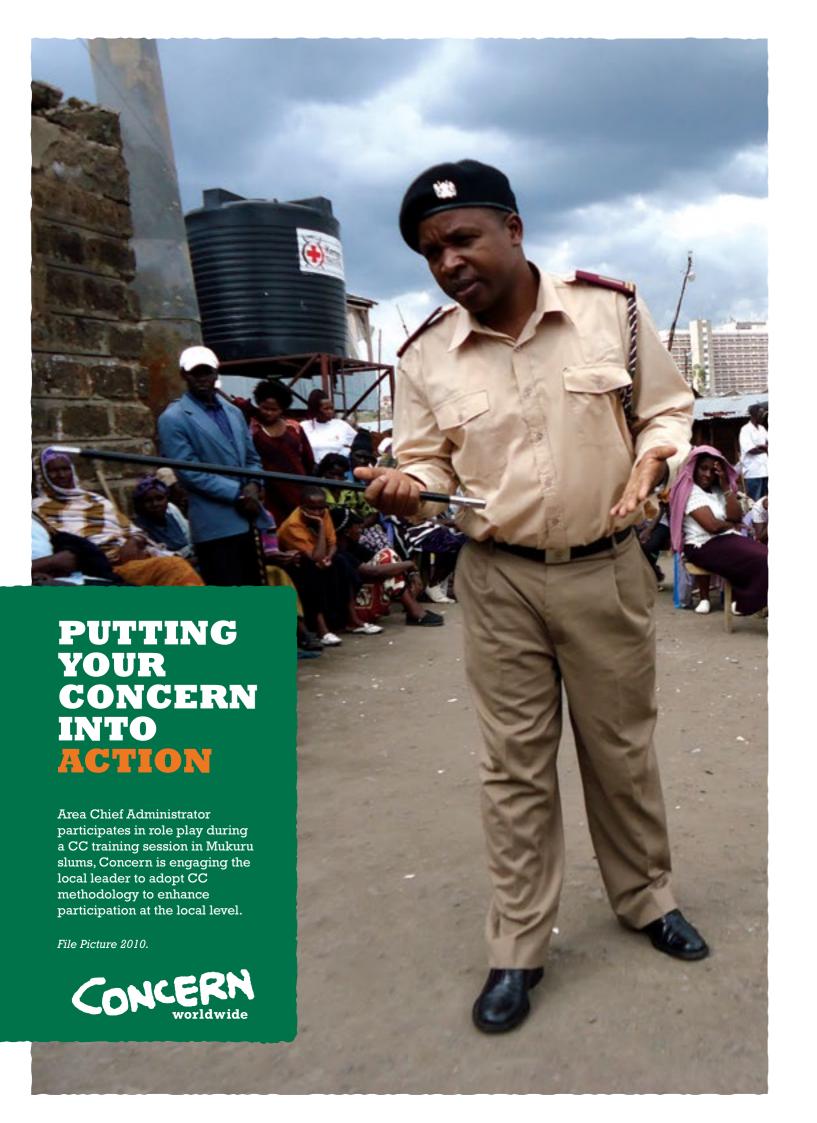
OPPORTUNITIES FOR SYSTEMATIC AND INCLUSIVE CITIZEN PARTICIPATION IN KENYA

Marsabit County Executive Committee members spend time with Lependera CC group during a field visit organized by Concern Worldwide and its local partner, *Photo by Concern Worldwide Kenya, 2013.*

COMMUNITY CONVERSATIONS

CONCERN







INTRODUCTION

"Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it's the only thing that ever has."

> - Margaret Mead, Anthropologist, 1901-1978

Community Conversations (CC) are a socially transformative approach that galvanizes communities to address the underlying causes of underdevelopment and vulnerability. Since 2009, Concern Worldwide (Concern) and its civil society partners have engaged communities in CCs in five counties in Kenya. While CCs originated as a tool for behaviour change in HIV and AIDS programmes and has been adopted by the Kenya National AIDS Control Council in its competency guidelines for communities, evidence suggests the transformative benefits extend to other economic and social concerns", if adopted as a tool for public participation in formal development processes.

