KENYA DEVOLUTION

WORKING PAPER 1 - Overview Note

FEBRUARY 2015

Building Public Participation in Kenya's Devolved Government

Overview of key challenges and opportunities for enhancing participation in newly devolved institutions and systems: A summary of the working paper series

OBJECTIVE: *This paper summarizes findings and analysis from five working papers & case studies reviewing opportunities and challenges for strengthening public participation in Kenya's newly decentralized system. It provides a consolidated list of recommendations emerging from all the working papers.*

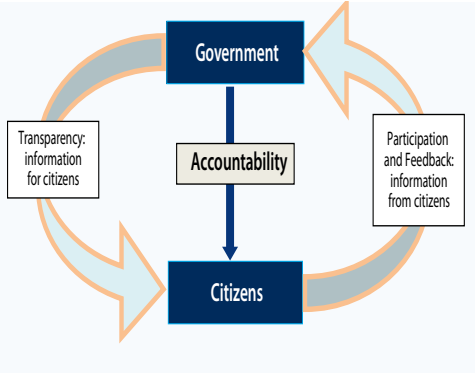
Executive Summary

Kenya has embarked on a highly ambitious decentralization that seeks to fundamentally change the relationship between government and citizens under the 2010 Constitution. The Constitution seeks to shift government from centralized to decentralized, and from "top-down" to "bottom-up". Among many reforms, devolution is arguably the most significant. Many countries—both rich and poor—have transferred power and resources to lower levels of government. Few have done so to entirely new subnational units, or done so in the first year of their existence.

The Constitution and new legal framework place a strong emphasis on strengthening public participation. Strengthening public participation and governance is a core element in Kenya's strategy to accelerate growth and address long-standing inequalities in economic opportunities, investment, and service delivery in different parts of the country. Multiple studies have documented links between persistent poverty/inequality and governance weaknesses that reduce the efficiency and equity of public investments and services, impede the investment climate, and undermine job creation.

Global experience with decentralization bears out the Constitution's emphasis on governance, transparency and participation. Contrary to common expectations that devolution will improve service delivery, governance factors (such as elite capture, clientelism, capacity constraints, competition over power between levels of government, and weaknesses in performance monitoring) often undermine expected performance and accountability gains from decentralization. Global experience indicates that effective decentralization depends on balancing increased discretion of local governments with increased accountability—both upwards and downwards (see Figure 1).

FIGURE 1: ELEMENTS OF PUBLIC PARTICIPATION



Source: World Bank (2012)

Kenya has a good foundation to strengthen participation in both national and county governments. The space for citizen-state interaction continues to expand, the government and civil society have gained significant experience deploying participatory tools and approaches, the media is relatively free and outspoken and Kenya's role as a regional ICT innovator, and one of the first major open government data portals in sub-Saharan Africa, is widely recognized.

As they simultaneously deliver services and build new institutions, counties are seeking to establish effective means to engage the public. To respond to this demand, the working papers distill practical findings and lessons regarding devolution and participation, based on extensive research conducted over the past two years on public participation, social accountability, and devolution in Kenya.

This working paper is the first in a series of devolution working papers, that are being developed and disseminated in a partnership between the Centre for Devolution studies (CDS) - Kenya School of Government and the World Bank. The series has been produced with the support of the Kenya Accountable Devolution Program (KADP), financed by the GPF, DFID and the Australian Government.

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1 Introduction and Context

1.1 The Working Papers

This Overview Note describes the context for devolution and participation, reviews global experience, and summarizes the findings from five Working Papers, each of the working papers reviews a particular aspect of public participation, described in the following table:

OVERVIEW OF KSG-WB WORKING PAPERS: DEVOLUTION AND PUBLIC PARTICIPATION

Working paper 1:	Building Public Participation in Kenya's Devolved Government
Working paper 2:	Basic Requirements for Public Participation in Kenya's Legal Framework
Working paper 3:	Participation in Kenya's Local Development Funds: Reviewing the Past to Inform the Future
Working paper 4:	Integrating Social Accountability in Healthcare Delivery: Lessons Drawn from Kenya
Working paper 5:	One Year On: Review of County Initiatives in Public Participation in the Roll Out of Devolution
Working paper 6:	Practical Approaches for County Governments to Facilitate Public Participation in the Planning and Budget Process

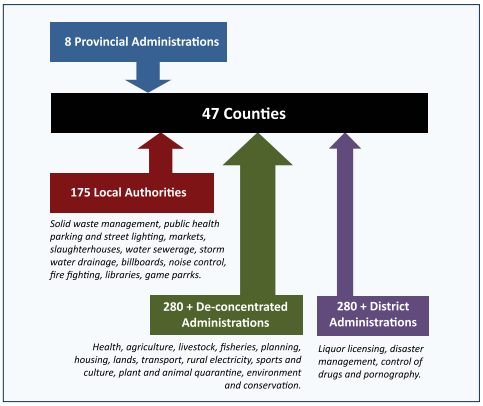
The working papers are based on research and analysis conducted over the past 2 years, including: (i) analyses of Kenya's decentralization; (ii) a literature review of social accountability in Kenya; (iii) a legal analysis of the Constitution and legal framework; (iv) a review of 19 Kenyan civil society reports on social accountability; (v) the World Bank's published *Six Case Studies of Local Participation in Kenya*; and (vi) consultations with citizens in eight counties. The working papers suggest practical actions that stakeholders can take to operationalize effective public participation. Many of these are related to building government systems and civil servant capacity—for making information public, for consulting county stakeholders—that often go beyond traditional public sector roles.

The papers use the terms "public participation," "social accountability," and "citizen engagement" interchangeably. They refer to the gamut of processes—involving transparency, accountability, and participation—that enable the public to hold state institutions accountable and make them responsive to their needs.

1.2 Kenya's devolution represents a historic shift from 'top down' to 'bottom up' government

The ambitious decentralization defined under Kenya's 2010 Constitution is arguably the most far-reaching of many reforms. Amidst very high public expectations, Kenya's devolution is one of the most ambitious underway in the world, involving large-scale political, fiscal, and administrative decentralization. Since March 2013 elections, Kenyan authorities have established a new sub-national level of government, including 47 counties (Figure 2) each with an elected Governor and county assembly, responsible for a significant portion of public finances and service delivery. Many countries—both rich and poor—have transferred power and resources to lower levels of government. Few have done so to entirely new subnational units.

FIGURE 2: KENYA'S DEVOLUTION BRINGS A MAJOR POLITICAL AND ADMINISTRATIVE RESTRUCTURING



Source: World Bank (2012) Devolution without Disruption: Pathways to a successful new Kenya

The roll-out of devolution, formally underway since March 2013 elections, highlights the major implications that devolution has for poverty reduction, service delivery and economic growth in Kenya. The reform seeks to address multiple objectives: tackle long-term, deeply entrenched disparities between regions; increase the responsiveness and accountability of government to citizens; allow greater autonomy to different regions and groups, and re-balance power away from a historically strong central government.

New county governments have quickly assumed major responsibilities, and major funding, for delivering health, agriculture, urban services, and local infrastructure. The transfer of functions and funds to counties has proceeded more rapidly than was envisaged under the Constitution. The Equitable Share allocated to counties in 2013-14 was more than twice the minimum 15% required by the Constitution, and is allocated using a progressive horizontal sharing formula that provides historically marginalized counties with higher per capita transfers than historically privileged counties.

1.3 There is a strong basis for enhanced participation in Kenya's new legal framework …

The Constitution and devolution legal framework place a strong emphasis on public participation, transparency, and accountability as means to improve the efficiency, accountability, equity and inclusiveness of government and service delivery. The overarching principles and values in the Constitution and subsequent legal framework consistently commit the Government of Kenya to transparency, accountability and civic engagement in devolved governance (see Section 2).

1.4 … as part of a Constitutional emphasis on strengthening governance …

The Constitution and devolution seek to enhance governance and service delivery. In comparison to its peers, Kenya scores well on voice, regulatory quality, revenue mobilization, public administration, and macroeconomic and budgetary management as shown in Table 1. Improvement in 'voice' reflects a vibrant and open media and civil society. Kenya also scores well in its efforts to improve the quality of its policies and institutions. However, Kenya scores below the norm for lower-income countries and for sub-Saharan Africa on rule of law and control of corruption. Global surveys have shown only small improvements in Kenyan citizen perceptions of governance and corruption in recent years.

