

Popular Civic
Education Series No. 16

CITIZEN PARTICIPATION IN THE PUBLIC EXPENDITURE MANAGEMENT CYCLE AT THE COUNTIES

Reference Materials on County Public Participation
for Trainers of Trainers and Public

The Ecumenical Centre for Justice and Peace

**CITIZEN PARTICIPATION IN THE PUBLIC EXPENDITURE MANAGEMENT CYCLE AT THE
COUNTIES**

**REFERENCE MATERIALS ON COUNTY PUBLIC PARTICIPATION FOR TRAINERS OF TRAINERS
AND PUBLIC**

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International Development (USAID) through Agile and Harmonized Assistance for
Devolved Institutions (AHADI) Program*

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PREFACE

The Constitution of Kenya makes citizen engagement a mandatory requirement in the development processes in the country. The involvement of citizens in running of county affairs gives them opportunity to influence and determine how the public services are delivered by their counties. In addition to making public services responsive to their needs, public participation in the service delivery cycle also has the potential benefit of reducing delays in service delivery and mismanagement of the resources. These rights and benefits can however be achieved only if the citizens actively engage in the county service delivery processes as key stakeholders.

This publication is a simplified reference material primarily as a guide for the Trainers of Trainers on the county service delivery processes or public expenditure management cycle under Kenya's devolved governance system. It presents the county service delivery process and highlights the opportunities at the diverse stages where the citizens should be involved. Legally, the public have the right to be involved in the entire cycle of county service delivery from planning and budgeting to implementation, monitoring and evaluation and review processes including management of the public funds. Citizens also have the right to be involved in the development processes by the diverse arms of the County Government namely the County Executive, County Budget and Economic Forum and County Assembly.

This reference material is a supplement to Ecumenical Centre for Justice and Peace's popular civic education series number 15 'You and Your County'¹ and will be used primarily by the Trainers of Trainers as a reference material to train citizens on county public expenditure management cycle. The material can also be used by the citizens and other stakeholders interested in the county service delivery processes since it is presented in simple and non-technical language.

It is my hope that this module will elicit the impetus desired for active engagement of the citizens in management of their county affairs.

Ruth Angwa Masime



Executive Director, ECJP

¹ 'You and Your County' is a popular civic education series number 15 that illustrates the legal framework that necessitates citizen participation at the County governance process; and the processes necessary for citizen's participation in the county development process.

ACKNOWLEDGMENT

The Ecumenical Centre for Justice and Peace (ECJP) wish to acknowledge with gratitude the generous financial support from the United States Agency for International Development (USAID) through its Agile and Harmonized Assistance for Devolved Institutions (AHADI) program which enabled the trust to develop, design and print this publication.

We also wish to appreciate USAID for the financial support which enabled ECJP to contribute in strengthening citizen engagement in the county governance processes in Vihiga County.

The ECJP further wish to appreciate the technical assistance from AHADI which was very useful in improving the content and responsiveness of this publication to the target groups.

To Ms. Ruth Angwa – Masime who dedicated her time and devotion in putting the materials together to reflect ECJP’s outlook, receive our gratitude.

This book is dedicated to all Kenyans who make a difference in their communities by their active participation in the governance processes of their counties. It is your duty and your responsibility to do so.

Rev Jephtha Gathaka

Secretary to the Board, Ecumenical Trust

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BACKGROUND

What is public participation?

The County Public Participation Guidelines by the Ministry of Devolution and Council of Governors defines public participation as the process where individuals, governmental and non-governmental groups influence decision making in policy, legislation, service delivery, oversight and development matters. It further states that public participation is a two-way interactive process where the duty bearer communicates information in a transparent and timely manner, engages the public in decision making and is responsive and accountable to their needs.

This definition reinforces Article 1 of the Constitution of Kenya (2010) which vests all sovereign power on the people of Kenya and provides that the citizens can exercise this power directly by participating in governance processes or indirectly through elected representatives and appointed officials.

Public participation in governance processes at the national and county levels is mandatory and protected by the law. At the county level, it is the responsibility of the County Governments to facilitate public participation in all development processes including governance and service delivery. The counties are required to establish the mechanisms for public participation at the county and decentralized levels (sub counties, wards and villages) to facilitate engagement of the citizens in the development processes. Citizens can gain diverse benefits by participating in the running of their county affairs which include responsive services and reducing wastage of public funds however they can gain these benefits only if they engage the county actively and consistently.