This paper explores the value of CCs as a means for systematic and inclusive participation of Kenya's poorest and most vulnerable citizens. It does so against the

backdrop of the country's devolution programme, described by the World Bank as one the most ambitious in the world, and specifically addresses citizens' participation through the establishment of citizens' fora as legally stipulated in the County Governments Actii. Within Kenya, citizen participation has been defined as a process whereby stakeholders influence policy formulation, alternative designs, investment choices and management decisions affecting their communitiesiv. More broadly, citizen or public participation is defined as a "variety of procedures for enabling diverse members of the public to be active participants in deliberations about preferred policy options, and in some cases decision making" v. Both definitions are relevant to this paper.

The paper argues that for the benefits of devolution to be realised, a new social contract between government, its citizenry and non-state actors is required. Without adequate attention to the process and outcomes of citizen participation, it runs the risk of being elite driven and tokenistic and disempowering for those involved. Given that formal citizen participation is without precedent in Kenya, the development and adoption of appropriate mechanisms and standards is a critical first step towards citizens' realization of their right to participation.



Kasembo CC group in Suba, Migori holds a meeting to discuss development agenda for their community. In an area of high school dropout, the CC group is working with the ministry official to improve learning outcomes in Suba area.

File Photo 2012

METHODOLOGY

The CC methodology is cyclical and aligns with the development programme cycle. This continuum, as well as the steps involved in CCs, is represented in Figure 1. CCs require trained facilitators to initiate community entry and employ a series of tools for structuring dialogue, analysis and response. When correctly facilitated, the issues under



consideration may be presented in a continuum, allowing for government officials and development actors to discern short, mid and long term priorities and for communities to tackle increasingly complex (multi-dimensional) issues. This makes CC highly suitable for citizen participation in governance. The detailed steps are not outlined in this paper but are provided for elsewhere^{vi}.

This paper analyses both the process and outcomes of Community Conversations supported by Concern and its partners over the period 2009 to mid-2013vii. Feedback from CC participants was elicited through a series of 22 focus group discussions (FGDs) held during the month of June 2013. This involved more than 200 FGD participants from 150 communities located in Nairobi, Marsabit, Migori, Homa Bay and Kisumu Counties. The views of key informants, such as Concern and local partner staff, government officials and political leaders were also elicited. In addition, the outcome of the CC process was further analysed by reviewing CC action plans, developed with the support of local civil society partners.

CONTEXTUALISING THE CONVERSATION

Kenya's devolution programme promises Kenyans a more equitable development model and opportunities for new growth centres. Devolution reshapes the country's institutional architecture; it transfers functions and financing to forty-seven newly created counties and brings together de-concentrated offices of many national ministries, local authorities, and district administrations. For the benefits of devolution to be realised, a new social contract between government, its citizenry and non-state actors, is required, one based on transparency, participation and accountability to citizens.

Kenya is not starting from a position of strength in terms of transparency, participation and accountability. The country ranks 139 out of 176 countries on the Transparency International (TI)'s corruption perception index and, according to TI's Global Corruption Barometer, 59% of respondents in Kenya indicated that public officials and civil servants are corrupt or extremely corrupt^{viii}. Kenya is also not starting from a position of equality. While there are indications that economic growth, life expectancy, child health, fertility, and education are improving, these trends are not experienced uniformly across counties or by all people.

Stark disparities exist amongst rural and urban residents and between and within counties. Almost half of Kenya's citizens live below the poverty line^{ix}. Only 43% of children under five in Kenya have access to diarrhoea treatment, 57% to pneumonia treatment and 46% have access to malaria prevention (bed nets)^x. More than one in three Kenyan children is stunted creating lasting mental and physical impairments; this figure has not significantly changed in 20 years^{xi}. While almost 90% of urban residents have access to safe drinking water less than half of rural residents do so^{xii}.

