

Ugunja Municipality Public Participation Framework

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FOREWARD

Meaningful citizen participation is the key determinant factor in the success of devolution and realization of good governance at the county level. This is only attainable if the citizens have understanding of devolution and a realistic idea of how duty bearers (elected/appointed leaders) should perform.

The Urban Areas and Cities Act, 2012 gives effect to Article 184 of the Constitution of Kenya, 2010, states that (1) National legislation shall provide for the governance and management of urban areas and cities and shall, in particular, 1(c) provide for participation by residents in the governance of urban areas and cities. (2) National legislation contemplated in clause (1) may include mechanisms for identifying different categories of urban areas and cities, and for their governance.

The municipality is making efforts to promote citizens’ involvement in matters affecting their lives through ensuring their active engagement in the implementation and monitoring of the Constitution of Kenya (COK) 2010. Devolution has further enhanced active participation in the management of the municipal and available resources. Further, this thematic area seeks to enhance the capacities and governance of the CBOs and other grassroots groups to galvanize rights demands for effective services to the citizens.

As a Municipality, we also to recognize and ensures the compliance to the provisions of Article 201 of the Constitution which lays emphasis on transparency, accountability, and public participation. We do appreciate the capacity gaps in the institution and are cognizant of the need for the Municipal to build the capacity of both the staffs on Public Participation and citizens on the need to form organized groups for representation and protection of their diverse interests.

However, limited resource is still a big a challenge to effective mobilization of the citizens (facilitation, fuel, meals, agenda dissemination) which the Municipal hopes shall be cured by the robust Public Private Dialogue and Funding Framework (2023).

Chairperson

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MUNICIPAL BOARD

SECTION 1: INTRODUCTION

1.1 Organizational Background

Ugunja municipality is in Siaya County of Kenya. It is one of the three municipalities in Siaya County. The urban center had a population of 60,187 in 2019 census. The main economic activities of Siaya County people include subsistence farming, livestock keeping, fishing, rice farming and small-scale trading. The other strengths of Siaya include natural resources like indigenous forests, rivers, agriculture land and fisheries.

1.2 Identity and Core Values

- Participation,
- inclusion,
- transparency and
- accountability

1.3 Value Proposition

We propose to add value to actors that we engage with in promoting citizens' engagement social justice as follows:

| Constituency | Value Proposition |
|-------------------------|---|
| Clients/ Communities | To support our clients ,realize their rights and access public services, Ugunja Municipal: <ol style="list-style-type: none">1. Offers integrated high quality and contextualized public as well as PWDs and women's empowerment services.2. Facilitates referral networks that ensure access to seamless services for the clients3. Guarantees our clients' confidentiality, professionalism and accountability.4. Demonstrates commitment to bottom-up approaches that ensure local ownership and sustainability of benefits. |
| Peer Institutions | Driven by a commitment to partnerships and systems thinking, we the Municipal: <ol style="list-style-type: none">1. Build synergy and complement peers to scale up impact and visibility. |

| | |
|--------------------------|---|
| | <ol style="list-style-type: none"> 2. Leverage resources and efforts to broaden reach. 3. Ensure commitment to realization of joint agreements and obligations. 4. Associate peers with our reputable brand and goodwill |
| Authorities / Government | <p>Recognizing the importance of synergy between the Municipal, County and National government, we:</p> <ol style="list-style-type: none"> 1. Leverage resources to complement County and National government’s development ambitions and plans. 2. Support (re)formulation and/or implementation of gender progressive policies, legal and institutional frameworks. 3. Provide inputs into critical gender conversations or matters. 4. Generate and share evidence, new knowledge and solutions towards public services delivery and special interest groups (PWDs, women) development and wellbeing |
| Development Partners | <p>Within the development chain, we offer our benefactors the following:</p> <ol style="list-style-type: none"> 1. Expertise on quality public services delivery and programming at multiple levels 2. Delivery of value for money, good stewardship and open accountability of resources entrusted to us. 3. Extensive reach and presence and multiple partners and networks. 4. Access to new knowledge, evidence and innovative solutions |
| Private Sector | <p>Recognizing the complementary developmental role of the private sector, we offer them:</p> <ol style="list-style-type: none"> 1. Platforms for delivery of Corporate Social Investments (CSI) or CSR 2. Well researched evidence and analysis on the status of the residents and clients 3. Access to potential new markets through Municipal’s extensive reach and multilevel presence 4. Enhanced brand visibility and profiling using already established media presence |

1.4 Rationale for the Policy

The policy is the execution framework to guide the Municipal, the private sector, and Non-State Actors (NSAs) in our engagements with the public on governance issues. The policy is based on the need to securing Rights through influencing and sustaining engagements to promote Public Private Dialogue and the realization of effective public participation as contemplated in the constitution in the face of the existing challenges. These challenges include absence of standards and ineffective coordination mechanisms, inadequate coordination among providers, ineffective inclusion of children, women, and youth. Persons with disabilities (PWDs), elderly, minority and marginalized communities within the municipality.

1.5. Policy Objectives

The main objective of this policy is to provide the framework for the management and coordination of public participation in the Ugunja Municipal for the fulfillment of the constitutional requirement on citizen engagement in development and governance processes. The policy sets the standards and provides the mechanisms for the coordination of public participation within the municipality.

