

Independent Reporting Mechanism (IRM): Elgeyo Marakwet Final Report 2017

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The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In 2016, OGP opened to subnational participants in their own right as part of a pilot program. The OGP Subnational Pilot Program consists of 15 subnational governments who submitted Action Plans and signed onto the Subnational Declaration at the Paris Global OGP Summit. This report summarizes the results of the implementation of Elgeyo Marakwet pilot subnational action plan from January 2017 to December 2017.

The IRM reports for OGP pioneers will be published online primarily. As a result, this template is outlined in terms of the final site layout of the report.

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Overview

Period under Review

Action Plan under Review	2017
Dates of Actions under Review	01/2017 – 12/2017

Summary of IRM Findings

Elgeyo Marakwet County (EMC) achieved a high level of engagement with civil society organizations and governmental institutions during the co creation and implementation processes. The pilot action plan focused on building systems to improve access to information and civic participation in service delivery and reached positive, incremental change in government practice. Moving forward, the EMC could design result-oriented commitments that push for more concrete and ambitious changes in open government.

Participation in OGP

Action Plan Date	01/2017 – 12/2017
Lead Agency (Office, Department, etc.)	Directorate of Economic Planning

At a Glance

Table 1: At a Glance	
Number of Commitments	4
Level of Completion	
Completed	0
Substantial	3
Limited	1
Not Started	0
Number of Commitments with...	
Clear Relevance to OGP Values	4
Transformative Potential Impact	0
Substantial or Complete Implementation	3
All Three (★)	0

Did It Open Government?	<i>Major</i>	0
	<i>Outstanding</i>	0

Action Plan Priorities

1. Improve citizen engagement in designing public participation and budgeting processes
2. Increase transparency and accountability in open contracting
3. Strengthen citizen feedback mechanisms to improve public service delivery

Institutional Context

This section summarizes the Institutional and Subnational Context section. It emphasizes the description of the lead institutions responsible for the action plan, their powers of coordination and how the institutional set-up boosts or affects the OGP process.

OGP leadership in Elgeyo Marakwet

OGP leadership in Elgeyo Marakwet is headed by the Governor (responsible for resource mobilization, logistical approvals as well as monitoring commitment implementation). However, leadership is shared through a pyramid structure. The governor is supported by the deputy governor and the county secretary in providing the main leadership functions. The OGP government point of contact (POC), who reports directly to the Governor, is responsible for daily coordination of all OGP related activities. The POC was chosen from the Planning directorate; this was strategically done to ensure that OGP initiatives are incorporated into the county plans and future prospects. At the base of the leadership structure, the county government created a steering committee¹, responsible for the implementation and monitoring of the specific action plan commitments, and providing regular updates to the head of government. The steering committee is made up of the four respective commitment action persons, the government POC and other government officials who directly played a role in the implementation and monitoring process².

The CSOs also form part of the steering committee, playing three main roles: 1) to support the implementation and monitoring process of all four commitments; 2) to hold the government accountable to their functions, especially as they relate to the implementation of the commitments, and 3) to support resource mobilization providing an “alternative eye” increasing donor trust, and with direct monetary or in-kind contributions.

Coordination between the three leadership agents was done through joint meetings. The steering committee would periodically have meetings with the governor to brief on implementation progress, and to discuss challenges and possible solutions to overcome the challenges; other channels for coordination included communication through official communication letters emails, and WhatsApp groups.

This leadership structure simplified and organized the coordination of, and implementation of the commitments. The respective commitment leaders and POC were able to get support from the steering committee and monitor implementation effectively, without relying on the head of government for every single action. According to the Governor³, this structure, together with the “open door policy” that he has encouraged among the officials, boosted the action plan process.

The government's commitment to OGP is established through an official publicly released mandate. The government's efforts to join OGP were advertised through the government's respective websites⁴. These include Elgeyo's letter of intent and accompanying CSO recommendation letters, as well as Elgeyo Marakwet County's action plan which was submitted at the Global OGP 2016 Summit, held in Paris⁵. Additionally, the government held a public function on March 10th, 2017 to launch the Action plan locally, and inform government staff and citizens of the action plan contents and expectations in the OGP initiatives. However, this commitment is not established through any legally binding mandate. Although the Elgeyo Marakwet County government signed into the open government declaration, the declaration is a voluntary process for governments; Elgeyo Marakwet has not passed any administrative laws to direct the completion of OGP activities.

During the year of implementation, most stakeholders engaged during co-creation remained the same, except for two notable changes. Kerio Center was a vibrant CSO in the County dealing with transparency initiatives, including civic participation and open budgets. The organization was already working with the County Government on budget initiatives and public participation programs prior to the formulation of the action plan. Kerio Center formally supported the County's participation in OGP's Subnational Pilot Program by submitting a recommendation letter along with the government's application during the selection process. However, during the implementation of the action plan, the Center's participation in OGP was replaced with the Center for Innovations in Open Governance in May 2017, due to managerial changes. During the formulation of the action plan, Kerio Center was represented by the program officer, Mr. Timothy Kiprono, who following the event, left Kerio Center to become the Executive Director at the Center for Innovations. In addition, national elections were held in Kenya in August 2017 to elect the president (national leader), governors (sub-national leaders) and other positions. The governor, Eng. Alex Tolgos was re-elected, and the deputy governor Dr. Gabriel K. Lagat was replaced by H. E. Wesley Rotich. These changes had minimal effects on the action plan process, considering that the primary leads did not change. The retention of the key leaders ensured continuity of the action plan process.

Table 2. Summary of OGP leadership in Elgeyo Marakwet

1. Structure	Yes	No
Is there a clearly designated government lead for OGP?	✓	
	Shared	Single
Is there a single lead agency or shared leadership on OGP efforts?	✓	
	Yes	No
Is the head of government leading the OGP initiative?	✓	
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✓	
Is the government's commitment to OGP established through a legally binding mandate?		✓

3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?	✓	
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✓

Participation in OGP by Government Institutions

This sub-section describes which government institutions were involved at various stages in OGP.

In Elgeyo Marakwet, participation in OGP involved several government departments and independent authorities. These participants were largely involved at consultation and commitment proposal stages, with a few of them engaged at the implementation stage. Table 3 below details the institutions involved in OGP.

Early participation in the OGP process was a blend of ad hoc and planned engagement. The County Secretary sent out invitations for a kick off sensitization meeting to all County executive members, all chief officers and specifically, to three directors in charge of audit, communication, economic planning and advisor on resource mobilization. Additionally, invitations were sent to the Chairman and secretary of the County Public Service Board and to the Clerk of the County Assembly. Those who participated included some County Executive Members, Chief Officers, representative members of the County Public Service Board, representative from the County Assembly, representatives from the Ministry of Agriculture (National) as well as other county government officials. At this meeting, discussions were held on the general engagement of OGP in the County and the co-creation steps that were to follow. Although the participants were unable to give proposals, the meeting served to bring all relevant sections of the government on board the OGP process. Later, the specific directors and selected government officials were engaged during co-creation, where they proposed commitments for inclusion in the action plan.

During implementation, the core activities were handled by the particular government departments responsible for the commitment activities (Directorate of Public participation for commitment one, directorate of Economic Planning for commitment 2, procurement directorate for commitment three and communications directorate for commitment four) and those whose services were of core importance to support the implementation, such as the directorate of ICT. Additionally, during implementation of the respective commitments, meetings were held with other government officials such as the County Executives (who form the county cabinet) who facilitated implementation, mostly through validation and approvals of processes.

All the activities were coordinated by Elgeyo Marakwet's multi-stakeholder OGP Steering Committee⁶ which constituted the commitment action persons and the support departments. The directorate of Economic Planning was actively involved in all stages of the action plan. The steering committee met every month to review the implementation progress, and provided regular update to the Governor.

Table 3. Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments or agencies	Legislative (parliaments or councils)	Justice institutions (including quasi-judicial agencies)	Other (special districts, authorities, parastatal bodies, etc.)
Consult: These institutions observed or were invited to observe the action plan, but may not be responsible for commitments in the action plan	15 ⁷	2 ⁸	0	0
Propose: These institutions proposed commitments for inclusion in the action plan	5 ⁹	1 ¹⁰	0	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments	8 ¹¹	0	0	0

Commitment Overview

Following a collaborative co-creation process, the Elgeyo County OGP Steering Committee, composed of government and CSO representatives, identified four main focal areas to include in the action plan. These were: more responsive public services, improved transparency in the budgeting process, improved accountability of public agencies and private contractors for project implementation, and stronger and clearer mechanisms for citizen participation in development processes. The commitments were largely informed by challenges identified in service delivery, frustrations of the citizens in their participation in governance processes, and difficulties felt by CSOs in citizen-government engagement. The main beneficiaries of the final commitments range from the government to citizens and civil society. In addition, other non-governmental stakeholders were expected to benefit from improved and coordinated engagement with the government. Co-creation and implementation was done through a widely consultative process, and the government, along with civil society representatives, made substantial efforts to complete the commitment activities within the action plan period. Although none of the commitments, as written, were considered to have transformative potential impact, results show that by the end of the 2017 period of implementation, all commitments led to marginal changes in government practice.

The main overarching achievement of this first action plan is the improved engagement between government and CSO. In implementing the action plan, CSOs and non-governmental actors were involved at various stages to provide inputs into government processes. CSOs were engaged largely through the steering committee, where they had a great opportunity to influence decision making by government. In commitment one, CSOs participated in drafting the public participation guidelines through newly created and official technical working groups. To carry-out the second commitment, CSOs participated in establishing the guidelines and TORs for sector working groups, tasked with improving citizen awareness and input into county spending decisions. These included governmental and non-governmental actors and participated in designing post budget templates and carrying out a pilot study to test the templates. Implementation of commitment three was supported by CSO representatives who were engaged in the development of revised procurement documents. Finally, for commitment four, CSOs supported government in promoting citizen feedback by identifying ward based feedback champions, coordinating the establishment of citizen oversight forums and training different groups of citizens on citizen feedback processes and social accountability.

Going forward, to ensure full participation by all desired parties, government could move a step forward to issue appointment letters for organizational representatives nominated to participate in committees/ groups such as the Sector Working groups; this would ensure ease of coordination in terms of attending meetings, and follow up of activities being implemented. Also, the Government could increase its visibility in the open governance space by making more efficient use of its website. This could be done by regularly publishing updates on progress implementation for commitment tracking and for general information dissemination to all interested parties.

Table 4. Overview: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
1. improve effectiveness of citizen engagement			✓			✓					✓			✓					✓		
2. improve citizen awareness and input into			✓		✓	✓					✓				✓				✓		

Establishment of legal mandate and budgetary provisions for continuity: Elgeyo Marakwet could consider passing legislation to provide legal mandate for OGP activities; this would ensure continuity, not only for OGP undertakings, but also for other transparency and open governance initiatives within the county government. Equally, the government could consider budgetary provisions to facilitate the implementation of activities and designated staff to coordinate the implementation, monitoring and reporting OGP activities.

