



Effective Public Participation Mechanisms

in Kajiado County



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

Effective Public Participation Mechanisms

in Kajiado County

EFFECTIVE PUBLIC PARTICIPATION MECHANISMS IN KAJIADO 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
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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



Jihusishe katika maendeleo
ya kaunti yako

**TAKE
PART**

TO SUPPORT THE DEVOLUTION PROCESS
IN YOUR COUNTY

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 KAJIADO COUNTY



Citizen Participation Avenues and Dynamics

Kajiado County's Department of Public Service, Administration and Citizen Participation is in charge of public participation. The formation of the department and the enactment of the County Public Participation Act are key achievements in institutionalizing public participation. The Public Participation Act has created a structured framework of conducting public participation in the county. The County has a functional County Budget and Economic Forum (CBEF) constituted according to Section 137 of Public Finance and Management Act, 2012. The Forum provides a means for consultation by the county government on preparation of county plans, the County Fiscal Strategy Paper and the Budget Review and Outlook Paper as well as matters relating to budgeting, the economy and financial management.

The County has put in place both the sub-county and ward administration units. These units play an important role in public participation. At the time of the study, the County Assembly was in the process of formulating a "County Administrative Bill", which will define village boundaries with the intention of further decentralizing administrative functions and public participation to the village level.

The County also uses various mechanisms of public participation including budget preparation and validation forums. These are held by the County Assembly to discuss bills and meetings dealing with specific matters important to residents, such as land and food security. They employ information and communication technology-based platforms such as short message services (SMS), WhatsApp and website to communicate with the public. More traditional media used for communication and mobilization are local radio stations, daily newspapers, Kajiado County Press and word of mouth.

Market days are especially useful for reaching out to citizens through public announcements. The importance of public participation was captured in the following quote by one of the County officials:



Anything designed for the citizens in the County must have public input. Citizens are always given room to set their own priorities. Currently Kajiado County Forums are held in 25 wards and the County is keen on further decentralization up to the village level. County officials, political leaders, local radio stations, market days, daily newspapers and Kajiado County Press are used in mobilizing citizens. Our strategy of engaging citizens has led to reduction in the number of complaints and petitions.”
Kajiado County Executive Member—KII—21st February 2017.



Public participation has been conducted effectively in the county since 2013, with the major achievement being the formation of Citizen Participation department. The department is known by the citizens and it is the one in charge of public participation and civic education in the county.”
Kajiado County Executive Member—KII—21st February 2017.

Citizens interviewed in the study were found to engage the County by attending county forums. Most of the interviewed citizens said they interact with counties annually. Apart from forums, citizens also engaged counties through demonstrations (64.3%), petitions/letters/memorandum (21.4%) and county assemble sittings/gallery (14.3%).

The citizens interviewed said they were motivated by the need to make follow ups on past communication and to determine progress made (16.9%) in implementation of county programmes. Others (15.3%) noted the need to be informed about the affairs of the county government 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	8	13.6 %
Requested to attend	2	3.4 %
To represent my community	6	10.2 %
To critique my leaders	1	1.7 %
To represent the youth	3	5.1 %
To be informed	9	15.3 %
It is my right as a citizen	4	6.8 %
To contribute to development agendas	8	13.6 %
To know my leaders	2	3.4 %
To follow up	10	16.9 %
To know how funds have been allocated	5	8.5 %
To network	1	1.7 %
To follow up if the projects are implemented	1	1.9 %
TOTAL	59	100.0

Source: CISP Survey, 2017.

Provision of adequate information is one of the requirements of effective participation. The main source of information about County forums for citizens were listed as County officers (36.4%), leaders (34.8%) and both print and electronic media (22.7%). Other sources are CBOs (1.5%), NGOs (1.5%) churches/mosques (3.0%) and public notice boards. During the FGDs, it was revealed that county officers and local leaders play an important role in information sharing since they also live in the community and are in contact with stakeholder groups. Use of social media outlets such as Facebook and WhatsApp were enabling the County to reach out to youthful citizens and groups.

