

Public Participation **FRAMEWORK** in the County Assembly

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UNDERSTANDING PUBLIC PARTICIPATION

1.1. What is Public Participation?

According to the International Association for Public Participation (IAP2), public participation is any process that involves the public in problem solving or decision-making and uses public input to make decisions. Public participation includes all aspects of identifying problems and opportunities, developing alternatives and making decisions.¹

In public affairs, public participation involves an open, accountable process through which individuals and groups within selected communities exchange views and influence decision-making. The government agencies engage people in thinking, deciding, planning, and playing an active part in the development and operation of services that affect their lives.

From the above, it can be said that public participation is a process. It is vital in the principle in a democratic or people centered government, in which the people that are likely to be involved by a decision become part of making that decision.

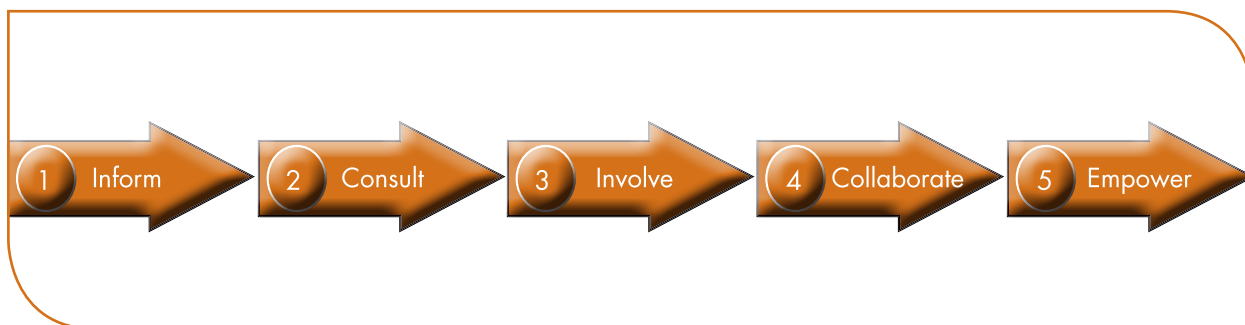
Public Participation is therefore the concept and practice of stakeholder engagement.

1 <http://www.iap2.org/>.

1.2. The Continuum of Public Participation

Public participation is seen as a continuum, which moves from the position of a reluctant state organ providing little bits of information here and there, to an engaged government that partners with its citizens in making decisions that affect them.

Figure 1: The public participation continuum



Source: Adapted from the International Association for Public Participation²

1. Inform

This involves the passing of information from government agencies to members of public for awareness purposes. Usually no action is required on the part of the public. Different communication channels are utilized in passing this information to the members of public. In many instances notices are carried by the mass media, distributed as brochures and fact sheets, posted on websites or posted in government offices. The goal is to keep the public informed.

2. Consult

This is a further point in the public participation continuum, where public officers or organs make deliberate efforts to collect views of the public on an issue under consideration. The purpose is to collect feedback. This approach is also known as therapeutic public participation. Citizens are allowed to air their views or "ventilate" on an issue, but there is no guarantee that their views will impact on the decision to be made, or in some cases, a decision that has already been made. It is the practice of many government offices in Kenya to have suggestion boxes for collecting views. It is not clear what is done with the views thus collected.

3. Involve

At this point, the concerns, interests, and views of the citizen become part of the decision making process. The final decision though is in the hands of the government.

2 <http://www.iap2.org/>.

4. Collaborate

Here decisions are jointly made by the citizens and the government. Alternatives are weighed, and agreements are sought, either through consensus, or some other ways of determining the more popular option.

5. Empower

At this point, the power to make decisions is in the power of the citizens. The public officers or organs are obligated, and committed to implementing decisions that have been made by the citizens themselves.

1.3. The Benefits of Public Participation

There are enormous benefits that accrue from public participation. They include:

1. Public Participation leads to better decisions

Public participation improves the quality of decisions made in a community. Where a process is inclusive, participants (governments and citizens) get an opportunity to clearly identify the issues that are at play in any decision, project, or challenge. After identifying the issues, clarity is sought, so that all views are obtained, which includes underlying feelings, interests, and worldviews. This clear picture in turn helps in generation of alternative approaches to resolving the issue at hand.

All the alternatives are weighed against agreed parameters, and the best option is picked and a decision made. A decision made in this manner benefits from the skills and wisdom of the community, and is more likely to be of better quality than a decision that is made by a small group of government officers. The resulting decision will find better and greater ownership by all stakeholders.

2. Public Participation helps in setting priorities

The process of public participation informs the government, and its organs or officers on the relative value or the level of importance the citizens attach to a particular decision. When a decision is made priority is given to those issues that the citizens value. This helps in channeling of resources (monetary and otherwise) and prioritization. Where community values conflict with the goals of the state as a result of legal, financial or other hurdles, participants find the best way to reach a compromise.

3. Public Participation reduces conflict

Diverse interests in a decision can lead to conflict. Public participation ensures potential areas of contention are identified and addressed with concerned parties before a decision is made. The fears and the interests of such individuals or groups are addressed, and they become part of the decision making process. Broad consensus is reached, and the potential for conflict is minimized if not eliminated altogether.

1.4. Principles of Public Participation

The principles that guide Public Participation have been captured well by the International Association for Public Participation³ through its core values. These core values were developed over a two-year period with broad international input to identify those aspects of public participation, which cut cross national, cultural, and religious boundaries. The purpose of these core values is to help make better decisions, which reflect the interests and concerns of potentially affected people and entities. The core values are:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

From the foregoing, any community that desire to make and create decisions that lead to sustainable development, peaceful co-existence, and a vibrant democratic governance must give due attention to public participation. Both the government (the supply side), and the citizens (the demand side), must play their role to make sure public participation is a central part of their existence.

3 <http://www.iap2.org/?page=A4>

1.5. Fictional Case Study to demonstrate the process of Public Participation

Kisima Village

The people of Kisima Village in Samburu County had a big problem with water. The women in the village spent six hours every day to fetch water for household use. This left them very little time to do other things. During very dry seasons, wild animals would come to the village water points, causing harm to the people and livestock. Successive governments provided only casual responses. The people of Kisima Village saw an opportunity in the devolved structures of government to engage the County Assembly in finding a lasting solution.

1. Petition to the County Assembly

They started by writing a petition to the County Assembly, requesting the County Assembly to make laws that will ensure that the people in Samburu County in general, and Kisima village in particular access water. The petition also asked the County Assembly to ensure that people who are affected by wild animals from private reserves were protected, and when affected, they should be compensated.

