

UGATUZI BRIEF

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The UN Joint Devolution Programme: Consolidating Gains and Deepening Devolution in Kenya

The United Nations Development Programme (UNDP) in Kenya, the United Nations International Children's Emergency Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) have joined forces to implement the Consolidating Gains and Deepening Devolution in Kenya programme in collaboration with national and county governments. The programme targets the most vulnerable counties where poverty rates remain high and those in remote, arid, and sparsely populated northern frontier counties where poverty levels severely affect women, children, and other vulnerable groups.

To address the urgent human development challenges of the most marginalized, this joint programme is targeting 14 of the most marginalized counties directly (Busia, Garissa, Isiolo, Kajiado, Kilifi, Lamu, Mandera, Marsabit, Narok, Samburu, Tana River, Turkana, Wajir, West Pokot). These counties are being supported to develop policies, plans and strategies that address equity, accountability, and environmental issues while at the same time streamlining revenue collection and budgeting processes. The programme's reach is being extended and sustained using county-to-county capacity building and peer learning with institutions such as: the Council of Governors; Kenya School of Government; County Assemblies Forum; Commission on Revenue Allocation; Office of the Auditor General, Controller of Budget, Kenya National Bureau of Statistics; National Drought Management Authority; and Frontier Counties Development Council (FCDC).

The programme is generously supported by the governments of Sweden, Finland, and Italy.



Civil Society Organizations and Devolution in Kenya

Civil Society Organizations (CSO) are an important pillar of devolution in Kenya. From the origins of devolution in the 2010 Constitution to the Taskforce on Devolution and through to the many laws and policies that provide the basis for Kenya's devolution, CSOs have been a key stakeholder. While the public and media focus has been on county governments and national bodies, CSOs have been playing key oversight and advocacy roles across the country.

The Constitution of Kenya gives citizens the right to self-determination; however, the exercise of this right necessitates a means for citizens to have meaningful dialogue with their governments at the national and county levels. Both levels of government are legally required to engage citizens without discrimination so they participate in the decisions affecting their lives. This formal process is often either completely lacking as citizens aren't consulted or the mechanisms fail to be inclusive. This is where CSOs can play a critical role by bridging the gaps between county governments and their citizens.

Recognizing the value of CSO work at the county level, the Joint Devolution Programme has increased its support for CSOs, particularly in the oversight, accountability, and public participation areas. Recent results have been positive, although concerns remain in the areas of smaller CSOs' capacity and their ability to sustain advocacy with limited funding compared to CSOs active at the national level. Also, in many of the programme's partner counties the low population densities and large territories make effective CSO engagement more challenging. To address this, the use of radio and electronic messaging is being explored and moving forward the programme will be engaging in more partnerships with CSOs and exploring opportunities to strengthen their ability to help the programme achieve its objectives. This edition of the Ugatuzi Brief highlights some ongoing work with CSOs.

"Civil society occupies a unique space where ideas are born, where mindsets are changed, and where the work of sustainable development doesn't just get talked about, but gets done."

Kofi Annan, former United Nations Secretary-General



From talk-shop to community action in Kenya's local government



Busia, western Kenya, is one of the target counties for the UN Joint Devolution Programme. The aim is to strengthen public finance institutions, policies, and participation in local politics. The county experiences high levels of Gender-Based Violence (GBV), a gender inequality score of 0.65% and a poverty rate of 69.3%. It is at high risk of natural disasters including floods and droughts while managing border issues of insecurity, conflict, and crime.

"We have a lot of issues in Busia. Development is wanting. The state of the roads is not good, just walk around town. There's a lot of issues related to gender here too, GBV is high and there's a high number of child trafficking as we are close to a border town," explains Lynette Mayabi the County Gender Officer. Resources for gender-related programmes are established via annual budgeting cycles which require civic participation, a core element of transparency and accountability provided by Kenya's constitution. This process can be exclusionary in Busia.

"The biggest hindrances women have is the timing of the public participation; the location of such forums and gaining access to the information they need to engage. The capital these women have is another important factor to consider and there are also many women who are illiterate or semi-literate," says Francis.

Kenya's state apparatus devolved into 47 counties in 2010, bringing democracy closer to the electorate. But a lack of inclusivity in public participation and social accountability has led to lower-level inputs into policies and programmes that focus on gender equality and women's empowerment (GEWE). By 2018, only 2% of local budgets had allocations towards GEWE.

