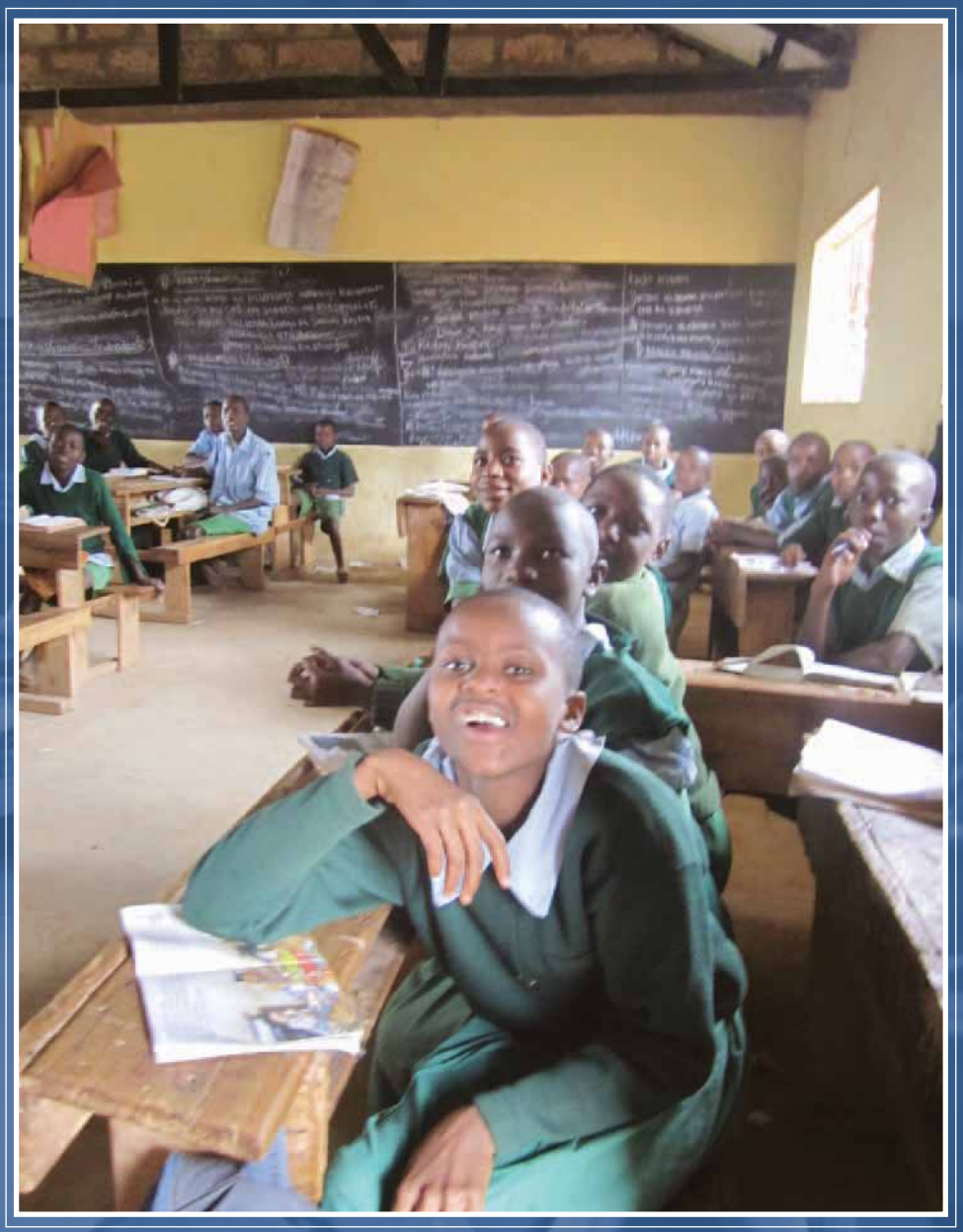
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SIX CASE STUDIES OF LOCAL PARTICIPATION IN KENYA

Lessons from
Local Authority Service Delivery Action Plan (LASDAP),
the Constituency Development Fund (CDF),
and Water Action Groups (WAGs)

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October 2013

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ABBREVIATIONS AND ACRONYMS

ASAL	Arid and Semi-Arid Lands
BQ	Bill of Quantities
CDF	Constituency Development Fund
CDFC	Constituency Development Fund Committee
CDAs	Community Development Assistants
CDO	Community Development Officer
CSOs	Civil Society Organizations
DEB	District Education Board
DDC	District Development Committee
DDO	District Development Officer
DTB	District Tender Board
DWO	District Works Officer
FGD	Focus Group Discussions
KLGRP	Kenya Local Government Reform Programme
LAs	Local Authorities
LASDAP	Local Authority Service Delivery Action Plan
LATF	Local Authority Transfer Fund
LVNWSB	Lake Victoria North Water Service Board
MP	Member of Parliament
NCWSC	Nairobi City Water and Sewerage Company
NGOs	Non Governmental Organizations
PMC	Project Management Committee
SAO	Senior Administrative Officer
SMC	School Management Committee
SPA	Service Provision Agreement
WAGs	Water Action Groups
WSPs	Water Service Providers
WASREB	Water Services Regulatory Board

EXECUTIVE SUMMARY

Background

Kenya's new Constitution mandates a new era of public participation in government, particularly in the 47 new County Governments. Despite the limited participation in decisions regarding the vast majority of government spending, Kenya has a significant history with direct participation in government, as this has been a feature in several of the government's devolved funds such as the Constituency Development Fund (CDF) and Local Authority Service Delivery Action Plans (LASDAP).

The objective of this report is to provide lessons and draw on best practices from previous Kenyan experiences with participation in local government, with a focus on how to effectively implement public participation. The research therefore seeks to prompt dialogue, ideas and action among stakeholders to follow through on the strong mandate provided by the Constitution, both at the national and the county level.

The report completes six case studies of direct public participation in local government, where cases were selected for their reputation of strong participation. Two of the case studies looked at the operation of the Local Authority Service Delivery Action Plans (LASDAP), which required citizen participation as part of the decentralized Local Authority Transfer Fund (LATF). Two of the case studies examined citizen engagement in the Constituency Development Fund (CDF) process, through which Members of Parliament spend discretionary funds in their local constituencies. Finally, two case studies looked at how citizens were engaged in overseeing the provision of water services through Water Action Groups (WAGs), consisting of individuals appointed by the water authority to report citizen complaints and monitor responses by the Water Service Providers (WSPs).

Some cross-cutting themes on citizen participation in the case studies

Up to now, the great majority of government funding in local areas is spent on projects or programs over which there is minimum citizen participation. Although Kenya has incorporated participatory requirements in the legislation that set up the CDF and LASDAP programs, these funds represented a small fraction of government expenditure. LATF received approximately 5 percent of national income tax revenue, which was distributed to local authorities, but only a fraction passed through the LASDAP process in practice. The CDF program received just 2.5 percent of government ordinary revenue.

National and international CSOs have at various times and in numerous locations directly supported local CBOs and citizens to engage in the LASDAP, CDF and WAG programs. These groups often provide value added in the form of training and of guiding local citizens on the fundamentals of good participation. However, for the most part, efforts by national CSOs to support citizen engagement in participatory processes have been sporadic, infrequent and rarely sustained for any length of time. In part, this reflects a lack of coordinated approaches by national NGOs and their donor partners in mainstreaming citizen participation in local government programs.

Public participation was often more effective at the beginning of the project cycle, when new investments were identified and prioritized. Citizens had less of an impact as projects were being implemented, in part because they did not have the requisite technical skills to monitor construction. In some cases, local officials went out of their way to provide technical support. In other cases they did just the opposite.

Public participation was also more successful when the process was practical and focused on issues directly relevant to citizens. For example, LASDAP decision meetings were conducted in each ward and centered on prioritizing a project for completion in the coming financial year. WAGs engaged citizens by explaining billing procedures and addressing concerns with meters and water leaks. While general discussions may take place at some meetings, they generally concentrated on immediate citizen concerns.

Although there is growing experience with participatory processes across Kenya, even in more progressive communities there can be quite deep-seated perceptions on the roles of government vs citizens and CSOs. Given that there will be a new set of institutions running County Governments, it will be very important early on that the rules governing citizen participation are well defined, and that information on the rules, procedures and timing are widely distributed.

How is participation promoted in these cases?

The importance of effectively mobilizing citizens. Even with the best intentions, citizens faced numerous barriers to participating, especially the poor. They had little personal incentive to attend meetings, particularly given that they receive no individual compensation, and they lose time at work. Participation in the cases suggests that mobilization by external actors, such as chiefs and village elders, was a common tactic to ensure attendance in meetings. A similar tactic was to take a habitual meeting, such as the Baraza, and include the participatory focus on the agenda. Civil society at times served to mobilize citizens as well, but the sustainability of such initiatives is often uncertain. Other observations are that (i) careful attention should be paid to the accessibility of the venue, as well as the convenience of

the meeting time; (ii) effective mobilization required a multi-pronged effort, using multiple communication and information channels to get the word out, (iii) giving adequate lead time was also a factor, as was the timing of citizen meetings. While there were widely differing structures and formats of community meetings, common characteristics of effective meetings included timeliness and an impartial chairperson not directly involved in the program.

The role of training. Training can help increase the effectiveness of citizen participation and align citizen expectations with the opportunities that government is providing. Such training may come from either government or civil society. In several of the case studies CSOs (both national and international) provided training to local citizens both before and after meeting with government officials, which improved their performance in working with public authorities. In one of the LATF cases, a CSO working with a facilitator set up resident forums, which trained local citizens in planning tools and community action plans. The training proved beneficial when the citizens participated in the LASDAP process. In one of the CDF cases, national CSOs partnered with local CSOs to train the community in social auditing and helped the community evaluate nine CDF projects. However, neither LATF nor CDF guidelines provided for systematic citizen training as a way of improving citizen participation. On the other hand, in the case of the WAG program, WASREB provided two days of technical training to the selected monitors.

Involvement of technical expertise. A key feature of the more successful projects was the engagement of technical experts (e.g., public works officer) in preparing bills of quantity and inspection, amongst other. The cases illustrate that this depended very much on the leadership of the LA or CDF, and the extent to which they were able to reach out to and engage, on a sustained basis, the technical expertise needed. However, integration of this technical expertise has not been standardized nor fully integrated into the management of devolved funds, and this poses a major risk for successful implementation of citizen engagement in decentralized civil works programs.

Acknowledging the financial implications. Effective mobilization requires institutional capacity, staff time, and financial resources. While the cases did not attempt to systematically document all of the costs of community mobilization efforts, it is apparent that there were necessary costs associated with mobilization, sharing information, and obtaining ongoing feedback. In one of the LASDAP cases a small fee of KShs 1,000 was paid to the monitoring and evaluation committee members for transport, but fees were not paid for similar work in the other LASDAP case or for citizens involved in the CDF program. Other costs include those of CSOs providing support to citizens and the time spent by public officials in organizing and participating in civic engagement. The WAGs program paid expense money to the monitors to cover airtime, transport and report production.

Responding to citizen feedback. The case studies demonstrated a mixed record when it came to how public officials responded to citizen feedback. It often depended on the gravity of the complaint or how easily it could be addressed. In general, project monitoring was the weakest link in the project cycle, in part because citizens lacked the technical skills to monitor construction work, in part because local officials who were supposed to provide assistance were not available, and in part because there were few sanctions available to citizens against government if they identified irregularities in decentralized fund expenditures.

Communicating critical information. Within the cases, it was important for government to communicate different types of information: (i) information necessary for effective participation; ii) information for consumers, as relates to service delivery; and (iii) information related to government functioning, such as project documents and budgets. The first type of information included obvious things such as meeting times and places, but also a clear explanation of the purpose of the meeting, which often turned into a type of training—a topic discussed below. On the other hand, project documents, like the bill of quantity and fund accounts, were sometimes unavailable, as they could be used as more tangible evidence of the mis-use of funds, thus inhibiting the effectiveness of social auditing. Second, in service delivery, the public forums provided an opportunity for government to pass on information useful for citizens, including user charges, means of communicating complaints, and ways to conserve water. Finally, the forums offered the opportunity to communicate general government information, such as the overall local authority budget, their activities and others. Information often seemed to be best received when communicated through face-to-face gatherings and direct interaction.

Key proposals moving forward

1. Execute a national process involving government & civil society to establish the laws and guidelines for citizen participation, followed by county processes

Before anything, a structure for citizen participation needs to be outlined in law and guidelines for government, and County Governments in particular. Such initiatives are ongoing at the time of printing, with many such structures already enshrined in the Constitution and the laws, and more to come. It will be critical that this process is in itself participatory. The first step would be a national consultation process including the relevant stakeholders, representing the diverse groups of civil society. A consultation process within each county should follow the national process, to ensure that the county implements structures that make sense according to local context. These consultations should be focused in terms of integrating these processes into planning, budgeting and budget execution in County Governments in such a way that it is relevant to the public.

2. Institute transparent processes with incentives to respond to citizen input and complaints

Citizens quickly become discouraged from participating if they feel that government does not respond to their input. It will be important to develop effective incentives both for county governments to facilitate participation and to ensure government responsiveness to feedback received. There are useful models, including LATF requirements for local authorities to report on participation in project identification, that can be built upon and strengthened under the county structure. In the water sector, penalties if a water company does not respond to citizen complaints in a timely fashion provide a working example of how to incentivize service provider responsiveness. County Governments thus need to develop processes for citizen participation that meet several criteria. First, the processes should serve a clear purpose, such as the allocation of resources, oversight of projects or the improvement of service delivery. Second, the processes should be detailed, with clear steps involved. Third, the processes should ensure that government cannot simply ignore citizens, requiring at least a public justification as to why a decision was taken that differs from the public demand. Finally, the processes should be transparent so that citizens know precisely how to engage, and how their input will be considered.

3. Provide guidelines/ lessons for working across administrative and government-civil society boundaries for mobilization, training and technical expertise

The County Government cannot independently succeed in making participation effective. They will need support for the mobilization of citizens, training for citizens, and at times, technical oversight of projects and programs. Cooperation will be required from a variety of local actors. One potential set of actors would include the chief or equivalent of the administration in the counties and the village elders. Another set of actors includes civil society, such as CBOs, NGOs, media, trade unions, religious organizations and many others.

4. Execute training programs for government, for civil society and for citizens to increase the effectiveness of participation

Training will be needed on several levels. Many County Governments have highly capable staff in place, but given the novelty of these public participation processes, some training will be necessary. Similarly, civil society and citizens will require training, especially when they are involved in activities that require some technical knowledge. In particular, oversight of projects will require that citizens know what defects to look for, and the proper processes to provide feedback or sound alarms when things go wrong.

5. Ensure technical staff are available to citizens when needed and are involved in processes

Training is not enough. Citizens need to have consistent guidance, particularly when activities require some technical knowledge—such as the project oversight role. Technical staff and citizens should develop a relationship early on in the process that will carry them through the project cycle. This relationship will allow for smooth communication, and will also help to ensure both of them are meeting their responsibilities.

6. Establish a communications strategy in County Governments for consistent transparency and dialogue

County Governments will need to communicate effectively with citizens in order to ensure their inclusion. Some forms of communication will be simple: posting information at the County Government offices. The counties may experiment with other forms, such as keeping churches, mosques, health centers and schools informed. Moreover, working across administrative boundaries may be useful, asking chiefs to organize barazas for public announcements and dialogue. In the near future, establishing the right to information in County Governments would represent a useful step towards ensuring that citizens can access the information they seek.

7. Create a forum to share participation experiences across counties

Horizontal learning will be essential to build the capacity of County Governments, including in the area of citizen participation. As this research has shown, there are numerous Kenyan experiences to be shared among County Governments. As a result, an organization or network of organizations should spearhead this initiative, which may work with civil society across the counties as well.

8. Dedicate county resources (both financial and staff time) for citizen participation, with external support

As with any initiative, processes of public engagement require an investment of resources. To institute the above proposals, and ensure that the given structures are meaningful will require dedicated staff time and financial resources. At the same time, these investments should pay off in an improved impact of government spending as well as increased citizen satisfaction. These resources could also stem from support from various central government actors as well as CSOs and development partners, particularly during the transition phase.

1. SIX CASE STUDIES OF LOCAL PARTICIPATION IN KENYA

1.1 INTRODUCTION

With its new Constitution, Kenya is entering a new era of citizen participation in Government. While Kenya has a long history of citizen participation, and even direct participation in local government, the principles of participation are placed front and center in the new Constitution. The nation now faces the challenge of putting these principles into practice.

This study analyzes the mechanics of participation and citizen monitoring in a series of cases within Kenya, including the Local Authorities (LAs), Constituency Development Fund (CDF) and Water Action Groups (WAGs). The studies are based on about 75 interviews and focus group discussions (FGD) with a wide range of civil society representatives and government officials. The case studies focus primarily on the actual experience of participation at the local level, from the perspective of local leaders and officials, civil society representatives, and representatives in participatory bodies—on local systems of participation—rules, procedures, systems in actual. The cases further touch on features of the policy and regulatory environment, and on the incentives of those charged with implementing participatory approaches to service delivery.

Two of the case studies are presented in full in the technical appendices: Appendix 1 on LATF/LASDAP and Appendix 2 for CDF. The highlights of the case studies, including lessons learned and suggestions for incorporating participatory practices in citizen monitoring of devolved funds, are presented in the main text.

A critical step to ensuring participation is to address the common challenges that arise in practice. Some examples of common challenges include, amongst others, mobilizing citizens into the process, providing capacity to citizens for effective

participation, and financing the decisions from the process. While participation may be put into law and regulations, these challenges often undermine participation, such that participation becomes, at best, a token exercise.

The study seeks to inform the debate on how to put the Constitutional provisions on participation into practice. A clear understanding of Kenya experiences will provide a more realistic view of what to expect with participation under the new Constitution. While this study is not, and should not, be the definitive statement on citizen participation, it does highlight experiences that may help government and civil society if the principles of participation are to be put into practice.

This document proceeds as follows. In the remainder of this section, we describe the Kenyan context and briefly explore the literature on participation. We then present an overview of the three sets of case studies, first on two Local Authorities, then on two constituencies and their CDF experiences, and finally on two sets of Water Action Groups. We then conclude with observations on some of the issues that government officials may wish to consider as they fulfill their Constitutional mandate to provide for citizen participation in the financial management of the new counties.

1.2 THE KENYA CONTEXT

Kenya's new Constitution represents a critical turning point for the nation. On August 27th 2010, Kenyans witnessed former President Mwai Kibaki sign the new Constitution into law. In response to the people's expectations of greater democracy, human rights and accountability of the government to its citizens, the Constitution ushered in a new republic with expanded, transparent political and economic structures.

The centerpiece of this momentous project is devolution to forty-seven counties. The new system builds on over sixty years' experience with local government, a brief flirtation with federalism at independence, and a decade of failed attempts at constitutional reform. The design of the system of devolved government must be understood against the backdrop of this complicated history, which will also fundamentally shape the way it is implemented.

The new Constitution marks the end of a highly centralized state and attempts to resolve the critical issues of state power versus citizens' rights and control over the development process. Previous endeavors had failed. In 2003, the Constitution of Kenya Review Commission embarked on an all-inclusive process to overhaul the Constitution. The first draft was tested, but defeated, during a 2005 referendum, leading to a political crisis that continued to the December 2007 general election in which the results of the presidential vote were disputed. The coalition government

that ensued was finally able to present a new constitutional draft which was approved in 2010 with decentralization at its core.

While the devolution provisions seek to achieve several goals, a primary one is increased citizen participation in government. One of the major promises of the new Constitution is to reshape the way citizens relate with government, following the principles of transparency, participation and accountability. The spirit of devolution is to bring government closer to people, so that they can better communicate their needs clearly to government and ensure that government responds to those needs. While this is often true, other devolution experiences show that local government can face many of the same problems as centralized government systems, including top-down decision-making, inefficient service provision and unresponsive governance.

1.3 BACKGROUND INFORMATION ON PARTICIPATION

The literature on participation focuses on several factors associated with its success. The overall observation is that achieving this success is complex and also context-specific. The literature focuses on several forms of direct participatory governance, and emphasizes various areas that contribute to making participation effective. Some of the generic principles for successful participation include: (i) mobilizing citizens over time; (ii) providing skills and knowledge; (iii) preventing domination and/or exclusion of certain groups; (iv) dealing with varying outcomes due to local context and dynamics; and (v) needing outside support and coordination with government.

Box 1.1: Particular participation provisions in the Constitution as relates to county governments

174. The objects of the devolution of government are—

(a) to promote democratic and accountable exercise of power;

(c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;

(d) to recognise the right of communities to manage their own affairs and to further their development;

196. (1) A county assembly shall—

(a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and

(b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

201. The following principles shall guide all aspects of public finance in the Republic—

(a) there shall be openness and accountability, including public participation in financial matters;

Fourth Schedule, Part 2:

The functions and powers of the county are—

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

A related impediment to participation in recent literature notes that participatory processes can be quite costly and often represent a collective action problem. Many proponents of participatory governance generally assume that given the opportunity all citizens will join in these efforts. However, the empirical literature increasingly recognizes that participation may be quite low because sustained participation in these forums can be quite demanding for individuals in terms of time and resources.

1.4 STUDY DESIGN

The study examines different programs where the government has introduced participatory practices. The study does not focus on whether a given set of participatory initiatives has been successful or not in achieving a particular development goal, rather it examines the qualitative features of these efforts to institute participation.

This paper reviews six case studies that examined how citizens participated in decentralized funding programs or in monitoring service delivery. Two of the studies looked at citizen participation in the Local Authority Transfer Fund (LATF); two of the studies looked at citizens' engagement with the Constituency Development Fund (CDF); and two of the studies looked at the role that Water Action Groups (WAGs) played in engaging citizens on how well the water companies were providing water services.

The case studies illustrate how participation works in a variety of cases. Participation took a variety of forms among the cases. These include participation in the selection of local projects, in the formulation of the budget, in the oversight of small infrastructure projects, in contracting and payment processes and in generating feedback about the quality of services, including oversight of officials. Though diverse in their forms amongst a variety of cases, the cases provided cross-cutting lessons for citizen participation. The study does not seek to evaluate these programs, as mentioned above, but identifies common challenges and the similar or differing approaches to address them.