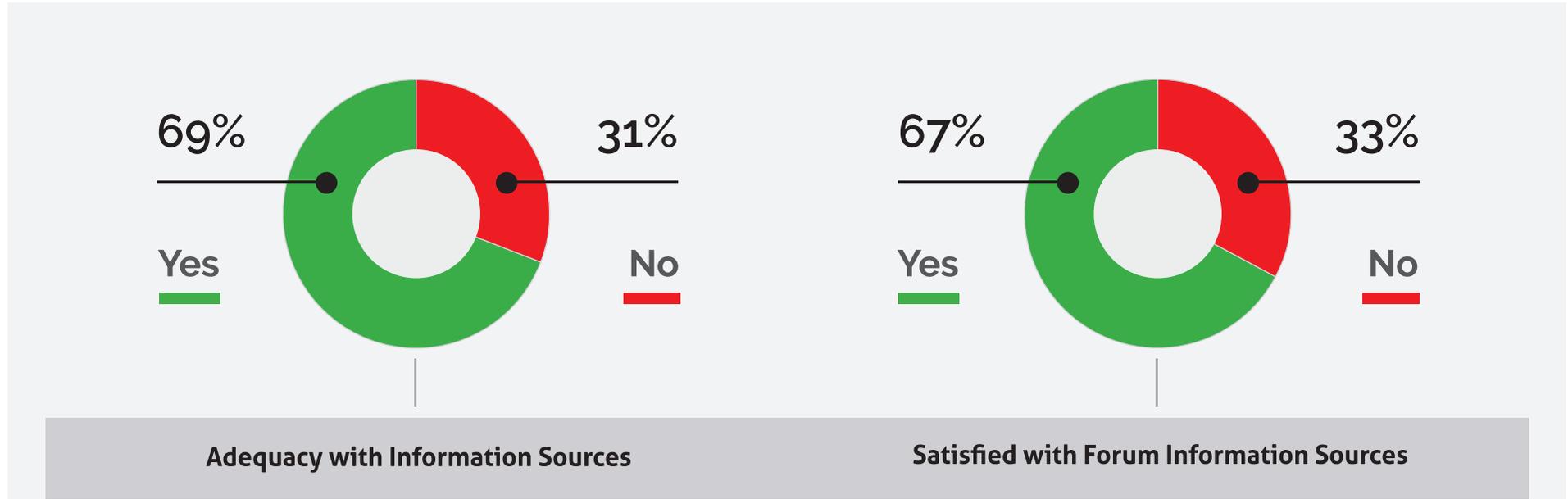
The majority of the interviewed citizens (69%) received adequate information to enable them participate in county forums and a sizeable proportion (67%) are satisfied with the manner in which they receive information about forums in the county as shown in Chart 1. Information gathered through FGDs and KIIs demonstrate that the County officials use personal contacts to ensure effective mobilization. However, this brought about a controversial debate during the FGDs, where participants felt that the officials only mobilize those they know and as a result the same people attend all forums, even where they lack expertise. It was noted, for instance, that able-bodied individuals had often been mobilized to represent PWDs in forums. Some of the youth leaders also felt that participation as implemented by the County is a mere formality and is not therefore effective.



Youths attend the forums without knowing the key objective of such forums because they do not have adequate information. It seems they are only invited as a formality and their main motivation is to get some allowance. The civic education has also not been adequate. Sometimes you find the same people attending different forums and dominating the discussion. These regular attendants also shout down others making it difficult for them to participate effectively.”

CSO/CBO Participant—FGD—February 24th 2017.

CHART 1: INFORMATION ADEQUACY AND SATISFACTION WITH THE SOURCES



Source: CISP Survey, 2017.

