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Analysing public participation in Kenya's devolved units: A study of participatory planning in the formulation of County Integrated Development Plans

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Abstract

The main aim of this study is to analyse public participation in the formulation, monitoring and implementation of Kenya's first County Integrated Development Plans under a devolved system of governance. Vision 2030, Kenya's overarching development blueprint to transform Kenya into a middle-income country and provide a high quality of life for its citizens by the year 2030, identifies the establishment of 6 metropolitan regions across the country, as a strategy to spread development and achieve regional balance. These regions are spread across the administrative boundaries of 9 Counties. This study uses a qualitative, fixed, a priori, generic-purposive sampling approach and a generic qualitative data analysis of secondary data to analyse public participation in these 9 Counties. The experiences of the County governments in the development of their CIDPs have shown great variety in their understandings of what constitutes citizen engagement, how it should be conducted and its implications on the planning process.

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Abbreviations

ASAL – Arid and Semi-Arid Lands

CDF – Constituency Development Fund

CIDP – County Integrated Development Plan

CIDPs – County Integrated Development Plans

LASDAP – Local Authority Service Delivery Action Plan

LATF – Local Area Transfer Fund

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1 Introduction

1.1 Background to the topic

In 2010, the people of Kenya gathered in united celebration, to witness the promulgation of a new constitution. It was the culmination of many years of deliberation, stakeholder engagement and political negotiation. A process, that the leaders and citizens of the country were committed to, even when it violently divided them and drove the state to the brink of failure. It was a victory for the country and a symbol of its commitment to representative democracy, as well as, a big step towards more participative democracy.

At the heart of this new, ambitious constitution was the creation of a devolved system of governance. After decades of centralised, authoritarian rule and a politically turbulent transitionary period, decision-making, power and authority were being brought closer to the people. The Constitution split the territory of Kenya into 47 Counties with distinct but interrelated governments. A new legal framework gave these County governments a wide range of functions and powers, that were previously the mandate of the national government. Including, equitable share of the national budget and a great degree of financial autonomy under financial management systems within the requirements of national legislation. (Constitution of Kenya, 2010). As well as, power over County planning and development, as set out by the Fourth Schedule of The Constitution.

Guided by the County Government Act of 2012, the principles of planning development and facilitation require the County governments, to serve as a basis for meaningful engagement between the citizenry, other stakeholders and interest groups and the County governments. They are also required to promote public participation and incorporate all non-state actors into the planning process and ensure that the rights and interests of minorities and marginalised groups are protected (Laws of Kenya, 2012). By means of a mandatory process of public participation, the County governments are required to develop a five-year County Integrated Development Plan

(CIDP) that will guide the environmental, infrastructural, economic, social and institutional development of the County.

1.2   Purpose of the study

Given the robust legal and policy framework guiding devolution in Kenya and the emphasis on citizen engagement, the study of the strategies and practice of meaningfully engaging the public in planning activities is of great national importance. Kenya's Vision 2030 is the country's overarching, long-term development blueprint to transform Kenya into a middle-income country and provide a high quality of life for its citizens by the year 2030 (Government of Kenya, 2018). Supplemented by the country's National Spatial Plan 2015-2045, the achievement of these long-term aspirations is largely contingent on successful implementation of the short-term, County Integrated Development Plans. The purpose of this study is to analyse public participation in the formulation, monitoring and implementation of the first County Integrated Development Plans under the devolved system of governance.

According to Frances Cleaver, there is little evidence of the effectiveness of participatory practices in materially improving the lives and conditions of the most vulnerable in society or as a strategy for social change (Cooke & Kothari, 2001, p. 36). Given that the shift to devolved governance in Kenya has only completed one political cycle and is entering its second five-year planning cycle, this study hopes to contribute to the growing field of knowledge on the potential of participation in solving the challenges of uneven development by providing "evidence and theoretically informed argument" (Hickey & Mohan, 2004, p. 1).

1.3   Research Questions and aims of the study

In order to analyse public participation in Kenya under the devolved system of governance, this study will focus on participatory practices in the formulation, monitoring and implementation of the first County Integrated Development Plans 2013-2017. The study aims to determine the extent to which the development plans reflect a participatory approach in their formulation and strategies for public

participation in the monitoring and implementation of the plans. "There is a strong assumption in development that there is one identifiable community in any location" (Cooke & Kothari, 2001). Based on the legal and policy requirements for County governments to ensure the protection of the rights and interests of minority groups and marginalised members of society, this study aims to determine the extent to which these groups and other stakeholders are identifiable in the community and their interests considered in the CIDP. Furthermore, this study aims to capture the County government's strengths and challenges in engaging citizens as evidenced in the development plans. In order to do this, this study will seek to answer the following research questions:

1. To what extent does the County Integrated Development Plan provide evidence that it was formulated following a participatory approach?
2. Does the County Integrated Development Plan reflect a recognition of heterogeneity in the community?
3. Does the County Integrated Development Plan provide evidence of the County government's strengths and challenges in engaging in public participation in the formulation, monitoring and implementation of the plan?

1.4   Structure of this study

Following this introductory chapter, this study is divided into four subsequent chapters that capture the different elements of the research process.

1.4.1   Chapter 2: Literature Review

This chapter will explore the key literature that captures the main ideas, typologies and debates that have contributed to the modern practice of public participation. The chapter is arranged into sections, according to the themes it addresses on how the practice of engaging citizens in policy decisions is related to governance, development and spatial planning. Additionally, it will also include a summary of the history of public participation in Kenya and an overview of the legal and policy framework guiding public participation since devolution. This chapter will conclude

by identifying the research gap and emphasising the purpose of this research project. By exploring some of the key themes and arguments that have guided the move to more participatory democracy in pluralist societies, the literature will assist in highlighting how this has influenced the work of development agencies and as a result, how this has shaped the context of urban and regional planning and the role of public participation in the formulation of development plans.

1.4.2 Chapter 3: Methodology

This research study uses a qualitative, fixed, a priori, generic-purposive sampling approach. This chapter aims to explain why this approach was selected and how it is an appropriate research design in satisfying the main aim and answering the research questions of this study. "Qualitative research is a research strategy that usually emphasises words rather than quantification in the collection and analysis of data" (Bryman, 2016, p. 374). This chapter goes on to explain the process of selecting the two levels of sampling used in identifying the study areas, sample size and guiding the collection of the appropriate data. The next section explains in more detail the process of identifying and collecting the secondary data. The secondary data was analysed through a generic qualitative data analysis approach. Finally, this chapter concludes with a section highlighting the limitations of the study as pertain to the availability, collection and analysis of the data.

1.4.3 Chapter 4: Results and Analysis

This chapter is divided into nine sections corresponding to each of the 9 Counties selected for the purpose of this study, as discussed in Chapter 3. The results will be presented in the form of a summary of the key findings from each of the County Integrated Development Plans (CIDP) and an analysis of the findings from each County, in alphabetical order, as they relate to the research questions of this study. The results and analysis for each County will be structured in corresponding order to the research questions they address.

1.4.4   Chapter 5: Conclusion

In concluding this study, an analysis of public participation in the formulation of the CIDP of the sample counties will be conducted through a synthesis of the findings as they relate to each of the research questions. In addition to this, a summary of common themes that emerged and their implications for the practice of public participation in Kenya will be included. Where appropriate, this chapter will make recommendations on how to overcome some of the challenges and improve participatory planning practices in future. This study will close with a section on the areas of possible further study.

2 Literature Review

2.1 Introduction

This literature review will explore some of the main ideas, typologies and debates that have contributed to the modern practice of public participation. By exploring the literature that best captures how the practice of engaging citizens in policy decisions has gained popularity and the arguments that have shaped its role in governance, development and spatial planning, this section will assist in identifying the research gap that has emerged and emphasise the purpose of this research project. By exploring some of the key themes and arguments that have guided the move to more participatory democracy in pluralist societies, the literature will assist in highlighting how this has influenced the work of development agencies and as a result, how it has shaped the context of urban and regional planning and the role of public participation, in the formulation of development plans. "The understanding and practice of planning [lies] at the interlocking of the study of the dynamics of urban and regional change and the study of normative practice of governance" (Healey, 2006, p. 4). This literature review will also include a summary of the history of public participation in Kenya and an overview of the legal and policy framework guiding public participation since devolution was initiated by the enactment of The Constitution of Kenya, 2010.

It is often described using different terminology depending on the scholar and the context in which it is being discussed. The practice is referred to as public participation, community engagement, citizen engagement, among other terms. These refer to "processes that bring together citizens, civic leaders, and government officials... in public spaces where they can engage in constructive, informed, and decisive dialogue about important public issues" (Nabatchi, 2012). There is no widely accepted, correct term but in this literature review, the terms may be used interchangeably, but refer to the same practice.

2.2 Public participation and its link to governance and democracy

The definition of what it means to be a citizen and the obligations of citizens in democracies have been debated for as long as the practice of democracy, as we define it today, has existed. Citizen participation and the role of citizens in governance, were being explored and analysed prior to and throughout the twentieth century. From these debates, there have emerged a wide range of theories and perspectives on how best to organise societies and to how to most efficiently deliver development, in the form of access to essential infrastructure and services, while also involving those, whose lives will be most impacted. These definitions of what citizenship means and entails have developed alongside democratic practices and even in the absence of clear democratic structures. They have ranged from participation as an obligation of citizenship and more recently, with the mainstreaming of a 'participation in development approach,' to participation, as primarily a right of citizenship (Hickey & Mohan, 2004). "The systems of governance of a society or community refer to the processes through which collective affairs are managed" (Healey, 2006, p. 206).