Chart 1.1: The types of activities and areas where the six case studies were conducted

Types	Project type	Location
Local Authorities	Infrastructure	2 Cases in Eastern and Coast
CDF	Development projects	2 Cases in Central and Northern
Water Sector:,Water Action Groups	Service delivery	2 Cases in Nairobi and Western

Cases were selected primarily based on a consultation process with key stakeholders. In a dialogue with government and a meeting with expert civil society organizations, the areas of CDF and LASDAP were selected. The study selected locations where the stakeholders agreed that the instances reflected strong efforts to institute participation. Unfortunately, the instances of participation in service delivery were less apparent, and so the water sector was selected for its water action groups. The cases moreover are representative of various regions within Kenya, including Northern, Eastern, Coastal, Central and Western.

The study employed the use of primary and secondary data. Primary data was qualitatively gathered through key informant interviews and focus group discussions. At least 75 key informant interviews were held with persons from the government and civil society including councilors, Members of Parliament, local government technocrats, central government officials, CSO representatives and community members. A further five focus group discussions were held with various citizen project committees, government teams and community groups. A full list of persons interviewed is captured in appendix 8. The interviews and focus group discussions were guided by semi-structured questionnaires. The team conducted site visits for each of the cases with field visits to selected project sites within each. These interviews took place between June and August 2012, with each site visit lasting several days. Secondary data was gathered through a desk review of a broad range of literature including government legislation and regulations.

2. THE LOCAL AUTHORITY TRANSFER FUND (LATF) AND CITIZEN ENGAGEMENT IN THE LOCAL AUTHORITY SERVICE DELIVERY ACTION PLAN (LASDAP)

2.1 BACKGROUND TO LATF AND LASDAP

2.1.1 Local government and LATF

In Kenya, Local Authorities were tasked with the responsibility of providing services that cut across garbage collection, infrastructural development such as market construction, creation and maintenance of roads, water and sanitation and fire protection, with some responsibilities in health and education. The new county governments, which were introduced in 2013, following the March national elections, will assume many of these functions, plus additional ones.

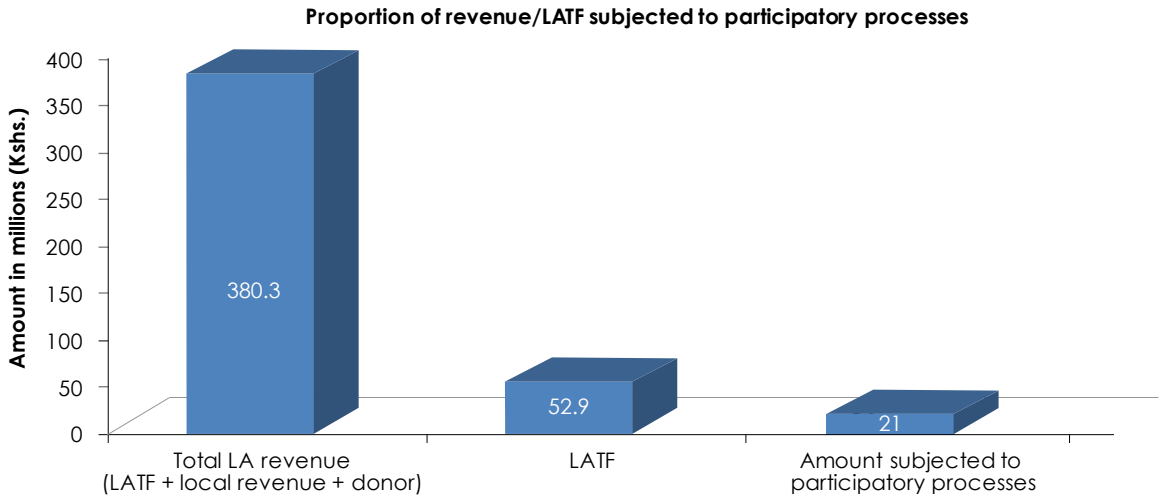
The Local Authority Transfer Fund (LATF) derived its mandate from the Local Authority Transfer Act. The LATF was a block grant or transfer of 5 percent of the national income tax revenue to the Local Authorities. LATF maintained three main goals: enable Local Authorities to improve and extend service delivery to citizens, improve financial management and resolve LA debts. LATF has been replaced in 2013 by central government transfers to the new county governments.

2.1.2 Local Authority Service Delivery Action Plan (LASDAP)

Local Authority Service Delivery Action Plan (LASDAP) was introduced through the Ministerial Circular of 19th July 2001. The intention of LASDAP was to empower local communities to develop capital investment plans to meet their local needs and priorities through adopting a bottom-up consultative approach. In order to receive the LATF money, a Local Authority had to submit a report that outlined the process undertaken and the final decisions of LASDAP. The report included a copy of the public notice for LASDAP decision meetings, minutes from those meetings, attendance sheets, and minutes from the consensus meeting. However, the Ministry did not require the LA to submit reports on monitoring and implementation of the LASDAP projects. As a result, Local Authorities faced strong incentives to conduct LASDAP decision

meetings and respect the outcomes of those meetings, but little or no incentive to respond to citizens who would oversee the execution of LASDAP projects. The citizens depended on the good will of the LAs to see that their complaints were addressed.

Diagram 2.1: Example from One Local Authority of the Proportion of LATF subjected to Participatory Processes



Source: LASDAP Report 2012/2013 (Eastern Local Authority)

LASDAP funding represented only a small percentage of total revenue that the LA received from its own sources and LATF. Diagram 2.1 shows the relationship between total local authority revenues to LATF and LASDAP in a recent year, based on one of the LAs studied in this report.

2.1.3 The three stages of citizen participation in the LASDAP process

The LASDAP process included citizens in three distinct phases of the project cycle:

Stage 1: Consultative Meeting - Project Identification
Stage 2: Consensus Meeting - Project Selection
Stage 3: Monitoring and Implementation

STAGE 1: Consultative Meeting – Project Identification

The consultative meetings in practice formed the main decision meeting to select a project for funding. The LASDAP regulations provided that the LASDAP consultative meeting be held annually. The guidelines specified that public notices of the meeting should be placed in several points in each ward at least two weeks prior to the date of the meeting. They also provided that the involvement and influence of the civic leaders and council officials be limited to facilitation and advisory roles. The prioritization of needs was to be guided by the community members and determined by a majority vote.

STAGE 2: Consensus Meeting – Project Selection

At the consensus meeting, citizens reviewed all projects identified at the ward level and selected those that the LA would implement. There could be more than one project per ward as long as the budgets were within the resource envelope. The preparation for the Consensus Meeting was done by the LASDAP technical committee.[1] Participants of the meeting included stakeholders drawn from civil society and the government.

STAGE 3: Monitoring and Implementation

Project committees were responsible for mobilizing community resources for the implementation of the project, attending site meetings, reviewing progress on project implementation, and reporting back to the LASDAP monitoring group. Members were elected from the community. There was either a monitoring committee that was responsible for overseeing all projects in a LA or a project committee, usually one committee per project. The committees were made up of volunteers. Councilors were not members of this committee. The committees could not be involved in procurement of goods or contractors, supervision of the contractors or project works and the supply of goods to the project. It could however query the transparency of the procurement process.

2.2 OVERVIEW AND CONTEXT OF THE TWO LASDAP CASE STUDIES

This report reviews two LASDAP programs, one in a Local Authority in the eastern part of the country (Eastern LASDAP) and one from a coastal Local Authority (Coastal LASDAP). The information below is a summarized version of the main points that emerge from the two case studies as to how citizens participated in LASDAP. The study examines the role that citizens played, in some cases assisted by local and national civil society organizations (CSOs), in each of the three stages of the LASDAP process as described above. The concluding section will summarize some of the key lessons on what made for effective citizen participation in LASDAP.

Chart 2.1: Characteristics of the two Local Authorities

	Case 1	Case 2
Location	Eastern	Coastal
Population	60,000	200,000
Number of Wards	7	13
Size	700 square kilometers	700 square kilometers
Economy	Industry	Tourism and agriculture

[1] *The technical team comprises the works engineer, planner or environment officer, the community development officer or gender office, the town clerk or representative and the treasurer or representative.*

2.2.1 Selection of LASDAP case studies in two different regions

The study looked at the LASDAP process in two different local authorities, one located in the eastern part of the country near Nairobi and the other on the coast.

- **Eastern LASDAP.** This LA covered a fast growing, rapidly urbanizing community on the outskirts of Nairobi. The LA generated significant revenues from business and property taxes. Growing informal settlements in the region pose particular development challenges including lack of access to basic services, poor hygienic conditions, insecurity and health related problems. Except for the LASDAP, the council for a long time did not have pro-poor policies. However in 2011, it incorporated the reduction of extreme poverty and HIV/AIDs as the key focus areas of its strategic plan. The LA partnered with some of the residents associations and CSOs in the informal settlement to address water, sanitation and health problems.
- **Coastal LASDAP.** This LA was situated at the Kenyan coast, a region that depends heavily on the tourism industry, its leading economic resource. Agricultural farming also contributes significantly to the local economy. Civil society networks claimed that this Local Authority had established a strong LASDAP process. Also, the LA had experimented with more intensive forms of citizen participation, including open council meetings on finances that attempted to include citizen representatives from the local level. The region is relatively poor with an overall poverty rate exceeding 75 percent. Security issues have dampened the tourism industry on the coast, with hotels closing as the number of tourists decline. The LAs inability to meet service obligations on its local debt led to residents and businesses setting up associations, not just to demand services from the council, but also to assume some of the responsibilities of the council, such as providing for security, waste management, roads and water supply. One of the groups, the Residents Forum, proved to be very active in mobilizing citizen participation in the LASDAP process.

2.3 CITIZEN PARTICIPATION IN LASDAP

2.3.1 The Three Stages of Citizen Participation in LASDAP

This report summarizes the different approaches to citizen participation in the LASDAP process in the two LAs. It looks at citizen engagement at each of the three main stages of LASDAP. These stages are (i) the decision meeting (project identification); (ii) consensus meeting (project selection); and (iii) project monitoring and implementation. Citizen participation differed slightly by LA in the different stages from project identification to implementation; however there are enough similarities that one can draw broad conclusions on where citizen participation was most effective and where there were bottlenecks.

2.3.1.1 LASDAP Stage One: Consultative Meeting – Project Identification

The two LAs approached the consultative meeting, at which LASDAP projects were identified, somewhat differently. The highlights of each LA's approach to the consultative meeting is as follows:

- **Eastern LASDAP.** Several activities were undertaken to prepare for the LASDAP meetings. The LASDAP committee comprising LA officials held two preparatory meetings to discuss prospective dates to hold consultative meetings and make press releases. The committee meeting also agreed on venues for posting the public notices namely market centers, churches, schools, hospitals and chiefs' offices. The budget for the LASDAP investments or projects for all the wards was presented by the accounts office. Meetings were held in each ward to select their highest priority projects. Attendance was estimated up to 100 persons in several of the wards, with women making up 30-60% of the attendees. According to LA officials, the distance to the meeting location usually determined attendance, as transport is an extra cost as well as the amount time away from work that attending the meeting might entail, resulting in poorer citizens participation. The LA works officer explained the technical details or proposed projects to the meeting attendees. At the end of each ward meeting, 1-2 projects were chosen to go forward to the consensus meeting and two representatives, one male and one female, were nominated to attend that meeting.
- **Coastal LASDAP.** Several different sources informed citizens in the wards of the consultative meeting. Chiefs and village elders under the district administration, as well as councilors, notified different groups. The Resident Forum, which was represented in all the wards, informed and helped get the community ready for the meeting. The venue for the meetings varied but were mostly held in central and easily accessible locations, in conformity with the LASDAP guidelines that stated that they should be held as close as possible to where residents lived or worked. Attendance at the meetings was high, up to 100 citizens in some of the wards. The percentage of women attending differed per ward but averaged about 50 percent. This LA was unique in that it partnered very closely with the local Residents Forum to organize and conduct the LASDAP meetings. A local CSO, and a project coordinator who was based at the local council offices coordinated the Residents Forum engagement in the LASDAP. At the consultative meetings the works officer and the community development officer gave reports on the previous year's LASDAP project as well as answered technical questions from citizens. At the end of the meeting, the wards each selected projects and nominated two representatives, one male and one female, to attend the consensus meeting.

2.3.1.2 LASDAP Stage Two: Consensus Meeting – Project Selection

The consensus meeting was somewhat similar in each LA. The main difference is that the Eastern LA organized a technical review meeting between the consultative and consensus meetings, while the Coastal LA did not do so. However the Residents Forum in the Coastal LA had already prepared the citizens to understand the projects under consideration. The process that the Eastern and Coastal LAs followed for the consensus meeting is described below.

- **Eastern LASDAP.** A technical review meeting was held between the LASDAP Committee and District government officials upon completion of the LASDAP ward meetings. The purpose of the meeting was to discuss the viability and consistency of the proposed LASDAP projects with other planning processes at the local and national levels. The considerations taken into account were the District plan, Vision 2030 and other national policies and strategies. The meeting noted that the proposed projects were not likely to be duplications of other projects that the government was considering. It was also recommended that each ward have one project due to the amount of funds allocated to the wards. Other than this, there were no changes made to any of the projects that had been selected by the community members. Afterwards, the consensus meeting was centrally held at the Council headquarters to endorse the projects selected during the LASDAP consultative meetings. Finally, after these agreements, LASDAP projects were approved as part of the Local Authority Budget, with a comprehensive document describing meeting minutes, advertisements, and agreed-upon projects submitted to the Ministry of Local Government.
- **Coastal LASDAP.** The Consensus meeting was held centrally at the council chambers for all the 13 wards. The LA had set the date for the consensus meeting prior to holding the consultative meeting. Present were all community representatives chosen during the consultative meeting, the mayor, deputy mayor, all councilors, the public officer and council officials. There was no technical meeting held prior to the consensus meeting to review the projects selected by the community. The meeting included the presentation and confirmation of the projects selected during the ward consultative meetings, and the election of the Monitoring and Evaluation Committee.

2.3.1.3 LASDAP Stage Three: Project Monitoring and Implementation

The two LAs approached project monitoring and implementation differently, as noted below;

- **Eastern LASDAP.** This LA did not set up a monitoring and evaluation committee, which would monitor projects across all the wards. Instead, the LA appointed a project committee in each ward that would handle M&E activities as well as

project implementation. Normally there were two community representatives per ward, although one ward had seven as it had two projects. LA council officials did not offer training to the committee members, offering a briefing on their roles instead. The project committees performed a number of activities. These included attending site meetings once a month, mobilizing the community to provide labor where necessary, visiting the project site regularly- perhaps twice a week or more, meeting with the council engineer, reporting any matters arising to the council, requesting feedback on the same and reporting back to the community. The various wards recorded mixed experiences in terms of feedback from the council. In some projects there was quick action taken to resolve the complaints, but in other cases, especially regarding unfinished projects, the council did not always respond rapidly or take care of the problem. Because the committees had no recourse to the Ministry, which only got involved in the LASDAP selection and budgeting process, there was little the committees could do other than lodge complaints.

- **Coastal LASDAP.** The LA set up a monitoring and evaluation committee composed of seven members. There were two councilors with five community members making up the rest of the team. The representatives were selected by all the community representatives at the consensus meeting based on their experience in community development issues, their demonstrated leadership as chairpersons of community groups or because they had relevant technical expertise. During the monitoring exercise, the town engineer and the Social Services officer joined the team. The team then visited all the projects in the thirteen wards, both those selected at the LASDAP meeting as well as ongoing projects that had been selected in previous consultative meetings. The monitoring exercise involved checking the status of the projects and whether the contractors were implementing the projects to the correct standard. The community representatives wrote and submitted reports on the monitoring exercise to the Town Clerk. These reports were inclusive of pictures of the various projects. The council responded positively to the majority of the complaints raised by the monitoring team and took appropriate action to rectify the problem. However, community representatives noted that the impact of the monitoring was limited by political influence and interference particularly where the contractors were well known to the councilors. In such cases, they claimed, little action was taken to rectify the situation.

2.4 THE OVERALL BUDGET PROCESS

Given the relatively strong LASDAP process, particularly in the project selection phase, one might expect extensive participation in the overall budget processes; however, overall, the research team could find little evidence of participation outside of that in the LASDAP decision meeting, consensus meeting and project oversight.

Aside from the budget allocated to 'LASDAP', the budget formulation processes in the two LAs were not inclusive of citizen input in any official capacity. Instead, the processes were primarily driven by staff in the Local Authority. When drafting the annual budget, each head of department would formulate a proposed budget based on the guidelines provided by the Ministry of Local Government. Then, in a meeting of the town clerk with the heads of department just weeks following the circulation of the budget guidelines, the administrators drafted a budget proposal. After further developing this proposal, the town clerk would present the budget proposal to a meeting of the Finance Committee, which was composed of the town clerk, mayor, councilors and a series of heads of department. This meeting, usually held just before the budget deadline, was often the first opportunity for the council to provide input into the budget, and some small changes were made. For instance, in the Eastern LASDAP, the most significant change was a request by councilors to increase the bursary fund from KShs 3.5 to 7 million. The budget was then put before the councilors for approval. Appendix 3 shows the official overall budget timetable including the LASDAP process.

In general, the regular budget process was not very inclusive of citizens. The proposed budget was not publicly released. It was available to the public only on request, though officials claimed that such requests were rarely made if at all. Only on the budget day, which took place in July after the budget had been approved, could the public read the budget. There was thus no formal system whereby citizens could provide input in the budget outside of the LASDAP allocation. Informal means of influencing the budget were sometimes however possible. In the Eastern LASDAP for instance, a number of groups such as the market committee representing local traders would visit the town clerk in order to lobby, often in search of projects.

2.5 MAIN FINDINGS ABOUT CITIZEN PARTICIPATION IN THE LASDAP PROCESS

a. At the project identification and selection stages:

While official steps such as posting meeting notices in public places are important, mobilization from village elders and CSOs and others encourages participation that in turn helps to ensure open LASDAP project selection meetings. Mobilization of citizens was quite strong in both cases. Citizen representatives, CSOs and government officials each emphasized that large number of citizens generally attended the LASDAP meetings. By having a wide range of citizens and officials present at the meetings, it is more difficult for elites to capture the process.

The LASDAP process in the two cases studied was quite successful in including citizen participation into the selection of projects. These cases suggest that the LASDAP process, which represented a top-down effort to encourage citizen participation at

the local level, can work. The meetings were well attended, and the results of the meetings were positive and respected according to all stakeholders involved.

The Ministry of Local Government helped to ensure this participatory space both through its staff on the councils and by making the LASDAP grants conditional on satisfying the regulations, which stress citizen participation. The Ministry created a system of upward accountability for the LASDAP process, with extensive reports required.

b. At the project monitoring and implementation stage:

The LASDAP system provided incentives for participation in project decision meetings, but failed to do so in the area of project monitoring. The annual LATF transfer was tied exclusively to the decision-making phase of the project and not to the project monitoring. The reports of monitoring committees were submitted to the council, and not to the Ministry of Local Government, meaning that the Ministry of Local Government did not track whether submitted reports and complaints were ever addressed regarding LASDAP projects.

Project oversight was sometimes limited by the lack of training for project committees from council technical teams. In the Eastern LASDAP case, members of some project committees complained that they received little support from the council; they wanted to provide proper technical oversight of the projects, but lacked both training and communication with technical staff. As a result, they felt both that they had little mandate for providing feedback, nor the technical competence to provide it. However, other project committees, and usually ones that included civil society representatives, did not feel that they faced such a challenge, but maintained quite good communication with the council's technical staff. Meanwhile in the Coastal LASDAP case, such support was not necessary, as the Monitoring and Evaluation Committee included members of the technical teams, and audits were conducted jointly.

The accountability system was less developed when it came to project implementation. Community members could sometimes provide valuable feedback to the council regarding the activities of contractors at the local level. However, in both the LASDAP cases studied, this feedback was sometimes ignored, even when it was technically sound. The lack of a recourse mechanism that could force the council to be accountable was a key limitation to this bottom-up oversight system.

c. The overall budget cycle:

The absence of spillover of these participatory practices into the overall budget cycle, even in these cases with strong participation in LASDAP, is cause for concern with the new county governments. With legislation such as the County Government Act and the Public financial management Act in place, there is scope for increased inclusiveness and public debate of the budget.

3. CITIZEN ENGAGEMENT WITH THE CONSTITUENCY DEVELOPMENT FUND (CDF)

3.1 BACKGROUND TO CDF

The Constituency Development Fund (CDF) was established through the Constituency Development Fund Act (2003) and amended in 2007 by the CDF Amendment Act 2007. The primary objective of the CDF is to address poverty at the grassroots level, or more specifically at the constituency level.[1] The fund comprises an annual budgetary allocation of 2.5 percent of the government ordinary revenue, which in financial year 2011/2012 represented 17 billion shillings and in the current financial year 2012/13 represents KShs 21.2 billion. It is most likely that the CDF will continue to exist following the introduction of county governments in 2013, as Members of Parliament still exist and wish to continue supporting their constituents in this manner.

The amount received at the constituency level is also prescribed to follow a distribution formula that prioritizes infrastructure projects, as well as bursaries. The formula also limits the funds available for administration, with the intent of ensuring substantial resources for projects.

Chart 3.1: Distribution of funds under CDF

Distribution of constituency allocation (percent)	Functional assignment
67	Development projects
15	Education Bursary scheme
5	Emergency Reserve
3	Recurrent expenses
3	Running and Maintenance of vehicles
2	Monitoring and Evaluation
2	Sporting activities
2	Environmental activities

Source: CDF Board, 2012

[1] *CDF aims at achieving this through: Activating development activities at the constituency level; promoting equity in the sharing of national resources and in so doing reducing regional imbalances in development; and providing opportunities for local communities to get involved in development planning and project implementation.*

Chart 3.2 Sectoral summary of CDF project implementation status 2003/04 to 2009/10

Sector	Completed Projects	Ongoing & Stalled Projects	Total Projects Financed
Education	12,023	13,644	25,667
Health	2,238	2,376	4,614
Water	3,484	2,889	6,373
Agriculture	1,475	1,072	2,547
Roads & Bridges	1,950	1,220	3,170
Others	3,052	2,830	5,882
Total	24,222	24,031	48,253

Source: CDF Board

CDF projects often fail to be completed, with numerous ongoing and stalled projects. As indicated by the above chart, nearly half of all projects financed by CDF are ongoing or stalled. While the completed projects often make an important development contribution, the ongoing and stalled projects serve little purpose, and often become a waste of money and effort from the government.