The Constitution of Kenya lays the general basis for public participation in governance; the County Governments Act further specifies the aspect of citizen participation, and

while it lays down the normative content, it defers the setting of guidelines for its practice to county governments. Consequently, at the onset of the formation of county governments no standards or practice guidelines for citizen participation exist.

Consultative processes in Kenya have typically relied upon informal community meetings and chief's barazasxiii. While these have historically provided an avenue for community led decision making, customs and traditions have failed to facilitate systematic and inclusive participation. Recent Government initiatives to promote community participation, such as the Constituencies Development Fund have also not adequately articulated mechanisms for community engagement which has significantly affected their success xiv.



CONCEPTUAL FRAMEWORK

Citizen participation, in Kenya and other countries, is increasingly seen as an important feature of local development and a means of community empowermentxv; in Kenya, it is enshrined in law. Table 1, adapted from Mannarini and Talo (2013), provides a framework for evaluating citizen participation. This was developed based on a review of the literature on deliberative evaluation, democratic theory and participation. Their framework contains two main elements, process and outcome. Process is grouped further into two categories, dialogue, and knowledge and understandingxvi. Dialogue considers how individuals interact, the attitudes they display towards others, and the diversity of opinion allowed. Knowledge and understanding consider what participants discuss, create, build or innovate. Outcomes of citizen participation can include the creation of new discourse on an issue; the formation of networks, coalitions and partnerships; and the ability to influence policy.

Table 1: Evaluation criteria

Criteria	Explanation
Process	
Dialogue	
Equality	Participants are given equal opportunities to actively participate in the discussion
Trust	Participants interact in an amicable atmosphere, are polite and pay attention to others
Respect	Dialogue is free from bias and participants are respectful of each other
Disagreement	Participants welcome divergent opinions while aiming to achieve agreement
Reciprocity	Participants refer to the others' discourse or link their discourse to topics and positions expressed by other participants
Common good	Participants provide justification in terms of the common good or propose ideas that would benefit the broader community rather than themselves or specific groups
Knowledge/understanding	
Argument	Participants provide and exchange arguments for their opinions and positions
Understanding	Participants can understand the given information and material
Collective learning	Participants have the opportunity to learn from each other. A variety of knowledge and positions are presented, shared and discussed.
Reflexivity	Participants become aware of their thinking and reasoning or gain a deeper understanding of others' positions
Topic	Participants refrain from discussing off topic issues
Outcome	
Discourse	New discourse on an issue is created
Networks	Networks, coalitions and partnerships are established
	Outcomes influence policy

Adapted from Mannarini, T. and C. Talo, 2013

Community Conversations: Opportunities for Systematic and Inclusive Citizen Participation in Kenya

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While a formal evaluation of CCs has not been conducted by Concern, the conceptual framework outlined above is useful for demonstrating how CCs perform against criteria used to analyse both the process and outcomes of participatory engagement techniques. Examples have been elicited from the FGDs and the documentation review.

In the interests of brevity only some of the evaluation criteria are exemplified. In the future, Concern plans to conduct a more formal evaluation of CCs as a means for systematic and inclusive citizen participation.

Dialogue

Community conversations are inclusive conversations. They involve men and women of different ages and socio-economic backgrounds. This is in contrast to traditional forms of community meeting in which decisions on who attends, who gets heard and the topic of discussion are under the purview of elite male community members. As one focus group discussant noted,

"...at the beginning, as usual, people thought the CCs were only for Chiefs and other community leaders. But now things have changed, the reverse is happening ...it belongs to the people"

Gender inequality in particular has been a major inhibitor of women's participation in community meetings as exemplified in the following:

"In the past we women were not allowed to attend meetings with men at same sitting... meetings about security, grazing and pasture issues were not to be attended by women... Yet at those meetings everything about us was decided..."

