



TRANSPARENCY
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KENYA



LOCAL INTEGRITY SYSTEM ASSESSMENT

KENYA | KISUMU & KWALE COUNTIES

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Samuel M. Kimeu

Executive Director
Transparency International Kenya

I. INTRODUCTION

This Local Integrity System (LIS) Assessment is one of five pilots undertaken by Transparency International (TI) national chapters from Africa, Latin America, Europe and the Middle East to test the relevance and applicability of the LIS Assessment approach in different national and local contexts. The pilots took place between September and December 2013.

In Kenya, the assesment was conducted in Kwale and Kisumu Counties between September and December 2013.

II. EXECUTIVE SUMMARY

Local Integrity System Context

Kenya is emerging from a centralised system of governance consisting of many actors, characterised by overlapping roles and responsibilities. This system comprised of the central government (including the provincial administration) and local authorities.

With the adoption of the Constitution of Kenya in 2010¹, the country put in place a new and extensive legal framework aimed at answering the foremost challenges for efficient and orderly functioning of elected officials. This was done through the introduction of two levels of government; national and county, the latter which are still in their formative stages. The transition period was characterised by confusion of roles between the county and national government as well as low citizen participation in key processes.

There also exists a supremacy battle at the national government level between the Senate and the National Assembly, that has on occasion affected smooth operations at the county government level.

LIS Assessment: Actors and Functions

LIS Scorecard²

Actor	Capacity	Role in the LIS	Internal governance
County Assembly	Orange	Green	Orange
County Executive	Green	Orange	Orange
Local Bureaucracy	Green	Orange	Orange
Local Political Parties	Orange	Orange	Orange
Local Police	Red	Red	Grey hatched

¹ The Constitution of Kenya, www.kenyalaw.org/Downloads/The%20Constitution%20of%20Kenya.pdf

² For both actors and functions, each dimension comprises a number of indicators which are each evaluated qualitatively and assessed using a simple traffic light system (Green – Strong; Orange – Average; Red – Weak). See Section III, “About the LIS Assessment”.

Function	Capacity	Effectiveness
Complaints handling	Orange	Red
Auditing	Orange	Orange
Centralised oversight of local government	Green	Orange
Investigation and exposure of corruption	Orange	Orange
Awareness-raising and public education	Green	Orange
Social accountability	Orange	Orange

Summary assessment

The study found that the County Assembly has adequate resources to carry out its duties. County Assembly members were found to be independent from the executive and this allows them to have effective oversight over the executive.

The County Assembly processes are not transparent since citizens were unable to access the hansard reports and draft bills. Also, due to a prolonged recess, the County Assembly was unable to carry out crucial exercises such as vetting senior officials of the county executive.

The Executive has clear roles and functions set out and had adequate resources to carry out its duties. It has not yet established a localised framework to manage the County Public Service and is using guidelines created for, and in-use by, the National Government.

The County Public Service still enforces permits and licenses that had been issued by the defunct local authorities. Additionally, the counties are still using tax collection mechanisms set up by the defunct local authorities since the County Finance Bills had not yet been passed by the County Assembly by end of 2013.

Local political parties are operating under frameworks that had been set out by party officials at the national level, especially in the areas of nomination of candidates contending for local positions. While there was existing legislation to oversee operations of political parties, the legislation is not effective enough to ensure proper political competition at the county level.

The police service was found to lack capacity and adequate resources to play an effective role in investigating corruption at the local level, especially since they have inadequate resources to carry out their more traditional roles.

There are national anti-corruption agencies that have a mandate to investigate and resolve complaints at the local level but have not yet had a chance to set up offices at that level.

Internal audit mechanisms were limited, but the institutions at the national level have the mandate to oversee county operations. These national government oversight efforts are still not as effective as they should be.

Civil society organisations (CSOs) have a strong capacity to raise awareness, however their efforts have not yet realised this potential.

Summary recommendations

- I. Establish and publicise an independent public complaint mechanism that can receive and resolve complaints against the County Assembly and the County Executive.
- II. The County Assembly should set up a communication centre/customer care desk and website where citizens can access relevant information about the County Government as and when needed.
- III. The Ethics and Anti-Corruption Commission and the Commission on Administrative Justice (Ombudsman) should consider establishing desks at the county level to make their work proactive and more effective. They could be instrumental in helping Kwale County set up complaint mechanisms, which are currently lacking, as well as assist in addressing the complaints that counties are unable to resolve.

- IV. The County Governments should draft model laws anchored in national legislation and the Constitution and customised for specific counties. The most crucial are model laws on procurement, access to information and public participation.

- V. Civil society organisations operating at the county level should consolidate efforts and escalate public awareness campaigns and civic education to enhance public participation in county government processes.

III. ABOUT THE LOCAL INTEGRITY SYSTEM ASSESSMENT

Since the early 1980s there has been an increasing trend towards the transfer of powers from the central level of government to local governments in the form of decentralisation. As a result, local governments have greater decision making, implementation and oversight powers.

Whether decentralisation results in greater corruption in comparison to centralised governance arrangements is still a matter of debate. However, the reality is that corruption is a problem at all levels of government. Both elected and appointed officials have to deal with separating public duties from private interests.

At the local level this is exacerbated by the fact that many officials have greater vested interests based on family, friendships and business ties that can influence decision-making. In addition, remuneration at the county government level is, in many cases, low in comparison to the national level and the institutions that are designed to hold public officials to account at the local level are not always adequate to perform their duties and to uphold public sector integrity.

A functioning local integrity system can play an important role in minimising the opportunities for corruption at the local level. A typical local integrity system incorporates a set of *core actors* that can be found in most county government configurations, namely: the local council (Assembly), a mayor or alderman (Executive), the local bureaucracy, local political parties, local courts (Judiciary), and the police. It also encompasses a set of *oversight and accountability functions* which need to be performed in order to ensure that the local integrity system is effective. These functions include complaints handling, auditing, central government oversight, investigation and exposure of corruption, awareness-raising and public education, and social accountability.

Based on Transparency International's (TI) National Integrity Systems (NIS) approach the Local Integrity System (LIS) Assessment combines the gathering of valid and reliable evidence on the performance of the local governance framework, actors and anti-corruption institutions with a consultative approach, engaging key stakeholders in the research, advocacy and planning elements of the project.

Given the diversity of local governance settings across the world, the LIS Assessment framework places a strong emphasis on flexibility and adaptability to different local governance structures and contexts. In many localities, for example, there is limited separation of powers between the different branches of local government and different levels of autonomy from higher levels of government.

As a result, the roles and responsibilities of the core actors, as well as responsibility for performing oversight and accountability functions, may vary considerably from place to place. Therefore the LIS assessment framework can be adapted to accommodate these local variations.

Objectives

The key objectives of the Local Integrity System assessment are:

- (i) To assess the existence and effectiveness of procedures and mechanisms to promote transparency, accountability and integrity in order to fight corruption at the local level.
- (ii) To provide recommendations on areas for reform.
- (iii) To provide the foundations for a follow-up action plan for strengthening local integrity in collaboration with key local stakeholders.

