

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA



PUBLIC PARTICPATION & CIVIC EDUCATION POLICY



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FOREWORD

Devolution and public participation are perhaps two of the most paradigmatic innovations of the Constitution of Kenya 2010. In **Article 174(c)**, the Constitution states that one of the 'objects of devolution are: "to enhance the participation of people in the exercise of the powers of the State and in making decisions affecting them." Further, **Article 184 (1) (c)** requires that mechanisms for participation by residents be included in the national legislation relating to urban areas and cities governance and management. Thus, devolution gives powers of self-governance to the people and enhances their participation in decisions that affect them, as well recognize the rights of communities to manage their own affairs and further their development. This provision was meant to address marginalization, unequal distribution of the national resources and cascade the decision-making role to the general citizenry. The constitution provided for the radical overhaul of the governance architecture in Kenya by introducing new administrative structures, entrenching basic rights and freedoms, promoting the culture of constitutionalism and putting the citizens at the centre of governance and decision-making processes. Specifically, **Article 10 (2)** indicates that public participation is among the national values and principles of governance. It is in the light of the above constitutional provisions that the County Government of Bungoma is so proud to put into place the Public Participation Policy in order to serve our people and include them in their governance and provision of services. The development of this policy will go a long way in ensuring that public participation in Bungoma County becomes the linchpin that the Constitution of Kenya 2010 intended. As a county government, we will put into place mechanisms and funding to mainstream public participation in every ministry and department. We also commit to ensuring effective coordination between the executive, the County Assembly, Non-State Actors, and development partners as we seek involve our citizens in the affairs of their County Government.

H.E WYCLIFFE WAFULA WANGAMATI
GOVERNOR - COUNTY GOVERNMENT OF BUNGOMA

ACKNOWLEDGEMENTS

The process of formulating the public participation and Civic Education Policy for Bungoma County started in early 2017 through the Public Service Administration. The process was a great demonstration of what the constitutional requirements envisaged by placing public participation at the heart of devolution. It was inclusive and participatory and involved county staff from every ministry and representatives from the Bungoma County Governance Civil Societies Network. Members of the County Assembly of Bungoma were very supportive and two of their representatives attended one of the sessions and promised support for the process. The various mechanisms, roles and responsibilities that are outlined in this policy provide for the application of the policy in depth and scope, enabling the realization of the specific objectives of the policy. In this regard, we believe that the Public Participation Policy will achieve its intended purpose and ensure the prosperity of Bungoma County and engagement of citizens in its governance. On behalf of the County Government of Bungoma, I wish to express my appreciation for the generous logistical and technical support provided by the county staff and civil society stakeholders who participated in deliberating and developing this policy.

RICHARD SABWAMI KEYA

COUNTY EXECUTIVE COMMITTEE PUBLIC SERVICE MANAGEMENT & ADMINISTRATION

LIST OF ABBREVIATIONS & ACRONYMS

ASAL Arid and Semi-Arid Lands

CA County Assembly

CBEF County Budget and Economic Forum

CBO Community Based Organization

CE Civic Education ‘

CEPP Civic Education and Public Participation

CGA County Governments Act

CIMES County Integrated Monitoring and Evaluation System

CSO Civil Society Organization

DFID Department for International Development

FBO Faith Based Organization

MEL Monitoring, Evaluation and Learning

M & E Monitoring and Evaluation

NGOs Non-Governmental Organizations

NSA Non-State Actor

PBO Public Benefit Organization

PFM Public Finance Management

PLWD People Living with Disability

PWD People with Disability

PP Public Participation

SWG Sector Working Group

SWOT Strengths, Weaknesses, Opportunities and Threats

UKAID United Kingdom Aid for Development

USAID United States Agency for International Development

DEFINITIONS OF KEY TERMS

Accountability: Being answerable to the people, through an open transparent system which permits free flow of information and in which leaders taking responsibility.

Civic education: Provision of information and learning experiences to equip and empower citizens to participate in democratic processes.

Constitution: The Constitution of Kenya, 2010. Consultation: Seeking the views of others with the intention of taking their contributions into consideration during decision-making processes.

Non-State Actors: Non-state actors (NSAs) refer to citizen organizations, community based organizations, professional groups, think-tanks, and other similar entities that operate outside of government but have an influence and interest in the governance processes and service delivery.

Policy: A broad guideline and framework of ideas and values within which decisions are taken and action, or inaction, is pursued by governments in relation to an issue or problem. Policy is a statement of commitment by the government to its citizens. In this context, it means the Public Participation Policy of Bungoma County.

Public: The residents a country or county, professional associations, community-based organizations and rate-payers. It may also infer any resident civic organization with an interest in the governance of a particular county, city or municipality; non-resident persons who by virtue of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality. For the purpose of this policy, Non-State Actors are also considered part of the public.

Public Participation: The process where individuals, governmental and nongovernmental groups or networks, influence decision-making on policy, legislation, service delivery, oversight and development matters. Public Participation Mechanisms/Structures: Channels through which the public can gain access and constructively engage in county governance processes. State Actors/Duty Bearers: State Actors are County Government officials or agencies, that are legally mandated to facilitate public engagement in all aspects of decision making.

CHAPTER ONE 1.0 INTRODUCTION

1.1 Historical & Geographical Background

Bungoma County lies in the western part of Kenya, The County shares a border with Trans Nzoia, Kakamega, Busia, and to its North West, the Uganda Border. Bungoma County is a regional social, cultural and economic hub. It hosts a railway station, a standard-gauge and is an important regional tourism center in its Sangalo Hills, Luucho Hills, Mount Elgon and other sites of value. The county boasts of a rich cultural history.