Improved documentation and access to information: the government has implemented several initiatives to enhance local governance processes, but there is scanty documentation maintained. Similarly, access to information remains largely limited, if citizens must visit the government's main offices to get information. The OGP steering committee could therefore improve the level of documentation and access to information by liaising with the relevant departments to publish-, as much as possible, on the website, and utilize the ward and sub-county offices, and the Huduma Center¹⁵ as information hubs closer to the citizens.

Civic education and awareness creation: government and CSOs alike to educate citizens on the local governance processes, on the available platforms for citizen-government engagement, and the role of citizens in government decision making, including holding government accountable. Government and CSOs could utilize the establishments created through this first action plan to enhance the engagement and participation of citizens in local governance processes.

¹ The Committee has twelve members including six government officials and six CSO representatives. For more details, see next section of this report: "Process of Development of the Action Plan".

² Such members included the County Executive Member in charge of Finance and Economic Planning, Chief Officer Finance, director ICT, representative from the legal and resource mobilization unit. These additional members were incorporated to address specific concerns such as resource mobilization and financing, legal frameworks for commitment implementations as well as ICT concerns such as uploading of documents on the county website.

³ H.E Governor Alex Tolgos (Governor, County of Elgeyo Marakwet), Interview with IRM researcher on 15/01/2018

⁴ <http://www.elgeyomarakwet.go.ke/index.php/340-open-government-partnership> and http://www.elgeyomarakwet.go.ke/Publications/Open_Government_Partnership%20_OGP_Selection_Outcome_Press_Release.pdf

⁵ <https://www.opengovpartnership.org/countries/elgeyo-marakwet-kenya>

⁶ The Committee has twelve members including six government officials and six CSO representatives. For more details, see next section of this report: "Process of Development of the Action Plan".

⁷ The 15 departments are: Health Services; Education & Technical Training; Roads, Public Works & Transport; Water, Lands & Housing; Agriculture; Finance & Economic Planning; Youth, Sports & Culture; ICT & Public Service; Trade, Tourism, Cooperatives & Wildlife; Office of the Governor (Administration, Audit, Legal, Public Participation & Communication) and finally, the County Public Service Board.

⁸ Elgeyo Marakwet County Assembly (Office of the Clerk, and Legal Department)

⁹ Health Services; Finance & Economic Planning; Office of the Governor (Legal Unit, Public Participation unit, and Information & Communication Unit)

¹⁰ Elgeyo Marakwet County Assembly

¹¹ Finance & Economic Planning (Directorate of Economic Planning and Budget Directorate); ICT & public service, Office of the Governor (Legal Unit, Public Participation Unit, Communications, Resource Mobilization and Procurement).

¹² <https://www.opengovpartnership.org/documents/kenya-national-action-plan-2016-2018>

¹³ <https://www.opengovpartnership.org/countries/elgeyo-marakwet-kenya>

¹⁴ https://www.opengovpartnership.org/sites/default/files/Kenya_AP2_2016_0.pdf

¹⁵ These are citizen service centers established by the national government to provide citizens' access to various Public Services and information from One Stop Shop. For more information, please see <https://www.hudumakenya.go.ke/about-us.html>.

Institutional and Subnational Context and Scope of Action Plan

This section places the action plan commitments in the broader context. The emphasis of the IRM report is on the development and implementation of the OGP action plan. However, to ensure the credibility of the report and of OGP more broadly and to inform future versions of the action plan, researchers are asked to briefly consider the institutional context within which the OGP action plan is framed. Consider significant actions not covered by the action plan that are relevant to OGP values and the entity's participation in the Partnership. The emphasis should be on the specific subnational context, although researchers may make some reference to the broader national context as it affects implementation at the subnational level (in county, referring to ward level or in the Municipality, referring to State and Federal context).

Background

Elgeyo Marakwet is one of the 47 county governments in Kenya established after the promulgation of the Constitution of Kenya 2010. Kenya is a Sovereign Republic, operating with two levels of government i.e. National Government and County Government; the two levels of government are interdependent and distinct, with separation of powers between the three arms of government (Executive, Legislative and Judiciary) and between the two levels (National and County Government). The Fourth schedule of the Constitution of Kenya 2010 specifies the distribution of functions between the National Government and those of the County Governments¹.

Elgeyo Marakwet County covers a total area of 3029.9 km², with an estimated population of 460,092 in 2017.² Administratively, the county is divided into four sub-counties, namely: Marakwet East, Marakwet West, Keiyo South and Keiyo North each with several Divisions, Locations and Sub-locations therein. Politically, the county is divided into four constituencies: Marakwet East, Marakwet West, Keiyo South and Keiyo North and twenty Wards³.

The county Government constitutes of a County Assembly and County Executive. The County Assembly has three main responsibilities: (i) exercising the powers of enacting laws at the county level, (ii) acting as an oversight instrument on the county executive and (iii) approving of plans and policies for smooth operation and management of resources and county institutions. The members of the County Assembly are elected by the citizens at Ward level, and additional slots are reserved for nominations. This is to ensure that membership is well distributed by gender, marginalized groups and persons with disability. The County Assembly is headed by a county Speaker.

The County Executive on the other hand is charged with the responsibility of exercising executive power at the county level, implementing laws for administration of the county as well as carrying out other executive functions of the county. The county executive gives the people an opportunity to be more actively involved in law making. The county executive is led by a governor who is directly elected by the people at the county level. The appointment of the county executive members (cabinet) is placed under the mandate of the governor, and approval is subject to the county assembly⁴.

National and county elections

General elections of leaders at the national and county government level are held in parallel every five years. During the action plan period, these were held on 8th August 2017, with a repeat of the presidential polls on the 26th October, 2017. Elections and transition were considered a major challenge in the implementation of this action plan. Although Governor H.E. Eng. Alex Tolgos was re-elected, internal transitions for the cabinet and the County Assembly significantly delayed implementation. The public participation guidelines developed under commitment one required to be discussed by the cabinet and forwarded to the Assembly for discussion, approval and adoption, while the establishment of sector working groups in commitment two required the structuring of cabinet ministries and departments therein, in order to identify the sector groupings and membership into the sector working groups. Furthermore, representatives from the county assembly were anticipated to participate in the development of public participation guidelines, which did not happen because the assembly was dissolved by the time the guidelines were being developed. There was also a change in the deputy governor, where H.E. Gabriel Lagat was replaced by H.E. Wisley Rotich. Other than the transition, the government considered the political environment to be unfavorable to the implementation of the commitments, especially commitment four. In the Action Plan, the government committed to establishing communication channels for citizens to give their feedback to the government, and for the government to send citizens an official, accurate and organized response. However, According to Mr. Vincent Bartoo, this activity was delayed; campaigns were at peak and the government felt regulating the content of such communication channels amidst campaigns would be impossible; there was a high possibility of citizens raising political concerns rather than discussing development issues and decision making.

The devolved system for governance is five (5) years old in Kenya; and hence OGP initiatives served Elgeyo Marakwet County as an opportunity to set the foundations of an open government and pursue the vision of the constitution to give power to the people. Nationally, Kenya joined OGP in the year 2011, and is currently implementing its second National Action Plan (from July 2016 to June 2018). Coordination of the co-creation and implementation is led by the Ministry of Information, Communications and Technology (ICT), and the office of the Deputy President⁵. During this pilot program, there was no linkage of the subnational Action Plan for Elgeyo Marakwet to the National Action Plan.

Resources for OGP activities

Elgeyo Marakwet has two main revenue sources, i.e. allocation from national government through the Commission for Revenue Allocation, and the Internally Generated Funds. Elgeyo's OGP action plan cuts across two financial years, i.e. financial year 2016/2017 (January– June 2017) and financial year 2017/2018 (July – December 2017). In the year under review, the government did not make a specific budgetary allocation for OGP activities, mainly because co-creation happened after budgets had been approved. However, the government framed the commitments around administrative functions that could be implemented with minimal budgetary implication. The implementation was supported by CSOs and other partners such as the German development agency GiZ, and National Treasury.

Participation of government institutions

Throughout the action plan cycle, officials from different government departments were involved at various stages. Commitment leaders, directors and their staff were involved in carrying out the specific activities for commitment implementation; cabinet members were involved in the validation of

documents and guidelines developed, while other officials such as ward administrators played a key role in providing their inputs into the processes, as well as mobilizing citizen participation during consultations. All the activities were coordinated by Elgeyo Marakwet's multi-stakeholder OGP Steering Committee⁶, with the head of government being the main leader of the process. The government did not recruit or designate specific staff for the OGP initiatives; however, the directorate of Economic Planning was actively involved in all stages, from application to join OGP, co-creation to commitment implementation and monitoring. This office also served as a liaison point with the different CSOs who were engaged in the OGP initiatives. The OGP commitments were launched in a public event, but they were not legally binding.

Stakeholder Priorities

In developing the action plan, Elgeyo Marakwet sought to address the concerns from citizens, government and the civil society. For the citizens, their main concern was openness in government; citizens wanted to have more information from government relating to how money is spent (budgets) and how tendering process is done. During the annual development plan public participation exercise done in 2016, the Center for Innovations on Open Governance (CIOG) noted that citizens yearned for information regarding the development budgets. In its observation report, the CIOG reported that the quality of deliberations at public consultations forum would improve if government would provide project information to the public, and on time⁷. Also, the Director of Procurement reported that citizens had inadequate knowledge on the procurement laws in Kenya, and always had questions regarding procurement; questions such as the cost of projects, details of contractor(s) awarded tenders, and access to government procurement by youth, women and people living with disabilities. CSOs wanted to have access to government information, and to have improved engagement in government processes. During an FGD held with the IRM researcher, CSOs reported that accessing government information prior to the action plan was a big challenge. Very little information was available on the county website, and many times, where citizen inputs were sought, government would provide the documents for discussion the same day the discussions were held. This limited the quality of inputs as citizens would spend more time studying and analyzing the documents, rather than using the information to provide inputs into required processes. CSOs also noted that project Management Committees were formed, but without sufficient information to carry out their mandate. Information such as the project costs, the bill of quantities and contractor details were not availed for their use. Additionally, the CSOs had concerns over the level of representativeness in public participation activities⁸. On the other hand, the Government desired to simplify its processes, and to improve the nature of citizen and stakeholder engagement in its governance processes with the aim of improving its governance processes⁹.

The commitments were largely drawn from challenges experienced in government and citizen engagement in service delivery. Also, the government found the action plan to be the ideal opportunity to prioritize activities already initiated to enhance transparency, and to implement best governance practices observed from the national and other subnational entities.

The four commitments in this pilot action plan addressed the main priority concerns of all parties. *Commitment one on scaling up successful approaches to public participation*, was set to address the concerns of citizen representation in public participation activities, and to provide guiding framework for all future public participation activities in the county. *Commitment two: publishing and seeking citizen feedback on budget information*, sought to ensure citizens have access to budget information on a timely basis, to

improve the quality of citizen input into budgets by providing project information, establishing sector working groups to engage government and non-governmental actors in the budgeting process, and to develop simplified budget templates for citizen use in pre and post budget forums. *Commitment three: publishing project contracting and implementation information*, aimed to provide citizen information on procurement regulations, processes and information, and to create mechanisms for citizens to participate in monitoring implementation of development projects. *Lastly, Commitment four: creating channels for citizen feedback and government response* was intended to create a platform where citizens can communicate to the government, and for the government to send formal, coordinated response to citizens. This commitment was also meant to support implementation the citizen complaints and compliments feedback mechanisms that the County government had just started initiating as at the time of co-creation.