Methodology

The Local Integrity System Assessment was conducted two county government units in Kenya. In each of the County Government Units under analysis, an assessment of two components: (1) a set of Core County Government Actors; and (2) A set of Oversight and Accountability Functions was done.

1. Core County Government Actors

The Local Integrity System Assessment focused on 6 “core government actors” present in most county government set-ups. For each of the actors, the assessment covers three dimensions:

- The actor’s overall *capacity* to function
- The actor’s *role* in contributing to the overall integrity of the local governance system
- The actor’s own internal *governance* in terms of integrity, transparency and accountability

ACTOR	CAPACITY	ROLE IN THE LIS	INTERNAL GOVERNANCE		
			TRANSPARENCY	ACCOUNTABILITY	INTEGRITY
County Assembly					
County Executive					
Local Bureaucracy					
Local Political Parties					
Local Police					

2. Oversight and Accountability Functions

In addition to the Core Actors, and because county government set-ups vary considerably from place to place, the assessment also covers six key Oversight and Accountability Functions, which may be carried out by local and/or regional/national actors, depending on the context.

For each of these functions, the Local Integrity System Assessment covers two dimensions:

- the *capacity* for that function to be performed (whether by local actors or at the national level)
- the *effectiveness* of that function (i.e how effectively it is actually performed in practice)

FUNCTION	CAPACITY	EFFECTIVENESS
Complaints handling		
Auditing		
Centralised oversight of local government		
Investigation and exposure of corruption		
Awareness-raising and public education		
Social accountability		

For both actors and functions, each dimension comprises a number of indicators which are each evaluated qualitatively and assessed using a simple traffic light system (Green – Strong; Orange – Average; Red – Weak).

Indicators cover elements of both the legal framework (law) and actual implementation on the ground (practice).

The following example is one of the indicators used to assess the County Executive :

ACTOR	County Executive
DIMENSION	Transparency
INDICATOR NUMBER	2.6

INDICATOR NAME	Budget Transparency	
INDICATOR QUESTIONS	<p>To what extent does the county government present a clear and accessible budget?</p> <p>Is there a legal framework or other provisions that require the county government to make a transparent budget that can easily be understood by citizens and Members of the County Assembly? Are there clear guidelines and/or formats on how to present budget data? To what extent is the budget accessible to citizens and Members of the County Assembly? To what extent is the budget easy to understand in practice?</p>	
STRONG		The county government is required to present transparent annual budgets and these are easily accessible and easy to understand in practice
AVERAGE		The county government is required to present transparent annual budgets but the budget is difficult to access in practice and/or difficult to understand
WEAK		There is no such requirement and the budget is not accessible or only accessible to Members of the County Assembly

The Local Integrity System Assessment in Kenya is made up of 46 indicators in total. In order to assess each indicator, data was collected through a range of different methods, with emphasis on desk review of existing laws, policy papers, existing analyses of institutional performance of the actors, and key informant interviews. Focus group discussions and questionnaires were also used as additional data sources.

Once all the indicators had been assessed and values (strong, average, weak) assigned, the results were aggregated and the final assessment was presented in the form of the Local Integrity System Scorecard.

Consultative approach and validation of findings

The assessment process in Kenya had a strong consultative component, seeking to involve the key local actors in government and civil society. This approach was aimed at generating evidence and engaging a wide range of stakeholders to build

momentum, political will and civic demand for reform initiatives. The compilation of the two reports indicated similarities in the findings which is attributed to the fact that during the assessment, the County Governments in Kenya were just settling down and establishing various governance structures. The assessment was conducted during a precarious transition phase from the former Central Government to the County Government.

County Governments at this time shared similar weaknesses and strengths, as the transition to devolved governments was coordinated by the Transition Authority, a body established by the Transition to Devolved Government Act 2012. The activities that took place during the transition period played a great role in determining the LIS results in the two counties, resulting in a significant overlap of the assessment's findings.

IV. SITUATIONAL ANALYSIS

4.1 EVOLUTION OF LOCAL GOVERNANCE IN KENYA

The post-independence local authorities were relatively powerful and well-functioning institutions. There were far fewer in number than the defunct local authorities (now county governments) and they enjoyed a reasonably stable autonomous revenue base that was supplemented with grants from the Central Government. The Local Government Act (Cap 265 of the Laws of Kenya) that came into operation in 1963 described a wide range of activities that local authorities (LAs) were allowed to undertake; they succeeded in delivering a broad range of relatively high quality services³.

The post-independent Constitution was fairly progressive and liberal. Its primary features were an extensive Bill of Rights; a bi-cameral Parliament; devolved government; separation of powers between the arms of government; judicial independence; and a multi-party political system. The Constitution created regions (Majimbo) with extensive political and development powers for delivery of public services. The powers of the regions were protected by various mechanisms including entrenched constitutional provisions, a Senate and exclusive assignment of functions and sources of funding.

The regions were constitutionally empowered to make laws through an elected regional assembly. These assemblies had legislative competences (both exclusive and concurrent) on most local service delivery matters including agriculture, education, community development, housing, and health services. There was also a system of local government to facilitate popular participation in governance. The design of the independence constitution was informed by the experience and desire to deconstruct the colonial state that had systematically discriminated against non-whites; divided society along racial and ethnic lines; impoverished large sections of the population; and denied the people, particularly the Africans, a chance to be responsible for their affairs. Regional autonomy sought to empower the local communities to be responsible for local governance. This was to be achieved through devolution of political and economic power to the regions. It was envisaged that the fears of the minority ethnic communities would be assuaged. Unfortunately, the quasi-federal independence Constitution was not allowed to consolidate and flourish. Within one year of independence, the process of amending the

³Devolution, Linking Discretion with Accountability and Integrity, Transparency International Kenya, 2011

Constitution to recentralise power commenced, resulting in a highly centralised and personalised rule⁴.

The Government of Kenya adopted the District Focus for Rural Development (DFRD), as a strategy to decentralise planning, financing and management of rural development activities. These functions were delegated to field agents of various sector ministries and development committees, such as the District Development Committee (DDC), under the stewardship of the District Commissioner⁵ to empower districts, it was in fact a deliberate move by the Government to reinforce the system of service delivery through line ministries (as opposed to the system of service delivery through local authorities), as a means for the Central Government and the bureaucratic apparatus to consolidate power.

The evolution of local governance led to the Poverty Reduction Strategy Programme (PRSP) consultations, at the end of the 1990s. This was the first time that citizens across the country expressed themselves openly and very critically on the lack of public services and the oppressive rule of law. The Economic Recovery Strategy (ERS) for Wealth and Employment Creation 2003-2007, issued by the Ministry of Planning and National Development in June 2003, outlined the Government's policy and approach to achieve the desired and dearly needed improvement in public services delivery. The document touted economic recovery as "the primary vehicle to achieve improved provision of education, health services, better infrastructural services and gainful employment, while the strategy itself was based on the twin principles of democratic governance and citizen empowerment. The ERS thus established a direct link between people empowerment, governance, service delivery and poverty reduction.

