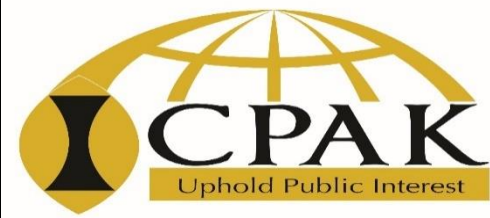# Public Finance Management Workshop
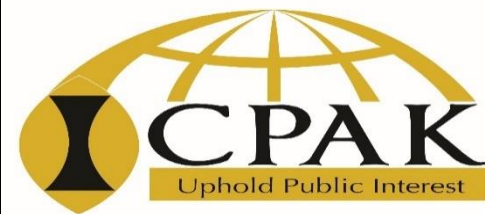
Effective Public Participation in PFM

Itoya Hotel 30th– 31st August, 2018

Session Outline

- Defining Public Participation

- Legal provisions on public participation

- Public Participation Mechanisms
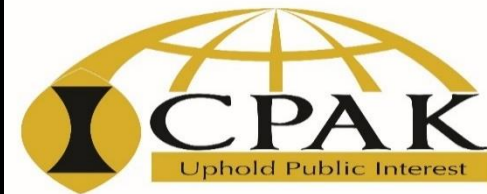
" Enhancing PFM professionals' public participation in Kenya"

Session Dialogue

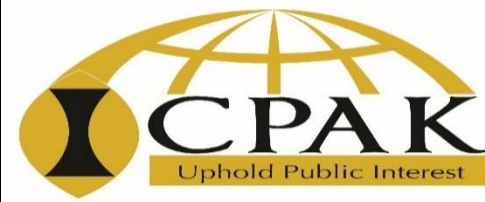What are some of the best observations so far?

What are the key challenges witnessed?

PFM Professionals' public participation and development
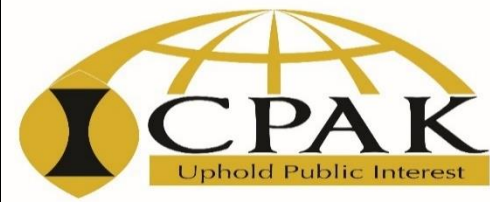
Public Participation

- **Process** where individuals, governmental and non-governmental groups influence decision making in policy, legislation, service delivery, oversight and development matters.

- **Two-way** interactive process where the duty bearer communicates information in a transparent and timely manner, engages the public in decision making and is responsive and accountable to their needs.

- The public gets **actively involved** in the process when the issue at stake relates directly to them.

Public Participation

- Indirect participation citizens exercise their voice through political representatives and professional administrators working on their behalf

- Direct participation focuses on the direct role of the public in matters of the state and in making decisions that affect them.

What Public Participation entails
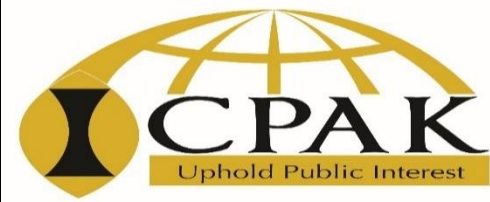
Public Participation forms

Informing the public by providing information to help them understand the issues, options and solutions

Consulting with the public to obtain their feedback on alternatives or decisions

Involving the public to ensure their concerns are considered throughout the decision process, particularly in the development of decision criteria and options
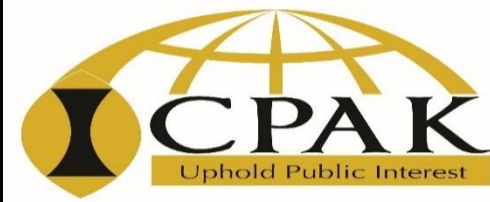
Collaborating with the public to develop decision criteria and alternatives and identify the preferred solution