TABLE 1: SELECTED GOVERNANCE INDICATORS

Measure	Burundi	Kenya	Rwanda	Tanzania	Uganda
Public Expenditure and Financial Accountability (PEFA, 2008)	n/a	2.47	2.38	2.61	2.48
Country Policy and Institutional Assessment (CPIA) Africa (2011)[1]	3.0	3.8	3.7	3.9	3.8
Corruption Perception Index (CPI) index and	19	27	53	35	29
CPI rank (176 countries) 2012[2]	165	139	50	102	130
World Governance Indicators (2011)[3]					
Voice & Accountability	19.7	40.4	12.2	45.5	30
Regulatory Quality	17.1	46.9	48.3	35.5	49.8
Control of Corruption	10.9	19.4	69.7	36	19.9
Rule of Law	13.2	16.4	46.9	34.3	44
Open Budget (2012)[4]	n/a	49	8	47	65
Ease of Doing Business 2013 (out of 185 countries)[5]	159	121	52	134	120
Press Freedom Index 2013 and	38.02	27.8	55.46	27.34	31.69
(rank out of 179 countries)[6]	132	71	161	70	104

Source: World Bank compilation (2013)

On the positive side, the space for citizen-state interaction continues to expand, despite occasional setbacks. Kenya's government and civil society have gained significant experience over the past decade deploying participatory tools and approaches, especially connected with local service delivery funds. The Kenyan media is outspoken and independent by regional standards. Kenya has a rich network of civic organizations—both secular and faith-based, profit and non-profit; and research, policy and advocacy—including international, national and community-based organizations. A strong and open media and a vibrant civil society mean that corruption allegations are widely reported and debated. In addition, Kenya's role as a global innovator in ICT provides opportunities to strengthen feedback loops between Government and citizens, via the rapid diffusion of mobile phones (9 out of 10 Kenyans have them), together with Kenya's pioneering work in other ICT areas like the Kenya Open Data Initiative.

Still, governance remains a major impediment to Kenya's development. Numerous studies document how governance weaknesses negatively impact public service delivery and investment, the business environment, and job creation. Analytical work documents how Kenyans pay more frequent bribes for business and informal fees for basic services like education and health than in many other countries. The percentage of firms identifying corruption

1 *The Country Policy and Institutional Assessment (CPIA) describes how a country is improving the quality of policies and institutions that are important for development. It looks at 4 areas: economic management, structural policies, policies for social inclusion and reality and public sector management and institutions. Scores range from 1 to 4 with 4 representing best quality, and 1 the least quality.*

2 *As of 2012, the CPI ranks 176 countries on a scale of 100 (very clean) to (0) highly corrupt. In previous years the CPI ranked the countries on a scale ranging from 10 to 0 (10 for least corrupt and 0 highly corrupt).*

3 *Higher values indicate better governance outcomes.*

4 *The Open Budget Index measures the budget transparency of countries, OBI scores ranging between (81-100) indicate that the budget give extensive information, (61-80) significant information, (41-60) some, (21-40) minimal, and (0-20) scant or no information.*

5 *This measures business regulations for domestic firms and presents quantitative indicators on regulations that apply to firms at different stages of their life cycle. Data highlights key obstacles to business activities in the over 100 economies which are ranked according to their performance.*

6 *A lower score shows higher degrees of press freedom, whilst the higher scores indicates poor press freedom.*

as a problem is significantly higher than the Sub-Saharan regional average. In turn, the poor are disproportionately impacted by these governance failures. Entrenched governance problems around the distribution of land, public contracts, and other sources of rents negatively affect the investment climate, job creation, and contribute to persistent inequalities and conflict.

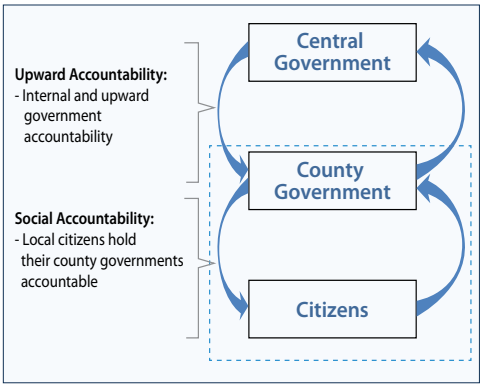
1.5 Global experience with devolution bears out Kenya's emphasis on participation and downward accountability of county and national government

Devolution does not automatically bring greater government responsiveness and accountability to the public, especially if accountability mechanisms are not quickly put in place. Governance risks that can undermine expected performance and accountability gains from decentralization include elite capture, clientelism, capacity constraints; competition over the balance of power between levels of government, and weaknesses in interregional information flows critical for effective competition. These risks may be more prevalent at the local than national level.

Global experience highlights the need to balance the increased discretion (political, administrative, and fiscal) of the new county governments with greater accountability. Critical determinants of devolution's success are how well counties develop systems that ensure they are responsive and accountable to the needs of members of the public (Figure 3).

Building sub-national government responsiveness and performance requires a focused effort to link county governments with the public. Several countries—including Brazil, India, and South Africa—have placed a strong emphasis on building accountability of local governments to citizens as part of decentralization with significant success. Noteworthy examples of success include Kerala State in India (Box 1).

FIGURE 3: MODEL OF UPWARD AND DOWNWARD ACCOUNTABILITY



Source: World Bank (2012)

The available comparative research on decentralization highlights some common themes:

- *Effective implementation of decentralization reforms requires a strategy to give discretionary power to local governments and to strengthen their accountability towards members of the public.*
- *Building effective public participation depends on building capacity of government as well as citizens.* Local government capacity and incentives are often a key constraint to effective decentralization. Strengthening public participation requires a significant focus on building government systems and capacity, as well as citizens and civil society organizations.

BOX 1: DECENTRALIZATION IN KERALA STATE, INDIA

Kerala State in India has undergone significant decentralization. Due to the caste system in India, people in lower levels of society and the poor were seen as disenfranchised, with the government largely unresponsive to their needs. The objective of decentralization was to:

(a) make the State more accountable to the citizens.

(b) address the absence of financial data on rural localities.

(c) maximize the direct involvement of citizens in planning and budgeting.

Following decentralization, Kerala became the only state in India where it's fully recognized that primary accountability of the local government institutions is to the local community. The Kerala Panchayat Act 1994 (amended in 1999) had several provisions to encourage transparency and accountability of public officials including the right of citizens to access public documents and the rule for the Panchayats (local governments) to establish billboards in each ward with important information regarding schemes and projects to be implemented. Under the Freedom of information Act, citizens can demand and receive details of expenditure on work done over a period of five years in their village. Withholding information regarding administration of local governments to citizens is punishable. By 2005, as established by a survey conducted by Transparency International, Kerala was ranked the least corrupt state in India.

There are four stages of participation in the annual planning and budgeting cycle. At the lowest level, the ward level, the meetings are open to all participants and held on public holidays for everyone to attend. Subsequent meetings are attended by representatives selected by their forum groups. The other three meetings are the development seminars, to determine integrated solutions for problems identified at ward level; Task forces to convert solutions to projects/scheme proposals; and the meeting on the actual formulation of municipal budget.

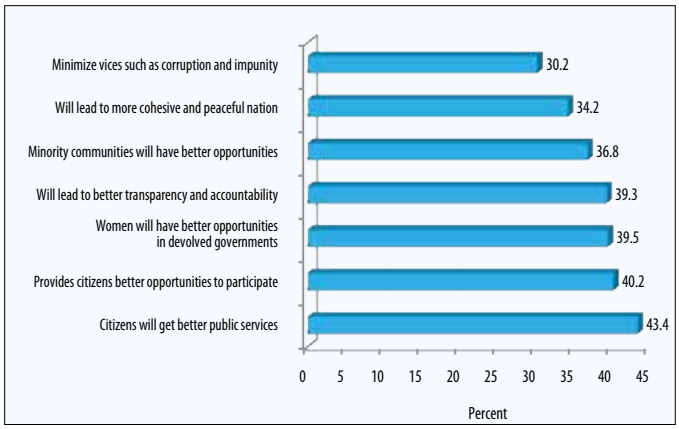
- Build on what already exists: embed social accountability in "organic" pressures for pro-accountability change and in the broader social contract. Social accountability appears to be most effective when it builds on already-existing formal and/or informal accountability practices, "working with the grain" of the local institutional fabric. For instance in monitoring and evaluation, there is oversight by non-executive actors such as civil society and media through social audits, citizen feedback surveys on government performance and investigative pieces. Formal oversight mechanisms include parliamentary committees and commissions.

- Taking a multi-pronged approach to accountability reform increases the likelihood of success. Effective accountability measures work simultaneously on different issues and at different levels. Experience suggests that effective accountability measures work simultaneously on different issues and at different levels. This implies, for example, the need to: (i) embed social accountability principles in all stages of the policy cycle; (ii) pursue the necessary harder sanction dimension of accountability, such as enforcement and action, as well as the more commonly pursued softer answerability dimension of accountability, such as information and transparency; (iii) recognize that information alone is rarely sufficient to improve accountability outcomes as it must match the capacity and incentives of actors to act to bring about change; and (iv) adopt longer time horizons and an adaptable learning-by-doing approach.

