KENYA DEVOLUTION

WORKING PAPER - SUMMARY OVERVIEW

FEBRUARY 2015

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". 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.

Global experience with decentralization bears out the Constitution's emphasis on governance, transparency and participation as it indicates that effective decentralization depends on balancing increased discretion of local governments with increased accountability—both upwards and downwards.

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, and the media is relatively free.

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 2 years on public participation, social accountability, and devolution in Kenya.

KEY FINDINGS

- **The new Constitution and devolution provide a special window of opportunity to embed public participation in government systems.**
- **The public has high expectations for devolution to improve service delivery, governance,** and job creation, but limited awareness of new roles and responsibilities.
- **Kenyan CSOs, government, and citizens have increasing familiarity with a wide range of public participation and social accountability approaches and tools,** including good examples of CSOs working hand-in-hand with local government and elected officials.
- **These participatory approaches have demonstrated results at the local level,** including improving responsiveness, project implementation, and addressing governance problems.
- **However, several factors have limited the scale, sustainability, and impact of public participation and social accountability initiatives,** including:
  - Participatory processes have primarily been applied to local development funds,especially the CDF and LATF, that comprise a small part of the government, and have often focused on project identification rather than implementation.
  - Fragmented rules and systems hinder public participation. Citizens seeking to engage in setting priorities or monitoring government programs face a myriad of different, often overlapping service delivery programs.
  - Local government has had limited capacity and incentive to facilitate participation:
    - *Citizens face difficulties accessing basic information about local development priorities, policies, budgets, expenditures, and project implementation.*
    - *Citizens lack reliable, comparative informationon how their local service providers are performing relative to others.*
    - *Lack of mechanisms to engage disadvantaged and vulnerable populations.*
  - Participatory initiatives led by CSOs tend to be small, short-term, and use differing methodologies and platforms, and be reliant on donors.
- **The initial months of devolution have brought a new emphasis in government on engaging citizens, but counties have faced understandable challenges.** Many counties have put in place websites, established basic citizen forums, and county communication frameworks, but relatively few have adopted legislation or guidelines on civic education or participation, or disseminated updated county budgets and expenditure reports. Key challenges include the cost of participation, lack of administrative capacity, and lack of national guidelines.

RECOMMENDATIONS

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. Key building blocks include:

National and county governments can:

- **Develop clear guidelines and minimum standards on public participation for national and county government,** based on the Constitution and new legal framework, with some flexibility to address unique county circumstances;
- **Equip counties to disseminate reliable, updated information** on county priorities, plans, budgets and expenditures through multiple channels;
- **Equip counties to manage structured consultation processes on county laws, plans, and budgets, including outreach to vulnerable and marginalized groups.** Citizens should be asked to prioritize within a budget envelope, rather than to provide open-ended 'shopping lists';
- **Establish feedback mechanisms where citizens can register questions or complaint or co**mpliments, without fear of reprisal;
- **Dedicate adequate financial and human resources to participatory processes.** Training county staff on new responsibilities will be crucial, combined with monitoring whether these duties are being implemented;
- **Support participatory project implementation with capacity building and technical expertise**;
- **Ensure that citizens understand the new roles, functions, responsibilities of new county assemblies, executives, service providers.** Developing and widely disseminating a citizen's guide on public participation in devolved government may be helpful; and
- **Develop incentives for counties and wards to improve service delivery performance.** Global experience highlights how comparative sub-national performance information can spur healthy competition between and within counties. Linking financing or other rewards to performance can also provide incentives for counties and wards to improve services.

Civil society can:

- **Build partnerships with counties to establish participatory processes.** Several counties are already reaching out to CSOs to help them design and roll out participatory processes;
- **Use networks and coalitions to identify, advocate for, and monitor minimum standards for government transparency, accountability, and participation.** Donors can help by encouraging multi-year proposals from CSO coalitions to support and monitor county participatory processes; and
- **Use common methodologies and platforms to monitor county performance**.

Development partners can:

- **Fund Government-CSO partnerships** focused on designing and rolling out participatory county systems and capacity, mechanisms for transparency;
- **Support longer-term initiatives by CSO networks and coalitions to advocate for minimum standards for transparency, accountability and performance, and to monitor county performance on service delivery,** and use shared platforms for monitoring results; and
- Enhance grant-making criteria that reinforces accountability of CSOs to constituents.

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

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