Empowering the public by placing final decision-making authority in their hands

You cannot create experience, you must undergo it.
- Albert Camus, Philosopher
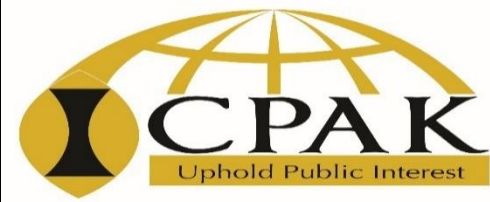
Principles of Working with Professionals

Broad principles which are to be institutionalized in every process of governance:

a. **Timely access** to information, data, documents and other information relevant or related to policy formulation, implementation and oversight;

b. Providing **approved and authenticated official documents** to the professionals for discussion. Information going out should be clear and ought not to have any ambiguity;

c. **Reasonable access** to the process of formulating and implementing policies, laws, and regulations including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

d. **Protection and promotion** of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;

e. Providing **multiple opportunities** for public participation;

f. **Legal** standing of interested or affected persons, organization, and where pertinent, community to appeal from or, review decisions or redress grievances with particular emphasis on persons and traditionally marginalized communities, including women, youth, and disadvantaged communities;

g. **Reasonable balance** in the roles and obligations of government and non-state actors in decision making processes partnership, and to provide complementary authority and oversight; and

h. Promotion of **Public-Private Partnerships** (PPPs), such as joint committees, technical teams and citizen commissions to encourage direct dialogue and concerted action on sustainable development;

Policy objectives for PFM Professionals in Public participation
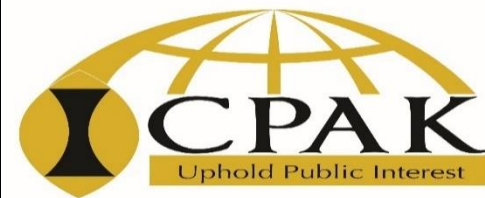
1. **Facilitate economic participation**

2. Partner with other state organs, private sector and non-government organisations

3. Derive initiatives aimed at attainment of employment and skills development

4. Establish national priority programmes

5. Promote uniform approach by all organs of state, private sector and non-government organisations in development

6. Promote the interest of PFM professionals generally

Enhancing PFM Professionals' Public participation - Interface
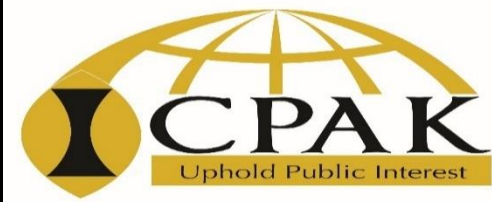
Knowledge = Empowered Professionals

Constitutional and Legislative basis
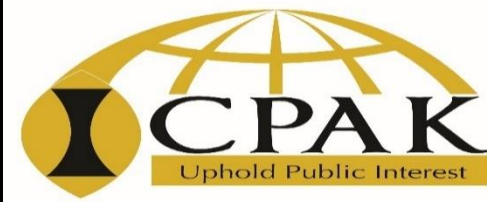
- **Constitution**: Article 1, 10, 35, 37, 48, 61, 69, 118,119, 196, 174, 184, 196, 201, 232 (14 articles)

- **PFM Act** in at least 10 articles

- County Government Act, 2012; **Section 30 (g)** (governor - policies, plans & dev)**; Sec 46 (2)** on CE participatory decision making; **Sec 47 (2)** (d) (evaluation of performance) **Section 50-51** role of administrators (admin capacity) ; **Part VIII** (principles , petitions & platforms)**; & Others**

- Urban and Cities Act, 2011

Constitution of Kenya 2010

- **Article 1 (2) (4):** All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. The people may exercise their sovereign power either directly or through their democratically elected representatives

- **Article 10 (2) (a)** National values include democracy and participation of the people

- *Article 35* The right to information is a fundamental right necessary for the enjoyment of all other rights.

- *Article 196 (1) (b)* –It requires that the county assembly facilitates public participation in the legislative and other business of the assembly.