FGD and KII participants questioned the effectiveness of petitions as a means of engaging the County. County officials argued that often, those who petition the County do not participate in forums whereby decisions are made even if they are invited. They wait until decisions have been made, then they raise petitions to challenge the decisions. Most petitioners are concerned with matters related with with revenue collection.



Petitions mainly target the Finance Committee of the County Assembly and most of them dwell on revenue/tax collection. The most recent petitions came from bar owners and sand harvesters. Many of those who petition the County do not participate in forums even if invited and only complain when decisions have been made."

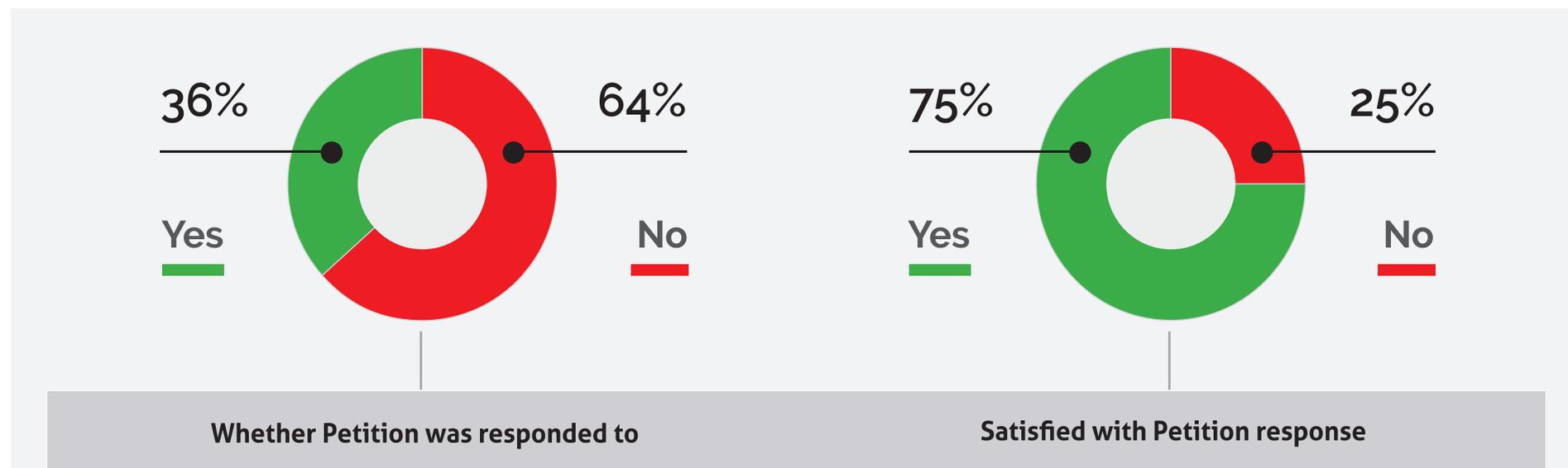
Kajiado County Executive Member—KII—21st February 2017.

County officials further explained that when they receive petitions, they invite the petitioners to discuss the issues raised. Sometimes, however, petitioners raise issues regarding functions that are not devolved. They also raise issues that may have been adequately covered in past engagements that they did not attend. More specifically, the budget process had proved to be rather complicated to be properly understood by citizens. However, some CSOs were of the view that the County does not take issues raised through petitions seriously.

A case of successful petitioning was one involving a CSO called Nosim. CSO key informants revealed that Nosim, working together with other CSOs, sent a memorandum to the County on an issue regarding Water, Sanitation and Hygiene (WASH). As a result of the memorandum, the WASH Policy of the County was developed.

As shown in Chart 2, survey respondents said most of the petitions (64%) were not responded to. However, most of those whose petitions were responded to (75%) noted their satisfaction with the response.

CHART 2: PETITIONING EXPERIENCE



Source: CISP Survey, 2017.