1.2 County Administration

Administratively, Bungoma County is divided into nine sub-counties namely; Kanduyi, Bumula , Tongaren, Mount Elgon, Kabuchai, Kimilili, Webuye West, Webuye East and Sirisia headed by Sub-County Administrators.

The County is further divided into 45 administrative wards headed by Ward administrators and represented by elected members of the Bungoma County Assembly. 236 Village administrator are envisaged in due course.

Table 1: Distribution of the Electoral Wards in every Sub-County of Bungoma

Sub-County	Wards
Kanduyi	8
BUmula	7
Tongaren	6
Mt Elgon	6
Kimilili	4
Kabuchai	4
Webuye West	4
Webuye East	3
Sirisia	3

1.3 Population and Gender Dynamics

The population of Bungoma County stands at 1,608,333 according to the 2019 National Population Census with nearly 600,000 registered voters.

Table 2: Distribution of Gender Population in every Sub-County of Bungoma

Sub-county Male Female Intersex Total

1.4 County Values

The County values underline the importance of public participation and are as follows:

Patriotism

Professionalism

Integrity

Human dignity

Good governance

Diversity

1.5 Situational Analysis

Many efforts have been made in the past to improve Public participation in Kenya's governance affairs. Prior to 2010, public participation was largely nominal and based on the goodwill of the government. 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. The Constitution changed this situation by vesting all sovereign power in the people of Kenya (Pursuant to Article 1 of the Constitution of Kenya) and has made public participation a mandatory provision.

1.5.1 A SWOT Analysis

A. Strengths

- Availability of the legislation, i.e., the Bungoma County Public Participation Act 2017;
- Structures for citizen participation e.g. town/ social halls, information communication technology-based platforms, citizen fora at county, etc. are available; and
- Presence of proactive NSAs engaging with the county public participation platforms.

B. Weakness

- Current legislation requires amendment;
- There is no county stakeholder engagement plan and the integrated civic education programme;
- Lack of feedback mechanism; and
- Lack of village administration to further decentralize administration and public participation undertakings.

C. Opportunities

- There is good political will to implement public participation;
- Presence of proactive members of the County Assembly;
- Availability of competent technocrats in both the County Executive and County Assembly;
- Availability of adequate resources to facilitate public participation; ☐ Collaborative assistance from NSAs;
- Establishment of County Budget Economic Forum and the Sector Working Groups (SWG).

D. Threats

- Rising levels of complaints by public on poor organization of public participation fora;

- Fluctuation of the revenue collection could jeopardize ability of the County government to facilitate effective public participation;
- A delay in the enactment of the Bungoma County Access to Information Act could jeopardize effective public participation;
- Frequent petitions and escalation of the matter to the courts of law by the NSAs.

1.6 Challenges To Public Participation and Civic Education in Bungoma County

The main challenges of Public Participation in Bungoma County include the following:

- (1) **Absence of standards:** Despite the long history of public participation and the proliferation of providers, Bungoma County has not had clear policy objectives and standards to guide public participation. The absence of standards has resulted in lack of clarity and disagreements on important aspects of participation, including:
 - a) what constitutes adequate public participation;
 - b) what is the nature of participation that meets the Constitutional threshold;
 - c) what are the most effective mechanisms for public participation;
 - d) what does public participation entail; and,
 - e) when can it be said that public participation has effectively taken place?
- (2) **Weak coordination of public participation and CE** across county government and stakeholders: Currently, there is weak coordination of public participation which has resulted in duplication and overlapping of roles on the one hand, and unnecessary conflict and competition for resources, on the other.
- (3) **Low awareness and civic consciousness** by the public on their role in governance processes and service delivery: While civic education is acknowledged as a powerful tool for strengthening citizen engagement in development, the multiplicity of actors and different coordination mechanisms have made it challenging to implement in Bungoma County.
- (4) **Inadequate access to information:** While the constitution guarantees citizens access to information held by the state/county and relevant private entities, access to county information in the county continues to be a challenge.
- (5) **Inadequate capacity:** While the constitution requires public participation in governance processes, there is often inadequate capacity for actors engaged in development, especially government agencies and NSAs, who need the relevant skills and experience to manage and coordinate public participation effectively.
- (6) **Lack of effective structures for civic education and public participation:** Public participation mechanisms and structures sanctioned by law to facilitate public participation, for example, the County Budget Economic Forum (CBEF), and the Sector Working Groups (SWG), either do not function in Bungoma County or do so minimally.
- (7) **Lack of inclusivity:** The routine public participation activities fail the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with

disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities from involvement in the governance processes and a say in the provision of services.

- (8) **Inadequate funding:** One of the challenges often highlighted impeding public participation is adequate funding to facilitate the necessary planning, processes, feedback and coordination of public participation.
- (9) **Feedback and reporting mechanisms:** Lack of feedback and reporting by the government inhibits the citizens to appreciate the value of their participation in the public participation forums, and this in turn lessens their participation.
- (10) **Citizen Apathy:** Inadequate implementation of the citizens' priorities and feedback to them on the decisions taken on their proposals, have discouraged many Kenyans 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.