Table 1: Potential Benefits of Public Participation and Disadvantages of Non-Engagement

Benefits	Disadvantages
<p>1. Citizens voice is heard</p> <p>A citizen's priorities and needs can or will be known and are likely to be considered by the government during planning, policy and law making, and budgeting resulting to responsive and improved service delivery.</p> <p>2. Influencing planning, policy and law making and budgeting</p> <p>By participating, citizens can bargain with the government and are able to determine how their money from the taxes, fees and levies by County Government will be used.</p> <p>3. Feedback and information sharing opportunity</p> <p>Citizens have the chance to get reports and information of previous processes/decisions and new information is shared by the government by asking for it or if given proactively by the government.</p>	<p>1. Decisions made without citizens</p> <p>The government will plan, make policies and laws, and budgets without knowing the issues affecting the citizens, their needs and priorities and therefore unlikely to meet their expectations.</p> <p>2. Citizens do not know what the County is planning</p> <p>Citizens will miss from the spaces where decisions are made hence have no opportunity to lobby or bargain with the government to consider their needs and priorities.</p> <p>3. Lack of awareness about government plans and decisions</p> <p>Citizens who do not attend public forums are unlikely to know what the government is planning to do and how their previous views were treated and may not get opportunity to ask questions to the government.</p>

1. DEVOLUTION IN KENYA

- Devolution comes from the word 'devolve' which means to transfer power, money, staff and services from a national government to local or regional governments so that they are closer to the people.
- Kenyans adopted devolution to ensure that citizen's (*wananchi's*) voice is heard and considered in decision making. Devolution gives citizens a more active role in the planning, budgeting and monitoring of their own development.
- In Kenya, there are two levels of government, that is, one national government and 47 county governments each with distinct functions and responsibilities.

National and County Governments

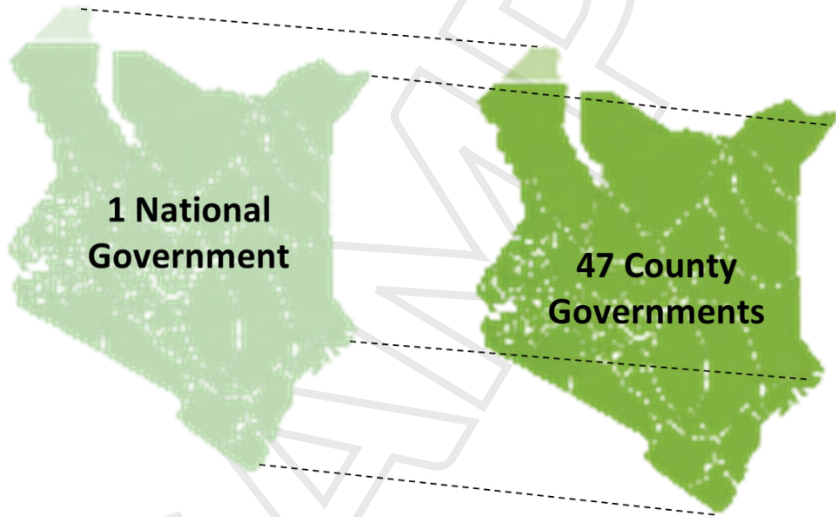


Table 2: Functions of the National Government

1. National executive

- Implements the policies, laws, development plans and budgets approved by the Parliament (National Assembly and Senate).

Table 2: Functions of the National Government

2. Parliament
a. Functions of the National Assembly
<ul style="list-style-type: none">• Makes national laws• Approves budgets, plans, national policies and laws• Vets senior public officers
b. Functions of the Senate
<ul style="list-style-type: none">• Protects interests of County Governments• Makes national laws concerning County Governments.• Approves budgets to be shared between the National and County governments.• Ensures that the County Governments spends allocated funds and taxes well.• Removal or impeachment of the President.
3. Judiciary
<ul style="list-style-type: none">• Listens to cases from the citizens and gives judgment according to the law• Solves disputes and disagreements by interpreting the constitution and laws.
4. Constitutional Commissions and Independent offices
<ul style="list-style-type: none">• Protects the power of the people and their rights by ensuring that the constitution and other laws are followed.

