



Effective Public Participation Mechanisms

in Taita Taveta County



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

Effective Public Participation Mechanisms

in Taita Taveta County

EFFECTIVE PUBLIC PARTICIPATION MECHANISMS IN TAITA TAVETA 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 TAITA TAVETA COUNTY



Citizen Participation Avenues and Dynamics

The County was found to engage citizens through various mechanisms of public participation including forums and meetings (including budget preparation and validation forums) as well as sittings of the County Assembly. Further, the County has put in place sub-county administration, ward administration as well as ward management committees.

The ward management committees act as a link between the county government and citizens at the grassroots/ward level. They were set up with the assistance of CSO and development partners including CISP. Though well intentioned as a mechanism of participation, lack of support by the County Government rendered them largely dysfunctional. There was also a misconception by the members that belonging to the committees conferred on them the status of employees.

The Voi Town Management Committee (VTMC) was found to be the most active of the ward committees. It has representation from boda-boda operators, the market stall owners/sellers, matatu/tuk-tuk operators, the town's Chamber of Commerce, women, persons with disabilities and the ward administrator. The ward administrator is the committee secretary. Two MCAs also sit in the committee. The experience of setting up the committees and the misconception of members as to their relationship with the county provide important lessons for counties aiming to set up similar structures.



The committee conducts town-hall meetings where the county government uses the opportunity to explain to the citizenry the status of development projects and generally public utilities. Citizens also get an opportunity to query the government on various issues. For example, if Voi Hospital lacks some resources, the VTMC becomes a channel for this information to reach the county executive.”

VTMC Member—KII—February 2017

Citizens interviewed indicated they had participated in between 2 to 25 county forums since the year 2013. The highest proportion of attendees (22.5%) had attended between 10 and 20 forums, indicating a fairly high level of participation overall among those interviewed.

Respondents were motivated by different factors to participate in county forums. The highest proportion of respondents (35.6%) attend forums to receive updates about county development activities, while the second highest proportion (20%) attend to give their opinions 'as citizens'. This signifies the understanding that participation is a right. Indeed, the next highest proportion is motivated by the fact that 'it is their right to participate in county affairs as citizens'. The results of these findings are presented in the Table 1.

TABLE 1: MAIN MOTIVATION TO PARTICIPATE IN COUNTY FORUMS

MAIN MOTIVATION	FREQUENCY	PERCENTAGE
To represent people living with disability	1	2.2
To receive updates about the county development activities	16	35.6
To represent my community	4	8.9
To air my grievances	2	4.4
To give my opinions as a citizen	9	20.0
To know what the county has allocated for the Youth	1	2.2
It is my right to participate as a citizen	6	13.3
To know how much the county has allocated for projects	3	6.7
To engage my leaders	1	2.2

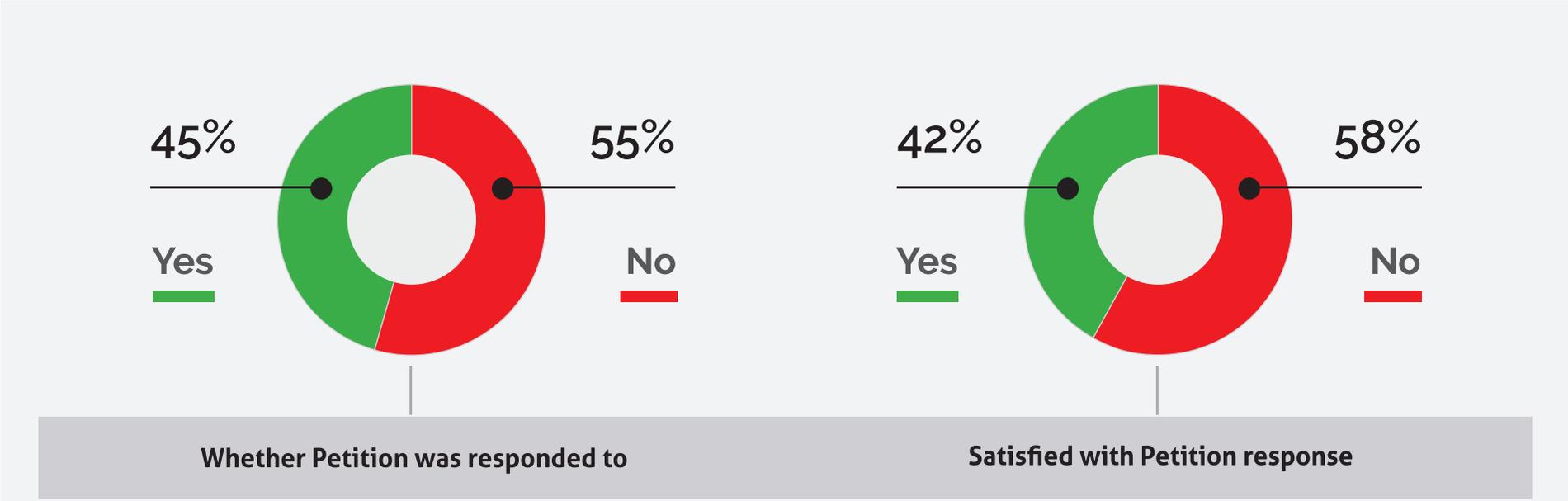
Source: CISP Survey, 2017

Further, the respondents were found to have engaged the county through petitions/letters/memorandum (51.4%), county assemble sittings/gallery (13.5%), demonstrations (29.7%) and picketing (5.4%). The high level of use of petitions/letters/memoranda signifies a high level of direct citizen action in the County. Demonstrations were held where citizens felt the County was not responsive to their demands. A number of memoranda and petitions had been filed with both the County Executive and the County Assembly since 2013.