The concept of devolved Local Government is receiving attention worldwide as a tool for implementing sustainable development. Local Governments are strategic institutions for the provision of basic socio-economic and environment services. Their strategic position makes them valuable and viable for providing effective and efficient services required by the community. Local authorities/governments also provide platforms where community members exercise their democratic rights by electing their representatives who in turn coordinate the provision of the local services. It is therefore important to understand the operations of these institutions⁶.

⁴Taskforce Report on Devolved Government , 2011

⁵Devolution, Linking Discretion with Accountability and Integrity, Transparency International Kenya, 2011

⁶Understanding the Local Government System in Kenya, Institute of Economic Affairs (IEA), 2009

4.2 THE CONSTITUTION OF KENYA 2010 AND DEVOLUTION

Kenya's struggle for constitutional reforms has its roots in the desire to correct deficiencies in its post-independence governance framework, which was premised upon the highly centralised system started in the colonial days. The main objective of this struggle has been the restoration of power to the people in order for them to manage their affairs, particularly in matters of local development. The post-independence governance framework was characterised by poor governance as evidenced by corruption, ethnic conflict, insecurity, political uncertainty and poverty.

With the adoption of the new constitution in 2010, Kenya adopted a unique governance structure. It created governments at two levels which are distinct and inter-dependent and which are supposed to conduct their mutual relations on the basis of consultation and cooperation. It combines a measure of autonomy and interdependence leading to a Cooperative System of Devolved Government. This system is founded upon three relational principles; namely, the principles of distinctness; interdependence; and consultation and cooperation.

The two levels of government in Kenya are distinct in their constitutional functions, institutions, resources and legal frameworks. They coordinate and are not subordinate to each other. Neither is a mere agent of the other and neither can be abolished by the other. In effect, the two levels of government must have the freedom to make decisions in the functional areas assigned to them by the Constitution of Kenya without undue interference from the other. Article 189(1)(a) in this regard "requires government at either level to perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and in the case of county government, within the county level".

The two levels of government are also interdependent since devolution combines self-government at the local level and shared government at the national level. Interdependence is necessitated by the fact that consumers of services rendered by the two levels of government are the same citizens of Kenya, although located in different parts of the country.

The National Government largely remains with the formulation of national policy on various sectors so as to set national standards and uniform implementation of services

across the country while County governments have the mandate to implement functions assigned to them by the Constitution in the 4th schedule.

Policy formulation and national standard setting functions of national government include a monitoring and evaluation aspect that creates a limited measure of oversight. Such oversight cannot therefore be intrusive, but rather facilitative. Interdependence then becomes the foundation of the concept of cooperative government.

According to Articles 6(2) and 189(1)(b) and (c), interdependence requires that the two levels of government not only cooperate with, assisting, supporting and consulting each other and, as appropriate, implementing the legislation of the other levels of government. They are also supposed to liaise with each other for purposes of exchanging information, coordinating policies and administration and enhancing policy. At the relational level, cooperative government requires that there be intergovernmental dialogue on the basis of consultation and cooperation which may even lead to the setting up of joint committees and joint authorities.⁷

Cooperative devolved government requires that as a country, we move away from the usual adversarial approach to issues and embrace a system of consultation, negotiation, and consensus building in running of state affairs.

4.3 COUNTY GOVERNMENT STRUCTURES

The Constitution of Kenya provides for two levels of government – national government and county governments. County Government will consist of a County Assembly and a County Executive as provided in Article 176(1) of the Constitution of Kenya. Overall governance of the county shall be the responsibility of the County Assembly and County Executive. The County Assembly, which is the legislative arm of government, shall be established in each county in accordance with Article 177 of the Constitution of Kenya. The legislative authority of the county assemblies is found in Article 185.⁸

Amongst other things, the new assemblies have the responsibility to enact legislation, and to receive and approve county budgets, plans and policies for the management and exploitation of the county's resources and the development and management of its infrastructure and institutions. The county assembly, as envisioned in the

⁷ Sessional Paper on Devolved Government in Kenya, 2011

⁸ Constitution of Kenya 2010

Constitution of Kenya, is clearly a more complex and active participant in the governance of county matters than the councils in the former local authorities. On the other hand, according to Article 179, the executive authority of a county is vested in the county executive. This county executive comprises of the governor, the deputy governor and such number of county executive members as provided under Article 179(3)⁹.

4.4 CHALLENGES OF DEVOLUTION IN KENYA

With the promulgation of the Constitution in 2010, Kenya put in place a vast legal framework aimed at answering the foremost challenges for efficient and orderly functioning of elected officials. No law is perfect and, consequently, no legal framework is perfect either.

In the aftermath of the 2013 elections, there was much confusion with regard to the distribution of functions between the national and the county governments. The Constitution provides an exhaustive list of functions for the National and County government, but some issues remain unresolved, for example, the issue of health care is not clearly defined. Whereas it seems that the counties are responsible for the health services, the health policy is still the prerogative of the Central Government. It would be important to have the roles and functions defined in a clearer way, so that the other laws, in particular those regulating ethics and integrity in public affairs, can be fully implemented.

A very similar situation is with the role of the Senate in budget-related issues for the counties. It remains unclear whether the Senate, as a guardian of devolution at the national level, ought to have a say in discussions on the division of revenue between the national and local governments. This confusion of roles between the Senate and the National Assembly has already affected smooth operations at the county level since it delayed the passing of crucial bills required to enable the exchequer to release funds to the counties.

There are various provisions for citizen participation in county government affairs in the County Government Act, 2012. These provisions however are still largely unknown to the masses and as such, the level of participation is still limited, which undermines one of the key pillars of devolution.

⁹Sessional Paper on Devolved Government in Kenya, 2011

The county governments are also still in transition and are yet to establish their own frameworks and procedures. This perhaps has been a result of a three-month recess of the County Assembly, which has affected key operations on the Executive arm of the County Government. This includes vetting and confirmation of senior officials and County Executive Committee members, passing of the annual finance bills, proper scrutiny of budgets to ensure they satisfy the requirements of the Public Finance Management Act 2012.

In order for the Ethics and Anti-Corruption Commission to function properly, more funds and human power are needed. Both the National and County Governments need to propose more aggressive education campaigns in the field of public integrity. This needs to include all elements of integrity – civility, professionalism, ethics, transparency, accountability, and good governance. Without these, much of the potential provided in the legal framework will be lost in due to public disorder and lack of adherence to social values.

V. LOCAL INTEGRITY SYSTEM

CORE COUNTY GOVERNMENT ACTORS

1. COUNTY ASSEMBLY

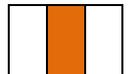
Summary

Capacity

Capacity
Role
Governance

1.1. Adequate resources

To what extent does the County Assembly have adequate resources to carry out its duties in practice?



