeholders when planning for the county forums and provision of some form of incentive/facilitation (such as snacks) during county forums.

Public Participation Best Practices and Gains

The passage of the County Petition to County Assembly (Procedure) Bill, 2016, was found to be an important step in improving public participation. The law was necessitated by the need by the County Assembly to manage a large number of petitions from citizens aided by CSOs working in the County. It gives effect to section 15 of the County Governments Act, 2011, on the right to petition a County Assembly and details the procedure for petitioning. It generally aims to improve public participation in the County Assembly and the legislative process.

The County Assembly has also made it easy for citizens to follow up on legislation through a bill-tracking system. The system is hosted in the County Assembly website. It enables citizens to be aware of the status of all legislation debated and passed by the Assembly. By so doing, it creates an opportunity for citizens to give feedback when bills pass through various stages of debate in the House.

One of the principles of public participation as per part eight of the County Governments Act, 2011, is the recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight. Kilifi County was found to have a beneficial relationship with CSOs, especially the Mshombo Citizens Assembly formation. The Assembly had utilized various opportunities to mobilise citizens for public participation. The organization had also taken part in the implementation of civic education programmes.

In particular in Magarini sub-county, where the Mshombo Citizens Assembly had been put in place, it was found to have facilitated citizens' engagement in the budgeting process by educating citizens and effectively engaging in budget discussion and validation forums. The group has ensured that citizens are well prepared whenever they interact with the budget. This has increased their effectiveness in participating in the budget preparation and validation forums.

Best Practice in KILIFI

COLLABORATIVE EFFORTS IN KILIFI COUNTY TO REALIZE CITIZEN PARTICIPATION THROUGH THE *MSHOMBO* COMMUNITY PLATFORM

Kilifi County, through its sub-grant under the project, Towards Accountability through Kenyans Empowerment in Participation and Active Request for Transparency (TAKE PART), implemented a project themed 'Mshombo Community Platform'. Mshombo is a local Giriama community term that refers to a mix/blend. It is an upgraded and improved form of the traditional Bunge La Mwananchi CSO formation. Under the sub-grant, the native community in Magarini Ward formed a community platform to champion for inclusion of the community in county governance. The project was implemented by the Institute for Participatory Development (IPD).

The platform is comprised of representatives of various committees formed by citizens in Magarini Ward. Examples of the committees are the health dispensary committee, school committee, church committee, youth groups' committee and women groups' committee. It has teachers, women, religious leaders, Kaya elders, among others, as members. The broader Mshombo committee was then turned into a Citizens' Assembly. The Assembly formed the basis through which citizens come together to discuss emerging issues in the community and present them to relevant authorities for action.

The Assembly has adopted the format of a County/National Assembly with a speaker, Chairman (Clerk) and chief whip, among others. Activities happen in an organized manner with standing orders (constitution) guiding operations. The Assembly meets every second Thursday of the month unless there is an urgent matter. As of April 2016, it had a membership of close to 100 members; 10 of them being the key leaders (speaker, chairman, treasurer, chief whip, secretary; with their assistants), approximately 20 being Members of Parliament (representing each village) and the rest being members of the public.

The Assembly represents an innovative way of thinking and organizing citizens for participation in county governance. It has been able to write petitions to the county government demanding for citizens' inclusion in the affairs of their Ward as well as transformation of the education system (even though education is largely a national government function, counties deal with Early Childhood Development (ECD)). They have also invited leaders to roundtable discussions seeking to advocate for pertinent issues of development in the County.

Notably, the Assembly presented a petition to the county government, demanding further decentralization of budget meetings to the wards, noting that holding budget meetings at the sub-county denies many citizens an opportunity to participate. It was therefore largely responsible for the successful devolvement of budget meetings from the sub-county level to the ward level. This has enhanced the participation of citizens in budget-making and validation, a key requirement of the Public Finance Management Act, 2011. Notably as a result of the petition, the 2016 budget meetings were held at the ward level. Citizens from neighbouring wards have visited Magarini with the intention of learning how the model works and replicating it in their own wards.