Both the County Executive and the County Assembly were of the view that petitions are responded to as per the law and County Assembly standing orders. Representatives of the County Assembly explained that the Assembly is bound by standing orders to respond to petitions within 14 days. Some of the challenges cited in reviewing petitions include petitioners not following laid down procedures for drafting petitions. For example, whereas petitions require 100 signatures, oftentimes, this requirement is not met. This necessitates further training of community groups in the proper use of petitions.

Though petitions were widely used by citizens, the study demonstrated that less than half of all petitions were responded to (45%) while less than half of the petitioners (42%) were satisfied with the responses they got from the county. Given that the law provides for the right to receive responses to petitions, in this case, petitions were not very effective as a means of engaging with the counties due to the low rate of response. The results are shown in Chart 1.

CHART 1: PETITIONING EXPERIENCE



Source: CISP Survey, 2017.

CSO representatives who took part in the FGDs and KIIs shared the view that response to petitions by both the County Executive and the Assembly was generally 'poor'. They noted that often, the County Government would make promises to respond within a given period of time but this would not happen. This occasionally forced the stakeholder groups to organize demonstrations to enhance their voices.



Out of about six petitions lodged with the County Executive and Assembly in 2016, none has been responded to. The challenge faced by CSOs and citizens is the follow-up process that no organization wishes to engage in, as it may lead to further implications such as the taking up of legal measures. During the presentation of one petition, the county government promised to reply in 2 days; three months later there was still no response.”

Taita Taveta CSO Member—KII—February 2017.

The sub-county and ward administrations were found to be at the core of public participation, especially mobilization of citizens. The various departments such as finance, were found to use the administrators as an entry point, especially at the ward level when conducting public participation forums and meetings. They were also involved directly in some of the mechanisms of participation including the VTMC where the ward administrator is the secretary. This direct involvement was found to accord them opportunity to understand the county dynamics better, hence making them effective in their roles of facilitating public participation.

Even though the sub-county and ward administrations in Taita Taveta County were found to be well-established, in some cases the county departments still preferred to carry out their own public participation functions including mobilization. In addition, it was also found that some level of tension exists between the administrators and MCAs when it comes to citizen mobilization. The politicians preferred to use their own local networks to mobilise citizens whenever they have forums. MCAs were found to be involved in forums that discuss bills before they are enacted into law and budget forums before the budget is passed by the Assembly.



The sub-county administration was formed about three and a half years ago and has been working throughout ever since. Its activities include planning for the public participation activities, communicating and mobilizing stakeholders as well as giving feedback to the citizenry. Public participation is done by all departments of the county executive.”

Taita Taveta Ward Administration Member—KII—February 2017.

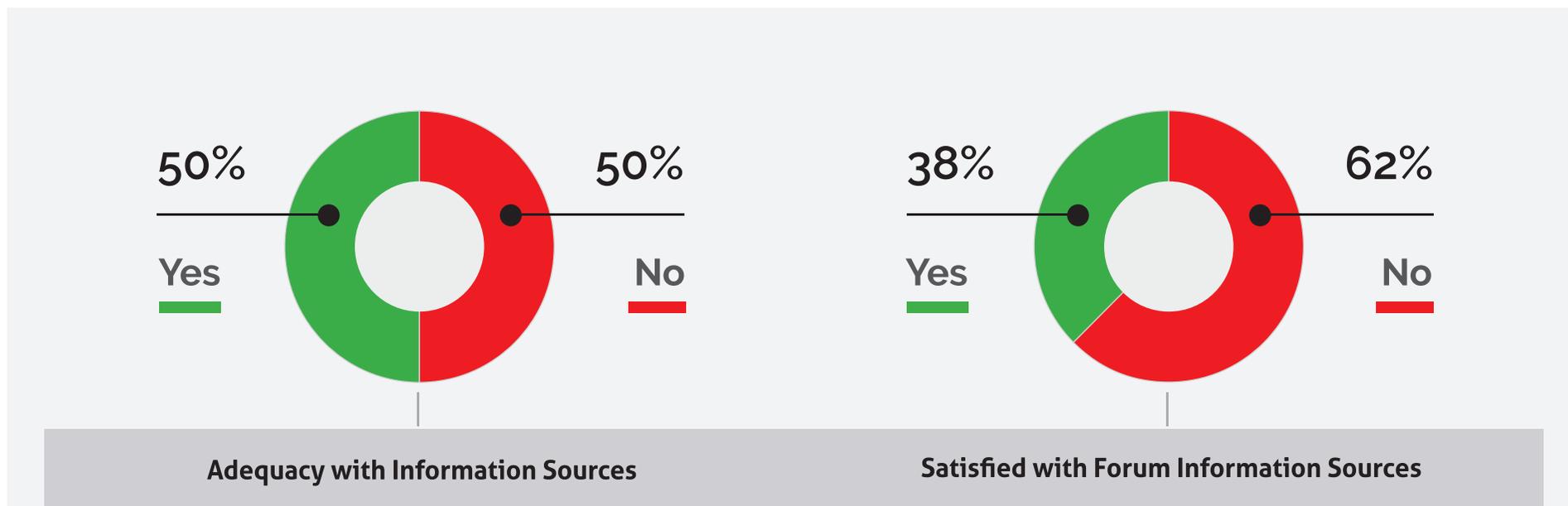
Mobilization of citizens was carried out through various channels. The networks of stakeholders established by the County since 2013, which include civil society, women's groups and representatives of persons with disabilities, were found to be at the core of mobilization and public participation. These networks were connected through information outlets such as WhatsApp groups. The negative side of using the more established networks for mobilization and public participation is the fact that the same people tend to attend most meetings of the county. Thus, whereas it creates efficiency and takes care of urgent matters, the use of networks also closes the space for public participation as those who are not connected to the networks are rarely able to access information to enable them to participate in county affairs. This creates a level of exclusion and therefore contradicts the requirements of public participation.