Discussant, Marsabit County

While traditional gender roles and norms have contributed to the marginalization of women in general, poor women, those in single headed households, or ostracized for violation of customs, have been largely invisible in community meetings. It has given voice to those who previously were not able or allowed to voice their opinion.

.it's like Community Conversations have touched the most important issue within community... how we live...and where we have previously gone wrong. We can see several changes...for example a girl who had a child before marriage could never be allowed to attend a community meeting...but it was simply an abomination. Now they are at liberty to put forward their opinions together with others in the same gathering... even those who were so shy and could not express themselves in front of local leaders - like the chief who are so powerful - now have their own way of doing so..."

Discussant, Marsabit County

These excerpts demonstrate how equality of participation is fostered through the CC process. For individuals to participate, trust in the process and respect for others are established and strengthened over time allowing for deeper dialogue on issues identified by and of importance to the community. CCs diverge sharply from traditional civic engagement which usually involves over reliance on passive and discriminatory techniques, e.g. the chiefs baraza.

Knowledge and understanding

Under CCs, topics of discussion have also expanded and include issues that were previously the preserve of one gender. This has challenged traditional gender roles.

Youth, women and men all attend the same sitting... and we discuss issues concerning the roles of men and women....so they are present and they understand better. For example, when we talk about breastfeeding, even the men are present... and they respond effectively."

- FGD discussant in Moyale, Marsabit County Sexuality in particular has been a taboo subject, which undermines the effectiveness of education and awareness campaigns delivered through community meetings. For example, in Nyanza region, where the high prevalence of HIV and AIDS (14%)xvii has been fueled by exposure of women to high risk practices associated with traditional customs, such as wife inheritance, early marriage and early sexual debut, Community Conversations is enabling communities to directly address this

"We sort of feared to face the girl children directly and correct their behaviours. The CC has made us so courageous that we can talk to both boys and the girls about matters of sexuality in the same sitting...so we have become close, and drawn them to us...CC has given us much courage ... such that in our groups you will find elderly women and men. Before, you would not use "strong language (words about sex)" in a group with both men and women...since CCs it is acceptable to sit and talk freely with them...even if you are young... till they are convinced..."

The FGDs emphasized that Community Conversations are enabling communities to overcome barriers to information. The practice of open and regular meetings allows people from diverse social and economic groups, to exchange new ideas and explore issues more so than in traditional forms of exchange.

- "...in the previous meetings before a chief, you could not change attitudes... changing attitudes...like on how people contract diseases...this could not be talked about in a baraza. In the baraza one could be summoned and put on trial with his wife because of a domestic dispute... the person could even be caned in front of the public because in order to force him to change his/her attitude.
-but community conversations are changing attitudes not through force, but through teaching for example a baraza would be called in the past and during the meeting people would be warned 'Do not inherit a wife' because wife inheritance causes sickness... there was no further discussion. But now when we are in our discussions we find out more about the disadvantages,

- Discussant, Migori County

- Discussant, Kisumu County

Discussant, Marsabit County

Discussants made common reference to mafunzo, Swahili for 'lessons', in the FGDs suggesting that CCs are a forum for accessing information and education, for participants as well as their families. The following quotation exhibits the educative qualities of CCs.

"I am always excited to go for the discussion. The reason for this excitement is that I like picking up ideas of those who attend. What does picking up ideas mean?...Picking up ideas to me means listening to them and selecting them...one selects by thinking this idea can help me in a certain way. Back in my house I know how to live with my family and how to share with them ideas...smiling with them...and more of such. So if someone else sees how you talk to the community members or your family they will copy that and see that these people of a kind...They have CCs and that's why they have this type of lifestyle...Yeah."

- Discussant, Kisumu County

Given that most of the population in the communities where CCs have been implemented lack formal education, CCs are, for many, a source of informal education, where they can acquire new insights and skills. Most of the learning comes from testimonies and shared experiences. As such, CCs demonstrate the criteria of mutual understanding and collective learning. Conversation topics deepen over time as participants develop the skills to engage with previously taboo subjects allowing for greater engagement with issues that perpetuate structural inequalities and the discovery of creative solutions in response to these.