- *Article 201 (a)* –It requires that there shall be openness and accountability, including public participation in financial matters;

Other Legal Provisions
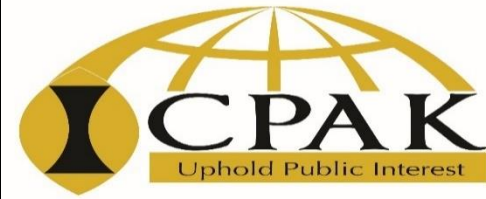
- **County Government Act, 2012**

1. CGA S 119 (1) CEC to establish a *Citizens' Service Centre* at the county, sub county, ward and other decentralized level –
   - A central office for the provision for the CEC in conjunction with the national government of public services – governor to ensure use of appropriate information and communication technologies at the centres to aid in the provision of timely and efficient services to the county citizens

- **Urban Areas and Cities Act 2011;**

2. **S 22 *Citizens Fora***
   - a forum for citizens organized for purposes of participating in the affairs of an urban area or a city under this Act – Used for deliberations, planning, monitoring, feedback

Budget Cycle
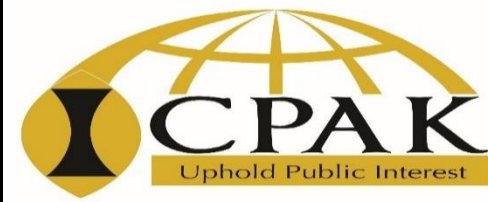
The general stages of the budget cycle

Agencies and depts report on expenditure to Auditor General

Executive drafts budget

Minister of Finance presents budget to parliament, debates and approves budget

budget formulation

budget auditing & assessment

Medium Term Expenditure Framework (MTEF)

– 3 year rolling budget

budget enactment

budget execution

Govt agencies & depts implement programmes and spend the funds
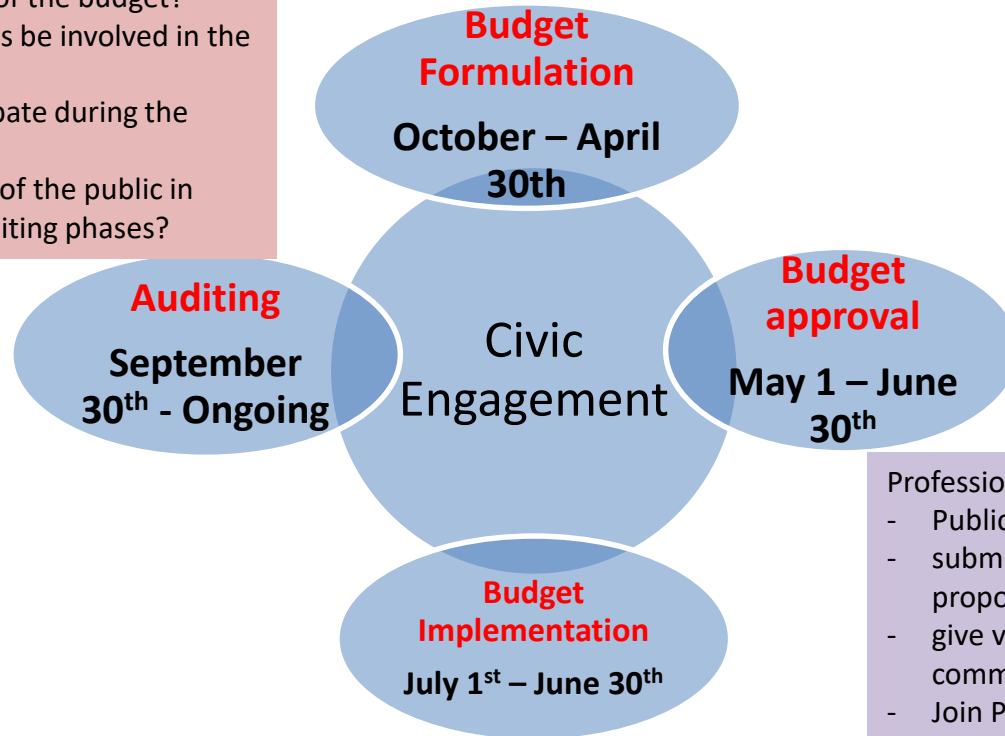
Budget Cycles and Key Dates
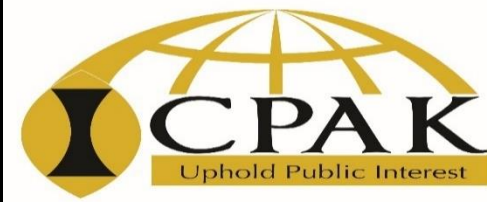
What civic engagements should take place during the different phases of the budget?
- How should professionals be involved in the budget formulation?
- How should they participate during the approval stage?
- How about involvement of the public in implementation and auditing phases?