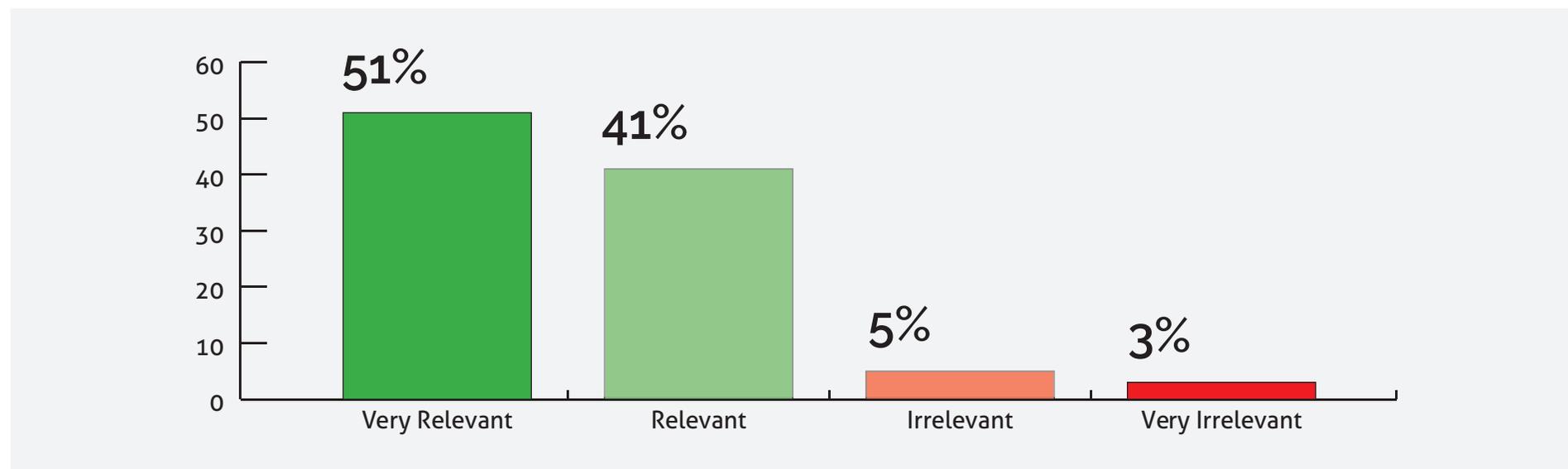
Citizen Participation Relevance and Legality

Kajiado County was found to be generally receptive to ideas proposed by citizens in public participation forums. A slight majority (54.8%) of citizens said that their opinions are taken on board when the county makes decisions while a sizeable majority (83.3%) positively pointed out that important community issues are discussed in the county forums. From the County perspective, implementing citizen views presents certain challenges including the alignment of the views with the County Integrated Development Plan (CIDP). Respondents (74.4%) were also of the view that public participation since 2013 had contributed to improved service delivery.

The above findings are in tandem with the finding that the majority of citizens interviewed (81%) would be keen to participate in future forums. Reasons given for wanting to attend future forums include: to make follow ups on projects, to be more informed about county affairs, to fulfil their constitutional mandate and to air their views. FGD participants noted the improved public participation infrastructure especially with the passage of the Public Participation Act, the formation of the Public Participation Department and a functioning County Budget and Economic Forum (CBEF). These achievements had contributed to helping citizens believe that the County is committed to promoting their welfare through public participation.

Public participation was rated as very relevant (51%) and relevant by (41%) as shown in Chart 3. This is an indication that citizens value whatever is discussed in the forums. It was also noted in the FGDs that relevance can be improved with civic education on the roles and duties of county governments to help in achieving more informed participation. It was pointed out that participants may be motivated by the possibility of getting material benefits after attending forums and this reduces the effectiveness of their participation.