Outcomes

Outcomes of CCs demonstrate their ability to change discourse, mobilise networks, manage assets and influence policy and service provision. The following exemplify some of the creative solutions and other outcomes of the CC process.

CCs have enhanced accountability and local organisational capacity for the management of community assets and resources, by allowing members open access to information and decisions.

CCs also enable communities to better understand their environment and the resources that lie within; community mapping, a tool of CCs, has enabled communities to identify their local resources and the relationships between them

People have realized that resource like roads, land and even stones are theirs...it is not like before when they thought all the resources belonged to the government and NGOs. They now think that it is their responsibility to watch over these things, and now they have realized they have greater stake in the management and protection of these resource"

- Discussant, Marsabit County

Through greater awareness of resources, communities can negotiate better terms using their contribution as leverage. This allows communities to make tangible investments in their own development projects, which in turn strengthen their ownership of projects. This enhanced bargaining power also implies communities are better able to negotiate terms and conditions for development assistance from a position of strength, which is important for sustainability.

"...even if Concern left today the conversations will continue because people have been empowered...they have been empowered on ways of income generation because of this discussions...this discussion has shown us that we have resources in the community; it is the knowledge on how to use these resources that we were lacking...We have land, we have rivers and rainfall...just simple things like harvesting and keeping it for the dry seasons..."

- Discussant, Marsabit County

CC group outputs also demonstrate a clear focus on education and protection of children. CC groups in Nairobi and western Kenya (Migori, Homa Bay and Kisumu Counties) took action to remove barriers to education, especially for girls,

redressing entrenched inequalities. In Nairobi slums, barriers were removed by the concerted efforts of 59 CC groups which have embarked on an 'all children must go school campaign'. As a result, 350 children were taken back to school. These communities continue to work with the local administration to compel parents to keep school age children in school. CC groups also influenced the repair of roads and built gabions to improve security and access to schools and health facilities for slum-based children.

In Migori and Homa Bay, communities have set up eight Area Advisory Councils for Children Services (AACCS), whose mandate is to prevent and report child abuse. CC groups and AACCS are working with communities to discard the taboo for teenage girls to sleep in the same house with their parents. These girls sleep in separate houses from where they are lured to sexual activities exposing them to unwanted pregnancy, HIV infection, and increased school dropout rate. These communities have also banned 'sister replacement' a practice where a widower marries a sister to the late wife. This practice has led to many girls being withdrawn from school. Communities have instigated the arrest of 11 child violators: 2 have been convicted and 9 cases are in court.

In Migori, 32 communities banned night vigils during mourning because of the high risk sexual behaviour arising. In addition these communities have resolved to prosecute parents, quardians and employers who allow children to work in tobacco farms and goldmines during school time. In Homa Bay, 24 communities resolved to stop brewing 'changaa' a locally produced alcohol responsible for high school dropout among boys. A total of 20 parents were summoned and reprimanded by chiefs for violating children rights e.g. involving children in chang'aa business. These communities vowed to end pregnancy among school girls where in spite of their efforts child pregnancy is high with 14 girls aged 9 - 13 became pregnant.

These examples show that CC groups are able to move beyond dialogue to action. CCs and their communities demonstrate qualities of empowerment – they possess perceived competence, are motivated to take action and participate for the public goodxviii.

PATHWAYS TO FORMAL CITIZEN PARTICIPATION

CCs can be used as a pathway to formal citizen participation in governance in Kenya. CCs provide for a defined approach to community engagement that appeals to the sense of civic duty among citizens, where participation is not an end, but a means to development. Concern's experience implementing CCs suggest that the process of CCs is empowering for those involved. It has challenged traditional forms of decision making including how and by whom decisions are made. Furthermore, the use of participatory CCs invokes indigenous knowledge and resources to redress root causes of exclusion and powerlessness.