1.5.1 Specific Policy Objectives

The policy has five (5) specific objectives which the Municipal will ensure, namely:

- 1) Ensure citizens continually access timely information on public issues in a language and format that is easy to understand;
- 2) Provide a framework for coordination and enabling environment for the Private Sector and Non-State Actors (NSAs)/Civil Society Organizations (CSOs) involved in civic education;
- 3) Undertake coordinated and integrated capacity building towards empowering responsible citizens and public institutions;
- 4) Promote effective public participation in planning, budgeting and implementation of approved plans and budgets; and
- 5) Promote responsive, functional and timely feedback and reporting mechanisms in order to build confidence in public participation process.
- 6)

1.5.2 Policy Outcomes

The Municipal Citizens Engagement Framework aim to influence outcomes the governance interventions on the following mechanisms: -

- *Participation* involves efforts to include citizens in the design, management and delivery of policies and programmes.
- *Inclusion* refers to increasing marginalised groups’ especially the women and persons with disabilities (PWDs) capacities and opportunities to engage in the management or oversight of public services.
- *Transparency* changes happen when people or municipal and private sectors release and publicise information openly and clearly for public awareness, performance information, among others which enable citizens to demand improvements.
- *Accountability* is the process of holding people or organisations responsible for performing to particular standards, e.g. feedback or monitoring mechanisms for citizens to examine the performance of governments or service providers

Table 1 Results Chain of Citizens engagement interventions



1.5.3 Policy strategies

The Municipal commits to reaching the right audience with this policy and recognizes that the best communication methods to use will depend on the group we will be targeting. The following methods will be used to support an inclusive public participation process within the municipality:

-

| Target group | Proposed communication methods |
|--------------|---|
| Youth | Social media, radio, TV, e-platform, newspapers, local languages, specific networks |

| | |
|--------------------------------|--|
| People with disabilities (PWD) | Braille, sign language, radio, TV, newspapers, local languages, specific networks |
| Women | Radio, TV, newspapers, notice at health centres, markets, local languages, specific networks |
| Elderly | Large print publications, radio, TV, newspapers, notice at social fund offices, local languages, specific networks |
| Professionals | Newsletters, TV, radio, newspapers, social media, e-platform, specific networks and professional groups |

1.6 Organizational Track Record

Municipal Management to provide information on key achievements on the following areas of public service provision as envisioned in the Urban and Cities Act, 2011

- Planning and Development Control
- Traffic Control and Parking
- Water and Sanitation
- Street Lighting
- Outdoor Advertising
- Cemeteries and Crematoria
- Public Transport
- Libraries
- Storm Drainage
- Ambulance Services
- Health Facilities
- Fire Fighting and Disaster Management
- Control of Drugs
- Sports and Cultural Activities
- Electricity and Energy provision
- Abattoirs
- Refuse Collection
- Solid waste management
- Pollution (Air, water, soil) control
- Child Care Facilities
- Pre-Primary Education
- Local Distributor Roads
- Community Centres
- County Hospital
- Constituent University Campuses
- Polytechnic
- County School
- Stadium
- Airstrip
- Theatre
- Library/ICT services

- Administrative Seat
- Local Economic Development Plan
- Museum/cultural centres
- Fire Station
- Emergency Preparedness
- Telecommunication services /postal services/ICT
- Funeral Parlour
- Cemetery
- Recreational Parks
- Animal control and welfare
- Religious Institution

Among the above functions, the Municipality has managed to achieve the following:

- The Municipality has installed a high mast flood light at Ugunja Market
- Solid waste management in Ugunja Municipality.

It is important to note the County Government is in the process of transferring the other functions to the Ugunja Municipal Board.

1.7 Citizen’s Engagement Framework Development Process

The development of the policy was done through a transparent, consultative, and participatory process under leadership of the Municipal Board, Municipal Management and Technical officers, County Legal Advisors and partners. The process started in 2022, during a five-day stakeholder conference at the VIP Luxury Hotel, Kisumu, 25th to 29th September, 2023, where the stakeholders discussed and agreed to develop a policy to guide public participation processes in the Municipal.

1.8 Guiding Principles: Participation, inclusion, transparency and accountability

The Public participation in Ugunja Municipal’s governance processes shall be guided by adherence to the following principles and values:

- i. Sovereignty of the people and equal opportunities for all*
- ii. Right of every individual, group, community and organization to be involved in the decision and policy making processes*
- iii. Provision of adequate and effective mechanisms and opportunities for participation for those interested in, or affected by decisions of the Municipal*

- iv. *Consultation between the Municipal, County Government of Ugunja and National in line with Article 6(2) of the Constitution and building relationships with the Private Sector and Non State Actors*
- v. *Inclusion of minorities and the marginalized groups, including women, youth, elderly, PWDs and children*
- vi. *Non-discrimination and accommodation, respecting diversity, people's values, culture, needs and customs*
- vii. *Timely access to the necessary information in a language and form that is easy to comprehend, including accessible formats for People with Disabilities (PWDs) and through media that is accessible to the public*
- viii. *Provision of civic education and the development of the necessary capacity for the public to effectively engage*
- ix. *National Values under Article 10, the Bill of Rights and Fundamental Freedoms in Chapter Four of the Constitution*
- x. *Principles of leadership and integrity in Chapter 6 of the Kenya Constitution*
- xi. *Provision of adequate funding for public participation*
- xii. *Adequate monitoring, evaluation, learning and feedback mechanisms*
- xiii. *Adherence to the principles of devolution and separation of power*
- xiv. *Respect for the principles of child participation, including child friendly environment, appropriate information, and non-intimidation*
- xv. *Access to remedial measures in cases of dispute.*

The policy objectives and priority areas were identified through an encompassing participatory approach covering citizens and stakeholders across the Municipality.

1.9 Mandate

Citizens play a critical role in advocating and helping to make the Municipality more transparent, accountable, and effective, and contributing innovative solutions to complex development challenges. There is growing evidence confirms that citizen engagement can help governments achieve improved development results in creating links between citizen engagement and improved public service delivery, public financial management, governance, social inclusion, and empowerment. Evidence also shows, however, that the outcomes of citizen engagement are

context specific and depend on government and citizens' capacity and willingness to engage collaboratively. Social, political, economic, environmental, cultural, geographic, and other factors, such as gender dynamics, shape the opportunities and scope for effective citizen engagement.

SECTION 2: ANALYSIS OF THE KENYA AND MUNICIPAL CITIZENS ENGAGEMENT CONTEXT

2.1 Introduction to Kenya's Experiences in Public Participation

Many efforts have been made in the past to improve Public participation in Kenya's governance affairs. The Local Authority Service Delivery Action Plans (LASDAPs), the District Focus for Rural Development (DFRD) and the Constituency Development Fund (CDF) had important mechanisms for engaging the public. However, prior to 2010, public participation was largely nominal and based on the goodwill of the government. The Constitution changed this situation by vesting all sovereign power in the people of Kenya (Article 1, Kenya Constitution) and has made public participation a mandatory provision.

