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KILIFI COUNTY PUBLIC PARTICIPATION GUIDELINES 2018

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## LIST OF ABBREVIATIONS

<b>CIDP</b>	–	County Integrated Development Plan
<b>CBROP</b>	–	County Budget Review and Outlook Paper
<b>CFS</b>	–	County Fiscal Strategy Paper
<b>BAC</b>	–	Budget and Appropriation Committee
<b>CGA</b>	–	County Government Act
<b>CoK 2010</b>	–	Constitution of Kenya
<b>IEC</b>	–	Independent Electoral commission
<b>PFMA</b>	–	Public Finance Management Act
<b>CSO's</b>	–	Civil Societies Organizations
<b>CGs</b>	-	County Governments
<b>CPU</b>	–	County Planning Unit
<b>CECM</b>	–	County Executive Committee Member
<b>CPSB</b>	–	County Public Service Board
<b>PFM</b>	–	Public Financial Management
<b>ICT</b>	–	Information Communication Technology
<b>TV</b>	–	Television
<b>CBEF</b>	–	County Budget and Economic Forum
<b>CA</b>	–	County Assembly
<b>CE</b>	–	Civic Education
<b>CO</b>	–	Chief Officer
<b>PP</b>	--	Public Participation

## **ACKNOWLEDGEMENT**

The County Department of Devolution and Public service Management is mandated to facilitate the development of the County Policies and Guidelines. It is in this regard that the department of Devolution and Public service Management with the support of the Kenya Devolution Support Programme (KDSP) has produced the popular version of the Public Participation guidelines.

With a lot of dedication and commitment put on the development of the Kilifi County public participation guidelines, I wish to appreciate all the individuals that contributed valuable input particularly the Governor, H.E. Amason Kingi, The CECM Devolution and Public service Management, Mrs. Racheal Musyoki, The County Secretary Mr. Anorld Mkare, The Kilifi County Public Participation Technical team led by Mr Tsuma Rimba and Penina Dzombo.

Finally I wish to thank the World Bank for providing the financial support through the Kenya Devolution Support Programme (KDSP) in the Ministry of Devolution and Arid and Semi-Arid Lands (MoDA).

## **FORWARD**

The Constitution of Kenya (CoK 2010) recognizes Public Participation in **Article 10** as one of the National Values and Principles of Governance. **Article 174** provides that the object of Devolution is to enhance Public Participation of the people in the exercise of power of citizens in making decisions on issues affecting them.

The rationale of Public Participation is based on the foundation that the people of Kenya in Kilifi County have sovereign powers which they have delegated to both the national and county levels of Government.

The Kilifi County popular version of the County Public Participation is in response to have a quick guide of the original county public participation guidelines. It will be used to aggregate the voice of citizens of Kilifi.

We look forward to an active participatory engagement between the County Government officers, citizens of Kilifi and the civil societies at large.

**Racheal Musyoki**

**County Executive Committee Member**

**Devolution Public service Management**

## SECTION ONE: INTRODUCTION

### **The citizen's right to participate**

These guidelines are the precursor to the regulations of the Cabinet Secretary for Devolution and have been developed as per the legal provision of section 135 of the County Government Act, 2012.

### **Why public participation?**

Public participation: Strengthens democracy and governance; increases accountability; improves process quality and result in better decisions; Manages social conflicts; and legitimizes the law and policy making processes.

### **Who shall participate?**

Participation in county governance is open to all members of the public. The public has a duty to monitor and evaluate the implementation of policies, legislation, development plans, citizen's participation and the civic education processes. Public participation focuses on: Freedom of expression; Right to access information, Planning; Organization; Participation; Monitoring and evaluation.

### **The rationale and purpose of engaging the public**

The rationale of public participation is based on the constitutional foundation that places sovereign power on the people of Kenya. It is this power that has been delegated to state actors at the national and county levels. This sovereignty must be respected and institutionalized in all processes of governance. Therefore in interpreting the importance of public participation, we can make reference to the Kiambu High Court in the Robert Gakuru & others vs. Kiambu Governor & 3 others (constitutional petition. no. 532/2013) stated:

*“Public participation ought to be real and not illusory and ought not to be treated as a mere formality for the purposes of fulfillment of the constitutional dictates. It is my view that it behooves the county assembly in enacting legislation to ensure that the spirit of public participation is attained both quantitatively and qualitatively. It is not just enough in my view to “tweet” messages as it were and leave it to those who scavenge for it. The county assemblies ought to do whatever is reasonable to ensure that as many of their constituents in particular and the Kenyans in general are aware of the intention to pass legislation and where the legislation in question involves such important aspects as payment of taxes and levies, the duty is even more onerous. I hold that it is the duty of county assembly in such circumstance to exhort its constituents to participate in the process of enactment of such legislation by making use of as many fora as possible such as churches, mosques, temples, public barazas, national and vernacular radio broadcasting stations and other avenues where the public are known to converge to disseminate information with respect to the intended action”*

## **The benefits of public participation can be summarized as follows:**

### **a. Strengthens democracy and governance**

By engaging in public participation, the public exercise their constitutional right and the decision making process becomes more representative. Openness to the public provides a platform in which they present their concerns. Insufficient public engagement limits the power of the people to participate in democratic governance.

### **b. Increases accountability**

Participation improves transparency and accountability. The public is able to critically engage in the social, political, cultural, economic and environmental impacts of policies, laws and development plans. It gives the public a say in deciding how costs and benefits will impact different segments of society. Public participation also ensures that governments are held into account for their actions and are responsive to the interest of citizens. Participation also enhances public confidence and support of the decision making processes.

