

Facilitating Participatory Budgeting in Kenya



A User Manual

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Preface

Fahamu has developed this manual during the implementation of the participatory budgeting project (PB). PB is a project born out of The Change initiative of Fahamu, through which we conducted thirteen citizens' forums in partnership with community based organizations and movements across Kenya. One of the major recommendations from these citizens' forums was to find ways that would ensure citizens involvement in taking advantage of the devolved government as provided for by the new constitution and consequently be able to determine their own development path.

Participatory budgeting allows citizens to be involved at different levels of decision making on matters related to public interest. Because it is an ongoing process, citizens have a regular venue to be engaged in critical democratic processes that directly impact their lives. Participation, however, does not occur in a vacuum. It requires an enabling environment that provides appropriate and inclusive avenues to revitalize people centered democracies.

Participatory Budgeting (PB), though a fairly new concept in Africa, has been widely practiced in other parts of the world such as Brazil. Through this manual, Fahamu seeks to adapt and localize existing models to ensure that the focus is 'people centered' as opposed to 'structure centered'.

We aim through this manual to create a citizen led process that shifts the balance of power and decision making from a select few government officials to the people and by doing so, create a replicable model for people-centered democratization of Kenya's economic life.

PB goes beyond alternative budgets and beyond traditional consultation mechanisms, which are often characterized by token participation. PB is a priority setting and decision-making body. It is about ordinary citizens making real decisions about real monies, which are public monies.

Chapter 1

Introduction – anchoring participatory budgeting

Since independence, Kenyans fought, protested, were jailed and died for a Kenya led by the people. However, as is evident through the three consecutive governments, power and control of national resources continues to be saturated among a few elite ruling class. The last two decades have as a result of rouge leadership seen the ordinary Kenyan struggle to change the status quo through constitutional change based on the principles of equity, rights and participation. In August 2010, victory was nearer as a new constitution was passed that has been described as one of the most progressive in Africa. The constitution was preceded by an inclusive rigorous consultation process and was voted in by a clear majority of the people of Kenya through a national referendum.

One of the key pillars of this new constitution is the guarantee of citizen participation in the governance process.

The concept of inclusion, participation and representation is enshrined in the new constitution giving Kenyans the mandate to speak up and drive local and national agendas.

Public authorities' policy and legislative power is now subject to input from citizens for the purposes of popular ownership and to ensure the outcomes reflect the will of the people. The constitution provides for this through indirect and direct involvement of the people in policy-making and participation in the legislative business of the National Assembly, Senate and county. These provisions coupled with fundamental rights and freedoms of access to information held by state organs are the constitutional framework for public participation in governance.

A Task Force on Devolved Governments that was formed to look into issues of devolution, in an April 2011 report, besides stressing the need to ensure that citizens participate fully in decision-making processes, had also proposed steps that would ensure the consultation takes place.

However, although the report recommended that citizens be part and parcel of the consultation through ward citizen's forums, it did not emphasize the importance of ensuring that they are the agenda setters, it simply requires the government to keep the citizens informed of the goings-on of the county governments work.

This is where Fahamu proposed an intervention through the Participatory Budgeting project. This manual is based on the concept of direct participatory democracy. Direct democracy is about 'originating' ideas as much as it is about 'approving' them. Direct democracy is based on delegation not representation.

The crucial difference between delegation and representation is that delegates are only elected to implement specific decisions. Delegates can be immediately recalled and dismissed from their mandate if they don't carry out the specific function allotted to them.

Fahamu borrows from consensus building methodologies to ensure that active citizen engagement and decision-making is at the very cornerstone of the participatory budgeting model. These models and frameworks have been adapted to the needs and desires of the community and ensure that marginalized and vulnerable voices be heard.

Chapter 2

Conceptual Framework

Concepts and Terms

Terms

National budget

This is the budget for the national government country

Community Representatives

These are the individuals/movements or community based organizations initiating the participatory budgeting process.

Devolved funds

These are funds from the national revenue sent to the counties and wards

Participation

Participation refers to different mechanisms for the public to express opinions and exert influence regarding political, economic, management or other social decisions. Participatory decision-making can take place along any realm of human social activity, including economic, political, cultural, social etc.

Counties

These are the 47 geographical regions within Kenya demarcated as semi autonomous administrative units with their own governments.

Constituency

These are distinct electoral zones that represented by national legislatures.