Government and civil societies alike agree that the commitments in this 1st action plan focused on setting up systems and mechanisms to address stakeholder priorities. Going forward, both government and civil societies agree that the priority activities should focus on implementation of the four commitments to public facing, where the systems and mechanisms developed, such as the public participation guidelines, Sector Working Groups, simplified budget and procurement documents and feedback channels, will be rolled out for utilization by government, citizens and other stakeholders in the governance processes.

Scope of Action Plan in Relation to Subnational Context

While it is not the job of the IRM to tell governments and civil society organizations what can or cannot be in action plans, the IRM Guiding Principles do require the IRM to identify, “The extent to which the action plan and its commitments reflect, in a certain subnational context, the OGP values of transparency, accountability, and civic participation, as articulated in the OGP Declaration of Principles and the Articles of Governance.

One of the main objectives of devolution in Kenya is to give powers of self-governance to the people and to enhance the participation of the people in making decisions affecting them¹⁰. The main focus for Elgeyo Marakwet’s first subnational action plan was on enhancing citizen engagement in governance processes. The commitments aimed at providing information, creating new channels while improving existing channels for citizen engagement, and establishment of citizen feedback system. The fourth schedule of the constitution of Kenya 2010 spells out the differentiated functions for the national and sub-national governments. One primary issue to address is the articulation of the open government agenda within the key sectors under Elgeyo Marakwet’s jurisdiction as a subnational government. These include agriculture, county health services, county transport, trade development, county planning and development, pre-primary education, village polytechnics, homecraft centres, specific national government policies on natural resources and environmental conservation, county public works, firefighting and disaster management, pollution control, cultural activities¹¹. From the Sector Working Groups established under commitment two, it is anticipated that the one of the outputs of the SWGs workings will be sectorial priorities that will in line with the subnational government functions. These priorities could be a starting point in establishing future commitments..

In this first action plan, commitment 4 is strongly relevant to access to information and civic participation; the commitment has the potential to impact on accountability, but lack the supportive structures to do so. In order to enhance accountability goals in Elgeyo Marakwet, the government could

leverage on the already implemented initiatives to create avenues for holding government responsible for its actions, while continuing to improve on the citizen feedback mechanisms.

¹ The Fourth Schedule of the Constitution of Kenya (2010) relates to Articles 185(2), 186(1) and 187(2) of the Constitution and it. It can be found here: http://www.kenyalaw.org/lex/actview.xql?actid=Const2010#KE/CON/Const2010/chap_19

² The total population according to the National Population and Housing Census of 2009 was 370,712; with the inter-census population growth rate at 2.7 percent, the estimated population in 2017 is 460,092.

³ http://www.elgeyomarakwet.go.ke/Publications/EMC_CIDP_Popular_Version.pdf , and

http://www.elgeyomarakwet.go.ke/Publications/EMC_CIDP_Complete.pdf

⁴ <http://www.crakenya.org/functions-of-county-government/>

⁵ https://www.opengovpartnership.org/sites/default/files/Kenya_AP2_2016_0.pdf

⁶ The Committee has twelve members including six government officials and six CSO representatives. For more details, see next section of this report: “Process of Development of the Action Plan”.

⁷ For more information, see the ADP observation report available at <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁸ FGD with CSOs held on 5/12/2017 at Iten Integrated Environmental Conservation Offices, by IRM researcher.

⁹ H. E. Eng. Alex Tolgos (Governor, Elgeyo Marakwet County Government), Interview by IRM researcher, 15/01/2018

¹⁰ Constitution of Kenya 2010

¹¹ Fourth Schedule of the Constitution of Kenya, 2010

Process of Development and Monitoring of the Action Plan

Process of Development of the Action Plan

Governments participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation. This section summarizes the performance of Elgeyo Marakwet during the development of their first action plan.

OGP Basic Requirements

Subnational Governments received the following guidance on participation during action plan development and execution:

May – November 2016: Development of commitments: Participants set up ways to work with civil society organizations and other groups outside government and use these mechanisms to identify priority areas for commitments. Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones. Draft commitments should be shared with the OGP Support Unit as they are being developed and for comment and advice in October-November. Commitments should be finalized and agreed by the end of November, so they can be published and announced at the OGP Summit in December.

The county government of Elgeyo Marakwet fulfilled all OGP requirements regarding participation during the development of the action plan. Upon acceptance into the pilot program, the County Government established mechanisms to work with Civil Society Organizations (CSOs) and other non-governmental groups in developing and implementing their action plan. First, through the office of the County Secretary, the government organized an inception meeting that took place on 12 August 2016. It was attended by government officials from line ministries, members of the County Public Service Board, members from the civil society organizations and a consultant from Reboot, an organization hired to assist in the action plan co-creation process. Reboot partnered with the Hewllet Foundation to support the county government in its multi-stakeholder co-creation process for the development of the action plan.¹ During this meeting, which was co-facilitated by Reboot, participants discussed the government's interest in OGP and the direction for the desired commitments.

The government also established a twelve-member steering committee (the Elgeyo Marakwet OGP Steering Committee), composed of six government officials² and six CSO representatives³. In the run-up to the formal appointment of the Steering Committee members, the county government had a team of officials who formed a secretariat coordinated through the Directorate of Economic Planning and drafted the proposal by the county government to join the OGP subnational pilot program.⁴ Their work towards strategizing for the OGP commitments co-creation process was continually guided by Reboot. Following their advice to ensure a representative and inclusive OGP Steering Committee, the County representatives identified different types of institutions to be involved in the process (representatives from CSOs that work on women's issues, youth, private sector, CSOs network organizations, the International Budget Partnership, and county government officers in charge of; resource mobilization, public participation, communications, audit and the OGP point of contact).

The letter of appointment was written and the co-creation process ensued. The Steering committee was mandated to develop and assist in the implementation of the commitments. The committee membership were the key actors in the co-creation process that led to the development of the action plan; the members presented and discussed proposals for the commitments; while drafting the actual the milestones, the members were organized into three working streams according to the areas of interest and technical expertise; the working streams held different meetings with Reboot between 10 - 21 October 2016, and in some of the meetings, other government officials who were not part of the steering committee were engaged. Through these streams, specific commitments and milestones were discussed.

The draft commitments were submitted for review to the OGP support unit. The final draft of the action plan was submitted on the deadline date, 30 November 2016.

Table 5. Basic Requirements

1. Participatory Mechanism: Was there a way of working with CSOs and other groups? Guideline: Participants set up ways to work with civil society organizations and other groups outside government and use these mechanisms to identify priority areas for commitments.	Yes
2. Priority Identification: Was civil society able to help identify priority areas for commitments? Guideline: Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones.	Yes
3. Commitment Development: Did civil society participate in the development/drafting of commitments and milestones? Guideline: Specific commitments should then be developed in partnership with civil society, allowing them the opportunity to support governments in drafting them and establishing milestones.	Yes
4. Review: Were commitments submitted for review to the Open Government Partnership Support Unit prior to finalization? Guideline: Draft commitments should be shared with the OGP Support Unit as they are being developed and for comment and advice in October-November.	Yes
5. Submission: Were commitments submitted on time? Guideline: Commitments should be finalized and agreed by the end of November, so they can be published and announced at the OGP Summit in December.	Yes

Openness of Consultation

Who was invited?

The consultations involved different stakeholders. During co-creation, the government sought to involve its officials, Civil Society Organizations, special interest groups, and other stakeholders. The government, through the office of the County Secretary, sent invitations to government officials from different

departments; to the CSOs, and to the National Chamber of Commerce and Industry (North Rift Branch).

Invitation to the Civil Society Organizations was done through the Network for CSOs in Elgeyo Marakwet, which is an umbrella body for CSO groups. The Network has a membership of 102 organizations engaged in a wide range of themes including civic education, human rights, advocacy, business community, youth, women, PWD, elders, religion, among others. The Network was represented by its coordinator, and two representatives for women and youth interest groups. Additionally, Kerio Center, a NGO that operates at a national level, was also invited. They had already been engaging with government representatives on budget related issues before the onset of OGP commitments. As a result, they had a very active role throughout the action plan development process and the OGP exercise. The representatives from the Network for Civil Society Organizations and of youth and women interests began their involvement following the invitation to the inception meeting.

Although the Chairman of the Chamber of Commerce and Industry (North Rift Branch) was invited, he did not participate in the processes. However, business community interests were represented by The Youth representative, Mr. Chemitei, who is also a member of a registered business community group.

Journalists were not invited to participate during the consultation process but were invited to the official launch of the activity, held on March 2016. The Government sent formal invitations to participants in print form.⁵ Additionally, the Elgeyo County steering committee members were issued official appointment letters.⁶

Members of the public were not invited to form part of the prioritization process, however, in some wards, they were involved in discussions through working streams and consultations. Citizens were invited through mobilization efforts led by CSOs and ward administrators.

How was awareness raising carried out?

Upon acceptance into the pilot program, the county government issued a press statement⁷ (publicized through notice boards, social media and the county website) informing the citizenry of the process that had been undertaken to qualify for selection, and the expected activities that were to follow. In its statement, the government explained that it submitted a proposal⁸ for consideration following the call for expression of interest by OGP, and was chosen after a rigorous selection process. Additionally, the onset of OGP activities in the county happened at the time when the government was carrying public participation exercises for the development of the Annual Development Plan, as described under section 125 and 126 of the Public Financial Management Act (2012).⁹ The County government therefore used this opportunity to raise citizen awareness on OGP initiatives. The concerns raised by the citizens regarding the public participation and the budgetary process during the Annual Development Planning exercise were subsequently picked up on and raised by the Civil Society Organizations during the development of the commitments. The co-creation process also kicked off with a sensitization meeting to explain the OGP process. It was held on 12 August 2016 with government officials and non-state actors.

Throughout the consultation process, participants discussed guidelines regarding the identification of priority areas and processes for the documentation of commitments and milestones.

Which parts of civil society participated?

There were three main categories of stakeholders who participated in the co-creation process: government officials, civil society organizations and members of the general public who were engaged at the different stages.

Government officials were invited from different technical departments (such as Communications, Public Participation, Procurement, Finance and Economic Planning, ICT and Public Works) as well as administrative offices (Governor's Office and the County Secretary). These officials played a key role in providing technical input during the process, identifying the challenges faced by the government in rendering its services to the public and drafting possible solutions to these challenges that were since discussed and adopted as commitments.