CHAPTER TWO 2.0 RATIONALE AND OBJECTIVES

2.1 Rationale of Kenya's Commitment to Public Participation

Pursuant to **Article 25** of the **International Covenant on Civil and Political Rights** adopted by the **General Assembly of the United Nations** provides that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Allowing the public to participate in the legislative process, it helps in realizing the individual right to political participation. Effective public participation has become an indispensable element of democracy and people-centered development. The right to participate reflects the constitutional notion that sovereign authority belongs to the citizens. It is the very foundation for democracy which not only strengthens the state by legitimizing governmental actions, but is also important for good and democratic governance. The Constitution does indeed allow people to participate in governance either directly or through their elected representatives. Recognizing the benefits of public participation, the Constitution of Kenya 2010 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 of effective public participation. This commitment is undergirded 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. Since the promulgation of the Constitution, some efforts have been put into creating enabling environment for public participation. A number of laws and policies have been enacted while some county governments have completed and adopted the **County Public Participation Guidelines (2017)**, which define the framework for citizen

engagement and also aims at empowering the citizens to demand for effective participation in public governance. 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 are yet to be developed, and important policies, legislations and guidelines on public participation are not fully formulated. Similarly, the key institutions and agencies have also not fully embraced public participation.

2.2 Constitutional and Legal Foundations of Public Participation in Kenya

This Public Participation and CE Policy is guided and informed by the following statutes:

- (a) **Constitution of Kenya, 2010. Article 1 (2)** of the Constitution of Kenya 2010 states that all sovereign power belongs to the people of Kenya who may exercise their sovereignty directly or through their elected representatives.
- (b) **Article 10 (2)** indicates that public participation is among the national values and principles of governance.
- (c) **Article 118** of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees.
- (d) **Article 174 (c)**, gives powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- (e) **Article 174 (d)** recognizes the rights of communities to manage their own affairs and further their development.
- (f) **Article 184(1)** states that a national legislation is to provide for the governance and management of urban areas and cities and shall in particular provide for participation by residents in the governance of urban areas and cities.
- (g) **Article 196** of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
- (h) **Article 232(1)(d)** provides for the involvement of the people in the process of policy making and part (f) provides for transparency and provision to the public of timely and accurate information are values and principles of public service.
- (i) **Fourth Schedule Part 2(14)** stipulates that the functions and powers of the County Governments are to ensure and coordinate the participation of communities and locations in governance at the local level. Counties are also required to assist communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

(b) The Public Finance Management Act, 2012

- i) **Section 207** provides that county governments are to establish structures, mechanisms and guidelines on citizen participation.
- ii) **Section 125** provides that the County Executive Committee Member of Finance shall ensure that there is public participation in the budgeting process.

(c) Urban Areas and Cities Act, 2012

- i) **Section 21(1)(g)** empowers boards of cities and municipalities to ensure participation of residents in decision making in their activities and programs.
- i) **Section 22** establishes citizen fora where residents of a city, municipality or town may actively be involved in the formulation of policy and law and delivery of service in their respective areas.
- iii) **The Second Schedule** of the Act provides for the rights of, and participation by the residents, in the affairs of their city or urban areas.

(d) Public Procurement and Disposal Act, 2015

- i) **Section 68(3), 125(5), 138, and 179** of this Act lays emphasis on transparency of the procurement process, including requirements for procuring entities to publicly avail procurement records after closure of proceedings, publicize notice of intention to enter into contracts on public websites and notice boards and publish and publicize all contract awards.

(e) The County Governments Act, 2012

- i) **Section 47:** The county executive committee shall design a performance management plan which shall provide for among others citizen participation in the evaluation of the performance of county government.
- ii) **Under Part VIII on Citizen engagement, Sections 87, 88, 89, 90 and 91.**
- iii) **Principles of citizen participation in counties**
- iv) Citizens have a **right to petition the county government** on any matter under the responsibility of the county government.
- v) The County government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.
- vi) The County government shall facilitate the establishment of modalities, and platforms for participation by citizens.
- vii) **Sections 94, 95, 96:** Counties are to establish mechanisms to **facilitate public communication** and **access to information** using the mass media with the widest public outreach. Every county shall designate an office for ensuring access to information.
- viii) **Sections 100 and 101:** County governments should create an institutional framework for civic education.
- ix) **Section 115** states that Public participation in the county planning processes shall be mandatory.

(f) Intergovernmental Relations Act No.2 of 2012

- i) The Intergovernmental Relations Act was enacted to establish a mechanism for the resolution of intergovernmental disputes pursuant to **Articles 6** and **189** of the Constitution. The Act requires under **Section 29** a framework for public participation in the transfer or delegation of powers, functions or competency be provided by the regulations.

(g) Access to Information Act, 2016

- i) The Act, which came into force on 21 September 2016, and gives effect to the provisions of **Article 35** of the Constitution that champions the right of every citizen to access information held by the state or another person, where the information is required for the exercise or protection of any right or fundamental freedom.

(h) County Assembly Service Act, 2017

- i) **Section 11 (1) (d) (iii)** of the act states that the County Assembly Board shall initiate programmes that promote public awareness and participation in the activities of the county assembly.
- ii) **Section 31 (2)**, the Secretary (Clerk of the County Assembly) shall ensure that the budgeting process is all inclusive and that it respects the principle of public participation.
- iii) **Section 45** gives powers to the Board to make regulations that may provide for public participation and outreach.

2.3 Whose Role is Public Participation and CE in a County?

- (a) **Governor:** The Governor has the overall responsibility to lead, enable and report on public participation in the county. The Governor executes this role through the various county departments and agencies and at all levels of the decentralized system, including sub-county, ward, village and urban centers. **Section 30(3) (g)** of the **County Governments Act** stipulates that the Governor shall promote and facilitate citizen participation in the development of policies, plans and service delivery in the county.
- (b) **County Executive Member- PSM & A:** **Section 46(2) (g)** of the County Governments Act provides that the County Executive committee shall allow for participatory decision-making as far as is practicable in all its work.
- (c) **County Executive Member - Finance:** **Section 125** of the **Public Finance Management Act, 2012**, provides for the involvement of the public in the budget making process.
- (d) **Sub-county Administrator:** Under **Section 50(3) (g)** of the **County Governments Act**, the Sub-county administrator is responsible for the coordination, management and

supervision of the general administrative functions in the Sub County including the facilitation and coordination of citizen participation in the development of policies, plans and service delivery.