Francis Namuju, CEO of the Community Empowerment and Development Centre (CEDC), a community-based organization, is reaching out to citizens to explain their rights and how they can participate in local decision making. But there are obstacles, particularly for women.

The project worked with the Tropical Institute for Community Health (TICH) and the Federation of Women Lawyers (FIDA) in Busia to strengthen public participation and social accountability on county resource allocation and utilization from a gender lens, and training women, youth, and Persons with Disabilities (PWDs) to interrogate budget processes.

Despite the barriers, women are often the most proactive in the region when it comes to issues development in their community. Mary Emadau, a retired teacher, has been a community activist and leader for most of her life. She has helped mobilise members of hers, and neighbouring, villages to engage local government to install permanent electricity.

"We went to the administration office and asked why the area was in darkness, yet electricity existed along the main road. Residents felt our area had been neglected, people are vulnerable, and we don't feel like part of the county, yet the politician gets our votes. I mobilised the community and helped the villages write a memorandum and petitioned in the area.

Therefore, we need to engage directly with the government to make changes. Otherwise, the funds that are supposed to be used for projects are saved to buy votes during elections. You need more voices – if it is only you, you get stigmatised and you get targeted."



Residents in Teso sub-county, Busia, gather for public discussion on gender responsive budgets and how to directly engage their elected representatives in Busia County.

Photo: UN Women/Luke Horswell



Mary Emadau has been a community activist and leader for most of her life. In 1999 she took guardianship of vulnerable children during the HIV/AIDS epidemic and in 2007/08 she helped to resettle Internally Displaced People following Kenya's post-election violence. Now she is helping to inform her community of political participation and action.

Photo: UN Women/Luke Horswell

The proposal for electricity in Malaba Town is one of many community-led initiatives that are gaining traction as a result of the project. Plans are now in place to ensure the construction of health facilities in various locations around Busia and there is a consensus from the local electorate that both development and gender portfolios of the county's budget need to be increased for the 2022/2023 annual plan. In 2021, communities in Busia submitted a series of memoranda (5) and petitions (3) to the county leadership generating evidence in the process. The feedback mechanism from county officials remains a challenge. In 2022, the project will encourage the community to utilize their knowledge to influence the 2022/23 budget cycle in key sectors that have a greater impact on women.

Examples of how the programme supported CSOs advocacy in Busia County

Organization	Constituency	Tool Used	Detailed Description of Civic Action	Result
Bidii Self Help Group	Teso South Constituency	Memorandum	Bidii Self-help group in Chakol North Ward on 20th September 2021 submitted a memorandum to the chief officer concerning the stalled laboratory at Ochude dispensary which had a budgetary allocation of Ksh. 2 million. In the memorandum the group decried poor health services owing to the lack of a laboratory in the facility.	The county government has already allocated funds for the project. An advert was sent out in April for a consultant. The tendering process is underway currently.
Namulekhwa Self Help Group	Matayos Constituency	Inquiry Letter	Namulekwa self-help group in Busibwabo Ward submitted an inquiry letter to the office of the Ward Administrator on 22nd September 2021 requesting a status updated on the stalled Nasira water project.	No action yet
Shining Stars Women Group	Samia Constituency	Memorandum	Shining Stars women group in Angenga/Nanguba Ward submitted a memorandum to the Ward Administrator on 14th September 2021 proposing the inclusion of a well-equipped maternity at Buduta dispensary in the annual development plan 2022/2023.	There has been supply of drugs and deployment of a Public Health Officer. However, there is no progress in construction.

Organization	Constituency	Tool Used	Detailed Description of Civic Action	Result
Gender Equality and Women Empowerment Network	Social audit groups and CSOs from 7 sub-counties.	Memorandum	Appraised the 2021/2022 CSFP and presented recommendations to Ministry of Finance and Economic Planning on Gender Responsive Budgeting for adoption.	Following the memorandum highlighting inadequacies of the CSFP FY 2021/22, there has been an increment of 4% budget allocation to gender department which is hosting gender issues for the county.
Community Members	Community members	Memorandum	Community demanding stalled water project for Nambale County hospital. Community demanding for restoration of Kasovo dairy project which had stalled.	Based on the audit reports and engagement with the duty bearer, the stalled project Kasoko dairy project was revived 24th February 2022 addressing milk processing for the surrounding communities.