The study established that the County Assembly has sufficient funds to carry out its duties. There exists an assembly building where the County Assembly conducts house business. Members of the Assembly have offices in their respective wards to enable frequent interaction with their constituents. Nominated Members of the County Assembly however do not have offices yet.

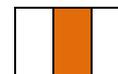
In the financial year 2012/2013 budget, the National Government made provisions for building capacity of the Members of the County Assembly during transition period. Members of the County Assembly confirmed that they had indeed attended at least two training sessions.

There was however, a dispute between the Salaries and Remuneration Commission and the Members of the County Assembly over remuneration. This prompted the

Assembly to go on a prolonged recess, which paralysed key functions of the County Governments for about three months.¹⁰

1.2. Local Elections

To what extent are local elections timely, free, fair and representative?

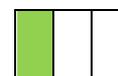


Elections for both national and county governments occur simultaneously every five years. Free and fair elections, in accordance with Article 81 of the Constitution of Kenya requires that elections are honest, transparent and free from violence. The Electoral Management Body (IEBC) and other independent observer reports indicate that the March 4th General elections were acceptably free and fair.¹¹

Due to a constitutional provision to nominate minorities to the County and National Assembly, marginalised groups (women, persons with disabilities, and youth) are represented in the National and County Assemblies.

1.3 Independence

To what extent is the County Assembly independent from the Executive?



The County Assembly is independent and free from the Executive as spelt out in the Constitution and the County Government Act, 2012. The County Assemblies are structured in a manner that respects the principle of separation of powers. The two arms of county government have independent mandates with the Assembly being the one that enacts laws, represents their electorate and exercises oversight over the Executive. The Executive implements plans, policies and laws.

In practice, some of the Executive's functions were impeded; in particular, the vetting of key officials, due to the Members of County Assembly's prolonged recess.

¹⁰ www.businessdailyafrica.com/County-reps-call-strike-in-fresh-quest-for-higher-pay/-/539546/1998402/-/i307j8/-/index.html;

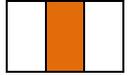
www.mobile.nation.co.ke/counties/County-assemblies-SRC-Allowances-Pay/-/1950480/2074554/-/format/xhtml/-/im7n7k/-/index.html

¹¹ eeas.europa.eu/eucom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report_en.pdf;
www.elog.or.ke/images/THE_ELOG_REPORT.pdf

Role

1.4 Oversight of the County Executive

To what extent are local legislators able to exercise and enforce their decisions and oversight role?



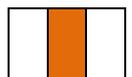
The County Assembly has the mandate to oversee the work of the Executive as stipulated in the County Government Act, 2012. They are within their right to scrutinise and influence the county budget as outlined in the Public Finance Management Act, 2012.

The budget making process is quite rigorous and the County Assembly was involved at the various stages, including giving final approval. The Kisumu County Assembly however approved a budget that had unauthorised allocations, which they later revised following advice from the Controller of Budget.¹²

Also in line with their oversight role over the Executive, the Kwale County Assembly is on record as having rejected a few of the Governor's nominees to the County Public Service Board during the vetting process. Their Kisumu counterparts rejected all nominees as they did not meet gender, youth and minority inclusion requirements.¹³ Both County Executives had to replace their nominees

1.5. Representation

To what extent do local legislators represent the interests and priorities of their constituency in practice?



The County Government Act, 2012 provides for establishment of structures that encourage citizen participation through various fora and in various planning instances.

In practice, there have been some consultations between the Local Assembly and the citizens but these have not been systemised. So far, there have been two engagements on record – one to present the budget to the people and another to get priority areas to be included in the County Integrated Development Plan. However, the turnout to these meetings was very low. Citizens are generally unaware of their role in such fora and remain largely uninterested.

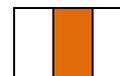
¹²Controller of Budget: Budget implementation review report ;First Quarter 2013/2014

¹³www.standardmedia.co.ke/?articleID=2000098738

Governance

1.6. Transparency of the local assembly

To what extent can citizens access relevant information on the local assembly?



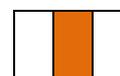
There are legal provisions in place to compel the County Assembly to proactively make information public. Article 35 of the Constitution of Kenya guarantees every citizen access to information held by the state. The County Government Act, 2012 drawing from this, provides for the establishment of a designated office that ensures citizen's access to information regarding their county.

The communication offices have not been set up as at the time of compiling the report. Voting records and committee agendas and minutes were not available to the research team during the data collection exercise. This was also true of the Hansard reports.

Citizens are however, allowed to attend proceedings at the county assembly but public interest remains low.

1.7. Accountability of local legislators

To what extent are local legislators answerable for their actions in practice?



The Counties have not yet established a complaint mechanism through which citizens can lodge complaints regarding their representatives. There is however, a legal provision for recall of a Member of the County assembly found to have violated provisions of Chapter six of the Constitution, mismanaged public resources, or been convicted for committing an election offence. The recall can only be initiated after a judgment or finding from a high court confirming the specified grounds.¹⁴

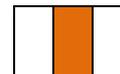
It may be difficult to ascertain the practicality of the recall process since the law states that such an action can only be taken 24 months after an election; The study was conducted eight months after the general elections.

In Kisumu County, there is money allocated specifically for meetings between the Members of County Assembly and their constituents. However, these meetings did not take place due to the MCA's extended recess.

¹⁴County Government Act (Section 27 ,28 and 29).

1.8. Integrity of local legislators

To what extent is the integrity of local legislators ensured?



There are a number of national legal provisions, which govern the integrity of public officers at all levels of government. These are included in the Public Officers Ethics Act, 2003 and the Leadership and Integrity Act, 2012. Chapter 6 of the Constitution also provides guidelines on the codes of ethics and conduct of public and state officers.

In this regard, the County Assembly Service Board is tasked with preparing and enforcing specific codes of conduct for the County Assembly. This had not yet been done and as such, the MCAs were currently using the codes prepared by the Parliamentary Service Commission for their National Assembly Counterparts. So far, there have been no recorded cases of conflict of interest.

2. COUNTY EXECUTIVE

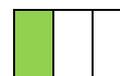
Summary



Capacity

2.1 Clear Functions

To what extent does the County Government have a clear and realistic strategy/action plan and a coherent set of functions?



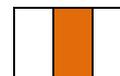
The Constitution of Kenya and the County Government Act, 2012 clearly spells out the functions and roles that to be carried out by the County Governments. However, the process of transferring some of these functions from the National Government to the County Government has been unclear.

Both Counties had a draft five-year plan, the County Integrated Development Plan (CIDP), which were waiting to be presented to the County Assembly for approval and adoption. The County budget was made with the CIDPs in mind and as such, it can be

reasonably argued that the plans, as they were, could be achieved with the available and projected resources.

2.2 Predictable resources

To what extent does the County Government have access to the resources it requires to carry out its functions and deliver its vision?



