COUNTY GOVERNMENT OF ELGEYO MARAKWET

PUBLIC PARTICIPATION POLICY GUIDELINES

2017

DRAFT

Foreword

Citizen dynamics in governance is largely a new area in Kenya following devolution of services that occurred in 2013. Previously citizen dynamics and engagement in governance matters was largely unstructured and was not expressly provided for in the previous constitution and legal frameworks that existed at the time. It is important to underscore that direct engagement of the citizens in all matters that concern them is critical and a good governance practice.

This policy holds that citizen dynamics and equilibrium governance is essentially about offering citizens unconditional opportunity and space to engage, contribute and influence governance matters and decisions on all matters that concern them. This phenomenon is commonly referred to as public participation.

This policy intends to put the public participation process into context through development of public participation and citizen engagement guidelines required under national and county laws. It will mainly focus on restructuring the public participation processes in the County Government of ElgeyoMarakwet.

Paul Chemuttut
County Secretary,
ELGEYO MARAKWET COUNTY

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Acronyms

CBOs	Community Based Organisations
CSOs	Civil society organisations
TWG	Technical Working Group

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CHAPTER 1: INTRODUCTION

1.1 Background

In 2013, after County Governments came into force, the Central Government required counties pass legislation for public participation in order to release devolved funds, this led to countiespassing the Public Participation Act which was flawed and could not be implemented for the past 5 years. This was further compounded by the absence of a Public Participation Policy at county level to guide the law. ElgeyoMarakwet County, one of the 47 devolved units under Kenya's devolved system of governance, has made immense progress to actualize the devolution dream through conduct of public participation in the budgeting process at major stages in the budget making cycle. In general, there is considerable satisfaction with the current approach, however, the county considers a few gaps in its own participatory approach:

- Foremost, the county's participatory approach is not representative of both segments of the society as well as regions. In terms of segments, the participatory approach does not facilitate participation of women, People Living with Disability (PLWDs) among such other special interest groups while in terms of regions, majority of the participants in all forums organized, are citizens residing within a distance of the forum venue – which depicts inaccessibility to forums for majority.
- Secondly, while it is clear that the forums should be representative, there is need to ensure meaningful dialogue between the government and the citizens. This means, while the participatory approach should be representative, it should facilitate smooth and meaningful deliberation to achieve quality citizen input in decision making.
- Thirdly, in order to help both citizens and policymakers achieve more of what they want from citizen engagement, participation of people should have access to information in timely fashion, and in a manner, that is accessible and easily understood.
- Lastly, to avoid fatigue, the participatory approach should ensure that the conduct of participation is coordinated across administrative units. Therefore, the conduct of participation should be harmonized across administrative units and sequenced, with clear outline on the roles played at each of the decision-making process.

1.2 Legal and Policy context

The policy guidelines seek to address challenges in the conduct of public participation within the context of the constitutional and legal provisions that make public participation mandatory. The guideline is developed in the context of the national model guidelines developed by the Ministry of Devolution and Planning (MoDP) are is geared towards strengthening the ElgeyoMarakwet County Public Participation Act 2014 or its alternative. It is also intended to strengthen provisions of public participation under the Equitable Development Act 2015. The guidelines are further applied in relation to the relevant laws, regulations and guidelines including but not limited to the following: Constitution of Kenya; County Government Act 2012; Public Finance Management Act 2012; Public Finance Management Regulations 2014.

1.2.1 Global Commitments

In 2016, the County Government applied and was successfully selected to participate in the Open Government Partnership (OGP). Among its four commitments was public participation under commitment one (1) with clear intention to address the identified issues above through development of public participation framework to provide guidelines.

1.2.2 Constitution of Kenya and other Acts of Parliament

Article 10 of the Constitution of Kenya 2010 provides for National Values and principles which amongst others promotes the full participation of the people in the management of public affairs. Further to that, further **Article 91** of the County Government Act obligates the county government to establish platforms and modalities for citizen participation.

1.3 Rationale for the policy

The constitution in various chapters and clauses require that public participation be undertaken at all levels of government before government officials and body make official decisions. However, it is important to point out that public participation is essentially a new process in Kenya today. It is a complex and not so well understood concept and process. The process is often unstructured and undertaken in a tokenism way. On the other hand, there is little capacity building on the citizens to enable them to engage in the process from an informed, structured and meaningful way. Currently participation of citizens in decisions affecting them is highly limited.

