

# REPUBLIC OF KENYA



COUNTY GOVERNMENT OF NYANDARUA  
DEPARTMENT OF LANDS, PHYSICAL PLANNING &  
URBAN DEVELOPMENT



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## DRAFT POLICY ON PUBLIC PARTICIPATION

## **ABBREVIATIONS & ACRONYMS**

CBEF	COUNTY BUDGET AND ECONOMIC FORUMS
CIDP	COUNTY INTERGRATE DEVELOPMENT PLAN
COE	COMMITTEE OF EXPERTS
CIVIC	SOCIETY ORGANIZATIONS
DFRD	DISTRICT FOCUS FOR RURAL DEVELOPMENT
FBOS	FAITH BASED ORGANIZATION
ICT	INFORMATION COMMUNICATION TECHNOLOGY
IEBC	INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
C.C.	COUNTY COMMISSION
C.C.C	COUNTY CHAMBERS OF COMMERCE AND INDUSTRY
CLMC	COUNTY LIVESTOCK MARKETING COMMISSION
CFF	COUNTY NATIONAL FARMERS FEDERATION
CHRC	COUNTY HUMAN RIGHTS COMMISSION
CLRC	COUNTY LAW REFORM COMMISSION
MICE	MUNICIPALITY INTEGRATED CIVIC EDUCATION
KSG	KENYA SCHOOL OF GOVERNMENT
LASDAP	LOCAL AUTHORITY SERVICE DELIVERY ACTION PLANS
MEL	MONITORING, EVALUATION AND LEARNING
MCA	MEMBER OF COUNTY ASSEMBLY
VCPS	VILLAGE COMMUNITY PROJECTS
VIDCOS	VILLAGE DEVELOPMENT COMMITTEES
C.B.O	COMMUNITY BASED ORGANIZATION
CDS	COUNTY DAIRY SOCIETY
COEF	COUNTY ORGANIZATION ENTREPRENEUR

## **Defining Key Terms**

The following terms will have the meanings assigned herein:

- i. **Public Participation:** refers to the process by which citizens, as individuals, groups or communities (also known as stakeholders), take part in the conduct of public affairs, interact with the municipality and other private actors to influence decisions, policies, programs, legislation and provide oversight in service delivery, development and other matters concerning their governance and public interest, either directly or through freely chosen representatives.
- ii. **Facilitation of Public Participation:** to facilitate means to "make easy or easier" or to "promote"; "taking steps to ensure the public is involved or is brought into the matter"
- iii. **Accountability:** means answerability to the people: an open transparent system which permits the free flow of forward and backward information and in which leaders are answerable to the people.
- iv. **Standards:** means the act or process of public participation is developed and accepted by the stakeholders as of the desired content and quality. The standards are based on the consensus of different interested parties, users, and by the two levels of government. (County and Municipality)
- v. **Coordination:** refers to the ability or process of organizing different stakeholders to ensure that they work together in harmony, effectively and efficiently.

The County Government of Nyandarua, Olkalou Municipality has developed this Public Participation Policy as the Municipality framework for public participation. In this policy, public participation is conceptualized as the process by which citizens, as individuals, groups or communities (municipality, non-governmental) take part in the conduct of public affairs, interact with the citizen and other private sectors to influence decisions, policies, programs, legislation and provide oversight in service delivery, development and other matters concerning their governance and public interest, either directly or through freely chosen representatives.

The main objective of the policy is to provide the framework for the management and coordination of public participation in municipality for the fulfilment of the constitutional requirement on citizen engagement in development and governance processes in the Municipality. Departmental bodies in Municipality will comply with this policy as a constitutional requirement.

The Constitution of Kenya promulgated in 2010 restructured and transformed the state- society relations in several positive ways. It states that the municipality governance is based on social contract, an arrangement in which the Municipality adhere regulations of the World Bank but retain the sovereign power. The Constitution places the citizens at the centre of development and related governance processes; it provides for public participation as one of the principles and values of governance.