The promulgation of the Constitution in 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 in Nairobi. Such decisions were implemented in the field through the local authorities and provincial administration with minimal input and participation of the public.

Public participation is at a core of devolution and is a key determinant of the success of both the County and National Governments' plans and policies. This aspect is strongly anchored in the constitution of Kenya, 2010. Public participation is anchored in the Public Participation Act of all the counties in Kenya. The public is supposed to be involved in making decisions in all the matters that touch on their holistic well-being.

Citizens Participation and Governance implies the involvement of citizens in a wide range of policy making activities and processes, including the determination of levels of service, planning, budget priorities, establishment of performance standards and the acceptability of physical construction projects in order to orient government programs toward community needs, build public support, and encourage a sense of cohesiveness within neighborhoods.

Citizen engagement in the Municipal's systems implies the involvement of citizens in planning, decision-making process of the Municipality's measures and/or institutional arrangements so as to increase their influence on service delivery, equitable distribution of devolved resources, enactment of favorable policies and programmes to ensure a more positive impact on their social and economic lives.

It entails sound Municipal's management (efficiency, effectiveness and economy), accountability, exchange and free flow of information (transparency), and a legal framework for development (justice, respect for human rights and liberties).

2.2 Kenya's Commitment to Public Participation

Effective public participation has become an indispensable element of democracy and people centred development. It is the very foundation for democracy which does not only strengthens the state by legitimizing governmental actions, but is also important for good and democratic governance.

Recognizing the benefits of public participation, the Constitution of Kenya created new spaces for interaction, declared the citizen sovereign and demand that the public must be involved in every aspect of public governance. Article 10 of the Constitution lists public participation as one of the national values and principles of governance that binds all state organs, state and public officers, and all persons in Kenya whenever any of them applies or interprets the Constitution, enacts, applies or interprets any laws, or makes or implements public policy decisions.

The Government of Kenya is committed to ensuring the attainment of effective public participation. This commitment is demonstrated by the numerous provisions of the Constitution on public participation and Devolution. It is also demonstrated by the various policies, guidelines, and legislations on public participation. Furthermore, Kenya is a signatory to several international and regional conventions with important provisions on public participation.

Table 2 The Constitutional and Legal Foundations for Public Participation in Kenya

| Constitution | Regional human rights | International human rights treaties | Domestic legislation |
|---|--|--|--|
| <ul style="list-style-type: none"> • Article 2 provides that the Sovereign power of the people is exercised at both national and the county level • Article 69(1) Public participation in the management, protection and conservation of the environment. • Article 94 Parliament manifests the diversity of the nation, represents the will of the people and exercises their sovereignty. • Article 118 Parliament is required to facilitate public | <ul style="list-style-type: none"> • (Article 13) African Charter on Human and People's Rights (Articles 4 and 7) • Africa Charter on the Rights and Welfare of the Child (Articles 9 and 17) • Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa • African Charter for Popular Participation in Development and Transformation (1990) | <ul style="list-style-type: none"> • (Article 25) The International Covenant on Civil and Political Rights (ICCPR) • (Articles 7 and 14) The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (Article 31) • The UN Convention on the Rights of the Child (CRC) (Articles 9, 19 and 29) • The UN Convention on the Rights of Persons with Disabilities (CRPD) • Convention on | <ul style="list-style-type: none"> • The Urban Areas and Cities Act • The Public Finance Management Act • The Independent Electoral and Boundaries Act • The County Governments Act • The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act • The Consumer Protection Act • The Basic Education Act. |

| | | | |
|--|--|--|--|
| <p>participation and involvement in all its business.</p> <ul style="list-style-type: none"> • Article 159 of the Constitution simplifies Court procedural and technical rules that the public has easier access to courts. • Article 174 (c), outlines the objects of devolution • Article 174 (d), recognizes the rights of communities to manage their own affairs and to further their development. • Article 184 (1)(c), National Legislation shall provide for participation by residents in the governance of urban areas and | | <p>Biological Diversity</p> <ul style="list-style-type: none"> • Cartagena Protocol On Bio safety • Convention for the Safeguarding of the Intangible Cultural Heritage (2003) | |
|--|--|--|--|

| | | | |
|---|--|--|--|
| <p>cities.</p> <ul style="list-style-type: none"> • Article 196 (1) the County Assemblies are required to hold sittings and those of committees in public, and facilitate public participation in its business • Article 232 (1), highlights the values and principles of public service. • Fourth Schedule Part 2 (14) Counties are to ensure and coordinate the participation of communities in governance at the local level. | | | |
|---|--|--|--|

Since the promulgation of the Constitution, some efforts have been put into enabling public participation. A number of laws and policies have been enacted while some county governments have completed and adopted County Public Participation Guidelines, which defines the framework for citizen engagement with and also aims at empowering the citizens to demand for effective participation in matters of public governance. In some cases, citizens have gone to court

to enforce the law. This notwithstanding, the nature and extent of public participation contemplated by the Constitution and devolution laws has not been fully achieved by either level of government. Standards for public participation and the mechanisms for coordination have not been developed, and important policies, legislations and guidelines on public participation are not fully formulated. Key institutions and agencies have also not fully embraced public participation. The development of this policy is based on the acknowledgement that the country requires a coherent policy for managing and coordinating the many agencies involved in the mobilization and organisation of citizen participation.

The policy underscores the Municipality's commitments to the inclusion of the citizens in public governance and binds levels of Government, as well as the private bodies and the NSA in as far as their actions affect the public. The Policy also defines the important public participation priority areas taking into consideration the Constitution, and other existing policies and laws.