### **c. Improves process quality and results in better decisions**

Public participation enables governments to understand and appreciate different opinions and concerns. Before policies are approved, they undergo a comprehensive review and revisions thus ensuring that policies laws and development plans are robust. Participation provides additional skills, knowledge, concerns and ideas that might have been overlooked had the process been limited to government officials. Overall, this shall result in better decision and greater ownership by all stakeholders.

### **d. Public participation help alleviate social conflicts**

By taking care of the interest of the different stakeholders and building consensus. Investment in public participation at an early stage minimizes the number and magnitude of social conflicts arising over the course of the implementation of policies, laws and development plans.

### **e. Enhances process legitimacy**

Without significant public participation, citizens may become suspicious and feel manipulated. This would undermine effective dialogue and create distrust. Public participation therefore legitimizes implementation processes.

## **Participation is a key promise**

The constitution of Kenya gives the public the right to participate in governance, legislative processes and policy making. This right is instilled in the national values and principles of governance. The national and county legislature and executive are required to engage the public in all processes of policy making, monitoring and implementation.

Public participation is based on;

- a. Timely access to information, data and documents relevant to policy formulating, implementation and oversight
- b. Provision of authenticated official documents to the public
- c. Reasonable access to the process of formulating and implementing policies

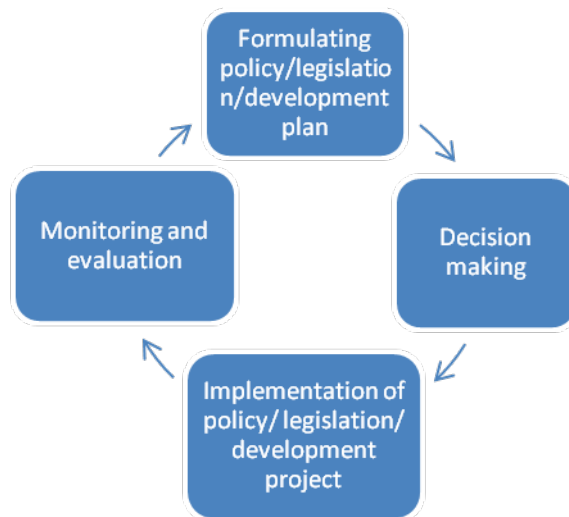


- d. Protection and promotion of the interest and rights of minorities, marginalized groups and communities
- e. Provision of multiple opportunities for the public participation
- f. Legal right of interested or affected persons, organizations and communities to appeal, review or redress grievances and
- g. Promotion of public-private partnerships

## SECTION 2: THE CYCLE OF PUBLIC PARTICIPATION

Public participation is a mandatory and continuous process in county governance. To succeed, it requires well established and inclusive structures that are easy to follow.

**Figure 1: Policy cycle stages for public engagement.**



Most of the issues, such as Annual Development Plans and Budgets that are subjected to participatory processes, are time bound. Within the policy cycle stages shown above there are three phases of public participation; before, during and after public participation.

**Table 1: stages in the public participation process**

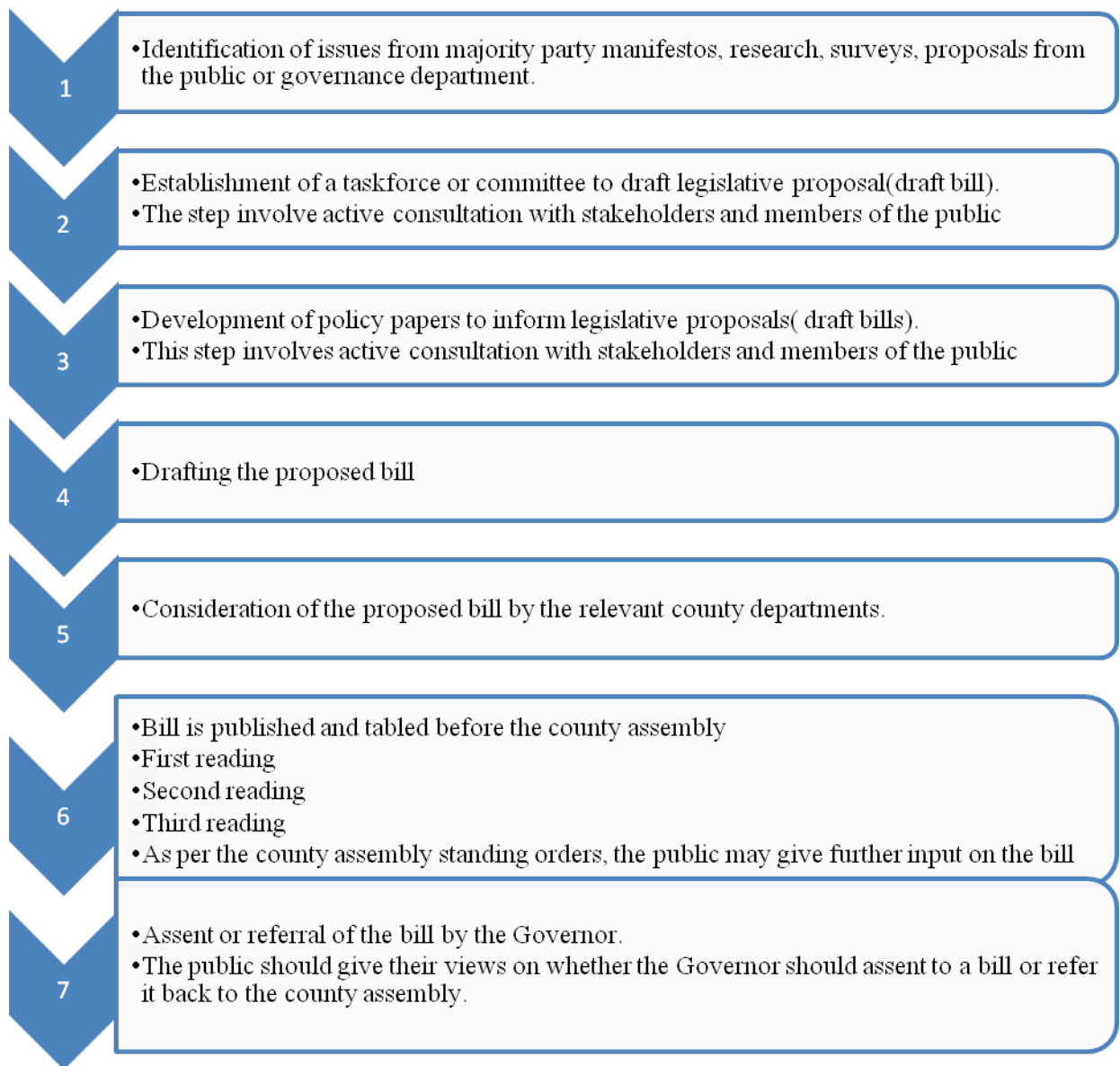
## **2.1 The cycle of Public Participation**