1.4 Guiding Principles

- Adequate consideration and response to proposals submitted by the citizens
- Citizens are guaranteed, individual and collectively, equal rights, conditions, and opportunities to participate and have an influence on decisions adopted
- Different cultural identities are valued, respected and recognized for the construction of equality in diversity
- Information generated or owned by the Public Participation Forums shall be made public and shall be freely accessible to the public
- Participation must promote development of relations for mutual cooperation and assistance amongst county residents and institutions

1.5 The Policy Development Process

The preparation of this policy adhered to the contemporary planning process. This started with the adoption of guidelines issued by the Ministry of devolution on the preparation of public participation guidelines. Secondly, the county established a Technical Working Group (TWG) with specific terms of reference drawn from various departments and the civil society organizations tasked to prepare draft guidelines and their respective responsibilities.

The TWG a reviewed the parent act in reference to the constitution and the county government act to take stock of the achievements, challenges and lessons learned from the public participation exercises carried out so far. The review also informed the TWG on the areas of focus in the preparation of the first working draft of this policy.

The TWG then held consultative meetings with practioners of public participation, CSOs and community representativesso as to get their inputs. The inputs were incorporated in the draft policy guidelines. Finally, a validation meeting involving government and CSOs was held to validate the draft which was then submitted to the cabinet for approval.

CHAPTER 2: POLICY IMPLEMENTATION FRAMEWORK

2.1 PolicyGoal

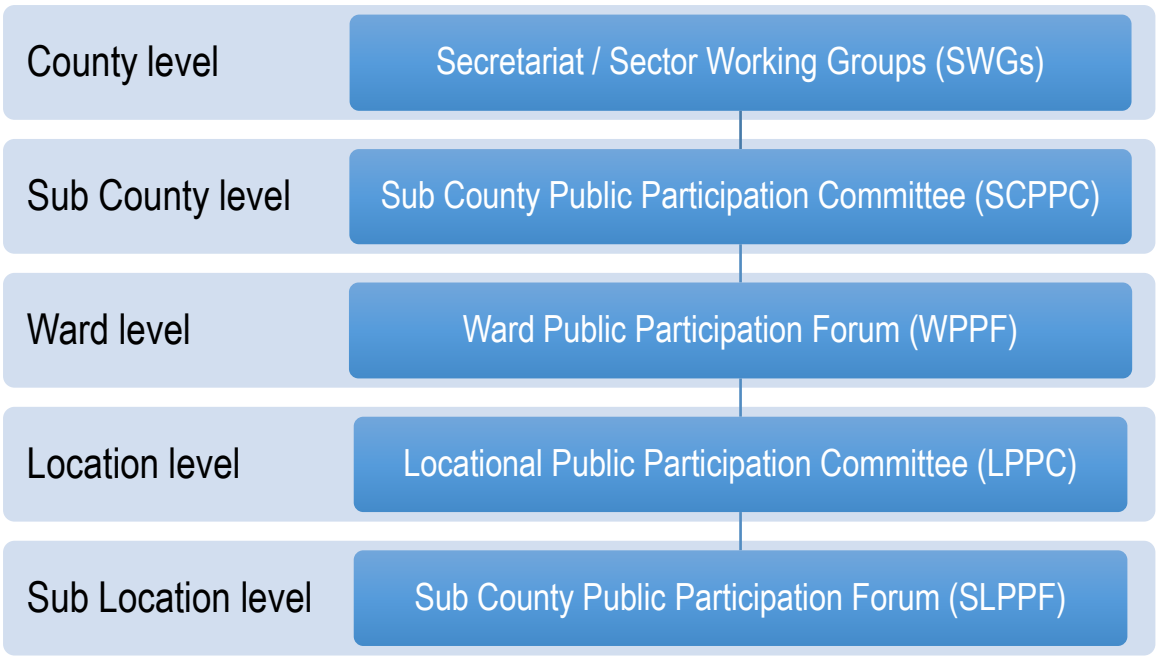
To ensure effective and efficient engagement of the citizenry for accountable management of public affairs

2.2PolicyObjectives

1. To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and/ or solutions.
2. To obtain public feedback on analysis, alternatives and/or decisions.
3. To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
4. To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
5. To place final decision making in the hands of the public.