2.3 County Laws and Institutional Mechanisms for Public Participation

Paragraph 14 of part 2 of the Fourth Schedule to the Constitution of Kenya, 2010 and part VIII of the County Governments Act, 2012 require that the County Governments establish modalities and platforms for public participation in the governance of the County. The provisions of the Constitution are reiterated in various county laws.

Siaya County has developed a law on Public Participation, which provides for the tools for public participation and the levels of participation. These include: -

The main provisions in the two model laws are:

- *Dedicated institution for public participation*— the County law recognize the need for a dedicated institution responsible for public participation.
- *Public Participation Forum* — provides for the various forums through which the citizens can participate in the County Affairs, both for the citizens and also provides for a Citizen Initiative forum where the citizens can initiate their engagement with the County government. In addition, clear reporting frameworks are set out including the requirement that the County Governor to submit an annual report to the County Assembly on the status of public participation in the County.

2.4 Situation Analysis and Challenges in Siaya Municipal

Urban Areas and Cities Act, 2012 gives effect to Article 184 of the Constitution of Kenya, 2010 and also provides for public participation in several sections. Some of the key provisions are:

- a. *Section 3* on Objects and Purposes of the Act provides for participation by the residents in the governance of urban areas and cities²⁵.
- b. *Section 11*— principles of governance and management of Urban Areas and Cities provides for institutionalized active participation by its residents in the management of the urban area and city affairs.
- c. *Section 21*— powers of boards of cities and municipalities; also provides for participation of the residents in decision-making in its activities.
- d. *Section 24*— management of information and publicity provides that the board shall publicize and publish important information affecting the city or urban area.
- e. *Second Schedule of the Act* provides for the rights of and participation by residents in affairs of their City or Urban Area.

2.4 Tools to promote public participation

The Municipality recognizes that Public participation varies from simple sharing of information to active engagement of citizens in the implementation of projects and public services delivery which is heavily influenced by how the community is structured.

The Municipal proposes to use the following tools to influence the way public participation will be conducted in realization of public participation: -

1. *Town hall Meetings and Forums*- are ways the local community and the municipal will meet either to hear from them on topics of interest or to discuss specific upcoming legislation or regulation
2. *Study Circles*- These are important in having discussions on any issue tabled and will be done in stages to acquire new ideas and obtain different views on the issues raised
3. *Citizen Advisory Boards*- The main aim of these will be to tackle issues such as access to markets, housing and economic, and shall be open to anyone willing to volunteers to participate
4. *Public Hearings*- for public participation to be effective there has to be the element of public hearing. It depicts a picture of democracy where parties can sit and discuss matters

in an open forum where citizens can freely air out their views which the regulator can, in turn, address. This will make it smoother for the administration to drive the development agendas home and the citizens will be satisfied

5. *Public Watchdog Groups*- These are groups of people at the grass-root level that are tasked with keeping the authorities in check. They are civic activists and inform the general public of the inactivity of the government. The watch dogs play a major role in pushing for reform agendas and in the reduction in corruption since they demand accountability of the state. They also push for the enactment of anti-corruption legislations and better anti-corruption measures within the state

2.5 Key actors in promoting public participation

There are several stakeholders that promote public participation as shown below: -

1. *The County and Government* who take all necessary steps to ensure that the public participation concept is realized within its organs as envisaged in the 2010 Kenyan Constitution.
2. *Civil Society Organizations*: They are at the fore runners for the formation of the public watchdog groups and the citizen advisory groups. They enhance public participation at the grass root level all the way up to the national level.
3. *The Private Sector*: The private sector is usually the backbone of any economy. They usually offer continued support, monetary or otherwise to foster participation in the country. Their aim is to ensure there is democracy and citizen empowerment. They also participate in the Citizen Advisory Boards.

2.6 Enablers of Public Participation

Enablers are the foundational blocks that have to be put in place for public participation to be effective and sustained in the municipality. This policy identifies five such foundational blocks including; planning and financing; management and coordination; capacity building of government officials and the public; public communication and access to information; stakeholder mapping, outreach and mobilization.

2.6.1 Planning and financing for public participation

Planning ensures that both time and resources are allocated for public participation. Planning helps create indicators on how the municipal's official shall be evaluated on their engagement with the public. Planning also gives the public a clear idea of what will happen where and when, what is expected of them and how they can avail their time. It ensures that there is inclusiveness in the participation processes covering; geographical and social groups and various online platforms.

Key considerations for a plan and budget for public participation shall include:

- *Mechanisms to be used, online or physical meetings; booking of venues, hiring of tents and chairs, sound systems etc.*
- *Mode of mobilizing the public and advertising costs*
- *Facilitation costs such as rapporteurs, projectors, analysts of public input.*
- *Cost of printing and photocopying, posting of reports to the respective persons.*
- *Regularity of meetings and transport costs for participants if they have to travel long distances.*
- *Costs of regular surveys of participation processes.*

2.6.2 Management and coordination of public participation

To ensure that public participation is meticulously executed according to plans and resources allocated, the municipal shall have a public participation structures, guidelines and personnel for management and coordination in place, and linkage with the county executive and the county assembly in managing public participation and civic education.

2.6.3 Capacity building of the Municipal officials and the public

Capacity building is a key aspect of ensuring both the Municipal officials and the public acquire the requisite skills, values and attitudes for effective public participation. It is futile to create mechanisms of engagement without having the human capacity to ensure that the desired engagement is undertaken. Capacity building should be seen as part and parcel of the public participation process and shall be a continuous process.