### **a. Legislative process Policy and Law-Making**

Each county is constitutionally mandated to develop policy, legal and regulatory frameworks within which to perform its functions. However, counties must engage the public in developing new or reviewing old policies, laws and regulations. The said functions are provided in schedule four, part 2 of the Constitution of Kenya and any other that parliament may assign to county government

### **2: The steps of the Legislative process in the County Government.**

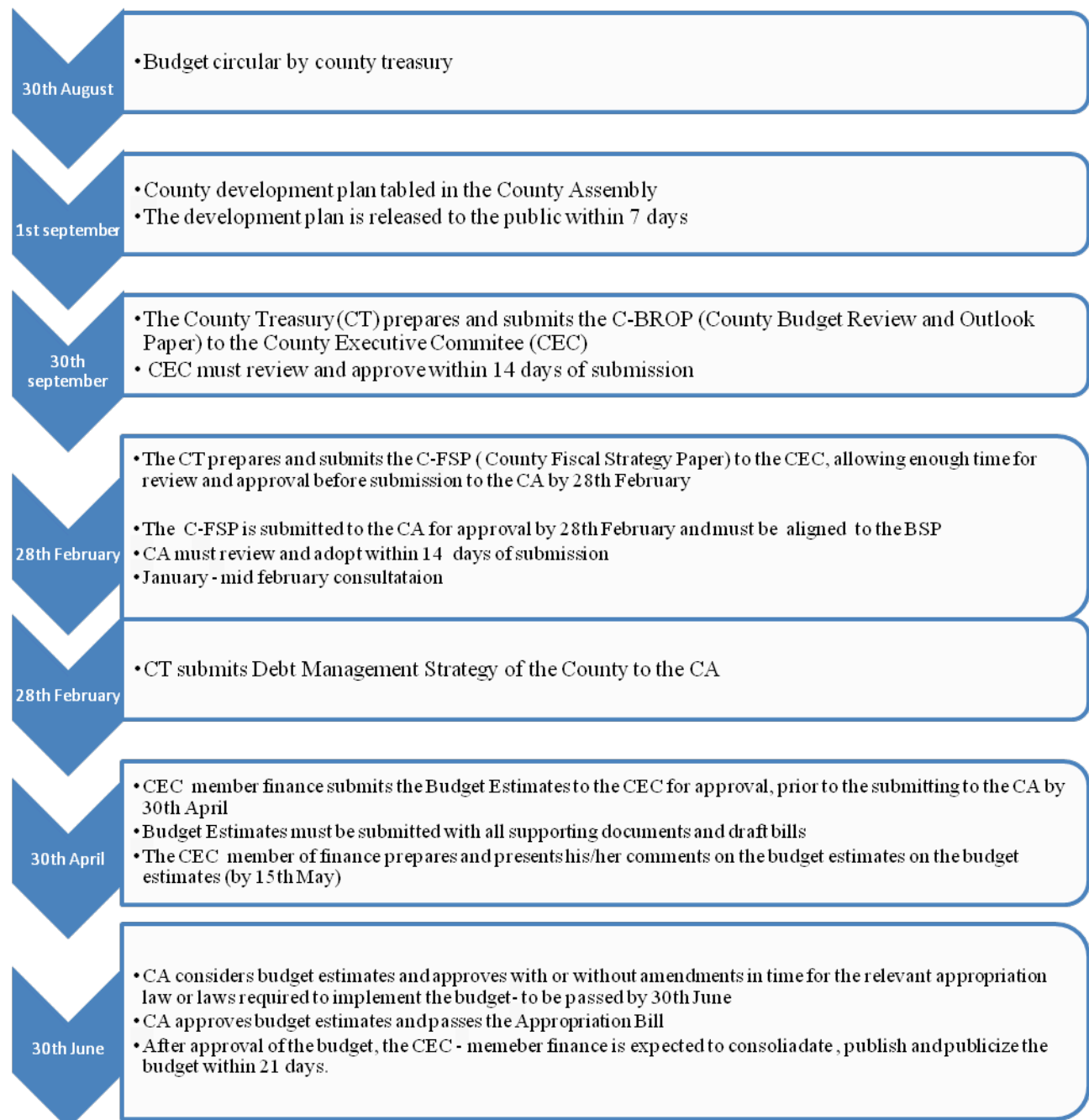
	<b>Obligations of the duty bearers</b>	<b>Obligations of the public/Non state partners</b>
<b>Phase 1</b> Before public participation	<ul style="list-style-type: none"> <li>• Provide information on subject matter and mechanisms of management two weeks prior to engagement.</li> <li>• Communicate what is expected of the public through the directorate of public participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Read the information provided</li> <li>• Seek clarification</li> <li>• Consult other members of the public to generate consensus on priority areas</li> </ul>
<b>Phase 2</b> During public participation	<ul style="list-style-type: none"> <li>• Respond to questions of clarification</li> <li>• Allow the public ample time to contribute</li> <li>• Encourage the marginalized and the weak to speak</li> </ul>	<ul style="list-style-type: none"> <li>• Physically attend the meetings or contribute to the online platforms created</li> <li>• Allow room for debate and compromise to create a win-win situation</li> </ul>
<b>Phase 3</b> After public participation	<ul style="list-style-type: none"> <li>• Assess the process from those that participate</li> <li>• Document lessons for future improvement</li> <li>• Communicate the decisions made from public input</li> <li>• Facilitate engagement of the public in following up on implementation i.e. to participate in monitoring and evaluation of service delivery</li> </ul>	<ul style="list-style-type: none"> <li>• Provide feedback to government officials on ways of improving future public participation process</li> <li>• Participate in many avenues of learning to be more effective in future engagements</li> <li>• Engage in and provide feedback on the quality of service and ways of improving it</li> </ul>