3.2 PARTICIPATION OF CITIZENS IN CDF

The official CDF structure emphasizes citizen participation in most steps of the project cycle, including project selection, contractor selection, financial management, project execution and oversight. At the local level, the most important structures are the Constituencies Development Fund Committee and the Project Management Committee.

Even under the accountability framework established as part of the CDF legislation, the decisions regarding which projects to finance are made in a non-transparent manner, with few criteria. The main driving criteria is that the project is community based, in order to ensure that prospective benefits are available to a widespread cross-section of inhabitants in a particular area. However, the final decision on whether a project is selected or not rests with the Constituency Fund Committee.

The Constituency Development Fund Committee (CDFC) is responsible for the management of the CDF within the constituency. Its functions include the approval and allocation of funds to specific projects. The CDF Act empowers the MP to appoint its members for a three year renewable term. The CDFC has a maximum of 16 members, including: the MP, the councilors, one district officer, two religious representatives, two male and two female representatives, a youth representative an NGO representative, three other persons appointed by the MP and the fund manager. The fund manager is an ex-officio member of the committee and is seconded to the CDFC by the Board. While the CDFC plays an important role locally, it is not a participatory body per se.

The Project Management Committee (PMC) is responsible for the implementation of approved CDF projects. There is one PMC per project. The community may nominate the members of the committee, or the committee may be pre-existing such as a school management committee[2] (SMC). The PMC should implement the project with the assistance of the relevant government department. Amongst its functions are the preparation of a work plan, carrying out procurement for the project, keeping of records of all project documents, preparation of a financial expenditure report and monitoring of the implementation of the project. Where the PMC is not capable of conducting the procurement, the relevant government department should do it.

Chart 3.3 Characteristics of the two CDF cases

	Northern CDF	Central CDF
Location	Northern Kenya	Central Kenya
Population (2009 census)	255,000	164,000
Size	15,000 square kilometers	600 square kilometers
Poverty rate of county of constituency	94 percent	29 percent
Economy	Agriculture	Agriculture
Total projected budget (2012/13 budget)	KShs 149 million	KShs 94 million
Reputation	CSO social audit efforts	Strong participation

3.3 BACKGROUND AND CONTEXT OF THE TWO CDF CASE STUDIES

This report reviews two Constituency Development Fund programs, one in a constituency located in northern Kenya (Northern CDF) and one from a constituency in central Kenya (Central CDF). The chart below presents some of the major characteristics of the two CDF constituencies that the study looked at.

3.3.1 Overview of the Northern CDF constituency

The Northern CDF constituency is amongst the largest and poorest in the country and is located in the northern part of Kenya in an area referred to as the Arid and Semi-Arid Lands (ASAL). The rainfall pattern is unreliable and erratic. Malnutrition is prevalent in the area. The main economic activities are livestock and pastoral farming, some fishing and cultivation of sorghum. Locals also engage in livestock trade and basket weaving. However, these economic activities are incapable of sustaining livelihoods and there is a high dependency on relief from local and international NGOs. The area has historically suffered from policy and developmental neglect. Its low population density poses significant challenges to service delivery.

The Northern CDF has a history of low levels of citizen participation in the political process. One of the reasons for this may be the remoteness of the region and the

[2] *SMCs are made up the Head Teacher, several sponsors, and a parent representative from each class*

corresponding poor infrastructure. Literacy levels in the region are amongst the lowest in the country. According to the 2009 population census, majority of the population aged three years and above 73.7 percent have never attended school, with only 17.7 percent having attended and another 6.5 percent dropping out.

The Northern CDF receives amongst the highest CDF allocations in the country due to its high poverty rate. The focus of the CDF is on infrastructure projects. To improve the governance of public resources, NGOs working in the region are partnering with local Community Based Organizations (CBOs) to promote citizen participation. There have been no systematic evaluations of CDF projects, but a CBO has been engaging the communities in a social auditing program since late 2009 where they have evaluated nine CDF projects.

3.3.2 Overview of the Central CDF constituency

The Central CDF is a much smaller constituency and is economically more prosperous than the Northern CDF. It ranks in the mid-range of constituency sizes and is located near the capital city in Central Province. It is in an agriculturally rich region with coffee, tea pineapple and horticultural farming as the main economic activities. Other industries include textile, cotton, mining and food processing. It has a relatively well developed road infrastructure and is serviced by a dual modern highway to the Capital City.

The Central CDF receives considerably less CDF allocations compared to the Northern CDF due to a lower poverty ranking. However it has significant levels of inequality and the poor are disproportionately less educated and less skilled than the non-poor. This has contributed to high levels of insecurity in the region. Citizen participation in political processes is relatively high, with a greater percentage of registered voters in relation to the entire constituency population than in the Northern CDF.

3.4 CITIZEN PARTICIPATION IN THE CDF PROJECT CYCLE:

CDF, in the law, foresees substantial involvement of communities in each phase of project execution. Unlike in LASDAP, it further empowers citizens in the project execution phase, putting them in control of payments to the private contractor. Overall, however, the CDF system is informal in a number of ways, with laws either weakly applied or regulations undeveloped. The result is enormous variation in practices not just between constituencies but, at times, within constituencies. In the below cases, the Northern CDF exhibits many characteristics of this variation due to a lack of systems, while the Central CDF has further developed practices and guidelines that are associated with better targeted and executed projects.

3.4.1 Citizen participation in CDF project selection

In both CDFs there was variation in the means by which citizens and groups would request for projects. In only exceptional cases did the request emerge from a structured meeting of the community. One common means to propose a project came from a School Management Committee (SMC), who would normally seek the construction of classrooms or even dormitories and other facilities. Another would be the local security committee, who may apply for the construction of an office for the chief or administration police. Security and education were two areas where a previously established committee would make the request. Health dispensaries, on the other hand, were usually new constructions, which would mean that a pre-existing committee did not exist; as a result, a PMC would have to be formed.

It is unclear whether the requested projects reflected overall community priorities. Most projects that were submitted to the CDFC for consideration emerged from particular groups, and rarely from an open process of debate in the community. This was very different from the LASDAP process, which had a strong element of citizen participation in the projects put forward for possible selection for LATF/LASDAP funding.

The Central CDF was unique in that it identified six priority areas for CDF funding, with goals within them. The six areas emerged out of a strategic plan for the constituency. One notable example of a goal within the plan was to construct a health dispensary that was within five kilometers of every community in the constituency. Such a goal helped to equalize the distribution of CDF projects, such that some communities that had not benefited from a CDF project previously would eventually receive one.

In both the Northern and Central CDFs, the CDFC was not transparent in its proceedings to select which project proposals would be funded. Instead, the CDFC held private deliberations about project selection, only informing the recipient groups after the process had concluded. As a result, the CDFC holds substantial discretion over the direction of its CDF portfolio. The Central CDF did provide a set of criteria, as mentioned, which would help to guide the funding decisions, but still did not hold open decision meetings. Such a practice contrasted with the LATF/LASDAP process, where the open decision meetings combined with the consensus meeting helped ensure that citizens would be involved in the prioritization of projects and funding decisions.

3.4.2 Citizen participation in project execution in the Northern CDF

In the Northern CDF, the local MP appointed a 15 member CDFC. Their main function was to debate the merits of projects, make decisions over which community projects

should be funded, and coordinate CDF project activities in the constituency. The committee received administrative support from a team of about 11 staff members, headed by a CDF coordinator. Although this is a fairly large number of staff, it did not include any experienced professional who could give technical advice to the CDFC. The Fund Accounts Manager employed by the ministry of state for planning and national development was responsible for supporting the CDFC in the financial administration of the fund.

In the Northern CDF, different community groups submitted proposals for projects, but the criteria used to select the projects remained unclear. The CDFC could visit the locality to verify the need for the project but there was no systematic method employed to guide its deliberations in selecting the priority projects, such as a strategic plan, a nor clearly defined and transparent set of criteria. The CDFC would then decide which project proposals would be financed by the CDF funds, during a meeting held in the month of July. The MP submitted the final list of projects to be funded to the Constituency Development Fund Board.

The primary group involved in the execution of projects was the Project Management Committee (PMC), which was constituted once the CDFC had approved the project proposal. For instance, if the School Management Committee was successful in their application, they would then form the PMC. Amongst their responsibilities were the selection of the private contractor, the oversight of the project and payments for the contractor.

The PMC's methods for selection of the contractors were not transparent. There has been little involvement of government technical officials during the contractor selection process. Government officials interviewed noted that CDF projects were not awarded under the District Tender Board (DTB), where the capacity and compliance of the contractors with government regulations would be vetted and a systematic procedure of critiquing bidders undertaken. In general, the PMC members received the bids, opened the tenders, and undertook an analysis of the bids. The PMCs were required to submit copies of the tender notice, meeting minutes for the opening and award of the tender, the agreement between the contractor and the PMC and the Bill of Quantities (BQ) to the CDFC for accountability purposes, but this minimal oversight was insufficient to guarantee an open and competitive process.

In the Northern CDF, the PMCs that undertook the selection of contractors had very little training. The CDFC officials interviewed admitted that most of the PMCs lacked the capacity to undertake a proper procurement process and this is one of the major challenges that affected the effective execution of CDF projects in the area. The CDFC has in some instances had to step in to assist the PMC in the selection process.

Contractors in the Northern CDF were often paid upfront by the PMCs prior to the start of the project. In the two sites visited, the school dormitory project and the health dispensary, the original contractors had been paid prior to the commencement of the work. In the case of the school dormitory project, the head teacher had not involved the wider SMC during the selection of the contractor and the payment process. The contractor eventually abandoned the project before its completion and the head teacher transferred on grounds of general poor performance. After concerted complaints by community members and the new school administration to the local MP, additional funds were released by the CDFC to complete the dormitory building. The new head teacher ensured that the contractor hired by the CDFC to replace the previous one was only paid after the completion of the work. In the second project, a health dispensary that was still under construction, the chairman of the PMC said that the contractor had been paid in one full installment at the start of the construction.

Regular internal monitoring and evaluation of CDF projects appeared weak and lacked a formal institutionalized system. The CDFC members made visits to project sites on an inconsistent basis and each CDFC member would visit the projects nearest their residence. The CDF account manager would visit the projects at times, but the frequency was unclear, and some projects were too distant for visits. The District Development Officer (DDO) and other district departmental heads monitored government projects in the district through the District Monitoring and Evaluation Committee. The committee occasionally visited a few of the CDF projects, and this presented an opportunity for the DDO to question discrepancies such as ongoing and abandoned projects. However, regular monitoring of the vast number of CDF projects under this district arrangement was not plausible.

In the Northern CDF, technical quality of the CDF projects was not ensured due to the weak engagement between the CDFC and the technical government officials. The public works officer, the only certified official to ensure the technical quality of projects, stated that he rarely made site visits, and so could not verify that the CDF projects were up to standard. There was also a tendency for the PMCs to reproduce BQs and work plans from other projects, rather than seek assistance from the works office, which often came at a cost. The poor documentation made it difficult for the works officer to determine whether the projects had been completed to a prescribed standard. The works office noted that CDF projects would fare better if there was coordination between the CDF and the works office to ensure that there is independent technical oversight of the projects.

One notable activity that occurred in the Northern CDF was that a local CBO in partnership with an NGO organized a training program on good governance with councilors and public officials in the district departments and the local authorities. The training increased transparency and led to better communication by public officials of budgetary allocations. The CDFC introduced two transparency (bulletin) boards where it posted CDF allocations for various projects and the names of beneficiaries of education bursaries and corresponding amounts.

The project by the CBO, adopted a two-pronged approach targeting not only the capacity building of government officials but community empowerment. In the community intervention, the CBO conducted the program in eight communities in reference to CDF, and others with Local Authority projects. The community intervention consisted of several primary steps: Local consultative meetings with community leadership, community mobilization and sensitization primarily on devolved funds and their role in its management, training of social auditors, execution of audits, followed by communication of the results to the community and to the relevant authorities. Eight teams of social auditors audited nine CDF projects.

The social auditors in their reports indicated a number of problems with the CDFC projects. The PMCs in some cases were not trained and hence there was poor supervision of the projects. PMCs failed to keep proper records as vital financial documents such as invoices, payment vouchers and receipts were missing, and in a few instances there were no minutes of procurement proceedings. Other problems cited were the use of sub-standard material; lack of communication and coordination within PMCs and between PMCs and the contractors; failure of the CDFC to inspect projects and the finished projects not reflecting the amount of money used. In one of the cases, the social auditors together with the other community members were able to pressure the MP to allocate more money to complete a stalled and mismanaged school project. More details of this are captured in the CDF technical annex.

3.4.3 Citizen participation in project execution in the Central CDF

In the Central CDF, the MP appointed the 15 member CDFC in accordance with the CDF Act. The MP selected all the members to the committee except the church and NGO representatives. The MP requested the church organization to nominate representatives, whilst the NGO representative to the committee was automatic since there is only one NGO that operates within the constituency. For the councilor, the MP requested the elected councilors in the constituency to nominate who amongst them should serve on the committee. The Committee usually met at least once a month, as guided by the activities. The Committee functioned through smaller sub-committees that oversaw the coordination of CDF projects in five sectors namely education,

health, water, security and poverty eradication. There were 3 members in each of the sub-committees and they met more regularly than the joint CDF Committee. The Committee members received a transport and sitting allowance. The Fund Accounts Manager worked alongside the committee on administrative and financial issues.

In the Central CDF, the process through which members of Project Management Committees (PMCs) were selected varied. The PMC members overseeing the health project were elected during a public baraza presided over by the chief. The MP was present during this process. The PMC overseeing the security project was also selected during the chief's baraza. However, most of the committee members were also members of an existing community policing security committee coordinated by the chief. The third PMC was an existing School Management Committee comprised of 15 members. Eight members each represented one class (class 1-8), four members represented the sponsors, and one was a representative from the District Education Board (DEB). The head teacher was the committee secretary and was assisted by his deputy.

The PMCs advertised for contractors to submit bids through a number of methods including use of notice boards at the chief's office and the CDF office, through announcements at the chiefs' baraza, through the CDF Constituency website and by word of mouth to communities. The tenders were opened and evaluated by CDF representatives, the PMC members, the ministry of works officer and the District procurement officer. The selection was based on experience and fair price quotation

The Central CDF constituency followed a systemized process of contractor selection, project execution and payment. When the PMCs were formed they had opened a bank account into which the CDFC deposited the funds for executing the project as per CDF regulations. In the case of the SMC, the funds were transferred to their existing bank account. The fund accounts manager trained the PMCs on simple bookkeeping, and the works officer provided them with guidelines on how to make the payments. Payment was done in three stages, with nothing paid up front. The PMC made an initial payment after the foundation of the project was completed, a second installment after construction was completed to the roof level and the final payment after project completion. The Public Works officer would visit the project to assess each of the stages before giving a go ahead for the PMC to make the payments.

The Central CDF undertook several approaches to monitoring and evaluation of CDF projects. The PMC undertook regular site visits, as did the fund manager and CDF officials. The PMC members reside around the locality of the project and were able to supervise projects every few days. The fund manager visited projects sites once

and sometimes twice a week. During the project visits the fund manager would look at the accounts records of the PMC, meet with the contractor, review the level of achievement based on the work plan, inspect the materials used and talk to the committee on issues arising from the project.

The Central CDF undertook joint monitoring of CDF-funded projects with the district monitoring committee once per month. The broader community has also been part of the monitoring as individuals have engaged with the MP through phone calls whenever they have had an incident to report on the projects. The MP would follow up the complaint with the CDFC to ensure it was resolved. The CDFC and PMCs made regular reports to the community members on the progress of the projects. They were usually invited by the chiefs to give updates during barazas. As the projects progressed, the community would seek to inquire on issues such as why the contractor was not involving them in providing local labor and would give suggestions on how the project could be improved.

3.4.4 Overall comparison of the Northern and Central CDF programs

The most significant difference in the operation of the two CDFs was in the method they followed for paying contractors. In the Northern CDF, the PMCs would sometimes make full payment of contractors up front, which greatly limited the power of either the PMC or other officials to hold the contractor accountable. According to social auditors, of nine projects audited in the Northern CDF, six of them had paid contractors up front. Once contractors had received full payment they had no immediate financial incentive to finish the project. As a result, in a number of instances in the Northern CDF the contractor failed to complete the project, leaving a half constructed edifice. For example, in one dormitory project, the contractor built the foundation and then left the project, taking the materials with him. Social audits suggest that incomplete projects are frequent as well.

In the Central CDF, contractors were never paid up front. In past years, PMCs paid a small portion to the contractor up front, and a number of contractors then abandoned their projects with this small amount of money. Subsequently the Central CDFC took the decision to require that PMCs avoid paying anything up front, and only release the first payment after part of the work had been finished, such as the foundation laid for a building. Payments were generally divided into three, with payments only made with approval from the PMC, with the advice of the District Works Officer and CDF accounts manager.

A second area of difference that was a key element contributing to the overall success of the Central CDF program, both in terms of improving citizen participation

and completing the projects, was the ability of the CDFC and the MP to integrate the Provincial and District Administrations into the process. Although the Provincial and District Administrations no longer exist as of March 2103, and have been replaced by county governments, the benefit of incorporating other forms of government in the CDF process is noteworthy. In the Central CDF, the Provincial Administration was very involved in every level of the CDF. The District Commissioner or Officer would often be invited to public Barazas to announce CDF projects, suggesting that they are involved at the highest levels of the district. Even more importantly, interviews with higher level officials, as well as a variety of stakeholders during site visits suggested that chiefs were heavily involved in project execution for most projects. This involvement took a variety of forms. First, the chief was critical for calling meetings with the local population; even outside CDF meetings, the chiefs would call for public Barazas every several weeks. These Barazas served to announce projects and communicate project details to the community. Second, given the frequency of Barazas, they provide a forum for public accountability for the PMC. This committee is frequently called upon to report to the community regarding project progress. Moreover, the Barazas provide a forum for the community to provide their own feedback to the PMC, to present their own observations on and concerns with the progress of the project.

The District Administration, and especially the District Works Officer (DWO), also served a key role in project completion in the Central CDF. The DWO represented the main engineer who oversaw the technical aspects of the project. The DWO not only provided occasional reports on the progress of the project for the CDFC and PMC, but also trained the PMC on the types of project issues that it should look out for.

WORK SITE OF NEW ADMINISTRATION POLICE POST IN CENTRAL CDF



3.5 MAIN FINDINGS RELATING TO CITIZEN PARTICIPATION IN THE CDF PROCESS

The CDF programs did not provide the mechanisms or incentives to include citizens in the process that determined which projects would be selected and funded with CDF resources. The LATF/LASDAP system required a ward decision meeting and a consensus meeting with citizen representatives for selecting projects to be funded, a system that is not present in the CDF process. The citizen groups who would make proposals to the CDFC were quite diverse, but it was unclear how well they represented community interests. The CDFC, which is composed of appointees from the MP, had almost full discretion in deciding which project proposals by citizen groups were funded and which were not, with few clear criteria guiding those decisions. In both cases, the geographical distribution of CDFC members helped to ensure that projects would cover the main regions of the constituency. The CDFC in the Central CDF went further by developing a plan for projects that would more evenly distribute them across the constituency.

Technical training and advice, primarily from government engineers, proved helpful for citizens serving on the PMCs in the Central Constituency. There were strong informal relationships in the Central Constituency between District officials, notably the DWO, and the PMCs, which did not exist in the Northern CDF. However, citizens in the Northern CDF received some technical training from civil society organizations and this proved helpful in the PMC's technical review of CDF funded projects.

Platforms for citizen meetings and mobilization, often conducted by chiefs and civil society, improve the flow of information and accountability to communities. In the Central CDF, the projects tended to proceed with substantial citizen participation in regular meetings with the community. The projects were announced at a public Baraza, and the PMC often reported on the progress of the projects at the Barazas. In the Northern CDF, local civil society organizations used public Barazas to mobilize the community into the social auditor roles with community members reporting back on project developments in these same public Barazas.

Contractor performance improved substantially when contractors were paid in installments, after work was completed, compared with contractors who received upfront payments. In the Northern CDF, the PMC, whose chair and treasurer technically control the PMC account along with the fund account manager, would sometimes pay the entire sum to the contractor up front. Then, when the project was not complete, the Committee would have little leverage in bringing the contractor back to finish the construction. On the other hand, the CDF committee in the Central constituency had a policy of never allowing the PMCs to pay anything up front, which required the contractor to invest his own money for the initial material. While such a practice prevents some of the smaller contractors from bidding on projects,

it is considered to be the main reason that the great majority of all the Central CDF's projects were completed within cost and on time.

While social audits of CDF projects were completed and appreciated by various stakeholders, their main result was to pressure the MP to invest further CDF money to complete the projects, underscoring the need for the PMCs to pay contractors in installments. The intervention did not bring greater accountability to the actors who may have mismanaged the funds. The experience of several projects highlights the limitations to such interventions, mainly that, because of the payment up front for contractors, there was little to be done once that contractor simply abandoned the work site, leaving an intended structure only partly finished. Instead, the effect was to spend other taxpayer money to complete the project.

NEW HEALTH DISPENSARY IN NORTHERN CDF CONSTITUENCY



4. CITIZEN ENGAGEMENT IN THE WATER SECTOR: THE EXPERIENCES OF THE WATER ACTION GROUPS (WAGS)

4.1 BACKGROUND TO ACCOUNTABILITY IN THE WATER SECTOR

Numerous water companies, primarily in urban areas, offer piped water to approximately 9,173,000 consumers in Kenya. According to the 2009 census report, Western province had the lowest portion of consumers with access to piped water while Nairobi had the highest.