There has been an increasing tendency to involve citizens in the policy and decision-making process and efforts to open up the processes of governance to the public, are based on the view that doing so, creates better citizens and better government through better decisions (Mansbridge, 1999; Bohmann & Regg, 1997; Gaventa, 2002 cited in Cornwall, 2004, p.78). This has accompanied the growing interest in participatory, rather than strictly, representative democracy, where citizens express their choices through electoral politics and elected representatives are responsible for policy formulation and holding the state accountable (Damer & Hague, 1971; Hickey & Mohan, 2004). It is a relatively recent development in the power dynamics of modern democracies.

Democracy prior to the 1970s, in many countries, was characterized by bureaucratic governments, where the decision-making power was concentrated at the top of the hierarchy. Citizens elected individuals to represent their interests and in this capacity, put in place policies that reflected the needs of the people. However, the underpinning "linkages" are "broken at almost every step" (Warren, 2009). This system of

government was highly inefficient as a means of granting power to citizens. This has given rise to new approaches, to make more direct links between populations and the bureaucracies which affect them (Hickey & Mohan, 2004).

After the late 1970s, these "incapacities of electoral democracy" gave rise to "governance driven democratisation" (Warren, 2009). Governments and private corporations began to see the need to allow greater participation to improve efficiency. Initially these changes began to be seen in the work place as new management techniques were employed (Walker, et al., 2015) and soon thereafter, researchers and theorists began to look at participation with regard to democratization. "They worried about the thinning of civic life, the decline of traditional voluntary organizations and the growing distrust between citizens and public officials (Ryfe & Stalsburg, 2012).

These scholars began to advocate for more deliberative forms of citizen engagement, grounded in the belief that, deliberative public participation would encourage tolerance, respect and equality. This would therefore lead to communities where every voice was valued, and as a result, it would foster a more democratic society comprised of better citizens (Ryfe & Stalsburg, 2012). This idea began to gather momentum and as countries in North America and Europe began to make the shift from government to governance, there was also a shift towards deliberative civic engagement in policy decisions and efforts to redistribute power between citizens and government. "Policy-making has thus become increasingly concerned with involving communities, stakeholder groups, and citizens" (Escobar, 2013).

2.2.1 Influential typologies in the practice of citizen engagement

The views of Sherry Arnstein in the late 1960s were especially influential and continue to be relevant today. She viewed "citizen participation as citizen power" and saw the inclusion of the ordinary citizen, in political and economic processes, that they would otherwise not be allowed to participate in, as a redistribution of power (Arnstein, 1969). When done correctly, engaging citizens enables authorities to "induce significant social reform." However, she was joined by her contemporaries in recognising that the creation of these new institutional processes, to allow greater participation in governance, had the potential to be ambivalent if there was ambiguity over whether participation was "a means to an end or an end in itself" (Damer & Hague, 1971). Arnstein viewed "participation without redistribution of power as an empty and frustrating process for the powerless" (Arnstein, 1969). In her attempt to distinguish the empty rituals, from those that held the most promise to offer benefits, she came up with her famous ladder of citizen participation (Figure 1).
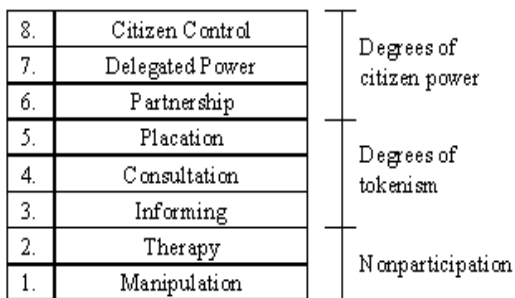
Figure 1: Arnstein's Ladder of Citizen Participation (1969)

She used the ladder to classify the varying degrees of citizen participation. Each ascending rung represents deeper, more meaningful engagement and increasing levels of citizen power. The prevailing system of government during the time she came up with this typology, can be categorized, according to the ladder, as 'manipulation and therapy'. Arnstein classified this as 'non-participation' a situation in which elected representatives and the professionals they directed to develop policy, would merely use the notion of citizen participation, as a way to 'cure or educate' the masses, rather than as a means to genuinely allow the public to participate in policy formulation and decision-making (Arnstein, 1969).

The typology has influenced much of the prevailing thinking of what constitutes meaningful citizen engagement, even to this day. This can be seen clearly in the Spectrum of Public Participation developed by the International Association for Public Participation (IAP2) that places the goals of citizen engagement activities, on a continuum of increasing level of public impact (See Figure 2). This typology is widely used by state and non-state actors, to guide their engagement with the pubic and inform their decision-making on how best to involve citizens in policy formulation and implementation.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Figure 2: IAP2 Spectrum of Public Participation (International Association for Public Participation, 2014)

Although these typologies offer the users a fairly simple and easy to follow guide on public participation, they have a major shortcoming. In his work on the competing logics for public participation, Dean criticizes participatory approaches that are based on a continuum from most to least legitimate, because they tend to assume one particular normative basis or because they tend to classify institutional design characteristics, without any reference to the broader social and political ideologies that inform the use of these designs (Dean, 2017). This is relevant because in failing to highlight the internal divisions of those who hold power and those who do not,

these designs are guilty of rather "simplistic understandings of 'communities'" (Cooke & Kothari, 2001).

2.3   Participatory approaches to development

In attempting to ensure that development projects are designed to be more efficient, sustainable and able to reach those for whom they are initiated, development agencies turned to more participatory approaches (Craig & Mayo, 2004). The main aim of these approaches in development, was to make people the focal point and encourage communities to be involved in the projects for which they were also beneficiaries (Cooke & Kothari, 2001). Behind this shift is the idea that, introducing more targeted and empowering participatory practices into governance spaces, where communities are typically limited in their control or influence, can lead to deepening of democracy and improve the outcomes of 'pro-poor', development work (Gaventa, J as cited in Hickey & Mohan, 2004, p.25). This would ensure that socially and economically marginalised populations could become more actively involved in the decision-making over their own lives. A view that was strongly supported by the World Bank, who envision participation as an opportunity for stakeholders to influence and gain more control over the resources, decisions and development initiatives that most affect them (Guijt,1998:1 as cited in Cooke & Kothari, 2001).

 The adoption of these types of approaches by international donors, catalysed policy shifts in recipient countries towards cost recovery and more prudent local resource management. Based on the view that, citizen engagement should be related to overall aims of increased project efficiency, cost sharing and programme cost reduction for the public sector (Craig & Mayo, 2004). As a result, participatory planning techniques have become a staple of public sector implementation agencies (Mosse, D. quoted in Cooke & Kothari, 2001, p.17) and "are justified in terms of sustainability, relevance and empowerment" (ibid.).

Despite the good intentions of incorporating participatory approaches in development projects, the practice has been vehemently debated. Not only because of the reality that the terms empowerment and participation, are often defined differently by

different entities (Craig & Mayo, 2004), but also because "there has been little evidence of the long-term effectiveness of participation in materially improving the conditions of the most vulnerable people or as a strategy for social change" (Cleaver, F. as quoted by Cooke & Kothari, 2001). Cleaver acknowledges that there is some support for what the practice offers in terms of efficiency, but the reliance on emphasising the correct approach and process, over evidence of outcomes, makes the evidence for empowerment and sustainability less convincing. This has given rise to the debate over the 'tyranny' of participatory approaches and the description of participation, as merely an act of faith in development, something that is believed but seldom questioned (ibid.). The so-called 'tyranny' of participation, as described in Cooke and Kothari's work (2001), classifies the main challenges that emerge in community engagement activities into three types:

- *The tyranny of decision-making and control* - relates to whether legitimate decision-making processes are overridden by participatory facilitators.
- *The tyranny of the group* – relates to the question of, whether the interests of those who wield power within a community are reinforced by the group dynamics which emerge during participatory decisions.
- *The tyranny of method* – relates to the question of, whether participatory methods drive out other decision-making methods, which have advantages that participation cannot provide.

Justifications for participation are often based on three widely held beliefs. The first is that, "participation is intrinsically a 'good thing'" for all the parties involved. The second is that, the primary strategy for ensuring that approaches succeed, is getting the technique right. The third is that, power and politics can be obstructive and cause divisions and should therefore be avoided (ibid, p.36). These assumptions can be problematic because they lean towards the belief that, in any development context, there is a single identifiable community in a given place and that the social, resource and administrative boundaries overlap with one another. The approach that results from this, is typically one that, leads to the formation of committees that are intended to be representative of the community as a whole (ibid, p.44). On the contrary, there are several documented cases where people within communities find it easier, more

familiar or even more beneficial not to participate at all. This calls into question the assumptions that participation is rational, socially responsible or in the best interest of the community.