- (e) **Ward Administrator:** Under **Section 51(3) (g)** of the **County Government Act**, the ward administrator is responsible for the coordination, management and supervision of the general administrative functions in the ward including the facilitation and coordination of citizen participation in the development of policies, plans and service delivery.
- (f) **Village Administrator:** Under **Section 51(3) (g)** of the **County Government Act**, the Village administrator is responsible for the coordination, management and supervision of the general administrative functions in the ward including the facilitation and coordination of citizen participation in the development of policies, plans and service delivery.
- (g) **County Assembly:** In the County Assembly, the responsibility for involving the public in the affairs of the assembly is on the Speaker of the County Assembly, the Chairpersons of various Committees of the House and the individual assembly members.
- (h) **Boards of Cities and Municipalities:** **Section 21(1) (g)** of the **Urban Areas and Cities Act** provides that boards of cities and municipalities shall ensure that residents participate in decision making, its activities and programs. Section 22 establishes that residents of a city, municipality or town may actively be involved in policy and law making plus service deliveries in their respective areas.

2.4 Constitutional Provisions for Making County Policies and Laws.

- (a) **Article 185 (2)** states that, ‘A county assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule’. Laws are tools that reflect and enforce policy positions. The power to make policies is therefore incidental to the power to make laws. The caveat to this power, with regard to county governments, is limited to the functions assigned to the counties –of which public education and civic education is one.
- (b) **Article 185 (4)** states that, ‘A county assembly may receive and approve plans and policies for
 - a) the management and exploitation of the county’s resources; and,
 - b) the development and management of its infrastructure and institutions.

2.5 Objectives of the policy

The main objective of this policy is to provide the framework for the coordination and management of public participation and civic education processes in Bungoma County to ensure effective engagement of each citizen in their governance and provision of services. The policy has the following specific objectives, namely:

- (1) Provide a framework for coordination of public participation across county government and among stakeholders;
- (2) Mainstream civic education and create an enabling environment for involvement of NSAs;
- (3) Ensure citizens continually access timely information in a language and format that is easy to understand;
- (4) Undertake coordinated and integrated capacity building to empower all actors engaged in development, including government agencies and NSAs;
- (5) Promote public participation using all its offices, platforms and structures of governance;
- (6) Promote effective participation of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities in the processes of governance and say in the provision of services;
- (7) Provide adequate, secure, and sustainable funding for public participation and civic education.
- (8) Promote responsive, functional, and timely feedback mechanisms in order to build confidence in public participation processes;
- (9) Minimize dangers of arbitrariness and irrationality in the formulation of legislation;
- (10) Promote the legitimacy, and thus the acceptance, of the legislation;
- (11) Improve the quality of the law-making process; and
- (12) Fulfillment of the principle that County Government should be open, accessible, accountable and responsive. And this enhances our democracy.

CHAPTER THREE 3.0 POLICY PRIORITY AREAS

3.1 Introduction

This chapter presents eight priority policy areas, highlighting policy constraints, policy intervention areas, and strategies that will be adopted to address the identified challenges on public participation in Bungoma County, namely: lack of coordination of public participation across government; inadequate civic education, weak access to information; limited capacity; lack of effective structures and mechanism for civic education and public participation; low inclusion of the minorities and marginalized groups; inadequate funding; and weak feedback and reporting mechanisms.

3.2 Coordination of Public Participation and CE Across Government

For public participation to be effective and beneficial to the citizens, coordination across the government is needed. The Constitution of Kenya, 2010, created spaces for public engagement to enable citizen exercise their sovereign rights and demands 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 bind 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. Further, Section 87 of the County Governments Act, 2012 calls for citizens to be involved in the formulation and implementation of county policies, laws and regulations, approval of development proposals, projects and budgets.

3.2.1 Policy Constraint

The coordination of public participation across the county government departments and other stakeholders in Bungoma County is a key issue of concern. Some of the coordination issues include lack of clarity about roles and responsibilities; duplication and overlapping of roles and competition; and lack of a clear framework and modalities for carrying out public participation.

3.2.2 Policy Intervention

The County will provide the framework for coordination across the government and also create an enabling environment for citizens, Non-State Actors and development partners to get involved in smooth public participation.

3.2.3 Strategies

In order to implement the above policy intervention, the County Government will: Establish and strengthen a coordinating unit through amendment of the Bungoma County Public Participation Act 2017;

- Allocate adequate budget for public participation;
- Engage adequate human resources with appropriate skills and competencies to manage public participation functions;
- Create partnerships with and among relevant stakeholders;
- Promote and safeguard operational environment for public participation; and
- Entrench monitoring, evaluation and learning mechanisms in public participation processes as part of coordination.

3.3 Civic Education

For devolution to be successful, the citizens must be politically conscious, and have access to information. Civic education is, therefore, an important prerequisite for effective public participation by the citizens. It plays a critical role promoting rights and responsibilities of individuals in their governance. Effective civic education informs the public, creates awareness and empowers them to make informed decisions. It ensures that a critical mass of citizens is endowed with knowledge and skills to understand their role in their involvement in governance processes of their government. Among others, the **County Governments Act, 2012, Part X**, mandates County governments to undertake civic education in line with the principles of the devolved governance in the Constitution of Kenya, 2010. In addition, **Section 100 (4)** requires that county civic education programs involve the participation of registered NSAs, while **Section 101** demands the requisite institutional framework for the purposes of facilitating and implementing civic education programs.