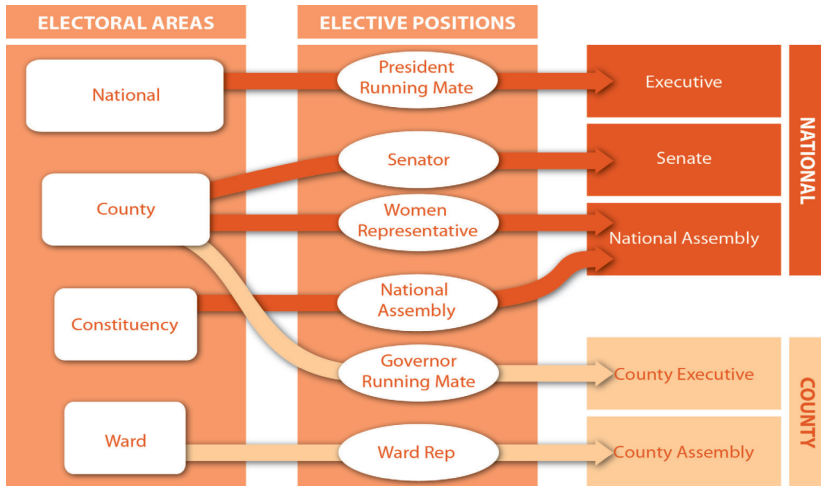
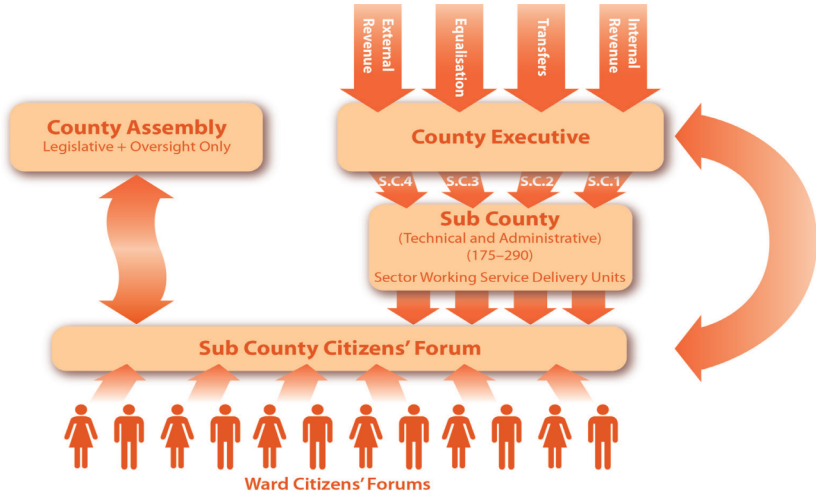
Ward

These are distinct electoral zones that represented by county legislatures.

General assemblies

Groupings of elected delegates/representatives for either the county or national governments who form part of the PB process.

Methodology and Strategy



Concepts

Public Consultation

It is a two-way communication between the public/stakeholders and the government or organisation through which both become better informed. It provides the parties involved with the chance to get different opinions on a specific matter. Public consultation provides participants with the opportunity to influence decision-making.

Public consultation is especially useful in the policy making process because it provides the government or organisations with the opportunity to echo people's voices in the development process.

Public Participation

Processes in which individuals, groups, and organizations have the opportunity to participate in making decisions that affect them, or in which they have an interest. Public participation is a core concept for participatory budgeting because it is through public participation that collective ideas, suggestions and recommendations are arrived at for priority setting for budgeting purposes.

Public participation can be achieved in different ways

- a. Direct participation – this is where an individual has the opportunity to contribute directly to a process for instance through voting or making their opinion heard.
- b. Indirect participation- this is a situation where a group might for instance elect a representative to make decisions on their behalf. Indirect participation is commonly used in political structures where a group of people elects a member of parliament or other official position to make policies that are friendly to them.
- c. Use of media- it is increasingly becoming possible for groups or individuals to express their opinion without necessarily being present through internet facilities, i.e social media as well as text messaging.

Community organizing

A process by which people, and agencies of the community are brought together to

1. Learn about common problems
2. Identify these problems as their own
3. Plan the kind of action needed to solve these problems
4. Act on this basis

Benefits

1. It contributes to the establishment of an environment with different community resources – natural, institutional, technical, financial and human resources – and can function with maximum effectiveness.
2. It stimulates the various groups to examine their programs to determine how well they are meeting their problems.
3. People are given a chance to study their problems, offer solutions and give a chance to plan an action
4. As a result of this working together, a strong unity and coherence is developed among various groups and leaders of the community represented so that they developed a feeling of responsibility for making the program successful.
5. Community organization sets up action pattern to solve problems.

Phases of community organizing



Principles of Community Organising

1. Planning group needs to represent all people concerned and the discussion must include people with technical knowledge of health problems.
2. Technique of asking questions is often important in developing community organization and group discussion
3. Major discussion should be made by the entire group
4. Local factors and available personnel should be asked in determining what types of organization is desirable and practicable.
5. Functions of an agency and members must be defined
6. A good organizational plan can succeed only when the people who operate it will see its values which are compatible personally and not antagonistic professionally.

Direct democracy/Pure democracy

This is the opposite of representative democracy. Direct democracy is the process by which citizens themselves determine the policies and to some extent laws that govern them. This can be at a community or national level. Direct democracy as a concept is built into the idea of participatory budgeting with a strong believe that it is only through direct democracy that the needs of a community can be fully realized. It is also through direct democracy that equity in resource management and allocation can be achieved.