The County was also found to employ Twitter, Facebook and bulk SMS' for mobilization and providing information to citizens. Most of those interviewed preferred SMS' and WhatsApp channels of communication because of widespread use of mobile phones. Where they still existed, like in the case of Voi Town, ward committees were effective mechanisms. They were found to be well-structured with the VTMC holding stakeholders' meetings every month to discuss issues affecting the town.

The leading source of information for those interviewed was county/government officers (29.7%) signifying a high level of contact between officers of the county and those interviewed. This can partly be explained by the fact that those interviewed are persons mobilized by the civil society. CSOs have endeavored to work closely with the county governments and some have signed Memoranda of Understanding (MoU) for this purpose. The second, third and fourth sources of information were leaders (24.3%), media (23.0%) and church (20.3%). In FGDs and KIIs involving county officials, emphasis was put on the use of mass/social media for communication. They averred that the County had spent considerable resources using outlets such as radio, particular the FM stations. The County also has an official facebook page and utilizes twitter accounts for public communication. However, as the findings of this study show, investing in personal contacts with stakeholders may be more productive in terms of enhancing effective participation.

Half of the respondents reported receiving adequate information to participate, while the other half reported not receiving adequate information. However, on the level of satisfaction with the manner in which the information was provided, the majority (62.5%) indicated they were not satisfied, as indicated in chart 4.8. Some of the issues raised were that information was often delayed and that the documents were too bulky to go through in a short time and participate effectively. It was however noted 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 shows that adequate information is important for meaningful and effective participation.

CHART 2: INFORMATION ADEQUACY AND SATISFACTION WITH THE SOURCES



Source: CISP Survey, 2017.

There was evidence of the county working with CSOs and, in a few cases they had signed MoUs with the CSOs. This signalled the county's willingness to involve CSOs in their operations. CSOs were generally found to be involved in educating citizens on public participation and the specific roles of the county government. They were also involved in building capacity of some of the members of public participation mechanisms such as the VTMC. Importantly, the County Government had worked with the United Nations Development Program's Amkeni Wakenya to develop county specific guidelines on public participation. In some cases, CSOs were also involved in mobilizing citizens for public participation on behalf of the County.



In December 2016, UNDP funded a program which resulted in the county government holding a meeting with CSOs on public participation. Consequently, the Public Participation Bill was placed aside and guidelines on public participation were developed for the County. A committee on public participation was established in line with the policy. Furthermore, the County proposed to one of its development partners, CISP, to develop a program to support public participation.”
Taita Taveta County Executive Member—KII—February 2017.

The entrenched collaboration between CSOs and the County Government did not, however, diminish the advocacy role of the CSOs. CSOs were largely responsible for training citizens on means of engaging the County, including drafting petitions and organizing demonstrations when the County Government was perceived to be non-responsive to citizen demands.

An innovative aspect noted in relation to the County is the establishment of the Complaints, Compliments and Information office whereby any person can present their grievances and remarks to the county government. In view of the County, this is a mechanism for public participation. There is one office in each sub-county. Complaints against the County Government are brought to these offices. Once they receive a complaint, the county officer in charge documents it and takes the identity and contacts of the complainant for the purpose of feedback. The office then seeks the proper department for redress to the complaint in written form. Where necessary, the complainant may be invited to discuss the grievance with the relevant department.

Participation in the budgeting process was found to be somewhat hampered by the ineffectiveness of the County Budget and Economic Forum (CBEF). Even though the Forum had been established in 2014, it had largely failed to be institutionalized and to undertake its functions in a systematic manner. Insufficient support from the County meant the Forum members were unable to plan meetings. The members were rarely involved in the budget process.