The county government of Nyandarua , Olkalou municipality recognizes that public participation strengthens and legitimises citizen decisions, actions and development interventions, and that it is an important element of good governance and the foundation for a true democracy. The county of Nyandarua and municipalities commitment to public participation has been demonstrated through several efforts, albeit with some deficits. Both levels of government have put in place some policies and laws required to effect public participation. These include Participation Guidelines by the Nyandarua county government Ol Kalou Municipality.

This policy therefore seeks to address these gaps and challenges in order to improve and entrench public participation in development and governance processes in Municipality. The policy is organized into some policy areas that highlight the key policy concerns and objectives, and sets the standards for public participation in municipality. These standards legally bind all public bodies at the Nyandarua County all Municipalities.

The policy has some specific objectives that municipality will endeavour to achieve. The listed objectives which constitute key priority policy areas will be achieved taking into consideration many principles listed in chapters, which include sovereignty of the people and equal opportunities for all; and provision of adequate and effective mechanisms and opportunities for participation for those interested in, or affected by decisions and special interest groups. The policy priority areas were identified through public in interviews, Focus Group Discussions (FGDs) and Public engagement hearings conducted Municipality wide.

A multi-sectoral Municipality steering committee under the leadership of the office of the county assembly and department of administrations and ICT information from stakeholder and the development of this policy from its inception in 2018-2019. The framework has been developed in consultation with diverse stakeholders across the Municipality. The Municipality in collaboration with Development partners provided financial and technical support, which was used to consult stakeholders, and to draft and develop this framework. The Municipality will put in place the necessary mechanisms to facilitate the implementation of this policy, and to ensure that all public bodies in the municipality engage citizens effectively as provided in the Constitution of Kenya and related legislations.

The framework reaffirms the municipality commitment to public participation. It specifies the interventions that the and municipalities will take to address the challenges that hinder the realization of effective public participation in county. The municipality County acknowledges that good and democratic governance will be achieved in the municipality if public participation is guided by principles and values which enhance democratic governance through participation.

The policy will be implemented through an integrated, coordinated and consultative process by various actors both at the municipality and departmental levels of government, respecting the principles of separation of powers and devolution. Within each arm of government at both levels, public participation will be conducted in a collaborative manner in accord with the principle of separation of powers and in collaboration with Private sectors.

The Intergovernmental Relations Technical Committee (IGRTC), County Governments, County Civic Education Units (CCEUs), the Kenya School of Government (KSG) and the Kenya Institute for Curriculum Development (KICD) will play key roles in the implementation of public participation in municipality. All government arms, including Ministries, Departments and Agencies (MDAs) will collaborate and work closely with Municipality development partners, including NSAS.

## **PART ONE INTRODUCTION**

### **1.1, Municipality 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 Municipality 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 Ol Kalou municipality 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, County is a signatory to several international and regional conventions with important provisions on public participation.

Since the promulgation of the Constitution, some efforts have been put into enabling public participation. A number of laws and policies have been enacted in Nyandarua County Governments have completed and adopted municipality 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. The development of this policy is based on the acknowledgement that the Municipality requires a coherent policy for managing and coordinating the many agencies involved in the mobilization and organisation of citizen participation.

The policy underscores municipality 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.

### **Rationale for the Policy**

The policy is the execution framework to guide both levels of government, the private sector in their engagements with the public on governance issues. The policy is based on the need to achieve the constitutional directive and driven by the acknowledgment that the realization of effective public participation as contemplated in the constitution has been affected by numerous challenges. These challenges include absence of standards and ineffective coordination mechanisms, inadequate coordination among provider?, ineffective inclusion of special interest groups, citizen apathy, and inadequate funding. The policy sets the standards and provides the mechanisms for the coordination of public participation at both levels of the municipality and its departments.