Consensus

Although voting seems to be generally accepted when it comes to group decision making, it can be damaging if the decision touches significant issues and concerns everyone, voting can be damaging. In cases where the issue being address weighs heavily on the participants it is important that a certain level of consensus be arrived at failure to which, the group that looses might jeopardize the implementation of the decision.

Consensus is based on cooperation among the group members, but not competition; the decision is supposed to respond to the interests of everyone in the group. It does not mean that everyone should be completely happy with the decision, but that all group members are willing to implement it. In order for consensus to work, an atmosphere of trust and appreciation of different opinions should be created. There should be willingness to work through differences.

The consensus process can take long time, but it transforms conflict and the group toward inclusiveness and respect. A vote though can be added when agreement is impossible. It is however important to remember that silence does not mean agreement and might instead mean that “false consensus” has been reached. Therefore during consensus building, effort should be made to maximize participation off all present.

Chapter 3

The process

Stages of Participatory Budgeting



Stage one: Bringing citizens together and selecting Participatory Budgeting County Committee (PBCC).

Constituency General Assemblies

This stage will take place at the constituency level. Every constituency in the county will organize a forum bringing together citizens from all constituencies within the county. The participants will contribute to identifying needs that are specific to their locality, as well as choose constituency delegates who will be members of the PBCC and as well as elect budget delegates (responsible for follow-up work after priorities have been identified). The full cycle of identifying priorities will be implemented, as outlined in the consensus and literal democracy models.

How

The citizen general assembly is a meeting of all citizens within a constituency. Care should be taken to ensure that all the wards within the county are represented. Every ward will elect a representative(s). These delegates will form the Participatory Budgeting County Committee (PBCC). The meeting will produce a constituency report detailing the priority areas needing funding in each ward within that county.

Step 1

The facilitator (Community Representatives) will:

- Identify groups and individuals already in place and organizing within each ward.
- Inform these individuals and groups well in advance (depending on the area and terrain) of the upcoming assembly and the objectives of the assembly.
- Build the necessary buy-in for the assembly from the groups and individuals Ethnic/linguistic minorities, women, people living with disabilities etc. making sure they understand why this process and meeting is critical to them particularly as the marginalized and walk through with them what extra steps are taken to ensure that their voices are amplified.
- Inform the local administration and seek their support in conducting the meeting
- Use local media and other networks if possible in the mobilization process.

Step 2

During the assembly the facilitator will:

- Guide the community members in selecting a facilitator for the assembly(s)
- Guide the selected facilitator on how to carry on with the assembly using both direct democracy as well as consensus methodologies.
- Guide the facilitator through the manual on the techniques of facilitating a group to ensure all voices have an opportunity to be heard

The Facilitator(s) will lead in

- Lead the discussion on with the community members the opportunities that the new constitutional dispensation provides in terms of public participation.
- Lead the discussion on how to take advantage of the new opportunities provided in the new constitution as citizens
- Lead in the selection of the PBCC members

The PBCC and the budget delegates will

- Lead in the identification of ward priorities

Stage two: PBCC proposal development and advocacy plan

At this stage, the budget delegates transform the community priorities identified in stage 1 into concrete project proposals.

The PBCC will then come up with detailed proposals for the needs set out in stage one. The proposals could include, project locations, cost of project, number of beneficiaries etc. once the proposals are done, they are then returned to the county assemblies for approval.

At this stage, the PBCC will also be expected to develop a comprehensive advocacy plan to lobby the government. Using the information provided for by the PB reference group, the PBCC will identify the different government institutions/ individuals both at the national and local level that will be instrumental for the success of the project.

Step 1 by the PBCC

- Developing an action plan - What needs to be done by who and what tactics can be employed.
- Presenting the action plan to the community members and discussing a strategy
- Transforming the priorities in to concrete proposals
- Presenting the proposals to the community members for discussion, prioritization and approval

Community members will:

- Be able to recall any PBCC member or budget delegate who does not fulfill their decisions
- Be consulted at every decision making stage

Stage Three: Validation of the Priorities

At this stage the PBCC will be required to go back to the community through general assemblies to ensure that they present the county priorities as voted for during the different constituency general assemblies. The validation meetings will however take place at the ward level.

Step 1

A total of 46 wards baraza will take place to ensure that dissemination of the priorities as well as collection of data to compile in the detailed proposal is done.

Step 2

A session by the PBCC to compile the information collected at the ward baraza.

Stage four: Linking PB process to county officials

At this stage, the technocrats within counties develop modalities within the county budget that correspond to the demands and priorities set by community members. This will be pushed through by the PBCC on behalf of the community members.

The PBCC will engage the county officials by presenting the detailed proposals prepared in stage two. At this stage also, the PBCC will present a consolidated report of the ward citizen forums to the local ward representative. This stage will mark the beginning of government- citizen engagement.

Step 1

- The PBCC will identify aspirants of the ward representative seat as well as for the governor and his running mate and seek their commitment to working with and recognizing the PB process as legitimate citizen action and commit to working with its recommendations
- The PBCC will ensure that the PB process adheres to the laid down avenues for citizen participation and the process in noted and recognized by the national government in accordance with the law.
- The PBCC will ensure that citizens are aware that if there is failure to implement their identified priorities the available options and avenues for redress available to them.