Budget Formulation

October – April 30th

Auditing

September 30th - Ongoing

Civic Engagement

Budget approval

May 1 – June 30th
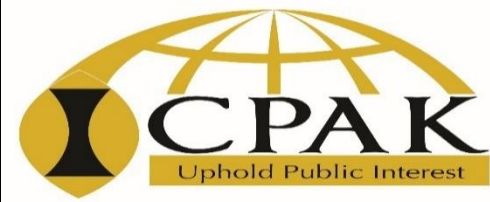
Budget Implementation

July 1st – June 30th

Professionals should participate in:
- Public forums,
- submit memorandums with specific proposals;
- give views to departmental committees of the Assembly
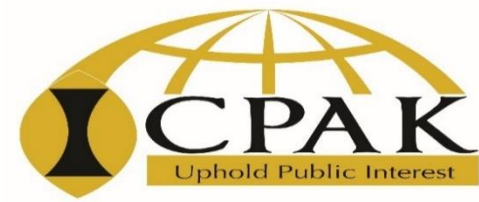- Join Project Management Committees to oversee implementation

CONCEPT OF PARTICIPATORY BUGETING?

- Participatory budgeting (PB) is a process through which citizens participate directly in budget formulation, decision-making and monitoring of budget execution. It creates a channel for citizens to give voice to their budget priorities.

- *'PB directly involves local people in making decisions on the spending and priorities for a defined public budget.'*

- Or…
  'Local people deciding on how to allocate part of a public budget'

- Or……
  If it feels like we decided then its PB

The Empowerment Line

PB works in different ways, but should be meaningful and change how money is spent