Conclusions and Recommendations

Conclusions

Kilifi County uses various mechanisms to engage citizens. These include forums and meetings and budget preparation and validation forums. The most popular citizens' engagement was noted to be the budget preparation and validation forums. The county uses notice boards particularly at the county headquarters. The citizens were mainly invited to the forums through notice boards, word of mouth by the County officials and leaders, website, short messages (SMS), WhatsApp and formal invitation. The County website was also noted to be informative and interactive with clear linkage of the executive and legislative functions listed in the website. It was also noted that ward administrators play a critical role of mobilizing citizens to attend County activities and generally educating them on the affairs of the County.

Kilifi County was also found to have a good working relationship with CSOs particularly in Magarini Ward where the Mshombo Citizens' Assembly was formed and where it operates. The Mshombo Assembly coordinates participation of citizens in the affairs of Magarini Ward. CSOs are important in facilitating public participation. The positive working relationship with CSOs is in addition to the devolvement of public participation forums to sub-county and ward levels. The passage of the County Petition to County Assembly (Procedure) Bill, 2016, is another key achievement made by the County. That the law is aimed at enabling the Assembly to process and react to petitions indicates an intention by the Assembly to ensure effective management of petitions. In addition, the County Assembly has also made it easy for citizens to follow up on legislation through a bill-tracking system. The system is hosted in the County Assembly website. It enables citizens to be aware of the status of all legislation debated and passed by the Assembly. By so doing, it creates an opportunity for citizens to give feedback when bills pass through various stages of debate in the House. On the other hand, the County was found not to have enacted laws to guide public participation, nor had it put in place an effective County Budget and Economic Forum (CBEF). It had also not devolved to the village level.

Recommendations to County Government

- ◇ Enact laws required to guide public participation such as Access to Information Act/Freedom of Information Act as per the County Governments Act, 2011;
- ◇ Establish an effective County Budget and Economic Forum (CBEF);
- ◇ Work with CSOs to enhance and replicate the Mshombo Citizens' Assembly in wards other than Magarini where it has already been put in place;
- ◇ Put in place village administration to further decentralize administration and public participation undertakings, and
- ◇ Build the capacity of sub-county and ward administrators to undertake more effective public participation and educate citizens on the functions of the county government, among other issues of importance.

Recommendations for CSOs and Other Stakeholder Groups

- ◇ Work in collaboration with the county government to enhance the Mshombo Citizens' Assembly and replicate it in wards other than Magarini where it is well established;
- ◇ Advocate for the enactment of laws that facilitate public participation including the Public Participation Act and the Access to Information Act/Freedom of Information Act as per the County Governments Act, 2011;
- ◇ Advocate for the establishment of a functioning County Budget and Economic Forum (CBEF);
- ◇ Advocate for the further decentralization of public participation through formation of village administration units, and
- ◇ Collaborate with the county government in building the capacity of sub-county and ward administrators to undertake more effective public participation and educating citizens on the functions of the county government, among other issues of importance.

COMPARING BEST PRACTICE IN MOMBASA, TAITA TAVETA, KILIFI AND KAJIADO COUNTIES

Mechanisms of Public Participation

Different mechanisms of public participation were found to have been established in all the counties. These mechanisms include public forums and meetings, budget preparation and validation meetings as well as town hall meetings as required by the County Governments Act, 2012, and the Public Finance Management Act, 2012, and citizen forums as required by the Urban Areas and Cities Act, 2011. Counties had also put in place information, communication technology based platforms especially for mobilizing citizens for forums as well as passing on information. All counties had functional websites. In communicating with the public, counties went beyond the use of social media. Word-of-mouth, radio and television channels and newspapers were also in use. The most prominent social media outlets in use were found to be WhatsApp, Twitter and Facebook.