Engaging Youth to Inform County Planning and Development

The project partnered with the Kenya School of Government (KSG) to develop the Isiolo Youth Innovation Centre. The Centre provides training to youth on topics ranging from agribusiness to computer skills and peer counselling on topics such as drug and substance abuse. The Centre serves as a conduit for youth to express their views to the county government. One recent roundtable brought together 20 youth leaders representing the 10 wards of Isiolo and 108 drawn from the seven wards in Tana River. The youths discussed the need for the county leadership to involve them in the review of the Isiolo County Integrated Development Plan (CIDP), its youth priorities, and further youth involvement in public participation and budgeting processes. They also discussed how the youth can gain access to government opportunities from the county's Youth Enterprise Development Fund. As a result of this roundtable, the County Government of Tana River has:

1. Increased budget allocation to youth-led enterprises from 0 budget to 70 million Kenyan shillings under INUKA FUND Enterprises¹. The fund was officially established and launched by

the Governor in April 2022. The fund targets youth in enterprises in the county (e.g., trade, agribusiness, innovation, Jua kali, transport, food processing).



Tana River Hydroponic Farming.

¹ Eureka Enterprise is a program sponsored by the Kenya banking industry to support Micro, Small and Medium-sized businesses.

- 2 Invested 60 million Kenyan shillings to renovate and refurbish youth vocational training centres.
- 3 Developed a youth policy that has been presented to the County Assembly for adoption. The county has also established a gender policy in partnership with Plan International.
- 4 Entered a joint partnership with the World Food Programme (WFP) to strengthen youth-led programmes in the county and established a GO BLUE project targeting youth on boat management unit training.

- 5 Upscaled youth-led hydroponics farming to three wards to help in food security.

Given the large number of youths in Kenya and that 20% are not in any formal education, employment or training, the need to involve youth in county processes either through CSOs, Youth Centres, or formal public participation processes is critical. Dropout rates are also high and have been increasing since the COVID-19 pandemic started. The Joint Devolution Programme is seeking to expand efforts in this area by building on its current programming and expanding efforts through consultations with the youth themselves.



Isiolo Youth Centre small enterprise training.

CSO Engagement with County Budget and Economic Forums

The County Budget and Economic Forum (CBEF) is the primary legally mandated mechanism for fostering public discussion on budget matters and to share information on the same with citizens. This includes discussion on the County Fiscal Strategy Paper, the Budget Review and Outlook Paper, and other issues related to the budget process and the county economy and its financial management. The CBEF is chaired by the Governor and composed of County Executive Committee (CEC) members and at least an equal number of persons nominated by organizations representing professionals, business, labour issues, women, persons with disabilities, and the elderly, and faith-based groups at the county level. By August 2020, all the 47 county governments had formed CBEFs with an initial representation of youth (4%), CSOs (5%), PWDs (11%), Faith-Based Organizations (12%), elderly (12%), women (13%), business (13%), labour (14%) and professional organizations (16%).

CSOs were active in advocating for an inclusive and meaningful CBEF process when the 2012 Public Finance Management Act was developed; however, challenges remain regarding inclusivity and effectiveness in many counties. This is an area where CSOs have demonstrated an ability to make a difference. CSO networks have been used in many counties to reach a larger number of members of the public with budget information and to act as a feedback mechanism to the county. CSOs have also translated

budget documents into Swahili and simplified them to help members of the public better understand the issues and have meaningful engagement.

In Homa Bay, CSOs have hosted physical meetings and launched an online portal for the public to present their views on different issues. Also, the civil society organized members to participate in the countywide Budget Committee with the government where sector meetings on budget priorities are co-chaired by CSOs. In Kajiado County, CSOs have been active in the CBEF with their engagement leading to the formulation of a new WASH Policy.

In Isiolo, the UNDP supported Youth Centre is working closely with the Governor's Delivery Unit (GDU) in taking active steps towards formulating a youth policy in collaboration with CSOs in Isiolo.

Taking note of the value CBEFs as a formal public participation mechanism and the role of CSOs in promoting participation on budget issues, the Joint Devolution Programme is supporting a continuous capacity development programme for CBEF members with the Commission on Revenue Allocation. A Gender Responsive CBEF Training Tool for CBEF members has been developed and CSOs have been supported to engage with CBEFs. Given the relatively low representation of CSOs in CBEFs, the Programme will continue to expand support for CSO engagement in CBEF work.



Community members attending CSO organized budget and village project consultation with county government.