2.6.3.1 Civic education for the public

The Municipal, relying on the County Government Act (section 100), shall provide for civic education, which aims to: -

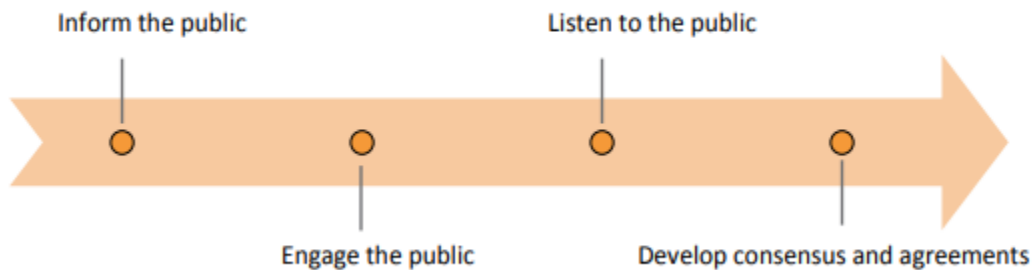
- *ensure sustained citizens' engagement in the implementation of the Constitution;*
- *improve understanding, appreciation and engagement in the operationalization of the Municipality's system*
- *institutionalize a culture of constitutionalism;*
- *ensure people acquire knowledge of Kenya's transformed political system, context and implications;*
- *enhance knowledge and understanding of the electoral system and procedures;*
- *enhance awareness and mainstream the Bill of Rights and National values;*
- *heighten demand by citizens for service delivery by institutions of governance at the municipal and county levels;*
- *ensure ownership and knowledge on the principal economic, social and political issues facing the municipal and county administrators and their form, structures and procedures;*
- *encourage appreciation of the diversity of Kenya's communities as building blocks for national cohesion and integration;*
- *help people understand the roles, rights and responsibilities of citizenship;*
- *help people acquire the ability to explain, analyze, interact, evaluate, defend a position, and monitor processes and outcomes; and*
- *help citizens' use knowledge acquired for informed participation in civic and political processes.*

2.6.3.2 Training of Municipal officials

The Municipal shall ensure its officers have good understanding of the public participation process, civic education and issues for discussion during public participation sessions. Hence, the municipality shall have periodic capacity building sessions for its officers. Capacity building may extend to key stakeholders that work with the municipality and civic education providers. Capacity building for county officers will be done through municipality's departments, sectoral units or per specific technical expertise of the municipal officers. This

could be through on the job training, exchange visits/exposure, benchmarking, and simulation.

Table 3 Civic education continuum



2.6.4 Communication and Access to Public Information

Access to information for Kenyan citizens is guaranteed by Article 35 of the Constitution. On communication, Section 93 of the County Government Act provides that public communication and access to information shall be integrated in all development activities while observing professionalism, media ethics and standards. Information that is provided by the public should be verified as the official and authentic document for public consumption.

Section 96 of the County Government Act also provides that the county should provide access to information it holds. The county should have designated offices for providing access to information and any county legislation on access to information should mirror national legislation.

Public communication aims at:

- a) Creating awareness on devolution and governance;
- b) Promoting citizens understanding for purposes of peace and national cohesion; and
- c) Undertaking advocacy on core development issues at the county.

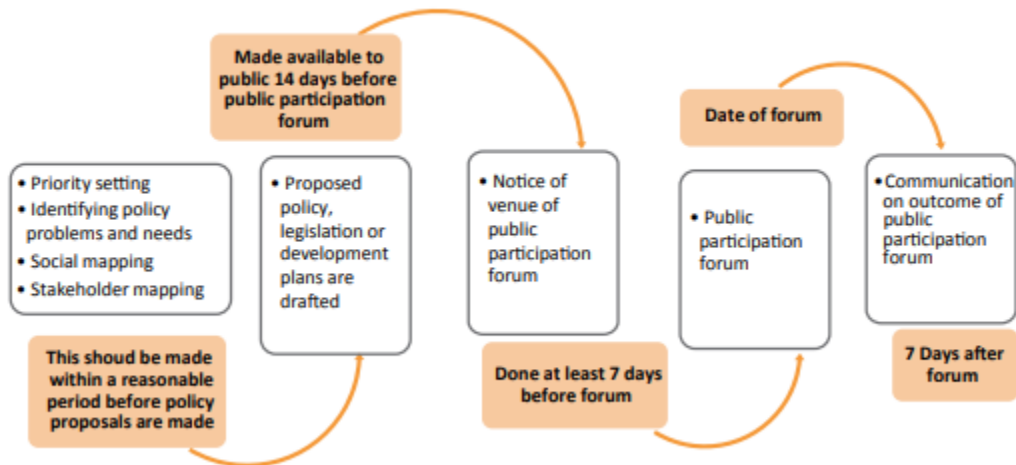
The municipal recognizes that strategic communication is critical and shall be incorporated in all the Municipality's policies, legislative and development agendas; and be in constant

communication with their residents in a language the residents understand and at the very least in English, Kiswahili and Dholuo.

The municipal shall identify the most effective medium of communication, such as:-

- *Television;*
- *Brochures;*
- *Newsletters;*
- *Information communication technology;*
- *Mass mailing;*
- *Websites;*
- *Social media (Facebook, Twiter, LinkedIn, Instagram etc.);*
- *Community radio stations;*
- *Public meetings;*
- *Traditional media; and*
- *Notices in the Municipal, county, Sub-county, ward and village offices, places of worships, markets, schools, libraries, social clubs, medical facilities and national government offices.*