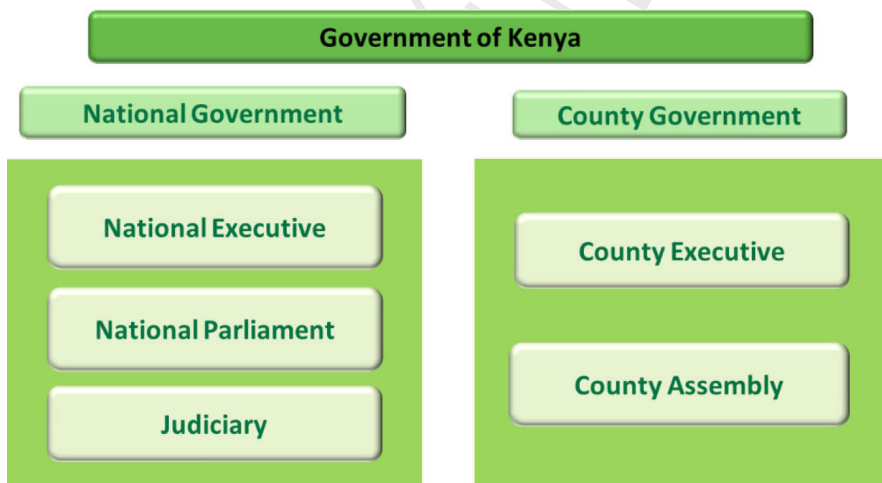
Table 3: Functions of the County Government

1. Agriculture including crops and animals. Livestock sale yards, county abattoirs, plant and animal disease control and fisheries
2. County health services
3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising
4. Cultural activities, public entertainment and public amenities
5. County transport
1. Animal control and welfare

Table 3: Functions of the County Government

2.	Trade development and regulation
3.	County planning and development
4.	Pre-primary education, village polytechnics, home craft centres and childcare facilities
5.	Natural resources and environmental conservation policies
6.	Public works and services
7.	Firefighting services and disaster management
8.	Control of drugs and pornography
9.	Coordinating and Building capacity of communities to participate in governance at the local level

National and County Government Structures



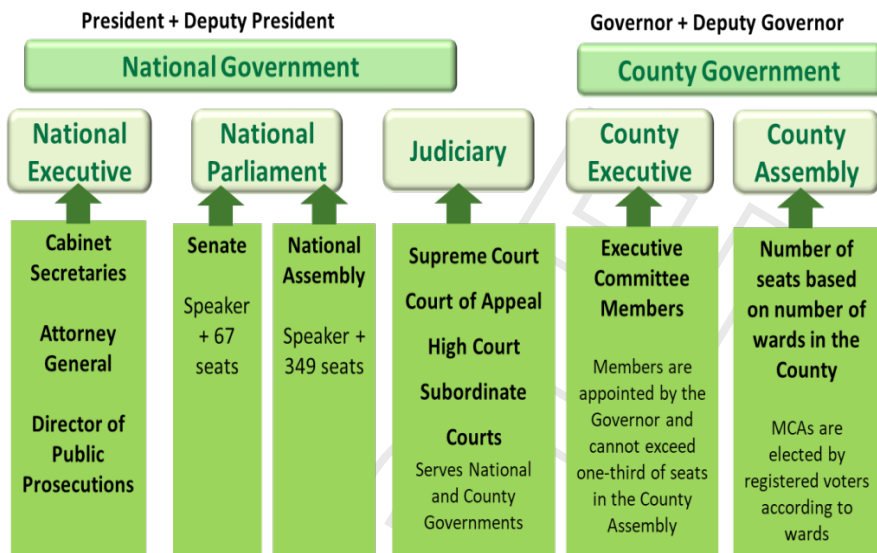


Table 4: Elective Political Positions

Elective Position	Level	Body
President (and Running Mate)	National	National Executive
Senator	County	Parliament: Senate
Member of National Assembly	Constituency	Parliament: National Assembly
Women Representative	County	Parliament: National Assembly
Governor (and Running Mate)	County	County Executive
Ward Representative (MCA)	County	County Assembly

2. CITIZEN PARTICIPATION IN COUNTY AFFAIRS

What does the Constitution say about citizen participation?

Article 1 (1)

All sovereign power belongs to the people of Kenya...

Article 10 (2) (a)

The national values and principles of governance include...democracy and participation of the people.