Four civil society organizations participated in the process. Kerio Center was a vibrant CSO in the County dealing with transparency initiatives, including civic participation and open budgets. The organization was already working with the County Government on budget initiatives and public participation programs prior to the formulation of the action plan. Kerio Center formally supported the County's participation in OGP's Subnational Pilot Program by submitting a recommendation letter along with the government's application during the selection process. However, during the implementation of the action plan, the Director of the Kerio Center ran for public office which raised conflict of interest concerns. As a result, the Center's participation in OGP was replaced with the Center for Innovations in Open Governance in the beginning of 2017. During the formulation of the action plan, Kerio Center was represented by the program officer, (and currently Executive Director at the Center for Innovations as of May 2017), Mr. Timothy Kiprono. The Network for Civil Society Organizations, on the other hand, is an umbrella body that draws its membership from 102 organizations working on a range of issues including civic education, human rights, advocacy, business community, youth, women, PWD, elders, religion, among others. Some of these organizations are currently involved in Kenya's second OGP national action plan. The Network is registered under the State Department for Social Development and it was represented by its coordinator, Mr. Edwin Ronoh. Other participants from civil society were representatives of women and youth interests, who are members of organizations registered at the State Department for Social Services and part of the Network for CSOs.

Citizens also participated in the co-creation process, especially through public consultations that were conducted through working stream meetings.

Throughout the consultation process, a diversity of views was ensured through full attendance to all sessions by all participants, and participatory decision making, as explained in the following section.

Level of Public Input

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.¹ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

The IRM researcher considers that the development of the action plan was collaborative process.

The formulation of the plan coincided with the County Government's public participation exercise for the development of the Annual Development Plan (ADP). The government used this forum to inform

¹http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

the citizens about the OGP activities and the development of the action plan. Public participation exercises were conducted in all 20 wards in the county. These forums were organized by the Directorate of, the discussions at the ADP public participation exercise brought out challenges faced in the budgeting process and his organization's observations were translated into proposals that were adopted in the action plan.

The Elgeyo County OGP Steering Committee led the process to identify specific priorities and to draft commitment. This committee included the active and equal representation of civil society representatives. Additionally, a group of CSOs carried Economic Planning, and were attended by different government officials, CSOs and general public. According to Timothy Kiprono, the Executive Director at the Center for Innovations, and formerly of Kerio Center out a meeting in July 2016 to discuss the ADP process, and the concerns raised therein (such as the low presence of women in public participation processes) were considered as inputs to OGP commitments.

Further consultations and involvement of the citizens was done during the three thematic working streams. Working stream members organized specific forums to engage citizens in dialogue on commitments selection activities. Ongoing engagement with civil society organizations was maintained. Mr. Kimutai Chemitei, the youth and business community representative in the steering committee confirmed that the input from CSOs was taken into consideration and was adopted after discussions.¹⁰ He cited two proposals from CSOs that were adopted as part of the final commitments: the elaboration simplifying budgets and the involvement of women involvement in public participation process. Mr. Kiprono, director of the Center for Innovations, also reported that the recommendations made in their ADP observation report¹¹ were captured in the commitments.¹² He cited the example of commitment three which reflects the report statement "...We conclude that if the government ... provided regular updates on project implementation to the public, it would ... improve on the quality of deliberation about the ADP, which is the main purpose of the forums. We also conclude that the government has an opportunity to build on the current practice by establishing feedback mechanism...".

Table 6. Level of Public Input

Level of public input		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

¹ <https://reboot.org/case-studies/multi-stakeholder-co-creation-lasting-open-government-reform/>

² Janet Jeruto, Resource Mobilization officer, Vincent Bartoo, Director Communications, Richard Kilimo, Director Public Participation, Joel Kimaiyo, Deputy Clerk County Assembly, Paul Mutua, Director Internal Audit and John Maritim, Director Economic Planning

³ Edwin Rono – Coordinator County CSOs Network, Nora Chepkonga – Women Representative, Timothy Kiprono – CSO Representative (Kerio Center), John Kangogo – Chairman Chamber of Commerce and Industry, Jason Lakin – International Budget Partnership (IBP) and Kimutai Chemitei – CSOs Youth Representative

⁴ John Maritim (Director of Economic Planning, and government point of contact), Vincent Bartoo (Director of Communications), Pius Kilimo (Director of Public Participation), Titus Kosgey (Finance and Economic Planning), Duncan Kiplagat (Finance and Economic Planning) and Felix Kipngetich (Finance and Economic Planning)

⁵ <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁶ <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁷ http://www.elgeyomarakwet.go.ke/Publications/Open_Government_Partnership%20_OGP_Selection_Outcome_Press_Release.pdf

⁸ For more information about the proposal, see <https://www.opengovpartnership.org/countries/elgeyo-marakwet-kenya>

⁹ From August 24 to 30, 2016, the County held public participation meetings in all 20 wards to enable citizens to decide on how to allocate the County's development budget, through the Annual development plan. Meetings were chaired by members of the County Executive, other technical officers, and members of the Ward Development Committees. For more information on the framework for the process of annual development planning, see section 125 & 126 of the Public Finance Management Act 2012 available at

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjhmOmi2b7WAhWNjVAKHX3iBaoQFggnMAA&url=http%3A%2F%2Fwww.treasury.go.ke%2Ftax%2Ffacts.html%3Fdownload%3D603%3Athe-public-finance-management-act-2012-1-1&usg=AFQjCNHOzCke6SXBiwMfIZ2IsNBUBMoeRQ>

¹⁰ Interview with Mr. Kimutai Chemitei on 23/08/2017

¹¹ <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹² Timothy Kiprono (Executive Director, Center for Innovations in Open Governance, and formerly Programme officer with Kerio Center), Interview by IRM researcher, 29/06/2017

Process of Monitoring Implementation of the Action Plan

OGP Basic Requirements

Subnational governments received the following guidance on participation during action plan development and execution:

December 2016 – December 2017: Implementation of Commitments

The guidance below provides more information about the best way to manage implementation of commitments, internal reporting and consultation with civil society throughout.

- Commitments should be developed in partnership with civil society and should seek to engage the widest possible input from citizens. [This note](#) provides guidance about how to conduct successful engagement with civil society and provides advice about ongoing consultation with civil society.
- Governments should conduct regular internal assessment, to make sure that commitments are on track and that there is an ongoing role for civil society. This assessment should be carried out along the lines of the OGP template for self-assessment, to make it easier for the IRM researcher to gather information.
- At regular intervals governments should publish a brief update on progress against commitments and use that as an opportunity to invite any comments. To complement any tracking system, governments are strongly encouraged to maintain a public, online repository of all documents giving evidence of consultation and implementation of commitments.

The county government of Elgeyo Marakwet fulfilled three (3) out of the five basic requirements set out by the OGP guidelines on participation during action plan execution. Monitoring of the action plan was mainly done by the steering committee; through this channel, government conducted regular internal assessments and provided the CSOs an ongoing role in monitoring of the action plan.

During the co-creation process, the government established a twelve-member steering committee (the Elgeyo Marakwet OGP Steering Committee), composed of six government officials¹ and six CSO representatives². The government officials included the team that drafted the proposal by the county government to join the OGP subnational pilot program³, and who played a key role in coordinating the co-creation process. Following the advice of Reboot⁴ to ensure a representative and inclusive OGP Steering Committee, the County representatives identified different types of institutions to be involved in the process (representatives from CSOs that work on women's issues, youth, private sector, CSOs network organizations, the International Budget Partnership, and county government officers in charge of; resource mobilization, public participation, communications, and the OGP point of contact). After the commitments were developed and the action plan signed, the OGP steering Committee resolved to include government officers whose dockets were engaged in the commitments; these included the Director of Budget and the Director of Procurement. Additionally, it became apparent that the county website and other communication platforms were important components for the achievement of commitments, so the ICT Director was coopted into the Steering Committee. As a result, the steering committee consisted of each of the commitment leaders (who were government officials), government officials from other departments, whose engagement was crucial to the success of the action plan, and

representatives of the CSO organizations who participated in the co-creation process. Elgeyo Marakwet's Governor was the substantive chairman of the committee, and in his absence the government POC chaired the meetings.

During the action plan period, the steering committee held several meetings to receive and discuss the implementation progress from the different commitment leaders. The steering committee developed an internal assessment template that would be updated at each meeting. For each commitment, the template showed the status quo pre-OGP, the gaps that justified the OGP commitments, the specific activities and actions to be undertaken, the status of implementation and evidence documentation⁵. The Center for Innovations in Open Governance (CIOG) was tasked with the secretariat role. CIOG maintained all records of discussions, updated the template at every meeting, and maintained relevant documentation. Evidence documentation regarding progress implementation was uploaded in a Google file. This file was accessible to members of the steering committee; and any other party had to obtain the link and access permission from the committee members. The government did not maintain an online public repository. However, some information such as OGP call for application, press release upon acceptance into the pilot program and governor's message on open governance initiatives were periodically uploaded on the government website⁶.

The ongoing role of CSO was ensured through their engagement in the steering committee. The CSOs played two main roles; First of all, for each commitment, at least one CSO was assigned to support the government team implementing that commitment. This meant that the CSOs participated in designing and implementing the specific actions for the commitments. The CSOs also supported the commitment implementation through resource mobilization. Secondly, the CSOs, by attending the steering committee meetings, were able to comment on the progress of the commitment implementation.

Although substantive effort was made on monitoring and conducting internal assessment of the implementation of the action plan, the government did not publish the progress reports. However, the information on the internal assessments was shared internally amongst government officials through emails and WhatsApp groups.

Table 7. Basic Requirements

1. Internal Assessment & Participatory Mechanism:	
a. Did the government conduct regular internal assessments?	1.a Yes
b. Did the government ensure an ongoing role for civil society in monitoring of the action plan?	1.b Yes
Guideline: Governments should conduct regular internal assessment, to make sure that commitments are on track and that there is an ongoing role for civil society.	
2. Regular Updates & Opportunity to Comment:	
a. Did the government publish updates on progress at regular intervals? [at least once every four months]	2.a No
b. Were civil society organizations provided the opportunity to comment on progress of commitment implementation?	2.b Yes
Guideline: At regular intervals governments should publish a brief update on progress against commitments and use that as an opportunity to invite any comments.	
3. Online Repository:	3.a No

a. Did the government create a public online repository of documents?	
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Guideline: To complement any tracking system, governments are strongly encouraged to maintain a public, online repository of all documents giving evidence of consultation and implementation of commitments.

Openness during implementation

Who Was Invited?

Elgeyo Marakwet invited a wide range of stakeholders to participate in implementing the action plan. The core team that played a coordinating role for the entire action plan process was the steering committee. First, the government invited, as members of the steering committee, its officials who were responsible for the respective commitments, and who were mentioned in the action plan. Other officials were co-opted into the steering committee and invited to the implementation process. As explained by Mr. Maritim⁷, the co-opted officials included those who the Steering Committee felt were crucial to the successful implementation of the action plan commitments. They included the Director of Budgets; the Director ICT and a representative from the legal and resource mobilization unit.

Representatives of the CSOs who participated in the co-creation process, and were members of the steering committee during co-creation were also invited to participate in implementation. These included representatives from the Center for Innovations in Open Governance, the Elgeyo Marakwet Network for CSOs, youth and business representative as well as representative of women interests. All steering committee members were invited by formal appointment letters at the first instance, and through online means (WhatsApp communication) for consequent meetings.