2. Consideration of the petition

Once the County Assembly received the petition, the committee that deals with matters of water was seized of the issue. The committee quickly arranged for an inquiry, and invited affected persons and stakeholders to make submissions. The residents of Kisima Village arranged to appear before the committee to make oral and written submissions, outlining their plight, and made recommendations to the committee. One of the recommendations was the enactment of a bill. The committee deliberated on the issues raised, and wrote a report, to the County Assembly with the necessary recommendations.

3. Initiation of legislation to deal with the issue

The committee decided to draft a bill to regulate the provisions of water services, and also manage human-wildlife conflict.

4. Public Participation during the consideration of that Bill

During the Consideration of this bill, the residents of Kisima Village got another opportunity to engage with the County Assembly. After reading the bill, they wrote a memorandum to the County Assembly, asking the County Assembly to enhance the amount of money to be paid to persons who lost life or property to wildlife. They also requested the committee to make provision in the law that would allow local communities to be involved in choosing of sites where the county government would sink boreholes. Finally they asked the county government to ensure that private ranchers provide watering points for wild animals to prevent them from moving into settlement areas in search of

water. Apart from sending the memorandum to the committee, they also appeared before the committee to make oral submissions.

5. Ensuring that budgetary allocation is made

Some of the provisions in the bill needed budgetary allocation. The residents then engaged the County Assembly in the budget process, right from the planning stage. They ensured that enough money to sink boreholes and water pans was allocated.

6. Providing oversight on the issue

During the implementation of the legislation, the residents ensured that there was prudence in the use of funds and execution of projects to deal with management of water resources. Where they were dissatisfied, they wrote to the County Assembly, and requested the relevant committee of the County Assembly to make inquiries.

The above story illustrates the steps that a community can follow to successfully engage with the county assembly.



THE PUBLIC PARTICIPATION FRAMEWORK IN KENYA

Meaningful Public Participation requires a formal framework that obliges government to engage with the public and facilitates the public to engage with the government. In Kenya there exists a constitutional framework that sets out a number of principles. There also exist other important legislations and policies that lay down principles of public participation in Kenya. The particular focus for this section is the county governments.

2.1. The Constitution of Kenya (2010)

The theme of Public Participation runs throughout the Constitution of Kenya. The constitution provides for public participation as follows:

Table 1: Constitutional Provisions for Public Participation

Constitutional Reference	Constitutional Provision
Article 1 : Sovereignty	States all sovereign power is vested in the people of Kenya.
Article 10: National Values	Part (a)... 'patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people'
Chapter 4 : Bill of Rights	Provides for right to equality, human dignity ,various freedoms environment (e.g. of expression, media)
Article 35:	Part (1) 'Every citizen has the right of access to (a) information held by the state'
Article 61:	Part (i) 'All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals'.
Article 69:	Part (i) 'The state is mandated to encourage public participation in the management, protection and conservation of the environment'
Article 118: Legislature	Provides for public access and participation in Parliament sittings and those of its committees
Article 119: Legislature	Provides for Right to petition parliament;

Article 196: Legislature	Part (1), states that 'a county assembly shall conduct its business in an open manner and hold its sittings and those of committees in public, and facilitate public participation and involvement in the legislative and other business of the assembly and its committees'.
Article 174: Devolution	The objects of devolution are to: (c) 'give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them' (d) 'Recognize the rights of communities to manage their own affairs and to further their development'.
Article 184:Urban Areas	Part (1), states that 'National Legislation shall provide for the governance and management of urban areas and cities and shall in particular (c) provide for participation by residents in the governance of urban areas and cities'.
Article 201: Public Finance	(a) provides for openness and accountability, including public participation in financial matters
Art 221 (5): Budget Making	In discussing and reviewing the estimates the committee shall seek representation from the public and recommendations shall be taken into account
Article 232: Values and principles of public service	Part (1) include: (d) involvement of the people in the process of policy making (e) accountability for administrative acts (f) transparency and provision to the public of timely and accurate information.
Fourth Schedule Part 2	(14) 'The functions and powers of the county are to ensure and coordinate the participation of communities and locations in governance at the local level. Counties are also 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'
Article 129:Principles of Executive Authority	Part (1) states that 'executive authority derives from the people of Kenya'
Article 159: Judiciary	Recognizes its authority is derived from the people

2.2. The Public Finance Management Act (2012)

In order to give effect to the requirement for public participation as required by Article 232 of the constitution, Parliament enacted the Public Finance Management Act(PFM), 2012 in which provisions were made for engagement between the state and the citizens on financial matters. At the county level, the most conspicuous provision in this act is setting up of the County Budget and Economic Forum (Section 137).

The section provides that each county will have a forum to be known as the County Budget and Economic Forum that will comprise of the governor (Chairperson), and other county executive members. The other members of the forum (a number equal to the number of County Executive Members) are drawn from organizations representing professionals, business, workers, women, persons with disabilities, the elderly and faith based groups.

The work of this forum is to provide a means for consultation on the preparation of county plans, the County Fiscal Strategy Paper and the Budget Review and Outlook Paper for the county. These consultations also extend to matters relating to budgeting, the economy and financial management at the county level.

The process of the consultation is not laid out in the act. However, it is envisaged that the consultations will be done according to the process provided in the law relating to county governments.

PFM Act also sets out the process that is to be followed in preparing the budget. In this process, opportunities for public participation are built in. A detailed analysis of the budget process, and the opportunities that exist for public participation is contained in chapter five of this guide.

2.3. The County Governments Act (2012)

The County Governments Act deals extensively with the subject of public participation at the county level. In fact, public participation is one of its main objectives. There are several sections and parts that touch on both the principles, and the process of public participation. Some of the key provisions include:

1. Section 87 where public participation at the county level is to be guided by the following principles:

- a. Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation
- b. Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards
- c. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information
- d. Legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities

- e. Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight
 - f. Promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and
 - g. Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight.
- 2. Section 88** gives citizens the right to petition the county government in writing, on any matter under the responsibility of the county government.
- 3. Section 89** obligates the county government, its organs and agencies to respond expeditiously to any petition or challenge made by the citizens.
- 4. Section 90** sets out the procedure on local referenda and outlines the issues that may be placed to the citizens for decision in such referenda.
- 5. Section 91** puts an obligation on government to put in place structures that make it easy for citizen participation. The structures envisaged include the following:
- a. Information communication technology based platforms;
 - b. Town hall meetings;
 - c. Budget preparation and validation forums;
 - d. Notice boards: announcing jobs, appointments, procurement, awards and other important announcements of public interest;
 - e. Development project sites;
 - f. Avenues for the participation of peoples' representatives including but not limited to members of the National Assembly and Senate; or
 - g. Establishment of citizen forums at county and decentralized units.