3.3.1 Policy Constraint

There is very low civic awareness and consciousness among the citizens of Bungoma County leading to little patriotism, civility, and personal responsibility among its citizens to participate in government affairs. The County lacks a framework to guide civic education, while past and current interventions have been uncoordinated, and does not have a harmonized curriculum. Due to poor awareness, citizens are easily prone to political interference in their understanding and engagement with government. Coverage of the minorities and other marginalized groups with civic education has also been limited and there are no special measures dedicated to reach out to these groups with the relevant and appropriate civic education messages.

3.3.2 Policy Intervention

The County Government will provide and operationalize a civic education framework and enabling environment for implementation of programs in collaboration with NSAs and development partners.

3.3.3 Strategies

In order to implement the above policy intervention, the County Government will: ☐ Provide an enabling environment for all actors to support civic education programs;

- i) Allocate adequate funding for civic education programs;
- ii) Customize curriculum and messages for civic education for specific needs in partnership with all actors;
- iii) Ensure civic education programs promote a participatory culture anchored on integrity, national values and principles of good governance;
- iv) Mainstream continuous civic education at all levels of the County government, including the Executive and County Assembly; and make use of all available opportunities such as media, interactions, meetings, barazas for civic education.

3.4 Access to information

The right to access information is crucial for the achievement of meaningful and effective public participation and the well-functioning of a democracy. It is a right under **Article 35 (1)** of the Constitution, which is operationalized through the **Access to Information Act, 2016**. Although the Constitution guarantees citizens access to information held by the state, there are legitimate cases where access to information can be legally limited, pursuant to **Articles 24 and 35 (1)** of the Constitution and **Section 6 of the Access to Information Act, 2016**, i.e., the line between making the necessary information available to the public while avoiding revealing information that can hurt the state remains unclear. However, access to timely and relevant information empowers and enables citizens to hold the duty bearers to account. Provision of accurate and complete information to all stakeholders enables them to make informed decisions, promote transparency and accountability in decision-making and governance. Access to information is the cornerstone of democratic governance.

3.4.1 Policy Constraint

The challenge of access to information is one of the major issues affecting the effectiveness of the public participation in Bungoma County. There is limited pro-active sharing of materials and documents especially on planning and budgeting, and those available are sometimes bulky or in a technical language which the citizens cannot understand or in places where they cannot be easily accessed when needed. Newspaper adverts have been the commonly used medium for announcing public participation events even in areas with low literacy levels and low newspaper circulation and access. The low literacy levels have even made it more difficult for the citizens to acquire the information they require to know.

3.4.2 Policy Intervention

The County Government will provide the framework for promoting access and transparency of timely information to the public in a language and format that is easy to understand.

3.4.3 Strategies

In order to implement the above policy intervention, the County Government will:

- a) Ensure timely publication and dissemination of all information needed by the citizens for effective participation in languages and media that are appropriate, including both official languages and in accessible formats for PWDs and the public;
- b) Regularly update websites and other social media platforms;
- c) Ensure that records are accurate, authentic, and 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;

- d) Establish a user-friendly system where information requested is provided such as Town Hall meetings, and call centers;
- e) Ensure any limitation on access to information is in conformity with the Constitution and other laws related to access to information; and
- f) Ensure a collaborative approach to information sharing.

3.5 Building Capacity for Public Participation

To engage effectively, citizens not only need an awareness of their roles and responsibilities but knowledge and skills on how to execute the responsibilities. Capacity building for public participation is important especially among technical staff in County departments, who need the relevant skills and experience to manage and coordinate public participation effectively. They require skills on planning for public participation, management of the actual engagement processes which include stakeholders' identification and mobilization. They also need skills for facilitating and documenting public participation, analysis, communication, and monitoring and evaluation, and preparation of public participation reports. For citizens, capacity building removes the fear of intimidation and encourages them to hold service providers and leaders to account. It 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 Kenya. Accountable implementation of the county programs promotes the social and economic growth of the county and its people; therefore, involvement of the public promotes accountability and equity of service delivery.

3.5.1 Policy Constraint

County Executive, MCAs and Assembly technical personnel in Bungoma county, who are obligated to engage with the public, often do not have adequate knowledge, relevant skills and necessary tools to plan for, manage and document public participation processes. This is often complicated by the technical nature of the subject matters they are often confronted with and required to dispense. In some cases, the departmental staff may not have enough knowledge of some of the mandated processes, such as the Public Expenditure Management Cycle, and at what points to engage the public. Due to the complexity of the county planning, budgeting, and implementation calendar and cycle, citizens are hardly able to engage in these critical governance processes that are integral to the provision of services by County government. The available opportunities for participation are often the preserve of elites and opinion leaders who monopolize these interactions and processes. Capacity building for public participation has also been affected by inadequate funding which has hampered ability of the County government to effectively plan for, manage and coordinate the function.

3.5.2 Policy intervention

The County Government will undertake a coordinated and integrated capacity building intervention towards empowering its staff and those of other public institutions, citizens, and Non-State Actors for effective implementation of public participation.

3.5.3 Strategies

In order to implement the above policy intervention, the County Government will: ☐ Develop capacity of both County Assembly committees and their technical staff, and County sectorial departments on public participation;

- i) Develop or utilize available curriculum and resources for capacity building;
- ii) Provide adequate resources for capacity building of all actors involved in public participation; and
- iii) Establish collaboration or strengthen coordination mechanisms with development partners and Non-State Actors on public participation.