Citizen Participation Relevance and Legality

At the time of conducting the fieldwork for this research, attempts by the County to enact a Public Participation Act had not been successful. A Public Participation Bill was prepared in 2014 by the County Executive and passed on to the County Assembly for debate and passage. There are differing perspectives on the effect of lack of a Public Participation Act. Whereas civil society groups are critical of this and identify it as a major gap, the County Executive takes the view that public participation can be handled by the Constitution and other laws including the Public Finance Management Act, 2011. In May, 2016, civil society groups petitioned the County Government on enactment of the Public Participation Act, underscoring their concern regarding the absence of the legislation.



The absence of the legislation is not a big impediment because what makes things work is the spirit behind it. Furthermore, there is a Bill awaiting enactment. This shows the spirit and commitment from the county government to have the law and policy enacted.”

Taita Taveta County Executive Member—KII—February 2017.



The absence of a Public Participation Act impedes public participation to an extent because the citizenry cannot compel the county government to take certain actions because there are no clear laws determining the threshold on public participation. The county government is left with wide discretion to determine the scope of public participation. It is therefore difficult to hold the county government accountable.”

Taita Taveta CSO Member—KII—February 2017.

In the absence of the law on public participation, the setting up of the sub-county and the ward administration units was a step in the right direction in carrying out public participation. A working relationship between civil society, UNDP's Amkeni Wakenya and the county saw to the development of county public participation guidelines, which further streamlined public participation. This is one of the important gains made by Taita Taveta County. However, the County still needs to pass the Public Participation Bill into law.

CSOs interviewed in an FGD averred that the Constitution and national laws only give broad guidelines on public participation. Local laws are able to take into consideration unique features in a county and the understanding of local community needs and dynamics. Furthermore, a local law creates the conditions for citizens to demand accountability more effectively from the county government.

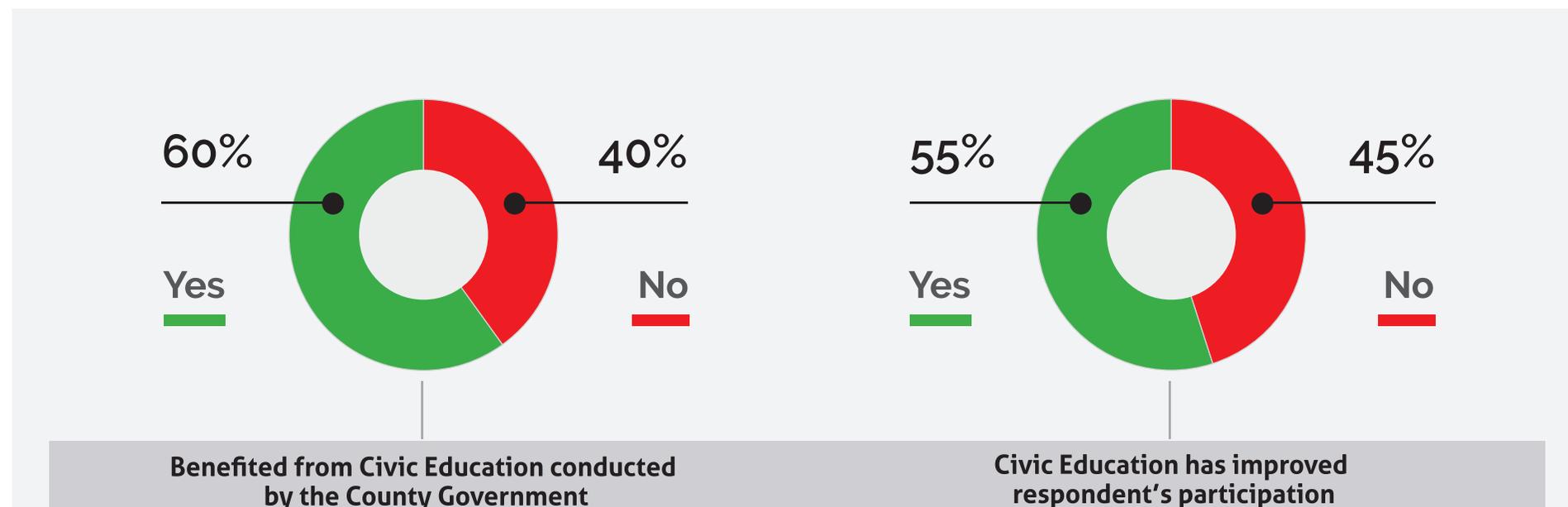
The citizens interviewed were generally found to be aware of law(s) guiding public participation (53.8%). Among others, they mentioned the Constitution (72.7%), the Public Participation Act (13.6%), and the County Governments Act (9.1%). The Constitution indeed sets out the broad principles of public participation. Public participation is also one of the values and principles of governance in Article 10. The County Government Act goes further to create some of the mechanisms of public participation. The Wildlife Act is of specific importance to the County not only because it also recognizes public participation, but because the County hosts one of country's major game parks. However, the county is yet to enact the Public Participation Act and references to it by the respondents could be as a result of the various discussions that have taken place in the Assembly. Notably, the respondents did not mention some of the laws such as the Public Finance Management Act or the Urban Areas and Cities Act that also prescribe mechanisms for public participation. This underscores the importance of civic education to improve the awareness of citizens on the various laws and mechanisms of public participation.