The danger with simplistic understandings of communities, is that it leads to the view that they are, "homogenous, static and harmonious units within which people share common interests and needs" (Cooke & Kothari, 2001). This leads to a tendency to prioritise the process, rather than the outcomes. Implementation agencies are, as a result, susceptible to becoming more accountable "to foreign donors, dictated by World Bank free-market strategies – ways which are ultimately poverty augmenting rather than participative, let alone transformational - rather than to the community" (Craig & Mayo, 2004). By not acknowledging the different power dynamics in communities, participatory practices can further entrench biases and needs based on gender, age, ethnicity and other social distinctions (Cooke & Kothari, 2001).

An awareness of diversity and difference is fundamental to building trust and understanding, and is a requirement of building political community. This political community, although informal in nature, "is as much about living, working and caring activity as it is about making representations to formal government" (Healey, 2006). When participatory processes are designed, without acknowledging the existing social and power dynamics, they can present new demands on resources and suggest a shift from normative procedures and decision-making approaches. There is also the possibility that those who are responsible for implementation, "have little to gain from the new accountabilities they signify." This presents a significant barrier to adopting the approaches at all (Cooke & Kothari, 2001). While navigating this obstacle, it is important that local leaders are also invested in the outcomes of the process, rather than only concerned with the process itself. They need to work to maintain democratic legitimacy, "to avoid reinforcing the local hegemony and instead pay particular regard to difference in their community" (Bond & Thompson-Fawcett, 2007).

2.4   Public participation in the spatial planning context

In understanding the role of public participation in a spatial planning context, the 'spatial' element can be approached from two inseparable and interconnected dimensions. The first refers to space, in a political sense. "In any given place, there are many different domains for participation. Officialised spaces, such as public consultations, exist alongside unofficial spaces and the spaces of everyday life" (Cornwall, 2004). The second refers to the understanding and practice of planning in the more 'traditional' sense. This can be divided into economic planning, physical development and public administration and policy analysis (Healey, 2006). The challenge that exists in the practice of spatial planning, is the tendency to separate these two dimensions. That of; understanding urban and regional change, and the processes of governance that enable political communities to address the challenges that they face in their daily lives and in their neighbourhoods (Healey, 2006). This is especially relevant for this research because of the sensitive balancing act of; formulating local economic development strategies that leverage the local distinctiveness and qualities of places, while simultaneously manoeuvring the complex constrictions of local traditions, while also eliminating the potential for domination, exploitation and breaches of social justice (ibid, p.152).

In order to make sense of the democratic potential of these spaces and their role in helping create better, more engaged citizens. It is critical to understand how these spaces for participation are created, by whom and for what purpose, within the context of other existing spaces. "Spaces in which citizens are invited to participate, as well as those they create for themselves, are never neutral." (Cornwall, 2004). John Gaventa (2001) makes the argument that different spaces for participation exist and within these spaces, different power dynamics determine the extent to which citizens are able to participate in decision-making. He defines these spaces using three classifications:

- *Closed spaces* - refer to the policy and decision-making that takes place behind closed doors and absent of the inclusion necessary for citizen participation.

- *Invited spaces* - are those that are created by state and non-state actors, in an effort to widen the practice of participatory decision-making. Citizens are invited to join various kinds of authorities, as part of a wider process, to implement particular programmes or projects for which the citizens are the intended beneficiaries.
- *Claimed/created spaces* - refer to those that are created by the less powerful, outside the formal power structures of decision-making. These are usually comprised of citizens who, in shared identity, come together to create space for themselves to voice their common concerns, about a single issue or support a particular cause (Gaventa, 2001).

The practice of engaging in participation is a spatial one, because it can be seen as one of creating spaces that previously did not exist or enlarging these spaces in which citizens can become more publically involved (Cornwall, 2004). However, in combining these spaces for participation with existing physical spaces, the histories of these places have to be acknowledged. In countries with histories of colonialism or apartheid, where decision-making was almost always done behind closed doors and with exclusion inherent in the process, the concentration of power and hegemony is still apparent. Without recognising this and changing the dynamics, the democratic spaces become vulnerable to manipulation and abuse. Furthermore, a strong argument in favour of citizen engagement, is that which cites local knowledge, the notion that communities can best articulate their needs, interests and plans and prioritize interventions accordingly. Although this is true to a large extent, local knowledge can also be seen as being constructed by the planning context. Due to the power dynamics and local politics, this knowledge can be constructed and shaped by those who wish to use the process to their own advantage. Local knowledge can also be manipulated by outsider agendas and project agents, who are more concerned with the success of the participatory exercise, than the outcomes of the project. In addition to this, there has been evidence to suggest that communities can collude, in terms of their consensus, to generate the outcomes which are most easily deliverable by the implementing agency, rather than those that meet their most pressing needs:

"Moreover, as villagers shape their needs and priorities to match the project's schemes and administrative realities, validating imposed schemes with local knowledge and requesting only what is most easily delivered, the project's institutional interests become built into community perspectives and project decisions become perfectly 'participatory'." (Cooke & Kothari, 2001).

In the traditional understanding of spatial planning; the agenda of Neo-Liberalism was to scale back the size and responsibilities of government and give businesses and communities the opportunities to grow to fill that role. Healey challenges the system of representative democracy, in this capacity, and whether it is able to come up with public policy that is legitimate and accountable, in light of the efforts made by citizens, to express their wishes in ways other than the ballot. She argues that, the many possibilities "for the organisation of collective action imply that how planning activity takes place is not necessarily defined by the formal structure of a national planning system." This makes the route, from what the state declares as planning policy and what eventually emerges in material form, more complex (Healey, 2010). The challenge for local development strategies, to boost economic growth and build new economic capacity, lies in harnessing the distinctiveness of places and combining it with the human resources within a given community. This must be done without creating inter-regional competition, where the progress made by one region stifles or cannibalises the potential progress of another (Lovering, 1995 quoted in Healey, 2006). However, despite the introduction of new, innovative methods designed to enhance citizen participation, "their creation alone does not ensure their transformative possibility" (Hickey & Mohan, 2004, p. 31) the notion that public participation can rectify the problems that lead of this type of uneven development, must be supported by evidence which should be based on theory and should not merely be used to oppose other models of development that are being employed (ibid.).

Furthermore, there are risks associated with participatory methods that are designed as 'one-size-fits-all' approaches, especially when they fail to take into consideration, the political nature of the planning process and the potential power dynamics that may arise. Although, numerous methods and techniques for citizen engagement exist,

some are more appropriate than others (Bond & Thompson-Fawcett, 2007). This is especially true because, some approaches are more accessible to some groups than others (ibid.). This presents a much broader challenge to ensuring that participation is voluntary and inclusive. The space created or designated for participation must be accessible to all, both literally and in the argumentative space (ibid.). This is difficult because the factors that prevent or limit attendance, may be caused by various different factors that could be economic, cultural or structural. This is further exacerbated in cases where target groups are difficult to reach, let alone, easily convinced to participate at all (ibid). "The inclusionary challenge is to prevent those *not present* from being *absent* through maintaining active respect and appreciation for those members who for one reason or another are *not present.*" (Healey, 1997, p. 275 cited in Bond & Thompson-Fawcett, 2007).

2.5 The legal and policy framework guiding public participation in Kenya

2.5.1 The history of public participation in Kenya

Prior to the enactment of The Constitution of Kenya, 2010 that devolved governance functions to 47 Counties, Kenya had long been attempting to bring planning and decision-making closer to the grassroots. At independence in 1963, Kenya had a central government and eight regional governments (Ministry of Devolution and Planning, 2016). Throught the three decades following independence, there were several attempts to decentralise resources and decision-making. This took the form of the establishment of various development agencies around the country, that were intended to more evenly distribute economic growth and prosperity. Unfortunately, many of these efforts were unsuccessful in empowering communities, as government officials dominated the committees of the development agencies, limiting effective participation. In 1998, the national government introduced the Local Authority Transfer Fund (LATF), a revenue sharing arrangement that saw 5% of annual income tax revenue, disbursed to the local authorities "to improve and extend service delivery to citizens, improve financial management and reduce local authority debts" (ibid.). In an extension to this programme, in 2001, the Local Authority Service Delivery Action

Plan (LASDAP) was created. This was a bottom-up consultative approach that was designed to empower communities to come up with capital investment plans, to solve challenges based on community priorities and needs (ibid.). "Unfortunately, LASDAP did not require local councils to submit monitoring and implementation reports for projects, leaving them with little incentive to ensure project completion" (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015).

Buiding on the lessons of the previous initiatives, in 2003, the Constituency Development Fund (CDF) was introduced. This was a fiscal decentralisation programme, initiated to work towards poverty eradication at the constituency level. The fund received 2.5% of government revenues, which were distributed according to a formula based on poverty levels and which prioritised infrastructure development (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015). CDF placed a strong emphasis on citizen participation and utilised channels of mobiliation and communication that were easily accessible for communities. Capacity building was also done across the country to train local government and civil society. Effective checks and balances were also put in place. In addition to this, sufficient incentives were provided to promote citizen participation. Despite this, there were still significant challenges of accountability, transparency and capacity. "Where it did occur, citizen involvement was concentrated in the planning, and identification stages but was limited in project implementation, procurement and monitoring stages" (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015).

2.5.2 Kenya's legal and policy framework guiding public participation

"Legal frameworks are laws and policies at multiple levels - federal, national and local - that operate interdependently and together can be considered to constitute an overall 'framework' within which citizen and government action take place" (McGee, 2003).