3.6 Establishing and Utilizing Structures and Platforms for Citizen Participation

According to **Section 91** of the **County Governments Act, 2012**, the county government shall facilitate the establishment of structures for public participation including

- (a) information, communication technology-based platforms;
- (b) town hall meetings;
- (c) notice boards for announcing jobs, appointments, procurement awards and other important announcements of public interest; and
- (g) citizen fora at county and decentralized units. Lack of suitable facilities to hold consultative meetings may deter individuals from participation. Each ward should have a functional social hall with accessible grounds to enable proper organization of local meetings and activities. In fact, every level of administration in the county has a role in public participation.

3.6.1 Policy Constraint

Although the Constitution and other laws of Kenya place a huge responsibility on government to ensure public participation in their processes, Bungoma County is still lagging in operationalization of the structures sanctioned by law for public participation, such as County Budget Economic Forum, and the Sector Working Groups (SWG).

3.6.2 Policy Intervention

The county will promote public participation using all its offices and mandated platforms and structures of governance.

3.6.3 Strategies

In order to implement the above policy intervention, the County Government of Bungoma will:

- a) Allocate adequate budget for establishment of citizen fora at county and decentralized units for effective civic participation in the processes of governance and service delivery;
- b) Utilize local media and social media platforms for citizen engagement;
- c) Promote use of virtual and online platforms for citizen engagement; and
- d) Work in partnership with religious leaders in Mosques and Churches for sharing and discussing information.

3.7 Inclusion of vulnerable Groups

The Constitution recognizes the need to build an inclusive and equitable society. It provides for the participation of vulnerable groups within society in Articles **53, 54, 55, 56 and 57**. This group includes children, PWD, youth and the elderly, ethnic and other minorities and marginalized communities. The involvement of the vulnerable groups in public participation helps to identify their specific needs, promote equality and harmony and coexistence within the county.

3.7.1 Policy Constraint

Lack of mechanism for engagement of PWDs, the minorities and marginalized groups in the governance processes in Bungoma County has led to inadequate representation of their views and needs. Often, such groups are left out in crucial decision-making processes such as meetings because they are incapacitated and not able on their own to effectively participate in development processes. Women's participation is often handicapped due to gender-based barriers. Children too are often ignored as having no contribution due to their level of maturity.

3.7.2 Policy Intervention

The County Government will promote effective participation of vulnerable groups within society at all levels.

3.7.3 Strategies

In order to implement the above policy intervention, the County Government will:

- a) Continuously undertake stakeholder mapping to identify the vulnerable groups within society for effective participation and engagement;

- b) Ensure public participation and CE processes have plans for engagement of the vulnerable groups within society, including provisions for appropriate hours, and venue for meetings;
- c) Tailor communication to meet the needs of vulnerable groups within society;
- d) Provide disability-friendly infrastructure for PWDs during public participation and civic education processes; and
- e) Provide adequate budgetary resources for the engagement of vulnerable groups within society.

3.8 Funding

The Constitution of Kenya 2010 provides that public participation is one of the values and principles of governance. For effective public participation in governance processes, there is need for adequate budgetary allocation to finance the necessary infrastructure, processes and planning for public participation, actual engagements, monitoring and evaluation, feedback and coordination. Overall, the County government has the responsibility to ensure the participation of citizens in its activities. As such it should be the primary player in facilitating the participation of citizens. The fourteenth function of the County Governments in the **Fourth Schedule** provides that County Governments are responsible for ensuring and coordinating participation of the communities and locations in governance and developing administrative capacity for effective exercise of these functions. The **PFM Act, 2012 Section 207**, also states that county governments are expected to establish structures, mechanisms and guidelines for citizens participation. Therefore, it is important for County Government of Bungoma to allocate adequate funds to facilitate public participation processes.

3.8.1 Policy Constraint

Funding for public participation and CE by the County Government has been inadequate which has led to a decline in the frequency and the quality of participation. Availability and reliability of funding is a key determinant in adequacy and quality of human resources, of the availability of materials, documents and support for logistics for participation.

3.8.2 Policy Intervention

The County Government will ensure adequate and sustainable and reliable budgeting and funding for public participation.

3.8.3 Strategies

In order to implement the above policy intervention, the County Government will:

- a) Provide guidelines on funding for public participation and CE to ensure adequate budgetary allocation;
- b) Decentralize funds to enable easy access of funds for public participation and CE programs; ☐ Allocate adequate funds for each County department and County assembly for public participation activities;
- c) Ensure better coordination of public participation across County government departments in order to minimize duplication of efforts;
- d) Utilize multiple and varied activities and opportunities for public participation, so as to reduce cost and also target a larger population; and
- e) Provide mechanisms for collaboration with CSOs, the private sector, and development partners to facilitate funding for public participation.

3.9 Feedback and Reporting Mechanisms

Efficient feedback and reporting mechanism are a pre-requisite for transparent and accountable interaction and dialogue between the government and the citizens on development matters. Regular and reliable feedback and reporting enable 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 the implementation of development programs. The existence of functional feedback and reporting mechanisms enhances the citizens' confidence in the government and encourages public participation.

3.9.1 Policy Constraint

The major weakness observed with current decentralized structures and the County Assembly is that their status reports and indicators have not been of adequate quality. The personnel in some of the offices have inadequate capacity for monitoring and preparing reports for feedback. Therefore, inadequate feedback and reporting mechanisms after public participation contributes to apathy among citizens. This is exacerbated by low levels of citizen awareness, and the negative attitude among the citizens that public participation is not meaningful and is only a tick-a-box to meet the legal requirements. Consequently, majority of the citizens consider public participation as processes merely meant to satisfy the constitutional threshold for the benefit of the government with no value to their lives and, consequently, some demand for payment for attending such events.