Community members

- Will be consulted and approve all major undertakings by the PBCC and can recall members for non performance

Stage Five: Development of the implementation plan (M&E) of the priority projects

Depending on the demand for each proposal, the committees will work with the county government to set up implementation plans. The PBCC together with county officials will hold a session to develop the implementation plan. This stage will actually match the available resources with the set out priorities.

Steps 1

The Community Representative will ensure that:

- All information on potentially as well as available resources is gathered made available to the PBCC as well as the citizens
- The available resources and plans are presented to citizens so that they may vote on them.

**Stage Six:
Validation of the implementation plan**

In the final stage, the county delegates together with county officials will present the implementation plans to the community highlighting all the resource allocations from the central government, the project implementation period, and the officers responsible.

At this point, the county delegates will also lay out a monitoring and evaluation plan approved by the citizens assembly to the county officials to ensure corporation through out the year.

Steps

The meetings will be held in accordance to the principles of direct democracy as well as consensus building where necessary. Care should be taken to ensure full participation and consideration of marginalized voices.

**Stage Seven:
Monitoring of implementation progress**

This stage takes place after 5 months of implementation. Community representative will organize a review meeting with PBCC and the county officials to assess the progress of implementation and address any arising challenges. These forums will also be important for the review of the advocacy strategy. The forum will seek to answer questions related to the government's response to the PB process and the level of citizens' ownership of the PB process.

Chapter 4

Skills and competencies to facilitate participatory budgeting

It is important to acknowledge and engage power and the dynamics of power in each community both ahead and during the process. Attention and care must be taken to ensuring the full participation of historically marginalized groups such as women, people living with disabilities, economically oppressed groups, people living with HIV/Aids, ethnic and linguistic minorities, and religious minorities, amongst others.

This care has to be incorporated at each stage of the PB process – for instance:

- accessibility of information not relying heavily on the written form which necessitates literacy and particular levels of education as well as physical ability,
- hosting separate assemblies for sets of citizens who feel that their needs need be expressed and concerted into interest groups given dominance of other majority groups,
- facilitating consensus building processes rather than voting where concerns are generated by vulnerable or marginalized groups, etc.

In order to ensure that the principle of participatory budgeting is fully realized, it is the responsibility of community members to ensure that they elect officials CBMS who is accessible to them as well as fully committed to realizing participatory democracy.

Meetings and Facilitation

General Tips for Organizing Meetings and Facilitation

- Make sure everyone knows the time and place.
- Have a collectively developed agenda.
- Try to start on time.
- Make sure someone is documenting the process.
- Facilitators should do their best to get all points of view.
- Facilitators should not use their position to impose their personal ideas and opinions on the group.
- Facilitators should be attentive to people who are speaking – look at them, lean forward, smile, nod. Make eye contact with people who may need encouragement to speak. Do not interrupt people.
- Try to end on time. Nothing makes people dread and avoid meetings more than knowing they're likely to go on and on and consume far more of their time than they want to give.

- Make sure the minutes are written up and, if necessary, posted or distributed.
- Start getting ready for the next meeting!

Meeting Participant Self-Check

1) Tone and Body Language:

Be aware of how your attitude influences others as well as the effectiveness of the meeting. Make thoughtful comments that maintain a positive and constructive vibe.

2) Stay on Topic/Make Concise Statements:

Respect the goals of the meeting by making succinct comments that pertain directly to objectives addressed in the agenda. Evaluate your comments as to whether they assist or divert the direction of the meeting.

3) Step Back, Step Up:

Notice how much you raise your hand and/or speak. Be aware of others who have not spoken and the environment in which they would feel comfortable to do so. If you aren't speaking but have something to add, assert yourself with the understanding that your comment will be heard and respected. Don't simply wait for your turn to talk, LISTEN.

4) No Offense/Defense:

Meetings should not be about winners and losers or personal attacks. Offensive and defensive behavior and accusations detract from the objectives of the meeting. Be sensible about the intentions of others by giving them the benefit of the doubt.

5) Respect the Role of the Facilitator:

Help the facilitator make the meeting effective. This does not mean pointing out minor mistakes, but rather allowing the facilitator to do their job to better the outcome of the meeting. It is not a personal attack when the facilitator fails to put you on the stack in the correct order.

6) We're in this Together:

Meetings of activists and organizations generally would not happen if the people in them weren't committed to similar ideas and held similar values. Try to keep in mind that a grassroots organization is a joint effort which requires a healthy, positive, give and take atmosphere. Meetings should be productive in order to leave with specific plans and that great feeling of achievement and solidarity!"