Communicating	Consulting	Involving	Partnership	Decision making

Scope of PB activity

Passive engagement (not PB?)   **Empowerment through PB**

Progression
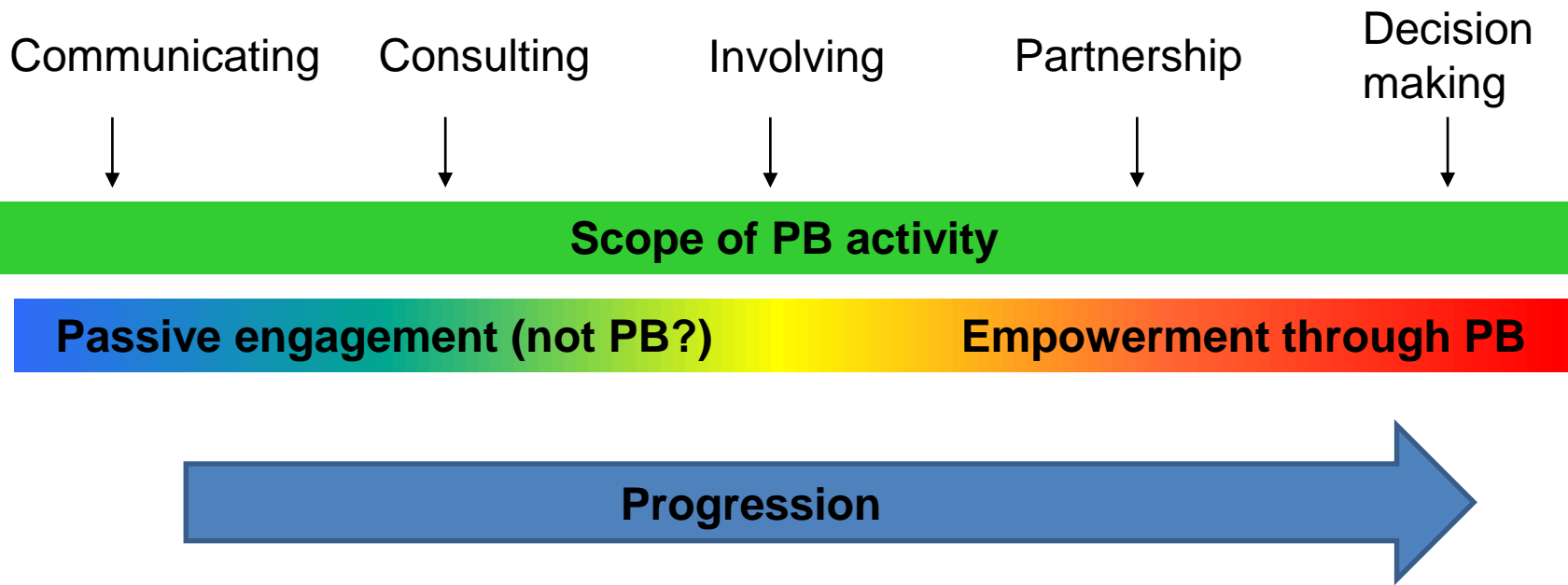
PB 10 STEPS MODEL
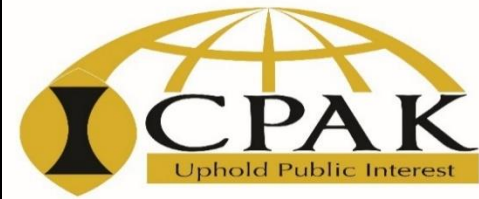
➢ STEP 1: Choosing the general strategy

➢ STEP 2: Preparation of the organizational model

➢ STEP 3: Develop informational materials and mobilization of citizens

➢ STEP 4: First public meetings

➢ STEP 5: Technical Evaluation of proposals

➢ STEP 6: Publishing of final list of PB proposals to be submitted to public vote

➢ STEP 7: Voting period or voting day

➢ STEP 8: Approval of budget, and announcement of the formal ratification and inclusion of the project(s)/proposals in the Public Budget for the next year and evaluation of the pilot and (eventual) re-writing of rules for next year

➢ STEP 9: Creation of Project Management Committee – PMCs on the winning proposal(s) to oversee the project(s)

➢ STEP 10: Monitoring of the implementation of proposals

Makueni Public Participation Framework
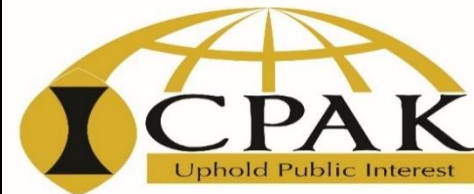
Andu Mbee, o kila kanyumba kalila

County People's Forum -(1,000 delegates)

Sub -County People's Forum (to elect a development committee of 11)