### **Policy Objectives.**

The main objective of this policy is to provide the framework for the management and coordination of public participation in Municipality for the fulfillment of the constitutional requirement on citizen engagement in development and governance processes in the Municipality. The policy has some specific objectives 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 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;
  - 5) Promote effective participation of minorities and marginalized groups at all levels;
  - 6) Guarantee adequate, secure and sustainable funding for public participation;
  - 7) Promote well-resourced, updated and effectively implemented monitoring, evaluation and learning systems for public participation;
  - 8) Promote responsive, functional and timely feedback and reporting mechanisms in order to build confidence in public participation process and;
  - 9) Promote effective handling of complaints.

### **Guiding Principles**

Public participation in Municipality 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
- iv. Consultation between the two levels of government in line with Article 6(2) of the Constitution and building relationships with 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



- xi. Adequate monitoring, evaluation, learning and feedback mechanisms
- xii. Adherence to the principles of devolution and separation of power
- xiii. Respect for the principles of child participation/ including child friendly environment, appropriate information, and non-intimidation
- xiv. 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 Municipality. A summary of issues gathered from the public are listed and briefly discussed in the following section focusing on situation analysis of public participation in Municipality.

## **PART TWO**

### **PUBLIC PARTICIPATION IN MUNICIPALITY: SITUATIONAL ANALYSIS**

#### **2,1 Introduction**

Many efforts have been made in the past to improve Public participation in County 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.

#### **Kenya Experience with Public Participation**

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 centralised 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.

In 1983 there were some attempts to involve citizens in development processes through the

DFRD. The DFRD encouraged community participation in the identification, planning and implementation of the development projects at the district level with limited participation at the lower levels of sub districts and villages. The entire planning and management process was under the direction of the Provincial Administration, and the public did not have a strong voice. Those who participated were selected by the chiefs, District Officers (DOs) or the District Commissioners (DCs). This approach skewed the voice and participation of ordinary citizens.

The enactment of Physical Planning Act in 1996 was a milestone development, which provided for community participation in the preparation and implementation of physical and development plans. In 2001, the Ministry of Local Government through its reform program, the Kenya Lc Government Reform Program (KLGRP) introduced the Local Authorities Service Delivery Action Plan (LASDAP), a tool developed to improve participator planning, governance and service delivery in local authorities (LAs). Through LASDAP, the Local Authorities engaged citizens annually at ward level consultative processes to consider and identify priority capital projects. LASDAPs provided important opportunities for citizen participation, such as in information gathering, consultation and consensus meetings, formation of monitoring groups, and participating in feedback meetings. Local Authorities Budget Day and Community Budget Committees were also established with a goal of improving public participation.

In January 2013, the CDF Act 2003 (amended in 2007) was repealed and replaced with CDF Act 2013. It provided that the CDF would fund only national government functions and also sought to limit the role of MPs in management of the fund. Communities participated through their membership in the County Projects Committees, the Constituency Development Fund Committees and the Project Management Committees. In 2015, the CDF was converted into a national government fund by the National Government Constituencies Development Fund (NGCDF) Act, but the legislation was contested in court by the county governments and the matter remains unresolved. However, as with the LASDAP, the CDF lacked a coherent coordinating framework and suffered from overlaps, duplication, and effective citizen involvement. Furthermore, it did not effectively accommodate special groups such as the women, youth, the elderly, People with Disabilities (PWDs), minorities and the marginalized.

Kenya's Judicial and Constitutional Review processes of the 1990s and 2000s helped popularize public participation in the country. The Constitution of Kenya Review Commission (CKRC) Act, 1998 had important public participation provisions. The CKRC Act required Commissioners to consult widely, to carry out intensive and extensive civic education and to ensure people's views were reflected in the Constitution. The Committee of Experts (CoE) drafting Kenya's 2010 Constitution regularised public participation. Partnering with NSAs, the CoE conducted civic education in all constituencies. The CoE had a thirty-day period for intensive public engagement before the people voted during the constitutional referendum that approved the Draft Constitution.