Table 4 Communications Timelines

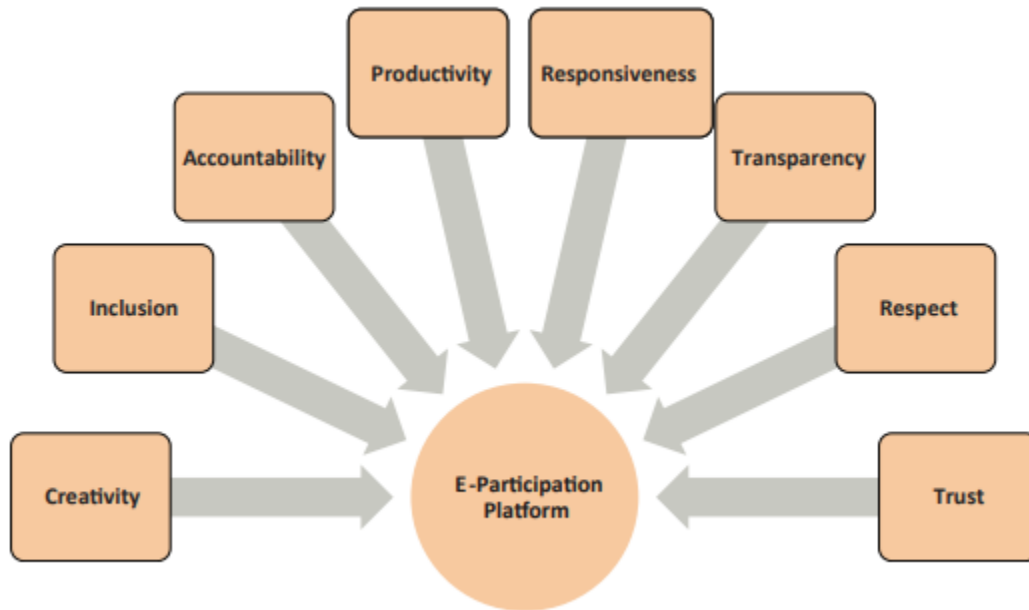


2.6.5 E-Participation and communication

E-participation in governance and democracy processes has gained recognition and the Municipality has continued to constantly receive information and data from the internet. Bearing in mind that many residents of municipal are not in a position to physically take part in a public participation forum, the municipality proposes an elaborate e-participation platform to cater for this critical mass, built around the following guiding principles: -

- *Transparency* - The e-participants shall be aware of each initiative goals, potential outcomes, targeted participants, processes and tools. To clearly state the goals and potential outcomes will act as an incentive to the contributions.
- *Respect* - The e-participation initiatives shall promote civil behavior, by means of constructive discussions and active listening.
- *Trust* - Within this context trust involves confidence in the e-Participation initiatives and it results in commitment from the E-Participants.
- *Creativity*- A creative approach to build awareness contributes to attract participation. It is important to be dynamic and continually evolve the participation process, taking advantage of the available tools and adapting them to the existing socio-cultural context and trends.
- *Inclusion* - Inclusion refers to the extent to which e-participation contributes to equalize and promote a participative system, providing initiatives to the largest possible number of people, empowering citizens and acting as a key factor to achieve legitimacy.
- *Accountability* - Accountability flows from transparency and openness and it includes clarity about the roles and responsibilities of the stakeholders involved in the decision making process.
- *Productivity* - The e-Participation initiatives shall be results-oriented, seeking a tangible impact on participative policy making. If the participatory process does not add value it has no reason to exist.
- *Responsiveness* - The implemented process shall envisage a response from a decision maker or institutional representative, in order to ensure that participants' inputs are taken seriously and properly considered

Table 5 E-platform principles



2.6.5.1 Key e-participation and communication channels

- *Newsletters – The Municipal will regularly produce newsletters capturing events within the Municipality, voluntarily called views from the citizens and will shared with the Public via emails.*
- *Website – Maintain the Municipal website and link it with other social media platforms and other online media*
- *SMS/MMS – Short Message Service and Multimedia Messaging Service represent both the service as well as the pure text and multimedia short messages themselves. The short messages will be sent by mobile devices or from the Internet to a mobile device.*
- *Telephone/Call Centres – The telephone enables simultaneous communication between two individuals (or several individuals in the case of a telephone conference). The answering of calls and/or the active establishment of contact per telephone are bundled in call centres which are staffed by several employees.*
- *Social Media – The Municipal shall have Facebook, Twitter, Instagram, LinkedIn, Pinterest, etc. accounts since they all offer real time interaction between the public and the municipality and county; and also use these platforms to receive information on the public services, projects, programmes and policies.*

- *E-petition – This is an online portal where anyone may fill a form in support or opposition of an issue within the Municipality. This platform will also be designed for the public to propose issues for discussion and welcome others to support or oppose the ideas being put across.*

2.6.6 Stakeholder mapping, mobilization and outreach for public engagement

The Municipality is aware that a comprehensive public participation process should involve sector-based stakeholders. Essentially these are individuals or groups of people that would be directly affected by a proposed policy, law or development plan. Hence the municipal shall set up a stakeholders' register based on the various sectors in the municipality. The will be used as a reference point to invite stakeholders relevant to a specific proposed policy, legislation or development plan.

This register will include the following information:

- *The name of the stakeholder group;*
- *The sector they represent and their perceived role;*
- *Their legal identity;*
- *The nature and extent of their membership;*
- *Their target wards they work in;*
- *Their office-bearers and contact details; and*
- *Location of the stakeholder group.*

The register thus includes individuals and groups that are positively or negatively affected by, or that are interested in, a proposed project, program, plan, legislation or policy that is subject to a decision-making process. Further, the municipal will map out individuals who have the potential to either positively or negatively influence the outcome of policy, legislation and development plans formulation and implementation. These may include religious leaders, local chiefs, community elders, activists and political gatekeepers. Hence, community opinion shapers and influencers also need to be identified, mapped and engaged in public participation processes.

2.6.7 Petitions, Compliment/Complaint, Grievance and Redress Mechanisms for Public Participation

Positive criticism that builds and enhances confidence is crucial in the process of public participation. As a learning and developing process, public participation needs to incorporate good practices; review or improve on those that work while discarding those that don't work. The municipality shall facilitate ways in which people can provide compliments on what they find impressive and working. Such compliments will be documented as critical feedback and used to improve the process of public engagement.

The municipality is also aware that there will be situations where public participation is not optimal. The public shall have a mechanism of raising concerns and there shall be a way of addressing public complaints especially with regard to service delivery.

A Grievance Redress Mechanism (GRM) handling process and procedures shall be established by the municipal to offer redress to members of the public, including an e-platform. In addition, the municipal shall maintain a register of complaints that will be open to public scrutiny.

The complaints mechanisms shall adhere to the following principles:

- *Public focus* – the municipal is committed to effective complaint handling and values feedback.
- *Visibility* – information about how and where to complain is well publicized to the public, municipal staffs and other interested parties.
- *Accessibility* – the process of making a complaint and investigating it is easy for complainants to access and understand.
- *Responsiveness* – complaints are acknowledged promptly, addressed urgently, and the complainant is kept informed throughout the process.
- *Objectivity and fairness* – complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Unreasonable complainants will not be allowed to become a burden.
- *Confidentiality* – personal information related to complaints is kept confidential.
- *Remedy* – if a complaint is upheld, the municipal provides a remedy.