There was emphasis on the use of different mechanisms of public participation by different counties. For instance, Mombasa and Taita Taveta counties were found to use town hall meetings more than Kajiado and Kilifi counties. Mombasa's more urban terrain accounted for this while in Taita Taveta the formation and implementation of the Voi Town Management Committee (VTMC) popularized the use of town hall meetings.

All counties of study met the requirement for further decentralization by setting up sub-county and ward administrations in line with constitutional and legal requirements. Sub-county and ward administrators were found to be useful in mobilizing citizens for public participation in all the counties. However, none of the counties had established village administration units. They all cited inadequate resources as the key reason for not creating these units. There was evidence of attempts to establish the village administration units from Taita Taveta and Kajiado counties. Taita Taveta County Assembly had passed a motion requiring setting up of the units, while Kajiado County was in the process of enacting a law to guide the process.

There was evidence in all counties of stakeholder engagement using different mechanisms. They attended forums organized by both the executive and legislative arms of the county governments including budget formulation and validation forums. They were found to be part and parcel of structures for public participation such as the Voi Town Management Committee (VTMC) that envisions participatory management of Voi town, among others.

Citizens made use of petitions across the four counties. In Kajiado County, a CSO petition led to the formulation of the Water, Sanitation and Hygiene (WASH) Policy. In Kilifi, a petition led to recognition by the County of the Mshombo Citizens' Assembly, which became a key structure for citizen's mobilization. In Mombasa, citizens and their groups petitioned against the "Mombasa Urban Renewal and Redevelopment of Old Estates" project on claims that the County had failed to adequately compensate those to be affected by the project and that public participation had not been effectively organized. The matter was escalated to the courts of law. In Taita Taveta, a CSO petition ultimately resulted in the participatory formulation of the Draft County Public Participation and Civic Education Policy.

BEST PRACTICES AND GAINS MADE IN PROMOTING AND ENHANCING PUBLIC PARTICIPATION

Laws and Guidelines on Public Participation

Only one county, Kajiado County, had enacted the Public Participation Act. The three other counties relied mainly on national legislation in addition to constitutional provisions to effect public participation. These laws include the County Governments Act, 2012, the Public Finance Management Act, 2011 and the Urban Areas and Cities Act, 2011. The broader provisions of the Constitution were also applied.

County officials engaged in the study were of the view that national laws were sufficient to carry out public participation. However, most stakeholder groups were critical of this position. They emphasized that lack of the legislation created challenges in carrying out effective public participation. Disagreements between the county executives and county assemblies largely contributed to inability to pass the necessary legislation. In all counties that did not have the law, the necessary bills had been drafted and even debated in the respective assemblies. One key area of disagreement was found to be the use of resources for public participation.

Counties that lacked the Public Participation Act were also found to use the public participation guidelines developed by the Ministry of Devolution and Planning and the Council of Governors in 2006. The development of the policy was informed by the need to fulfill the objects of devolved government. One of the objects is encapsulated in Article 174(c) of the Constitution, that is, to "*enhance the participation of people in the exercise of the powers of the State and in making decisions affecting them.*" At least one county, Taita Taveta County, worked in collaboration with CSOs and a development partner to develop its own public participation guidelines.

MOMBASA COUNTY

Decentralization to sub-county and ward levels increasing the ability of the County to mobilise citizens for public participation.

Exemplary collaboration with CSOs leading to participatory formulation of the Land Policy for the County.

Exemplary facilitation of citizens and CSO participation in the preparation and validation of the 2017/18 budget.

Exemplary petitioning by CSOs on the Mombasa Urban Renewal and Redevelopment of Old Estates housing initiative.

TAITA TAVETA COUNTY

Participatory formulation of the County Public Participation and Civic Education Policy involving CSOs and a development partner.

Decentralization to sub-county and ward levels increasing the ability of the County to mobilise citizens for public participation.