Chart 4.1: Water provision by two companies in Kenya

Water Service Provider	Total population in service area	Population served
Nairobi	3,555,553	2,250,607
Western	448,400	138,831
Other WSPs	19,428,371	6,783,627
Total	23,432,324	9,173,065

Source: WASREB Impact Report, 2011

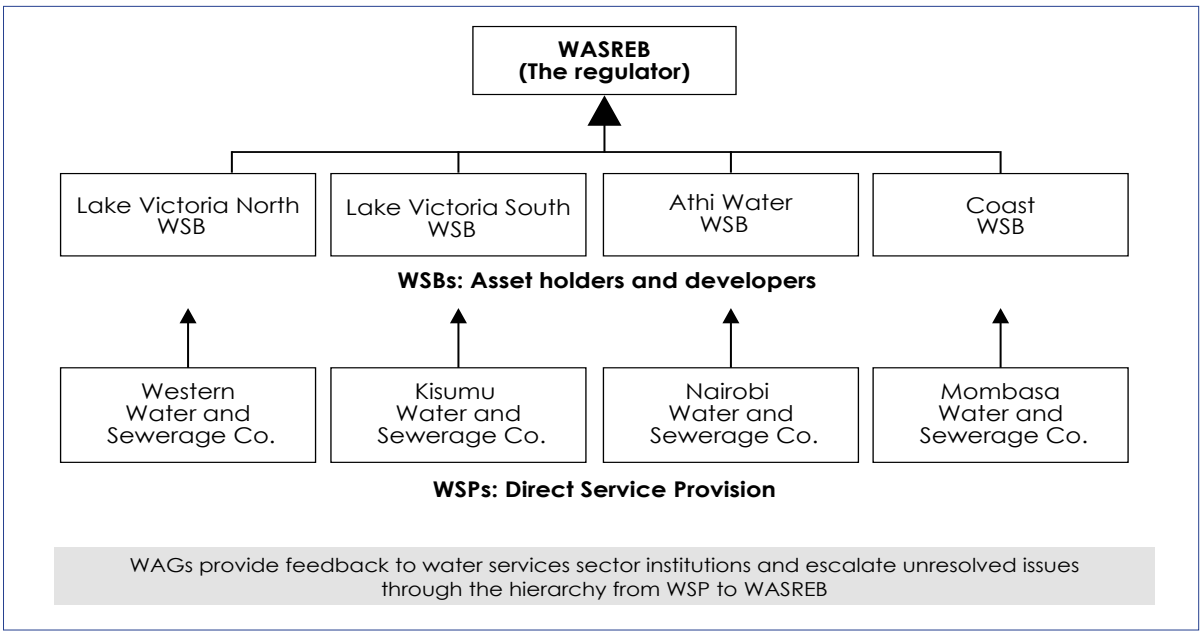
The water sector has been plagued by numerous issues such as underinvestment, non-payment of bills, illegal connections and vandalism of the distribution network, which continue to deny metered consumers their rightful access to water and to present high operational costs for most water companies. The billing system is still poor and characterized by inaccurate and untimely billing, as well as poorly organized debt collection systems. (Asingo, 2008)

The Water Act 2002 represented a movement towards accountability and consumer responsiveness in the water sector. It provided the framework for enacting reforms in the water sector. To improve governance in the sector, the legal and institutional framework separated the functions of policy making, service provision and oversight, allocated to different institutions and stakeholders. The Water Services Regulatory Board (WASREB) was established in 2003 under the Ministry of Water and Irrigation as an autonomous state corporation. As the regulator, it was mandated to set guidelines and enforce standards that protect consumers while ensuring that Water Services

Boards (WSB) and Water Service Providers (WSPs) provide efficient, affordable and sustainable services. Under the provisions of the Water Act, WSBs own the assets but cannot provide services directly. WSPs provide the services to citizens by signing service provision agreements with the WSBs.

WASREB exercises oversight and accountability on water issues and has ultimate responsibility for protecting the consumer from lack of water, poor pricing, poor access, irregular supply among other challenges that affect the right of the consumer to access clean water. The Water Act 2002 specifically mandates WASREB to establish procedures to handle complaints made by consumers against licensees, to advise licensees on procedures for dealing with complaints from consumers, and to monitor the operation of these procedures.

Diagram 4.1: Institutional Framework for the governance of water



Source: Engaging Consumers' Voice in Water Sector Reforms: WAGS Lessons learnt report of the Pilot in four Kenyan cities.

4.2 THE WATER ACTION GROUPS

WASREB introduced the Water Action Groups (WAGs) to respond to the weak formal monitoring systems and feedback mechanisms that existed for consumers to lodge complaints related to the provision of water services by WSPs. The WAGs were established in 2009 and piloted in four regions namely Nairobi, Kisumu, Mombasa and Kakamega. The pilot program operated only for a limited period of time between November 2009 and November 2010.

The main purpose of the pilot was to bridge the gap between consumers and service delivery institutions. WAGs supported the consumer protection mandate of WASREB by serving as a feedback mechanism for citizens who wish to lodge complaints about

the provision of water services. The WAGs pilot was a joint initiative between WASREB, World Bank, and the GTZ.

The WAGs were individuals appointed by WASREB through a competitive selection process. The process included short-listing of applicants and an interview by a representative panel. According to WASREB's recruitment guidelines for WAGs, individuals who had 'experience in voluntary community service, outreach and mobilisation' as well as those with 'linkages to existing resident associations, community groups, and civil society organizations' would receive priority. The WAGs were appointed in April 2009. The program was officially launched in November 2009 and the pilot ended in November 2010. The WAG representatives received training on how to interact and communicate with partners and consumers, on the modality of WAGs operations, and on public relations and feedback mechanisms.

WAGs received a minimal allowance and money to cover expenses. A total of KShs 120,000 was disbursed to the region every quarter to facilitate the expenses. The WAGs in Nairobi received an allowance of KShs 1,500 per quarter for transport and lunch expenses. KShs 500 was given as a communication allowance. WASREB provided the funds for these expenses.

4.2.1 Official Role of WAGs

According to WASREB guidelines, the WAGs were given several main roles;

a) Channel grievances of consumers

The WAGs monitored consumer complaints and provided feedback to citizens as problems were resolved. The WAGs also facilitated conflict resolution between citizens and the WSPs. They would also inform the WSP management, WSBs and WASREB, where a service provider (WSP) continually failed to take action on a consumer complaint. The WAGs submitted periodic reports on their operations to WASREB.

b) Organize meetings

The WAGs acted as a link between consumers and WSPs by providing a platform for the two to exchange ideas on ways to improve water service delivery. The WAGs organized citizen meetings at which they undertook Focus Group Discussions (FGDs), and also met with citizens during meetings of Barazas, or community forums, which were regularly organized by local chiefs.

c) Raise general awareness and information dissemination

Under this role, WAGs would ensure that the communities are informed about water sector reforms and the roles and responsibilities of water sector institutions. They were

to receive information from the WASREB, which they would disseminate to consumers to increase the awareness of their rights and the obligations of the water service institutions.

Chart 4.2: Overview of the two WAG cases

	Nairobi WAG	Western WAG
Location	Nairobi	Western (Kakamega & environs)
Number of Connections	415,229	21,000
Number of regions with WAGs	6	8
Active WAG members	6	9

4.3 OVERVIEW AND CONTEXT OF THE TWO WAG CASE STUDIES

This report examined two of the four WAG pilots, one that covered greater Nairobi (Nairobi WAG) and one that covered the Western Region (Western WAG), which included Kakamega and its environs. The characteristics of the two WAGs reviewed in this report are summarized below.

4.3.1 Characteristics of the Nairobi WAG

Nairobi is served by the Nairobi City Water and Sewerage Company (NCWSC), which manages an estimated 415,000 connections. NCWSC Company has divided the greater Nairobi area into six regions, each with a regional office with a customer care section within the commercial department that hosts a complaints handling desk. Each region started with at least one WAG representative, however several WAG representatives dropped out during the course of the pilot. Numerous complaints were lodged daily with the most common complaints on issues related billing (bills are too high, estimated or not received), late meter reading, supply failure and irregular water supply, disconnections and leaks and bursts.

Nairobi had both the largest number of complaints and largest number of complaints per WAG member. The only performance measure available for WAGs was complaint handling, which is a proximate measure for their overall effort. As shown in Chart 4.3 below, the number of complaints in Nairobi far exceeded all other WAG pilots. With

Chart 4.3: Summary of the number of cases handled by WAGs during the pilot

City/Town	Resolved cases	Unresolved cases	TOTAL
Nairobi	148	53	201
Mombasa	43	14	57
Kakamega	39	60	99
Kisumu	42	8	50
TOTAL	**272**	**135**	**407**

Source: World Bank Analysis (2012)

just six active WAG members (meaning the number of WAG members who did not drop out, a topic of discussion below), Nairobi had the highest number of complaints lodged per WAG member.

4.3.2 Characteristics of the Western WAG

In western Kenya, the primary Water Service Provider is the Western Water Company, overseen by the Lake Victoria North Water Service Board (LVNWSB). The region is much smaller than Nairobi, with approximately 21,000 connections in June 2012. Western Kenya is made up of eight regions, namely Kakamega, Busia, Mumias, Butere, Nambale, Shinyalu, Tindinyo and Shitoli. Some of the regions are very rural but the vast majority of consumers reside in Kakamega municipality. While consumers submit just a handful of complaints in some areas, Kakamega receives 200 complaints per month. The common complaints are high bills, leaks and bursts, and stuck meters.

The Western Water Company found itself in a crisis situation during the WAG pilot, eventually leading to the takeover of its services by the LVNWSB in October 2010. The takeover occurred because the water company failed to comply with statutory and regulatory provisions and did not abide by its Service Provision Agreement (SPA). The takeover was a temporary measure as the Board sought to find a service provider that would meet its service obligations in accordance with the stipulated guidelines.

4.4 WAGS IN ACTION

4.4.1 The experiences of the Nairobi WAGs

a. Selection of the Nairobi WAG Representatives:

One of the key criteria for the selection of the Nairobi WAG representatives was that they had to be leaders of community based organizations or associations with networks that were deeply embedded within the local society. This conditionality proved to be a significant determinant of the level of activity the WAG member engaged in and their overall effectiveness. The WAG representative for the northern region of Greater Nairobi was the Chairman of the local Landlord's Association and the chairperson of the community policing committee. He was well known by the area chiefs and also had experience in community work where he was a member of a local university project committee on HIV/AIDs. He was able to successfully leverage these positions to give him visibility as a WAG member and also have access to different segments of the society. Some of the consumers interviewed in the study, said that they were able to report on the challenges they were experiencing, because they had access to him both as a community leader and WAG member. The WAG representative for the southern region of Greater Nairobi had more links with the youth as he was the founder of a Youth community based group dealing with issues of HIV/AIDs awareness, governance and peace, waste management and

selling of water. The group, based in Kibera, had been established in 1996. Having grown up in the Kibera region he also had community links in the area. However, his performance was not as active probably due to the fact that he had links with only one community association that was primarily reaching out to one segment of society, the youth. He was unable to sustain the WAG activities when he went into full time employment shortly after being appointed a WAG.

b. Monitoring and reporting on consumer experiences and resolution of consumer complaints

One role of the WAGs is to follow up on the progress in the resolution of complaints that had been made by the consumers to the WSPs. The consumers should submit the reference number of the complaint as issued by the WSP, customer complaints desk to the WAG to enable them monitor the cases especially where little or no action had been taken. In practice however, WAGs seemed to handle fresh complaints that had not been lodged with the WSPs and in some cases complaints had been submitted but no reference number given to the WAG to facilitate the follow up. In the first instance, the WAGs advised the consumer on the right channels to follow to register the complaint. However, in some of these cases the consumers were unable to lodge the complaints personally and the WAGs took up the responsibility as well as the cases where no reference number had been issued. According to the WAGs,

Chart 4.4: Examples of complaints handled by WAGs in the various regions of Nairobi

NO.	CASE	DETAILS	STATUS/ REMARKS
1.	Kayole Mihango stage, Damaged sewer line on the route-point to Ruai sewer line	WAG Jan 2010	Not sorted out. EASTERN REGION
2.	Inconsistent supply of water at Githurai 45 past the Railway line	27/01/2010	Situation has not improved NORTHERN REGION
3.	Water theft Mathare North area 3 next to Mathare North Primary School Plot No 3/257	WAG 02/05/2010	Not resolved NORTHERN REGION
4.	Water theft, illegal connections at Jagwani	16/6/2010	Not resolved NORTHERN REGION
5.	Sewer burst Kware Slums Outering Road next to riverside estate	28/6/2010	Not resolved NORTHERN REGION
Resolved Cases			
1.	Water burst around Pangani Shopping centre next to Executive flats	10/04/2010	Fixed after 2 days NORTHERN REGION
2.	Water burst around Kenya School of Monetary Studies	WAG 11/04/2010	Fixed immediately NORTHERN REGION
3.	Water burst around Mathare Post office next to Kenya Air force	WAG 12/04/2010	Fixed after 5 days NORTHERN REGION
4.	Water burst at Mathare North City Council market	WAG 13/04/2010	Fixed after one week NORTHERN REGION

Source: WAG Feedback and Escalation Report to Athi Water Services Board 2010

response to direct complaints from the consumers to the NCWSC were delayed and are not as effective as when filed through the WAGs.

According to the interviews and the WAG Feedback and Escalation report most of the complaints related to billing, either due to errors in billing, failure to read meters or confirm the meter readings and mismatch of meters and account numbers. Other complaints touched on water breaks and leakages, illegal connections and sewage blockages. The table below is a sample of the complaints received and forwarded by the WAG representatives to the Water Services Board.

c. Awareness creation activities AND information dissemination by the Nairobi WAGs

The WAGs were involved in several outreach activities to inform the consumers of their rights, obligations and any water sector reforms, and to receive consumer feedback on water and sanitation issues particularly on the areas requiring improvement. The outreach activities were achieved through Barazas and FGDs. The Barazas were effective in the informal settlement areas in both the Northern and Southern regions of Nairobi. The WAG representatives worked jointly with the provincial administration through the chiefs who were able to inform them of the dates of Barazas and allow the WAGs to make a 10 minute presentation on their role and other issues, as well as record customer complaints at the end of the Baraza. In the Northern region, according to the WAG representative, an average of between 150-190 people attended the Barazas in the informal settlements of Mathare North while in the other regions such as Huruma, about 38 people were in attendance. All in all the WAG member attended at least 7 Barazas. In the southern region, the attendance was much lower, for instance in the Kibera informal settlement about 40-50 community members attended the Barazas. The WAG member only attended about 2 Barazas. The WAG representative noted that due to the collaboration with the provincial administration, he had successfully handled a case in Langata where residents of an estate had gone without water for a month. The case had been brought to his attention by the chief of that area. The WAG reported the matter to the field coordinator and the problem was resolved within two weeks.

The FGDs allowed in depth discussions on issues relating specifically to water. The FGDs were ideally supposed to have about 10-15 participants, but in some instances it was not possible to strictly adhere to this number. The FGDs captured the main problems affecting residents in the specific regions. In the northern region these concerned vandalism of meters and pipes, undue delays in the installation of meters and pipes, irregular water supply, illegal connections and existence of water cartels, delays in attending to water and sewer bursts and the need to upgrade water and sewer infrastructure. In the south the main issues were inflated bills, water shortages,

vandalism of pipes, burst pipes, stolen meters and illegal connections. Most of the issues were reported to the WSP and WSB for further action. It was not always possible to conclusively identify and address cases of illegal water connections.

The WAG representatives were able to convene community meetings or water clinics that were attended by the NCWSC management and staff during which the residents were able to air their concerns directly to the WSP and receive responses to the same. The WSPs also used the forum to create awareness of the work they were undertaking and to improve their relationship with the consumers. Representatives from the billing, customer care and technical departments would be present to explain and address any issues relating to complaints.

4.4.2 The experience of the Western WAG

a. Selection of the WAG Representatives:

The Western WAG representatives were active in community based organizations and networks and this served to increase their effectiveness. Not only did their visibility enable consumers to easily access them through phone calls to register their complaints, but they were able to use their strategic positions to organize forums where they could engage with consumers. For instance, two of the WAG representatives were members of a local environmental NGO that was engaged in sensitizing communities about their rights to government agricultural services and linking them to government programs such as the National Agriculture and Livestock Extension Program (NALEP). One of the two was also the chairman of the local Stakeholders forum, which brought together local leaders, NGOs, church-based CBOs and representatives from local companies such as the sugar factory to discuss issues affecting the community. Another WAG was a member of the River Basin Water Resource Users Association, which was involved in undertaking conservation along the basin through tree planting, and also activities to alleviate poverty. The WAG members were also members of welfare organizations and CBOs dealing with issues of health, water and poverty eradication.

b. Monitoring and reporting on consumer experiences and resolution of consumer complaints by the Western WAGs

In one region, the Western WAGs reported that most of the consumer complaints were about billing, faulty meters, water rationing and corruption. The corruption complaints received had to do with the staff of Western Water Company (WWC) asking for money to undertake routine jobs that did not require consumers to undergo any expense. For instance, one consumer claimed that he had to pay KShs 1,500 to a staffer for a piping job, which was in the end not undertaken. The frontline staff reportedly asked consumers for bribes when reading their meters or to falsify the meter readings and

in some cases threatened to take the meters away if the consumers did not comply with their demands.

The complaints forwarded by the WAGs to the WWC management were documented manually. However, due to shaky relations with the WWC management team, it would appear the WAGs preferred to forward their reports to LVNWSB offices in town. The WAGs were apprehensive because the WWC management team would not give proof of documentation that the complaint was forwarded to the headquarters in town. The LVNWSB staff confirmed that the WWC felt that the WAGs were policing them and this affected their relations.

According to the WWC manager, they received about 6 complaints a day directly from the consumers and these concerned shortage of water, or lack of it, leakages, bursts, and billing. The WWC had a set time frame within which to solve problems, for instance installations would take two days, bursts about 30 minutes to 48 hours, adjustments of bills were forwarded to the head office as adjustments could not be done in the area, and would take about 2 weeks to be resolved.

I**n another region the main complaints received by the Western WAGs were on water shortages, poor quality water and billing problems.** The WAGs dealt directly with the scheme manager who would then forward the complaints to the head office in town. The WAGs also forwarded some complaints directly to LVNWSB. In this region, the WAGs handled more complaints from business institutions mostly on water shortages due to rationing. The WAGs would also visit institutions such as schools and hospitals, to make queries on the problems they had and advise them on how these problems could be solved as well as make a follow up on its resolution. The WAGs visited about 7 institutions in total, which were among the largest consumers of water.

The impact of the WAGs was most evident through the number of reconnections that were made. Initially, before the WAGs were introduced, the high turnover of staff and inefficiency affected the rate at which complaints were resolved. Most consumers would get tired and have their water disconnected. When the WAGs started making the follow ups and with the change of management a number of consumers were reconnected. Some consumers were very ignorant of the procedures to make a complaint. When disconnected they would look for another source of water which was probably not clean. The WAG representatives made them go back and get reconnected. According to the WAGs most of the complaints they were following up on were resolved, but those concerning the sewerage system remained unattended. The WAGs also had access to the very interior regions where consumers would not normally have been able to reach the water company.

According to the WSP's management team, the WAGs were objectively able to critique service delivery objectively because of their involvement in following up unresolved customer complaints. One of the managers remarked thus, "It is a good engagement because it helps customer service to fulfill its mandate and also improve efficiency,"

c. Awareness creation activities & information dissemination by the Western WAGs

The Western WAGs team utilized a variety of forums to sensitize the community on water related issues, including stakeholder forums, District Development Committee (DDC) meetings, Barazas, church gatherings, school functions, funerals, weddings and FGDs. The WAGs team designed t-shirts for themselves, as a means of awareness creation on the role of the WAGs. According to the WAGs, the FGDs were the most effective forums for sensitization because of the amount of time the WAGs had to engage with the consumers. In the case of the other forums, the WAGs were only given a short time to speak and inform the community on the role that the WAGs played and other issues such as education would thereafter be discussed. However, with the FGDs the sole priority was given to discussing water issues.

The outreach by the Western WAGs relied heavily on opinion leaders, elders and chiefs for mobilizing the community. For instance, the chiefs and village elders were very instrumental in organizing the Barazas and FGDs respectively. A close relationship with the provincial administration was extremely vital for the success of the outreach. For instance in Mumias where the WAG was also a member of the security committee, he was able to engage with consumers in about 20 Barazas. The FGDs were held almost after every two weeks with different consumers, and usually attended by about 20-25 people.

According to the WAG representatives in the Western region, there was very little awareness amongst the consumers of their rights, which made them susceptible to exploitation by the frontline WSP staff. The consumers did not know how to read the meters or keep records of their meter readings and were often defrauded. Consumers also often paid for repairs and services for which they should not have been charged. The focus of the outreach was thus educating consumers on how to read their meters, their right to clean water, and dangers of using alternative untreated water such as river or roof water. Consumers also learned from the WAGs about the process for submitting complaints and on the kind of services they were obligated to pay for. The WAG representatives also acted as useful mediators between the company and the consumer especially where information was misinterpreted. Although the WAGs were supposed to educate the community members on the new tariff structure this was not properly done. Some of the consumers in Kakamega did not understand why

their bills had escalated yet they were using the same quantity of water they had always used. This indicated that the WSP had not trained the WAGs effectively on the new tariffs to enable them communicate the same to the consumers.

4.5 WAGS DISCUSSION AND COMPARISON

4.5.1 WAGs and illegal activities

Some WAGs, particularly in the Northern region, provided external oversight that would sometimes include reporting on illegal activities by WSP staff. As one Water Service Board official described, WAGs represented a "third eye overlooking the company". The main illegal activities that WAG members would try to address included such activities as accepting payments for making technical repairs, supplying used meters, and permitting illegal connections. The WAG members, especially in Kakamega, would gather as much information as they could and pass it to their contact person within the water service provider.

However, despite the attempts from WAGs to address these illegal activities, they had limited impact in getting the WSPs to take action. The customer care representative of a WSP claimed that, upon receiving information from WAGs on illegal activities from water agents, she would raise the issues with senior management, but she faced strong resistance and even hostility from other sections of the company that were being implicated. The reluctance was particularly true for cases where staff would request payments in order to avoid billing a customer. A Water Services Board representative further claimed that they did not have a means of holding the WSP accountable by forcing it to take measures against the misbehavior of agents. As company agents felt that their behavior was being overseen by WAG members, many of them would avoid WAG members and even exhibit hostility towards them.