Ward administrators were also invited to participate in drafting the public participation guidelines for commitment one, and also to participate in developing the citizen feedback process. An invitation was also sent out by the County Secretary to the County Assembly to nominate three (3) representatives to participate in developing the public participation guidelines. Formal letters were issued for Mr. Jacob Ayienda from Health department and the County Assembly Clerk, while the ward administrators were invited by phone call. Further, representative government officials from each department and members of the county cabinet (County Executive Members) were invited in several forums to discuss the documents that had been prepared for the commitments; these invitations were made through formal communication letters.

Members of the public were also consulted during implementation; for commitment one and two, representative citizens were sampled and invited via phone calls from the Center for Innovations in Open Governance to provide their input into the public participation guidelines and the budget templates respectively, and for commitment four, citizens were invited during the selection of the ward-based feedback champions, formation of citizen oversight forums, selection of civic educators, social auditors and citizen voice and action representatives. Commitment four invitations were made by the Elgeyo Marakwet Network for CSOs.

Additionally, a CSO representative of Persons Living with Disabilities (PLWD) was invited to specifically participate in developing the public participation guidelines.

Last but not least, the government invited other non-governmental stakeholders to meetings to discuss the establishment and mandate of the Sector Working Groups, as well as to validate the public participation guidelines.

How Was Awareness Raising Carried Out?

Following the successful co-creation process and signing of the action plan, the county government issued a press statement⁸ (publicized through notice boards, social media and the county website) informing the citizenry of the process that had been undertaken to qualify for selection, and the expected activities that were to follow during implementation. Additionally, on the 10th of March, 2017, the government held a public event to launch the action plan⁹. This event was attended by government officials; selected members of the public and Ms. Brittany Lane from OGP. During this event, all participants were informed of the co-creation process that had taken place, and the details of the action plan commitments. The government used this forum to create awareness of the implementation processes that would follow, and to seek the good will and support of all stakeholders.

Awareness raising was further carried out through the engagement of the steering committee, which brought together government and CSO representatives. Moreover, throughout the implementation process, government invited different stakeholders from the executive and legislative arms of government, and other non-governmental actors to various meetings where awareness raising was carried out and inputs in implementation was consolidated. Formal committees, comprising of both government and non-governmental actors were established to address the specific activities of the commitments; a technical working group was set up to prepare the draft public participation guidelines, and a sector working group was set up to engage the different stakeholders in the budgetary process. For these committees, the government issued the members formal invitation and/or appointment letters and detailed terms of reference for their engagement.

Meetings with citizens were organized at different stages of the implementation process; these included meetings to gather citizen inputs on public participation, meetings with citizens to test the different samples of post budget simplification templates, and meetings organized through the Elgeyo Marakwet Network for CSOs, regarding the citizen feedback system developed by the government. In all these meetings, the government and CSO leaders engaged in the OGP initiatives discussed the OGP action plan content and implementation process, and engaged citizens to seek their input into the actions.

During the Action plan period, the International Budget Partnership (IBP) together with the Center for Innovations in Open Governance and the County Government of Elgeyo Marakwet, and with partners, Katiba Institute and Society for International Development, hosted the annual Equity week, where the regional meeting was held in Tambach, Elgeyo Marakwet on 17th November, 2017¹⁰. According to Mr. Maritim¹¹, the Director of Economic Planning, the government used this forum to showcase the OGP initiatives and the efforts made to open governance through the implementation of the commitments. This event was attended by international organizations, other sub-national governments and government officials from Elgeyo Marakwet. Mr. Kiprono¹² from the Center for Innovations in Open Governance reported that the event provided an ideal platform for peer learning on open governance, transparency and equity in government operations.

Which Parts of Civil Society Participated?

Civil Society participation was diverse; Majority of the stakeholders invited honored the call to join in implementing the action plan.

Four civil society representatives who were members of the steering committee participated in commitment implementation, and also in conducting the government self- assessment. However, the CSO representative for People Living with Disabilities did not attend any of the meetings, and no apology was registered.

Non-governmental actors who were invited to validate the public participation guidelines and also to form part of the sector working groups attended the meetings and were able to input into the processes undertaken.

All government officials and department representatives who were invited actually participated in the consultations, except for the representatives from the County Assembly. The county Assembly is the legislative arm of government charged with three main responsibilities: Exercising the powers of enacting laws at the county level, acting as an oversight instrument on the county executive and approval of plans and policies for smooth operation and management of resources and county institutions. The IRM researcher established that the participation of the Assembly members was inhibited by two issues; first, because of the general elections that were held in August 2017, the Assembly was dissolved on 31st March, 2017 and hence no substantive members could participate. Also, due to the separation of powers, it was too premature to involve the Assembly in developing the document; involving assembly at drafting stage would pre-empt the discussions at the stage of passing relevant approvals.

Level of Public Input

The IRM has adapted the International Association for Public Participation (IAP2) Scale of participation for use in OGP. The table below shows the level of public influence on the implementation of the action plan. From left to right, features of participation are cumulative. In the spirit of OGP, most countries should aspire for “collaborate.”

The IRM researcher considers that the implementation and monitoring of the action plan was a collaborative process.

The government utilized different opportunities to inform the public of the implementation process. Through the press statement and the public launch event done after acceptance into the pilot program, the government was able to inform the citizenry and other stakeholders of the implementation process that was to follow. In implementing commitment one and two, members of the public were consulted to give their inputs into the public participation guidelines and the budget templates; more importantly by engaging the non-governmental actors in validation of guidelines for public participation guidelines and the sector working group, members of the public were provided an opportunity to have an iterative dialogue with the government, and the public helped set out the agenda.

Furthermore, The Elgeyo County OGP Steering Committee led the process of implementing and monitoring the commitments. For each commitment, the Steering committee assigned one CSO representative to support the commitment leaders in implementation. This meant that the CSOs participated in designing and implementing the specific actions for the commitments. The CSOs also supported the commitment implementation through resource mobilization. This structure ensured that the government was able to collaborate with CSOs in implementing the OGP initiatives.

Table 8. Level of Public Input

Level of public input		During implementation of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

¹ Janet Jeruto, Resource Mobilization officer, Vincent Bartoo, Director Communications, Richard Kilimo, Director Public Participation, Joel Kimaiyo, Deputy Clerk County Assembly, Paul Mutua, Director Internal Audit and John Maritim, Director Economic Planning

² Edwin Rono – Coordinator County CSOs Network, Nora Chepkonga – Women Representative, Timothy Kiprono – CSO Representative (Kerio Center), John Kangogo – Chairman Chamber of Commerce and Industry, Jason Lakin – International Budget Partnership (IBP) and Kimutai Chemitei – CSOs Youth Representative

³ John Maritim (Director of Economic Planning, and government point of contact), Vincent Bartoo (Director of Communications), Pius Kilimo (Director of Public Participation), Titus Kosgey (Finance and Economic Planning), Duncan Kiplagat (Finance and Economic Planning) and Felix Kipngetich (Finance and Economic Planning)

⁴ Reboot is organization hired to assist in the action plan co-creation process. Reboot partnered with the Hewlett Foundation to support the county government in its multi-stakeholder co-creation process for the development of the action plan. For more information, see www.reboot.org

⁵ <https://docs.google.com/spreadsheets/d/1zxRv8VRu9k-188LHDVNgxvZLj12zLVK6PLJHNPnVnk/edit?ts=5a547eda#gid=1735828066>

⁶ <http://www.elgeyomarakwet.go.ke/index.php/downloads>

⁷ John Maritim, Director Economic Planning, and Government point of contact; interview with IRM researcher, 17/10/2017

⁸ http://www.elgeyomarakwet.go.ke/Publications/Open_Government_Partnership%20_OGP_Selection_Outcome_Press_Release.pdf

⁹ For more information about the launch event, see <http://www.elgeyomarakwet.go.ke/index.php/338-open-governance-partnership-launch>

¹⁰ For more information about the equity week, see <http://www.elgeyomarakwet.go.ke/index.php/348-equity-week-2017>, <https://www.internationalbudget.org/budget-work-by-country/ibps-work-in-countries/kenya/equityweek/>, <http://www.kenyaequityweek.org/> and <https://ciogke.wordpress.com/2017/11/24/summary-of-key-notes-from-our-recent-regional-equity-day-in-pictures/>

¹¹ John Maritim, Director Economic Planning, and Government point of contact; interview with IRM researcher, 20/12/2017

¹² Timothy Kiprono, Executive Director, Center for Innovations In Open Governance; interview with IRM researcher, 23/11/2017

Commitments

I. Improve effectiveness of citizen engagement

Commitment Text

Improve the effectiveness of citizen engagement in local governance, by identifying and scaling successful approaches to public participation.

Main objective

To create a mechanism to identify, test and incorporate successful approaches for public participation into County development and Governance processes.

Milestones

- I.1 Establish Public Participation Technical Working Group*
- I.2 Technical Working Group to review, develop, draft Public Participation Guidelines to inform pilot intervention activities*
- I.3 Community priority list: Identification of Community Priorities through Sub-Ward Engagement for the Annual Development Plan Public Participation Consultations*
- I.4 Review community priority lists by county technical departments to develop budgets and project proposals for community review*
- I.5 Review Public Participation Pilot Activities and revise guidelines and regulations based on results from pilot interventions.*

Commitment Overview

Status of Completion	Limited
Start Date	January 2017
Intended Completion Date	December 2017
Responsible Office	Directorate of Public Participation
Did It Open Government?	Marginal

Is it a STAR commitment? Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria: - It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity. - The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. - The commitment would have a "transformative" potential impact if completely implemented. - Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.	No
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Editorial Note: The text above includes sections of the commitment text to fit this report. The complete text with specific responsible actors and completion dates per milestone can be found in the Elgeyo Marakwet Action Plan 2017.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
Overall			✓			✓					✓			✓					✓		
I.1 Public participation technical working group			✓			✓				✓						✓					
I.2 draft public participation guidelines			✓			✓					✓					✓					
I.3 identify community priority list			✓			✓					✓		✓								
I.4 review community priority list			✓			✓					✓		✓								

I.5 review public participation guidelines			✓			✓					✓		✓					
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Commitment Aim

Overall Objective & Relevance

This commitment seeks to address the challenges faced by the county government in carrying out an effective public participation process. Section 87 and section 91 of the County Government Act, 2012¹ provides guiding principles for citizen participation, to include, engagement during budget processes, monitoring and evaluation processes, law enactment processes and open forums (County Hall meetings), among others.

Elgeyo Marakwet has embraced public participation as a key process in its decision-making activities. The county government has developed legislation such as the Equitable Development Act² and the Public Participation Act³ to support this effort, and ensure compliance with the County Governments Act. For instance, the county's budget is developed through a framework of citizen participation, where citizens, through ward level engagement, identify and prioritize their development needs, while referring to the County Integrated Development Plan. The inputs discussed and agreed upon in such forums are then consolidated and incorporated into the overall county budget.

The public participation framework has been able to attract the attention and participation of a significant number of citizens; however, its effectiveness is still limited due to a number of reasons. Firstly, as identified in the County's action plan⁴, it has not allowed for the integration of technical guidance for citizens into the public deliberations; this has led to inconsistencies on how public participation is conducted, and suboptimal outcomes in the quality of deliberations and consequent decision making based on the deliberations. Secondly, the process has not laid down mechanisms for ensuring all-inclusiveness of the participants, and, as such, there is an information gap from special interest groups such as women, youth, people living with disabilities, and the geographically dispersed citizens. This is further supported by an IBP paper on County Budget and Economic Forums and Public Participation in Kenya (2014)⁵, which reported that the challenges faced in public participation included a lack of (1) safeguards to prevent consultative forums being dominated by any one political group, organized interest, or politician, (2) timely communication regarding the public forums, (3) feedback mechanisms and (4) general citizen understanding because of the technical nature of documents provided, among others.