1.6 The public has high expectations for devolution to improve service delivery, but is still coming to terms with new roles and responsibilities

There are very high public expectations that devolution, among Constitutional provisions, will improve service delivery and accountability. The devolution process has generated tremendous hope and high expectations of how quickly devolved government will change the lives of ordinary citizens, improve service delivery, and reduce corruption (Figure 4). A challenge will be to convert raised citizen expectations for better service delivery into action, while helping to ensure citizens have a realistic understanding of the constraints and challenges faced by county governments.

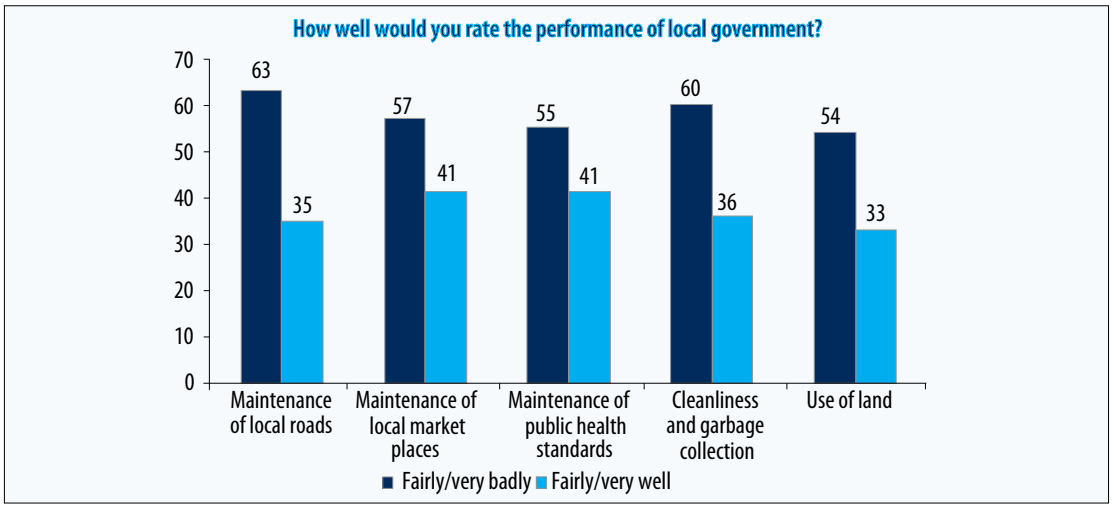
FIGURE 4: KENYAN'S EXPECTATIONS OF DEVOLUTION



Source: Society for Development (2012)

In part, these expectations reflect low levels of satisfaction with local service delivery prior to devolution. An approximate six out of ten Kenyans rated the former Local Authorities as performing poorly in the delivery of pertinent services. As shown in Figure 5, a high percentage of Kenyans rated the local government as performing fairly badly in the maintenance of local roads (63 percent), cleanliness and garbage collection (60 percent) and maintenance of public health standards (55 percent).

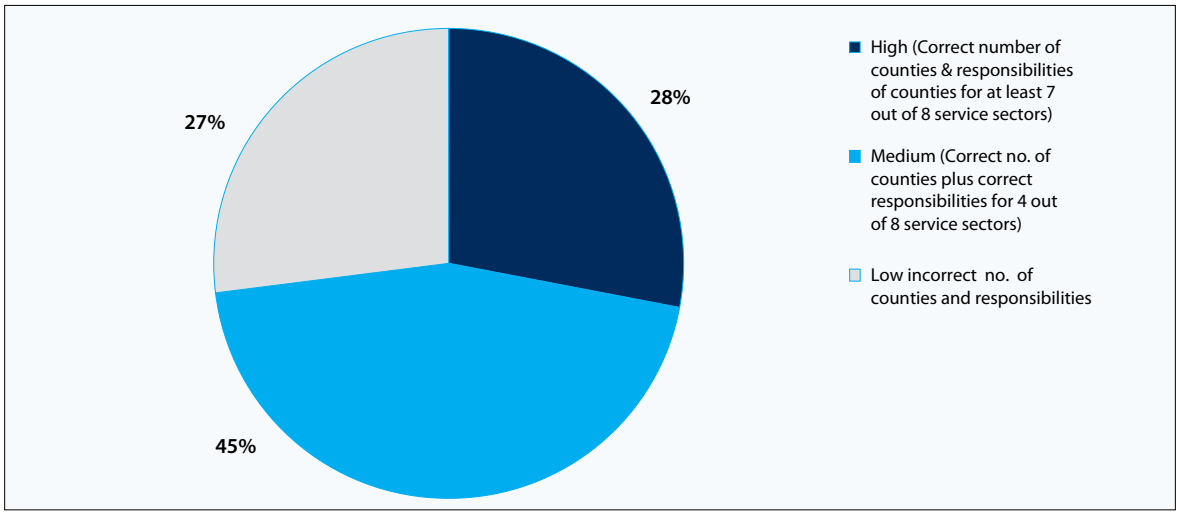
FIGURE 5: SATISFACTION WITH SERVICE PROVISION



Source: Afro-barometer research papers, 2011

The public is still learning about new roles and responsibilities under devolution. Prior to devolution, studies indicated that about a third of the Kenyan population (29 percent) had a clear understanding of devolved structures, whilst majority (71 percent) could not articulate correct positions or the roles of different office bearers.[8] Public awareness appears to be improving, with most citizens having a high or medium understanding of county responsibilities (Figure 6).

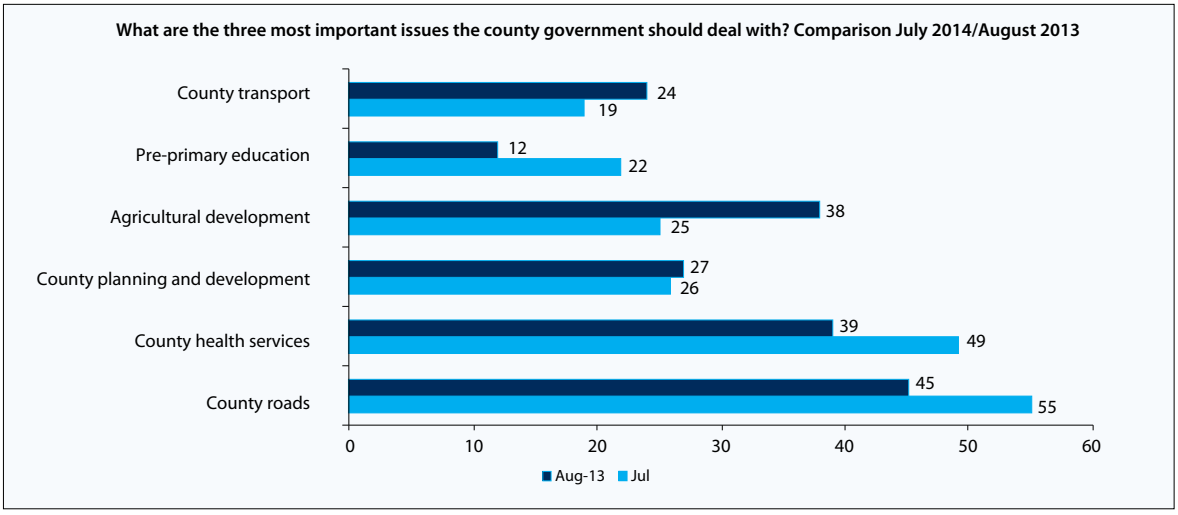
FIGURE 6: LEVEL OF CIVIC EDUCATION ON DEVOLUTION



Source: Ipsos Synovate, 2014

Surveys indicate that the services Kenyans value at the local level and are most interested to see improvements in are roads and health. Figure 7 shows the most important issues that Kenyans identify as priority for county governments to address and how this has evolved over time. In 2013, most Kenyans cited roads (45 percent), health (39 percent) and agricultural development (38 percent) as priority areas for counties to address. In 2014, roads and health were still priority areas with considerable rise in the percentage of Kenyans citing these, whilst agriculture dropped and was replaced by general county level planning and development.