After several years of widespread consultation and deliberation, the promulgation of The Constitution of Kenya, 2010 ushered in a new system of governance in Kenya that placed strong emphasis on accountability, transparency and participation. See

figure 3. (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015). The new constitution came into effect following the 2013 general election, marking the formal transition to the new County dispensation. The strong foundation and commitment to public participation is enshrined in several key pieces of legislation and mainly in The Constitution of Kenya, 2010 (Articles 174, 201, 232), The County Governments Act, 2012 (Articles 47, 91, 99-100), The Public Finance Management Act, 2012 (Articles 125, 128, 131, 137) and The Urban Areas and Cities Act, 2011 (Articles 21 and 22) (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015).
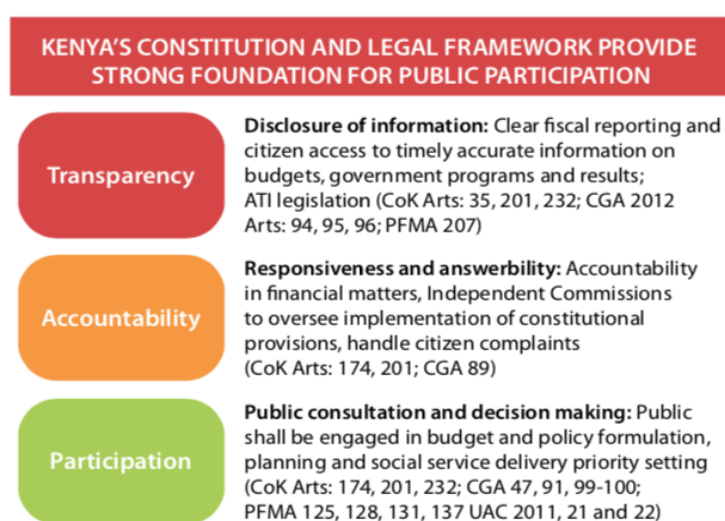
Figure 3: Summary of legislation guiding transparency, Accountability and Participation (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015)

These laws place enormous emphasis on the role of the public in budgetary, planning and policy decision-making, underscoring Article 1 of The Constitution of Kenya, 2010 which states "All sovereign power belongs to the people of Kenya" (Constitution of Kenya, 2010). As a framework, these pieces of legislation make it possible for citizens to access information of government budgets, expenditures and monitor the results of projects. They allow citizens to set priorities in budgetary and planning decisions and provide mechanisms for service delivery and performance monitoring. They also make it possible for those responsible for implementation, to be held to an expected standard. As well as, providing channels through which citizens can provide feedback and air their grievances.

In addition to the legal framework that guides public participation, the Ministry of Devolution and Planning (now Devolution and ASALs), as a department of the national government, provides guidelines to aid the County governments in meeting the standards and commitments prescribed in the law. The ministry have drafted a specific set of guidelines for the preparation of CIDPs and highlight the role of inclusivity and participation, "a good CIDP must encourage public participation and inclusion of all stakeholders not only before and during preparation but also during implementation of projects, programmes and policies thereafter" (Ministry of Devolution and Planning, 2017). The Council of Governors, a non-partisan organisation made up of the 47 sitting governors and established to share experiences, best practices and collectively consult on County matters, provides technical, administrative and capacity building support to the County governments in order to improve their ability to deliver their mandate. They have produced a robust policy document to guide public participation at the County level, "In respecting the unique characteristics of County governments, the guidelines are designed more as set of minimum standards and principles that should be observed whenever a County facilitates public participation" (Ministry of Devolution and Planning & Council of Governors, 2016).

2.6   Conclusion and Research Gap

The rise of collaborative planning enables societies to redistribute power and decision-making to "induce significant social reform" (Arnstein, 1969).The definition of participation, like justice, freedom or fairness, has many different interpretations and these tend to differ in their construction, depending on the way a community or society is organized. There are also several existing understandings of what constitutes legitimate forms of participation and the practices which guide its approach towards engaging citizens on genuine terms (Dean, 2017). The spaces in which participation takes place also differ, these can be officialised spaces, such as public consultations or they can be informal spaces, which are claimed by communities to ensure their voices are heard in the absence of invited spaces (Cornwall, 2004). They also relate to the public administration and policy analysis that are central to governance structures within democracies. These intangible spaces,

exist alongside physical spaces that are subject to traditional planning decisions such as economic planning, concerned with urban and regional change and physical development. These spaces for participation are all imbued with dynamics of power, that skew their neutrality depending on who is invited into them and by whom.

The efforts to implement more collaborative decision-making as part of economic development strategies, has become a main feature of the work of development agencies, non-governmental organisations and increasingly, governments who wish to more sustainably and efficiently deploy development and regeneration projects. This is because of the potential of community participation to contribute to overall goals of cost sharing and cost reduction for the public sector, as well as, the ability for beneficiary involvement to empower the economically and socially marginalised in society by involving them in decisions that affect their lives.

Despite the widespread acknowledgement of the advantages of public participation, there has been a tendency to approach communities in a simplistic way, that views them as homogenous units, with little attention paid to the subtle differences in identity, interests priorities and needs that exist within them (Cooke & Kothari, 2001). This has led to participatory techniques that perpetuate biases and power dynamics that can be discriminatory and exclusionary and has given rise to the notion of participation as tyranny (ibid.). The incorporation, by public sector bodies, of participatory planning techniques as routine has led to a vital need to improve the process of citizen participation and create policies and institutions that are accountable and responsive (Hickey & Mohan, 2004) and for "research into operational definitions of public participation in all its contexts in an effort to give it specific meaning and reality and permit of its measurement" (Damer & Hague, 1971).

Following the review of literature that captures the complexity of public participation as a tool in the practice of development, governance and spatial planning. This study seeks to analyse whether, public participation has been effectively and meaningfully conducted in the process of formulating, monitoring and implementing integrated development plans in a devolved governance structure. The unique structure of the governance system in Kenya presents a fascinating planning context for the purpose

of this study. Given that the shift to devolved governance in Kenya, has only been through one political cycle and is entering its second five-year planning cycle, this study contributes to a relatively new area of research. "There is a strong assumption in development that there is one identifiable community in any location" (Cooke & Kothari, 2001). Based on the legal and policy requirements for County governments in Kenya to ensure the protection of the rights and interests of minority groups and marginalised members of society, this study aims to determine the extent to which these groups and other stakeholders are identifiable in the community and their interests considered. Furthermore, this study aims to capture the strengths and challenges of the County governments in engaging their citizens.

3 Chapter 3: Methodology

This research study uses a qualitative, fixed, a priori, generic-purposive sampling approach. This section aims to explain why this approach was selected and how it is an appropriate research design in satisfying the main aim of this study and answering the research questions. The secondary data, selected for the purpose of answering the research questions of this study, was analysed through a generic qualitative data analysis approach. The main aim of this research is to analyse public participation in the formulation, monitoring and implementation of development plans for devolved planning units in Kenya.

3.1 Two levels of sampling

This study is specific to Kenya and aims to understand how public participation is being conducted under the new governance dispensation. Devolution in Kenya created 47 new Counties in 2013 following the promulgation of a new constitution in 2010 and subsequent transitionary period. During the transition from the old to the new constitution, a new legal framework was created to structure the devolution of roles and responsibilities to the Counties and guide the administration of the new planning units. Part XI of The County Government Act of 2012 is concerned with County Planning. Article 108 of the 2012 Act requires all the County governments to formulate County Integrated Development Plans (CIDPs) every five years. Article 115 makes public participation mandatory in the formulation of the CIDPs and Article 106 requires that the CIDPs be streamlined with national planning (Laws of Kenya, 2012). The unique structure of this governance system presents a fascinating planning environment and is the reason Kenya was selected as the context of this study.

Vision 2030 is Kenya's overarching development blueprint which is supplemented by the National Spatial Plan 2015-2045. Both documents identify the establishment of 6 metropolitan regions across the country, as a strategy to "spread development and achieve regional balance" (Government of Kenya, 2015). These regions are spread across the administrative boundaries of 9 Counties. Based on this, in the interest of analysing public participation in Kenya's devolved units, these Counties were

selected a priori, as representative cases under the generic purposive sampling approach. According to Bryman (2016), the notion of representativeness or exemplification suggests that a case may be chosen because it provides a suitable case for answering a research question or aim, not necessarily because the case is an outlier, but because it exemplifies a broader category (Bryman, 2016, p. 62). The objective of this, is to capture the conditions of a common situation (Yin, 2009).

The legal requirement that all 47 Counties had to engage in the formulation of development plans through a participatory process, makes this research approach suitable because, due to the time and logistical constraints of this research period, selecting 9 cases of significant importance to the implementation of the national spatial plan means that a fixed, purposive sampling strategy was an appropriate research design. This enables the study to sample for heterogeneity (Bryman, 2016, p. 409). The selection of the 9 Counties, as intended to spread regional balance, means that they evenly spread geographically, as well as, being economically and socially diverse. This justifies the size of the sample. However, the findings of this research are not intended to make generalisations about public participation in all the 47 Counties, but some of the common themes identified through the research may enable moderatum generalisations, as they could be indicative of broader commonalities in the experiences of the first County governments (Williams, 2000, p. 215 as cited in Bryman, 2016, p. 399).