Clearly, the above list is comprehensive, but by no means exhaustive. The people residing in a given county are at liberty to find structures that serve them best, depending on their cultural experiences, and set ups.

6. Under section 92, the governor is required to submit an annual report on public participation to the County Assembly.

7. Citizen participation in county planning is given a lot of attention in this act. Section 105(d) states that county planning units shall be responsible for ensuring that there is meaningful citizen participation in county planning.

8. According to section 114, whenever there is a nationally significant development project, there must be public hearings in all the affected counties.

9. Section 115 makes public hearings mandatory for county planning.

10. The Act places an obligation on the County Assembly to pass legislation to make further provisions on citizen participation in county affairs. As will be seen in chapter 4, the development of these laws requires public participation.

It is clear from the foregoing that a public participation framework exists. The challenge is for citizens to ensure that they use the opportunities provided by law to make their voices heard, and to positively influence governance for the greater good of society and posterity.

2.4. Exercise One: Gauging the extent of public participation

Indicate the extent to which you agree with the statements below against the scale given, with the highest level of agreement being "Strongly Agree" and the lowest being "Strongly Disagree".

Instructions: Indicate your score for each of the responses given in the relevant box. The scores are as follows

Strongly Agree = 5

Agree = 4

Not Sure = 3

Disagree = 2

Strongly Disagree = 1

Thereafter, sum up all the scores. A score of 25 and below means that there is very little public participation happening in your area, or that you are not aware of public participation activities in your area. There is therefore need to raise your awareness, and skills to ensure that you and your community are benefiting from public participation.

No.	Statement	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
		5	4	3	2	1
1	Every time leaders in my area want to initiate a project, they seek the views of my local community					
2	Citizens in my area respond to calls from the government (both national and county) to present their views on issues of public interest					
3	Leaders in my area consider the views of my community in making development and administration decisions					
4	I have been involved in drafting and presenting a petition to my County Assembly					
5	I am aware of the plans of the county government on development issues in my area for the next one year					
6	I am aware of the government allocation to projects in my area in the coming/current financial year					
7	Public participation can help solve the social problems facing my area.					
8	My local leadership respects citizen's right to public participation					
9	The people in my community understand their rights to public participation under the constitution and the laws of Kenya					
10	I have been involved in the activities of a committee of my County Assembly					
	TOTAL SCORE					

THE COUNTY ASSEMBLY AND PUBLIC PARTICIPATION

The County Assembly is the legislative arm of the county government (Article 185 of the Constitution of Kenya 2010).

3.1. The Composition of the County Assembly

According to Article 177 of the constitution, and section 7 of the County Government Act, the County Assembly consists of;

- a. Members of the County Assembly elected from the Wards
- b. Members representing special interests in the assembly. Such interests include the youth, the marginalized communities, people living with disabilities among others.
- c. The Speaker of the County Assembly.

The clerk is the chief executive officer, and accounting officer of the County Assembly. The clerk is also secretary to the County Assembly Service Board.

There is also an “Assembly Service”, consisting of technical and support staff, employed by the County Assembly Service Board. The staff members provide support to Members of the County Assembly (MCAs) in their work.

3.2. Role of Members of County Assemblies

The Members of County Assembly (MCAs) have very distinct roles. According to section 8 of the County Governments Act, these roles include

- a. Vetting and approving nominees for appointment to county public offices as may be provided for in this Act or in any other law;
- b. Performing the roles set out under Article 185 of the Constitution;
- c. Approving the budget and expenditure of the county government in accordance with article 207 of the Constitution, and the legislation contemplated in Article 220(2) of the Constitution, guided by Articles 201 and 203 of the Constitution;

- d. Approving the borrowing by the county government in accordance with Article 212 of the Constitution;
- e. Approving county development planning; and
- f. Performing any other role as may be set out under the Constitution or legislation.

To achieve the above, MCAs are involved in a number of activities. They include:

- » Drafting, tabling, enacting and debating bills and motions
- » Seeking answers on behalf of citizens
- » Being involved in leadership in the house, such as Leader of Majority, Whip, etc.
- » Working in assembly committees
- » Presenting petitions on behalf of citizens

3.3. The Functions of the County Assembly

The functions of the County Assembly are as follows:

- a. A County Assembly may make any laws that are necessary for the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.
- b. A County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs. A County Assembly may receive and approve plans and policies for:
 - 1. the management and exploitation of the county's resources;
 - 2. And the development and management of its infrastructure and institutions.
- c. Approve the budget and expenditure of the county government in accordance with Article 207 of the Constitution, and the legislation contemplated in Article 220(2) of the Constitution, guided by Articles 201 and 203 of the Constitution.
- d. Approve the borrowing by the county government in accordance with Article 212 of the Constitution.
- e. Vet and approve nominees for appointment to county public offices as may be provided in law.
- f. The County Assembly participates in the removal of key officers:
 - » Governor
 - » Speaker

- » County executives
- » County Public Service Board

3.4. The Structure and Functions of County Assembly Committees

Every County Assembly, like any other legislative body does some of its work through committees. The committees of the County Assembly are provided for in the constitution in County Governments Act. The committees of the County Assembly are classified as follows.

3.4.1. Standing or Select Committees

These are committees that are established by the standing orders of the County Assembly to take care of specific issues within and without the assembly. These committees include:

- a. Committees that deal with housekeeping matters.
 - » House Business Committee - It sets the calendar and order of business in the house.
 - » Committee on Selection - It appoints members to committees.
 - » Liaison Committee - It oversees the operations of other committees
 - » Procedure and Rules Committee - It deals with review of Standing orders of the assembly
 - » Powers and Privileges Committee - It enforces the powers, privileges and immunities of members of the County Assembly as outlined in law.
- b. The watchdog committee also known as Public Accounts and Investments Committee - It's work is to ensure that money allocated to the government is used prudently. It also ensures that investments made by the county government are appropriate, and yield intended results.
- c. Committee on Appointments - It vets County Executive Committee members appointed by the governor.
- d. Budget and Appropriations Committee - It deals with budgetary issues including preparing budget report for adoption by parliament, and supervises the implementation of the budget.
- e. Committee on Implementation - Scrutinizes the resolutions of the County Assembly (including laws and adopted committee reports), petitions and the undertakings given by the County Executive Committee and examines whether or not they have been implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary.