#### **b. Planning and budgeting for county public service**

For counties to operate effectively they must plan and budget on annual, medium, and long term basis while allocating public resources to what has been planned for. The law requires that the public participate in the planning and public finance management; this shall be done within stipulated timeframes.

**The County Planning and budgeting timelines are shown below.**



## **Key Documents in the county planning and budgeting process**

### **i. County Integrated Development Plan (CIDP)**

Section 108 of the County Government act provides that each County shall have a five year County integrated development plan with clear goals and objectives; an implementation plan with clear outcomes; provisions for Monitoring and Evaluation; and clear reporting mechanisms.

### **ii. County Budget Review and Outlook Paper (CBROP)**

Section 118 of the public finance management act provides that county treasury shall prepare a county budget review and outlook paper (CBROP) for each financial year and submit it to the county executive committee by the 30 of September. The CBROP outlines updated economic and financial forecasts; provides information on any changes in the forecasts; spells out how actual financial performance for the previous financial year may affect compliance with the fiscal responsibility principles; and details reasons for any deviation from the financial objectives in the County Fiscal Strategy Paper(CFSP). The CBROP also sets the indicative ceilings for the following year's budget.

### **iii. County Fiscal Strategy Paper ( CFSP)**

Section 117 of the public finance management Act provides that the county treasury shall prepare a CFSP and submit it to the county executive committee for approval. The county treasury shall submit the approved CFSP to the county assembly by 28 February each year. The CFSP shall be aligned with national objectives in the budget policy statement, while specifying broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year.

### **iv. Annual Budget Estimates**

Are prepared by the county treasury and tabled in the county assembly through the budget and Appropriations Committee (BAC). The county treasury is supposed to facilitate public consultations on the budget estimates. The citizens will be required to analyze the county budget to ensure it is;

- Truthful for the reasons given for its making
- Illustrate priority areas
- Contains programs, sub-programs and further disaggregation of government spending below the subprogram level
- Has indicators and targets for all programs and sub-programs
- Contains detailed information about staff costs
- Has priorities similar to the county's development plan
- Allocates enough money to maintain the current level of basic services like health
- States where development projects will be located
- Contains funds for civic education, or to facilitate public participation in county decision making
- Indicates how deficits will be paid for

- Indicates how much money the county will raise from its own taxes and fees
- Shows how much money the county expects to get from the national government
- Indicates if the budget has an emergency fund to tackle disasters

### **Finance Bill**

This is a bill tabled in the county Assembly by the county executive member of finance and shall be approved within the 90 days of approval of the County budget. It stipulates the proposed revenue raising measures and the taxes the county intends to impose. The county committee responsible shall engage the citizens and incorporate their inputs before recommending it for approval.

### **c. Implementation of County Public Services**

Implementation of policies and laws is a core function of the county governments that requires public input. It is through this process that allocated resources are utilized in line with the approved budgets. The public and county government interactions look at the annual and medium term plan budgets.

