

Voice and Teeth¹. Opportunities and challenges for community participation and feedback in Kwale County, Kenya. Annalisa Renna, Integrity Action.

1. Executive Summary

As Head of Operations at Integrity Action, I visited Kwale County between 22nd and 26th January 2018, and spoke with a number of key stakeholders, a list of which can be found in Annex I. Our discussion focused on the current state of public participation, as well as feedback mechanisms available to citizens to comment on the quality of public service provision. I wanted to understand whether the devolution process started in 2013 brought about changes in service delivery in the county, and whether it reduced the distances between the government and its citizens.

The results of my discussions – by no means either exhaustive or scientific – indicate that Kwale County has indeed put in place a number of mechanisms and spaces to enhance public participation, particularly in the consultation phase of its Annual Development Plans and budgets. These mechanisms are very much appreciated by citizens, as confirmed by the high turnover in public participation meetings, as well as by a number of interviewees.

Many civil society organisations were born in conjunction with the creation of the County Government structures in 2013 to influence public expenditure and ensure that citizens' needs and demands are addressed. Initiatives aimed at increasing civic participation and influence over public service provision have received sizeable interest and funds from international organisations.

However, more needs to be done by the county in the following areas:

- Transparency and access to information:
 - a) ensuring that all public documents are indeed available to the public;
 - b) creating simplified versions of public documents, translating documents in local languages, and developing formats accessible to people with disabilities in order to increase inclusion;
 - c) dedicating more time to explain documents to citizens during public participation meetings.
- Public participation:
 - a) continuing to deliver forums at the ward, or, preferably, at the village-level;
 - b) using a gender-sensitive approach when organising forums, in particular considering women's needs in order to increase their participation and voice;
 - c) investing in building the capacity of county officials to meaningfully engage the public;
 - d) increasing the number and types of spaces available to citizens to provide feedback on all stages of the budget cycle, including implementation, monitoring and evaluation.
- Accountability and community feedback:
 - a) training public officials on how to seek and respond to community feedback;
 - b) creating incentives for officials to truly seek community feedback and address problems;
 - c) creating meaningful spaces where to facilitate community feedback on projects at the implementation and completion stage, and channels for officials to address complaints;

¹ 'Voice and Teeth' is a common expression in the social accountability sector which describe as 'Voice' the power of citizens to influence and contribute to improved public sector performance, and as "Teeth" the state's capacity to respond to citizens' voice. For further information, see: Fox, J. Social Accountability: What Does the Evidence Really Say? 2015, World Development V.75.
<https://www.sciencedirect.com/science/article/pii/S0305750X15000704>

- d) Increasing trust between communities and public officials, and facilitating constructive dialogue and problem solving.

The county's efforts should now focus on making community participation more than a box-ticking exercise, and on creating spaces for effective community feedback and for closing the feedback loop.

2. Kenya's new constitution and devolution process

Kenya's new constitution of 2010 is deemed by many to have radically transformed the pillars upon which the country is based, the way power is distributed and managed, and the relationship between the government and its citizens.

Within this constitution, a new system of devolved powers was established, with the objectives of - among other factors - promoting a democratic and accountable exercise of power, enhancing public participation in decision making, promoting the interests and rights of marginalised communities, and increasing the accessibility of services². The letter and spirit of this provision call for a bottom-up decentralised government, with spaces for public participation and feedback, which should translate into better and more equal public services.

The government formally launched the new devolved system after the General Elections of 2013. With the new system, a significant amount of public expenditure and responsibility over service delivery was transferred from the National Government to the newly formed 47 County Governments, each with an elected Governor and a County Assembly.

A series of Acts³ were launched at the national level to support counties in establishing mechanisms to 1) disclose information to the public, 2) engage the public in all stages of the budget cycle, and 3) answer and redress public complaints. Each county has been looking for ways to establish mechanisms and guidelines to engage the public, in an effort to guarantee that the Constitution's aims do not just remain wishful thinking.

The World Bank⁴ has been supporting the government during the devolution process by providing technical support, practical approaches and frameworks to ensure that devolution is effectively carried out and brings the sought-after changes.

At the same time, a number of civil society actors and community based organisations have mushroomed to ensure that citizens learn about roles and responsibilities under the devolution, and can influence decision making at the county level. Many of these initiatives, including social audits, budget tracking, and community scorecards, have been funded by international organisations.

² Constitution of Kenya, Chapter 11 – Devolved Government. <http://www.klrc.go.ke/index.php/constitution-of-kenya/138-chapter-eleven-devolved-government>

³ For example, see the County Government Act 2012 (CGA).