Under the County Governments Act, 2011, civic education is made one of the key functions of county governments. The purpose of civic education is to have an informed citizenry that actively participates in governance affairs of the society on the basis of enhanced knowledge, understanding and ownership of the Constitution. There are three important requirements in implementation of effective civic education by counties: (i) establishment of a civic education unit, (ii) participation of registered non-state actors, and (iii) the enactment of County legislation to provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes.

At the time of conducting fieldwork for this study, the County was in the process of establishing a civic education unit. It already had in place a liaison person, part of whose mandate was to work with other stakeholders to undertake civic education. Before the setting up of the unit, an ad hoc arrangement existed whereby a number of individual civil society actors had been selected by the county in each sub-county to provide civic education. This arrangement was, however, a source of criticism by diverse actors as it was seen as largely geared towards mobilizing political support for elected officials in the county. This underscores the need for CSOs to approach collaboration on effecting public participation as a collective to avoid inter—CSO disagreements that would make them less effective.

A majority of respondents (60%) acknowledged having been exposed to civic education by the county government. A majority of those who had been exposed to civic education found it to be relevant (64.0%) and very relevant (28.0%). Only 4% of the respondents found the civic education to be irrelevant and very irrelevant. More than half the respondents (55%) said the civic education had improved their participation in forums. This result is shown in Chart 3.

CHART 3: CIVIC EDUCATION EXPOSURE AND RELEVANCE



Source: CISP Survey, 2017.

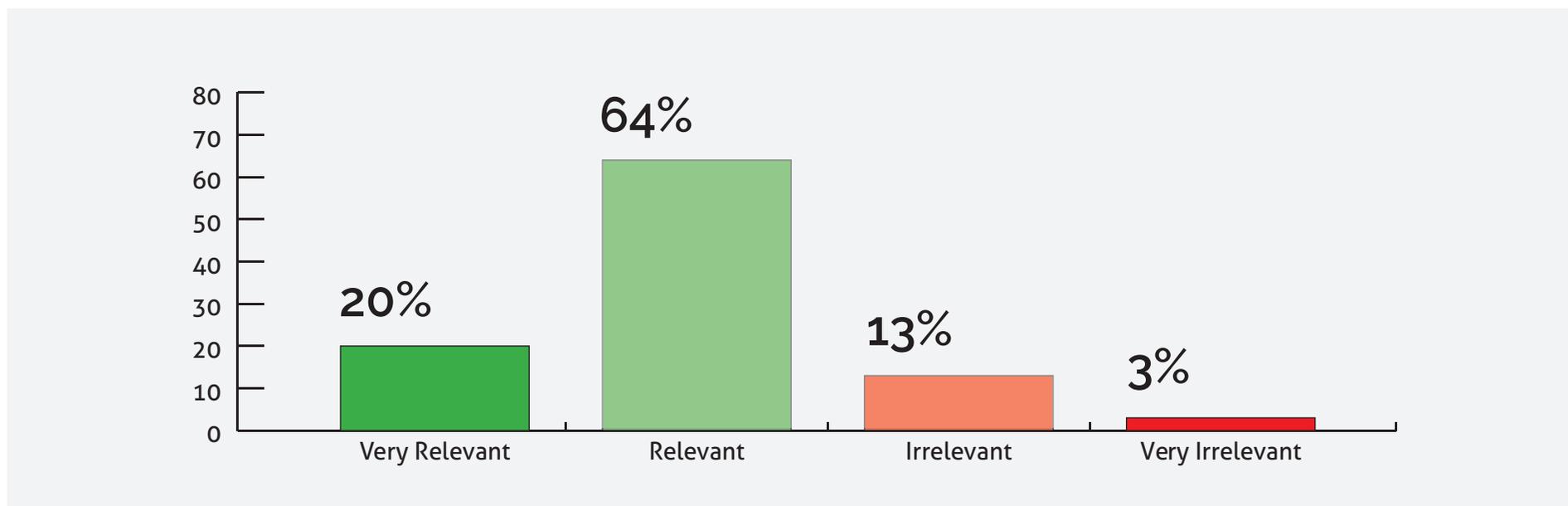
It is significant that nearly half of the respondents who had been exposed to civic education said it had not improved their participation in the affairs of the County. This can be explained by the fact even though respondents claim to have been exposed to civic education the County's civic education infrastructure was at its nascent stage during the study. It was therefore not possible to make conclusions about its effectiveness. It was also revealed through key informant interviews, that the County had identified a number of individuals associated with CSOs to be their key civic education facilitators. Respondents saw this approach to be rather ad hoc and incapable of resulting in gainful civic education. More critical perspectives said the approach was meant to appease civil society.

Though there was evidence of existing MoUs between the County and CSOs, these agreements focused on broader issues and were not particularly focused on the implementation of civic education programs. An agreement with CISP, for instance, focused more on building the capacity of the county staff on devolved government, sharing of reports, among others, rather than strictly focusing on provision of civic education. The County also lacked a civic education law that is a requirement of the County Government Act, 2011. This underscores the scope for further improvements, not only in providing civic education but also making public participation more effective.

