



# MURANG'A COUNTY GOVERNMENT

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## KENOL MUNICIPALITY

### POLICY GUIDELINES FOR CONVENING AND CONDUCTING MUNICIPAL PUBLIC FORA

JULY 2022



## Foreword

Public Participation is one of the national values and principles of governance enshrined in the Constitution of Kenya, 2010. Article 10(2)(a) of the Constitution specifically states that the national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people normally referred as public participation.

Public participation is of great significance considering the primacy it has been given in the Constitution which is the supreme law of this country and in relevant statutes relating to government institutions that expends public funds to directly impact on the lives of the people. The Constitution in Article 10 which binds all state organs, state officers, public officers and all persons in the discharge of public functions, highlights public participation as one of the ideas and aspirations of our democratic nation.

The convening and conduct of public participation ought to be real and not illusory and ought not to be treated as a mere formality for the purposes of fulfilment of the Constitutional dictates. Though the forms of facilitating an appropriate degree of participation in the law making process are indeed capable of infinite variation, what is of significance is that at the end of the day a reasonable opportunity is offered to all stakeholders to have an adequate say. What amounts to a reasonable opportunity will depend on the circumstances of each case.

These guidelines intend to ensure that the public participation process in the identification and management of Municipal projects and programmes are done through methodologies and media that ensure fair participation of all residents of the Municipality.

Chairperson – Murang'a Municipal Board  
**KENOL MUNICIPALITY**

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## Acronyms

AG	Attorney General
C& DE	Civic and Development Education
CAF	County Assemblies Forum
CBEF	County Budget and Economic Forums
CBOs	Community Based Organizations
CDF	Constituency Development Fund
CEC	County Executive Committee
CG	County Government
CGA	County Governments Act
CIDP	County Integrated Development Plan
CSO	Civil Society Organizations
CUIDS	County Institutional Development Strategy
DFRD	District Focus for Rural Development
FBOs	Faith Based Organizations
IDeP	Integrated Development Plan
ISUDP	Integrated Strategic Urban Development Plan
KLGPR	Kenya Local Government Reform Program
LASDAP	Local Authorities Service Delivery Action plan
NSA	Non- State Actors
PLA	Participatory Learning Action
PWD	People with Disabilities
PWDs	Persons Living with Disabilities
SD	Sustainable Development

## CHAPTER 1: INTRODUCTION

### 1.1. Public Participation

Public Participation is one of the national values and principles of governance enshrined in the Constitution of Kenya, 2010. Article 10(2)(a) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people normally referred as public participation.

Public participation is of great significance considering the primacy it has been given in the Constitution which is the supreme law of this country and in relevant statutes relating to government institutions that expends public funds to directly impact on the lives of the people. The Constitution in Article 10 which binds all state organs, state officers, public officers and all persons in the discharge of public functions, underscores public participation as one of the hallmark ideas and aspirations of our democratic nation.

The Municipality commitment to the implementation of community engagement framework has been demonstrated through its zeal, albeit with drawbacks to convene public fora every financial quarter and whenever developing its policies. The development of the framework policy therefore, serves to plug the gaps and challenges thereof and establish structure not only for sourcing the community perspectives but also to undertake civic and development education to ensure active involvement of all stakeholders in the management of Municipal affairs.

### 1.2. Legal and Policy Context for Public Participation

#### **The Constitution of Kenya 2010**

The Constitution of Kenya 2010 provides for a strong constitutional and legal foundation for entrenchment of participatory governance. Article 10(2) and 232(1)(d) identifies public participation as a key value and principle of governance. The Constitution anticipates that people's needs must be responded to, and participation by the public in policy making and implementation must be provided. Article 232(2)

anticipates all state agencies to ensure and facilitate public participation in policy processes.

### **The County Government Act**

Article 91 of the County Government Act, 2012 provides for the establishment of modalities and platforms for citizen engagement. Part 91(e) on facilitation for the establishment of structure provides for establishment of citizen fora at County and decentralized units.

Articles 87, 104 (4) and 115 of the County Government Act, 2012 provides for promotion of public participation through incorporation of non-state actors in the planning processes by all authorities. In particular, Article 87 provides for the principles of citizen participation.

### **The Urban Areas and Cities Act, 2011**

The Urban Areas and Cities Act under Section 2(1) on participation by residents provide that an urban area shall develop a system of governance that encourages participation by residents in its affairs, and shall for that purpose create appropriate conditions for participation in—

- i. the preparation, implementation and review of the integrated development plan;
- ii. the establishment, implementation and review of its performance management system;
- iii. the monitoring and review of its performance, including the outcomes and impact of its performance;
- iv. the preparation of its budget; and
- v. making of strategic decisions relating to delivery of service;
- vi. contribute to building the capacity of—
  - a) the residents to enable them participate in the affairs of the urban area; and
  - b) members of the board and staff to foster community participation;
- vii. apply its resources, and allocate funds annually as may be appropriate for the implementation of paragraphs (a) and (b); and

- viii. establish appropriate mechanisms, processes and procedures for the receipt, processing and consideration of petitions and complaints lodged by residents; petitions and public comments procedures, when appropriate;
- ix. notification of public meetings and hearings organized by a
- x. board or town committee;
- xi. consultative sessions with locally recognized resident organizations; and
- xii. reporting to the residents.