⁴ The World Bank is providing analytical and technical assistance to Kenya under the Kenya Accountable Devolution Program (KADP). KADP is supported by the governments of Australia, Finland, Sweden, the United Kingdom and the European Union and the World Bank Group. Devolution is one of the pillars of the WB Kenya Country Partnership Strategy 2014–18, which targets new World Bank Group investments of up to US\$4 billion. <http://www.worldbank.org/en/country/kenya/brief/kenyas-devolution>

3. Kwale County

Kwale County is situated on Kenya's southern coast. It borders Taita Taveta County to the West, Kilifi County to the North, Mombasa County to the North-East, the Indian Ocean to the East, and the Republic of Tanzania to the South-West. The County has a total population of nearly 700,000 people⁵ and it is administratively divided into 4 sub-counties, 20 wards, and 76 village units. Salim Mvurya Mgala was elected Governor of Kwale in 2013, and then reconfirmed in 2017. It is worth noting that he holds a Master's Degree in Participation, Power and Social Change.

During my visit I spoke to a number of key stakeholders, including public officials, civil society representatives, members of community based organisations, and INGO staff⁶. Discussions were informal and unstructured, and dealt with the current state of public participation in the county's Annual Development Plans and budgets, as well as the level of accountability of the county to its citizens.

My findings are summarised and presented under three main categories: 1) transparency and access to information, 2) public participation, and 3) community feedback and accountability.

3.1 Transparency and access to information

Apart from being a fundamental human right, as enshrined in Article 19 of the Universal Declaration of Human Rights, access to information can be an important tool for citizens to engage more meaningfully in public life, understand policies, budgets and other official documents, help determine public priorities, and ensure that the government is accountable.

From a quick internet search, I was able to access budgets, Annual Development Plans and some tenders via the Kwale County Government website, even though documents were stored in a page that was relatively difficult to find (under Media, then Downloads)⁷. The website did not store any other documents, such as public expenditure reports, annual implementation reports or financial statements. According to the website, hardcopies of public documents can be requested at ward offices. Although I cannot comment on the actual accessibility of these documents or on their availability in local languages, I was told by an interviewee that *"ward offices hardly have copies and when they do, they are reluctant to share them with the public"*.

Annual Development Plans and proposed budgets are also available during public participation meetings. However, a number of interviewees complained that the time set aside to read, understand, and comment on these documents during these meetings is not realistic. According to some of my interviewees, documents are written in a language inaccessible to ordinary citizens, and need to be further explained. Initiatives by non-governmental organisations to simplify public documents to present to citizens have happened in the past⁸.

Kwale County Government also has a Facebook page with more than 3,000 Likes as of February 2018. The page is kept regularly updated with events, news, and other communications related to the County Government but *"does not provoke conversations on the operations of the county government as it should"* – an interviewee told me. The same page recently published an event

⁵Based on the 2009 National Census

⁶A list of interviewees can be found in Annex I.

⁷http://www.kwalecountygov.com/apps/index.php?option=com_phocadownload&view=category&id=9:budgets

⁸For example, see: <http://www.fahamu.org/the-makueni-and-kwale-counties-simplified-citizens-budgets-for-the-financial-year-20152016-are-now-ready/>

advertising dates for the public participation meetings for the 2018/19 Annual Development Plan. This was the first time such an event was published on the page. The event read “*Members of public from Kwale County are invited for the public participation forums to be held in the 4 Sub-Counties as stated in the image.*”⁹ However, the post received only 2 shares, 2 Likes and 1 comment.

A community member informed me that announcements of public participation meetings are also posted on local newspapers. This, according to the interviewee, limits the dissemination of news, as many people do not buy local newspapers or cannot read. Another interviewee told me that delivering a public announcement through loud speakers from the roof of a car would be a more cost-effective and inclusive way to invite citizens.

Finally, I was told that the County Assembly “*hardly interact with the public to share important information such as the number of bills approved, or project oversight reports*”.

Considering all of the above, and despite meaningful steps taken by the county to make information available to its citizens, the county should now focus on:

- a. *ensuring that all documents are uploaded on the official website, including public expenditure;*
- b. *investing on creating simplified versions of public documents, translating documents in local languages, and developing formats accessible to people with disabilities, in order to increase inclusion;*
- c. *dedicating more time to explain public documents to citizens during public meetings.*

3.2 Public participation

Public participation, particularly in relation to the budgeting phase, is a requirement to County Governments by the constitution and national legislation¹⁰.