Table 2: Public participation in delivery of county public services

<b>Process &amp; Mechanisms of Public Participation</b>	<b>Action by the Public Officials</b>	<b>Action by the Public</b>	<b>Action by the Public</b>
<ul style="list-style-type: none"> <li>• Service Committees of delivery units such as health facility, agriculture demonstration projects</li> <li>• Procurement Committees</li> <li>• Co-Production of Services</li> <li>• Progress reports by County Departments, County Treasury and Controller of Budget</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information to persons of the public engaging in implementation teams</li> <li>• Build capacity of the public to engage effectively in the service delivery processes</li> <li>• Disclose the contract value, contractor name, brief/scope of work and contract progress</li> </ul>	<ul style="list-style-type: none"> <li>• To study the implementation plans and provide timely input through the stipulated mechanisms</li> <li>• Seek clarification on matters that are not clear</li> <li>• Read and give input to quarterly reports by the County Treasury which are published and publicized and the County Budget Implementation Reports prepared by Controller of Budget (CoB).</li> <li>• Stakeholders/experts and public will be free to comment and give input on reports, as appropriate. (PFMA 2012 Sec 166)</li> <li>• Provide independent feedback on regularity and quality of public services</li> </ul>	<ul style="list-style-type: none"> <li>• Access to approved development plans, implementation work plans and itemized budgets</li> <li>• Transparent process of selecting members of the public to participate in service committees</li> <li>• Disclose procurement data through notice boards, village assemblies and web portals</li> </ul>

#### **d. Procurement**

Procurement of goods, works and services, is a key aspect of implementation that requires public participation. Transparency in procurement procedures is critical in ensuring that the county government functions efficiently. The County government shall broaden the scope of proactive disclosure of procurement information at all stages of procurement. Such information shall be availed at county information centers and online portals.

#### **c. Performance management and oversight**

The public must be engaged in tracking the implementation of county programs. The county is required to release to the public, within 21 days, details of the enacted budget which is in form of Appropriation Act. The public shall engage simultaneously with both the county executive and the county assembly through performance management and oversight.

Performance Management is part of the on-going public sector reforms on managing results to Kenyans. Section 47 of County Government Act (CGA) 2012 provides for the development of a Performance Management Plan by the County Executive Committee. The plan is used to evaluate the performance of the county public service in relation to the implementation of County policies, projects and programmes. It also provides for; objective, measurable and time bound performance indicators. It offers: linkages to the county mandates; annual performance reports; citizen evaluation in the performance of county government planning and implementation activities; and public sharing of performance progress reports. NSAs and citizens will apply social accountability tools and mechanisms e.g. social audits, community score cards

#### **d. Public participation in the vetting of Public officers**

Appointed County public officers develop and implement policies, legislation and development plans. The county Executive, County Assembly and the county public service board are involved in the administrative process of vetting, appointment and oversight of public officers. The county public service shall ensure that national principles under Articles 10 and 232 of the constitution are upheld. All public officers shall fulfill provisions of Chapter Six of the Constitution on leadership and integrity.

#### **Public Forums**

Public forums provide an opportunity for face-to-face engagement between Government officials and the citizens. They offer a chance for instance feedback and observation of the state affairs. The forums shall incorporate: registration and distribution of IEC materials; introduction of participants; indication of the purpose of the forum; input from participants; group presentation at the plenary; and a summary of the forum of deliberation.

### **SECTION THREE: FOUNDATIONAL BLOCKS FOR PUBLIC PARTICIPATION.**

There are five foundational blocks that cement the effectiveness and sustainability of public participation. These are: Planning and Financing; Management and Coordination; Capacity building of Government officials and the public; Public communication and Access to information; Stakeholder Mapping; Outreach and Mobilization.

#### **a. Planning and Financing of Public Participation**

Planning ensures proper allocation of time and resources for public participation. It creates indicators on how public officials shall be evaluated on their engagement with the public. Planning gives the public a clear idea of what will happen where and when, what is expected of them and how they can avail their time. It also ensures that there is inclusiveness in the participation processes covering; geographical and social groups, as well as various online platforms. It is important that the county government involve the civil societies and development partners when budgeting for public participation and civic education. Partnership with these groups reduces duplication and saves resources.

#### **b. Management and Coordination of Public participation**

To ensure that public participation is meticulously executed according to plans and resources allocated, the County shall have a mechanism for management and coordination. *See Annexure 3 Kilifi County Public Participation Structure.*

#### **c. Capacity building of the county officials and the public**

Capacity building is a key aspect of ensuring both the county government officials and the public acquire the requisite skills, values and attitudes for effective public participation. It is futile to create mechanisms for engagement without having the human capacity to ensure the desired engagement is undertaken. Capacity building is a central component to public participation and shall be a continuous event.

#### **d. Access to information**

Access to information for Kenyan citizens is guaranteed by Article 35 of the Constitution. Meanwhile, section 93 of the County Government Act, provides that public communication and access to information shall be integrated in all development activities while observing professionalism, media ethic and standards. Section 96 of the County Governments Act also provides that the county shall provide access to information it holds. The county shall have designated offices for providing access to information and any county legislation on access to information shall mirror national legislation.

Public communication shall aim at:

- Creating awareness on devolution and governance
- Promoting citizens understanding for the purposes of peace and national cohesion, and
- Undertaking advocacy on core development issues at the county.



Communication timeline are critical to ensure that there is ample time to process the information, prepare for engagements and act accordingly.

**e. Media appearances by County Officers**

To expand their audiences for public participation and civic education, County governments shall use community radio and television to communicate county policies, legislation and development plans. It shall also use the interactive nature of the radio and television shows to enrich public participation process. However, media appearances shall not always be used as an alternative to other forms of public participation.

**f. County Information Resource Centers**

County government shall establish resource centers where the public may access information. These centers may be public libraries or resource centers at county assembly or county executive offices. There already exist provisions for county service centers (Section 119, CGA 2012) to be established at county, sub-county, ward and village levels that could be utilized as county information resource centers.

**g. E-Participation and Communication**

The County shall develop an elaborate E-platform for residents who are unable to physically participate in public forums or who prefer to participate online.

**h. Stakeholder Mapping and gender mainstreaming**

A comprehensive public participation process shall involve individuals or groups of people that would be directly affected by a proposed policy, law, or development plan. The county government shall set up a Stakeholder's Register based on various sectors in the county. The register shall be used as a reference point to invite stakeholders relevant to specific proposed policy, legislation or development plan.