### **The Public Finance Management Act, 2012**

Article 207 of the PFM Act provides for formulations of regulations for participatory governance. The regulations are envisaged to provide for:

- i. structures for participation;
- ii. mechanisms, processes and procedures for participation;
- iii. receipt, processing and consideration of petitions, and complaints lodged by members of the community;
- iv. notification and public comment procedures;
- v. public meetings and hearings;
- vi. special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups;
- vii. matters with regard to which community participation is encouraged;
- viii. the rights and duties of members of community; and
- ix. any other matter that enhances community participation.

### **1.3. Rationale for the Public Participation Framework**

The rationale of public participation is based on the constitutional foundation which places sovereign power on the people of Kenya. It is this power that has been delegated to state actors at the national and county levels. This sovereignty must be respected and institutionalized in all processes of governance. The benefits of public participation can be summarized as follows:

- a. **Strengthens democracy and governance:** By engaging in public participation, the public exercise their constitutional right and the decision-making process becomes

more representative. Openness to the public provides a platform in which they present their concerns. Insufficient public engagement limits the power of the people to participate in democratic governance.

- b. **Increases accountability:** Participation improves transparency and accountability. The public is able to critically engage in the social, political, cultural, economic, and environmental impacts of policies, laws and development plans. It gives the public a say in deciding how costs and benefits will impact different segments of society. Public participation also ensures that governments are held to account for their actions and are responsive to the interest of citizens. Participation also enhances public confidence and support of the decision-making processes.
- c. **Improves process quality and results in better decisions:** Public participation enables governments to understand and appreciate different opinions and concerns. Before policies are approved, they undergo a comprehensive review and revision thus ensuring that policies, laws and development plans are robust. Participation provides additional skills, knowledge, concerns, and ideas that might have been overlooked had the process been limited to government officials. Overall, this should result in a better decision and greater ownership by all stakeholders.
- d. **Manages social conflicts:** Public participation helps alleviate social conflicts, by taking care of the interests of different stakeholders and building consensus. Investment in public participation at an early stage minimizes the number and magnitude of social conflicts arising over the course of the implementation of policies, laws and development plans.
- e. **Enhances process legitimacy:** Without significant public participation, citizens may become suspicious and feel manipulated. This would undermine effective dialogue and create distrust. Public participation therefore legitimizes implementation processes.
- f. **Enhances Local Development:** Public Participation has great potential to facilitate

communities to drive the own development hence contribute to poverty reduction. It gives the local communities the opportunity to contribute towards identifying, planning and managing their development.



**Figure 1: Importance of Public Participation**

## 1.4. Guiding Principles

Article 87 of the County Government Act, 2012 provides for the principles of citizen participation that include:

- i. Timely access to information, data, documents, and other information Relevant or related to policy formulation and implementation;
- ii. Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- iii. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant Information;
- iv. Legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities;
- v. Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- vi. Promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and
- vii. Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.

## **2. CHAPTER TWO: SITUATION ANALYSIS**

### **2.1. Overview**

Necessary infrastructure support and efforts have been made in the past to improve Public participation in the management of public affairs. Notable public participation structures have been observed in the implementation of Local Authority Service Delivery Action Plans (LASDAPs), the District Focus for Rural Development (DFRD) and the Constituency Development Fund (CDF) that have all instituted robust mechanisms for engaging the public. Pre constitution of Kenya 2010, public participation was largely nominal, took after a top - bottom approach and was based on the goodwill of the government. The promulgation of the Constitution of Kenya 2010 changed this situation by vesting all sovereign power in the people of Kenya which has made public participation a mandatory provision.

### **2.2. National Context of Public Participation and Civic Education.**

The promulgation of the Constitution of Kenya, 2010 ushered a new era for citizen participation in Kenya by embedding public participation as a principle of governance which binds all state and public officials. Prior to this, development processes were largely centralized using top- down approach to planning with major decisions made from the capital city, Nairobi. The involvement of decentralized agencies including the provinces and districts was largely limited to transmitting to the public information and decisions already agreed upon. Such decisions were implemented through Local Authorities and Provincial Administration with minimal input and participation of the public.

### **2.3. County Context of Public Participation and Civic Education.**

Kenol Municipality is an agency of Murang'a County Government. The County is one of the 47 Counties in Kenya. The County is situated in central region has population of approximately 1.056 million people as per the KNBS census of 2019. The County has made significant efforts in the implementation of public participation and civic education. Among the key milestones include:

- i. Formulation and approval of County Public Participation policy

- ii. Designation of the department in charge of public participation responsible for enhancement of public participation and civic education
- iii. Institutionalization of public participation and undertaking public participation/civic education during formulation of county policies and plans
- iv. Allocation of budget vote to the public participation function
- v. Operationalization of County Budget and Economic Forum (CBEF) to enhance public participation in decision-making as pertains to the county's budget process
- vi.