Strengthening Public Participation and Accountability for Better Results

When it comes to government finances, taxpayers and donors alike want to know what's happening with their money. What is the size of the budget, what is it spent on, where is it coming from and, does it serve its intended purpose for the wider public good? As governments allocate and spend public resources for service delivery, the need for transparency, inclusion and oversight of budget decisions and money flows is critical. Yet, according to the latest International Budget (IBP) Partnership County Budget Transparency Survey (CBTS), county governments published only 33 per cent of the required information on how public resources are generated, allocated, spent and, ultimately, what results are achieved. That is very low accountability on the part of the counties.

These findings on budgets show how counties are lagging when it comes to publishing detailed information needed to assess service delivery, including data on actual spending, and information linking sector policies, budgets, and performance. The lack of transparency of government revenue, spending, and results limits opportunities for public engagement and effective oversight by the county assembly and the Auditor General's office. In some cases, when information does exist there is still a lack of effective public participation due to accessibility issues occasioned by language, use of technical terminology, or the lack of a focal point to disseminate the information to stakeholders.

Therefore, IBP in Kenya formed a partnership with other CSOs, and the project are working to support dialogue with counties on how they can improve the level of budget information publicly available

to their citizens. The initiative mainly supports various county governments to improve budget transparency practices through carrying out regular County Budget Transparency Surveys, advocacy, and outreach activities to promote county budget transparency findings and supporting county-level CSOs through capacity building, evidence generation and advocacy to improve service delivery.

Through regular training by IBP Kenya, CSOs have become instrumental in calling for information and opportunities to ensure public policies and programmes serve those most in need. At the sub-national level, CSOs such as the Community Empowerment and Development Centre (CEDC) in Busia work collaboratively with IBP Kenya to track government information on actual spending, and information linking policies,

budgets, and performance in rural grassroots communities.

These groups monitor announcements of key budget dates for communities with limited means. They also contact the government, agency, or individual responsible for planning, budgeting, and implementation to get information on how the county plans to spend. They also visit communities to check if the project implementation and service delivery is on track or not based on the information published by the government. Results are discussed through the local media and radio stations and gaps are addressed with responsible authorities.

"If we citizens, do not participate in the budget making process at the county or national level, then we sacrifice our heritage on the altar of apathy and we do a great disservice to ourselves and our children. But how do we participate without the knowledge? Budget literacy training for budget facilitators, budget champions or the general public is, therefore, one of the most important pillars of ensuring public accountability."

**Eric Kimori, CEO Complit Kenya,
Convenor Sauti ya Nyamira
CSO Network**

The Community Empowerment and Development Centre (CEDC) in Busia County supports a network of residents to conduct community scorecards on primary healthcare facilities. Originally a local youth initiative to support livelihoods, CEDC has grown to be a key voice in the health budget space in Busia County and training other CBOs in the lake region in Kenya.

CEDC is a good example of a CSO that uses both capacity building and advocacy for county budget transparency. Based in Busia and coordinating the Lake Region Budget Hub with a pool of budget facilitators across nine counties, CEDC is training budget facilitators and budget champions. Their training focuses on strengthening community accountability initiatives and advancing civil society advocacy and media engagement on budget policies and civic education on constitutionalism.

Budget café forums have been created at the ward level which are facilitated by budget champions and budget facilitators which have led to pre-budget discussions between ward residents and government leaders leading to understanding and setting of community priorities, seeking responses from the government on plans and projects implementation at ward levels and general engagement with government officers. Stakeholders, discuss and understand inequalities,

“Effective oversight on budget issues plays a key role in promoting good governance thus is our collective responsibility as civil societies, citizens and stakeholders to watch out, follow up and speak out whenever things don’t add up.”

Sarah Martha Anyika – Busia County CSO network vice chairperson and a beneficiary of CED trainingsNetwork

“Lack of awareness and knowledge in the budget process and oversight is a big contributor to poor governance and poor services.”

Robert Malala – Nyota TV/Radio Reporter

and advocate for responsive policies and plans.

As a result, citizen awareness of budget processes has been improved and a critical mass of informed citizens are now engaging in demanding for accountability and better services as well as participating in the identification of spending priorities and monitoring implementation of plans and budgets.

In Busia, there has been a strong focus on the health sector budget with frequent reflection meetings with county health technical team representatives, health committee of the County Assembly and Budget and Appropriation Committee representatives which has led to health budget allocation consistently being on an upward trend, larger allocations towards preventive and promotive programmes and less on infrastructure programmes. Also, a County Act on health services and health financing was passed to boost health services at lower health facility levels.