3.2   Data Collection and analysis

3.2.1   Data Collection

This research utilised secondary data in the form of official government documents. The County Integrated Development Plans for the 9 selected Counties were available for public use through the Council of Governors website, from which they were downloaded. Bryman (2016) notes that the state is a source of a large volume of data of potential interest to qualitative researchers (Bryman, 2016). The availability of these documents online assisted the research in overcoming the time and logistical challenges presented by the research period. It would not have been possible to obtain

these documents directly or collect primary data to answer the research question. The method of data collection was appropriate because the research was only concerned with the documents in question. Their public availability meant that they were easily accessible, official and there were no ethical concerns for the study. Their accessibility online is also relevant as a finding of the study, as access to information is fundamental to public participation.

3.2.2 Generic qualitative data analysis

The analysis of the data followed a structure similar to that described by Bryman (2016, p.587). Once all the data had been collected. Each of the documents was read initially to create familiarity with the structure. All the CIDPs follow a similar structure, as prescribed by the Guidelines for Preparation of County Integrated Development Plans, produced by the Government of Kenya. Following this, the data was coded. Firstly, according to all mentions of public participation activities in the County. Secondly, the materials were then coded according to the themes set by the research questions. This included any evidence of public participation activities in the document formulation, any reference the document makes to specific classifications of members of the community (such as gender, clan, age and persons living with disabilities), any reference in the materials, to strategies for implementation and monitoring of the plan and any strengths or challenges identified in plan formulation. Any commonalities and recurring themes that emerged were also recorded. Finally, the analysis was written up and combined with insights that were related to the themes identified in Chapter 2 of this study.

3.3 Limitations of the study

The major limitation of this research study is that there was a time and logistical constraint. The limited research period and geographical distance of the subject area, would not permit travel to Kenya for the purpose of collecting primary data, which would have been useful in collecting additional information on the public participation activities involved in the formulation of the CIDPs. This research would have benefitted from interviews with the people involved in the actual process of

developing and drafting the plans, as well as, residents of the Counties who participated in processes that culminated in the CIDPs. The time constraints also meant that the use of questionnaires for the purpose of this study was not feasible, because with a limited possible sample size, a low response rate would jeopardise the credibility of the study.

The nature of official state documents raises questions about biases and credibility (Bryman, 2016, p. 553). The County government is comprised of elected officials. The underlying political narrative makes it likely that the language used in the document contains undertones of power dynamics and interests. Without access to minutes of private and public meetings, the contents of the document cannot be fully corroborated. However, this is also of interest to the research as it provides insight into the attitudes and commitment to participatory processes within the County government. This enables the research to peer into otherwise hidden "social and organisational realities" (Bryman, 2016, p. 560).

Given that, devolution in Kenya is a relatively recent shift, this study is limited in the availability of data regarding the study topic. The County Integrated Development Plans have only completed one planning cycle from 2013-2017 and drafting of CIDP for the second planning cycle is ongoing. This means that there were no other development plans with which to compare. This however presents an opportunity for further research of the study topic and evidence pertaining to the success of implementation will require further data collection.

4 Chapter 4: Results and Analysis

This section will present the findings of the research conducted, as discussed in Chapter 3. The results will be presented in the form of a summary of the key findings from each of the County Integrated Development Plans (CIDP) and an analysis of the findings from each County, in alphabetical order, as they relate to the research questions of this study. The results and analysis for each County will be structured in corresponding order to the research questions they address, as presented in Chapter 1.

4.1 Garissa County

Map 1: Garissa County (Google Maps, 2018)

The Garissa County Integrated Development Plan 2013-2017 makes no explicit statement that it was formulated through a participatory process that involved the public. The document does, however, explicitly state that participatory monitoring and evaluation will be used during the implementation of projects and programmes identified in the plan. The community is identified as a key stakeholder in development challenges, projects and programmes. The document, at several points, recognises and places strong emphasis that "women do not participate in major areas of decision-making." It states that they are not fully involved in development programmes, the majority of which affect their lives (Garissa County Government, 2013). It is possible that this was observed by the government during participatory

exercises. The low levels of female involvement are attributed to harmful, negative cultural and religious practices such as, forced early marriages for girls, female genital mutilation, exclusion from inheritance and blocking access to education. A factor that also contributes to disproportionately high levels of illiteracy among girls. The CIDP recognises that the economic contribution of women is higher than that of men and decision-making should reflect this. The County Government commits to ensuring that the role of women in participation is enhanced, by implementing the constitutional provision that states that a minimum of 30% of all positions on committees be held by women (Constitution of Kenya, 2010).

The CIDP recognises the complex structure of the community and the challenges this poses for participation. This is due to the fact that, one of the largest unclassified urban centres in the County is the Dadaab refugee camp. It is mainly populated by refugees from Somalia. They interact freely with the community through trade and inter-marriage. The CIDP is not clear on whether they are allowed to participate in decision-making and what the criteria for eligibility are. There is also reference to the nomadic lifestyle of segments of the population. This presents challenges for the County on providing access to information of participation events and makes communication, access and logistics a significant hurdle. The CIDP notes that the economic activities of women such as agricultural production and livestock rearing, are largely labour intensive, restrict their ability to allocate time to public participation activities. It also recognises the youth, as a significant proportion of the population, are a valuable asset for the County, but do not participate in decision-making. The CIDP recognises persons living with disabilities as not being involved or adequately represented in decision-making positions in the various spheres of socio-economic development. It claims that this is due to the stigma which associates disabilities with a curse to families, severely limiting the opportunities for people with disabilities to develop skills for effective participation in development activities.

"Land in the County is communally owned. It is held in trust for the community by Garissa County Government. Majority of the local communities in the County live in informal settlements" (Garissa County Government, 2013). The CIDP does not explain how the system of land administration affects planning and decision-making

and what rights over the land the government have from a spatial planning perspective. With less than 1% of the population holding Title Deeds to land, this presents a potential opportunity for hastening the decision-making process for development but also presents a possible threat to the community as it may cause them to be locked out of most decision-making. The CIDP identifies the strong presence of civil society involvement in the County as a capacity building asset that could contribute to better citizen participation. As well as, the availability of funds from the national government to promote economic activities for women and youth, which could encourage these members of society to form groups that could enhance their collective economic and political power.

4.2 Kakamega County

Map 2: Kakamega County (Google Maps, 2018)

The foreword of the CIDP, by the Governor, explicitly states that it was prepared by the Department of Planning at the County Government in collaboration with civil society organisations, community groups and the private sector (County Government of Kakamega, 2013). The document states that the projects and programmes contained in the plan are the result of various consultative forums such as development committees, as well as, those forums held in the formulation of the County's Medium-Term Expenditure Framework and the Second Medium Term Plan. Although this does technically equate to public participation in the formulation of this document, the amalgamation of findings from several consultative forums might cause the priorities of different interest groups to overlap. This may lead to more

efficient service delivery, but it also has potential to side-line the needs and priorities of some groups identified in this plan. The Governor expresses his expectations that increased participation by a wide cross section of the population during "identification, planning, implementation, monitoring and evaluation of projects and programmes" will enhance the County's ability to "empower citizens to exercise their democratic rights" realise its social, political and economic development goals (County Government of Kakamega, 2013).

The CIDP does not indicate much diversity in the community but it does recognise children living in poor households, youth and persons living with disabilities as vulnerable groups. The County estimates the presence of more than 20,000 faith based organisations, self-help, youth and women's groups in the County but points out that, only a few are active and the majority are dormant because of poor sustainability measures and over-reliance on single sources of funding. The awareness of this many groups provides a clue to the extent of heterogeneity in the County and presents an opportunity for the County to target its participation activities towards those groups that are active and find ways to meet the funding challenges of those that are dormant but well constituted and organised. This heterogeneity however, is not captured in the CIDP which presents an organisational chart for the County where "citizens/community" are unlikely to possess any real decision-making power (Figure 4).

The organizational structure for Kakamega County is as indicated here below:
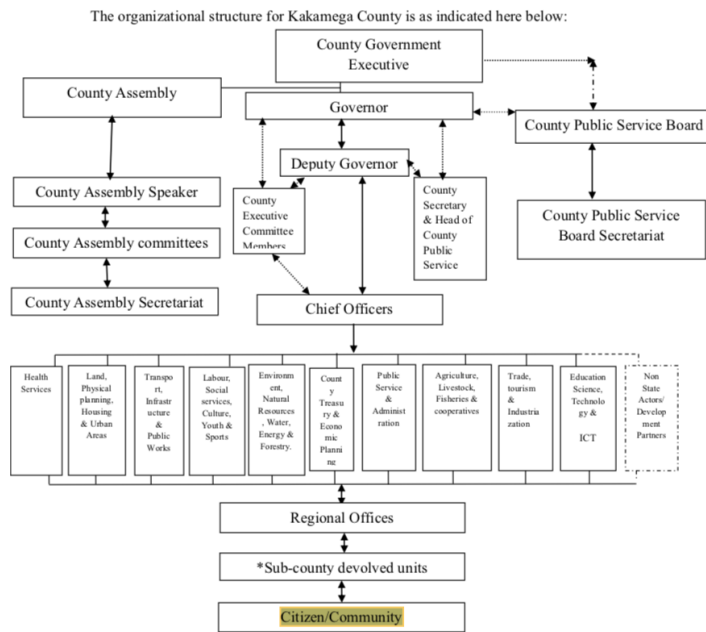
Figure 4: Kakamega County Organisational Structure (County Government of Kakamega, 2013, p. 92)

The plan recognises the high number of households that have radios and the County has used these, as a way to share information that is of interest to the public. This demonstrates that the County has chosen an effective communication medium with which to reach a wide population. The development plan places significant emphasis on the poor road network in the County and the use of radio, although, one sided in its approach, provides a solution in the immediate term. The CIDP is explicit and honest in its assessment of the political environment as a constraint on development, "We have diverse views amongst the political elite that is uncoordinated and which is not conducive hence likely to affect the development agenda of the County (poor leadership) (County Government of Kakamega, 2013, p. 52) It also goes on to cite governance issues, inadequate resources and the absence of suitable public participation strategies. This poses a significant challenge in the formulation, monitoring and implementation of the plan.