- f. **Committee on Delegated Legislation** - This committee reviews statutory instruments to ensure that they are consistent with the constitution and law. Such instruments include by-laws, regulations, fees and other instruments made by a regulation making body, pursuant to an act of the County Assembly.

3.4.2. Sectoral Committees

Each County Assembly sets up committees to deal with different economic, social and administrative sectors in the county. The Second Schedule of the Standing Orders provides guidelines on how the sectoral committees should work.

Committee on Agriculture, Environment and Natural Resources: The mandate of this committee is to deal with all matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries. It looks into implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising.

Committee on Health: The committee on health concerns itself with all matters related to county health services, including, in particular county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession), cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal.

Committee on Children, Culture and Community Services: This is the committee that is mandated to deal with all matters related to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and hiring, libraries, museums, sports and cultural activities and facilities and county parks, beaches and recreation facilities; fire fighting services and disaster management, control of drugs and pornography; ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; and animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals.

Transport and Public Works Committee: The sectors under the jurisdiction of this committee include all matters related to county transport, including county roads, street lighting, traffic and parking, public road transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services including storm water management systems in built-up areas and water and sanitation services.

Committee on Planning, Trade, Tourism and Cooperatives: This is the committee that is mandated to look into all matters related to county planning and development, including statistics, land survey and mapping, boundaries and fencing, housing and electricity and gas reticulation and energy regulation; trade development and regulation, including markets, trade licences (excluding regulation of professions), fair trading practices, local tourism and cooperative societies.

Committee on Early Childhood Education and Vocational Training: The work of this committee covers all matters related to pre-primary education, village polytechnics, home craft centers and childcare facilities

Committee on Labour and Social Welfare: The committee's mandate to provide oversight on all matters relating to labour, trade union relations, manpower or human resource planning, gender, culture and social welfare, youth, National Youth Service children's welfare; national heritage, betting, lotteries and sports.

Committee on Justice and Legal Affairs: The committee deals with constitutional affairs, the administration of law and justice including elections, ethics, integrity and anti-corruption as well as human rights.

The Functions of Sectoral Committees

Under the specific mandate of the committee as explained above each committee executes the following functions:

1. Conducting oversight on the executive to ensure that the executive is exercising fiscal prudence and good governance in the given sectors
2. Initiating and/or scrutinizing legislative and regulatory proposals on matters touching the relevant sectors
3. Reviewing and recommending budget allocation to departments in the county
4. Investigating, inquiring into, and reporting on all matters relating to the departments' management, activities, administration, and operations.
5. Studying the programme and policy objectives of the departments and the effectiveness of the implementation
6. Vetting and reporting on appointments in the health department where the Constitution or any law requires the Assembly to approve

Public Participation in the Sectoral Committees

As indicated in the previous chapter, committees are required to involve the public in the execution of their functions. Consequently, the operations of the committee allow citizens to participate in the following ways

1. Attending and making submissions to committees when they are:
 - » Scrutinizing legislation and regulations related to their areas of jurisdiction
 - » Considering the budget allocation for their given sectors
 - » Considering petitions referred to them
 - » Vetting public officers in their respective sectors
 - » Conducting inquiries on matters that arise from the county executive's handling of issues that fall under the purview of the committee
2. Sending petitions to the County Assembly for consideration by committees
3. Attending the plenary sessions to listen to the presentation and debate of committee reports on issues that are of concern to them.

3.4.3. Ad hoc Committees

These are committees that are set up through a resolution of the assembly to inquire and report on specific matters. They are also known as special committees. They usually have a time limit, and upon the expiry of that time, and presentation of their report to the assembly, these committees cease to exist.

3.5. The Unique Benefits of Engaging the County Assembly

Because of the unique role played by the assembly and its committees, citizen engagement with the assembly can yield very good results. Through committees, citizens can have strategic engagements with the assembly. They can:

- a. Influence the development of favorable legislation and regulations that are beneficial and friendly to the people in the county.
- b. Influence the budgetary allocation of resources, to ensure that priority projects and programs are well funded, while wasteful and imprudent spending is eliminated.
- c. Influence the implementation of priority projects, to ensure that the most important ones to the community are implemented. The manner in which these projects are implemented is important. Citizens can ensure that measures are taken to minimize adverse effects of development projects, such as environmental degradation, loss of land and livelihood among others.
- d. Reduce corruption by reporting such vices to the assembly for inquiry, and action.
- e. Influence the appointment of deserving public officers and removal of corrupt and inept ones.

3.6. How does this apply to the County Assembly?

At the lower levels in the hierarchy of public participation, the County Assembly uses information channels like pamphlets, public notices, and media releases to pass information to the citizens on what the happening in the county government in general, and in the County Assembly in particular.

At the higher level, the County Assembly invites the views of the members of public on matters before the assembly. This usually takes the form of public hearings, where citizens make written or oral submissions. A good example of this is when the assembly is discussing bills, budgets, and regulations. The final decision remains with the County Assembly.

At the highest levels of public participation, the County Assembly allows the citizens or groups of citizens to make decisions on what is going to happen. The decisions of the public are implemented.

As indicated in chapter two the constitutional and legal framework for engaging with the County Assembly exists.

3.7. Exercise Two: gauging knowledge on County Assembly Committees

Each of the items below describes a function of the county government that is supervised by a committee of the County Assembly. Choose the right committee from the list given at the end of the list.

Crop and animal husbandry	_____
Betting and lotteries	_____
Trade licences	_____
Control of undertakings that sell food to the public	_____
Public nuisances	_____
Administration of law and justice	_____
Storm water management systems	_____
Video shows and hiring	_____
Solid waste disposal.	_____
Land survey and mapping	_____

.....

- A. Committee on Labour and Social Welfare
- B. Transport and Public Works Committee
- C. Committee on Justice and Legal Affairs
- D. Committee on Health
- E. Committee on Planning, Trade, Tourism and Cooperatives
- F. Committee on Agriculture, Environment and Natural Resources
- G. Committee on Early Childhood Education and Vocational Training
- H. Committee on Children, Culture and Community Services

Answers

1F, 2A, 3E, 4D, 5F, 6C, 7B, 8H, 9D, 10E

4

PUBLIC PARTICIPATION IN THE LAW MAKING PROCESS

It is the constitutional obligation of every legislative organ to facilitate public involvement in its legislative processes and its committees. There are serious consequences for failing to comply with the obligation. Understanding the legislative process is a key to effective public participation.