Meeting the needs of citizens requires on-the- ground interviews and data collection in remote areas.



Training of Busia County ward administrators to enhance civic engagement with communities.

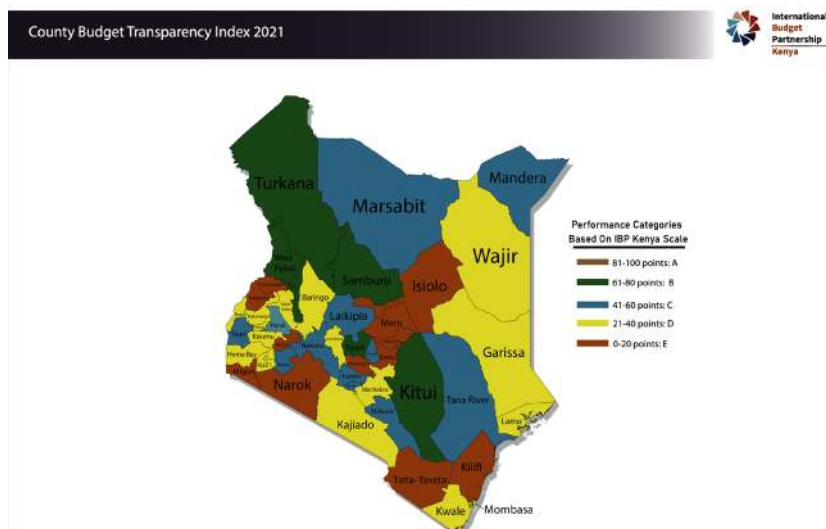
Additionally, CSOs, play a key role in advocating for transparency in the use of public resources, more inclusive government, expanded and properly targeted support and service delivery and more progressive systems through the training of budget champions. As detailed financial data are often lacking in the public domain, they use various channels, including community feedback and official media reports, to track responses and inform policies and programs. This important work of ensuring the effective use of public funds and building trust is greatly enhanced by providing timely, comprehensive information and opportunities for meaningful public engagement.

There have been gains in transparency at both the national and subnational levels in Kenya. However, there is still a long way to go with 38 of the 47 counties below the 50 points mark according to IBP Kenya. For the Joint Devolution Programme's partner counties, eleven made progress in the IBP rankings between 2020 and 2021 with some ranking near the top; however, several counties also ranked near the bottom which demonstrates an ongoing area to focus on.

Additionally, the current level of accessible information is still too low and the pace of improvement too slow to help us ensure we're on target to attain the Sustainable Development Goals. Therefore, a broad collective of actors, across social movements, think tanks, and international organizations will continue calling on governments to:

- Publish information on how public resources are generated, allocated and spent on time that is accessible to all. This requires relevant and useful information that people need such as information on service delivery.
- Create opportunities for all people, particularly those from marginalized communities, to provide input into the budget process. Meaningful and inclusive public participation is needed.
- Strengthen monitoring and oversight of budget execution through independent institutions.

Most counties have the technical skills and the data to share. Tools, such as the County Budget Transparency Survey (CBTS) index will greatly help to measure progress when CSOs are engaged to utilize the data and advocate for greater transparency, accountability, and improved service delivery. This agenda can unite actors across sectors and government with the communities whom they serve. While speed is of the essence in delivering services to the citizens, so is an inclusive approach to ensure funds deliver as needed.



CSO Engagement in the Fight Against COVID-19



Recognizing the value of CSOs to work quickly and effectively at the local level, the devolution project worked with UNDP's **Amkeni Wakenya** partners in the early fight against COVID-19. The **Amkeni Wakenya** programme is

focusing on CSO-led legal aid and assistance to the poor and marginalised and works in many of the Joint Devolution Programme's partner counties. Using Norwegian funding and working to complement the Joint Devolution Programme's COVID-19 response funding from Sweden, Finland, and Italy, several CSOs were able to achieve notable results focused on GBV.

In Tana River, the Kenya Community Support Centre's advocacy on GBV led to the creation of two gender desks at police stations and they worked with the courts and hospitals to identify and support GBV survivors. Radio talk shows and animated videos were utilized to help reach a wider population. In Lamu, MUHURI also helped create gender desks at police stations and worked with Community Health Volunteers and Pre-Primary School teachers to document and report GBV cases.