4.3   Kisumu County
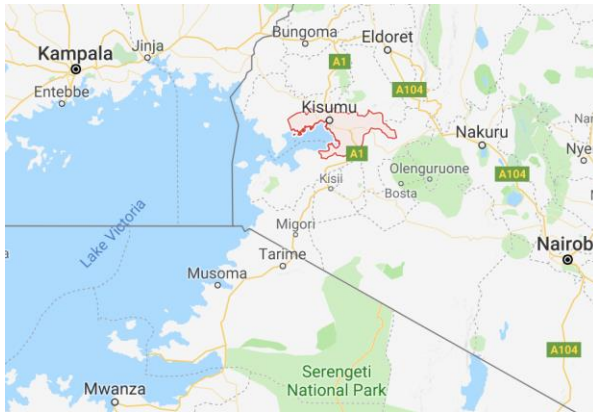
Map 3: Kisumu County (Google Maps, 2018)

The mission statement of the Kisumu County Government is "to transform the livelihood of the people of Kisumu County on a foundation of integrity through accountable, efficient and effective leadership that invokes participation and pursuit of quality services, for a prosperous County" (Kisumu County, 2013, p. iii). The CIDP is highly indicative of a participatory approach in its formulation. The core focus of this development plan is "addressing poverty, inequality, security, and social injustices while providing for the participation of citizens in charting their own development (ibid, p. xii). The County recognises that the CIDP is a collaborative planning effort, between citizens and their government, with the goal of delivering sustainable development. The document reflects the extensive consultation that took place in its formulation and proposes, as a potential policy solution, sensitizing the community to a wide range of issues including, lack of access to clean and safe water, environmental degradation, poor health food insecurity, community safety and social injustice. Annex 2 of the CIDP (p. 234-279), provides a comprehensive summary of the dates and locations of participatory events and a list of issues raised by the public. There is also a list of proposed projects (by sub-County) to solve those challenges. Kisumu is the only County in the research that has included this information in the CIDP.

The County has several active self-help, women and youth groups, which the County recognises as having distinct roles and activities (ibid, p,19). These groups have financial and organisational challenges, that the County acknowledges and pledges

their commitment to helping tackle. This shows that dialogue has taken place and the priorities of the public are being taken into consideration by the government. The geographic location of the County on the shores of Lake Victoria enable it to function as a gate to the East African Community. The CIDP acknowledges this and the relatively free movement of people across borders contribute to the heterogeneity of the County's population. The plan acknowledges gender disparities and the need for "effective mainstreaming of gender issues in development matters and the integration of equality concerns in the analysis, formulation of policies, programmes and projects (ibid, p, 45).

The CIDP references the strong presence of existing structures for public participation, which can be utilised to continue and sustain the processes, "There are currently a number of Non-Governmental Organizations (NGOs) that have good networks that link directly with various communities," as do the national government, "the County government will use this wide network to facilitate delivery of services to the public" (Kisumu County, 2013, p. 67). The plan also commits to using organised structures such as village development and project management committees, welfare groups, community based organisations and other organised groups to monitor village projects. Members of these groups will be trained in monitoring and evaluation (ibid, p189). This demonstrates a commitment to community capacity building. The County also recognises the popularity and high penetration of vernacular radio stations as a tool which can be utilised in peace building, sharing information with the community, as well as, providing training on improving economic performance of local businesses.

4.4 Kitui County

Map 4: Kitui County (Google Maps, 2018)

The CIDP contains very little indication that it was formulated through a participatory approach. The foreword of the document indicates that the efforts to mobilise and engage the public in order to facilitate participation have been ineffective. This has led to public participation being identified as an issue within the County that the CIDP should help address, rather than a tool to facilitate priority setting and implementation of the plan. The Governor acknowledges this challenge as one that requires the active involvement of all stakeholders, including the public. This recognition of the challenges demonstrates a willingness to engage the public more effectively but also reveals a capacity gap within the County government. However, the document goes on to state that all the projects proposed were as a direct result of consultative forums held in all 40 wards in the country (County Government of Kitui, 2013, p. 104). Throughout the document there is reference to the role of community, as a stakeholder, to participate more (ibid, p.243). The reference to the need for higher levels of participation seems to contradict the claim that County wide participation has taken place, but this is impossible to ascertain from analysis of this document alone. It is possible that the events took place but "simply as pseudo-democratic instruments through which authorities legitimise already-taken policy decisions" (Hickey & Mohan, 2004).

The CIDP contains demographic data and acknowledges the presence of self-help, women and youth groups but also recognises that they have challenges of sustainability due to inconsistent availability of funding (County Government of Kitui, 2013). Besides this, the CIDP tends to refer to the community as a homogenous unit (Cooke & Kothari, 2001).

The County understands the potential benefit of increasing public participation activities, including allowing citizens to exercise their democratic rights (Arnstein, 1969; County Government of Kitui, 2013, p. 8) and acknowledges its own shortcomings in engaing the public. The topography of the County is referenced in the document as a challenge to communication. Isolated hills affect signals and this may be a possible hinderance to utilising radio and telephony to share information (County Government of Kitui, 2013, p. 4). Low population densities may also make mobilization difficult. The County also has nearly half of its population that are under the age of 14 (ibid, p.9), this high level of dependents may minimise the time available for adult members of the community to engage in participative events.

4.5 Mandera County

Map 5: Mandera County (Google Maps, 2018)

Mandera County has set, as one of its core objectives, the promotion of "citizens serving citizens by working collaboratively, innovatively, efficiently, effectively while being responsive to [the] people and fiscally prudent" (Mandera County, 2013, p. iv). The CIDP states that it was formulated "in close collaboration with various stakeholders such as national government departments, civil society organisations, community groups and the private sector" (ibid. p, xxv). The document reveals that the projects and programmes identified were determined through a desk review of those that were unfinished. Consultative forums were held in the County "to get fresh ideas" (ibid.) on possible projects and programmes and to consider the views of other stakeholders. This acknowledgement that the community are a source of creativity demonstrates a sincere appreciation for the value of participatory decision-making by the Governor.

The CIDP reveals the existence social development offices around the County which are responsible for documenting the many community based, self-help, women, persons with disabilities and youth organisations. This is indicative of efforts to understand the different interest groups in the County. Despite the summary of fixed populations within the County, the CIDP recognises those who are pastoralists, this calls for specific approaches to reach this community and engage them in

participation activities. The CIDP also acknowledges the negative cultural and religious practices, such as female genital mutilation, early, forced marriages for girls and preferential treatment of males in society, a fact that locks women out of decision-making, as challenges that require different approaches to participation based on gender (Mandera County, 2013, p. 36). The decisions in society are also predominantly made by the elderly, a culture that locks the large youth population out of key decisions that affect them and threatens the sustainability of development projects. The County government recognises minority groups in the CIDP. The society is stratified by clans and some minority clans are side-lined by the majority clans, who hold power over decision-making and priority setting within the County (ibid, p.40). This acknowledgement is important in the County plans as demonstrates an awareness of social injustices and the need for participatory exercises to be more inclusive.

Mandera County has an extremely low literacy rate, the CIDP cites it according to the Basic Integrated Household Survey 2005/2006 Revised Edition at 25.4% compared to a national average of 79% (Mandera County, 2013, p. 26). With such high illiteracy rates, the County government faces a unique challenge in undertaking effective participation, especially in monitoring and implementation of this plan. The plan is explicit in stating that citizens should be able to access plans, policies and development proposals and be able to provide feedback on those documents. The CIDP references the subsidiarity principle in its spatial plan. It states, "the principle of subsidiarity acknowledges that it may be necessary for the decision to be made at higher levels because the scale of the issue or objective being pursued at the local level cannot properly be addressed at the local level" (Mandera County, 2013, p. 78). This is largely applicable in this context. The CIDP also acknowledges poor road networks, communication infrastructure and insecurity caused by cross-border raids, as hindrances to effective participation, as it prevents many from being informed of participatory exercises and from traveling to the created spaces (Cornwall, 2004).