#### 2.4. Challenges Facing Public Participation

Despite the enormous systems and structures put in place to facilitate public participation, the process has faced a number of challenges. The major challenges experienced during the course of practice, management and coordination of public participation and civic education include:

- i. **Inadequate resources for proper inclusion of special interest groups:** Important segments of society, especially the special interest groups, minorities and the marginalized have not been effectively included even on issues that affect them due to inadequacy of resources. Other factors that have contributed to this gap are generalized public participation without adequate stakeholder mapping and targeting, low awareness of public participation events and limited understanding by large sections of the populace on their rights and responsibilities due to inadequate civic education and the widespread assumption that the leaders understand concerns of the marginalized groups and therefore represents their needs.
- ii. **Citizen apathy due non-implementation of proposals:** Inadequate implementation of the citizens' priorities and feedback to them on the decisions taken on their proposals have discouraged many people from engaging in public participation processes. The result has been the onset of the perception amongst the citizenry that their involvement in such events is not helpful to their situations. This has led to negative perceptions about public participation and the emergence of demand for payment and reimbursement for their attendance.

- iii. **Lack of awareness by the Municipal residents:** Majority of citizens lack adequate awareness of their rights and responsibilities and the few, who do, lack the requisite understanding, knowledge or skills for processing the issues at stake. These deficits require civic education that has largely been inadequate.
- iv. **General Inadequate Funding:** Inadequate funding for public participation and other financial and budgetary constraints have reduced the frequency and quality of participation. Funding levels also determine the availability of materials, documents and support for logistics for participation.
- v. **Compliance only attitude:** Despite Constitutional and legal requirements for public participation, a number of duty bearers have a “compliance only” attitude and a “minimalist approach”, where efforts are only put to ensure compliance with the law without effectively advancing public participation. Furthermore, participation seems to take place either at the beginning or the tail end of development processes without continuity.

### **3. CHAPTER THREE: POLICY MODEL**

#### **3.1. Overview**

The purpose of the policy is to provide a framework that guide the municipality in their engagements with the public on development and governance issues. The policy is based on the need to achieve the constitutional directive on public participation and is driven by the acknowledgment that Murang'a is a model municipality premised on the slogan of 'for the people, by the people and with the people'.

#### **3.2. Scope of the Public Participation Policy Framework**

- i. The policy framework applies to the full range of municipality functions that range from formulation of policies, programmes, and projects to implementation and feedback mechanism.
- ii. The policy provides for the manner in which the municipality interacts with its residents in the context of public participation including working towards their civic empowerment;
- iii. The policy is concerned with deliberative democracy, and supports a culture of open debate and dialogue on issues of concern based on the experiences of the residents of the municipality;

#### **3.3. Guiding Values and Principles**

The policy promotes the following values and principles:

- i. **Dignity:** the inherent dignity and worth of all individuals as provided for under the Constitution of Kenya.
- ii. **Empowerment:** People are agents of their own development and should be empowered and supported to realize their potential.
- iii. **Democratic citizenship:** Citizens are the owners of development and democratization processes, which should enlarge their freedom, dignity and prosperity.
- iv. **Sovereignty of the people.**
- v. **Equity and equality for all.**

- vi. Right of every individual, group, community and organization to be involved in the decision-making processes of government.
- vii. Inclusion of minorities and the marginalized groups, including women, youth, elderly, PWDs and children.
- viii. National Values under Article 10, the Bill of Rights and the principles of leadership and integrity.
- ix. Provision of adequate funding for public participation.
- x. Adequate monitoring, evaluation, learning and feedback mechanisms for public participation, civic education and capacity building.
- xi. Adherence to the principal ‘agency’ relationship with the county
- xii. Access to remedial measures in cases of dispute, community petitions and feedback.

### **3.4. Strategic Statements**

#### **3.4.1. Policy Goal**

The goal of the policy is to provide a framework that guide the Municipality in their engagements with the public on development and governance issues.

#### **3.4.2. Policy Objectives**

This policy has the following specific objectives, which the Municipality will implement:

- i. Provide a framework for coordination and management of quarterly municipal fora
- ii. Ensure residents continually access timely information in a language and format that is easy to understand;
- iii. Institutionalize private sector engagement and collaboration with civic society organizations working within the municipality;
- iv. Promote effective participation of minorities and marginalized groups;
- v. Guarantee adequate, secure and sustainable funding for public participation;
- vi. Promote well-resourced, updated and effectively implemented monitoring, evaluation and learning systems for effective public participation;

- vii. Promote responsive, functional and timely feedback and reporting mechanisms in order to build confidence in public participation process and;
- viii. Promote effective grievance redress mechanisms on public participation processes

### **3.5. Strategic Policy Objectives and Actions:**

#### **3.5.1. Access to Information**

The right to access information is crucial to public participation and to the well-functioning of a democracy. It is a right under the Constitution (Article 35 (1)), which is operationalized through the Access to Information Act, 2016. The Constitution guarantees citizens access to information held by the state and relevant private entities. Other legislation also provides for access to information which is vital for the achievement of meaningful and effective public participation. Access to information enables citizens to hold the duty bearers to account. Governments have obligation to disclose information to the people through appropriate media and format, in particular areas with high illiteracy levels.