**i. Inclusivity**

All public participation processes must consciously involve minorities and historically marginalized groups. The constitution defines a marginalized community as a relatively small population which has been unable to fully participate in the integrated social and economic life of Kenya. Culturally and economically, marginalized groups also include the youth, persons with disabilities, women and older members of the society.

**j. Persons Living with disabilities (PLWDs).**

All persons with disabilities regardless of their impairment, legal status or place of residence have a right to public participation in governance, legislative processes and policy making. They also have a right to services offered by the county governments. County governments shall consult closely and involve persons with disabilities and their representative organizations in all matters concerning the right to participate. Statutory organizations that county governments shall work with include the National Council for Persons with Disabilities.

## **SECTION FOUR:**

### **GRIEVANCES AND REDRESS MECHANISMS FOR PUBLIC PARTICIPATION**

A positive critic that builds and enhances confidence is crucial in the process of public participation. As a process of learning and development, public participation needs to incorporate good practices and review or improve on those that work while discarding those that won't work. The county government shall facilitate a feedback mechanism by putting up suggestion boxes in all the departmental, Sub county and ward offices to enable the public to provide compliments on what they find impressive and workable. Where public participation is not optimal, platforms shall be established to offer redress to the public by either using an e-platform or a physical complaints mechanism. The county shall also appoint a complaints management committee both at the sub county and ward level and maintain a register of complaints that is open to public scrutiny. Of concern is that those making a complaint shall be protected from any victimization.

#### **a. Petitions**

Sections 15 and 88 of County Governments' Act states that citizens have a right to petition the county assembly to consider any matter within its authority including enacting, amending or repealing any of its legislation. The public may petition on issues affecting a group of people, through village committees ward, sub-county and county committees.

#### **b. Referendum**

Section 70 of the County Government Act provides that a county government may conduct a local referendum on, among other issues, county laws and petitions or planning and investment decisions affecting the county, for which a petition has been raised and duly signed by at least twenty five percent of the registered voters where the referendum is to take place.

## SECTION 5: MONITORING AND EVALUATION

It is critical to conduct monitoring and evaluation of public participation to gauge successes and failures, and offer answers on required improvements. The county government shall regularly facilitate an evaluation of all public participation sessions in the county to advice on future improvements. All monitoring and evaluation reports shall be availed to the public.

Verification of key performance indicators that may be up for monitoring and evaluation shall be done through the use of reports at different stages of public participation, interviews, questionnaires' suggestion boxes, and focus group discussions.

The following table provides the key performance indicators for assessing progress in public participation processes in the county.

### Identifying key performance indicators and outputs of a public participation process

Indicators	Key Questions
Planning process	<ul style="list-style-type: none"><li>• Was the public involved in priority setting process?</li><li>• How was the public involved in the priority setting process?</li><li>• Was the public involved in the policy/legislation/ development plan formulation?</li><li>• How was the public involved in the policy/legislation/ development plan formulation?</li></ul>
Resource allocation	<ul style="list-style-type: none"><li>• Is there a budgetary allocation for public participation?</li><li>• How much has been allocated for public participation?</li><li>• Is the budgetary allocation sufficient?</li><li>• Are there competent county public officers spearheading the public participation process?</li><li>• How many county public officers are in charge of public participation?</li><li>• Is there a clear administrative structure?</li></ul>
Civic education	<ul style="list-style-type: none"><li>• Has the public been adequately educated on the public participation process and content?</li><li>• How many civic education sessions have been held?</li><li>• How many people attended the civic education sessions?</li></ul>
Access to information	<ul style="list-style-type: none"><li>• Were documents for discussion provided in time?</li><li>• Was the information provided in formats accessible to a large population in the county?</li></ul>
Stakeholders	<ul style="list-style-type: none"><li>• Has the county government mapped out stakeholders?</li><li>• Have all stakeholders provided with adequate notice to participate in the decision making process?</li><li>• How many stakeholders actually participated?</li></ul>

Diversity	<ul style="list-style-type: none"> <li>• Has the county government put in place mechanisms to include youth, women, elderly members of the society, persons with disability and marginalized groups to effectively participate in the decision making process?</li> <li>• How many youth, women, elderly members of the society, persons with disability and marginalized groups actually participated in public forums?</li> <li>• How many focus group discussions were undertaken?</li> </ul>
Communication	<ul style="list-style-type: none"> <li>• Did the public access the documents in good time</li> <li>• Was the public informed in good time on when, where and how forums would be held?</li> <li>• Were effective communication channels employed?</li> </ul>
Information from the public	<ul style="list-style-type: none"> <li>• What views were collected from the public?</li> <li>• How was consensus reached?</li> </ul>
Data collection from forums	<ul style="list-style-type: none"> <li>• Was the information availed to the public,?</li> <li>• What number of residents accessed the information?</li> <li>• What form and number of communication made to county residents?</li> <li>• How many of public participation forums held?</li> <li>• How many people attended the public participation forums?</li> <li>• How many people participated in public forums,</li> <li>• How diverse were people participating in public forums?</li> <li>• What was the diversity of people attending public participation forums,</li> <li>• Was the venue accessible?</li> <li>• How many experts were used in public forums including their names and qualifications and,</li> <li>• Number of written submissions made.</li> </ul>
Feedback	<ul style="list-style-type: none"> <li>• Was the public informed of the outcome of their participation?</li> <li>• What views were taken up and why?</li> <li>• What views were ignored and why?</li> </ul>

## **SECTION SIX:**

### **COMMON CHALLENGES WITH PUBLIC PARTICIPATION IN KILIFI COUNTY AND MECHANISM FOR MITIGATION**

The county has identified the following challenges in public participation in the following areas with respect to public participation in legislation, planning and budgeting, and service delivery

#### **a. Financing for public participation**

Public participation in access to information and capacity building has not received sufficient planning and resource allocation. Most of it has been ad hoc and done for compliance purposes. The County shall deliberately plan and set budget lines for public participation.