4.6   Meru County
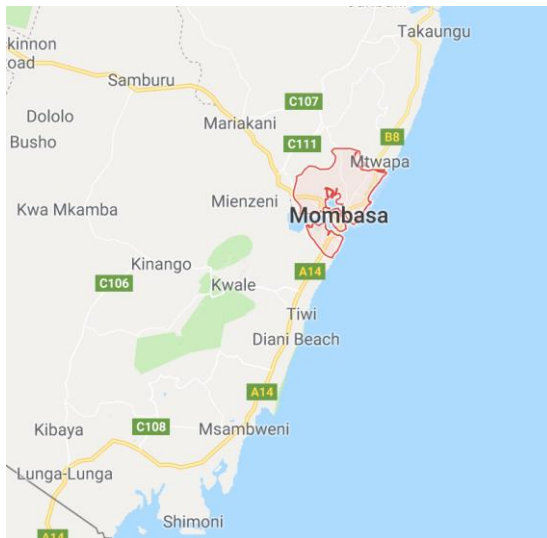

Map 6: Meru County (Google Maps, 2018)

The Meru County Government states that the formulation of the CIDP has been a fully participatory process, all the way down "to the grassroots." The document does not provide explicit evidence of multiple levels of participatory engagement. The Governor notes in the foreword of the document, that it is the commitment of his administration that the implementation of the plan follows an equally participatory process (Meru County Government, 2013). The CIDP identifies the priorities of the County as set through a participatory process. Of particular interest to this research, is a section of the plan that lists these priority flagship projects. The first priority is the establishment of 'Huduma Centres,' "These are one stop shop - citizen service centres that provide National Government Services from one single location. The centres are built to enhance transparency, efficiency and easy accessibility for all" (The Presidency, 2018). The second priority is the elaborately worded proposal for the construction of a Governor's residence. "Construction of a three-storeyed self-contained 10 bedroomed house, self-contained 2 bedroomed staff security team houses, a conference facility, offices and a swimming pool. Concrete parents, a fountain and a gun facility" for the purpose of providing the newly elected governor an official residence (Meru County Government, 2013, p. 56). This priority raises questions about the participatory nature of the formulation of the County's development plan.

Other sections of the plan outline the major challenges of the County, including, poor infrastructure and high unemployment. It is therefore difficult, without minutes from the consultative forum, to clarify that the public would request, as their first and second priority from the County government, the establishment of a Huduma Centre, that is an initiative of The Presidency and therefore under the mandate of the National Government and the construction of a Governor's mansion, that does little to benefit anyone in the County other than the sitting Governor. This data provides strong evidence of the tendency for "participation in newly emerging democratic spaces [to be] subject to all sorts of imperfections, manipulations and abuse" (Hickey & Mohan, 2004, p. 38). It also highlights the need to "strengthen accountability and responsiveness of institutions and policies" (ibid, p. 27).

The CIDP identifies interesting "imbalances" in literacy, enrolment and completion rates for boys and girls. Girls outperform boys in these three areas, Meru is the only County in this research to report this. This represents an area of measurable women's progress in the access to education as compared to other Counties (Meru County Government, 2013, p. 41).

The CIDP cites the presence of community based organisations and other non-state actors, such as faith based organisations as potential strengths in ensuring sustained public participation and monitoring and implementation of the plan. It identifies lack of capacity and political interference as potential threats to the process.

4.7 Mombasa County

Map 7: Mombasa County (Google Maps, 2018)

The process of formulating the Mombasa CIDP involved "pre-draft consultations with communities throughout the County. As well as sectoral groups, statutory agencies and adjoining local authorities." The pre-draft consultations took the form of workshops to provide information to the public, focused group discussions, and workshops "to encourage as much public engagement as possible" (Mombasa County Government, 2013).

The CIDP makes reference to the fact that Mombasa is the second largest city in the country and a major port on the Indian Ocean. With relatively high levels of commercial activity and a large hospitality industry, to support the high levels of tourism that the County attracts, Mombasa attracts people from all over Kenya for business, employment and leisure activities. This implies the community is rich in diversity and the participatory approach should reflect this. The CIDP does not explicitly address this point. The CIDP mentions persons living with disabilities as having been excluded from various decision-making processes and therefore County planning has inadequately met the needs of the disabled population (Mombasa County Government, 2013, p. 28).

The CIDP sets a target number of 2500 participants that should attend capacity building workshops and cultural exhibitions by 2017 (ibid, p. 209). It is however

unclear on the current levels and the purpose of the capacity building, but setting a target makes it possible to assess the performance and this is key to monitoring implementation of the plan. The budgetary allocation to conduct "community dialogue days" for the health sector, demonstrates a commitment to a participatory approach that could aid in meeting some of the Counties challenges. The CIDP mentions the challenge posed to the implementation of the plan from secessionist movements. These groups could potentially radicalise youth who in agitating for the County to secede from the country could contribute to insecurity that may discourage others from participating in the Counties decision-making activities (Mombasa County Government, 2013, p. x).

4.8   Nairobi County

Map 8: Nairobi County (Google Maps, 2018)

Nairobi County's first CIDP was "informed by diverse stakeholder inputs, including the public, civil societies and national government agencies" (Nairobi County, 2014). With Nairobi's economic significance as the country's capital city, the priorities for projects and programmes are likely to be strongly influenced by the priorities of the national government and the country's overall development plan, Vision 2030. These power dynamics present a challenge for the efforts to conduct meaningful participatory decision-making with the public. However, as Patsy Healey argues, the nature of planning activity is not necessarily bound by the structure of national planning systems, nor do the policies and strategies of those systems have "a straight-forward linear relation" to what emerges into material form (Healey, 2010). The Governor of Nairobi sets the target of being a national leader in the areas of health,

water and sanitation, urbanisation and housing and the environment through "the cooperation of development-conscious citizens."

As the core of economic activity in the country, Nairobi's rapid population growth is largely attributable to rural-urban migration from other Counties, as people flock to Nairobi in search of employment and business opportunities (Nairobi County, 2014, p. 38). This has contributed to the growth of large, densely populated informal settlements in the city, which are host to a myriad of complex social, economic and environmental challenges. The city County is also a regional hub and many multinational corporations, industries, development agencies and diplomatic missions are headquartered there. This contributes to the diversity and economic disparities in the society, suggesting that participatory approaches that recognise heterogeneity are particularly important. The CIDP makes little mention of participatory processes that are target at specific publics. The CIDP however, acknowledges that women and persons with disabilities have been marginalised from participation and decision-making and commits to policy measures to change this.

Nairobi's CIDP includes an implementation plan that indicates how the monitoring and implementation of the plan will take place in a participatory manner through dissemination forums (Figure 5). The CIDP appears to acknowledge that a key weakness in the County's ability to engage in public participation, is the absence of appropriate spaces for communities to meet. The plan identifies 37 areas in the County that need social halls. These community spaces could enable the County to more effectively host these forums and other participation events in future. They could potentially reduce the logistical constraints to attendance (Bond & Thompson-Fawcett, 2007), as well as, provide opportunities for the practice of participation to be spatially separated from the closed-decision-making spaces that exist (Hickey & Mohan, 2004, p. 38).
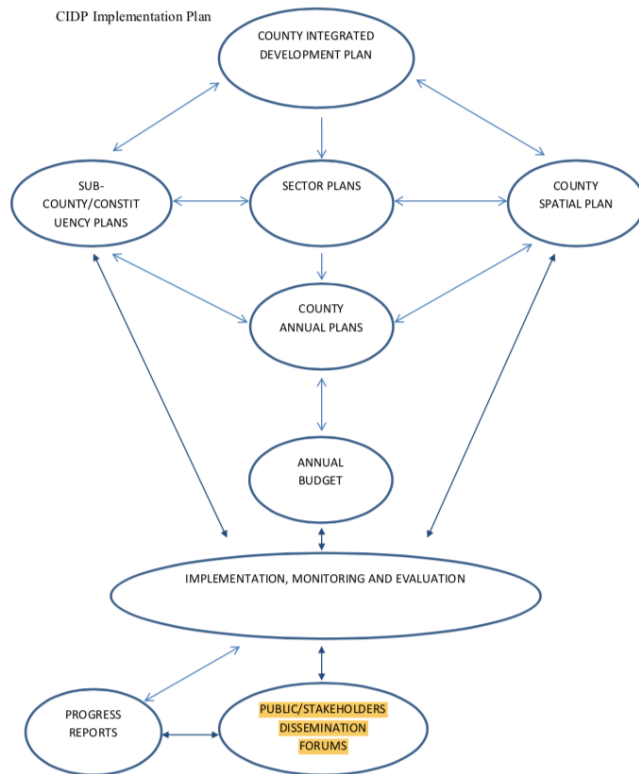
Figure 5: Nairobi CIDP Implementation Plan (Nairobi County, 2014, p. 60)

4.9 Wajir County

Map 9: Wajir County (Google Maps, 2018)

Wajir County's first CIDP was developed following a County wide consultative process of project identification. Consultative forums were held at the County, sub-

County and ward levels. The results of these forums were supplemented by the findings of other consultative forums that the County organised. The CIDP provides a process plan followed during the formulation of the plan (Figure 6).

B. THE CIDP PROCESS PLAN

NO.	ACTIVITY	DATE
1.	Planning meeting by the secretariat team	27th AUGUST 2013
2.	Collection of all stakeholders input from all Sub-Counties	29th AUGUST 2013
3.	Meeting with all County departmental heads/ NGO's for more input	4th SEPTEMBER 2013
4.	Preparation of the the draft	2nd - 13th SEPTEMBER 2013
5.	Validation of the document	16th September 2013
6.	Inclusion of input from validation forum, Editing and finalizing the CIDP final draft.	17th - 20th September 2013.
7.	Presention of the document to the County assembly for discussion	18th September 2013
8.	County assembly approval of the document	30th September 2013
9.	Publishing of the final plan and launching.	
10.	Release of the final plan to all stakeholders	
11.		