From No Blood for Oil meeting guidelines <http://www.nbfo.net/points.htm>

Chapter 5

Devolution and the Constitution

Among the major successes of the new constitution, is the devolution of power and decision making to the local level. 42 years after Kenya's independence, it is crystal clear that politicians cannot be relied on to put the people's interest first. The current system of electing parliamentary representatives has proved to be a complete failure with the majority of the elected representatives failing to initiate any kind of progressive change in the communities they represent. With the new system of local government in place, it is expected that the leadership will be more accessible and attentive to the people they represent.

Participatory budgeting thrives in environments where citizens are able to access and engage their governments directly. It is a partnership between the people and their elected officials aimed at ensuring inclusion in agenda setting. Effective participation also requires that the communities are able to understand their constitutional rights and therefore, able to demand for the same as well as contribute meaningfully to the development agenda of the county.

Constitutional provisions on public participation

Article 118

(1)(b) Parliament shall facilitate public participation and involvement in the legislative and other business of parliament and its committee.

Article 174

The objects of the devolution of government are:

- (v) To promote democratic and accountable exercise of power
- c) To give powers of self governance to the people and enhance the participation of the people in the exercise of power of the state and in making decisions affecting them.
- d) To recognize the right of communities to manage their own affairs and to further their own development

Article 186

Functions of the county government

Fourth schedule (14): Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Article 192

1(a). A county assembly shall conduct its business in an open manner and hold its sittings and those of its committees in public.

1(b). A county assembly shall facilitate public participation and involvement in the legislation and other business of the assembly and its committees.

Article 196

(1)(b). A county Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committee.

Article 201

(a) There shall be openness and accountability, including public participation in the financial matters.

Article 224

On the basis of the Division of Revenue Bill passed by parliament under article 218, each county government shall prepare and adopt its own annual budget and appropriation Bill in the form, and in accordance to the procedure, prescribed in an Act of Parliament.

Article 232

(v) (d) The Values and Principles of public service include involvement of the people in the process of policy making.

County Government Bill

Article 3:

f) The object and purpose of this Act is to provide for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution

Article 9

1. A member of a county assembly shall:
 - a). Maintain close contact with the electorate and consult them on issues before or under discussion in the county assembly
 - b). Present views, opinions and proposals of the electorate to the county assembly.

Article 28

1 – (d). A county assembly member may be recalled by voters in a Ward on any of the following grounds:

- (i). Continual absence from the Ward;
- (ii) Failure to adequately represent the views, opinions and proposals of the electorate to the county assembly.
- (iv). Failure to appraise the electorate on the workings of the county assembly and decisions passed.

Article 85:

Citizen participation in county governments shall be based upon the following principles

(a) Timely access to information, data, documents, and calm- information relevant or Sated to policy formulation and implementation.

(b) Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards.

I Protection and promotion of the interest and rights of minorities, arginalized groups and communities.

(d) Legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities.

(e) Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight.

(f) Promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development.

(g) Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

Article 86

(1) Citizens have a right to petition the county government on any matter under the responsibility of the county government.

(2) Citizen petitions shall be made in writing to the county government.

(3) County legislation shall give further effect to section 86 (1)

Article 87

County government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.

Article 89

The county government shall facilitate the establishment of structures for citizen participation including— (a) information communication technology based platforms.

(b) Town hall meetings.

I Budget validation for a.

(d) Notice boards: announcing jobs, appointments, procurement, a Wards and other important announcements of public interest.

(e) Development project sites.

f) Avenues for the participation of peoples’ representatives including but not limited to members of the national Assembly and Senate.

Article 90

(2). The governor shall submit an annual report to the county assembly on citizen participation in the affairs of the county government.

Article 94

(1). Every Kenyan citizen shall on request have access to information held by any county government or any unit or department thereof or any other State organ in accordance with Article 35 of the Constitution.

Article 97.

(1)The purpose of civic education under this Act 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.

(2). (a) Sustained citizens’ engagement in the implementation of the Constitution;

(b) Improved understanding, appreciation and engagement in the operationalization of the county system of government

(g). Heightened demand by citizens for service delivery by institutions of governance at the county level.

Article 100

(i) The principles of planning and development facilitation in a county shall serve as a basis for engagement between county government and the citizenry, other stakeholders and interest groups.

Article 102

(4). A county government has the obligation to promote public participation, non-state actors shall be incorporated in the planning processes by all authorities.

Article 103

(1)(d). (1) A county planning unit shall be responsible for ensuring meaningful engagement of citizens in the planning process.

Article 104

(4) County planning shall provide for citizen participation.

Article 105

(2) The County plans shall be the basis for all budgeting and spending in a county.

Article 113

(1) Public participation in the county planning processes shall be mandatory and be facilitated through— (a) Mechanisms provided for in Part VIII of this Act; and

(b) Provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including—

(i) Clear strategic environmental assessments;

(ii) Clear environmental impact assessment reports;

(iii) Expected development outcomes; and (iv) development options and their cost implications.

(2) Each county assembly shall develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the county and such laws and guidelines shall adhere to minimum national requirements.

Article 117

(1) A governor shall establish a Citizens' Service Centre at.

(a) The county;

(b) The sub-county;

I The Ward; and

(d) Any other decentralized level.