According to the standing orders of county assemblies, there are various stages involved in law making. In the table below, a description of each stage, and the opportunities for public participation are identified.

Stage	Description	Opportunity for Public Participation
Pre-publication	It is expected that a bill will have undergone a process of public participation, stakeholders consultation and expert input during its drafting. If this does not happen, (as is the case when a citizen or an individual member drafts a bill), the procedure provide that the draft of the bill is referred to the relevant committee for these processes (public participation, stakeholders consultation and expert input) before being published.	Written Submissions Appearing before the relevant Committee Participating in public hearings when called Submitting petitions if necessary
Publication	The law requires that a bill be published in the Kenya/County Gazzette. There is a maturity period of 14 days before the bill can be first read in the County Assembly. (Some bills like the finance bill and the appropriations bill require 7 days). This period can be shortened by a resolution of the house.	Obtain copies of the Kenya Gazzette and read the bill. Analysis of the bill Engage stakeholders Lobby the MCAs to approve/amend/reject the bill when it comes of the house

First Reading	During this stage, the clerk of the assembly reads the title of the bill.	Attend the plenary of the assembly
Committee Stage	<p>After first reading, the bill is referred to the relevant committee. The committee is expected to:</p> <ul style="list-style-type: none"> Set dates for public hearing Identify venues for public hearing Publicize the dates and venues of public hearings Receive written and oral submission from interested individuals and groups Consider the submission presented to it Compile a report which should indicate the issues that were raised in the submissions Make recommendation for amendments to the bill Submit the report containing the recommendations 	<p>Written submissions</p> <p>Oral presentations before Committees</p> <p>Participating in Public Hearings</p> <p>Conducting workshops on the Bill</p> <p>Engaging individual legislators on content</p> <p>Involving media to publicize positions and proposals</p> <p>Submitting public petitions, if necessary</p>
Second Reading	During the second reading of a bill, the legislators get an opportunity to discuss on the general principles of the bill. It is a good time to assess the feelings of members regarding the bill, or parts of it thereof.	Attend the plenary
Committee of the Whole House	The whole assembly converts itself into a committee and goes through the bill clause by clause. The amendments proposed by the committee are tabled, and any additional amendments by any member of the assembly are discussed. Each of the clauses and schedules in the bill are considered and it is either accepted, amended in one way or another, or rejected all together. New clauses and/or schedules can be inserted at this point.	Attend the plenary Lobby members to sponsor amendments to the bill
Third Reading	A motion to have the bill read a third time is moved, and if the members vote in the affirmative, the bill is read a third time, and passed.	Attend the plenary Lobby members to pass/reject the bill

Ascent	<p>The bill is then forwarded to the governor for his/her signature. The governor may sign the bill into law. The governor can also refer the bill back to the assembly with a memorandum explaining the reasons for the referral, and a request for the house to consider certain amendments.</p> <p>Once the bill comes back to the house, the members have the option of accepting the memorandum from the governor and make the proposed changes. They can also override the memorandum from the governor. To do so, two thirds of the members must vote against the memorandum from the governor.</p>	<p>There is opportunity and recourse to the Office of the Governor if the law as passed is not constitutional, is not in public interest, restricts competition, protects vested interest etc. Citizens can lobby the governor to refuse to assent.</p> <p>Once back in the assembly, citizens can lobby members to accept or reject the memorandum from the governor.</p>
Implementation	It is not automatic that implementing departments and agencies enforce the law in time. It is important to follow up to ensure the Executive allocates the necessary resources to enforce the legislation upon enactment	Continuous engagement with the assembly
Amendments	<p>When a bill is enacted into law, the assembly can go back to the bill and amend any offending parts, or insert other sections to deal with issues that were not addressed by the original bill. Members can even repeal a whole act. An amendment to an act follows the same process as an act itself, from pre-publication to implementation.</p>	<p>Submit petitions to the assembly asking the assembly to amend a certain act.</p> <p>Follow the process outlined above in all the stages.</p>

4.1. Exercise Three: Public participation opportunities

Discuss the public participation opportunities that exist in each of the steps in the law making process listed below.

1. Pre-publication
2. Publication
3. First Reading
4. Committee Stage
5. Second Reading
6. Committee of the Whole House
7. Third Reading
8. Ascent
9. Implementation
10. Amendments

PUBLIC PARTICIPATION IN THE BUDGET MAKING PROCESS

The Public Finance Framework in Kenya is provided for by chapter 12 of the constitution of Kenya, and expounded on by the Public Finance Management Act (2012). This framework requires that public participation be an integral part of the budget process.

Understanding the budget cycle and the opportunities for public participation is an important step in getting the involvement of the citizens in management of public finance. At every stage in the budget making process, citizens have an opportunity to make an intervention that can lead to better services at the local level. Examples of opportunities provided at the different stages are given below.

Table 2: Key dates in the County Budget Process

Tool	Purpose	Deadline
County Integrated Development Plan/ Annual Plan	Define the development programmes that will be carried out by government in a given period.	September 1
County Fiscal Strategy Plan	Define the budget ceiling for the various departments of government	February 28
Debt Management Strategy paper	Give information on the current and expected debt levels in the county	February 28
Budget Estimates	Define allocation of money to specific programs and departments of the county government	April 30 (presentation the assembly)
Appropriations Bill	Authorize government to spend money from the County Fund	June 30
Finance Bill	Authorize the county government to collect money through charges and levies.	Within 90 days of the passage of the Appropriations Bill

5.1. Influence Development Projects at the Local Level.

The process of budget begins with making of plans. Section 126 of PFM provides a description of these plans. One of the most important ones is the County Integrated Plan, which outlines the plans of the county government over a period of about five years. In this plan all major projects by the government are spelt out. By September 1 of every year, the county government submits an annual plan showing details of the projects that will be carried out in the coming year.

