



Indigenous Livelihoods Enhancement Partners
ILEPA
"Enhancing Indigenous Resiliency"

Realizing the Fruits of Devolution

Know Your Rights,
Speak for your Rights

CITIZEN PARTICIPATION IN DEVELOPMENT DISCUSSION AND PRACTICE

The adoption of a new constitution in August 2010, has radically transformed the structure, organs and functions of government in Kenya in ways un-imagined before. Central in this transformation is the establishment of County governments.

This new arrangement has led to the enactment of a number of legislation aimed at operationalizing the new system of governance and entrenching the principles of good governance underpinned by robust citizen participation.

While the new constitution was a product of very elaborate citizen consultation, the new laws giving effect to the spirit and letter of the constitution remain largely unfamiliar, especially to the rural, mostly illiterate citizenry.

Awareness raising to enhance citizen participation in governance for effective and efficient service delivery, especially at the county level remains a key concern and the main focus of this pamphlet.

The target is the citizens of Narok County. The aim is to enlighten them on functions and structures of the county government and their roles as citizens in development practice.

It's hoped that the pamphlet will be a useful source of information, and catalyst not only for citizen discussions on structures, functions, and aspiration of devolution in the context of County governments but more importantly for citizen's meaningful proactive engagement with County governments in service delivery.



The Spirit of Devolution in Kenya

Citizen participation in governance and decision-making processes that potentially impacts their lives and livelihoods is at the heart of the spirit of devolution in Kenya. County governments in themselves are devolved spaces aimed at enhanced citizen participation for effective and efficient service delivery.

These deliberate efforts aimed at strengthening citizen participation is informed by a long history of centralized decision-making processes characterized by a lack of transparency and accountability leading to marginalization and entrenchment of inequality, poverty and ineptitude in governmental services delivery.

In response to these challenges, the constitution of Kenya 2010, and a number of enabling legislations have established principles, mechanism and structures to not only promote citizen participation going forward, but also to address historical injustices.

The constitution of Kenya 2010, has provided clear affirmative action measures to address marginalization related to gender, inter-generational (youth and elderly), indigenous communities and regional/geographical spaces amongst others.

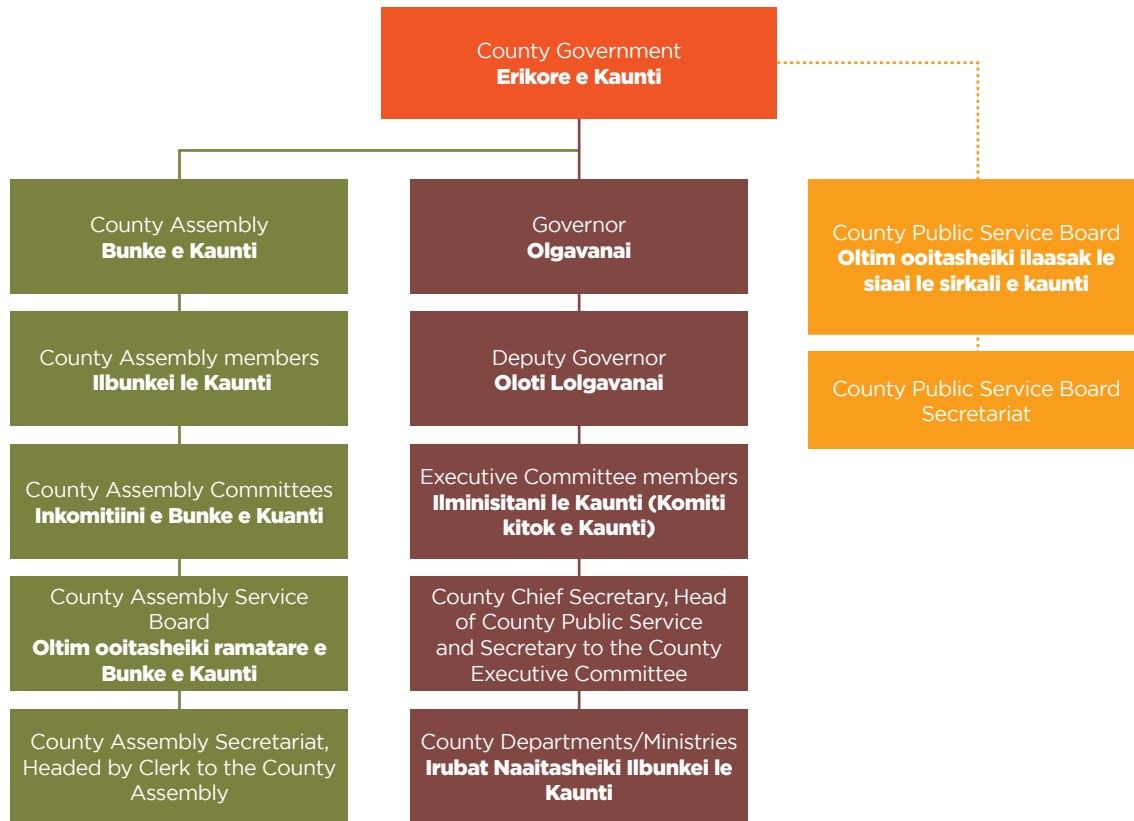
The response measures provided include spaces for enhanced direct political representation and decision-making, group/sector dedicated funding such as devolved funds, equalization funds and establishment of organized structures and platforms.