#### **A. Policy Concern:**

The constitution guarantees access to information held by the state. However, citizens often experience challenges accessing such information. In most cases, information held by the state is not published or publicized. Furthermore, even when the law requires that information be made public, quite often that is not done in time using appropriate media. In cases where documents are available, they are sometimes bulky or in a technical language which citizens cannot understand or in places where they cannot be easily accessed when needed. Newspaper adverts have been the commonly used medium for announcing public participation events even in areas with low literacy levels and low newspaper circulation and access.

The constitutional mechanisms for public participation have not been fully open to the public. Most population of the County do not access county information, reports, plans and policies. It is the responsibility of the county government to comply with Section 6 of the Access to Information Act, 2016.

## **B. Strategic Statements**

The Municipality will ensure citizens access timely information on public issues including decisions, plans, policies, budgets and reports in a language and format that is easy to understand both in a digital and library form at the grassroots of the County. the Municipality shall:

- i. Ensure timely publication and dissemination of all information needed by the citizens in a language(s) and media that are appropriate, including both digital and hard copy provisions in official and local languages, braille and visual formats.
- ii. Establish a user-friendly system for information dissemination.
- iii. Establish public participation billboard/pictorial participation mechanisms.
- iv. Ensure any limitation on access to information is in conformity with the Constitution and other laws related to access to information.
- v. Ensure a collaborative approach to information sharing.
- vi. Ensure that records are accurate and authentic.

### **3.5.2. Civic Education**

The Urban Areas and Cities Act under section 2(1) provides for conduct of civic education in line with the principles of devolved governance as provided for under the Constitution. Section 101 of the county government act also provides for County legislation to provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes. Civic education is therefore an important prerequisite for effective public participation by the citizens. Civic education informs the public, creates awareness and empowers them to make informed decisions. It ensures that a critical mass of citizens, are endowed with knowledge and skills that embody the values, norms and behaviour that accord with the principles of democracy.

## **A. Policy Concern**

While civic education is acknowledged as a powerful tool for engagement of citizens in development, multiplicity of actors and different coordination mechanisms have made it challenging to implement. The Non-State Actors have been the major providers of civic education but their programmes have not been sustainable due to challenges of funding. Coverage of the minorities and the marginalized groups is also limited and there are no special measures dedicated to reach out to these groups in the delivery of civic education. More so, Civic Education has construed to mean waking up citizens against the establishment hence met with resistance.

## **B. Policy Statement**

The Municipality will provide the framework for coordination and strengthening of the Resident Associations, Civil Society Organizations, Community Based Organizations and Non-State Actors for effective civic engagement practice and participatory development in general.

The Municipality shall:

- i. Formulate private sector/NSA/CSO/FBO/CBO engagement framework for synergy, Capacity strengthening and enabling environment for engagement.
- ii. Establish citizen education mechanisms for the minorities and marginalized groups in line with the Constitution and other related laws.
- iii. Develop and popularize Charters, specifying how, and when to participate, and the available opportunities for participation.
- iv. Allocate adequate funds for civic education.
- v. Ensure civic education programs promotes a participatory culture driven by integrity, national values and principles of good governance.

### **3.5.3. Capacity Building**

Capacity building for public participation is important to all actors engaged in development, including government agencies, resident associations, community-based organizations, faith-based organizations and other Non-State Actors, who need the relevant skills and experience to manage and coordinate public participation effectively. The actors require skills on planning for public participation; management of the actual engagement processes which include stakeholders' identification and mobilization, facilitating and documenting public participation, analysis, communication, and monitoring and evaluation; and preparation of public participation reports. Capacity building at different levels equally endows NSAs and citizens with relevant skills for participating in development processes. For citizens, it further removes the fear of intimidation and encourages them to hold service providers and leaders to account. Capacity building is also important for ensuring uniformity in the management of citizen engagement processes as well as the standardization of approach and tools for engagement in public participation.

#### **A. Policy Concern**

Capacity building for public participation has been affected by inadequate funding which has hampered ability of the municipality to effectively plan for, manage and coordinate the function. There have also been very little contribution from the development partners. Therefore, the public agencies and NSAs engaged in capacity building need comprehensive capacities, skills, knowledge and experience to meaningfully engage citizens on development issues.

#### **Policy Statements**

The municipality will undertake coordinated and integrated capacity building towards empowering responsible citizens, community-based organizations, faith-based organizations, public institutions and NSAs for effective participatory development.

The Municipality shall:

- i. Develop a community capacity building framework
- ii. Build capacities for community institutions, people, and NSAs on matters of public participation and participatory development in general.
- iii. Engage adequate human resources with appropriate skills and competencies to manage public participation functions.
- iv. Develop the handbook for participatory development for improved performance, scheme of service and continuous capacity building
- v. Allocate adequate budget for capacity building of all actors involved in public participation.
- vi. Collaborate in capacity building on public participation.
- vii. Establish and strengthen coordination mechanisms in capacity building on public participation.
- viii. Embed monitoring, evaluation and learning mechanisms in public participation processes as part of capacity building.