Except for the WAG members who dropped out, all WAG members spent some time personally channeling complaints to WSPs, normally after the company failed to address an original complaint. Official documents show a range of 60 in Kakamega to 201 in Nairobi, in terms of complaints submitted by WAGs to the company. In interviews, WAG members claimed that this data vastly underestimates the number of complaints channeled, with several claiming that they had submitted over 200. However, these numbers pale in comparison to the official channels, as the Nairobi North office handles approximately 200 complaints every day.

4.5.2 A different mix for different places

While a number of factors may explain divergent levels of activity among WAGs, a key factor is clearly the established civil society networks. Some WAG members

were much more active than others in civil society groups. The WAG members would leverage their networks in several ways. First, they would invite members to meetings, which would guarantee a higher level of attendance. Second, within their network, they could more easily reach members through direct education and support for consumers. The network would similarly provide confidence to consumers that the WAG member would listen to their complaints and try to address them.

Village elders would also occasionally provide critical support to WAGs, primarily by organizing focus group discussions. In neighborhoods in which the WAG member did not have a strong relationship, the WAG member could easily access the community by calling on village elders to organize a meeting, normally with the coordination of the chief.

4.5.3 Significant WAG system characteristics: civil society networks, a targeted selection process and mixed mobilization

The WAG members were recruited primarily based on their participation in civil society activities, which was a key determinant of their level of activity. As such, some WAG members were incredibly active and those with the greatest civil society networks seemed to be the most effective. The WAG members leveraged their networks into WAG activities, making this selection criterion a critical determinant for achieving results.

The second main characteristic of WAGs is that they were voluntary positions and, as a result, a number of members dropped out quickly. WAG members received only minimal pay and subsidies to cover operational costs, but were expected to devote approximately two days a week, and in reality, much more than that. WASREB invested heavily in recruiting and training the original batch of WAGs. However, it found that, after training was completed, a number of WAGs dropped out. For example, in Nairobi South, two of the three WAG members dropped out before officially starting their activities, while the third minimized his activities after receiving a government job. None of these members was replaced, meaning that WAG activities in the Nairobi South were minimal. Meanwhile, in Kakamega municipality, all four WAG representatives dropped out towards the beginning of their activities, but were replaced quite quickly. These members received further training and mentoring from another WAG member in the area.

4.6 MAIN FINDINGS

The Water Action Groups (WAGs) were piloted for one year by WASREB, Kenya's water regulator. Although the pilot was short, the WAGs have provided some

interesting insights as to how a system of citizen participation can have a positive impact on the public institutions responsible for service delivery.

The recruitment of WAGs emphasized previous experience with local civil society, which meant that they had access to civil society networks, and this proved to be important criteria in measuring individual WAG's effectiveness. The civil society networks of WAG members, though not always comprehensive, eased the mobilization process for various meetings, bringing a number of customers. The networks further gave WAG members an immediate set of customers to informally contact for training and for gathering information, particularly in terms of grievances. WAG members also suggested that members of their networks held more trust in them and thus were willing to share sensitive information in belief that they would try to address their problems. According to company representatives, the embeddedness of WAG members within their community offered unprecedented opportunities for outreach from the company as well whose officials were sometimes not very familiar with the surrounding communities.

The civil society groups represented by WAGs varied significantly. Some WAGs were members of rotating credit unions, others pastors of churches, and still others members of the local security committee. The larger the number of groups, the better the access for the WAG member to a variety of networks. One of the less active WAG members faced challenges because he was only involved in a local youth group in his neighborhood, which somewhat helped in his limited activities, but did not allow him access to a larger network of customers.

The selection process for WAG members was critical to ensuring that they had access to these civil society networks. First, WASREB guidelines prioritized experience in volunteering in the neighborhood and working with civil society groups. Also important was the fact that the Water Services Provider did not control the recruitment process, but rather, it was conducted by the Water Services Board, who is independent from the company, and overseen by the national level WASREB. The independence of this process helped to ensure that WSP interests did not capture WAG members.

The voluntary nature of this participatory work represents a key challenge, due to both the costs of the work and the lack of accountability for WAG members. Such an observation clearly emerges from the literature on citizen participation, and appears particularly relevant amongst WAGs, where the time commitment is substantial among a select few volunteers. While numerous WAG members were—and continue to be—extremely active in their community, a large number of WAGs also left the program before the activities began. Participatory spaces are generally open to the public

on a voluntary basis, which also means that there is no guarantee that the members of the public who participate will fulfill their responsibilities. Participatory spaces also represent a certain cost for participants, whether in time or other expenses, which then affects their level of involvement.

Given that the WAG work was intensive, with members expected to work two days a week, while the size of the workload was potentially endless, the high dropout rate was not surprising. Moreover, the expenses associated work, including phone calls and site visits, also meant that often the WAG members would not recover the expenses spent trying to do their work.

WAG members also faced little accountability in their activities. They did not regularly report to the WASREB, nor to the company; rather, much of the initiative came from themselves. While the WASREB training encouraged them to conduct certain outreach meetings, even active WAG members did not complete certain types. As such, their responsibilities were completed voluntarily.

While the lack of an incentive system, combined with high personal costs of participation, represent a key challenge, the WAG system has several options, in order to adjust to this reality. First, it would benefit by reducing the cost, both in time and money, to WAG members. Technology can play a key role here, allowing consumers to lodge their own complaints via text message, with the information passing to the WAG members. Also, simply increasing the number of WAG members would reduce the overall time burden, dividing up some of the work. Second, the WASREB could consider paying a small salary to WAG members, to at least cover their expenses. Third, WASREB could assume a certain level of turnover and develop a more easily administered training course for alternative WAG members so that, if a member drops out, he or she can be replaced relatively quickly.

When a water company does not respond on time to a citizen complaint, the company must pay a penalty for the time it is not resolved, and the complaint is elevated to the WSB and then WASREB. Such a system provides an incentive to attempt to resolve complaints quickly. As such, when WAGs would present a complaint to the company, that complaint is generally addressed quickly, if it touches on neutral issues such as a billing problem or a burst pipe. However, the system would generally fail when the complaint related to illegal activities.

The Water Service Providers would rarely address reports that WAGs made about certain illegal activities by their agents, some of which took the form of outright corruption. These included such activities as accepting payments for not reading

consumers' meters, making technical repairs, supplying used meters, and permitting illegal connections. At times, WAG members served as an important communicator of such activities, but found the WSPs unresponsive to these complaints. Interviews in Kakamega suggest that, while this information was valued, the company itself had difficulty addressing this behavior among its agents, leading to internal bureaucratic battles. These battles also pointed to strong resistance from agents to the WAGs, which meant that company officials further resisted their participation.

As a result, while WAG members can represent a critical feedback mechanism, they are limited by the ability and willingness of the WSPs to take measures against those agents who take advantage of their position. At the same time, by beginning to undermine these interests, WAG members will clearly face resistance from the agents, and at times, other senior members of the company. Because the WAG system is not controlled or even implemented by the company, these struggles do not threaten to endanger this system, but rather, undermine its full potential. Further reforms are needed within the internal accountability systems to address these difficult and sensitive issues.

5. CONCLUSION

This report analyzed the mechanics of participation in a series of cases studies within Kenya, drawing on experiences with the CDF, Local Authorities and Water Action Groups. While it does not represent a comprehensive evaluation, the in-depth case studies, which cover different institutions of participation along with a variety of contexts across Kenya, provide insights into the various approaches to 'make participation work'. The report also offers lessons that emerge from the case studies about what could influence successful citizen engagement at the county level. The report's major observations are summarized below.

5.1 WHAT MADE PARTICIPATION WORK IN THESE CASES?

The importance of effectively mobilizing participation: Even with the best intentions, citizens face numerous barriers to participating, especially the poor. They have little personal incentive to attend meetings, particularly given that they receive no personal compensation, and they lose time at work. Participation in the cases suggests that mobilization by external actors, such as chiefs and village elders, is a common tactic to ensure attendance in meetings. A similar tactic is to take a habitual meeting, such as Baraza, and include the participatory focus on the agenda. Civil society organizations at times served to mobilize citizens as well, but the sustainability of such initiatives was often questionable. Other observations are that (i) careful attention should be paid to the accessibility of the venue, as well as the convenience of the meeting time; (ii) effective mobilization requires a multi-pronged effort, using multiple communication and information channels to get the word out, (iii) giving adequate lead time was also a factor, as was the timing of citizen meetings. While there were widely differing structures and formats of community meetings, common characteristics of effective meetings included timeliness and an impartial chairperson not directly involved in the program.

The role of training: Training can help increase the effectiveness of citizen participation and align citizen expectations with the opportunities that government is providing.

Such training can come from either government or civil society. In several of the case studies CSOs (both national and international) provided training to local citizens both before and after meeting with government officials, which improved their performance in working with public authorities. In one of LATF cases a CSO, working with a facilitator, set up resident forums, which trained local citizens in planning tools and community action plan. The training proved beneficial when the citizens participated in the LASDAP process. In one of the CDF cases, national CSOs partnered with local CSOs to train the community in social auditing and helped the community evaluate their CDF projects. However, neither LATF nor CDF guidelines provided for systematic citizen training as a way of improving citizen participation. On the other hand, in the case of the Water Action Group program, WASREB provided technical training to the selected monitors.

Involvement of technical expertise: A key feature of the more successful projects was the engagement of technical experts (e.g., public works officer) in preparing bills of quantity and other critical tasks. The cases illustrate, that this depended very much on the leadership of the LA or CDF, and the extent to which they were able to reach out to and engage, on a sustained basis, the technical expertise needed. However, integration of this technical expertise has not been standardized nor fully integrated into the management of devolved funds, and this poses a major risk for successful implementation of citizen engagement in decentralized civil works programs.

Acknowledging the financial implications: Effective mobilization requires institutional capacity, staff time, and financial resources. While the cases did not attempt to document the cost of community mobilization efforts, it is apparent that there were significant costs associated with mobilization, sharing information, and obtaining ongoing feedback. In one of the LASDAP cases a small fee of KShs 1,000 was paid to the monitoring and evaluation committee members for transport, but fees were not paid for similar work in the other LASDAP cases or for citizens involved in the CDF program. Other costs include those of CSOs providing support to citizens and the time spent by public officials in organizing and participating in civic engagement. The WAG program paid expense money to the monitors to cover airtime, transport and report production.

Responding to citizen feedback: The case studies demonstrated a very mixed record when it came to how public officials responded to citizen feedback. In the LASDAP cases, citizen feedback was very well appreciated in the initiation and selection of projects, but was not always acted on when it came to monitoring projects, when citizens pointed our discrepancies in project construction or when contractors had walked off the job. In one of the LASDAP cases the town council responded to

many complaints and took remedial action, but in others action was not taken. In one of the CDF cases, the committee disbursed all the funds for the contract at the beginning of work. Not surprisingly, some contractors walked off the job with their payment but without completing work. In the other CDF, the committee had a policy of reimbursing the contractor at intervals after the work was completed. This CDF experienced a very high level of project completion within estimated costs. Finally the WAGs had good results when it came to such complaints as billing issues, broken water pipes and faulty meters. Where they encountered opposition was when they passed on information regarding illegal activities by water agents such as requesting bribes to adjust bills.

Communicating critical information: Within the cases, it was important for government to communicate different types of information: (i) information necessary for effective participation; (ii) information for consumers, as relates to service delivery; and (iii) information related to government functioning, such as project documents and budgets. The first type of information included obvious things such as meeting times and places, but also a clear explanation of the purpose of the meeting, which often turned into a type of training. On the other hand, government information such as project documents like the bill of quantity and fund accounts, were sometimes unavailable, as they could be used as more tangible evidence of the misuse of funds, thus limiting the effectiveness of social auditing. Second, in service delivery, the public forums provided an opportunity for government to pass on information useful for citizens, including user charges, means of communicating complaints, and ways to conserve water. Finally, the forums offered the opportunity to communicate general government information, such as the overall local authority budget, their activities and others. Information often seemed to be best received when communicated through face-to-face gatherings and direct interaction.

5.2 WHAT ARE SOME OF THE LESSONS EMERGING FROM THESE STUDIES THAT COULD MAKE FOR SUCCESSFUL CITIZEN ENGAGEMENT AT THE COUNTY LEVEL?

To be effective, participation requires systems, including outlining a clear space for participation, clear responsibilities at various steps of the process, and dedicated resources to finance the process. Rules and principles for participation need to be spelled out in some detail, and linked with adequate resources for training, outreach and organizing community events. The cases suggest that the various steps of participation should be broken down along the project cycle, with more detailed (but simple) guidelines, along with templates and examples of outreach at various stages, provided to county managers, CSOs, and key community groups. It is moreover important to properly resource the key stages of citizen engagement, both in terms of allocating adequate government staff time and training, at each step where participation is warranted.

County governments will need to pay careful attention to mobilizing citizen participation. Central government, perhaps through national or international CSOs, will need to train decentralized officials, civil society groups and citizens on the roles and responsibilities of government versus citizens and on the scope and channels for citizen engagement in public financial management. Key cooperation is needed across different local government organizations, as suggested by the role of chiefs and village elders. Civil society initiatives may play an important role, but face potential challenges of sustainability and scalability.

It will be important to develop effective incentives both for county governments to facilitate participation and to ensure government responsiveness to feedback received. There are useful models, including the former LATF requirements for local authorities to report on participation in project identification, that can be built upon and strengthened under the new devolved government structure. In the water sector, penalties if a water company does not respond to citizen complaints in a timely fashion provide a working example of how to incentivize service provider responsiveness.

Civil society-managed civic education, capacity building and monitoring work can provide a key source of training and support for enhancing effective citizen engagement, if such work is aligned with entry points for participation in the county government planning, budgeting, project implementation and monitoring. The experience with Water Action Groups suggest that third party monitors linked with local civil society networks can play a useful role in informing citizens of their rights, gathering citizen feedback, and monitoring government responses. However, water service providers need to be held accountable for illegal activities by their water agents, especially those reported by monitors.

Key proposals moving forward

1. Execute a national process involving government & civil society to establish the laws and guidelines for citizen participation, followed by county processes

Before anything, a structure for citizen participation needs to be outlined in law and guidelines for government, and County Governments in particular. Such initiatives are ongoing at the time of printing, with many such structures already enshrined in the Constitution and the laws, and more to come. It will be critical that this process is in itself participatory. The first step would be a national consultation process including the relevant stakeholders, representing the diverse groups of civil society. A consultation process within each county should follow the national process, to ensure that the county implements structures that make sense according to local context. These consultations should be focused in terms of integrating these

processes into planning, budgeting and budget execution in County Governments in such a way that it is relevant to the public.

2. Institute transparent processes with incentives to respond to citizen input and complaints

Citizens quickly become discouraged from participating if they feel that government does not respond to their input. It will be important to develop effective incentives both for county governments to facilitate participation and to ensure government responsiveness to feedback received. There are useful models, including LATF requirements for local authorities to report on participation in project identification, that can be built upon and strengthened under the county structure. In the water sector, penalties if a water company does not respond to citizen complaints in a timely fashion provide a working example of how to incentivize service provider responsiveness. County Governments thus need to develop processes for citizen participation that meet several criteria. First, the processes should serve a clear purpose, such as the allocation of resources, oversight of projects or the improvement of service delivery. Second, the processes should be detailed, with clear steps involved. Third, the processes should ensure that government cannot simply ignore citizens, requiring at least a public justification as to why a decision was taken that differs from the public demand. Finally, the processes should be transparent so that citizens know precisely how to engage, and how their input will be considered.

3. Provide guidelines/ lessons for working across administrative and government-civil society boundaries for mobilization, training and technical expertise

The County Government cannot independently succeed in making participation effective. They will need support for the mobilization of citizens, training for citizens, and at times, technical oversight of projects and programs. Cooperation will be required from a variety of local actors. One potential set of actors would include the chief or equivalent of the administration in the counties and the village elders. Another set of actors includes civil society, such as CBOs, NGOs, media, trade unions, religious organizations and many others.

4. Execute training programs for government, for civil society and for citizens to increase the effectiveness of participation

Training will be needed on several levels. Many County Governments have highly capable staff in place, but given the novelty of these public participation processes, some training will be necessary. Similarly, civil society and citizens will require training, especially when they are involved in activities that require some technical knowledge. In particular, oversight of projects will require that citizens know what defects to look for, and the proper processes to provide feedback or sound alarms when things go wrong.

5. Ensure technical staff are available to citizens when needed and are involved in processes

Training is not enough. Citizens need to have consistent guidance, particularly when activities require some technical knowledge—such as the project oversight role. Technical staff and citizens should develop a relationship early on in the process that will carry them through the project cycle. This relationship will allow for smooth communication, and will also help to ensure both of them are meeting their responsibilities.

6. Establish a communications strategy in County Governments for consistent transparency and dialogue

County Governments will need to communicate effectively with citizens in order to ensure their inclusion. Some forms of communication will be simple: posting information at the County Government offices. The counties may experiment with other forms, such as keeping churches, mosques, health centers and schools informed. Moreover, working across administrative boundaries may be useful, asking chiefs to organize barazas for public announcements and dialogue. In the near future, establishing the right to information in County Governments would represent a useful step towards ensuring that citizens can access the information they seek.

7. Create a forum to share participation experiences across counties

Horizontal learning will be essential to build the capacity of County Governments, including in the area of citizen participation. As this research has shown, there are numerous Kenyan experiences to be shared among County Governments. As a result, an organization or network of organizations should spearhead this initiative, which may work with civil society across the counties as well.

8. Dedicate county resources (both financial and staff time) for citizen participation, with external support

As with any initiative, processes of public engagement require an investment of resources. To institute the above proposals, and ensure that the given structures are meaningful will require dedicated staff time and financial resources. At the same time, these investments should pay off in an improved impact of government spending as well as increased citizen satisfaction. These resources could also stem from support from various central government actors as well as CSOs and development partners, particularly during the transition phase.

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APPENDIX 1: LASDAP TECHNICAL APPENDIX

The LASDAP appendix provides more detailed information on each LASDAP case study based on the interviews and questionnaires the study team completed in order to prepare their analysis.

a. Eastern LASDAP profile

Case 1 was selected due to its reputation for having extensive participation in the LASDAP process. In consultations, civil society emphasized that numerous citizens attended the annual meetings, and they even took part in project oversight. The council had therefore gained a reputation for repeatedly conducting a highly participatory process in selecting its LASDAP funded projects.

This Local Authority covered a fast growing sub-urban centre in Eastern province. The centre covered an area of approximately 700 square kilometers, and it is located near Nairobi. It was quite wealthy in natural resources, which contributed to the industrial and manufacturing sector. These industries attracted substantial immigration to the region, and thus it had a rapidly increasing population particularly in peri-urban settlements.

The municipal council had seven wards. It generated considerable local revenues, mostly from property rates. The high revenue generated from the business community offered the LA a relatively large resource base. At the same time, the business community had organized itself into associations through which they could place their demand for services. Also, because of migration of workers to the industrial sector, the municipality had a number of resident associations in the informal settlement.

Growing informal settlements in the urban center posed particular development challenges including lack of access to basic services, poor hygienic conditions, insecurity and health related problems. Combating urban poverty had thus been an uphill task for the council especially since amenities like the sewerage system initially did not have the capacity to handle the increased population. Except for the LASDAP, the council for a long time did not have pro-poor policies. However, in 2011 it incorporated the reduction of extreme poverty and HIV/AIDs as one of the key focus areas of its strategic plan. This led to its partnering with some of the residents associations and CBOs in the informal settlement to address water, sanitation and health problems.

Gender disparities are common in the informal settlements with low awareness amongst women of their rights. A recent Urban Sector Profiling report by the UN Habitat, noted that many of the women in the informal settlements within this particular area suffer exploitation from low wages, long working hours and difficult working conditions. These disparities combined with general burdens of household work give the women a low social status. The council did not respond to these gender disparities through gender mainstreaming in its strategic plan or agendas.

In its LASDAP process for the 2012/13 budget, the process produced the following projects as priorities: construction of primary and secondary school classrooms, construction of footbridges and the upgrading of roads either with murram or cobblestones.

In this Local Authority, the team interviewed multiple stakeholders drawn from the council, civil society and community members. The focus of the interviews was the set of two meetings, Consultation and Consensus, and the overall budgetary process, in each of the council's 7 wards for the 2012/13 financial year. The consultation meetings took place in October whilst the Consensus meeting was held in November for all the wards. The team visited 2 of the 7 wards and held interviews with two other community members representing 2 additional wards and was able to gain in-depth information on how the participatory process unfolded at each of these wards. The study also augmented the key informant interviews by analyzing the council's LASDAP document that captured proceedings of the meetings for all the 7 wards. Although not our explicit focus, we also asked questions about the implementation and monitoring of the LASDAP projects selected and implemented in 2010/11 in 3 of the wards. During the field work the team also visited three sites of LASDAP projects, namely a school construction project, street lighting projects and a local social hall from the financial years 2012/13, 2010/11 and 2009/10 respectively. Finally, the team visited a finished municipal council market that was not an outcome of the LASDAP process, but of consultation with stakeholders. The reason for visiting the latter project was to understand the extent to which the local authority held consultations outside of the LASDAP process.

b. Coastal LASDAP profile

The coastal LASDAP was selected because, not only did it maintain extensive participation in the LASDAP process, but made other attempts to mainstream participation in the financial management of the municipality. Civil society networks claimed that this Local Authority had established a strong LASDAP process. Also, the LA had experimented with more intensive forms of citizen participation, including open council meetings on finances that attempted to include citizen representatives from the local level.

The Local Authority was situated at the Kenyan Coast within an area of approximately 700 square kilometers, practically the same as the eastern LASDAP. It boasts a healthy tourism industry which is the leading economic resource of the region. Agricultural farming also contributes significantly to the local economy.

The Local Authority had a total of thirteen wards each with an elected councilor, as well as four nominated councilors. The mayor was drawn from amongst the elected representatives and headed the policy arm of the council. The policy arm functioned through seven committees, namely the Finance, Staff and General purposes Committee, Works committee, Environment Committee, Town planning Committee, Education, Housing and Social services Committee, the Audit committee and Tourism Committee. The town clerk presided over the executive arm of the council which had a total of 6 departments, namely the Town clerk's, Treasurer's, Town Engineering, Public Health, Audit and Education, Housing and Social services departments

Despite the booming tourism industry, the council did not generate sufficient local revenue to meet the enormous needs of a demanding business community. Though it generated

the second highest amount of revenue in the coastal region, and the fifteenth highest in the country, this was only about 8.84% of the revenue generated by the leading LA in the region and 1.61% of the country's leading LA. One of the key challenges the council faced was that it had a weak mechanism for revenue collection. Other supportive infrastructure was also wanting. The inadequacies of the Council to meet service obligations prompted the establishment of resident and business associations, not just to demand services from the council, but even take over many of the responsibilities of the council, such as security, waste management, roads and water.