2.3Public Participation Structures

Conduct of Public Participation shall be guided by a well-functioning system to be established as described below:



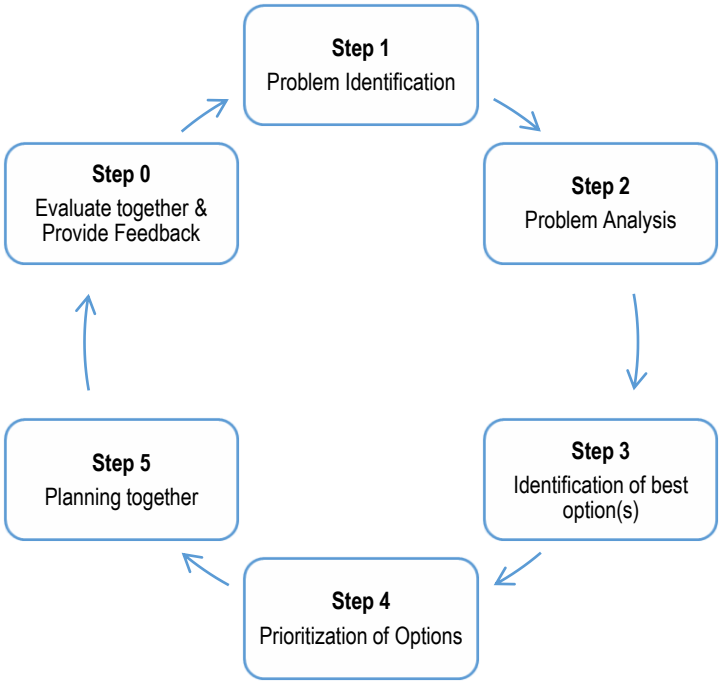
STRUCTURE FOR PUBLIC PARTICIPATION

Multi-sectoral and inter-governmentalcoordination, collaboration and team work will be encouraged to ensure optimal use of investments and resources in conduct of Public Participation. Oversight and coordination isalso needed at all levels, in each of which focal points

are needed, as well as structures ensuring smooth coordination with NGO partners and vertical programs having components of public participation.

2.3.1 Sub Locational Public Participation Forum (SLPPF)

- At this level, coordination will be done by the Assistant Chief with support from the Chief, Ward Administrator and Technical Advisors drawn from line departments. Coordination will ensure harmonization in programming among partners such as local NGO, FBOs, CBOs, among others. Coordination will provide a platform for standardized approaches in conduct of public participation at community level and enhance social accountability. The forum shall be open to all members of the public.
- The SLPPF shall be conducted through Community Dialogue defined as an interactive participatory communication process of sharing information between people or groups of people aimed at reaching a common understanding and workable solution as illustrated below:*The procedure for conducting Community Dialogue is provided in Annex 1.*



CONCEPTUAL FRAMEWORK FOR COMMUNITY DIALOGUE

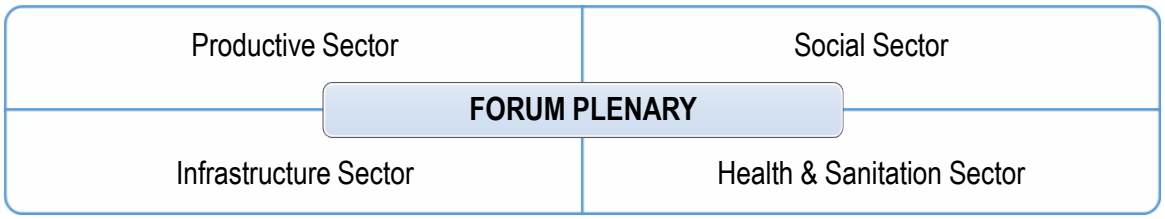
- A different SLPPF shall be held for every public participation activity and shall be organized by the Assistant Chief assisted by Locational officers from Line Departments who shall act as Technical Advisors for Focused Group Dialogue Sessionsto be determined by the purpose of the meeting. i.e. for budgeting the sessions shall be based on sectors.
- The SLPPF shall hold a plenary session for all the Focused Group Dialogue Sessions to discuss, agree through consensus and compile the issues and interventions in the template attached below and forward copies of the template to the Chairs of the LPPC and the WPPF. This will also be accompanied by list of 4 nominated community members identified during the plenary session to participate in the LPPC and if necessary the WPPF.