#### **b. Reaching out and inclusion**

The County is yet to establish all-inclusive, multiple mechanisms that ensure the widest public participation up to the village levels. Exclusion is a key complaint in court cases where the public has sued the county government for not engaging them. Exclusion mainly occurs due to the limited scope of outreach channels used to mobilize people, such as adverts in the national newspapers. The county government shall conduct a stakeholder mapping exercise and maintain a register of all organized groups. Beside the county shall give adequate notice (at least seven days' notice for any public participation process)

#### **c. Feedback and feed forward**

When the public is engaged, it is expected that they will receive regular feedback on what was incorporated, what was left out and why. This has not happened in the county. The County shall conduct public follow up to provide feedback on the effectiveness of the engagement mechanisms.

#### **d. Thresholds**

One of the greatest challenges of public participation is determining what threshold shall be met for public participation to be termed as effective. These thresholds shall be determined in terms of number of views received, number of forums held, diversity of stakeholders by sectors and locations and number of participants.

#### **e. Incentives**

It is common practice in the private and public sectors to compensate persons who attend public forums by offering them transport reimbursements, snacks and meals and per diem payments. Such a practice is not however sustainable for the county government. Nevertheless, the County government may partner with other organizations to ease costs while gradually educating the public on the benefits of voluntary participation.

**f. Capacity of government officials and the public to engage effectively**

It is important that both government officials and the public are educated and trained on effective engagement. Nation-wide civic education is required to expand the understanding of the roles of different actors. Since civic education is a mandate of the county government, a county wide education for the officials of the county and the public shall be undertaken.

**g. Record keeping**

While there has been numerous public participation activities undertaken, record keeping for future reference has been poor or non-existent. The County shall develop a standard storage and retrieval mechanism to mitigate against future misunderstandings. In addition, the County government shall invest in electronic mechanisms of record keeping.

**h. Coordination and management of public participation**

Coordination and management of public participation in the county shall be undertaken through the Directorate of Public participation and Civic engagement. The Directorate shall facilitate information flow, logistical support and participation of technical staff across departments with the support of county decentralized units.(See Annexure 3)

**Annexure 1: Minimum requirements for public participation in County governance**

<b>Overall legal, Regulatory, Institutional framework</b>	<b>Reference in legislation</b>
1. County governments (CGs) shall create structures, mechanisms and guidelines for citizen participation. The structures and guidelines shall ensure that participation is open to all and without discrimination, and have safeguards against domination of the consultations by one group (whether politicians, elites or CSOs)	PFMA Section 207
2. The county government shall develop laws and regulations giving effect to the requirement for effective citizen participation in developing planning and performance management within the county and such laws guidelines shall adhere to minimum national requirements.	CGA Section 115 (2) and 47
3. The County Government and its agencies shall designate an office or officer for purposes of ensuring access to information and shall enact access to information legislation	CGA Section 96 and CoK, Art, 35
4. The County Government shall promote access to information for minorities, marginalized groups and communities.	CoK, CGA, PFM Act (Specifically Article 35 and 254:3)
5. The County shall establish mechanisms to facilitate public communications and access to information with the widest public outreach using media, which may include: television stations, Information communication technology centers, websites, community radio stations, public meetings, and traditional media.	CGA Section 94 and 95
6. The County shall develop city-level interactive websites on which planning information will be posted and feedback received.	Urban areas and cities Act 2011
7. The County Government shall create legislation to provide institutional framework for facilitating civic education and establish a civic education unit	CGA Section 100-101

8. The County Governor is responsible for promoting and facilitating citizen participation in the development of policies and plans, delivering services, and for submitting an annual report to the county Assembly on citizen participation in the affairs of the county government	CGA, Section 30 and 92
9. The County Government shall establish County Budget and Economic Forum (CBEF) as a “means for consultation” by the county government on plans and budgets.	PFM Act Section 137
10. The County Government shall develop complaints (grievance redress mechanisms) which are followed up and have the confidence of citizens. These shall be based on common standards, with clear regulations and operational mechanisms.	CGA Section 47 and 59, PFM Section 48 and 139
11. County government authorities, agencies and agents have and duty to respond to petitions and challenges from citizens. Public authorities shall promote accountability; ensure that expenditure of public funds is subject to effective oversight; and promote informed debate on issues of public interest	CGA Section 89, FOI Clause 27
12. The county governor shall publicly deliver an annual state of the county address	CGA Section 30K
<b>Participatory planning</b>	
1. County Governor is responsible for ensuring citizen participation in the planning and delivery of services	CoK Art and CGA Section 115
2. Citizens shall be engaged in preparation of integrated development plans. Citizens shall be represented in the boards of cities and municipalities including representatives of professional associations, private sector, registered associations of informal sector, neighborhood associations and associations of urban areas and cities.	Urban areas and Cities Act (Section 22 and Second Schedule Clal and 2)
3. County planning shall serve as a basis for engagement between county government, citizens, other stakeholders and interest groups.	CGA Section 102
4. The County Planning Unit (CPU) will be responsible for ensuring meaningful citizen engagement in planning processes through a 5 year County Integrated Development Plan (CIDP); a 10 year county sectoral plan; a 10 year county spatial plan; and cities and urban areas plan	CGA Section 105
<b>Participatory budgeting</b>	
1. The county executive committee (CEC) Member for Finance shall ensure citizen participation in planning and budgeting	PFMA Section 125
2. The county budget circular shall prescribe a manner in which the public will participate. Participations could take various forms including not limited to direct participation, written comments and through representatives	PFMA Section 128
3. The public shall be consulted in preparation of the County Fiscal Strategy Paper	PFMA Section 117
4. The accounting officer of an urban area or city shall ensure that the public participates in the preparation of the annual budget estimates/strategic plan.	Urban Areas and Cities Act Section 21, draft Urban Policy pg. 18, PFMA Section
5. The relevant committee of the county assembly shall take into	PFMA Section 131