CHART 3: PUBLIC PARTICIPATION RELEVANCE



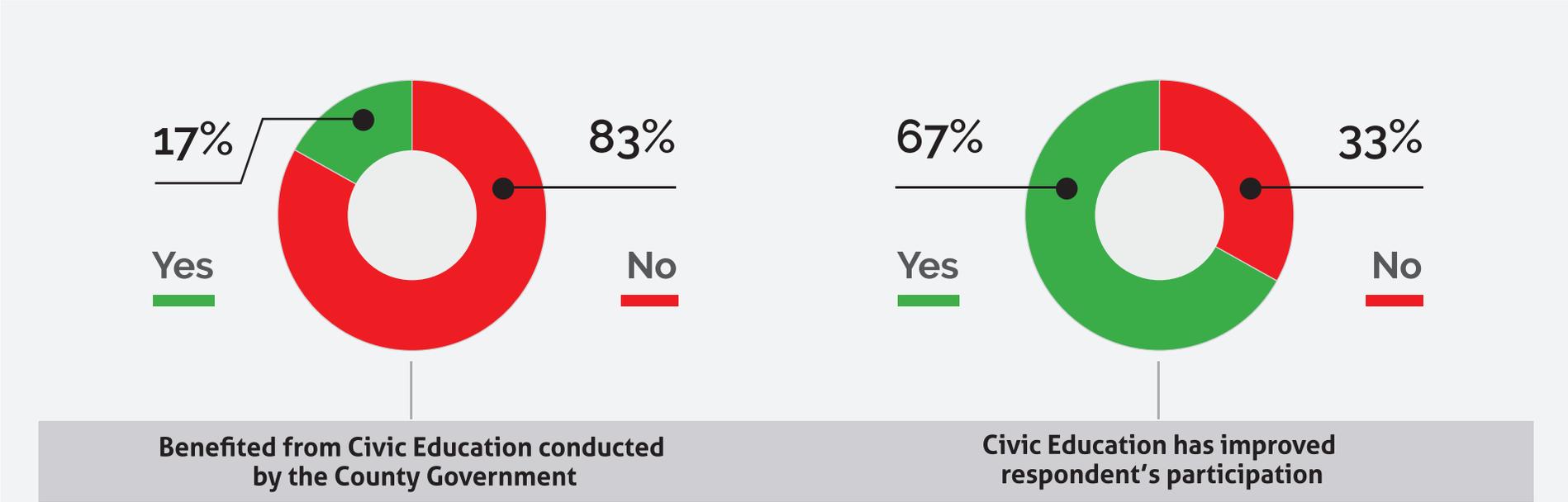
Source: CISP Survey, 2017.

The idea of encouraging more citizens to participate in county forums was supported by a majority of those interviewed (97.6%). The forums were noted to be avenues for contributing to the County’s developmental agenda (31%) and an avenue to be informed (15.5%). Other respondents considered participation a constitutional mandate of the citizens (15.5%) while others said it is useful in providing feedback from county government and avoiding ‘blame games’. According to those interviewed, the following can be accomplished through public participation: effective communication between citizens and the county government (33.3%), development in the county (31.4%), accountability (17.6%), transparency (13.7%) and unity amongst the communities (3.9%).

Even though Kajiado County has a Public Participation Act, it was established that a majority (95.2%) of the interviewed citizens are not aware of laws guiding public participation. Furthermore, none of the women respondents have this knowledge. Those who said they were aware of the laws mentioned the Constitution. This underscores the importance of civic education.

However, many of the FGD and KII participants, particularly those from CSOs, were aware of the laws guiding public participation in the County. Some had been involved in the formulation of the County Public Participation Act. This underscores not only the need for civic education but also collaboration between CSOs and the County Government in implementing civic education programmes. This need is further reflected in the small number of questionnaire respondents (17%) who said they had benefited from civic education carried out by the County. This is despite the presence of not only the Public Participation Act but also an entire department dedicated to public participation and the implementation of civic education programmes. The fact that those exposed to civic education rated it as very relevant (42.9%) and relevant (57.1%) further underscores the need for collaboration between the County and CSOs in designing and carrying out civic education programmes. These ratings are shown below in Chart 4.