2.3.2 Locational Public Participation Committee (LPPC)

- At the location level, coordination will be done by the Chief, Ward Administrator and Technical Advisors drawn from line departments.
- Each location may optionally establish a Locational Public Participation Committee (LPPC) with guidance from the Ward Administrator.
- The LPPC shall comprise of 4 members nominated from each sub location in a location.
- The term of the committee shall last for the duration of the Public Participation activity that they were nominated for.
- The LPPC shall be chaired by the Chief of the location with technical assistance from Locational Officers drawn from Line Departments.
- The LPPC shall through consensus prioritize and rank identified issues and interventions in all the sub locations into the template attached below and copies of the template forwarded to the WPPF. This will also be accompanied by list of 4 nominated members from the committee who will participate in the WPPF.

2.3.3 Ward Public Participation Forum (WPPF)

- At the ward level, coordination will be done by the Ward Administrator and Technical Advisors drawn from line departments. The Ward Administrator shall chair the WPPF and shall:
  - be the focal person assigned the responsibility for the conduct of public participation, and will ensure coordination within the Ward and among partners.
  - call for,organize, and chair the plenary meetings of the Forum and to elaborate its corresponding minutes.
  - consolidate the proposals for the Forum Plenary Meetings agendas.
  - maintain the files of the minutes, documents, and correspondence organized and up to date.
  - perform other powers conferred upon it by the Forum Plenary
- The Forum Plenary shall meet face to face at least once a year and it shall hold special sessions whenever necessary, and said sessions shall be called for by the Chairmanship of the Forum in coordination with the County Secretariat.
- The WPPF shall comprise of 4 members nominated from each Sub Location or Location, various interest groups such as Development Agencies, Civil Society and Community Based Organizations and finally representatives of Line Departments at Ward Level.
- To ensure the mainstreaming of gender, HIV/AIDS and Environment issues, organizations involved in the above areas shall automatically be included in WPPF.
- The WPPF shall be conducted through Focused Group Sessions to be determined by the purpose of the meeting. i.e. for budgeting the sessions shall be based on sectors as illustrated below:



FOCUSED GROUP SESSIONS BY SECTORS

- The Secretariat, in coordination with the Ward Administrators shall maintain an up to date informative registry of the various interest groups, community networks as well as the citizenry platforms that participate and/or express their interest in participating at Public Participation Forum. The registry shall include general information about the social actors, such as name or mission, vision, statement of principles, trajectory and membership to networks and shall not condition participation of interest groups.
- Interest groups shall be required to make submissions through memoranda at least seven (7) days prior to the holding of the WPPF to enable inclusion of the content in the discussions for the various areas under discussion. The format for is provided below:

FORMAT FOR SUBMISSION OF MEMORANDA

Date		
Personal or groups details	Name(s)	
	Contact for lead person	
Policy/ statute/ development plan for which memoranda is submitted:		
Specific questions, proposals regarding the subject to which the memoranda address:		

- With respect to Budgeting the WPPF shall hold 2 sessions.
  - In the 1st session the Forum Plenary shall through consensus prioritize and rank identified issues and interventions into the template attached below and copies of the template forwarded to the Secretariat.
  - The 2nd session will be conducted by CECMs, for the final budget with projected costs.
- With respect to Assembly Bills the WPPF shall hold one sessions, the Forum Plenary shall use the template provided for submission of proposed amendments and shall then submit the template to the Clerk of the County Assembly.