The Judiciary has integrated public participation by establishing Court Users' Committees and the National Council on the Administration of Justice. This has been enhanced after the adoption of the Judiciary Transformation Framework (2012-2016) and sustaining judiciary transformation framework (2017-2021), which provides better mechanisms for engaging the public in the administration of justice. The Framework proposed the development and implementation of a structured approach to ensuring interactions with the public through Open Days, Judicial Marches, and Public and Student Visitation Programs, all meant to make the judiciary more accessible to the public. Other aspects have included the Chief Justice' Annual State of the Judiciary Address, court's emphasis on open court rather than chamber hearings and establishment of an elaborate media strategy.

### **Citizen Apathy**

Inadequate implementation of the citizens' priorities and feedback to them on the decisions taken on their proposals, have discouraged Municipalities from engaging in public participation processes. The Result has been the development of the perception among the citizens that their involvement in such events is not helpful to their situations. This has led to negative perceptions about public participation and the emergence of demand for payment and reimbursement for their attendance.

### **Limited Civic Education and Inadequate Capacity**

Majority of citizens lack adequate awareness of their rights and responsibilities and the few, who do, lack the requisite understanding, knowledge or skills for processing the

issues at stake. These deficits require civic education that has largely been inadequate.

### **Inadequate Funding**

Inadequate funding for public participation and other financial and budgetary constraints has reduced the frequency and quality of participation. Funding levels also determine the availability of materials, documents and support for logistics for participation.

### **Ineffective M & E Systems, Poor Learning and Feedback Mechanism**

Monitoring, evaluation, learning and feedback mechanism for public participation are weak and inadequate. Supervision and documentation of programs, their content and achievements have also been weak, while citizens also complain that their inputs are not incorporated into decision making and governance processes.

### **Minimalism and "Compliance Only" Attitude**

Despite Constitutional and legal requirements for public participation, a number of duty bearers have a "compliance only" attitude and a "minimalist approach", where efforts are only put to ensure compliance with the law without effectively advancing public participation. Furthermore, participation seems to take place either at the beginning or the tail end of development processes without continuity. The policy addresses these challenges by setting the objectives, principles and standards as well as coordinating mechanisms for public participation. It facilitates the empowerment of ordinary citizens through the construction of new relations between citizens and important institutions of governance, transforming participation from a technical- tokenistic device to a routine occurrence, while at the same time changing the behaviour of leaders from planning for citizens to planning with citizens.

## **POLICY PRIORITY AREAS**

### **Introduction**

This section presents some identified policy areas, highlighting policy concerns and the policy standards to address the concerns. Past experiences provide important lessons on the status of public participation that include low levels of citizen participation in planning, budgeting and implementation of programmes which this policy will address. These gaps are largely the result of inadequate access to information by the public, weak

capacity of the citizens and duty bearers in public participation, limited civic education and insufficient coordination of the processes, inadequate funding of public participation, inadequate opportunities for public engagement in planning and budgeting, lack of mechanisms for identification and inclusion of the marginalized groups.

The policy fits well within, and is embedded in the broad post-2010 Government of Kenya policy orientation. It is firmly anchored in the Constitution and Kenya's development blueprint, Vision 2030, both of which define how the governance sector is to be structured and run to facilitate the attainment of effective and sustainable public participation. The policy's objectives will be pursued and achieved within this wider network of government policy and legislation orientation.

The policy areas include: access to information; civic education; capacity building; planning, budgeting and implementation; inclusion of minorities and marginalised groups, funding; monitoring, evaluation and learning; feedback and Reporting mechanisms; and, in the document of the next page.

**OL KALAU MUNICIPALITY ORGANOGRAME SYSTEM**

## **Key Policy Areas**

### **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, 2016s. The Constitution guarantees citizens access to information held by the Municipality 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 duty bearers to account. Ol Kalou has Municipality obligation to disclose information to the people through appropriate media and format, in particular areas with high illiteracy levels.

### **Policy Objective**

The municipality will ensure citizens continually access timely information on public issues, in a language and format that is easy to understand.

### **Policy Standards**

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.

### **Civic Education**

Civic education is an important prerequisite for effective public participation by the citizens.