FIGURE 7: KEY SERVICES KENYANS CARE ABOUT



Source: National Democratic Institute (NDI) 2014

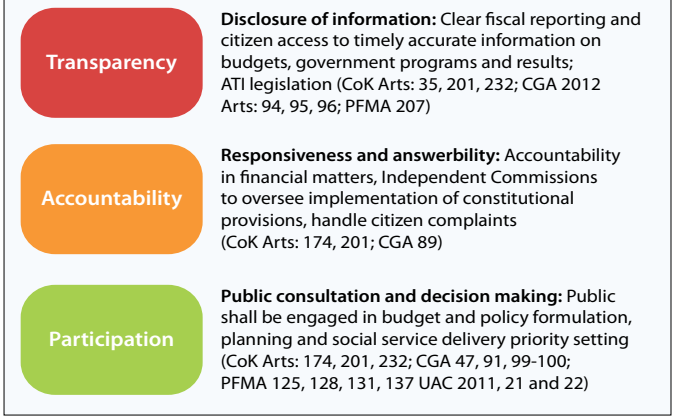
8 Society for International Development (2012) The Status of Governance in Kenya

2 Working Paper 2: Basic requirements for public participation in Kenya's legal framework

Working Paper 2 reviews key provisions on transparency, accountability, and participation in Kenya's emerging legal framework. It focuses on but is not limited to provisions related to planning and public financial management.

The County Government Act 2012 (CGA), Public Finance Management Act 2012 (PFMA), and Urban Areas and Cities Act (2011) all include measures on public participation for county governments to implement. They require public participation in many aspects of national and county government, including: developing new legislation, setting national and county planning and budget priorities, reviewing public sector performance and expenditures, and submitting grievances. Public participation is required throughout all stages of the planning and budget cycle. County governments are required to create structures, mechanisms and guidelines for public participation, promote access for minorities and marginalized groups, establish mechanisms for wide public communication and access to information, and submit an annual report on citizen participation to the county assembly. Non-state actors are also recognized as having an important role in implementation and oversight (CGA Section 87), and in ensuring public participation in county planning processes (CGA Section 104) (see Figure 8). Still, despite Constitutional provisions on transparency, a draft Freedom of Information bill remains stalled, and numerous sources report difficulty in obtaining even basic government documents.

FIGURE 8: KENYA'S CONSTITUTION AND LEGAL FRAMEWORK PROVIDE STRONG FOUNDATION FOR PUBLIC PARTICIPATION



Source: World Bank (2014)

Key provisions include:

- County Assemblies should develop laws and regulations supporting effective citizen participation in development planning and performance management. (CGA 47, 115)
- County Governors are responsible for promoting and facilitating citizen participation in the development of plans and policies, delivering services and submitting an annual report to the county assembly on citizen participation in county affairs. (CGA 30, 92)
- County Governments should create structures, mechanisms, and guidelines for citizen participation. The structures and guidelines should ensure participation is open to all without discrimination and have safeguards against the domination of consultations by one group. (PFMA 207)
- Counties should form a County Budget and Economic Forum (CBEF) to provide meaningful consultation over the budget process by county inhabitants. (PFMA 137)
- Various budget documents (Budget estimates, fiscal strategy paper, audited accounts, annual reports, quarterly reports) should be published and publicized within laid out times in user-friendly formats.
- County Government and its agencies shall designate an office or officer for purposes of ensuring access to information and shall enact legislation to ensure access to information for which reasonable fees may be imposed. (CGA 96)

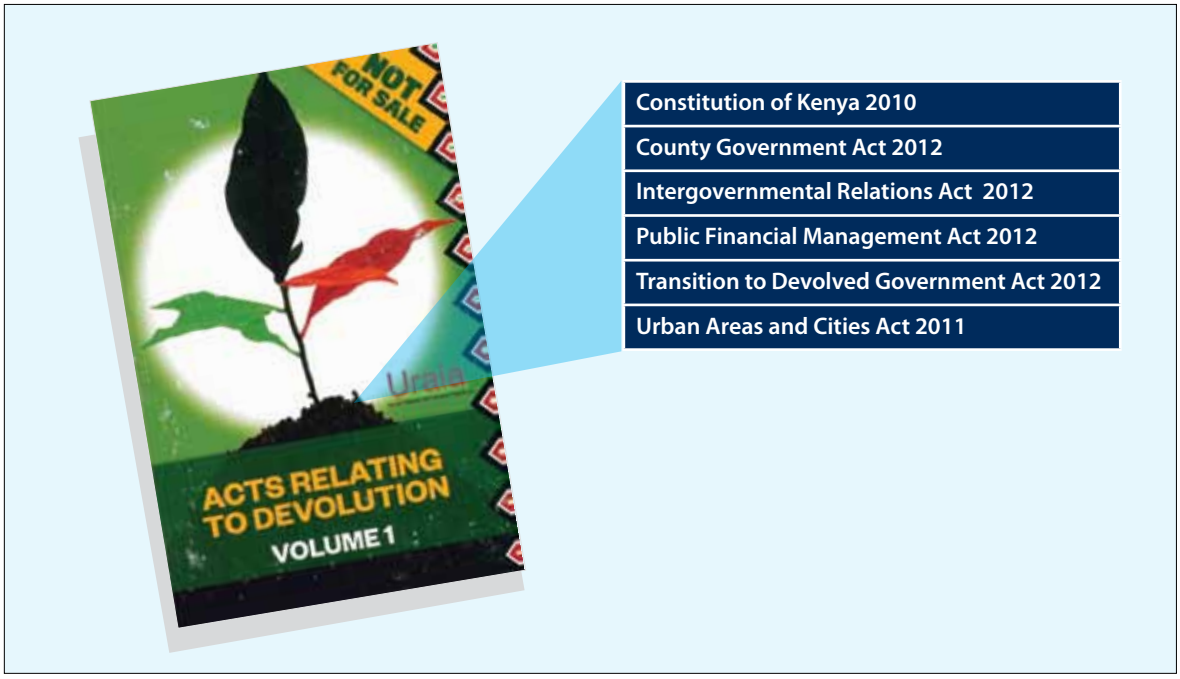
TABLE 2: MINIMUM REQUIREMENTS FOR TRANSPARENCY, ACCOUNTABILITY AND PARTICIPATION IN THE BUDGET CYCLE		
Stage in the Budget Cycle	**Requirement**	**Legal/Policy Provision**
Formulation	• Resource Envelope Details made public • Availing of Budget Information (Proposals and their rationale) • Public Participation calls at least 7 days to the meeting • Adequate (at least 7 Days) to the public to avail feedback.	Public Finance Management Act Section 125 & 128.
Approval	• Framework for public engagement with the County Assembly in the approval process • Public participation and feedback mechanism • Provision of documents (in an easy to understand format) before consultative meetings are held.	Public Finance Management Act Section 125, 129, and 130.
Implementation	• Service Implementation and Monitoring Committees • Feedback mechanism in quality of public goods and services • Mechanism for petitioning.	Public Finance Management Act Section 125.
Audit	• Public input in the financial and value for money audits • Recourse measures for the public where appropriate action is not taken.	Public Finance Management Act Section 125.
Crosscutting	• Engagement of the public through the County Budget Economic Forum (CBEF).	Section 137.

Source: World Bank (2014)

Proposed checklist for assessing level of Transparency, Accountability and Participation

Working Paper 2 presents and proposes the County Public Participation Checklist, a simple tool for use by County Governments (Executive and Assembly), civil society organizations, citizens, partners and others to track progress of counties in meeting legislative requirements for transparency accountability and participation.

The employment of a common assessment framework by all stakeholders, such as the checklist can help identify challenges and barriers to promoting effective participation. It can provide government and citizens with a 'baseline needs assessment' to identify good practices and areas where additional attention is needed. This tool can assist county governments to implement an effective public participation and accountability framework in their planning and budget cycle. Furthermore, it can serve to bring together government and civic actors to work jointly to embed participation in county planning and budget processes that brings together supply-and demand-side interventions.



Key legislation reviewed from a public participation perspective

3 Working Paper 3 : Lessons from Kenya's past experience with participation in local service delivery

Working Paper 3 summarizes Kenya's growing experience on public participation, experience that county governments can draw on as they design participation mechanisms—especially from citizen participation in local service delivery funds. In particular, the former Local Authority Transfer Fund (LATF) and the ongoing Constituency Development Fund (CDF) have been a locus of citizen participation for several years.

3.1 Participation in the local development funds (CDF and LATF)

Several local development funds were introduced from the late 1990s to mid-2005, partly in response to persistent regional inequalities and calls for greater local participation in setting development priorities. The most prominent of these were the Local Authority Transfer Fund (LATF) of 1998 and the Constituencies Development Fund (CDF) introduced in 2004. The LATF was a discretionary block grant comprising 5 percent of the national government's annual income tax, managed by the former Ministry for Local Government (MoLG). The CDF is a poverty-linked local development fund managed by each Member of Parliament.

Both funds had/have detailed guidelines and procedures for engaging with communities and citizens. The Local Authority Service Delivery Action Plan (LASDAP) process engaged citizens in annual ward-level consultative processes, to consider and identify priority capital projects to be implemented by local authorities. The CDF provides for participation in development projects primarily through citizen-led committees: the Constituency Development Fund Committee (CDFC) and Project Management Committee (PMC).