The council's major projects and activities were geared towards economic recovery. This was largely influenced by the high poverty rate of approximately 76%. Several reasons account for the high poverty rate. There has been overreliance on tourism for income earnings, yet wages have been adversely affected by a decline in tourism earnings in the recent past. Secondly, a significant proportion of the locals do not own land, a requirement for subsistence farming. Thirdly majority of the landless are the uneducated poor, who are unable to engage competitively in the job market, thus they end up as laborers in farms earning extremely low wages. Hotel closures have exacerbated the problem of unemployment. Fourthly, the potential of the agricultural sector has not been fully exploited due to poor market organization leading to lower productivity and capacity to absorb the unemployed. Crime and drug abuse are some of the associated ills of unemployment.

In its LASDAP process for the 2012-13 budget, the process produced the following projects as priorities which were then put into the budget: the construction of classrooms and technical training colleges, storm water drainage, supply of electricity to primary schools and desks to secondary schools, construction and renovation of markets, building of dispensary staff houses, and the upgrading of roads.

In this LA, the team held interviews with several councilors, several LA officials from the executive arm, the local Residents Forum, representatives of Residents Associations, a local NGO, and community representatives.

c. Participation in the Eastern LASDAP

(i) Preparatory activities for LASDAP meeting

Several activities were undertaken to prepare for the LASDAP meetings. The LASDAP committee comprising the LASDAP chairperson, the Community Development Officer (CDO), Committee Clerk and four council members held two preparatory meetings to discuss prospective dates to hold the meetings and make press releases. The committee meeting also agreed on venues for posting the public notices namely market centres, churches, schools, hospitals and chiefs' offices. The budget for the LASDAP investments or projects for all the wards was presented by the accounts office in the 2nd LASDAP committee meeting.

The Mobilization process was centrally coordinated by the CDO and included four primary channels: (i) Public notices (ii) Newspaper advertisements (iii) letters sent to various community groups and churches to send representatives and (d) Letters to the chief and elders to invite the community. The public notices were put up at the venues identified by the LASDAP committee but most of the residents interviewed said they saw these at the chief's office,

the church precincts, and in the urban areas around the bus stages and in some shops. The notices invited residents of the municipalities to attend the LASDAP consultative meetings and listed the venues for the meetings for each of the respective wards, the dates, and time. The notices were very brief and did not have information on the objectives of the meeting or a detailed agenda. The newspaper advertisement was more detailed giving a breakdown of the resource envelope which included the estimated figures allocated to the wards. The notice encouraged citizens to submit views to the town clerk about any activities or projects they felt should be listed in the plan or how the resources should be used to improve service delivery to the citizens[1] (Appendix 4 shows a copy of the public notice).

(ii) The LASDAP project decision meeting

The consultative meetings were held over the period of 17th October to 25th October 2011 on consecutive days in each of the 7 wards. Two ward meetings were however scheduled on the same date at 10.00 am and 2.00 pm respectively. The rest of the meetings were scheduled to start at 10.00 am. These dates were largely guided by feedback received from the councilor, who would select the best day to hold the meeting.

The meetings were held at central locations in each of the wards, usually in primary schools, the local social hall or public grounds. According to the CDO, attendance was mainly determined by the distance to the meeting location. As such, poverty affected attendance levels, whereby if community members had to hire motorbikes to the venue, attendance would be considerably lower. The community were also used to a culture of handouts whereby they would want to receive some token allowance in the form of cash so as to compensate for the business or income lost when attending the meeting. This attitude greatly affected attendance levels.

According to both officials and civil society, attendance in these meetings was quite high in both cases. In Case 1, official documents suggest between 50 and 73, but both government officials and attending citizens estimated at least 100 or many more.

There was some variation in the attendance of women between wards, with the lowest attendance rate at approximately 30 percent. This variation should be a topic of further research. Local interviews suggested that factors such as urban vs. rural and the role of chiefs may have played a role.

Chart A.1: Gender breakdown of attendance in LASDAP meeting of 2011

Ward	No. of Women	Women (%)	No. of Men	Male (%)	Total
A	41	56.2	32	43.8	73
B	8	29.6	19	70.4	27
C	15	40.5	22	59.5	37
D	12	40	18	60	30
E	13	50	13	50	26
F	12	37.5	20	62.5	32
G	23	34.8	43	65.2	66

Source: LASDAP records.

[1] *Civil society further encouraged the use of broadcast systems on vehicles to announce meetings as well.*

The council officials in attendance represented the following: the Senior Administrative Officer, the Community Development Officer (CDO), the LASDAP desk officer, and a representative from the engineer's office. In some wards the mayor was present as he was usually invited. Whilst it was not compulsory for the area councilor to be present, they usually attended. The meetings were facilitated by the LASDAP desk officer or the CDO. For this LA, the Senior Administrative Officer (SAO) was in charge of the LASDAP process and this was because there was initially a shortage of human resource capacity within the LA to effectively handle mobilization and reporting under the LASDAP. The SAO retained the coordination role when the CDO was appointed to the LA, but was assisted by the CDO who was responsible for most of the duties under the LASDAP including facilitation of consultative meetings. The LASDAP guidelines however stated that one of the characteristics of a good consultative meeting was that it should have neutral facilitators. According to the LA team, no CSO monitoring groups attended their meetings.

According to the community members interviewed, some of the LASDAP meetings did not start on time, and due to the lengthy duration of the meetings, some community members ended up leaving. The meeting minutes confirmed this, for instance in one ward it was recorded that the meeting was called to order at noon, two hours after the official scheduled time. The departure of residents would perhaps explain the disparities between those who registered their attendance and the number of people estimated by the council and the community as having been present.

As reflected in the minutes, the LASDAP meetings consisted of the following: opening of the meetings with a word of benediction and self-introductions from participants, council members and staff; a brief overview of LASDAP; the presentation of the LASDAP resource envelope and the LASDAP status report, prioritization of projects and finally the selection of the community representatives to attend the consensus meeting. The council usually shared the programme with the community at the start of the meeting.

Councilors did not play a major role during the consultative meeting. The councilor would be called upon to make opening remarks but this varied as it only occurred in two of the wards. Councilors were allowed to attend as local leaders but not to chair the meeting or make decisions on behalf of the community. Thus rarely did they speak at these meetings, since the community would comply with what they said yet the council preferred to deal directly with the community.

The LASDAP desk officer or the CDO would give an explanation of the LASDAP, clarifying that it was a process aimed at encouraging community participation in the management of the council and in ensuring that service delivery was in tandem with the priorities of the citizens. The CDO or LASDAP desk officer would emphasize that the LASDAP was also a means for the LA to meet the needs of the poor and marginalized in society. To this end the community was advised to select projects that targeted the poor and had a high impact in terms of serving the greatest number of beneficiaries. The status report of previous projects was thereafter presented usually by the works officer or the CDO. The status reports would give details on the progress of projects selected from previous LASDAP meetings, how spending on the projects was done, the challenges encountered in their implementation and work pending before their

completion. The report was presented verbally during the meeting. A standard form capturing the status of LASDAP implementation in all the wards was usually presented to the ministry of local government as part of the LASDAP returns (Appendix 5 is a sample of the status report). This form should also have been posted on public notice boards as per the LASDAP guidelines and distributed at the LASDAP meeting. However, community representatives interviewed indicated they were not issued with written copies of the status report and had not seen public notices of the same.

Citizens would then make queries or complaints after the delivery of the status reports. Examples of queries raised in various wards included why a borehole had been dug to a smaller depth than was required, or why some projects had not started e.g the construction of classrooms, dispensaries or grading of roads. The council responded to these queries for example by explaining that the delays in project implementation were due to late disbursements of funds from the central ministry; controversy over land ownership which for instance stalled the drilling of a borehole and in another ward participants were informed that a dispensary had not been constructed because there was no public utility land to put up the project. In the latter case participants requested for another project to be undertaken.

The accounts officer then presented the LASDAP resource envelope. The resource envelope informed participants of the amount allocated to all the wards for the LASDAP projects and the share of each ward from the amount for the financial year. The total amount was 21 million translating to KShs 3 million for each of the 7 wards for the 2012/13 budget. Participants were then asked to propose projects based on the funding available and to identify projects that were simple to implement along with other criteria previously mentioned.

The works officer then provided technical guidance for project selection. This occurred particularly where participants did not have a clear understanding of the projects that the budget could cater for. For instance, the works office gave the number of classrooms that could be put up with KShs 3 million in one meeting, and in another ward, participants conducted a technical review of the proposed projects, by discussing the projects based on the criteria given in the LASDAP process guidelines. There was also consultation with the line ministries in some of the wards to ensure that no projects would be duplicated. Some wards proposed up to 7 projects but only 2 or three were in the final selection.

Citizens had the opportunity to speak in the meetings. Interviewees informed the research team that notes were publicly recorded on a sheet during this session. The community members were guided in their deliberations by the status report and the resource envelope as presented by the council officials. The community members would contribute by simply raising their hands. They were not limited in the number of projects they could give, since the council accepted several projects to inform their future planning. However the norm was to eventually settle for one project. The project identified by majority of the participants was in most cases selected as the priority. Participants were asked to vote on which of the projects they wanted to prioritize especially if they could not agree. This process usually narrowed down to voting between two or three projects and settling on the project that covered or served the entire ward, for instance streetlights. The councilor in such instances where there were divergent views would guide the community on the most suitable project, though there was usually consensus after the voting.

Two community members were elected by participants at the end of the meeting to represent them at the consensus meeting and to monitor the implementation of projects. The community was at liberty to select their representatives, and the only principle stipulated for selection was that one nominee should be male and the other female. The position was on a volunteer basis, and the representatives were not remunerated in any way, except for reimbursement in transport or communication expenses.

(iii) Follow-up Meetings:

A technical review meeting was held between the LASDAP Committee and District government officials upon completion of the LASDAP ward meetings. The purpose of the meeting was to deliberate on the selected LASDAP projects, specifically their viability and consistency with other planning processes at the local and national levels. The considerations taken into account were the district plan, the Vision 2030 and other sectional policies and strategies. The meeting resolved to implement the projects as they were not likely to be duplications of other projects of the ministries. It was also recommended that each ward have one project due to the small amount of funds allocated to the wards. Other than this, there were no changes made to any of the projects that had been selected by the community members.

Thereafter, the consensus meeting was centrally held at the council headquarters to endorse the projects selected during the LASDAP consultative meetings. This meeting was held a week after the technical review meeting. In attendance were officials from the council and all the community representatives selected from each of the wards. The council officials present included the LASDAP Desk Officer, the CDO and his assistants—2 Community Development Assistants (CDAs), the works officer, legal clerk, accountant and his assistant, and the Committee clerk. The meeting then agreed upon the final projects and this was decided upon based on the first priority project selected by the community where the funds were insufficient for several projects. The meeting was brief lasting approximately an hour.

Although not recorded in the minutes, a few community representatives informed the research team that they were given a brief overview of their roles in the execution of LASDAP projects. However, they felt that further orientation was needed to effectively prepare them, including the technical specifications to follow as well as the correct procedures for lodging complaints.

Finally, after these agreements, LASDAP projects were approved as part of the Local Authority Budget, with a comprehensive document describing meeting minutes, advertisements, and agreed-upon projects submitted to the Ministry of Local Government. The final projects agreed upon were recorded in the LASDAP minutes and presented in a summary table of LASDAP Service Delivery Activities and Projects lists. The summary table was a standard Form as shown in Appendix 6 which captured the Start Year for the project, the project priority number, the duration of the project, the project description and the location of the project. Each project was then described in detail in Form 4.6, the capital project information sheet which captured the project's capital and operational estimates and summary characteristics such as reasons for undertaking the project and its impact on pro-poor, among others. These forms were compulsory returns that were to be submitted to the Kenya Local Government Reform Programme (KLGRP) as part of the evidence of the LAs fulfillment of the LASDAP process. In these reports, nothing described the process of project execution.

(iv) Project Execution

In this LA, the project committee was responsible for monitoring and evaluation of the implementation of LASDAP projects at the ward level.[2] The project committee or team in all the wards visited comprised the two community representatives, except for one ward in which a committee of seven was established. In this exceptional case, the two community representatives chosen convened meetings to constitute the committees. Since the ward was large and had been awarded two projects, each of the representatives formed and chaired a committee. In one section of the ward, the representative invited about 30 community-based organizations where the participants voted for committee members with the community representative as chair. The representatives constituted these committees because they felt working in a team would foster greater accountability and reduce the risk of suspicion from the community that the project was not progressing well due to their collusion with the council engineer.

Both the council officials and the community representatives informed the team that the project committees did not receive any training but were given a briefing on their roles. These roles were to ensure that the projects selected by the community were implemented, monitoring the projects and informing the community of their progress.

In fulfilling this mandate, the community representatives performed a number of activities. These activities included attending site meetings once a month, mobilizing the community to provide labor where necessary, visiting the project site regularly- perhaps twice a week or more, meeting with the council engineer, reporting any matters arising to the council, requesting feedback on the same and reporting back to the community.

A more in depth inquiry revealed how these activities took place in the various wards sampled. On the site meetings, the council reported that during their deliberations with the contractor and his staff, they usually invited community representatives to present their views. The site meetings were attended by several council officials from the engineers department, planning department, the treasurer's department (to answer queries on payment that would be raised by the contractor) and other relevant departments, for instance if the project was within a school, the social services department was usually present. The councilor could also attend the meeting. The agenda of the meetings was usually to discuss the progress of the projects and attend to issues raised by the contractor, council staff and the community representatives. The common issues raised by the community representatives were usually on employment for locals and the quality of materials used by the contractor. Minutes of this meeting were usually recorded.

Community representatives from one of the wards confirmed that they had attended the site meetings on several occasions. The first was before the breaking ground on a project where they were introduced to the contractor. This gave them the opportunity to ensure that locals were engaged to provide labor and to emphasize that they did not want sub-standard work; the second occurred during the project execution where they were able to make queries on the quantity of materials used and get the relevant clarification; and the final was at the end of the project.

[2] *There was no M and E committee which is established to monitor projects across all the wards*

The community representatives made frequent visits to the project sites because they were resident within the area. In two of the wards, the representatives were able to keep a regular eye on the projects since these were located on their way to work. This enabled the representatives to keep notes of issues to address when they met with the council engineer.

The issues raised or nature of complaints made by the representatives varied from ward to ward. They included queries on when projects would start and why they had not begun; complaints about unfinished projects; use of substandard materials- for example in one ward, the residents complained about the nature of material used in the grading of a local road with murram which was easily washed away by rain water. In another ward, the contractor had interfered with sewer lines during construction of the road. Since the community representatives were laymen they had many queries on technical issues such as whether the right sizes of pipes were being used in a sewer project where the pipes looked too small. Complaints were also made in one ward over finished projects that were not functioning in this case, security flood lights and street lights.

The complaints were submitted to the council through meetings or phone conversations with the council engineer, through the councilor and in some instances directly to the town clerk. The councilor would forward the complaints to the town clerk who would assign them to the relevant department usually the engineer. In the case of the damaging of sewer lines for instance, the community representatives raised the matter with their local councilor, whilst the use of poor quality of murram was reported directly by the representatives to the engineer.

The various wards recorded mixed experiences in terms of feedback from the council. In some projects, there was quick action taken to resolve the complaints, for instance the contractor was asked to change the material used in upgrading the road within one day after the report was made. In the other case of interference with sewer lines, community representatives said that the matter was addressed promptly within the course of the week in which they had reported the matter. Community representatives noted that the action taken by the council translated in the contractor dismissing the concerned driver of the truck involved. Queries made by residents on technical issues were also responded to. However, the representatives complained of delayed responses to unfinished and malfunctioning projects. For instance on the malfunctioning streetlights, no action had yet been taken three months after the report had been made. A representative, who made further follow ups on this matter, reported that the council informed him that they were awaiting materials. The ward with the seven-member project committee complained that though they had submitted the names of the committee members to the council, the council had not acknowledged receipt, nor responded to any of the queries by the committee on when the project would commence.

The representatives gave feedback to the community on the responses during their interactions and through chiefs' barazas. The representatives said they faced challenges in reporting delays in project implementation and resolving of problems like the street lights, because of suspicion from the community members that the representatives were colluding with the council. Some community members were under the impression that the representatives were being paid and consequently not doing their job well.

On its part, the council said it encouraged complaints from the project teams and even ordinary residents. The complaints from ordinary residents were usually submitted verbally through physical visits to the town clerk, written letters, associations such as the market committee and the councilor. The council claimed to have made an effort to respond promptly to the queries but according to the Town Clerk, some complaints were not factual. Residents would make complaints for instance that the contractor had not dug the foundation to the right level, but on making inquiries the council established that the contractor had simply been away from the site for some time and the residents were unhappy. The council did acknowledge that some of the complaints were due to lack of technical expertise but also noted that the representatives sometimes wanted to issue instructions directly to the contractor which was not within their mandate. Understanding this dynamic of responsiveness to complaints by the council is highly complex, and deserves greater scrutiny. Overall, it is clear that there were no institutional incentives to respond, and no reporting requirements.

A PRIMARY SCHOOL SITE, WHERE THE LOCAL AUTHORITY OF CASE 1 WAS CONSTRUCTING A CLASSROOM SELECTED IN THE LASDAP PROCESS



d. Participation in the Coastal LASDAP

(i) Preparatory activities for LASDAP meeting

In the coastal LASDAP, mobilization was achieved through a variety of means. (i) Letters were sent to chiefs and CSOs, (ii) The Resident's forum, which had representatives or focal persons in all the wards informed and organized the community for the meeting (described below), (iii) The councilor informed specific groups (iv) Community health workers were used to mobilize residents in some wards. (v) Notices were pinned in public places such as the chief's camp and distributed to CSOs to circulate. The public notice issued by the council contained a schedule of the meetings that were to run on consecutive days for each of the 13 wards from 4th October to 26th November 2011. The notices thus gave the dates of the meeting, the time, and venue for each of the wards. The 13 meetings were all to be held on weekdays with the exception of Fridays, predominantly to cater for the Muslim community, which holds religious

prayers every Friday. The meetings were scheduled for 10.00 am. The notice also indicated the date, time and venue for the Consensus Meeting and the Full Council Meeting. The council issued the public notices approximately one month prior to the consultative meetings to allow advance preparation by the community.

The venue for the meetings varied but were mostly held in central and easily accessible locations, in conformity with the LASDAP guidelines that stipulated that they were to be held as close as possible to where residents lived or worked. Six of the meetings were held in primary schools, two at trading centers, another two at the chiefs' camps, two at religious centers—one a church and the other a madrassa centre, and one at the town hall. According to the council, the venue was usually decided upon by the community through the Resident's forum, sometimes in consultation with the councilors. Previously, the meetings had been held at the chiefs' camps for most of the wards, but some of these were neither centrally located nor accommodative of a larger crowd. Following community awareness training by the Residents Forum, in 2006 community members requested the council to hold the meetings in more accessible central locations to enable them attend.

According to both officials and civil society, attendance in these meetings was quite high. Officials documents suggest between 20 to 70, but government officials and citizens again estimated the actual number as ranging from 100.

There was substantial variation in the attendance of women between wards, with the lowest attendance rate at approximately 5% and the highest at 86%. This variation should be a topic of further research. Local interviews suggest that factors such as urban vs. rural and the role of chiefs may have played a role.

Chart A.2: Gender breakdown of attending citizens in the Coastal LA in 2011

Ward	Women (No)	Women (%)	Male (No.)	Male (%)	Total (No)
A	23	63.9	13	36.1	36
B	57	86.4	7	10.6	66
C	19	33.3	38	66.7	57
D	5	21.7	18	78.3	23
E	9	39.1	14	60.9	23
F	13	61.9	8	38.1	21
G	34	66.7	17	33.3	51
H	6	21.4	22	78.6	28
I	10	62.5	6	37.5	16
J	3	21.4	14	82.4	17
K	34	63.0	20	37.0	54
L	43	61.4	27	38.6	70
M	3	4.8	60	95.2	63

Source: LASDAP records.

This LA was unique in that it partnered very closely with the local Residents Forum to organize and conduct the LASDAP meetings. The Residents Forum provided a space for stakeholders to participate in the council's activities and services. The stakeholders included the civil society organizations, residents associations, and organized interests groups representing particular segments of society such as schools, religious bodies and professional groups amongst others. The Residents Forum engagement in the LASDAP was coordinated mainly by a local NGO, and a project coordinator who was based at the local council offices.

In this LA, considerable effort had been taken by civil society over the years to prepare for the LASDAP decision meeting. These efforts were undertaken by a local NGO who worked with the local Residents Forum. The NGO trained a select number of individuals in planning tools and community action plans, exposed them to the government planning system, the LATF devolved fund and the role of the community. In 2011-2012, the NGO visited a number of villages in every ward and held participatory training sessions, which both explained LASDAP meetings and conducted a discussion of priorities. Local council officials appreciated these efforts as they both boosted attendance and also allowed citizens to be prepared once they arrived at the meetings.

(ii) The Consultative Meeting

As in the eastern LASDAP, the consultative meeting took place in distinct stages. The stages however differed from case 1 and had a slightly different pattern of conduct. The agenda of the meeting was provided by the council at the start of the meeting. The stages were:

- Opening of the meeting with prayers and self-introduction from all participants
- Election of the Chairperson for the meeting
- Town clerk's remarks
- Brief review of previous years LASDAP meeting
- Resource Envelope Presentation
- Status Report on LASDAP project
- Project Identification
- Election of Two Community representatives
- Speeches by area councilor and chief

After the introductions, community members democratically elected a chairperson to preside over the meeting. This was done through the proposal of names by one or two participants and voting through a simple show of hands. Upon acceptance of his or her role, the chairperson then called upon the Town Clerk or his representative to make opening remarks. According to the minutes, this usually involved welcoming participants to the meeting and encouraging fruitful deliberations and selection of projects.