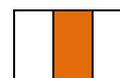
Chapter 12 of the Constitution provides for nationally raised nationally revenue to be shared equitably between the National and the County Governments. Specific allocations to the counties are further outlined in the County Allocation of Revenue Act, 2013. This act also requires the National Government to disburse funds on a monthly basis to county governments for their expenditures.

Due to delayed enactment of the County Allocation of Revenue Act, 2013 by the National Assembly, funds for the first quarter of financial year 2013/2014, which was ending in September 2013, were disbursed from the Consolidated Fund and the County Revenue Fund in August and September 2013.¹⁵ Due to this late disbursement, there was low absorption of the funds and, as such, the monies were returned to the Exchequer.

Role

2.3 Management of Local Bureacracy

To what extent does the County executive effectively perform its role in terms of providing effective oversight of, and support to, the local bureaucracy?



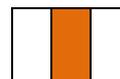
The County Executive Committee is mandated to design a performance management plan to evaluate performance of the County Public Service. The County Public Service Board is also supposed to, among other duties, facilitate the development of coherent and integrated human resource as well as planning and budgeting for personnel emoluments in counties.

In both counties the County Public Service Board has not established human resource frameworks. In the meantime, they are using the County Public Service Human Resource Manual, published by the Public Service Commission.

¹⁵Controller of Budget :Budget implementation review report ;First Quarter 2013/2014

2.4 Oversight of Private providers of public goods

To what extent does the County executive effectively perform its role in terms of holding private service providers of public goods accountable for the service delivery they are contracted for?



The county governments are currently using the Public Procurement and Disposal of Assets Act, 2005 and regulations of 2013 to guide public procurement and hold the private service providers to account for poor performance / poor service delivery. The act is due for review since it does not adequately address issues to do with value for money and quality of service provided.

2.5 Regulation of local business

To what extent does the County Government effectively perform its role in terms of regulating local businesses in an even-handed and effective manner?



To a large extent, both Counties are still enforcing the permits and licenses issued by the defunct local authorities as they are in the process of adapting to the new system of governance. This unfortunately means that the challenges that beset the local authorities are still being experienced; regulations are not always uniformly enforced and are susceptible to manipulation.¹⁶

Governance

2.6 Budget Transparency

To what extent does the County Government present a clear and accessible budget



The Public Finance Management Act, 2012 requires the County Governments to make the budget available to the public through various fora including the County Budget and Economic Forum. The Act also gives guidelines on the contents and formats of the budgets.

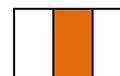
The county budgets in Kisumu were Kwale are easily accessible to the citizens especially during the preparation stages. Citizens had limited opportunities to make changes to the budget presented to them due to the time constraints that the newly formed counties were experiencing.

¹⁶<http://www.investmentkenya.com/kenya-s-radical-licensing-reforms-2005-2007>

In the end, however, the budget was finalised, approved by the County Assembly, and presented to the Controller of Budget.

2.7 Accountability of the County Executive

To what extent is the County Executive answerable for its actions?



The County Government Act, 2012 provides for accountability measures requiring the local Executive to involve other stakeholders in the county government activities and report periodically to the public.

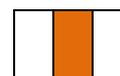
So far these mechanisms have not been formalised or systemised. Some citizens did report attending meetings where they listed development priorities in their Wards and where the budget was presented. Due to the limited time the counties had to prepare the budgets and the County Integrated Development Plans, it is unclear whether citizens' views were taken into consideration.

Despite there being general phone numbers used to contact various offices within the county, citizens felt that these were not the appropriate channels through which they could complain against the Executive if and when the need arose.

In practice, the law is clear on accountability of the County Executive Committee Members to the Governor and the Governor to the County Assembly but it is silent on direct citizen complaints against the Governor.

2.8 Integrity of the County Executive

To what extent is the integrity of the County executive ensured?



There are provisions in the Public Officers Ethics Act, 2003 and the Leadership and Integrity Act, 2012 governing the ethics and integrity of public officers at all levels of government. Chapter 6 of the Constitution also provides guidelines on the codes of ethics and conduct of public and state officers.

Drawing from this, the County Public Service Board is mandated to prepare County specific rules and codes of conduct but this had not been done. In the absence of this, the County government is using Codes of Conduct spelt out in Section D of the County Public Service Human Resource Manual, published by the Public Service Commission. These codes are quite comprehensive as they cover a range of issues such as sexual harassment, conflict of interest, asset declaration etc.

3. LOCAL BUREAUCRACY

Summary

Capacity
Role
Governance

Capacity

3.1 Adequate Resources

To what extent does the local bureaucracy have adequate financial, infrastructural and human resources to effectively carry out its duties?



The local bureaucracy had the adequate financial and human resources it requires to carry out its duties. There were equipped offices where the various departments were housed and operated from.

Kwale County had already constituted the County Public Service Board, which had already recruited key personnel to run county affairs. In some departments, the interim staff recruited by the Transition Authority¹⁷ were still serving, pending recruitment of their replacements by the County Public Service Board. Kisumu County was in the process of constituting its public service board but like their Kwale counterparts, they had staff recruited by the Transition Authority serving.

The County Budget was approved by the Controller of Budget and release of funds required to run the county are being released on a monthly basis as prescribed by the Constitution of Kenya.

However, just like in the National Government, the wage bill was quite high and had the potential to ultimately become unsustainable.¹⁸

3.2 Independence

To what extent is the local bureaucracy free from external interference?



The county governments were using the County Public service human resource manual, prepared by the Public Service Commission for recruitment and promotion of local public service as the County Public Service Board was yet to prepare their own

¹⁷This Authority was established by the Transition to Devolved Government Act, 2012 to facilitate, coordinate and oversee the Transition to devolved government.

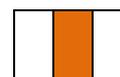
¹⁸Controller of Budget : Budget implementation review report ;First Quarter 2013/2014

guidelines. In line with the County Government Act, 2012 Kwale County advertised vacant positions, subsequent shortlisted candidates, and successful candidates in national newspapers and posted them on the county notice boards. This has greatly minimised opportunities for nepotism and favoritism.

Role

3.3 Ensuring transparency and integrity in local public procurement

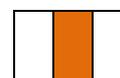
To what extent is there an effective framework in place to safeguard transparency and integrity in local public procurement procedures?



There are two key provisions that guide public procurement in Kenya, namely the Public Procurement and Disposal Act 2005 and Article 227 of the Constitution. There are also County Government Procurement Regulations of 2013 that provide guidelines specifically to counties on how to go about constituting various committees involved in the procurement process.¹⁹ Kwale County had some of these committees constituted and operational and was in the process of pre-qualifying vendors.

3.4 Promoting social accountability and participation

To what extent does the local bureaucracy promote social accountability mechanisms that provide local citizens with opportunity to interact with and make demands on local governments



Both County Governments had not yet engaged in any the social accountability initiatives but the civil society organisations in the regions had made some effort towards this.