CSOs such as the Wajir Women for Peace, the Samburu Women Trust, and the Alliance of Local Communities in Hardship Areas in Marsabit worked to train paralegals on GBV issues and supported survivors of GBV to self-represent themselves in the justice system.

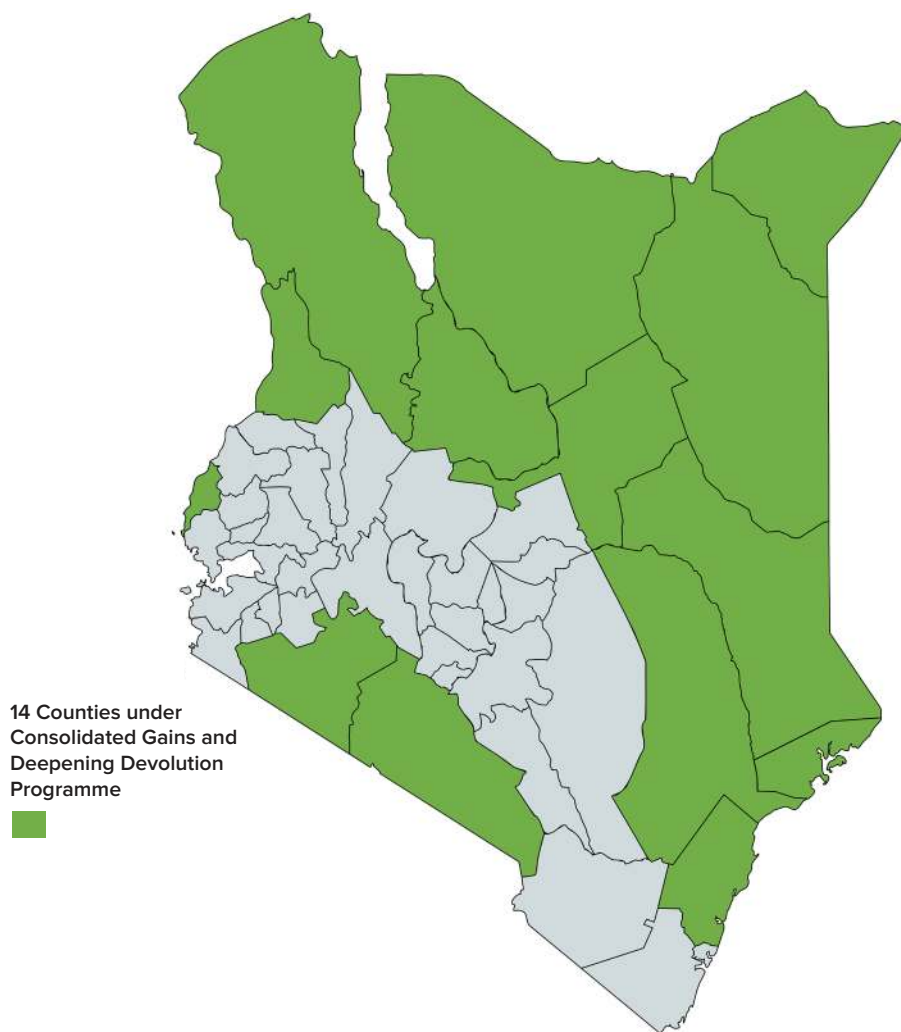
In Garissa, the CSO SUPKEM, worked with community leaders to hold forums on how to address GBV cases within Kenyan law and seek prosecution rather than traditional elder negotiated forms of reconciliation, also known as Maslaha so that a clear signal would be sent to the community that these cases would be prosecuted, and the rights of the victim respected.

The Nomadic Assistance for Peace and Development CSO in Mandera focused on mapping GBV related support resources and ensured that they were known to communities using radio, the County Commissioner's office, county government representatives, and paralegals.

Partnering with CSOs in these areas ensured a quick response that was appropriate to local needs and formed the basis for later CSO engagement with **Amkeni Wakenya** under the Joint Devolution Programme.



Tana River radio talk show on GBV & COVID-19 prevention.



Joint Devolution Programme Partner Counties:

Busia, Garissa, Isiolo, Kajiado, Kilifi, Lamu, Mandera, Marsabit, Narok, Samburu, Tana River, Turkana, Wajir, West Pokot.

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Cover Photo: Village Administrator and CSO consultation on county project planning.

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