The CDO led participants through reviewing the minutes of the previous LASDAP meeting and their confirmation as a true record of the proceedings. Where it was necessary, amendments were made before the adoption of the minutes. In some wards the minutes were read or translated in local Kiswahili language for better understanding by locals. The council treasurer made a presentation of the resource envelope computation, informing participants on the LASDAP estimated amount allocated to the 13 wards and the share of each ward. In a few of the wards, about 2, the status report was presented before the resource envelope.

The LASDAP status report for the last three years was presented by the works officer. The meeting minutes captured summary tables of the status report for the various wards. An example of one of the status reports presented at ward level is shown below: [3]

Chart A3: Example of LASDAP Project Status Report Presented at a meeting in the Coastal LA

FY	Project	Construct Sum (KSH)	Actual Paid (KSH)	Status
2010/11	Construction of Lab at secondary School	1,253,903		60% Ongoing
2009/10	Construction of a classroom at Secondary School	844,432	790,082	Complete
2008/09	Construction of a classroom at Secondary School	690,000	690,000	Complete

Source: Municipal Council LASDAP Report 2012/2013.

During reading of the status report, citizens sometimes asked for the report to be given in simplified form, and for the works engineer to avoid the use of technical language. This session seemed to be the most active with residents raising a number of issues to which the council had to respond. During the session, residents raised questions cutting across a number of issues. These included why previous projects had not commenced; the criteria used in the award of tenders; why in some cases contractors were overpaid; why desks for a school were not delivered: and why a project was changed from construction of a classroom to a laboratory. Residents also raised dissatisfaction with poor work done on various projects.

In each of the cases where citizens expressed dissatisfaction, the council works officer or relevant technical officer tried to give a response. Where the council staff did not give a satisfactory answer, the participants would demand the involvement of the town clerk or councilor. For instance, on projects that had not yet started, the treasurer's response had been that the council was still awaiting funds from the previous year's disbursement. In the case of overpayment, the works officer clarified that there had been extra work done by the contractor and on poor quality of work that the council had written to the contractor to repair the faulty areas. Copies of Bills of Quantities were availed to residents where they so demanded. In the case of undelivered desks, the council informed participants that the supplier was paid but did not deliver and the matter was reported to the police. In one ward the Treasurer gave a breakdown of spending for a particular project. On issues where agreements were not reached, the residents were asked to make formal complaints to the Town Clerk for a way forward.

Disruption of meetings occurred in several of the wards where procedure was not followed or residents were dissatisfied with responses. Residents for instance protested the non-attendance of technical officers. In a ward where the works officer had been suspended, the report on previous projects was not given and discontent amongst the citizens resulted in arguments during the meeting. The meeting however eventually proceeded. This was different from another meeting, where the previous projects statuses were not given due to unavailability of the engineer and the town clerk. There was resultant disorder and the meeting was called off for a later date when the status report could be comprehensively given.

[3] *A more comprehensive status report for all the wards was presented to the Kenya Local Government Reform Programme as part of the LASDAP returns.*

Another meeting was disrupted when participants demanded a complete breakdown of the use of funds for the grading of a road project. The participants were informed to use the formal channel through the town clerk if they wanted this information, but the participants remained insistent, leading the meeting to end in a stalemate. The councilor and the council officers handpicked the two community representatives. One other meeting was disrupted because some residents stormed in claiming that the meeting was irregular because its notification had not been given and the venue was not in an open space. The mayor who was councilor of the ward gave reasons why the meeting was held indoors, citing poor weather. He admonished residents for not giving LASDAP meetings the attention they deserved, stating that all the village elders had been asked to communicate to residents. The meeting thereafter proceeded.

The participants then elected 2 community representatives to the consensus meeting. In some cases, these were community resource persons previously identified by the community members. The representatives were informed that they would receive formal letters of invitation to the consensus meeting through their area councilor. In some ward areas the representatives were given the mandate to follow up on previous projects that were not yet complete.

The meetings concluded with the Councilor and the chief giving a speech. Councilors would affirm the projects selected, for instance one councilor noted that the first disbursement of LATF, would go towards building a local school, a project that had been proposed by participants. However, the councilor seemed to be making a final decision on this since there were several other proposed projects. They would also address unfinished projects for instance one councilor promised to seek funds to complete a stalled LASDAP project. The chiefs would exhort elders to invite residents to future meetings, emphasize proper usage of funds and address any other business such as security issues. In some wards the chiefs invited other government officials present to briefly address participants.

(iii) The Consensus Meeting

The Consensus meeting was held centrally at the council chambers for all the 13 wards in Mid-November. The date for the meeting had been decided upon prior to the consultative meeting. Present were all community representatives chosen during the consultative meeting, the mayor, deputy mayor, all councilors, the public officer and council officials. The council officials present included the acting Town Clerk, the Principal Administrative officer, Senior Administrative officer, works officer, the treasurer, the auditor, accounts officer, enforcement officers and the public health officer. There had been no technical meeting of government officials held prior to the consensus meeting to review the projects selected by the community. The meeting included the presentation and confirmation of the projects selected during the ward consultative meetings, and the election of the Monitoring and Evaluation Committee.

The monitoring and evaluation committee was composed of a team of seven members. There were two councilors, one whose membership was automatic as Chair of the Education and Social Services committee and the other who was nominated by the councilors. Five NGO representatives and community members made up the rest of the team. The representatives were selected by all the community representatives present based on their experience in community development issues, they had demonstrated responsible leadership as chairpersons

of community groups such as women groups or had relevant technical expertise. For instance one of the representatives was a retired mechanical engineer. The election would adhere as much as possible to the LASDAP guidelines, which prescribed that four of the members were to be non-council members, who are either community or CSO representatives, development partners and active NGOs; two council members and one technical representative of the Council. The role of the committee was briefly highlighted by the Mayor. This was mainly the monitoring and evaluation of the projects particularly being watchful of the work of contractors to curtail mismanagement.

(iv) Project Execution

The Monitoring and Evaluation committee monitored the implementation of the LASDAP projects in all the 13 wards. The first activity of the committee was the preparation of an M and E budget which was presented to the council. The council gave the community representatives an allowance to facilitate their transport. Previously this allowance was KShs 500 shillings each but was revised to KShs 1000.

During the monitoring exercise, the team was joined by the town engineer and the social services officer. The two councilors were not present. The team then visited all the projects in the thirteen wards within a span of four days. The projects included those selected at the LASDAP meeting as well as ongoing old projects that had been selected in previous consultative meetings. The projects visited were all monitored at the same time and were at different stages, at the preliminary stage when some were just starting off and were at the foundation level, others were partially complete whilst others had been completed. According to the community representatives, the joint exercise with council officials was done once, but as community resource persons they visited the projects a second or third time.

The monitoring exercise involved checking the status of the projects, that the right quality of materials was being used and that the projects were being implemented to the correct standard. No structured checklist was used for the exercise. The problems that the team came across were the use of different materials than what was originally quoted in the Bill of Quantities, delays in project implementation, and in rare cases incompetence of the contractor.

The community representatives wrote and submitted reports on the monitoring exercise to the Town Clerk. These reports were inclusive of pictures of the various projects. The town engineer and the social services officer were not part of this process. Where there was any anomaly or exaggeration in the report, the practice was that the council would hold a consultative meeting with the community representatives. However, according to the representatives, this had not occurred in the past two years because of the objectivity of the reports.

The council responded positively to the majority of the complaints raised by the monitoring team by taking appropriate action to rectify the situation. For instance, the contractor was instructed to use the right quality of materials and sometimes the work was halted until the engineer gave a 'go ahead' for the work to proceed. However, community representatives lamented that the impact of the monitoring was limited by political influence and interference particularly where the contractors were well known to the councilors. In such cases, they claimed that little action was taken to rectify the situation.

APPENDIX 2: CONSTITUENCY DEVELOPMENT FUND TECHNICAL APPENDIX

a. Citizen participation in project execution: Northern Constituency CDF

(i) Constituency Profile

The first constituency studied is amongst the largest in the country and is located in one of the poorest areas of the country. Its rainfall pattern is unreliable and erratic both in timing and distribution. Malnutrition is one of the prevalent diseases in the area. The local communities are traditionally nomadic pastoralists. The main economic activities are livestock and pastoral farming, some fishing and cultivation of sorghum. Locals also engage in livestock trade and weaving of baskets, ornaments and mats as commercial activities. However, these economic activities are incapable of sustaining livelihoods and there is a high dependency on relief from local and international NGOs.

Other than geographical marginalization, the area has historically suffered from policy and developmental neglect. Its low population density poses significant challenges to service delivery. At the same time, the pastoralist livelihood contributed to their poor integration into the nation state and national economy. This was partly due to ignorance about pastoralist livelihood with early government policy emphasizing transformation to a sedentary livelihood with greater focus on crop farming[1].

The constituency has a history of low levels of citizen participation in political processes. For instance, in the last referendum held in August 2010, the turnout amongst registered voters was only 53.65 percent. Indeed this was particularly low given that the percentage of registered voters at the time was 19 percent of the entire constituency population. One of the reasons for this may be the remoteness of the region and the corresponding poor infrastructure. The road network is poorly developed with earth roads making up 65 percent of the entire network.

Literacy levels in the region are amongst the lowest in the country. According to the 2009 population census, majority of the population aged three years and above (73.7 percent) have never attended school, with only 17.7 percent having attended and another 6.5 percent dropping out.

In 2003 there was renewed policy focus and action to redress development problems in the marginalized regions. The CDF was one such avenue that the government utilized. The constituency thus received amongst the highest CDF allocations in the country due to its high poverty rate. The focus of the CDF on infrastructure projects like schools has seen an increase in the size and number of educational facilities. The region also benefited from the policy on Free Primary Education and the overall effect has been increased enrollment levels.

To improve the governance of public resources, NGOs working in the region have been partnering with local Community Based Organizations (CBOs) to promote citizen participation. There have been no systematic evaluations of CDF projects, but a CBO has been engaging the communities in a social auditing program since late 2009 where they evaluated nine CDF projects.

[1] *Reaching the Marginalized: Educational Marginalization in Northern Kenya. A UNESCO Report 2009.*

The case was selected because, according to the team's consultations with Civil Society and other stakeholders, it had one of the strongest social audit interventions. Within its substantial civil society network, a local CBO conducted social audits in CDF and Local Authority projects and followed up these audits with engagement with government at many levels. In consultations, NGO stakeholders recognized these efforts as some of the most substantial within Kenya.

For this case, the research team focused on the CDF process, and in particular, the social accountability initiatives driven by the civil society to empower local community members to demand accountability in the management of the CDF. The findings were informed by both primary and secondary data. Primary data was collected through a qualitative inquiry where key informant interviews and an FGD were held with multiple respondents. The key informant interviews were held with government officials, fund implementers, NGO representatives, the local CBO, and fund beneficiaries, whilst the FGD was held with a group of social auditors. In addition to the existing literature on CDF, the team reviewed project documents relating to the Social accountability project initiative including the training material and consolidated reports of the social auditors. The team visited two CDF projects, speaking with the PMC and community members, and could not visit more due to security concerns in the area.

(ii) Citizen participation

A 15 member CDFC was appointed by the local MP. Their main function was to debate the merits of projects, make decisions over which community projects should be funded, and coordinate CDF project activities in the constituency. The committee received administrative support from a team of about 11 staff members, headed by a CDF coordinator. Although this was a fairly large number of staff, it did not include any experienced professional who could give technical advice to the CDFC. The Fund Accounts Manager employed by the ministry of state for planning and national development was responsible for supporting the CDFC in the financial administration of the fund.

Different community groups submitted proposals for projects, but the criteria used to select the projects remained unclear. The CDFC could visit the locality to verify the need for the project but there was no systematic method employed to guide its deliberations in selecting the priority projects, such as a strategic plan, nor a clearly defined and transparent set of criteria. The CDFC would then decide on which project proposals would be financed by the CDF funds, during a meeting held in the month of July. The MP submitted the final list of projects to be funded to the Constituency Development Fund Board.

The primary group involved in the execution of projects was the PMC. Amongst their responsibilities were the selection of the private contractor, the oversight of the project and payments for the contractor. The same community group who had requested the project would become the members of the PMC.

The selection of the PMCs varied according to which group had submitted the project proposal. The PMCs were formally constituted after the approval of the project proposal. In most cases, the same group who had requested the project would become the members of the PMC.

For instance, if the School Management Committee was successful in their application, they would then form the PMC. The precise membership of groups could vary somewhat, but the SMC was generally composed of the Head Teacher (who was not a community member), parents and sponsors. A security committee, made up of citizens who worked with the chief or assistant chief on security issues, could also present a project proposal and form a PMC.

The PMCs utilized unclear methods for selection of the contractors. There was little involvement of government technical officials during the contractor selection process. Government officials interviewed noted that CDF projects were not awarded under the District Tender Board (DTB), where the capacity and compliance of the contractors with government regulations would be vetted and a systematic procedure of critiquing bidders undertaken. In general, the PMC members received the bids, opened the tenders, and undertook an analysis of the bids. The PMCs were required to submit copies of the tender notice, meeting minutes for the opening and award of the tender, the agreement between the contractor and the PMC and the Bill of Quantities (BQ) to the CDFC for accountability purposes, but this minimal oversight was insufficient to guarantee an open and competitive process.

The PMCs also undertook the selection of contractors with very little training. The CDFC officials interviewed admitted that most of the PMCs lacked the capacity to undertake a proper procurement process and this was one of the major challenges that affected the effective execution of CDF projects in the area. The CDFC in some instances had to step in to assist the PMC in the selection process.

Contractors were often paid upfront by the PMCs prior to the start of the project. The CDFC officials informed the research team that previously the PMCs would pay the contractors upfront before the execution of the project. However more recently, beginning in 2012, the CDFC noted that it had been advising the PMCs to use government procedures and pay contractors in about two to three installments and also through the use of cheques. In the two sites visited, the school dormitory project and the health dispensary, the original contractors had been paid prior to the commencement of the work. In the case of the school dormitory project, the head teacher had not involved the wider SMC during the selection of the contractor and the payment process.[2] The contractor eventually abandoned the project before its completion and the head teacher was transferred on grounds of general poor performance. After concerted complaints by community members and the new school administration to the local MP, additional funds were released by the CDFC to complete the dormitory building. The new head teacher ensured that the contractor hired by the CDFC to replace the previous one was only paid after the completion of the work. In the second project, a health dispensary that was still under construction, the chairman of the PMC said that the contractor had been paid in one full installment at the start of the construction.

Regular internal monitoring and evaluation of CDF projects appeared weak and lacked a formal institutionalized system. The CDFC members made visits to project sites on an inconsistent basis and each CDFC member would visit the projects nearest their residence. The CDF account manager would visit the projects at times, but the frequency was unclear,

[2] *The treasurer of the PMC would be required to provide a signature in the payment of the contractor; however, while our research team did not interview that person directly, community members argued that such signatures were provided without awareness of the rest of the SMC members in the financial transaction processes.*

and some projects were too distant for visits. The DDO and other district departmental heads monitored government projects in the district through the District Monitoring and Evaluation Committee. The committee occasionally visited a few of the CDF projects, and this presented an opportunity for the DDO to question discrepancies such as ongoing and abandoned projects. However, regular monitoring of the vast number of CDF projects under this district arrangement was not plausible.

Technical quality of the CDF projects was not ensured due to the weak engagement between the CDFC and the technical government officials. The public works officer, the only certified official to ensure the technical quality of projects, stated that he rarely made site visits, and so could not verify that the CDF projects were up to standard. There was also a tendency for the PMCs to reproduce BQs and work plans from other projects, rather than seek assistance from the works office, which often came at a cost. The poor documentation made it difficult for the works officer to determine whether the projects had been completed to a prescribed standard. The works office noted that CDF projects would fare better if there was coordination between the CDF and the works office to ensure that there was independent technical oversight of the projects.

b. Citizen participation in project execution: Central Constituency CDF

(i) Constituency Profile

The constituency is much smaller and economically more prosperous than the Northern CDF case. It is located near the capital city in Central Province in an agriculturally rich region with coffee, tea pineapple and horticultural farming as the main economic activities. Other industries include textile, cotton, mining and food processing. It has a relatively well developed road infrastructure and is serviced by a dual modern highway to the capital city. It receives considerably less CDF allocations compared to the northern constituency due to a lower poverty ranking. However it has significant levels of inequality and the poor are disproportionately less educated and less skilled than the non-poor. This has contributed to high levels of insecurity in the region.

Citizen participation in political processes is relatively high, with a greater percentage of registered voters (45 percent) in relation to the entire constituency population than the northern case. Similarly voter turnout was substantial in the last referendum, at (77.8%).

It was selected because it is widely considered amongst the best performers in CDF management along a variety of measures, including citizen participation. As in the northern CDF, there has been no systematic rating done; however, a local organization- National Taxpayers Association (NTA) which conducts social audits of CDF projects placed it near the top of all the constituencies surveyed in the Financial Year 2010/2011 based on project completion and quality. According to the audit, the constituency CDF did not spend any money on badly implemented projects and the entire allocation given to the constituency was well accounted for. It only had two projects whose implementation had been delayed[3]. The constituency received numerous learning visits because of this reputation.

[3] *National Taxpayers Association (2012) Citizen's Report Card*

For this constituency, the research team focused on citizen participation in the various stages of the project cycle from project selection to implementation and monitoring and evaluation. The team held several interviews with the local Member of Parliament and patron of the fund, the CDFC officials, government officers, members of three PMCs and fund beneficiaries. We made site visits to two ongoing CDF projects – a local health dispensary and an Administration Police Post, and one completed project, a classroom which was in use by students. Primary data from the field work was the main source of information for this case study.

(ii) Citizen Participation

The 15 member committee was appointed by the MP in accordance with the CDF Act. The MP selected all the members to the committee except the church and NGO representatives. The MP requested the church organization to nominate representatives, whilst the NGO representative to the committee was automatic since there was only one NGO that operated within the constituency. For the councilor, the MP requested the elected councilors in the constituency to nominate who amongst them would serve on the committee. The Committee usually met at least once a month, as guided by the activities. The Committee functioned through smaller sub-committees that oversaw the coordination of CDF projects in five sectors namely education, health, water, security and poverty eradication. There were 3 members in each of the sub-committees and they met more regularly than the joint CDF Committee. The Committee members received a transport and sitting allowance. The Fund Accounts Manager worked alongside the committee in administrative and financial issues.

The CDFC adopted a strategic plan in early 2008. It identified six key areas where the constituency faced challenges namely security, roads, water, health, education and the environment. According to the CDF Secretariat, the CDFC invited community members to meetings to identify priority areas that the CDF projects should target. About 20 to 25 community members attended each meeting. The meetings were chaired by the CDFC chairman and in some cases the local MP attended. To ensure broader consultation, the CDFC hired a consultant to collect views from other community members in the villages on what their needs were and this process took approximately two weeks. The CDFC then held a one-week workshop to develop the plan. The CDFC also relied on statistical data to inform the plan, including length of roads, school enrollment statistics and other data on health, water and population. According to the local MP the plan assisted the CDFC to avoid spreading the funds too thin, a common problem with most CDF projects.

Amongst the Project Management Committees (PMCs) visited, which were the committees that managed the project with oversight from the CDF officials, the selection of members varied. The PMC members overseeing a health project were elected during a public baraza presided over by the chief. The MP was present during this process. Members of the six villages within the location were each asked to select a representative. A second meeting was convened at the DOs office where the 6 representatives selected officials via secret ballot. The chair chosen of the PMC was a former secondary school teacher with experience in managing projects. The PMC overseeing a security project was also selected during the chief's baraza. However, most of the committee members were also members of an existing community policing security committee coordinated by the chief. This committee had been formed earlier through a selection process where the representative had gotten a majority

of votes after being proposed and seconded by the community members. Each village sent a delegate to the committee. Some members of the committee were village elders. The third PMC was an existing School Management Committee comprised of 15 members. Eight members each represent one class (class 1-8), four members represent the sponsors, and one is a representative from the District Education Board (DEB). The head teacher is the committee secretary and is assisted by his deputy. The SMC is usually selected annually.

The PMCs advertised for contractors to submit bids through a number of methods including use of notice boards, at the chief's office and the CDF office, through the chief and announcements at the chiefs' baraza, the CDF Constituency website and by word of mouth to communities. The tenders were opened and evaluated by CDF representatives, the PMC members, the ministry of works officer and the District procurement officer. The selection was based on experience and fair price quotation. During the award process, the DO and chief were present in the case of the health project. In the case of the classroom construction, the SMC was not involved in the tendering process which was conducted by the CDFC. The contract with the contractor was however signed by the Chair and secretary of the SMC. The SMC pointed out that the tender should have been awarded to contractors from within the locality giving an indication that they would have liked to be part of the process.

The constituency followed a systemized process of project execution. When the PMCs were formed they opened a bank account into which the CDFC deposited the funds for executing the project as per CDF regulations. In the case of the SMC, the funds were transferred to their existing bank account. The Fund Accounts manager trained the PMCs on simple bookkeeping, and the works officer provided them with guidelines on how to make the payments.

Payment to the contractor was done in three stages, with nothing paid up front. The PMC made an initial payment after the foundation of the project was put up, a second installment after construction was completed to the roof level and the final payment after project completion. The Public Works officer would visit the project to assess each of the stages before giving a go ahead for the PMC to make the payments. The works officer usually issued a form of certification to the PMC which contained the progress of the project in percentage form, for instance at the foundation stage the contractor had completed about 15% of the entire project. The payment was calculated based on the amount of items the contractor had executed as detailed in the BQ, vis a vis the total amount of the contract. The cheques had three signatories, the Fund Manager, the chair and the Treasurer of the PMC.

The CDF in this constituency ensured technical quality of the projects was maintained by cultivating a good working relationship with Government technical experts. In the case of the security AP Post, for instance the works officer visited the project site to determine its suitability before the construction process began. The works officer also informed the PMC of the details to look out for at various stages of the project e.g at the start of the project, to ensure that the concrete used for the foundation was of a standard or uniform quality. For the health centre the CDFC held consultations with the ministry of health, and only began construction after assurance that ministry of health staff would be allocated to manage the facility.