Exemplary facilitation of citizen participation in the management of Voi town through the Voi Town Management Committee (VTMC)

Creation of the Complaints, Complements and Information office to ease access to information by citizens and have an alternative complaints' raising mechanism other than petitions.

Initial steps towards setting up village administration units after motion passed by the County Assembly.

KILIFI COUNTY

Decentralization to sub-county and ward levels increasing the ability of the County to mobilise citizens for public participation.

Enactment of Kilifi County Petition to County Assembly (procedure) Act.

Improving access to information by establishing a bill-tracking system hosted by the County Assembly.

Exemplary participation in budget formulation and validation forums by CSOs especially the Mshombo Citizens' Assembly in Magarini.

KAJIADO COUNTY

Decentralization to sub-county and ward levels increasing the ability of the County to mobilise citizens for public participation.

Initial attempts to decentralize administratively to the village level through enactment of the "County Administrative Bill".

The County Assembly's devolution of Assembly sessions through Bunge Mashinani Forums

Enactment of the Public Participation Act.

Exemplary collaboration with CSOs leading to the formulation of the WASH policy for the County.

Collaboration with CSOs in carrying out civic education even though there was no evidence of existing MoUs for this undertaking.

Having in place functional County Budget and Economic Forum (CBEF).

ABOUT TAKE PART PROJECT



**Towards Accountability
through Kenyans' Empowerment
in Participation and
Active Request for Transparency**

TAKE PART (*Towards Accountability through Kenyans Empowerment in Participation and Active Request for Transparency*) is a project co-funded by the **European Union** and implemented by **CISP** (*Comitato internazionale per lo sviluppo dei popoli*), **PT** (*Pamoja Trust*), and **TUC** (*Tangaza University College*).

The main objective of **TAKE PART** is contributing to the implementation of Kenya 2010 Constitution by supporting Civil Society members and County Authorities in the development of transparent and participatory decision-making processes at county. The project is based on enhancing the interface between state and non-state actors in Kenya, so as to strengthen the decentralization of governance of local development, through capacity building of civil society and the creation of citizen participation fora at all levels.

The action is grounded on the need to provide knowledge, awareness, skills and methodology for citizen participation in governance and decision making in Taita Taveta, Mombasa, Kilifi and Kajiado counties.

The main objective of **TAKE PART** is contributing to the implementation of Kenya 2010 Constitution by supporting Civil Society members and County Authorities in the development of transparent and participatory decision-making processes at county level.

PROFILE OF IMPLEMENTING ORGANIZATIONS



CISP - Comitato Internazionale per lo Sviluppo dei Popoli (*International Committee for the Development of the Peoples*): Is a Non-Governmental Organization established

in Rome in 1983 and currently active in over 30 countries worldwide. CISP Kenya carries out projects in area of development by supporting National and county authorities to provide quality, equitable, transparent and accountable services in sectors of health and nutrition, education, child protection and renewable energy through capacity building, promoting active citizenship, shared accountability mechanisms at community, county authorities and National government level.

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Pamoja Trust
Creating Voice and Space for the Urban Poor

PT - Pamoja Trust: Is a non-profit making organization founded in 1999. PT is dedicated to promoting access to land, shelter, good governance and basic services for the Urban Poor. The

organization takes principled and pragmatic approaches to protection and promotion of the right to the city through advocacy and precedence setting models for problem solving. PT provides social, technical and legal expertise at local community, national and international levels to ensure that urban growth and urbanism adhere to social justice principles and that national and international.

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TANGAZA
UNIVERSITY COLLEGE

TUC- Tangaza University College - Is a constituent College of the Catholic University of Eastern Africa. Currently, it offers undergraduate and degree programmes, including masters and

doctoral degrees. In particular, the Institute of Social Ministry is specialized in academic programmes and research on social transformation, governance being one the areas of expertise. The Institute has developed curricula on governance at master and PhD levels.

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