3.9.2 Policy Intervention

The County Government will provide, responsive, timely and functional feedback and reporting mechanisms so as to build confidence in public participation process.

3.9.3 Strategies

In order to implement the above policy intervention, the County Government will:

- a) Establish mechanisms for documentation, timely feedback and reporting on public participation at all levels;
- b) Develop standard guidelines for use by both executive and legislature in receiving and analyzing feedback from citizens, sharing and incorporation into development processes; Demonstrate that feedback from citizens has led to changes in the county legislation, plans, budgets and implementation decisions;
- c) Use creative media such as documentaries, radio and print to share information and feedback on programs and projects; and
- d) County government websites will be updated regularly.

CHAPTER FOUR 4.0 INSTITUTIONAL FRAMEWORK

4.1 Introduction

The policy will be implemented through an integrated, coordinated and consultative process by various actors at all levels of the county government. Appropriate strategies will be used to implement the policy. 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. 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 the county. **The Governor, CEC PSM & A, CECM Finance, the County Assembly, the County Public Service Board, County Budget and Economic Forum, the County Town Boards and Committees, County Departments**, will all play key roles in the implementation of public participation and CE in the county. In addition, a wide range of NSAs including **CSOs, NGOs/PBOs, 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.

4.2 Civic Education and Public Participation Coordinating Unit

A Multi-Sectorial departmental committee will constitute the **Civic Education and Public Participation Coordinating unit (CEPP)**. The unit will coordinate all county bodies who have the legal mandate of the various subject matters addressed in this policy and NSAs who directly work on any of the key policy areas. The Coordinating Unit shall prepare guidelines on public participation and CE indicating how they will engage with the public. Further, it will prepare an **Annual Public Participation Report** and an **Annual Civic Education Report** detailing how public participation and CE was planned, managed, level and quality of engagements, the challenges experienced and how they were encountered, and lessons learnt to be taken into consideration to strengthen citizen engagement. The Annual Report will be submitted to the County Executive Committee.

4.3 County Executive Committee and County Departments

The following will play a role as follows:

- (a) **County Executive Committee:**
The County Executive will promote principles of public participation as provided in the Constitution, the County Governments Act and this policy. Within the public participation policy framework, the county Executive Committee will foster linkages with various development partners to provide financial, material and technical assistance, and capacity building for sustainability.
- (b) **County Departments:** The role of County Departments and Agencies will be to create an enabling environment for public participation to take place.

4.4 County Assembly and Committees

The County Assembly does most of its work through committees. The committees of the County Assembly are provided for in the Constitution of Kenya 2010 and in the County Governments Act 2012. However, the **County Assembly Service Act 2017** gives the Secretary to Service Board, i.e., Clerk of the County Assembly, mandate to ensure that the budgeting process is all inclusive and that it respects the principle of public participation. The County Assembly Service Board may make regulation under the act to provide for public participation and outreach programmes. The committees of County Assembly are required to involve the public in the execution of their functions and allow the citizens to participate in the following ways:

- a) Attending and making submissions to committees when they are: Scrutinizing legislation and regulations;
- b) Considering the budget allocation for their sectors;
- c) Considering petitions referred to them;
- d) Vetting public officers in their respective sectors;
- e) Conducting inquiries on matters that fall under the purview of the committees.
- f) Sending petitions to the County Assembly for consideration of the Committees.
- g) Attending the plenary sessions to listen to the presentation and debate of the committee reports and on issues that are of concern to them.

4.5 Non-State Actors

The government will collaborate and partner with Non-State Actors to mobilize citizens and resources, disseminate the policy and participate in capacity building for both citizens and duty bearers. The NSAs will also collaborate with the government in public participation and civic education processes and mobilizing the citizens to participate in diverse aspects of public governance.

4.6 The Citizens

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 beneficiaries of public participation, citizens are expected to exercise their sovereignty by holding duty bearers and all other agencies to account. The County Government will develop a People's Participation Charter, which will set out the principles for participation, including specifications of when and how the residents of Bungoma County should participate in the governance processes as well as stipulating the opportunities available.

CHAPTER FIVE 5.0 FINANCING OF PUBLIC PARTICIPATION & CIVIC EDUCATION

5.1 Introduction

Successful implementation of this Public Participation Policy will require adequate and reliable funding by the county government, with support by, financial institutions, development partners, non-governmental, private sector, civil society, community-based and faith-based organizations.

5.2 County Government

Bungoma County Government commits to ensuring that public participation and civic education is adequately funded. In order to do this, the Government commits to develop a budgetary framework to support civic education and public participation within the existing resources of the County. The framework will translate the activities contained in the county stakeholder engagement plan and the integrated civic education programme into budgetary items/lines in the county annual budget. The budget for public participation will be ring-fenced to ensure that it is secure and not diverted. The county government will determine a percentage of the development budget to be used for public participation and civic education.

5.3 Bilateral and Multi-lateral Development Partners

Bilateral and multi-lateral organizations are important partners for our County as partners for financial resources, technical assistance, and training on civic education and public participation.

5.4 Non-State Actors

The County Government will enlist national and international non-governmental organizations in supporting public participation activities in Bungoma

. The role of the above NSAs in public participation is the mobilization of funds for public participation.

5.5 Private Sector

Private sector institutions will be mobilized to support public participation through their Corporate Social Responsibility programs.

CHAPTER SIX 6.0 POLICY IMPLEMENTATION FRAMEWORK

6.1 Introduction

Section 47 (1) of the **County Governments Act 2012** requires counties to develop a performance management plan to evaluate the performance of the county public service and the implementation of county policies. The plan shall provide for, among other things, objective, measurable and time bound performance indicators, and citizen participation in the evaluation of the performance of the County Government. The plan will inform the M&E by outlining the expected inputs, outputs and results.