Kwale County, however, had constituted committees in key sectors such as health, education, agriculture that take part in consulting with stakeholders in decision making processes in those various sectors.

¹⁹ Kenya Gazette Supplement No. 53 of 2013

3.5 Tax Collection

To what extent is local revenue collection fair and transparent?



Each financial year, the County Executive member for finance must clearly state revenue-raising measures in place and provide elaboration on them in the finance bill- The bill should then be submitted to the County Assembly.²⁰

The Kisumu County Finance Act, 2013 became operational in October of 2013. There were some challenges implementing the law and as such, revenue collection is still to some extent dependent on the old system, which was commonly accused of corruption and mismanagement.²¹

3.6 Protecting land and property rights

To what extent are land and property rights protected by the County government?



Land matters and land services remained as a function of the national government. In case any land issues arose, the county governments would use the National Land Commission guidelines.

Governance

3.7 Administrative Transparency

To what extent is there transparency in financial, human resource and information management of the local public sector?



Vacancies and appointments of senior officials were made public, especially in instances where the senior officials were supposed to be vetted by the County Assembly - this has already been done with the Executive Committee Members. Vacancies of the county chief officers had also been made public.

The Public Officer Ethics Act, 2003 requires public officers to declare their wealth to the County Public Service Board every two years, but there is no obligation for declarations to be public.

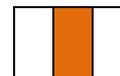
There is a list of municipal owned assets (an asset registry), that was prepared by the Transitional Authority; however, it has not yet been shared with the public.

²⁰ Public Finance Management Act ,2012

²¹ http://www.ieakenya.or.ke/publications/doc_download/167-what-next-for-kenya-s-local-authority

3.8 Accountability of local public servants

To what extent are local public servants answerable for their actions in practice?

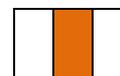


The County Executive Committee is supposed to come up with a performance management plan to evaluate the performance of the County Public Service.²² This had not yet been done and as such, the County Public Service Board was using the County Public Service Human Resources manual provided by the Public Service Commission to ensure the local public service is answerable for its actions.

There were no complaints mechanism established yet.

3.9 Integrity of local public servants

To what extent is the integrity of local public servants ensured?



The county governments did not have county specific rules and codes of conduct. The County Public Service Board is mandated to prepare such a code but had not yet done so. In the absence of this, the county governments are currently using codes of conduct contained in Section D of the County Public Service Human Resource Manual, prepared by the Public Service Commission. These codes are quite comprehensive as they cover a range of issues such as abuse of office, conflict of interest and sexual harassment.

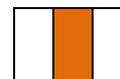
4. LOCAL POLITICAL PARTIES

Summary

Capacity

4.1 Adequate Resources

To what extent do the financial resources available to local political parties allow for effective political competition?



Capacity
Role
Governance

²² County Government Act, 2012

The Political Parties Act, 2011 has provisions for some political parties²³ to get funding from the government but this is just a small percentage of their overall funds. The Act allows political parties to seek additional funding from various other sources outlined. How the parties share out the money to their local branches is unclear.

In addition, since there was no law regulating campaign financing during the general elections in March of 2013, small political parties and candidates with limited funds were at a disadvantage. A new law, which comes into force in January 2014, has been enacted that allows the Independent Electoral and Boundaries Commission (IEBC) to regulate campaign financing²⁴.

In terms of media access, the Elections Act provides “*for all candidates and political parties participating in an election to be allocated reasonable airtime on all broadcasting media during the campaign period*”. However, this was not achieved as the two main political parties in Kenya enjoyed more coverage in the media during the campaign period, than the smaller parties.²⁵

4.2 Independence

To what extent are local political parties free from unwarranted external interference in their activities?

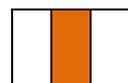


Political parties in Kenya are national in nature but have branches at the local level. The local branches of the national political parties have limited discretion in decision making as they are largely bound by policies of the party and that of party bigwigs. This includes nominations of candidates who vie for local positions.

Role

4.3 Interest aggregation and representation

To what extent do local political parties aggregate and represent a broad range of social interests at the local level?



²³ These are Political Parties that fulfill the conditions spelt out in section 25 (2) of the Political Parties act, 2011.

²⁴ Election Campaign Financing Act , 2013

²⁵ www.eeas.europa.eu/eueom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report_en.pdf

There are legal provisions²⁶ that require political parties to have representation from the marginalised groups and other stakeholders in the affairs of a political party. This has been complied with through nominations to the county and national assemblies of the youth, women, and persons with disabilities.

Governance

4.4 Transparency of local political parties/candidates

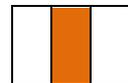
To what extent is there transparency in the operations of local political parties



The Political Parties Act, 2011 requires political parties to publish their financial information annually in a least two newspapers having nationwide circulation. This information includes their sources of funding (from donations, memberships etc.) as well as their expenditure. Three major parties had provided this information to the registrar of political parties at which point the information was reported by the media.²⁷

4.5 Accountability of local political parties

To what extent is there effective oversight of local political parties?



The Political Parties Act, 2011 establishes the office of the Registrar of political parties, who is mandated to supervise the activities of political parties. During the campaign period, the Electoral Management Body (IEBC) takes over this role. However, the two offices were remiss in some of the oversight functions as there were a lot of irregularities witnessed that went unaddressed.²⁸

4.6 Nomination and selection of local candidates

To what extent are local candidates selected in a fair and transparent manner?



There are procedures and criteria for selection of candidates spelt out by the Political Parties Act, 2011 but they are not enforced at all times. At the local level, selection and nomination of candidates is largely at the discretion of party officials.

²⁶The Political Parties Act, the Elections Act and the IEBC Act

²⁷ www.businessdailyafrica.com/Corporate-News/Uhuru-party-dislodges-ODM-as-the-richest/-/539550/2024444/-/item/0/-/xx7vu2/-/index.html

²⁸ http://eeas.europa.eu/eucom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report_en.pdf

The 2013 nominations and selection of candidates were marred with claims of rigging and in some instances, violence. The Electoral Management Body had to extend deadlines for political parties to submit their final lists of candidates.²⁹

5. LOCAL POLICE

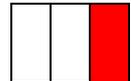
Summary

Capacity

5.1 Adequate resources

Capacity
Role

To what extent do police at the local level have adequate levels of financial, infrastructural and human resources to operate effectively in practice?

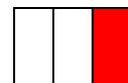


Security matters are the function of the national government. Even then, the existing financial, human and infrastructural resources of police at the local level are minimal and insufficient to effectively carry out their duties. The police to citizen ratio in Kenya is 1:800 versus the UN recommended 1:400; a fact that has taken a huge toll on efficient service delivery.

Role

5.2 Investigation of corruption

To what extent are police at the local level active in investigating corruption?



While police at the local level have some powers to detect and investigate corruption cases, their work is generally reactive, focused only on a small number of cases and rarely results in charges and successful convictions.

Governance

This was not assessed during the study.