Figure 6: Wajir CIDP Process Plan (Wajir County, 2013, p. 278)

The CIDP identifies that the community is dominantly comprised of different clans of Somali people. The plan identifies this as a cause of conflict and therefore insecurity in the County, as the different clans compete for water resources and pasture for their livestock (Wajir County, 2013, p. 45). This necessitates carefully considered participatory activities to ensure inclusivity and reduce clan tensions. The CIDP also recognises the security threat posed by insurgent groups such as Al-Shabaab, who cross the border with Somalia, where they are engaged in conflict with the Kenya Defence Forces (Wajir County, 2013, p. 45). Groups like this pose a threat to the large youth population in the County who are often targeted in radicalisation exercises. Engaging this population could provide a line of defence against such external threats, by instilling a sense of place ownership. The CIDP also acknowledges the marginalisation of the female population, as a result of harmful cultural practices that prevent them from engaging in decision-making, such as female genital mutilation and early marriage. The recognition of these social subtleties allows the County to more specifically target its participatory activities, to improve inclusivity in decision-making processes.

The CIDP identifies several challenges the County faces in engaging citizens in the formulation, monitoring and implementation of the plan. Low literacy rates present a capacity challenge within the County (p. 44). There is poor connectivity between rural and urban centres which presents logistical barriers to participation (p. 74). Insecurity also presents a significant barrier, especially because of the ongoing conflict with Al-Shabaab, that are known to target places where large groups congregate. The CIDP notes that the County has weak institutions and local authorities who lack "the teeth" to take "a firm stand on land use activities" (p.75). The issue of land use and ownership in the County is mentioned in the CIDP as a challenge. All land in the County is communal and held in trust by the County. This results in "no direct responsibility" (ibid.).

The CIDP identifies low population density as a challenge as it presents a barrier to mobilisation of pastoral communities. However, the County Spatial Framework element of the CIDP contains a strategy to "Enhance Participatory Planning" measures, intended to support the implementation of the plan. This strategy includes the commitment to allocating resources to implementation, monitoring and evaluation processes and a plan to create incentives for individuals and organisations who "participate in activities that lead to the achievement of the overall goals and objectives of the plan" (Wajir County, 2013, p. 92)

5 Conclusion

The experiences of the County governments in the development of their CIDPs have shown great variety in their understandings of what constitutes citizen engagement, how it should be conducted and its implications on the planning process. In the analysis of the data collected for each County in Chapter 4, despite the subtle differences that were observed in the experience of each of the Counties, common themes emerged that are pertinent to understanding the nature of participatory planning in Kenya. Although, this study acknowledges that it cannot make generalisations that apply to each of the 47 Counties, the study does reveal that these commonalities are relevant, even to those sample Counties, that appear to be engaging their citizens in an effective and meaningful way. This chapter will include a synthesis of the findings as they relate to the research questions and a summary analysis of public participation in Kenya. Where relevant, this chapter will make recommendations on how subsequent iterations of the CIDP could be improved, as they pertain to the research topics discussed in this study. This chapter will close with implications of the study and areas of possible further research.

5.1 To what extent does the County Integrated Development Plan provide evidence that it was formulated following a participatory approach?

The guidelines for the development of County Integrated Development Plans require the plans to include specific information. As a result of this, the plans all follow a particular structure in how they are presented. This leaves little room for the plans to provide evidence for any additional considerations. Most of the plans sampled in this study contain only a brief mention, in the foreword prepared by the Governor, that the plan was developed in collaboration with various stakeholders and with input from the public. This makes it difficult to determine from the plan alone, the extent of the collaborative effort and which of the priorities set were determined by the community. Some of the plans, such the Kisumu County CIDP go a step further and provide evidence of the dates and locations that citizen engagement took place. This provides

credibility to the claims made, that public participation was indeed part of the formulation of the plan.

Much of the mention on the role of 'citizens as stakeholders' in the process, is a summary of their responsibilities during the process or a mention of the need to "sensitize" them on particular issues such as environmental concerns, health and disaster management. The CIDP do not provide evidence that this has been done or specifics on how the plans seek to ensure that it takes place. Some of the plans also refer to the participatory exercises as having taken place "pre-draft." This calls into question whether these are merely one-off exercises, in which case, further investigation is required to determine the various stages of plan formulation in which the public were involved.

5.2 Does the County Integrated Development Plan reflect a recognition of heterogeneity in the community?

The majority of the CIDPs recognise the presence of various community and self-help groups active and dormant in the county. This is a useful indicator of heterogeneity because they indicate that the community organises itself according to their shared needs or identity. The County governments could use this information to ensure that marginalised or minority groups are engaged. All the CIDPs acknowledge the need and challenges to engaging women, youth and persons living with disabilities in decision-making. This is an important step to ensuring gender parity and inclusivity in participatory exercises. Some of the plans, such as the Wajir and Mandera County CIDP go further to describe the clans and minority ethnicities in the community and the need to safeguard their rights through participatory processes.

5.4 Does the County Integrated Development Plan provide evidence of the County government's strengths and challenges in engaging in public participation in the formulation, monitoring and implementation of the plan?

Some of the plans identity the challenges faced in engaging the public and SWOT analyses are conducted for various projects. However, the CIDPs do not provide sufficient data on the strengths and challenges specifically related to public participation. Including this information could open the channel of communication for stakeholders to provide specific support in those key areas. Furthermore, sharing experiences through these documents will enable subsequent administrations to gain from the experience of their predecessors and provide useful data for other County governments to utilise in improving their internal processes.

5.3   Summary analysis of participatory planning in Kenya

The legal framework guiding participation in planning is closely tied to the national budgetary process and equity sharing arrangements through the Constitution of Kenya, 2012, Public Finance Management Act, 2012, Urban Areas and Cities Act, 2011 and the County Governments Act, 2012 (Centre for Devolution Studies - Kenya School of Government; World Bank, 2015). This sets strict time constraints on public participation exercises in the Counties, because in order for the County governments to receive their budgetary allocations, they must prepare their estimates based on the CIDP. This restricts the amount of time available for participation and encourages the County Governments to meet the minimum legal requirements for engagement, rather than striving for the deepest and most meaningful form of it. This apparent tendency to link administrative realities to local knowledge to deliver the institutional interests does not equate to meaningful participatory practices and represents a form of 'tyranny' (Cooke & Kothari, 2001).

Each of the sampled Counties acknowledged that their populations are predominantly comprised of the youth. This points to a wider demographic trend in Kenya. The

country has a very young population, many of whom are too young to participate in the democratic processes in their communities. In order to develop sustainable participatory practices, early exposure on an appropriate scale would enable the County Governments to build capacity over time, in line with the view that doing so, creates better citizens and better government (Cornwall, 2004). The same targeted approach for other minority groups and marginalised members of society and those who are structurally, economically, culturally and logistically limited from participating, would contribute to improved participatory outcomes over time. The scale and resource constraints of the development plans, makes it difficult for the Counties to fully take cognition of the varied interests and priorities. With a range of public participation tools now available to planners, including participatory budgeting (which has been introduced in other Counties, outside the scope of this study), there exists an opportunity to ensure more inclusivity in the planning process by mainstreaming some of these approaches based on context appropriateness (Bond & Thompson-Fawcett, 2007).

The majority of the CIDP in this study made reference to challenges in their Counties presented by low literacy. This presents a significant obstacle for the process of formulating, monitoring and implementing these plans. The study of these plans has been conducted in English and the nature of the language used is highly technical. In order for the County governments to ensure that their citizens have access to information, in the interest of social justice, there is a need for these plans to be made available in formats and languages that are more easily understood. It is likely that the participatory exercises are conducted in Kiswahili or regional vernacular but due to the limitations of this study, this could not be determined.

5.4   Implications of this study

This study, although limited in its scope due to the constraints mentioned in Chapter 3, contributes to the ongoing research into devolution in Kenya. The work of the World Bank and the Centre for Devolution Studies – Kenya School of Government in their Working Paper Series on public participation provides a strong foundation for this area of research. There has been a significant time gap since the papers were

published and as the Counties produce subsequent CIDPs, there is a need for ongoing research into their experiences with citizen engagement.

5.5 Areas of further study

As evidenced from the literature review in Chapter 2 of this study, the study of public participation is an expansive subject area. The planning context in Kenya is evolving at a rapid pace and is managed by a robust legal and budgetary framework. There is potential to explore this ecosystem further by linking participation processes to elements of rapid urbanisation in Kenya. There is potential to explore how budgetary allocations to Counties relate to effectiveness of public participation, in order to understand whether participation is a useful method of cost-sharing, cost reduction for the public sector and overall project efficiency (Craig & Mayo, 2004). This study could be expanded to include more counties and utilise primary data such as observation, questionnaires and interviews. Furthermore, this study could be expanded through the use of more rigorous criteria such as, access to information studies, studies of civic education exercises and further study as new CIDPs are developed.

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