Even though a majority of citizens interviewed in the study (82.1%) confirmed that issues of importance to their community are discussed in forums, many (62.5%) said their views are not taken into account in decision-making. Government officials and other stakeholders expressed different opinions during the FGDs and KIs. Taita Taveta Government officials admitted that there were challenges in factoring in citizens' views in decision-making; however, in their view the County always ensured that citizens' views were factored in decision-making. The CSOs cited the fact that the County never factored in citizen views to explain why they had occasionally demonstrated against the County and even contemplated taking legal action. Many of the respondents (64.1%) confirmed the relevance of public participation while (12.8%) said it was irrelevant.

Because of the overall relevance of public participation, the majority of citizens (84%) would still attend county forums if called upon, even though their views are not taken into account in decision-making. This could also be explained by the fact that citizens feel close to their county governments and feel the need to "be in the know" about the affairs of the County. Respondents gave a number of reasons why they would still participate if called to. A majority would want to give their views (35.7%) while others would like feedback from the county government (14.3%). A slightly lower proportion would want to be informed about their county government (11.9%). A key reason given by those who would not attend county forums is the lack of implementation of citizen priorities. Overall, however, citizens find public participation to be relevant. This is shown in the Chart 4.

CHART 4: PUBLIC PARTICIPATION RELEVANCE



Source: CISP Survey, 2017.

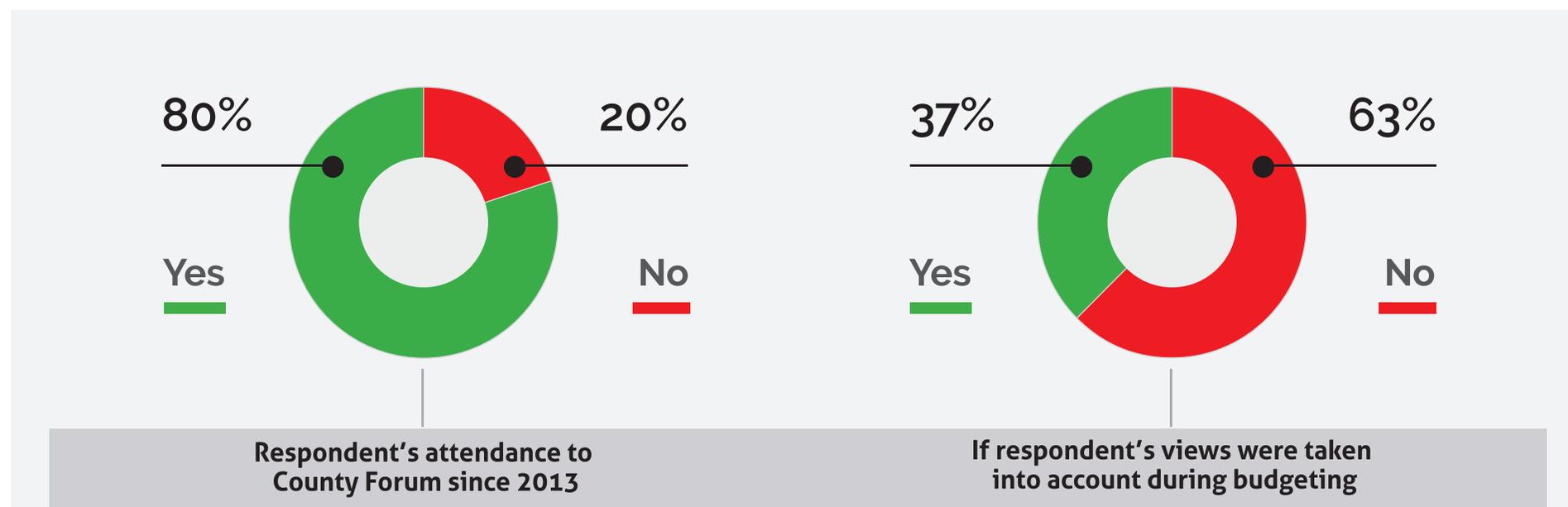
Citizens overwhelmingly (97.5%) supported the idea of encouraging more to participate in county forums. It was considered important to encourage citizens to participate in order to be informed about the county government (29.3%), to present their priorities for implementation (26.8%) and because it is a constitutional right (17.1%). Some saw continued participation as a way of holding the county governments accountable (9.8%) and as a way of raising issues with the government (9.8%). The things that can be achieved by participation include county governments implementing proposals from citizens (58.5%), service delivery (9.8%), ensuring good governance (9.8%) and delivering civic education (9.8%).

When it comes to how county governments use citizens' views, the majority of respondents said they do not do anything with the views (70%) while a minority (30%) said the views are considered for implementation. This corresponds well with the finding that the views of citizens are not taken into account in decision-making. Equally important is the fact that most of the respondents (57.5%) felt that public participation had not improved service delivery in the county.

An overwhelming majority (80%) of those interviewed had attended a meeting to discuss the County's budget between 2013 and 2017. A majority of the respondents were found to have attended such meetings in 2015 (32.8%) and 2016 (37%). More than half (63%) said their views were not taken into account in budgeting. This is exactly the same as the proportion of surveyed citizens who said their views were not taken into account in decision-making.