- *Review* – there are opportunities for internal and external review and/or appeal about the municipal’s response to the complaint, and complainants are informed about these avenues.
- *Accountability* – accountabilities for complaint handling are clearly established and complaints and responses to them are monitored and reported to the Municipality and other stakeholders.
- *Continuous improvement* – complaints are a source of improvement for municipality and made as simple as possible

SECTION 3: POLICY PRIORITY AREAS

3.1 Introduction

Based on documents reviews and feedback from members of the public within the Municipality, five (5) intervention types and priority areas have been identified to strengthen citizen engagement through the Municipal mechanisms to improve public services: rights information provision; performance information provision; citizen monitoring and feedback mechanisms; participatory planning; and community-based natural resource management.

These key priority areas are intended to create positive outcomes in terms of access to and quality of services by the Municipal.



3.2 Key Policy Areas

3.2.1 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 empowers and enables citizens to hold the Municipality which is duty bearers to account. The Municipality have obligation to disclose information to the people through appropriate media and format, in particular areas with high illiteracy levels

The municipal is alive to the constitution guaranteeing access to information held by it to the citizens and shall strive to publish the information holds, make available the documents held in a language the citizens can understand and use including making public the mechanism for public participation.

The Municipality will:

- i. *Formulate and review the necessary policies, legislation and procedures necessary to make information available and accessible*
- ii. *Ensure timely publication and dissemination of all information needed by the citizens for effective participation in a language(s) and media that are appropriate, including both official languages and in accessible formats for PWDs and the public;*
- iii. *Establish a user-friendly system where information requested is provided in conformity with the Constitution and other applicable laws related to access to information;*
- 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, authentic, have integrity, are usable and recorded in a manner which facilitates the right of access to information in conformity with the Constitution and all other relevant laws.*
- vii.

3.2.2 Performance Information Provision

Institutional performance is a matter of primary importance in democratic regimes because this is where accountability is necessary to maintain a government's legitimacy. Responsiveness, accountability, and impartiality of governmental agencies and equality of all citizens are among the main definitional features of democracy. Since its formation, the municipal has tried to improve public services delivery and performance through performance measurement, management, and budgeting. These areas depend on performance information (PI), which is essential to measure, monitor, and enhance performance.

The Municipal commits to continually produce more PI (performance measures and evaluations) than ever before and will incorporate PI in budgeting, planning, and accountability processes, and use this information for decision making, while also ensuring the citizens get more and better information.

It shall focus on the following key drivers for success in performance information provision: -

- i. *Municipal Board and Management leadership* and provide innovative ways to collaborate with all the staffs, public, private and partners to improve performance information sharing
- ii. *Institutional capacity building* of the municipal staffs to create a sustainable institution
- iii. *Provide incentives* at the institutional level (e.g., through government-wide policy, creating systems and structures that shape institutional objectives, and program monitoring systems) as well as at the level of municipal staffs (e.g., through performance targets and reward systems).
- iv. *Increased transparency* which will help deliver change in public sector performance by breaking down government silos and ensuring inter-agency information-sharing, and publishing or disseminating performance information. Transparency can also be a powerful driver for changing incentives.
- v. *Technology*, the municipal will apply the available IT tools and know-how our specific functional requirements to drive Performance information sharing

3.2.3 Participatory Planning, Budgeting and Implementation

Planning, budgeting and implementation of the approved plans are important stages in development. The realization of responsive and people driven development requires effective public participation in all the three stages. Active involvement of the citizens often results to identification with the development programmes and ownership of the implemented interventions.

In implementing the constitutional promise of citizen engagement in public planning, budgeting and implementation, the municipal will promote effective public participation in planning, budgeting and implementation of approved plans and budgets based on the following standards: -

- i. *Integrate public participation action plans in all development plans, budgets and implementation processes;*
- ii. *Provide adequate resources for public participation in planning, budgeting and implementation processes;*
- iii. *Adopt and implement effective stakeholder mapping and engagement plans with sufficient stakeholder consultations in planning, budgeting and implementation processes;*
- iv. *Prescribe for adequate notification of public participation, and provision of timely and accurate information in accessible formats for PWD's and other citizens to facilitate meaningful public engagement in planning, budgeting and implementation processes;*
- v. *Integrate national and international environmental and social protection standards in public participation during planning, budgeting and implementation processes and;*
- vi. *Establish or strengthen collaboration with development partners, private sector and Non-State Actors for effective cooperation and coordination of public participation in planning, budgeting and implementation processes.*

3.2.4 Citizens Monitoring and Feedback Mechanism

An efficient feedback and reporting mechanism is a pre-requisite for transparent and accountable interaction and dialogue between the municipal and citizens on development matters. Regular feedback and reporting enables 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.

The Municipal will promote responsive, functional and timely feedback and reporting mechanisms in order to build confidence in public participation process.

To achieve this priority area, the Municipal 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 that responsible institutions develop guidelines on receiving and analyzing feedback from citizens, sharing and incorporation into development processes.*
- iv. Ensure reports provide justification for decisions made*

3.2.5 Community-Based Natural Resources Management

Community-based natural resource management is an approach to natural resource management that involves the full participation of indigenous peoples' and local communities and resource users in decision-making activities, and the incorporation of local institutions, customary practices, and knowledge systems in management, regulatory, and enforcement processes.

Under this approach, the municipal will devolve of some part of the Management of a natural resource to a community group, whilst the Municipality retains some powers, such as water users' associations or Recreation Parks management through transparent and participatory processes.

SECTION 4: IMPLEMENTATION FRAMEWORK

Introduction

The policy will be implemented through an integrated, coordinated and consultative process by various actors both at the Municipal and county levels. The implementation of the policy, and the roles and responsibility assigned to each implementing agency will respect the principles of the separation of powers and devolution. Accordingly, public participation will be managed separately, but jointly, collaboratively and in a consultative, cooperative and coordinated manner both at the national and county levels to ensure both vertical and horizontal integration.