Civic education informs the public, creates awareness and empowers them to make informed decisions. It ensures that a critical mass of citizens, are endowed with knowledge and skills that embody the values, norms and behaviour that accord with the principles of democracy. Among, others, the County Government Act (2012) Part X mandates Municipality to ensure civic education in line with the principles of devolved governance provided in the Constitution. Section 101 provides for County legislation to provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes.

The municipality wills Integrate Civic Education (MICE) Programme, a municipality framework for civic education in recognition of the important role civic education plays in public participation. MICE is domiciled in the County Assembly Office and Department of finance economics and I.C.T has coordinated and funded public civic education in the past, in partnership with development agencies and private sector across the municipal. MICE provides an unprecedented opportunity for collaborative and integrated municipal civic education if effectively implemented.

### **Policy Objective**

Municipality will:

- i. Formulate, enact and implement the necessary policies, legislation and procedures for civic education.
- ii. Customise curriculum for civic education for specific needs in collaboration with all actors.
- iii. Establish citizen education mechanisms for the minorities and marginalized groups in line with the Constitution and other related laws
- iv. Develop and popularize Charters, specifying how, and when to participate, and the available opportunities for participation.
- v. Allocate adequate funds for civic education.
- vi. Provide an enabling environment that allows private sectors to support civic education programs.
- vii. Ensure civic education programs promotes a participatory culture driven by integrity, municipality values and principles of good governance;
- viii. Ensure an encompassing and continual civic education within and at all levels of Municipality, including Constitutional offices and independent offices.

## **Capacity Building**

Capacity building for public participation is important to all actors engaged in development, including Municipality and its departments, who need the relevant skills and experience to manage and coordinate public participation effectively. The actors require skills on planning for public participation; management of the actual engagement processes which include stakeholders' identification and mobilization, facilitating and documenting public participation, analysis, communication, and monitoring and evaluation; and preparation of public participation reports. Capacity building at different levels equally endows Municipality and citizens with relevant skills for participating in development processes. For citizens, it further removes the fear of intimidation and encourages them to hold service providers and leaders to account. Capacity building is also important for ensuring uniformity in the management of citizen engagement processes since public participation is a legal function for all public bodies in Municipality. This can however be realized only if there is standardization in capacity development and the tools of engagement in public participation.

## **Policy Concern**

The municipality has the relevant capacity building institutions that include the Kenya School of Government and the County Assembly Studies which have been administering capacity building to public bodies and officials on public participation. The training has however to a large extent emphasized on the legal provisions governing the process and is yet to adequately cover the relevant skills and tools. Despite receiving the training therefore, public officials face some challenges on planning for, managing and documenting public participation processes. The approaches and tools used are yet to be standardized and the management of public participation processes is not uniform.

While some agencies have established departments or units responsible for managing and coordinating the processes, others lack such mechanisms and respective departments undertake their own public engagement processes. Capacity building for public participation has also been affected by inadequate funding which has hampered ability of the agencies to effectively plan for, manage and coordinate the function. The Municipality and its departments have filled this gap however the coordination among them and public agencies has not been adequate. The public agencies and private sector engaged in capacity building need comprehensive capacities, skills, knowledge and experience to meaningfully engage citizens on development issues.



## **MUNICIPALITY AND CITIZEN ENGAGEMENT**

1.1 Citizen- They provide the political leadership with the authority to govern and expect in return governance and public services. They aggregate references of citizen and deploy the state bureaucracy and resources to fulfil citizen expectations. For they bring good results to the citizen.

### **1.2 SOCIAL ACCOUNTABILITY ACTIVITIES**

It provides an avenue for citizens to exercise their constitutional right to participate in decision and processes concerning their own development. They are allowed to elect their own leaders in project development, employment and participate in resource contribution in government projects.

### **1.3 MUNICIPALITY AND CITIZEN ENGAGEMENT IN PUBLIC SERVICE DELIVERY.**

The municipality will allow citizen to participate in decision making process - from policy and law-making to planning and budgeting. The citizen will play a critical role in public institutions and more transparent, accountable, effective and efficiency making municipality productive.