Input by the County Assembly

The County Assembly will act on the County Integrated Development Plan and the annual plan as follows:

- » Collect views of citizens through public participation
- » Engage with the county executive to effect any changes
- » Approve the County Integrated Development Plan

Opportunities for Public Participation

Citizens may participate at this stage by:

- » Preparing and making submissions on areas that should be included in the plan.
- » Attending public hearings on the County Integrated Development Plan
- » Conducting analysis and awareness on the County Integrated Development Plan

5.2. Influence the Funding Ceilings for Different Sectors

The county government is required to set its spending ceilings on different sectors. According to section 117 of the Public Finance Management Act, the County Government shall prepare a County Fiscal Strategy Paper as follows:

- a. The County Treasury shall prepare and submit to the County Executive Committee the County Fiscal Strategy Paper for approval and the County Treasury shall submit the approved Fiscal Strategy Paper to the County Assembly, by the 28th February of each year.
- b. The County Treasury shall align its County Fiscal Strategy Paper with the national objectives in the Budget Policy Statement.
- c. In preparing the County Fiscal Strategy Paper, the County Treasury shall specify the broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year and over the medium term

- d. The County Treasury shall include in its County Fiscal Strategy Paper the financial outlook with respect to county government revenues, expenditures and borrowing for the coming financial year and over the medium term.
- e. In preparing the County Fiscal Strategy Paper, the County Treasury shall seek and take into account the views of —
 - » the Commission on Revenue Allocation;
 - » the public;
 - » any interested persons or groups; and
 - » any other forum that is established by legislation.
- f. Not later than fourteen days after submitting the County Fiscal Strategy Paper to the County Assembly, the County Assembly shall consider and may adopt it with or without amendments.
- g. The County Treasury shall consider any recommendations made by the County Assembly when finalising the budget proposal for the financial year concerned.
- h. The County Treasury shall publish and publicise the County Fiscal Strategy Paper within seven days after it has been submitted to the County Assembly.

Input by the County Assembly

The County Assembly will act on the County Fiscal Strategy Paper as follows:

- » Collect views of citizens through public participation
- » Engage with the county executive to effect any changes

Opportunities for Public Participation

- » Prepare and make submissions taking into consideration the ceilings that should be set for the different county departments.
- » Attend public hearings on the County Fiscal Strategy Paper
- » Conduct analysis and awareness on the County Fiscal Strategy Paper

5.3. Submission of Debt Management Strategy

While borrowed funds can help the county government in delivery of services, and in carrying out development projects, citizens should keep an eye on the debt levels of the government to ensure that it is kept at sustainable levels.

In order to manage the borrowing, the CEC member for finance must submit a debt management strategy paper to the County Assembly by February 28, of every year, according to section 118 of the Public Finance Management Act. This is a statement that

sets out the debt management strategy of the county government over the medium term with regard to its actual liability and potential liability in respect to loans and its plans for dealing with those liabilities. It includes information such as:

- a. The total stock of debt as at the date of the statement;
- b. The sources of loans made to the county government;
- c. The principal risks associated with those loans;
- d. The assumptions underlying the debt management strategy; and
- e. An analysis of the sustainability of the amount of debt, both actual and potential.

Opportunities for Public Participation

- » Use the County Assembly to push for disclosures on public debt in the county
- » Lobby the County Assembly to disallow unnecessary borrowing by the county government
- » Conduct analysis and awareness on public debt

5.4. Influencing Allocation of Funds to Areas of Public Interest.

The process of allocating money to various programmes is set out in sections 129, 130 and 131 of the Public Finance Management Act. During this stage, the County Assembly passes the budget estimates and enacts the Appropriations Bill, which is the law that allows government to spend money. Perhaps one of the most important engagements should happen at this point. The Budget and Appropriations committee holds budget hearings to take in the views of citizens before allocating resources to various sectors. Anyone who is interested in making a request to the county government to make allocation to specific programmes should engage at this stage.

Input by the County Assembly

The County Assembly will act on the Budget Estimates and Appropriation Bill as follows:

- » Collect views of citizens through public participation
- » Allocate funds to various departments
- » Approve the Budget
- » Enact the Appropriation Bill

This process applies to any supplementary budgets with necessary modifications.

Public Participation Opportunities

Citizens can:

- » Prepare and make submissions on the budget.
- » Attend public hearings on the budget
- » Conduct analysis and awareness on the budget

5.5. Lobbying for a Friendly Tax Regime

The county government is authorized to raise money from the county through various levies and charges. To do this, the County Assembly must enact a finance bill within three months of the passing of the Appropriation Act in accordance with Section 132 and 133 of the Public Finance Management Act. In a bid to raise money, a county government may come up with fees and charges that end up becoming punitive to citizens. County residents should keep an eye on the finance bill to ensure that the revenue raising measures proposed by government are reasonable. They are also able to make specific proposals to the County Assembly on making it even better.

Input by County Assembly

The County Assembly will act on the Finance Bill as follows:

- » Collect views of citizens through public participation
- » Make any necessary amendments
- » Enact the Finance Bill

Public Participation Opportunities

Citizens can:

- » Prepare and make submissions on the Finance Bill.
- » Attend public hearings on the Finance Bill
- » Conduct analysis and awareness on the Finance Bill

5.6. Exercise Four: Gauging level of participation in the budget making process

At what stage in the budget making cycle would you present your views to a committee of the County Assembly on the following issues?

1. Request for money to be allocated to a local nursery school
2. Request for allocation made to the recurrent expenditure be reduced
3. Request that the county government consider building a slaughter house in your local market
4. Request for reduction of trade license fee
5. Request that the government consider borrowing less

6

THE OVERSIGHT PROCESS AND OTHER OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE COUNTY ASSEMBLY

As indicated previously, it is also the County Assembly to hold the county executive accountable by providing oversight, approving appointments of public officers, processing the removal of public officers in accordance with the law, and reviewing statutory instruments created by regulation making bodies. This chapter examines the public participation opportunities that are built into each of these processes.

6.1. Oversight:

The county executive and its organs use public funds and property in the execution of their mandate. They also make administrative decisions on a day-to-day basis. It is easy for the people entrusted with these resources to misuse them. To safeguard against this tendency, the County Assembly holds the government to account.

First, the County Assembly receives reports from the county executive on a regular basis on how the executive is implementing its functions. Even where reports are not required from the executive, the assembly and its committees have the power to call for such reports. It is therefore possible for members of the public to:

- a. Access reports made to the assembly and read them
- b. Petition the County Assembly to call for certain reports
- c. Petition the County Assembly to take action to address issues raised in a report to the County Assembly.

Second, in exercising its oversight authority, the County Assembly can institute an inquiry on any matter that is of interest to the public or a section of the public. When such inquiries are carried out, interested persons are called upon to make submissions (written or oral) to the County Assembly in its sittings or in public hearings. It is important that citizens take advantage of such opportunities to express their views and push for certain things to be considered in the inquiry.