The Chart 5 shows the extent to which citizens' views were taken into account in budgeting.

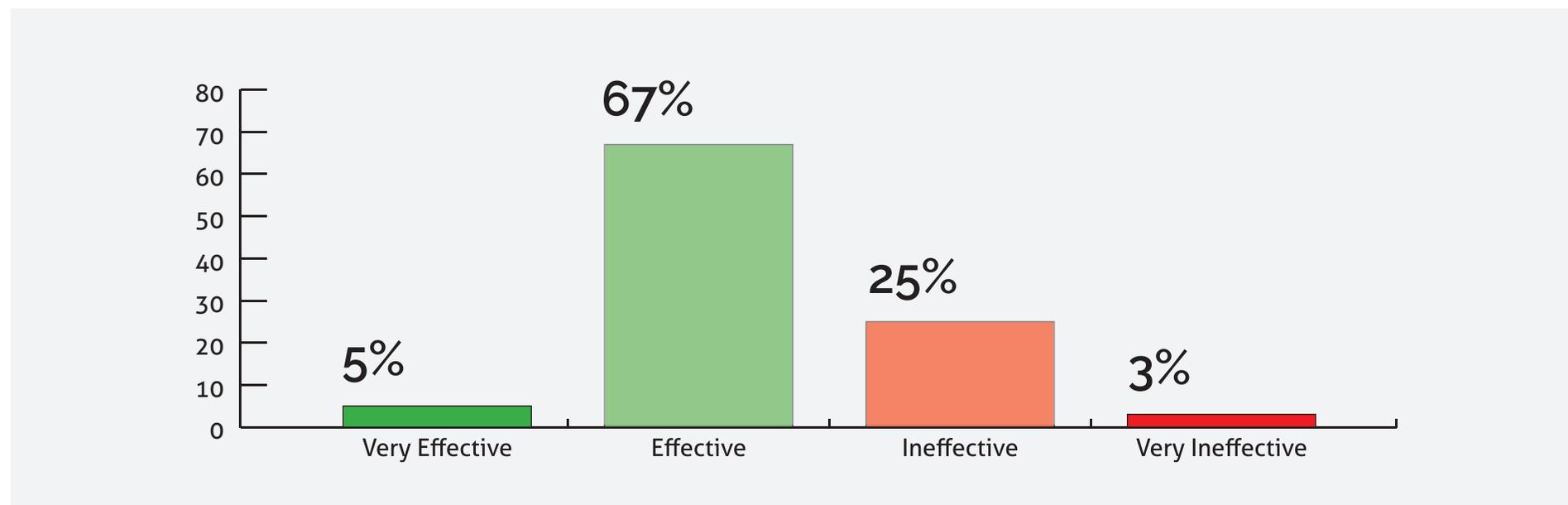
CHART 5: ATTENDING BUDGETING AND PARTICIPATION IMPACT



Source: CISP Survey, 2017.

A majority of those interviewed found the County to be effective (67.5%) in carrying out public participation. A significant minority (25.0%) said it was ineffective. Overall, the county registered a high degree of effectiveness in ensuring public participation.

CHART 6: RATING TAITA TAVETA COUNTY'S PUBLIC PARTICIPATION EFFECTIVENESS



Source: CISP Survey, 2017.

The respondents cited the following challenges as hampering public participation: ignorance among citizens (19.3%), poor communication (17.5%), failure to implement citizens' priorities (12.3%), provision of inadequate documents during public participation forums (10.5%) and inadequate resources (8.8%).

Creation of awareness (28.8%), implementation of citizen priorities (18.2%) and more effective communication (18.2%) were given as the main ways through which the county could enhance public participation. Others are production of documents before forums begin (9.1%) and appropriateness of meeting venue (7.6%). The suggestions made are in line with the challenges that were cited.

Public Participation Best Practices and Gains

Various aspects of public participation stand out in Taita Taveta. These are: the participatory development of county-specific guidelines on public participation, the initiation of the Complaints, Complements and Information office, formulation of the policy to guide the setting up of village councils, and the establishment and functioning of the Voi Town Management Committee as a mechanism of participation in the management of Voi Town. All these suggest that some progress has been made in successfully effecting public participation in the County.

The county-specific guidelines on public participation were developed at a time when the PPA had not been passed following disagreements between the County Assembly and the Executive. In this sense, they filled a critical gap before enactment of the law. The process of developing the guidelines also represents an important lesson in collaboration between county governments, CSOs and development partners. The UNDP through *Amkeni Wakenya* provided the resources as well as technical expertise for developing the guidelines. CSOs, on the other hand, provided the much needed local expertise, given their understanding of the local context.

The Complaints, Complements and Information office was initiated to give citizens an easy way of both raising complaints and complementing the government, but also, significantly, procuring information about the county without the bureaucracy that goes with such endeavours. It is therefore an innovation that could be useful in supplementing what is officially done in terms of public participation. Though the County lacks a policy or law on public communication, the initiation of the office is an indicator of the willingness on the part of the County Government to empower citizens through information. It will be useful for CSOs to evaluate its usefulness to citizens of Taita Taveta and other stakeholders after a period of time.