account public views in considering budget estimates	
<b>Overall legal, Regulatory, Institutional framework</b>	<b>Reference in legislation</b>
<b>Participatory Monitoring</b>	
1. The county shall develop the Performance Management Plan to provide for mechanisms of monitoring the work of the county	CGA Section 47 and 59, PFM Section 48 and 139
2. The County shall establish county public service board. The CPSB shall be responsible for (i) Reporting to the county assembly, (ii) informing and educating county public officers, (iii) advising the county governments on the implementation and monitoring of the national performance management system which shall involve citizens facilitated by the county executive committee.	CGA Section 57 – 59
<b>Financial Transparency – Public Financial Management (PFM)</b>	
1. Various budget documents (e.g. Budget estimates and approvals, Fiscal strategy paper, audited accounts, Annual reports, Quarterly report, Pre and Post-Election Reports) shall be published and publicized within laid out times in user friendly formats (e.g. have executive summary and narrative) so the citizens can provide meaningful output and engagements	PFMA Section 48, 123 (3), 139 and 166(4c)
2. Municipal and City Boards shall make public their annual Audited Financial statements; to be published in two major public dailies, as well as on the Board’s website and in conspicuous place at the Board’s office.	The Urban Areas And Cities Act, section 48

## Annex 2: Checklist for monitoring and evaluating public participation

County			
.....			
Assessment undertaken by: .....			
Date: .....			
1.0	<b>Communications and Transparency around Citizen engagement</b>	<b>Requires action</b>	
		Yes	No
1.1	Have the county Government (CG) enacted legislation to provide the institutional framework for facilitating public participation and civic education?		
1.2	Are there mechanisms in the CG to facilitate public communications and information access e.g media, TVs, ICT centers, websites, community radio, baraza, and traditional media?		
1.3	Are the platforms to promote access to information to minorities, marginalized groups and communities?		
1.4	Has the CG established a civic education unit for purposes to ensure access to information by the public?		
1.5	Has the county governor publicly delivered an annual state of the county address?		
1.6	Has the county governor submitted an annual report to the county assembly on citizen participation?		
<b>2.0 Participatory Planning</b>			
2.1	Has the county assembly developed laws and regulations supporting effective		



	citizen participation in development planning and performance management?		
2.2	Has the CG established “County Planning Units or County Planning Committees?”		
2.3	Has the CPU or county planning committee ensured effective citizen involvement in planning processes in (1) CIDP (2) Sectoral plan (3), spatial plan (4), and urban area plan? Are citizens represented in key forums including the boards of cities and municipalities?		
<b>3.0 Participatory Budgeting</b>			
3.1	Has the CG published and publicized various budget documents within specified time to enable citizens meaningful input and engagement?		
3.2	Has the county executive established the county budget and economic forum (CBEF)?		
3.3	Does the county executive establish consultations at different stages of the budget cycle?		
3.4	Does the CA have a budget and appropriations committee (CBAC)?		
3.5	Does CBAC release budget information?		
3.6	Does the CBAC convene public budget forums for analysis of the CE proposed budget		
<b>4.0 Participatory Monitoring</b>			
4.1	Has the CG established the county public service boards (CPSB)?		
4.2	Has the CG developed the performance management plan?		
4.3	Does the CPSB (1) report to the county assembly? (2) Inform and educate county public officers? (3) Advise the CG on the implementation and monitoring of the county performance management system which shall involve citizens facilitated by the CECM?		
<b>5.0 Government Responsiveness and Accountability to Citizens</b>			
5.1	Does the CG establish feedback mechanisms for citizens to know their input was considered?		
5.2	DO the public forums set aside specific time for public questions and feedback?		
5.3	Does the CG have a service charter on access to information?		
5.4	Does it avail the information within the specified time?		
5.5	Has CG developed interactive websites on which planning information is posted and feedback received?		
5.6	Has the CG conducted an Annual Public Expenditure Tracking Survey with engagement of the controller of budget?		
<b>6.0 Financial Transparency and Reporting</b>			
3.1	Has the CG published and publicized various budget documents within specified time (Audited accounts, annual reports, quarterly reports)		
6.2	Did municipal boards make public their annual audited financial statements by publishing in two major dailies, on bill boards, website and on office boards where the public could easily view them?		
6.3	Does the CG have a Public Accounts Committee and Public Investments Committee that regularly audit CG financial reports?		

Source: Ministry of Devolution and Planning, Kenya School of Government and World Bank.

### KILIFI COUNTY PUBLIC PARTICIPATION STRUCTURE