Over and above, the targeted promotion and protection of participation of identified marginalized groups and sectors, overall citizen participation in governance and development practice at all levels (county and national) is contemplated and guaranteed.

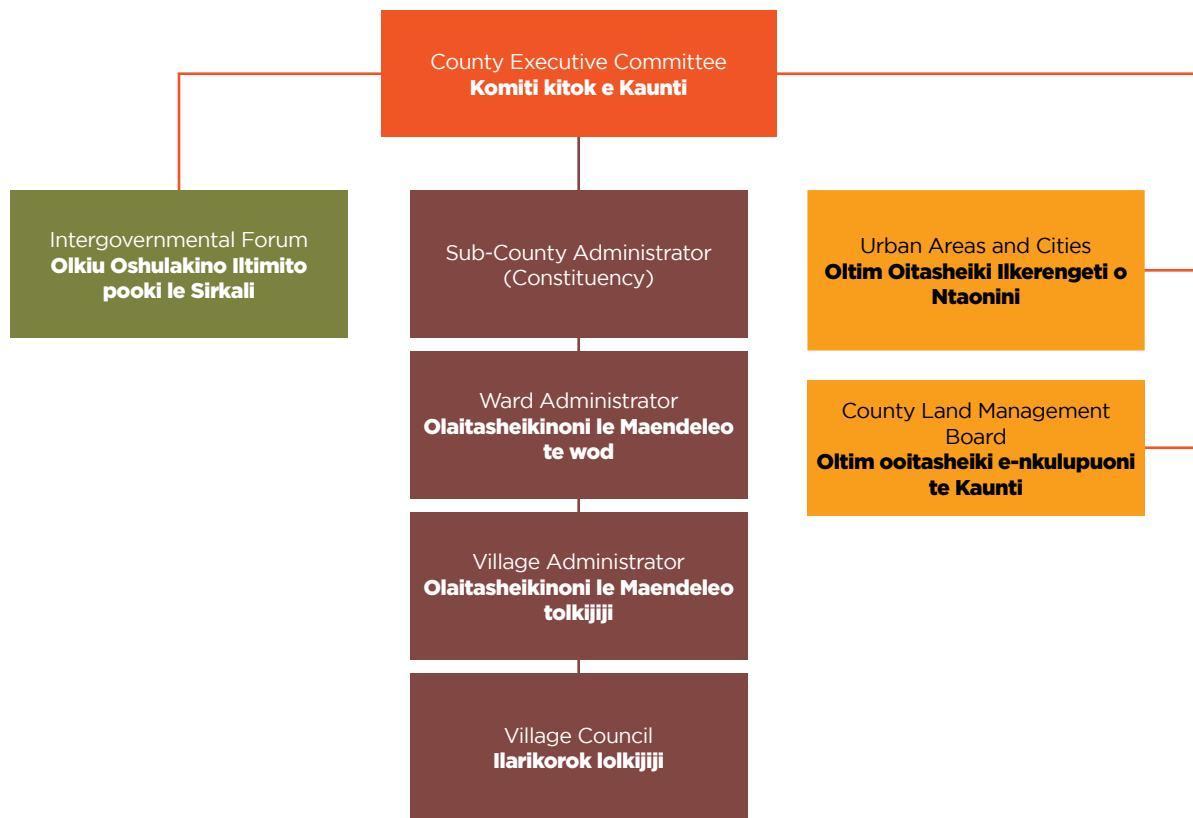
Besides the need to identify opportunities and provisions made for citizen participation in governance and decision-making processes, it is equally essential to enhance citizen's understanding of the structures and functions of County governments so as hold them accountable as citizens.



The Basic structure of County Government (Olbakune le Sirkali e Kaunti)



Other Devolved Organs and Sub-County Structures



Avenues of Citizen Participation in the Governance of County Governments

One fundamental issue informing the spirit and letter of devolution is the need to ensure citizen participation and oversight in governance and development practice in order to respond to the tenuous relationships between the people and their leaders.

This is perhaps the reason why most of the legislations related to operationalization of County governments provide for numerous and expanded opportunities for citizen participation.

Below are some examples of these very encouraging windows of opportunities and platforms for engagement as provided by the enabling legislation, especially the County Governments Act, 2012.

- First, residents of any given County as individuals and/or collectively as a group are granted the **right to petition a county**

assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation. It is therefore a right and legal requirement that citizens resident in a county are accorded the space to input into draft county laws.

Similar to the opportunities available to petition the County Assembly, county resident in urban centres are granted the right to petition the Municipality Boards either individually or through

Citizen Fora for Cities and Urban centers.