#### **3.5.4. Participation in Policy Development, Planning, Budgeting, Design of Investments and Management for Sustainability**

The realization of responsive and people driven development requires effective public participation in all stages of project cycle. Active involvement of the citizens often legitimizes identification with development programmes and projects and ownership of the implemented interventions.

##### **A. Policy Concern**

Communities are insufficiently prepared to participate in planning meetings. The voice of citizens in various planning forums would be more effective if the citizens were organized in groups to present their priorities collectively. The constitutional promise of citizen engagement in public planning and budgeting is yet to be fully realized due to diverse challenges that include gaps in planning for citizen engagements, inadequate notification, inadequate financing of the processes, and minimal coordination and

collaboration among other government agencies and with stakeholders. These challenges have therefore affected the realization of participatory development processes as anticipated in the Kenyan constitution and relevant laws.

## **B. Policy Statements**

To promote effective participatory Policy Development, planning and budgeting, the municipality shall:

- i. Convene quarterly public participation fora during which continuous community-based planning, project identification, proposal development and prioritization activities and initiatives will be undertaken.
- ii. Integrate all action plans in municipal development plans and budgeting processes.
- iii. Adopt and implement effective stakeholder identification, database development analysis and engagement.
- iv. Prescribe for adequate notification of public participation, and provision of timely and accurate information in accessible formats.
- v. Integrate national and international environmental and social protection standards in public participation during planning, budgeting and implementation processes.
- vi. Establish or strengthen collaboration with development partners and Non-State Actors for effective participatory development.

### **3.5.5. Inclusion of Minorities and Marginalized Groups**

The Constitution recognizes the need to build an inclusive and equitable society. It provides for the participation of minorities and marginalized groups in Articles 53, 54, 55, 56, 57 and 100. This group include women, children, PWD, youth, People living with HIV/AIDs, the elderly, ethnic, other minorities, special interest groups, vulnerable groups and marginalized communities.

## **A. Policy Concern**

Lack of a relevant and functional mechanisms for engagement of the minorities and marginalized groups in the development and democratic processes has led to inadequate representation of their views and needs. Although the Constitution require inclusive participation and development, implementation of mechanisms for ensuring their participation and leveraging their contribution has been slow. Often, they are incapacitated and not able on their own to effectively participate in development processes and demand for inclusion in participation and provision of services and infrastructure. Women's participation has been affected by gender-based barriers originating from attitude, customs, and traditions. Children are often ignored as having no contribution to make due to their level of maturity status even in policies that affect them. PWDs and minority groups, religious and political groups have special needs and can make substantive contribution to development processes but they are rarely facilitated to participate in these processes. The CSOs cannot be ignored for their potential in information dissemination, community mobilization and development activities at the grassroots level.

## **B. Policy Statements**

To promote effective participation of minorities and marginalized groups at all levels, the Municipality shall:

- i. Undertake stakeholder mapping to identify the minorities and marginalized groups for effective participation and engagement;
- ii. Provide guidelines for meaningful participation of minorities and Marginalized Groups including youth participation, women participation, PWD Participation and child participation guidelines among other emerging minorities
- iii. Provide a framework for collaboration with Civil Society organizations for effective participatory development

- iv. Carry out a comprehensive and continuous stakeholder analysis considering the influence and importance so as to decide the levels of participation for each stakeholder to control, partner with, consult or inform accordingly.
- v. Ensure public participation processes have plans for engagement of the minorities and marginalized groups, including provisions for appropriate hours, and venue for meetings;
- vi. Ensure children participation frameworks are set up and operational
- vii. Tailor communication to meet the needs of minorities and marginalized groups
- viii. Provide disability friendly infrastructure for PWDs during public participation processes, and
- ix. Provide adequate budgetary resources for the engagement of minorities and marginalized groups.

### **3.5.6. Funding**

The realization of public participation in governance processes needs adequate budgetary allocation to finance the necessary infrastructure, public participation planning and activities such as actual engagements, monitoring and evaluation, community outreach, capacity building and civic education, feedback and coordination mechanisms. These activities require resources which should be allocated and protected. It is therefore important that the municipality plans for and adequately budget for public participation and civic education.

#### **A. Policy Concern**

Funding for public participation by the government has often been inadequate, unpredictable and unreliable. This shortfall has affected effective planning for and engagement of the citizens and stakeholders in the county's governance. While the development partners and NSAs have often filled the funding gaps, their contribution

has been inadequate, unpredictable and a last resort since they are largely project driven and short term. The funding gap has therefore affected public participation processes and activities which require regular and reliable funding for advertising, civic education, logistics, printing, duplicating materials and information dissemination.

## **B. Policy Statement**

The Municipality will guarantee adequate, secure and sustainable funding for public participation, civic education and community-based action strategies

The Municipality shall:

- i. Provide guidelines on funding for public participation to ensure adequate and timely budgetary allocation
- ii. Collaborate with other development stakeholders and development partners to enhance external resource mobilization towards meeting the public participation objective
- iii. Establish alternative resource mobilization strategies towards strengthening civic education with non-state actors and civil society collaborative activities
- iv. Provide mechanisms for collaboration with development partners and NSAs to facilitate sourcing of adequate resource mobilization for public participation and civic education;

### **3.5.5. Monitoring, Evaluation and Learning (MEL) systems for Public Participation and Civic Education**

Monitoring Evaluation and Learning (MEL) is an important component of project cycle and continual implementation of outputs and activities of Public participation. MEL objectively tracks implementation of outputs and activities of Public participation and civic education. It measures the effectiveness of projects and programmes. MEL information assist both duty bearers and citizens to assess outcomes and counter-check whether outcome is in line with the expected outputs, and to learn and recast participatory development processes as necessary. This is the basis for the Public Participation Report.