The Urban Areas and Cities Act

Article 3

3. The objects and purposes of this Act are to establish a legislative framework for participation by the residents in the governance of urban areas and cities.

Article 22

(1) Subject to the Second Schedule, residents of a city, municipality or town may.

(a) Deliberate and make proposals to the relevant bodies or institutions on.

(i) The provision of services.

(ii) Proposed issues for inclusion in county policies and county legislation.

(iii) Proposed national policies and national legislation.

(iv) The proposed annual budget estimates of the county and of the national government.

(v) The proposed development plans of the county and of the national government.

(vi) Any other matter of concern to the citizens.

(b) Plan strategies for engaging the various levels and units of government on matters of concern to citizens;

I Monitor the activities of elected and appointed officials of the urban areas and cities, including members of the board of an urban area or city; and

(d) Receive representations, including feedback on issues raised by the county citizens, from elected and appointed officials.

(2) A board shall invite petitions and representations from the Citizen I with regard to the administration and management of the affairs within an urban area or city under its jurisdiction.

(3) A board shall make recommendations on the manner in which issues raised at the Citizen I, if any, may be addressed and shall accordingly pass the recommendations to the manager for implementation.

(4) The manager shall make a report on the decision made in respect of a petition or presentation made by a citizen I and reasons for such decision.

Schedule two

1. (1) Subject to paragraph (2), residents of a city or urban area have the right to.

(a) Contribute to the decision-making processes of the city or urban area by submitting written or oral presentations or complaints to a board or town committee through the city or municipal manager or town administrator;

(b) Prompt responses to their written or oral communications;

I Be informed of decisions of a board, affecting their rights, property and reasonable expectations

2. (1) A city or urban area shall develop a system of governance that encourages participation by residents in its affairs, and shall for that purpose

(a) Create appropriate conditions for participation in.

(i) The preparation, implementation and review of the integrated development plan;

(ii) The establishment, implementation and review of its performance management system;

(iii) The monitoring and review of its performance, including the outcomes and impact of its performance;

(iv) The preparation of its budget; and

(v) Making of strategic decisions relating to delivery of service

(b) Contribute to building the capacity of.

(i) The residents to enable them participate in the affairs of the city or urban area.

(ii) Members of the board or town committee and staff to foster community participation;

(d) Establish appropriate mechanisms, processes and procedures for

(i) The receipt, processing and consideration of petitions and complaints lodged by residents.

(ii) Petitions and public comments procedures, when appropriate.

(iii) Notification of public meetings and hearings organized by a board or town committee.

(iv) Consultative sessions with locally recognized resident organizations.

(v) Reporting to the residents.

Other relevant acts and bills

The Transition to devolved government Act, 2012.

Intergovernmental relations Act, 2012.

Urban areas and cities Act, 2011.

County Governments Bill, 2012 (has passed 3rd reading, currently awaiting for presidential assent).

Public Financial Management Bill, 2012 (stuck at 2nd reading since, March, 2012).

Contingencies and Emergency Funds Management Act, 2011.

Finance Act (each year there is a new Finance Act, which is what the budget is once voted on and passed in Parliament)

Supplementary Appropriations Act (may have additional funding for expenditure on setting up counties.

The National Government Loans Guarantee Act.

Commission on Revenue Allocation, 2011.

Independent Offices (Appointment) Act, 2011 (grants modes of public participation in hiring of holders of independent constitutional offices)

Case Studies

Kajiado County

Kajiado County has been termed as the richest county in Kenya by Commission on Revenue Allocation (CRA) in 2011 and 2012 consecutively. It has a population of 687,312 according to the 2009 Census. In 2010/2011 the central government allocation through the various local authority bodies amounted to 709 million shillings (Kenya County Fact Sheet). Located in Rift Valley, it borders Narok County to the West, Nakuru, Kiambu and Nairobi Counties to the North, Machakos, Makueni and Taita-Taveta Counties to the East and Tanzania to the South. It is one of the most cosmopolitan counties in Kenya



Implementing Network: Kajiado Voices

Kajiado Voices Forum, a progressive youth-led network working in Kajiado County, has been in the forefront in creating awareness through relevant and accurate knowledge, empowering local communities and leaders with skills of responsive leadership, good governance and confidence in planning, project implementation and evaluation. It envisions an informed, empowered and prosperous Kajiado County. <http://kajiadovoices.com/>

Implementing PB

The implementation of Participatory Budgeting (PB) Program started way before county governments were put in place since the Kenya Elections were held 3rd March, 2013, thus putting in place county governments. Nevertheless, this did not deter the implementing teams to achieve major results since they started engaging and creating rapport with the different candidates in the campaign.

Key to note is that the winning candidate in the gubernatorial position made the priorities set by the constituencies his manifesto which garnered him support, having been continuously engaged by the PB team.

PB sought to:

1. Build the capacity of local communities to take part in the allocation of local resources and participate in priority setting while engaging in continued monitoring and advocacy.
2. Amplify community voices in decision-making.
3. Re-activate grassroots democratic culture and civic engagement.