The main objective of this commitment is to establish mechanisms for scaling up successful approaches to public participation in the county development and governance process. The commitment seeks to create a means to identify, test and incorporate successful approaches for public participation into the County development and governance processes. The proposed mechanisms will form the procedures that will be adopted to guide the public participation exercises, in order to make the process inclusive and effective.

This objective is relevant to the value of civic participation as it aims to enhance the effectiveness of public participation processes in local governance, and ensure that the public participation exercise results in meaningful input.

The activities planned under this commitment are to develop public participation guidelines (through a technical working group); to pilot these guidelines through sub-ward engagement for public participation consultations for the annual development plan; to review the identified community priority list to review the piloted public participation activities with the aim of revising the public participation guidelines and developing recommendations for the county government.

Specificity and Potential Impact

The language from this commitment is of medium specificity; although the activities are objectively verifiable, some require interpretation to identify the measurability of the activity and its impact on the overall objective of the commitment. For example, the text in the action plan does not detail how the guidelines and mechanisms will consider the most important issues currently affecting public engagement practices. This in turn could affect the potential impact of the commitment.

Based on the commitment text, the IRM researcher believes that the commitment has a moderate potential impact on the conduct and effectiveness of citizen engagement in local governance processes. According to the action plan, public participation guides the allocation of more than 70% of the County's development (capital) budget. Therefore, the integration of technical guidance is necessary to ensure that inputs and deliberations made during the public participation process are feasible. Milestone 1 and 2 give provisions for the development of the public participation guidelines, while milestone 3, 4 and 5 provide for steps to test and refine the developed guidelines. Although the Public Participation Act already provides guiding principles for public participation, including provision for affirmative action programmes, the government, as reported in the action plan, still encounters challenges such as representativeness of participants.

Mr. Kiprono, a representative of the Center for Innovations, and formerly a part of the Kerio Center, believes that the implementation of this commitment could provide a framework to address the main challenges experienced in public participation engagements, such as representativeness of participants and timely provision of information⁶, as documented in his ADP observations report.⁷ These sentiments were also concurred by steering committee member, Ms. Norah Chelangat, who also considers that that improved guidelines could set mechanisms in place to enable equal opportunities for participation among marginalized groups (do to gender or geographic locations).⁸

However, the text of the milestones and activities as detailed in the plan do not explain how the guidelines will capture the key concerns of public participation and address the challenges identified. For this reason, the commitment could represent a significant step towards improving public participation, but it remains unclear whether its implementation could have a transformative impact.

Completion **Limited**

The county government has implemented the first two of the five milestones within the action plan period; milestone three, four and five were not yet started during the action plan period because of delays.

Milestone 1

Milestone 1 was completed in time. The county secretary, on behalf of the government, appointed technical working group members to develop the public participation guidelines. The terms of reference

for the group were developed by the steering committee, and issued to the members for guidance⁹. Membership included four government officials and four CSO representatives. Additionally, the government coopted one government official from health department, and the ward administrator from Kaptarakwa ward. According to the Director of Public Participation, Richard Mr. Kilimo¹⁰, the representative from the health department, Mr. Jacob Ayienda, was selected because of his vast experience interacting with the community through health programs that run under the health department. The administrator of Kaptarakwa, Mr. Solomon, was selected because of his active role in coordinating public participation activities in his ward.

The county secretary also invited the county assembly (the legislative arm of government) to nominate three representatives to join the technical working group, but this was not done. The participation of the assembly members was inhibited by two issues; first, because of the general elections that were held in August 2017, the Assembly was dissolved on 31st March, 2017 and hence no substantive members could participate. The IRM researcher confirmed that both the executive and legislative bodies of the county government periodically organized public participation activities to engage citizens on governance issues.

Also, according to the County Secretary¹¹, the representative for persons living with disabilities did not respond to the invitation, The IRM researcher was unable to reach the respondent for follow-up contact.

Milestone 2

This milestone was also completed in time. The technical working group held two meetings, on July 15th and July 26th, 2017 and the main outcome was the drafting of the public participation guidelines¹². This was done by reviewing existing documentation such as the Elgeyo Marakwet Public Participation Act¹³ and guidelines from the ministry of devolution and planning on county public participation¹⁴ to provide input into the guidelines. The group then called for a public participation practitioners meeting on the 18th of August 2017 to discuss the proposed guidelines and collect their input. This meeting was attended by government officials from the directorates of economic planning, public participation and communication, ward administrators and some members of the public. During this meeting, the practitioners shared their experiences and challenges in carrying out public participation, and gave suggestions for the guidelines to address the challenges¹⁵. The draft guidelines were also discussed at a multi-stakeholder forum held on 15th December 2017¹⁶, attended by government officials, members of the cabinet and CSOs. In this forum, the participants were taken through the detail contents of the public participation guidelines; the members provided further inputs and validated the guidelines.

Milestone 3, 4 and 5

Milestone three, four and five are cumulative in nature and implementation was not started within the action plan period.

The government intended to identify a community priority list through sub-ward public engagement conducted for the development of the Annual Development Plan (ADP). The ADP is a planning process conducted yearly where citizens and government engage to prioritize the development projects from the 5-year County Integrated Development Plan (CIDP) to be funded for a particular financial year.¹⁷ The 2017 ADP process, which was planned to be treated as a pilot activity to test the draft public participation guidelines, did not take place. The priority list was to come out of this activity to be later reviewed by the county technical departments to develop budgets and proposals for the

accomplishment of milestone four. Finally, to carry-out milestone five, the public participation guidelines were to be revised based on the results from these pilot activities.

According to Mr. Maritim¹⁸, milestone three, four and five were not achieved because of the lapse of the CIDP. In his explanation, Mr. Maritim described that the government intended to test the developed guidelines on an actual process, and hence the proposal of the ADP process in the action plan. However, the ADP public participation consultations were not done because of the CIDP lapse and the new CIDP is still being developed, and not yet approved. Note that the ADP process that would have been done in September 2017 would be for budget inputs for 2018/2019 financial year, which was not covered by the existing CIDP. Likewise, the government planned the public participation consultations for the new CIDP to be done under the new guidelines that would have been developed.

The government finally tested the new guidelines with the CIDP preparation in January 2018. The delegate system of representation was implemented, where representatives from each sub-location were selected and invited to attend public hearings; the templates for submitting citizen memoranda was developed and used to collect citizen input into the CIDP¹⁹ and out of these engagements, the community priority list was developed for the CIDP²⁰. However, these activities cannot be considered in the assessment of this commitment because they fall out of the period under review by the IRM (from 1 January to 31 December 2017).

Early Results: did it open government?

Civic Participation: Marginal

Prior to this commitment, the county government of Elgeyo Marakwet had already put in measures to institutionalize public participation. The county government had passed two laws to support public participation at the local level (the Public Participation Act and the Equitable Development Act), and had dedicated a fully-fledged department to coordinate public participation activities at the county. However, despite these efforts, government faced a major challenge due to a lack of framework to guide how public participation would take place. The main aim of this commitment was thus to establish the framework under which citizens would be engaged in public participation activities. By developing the guidelines, the county government expected to substantially improve the context of public participation by providing the structures to ensure balanced representation in public participation and address the citizen information needs by requiring that documentations for public participation are prepared and submitted to citizens well in advance. The government anticipated to develop, test and approve the guidelines between January and December 2017.

The highlight achievement of this commitment is the development of the draft public participation guidelines and regulations²¹ with strong CSO representation. Although not finalized and approved, the guidelines have been subjected to intense discussions, from review of its legal framework, to seeking inputs from practitioners. There are already notable and positive changes regarding citizen engagement. The commitment has created an interactive platform for government, CSOs and the citizens to work together. In developing the draft guidelines, the government worked with the Center for Innovations in Open Governance to develop the draft, and in the process, deliberate effort was made to seek citizen input. Timothy Kiprono, Director CIOG, commended the government for creating a platform for CSO engagement; he noted that the draft guidelines specified the modalities for implementing balanced representation and that the guidelines provide a platform to close the loops in the Public Participation

Act. Also, through the multi-stakeholder meeting, the government involved other non-governmental actors to discuss the draft guidelines and incorporate their inputs. The citizens consulted by CSOs during implementation also reported to have experienced a change in perception about public participation. Emmanuel Kongin from the Center for Innovation in Open Governance²² reported that his organization had observed a positive mind shift from the members of the public, especially those who were involved in co-creation and implementation processes. He noted that some citizens were able to appreciate the role of public participation to involve other governance processes apart from resource allocation.

In sum, the implementation of this commitment represented an incremental and positive step towards inclusion of civil society members in public policy decision making. It is important to highlight that the new guidelines were tested in January of 2018, after the period under review (from 1 January to 31 December 2017). Therefore, this report does not factor in changes appreciated after the test run.

Recommendations

- *Review of County Public Participation Act to include the guidelines:* once approved, the public participation guidelines developed could be incorporated into the County Public Participation Act for continuous implementation.
- *Harmonize public participation activities for the different arms of government:* to enable citizens understanding and appreciation of the importance of each activity and avoid citizen burn-out or confusion from the different forums.
- *Upscale public participation beyond resource allocation, to project management:* just as public participation activities for budgetary discussions are planned for on an annual basis, government could make similar effort to plan for and conduct public participation for other governance processes such as project management.