CCs are also systematic, conforming to the technical and administrative qualities of local government. They respond to the vision of citizen participation outlined under Kenya's devolution programme. The iterative cycle can be aligned with the local government planning and policy cycles as well as devolved structures and processes. Citizen participation in governance has two domains in which it can contribute: resource planning and budget allocation as well as policy and legislation. Box 1 describes how CCs have been incorporated into county governance planning processes to date.

Box 1: CCs as a means for citizen participation in county governance

CCs have empowered communities in Marsabit and Kisumu to have structured dialogue with their county assembly representatives. In Marsabit County, at least four communities from Laisamis District discussed with the county assembly representative who has committed to incorporating action plans in the next planning cycle. In Kisumu, four communities from Kisumu East District actively engaged their county representatives in discussion and review of their action plan. This resulted in the inclusion of the communities' priorities related to education into the subcounty development plans. Commitments by assembly members have been made to integrate community priorities into county strategic and development plans. In Kisumu County, Concern's local partner acting on behalf of communities, lobbied the subcounty authorities to include the education priorities into the development plan. In Nairobi County, Concern's local partner is lobbying the sub-county government to include security priorities into their plans.

Concern's proposed pathway to formal citizen participation in devolved governance structures and processes is described below:

CCs applied at the village level are harnessed to develop community action plans. Through facilitated exchange, common development priorities may be identified across villages. These would then be "bundled" and inform ward and sub-county planning documents, both integrated development and sector specific plans. Issues emerging that require policy change or legislative action can also be packaged for tabling to the county assembly. The CC process and the translation of plans and issues, facilitated by civil society, into compatible formats may serve to strengthen their credibility with county decision makers. The process of bundling priority issues may also serve to amplify their weight with decision makers.

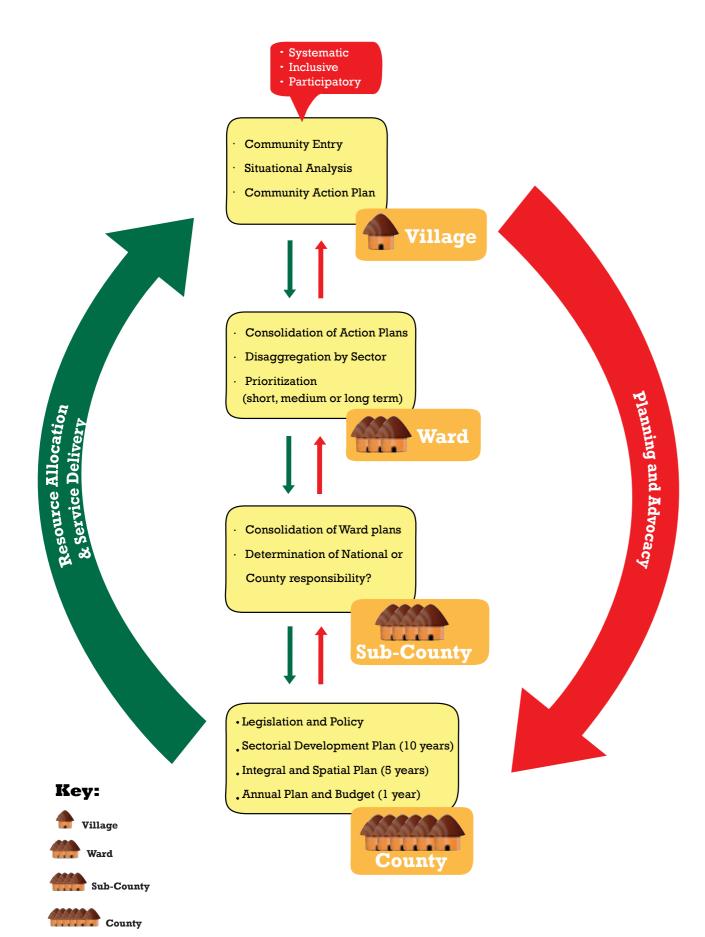
Bottom up processes and the bundling of priority issues require facilitation, a role which can be shared between ward and sub county duty bearers and civil society. Ensuring that consultation is genuine and participation, as envisaged under the Constitution, is respected is a function that civil society, as "watch dog" can perform. International organisations such as Concern may play an increasingly invisible role in the process as capacity is built and pathways to citizen participation formalised.