Women discussing priorities at a local community meeting in Western Kenya

CDF and LATF have been relatively participatory compared with other government programs, and a majority of citizen engagement efforts in Kenya have focused on them. Civil society organizations have implemented a range of social accountability mechanisms, including participatory planning and project identification, community scorecards, citizen report cards, social audits, public expenditure tracking surveys related to the funds. Some initiatives have been implemented jointly with local government/fund staff, many have been CSO-led.

3.2 Strengths of citizen participation in these funds include:

- **Kenya has developed a rich network of civic organizations with capacity to mobilize, organize and support public participation.** Multiple participatory approaches have been piloted, including in policy making, budget transparency, planning, and monitoring.
- **Participatory processes have contributed to multiple development objectives,** including improving the responsiveness of funds to community priorities, documenting misuse of funds, demonstrating structured approaches for participation, involving vulnerable and marginalized groups, and developing citizen-friendly guides and materials.
- **Effective participation includes significant up-front planning, facilitators, and financing to mobilize community leaders, train citizens, and develop user-friendly information.**
- **Joint social accountability initiatives involving both government and civil society organizations appear to have greater chances of impact and sustainability.** Case studies document initiatives where government and CSOs worked together to plan, mobilize and train citizens and civil servants, and coordinate follow-up actions, and where intended beneficiaries reported greater satisfaction with outcomes.
- **Incentives can increase participation.** In LATF, the requirement for local authorities to report on participation, in order to receive future funds, appears to have increased public participation in project identification.
- **Providing citizens with technical expertise (e.g. engineering) improved implementation.** A key feature of more successful participatory projects was the provision of technical expertise.

3.3 Challenges that emerged

- **Fragmentation of local government funds and guidelines made it more difficult for citizens to participate or demand accountability.** CDF and LATF each had different implementing agencies, procedures, governance mechanisms, and entry points for citizen engagement.
- **There were significant differences between official procedures for participation and actual practice.** This resulted from limitations in government capacity, as well as incentives.
- **Citizens and CSOs reported that it is often difficult to obtain basic information** around local development programs, procedures and finances.
- **Participation can easily become tokenistic** if there are not systems and incentives to monitor the quality of participation.
- **CSO-led initiatives often face challenges of scale and sustainability.** CSO monitoring initiatives are typically focused on a small part of the budget, apply different methodologies and metrics which make it difficult to aggregate results, and do not use shared platforms or large disseminations. Funding modalities can exacerbate such challenges.



A transparency board displaying basic project informations

Nevertheless, it is important to put the above challenges in perspective—many are visible because these local funds were more open to public scrutiny than many other sources of government funding.

3.4 Some lessons that have emerged

- **Familiarize citizens with opportunities for participation.** This requires clear guidelines for citizen participation, outreach and civic education so that citizens understand basic roles, functions and responsibilities of county government. A citizen handbook on participation at the county level would help.
- **Develop government systems and civil servant capacity to facilitate participatory processes. Build into county policy-making,** planning, budgeting and monitoring, systems to (i) create and disseminate user-friendly information, (ii) mobilize and facilitate participatory processes, (iii) register complaints.
- **Build incentives for counties and sub-national service providers** to implement transparency and participation approaches. These might include:
  - (i) Systematically measure and compare county performance and citizen satisfaction on service delivery metrics that citizens care about (see example in Figure 9). (This might include an index measuring participatory processes across counties);
  - (ii) Link county performance on participation to financing and other incentives (awards, recognition of good practice, etc). LATF showed how requiring local authorities to report on participation, linked to future fund transfers, increased participation; and
  - (iii) Develop and monitor robust complaint handling and recourse systems that track citizen comments and county government responses.

FIGURE 9: EXAMPLE OF COMPARATIVE ASSESSMENT OF HEALTH SPENDING BY COUNTIES



Source: The Standard November 12, 2013

- **Expand civil society partnerships to advocate for and help counties build effective systems and processes for participation, transparency, and mobilization.** Create platforms and forums to share participation experiences including good practices across counties.
- **Donors can support CSOs and counties to help build responsive and accountable county institutions.** Donors can: fund partnerships between CSOs and counties to design and test participatory approaches; increase funding to CSO coalitions and networks that have agreed on long-term programs around county participation;

4 Working Paper 4: Integrating Social Accountability in Health: Public participation in devolved service delivery

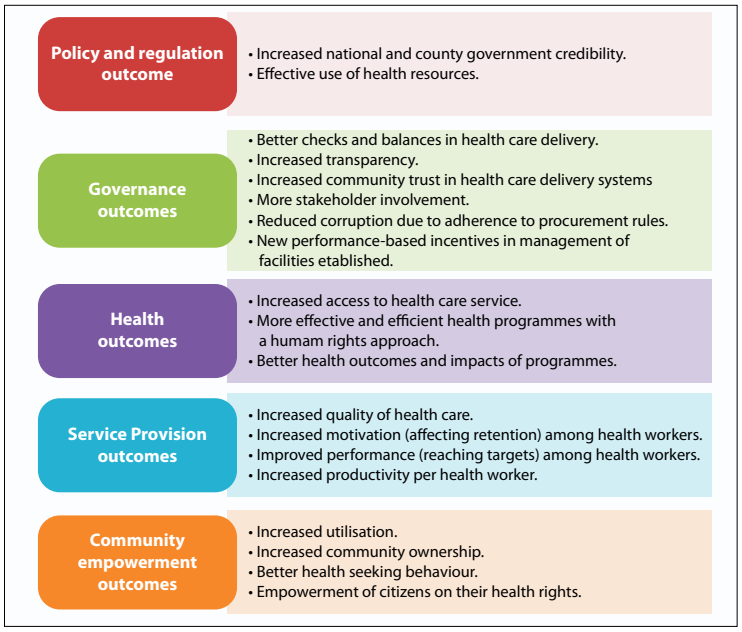
Working Paper 4 highlights some of Kenya's experience strengthening participation in the health sector. Prior to devolution, Kenya's Health authorities with support from the World Bank introduced a set of social accountability measures designed to strengthen the responsiveness and accountability of local health facilities receiving grants under the national Health Sector Services Fund (HSSF). This was initiated to address poor quality service delivery and governance in the health sector. The Ministry of Health (MOH) designed a set of social accountability activities to be piloted by health facilities in different parts of the country. The goal of the pilot was to assess the operational feasibility of improving transparency in sharing information about health services, enhancing community participation in health service planning and delivery and introducing effective complaint redress mechanisms targeting the user communities.

The pilot, which began in November 2011 and concluded in February 2013, was implemented in nine (9) health centers, selected to reflect different socio-economic settings in Kenya including arid and semi-arid pastoral, fishing, agriculture, semi-urban, and coastal. It was envisioned that these settings would deepen understanding of different challenges faced in providing primary health care services and implementing social accountability in different settings. The nine districts (and corresponding health centres) are Kirinyaga South (Mutithi), Lamu (Mokowe), Naivasha (Maiella), Garissa (Medina), Turkana South (Makutano), Mbooni (Kalawa), Suba (Tom Mboya Memorial), Msambweni (Lunga Lunga) and Nairobi West (Riruta).

Promoting social accountability in the delivery of public health services focused on three interrelated mechanisms:

- ***Increasing transparency and interactive information sharing at the Ministry of health, health facilities and the community using multiple media.*** The pilot encouraged display of funds received and expenditure details, the outreach program, user fees charged and drugs available on the health facility notice boards. Visits were made to schools, churches, markets and Chiefs' barazas to raise awareness on SAc. In some sites, community vernacular radio stations were also used.
- ***Increasing community participation in the planning and review of health facility services delivery through a well-defined forum/platform for dialogue between service providers and users.*** This took place on a regular and sustained basis to inform the preparation of the facility level Annual Operational Plan (AOP). It involved the community members planning for and evaluating health services through Community Score Cards (CSCs). The rating in these CSCs was based on performance criteria developed and agreed upon by the community and health facility staff.
- ***Ensuring a well-functioning Complaint Handling Mechanism (CHM).*** Strengthening of CHMs aimed at ensuring a well-functioning complaint and compliment handling system in the nine sites. The main interventions supporting this aspect were the installation of suggestion boxes and community campaigns for their use, procedures for their management and providing feedback to the community. Of significance, was the establishment of documentation of compliments and grievances relaying feedback to the community. A mobile number was also established for those who wished to call or use the Short Message Service (SMS) to raise issues.

