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)

EXECUTIVE SUMMARY
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October 2013
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 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 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 etc. 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.