CHART 4: CIVIC EDUCATION EXPOSURE AND RELEVANCE



Source: CISP Survey, 2017.

At the time of the study, the department in charge of public participation and civic education was in the process of drafting a curriculum for civic education. This provides an opportunity for collaboration as expressed above.

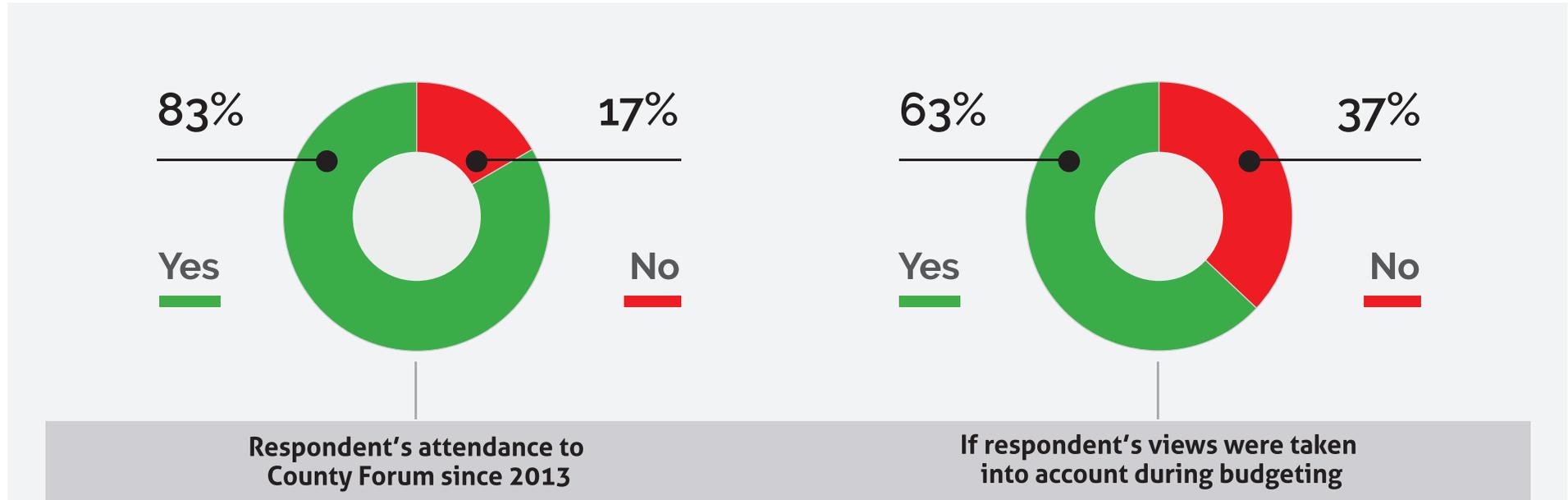
The level of attendance to Kajiado County budgeting forums among the interviewed citizens was noted to be high at (83%) as shown in Chart 5. Attendance was noted to be highest in 2016 (50.9%), 2015 (26.4%), 2014 (11.3%) and 2013 (5.7%). This trend shows that there is an increase in the numbers attending county budgeting and validation forums as compared to the initial budget forum in 2013. It also points to increased awareness of the importance of the budget process as key to addressing the developmental concerns of citizens. The attendance of budget meetings and other County forums is likely to increase when the County Administrative Bill is passed, which will be the first step towards setting up village administration units. The high attendance to the budgeting process is further boosted by the fact that majority of the citizens (62.9%) feel that their views are taken into account during budgeting. The fact that the County's CBEF is well-established and functioning and has an audit committee also explains the confidence in the County's budgeting process.



The major public participation process which attracts a good number of citizens is the budget-making process. This is because of the elaborate nature of the budget-making and validation process and also due to the active nature of Kajiado County Budget and Economic Forum, which ensures there is enough publicity in the entire process."

Kajiado County Executive Member—KII—21st February 2017.