The County Assembly receives, and in many instances has the power to request reports from constitutional commissions and independent offices, such the Kenya National Audit

Office, office of the Controller of Budgets, and the Ethics and Anti Corruption Commission, among others. The County Assembly can then institute inquiries based on those reports. Citizens can use these opportunities to engage the County Assembly on the subject matter contained in such reports

6.2. Appointments to public office

When the constitution or other laws require that the assembly vet a person appointed to a public office, then the procedure prescribed by the Public Appointment (Parliamentary Approval) Act applies. The Act provides the citizens with an opportunity to make submissions to the vetting committee. During these submissions the citizens make presentations on the suitability of a candidate or lack of it. A member of the public can make a sworn statement to the vetting committee giving his or her reasons for objecting to the appointment of a certain individual to public office. The sessions are open to the public, and therefore citizens can attend⁴.

6.3. Removal from public office

The County Assembly has the authority to vote on the removal of certain office holders from office. Public Officers can be removed from office for gross violation of the law, or incompetence, or if they are found to be otherwise unfit to hold office. Some of the office holders whose removal is subject to a vote by the assembly are:

- a. The Governor
- b. The Speaker of the County Assembly
- c. County Executive Members
- d. Members of the County Public Service Board
- e. Other officers as may be allowed by an act of parliament or the County Assembly

It is important to note that even in instances where the law does not expressly allow for removal of a public officer, the County Assembly can use its persuasive power to push for removal of such officers.

The main opportunity for public participation in the removal of public officers is by petitioning the County Assembly and the public can also participate in the inquiry that follows the petition.

6.4. Exercise Five: Gauging oversight processes

A lot of people complain about the caliber of people who are appointed to high public offices. How can you and your community ensure that the government is hiring the right people for public jobs?

7

TOOLS FOR PUBLIC PARTICIPATION

Introduction

There are a numbers of ways in which citizens can engage the County Assembly. They range from the very passive ones, which is following house and committee proceedings either in person or through the media, to the more active ones, where citizens get to pass their views to the County Assembly and/or its committees. This section will explain the ways in which citizens can publicly engage the County Assembly.

There are two major tools that citizens can use to actively engage the County Assembly. These are:

- a. Petitions
- b. Written and Oral Submissions

7.1. Petitions

As pointed out earlier in the guide, the constitution and the laws of Kenya provide that every citizen has the right to petition organs of government. Article 119 of the constitution states that every citizen has the right to petition parliament to consider any matter within its authority, including to enact, amend or repeal any legislation. That provision is applied to the County Assembly by section 15 of the county governments act. So what is a petition?

A petition is a request. A petition expresses a point of view, usually on matters of public policy, and contains a request for action, or in some cases, not to take action. Individuals and organizations may seek to have petitions presented to the County Assembly. The petitions are processed according to the law, and laid procedures of the assembly.

In Kenya, some county assemblies like Laikipia County have already passed legislation providing for the manner in which petitions made to the assembly are handled. However the general principles applicable to petitions are contained in the Petitions to Parliament (Procedures) Act. It specifies the procedure, and prescribes the form of petitions to be made to laws

Whenever an individual or a group of people, or an organization have an issue they would like the assembly to consider, they draft a petition, and address it to the Clerk of the Assembly. The law provides that the petition may be handwritten, printed or typed, and may be in English or Kiswahili provided that it is written in respectful, decorous and temperate language. The petition must be tidy, free of alterations and interlineations. If the petition consists of more than one sheet, the subject matter should be indicated on every sheet. There should be no annexes to the petition.

The petitioner(s) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory. Also the petition should indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body.

After clearly stating the subject matter, the petition should close with a clear, proper and respectful request indicating the definite purpose of the petitioner or petitioners in regard to the matter to which it relates.

The petition is then signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make his or her mark on the petition. The signatures or thumb impressions, as the case may be, and addresses and identification numbers should be written directly onto the petition.

Here is the form that is prescribed by the Act.

FORM OF PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, workers of industry, etc.)

DRAW the attention of the House to the following:

(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House to consider.)

THAT

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT

[Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.]

HEREFORE your humble petitioner(s) Pray that Parliament—

(Here, set out the prayer by stating in summary what action the petitioners wish Parliament to take or refrain from.)

And your PETITIONER(S) will ever Pray.

<i>Name of petitioner</i>	<i>Full Address</i>	<i>National ID. or Passport No.</i>	<i>Signature/ Thumb impression</i>
.....
.....
.....

PETITION concerning

(Here, repeat the summary in first page)

Name of petitioner

Signature/Thumb

impression

.....
.....
.....
.....
.....
.....
.....

Example of a petition made by the residents of Bungoma requesting the County Assembly to intervene in a dam project that threatened to displace families

We the undersigned, who are citizens of Kenya and farmers in Bungoma North District of Kimilili Constituency in Bungoma County, wish to draw the attention of the House to the following:- (a) That the Ministry of Water and Irrigation, through the National Water Conservation and Pipeline Corporation, has embarked on a project to build a dam on River Nzoia. (b) That dam is going to cover over 40 square kilometres and will affect six locations of Bungoma North District; namely, Kabuyekwe, Naitiri, Kimilili, Tongaren, Khakamwe and Soi Sambu locations, leading to displacement of between 30,000 to 40,000 people. (c) This is the most fertile land in Bungoma County and is the bread basket of the county and other counties in the former Western Province. (d) That the sheer size of the dam is on the scale of a man-made lake and will irreversibly alter the environment and lifestyles of those who will be affected to their detriment. (e) Those displaced are not assured of getting similarly fertile land of the same acreage and, hence, may become disenfranchised and deprived of their livelihoods, and future development for themselves and their families will become destitute. Therefore, your humble petitioners pray that the Parliament of the Government of the Republic of Kenya stops the development of the said dam or substantially reduces the magnitude of the development, so as not to negatively affect the livelihood of so many hardworking farmers who are humble citizens of Kenya, and your petitioners will ever pray.

Signed.

The completed petition is sent to the County Assembly. Once received by the clerk of the assembly, it is examined to ensure that it meets the requirements of a petition. If it does not meet the requirements, the clerk gives instruction for amendments to ensure that it complies with the law. After satisfaction that the petition meets the required standards, it is forwarded to the assembly for tabling before the house. It is then processed in accordance to the Standing Orders (laws that regulate proceedings OR CONDUCT OF BUSINESS of an organization-give footnote) of the assembly.

The petition is referred to the relevant committee of the house that inquires into the matter. The committee holds public hearings to receive views from the wider public and it receives the input of experts and stakeholders. A report is then written and tabled on the floor of the house with recommendations, depending on the findings of the house committee. The decision of the house is communicated to the petitioner(s) within fifteen (15) days.