²⁹http://eeas.europa.eu/eucom/missions/2013/kenya/pdf/eu-eom-kenya-2013-final-report_en.pdf

OVERSIGHT AND ACCOUNTABILITY FUNCTIONS

6. COMPLAINTS HANDLING

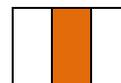
Summary

Capacity
Effectiveness

Capacity

6.1. Access to a complaints mechanism

To what extent is there an independent procedure (e.g. through an ombudsman or similar function) to deal with complaints of perceived unjust treatment by the Local Government?



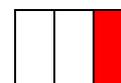
There is an Ombudsman (now referred to as the Commission on Administrative Justice) at the national level that had just started branching out to the local level. The commission had established two regional offices in Mombasa and Kisumu in a bid to decentralise their operations as they await to establish the county offices envisaged in their strategic plan.

Kisumu County had published direct phone numbers for the governor, his deputy as well as a customer service hotline at the county website.

Effectiveness

6.2. Investigation of complaints

How effective is the complaints procedure in practice?



Since no procedure/framework had been laid out as yet with regard to lodging a complaint at the county level, any complaints lodged were dealt with on a case by case basis.

7. AUDITING

Summary

Capacity
Effectiveness

Capacity

7.1. Provisions for County Government audits

To what extent are there regular audits of the County Government and comprehensive sanctioning provisions?



Section 155 of the Public Finance Management Act, 2012 provides for regular internal audits at the county level. However, these had not yet been carried out since the counties were still in transition from local to county government.

Effectiveness

7.2. Effectiveness of County Government audits

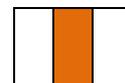
How effective are County Government audits?



At the time of the study , there was no record of any internal audits carried out by the newly formed County Governments. The office of the Auditor General, however, conducted special audits in the counties for the last quarter of the financial year 2012/2013, which ended in June of 2013. The reports had not yet been published or tabled and adopted in Parliament and the respective County Assemblies.

7.3 Oversight of County Government auditing

To what extent is there effective oversight of County Government auditing?



The national government has full authority and access to investigate financial mismanagement of the local government and does so in practice. This occurred recently through the Controller of Budget although this was restricted to budget implementation. The national government also provides technical support to the County governments as required especially through this transition period.

8. CENTRALISED OVERSIGHT OF COUNTY GOVERNMENT

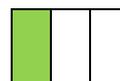
Summary



Capacity

8.1. Capacity for oversight of County Government

To what extent does the National Government have the necessary resources to effectively perform its assigned role in terms of overseeing the operations of the County government?



One of the main ways the National Government oversees the operations of the County Government was through the office of the Controller of Budget who is mandated to oversee the implementation of county budgets by authorising withdrawal from public funds.³⁰ The Controller of Budget therefore monitors the use of public funds throughout the year and reports to Parliament on how the funds have been utilised.

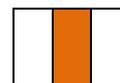
There is a provision for the National Treasury to install the Integrated Financial Management Information System (IFMIS) and G-Pay³¹ in the counties to ensure transparent financial management and standard financial reporting as contained in Article 226 of the Constitution.

There are also provisions for annual audits by the Office of the Auditor General.³²

Effectiveness

8.2. Effectiveness of oversight of local government

How effective is National Government in performing its assigned role in terms of oversight of the County Government?



The Controller of Budget has so far been the most effective oversight office due to the nature of its operations. The law requires that the counties meet conditions stipulated

³⁰Constitution of Kenya, 2010 – Article 228.

³¹The G-pay is an electronic payment system used by the government and Central Bank of Kenya to effect payments. IFMIS is an automated system that is used for public financial management. It interlinks planning, budgeting, expenditure management and control, accounting, audit and reporting.

³² Article 229 of the Constitution of Kenya

in the Public Finance Management Act, 2012 before the Contoller of Budget releases funds.

The IFMIS and the G-pay were not yet fully operational in most counties and even where it is operational, there are claims of lack of capacity to properly operate the systems.³³

The Auditor General has conducted special audits in the counties for the last quarter of FY 2012/2013, which ended in June of 2013, but the reports had not yet been made public as they were yet to be tabled and adopted in parliament and the respective County Assemblies.

9. INVESTIGATION AND EXPOSURE OF CORRUPTION

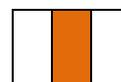
Summary

Capacity
Effectiveness

Capacity

9.1. Capacity for investigation and exposure of corruption

To what extent is there capacity for independent investigation and exposure of corruption at the local level?



The national and local media took some interest in corruption issues at the county level. There was no local anti-corruption body, although national-anti corruption bodies have powers to investigate corruption at the local level. These include the Ethics and Anti Corruption Commission (EACC) and the Commission on Administrative Justice(CAJ).

The CAJ had recently opened regional offices in Mombasa and Kisumu in a bid to decentralise their operations as they await to establish county offices envisaged in their strategic framework.³⁴

³³www.standardmedia.co.ke/?articleID=2000097560&story_title=fears-of-fraud-as-new-accounting-system-comes-under-scrutiny&pageNo=2

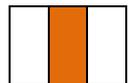
³⁴The Strategic Framework of the Commission on Administrative Justice (2013 – 2016)

The EACC was making efforts to train and advise the County Governments on anti-corruption issues. They had prepared an advisory program on corruption prevention that will enable counties to, among other things, develop anti corruption strategies and plans. This was set to begin in January of 2014.

Effectiveness

9.2. Effectiveness of investigation and exposure of corruption

To what extent are cases of corruption in the County Government actually investigated and exposed in practice?



The Ethics and Anti Corruption Commission(EACC) is mandated to investigate corruption at the local level and compiles quarterly reports on their work³⁵. Generally, the nature of the work of the government anti corruption agencies is reactive and as such the number of cases investigated and resolved successfully is not that high.

10. AWARENESS RAISING AND PUBLIC EDUCATION

Summary

Capacity



10.1. Capacity for awareness-raising and advocacy on anti-corruption

To what extent is there capacity for educational activities, public information and advocacy on anti-corruption issues at the local level?



There has been a lot of public education undertaken by both CSOs and the Ethics and Anti-corruption Commission. This takes place at the national and the local level. There is also a network of anti-corruption agencies (five government agencies and one CSO) that have an integrated platform Integrated Public Complaints Referral Mechanism (IPCRM), through which citizens can lodge their complaints. This network also conducts a lot of public education on anti-corruption issues at the local level.

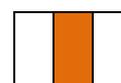
³⁵ www.eacc.go.ke/docs/QUARTELY-REPORT-JULY-SEPT-2013.pdf

At the national level, there is the African Parliamentarian Network against Corruption (APNAC). This is a network of willing Parliamentarians that advocates and lobbies for the anti-Corruption agenda in the National Assembly. This network had established local networks that incorporated members of the county assemblies. The media (both local and national) has also been instrumental in the anti-corruption campaigns.

The EACC was planning to roll out a corruption prevention programme for County Governments.