2.3.4 Sub County Public Participation Committee (SCPPC)

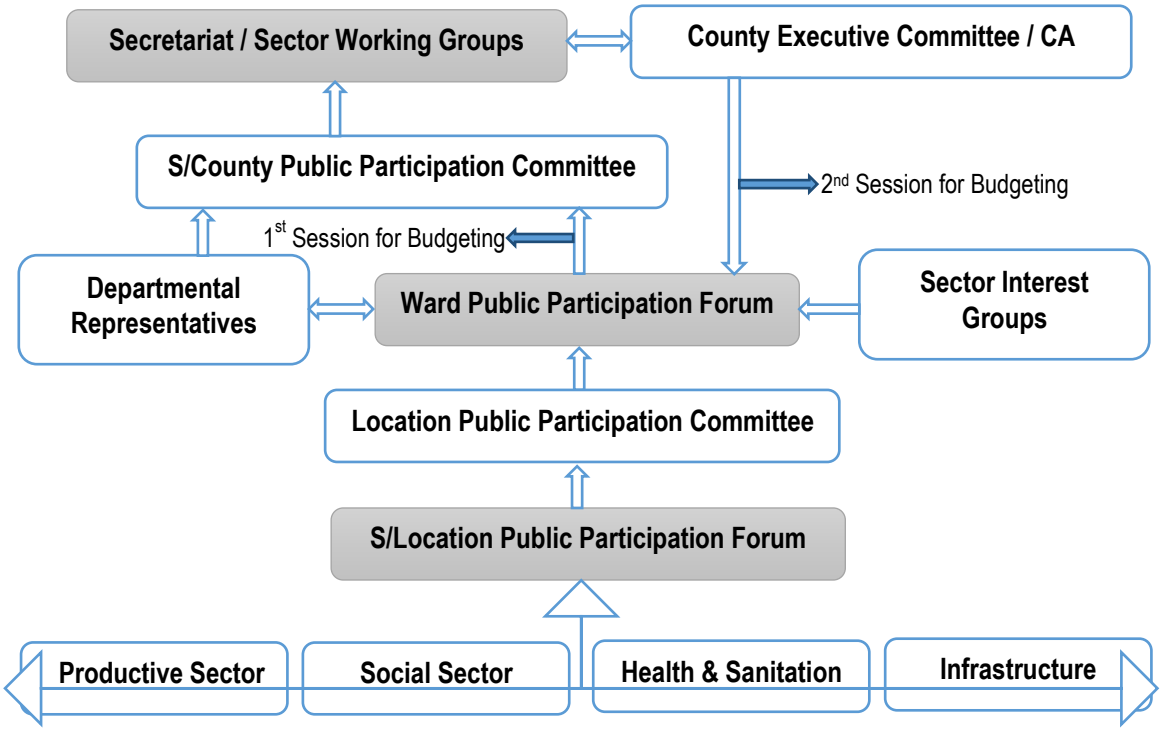
- At the sub county level, coordination will be done by the Sub County Administrator and Technical Advisors drawn from line departments.
- Each sub county may optionally establish a Sub County Public Participation Committee (SCPPC) with guidance from the Sub County Administrator who shall be the Chair of the Committee.
- The SCPPC shall mainly comprise of technical members drawn from line departments.

- The SCPPC shall compile all the issues and interventions identified for all wards into the template attached below and copies of the template forwarded to the County Secretariat.

2.3.5 County Secretariat / Sector Working Groups (SWGs)

- Overall coordination and planning for conduct of public participation will be under the leadership of the CECM, Finance and Economic Planning and will be supported and advised by a Secretariat comprising of members nominated by the County Secretary and will also include representation from key implementing partners.
- The Secretariat will coordinate efforts with Sector Working Groups (SWGs) formed at County level and comprising of Line Departments in the County and National Governments, NGOs and other stakeholders, for the purpose of budgeting. They will deliberate on the best strategy and initiatives for addressing the identified needs which will then be costed in line with the provisions of the EDA 2015, documented and captured in respective sector reports.
- The Secretariat will also assist the County Assembly, if so required to carry out Public Participation of Bills and also organize for the conduct of Open Forums.

2.3.6 Organogram for Public Participation in the Budget Process



2.4Financing

- The county government will commit adequate financial resources through their budgeting processes to meet the objectives of this policy.
- The county government will seek assistance from partners interested in supporting public participation.

- Civil society organisations (CSOs) and community-based organisations (CBOs) will endeavour to support the priorities of the policy by working through the established structures.
- Partner and private sector have a role to support financially the implementation of this policy in their areas of operation.

2.5Communication

- The county government will strive to be in constant communication with the residents in a language the residents understand and at the very least in English Kiswahiliand other local dialects. The county government will identify the most effective medium of communication in terms of cost and reach depending on the target audience.

2.6 Monitoring and Evaluation

- The county government will monitor and evaluate all public participation activities as per the county M&E policy.

2.7 Petitions

- Any county resident not satisfied with the outcome of public participation at any of the levels indicated shall be able to raise their concerns or objections through written memoranda and submitting it to the next level seven (7) days before the matter is received and discussed.
- Any petition submitted afterwards will be assumed to be overtaken by events and shall be forwarded to the Secretariat for further direction.
- Any petition submitted before the conduct of public participation at the level intended shall be received as memoranda from a private citizen and shall assumed to constitute part of the issues raised during the plenary sessions.