### **YOUTH AND PUBLIC CIVIC ENGAGEMENT**

This will help youth to become more better informed about current events. It helps to develop the combination of knowledge, skill, values and motivation to make a difference to enrich their lives and socially beneficial to the community. This will help the youths to be safe and free from drug substances. The civic will provide an avenue of financial assistance for a character and citizenship education sponsorship in curriculum and entrepreneurships.

### **Policy Objective**

Municipality will:

- i. Develop capacity of the institutions mandated to offer capacity building services to citizen on public participation;
- ii. Engage adequate human resources with appropriate skills and competencies to manage public participation functions;
- iii. Allocate adequate budget for capacity building of all actors involved in public participation;
- iv. Collaborate in capacity building on public participation;

- v. Establish and strengthen coordination mechanisms in capacity building on public participation;
- vi. Promote and safeguard departments operational environment for public participation.
- vii. Embed monitoring, evaluation and learning mechanisms in public
- viii. participation processes as part of capacity building.

### **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.

### **Policy Concern**

Planning, budgeting and implementation of public participation. The available opportunities for participation are often the preserve of the elites and opinion leaders who tend to be invited to public participation events on the assumption that they understand the needs and priorities of their communities. Furthermore, public engagement processes are complex and technical and require skills and adequate planning. The Kenya Constitution (2010) addresses public participation related issues and provides for participatory governance. It fundamentally, altered the framework for development planning and execution in Municipality. The hitherto top-down planning processes were replaced with participatory planning. It bestows on all the citizens the right to participate in development and governance matters.

However, the constitutional promise of citizen engagement in. public planning, budgeting and implementation is yet to be fully realized in Municipality due to diverse challenges that include gaps in planning for citizen engagements, inadequate notification, inadequate financing of the processes, and minimal coordination and collaboration among government agencies and with stakeholders. These challenges have therefore affected the realization participatory budgeting and planning processes as anticipated in the Kenyan constitution and relevant laws.

### **Policy Objective**

The Municipality will promote effective public participation in planning, budgeting and implementation of approved plans and budgets

## **Policy Standards**

Municipality and departments will

- 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 private partners engagement for effective cooperation and coordination of public participation in planning, budgeting and implementation processes.

## **Inclusion of Minorities and Marginalised Groups**

The Constitution recognizes the need to build an inclusive and equitable society. It provides for the participation of minorities and marginalized groups in Articles 53, 54, 55, 56, 57 and 100. This group includes women, children, PWD, youth, the elderly, ethnic and other minorities and marginalized communities. The recognition is informed by the available statistics and everyday realities which show that sections of Kenyan society have been excluded in the development processes.

## **Minorities and Marginalised groups**

### **Policy Objective**

The municipality will promote effective participation of minorities and marginalised groups at all levels.

The Municipality will

- i. Provide guidelines for meaningful participation of minorities and Marginalised

- Groups;
- ii. Undertake stakeholder mapping to identify the minorities and marginalised groups for effective participation and engagement;
  - iii. Ensure public participation processes have plans for engagement of the minorities and marginalised Groups, including provisions for appropriate hours, and venue for meetings;
  - iv. Tailor communication to meet the needs of minorities and marginalised groups
  - v. Provide disability friendly infrastructure for PWDs during public participation processes, and
  - vi. Provide adequate budgetary resources for the engagement of minorities and marginalised groups.

### **Funding**

The policy provides that public participation is one of the values principles of governance. The realization of public participation in Municipality processes needs adequate budgetary allocation to finance the necessary infrastructure processes and planning for public participation, actual engagements/monitoring and evaluation, feedback and coordination. These activities require resources which should be allocated and protected. It is therefore important that all government municipality plan for and adequately budget for public participation activities which require regular and reliable funding for advertising, civic education, logistics, printing and duplicating materials and information dissemination.

### **Funding**

#### **Policy Objective**

The Municipality will guarantee adequate, secure and sustainable funding for public participation.