¹ <http://kenyalaw.org/lex/actview.xql?actid=No.%2017%20of%202012>

² http://www.globaldisabilityrightsnow.org/sites/default/files/relatedfiles/277/Elgeyo_Marakwet_County_Development_Act_2015.pdf

³ <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ElgeyoMarakwetPublicParticipationAct2014.pdf>

⁴ https://www.opengovpartnership.org/sites/default/files/Elgeyo-Marakwet_Subnational_Action_Plan20161201.pdf

⁵ <http://www.internationalbudget.org/wp-content/uploads/County-Budget-and-Economic-Forums-CBEFs-and-Public-Participation-in-Kenya.pdf>

⁶ Timothy Kiprono (Executive Director, Center for Innovations in Open Governance, and formerly, programme officer, Kerio Center), Interview by IRM researcher, 16/08/2017

⁷ For more information on the Observation report of the Annual Development Plan 2016 Public Participation Act (by Center for Innovations), see <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁸ Norah Chelangat (CSO representative of women interest, member of county OGP steering committee), Interview by IRM researcher, 23/08/2017

⁹ The Terms of Reference for the Technical Working Group can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁰ Richard Kilimo, Director of Public Participation, Interview by IRM researcher, 04/12/2017

¹¹ Paul Chemuttut, County Secretary, Interview by IRM researcher, 20/12/2017

¹² The minutes of the Technical Working Group meetings can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹³ <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ElgeyoMarakwetPublicParticipationAct2014.pdf>

¹⁴ <http://www.devolutionplanning.go.ke/wp-content/uploads/2016/04/County-Public-Participation.pdf>

¹⁵ The minutes of the practitioners meeting can be found here
<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁶ The list of participants and presentations used during this meeting can be found here
<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁷ For example, from August 24 to 30, 2016, the County held public participation meetings in all 20 wards to enable citizens to decide on how to allocate the County's development budget, through the Annual development plan. These meetings were chaired by members of the County Executive, other technical officers, and members of the Ward Development Committees. For more information on the framework for the process of annual development planning, see section 125 & 126 of the Public Finance Management Act 2012 available at

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjhmOmi2b7WAhWNJVAKHX3iBaoQFggnMAA&url=http%3A%2F%2Fwww.treasury.go.ke%2Ftax%2Ffacts.html%3Fdownload%3D603%3Athe-public-finance-management-act-2012-1-1&usg=AFQjCNHOzCke6SXBiwMfIZ2IsNBUBMoeRQ>

¹⁸ John Maritim (Director of Economic Planning, County Government of Elgeyo Marakwet), Response to discussions between steering committee and IRM researcher on 08/12/2017

¹⁹ The guidelines for delegate nomination and the template for submission of citizen memoranda can be found here
<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

²⁰ Sample Priority List can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

²¹ The Draft Public Participation guidelines can be found here
<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

²² Emmanuel Kongin (Center for Innovations in Open Governance), Interview by IRM researcher, 04/12/2017

Commitment 2. Improve citizen awareness and input in county spending decisions

Commitment Text

Improve citizen awareness of and input into county spending decisions, by publishing and seeking citizen feedback on budget formulation.

Main objective

To enhance financial management accountability and citizen participation in budget management processes by simplifying and disseminating budget related documents for prompt feedback and citizen oversight.

By enabling citizens to engage and give quality and appropriate feedback on budget making by designing, developing, and publishing simplified and succinct templates that are easily understood and accessible while institutionalizing sector interest forums with citizen representation.

Milestones

- 2.1 Constitute a Sector Working Groups (SWG) to be engaging all relevant stakeholders in the budgetary process to improve budget management processes*
- 2.2 Prepare an updated Projects cost Reference list to guide citizens when prioritizing projects*
- 2.3 Design and prepare simplified budget templates for citizens pre- budget and post-preparation forums*
- 2.4 Disseminate simplified budget templates using the website, emails, notices boards and public forums*

Commitment Overview

Status of Completion	Substantial
Start Date	June 2017
Intended Completion Date	December 2017
Responsible Office	Directorate of Economic Planning
Did It Open Government?	Marginal

Is it a STAR commitment?	No
Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria: - It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity. - The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. - The commitment would have a "transformative" potential impact if completely implemented. - Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.	

Editorial Note: The text above includes sections of the commitment text to fit this report. The complete text with specific responsible actors and completion dates per milestone can be found in the Elgeyo Marakwet Action Plan 2017.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
Overall			✓		✓	✓					✓				✓				✓		
2.1 Constitute Sector working group			✓			✓					✓				✓						
2.2 Cost reference list			✓		✓						✓				✓						
2.3 prepare simplified budget templates			✓		✓	✓					✓				✓						
2.4 disseminate simplified budget templates			✓		✓	✓					✓		✓								

Commitment Aim

Overall Objective & Relevance

Prior to the formulation of this commitment, the County Government (as required by the constitution and the Public Financial Management Act, 2012¹), had incorporated several initiatives to engage citizens in the budgeting process, including public participation forums, creation of channels for submitting citizen memoranda and periodic publication of draft and approved budget documents. The first commitment of the action plan, explains that more than 70% of the development budget is allocated directly through public participation processes.²

However, despite these efforts, the Government and civil society organizations such as the International Budget Partnership, the Network for CSOs and the Center for Innovations, find the level of effectiveness of citizen engagement to be wanting. Challenges understanding the budget documents and over/under budgeting for project costs have resulted in suboptimal utilization of citizen inputs and created loopholes that hinder the achievement of desired projects or wastage and corruption of resources. For example, IBP Kenya, in its paper *County Budget and Economic Forums and Public Participation in Kenya* (2014), noted that the documents given at public consultations were very technical.³ Further, the Center for Innovations, in its observation report and lessons learnt from the 2016 County Annual Development Plan Public Participation⁴, reported that information was not provided on time for citizens to read, internalize and understand.

Furthermore, the Government of Elgeyo has already established the concept of Sector Working Groups to engage with stakeholders during budgetary processes as a best practice. However, this effort has not yet been institutionalized by the county government. The framework for constituting sector working groups (SWG) and their role in engaging stakeholders in the budgetary process is defined in the County Public Participation guidelines,⁵ developed by the Ministry of Devolution and Planning and the Council of Governors.

As defined in the action plan, this commitment aims to enhance financial management accountability and citizen participation in budgetary processes by: (1) creating easy to use budget templates for citizens' pre-budget and post-preparation forums, (2) publishing cost reference lists to guide citizens when prioritizing projects and (3) institutionalizing sector working groups to engage all relevant stakeholders in the budget process.

The commitment addresses the values of access to information by aiming to improve the quality and usefulness of budgetary information to enhance citizen input, and civic participation by introducing the engagement of stakeholders, including civil society organizations in the sector working groups. This commitment also addresses the OGP grand challenge on more effectively managing public resources, because the outcome of the commitment includes improved citizen input in budgetary decisions.

Specificity and Potential Impact

The IRM researcher considers that commitment language is of medium specificity and has moderate potential impact.

Studies have shown that citizens in Elgeyo are willing to participate in the budgetary process. The Center for Innovations, in its observation report of the 2016 ADP exercise, noted that "citizens want to attend public forums, and ... the public needs more extensive information at these forums"; however, the level of citizen input in the budgetary process is limited due to technicality of information provided,

and development is not achieved as desired due to over or under-budgeting. Therefore, the creation and dissemination of simplified budget templates and a cost reference list would be a major improvement on the citizens' ability to participate and provide input on the budgeting process in a more effective and participatory manner.

Moreover, the institutionalization of the sector working groups to engage different stakeholders could be a major improvement of the current practice. Currently, citizen engagement for development projects is done at the ward level, and before and after budget public hearings. The County Public Participation guidelines,⁶ defines SWGs to include non-state actors' representatives, whose role is to identify the sector needs and priorities and to review sector reports. Additionally, the Institute of Economic Affairs, a think tank working at the country level, in its Handbook "County Planning County Budgeting and Social Accountability",⁷ also explains that SWG are planned to be made up of different actors, including representatives from government, development partners, civil society and the private sector. The handbook further explains that the role of these groups consists of preparing reports to identify and rank sector priorities, and analyze the costs of the different proposed policies, programs and activities. The reports should contain costed programs ranked in order of priority on a three-year rolling plan together with a criterion for allocation of resources among competing needs. However, the commitment text does not provide specific steps for the composition of these groups. It also fails to indicate how the group members would be appointed, how it would be structured, and how government officials would use the reports they put together. The commitment's limited specificity in this regard, hinders the measurability of its potential impact.

Completion **Substantial**

The IRM researcher considers the implementation of this commitment to be substantial. The government made an significant effort to fulfil the first three milestones, however none of them were fully implemented because of delays during implementation, and the fourth milestone had not been started at the time of assessment.

Milestone 1

The Directorate of Economic Planning, with the support of the Center for Innovations in Open Governance (CIOG), developed the guidelines and terms of reference for the constitution of the Sector Working Group (SWGs)⁸. The terms of reference included the list of proposed members from government departments and non-state institutions. To develop this documents, they referenced the national government framework on the operationalization of the SWGs⁹, and the National treasury's classification of function of government¹⁰. The government then called for a meeting with development partners to discuss and validate the guidelines, terms of reference and composition of the SWGs, on 11 December 2017, during which the guidelines were adopted¹¹. A sensitization meeting was also organized for sub-county and ward administrators on 21 December 2017 to take them through the functioning of the SWGs and particularly to highlight the role of the SWGs in the CIDP development process. However, the respective appointment letters for the representing individuals in the Sector Working Groups had not been written. Therefore, this milestone is considered to have been substantially completed with only one step left to complete.

Milestone 2

The development of the project cost reference list was still an ongoing process at the time of the assessment. By the end of the implementation period, the Directorate of Budget had completed a 1st draft, which was guided by referenced documents such as the Rural Development Fund Project Handbook, CDF projects and Inputs from the directorate of public works.¹² The Government is yet to meet with the stakeholders (Steering Committee and Cabinet) to discuss and approve the cost reference list.

Milestones 3 and 4

In milestone 3, the Government committed to develop pre and post budget templates. While substantive efforts were made to prepare post budget templates, the pre-budget templates had not yet been prepared.

The government was supported by the CIOG to design and develop three different versions of simplified post budget templates, with the fourth one being the default version used by the county government¹³. The most time-consuming task was to conduct a study experiment in seven villages across the county (one per ward) to test the ease of access and understanding of budget information. By the end of the action plan period, the government and the CIOG representatives had been able to finish the experiment and were in the process of reviewing the findings. They had yet to agree upon a template to be used to disseminate budget information and for citizens to use during pre-budget and post-preparation forums. Therefore, the IRM researcher considers that this milestone was substantially completed.

In the first trimester of 2018, outside of the period of review, the government and CIOG members reported to have produced the templates for the fulfillment of this milestone. Mr. Maritim¹⁴, the director of economic planning, explained that the government intended to develop and test pre-budget templates under an actual public participation exercise for a substantive budget process. Additionally, it was intended for the SWGs to provide technical and more useful input into the budget simplification process. According to Mr. Kiprono¹⁵, the executive director of CIOG, the study that was conducted also served as a platform for disseminating information on the budget that had just been approved. However, as explained, in the action plan period, the pre-budget public consultations had long been done, and the budget had just been approved, and this explains the priority development of post budget templates.

Milestone 4 was delayed because of the cumulative nature of activities set out by the commitment and its dependence upon the success of milestone 3. Therefore, since the templates were not finalized on time, no dissemination was carried out.

Early results: did it open government?

Access to information: Marginal

Civic Participation: Marginal

In establishing this commitment, the government aimed to address the challenges faced to attain effective citizen engagement in the budgetary process. The government committed to establish Sector Working groups (SWGs) to involve other non-governmental practitioners and stakeholders in the

budgetary process, and, through sector discussions, allow the related sectors to prioritize projects competitively, and provide a platform for ministries who perform same work to prioritize their activities based on the available resource envelop. The government also sought to document a project cost reference list to guide citizens in project prioritization and to simplify and disseminate budget templates. These activities were spread to be implemented throughout the action plan period. Through these activities, the government intended to improve the level and effectiveness of citizen engagement in the budgeting process. The commitment sought to change the quality of citizen inputs by utilizing the simplified budget templates and incorporating the inputs of the SWGs.