## **A. Policy Concern**

Public participation indicators have not been well defined and integrated into a MEL framework, and the few MEL outputs are not well published and disseminated for public consumption and improvement of development processes. These factors are further intensified by inadequate capacity, especially at county level to effectively carry out MEL functions. The gap undermines citizen confidence in governance processes, since people are likely to have confidence in development processes and outcomes when they receive feedback on their inputs and experience change to their livelihoods in a transparent manner.

## **B. Policy Statements**

To promote well-resourced updated and effectively implemented monitoring, evaluation and learning systems for public participation and civic education, the Municipality in collaboration with other stakeholders will:

- i. Put in place MEL systems for public participation and civic education with clear indicators linking the annual development circular(budget circular) with the annual public participation plan and annual public participation report
- ii. Integrate public participation within every MEL program in the Municipality;
- iii. Publish and disseminate annual public participation reports with indicators met, lessons learned and challenges
- iv. Establish structured communication and feedback mechanisms to ensure that MEL initiatives are disseminated; and
- v. Strengthen community-based monitoring and evaluation Framework

### **3.5.6. Feedback and Reporting Mechanisms**

An efficient feedback and reporting mechanism is a pre-requisite for transparent and accountable interaction and dialogue between the government and citizens on

development matters. Regular feedback and reporting enable the citizens to appreciate the value of their participation through enhanced access to information on how the views they give are considered and progress in implementation of development programmes. The existence of functional feedback and reporting mechanisms enhances the citizens' confidence in government and encourages public participation.

#### **A. Policy Concern**

Inadequate feedback and reporting mechanisms have discouraged public participation and, in some instances, contributed to apathy among citizens. This has been intensified by the low levels of citizen awareness, and the negative attitude among the citizens that feedback and reporting mechanisms have not been very effective. Consequently, a large proportion of the citizens consider public participation as processes merely meant to satisfy the constitutional threshold for the benefit of the government with no value to their lives and therefore demand for payment for attending such events.

#### **B. Policy Statements**

##### **Policy Objective**

To formulate open government plans to promote responsive, functional and timely feedback and reporting mechanisms for public participation, the Municipality will:

- i. Establish mechanisms for timely feedback and reporting on public participation at all levels;
- ii. Review, formulate and implement plans on feedback on public participation;
- iii. Ensure innovation and ICT Integrated mechanisms for community feedback, analysis sharing and incorporation into development processes.
- iv. Ensure reports provide justification for decisions made.

### **3.5.7. Complaints and Redress Mechanisms**

A functional complaints and redress mechanism is important in ensuring effective public participation. The citizens of Kenya have a Constitutional and legal right to petition the government on any matter under the law.

#### **A. Policy Concern**

The complaints redress mechanisms does not effectively engage the communities throughout the processes. Where it exists, the primary focus is compliance rather than improvement of service delivery. These deficits have undermined the institutional and utilization of other available mechanisms besides the courts to redress of complaints.

#### **B. Policy Standards**

To promote effective handling of community complaints, the Municipality will collaborate with other stakeholders to:

- (i) Establish and strengthen complaints and redress mechanisms and procedures that are simple, available, publicized and understandable by users;
- (ii) Promote alternative dispute resolution mechanisms;
- (iii) Establish complaints and redress desk
- (iv) Keep in place documentation system to track the flow and redress of complaint; and
- (v) Sensitize citizens on complaints and redress mechanisms.

## **4. INSTITUTIONAL FRAMEWORK FOR POLICY IMPLEMENTATION**

### **4.1. Overview**

The implementation of the policy guidelines will be guided by the provisions of the Constitution of Kenya 2010, the County Government Act, 2012, the Urban Areas and Cities Act, 2011 and the Public Finance Management Act, 2012. Accordingly, public participation and civic education shall be undertaken in a consultative, cooperative and coordinated manner whilst appreciating the role of the county and national governments as stipulated in law. The guidelines and action plans will be reviewed regularly to address any emerging issues.