2.8References

1. Constitution of Kenya
2. County Government act, 2012
3. Public Financial Management Act
4. EgeyoMarakwet County Equitable development act, 2015
5. EgeyoMarakwet County public participation act, 2014
6. Public participation guidelines, Ministry of devolution

Annexes

Annex 1: Steps for conducting Community Dialogue

Step 0: Monitoring, evaluation and feedback

Participatory evaluation involves a collective reflection ofachievements, identifying what went well and why particular actionsdid not go well. Participatory evaluation creates a learning process forthe program recipients, which helps them in their efforts. After theevaluation process the necessary feedback should be provided. Thispromotes ownership of the process and the will to do better next time.Reinforcement is also important to motivate participants to do better orsustain the desired behaviour. This can be done for previous projects implemented by the County.

Step 1: Problem identification

The first step in conducting a community dialogue is to identify theproblem or issue at hand. In this case the issue could be HIV and AIDS focusing on HIV testing and counselling (HTC), human rights or gender. It could be poor hygiene and sanitation due to lack of clean water and sanitary facilities. At this point the team will identify current problems/ issues. What the community is doing about these issues, whether the actions are giving the required outcomes and what are the constraints / challenges faced by the community. The gaps between the preferred behaviour and current practices will determine what will be required to address the problem.

Step 2: Problem analysis

Problem analysis involves a thorough analysis of the issue /situation athand. Questions that can be asked under this section include:

- What are the causes of the problem /issue at hand?
- Is the issue /problem a shared problem in this community or it isperceived as a problem for only a few?
- How is the community responding to the problem? What is thecommunity's current knowledge? What are current attitudes,practices and beliefs about the issue at hand?
- Has the community previously dialogued on the issue?
- Have traditional, religious and political leaders been involved intrying to address the problem /issue at hand?

Step 3: Identification of the best options

This section shall assist the user to identify the best options. In doingthis, emphasis is placed onactions to be taken to achieve the intendedbehaviors and how to sustain them.Identifiedoptions are prioritized based on their effectiveness,feasibility, relevance and appropriatenesswithin the community'scontext.

Step 4: Joint planning

At this planning stage participants will examine the priorities set duringthe previous step before designing an appropriate plan using the template provided. The plan will include the following elements:

- What will be done.
- When it will be done.
- Who will do what, also indicating what local partners are doing
- Measures or indicators of success.
- Participatory tools for monitoring and evaluating actions.

Annex 2: Public Participation Calendar for the budgeting process

ACTIVITY	DESCRIPTION	RESPONSIBILITY	DATE
Local engagement Planning Meetings	WAs organize and Mobilize staff at local level to attend sub-location and location public participation meetings (notices & schedule of meetings)	WAs	Last week of April
Sub locational Engagement	Identification of issues, Interventions, Prioritization & Justification by SLDCs	Ass Chief, WA	2nd week May
Locational Engagement	Identification of issues, Identification of Interventions, Prioritization & Justification by LDCs	Chief, WA	3rd week May
Ward Development forums/Leaders meeting	Prioritization of issues & Proposed interventions submitted from the locations	WA, Sector Technical Officers	4th week May
Submission of Draft ward ADP report on issues and proposed interventions	WAs Send draft report on issues and interventions to SCAs	WA	By 7th of June
Sub County Coordinators Meeting	Sub County Coordinators meet and generate Sub County Report and add their input including sub county projects	SCAs	12th – 15th June
Submission of Draft ward ADP report on issues and proposed interventions	SCAs Send SCRs on issues and interventions to Economic planning directorate	SCAs	20th June
Compilation of sector specific ADP issues and interventions	Compile sector specific reports to SWGs on raised issues & proposed interventions	Dir EPU	30th June
	CS send SCRs to SWGs	CS	1st July
Technical Reviews	SWGs review submitted Sub county and ward ADP issues and interventions, appraise, cost the projects and justify the need for funding or otherwise Propose, appraise and cost county level interventions	SWG chairs	1st – 31st July
	Submission of reviewed ADP lists to economic planning directorate	SWG chairs	5th August
Compilation of Technically reviewed ADP lists	Compiles submitted departmental reviewed ADP list and segregate for each ward	EPU	6th -10th August
Public participation planning	Planning for the PP Process on ADP (preparation of relevant Documents and briefing of PP teams)	CEC FIN	13th -15th August
Public participation exercise	Final ward PP	CECs	16TH -22TH Aug
Draft ADP report	EPD draft the ADP report	25TH	23rd - 28th Aug
Presentation of draft ADP report to CECs, COs and directors	Presentation of the ADP Document	Dir EPU	29th -31st Aug
Cabinet Approval	Approval of the ADP by the Cabinet	CS	31st Aug
Submission to County Assembly	Submission of ADP document	CEC FIN	1St September