According to the World Bank, “*The space for citizen-state interaction continues to expand, the government and civil society have gained significant experience deploying participatory tools and approaches, the media is relatively free and outspoken and Kenya’s role as a regional ICT innovator, and one of the first major open government data portals in sub-Saharan Africa, is widely recognized.*”¹¹ This statement confirms the impression that I had talking with my interviewees: spaces for interaction, communication and consultation between citizens and the local government are regular, widespread and largely used.

In Kwale County, citizens have at least three occasions each year to comment on the Annual Development Plan during public participation forums. The consultation phase starts each year in early January, when a general document stating core priorities per sector and a rough budget is shown to the public, which is then asked to select top priorities. In February, a second consultation is held to discuss budget ceilings per sector. Subsequently, an April consultation meeting shows a detailed budget. As stated above, these meetings are meant to be consultative only: the Executive settles final priorities and amounts, after which the County Assembly approves the document.

⁹<https://www.facebook.com/events/120400372095033/>

¹⁰For instance, see the County Government Act 2012 (CGA).

¹¹Kenya Devolution, Working Paper 1. Building Public Participation in Kenya’s Devolved Government. P.1 <http://documents.worldbank.org/curated/en/458231467997561854/pdf/94497-NWP.pdf>

Public participation forums are held in each of the 20 wards, in public spaces such as social halls, schools or government offices at 10:00 am during one set week. This year, they were held between 8th and 12th January 2018. These events seem to attract high attendance: for instance, detailed [minutes](#) of a public participation event in Tsimba Golini ward showed that 200 members of the public attended the meeting.

I was told by civil society activists that the county faces challenges when trying to engage disadvantaged groups especially in marginalised areas. First and foremost, the capacity of government officials to facilitate public consultations and disseminate user-friendly information is allegedly low. A number of people interviewed expressed concern over the methods used by public officials to facilitate these meetings. *“They come in a hurry, don’t have much time to spend with us and they let us see the documents for a few minutes, then they ask us to comment on them. There is just no time for us to understand what’s in the budget”* – an interviewee in Vanga said.

A number of interviewees also shared that they believe that many officials consider these public meetings as box ticking exercises without really considering the ultimate goal of citizen engagement: *“There is a gap between the provisions in the laws and the actual practice: it seems that officials are just rubber stamping and lack a true understanding of the final goal of the provision”*.

A female interviewee told me that in her opinion meetings are not planned with women’s needs in mind. *“Meetings start at 10 in the morning and can go on for 5 hours sometimes. We need to make arrangements to be away from our duties for long hours, if we want to take part; when the meeting is over, we have to catch up with all our duties. Also, we are not given a space to talk about sensitive issues without the presence of men, so we end up not disclosing any information”*.



Figure 1 Members of a community based organisation in Tiwi

A number of interviewees told me that until 2016 public participation forums were held on invitation only. County officials would tend to only invite friends, family and sympathisers to the meetings so to avoid critical voices in the room. The World Bank has since discouraged the practice, and open meetings were introduced. However, I was told that it is still common to ensure that the majority of attendants to public meetings are people who would *“sing the tune of the county government; progressive voices are hardly given time to participate even if they do attend the forums”*.

Again until 2016, meetings would only happen in the four sub- counties, which discouraged the attendance of people living in marginalised communities. Meetings are now held at the ward level, thus reducing the commuting time of potential attendants.

Finally, public participation forums seem to be mainly used during the consultation phase for the Annual Development Plan. This means that citizens have less forums, spaces and channels available for giving feedback on projects and services at the implementation or completion stage. I will further explore this topic in the next section.

The county should therefore consider:

- a. *continuing to deliver these forums at the ward, or, preferably, at the village-level;*
- b. *using a gender-sensitive approach when organising these events, in particular considering women's needs in order to increase their participation and raise their voice;*
- c. *investing in building the capacity of officials to meaningfully engage the public;*
- d. *increasing the number and types of spaces and channels available to citizens to give feedback on all stages of the budget cycle, including implementation, monitoring and evaluation.*

3.3 Accountability and community feedback

I found the area of accountability and community feedback to be perhaps the most problematic. Initiatives such as social audits, budget tracking, digital mapping of public projects, and in general using mobiles, technology, and social media to share and receive information, have been mushrooming in the county since 2013¹². It is also unquestionable that the county has established Project Implementation Committees formed by citizens and civil society activists to monitor each development project in Kwale. However, it seems that all of the efforts are having scarce impact, and that funds misappropriation, incomplete projects, and malpractice are very much present.