FIGURE 9: STRUCTURAL OUTCOMES OF SOCIAL ACCOUNTABILITY



Source: World Bank (2014)

The 47 county governments are now responsible for managing all aspects of health service delivery while the central government is responsible for regulation through policy formulation and monitoring. The devolved health system is four tiered comprising community health services, primary care services, county referral services and national referral services. All but national referral services are now managed at county level. Counties can draw some useful lessons from the pilot project and adapt them to improve the responsiveness and accountability of local health facilities under county administration. The key outcomes realized from implementing the pilot were improved equity, access, responsiveness and quality of health services delivered. At community level, it meant increased awareness and participation to influence change in health service delivery. More specifically, the pilot illustrated that social accountability can contribute towards the following achievements in health services:

1. ***Service delivery performance improvement through use of Community Score Cards (CSCs) to rate performance of the health center.*** It was however observed that CSCs are resource intensive, and time and dedication from both the community and health facility staff is key to success.
2. ***Strengthened documentation of compliments, complaints and feedback mechanisms;*** this also improved staff motivation as a result of compliments received from the community; in most facilities, staff had not received compliments before.
3. ***Contribution towards increased health services utilization as a result of improved dialogue between the health facility staff and the Community.*** Communities were also less sceptical on health facility spending as information on income and expenditure was publicly displayed,
4. ***An enabling environment and platform where communities are able to hold the health providers accountable.***

There are however three key factors that must be taken into consideration for successful mainstreaming of social accountability:

- ***Citizen engagement needs an adequate budget.*** Social accountability takes more time and resources than conventional project activities, as it deals with changing attitudes, behaviours, power relationships and other intangibles that tend to be under-appreciated because they cannot be readily measured.
- ***Understanding the local context is crucial for successful social accountability initiatives.*** It is imperative to understand the local situation, the potential winners and losers, allies, incentives to participate and risks. SAc cannot be applied as a standard solution without first understanding reality at the local level. Social accountability cannot be applied as a standard solution without first understanding the reality at the local level.



Public display of a health facility Service Charter in Makueni County

- ***Support the "Supply Side."*** The biggest obstacle to implementation of the SAc pilot was not from citizens, but from the "supply side" - the healthcare workers at all levels who were often unreceptive to the concept of greater citizen engagement. They feared loss of control, authority, resources (especially if they had been used to informal service fees) and greater accountability. The SAc pilot has demonstrated the value of constructive engagement between the public sector and citizens where both sides benefit from genuine dialogue and shared ownership of the health facilities.

From the Pilot, the Ministry of Health developed a manual for integrating social accountability in health care services that counties can refer to in mainstreaming transparency, accountability and public participation not only in the health services, but other sectors for which they are responsible.

5 Working Paper 5: One Year On: County participation in the first year of devolution

> *"The constitutional 'promise' of transferring power, responsibilities and resources and delivering a more devolved government that is closer and more responsive to the people, in reality, is still facing considerable constraints. These include, the political and administrative complexity and magnitude of the devolution process, uncoordinated and fragmented approach to capacity building, duplication of capacity building efforts and resources between various stakeholders and inadequate time and financial resources."*
>
> *- Anne Waiguru, Cabinet Secretary, Ministry of Devolution and Planning, GoK, 2014*

Working Paper 5 reviews initial county initiatives on public participation, based on field visits, reports, interactions with various counties, as well as analysis from civil society and development partners.

Since March 2013 elections, counties have been seeking to deliver tangible improvements in service delivery at the same time that they build new institutions. They have, inter alia, established their executive teams and staff, established county public service commissions, prepared County Integrated Development Plans (CIDP), developed county strategies on a range of topics, and are mid-way through their second full budget cycle. They are seeking to attract investment and manage revenues. Counties now play the primary on-the-ground role in delivering health, urban and agriculture services that previously were managed by the national government.

Amidst these challenges, Kenyan policy makers, national and county government authorities, and civil society organizations have sought to enhance public engagement in multiple ways. At the national level, the Ministry of Devolution and Planning (MODP) has launched the National Capacity Building Framework (NCBF) which aims to "empower citizens in the county to hold national and county governments accountable through sensitizing them on efficient policy instruments supporting devolution." The ministry has developed a civic education curriculum, is embarking on the launch of a nationwide civic education program. The ministry is also developing best practice guidelines on public participation. The National Treasury with support from the World Bank has developed Public Financial Management modules on budget preparation, execution and financial accounting and reporting that integrate key principles of participation and accountability. The Commission for the Implementation of the Constitution (CIC) has put in place mechanisms to monitor the progress by counties in the implementation of Constitutional provisions including those relating to public participation.

At the county level, a key focus has been to operationalize the policy and legal provisions on transparency and public participation. There appears to be significant political will—from county governors and their staff, as well as central government authorities—to inform the public on county development initiatives and to engage them. The paper therefore discusses the progress counties have made in relation to legal requirements pertaining to access to information; capacity building and civic education and public consultations. It makes reference to some of the key areas monitored by the CIC such as the development of laws, dissemination of county plans, budgets and other information and facilitation of public consultations, discussing these in more detail. Beyond meeting legislative requirements counties have put in place innovative initiatives to improve participatory processes and the paper looks at some of these.

5.1 Access to information and communication

Across the 47 counties there has been varied progress with different approaches and initiatives to facilitate public communication and access to information. While some counties have taken steps toward putting in place communication frameworks, there is limited implementation of access to information provisions across the 47 counties. A handful of counties have developed freedom of information legislation, and a strategy for inclusion of the marginalized. Further, although majority of counties have put in place an official website, few counties have posted their budgets, fiscal strategy papers, expenditure reports online.

There are innovative initiatives by individual counties to engage citizens. Some of these include establishing a community liaison office to engage the public (Nakuru County); live talk shows by county finance staff to break down the budget on FM stations and community radio (e.g. Embu, Nyeri, Nakuru); Drama, Art, road shows, and sporting activities to pass key messages (Kakamega). Many counties have official face book pages, governors and county speaker's face book pages and twitter accounts. The online conversations and feedback are often consolidated and addressed at formal meetings.

5.2 Civic education and capacity building

There are considerable efforts being undertaken in planning for and putting in place sustainable frameworks, structures and programs to facilitate sustainable civic education. National level actors responsible for civic education are putting in place the preparatory steps to roll out civic education support to the counties and there are other initiatives by counties and CSOs. The national government has been working jointly with constitutional bodies and CSOs to develop civic education curriculum and content. Most counties are yet to develop legislation for civic education and establish a civic education unit. However there are commendable practices initiated by individual counties to improve the quality of citizen participation such as community awareness programs, radio programs and civic education material. CSOs and government institutions have also developed multiple knowledge resources on thematic topics of citizen engagement in devolution in Kenya.

BOX 2: NAKURU COUNTY INITIATIVES ON CIVIC EDUCATION

- Organized a County Public Service week to commemorate the first year of devolution under the theme; One year into devolution, celebrating the milestones and confronting the challenges. The Public Service Week was aimed at heightening the community's awareness of what the county does by way of delivering infrastructure and services.
- The preparation of 2014/15 finance bill entailed a structured awareness exercise where a local radio station was contracted to deliver standard messages on the content of the bill and what was expected from the public with regard submission of memoranda.
- The CEC finance held a live radio interview where listeners got an opportunity to ask questions on the finance bill and other related issues.
- The Budget & Economic Planning office in partnership with an NGO prepared a popular version of 2014/2015 budget as well as the popular version of the CIDP.

5.3 Consultation on legislations, planning, budget

Counties are seeking to operationalize the provisions for public participation under the law, but have faced significant challenges. These cut across inadequate planning, budgeting and staffing; compressed time schedule; limited knowledge of participation by both government officials and the public; lack of guidelines; and, ad hoc structures that fail to provide for inclusive governance. Many counties acknowledge that they are fulfilling the minimum legal requirements for participation, but could improve on the quality of their participation processes

5.4 Challenges

Despite the milestones achieved by counties, some key challenges that continue to hinder effective implementation include:

- Lack of county budget and trained staff to implement public participation and transparency provisions.
- Public participation remains a costly exercise for counties since the public have expectations of receiving per diems or handouts for attending meetings.
- Unclear delineation between county assemblies and executives on how to coordinate public participation
- Tokenistic forms of participation with limited notice for meetings and unavailability of budget documents in simplified formats and timely fashion to enable informed discussions
- Counties are yet to structure forums in a way that they can meaningfully engage the citizens.

5.5 Key insights

- Legal compliance will take place incrementally. The legal requirements for public participation are quite extensive. Counties may not adhere to all the provisions instantaneously as envisaged under the legal framework.
- Continuous capacity-building on participatory processes is needed for both state and non-state actors.
- Counties need to adequately plan, budget, and staff participatory processes.
- CSOs need to focus on both supporting counties to put new mechanisms in place, as well as to monitor and advocate for key participation measures.
- Participation should be coordinated between the executive, assembly and other institutions. Structures of engagement can be designed and operationalized in ways that are predictable and reduce "consultation fatigue". While use of MCAs can be effective, additional means can also be explored.
- Targeting all citizens on all decisions is impractical. Mechanisms for effective representation of all voices can be put in place. Different approaches can be considered such as targeting citizens and stakeholders based on the specific sector and/or interest areas.
- Providing monetary allowances to citizens for participation is likely to be unsustainable. Alternate approaches can be considered in which the officials come closer to the people.
- Aligning CSO initiatives with county mechanisms for sharing information and consultation can enhance impact and sustainability of participation initiatives.