### **4.2. Framework for Participation**

The public participation model provided by these policy guidelines aims at enabling residents to be equal partners in development through delegated power and citizen control, in accordance to the various laws of Kenya. This model will enable:

- a) Partnerships: the residents to influence, direct, control and own developmental objectives through in person participation in municipal fora, or through written memoranda, or through any other mode of communication provided in these policy guidelines.
- b) Delegated power: Proposals for projects/programmes to be implemented to be given by residents through municipal fora.
- c) Citizen control: Residents to take initiative to form residents associations for formal interact with the municipality, Resident Associations to influence or direct decision-making processes and community-based planning

#### **4.2.1. Social Services and Partnerships Directorate**

The Social Services and Partnerships Section of the Municipality shall be in charge of public participation and civic and responsible for:

- i. Execution and management of the day to day running of public participation and civic education

- ii. Facilitating technical capacity building and support to resident associations, civil society, community-based organizations and non-state actors on public participation processes, tools and methodologies
- iii. Maintaining a data bank of the issues affecting residents, their priorities, proposals and aspirations for socio-economic transformation
- iv. Developing and executing appropriate civic education programs in the Municipality
- v. Formulation of Education and Information materials (EIAs).
- vi. Strengthening the municipal civil society movement
- vii. Coordination of other sections, departments, county and national government stakeholders
- viii. Establishment of residents' institutional infrastructures for effective modeling of participatory development and capacity building programs including integrated community resource and learning centers.
- ix. Facilitation of Community Action Planning and Implementation
- x. Ensure linkages between resident Action Plans to mainstream planning, budgeting and implementation processes
- xi. Facilitation of social accountability and Community based monitoring systems
- xii. Facilitation of community feedback and grievance redress mechanism
- xiv. Enhance Non-State Actors/ FBOs and CBOs engagement
- xvii. Preparation of annual calendar of public participation

#### **4.2.2. Participatory Development Officers**

Participatory development officers will be under the guidance of the Municipal Administrator and perform the roles of animating, modeling and guiding public participation and civic education in the field for effective development in the municipality. They enrich the participatory development process through the following roles and responsibilities:

- i. Facilitation of Public Participation, Civic & Development education, participatory development review and project management forums.

- ii. Continuous consolidation and profiling of development needs, issues and considerations to inform the village, cluster, sub ward and ward development planning and participation
- iii. Formulation and further development of community needs and wish lists into strategic interventions, project proposals and programs including facilitating participatory planning and budgeting
- v. Modelling participatory development appraisals and research methods for effective decision making.
- vii. Non-state Actor/CSO/FBO engagement.
- viii. Civic education and development education programs.
- ix. Facilitating community-based planning and implementation as well as linking the plans to Mainstream plans (County, National and Non-state actors Plans)
- x. Helping residents to identify poverty alleviation opportunities, working with different stakeholders and championing the exercise of their sovereignty to overcome historical justice, poverty and under development
- xi. Championing sustainable local development (SLED) initiatives and localization of the sustainable development goals
- xii. Assisting communities to mobilize and manage resources to support their priorities

#### **4.2.3. Municipal Board**

The Municipal Board enriches the participatory development process through the following roles and responsibilities;

- i. Overall coordination, management and supervision of the general administrative functions in the municipality including—the development of policies and plans; service delivery; developmental activities to empower the community; the provision and maintenance of infrastructure and facilities of public services; exercise any functions and powers delegated by the County Government; and coordination of citizen participation in the development of policies and plans and delivery of services.

- ii. Articulate implementation of Articles 10 (on national values and principles of governance) and 232 (on values and principles of public service) of the Constitution to the residents
- iii. Facilitating relations with the county government and other agencies.
- iv. Overseeing safe custody of municipal assets
- v. Coordinating and liaising with other county departments
- vi. Enhancing administrative capacity for effective functions and governance
- vii. Monitoring, Evaluation and Reporting of municipal programmes

#### **4.2.4. County Departments and Technical Sectors Working Groups**

County Departments and Technical Sectors Working Groups (SWGs) enriches the participatory development process through the following roles and responsibilities;

- i. Provide technical inputs towards quality decision making
- ii. Designing the project bills of quantities, designs and work plans and interpreting them to communities
- iii. Design the people’s wishes and proposals into transformational programs in program-based budgeting
- iv. Ensure that projects meet specifications in terms of quality, time and cost;
- v. Delivering services and goods for the residents
- vi. Provide technical inputs towards quality decisions informing county development

### **4.3. Role of Stakeholders**

<b>Stakeholder</b>	<b>Role</b>
Municipal Board	<ul style="list-style-type: none"> <li>• Provide direction, guidance and leadership;</li> <li>• Overall coordination, driving strategic planning and partnerships and linking stakeholders;</li> <li>• Protecting and enabling the environment for public participation.</li> <li>• Maintaining long term relationships with civil society to ensure sustained engagement and delivery on civic education strategies and priorities;</li> <li>• Support to stakeholders, capacity and skill development and ensuring county departments and entities are able to implement the policy;</li> <li>• Ensuring transparency and accountability;</li> </ul>