#### **Policy guidelines**

Municipality will

- i. Provide guidelines on funding for public participation to ensure adequate budgetary allocation;
- ii. Provide adequate funding for public participation on a regular and continual basis;
- iii. Provide conditional grants for strengthening of public participation to and related agencies

- iv. Provide mechanisms for collaboration with development partners and NGO's to facilitate sourcing of adequate funding for public participation and;
- v. Provide adequate funding for MICE and other existing frameworks for public participation.

### **Monitoring, Evaluation and Learning (MEL)**

MEL is an important component of project cycle and continual implementation of any agreed project or programme. MEL objectively tracks implementation and outputs and measures the effectiveness of projects and programmes. Through monitoring and evaluation objective evidence based facts are generated for learning and effective implementation of development programmes. In respect to public participation, MEL information assist both duty bearers and citizens to assess outcomes and counter-check whether outcome is in line with the expected outputs, and to learn and recast processes as necessary.

### **Monitoring, Evaluation and Learning**

#### **Policy guidelines**

The Municipality will promote well-resourced updated and effectively implemented monitoring, evaluation, and learning systems for public participation.

#### **Policy Standards**

Municipality, in collaboration with other stakeholders will:

- i. Put in place MEL systems and mechanisms for public participation in development projects and programmes;
- ii. Integrate public participation within every MEL program in municipality;
- iii. Publish and disseminate annual reports with indicators on the status of public participation;
- iv. Establish structured communication and feedback mechanisms to ensure that MEL initiatives are disseminated to the citizens and policy makers; and v. Strengthen communities to actively participate in MEL, including auditing of public projects and programs.

#### **Feedback and Reporting Mechanisms**

An efficient feedback and reporting mechanism is a pre-requisite for transparent and accountable interaction and dialogue between the Municipality 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.

### **Policy Concern**

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

### **Policy Objective**

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

### **Municipality will**

- i. Establish mechanisms for timely feedback and reporting on public participation at all levels;
- ii. Review, formulate and implement plans on feedback on public participation;
- iii. Ensure 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.

### **Complaints and Redress Mechanisms**

A functional complaints and redress mechanism is important in ensuring effective public participation. The citizens of Ol Kalou Municipality have a Constitutional and legal right to petition the Municipality on any matter under the law. In this regard, the Constitution has created different institutions to address public complaints. Notably, Municipality G.R.M the Commission on Administrative Justice (Office of the Ombudsman), Kenya National Commission on Human Rights Commission (KNHRC), National Gender and Equality Commission (NGEC), Independent Police Oversight Authority (IPOA) and National Land

Commission (NLC) are some of the mechanisms that have been established for addressing complaints against public institutions.

### **Policy Concern**

Despite the above elaborate institutional framework, the same has not been institutionalized at the grassroots level. Furthermore, the attendant legal frameworks and resourcing have been insufficient thereby undermining the effectiveness of these bodies. In particular, complaints management has not been embraced adequately or institutionalized in some public offices. In some instances, where it exists, the primary focus is compliance rather than improvement of service delivery. These deficits have undermined the institutional and utilisation of other available mechanisms besides the courts to redress of complaints.

Public bodies such as CAJ, KNCHR, and NGEC provide a complementary platform for handling public complaints but they have had challenges of budgetary constraints, insufficient statutory framework and limited accessibility hence hindering their ability to perform fully. Furthermore, whereas some of the shared institutions were supposed to decentralise their services, this has not happened.

### **Policy Objective**

The Municipality will promote effective handling of complaints

### **Policy Standards,**

Municipality will collaborate with other stakeholders to:

- i. It will strengthen complaints and redress mechanisms in place procedures that are simple, available, publicized and understandable by users;
- ii. Promote alternative dispute resolution mechanisms;e.g face to face meetings.
- iii. Ensure internal complaints and redress mechanisms are established at all levels within Municipality;
- iv. Strengthen oversight institution complaints handling at board/C/Members, Municipality GRM, national GRM , and departmental levels contractors site project and citizen meetings
- v. Ensure compliance with existing laws and complaints reporting mechanisms and
- vi. Sensitize citizens on complaints and redress mechanisms; and
- vii. Provide for the development of a service delivery charter and ensure they are regularly reviewed and updated.