Article 174 (c)

The objects of the devolution of government are...to give powers of self-governance to the people and enhance the participation of the people in...making decisions affecting them.

- As a citizen, you have the right to elect your Governor and Member of County Assembly (MCA) and supervise them while serving you.
- You are also entitled to participate in decisions that affect your life, such as providing inputs into government policies, laws, plans and budgets.
- Your responsibility is to understand what the government is doing, and ensure that you participate actively in those processes. This is because the success of devolution requires active citizen participation.

Source: A Popular Guide to County Planning and Budgeting, TISA, 2013 - with edits.

Some ways citizens can participate in county processes

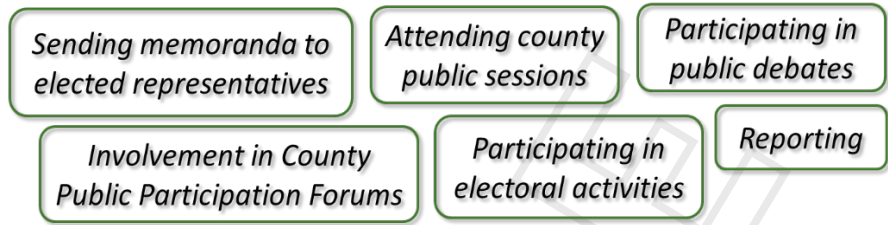


Table 5: Opportunities for Citizen Participation in County Affairs

a. Development Planning and Budgeting
<ol style="list-style-type: none"> 1. During drafting of the plans and budgets by County Executive 2. During public consultations on the draft plans and budgets. 3. During validation of e draft plans and budgets by County Executive. 4. During approval of the plans and budgets by the County Assembly 5. During review and assessment of performance of the plan(s)
b. Policy and Law Making
<ol style="list-style-type: none"> 1. During drafting by the County Executive or County Assembly. 2. When the Bill or policy has been drafted by the County Executive. 3. When the Bill or Draft Policy has been introduced in the County Assembly and before it is approved. 4. During public hearings convened by the County Executive of County Assembly.

How to participate in county affairs?

As a citizen, there are several ways and openings you can use to have your needs and problems heard and considered by your County Government. A citizen can may also participate individually or in group with other members with common interest. You can use one or more ways and means listed in the table below.

Table 6: how a citizen can participate in County Affairs

1. Writing and sending letters (memoranda or petition) to the government.
2. Attending and giving views during public participation forums e.g. public barazas, public debates and public meetings.
3. Demonstrating peacefully, boycotting, strike or go-slows.
4. Taking legal action or filing cases in courts of law
5. Giving the concerns with elected Members of County Assembly
6. Sharing the concerns with the media through press conferences, participating in talk shows or letters to the editor
7. Sharing the concerns with people who have the same problem or issues and coming together and raise the concerns jointly
8. Voting for preferred candidates during elections.
9. Reporting to relevant public complaints handling offices mainly the Constitutional Commissions and Independent Offices.
10. Participating in sector working groups, CBEF, public budget hearings

County Planning and Budgeting Calendar		
Timeline	Activity	Public Participation
Every 5 years	County Integrated Development Plan (CIDP) , which is a road map for development in the county for the coming 5 years is prepared by the County Executive and approved by the County Assembly.	Public can be involved in the formulation of the CIDP by the County Executive and through SWGs or the CBEF, and during approval by the County Assembly. Both County Executive and Assembly are required to involve the public while developing and approving the CIDP.

30 August	County Treasury releases a Budget Circular to all departments informing them that the budget process is beginning, so they can prepare their requests for funding.	The circular outline the spaces where the public can be involved in the budget preparation process.
By 1 st September	County Executives prepares and table Annual Development Plan (ADP) to the County Assembly for approval.	Public Forums organized by the County Executive, County Budget and Economic Forum during formulation of the ADP and County Assembly during its approval. The plan must be made public within 7 days.
30 September	County Budget Review and Outlook Paper (C-BROP) submitted to the CEC.	CBROP is tabled to the Assembly by the Executive
1 January	Commission on Revenue Allocations (CRA) recommendations on how revenue should be divided between national and county governments are published.	The recommendations are published.
14 February	County Executive tables the County Fiscal Strategy Paper (CFSP) at the County Assembly	County Executive consults citizens during the formulation of the CFSP before tabling it in the Assembly
28 February	County Fiscal Strategy Paper (CFSP) is approved by County Assembly.	County Assembly consults the public while approving the CFSP
30 April	County Executive tables Budget Estimates (spending plan) to the County Assembly.	The County Executive consults the public while developing the budget estimates
May-June 30	Debate and approval of the Budget Estimates by the County Assembly.	Public views must collected by the County Assembly before the assembly approve the Budget Estimates
30 September	County Finance Bill prepared by the County Executive and approved by the County Assembly	The County Executive and the County Assembly consults the public during the formulation and approval of the Finance Bill