In a meeting with members of a community based organisation in Tiwi, I was told that they had started monitoring the construction of an ECD centre, after a whistle-blower had warned them that poor quality materials were being used. They tried to speak to county officials about the problems identified, but they could not find the right channel to address their complaint. They contacted several officials but were not able to obtain any answer. They were also told that *“the public participation forums are meant as a consultation place to approve the new budget, not to talk about projects at the implementation stage”*.

I was then taken to an unfinished and abandoned football stadium, and was told that works had started a few years before and were never completed for a series of problems, one of which was a



Figure 2 The unfinished and abandoned football stadium in Tiwi

land dispute. Community members told me that, during the recent public participation forum in their ward, they discovered that the new draft Annual Development Plan had committed funds for a Phase II of the same project, not to complete the unfinished works but to rather build a running track surrounding the pitch and some stands for the public. They had objected this plan, by requiring that all funds in Phase I be spent on completing the pitch

before allocating more funds under Phase II to build additional structures. What is more, they asked to access the financial report and review how and where funds were spent to date; officials allegedly told them *‘not to worry about previous funds and to focus on the new phase’*. To date, information

¹²Initiatives have been implemented by CBOs, CSOs and NGOs and funded by, among others, Hewlett Foundation, Make all Voices Count, Aga Khan Foundation, Hivos.

on how funds for Phase I were spent has not been rendered available to the community. An interviewee told me that *“there is no single football stadium that has ever been completed since the devolution started. But every fiscal year, these projects are allocated more funds”*.

Public participation forums meant to discuss the Annual Development Plan have seemingly been used on other occasions to discuss previous unfinished projects, like in this [case](#).

As for Project Implementation Committees, I was told by a number of interviewees that committee members do not receive training on how to effectively oversee projects, and most of the times do not even know what is expected of them.

On the other hand, I asked the Chief Officer Education whether she would find it useful to receive live feedback from community monitors on the status of educational projects through our tech tool [DevelopmentCheck](#). She was thrilled by the idea that, without having to leave her office, she would receive live updates on the status of projects, including community satisfaction. *“It would mean that I could concentrate my efforts on projects which are flagged to be failing, thus being more effective with my monitoring visits”*.

In general, I had the impression that despite the efforts to shorten the distance between the government and its citizens and to engage the communities more closely in public affairs, when it comes to accountability, the county is falling short of offering meaningful spaces and channels to receive feedback, and to put in place mechanisms to effectively address local issues.

The county should therefore focus on:

- a. *training public officials on how to seek and respond to community feedback;*
- b. *creating incentives for officials to truly seek community feedback and address problems;*
- c. *creating meaningful spaces where to facilitate community feedback on projects at the implementation and completion stage, and effective channels for officials to address complaints;*
- d. *increasing trust between communities and public officials and facilitating constructive dialogue and problem solving.*

4. Conclusion

Since its establishment in 2013, Kwale County has put in place mechanisms for public participation in the county’s administration of public services. These mechanisms are regular, widespread and very much used, particularly in the consultation phase of the Annual Development Plan’s approval. However, greater steps need to be taken by county officials to make these events more inclusive, accessible and meaningful.

More channels for community feedback as well as strengthened accountability processes also need to be established, in order to not limit public participation to the budget development stage only.

Civil society actors, already active and effective in the county, should keep up with their role of: 1) increasing public awareness of what accountability mechanisms are available to them, as well as their capacity to use those mechanisms; 2) influencing the county government during decision-making process by bringing up community’s needs and demands.

A concerted effort by public officials and civil society actors towards a work together for the common good would increase trust between the citizens and their government, and facilitate problem solving processes within the county.

ANNEX 1 List of interviews held between 22nd and 26th January 2018 in Kwale County

- Members of KWEA (Kwale Welfare and Education Association), a community based organization formed by young university graduates from Kwale County, based in Kwale town.
- Kwale County Chief Officer Education, Madam Fatima Mishi.
- Staff of KCNRN (Kwale County Natural Resources Network (KCNRN), a Civil Society Network (CSO) in Kwale County, based in Ukunda.
- Members and staff of KCYG (Kwale Youth and Governance Consortium) a community based membership organisation based in Ukunda.
- Staff of Agha Khan Foundation in Mombasa.
- Chief and community members of Vanga, a village in Lunga Lunga Constituency, Kwale County.
- Community members of Tiwi, a village in Msambweni Constituency, Kwale County.