CHART 5: ATTENDING BUDGETING AND PARTICIPATION IMPACT



Source: CISP Survey, 2017.

Those interviewed rated the effectiveness of the County in facilitating public participation at (54%). FGD and KII participants noted the possibility of improving the rating by fully implementing the Public Participation Act. This will have the effect of improving the infrastructure for public participation. It will also ameliorate some of the challenges noted including: untimely (late) communication (23.6%), poor mobilization of citizens (20%), lack of transparency by some county officials (20%), lack of competence and commitment by some county officials (9.1%), inadequate resources to mobilize citizens (5.5%) and poor planning (5.5%).

Citizens proposed the following ways to make citizen participation more effective: communicating with citizens about the date and content of the public participation (28.3%) and undertaking civic education for citizens (17.9%). Other proposed measures include devolving public participation up to the village level, implementation of Public Participation Act, proper funding of public participation, giving feedback of the outcomes of public participation, close working with various stakeholders when planning for the county forums and provision of facilitation such as snacks and transport reimbursement during county forums.

The challenges noted include: political interference (20.3%), lack of interest from citizens (14.9%), selective mobilization of citizens (6.8%), poor communication (17%), venues not conducive for some forums (5.4%), inadequate resources to conduct public participation forums (2.7%), demands for allowances by some citizens to participate in forums (8.1%), citizens are busy at work during these forums therefore missing out (2.7%) and corruption (1.4%). It was further noted that sometimes the venues selected for forums were not conducive to the participation of women, youth and PWDs, especially where transport was required. Finally, the vastness of the wards was also noted as a challenge especially in terms of citizen mobilization.

The citizens interviewed proposed the following ways in which public participation can be improved: effectively communicating with the citizens regarding the public participation forums (22.2%), conducting civic education (16.7%), and County Government should communicate prior to the forums (11.1%). Other proposed measures include the leaders being more accessible to citizens, holding forums in venues that are more appropriate for all categories of participants, shunning tribalism as well as conducting 'proper' mobilization drives. The need to consider using offices of the ward administrators to deliver civic education due to their proximity to citizens was also proposed.

Public Participation Best Practices and Gains

Significant progress has been made by Kajiado County in effecting public participation. The County has put in place elaborate infrastructure that includes a department in charge of public participation and civic education, the enactment of the Public Participation Act and the formation of a functioning County Budget and Economic Forum (CBEF) with an audit committee. The audit committee is an innovation with potential to improve citizen participation and accountability in the budget process.

The formation of the sub-county and ward administration units is also a gain since these units have a role to play in public participation. Even more important, at the time of the study, the County was in the process of formulating the "County Administrative Bill" which is the first step towards forming village administration units. The bill is partly aimed at defining the boundaries of villages.

Even though there was no evidence of formal agreements (MoUs) with CSOs, the County was found to have developed productive working relationships with a number of CSOs including NOSIM, DUPOTO e-Maa and Illaramatar particularly in undertaking civic education. On the other hand, the CSOs had utilized the relationship to undertake policy advocacy. In at least one case, a CSO's memorandum to the County led to the formulation of the WASH Policy.

One of the exemplary networking efforts between CSOs and the county government is in the area of health service provision. In this area, CSOs organized under the umbrella group, Health CSOs Networks (KCHN) engages proactively with the county in setting the agenda in provision of health services. The objectives of KCHN include advocating for harmonization of MOH engagements with CSOs, influencing policy and legislation for betterment of health service delivery, and sharing and harmonizing information and data on health.

Finally, the County Assembly had devolved Assembly sessions through organizing Bunge Mashinani Forums where Members of County Assembly (MCAs) interact with citizens and citizens get an opportunity to raise concerns directly with the representatives.