At each and within each level there shall be a responsible office which will coordinate public participation and provide oversight in keeping with the principle of devolution

Appropriate strategies will be used to implement the policy. The strategies will take a national orientation and outlook. Public participation will take place at all levels including the lowest possible level of governance and will be conducted in English and Kiswahili in addition Dholuo language commonly used.

Public participation strategies and action plans will be reviewed regularly to address any emerging issues

4.1 Institutional Framework for Policy Implementation

The existence of a cohesive and well-functioning institutional framework is essential for the attainment of the objectives of this policy. The aim is to ensure that the various institutions effectively play their respective but interdependent roles with a view to promoting effective public participation in Kenya

The Municipal Board, Management and Technical Officers will play key roles in the implementation of public participation in the Municipality. In addition, a wide range of Private sector and NSAs including CSOs, NGOs, Faith Based Organizations (FBOs) and CBOs, together with development partners are envisaged to play crucial roles. More important, the people, in exercise of their sovereignty, will have the overall role of holding every agent engaged in public participation accountable.

The Role of Municipal Board and Management

The following agencies will play the role assigned to them as stated below:

MDAs and Constitutional Commissions and Independent Offices: The role of Government Ministries, Departments and Agencies including Constitutional Commissions and Independent Offices will be to create an enabling environment for public participation to take place, including establishing the relevant department or office and appointing officers in charge of public participation.

ii. *County Governments*: The role of County Governments will be to promote principles of public participation as provided in the Constitution, the County Governments Act and in this policy. Within the public participation policy framework, Governments at the two levels will foster linkages with various development partners to provide financial, material and technical assistance as well as build capacity for sustainability.

Development Partners: Development partners will play a complementary role towards realization of development of the goals and objectives of this policy. In particular, they will assist in leveraging resources and facilitating capacity building for public participation

Non-State Actors: The role of non-state actors will be to collaborate with Government to mobilize citizens and resources, disseminate the policy and participate in capacity building for both citizens and duty bearers. They will also collaborate with the government in public participation processes including civic education and mobilizing the citizens to participate in diverse aspects of public governance.

The Citizen: Citizens are the main pillars of the policy and have to actively be involved in the implementation of this policy including being actively engaged in monitoring, evaluation and learning. 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.

Incorporation of Public Participation Principles

Each Government at the two levels and related agencies must incorporate the principles of public participation and will establish a coordination unit and designate an officer in charge of coordination ensuring that public participation becomes part of each MDA, Constitutional Commissions and Independent Offices standard operating procedures.

CHAPTER 5: MONITORING AND EVALUATION

5.1 Introduction

The realization of the objectives of this policy will require consistent monitoring, evaluation and learning that will help policy makers to;

- i. Quantify achievements gained in civic education and citizen awareness leading to a more informed citizenry during public participation and development process;
- ii. Identify critical success factors and both international and national best practices for public participation;
- iii. Enhance and support access to information of the citizenry to government procedures and operations; and,
- iv. Embed learning into public participation processes for improved development

A monitoring and results-based evaluation framework will be developed. This framework will specify, among other critical elements, performance targets, budgets and timelines against which the implementation of the Kenya Policy on Public Participation will be assessed. The Monitoring and Evaluation framework is directly linked with the budget framework to facilitate regular reviews and feedback on resource utilization. The monitoring and evaluation framework will address questions such as whether the participation exercise comprised a broadly representative sample of the population of the affected public; whether the issues of concern to the public, and relevant to the decision at hand, were taken into account in reaching a decision; whether timeliness, realistic milestones and deadlines were properly managed throughout the process; whether the involvement of the public was canvassed early enough; whether the public

In order to make sure that the public participation is effective, the Municipal and public will observe the following when conducting and being involved in a public participation process: -

| | Phase 1: Before Public Participation | Phase 2: During Public Participation | Phase 3: After Public Participation |
|---|---|--|--|
| Obligations of the duty bearers (Municipal) | Provide all information on the subject matter and mechanisms of | Respond to questions of clarification. Provide ample time for members of the | Assess the process from those that participate. Document lessons for |

| | | | |
|---|--|--|--|
| | <p>engagement. Communicate what is expected of the public.</p> | <p>public to make their contribution. Encourage the marginalized and the weak to speak.</p> | <p>future improvement. Communicate the decisions made from the public input. Facilitate engagement of the public in following up on implementation i.e. to participate in monitoring and evaluation of service delivery.</p> |
| <p>Obligations of the public / non-state actors</p> | <p>Access and read the information provided. Seek further information where clarity lacks. Consult other members of the public to generate consensus especially where prioritization is needed</p> | <p>Physically attend the meetings or send input to the online platforms created. Allow room for debate and compromise to create a win-win situation.</p> | <p>Provide feedback to the government officials on ways of improving future public participation processes Participate in the many avenues of learning to be more effective in future engagements Engage in and provide feedback on the quality of service and ways of improving them.</p> |

5.2 Reviewing of the M&E Framework

The M&E framework will serve as a “living document” that the Municipal’s management team will use to guide overall institutional and program performance. One of the key principles of the M&E framework is that it should be a useful tool for management and institutional learning. In this respect, it will be updated as necessary to reflect changes in Municipal’s strategy and ongoing and/or upcoming project activities.

Implementation of the M&E framework is therefore not a one-time occurrence, but rather an ongoing process of review, revision, and implementation. The framework will be reviewed and revised annually. It will also be re-examined to ensure that all M&E elements remain relevant and effectively support program management and organizational learning.

When reviewing the framework, the following issues shall be taken into account:

- *Are the performance indicators adequate and relevant?*
- *Are the data management processes effective?*
- *Are the performance indicators providing the information needed to properly measure results?*
- *How can the project performance be improved?*
- *Are the indicator targets realistic given resource availability and other program constraints and opportunities?*