6 Working Paper 6: Practical approaches for county governments to facilitate public participation

Working Paper 6 proposes practical approaches for Kenyan counties to implement public participation in their systems that encourage meaningful public engagement.

There are two major processes at the county level that require citizen engagement: integrated development planning and the budget process.

6.1 Participation in developing the County Integrated Development Plan (CIDP)

The County Integrated Development Plan (CIDP) provides an overall coordinated framework for development. As provided for in the legislative framework, each county is expected to provide a platform for unifying planning, budgeting, financing programs, implementation and performance review. Counties could at the start of the financial year, publicize a calendar of events highlighting the entry points for citizen participation.

Before starting the planning process, counties should draw up the process plan to facilitate proper management of the planning process. The plan should outline the time schedule for the planning process and how the public can participate in the development of the CIDP. It is important to link the planning with the budgeting process and whilst this is often challenging even in other developing countries, it is crucial in aligning the citizen priorities with available resources. The paper outlines the key phases of the CIDP process in which participation should be considered and recommend methods for effectively engaging citizens. These include needs identification, situation analysis, strategy setting, project design, integration and approval. The paper provides details and recommendations for how participation can take place in the various stages of the planning process. It also proposes methods of engaging citizens in these phases (Table 3).

TABLE 3: PROPOSED METHODS OF PARTICIPATION IN CIDP

Planning Phase	Methods of Participation
Needs Identification	• Mobilization – diverse methods can be used, as not all forms are equally accessible to all stakeholders, including: notice boards, internet, radio, newspapers, churches, mosques, etc. • Community meetings, stakeholder meetings.
Analysis	• Focus Group Discussions, PRA, polls, opinion surveys, public debates, representative forums/ technical focused groups. • Meetings with affected communities and stakeholders.
Strategies	• Deliberative representative forum.
Projects	• Representation of stakeholders on project subcommittees.
Approval	• Public consultation with communities and stakeholders.

6.2 Citizen Engagement in the Budget Process

It is important for all stakeholders—including counties, civil society organizations, citizens, the media and other non-state actors—to understand the budget cycle and calendar of events to ensure timely entry and strategic interventions for meaningful citizen engagement.

The budget cycle broadly consists of four phases: budget preparation or formulation; budget approval; budget execution; and, audit and evaluation. Stakeholder engagement should be factored in throughout the four phases. Clear delineation of roles for the executive or assembly helps define the process of participation and anchor responsibility and accountability for delivery of functions to specific offices. The paper outlines the envisaged process of public participation in all four stages of the budget cycle.

Phase 1: Budget formulation

The budget formulation process involves a variety of mechanisms to enhance citizens' engagement. Foremost are efforts to improve citizens' and civil society's understanding of the budget process, and to increase budget literacy through training and dissemination of information. Effort must also be made to mobilize communities and provide an entry point for them to participate within the budget process. A successful consultative process therefore begins with adequate preparation, as this will determine issue-based deliberation and clear rules of engagement. These include sharing of the budget circular and calendar; forming a technical team to lead the consultative process (in collaboration with the CBEF); improving capacity of county officials and conducting an information campaign to educate citizens

about budgets and the key documents that require their input; developing and disseminating simplified citizen friendly budget formats; developing an effective public notice inviting members of the public to attend budget forums; and proposing cost-effective dissemination approaches.

BOX 3: FACTORS TO CONSIDER WHEN SELECTING PUBLIC FORUM DATES, TIME AND VENUES

- Will the forum be held on a working date or during the weekend? Who are the target groups and will they be available on the specific date? What provisions have been made for working class citizens to participate?
- Accessibility of the venue (Is it in a central location, what are the transport costs for the participants? Can it be accessed by persons with disability?)
- Approximate length of the meeting. Will refreshments be provided and what is the average budget for this?
- Approximate number of participants targeted to attend the meeting.
- Adequate space to handle all participants in plenary and break-away sessions.
- Has good security and provides a quiet working environment.

After preparatory activities, the paper outlines how to mobilize citizens to attend forums ensuring broad representation from all segments of the communities; and how to structure and conduct an effective public forum on the budget to ensure meaningful dialogue. It must however be noted that though the paper focuses on participatory forums they are only one form of public engagement and there are other avenues for consulting the public that the counties should explore.

Phase 2: Budget approval

The budget approval process starts with a budget analysis in which the County Assembly convenes public hearings that could be similar in format to the formulation process, but focuses on the evaluation of budget priorities and allocation of resources. Budget representatives from the sub-county or ward level should be present to determine whether programs and activities that map onto priority needs as identified by citizens are given priority funding in the final budget. The County Assembly should ensure feedback from the forums is fed back into the budget.

The final budget document should be publicly disseminated seven (7) days after approval by the County Assembly and a citizen friendly version could be developed and disseminated at this stage.

BOX 4a: SOME KEY QUESTIONS CITIZENS NEED TO ASK INCLUDE:

- Are reasons given for choices my leaders made in the budget?
- What are the priority areas in the budget?
- How much money does my county expect to get from national government?
- Does the budget have the same priorities as my CIDP?
- Does my budget have a deficit and how will it be paid for?

BOX 4b: COSTS OF PARTICIPATION

The costs should be factored in the county budget earlier on to avoid tokenistic forms of participation and these should include:

- Time and effort in coordinating—staff costs
- Cost of forums (transport, refreshments, venue)
- Cost of adverts and informing citizens about participation opportunities

Phase 3: Budget execution

The most important aspect of the budget execution stage is that the County Government Finance Department in collaboration with the Office of Public Participation supplies detailed information on a regular basis to citizens about the way the budget is being implemented. The reports should state the project implementation status and problems encountered in simple formats. These reports can be availed on the county website and/or available in hard copy at a fee. CSOs can also use various tools including public expenditure tracking surveys (PETs) and social audits to monitor and evaluate project implementation and service delivery performance.

Phase 4: Audit and evaluation

In the audit and evaluation phase, each county government is required to produce several reports to be submitted to the Controller of Budget and the Office of the Auditor General. These include: (a) Budget execution reports, comparing budgeted amounts to actual expenditure for each quarter; (b) Financial reports in year (c) Annual reports, required at year's end showing financial statements that satisfy requirements of the PFM Act. These reports should be presented in a user-friendly way and made publicly available.

7 Overall Recommendations

So how can Kenya's new counties engage the public to ensure that local service delivery is efficient, equitable, and responsive to their needs and preferences? Some fundamental interventions will be critical to the overall design and implementation of devolution and these depend on actions both at national and county levels.

Enhancing participation will require sustained efforts by government and civil society to establish structured processes that are efficient and inclusive. On the government side, this will include setting guidelines and mechanisms for sharing information and soliciting feedback around county government processes like planning, budgeting, and monitoring. It will also depend on provision of training of civil servants so that they are able to effectively facilitate participation and transparency in these processes. Civil society actors can help to define priorities of what they would like county governments to operationalize first, and they can also help county governments put in place and initially roll out such systems (as is happening in a number of counties). An important priority is to build county systems. Effective public participation will therefore require significant planning, resources, and capabilities to:

1 **Develop clear guidelines for citizen participation at national and county levels, based on wide consultations with counties and civil society.** Consistent with the multiple provisions in the Constitution and legal framework, these guidelines can usefully address: what information on county plans, budgets, laws needs to be made public and how it can be made user-friendly; how participation in county law making, planning, budgeting will be structured; and, what kinds of citizen recourse mechanisms need to be established and who should maintain them. County specific public participation frameworks should be developed and adopted in every county, clearly outlining the structure and process for citizen engagement to ensure clarity on when and how participation will take place. National guidelines will help to ensure that while counties prepare their own frameworks there is observance of minimum standards that give all citizens equal opportunity of engaging.

2 **Invest in building the capacity of county government service providers to involve citizens in local service delivery.** It also requires significant capacity building of project beneficiaries and other citizens. Key entry points are:

- ***Train civil servants on new responsibilities*** by incorporating material in civil servant training programs on PFM (budgeting, accounting, reporting, procurement, auditing, etc.), planning, M&E that helps civil servants apply new Constitutional and legal provisions for transparency, participation, and accountability.
- ***Ensure that participation processes are adequately resourced and staffed in county and national budgets and human resources.*** Counties need to plan, budget and staff public participation processes as part of the overall budget formulation and consultative processes. It will be important for them to designate staff with responsibility for supporting participatory processes, provide them with adequate time and training, and monitor and reward good performance.
- ***Conduct civic education so that citizens understand the basic roles, functions, responsibilities of county assemblies and executives.*** A citizen handbook on participation at the county level that explains entry points for citizens in county budget making, planning, budgeting, performance monitoring in simple, user-friendly formats would be of great use as counties roll out civic education programs.