6.2 Monitoring, Evaluation and Learning

Monitoring, Evaluation, and Learning (MEL) will support in assessing progress in implementation of the policy. It provides decision makers, sponsors and other stakeholders with better means of learning from past experience, improving service delivery, planning, allocating of resources and demonstrating results as part of accountability to key stakeholders. The realization of the objectives of this policy will require consistent monitoring, evaluation and learning that will help policy makers to:

- a) Quantify achievements gained in civic education and citizen awareness leading to a more informed citizenry during public participation and development processes;
- b) Identify critical success factors and both international and national best practices for public participation; Enhance and support access to information of the citizenry to government procedures and operations; and,
- c) Embed learning into public participation and CE processes for improved development.
- d) 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 Bungoma Policy on Public Participation and Civic Education will be assessed. The Monitoring and Evaluation framework is directly linked with the County 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 processes 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 PWDs were effectively engaged and, whether public participation process gave feedback to participants how their input informed decisions made. The County will strengthen the **County Monitoring and Evaluation Framework** as outlined in the **Guidelines for Preparation of County Integrated Monitoring and Evaluation System (CIMES)** and include Public Participation indicators. The sector programs will be proactive by planning for evaluation right from the initial stages. The M&E planning accountability will entail an effort to meet the diverse information interests and expectations of all those who have a stake in the programs (e.g. beneficiaries/ citizens, Executive, Assembly, development partners, State Actors & Non-state Actors. This approach will seek to maximize on citizens' participation. The evaluation will be a human centered assessment of the extent of citizens' participation and the effect of the programme on improving the citizens' livelihoods. The Bungoma County Policy on Public Participation and Civic Education will be reviewed every five years in line with the current and future needs of County.

CHAPTER SEVEN 7.0 SUMMARY OF POLICY INTERVENTIONS AND IMPLEMENTATION STRATEGIES

Policy Issue Policy

Priority Policy Intervention

Implementation Strategy

Lack of coordination of public participation across county government and stakeholders. Coordination of public participation across government The County will provide the framework for coordination across the government and also create an enabling environment for citizens, Non-State Actors and development partners to get involved in smooth public participation.

- Establish and strengthen a coordinating unit through amendment of the Bungoma County Public Participation Act 2017 as well as the Civic Education Act and its Regulations;
- Allocate adequate budget for public participation;
- Engage adequate human resources with appropriate skills and competencies to manage public participation functions; • Create partnerships with and among relevant stakeholders; • Promote and safeguard operational environment for public participation;
- Entrench monitoring, evaluation and learning mechanisms in public participation processes as part of coordination.

Policy Issue Policy Priority Policy Intervention Implementation Strategy

- Lack of awareness by the public of their role in influencing governance processes and service delivery Civic Education The County Government will provide and operationalize a civic education framework and enabling environment for implementation of programs in collaboration with NSAs and development partners.
- Provide an enabling environment for all actors to support civic education programs;

- Allocate adequate funding for civic education programs;
- Customize curriculum and messages for civic education for specific needs in partnership with all actors;
- Ensure civic education programs promote a participatory culture anchored on integrity, national values and principles of good governance;
- Mainstream continuous civic education at all levels of the County government, including the Executive and County Assembly;
- Make use of all available opportunities such as media, interactions, meetings, barazas for civic education.

Access to information

The County Government will provide the framework for promoting access and transparency of timely information to the public in a language and format that is easy to understand.

- Ensure timely publication and dissemination of all information needed by the citizens for effective participation in languages and media that are appropriate, including both official languages and in accessible formats for PWDs and the public;
- Regularly update websites and other social media platforms;
- Ensure that records are accurate, authentic, and 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;
- Establish a user-friendly system where information requested is provided such as Town Hall meetings, and call centers; • Ensure any limitation on access to information is in conformity with the Constitution and other laws related to access to information; • Ensure a collaborative approach to information sharing.

- Inadequate Capacity

Building Capacity for Public Participation and CE dissemination

The County Government will undertake a coordinated and integrated capacity building intervention towards empowering its staff and those of other public institutions, citizens, and Non State Actors for effective implementation of public participation.

- Develop capacity of both County Assembly committees and their technical staff, and County sectorial departments on public participation;
- Develop or utilize available curriculum and resources for capacity building;
- Provide adequate resources for capacity building of all actors involved in public participation;

- Establish collaboration or strengthen coordination mechanisms with development partners and Non-State Actors on public participation.
- Lack of effective structures for civic education and public participation.

Establishing and Utilizing Structures and Platforms for Citizen Participation

The county will promote public participation using all its offices and mandated platforms and structures of governance.

Allocate adequate budget for establishment of citizen fora at county and decentralized units for effective civic participation in the processes of governance and service delivery; • Utilize local media and social media platforms for citizen engagement;

- Promote use of virtual and online platforms for citizen engagement;
- Work in partnership with religious leaders in Mosques and Churches for sharing and discussing information.
- The County Government will provide responsive, timely and functional feedback and reporting mechanisms so as to build confidence in public participation process. • Establish mechanisms for documentation, timely feedback and reporting on public participation at all levels;
- Develop standard guidelines for use by both executive and legislature in receiving and analyzing feedback from citizens, sharing and incorporation into development processes;
- Demonstrate that feedback from citizens has led to changes in the county legislation, plans, budgets and implementation decisions;
- Use creative media such as documentaries, radio and print to share information and feedback on programs and projects;
- County government websites will be updated regularly