The proposed pathway to citizen participation conforms with the salient themes under the County Government Act (Box 2).

Box 2 Principles of Citizen Participation (County Government Act 2012, article 87)

- timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
- 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;
- protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- legal standing to interested or affected persons, organizations, and where pertinent, communities, to appeal from or, review
 decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities, including
 women, the youth, and disadvantaged communities;
- reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development; and
- recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight

GOVERNANCE AND ACCOUNTABILITY: MODEL FOR CITIZEN PARTICIPATION



10



CONCLUSION AND POLICY RECOMMENDATIONS

A history of centralised 'top-down' governance and absence of formal rights to participation in public decision making in Kenya has encouraged community dependency on external actors to lead local development initiatives. It has also inhibited the development of institutional knowledge and capacity on citizen participation in decision making. Experience implementing CCs in Kenya demonstrates their potential for citizen participation, despite their absence of cultural formality. If used as a means to local development, CCs may allow for meaningful and inclusive participation in devolved governance structures and processes. They may further allow for constructive engagement with underlying systemic issues that perpetuate under development and exclusion, including barriers created by communities themselves. The following recommendations have been formulated for consideration by duty bearers and civil society involved in devolution processes.

Enact county legislation that is systematic, inclusive and participatory:

Given that citizen participation in government is without precedent, the development and adoption of appropriate standards for citizen participation is a critical first step towards citizens' realization of the right to participation. Citizens' fora were designed to elicit community inputs^{xix}. This paper proposes CCs as a model for convening citizens' fora that is uniquely suited to meet the needs of Kenya's poor and most vulnerable. Although this paper specifies CCs as a model for citizen participation, it supports similar initiatives that allow for systematic, inclusive and participatory involvement of communities in governance^{xx}. It recommends that methodologies, such as CCs are formally adopted, so that communities are guided on the process of citizen participation.

Conduct civic education on citizen participation:

For devolution to be successful, citizens must not only be aware of their rights and responsibilities but also know the channels via which they can exercise them^{xii}. It is therefore critical to build capacity of citizens in local governance; equally, duty bearers also require capacity building so as to effectively facilitate public participation in governance and decision making. Information and communication are critical elements of capacity; their absence may alienate citizens from local development and provide opportunities for corruption^{xxii}. Systems capacity therefore must also be developed.

Increased financial and technical resources to civil society initiatives to enhance accountability for citizen participation:

Traditionally civil society governance initiatives have focused on democratic elections, often aligned with the five year election cycle. Citizens participation represents a new frontier in governance interventions, for which appropriate long term resources need to be established. Civil society, particularly local organisations such as those that Concern has worked with on CCs, have a role to play in citizen participation, as both facilitator and watch dog. Civil society is in a strong position to ensure that the process of citizen participation is respected and that pro poor outcomes are realised. This role starts at the village level, through effective community entry and introduction of the CC process, through to ward, sub county and county levels. At ward level, civil society organisations (CSOs) can ensure that community action plans are appropriately represented and that the process of bundling informs ward level priorities. At the sub-county and county levels, CSOs can monitor the planning process to ensure that community priorities are not downgraded and are translated into appropriate legislation, policy, resource allocation, and service delivery, as required.

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- **Channels for citizen participation envisaged under the Act include: information communication technology based platforms; town hall meetings; budget preparation and validation for a; notice boards: announcing jobs, appointments, procurement, awards and other important announcements of public interest; development project sites; avenues for the participation of peoples' representatives including but not limited to members of the National Assembly and Senate; or establishment of citizen fora at county and decentralized units.
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