Stakeholder	Role
	<ul style="list-style-type: none"> <li>Enabling the building of technical and financial capacities of CSOs (not direct implementer).</li> </ul>
Directorate in Charge of Public Participation	<ul style="list-style-type: none"> <li>It is the entity that shall be in charge of all matters pertaining to public participation at county level.</li> <li>The Directorate shall inter alia, prepare guidelines on public participation indicating how engagements with the public is to be undertaken.</li> <li>It shall also prepare the Citizen Participation Charters.</li> <li>Prepare an annual public participation that feeds into the Annual Public Participation Report, which shall detail public participation as undertaken, the challenges experience and how the views of the citizens were integrated into plans and implemented.</li> </ul>
County Assembly	<ul style="list-style-type: none"> <li>Oversight and holding the municipality to account for policy implementation;</li> <li>Conveying citizen needs, aspirations and concerns with respect to civic education.</li> </ul>
Municipal Residents	<ul style="list-style-type: none"> <li>Municipal residents are the main pillars of the policy and have to be actively involved in the implementation of this policy including being actively engaged in monitoring, evaluation and learning.</li> <li>They have a duty to attend public participation meetings and to contribute effectively. Being the overall consumers of public participation, citizens are expected to exercise their sovereignty by holding duty bearers and all other agencies to account.</li> <li>Proactively engage with county institutions and also convey their critical needs, concerns and opinions;</li> </ul> <p>Actively contribute to program design for civic education and its implementation;</p>
Civil Society	<ul style="list-style-type: none"> <li>Based on consultation with residents and CBOs, cooperate on civic education policy design and implementation;</li> <li>Contribute to set the policy discourse, and ensure a response to priority issues emerging from citizen consultation;</li> <li>Provide specific sectoral expertise;</li> <li>Enable/empower, support, train and partner with resident associations, CBOs, grass roots organizations and other groups to actively engage in issues affect them;</li> <li>Ensure the participation of the marginalized communities in the civic education program;</li> <li>Mediate and facilitate community dialogue;</li> <li>Support participatory monitoring and budgeting;</li> <li>Act as check and balance, informed constructive critic, watchdog and scrutiny</li> <li>Channel and convey the needs of young people in regard to issues afflicting them into structures set up by the policy;</li> </ul>

Stakeholder	Role
	<ul style="list-style-type: none"> <li>• Gender mainstreaming of the policy and its implementation and evaluation, including structures for women’s grass roots participation</li> </ul>
Sectoral Experts	<ul style="list-style-type: none"> <li>• Conduct monitoring and evaluation, validation of civic education methods and their results and provide relevant M&amp;E expertise to the municipality;</li> <li>• Design planning and support of civic education exercises.</li> </ul>
Media	<ul style="list-style-type: none"> <li>• Publicization of the public fora</li> <li>• Support the cultural and attitudinal shift required for constructive engagement and participatory processes around civic education;</li> <li>• Convey citizen views and concerns to decision makers and convey positions and responses to public;</li> <li>• Cover relevant deliberative processes appropriately;</li> </ul>
Development Partners	<ul style="list-style-type: none"> <li>• Technical support and advice;</li> <li>• Identify, collate and facilitate inculcation of national and international best practices;</li> <li>• Linking to key stakeholders with relevant expertise nationally and internationally;</li> <li>• Support the building of the technical and financial capacities</li> </ul>
Business and private sector	<ul style="list-style-type: none"> <li>• Support technological innovations that promote civic education;</li> <li>• Fund civil society led initiatives.</li> <li>• Support the building of the financial capacities</li> </ul>

#### 4.4. Financing

Successful implementation of this Policy is dependent on the availability of sufficient financial, human and infrastructural resources. In order to effectively carry out the public consultative fora, the municipality commits to fully implement the provisions of the Constitution, relevant laws and the policy. The municipality shall integrate budgetary processes and resources towards the implementation of this Policy.

## CHAPTER 5: MONITORING AND EVALUATION

### 4.5. Overview

The key to success of any plan is timely feedback and institution of requisite changes as proposed. Further, the ownership of the process and the results enhance people interest and enthusiasm in continued participation. In implementing the plan, the institutional arrangement will factor in a number of issues: the integration of ‘demand’ for information with ‘supply’; strong commitment from the upper echelons of the administration together with a strong sense of ‘inclusiveness’ at the level of different departments and sections of the municipality. The realization of the objectives of this policy will require consistent monitoring, evaluation and learning that will help the Board to;

- Quantify achievements gained in civic education and citizen awareness leading to a more informed citizenry during civic education and development process;
- Identify critical success factors and both international and national best practices for civic education; and public participation
- Enhance and support access to information of the citizenry to government procedures and operations;

Therefore, there is need to entrench the application of this policy through engagement and collaboration with stakeholders in implementation strategies as well as creating awareness around the document.

Some of the critical activities that shall define the implementation phase include;

- i. Development of an Implementation Plan that outlines the respective roles and activities to be undertaken by county entities and other stakeholders.
- iii. Engage civil society;
- iv. Develop educational materials for both public officials and the general public;
- v. Develop a broad training strategy for civic education in the public service.
- vi. Develop a communication strategy to sensitize civil servants of the value of the Law, and increase public awareness and understanding of the civic education law and their rights under it.

Finally, for effective implementation, the municipality will strengthen the Monitoring and Evaluation Framework as outlined in the County Integrated Monitoring and Evaluation System (CIMES) and include Public Participation indicators. The M&E planning accountability will entail an effort to meet the diverse information interests and expectations of all those who have a stake. The evaluation will be a human centered assessment of the extent of citizens' participation and the effect of the programme on improving the citizens' livelihoods.

#### **4.6. Review of the Policy**

The Policy on Public Participation and Civic Education will be reviewed every two years. This will enable learning that would trigger improvement in policy development.