3 **Develop county government systems to facilitate participatory processes.** Facilitating public participation will depend partly on counties building internal government capacity and systems for planning and managing public finances and procurement, monitoring, aligning civil servant roles. It will also require focused efforts to integrate participatory processes into these systems, such as to: create and disseminate user-friendly information (e.g., on budgets, plans, legislation) and link with communications; mobilize citizens and conduct participatory planning and budgeting processes (e.g. to design and rollout participatory and inclusive County Budget and Economic Forums); and, put in place effective recourse mechanisms. In detail, this will involve:

- ***Structuring county planning and budgeting processes so that there are clear opportunities for citizen engagement.*** CBEFs provide a legally mandated structure to involve citizens in the budget and public expenditure management process. Counties need to be supported to make CBEFs operational and to design and structure effective participation forums around their budgets and plans. The structures developed should provide a clear mechanism for: communicating agenda for consultations and timeline of when and where consultations should take place; dissemination of key documents (budgets, plans, implementation reports) to the public; clarity on what citizens are being asked to comment on, with public notices and invitations clearly providing a summary of the resource envelope, proposed summary expenditures and targeted revenues; simplified feedback tools that make public input easy to incorporate especially where submissions are provided for; systematic procedures for conducting the forums with designated facilitators; and use of different media for communicating to the public.

4 **Establish strong incentives for county and other sub-national service providers to implement transparency and inclusive citizen participation.** There are multiple ways to strengthen these incentives, including:

- ***Systematically measure and compare local government performance and citizen satisfaction on metrics that citizens care about.*** Annually updating and making this information public can increase incentives to improve service delivery performance based on systematic assessments of progress.
- ***Develop and publish an index measuring participation across counties—possibly as a subset of other county performance indicators.*** This would provide a mechanism for identifying good practices, and identifying where additional support is needed. This will require government and/or civil society to develop systems to regularly review and compare the quality of citizen participation processes across counties. Building an integrated participation index is likely to have greater impact than having multiple, scattered measures, and could draw on multiple sources of data, including existing ongoing surveys.
- ***Link county performance on participation to financing and other incentives (awards, recognition of good practice, etc).*** As LATF demonstrated, requiring local authorities to report on participation—as part of overall reporting linked to future fund transfers—increased participation. However, because LAs only reported on participation in project identification, there was less incentive for LAs to report on participation in project implementation and monitoring.
- ***Develop and monitor robust complaint handling and recourse systems that track citizen comments and county government responses,*** aggregate this information, and regularly report to counties on major types of complaints and whether or not they were resolved.

5 **Expand civil society partnerships to help counties build effective systems and processes for participation, transparency, and mobilization, in addition to carrying out their own participation and monitoring activities.** Civil society organizations bring rich experience on how counties can operationalize transparency, participation, and recourse mechanisms that are useful for citizens and that improve service delivery. Individual counties are enlisting civil society organizations to help them structure and carry out effective participation processes. This collaboration can be reinforced and expanded by government and civil society organizations. In addition, CSOs can strengthen coalitions and partnerships to define common priorities for county participation, support county system building, and monitor implementation. There is a need to strengthen and incentivize emerging and existing partnerships—such as the Devolution Forum, as well as county-level CSO networks, such as the Homa Bay Civil Society Network, and to link interested counties with capable CSOs. There is also need as well as to create clearinghouses and forums where county participation initiatives are shared, good practices identified and highlighted.

6 **Donors can support Kenyan civil society organizations to help build responsive and accountable county institutions, in addition to traditional monitoring activities.** Key opportunities for donors include:

- ***Support partnerships between experienced civil society actors and county governments to design,*** test, and roll out participatory planning, budgeting and monitoring systems, and participatory approaches to enhance county service delivery.
- ***Increase longer-term support for coalitions and networks that bring together CSOs working on devolution to exchange knowledge on their interventions on core county systems and service delivery.***
- ***Encourage/require grantees to use some common criteria for monitoring counties,*** put devolution civic education materials and data on shared platforms, build shared clearinghouses.

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ANNEX: LIST OF SOURCE DATA	
A synthesis of the findings and recommendations from 19 civil society initiatives that have supported citizen engagement in local service delivery	**The purpose of this World Bank background note was to synthesize broad lessons from Civil Society Organization (CSO) reports regarding accountability,** transparency and citizen participation in Kenya's previously decentralized funds. Documents reviewed included 19 CSO monitoring reports (mostly, but not exclusively, of CDF and LATF), existing surveys of citizen perceptions of devolved funds and refers to government, academic and donor reports. Common issues and lessons were identified relating to accountability systems, transparency, and participation. The recommendations are aimed at Kenya's devolution, extrapolating the lessons learned that may be useful in supporting accountability, transparency and participation in County Governments.
An analysis of key provisions in the Constitution and emerging legal framework on citizen participation, transparency and social accountability	**The analysis reviewed existing and proposed legislation and policies and assessed the extent to which they are supportive of social accountability in the context of county and urban governments.** Key documents reviewed include the Constitution of Kenya (2010), the Urban Areas and Cities Act (2011), the County Governments Act (2012), the Public Financial Management Act (2012), the Transition to Devolved Government Act (2012), the Nairobi Metro 2030 Strategy, the National Urban Development Policy (2011 Draft) and the Freedom of Information Bill (2012 Draft). The review found that the Constitution of Kenya 2010 and subsequent legislation is broadly very supportive of social accountability in the context of devolution. The overarching principles and values in these documents consistently commit the Government of Kenya to transparency, accountability and civic engagement in devolved governance. The analysis identified key entry points in the legislation to support enhanced social accountability in devolved government.
A set of six case studies examining citizen participation in decentralized service delivery in Kenya.	**The World Bank looked at a number of cases where local participation was already in practice.** Kenya has significant experience with citizen groups monitoring local expenditures, as this has been a feature in several of the previous government's decentralized funds. The purpose of this work was to draw on best practices and lessons learned that could be of use to new county governments as they looked to incorporate citizens in the management of county planning, finances and monitoring. The World Bank based its selection of case studies on the information gained from meetings with Civil Society Organizations (CSOs), both national and international, and government officials. The paper analyzed some of the previous experiences of citizen participation in monitoring local expenditures looking at six different case studies. Two of the studies looked at the operation of the Local Area Service Delivery Plan (LASDAP), which is that part of the decentralized Local Authority Transfer Fund (LATF) that was set aside for capital projects and the only aspect of LATF transfers that required citizen engagement. Two of the cases examined citizen engagement in Constituency Development Fund (CDF), through which members of Parliament spent discretionary funds in their local constituencies. Finally, two cases looked at how citizens were engaged in monitoring the provision of water services through Water Action Groups (WAGs). Each of these programs offered insights into different ways citizens participated in decentralized funds (LASDAP and CDF) and service delivery programs (WAGs).
An analysis of social accountability tools and mechanisms in the City of Nairobi.	**The purpose of the present study was to help the City Council of Nairobi design and implement an effective system of social accountability.** The study had four specific objectives. The first is to assess the context for the use of social accountability mechanisms in the Nairobi City Council by reviewing existing policies and legislation in support (or not) of social accountability. The second was to take stock of the various social accountability mechanisms currently in use in Nairobi, with an emphasis on the delivery of urban services. The third was to assess the effectiveness of these existing mechanisms. The fourth was to recommend measures that strengthen the ability of citizens to hold providers of urban services to account, and that can be implemented under World Bank-financed support programs—the Kenya Municipal Program (KMP) and the Nairobi Metropolitan Services Improvement Project (NaMSIP).
Consultations with citizens in eight Counties	**The World Bank commissioned a consultation with citizens in eight Counties.** The aim of the study was to generate practical, innovative and sustainable ideas on enhancing citizens' voices within the devolved Government. The Citizens' Voices study was carried out between February and April 2013 across eight Counties: Kirinyaga, Uasin Gishu, Busia, Kilifi, Homa Bay, Marsabit, Garissa and Nairobi. The process entailed holding consultations with the general public, Government of Kenya, County officials, various bodies charged with devolution/ transition in Kenya, relevant civil society organizations as well as the World Bank and its partners. The consultations sought to explore citizens' understanding of participation and appreciation of their potential for, and current engagement with, devolution processes and institutions particularly around issues of resource mapping and allocation, planning and budgeting, monitoring and reporting as well as inter/ intra county collaborations. Citizen's preferences for interacting with government, information communication and feedback, grievance handling as well as capacity and information support needs for effective participation were also explored.

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