Ward People's Forum - Its development committee to have 11members

Sub-Ward People's Forum - 60 Units. (To elect a development committee of 11)
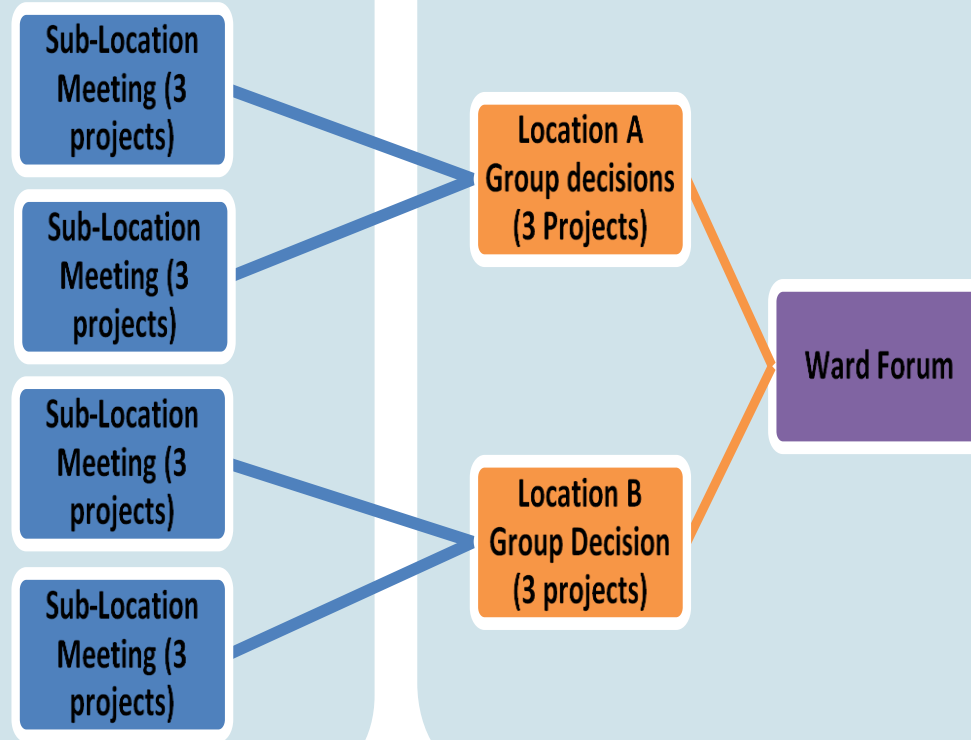
Village Cluster People's Forum - 315 units. (Each to elect a development committee with 11 members from each village)

Village People's Forum - 3159 units. (Each to elect a development committee of 11 members)

West Pokot model

Meetings happen in 160 sub-Location venues

At the each of the Ward Forum delegates discuss in Locational groupings to prioritize 3 projects before converging for the Ward Consensus meeting where they allocate the budget

Sub-Location Meeting (3 projects)

Sub-Location Meeting (3 projects)

Sub-Location Meeting (3 projects)

Sub-Location Meeting (3 projects)

Location A Group decisions (3 Projects)

Location B Group Decision (3 projects)

Ward Forum

Tools/Methods for Public Participation/Framework
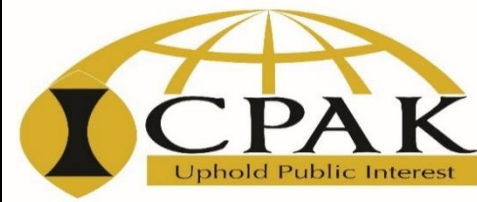
Methods