- Second, some of the petitions to county government, county laws and other planning and investment decisions affecting the county may end up with a **local referendum**.
- Third, the electorate in a county ward may **recall their member of the county assembly** before the end of the term of the member on any of the grounds provided within the law.
- Forth, residents of a County are granted the **right to timely access to information** including

information, data, documents, and other information relevant or related to policy formulation and implementation. Hence information such as the County budgets, County integrated Development Plans (CIDP) and programs are meant to be public documents. Furthermore, performance management Plans and reports are some of the public documents that the County government is expected to share for citizen evaluation

The law doesn't only grant rights and spaces for citizen participation, but it goes further to place the burden of facilitating realization of these rights on County governments.

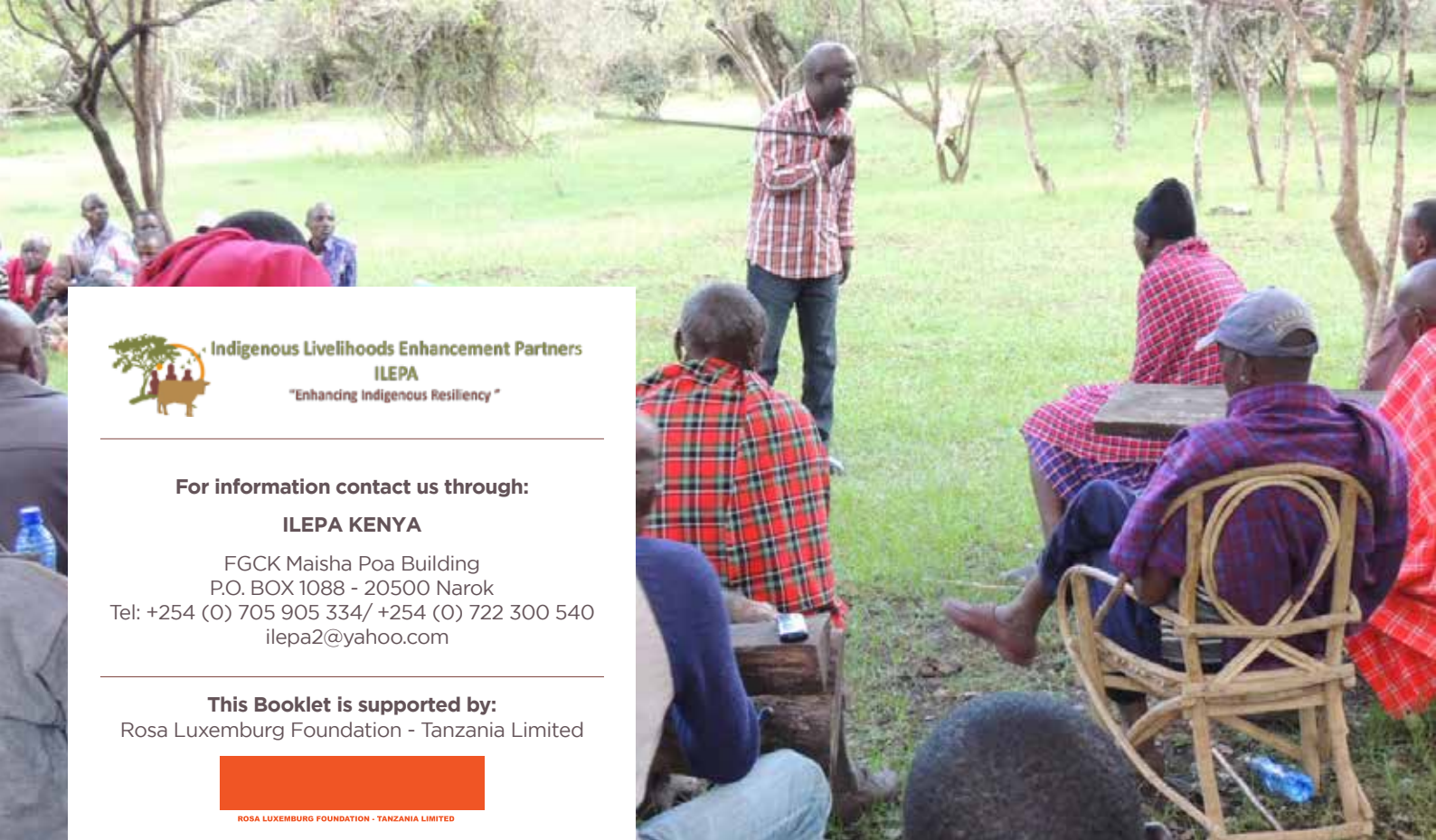
The law for example requires the County governments to establish **information communication technology based platforms**, conduct **town hall meetings**; budget preparation and validation for a including make use of County notice boards. In fact the law requires the County government to undertake **Civic education** on avenues and platforms through which county citizens could effectively participate.

Make Your Voice Count!

Like rights in all historical epochs and experiences anywhere and everywhere in the world, rights are never given on a silver platter! Citizens and right-holders must often stand-up to be counted in efforts to hold their leaders/duty bearers accountable.

For the fruits of devolution to be realized, the expanded democratic spaces granted in the constitution and other legislations; **citizens must exercise and demand for respect, promotion and fulfilment of such rights**; for failing to do so amounts to failure in our civic duty as responsible citizens and in exercising the sovereign power bestowed on the people of Kenya by the Constitution. **Make your Voice Count!**





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