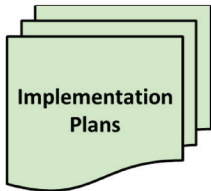
3. COUNTY BUDGET IMPLEMENTATION, MONITORING AND REVIEW PROCESSES

Opportunities to participate in budget implementation



Procurement Plans

- Prepared by technical departments and approved by County Treasury.
- These reports are public documents and should be easily accessible, for example, on public notice boards.



Implementation Plans

- Prepared by technical departments, they provide details on the implementation of projects in the budget including cost, timeframe and responsible person.
- Public can study and provide input on implementation plans.



Service Committees

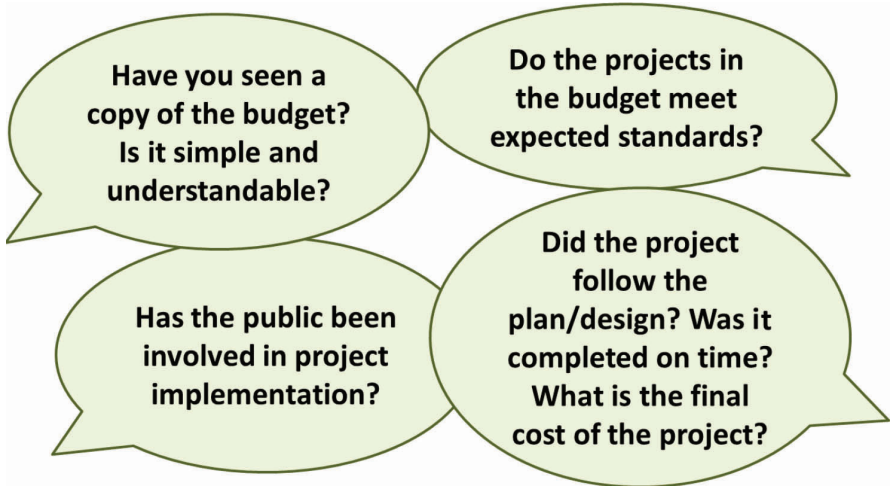
- Members of the public are selected in a transparent way to participate in service committees of delivery units, such as a health facility or agriculture demonstration project.



Quarterly Implementation Reports

- Prepared by County Treasury for submission to County Assembly, one month after the end of each quarter.
- These reports are public and citizens can review, comment and provide inputs.
- The reports outline spending progress, as well as implementation progress.

Questions for citizens on budget implementation



Opportunities for participation in monitoring and review



Project Monitoring

- Citizens can participate directly in monitoring projects by working together with county officers to visit project sites and review project records.



- The county must evaluate the performance of the county public service in relation to the implementation of county policies, projects and programmes.
- The public should have access to annual performance reports and have opportunities to comment and have input prior to the next planning cycle.

REFERENCES:

1. Civic Education Handbook for in Vihiga County;
Devolution and Public Participation in Kenya: Civic Education Handout for Participants;
Republic of Kenya 2016
2. A Popular Guide to County Planning and Budgeting, TISA,
3. You and You County: Understanding Devolution and Citizen's Participation. Popular
Civic Education Series No. 15 Revised Edition; Jephtha Gathaka et el
4. Jukumu Langu, 2018

The Ecumenical Centre for Justice and Peace is a Program of the Ecumenical Trust

The Ecumenical Centre for Justice and Peace (ECJP) was established to contribute to good governance and the democratization process, promotion and protection of human rights, peace building and peaceful co-existence, and sustainable socio-economic justice in Kenya through advocacy, purpose driven civic education, civic engagement, civic oversight and accountability. The Centre's main goal envisages an informed citizenry playing active role in the governance process, exercising her/his oversight role and responsibilities and making positive contribution to national development.

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