- Public Meetings /Baraza's
- Public Hearing
- Workshops
- Invitations for public submissions
- Partnerships and collaborations
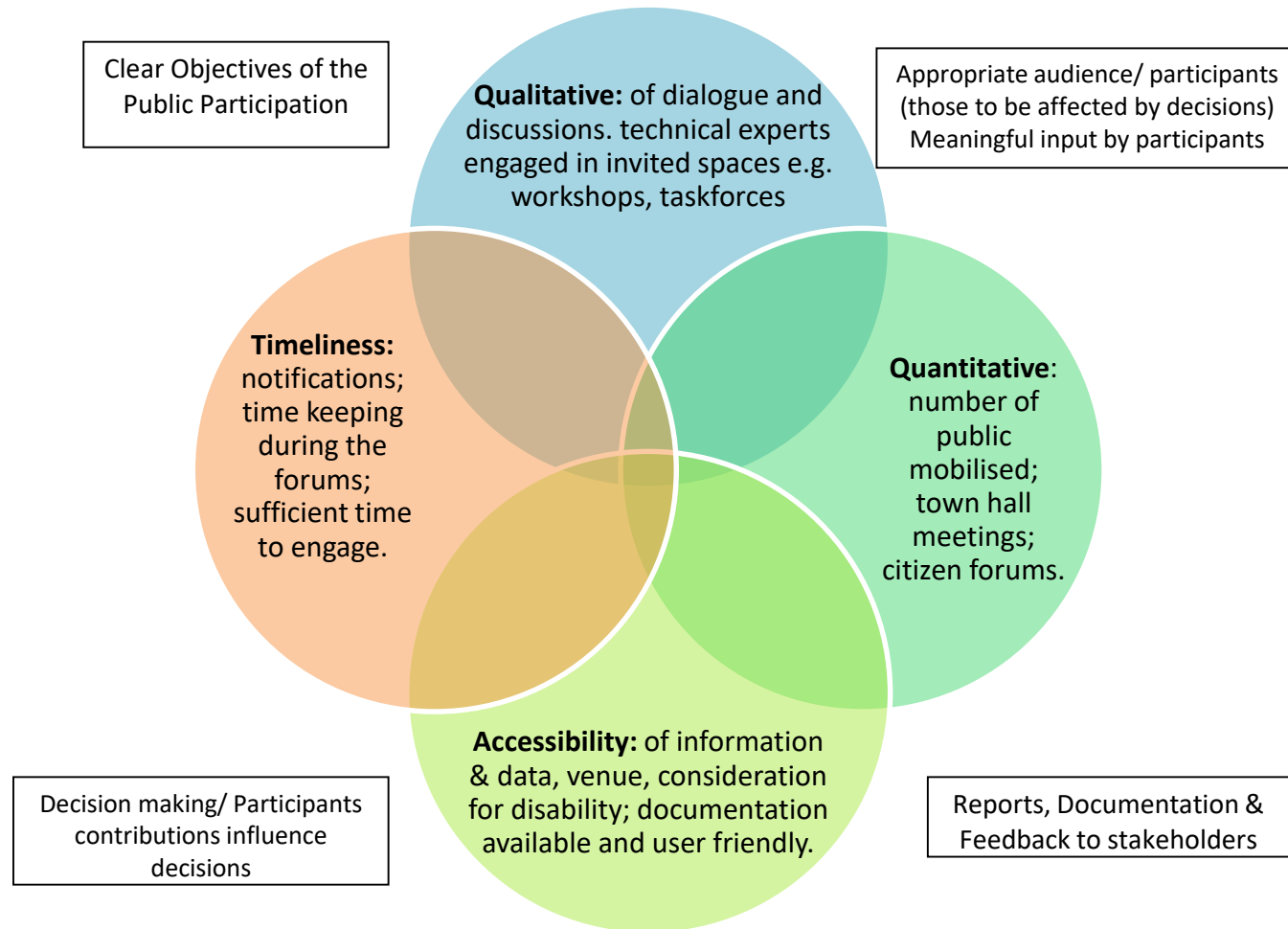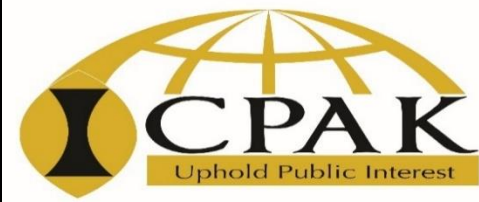- Joint auditing and evaluation of county performance

Tools

- Surveys
- Focus groups discussions
- Direct mail
- Newsletters
- Internet based interactive

"If you want to go quickly, go alone, if you want to go far, go together"
- African proverb

Key Elements of Effective Public Participation

Clear Objectives of the Public Participation

Qualitative: of dialogue and discussions. technical experts engaged in invited spaces e.g. workshops, taskforces

Appropriate audience/ participants (those to be affected by decisions) Meaningful input by participants

Timeliness: notifications; time keeping during the forums; sufficient time to engage.

Quantitative: number of public mobilised; town hall meetings; citizen forums.

Accessibility: of information & data, venue, consideration for disability; documentation available and user friendly.

Decision making/ Participants contributions influence decisions

Reports, Documentation & Feedback to stakeholders

Conclusion