PB targeted the participation of citizens in decision making in budgets allocated to the county government and those through the Constituency Development Fund (CDF).

The network undertook the PB stages through conducting various activities at the grass-root level. Priorities were set by citizens accordingly, continuous meetings with county government, CDF officials and other stakeholders. This put to the fore the need for citizens to be involved in taking charge of the development agenda within the county. Residents proposed priorities and took a lead role in monitoring and evaluating issues within the county. They learnt that they not only need to monitor development projects spearheaded by the government but also all other projects by development partners within their jurisdiction. They have learnt to be keen, evaluative and have found a voice to be heard. They are more organized in demanding for their rights. The participation of marginalized groups is also positive since women, youth and people with disabilities can now speak out in matters governance unlike previously where, traditions does not allow them to.

Priorities in the county ranged from education, healthcare, land injustices, unemployment amongst the youth, poor roads network, pasture management programs and water, women initiatives, not in a specific order.

Achievements

The PB process in the county received support from citizens and county government officials, owing to the appropriate mobilization skills of the team and the rapport they created with the people and all parties have owned the process. They have also shown ownership to the process as they are more organized and have learnt to amplify their voices in demanding to be involved and putting the government on check.

It is important to note that the awareness of the citizens on the constitution and devolution process was very low, thus citizens were not aware of their rights if at all they voted in for the constitution. Thus the team incorporated civic education in the PB forums.

One of the key priorities noted in all constituencies was unemployment, especially amongst the youth that tended to have cyclic influence on development.

Thus, through PB, a youth policy was developed to outline engagement between the county government and the youth in regard to tackling this problem, which is on the process of being adopted by the county. Other counties have been urged to follow suit.

County budgeting has taken a different turn all together, with the government working towards involving citizens and the citizens taking an interest in participating. The youth in the county have taken the fore front in keeping the government in check, yearning for their transparency, accountability and serving the people accordingly.

The county government and the CDF committees now reach out to the PB team to assist in mobilization for public participation forums as well as to assist in identification of priorities to be funded and budget development.

In terms of development projects, the PB priorities have been fully adopted by, for example Mosiro Ward in Kajiado West in addressing development issues. As this manual goes into printing, five ambulances have already been bought to cater for the five constituencies, building of classes in different constituencies has also begun. Land issues are also being addressed with the county government putting a moratorium against land transactions in the county as a lasting solution is assessed. Generally, the PB citizen priorities now form the backdrop against which development projects are instituted since the PB teams are consulted in budget making and priority setting, owing to their vast knowledge in the area.

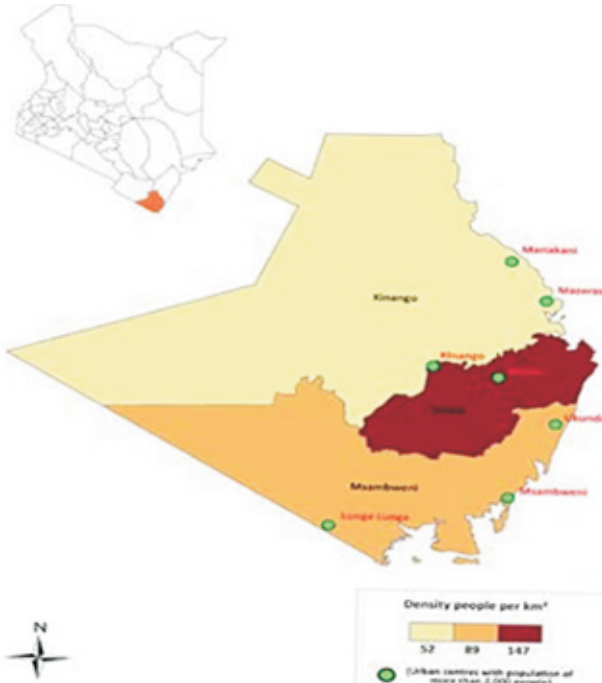
PB has gained momentum in the country; the Kakamega County counterparts have borrowed the PB concept and are now implementing it in the county.

Kwale County

Kwale County has a population of 649,931 with a 74.9 poverty rate. Majority of the citizens in Kwale are categories as subsistence farmers. In 2009/2010 the central government allocation through the various local authority bodies amounted to 624 million shillings. No documentation is provided by the fact sheet to show resource allocation. (Kenya County Fact Sheet). Kwale County has four constituencies namely, Kinango, Lunga Lunga, Msambweni and Matuga.

Implementing Network: Msabweni Human Rights Watch (MsamWatch)

Msabweni Human Rights Watch is a network of farmers in Vidziyani, Nyumba Sita, Vumbu, Tumbe, Lunga Lunga, Ukunda and Muhaka in the coast region. Although registered as a trust in 2011, the network has for the last 10 years been agitating for the landless farmers in the coastal region of Kenya. Kwale has one of the highest numbers of MNC (Multi-National Corporations) operating in the county. The MNC's range from large scale farming to mining companies. Over the years, many local residences have been displaced to create room for the corporation's activity. The coastal region is nationally known to have the largest number of squatters resulting from land grabbing by the political class and the corporations.