The idea of setting up village councils was mooted by the County after realization that it would be very costly to have fully fledged village administration units. Though a stop-gap measure, they are useful in citizen mobilization beyond the ward level. The question of their legality is an important question that the county will have to consider carefully. Furthermore, whether and how they work should be of interest to civil society, especially when it comes to enhancing public participation.

Voi Town Management Committee was formed in line with the requirement of the Urban Areas and Cities Act, 2011, which, among others, mandates the County Government with the duty of establishing forums in urban areas to enable citizen participation. At the time of the research, the forum meetings had been institutionalized with the ward administration providing vital backup for the members. It is significant that all major interests in the County including persons with disabilities, women and small-scale businesspersons such as *boda bodas*, have representation in the forums.

BEST PRACTICE IN TAITA TAVETA

EFFECTIVE COLLABORATION TOWARDS DEVELOPMENT OF COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION POLICY FOR TAITA TAVETA COUNTY

On 24th May 2016, CSOs in Taita Taveta County petitioned the County Government on the issue of delayed enactment of the County Public Participation Act. The petitioners noted that the enactment of the law had taken too long, having commenced in 2014 with drafting of the Taita Taveta County Public Participation Bill, 2014. The CSOs conveyed to the governor their concern that after two years, the law had not been enacted "for reasons best known to the county assembly and the county executive".

They further averred that in their view, lack of a Public Participation Act had led to a situation whereby public participation was being carried out in an ad hoc and unstructured manner. This had in turn led to ineffective public participation and consistent complaints by citizens and CSOs in the county. In their view, this situation was in contravention of the Constitution and laws such as the County Governments Act, 2011, that require counties to enact laws and establish mechanisms of public participation.

CSOs followed up the petition with a number of meetings with county officials, including the governor. They also engaged the County Assembly as the legislative arm of the government. A few weeks after the petition and following these intense follow-ups, the county government's department of devolution and public administration sought assistance from the United Nations' Development Programme (UNDP) through its democratic funding facility, Amkeni Wakenya, to support a consultative process towards developing the County Public Participation and Civic Education Policy. This gave birth to a three-day stakeholders' workshop, which commenced the process of developing the Draft Policy Document.

The first draft of the policy document was submitted to the Governor's office in July 2016. It was circulated to stakeholders, including CSOs for comments prior to validation. Subsequently, a validation workshop was held with CSOs and staff of the Department of Devolution and Public Administration. The workshop endorsed the Draft Policy Document with a few changes. The success of the workshop led to an agreement to align the Draft Public Participation Bill to the key contents of the Draft Policy Document.

This was followed by a workshop with Members of the County Assembly (MCAs), which reviewed the Draft Policy Document and examined the contents of the Draft Public Participation Bill in light of the provisions of the Draft Policy Document. The key outcome was endorsement of the Draft Policy Document by the MCAs. The MCAs also agreed to institute fundamental changes to the Draft Public Participation Bill in order to ensure congruence with the policy.

The workshop also resolved to establish a joint secretariat comprising staff from the county executive and the departmental committee of the Assembly along with the proposer of the Draft Bill. The main mandate of the joint secretariat was to work on the specific amendments to be presented to the Assembly.

Conclusions and Recommendations

Conclusions

Taita Taveta scored highly in terms of overall assessment on effectiveness in facilitating public participation from the citizens who were interviewed. The study revealed certain strengths and weaknesses of the County in terms of implementing public participation. It established that the county had put in place various mechanisms to enable public participation even though it had not enacted a Public Participation Act. It had established sub-county and ward administration units, that were found to be actively engaged in citizen mobilization. Also of significant note is the establishment and facilitation of the Voi Town Management Committee (VTMC), one of the best practices established in the study. Its functioning Complaints, Complements and Information office enables citizens to access information and to forward their complaints to the County thus representing an important gain for the County. But, whereas the progress Taita Taveta County has achieved is commendable, a few weaknesses were noted. For instance, the County Budget and Economic Forum (CBEF), even though established, was found to be ineffective. Second, it had not enacted a Public Participation Act; neither did it have in place an Access to Information Act. Although the Complaints, Complements and Information office was found to somewhat ameliorates this weakness, the law is still a requirement that will enable the county to think more elaborately about effective access to information by citizens.

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);
- ◇ Put in place village administration to further decentralize administration and public participation undertakings;
- ◇ Improve the effectiveness of the VTMC by tackling any reasonable grievances raised by the members and ensuring that they (members) understand the voluntary nature of the platform, 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

- ◇ Advocate for the establishment of a functioning County Budget and Economic Forum (CBEF);
- ◇ Collaborate with the County Assembly to formulate and enact various laws required to facilitate public participation including Access to Information Act/Freedom of Information Act as per the County Governments Act, 2011;
- ◇ Advocate for the further decentralization of public participation through formation of village administration units;
- ◇ Advocate for the formulation of an effective framework for forming and managing ward committees including the VTMC, 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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NEWS

HARVEST

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Towards Accountability
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