7.2. Submissions

Whenever a committee of the County Assembly considers a bill, a petition, budget proposals, plans, regulation, or conducts an inquiry on a matter, citizens get a chance to make submissions or present evidence, either orally or in written form. A notice inviting interested persons or organizations to make submissions on the matter is usually placed in the press, or communicated through other appropriate channels. Here a few guidelines of preparing a submission.

1. Submissions should be ordered and easy to read. While there is no set format for a submission to a select committee, submissions should be presented in a way that is ordered and easy to read.
2. Every submission should have a heading, with the name of the select committee to which it is addressed and the full title of the bill, inquiry, or matter under consideration.
3. The submission should also have the name of the person submitting or the name of the organization that is making the submission and contact details like an email address, a postal address, a physical contact address, and a telephone number. If oral submission is going to be done, the names of the presenters, their designations, and the names of other people who may appear to support the submission should be included.
4. If the submission is coming from an organization, one should give brief details of the organization's aims, membership, and structure. The person who makes the submissions must have the authority to represent the organization.
5. If any consultations have been done on the matter, it is helpful to note who has been consulted.

6. Submission must be relevant to the matter before the committee. A committee may decide not to receive a submission it considers not relevant.
7. The presentation of the information must be clear and logically developed. A submission that jumps from one issue to another and back again or jumbles unrelated issues together might confuse members and reduce its impact.
8. The arguments made must be simple and brief. An overly long submission may prove too long for members to consider fully.
9. The arguments must be accurate and complete. All the relevant information must be included. Errors can greatly reduce the impact and credibility of the submission
10. Recommendations are restated in a conclusion at the end of the submission or an executive summary at the beginning.
11. If one is dealing with a bill, it is important to state the general position on the bill i.e. whether one is supporting or opposing the measure being proposed. Detailed comments on the clauses that are of concern should follow. If the proposal is to change certain clauses the submission should say so, with reasons being given. One might also like to suggest new wording for the clauses. Using clauses as numbered in the bill is a good way to organize the submission.
12. Writing a submission for an inquiry is different from writing a submission on a bill. As there are no specific clauses to comment on, one can use the terms of reference of the inquiry as a guide to presenting his or her views. A list of the specific recommendations for the committee to consider is given. It is essential to have a copy of the inquiry's terms of reference to assist in preparing the submission.

7.3. Exercise six: Drafting a petition

A local conservancy is keeping elephants, which keep on invading farms in your area, destroying crops and endangering lives. Repeated pleas to the managers of the conservancy have received little attention. However if a law was passed in the assembly, requiring that every conservancy take measures to ensure that they have proper control of animals in their conservancies so that the frequent elephant invasions would stop. Draft a petition to the County Assembly requesting it to enact a law for management and control of wildlife and wildlife conservancies.



ORGANIZING FOR PUBLIC PARTICIPATION

8.1. Introduction

In any engagement with the County Assembly, the involvement and participation of a larger part of the community is important. But for the community to get involved, the engagement must be on an issue that touches on an important issue in the community. For an issue to qualify to be a public interest issue, some of the issues to consider are:

- » Be deeply felt by a group in the community
- » Result in real improvements of people's lives;
- » Give people a sense of power and therefore alter the power relations;
- » Be worthwhile to a group in the community
- » Be easy to understand
- » Have a clear target
- » Be non-divisive
- » Be consistent with the cultural values of the community involved

The following section explains the stages that an individual or a group can follow when organizing public action on a public interest issue. The process also applies to special interest issues with necessary modification.

8.2. Stages of organizing Public Participation efforts

Awareness

At this stage, citizens with an interest or stake in an issue (stakeholders) increase their awareness of the issue. Awareness emerges through various ways including informal discussions, sporadic complaints, or media reports on an issue. In the awareness stage, the public gets an initial opportunity to exchange viewpoints about a concern(s). This exchange helps citizens clarify concerns by legitimizing their complaints, hearing about how others are affected by the same issue, and separating rumours from fact.

Involvement

At this stage, the promoters begin to identify all the people that are directly or indirectly affected by the issue at hand, or if those likely to be affected in the future unless action is taken to correct the issue. It is important to be as inclusive as possible. Individuals with the ability or potential of helping solve the problem are important to identify. It is helpful to think about other persons that have the potential or stopping a public participation initiative. Usually, one should aim at identifying the opinion leaders across the different sectors of the community.

The following general question may be help in identifying the stakeholders.

- a. Who will be directly affected by the issue at hand?
- b. Who will be indirectly affected by issue?
- c. Who wants to be involved?
- d. Who is already engaged on this issue?
- e. Who will be upset if they are not involved?
- f. Who can affect the decision?
- g. Who has the legal, moral or political authority that can significantly impact on the issue at hand?
- h. Are there any special interest groups, such as community groups or business groups involved?
- i. Who could undermine the process?

Contact the Stakeholders

After identifying the stakeholders, a method of contacting them should be devised. A good communication strategy can go a long way in making this happen. Local networks can prove very helpful in reaching out to the stakeholders.

Clarification

In order to gain wide support on an issue, it is important to clarify the concern and frame it formally as a public issue. Stakeholders may exchange individual perceptions of the problem through local meetings, focus group interviews, panel discussions, and public forums. Experts with knowledge and experience on the issue may be invited to study, break down and share information on the issue.

Strategy

Identify available options: As discussed in the preceding chapters, citizens have a variety of methods that they can use to engage with the County Assembly. At this stage, all those options are used.

Weigh the options: The effectiveness of options on the table is measured. The evaluation of the options above is based on the nature of the matter before the house, the time and expertise available, and the procedures of the house. The potential challenges associated with each of the options are also examined.

After consideration of the options, a choice is made. Ideally, stakeholders are in agreement that the choice represents the best possible way of addressing the issue. They must be open, however, to working through conflicts that might arise among disagreeing interests. Hard-line advocates of a particular choice must learn that there are advantages in negotiating and collaborating with their opponents. If they refuse to negotiate, the issue may end up unresolved. Therefore, striving for a solution that satisfies all interests is of interest to all stakeholders.

Implementation

At this stage, citizens engage the County Assembly using any of the approaches and tools discussed previously.

8.3. Exercise Seven: Stakeholders to engage in a public participation exercise

Prepare a list of stakeholder that you would contact to engage on an issue of public interest touching on high prices of agricultural inputs.

NOTES

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Lined writing area with horizontal lines.

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