## **PART FOUR** **IMPLEMENTATION FRAMEWORK**

### **Introduction**

The policy will be implemented through an integrated, coordinated, and consultative process by various actors both at the Municipality and citizen. 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 Municipality and citizen 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 Municipality 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 to other relevant languages commonly used in each specific locality. Municipality and county Civic Education Units will ensure that public participation takes place in the most effective way inclusive of the lowest devolved units - village level.

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

### **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 Municipality.

The County Government the Kenya School of Government (KSG), and the Kenya Institute for Curriculum Development (KICD) will play key roles in the implementation of public participation in Municipality. In addition, a wide range of private sectors 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 Coordinating Municipality Agency**

A multi-sectoral committee co-convened by the Office of the County Assembly and the Department of administration, economic planning and ICT will constitute the coordinating agency. The agency will have other Municipality bodies who have the legal mandate of the various subject matters addressed in this policy and county speaker who directly work on any of the key policy areas. Thus, in/addition to the co-conveners, other mandatory government bodies will be included the county assembly , department of administration and Ict department of land , physical planning and urban development , department of finance and economic planning department of sport and youths , Kenya school of government (K.S.G Nyandarua County court among other umbrella bodies with programmes relevant to the underlined policy areas will also be members of the coordinating agency. The multiagency will provide leadership and supervise the coordination of the implementation of the policy.

## **The Role of Agencies**

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

- i. County and constitutional Commissions and Independent Offices: The

### **Role of agencies**

- 1 Role of County/ Municipality ,- Departments and Agencies including Constitutional Commissions and Faith Based Organisation will be to create an enabling environment for public participation to take place,
- 2 Municipality Governments: The role of Municipality will be to promote principles of public participation as provided in the policy, the County Governments Act and in this policy. Within the public participation policy framework, Municipality levels will foster linkages with various development partners to provide financial, material and technical assistance as well as build capacity for sustainability.
- 3 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.
- 4 Nyandarua County government : The role of county will be to collaborate with Municipality 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 Municipality public participation processes including civic education and mobilizing the citizens to participate in diverse aspects of public governance.

- 5 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 die 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**

The County and Municipality 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.

### **Development of People's Participation Charters**

The two levels and related agencies will develop a People's Participation Charter, which will set out the principles for participation, including specification of when and how the people of Municipality should participate as well as stipulating the opportunities available. The Municipality will ensure the full revival and renewal of the Municipality integrated Civic Education.

### **Development of Public Participation Guidelines**

Municipality has prepared guidelines on public participation indicating how they will engage with the public. Municipality and' public administration, ICT and economic planning will make an Annual Public Participation Report detailing the level of pubic-participation in each level of public participation and the challenges experienced. Each level of participation will outline in the Annual Report how they will be addressed in the next year and submit the same to the Coordinating agency established by the office of the County assembly and Municipality and department of Lands infrastructure and urban development Municipality, administrations, ICT, finance and economic planning. The county assembly will pass legislation to establish the relevant mechanisms and institutions to address the following issues:

- i. Provide a working definition of public participation;
- ii. How public participation will be conducted and the responsibilities of key stakeholders;
- iii. Who should participate and how?
- iv. How each special interest group has been incorporated in the content of public participation;

- v. Conditions for meaningful participation;
- vi. Rights and duties of members of the public;
- vii. Capacity building mechanisms for key stakeholders and
- viii. Timelines for participation.

### **Monitoring and Evaluation**

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 in Municipality best practices for public participation; and,
- 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 were able to participate in an effective forum; whether the public participation process provided the participants with the information, documents and data that they need to participate in an informed manner; whether the process for public participation sought out and facilitated the involvement of those potentially affected by or interested in a decision; whether the PLWDs were effectively engaged and, whether public participation process gave a feedback to participants how their input informed decisions made.

### **Review of the Policy**

The Municipality policy on Public Participation will be reviewed every five years in line with

the current and future needs of Municipality citizen