Just like their counterparts in Kajiado, Kwale PB team followed a systematic process of implementing PB. The support from the citizens has been immense as well as that of the county officials. With their push for democracy, transparency and accountability in county governance, the PB team has garnered the support of other likeminded Civil Society Organizations (CSOs) who have joined in the struggle. Several are the occasions they have presented their cases as a team to the county government. They have taken the forefront to ensure that citizen participation is the centre-stage in achieving accountable governance.

It has however not been a smooth ride in the park, rather many are the times they have encountered obstacles but they have been zealous in achieving their objectives, that of promoting accountability, transparency, citizen participation and organizing citizens to speak for themselves. Many are the times they invite government officials to interact with Wananchi but cannot secure their attendance or they cancel at the last minute.

Key of the achievements of PB project in Kwale is the alliance building with CSOs coming together with the citizen voice to demand for citizen inclusion in county affairs. They are very organized and several times they have written petitions to the County assembly demanding for democratic serving of the Kwale people.

Since Kwale has severally been portrayed as one of the poorest counties in Kenya, the state of development is very low, with few equipped schools, poor road network, high levels of illiteracy, lack of water supply, high level of unemployment amongst youth if at all Kwale boasts several MNCs, high levels of drug abuse amongst the youth and land injustices.

Key to note is that, through PB, residents now have an avenue to directly engage with their leaders. After the allocation of the 2013/2014 budget, schools such as Mapheropheroni Primary, which was at a very poor state, started being renovated and more classes build after it was highlighted as one of the key priorities in Lunga Lunga Constituency. The CDF has also started offering bursaries to secondary school students as well as targeting youth for scholarships to undertake driving and forklift courses. This is meant to target the local industries employment arena.

Challenges encountered in both Counties

- Weak county government structures that lack tangible commitments by the national government.
- There is limited access of information by the citizens both at the county and constituency level, especially on budget allocations.
- The process of devolution is still unclear to the county government itself, and more so among the citizens. Devolution in Kenya is still facing 'teething problems' where transitioning is taking a very slow pace.
- Low utilization of funds especially those allocated for the county government. The Kajiado County spent only 4 percent of the budget! (2013/2014 budget)
- General reluctance to participate in county and constituency issues by citizens after the elections. Kenyan style!
- Structural weakness and low capacity of county staff thus slow absorption of funds

General experiences and response from the community

- Positive reception
- The process should be continuous
- Ownership of the initiative by the residents and county officials e.g. CDF committees integration
- High participation and attendance of forums
- Support from the county government leadership
- Involvement of traditional and religious leaders
- Alliance building and partnering with likeminded networks
- Organized citizen groups with an amplified voice

What are the challenges moving forward?

- Political interruption
- High expectation from the residents
- Limited support by some of the county officials
- Need to integrate the county and CDF funds to avoid replication of efforts

References and Recommended Reading

Commission on Revenue Allocation Act, 2011

Contingencies and Emergency Funds Management Act 2011

The Report of the

Interim Independent Boundaries Review Commission (IIBRC) Delimitation of Constituencies and Recommendations on Local Authority Electoral Units and Administrative Boundaries for Districts and Other Units 2010

Interim Report Of The Task Force On Devolved Government A Report On The Implementation Of Devolved Government In Kenya 2011

County Governments Bill 2012

Intergovernmental Relation Act No2 of 2012

Transition to Devolved Governments Bill 2012

Urban Areas and Cities Act 2011

The People's Liberation Manifesto 2011

The Public Financial Management Bill, 2012

The Institute For Social Accountability (Tisa) Policy Proposals On Citizen Participation In Devolved Governance In Kenya

Annex 1

County visit submission on participation (TFDG check list)

- † Develop a Legislation e.g. Participatory Act
- † Establish Sub County Citizens Forum (SCCF) to scrutinize county project planning, budgeting and implementation
- † Forums, neighbourhood associations and Focus Group Discussions (FDGs)
- † Community Based Monitoring System (CBMS)
- † Ward Citizen Forums (WCF) to enable citizen engagement with the right to access all official records for sectoral and county departments.
- † Establish information Centres to access all county information
- † County magazines/monthly newsletters/Information bulletins
- † Establish Commission that will ensure development
- † Create Ombudsman and Public complaints standing Committee
- † Service delivery should be community driven through committees e.g. County Education Committee
- † Organize public Barazas
- † Establish a TV station and FM radio stations
- † Broadcast the County Assembly proceedings to the members of the public
- † Notice boards/suggestion boxes/websites
- † SWAP, service charters and (social networking facilities)
- † County calendar of events so that citizenry is aware and can participate
- † Community Development Officer who will do planning, monitoring, act as a convener, secretary and information disseminator
- † Continuous liaison between the County, constituencies, locations sub-locations and at village level
- † Social accountability reports