Monitoring and evaluation took place at various levels: (i) Regular supervision by the PMC, (ii) Periodic monitoring by the Fund Manager and the CDF officials, and (iii) Joint Monitoring by the CDFC and government officials. The PMC members resided around the locality of the project thus they undertook supervision at least every two days. They informed the team that their supervision was guided by the tender document submitted by the contractor against which they checked the progress of the project.

The fund manager visited projects sites once and sometimes twice a week during which he assessed on average three to five projects. During the project visits the fund manager would look at the accounts records of the PMC, meet with the contractor, review the level of achievement based on the work plan, inspect the materials used and talk to the committee on issues arising from the project. There were usually about two or three PMC members present. Since PMC members did not get allowances, it was rare to find majority of them participating in the weekly monitoring, especially on week days which are working days.

The PMCs usually gave feedback in the form of complaints, comments, and queries to the fund manager. These cut across issues to do with employment of non-locals, delays in project implementation and unsatisfactory quality of work. The fund manager would respond appropriately to these queries but where unable to address them, invited the works officer to assess the project. Thereafter, corrective action would be undertaken; for instance contractors would be asked to change materials used. On a few occasions, the fund manager received complaints towards the end of the project. In one such case, they had to demolish parts of the dispensary as the corrective action. In another case the PMC complained to the Fund Manager about the contractor using iron roofing sheets of a lower quality than what had been quoted in the BQ. The contractor was instructed to evaluate the lower grade of iron used and to revalue costs initially quoted accordingly. The CDFC members joined monitoring exercises at least once a month but some sub-committees did so severally. CDFC members for instance monitored the health dispensary three times.

Joint monitoring was formally done with the district monitoring committee once per month. The fund manager informed the research team that he scheduled and informed the government officials of the monitoring and evaluation exercises in advance to allow them adequate time to plan their participation. The broader community was also part of the monitoring as individuals often engaged with the MP through phone calls whenever they have had an incident to report on the projects. The MP would follow up the complaint with the CDFC to ensure it was resolved.

The CDFC and PMCs informed the research team that they made regular reports to the community members on the progress of the projects. They were usually invited by the chiefs to give updates during barazas. At the start of projects for instance, the community members would inquire from the committees the finer details such as the number of classrooms to be built, the costs involved and the duration of the project. As the projects progressed, the community would seek to inquire on issues such as why the contractor was not involving them in providing local labour and also give suggestions on how the project could be improved. While the PMCs gave their feedback in barazas, the SMC gave theirs in the Annual General Meeting for parents.

c. The social audit experience in the Northern Constituency CDF

The Social Accountability Initiative project was implemented from the premise that poor governance in the region could be mitigated if communities were empowered to demand for improved performance of local and central government and to participate in decision-making processes. The initiative was informed by a survey conducted by the NGO on good governance in the region which established that the level of engagement of the community in the management of public expenditure and projects was considerably low.[4]

From this background, between 2009-2011 a local CBO in partnership with the NGO coordinated community members to undertake a series of social audits of CDF projects. The overall purpose of the project was to secure the rights of the poor and marginalized community members by integrating them into the political, social and economic systems at community, district and national levels. The project aimed at achieving this by empowering the community to demand for more participatory, inclusive and effective governance. Initially the project targeted only women because of their marginalization in political processes and because the local CBO was primarily a woman empowerment and advocacy based organization. However, the challenge of low literacy levels amongst women, the need for equal representation and the sensitivity of social auditing process where in certain instances the auditors faced security risks, necessitated that the project involve the men for more effective results.

The project adopted a two-pronged approach targeting capacity building of government officials on the one hand and community empowerment on the other. In the community intervention, the CBO conducted the program in eight communities in reference to CDF, and others with Local Authority projects. The community intervention consisted of several primary steps: Local consultative meetings with community leadership, community mobilization and sensitization, training of social auditors, execution of audits, followed by communication of the results to the community and to the relevant authorities.

An introductory consultative meeting was held with the community leadership including the chiefs, councilors, and the local CSO leadership. The purpose of this meeting was to introduce the project, sensitize the community gatekeepers on its objective and secure their support in the implementation of the social audit process.

According to the local CBO implementing the project, the goodwill established through the consultative meeting proved beneficial in the mobilization of the citizens. The CBO made use of the chiefs to facilitate access to members of the community especially in very remote regions not frequently accessed by CSOs and where knowledge of devolved funds seemed significantly low. The chiefs organized local barazas as sensitization forums where the CSO could engage with community members. The CSO also used its network of regional committees to mobilize the community although this strategy mainly drew women given the nature of the CSO. A public address system was also utilized in advertising the forum.

[4] *Asked whether they had a role to play in the management of public affairs, 65% of the community members who participated in the study said no whilst only 35% said yes. Amongst those who said they had a role to play a higher percentage were men (41%) compared to women (31%). The study findings also revealed that a majority of 77% had not been involved in any CDF project. At the same time, involvement was mainly in project identification (6%) and implementation (7%). The findings showed that community members rarely interacted with devolved funds implementing committees to demand reports or raise issues with them. Only (12%) of the respondents said they had ever demanded reports on projects with 4% of these constituting demands made on the CDF.*

A total of eight sensitization forums were held in the constituency. Overall, a total of 7,351 community members attended the sessions, and records of the CSO show there were more female participants, 3,767 compared to men whose figures registered at 3,584.

During the forums, the community members were sensitized on several topics on governance related issues. These included the decentralized funds in the region, their functions and administration, responsible citizenship and how the community can participate in project identification, prioritization, implementation and evaluation of the respective funds, with a focus on social auditing. They were also trained on various aspects of the new Constitution. The aim of the awareness was to develop a sense of ownership amongst them over the funds and equip them as part of the advocacy machinery, with requisite knowledge on the funds to engage with their leaders. The sessions usually began at 10 am with brief introductions before the various topics were covered. Community members were given a session to ask questions and these mostly revolved around whether it was possible to put their leaders to task.

At the end of the sensitization, the community members selected 10 representatives in each of the locations to take up the role of social auditors. The community usually broke up into their respective villages during this process. The social auditors were recognized leaders and persons trusted by the community to handle responsibility. In separate sessions the social auditors underwent more intensive training on social audit skills, and were then supported to follow up local projects within the community. Most of the times, the community members or the social auditors themselves selected the project to monitor. Community members were served with soda during the forums.

The social auditors were trained to monitor the use of their funds using a simple information tool called PIMA (in Swahili means measure), which facilitates public expenditure tracking. The PIMA cards provided the social auditors with a framework for collecting quantitative and qualitative information about inputs, outputs and outcomes of government services. It measures different aspects of the project including the quality of materials used and their quantity and whether this tallied with what was identified in the work plan.

Once the training was complete, eight teams audited nine CDF projects in their communities. In the process of conducting the audits, the overall budgetary allocation to specific projects was usually not difficult to ascertain from the concerned parties. This was because the information was publicly posted on notice boards outside the local CDF office. The notice or transparency boards were also a donation by the project to the CDF office to make information more accessible. However information beyond the project allocations often proved difficult for the social auditors to access. These included project records, the minutes of meetings, BQs and payment records such as receipts or checks. Upon completion of their audits, the social auditors wrote reports and provided pictures as proof of stalled or poorly done projects. The CBO assisted the social auditors to put down the reports in electronic format.

The social auditors in their reports indicated a number of problems with the CDFC projects. The PMCs in some cases were not trained and hence there was poor supervision of the projects. PMCs failed to keep proper records as vital financial documents such as invoices, payment vouchers and receipts were missing, and in a few instances there were no minutes

of procurement proceedings. Some projects were initiated by self-help groups and did not involve community members, thus lacked ownership; other problems cited were use of sub-standard material; lack of communication and coordination within PMCs and between PMCs and the contractors; failure of the CDFC to inspect projects and the finished projects not reflecting the amount of money used.

One of the projects the social auditors followed was the case of a school dormitory project. They established that the school management committee had largely been excluded during the implementation of the project. The head teacher worked independently with the contractor and eventually the contractor abandoned the project before final completion. The social auditors were unable to obtain any documents from the head teacher to determine exactly what had transpired with the contractor. The head teacher blamed the contractor for the shoddy work, but the social auditors were unable to access the contractor to verify the head teacher's claims. The head teacher was transferred by the Ministry of Education, due to his overall poor performance. The social auditors thereafter reported the matter to the local chief who assisted them to access the MP to make their complaint. The MP eventually visited the site and made an additional allocation of Kshs 300,000 to complete the project, based on an additional allocation made for CDF. In the subsequent contract, the new head teacher ensured that the new contractor was paid only after the project had been completed.

The social auditors and NGO disseminated the audit findings in several different forums. Locally they requested the chief to once again mobilize the community into a public Baraza to collectively discuss how they might address issues arising out of the audits. The CBO, along with the social auditors, presented the findings and reports in meetings with the CDFC, Chief, and councilors who then communicated them to the MP. The MP subsequently visited these problem projects, which in at least one case, was hosted by the lead social auditor. In one of the dissemination meetings for a project involving the construction of a boy's dormitory, the contractor and the school head teacher were present and they were able respond to the community's concerns. The work of the contractor was rated by the community as fairly well done but he was asked to redo the cracked floor and fix the facer boards.

SCHOOL DORMITORY PROJECT IN NORTHERN CONSTITUENCY CDF



APPENDIX 3: OFFICIAL BUDGET PROCESS INCLUDING LASDAP

Month	Local Authority	Community
On going to September	Monitoring and Reporting by Community and Local Authority	
September	Formation of LASDAP Technical Team	
September	Formation of LASDAP Technical Team Preparatory activities and Calculation of Resource Envelope	
October		Consultation Meetings
November	First Draft LASDAP Prepared	
November		Consensus Meeting
November	Council Approval of LASDAP	LASDAP Monitoring Group Formed
November	LATF Conditionality Submission	Feedback Meetings
April	Council Budget Approval	
May	Formation of Project Technical Teams	
June	Council Approval of Strategic Plan Revisions	
June	Minister's Budget Approval	LA Budget Day
July		Community Budget Day and Formation of Project Committees
July to June	Implementation of the Projects	
On-going	Evaluation of LASDAP Process and Projects	

APPENDIX 4: PUBLIC NOTICE

MUNICIPAL COUNCIL OF (Eastern)
Local Authority Service Delivery Action Plan (LASDAP)
Form 4.2 (8-B): Notification and Resource Envelope

PUBLIC NOTICE

In accordance with the Local Authority Transfer Fund Regulation, each Council is required to prepare a Local Authority Service Delivery Action Plan (LASDAP)
The Resources available for this LASDAP Financial Year are estimated as below:

LASDAP Resource Envelope Computation

471	MUNICIPAL COUNCIL OF (case 1)	0	0	0
		DD	MM	YEAR

Item	Local Authority Revenue	Amount (KShs)	(%) of total Revenue
1.	LATF Service Delivery allocation for the current FY	34,457,659	9
2.	LATF Performance Account Allocation for the current FY	18,521,155	5
3.	Estimated Revenue for the current FY	321,374,377	85
4.	Other Revenues from Central Government and donors (Specify)	5,937,766	2
A	Total Revenue	380,290,957	100
	Local Authority Expenditure	**Amount**	**(%) of total Expenditure**
5.	Estimated Cost of Salaries and wages in current FY	114,179,215	32
6.	Estimated Cost of Councilors allowances for the current FY	8,473,200	2
7.	Estimated Cost of Operation and Maintenance for the current FY	236,638,542	66
8.	Amount set aside for debt resolution	-	0
9.	Earmarked Capital Projects financed by Central Government and donor grants (Specify)	-	0
B	**Total Expenditure**	359,290,957	100
A-B	**LASDAP Resource Envelope**	21,000,000	61
C	Minimum 65% of Service delivery amount (Proof of Compliance)	22,397,478	65

A-B must therefore be equal or more than C
If you have views about what projects and activities should be included in this plan, or how these resources should be used in order to improve Service Delivery to citizens of this LA, Please submit them in writing by …….. (date)

Name and address of contact person, e.g Town Clerk/County clerk
Signed ……Date ……..

Town Clerk/County Clerk

PUBLIC NOTICE

All residents of the Municipality are hereby invited to attend LASDAP (Local Authority Service Delivery Action Plan) 2012/13 Consultative meetings to be held at the Ward from 17th October to 25th October as follows:

	Ward	Venue	Date	Time
1.	Ward A	X Nursery School	17/10/2011	10.00 am
2.	Ward B	Primary School	18/10/2011	10.00 am
3.	Ward C	Social Hall	19/10/2011	10.00 am
4.	Ward D	Railways Grounds	21/10/2011	10.00 am
5.	Ward E	North Market Sq	21/10/2011	2.00 pm
6.	Ward F	Sports Grounds	24/10/2011	10.00 am
7.	Ward G	Central Primary	25/10/2011	10.00 am

All are Welcome

……..……..

CITY TREASURER

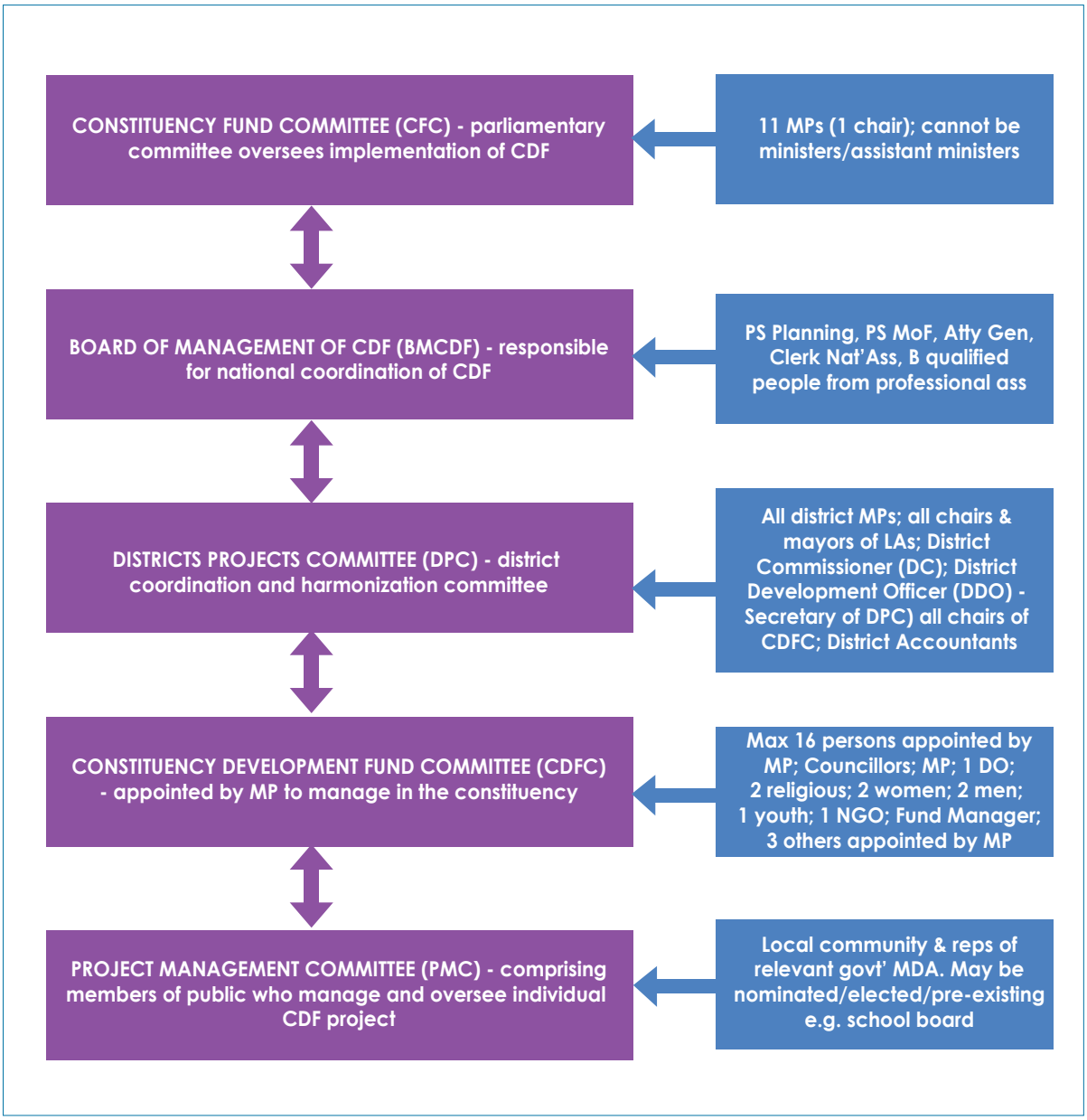
APPENDIX 5: LASDAP STATUS OF IMPLEMENTATION REPORT

LATF LOCAL AUTHORITY SERVICE DELIVERY ACTION PLAN (LASDAP) FORM 4.8: Status of LASDAP Implementation									
Project Type	Project ID No.	Name of Project & Location	Year Submitted	Total Budget Allocated	Approved Annual Budget	Expenditure to date	(%) Completion	% Physical completion	Remarks
900	1	Installation of street lights in X Ward	2010/11	2,242,857	2,242,857	2,109,600	94%	Completed	
405	2	Grading of road in Y Ward	2010/11	2,242,857	2,242,857	2,238,087	100%	Completed	

APPENDIX 6: EXAMPLE OF PROJECTS OF LASDAP FOR EASTERN LA

LATF – LOCAL AUTHORITY SERVICE DELIVERY ACTION PLAN (LASDAP) FORM 4.7 (8-3) SUMMARY OF SERVICE DELIVERY ACTIVITIES AND PROJECTS FY 2012/13									
	LOCAL AUTHORITY CASE 1						Date	Month	Year
SERVICE DELIVERY ACTIVITIES AND PROJECTS TO BE IMPLEMENTED DURING FISCAL YEAR 2012/13									
PROJECT IDENTIFICATION				Totals	21,000,000		21,000,000		21,000,000
Sn. No	PRIORITY	TYPE	ACTIVITY/ PROJECT TITLE	WARD LOCATION	TOTAL CAPITAL COST FOR THE YEAR	TOTAL RECURRENT COST FOR THE YEAR	TOTAL PROJECT COST FOR THE YEAR	DURATION	TOTAL COST 3 YEAR ESTIMATE (KSH)
1	1	111	Construction of 3 classrooms	A	3,000,000	0	3,000,000	1	3,000,000
2	1	999	Foot Bridge	B	3,000,000	0	3,000,000	1	3,000,000
3	1	999	Construction of 3 classrooms	C	3,000,000	0	3,000,000	1	3,000,000
4	1	999	Construction of Drifts	D	3,000,000	0	3,000,000	1	3,000,000
5	1	999	Cabbro Works	E	3,000,000	0	3,000,000	1	3,000,000
6	1	999	Murraming of Road	F	3,000,000	0	3,000,000	1	3,000,000
7	1	999	Construction of 3 Classrooms	G	3,000,000	0	3,000,000	1	3,000,000

APPENDIX 7: THE CDF STRUCTURE



Legislation also mandates other structures, including (i) **The Constituencies Fund Committee (CFC)**, which is a select committee of Parliament that oversees the implementation and review of the CDF Act; (ii) **The Board of Management of the CDF**, which is responsible for the overall management and coordination of the fund; (iii) **The Districts Project Committee,** which coordinates implementation of CDF projects in the district. Its membership is composed of MPs and all chairpersons and mayors in the district, the District Commissioner, the District Development Officer (DDO) who is the secretary to the committee, and the district accountant; and (iv) The Locational Development Committee, who identifies community needs is done under the coordination of the local chief and the CDFC.

APPENDIX 8: INTERVIEWEES

Interviewee	Organization
LASDAP Case 1	
Mayor	Municipal Council
Councillors	Municipal Council
Town Clerk	Municipal Council
Community Development Officer	Municipal Council
Treasurer	Municipal Council
Works Officer (Municipal Engineer)	Municipal Council
Enforcement officer, Chief internal Auditor, Environment officer, Deputy planner, public health officer,	Municipal Council
Chairman, CBO & Community Rep	Local CBO and Development Self Help Group
Market Committee	Municipal Market
8 Community Ward Representatives	LASDAP Project Committee
LASDAP Case 2	
Mayor and 2 Councillors	Municipal Council
Town Clerk	Municipal Council
Deputy Town Clerk	Municipal Council
Deputy Treasurer Social Development Officer	Muncipal Council
Works officer	Municipal Council
Chairman	Marine Association
Director	Coordinating NGO, Residents Forum
Coordinator	Residents Forum
Religious leader Community Representative	Local Ward Representative
Secretary	Southern Region Residents Forum
Chairman	Local Residents Association
2 Community Representatives	LASDAP Monitoring Committee
Community Resource Person	Residents Forum
Constituency Case Study 1	
Director	Local Implementing CBO
Policy and Advocacy officer, and Programme Officer, Governance; Programme coordinator	Partner and Funding NGO
District Development Officer	
District Works Officer	
District Commissioner	
Fund Manager	CDF
Treasurer	CDF

Interviewee	Organization
Area Chief	Provincial Administration
Head teacher	Girls Primary School
Social Auditors	Local Community
Education officers	District Education Office
Constituency Case Study Two	
MP	Patron, CDF
CDF Secretary	CDF
Fund Accounts Manager	CDF
District Officer 1	Provincial Administration
Project Management Committee (Chair and Members)	Local Health Dispensary
Project Management Committee (Chair, Secretary and Treasurer)	Administration Police Post, Chiefs camp,
Head Teacher	Primary School
District Works Officer	
Water Sector	
Head of communications	WASREB
Customer Care Representative, Northern region	Nairobi City Water & Sewerage Company
WAG Representative	Northern region Nairobi
WAG Representative Southern region Nairobi	WASREB
Secretary	Youth CBO, Northern region
Regional Manager	NCWSC, Southern Region, Nairobi
Customer Care Coordinator	NCWSC, southern region,
Nairobi	
Wag Representatives	Butere
Board Chairman	Western Water Company
Scheme Manager	Butere
Wag Representatives, Mumias	WASREB
Scheme Manager	Kakamega Busia Water Supply, Mumias
Former Customer care Manager	Western Water Company/LVNWSB
Director	Western Water Company
Customer Care Manager and Area Manager	Western Water Company
WAG Representatives	Kakamega
Corporate Affairs Manager	Lake Victoria North Water Services Board

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