BEST PRACTICE IN KAJIADO

THE COUNTY ASSEMBLY OF KAJIADO DEVOLVES PUBLIC PARTICIPATION THROUGH BUNGE MASHINANI FORUMS

For the first time in the history of Kenya and East Africa, the Kajiado County Assembly has devolved Assembly sessions through organizing Bunge Mashinani Forums. Bunge Mashinani is a new practice adopted in order to demystify legislative procedure and to ensure it is brought to the people. This is done by holding debates of the County Assembly on a rotational basis in the different sub-counties as opposed to holding them in the County Assembly premises as is custom. The public and other stakeholders are invited to attend, listen in and direct questions to the Members of the County Assembly.

Partly because of its vastness, remote areas of the county face major challenges due to poor infrastructure, poor communication networks and poverty. However, the urban areas within the county continue to perform dismally in public participation despite their slightly improved infrastructure. The compounded problems have led to reduced activities on important matters like budget-making, levies and town planning. Yet, the county government has continually paid for media advertisements to promote public involvement in decision-making.

Due to these challenges, the various arms of the county government have sought to extend and broaden their services to be closer to the people by educating them and coming up with innovative ways to make more residents percipient. In this regard, the Kajiado County Assembly has adopted a different approach to public outreach and public participation to reach the people and educate them to understand what the work of the House entails and how they can improve their participation programmes. This has been done through the devolved Bunge Mashinani Forums.

Devolving the County Assembly sessions is done in a bid to realize the objects and principles of devolution as per Chapter Eleven of the Constitution of Kenya 2010. Pursuant to Article 196. (1) thereof, a County Assembly is mandated to foster public participation in the following terms — (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

The Bunge Mashinani forums have been organized in all the sub-counties which has facilitated access and participation by the citizens and stakeholders in the County Assembly debates and discussions on orders and motions of the day. The forum begins with a session where the speaker of the County Assembly explains to the wananchi and other stakeholders the protocol and objectives of County Assembly. The citizens are then enabled to interact with all the departments and committees of the County Assembly and engage them on pertinent issues concerning the community. The forum enables the citizens to get instantaneous feedback from the County Assembly.

The County Assembly intends to devolve Bunge Mashinani further to all the County Assembly Wards, but it has faced daunting challenges with regards to requisite resources for financing the events.

Conclusions and Recommendations

Conclusions

Kajiado County was found to have put in place some of the required mechanisms of public participation. These include a functional County Budget and Economic Forum (CBEF). It was also found to have enacted the Public Participation Act, the main law required to guide public participation. Further decentralization through sub-counties and wards had improved public participation by decentralizing forums from the county headquarters to the lower units. In particular, ward administrators were found to play an important role in linking citizens to various County activities and therefore act as key avenues of mobilizing and informing citizens on what is happening in the County. Citizens in Kajiado use the established mechanisms including petitions to engage with both the executive and the legislative arms of the government. Citizens were mainly invited to the forums through County notice boards, word of mouth by the County officials and leaders, radio, website, short messages (SMS), WhatsApp and formal invitation of organized groups and opinion leaders.

Recommendations to County Government

- ◇ Implement effectively the Public Participation Act especially aspects that guide civic education;
- ◇ Enact other laws required to guide public participation such as Access to Information Act/Freedom of Information Act as per the County Governments Act, 2011;
- ◇ Enact the County Administrative Bill to put in place village administration to further decentralize administration and public participation undertakings;
- ◇ Structure the working relationship with CSOs through negotiated and signed Memoranda of Understanding, 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 implement the Public Participation Act, especially aspects that guide implementation of civic education;
- ◇ Advocate for enactment of laws that facilitate public participation including the Access to Information Act/Freedom of Information Act as per the County Governments Act, 2011;
- ◇ Work towards a more structured working relationship with the county government through Memoranda of Understanding;
- ◇ Put in place a CSO network for more collaborative CSO work including thematic networks to enable better management of public participation;
- ◇ 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 maters 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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ya kaunti yako



**TAKE
PART**

TO SUPPORT THE DEVOLUTION PROCESS
IN YOUR COUNTY



Photo: Stephen



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