Effectiveness

10.2. Effectiveness of awareness-raising and advocacy on anti-corruption



African Parliamentarian Network against Corruption Kenya has been instrumental in marshalling support for crucial anti-corruption legislation at the national assembly.³⁶ There is hope that similar successes will be replicated with the newly established County Assembly Representative Network against Corruption (CARNAC) at the Kwale and Kisumu Counties.

11. SOCIAL ACCOUNTABILITY

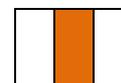
Summary

Capacity



11.1. Capacity for social accountability

To what extent are non-governmental actors active in promoting social accountability to hold the County Government to account?



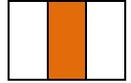
Civil Society Organisations (like Transparency International Kenya and the National Taxpayers Association) have been active in conducting social audits and citizen report cards at the local level to push for accountability. Some CSOs in Kwale have also come together to form the Kwale County Participatory Budget committee.

³⁶ One such legislation is the Public Appointment Parliamentary Approval Act, 2011

Effectiveness

11.2. Effectiveness of social accountability

To what extent have social accountability initiatives by non-governmental actors been successful in holding the County Government to account?



Social accountability initiatives have been somewhat successful in holding the County Government to account. Positive outcomes of such efforts in the past include the signing of a development pact between the Mombasa Water and Sewerage Company and citizens. Through this pact, facilitated by TI-Kenya, the sewerage company promised to deliver certain services as agreed with the Mombasa residents. Such initiatives can be replicated under the County Governments.

VI. RECOMMENDATIONS

Actor	Recommendation
County Assembly	The Clerk of the Assembly, in consultation with the Speaker of the County Assembly, should set aside certain days for citizen consultative forums for the assembly activities and publicise these days in local media to ensure wide public participation.
County Assembly	The County Assembly should set up a communication centre/customer care desk and website where citizens can access relevant information about the county government as and when needed. This can be integrated into the already existing county government website.
County Assembly, County Executive and National Anti-Corruption bodies	Establish and publicise an independent public complaint mechanism that can receive and resolve complaints against the County Assembly and the Executive.
County Assembly	The County Assembly Service Board should prepare codes of ethics and conduct which should be binding to all local assembly members. Members of the local assembly should sign the code of ethics to demonstrate commitment to uphold them in spirit and letter.
County Executive	The County Public Service Board should prepare codes of ethics and conduct which should be binding to the county public service and the county executives. They should be included in their contracts to ensure effectiveness.
County Assembly and County Executive	The County Governments need to draft county laws which are not in contravention with national legislation and the Constitution to assist them implement their functions effectively. The most crucial at this time are county laws on procurement, Access to information and public participation.
County Assembly	The Finance, Revenue Policy and Appropriations Bills should be prepared following

and County Executive	consultations with the members of the public. It should explicitly state where the local revenue should be deposited. The County Executive should fast-track the constitution of the mandatory County Budget and Economic Forum.
County Executive	The County Executive should fast track the establishment of a citizens' service center and a Performance Management Plan as stipulated in the County Government Act, 2012.
County Executive	The County Executive in consultation with the County Secretary should set aside certain days for citizen consultative forums and publicise these days in the local media to ensure wide public participation.
National Anti-Corruption Bodies	The EACC and the CAJ should consider establishing desks at the county level to make their work proactive and more effective. They could be instrumental in helping the counties to set up complaint mechanisms that are lacking as well as assist in addressing complaints that counties are unable to resolve.
Civil Society	Civil society organisations operating at the county level should consolidate efforts and escalate public awareness campaigns and civic education to enhance public participation in county government procedures.
Civil Society and County Executive	<p>The County Government should establish clear structures of engagement with the civil society within its institutional framework.</p> <p>Civil society organisations should pursue partnership and continuous dialogue with the County Government to enhance public participation in policymaking, oversight and accountability.</p>

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ANNEX I – Persons Interviewed in Kwale County

Members of the Executive		
1.	County Secretary	Martin Mwaro
2.	CEC, Finance and Economic Planning	Bakari Sebe
3.	CEC Agriculture, Livestock And Fisheries	Joan Nyamisyo
4.	CEC Education and Human Resource Development	Mangale Munga
5.	Chief Officer Finance	Alex Onduko
6.	CEC Urban Planning & Decentralization Units	Hemedi Mwabudzo
7.	CEC Health, Water and Sanitation	Dr Athman Chiguzo
8.	CEC Lands Mining & Natural Resources	Ali Juma
9.	CEC Community Development, Youth, Women & Culture	Patrick Mtsami

Members Of The County Assembly (MCAs)		
1	Clerk Of The Assembly	Denis Mutui
2	MCA Kinango Ward	Awadh Salim
3	Nominated MCA – Representing Persons With Disabilities	Fatuma Kadzo
4	Mackinon Ward	Musa Mohammed
5	Nominated MCA	Mwanamisi Ali Libondo
6	Majority Leader ; MCA Pongwe/Kikoneni Ward	Bakari Mguta
7	Minority Leader – MCA Kasemeni Ward	Anthony Yama
8	MCA Gombato /Bongwe Ward	Omar Boga
9	MCA Waa/Ng'ombeni Ward	Hidaya Fwedah

Others		
1	County Commissioner	Evans Achoki
2	Local media- Radio Kaya, Program Controller	Mr. Victor Ongwena
3	Kenya National Commission on Human Rights (KNCHR), Human Rights Officer	Mohammed Ramadhan
4	Ethics and Anti Corruption Commission (EACC), Report officer	Alfred Mwachuga
5	CSO - Msambweni Human Rights Watch – Coordinator	Mahmoud Barrow

ANNEX II – Persons Interviewed in Kisumu County

Members of the Executive		
1	Deputy Governor	Ruth Adhiambo
2	County Secretary	Humphrey Nakitari
3	Ag. Chief County Officer Commerce , Tourism & Heritage	Mactilda Onyait
4	CEC- Physical Planning ,Roads and Public Works	Eng. Vincent K'Odera
5	CEC- Education , Youth And Social Services	Jenipher Were
6	The Chief Finance Officer	Mr. Cephas Kasera
7	Internal Auditor	Mr. Maurice Oyaro
8	Building Superintendent	Mr. Ondola Samuel Otieno
9	Ag. Chief Officer, Water, Energy And Natural Resources	George A. Koyei
10	Ag. Chief Officer, Ministry Of Industry	Zephania Osia
11	CEC - Agriculture, Livestock And Fisheries	Dr. Stephen Orot

Members of the County Assembly (MCAs)		
1.	Clerk Of Assembly	Nelson Masanya
2.	Nominated MCA	Farida Ahmed Salim
3.	Minority Whip- MCA Kisumu North	Caroline Owen
4.	Railways Ward	Isaya Onyango
5.	Kajulu Ward	Joseph Simba Opepo
6.	Kaloleni Shaurimoyo Ward	Priscah Auma
7.	Chemelil Ward	Joseph Osano
8.	Nyalenda B.Ward	James Were

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