Through this commitment, the county government of Elgeyo Marakwet County achieved a minor but positive change in civic participation and access to information by engagement of non-governmental stakeholders and citizens in its processes. During the meeting of 11th December 2017, the non-governmental stakeholders who attended were able to align themselves to their sectors of interest, and some took up to support the County Government in preparing its integrated development plan (CIDP). Also, the budget templates piloted in the 7 wards were prepared based on actual budget information, and as Mr. Kiprono (CIOG) explained, the exercise not only served to pilot the templates, it also was a budget dissemination process.

The increased participation of these actors constitutes a positive change, however, limited in government practice. Because of the short period for commitment implementation, the IRM is yet to see the results of this commitment in regards to increasing the effectiveness of citizen participation in budgetary processes. This will be seen when the SWGs become functional, and the budget templates are used to achieve the desired outcome.

Recommendations

- *The EMC could consider carrying forward the commitment* to achieve two main goals: (i) to develop and publish budget templates for pre and post budget forums, including publishing project cost reference list. An additional milestone to disseminate these documents to the lowest level of citizen engagement may be included. (ii) to ensure functionality of the Sector Working Groups – by establishing detailed milestones on the working of the sector working groups.

¹ For more information, see section 137 of the Public Finance Management Act 2012 available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjhmOmi2b7WAhWNjVAKHX3iBaoQFggnMAA&url=http%3A%2F%2Fwww.treasury.go.ke%2Ftax%2Ffacts.html%3Fdownload%3D603%3Athe-public-finance-management-act-2012-1-1&usq=AFQjCNHOzCke6SXBiwMfI2ZIsNBUBMoeRQ>

² https://www.opengovpartnership.org/sites/default/files/Elgeyo-Marakwet_Subnational_Action-Plan20161201.pdf

³ <http://www.internationalbudget.org/wp-content/uploads/County-Budget-and-Economic-Forums-CBEFs-and-Public-Participation-in-Kenya.pdf>

⁴ For more information on the Observation report of the Annual Development Plan 2016 Public Participation Act (by Center for Innovations), see <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁵ <http://www.devolutionplanning.go.ke/wp-content/uploads/2016/04/County-Public-Participation.pdf>

⁶ <http://www.devolutionplanning.go.ke/wp-content/uploads/2016/04/County-Public-Participation.pdf>

⁷ <http://uraia.or.ke/wp-content/uploads/2016/11/Handbook-on-County-Planning-County-Budgeting-and-Social-Accountability.pdf>

⁸ <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁹ The Government Circular on SWGs can be found here

<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁰ <https://www.knbs.or.ke/download/classification-of-government-expenditures-by-functions-of-government-cofog/>

¹¹ The list of participants and records of discussions for the round table meeting can be found here

<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹² The draft Project Cost Reference List is available here

<https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹³ The exhibits can be found here, <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁴ John Maritim (Director of Economic Planning, County Government of Elgeyo Marakwet), Response to discussions between steering committee and IRM researcher on 08/12/2017

¹⁵ Timothy Kiprono (Executive Director, CIOG). Interview by IRM researcher on 15/12/2017

Commitment 3. Improve transparency and accountability of public projects

Commitment Text

Improve the transparency and accountability of public projects in priority sectors, by publishing project contracting and implementation information

Main objective

To ensure that County infrastructure spending is fiscally responsible and responsive to citizen needs, by empowering greater citizen monitoring of such spending.

The government seeks to make public and easily accessible relevant project design and management information related to roads, with a focus on those relating to the project identification, contracting and implementation monitoring processes. It will also seek to standardize project design and reporting documents across County departments to facilitate more robust analysis by both the government and the public.

Milestones

- 3.1 Develop standardized templates for project contracting and implementation monitoring, focusing on infrastructure/road projects*
- 3.2 Publish list of prequalified suppliers/ contractors for development projects*
- 3.3 Publish list of awarded contracts lists with their respective bill of quantities (ongoing)*
- 3.4 Publish project implementation supervisory reports awarded for 2016/17 Financial Year (ongoing)*
- 3.5 Publish quarterly and annual reports (project technical implementation status reports)*
- 3.6 Develop, install and operationalize a projects' monitoring and evaluation software*

Commitment Overview

Status of Completion	Substantial
Start Date	January 2017
Intended Completion Date	December 2017
Responsible Office	Directorate of Procurement
Did It Open Government?	Marginal

Is it a STAR commitment? Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria: - It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity. - The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. - The commitment would have a "transformative" potential impact if completely implemented. - Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.	No
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Editorial Note: The commitment text above has been summarized to fit this report. The complete text with specific responsible actors and completion dates per milestone can be found in the Elgeyo Marakwet Action Plan 2017.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
Overall			✓		✓						✓				✓				✓		
3.1 standardized templates for projects			✓		✓					✓						✓					
3.2 list of prequalified suppliers			✓		✓					✓						✓					
3.3 list of awarded contracts			✓		✓					✓					✓						
3.4 Project supervisory reports			✓		✓						✓			✓							
3.5 quarterly and annual reports			✓		✓						✓		✓								

3.6 Monitoring and evaluation software			✓		✓							✓				✓		
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Commitment Aim

Overall Objective & Relevance

The county government has established frameworks for engaging citizens and civil society in the development process of public projects (particularly in regards to the construction of roads); however, lack of access to relevant information constrains the ability of these stakeholders to participate effectively in monitoring of government spending.

The government has established mechanisms such as the County Budget Economic Forum¹ and the Community Project Management committees to ensure, among other functions, that the public is continuously informed and involved in projects and other developments of the County Government.² Furthermore, the Public Participation Act has allowed the establishment of citizen participation forums at all levels of administration.³ However, citizen engagement through these mechanisms has been found to be limited; citizens are faced with inadequate access to information such as project listings, tender awards, bills of quantities, and implementation progress reports, among others. Although most of this information is available for civil servants, there are no mechanisms for citizens to access them. For instance, during the public participation exercise held in August 2016 to develop the annual development plan and subsequent budget, the Center for Innovation noted the lack of information provided by government in regards to development projects from previous financial year(s) currently being implemented; the few documents provided lacked explanations on performance, amendments to the initial projects list, and contract-related data.⁴

To address this problem, the government seeks to embrace open contracting by making relevant project design and management information public and easily accessible, and by standardizing project design and reporting documents across county departments by publishing information on project contracting and implementation progress.⁵ These actions would facilitate better understanding for analysis and monitoring of the County's development spending by the government and the public. It also seeks to establish a monitoring and evaluation system for effective project management.

Specifically, the activities included are: development of standardized templates for project contracting and implementation monitoring; publishing list of prequalified suppliers/ contractors for development projects; publishing awarded contracts list with their respective bill of quantities (ongoing); publishing project supervisory reports for projects awarded for 2016/17 Financial Year (ongoing); publishing project technical implementation status reports (ongoing) and development, installation and operationalization a projects' monitoring and evaluation software.

The action plan prioritizes projects on roads, considering they constitute one of the highest expenditure items on the county government's budget. In the 2016/2017 County Fiscal Strategy Paper⁶, the highest budget allocation at ward level was for projects on roads; on county level, it represents the second highest. The strategy paper also explains that the county government aligned its strategic priorities with the national transformative five pillar strategy, which includes infrastructure developments.

This commitment is relevant to the OGP value of access to information, considering that milestones are geared towards providing citizens with crucial project information which is available to government members, but to which citizens have no open access to.

Specificity and Potential Impact

Based on the commitment text, the IRM researcher considers this commitment to have medium specificity and moderate potential impact.

Milestone 1, 2 and 3 could have an incremental positive impact. The activity aims to lessen the bulk nature of tender documents, hence reduce the time taken by the government to evaluate tender documents, and reduce the cost incurred by business people in submitting their tender applications. Additionally, the publication of lists of pre-qualified suppliers and contractors, awarded contracts, and project implementation/supervisory reports in milestone 4 and 5 could be a major step forward towards open contracting, assuming that citizens would use this information to engage the government. If citizens can access previously government held information their ability to participate in project management and provide feedback could significantly improve, while enabling civil society to constructively critique the government from an informed point of view.

Milestone 6 is limited in scope, as the commitment text does not provide sufficient information on the purpose and applicability of the Monitoring and Evaluation System. The government considers that the operationalization of the M&E software has the potential to transform management activities of public projects. As explained by Mr. Maritim, the county government director of Economic Planning⁷, the software is intended to report and provide updates on the status of the implementation of development projects, and, more importantly, to serve as a platform to publish summarized project reports for official or social auditing by the government institutions and citizens respectively and to enable communication between citizens and civil servants with a mechanism to ask questions and comment on the reports.⁸ However, this information is not referenced in the action plan text. Although its completion could be verifiable, it lacks specificity on regards to how the software will be implemented and how it could enable citizen oversight or call upon government actors to justify their actions or act upon comments, requests or criticism made by non-governmental stakeholders.

Completion Substantial

The IRM researcher considers this commitment to be substantially completed because the different milestones had varying levels of fulfilment from limited to fully complete. To coordinate the implementation of milestone one through five, the director of procurement constituted a procurement technical working group⁹ (composed of 5 officials from procurement department and one CSO representative¹⁰). Milestone six was coordinated by the director of Economic Planning.

Milestone 1, 2 and 3

According to the Action Plan, the main activities were: 1) to develop the standardized templates, 2) to publish the list of prequalified suppliers and 3) to publish the list of awarded contracts with their respective bill of quantities. The government completed the first two, implementing the standardized documents, improving the prequalification process and offering trainings for interested suppliers on access to government procurement processes. Milestone three was almost completed.

The technical working group simplified and standardized the templates for project contracting and implementation. Prior to this commitment, project contracting documentations, referred to as “standard tender document” were as bulky as 92 pages¹¹; these were revised to 47 pages¹². The development of the revised templates was done in compliance with the provisions of the Public Procurement and Disposal Act, 2015¹³. The Act requires government units to provide information on the evaluation criteria, contract sample, and acceptance form amongst other information sets. Notable improvements on the templates are: 1) the provision for citizens to seek technical guidance from the government offices when using the forms, 2) a new section on the template (albeit short) for the government to provide a summary description of the bill of quantities, 3) the opportunity for citizen project inspection committees to give their comments, in written, approving or disapproving of the projects¹⁴.

To fulfill milestone 2, the procurement director first changed the pre-qualification process to be continuous, where interested suppliers would submit their pre-qualification documents at any point in the financial year. Previously, the timeframe for interested suppliers to express their pre-qualification documents was limited to a given period of time, after which the list would be published and no new suppliers would be considered during the financial year. According to Mr. Chelagat, the director of Procurement, this was done to create an equal platform for all interested bidders to provide and update their documentation.

After fulfilling both milestones, the simplified pre-qualification templates¹⁵ together with an official communication from the procurement director explaining the changes on the documents and the process¹⁶, were uploaded on the website. These revised forms were used to advertise for tenders for the financial year 2017/2018.

Additionally, the government, through the directorate of procurement, organized three trainings; the first one targeted government officials and employees involved the procurement process; this was held on the 8th and 9th of June, 2017; the second one was for special interest groups (such as women, youth and people living with disabilities) on how to access government procurement opportunities held on 10th June 2017; likewise, a third training was done for general suppliers and contractors on 22nd June 2017¹⁷. In all these trainings, information was disseminated on the changes in the procurement processes. The trainings were done in conjunction with the National Treasury, and with the support of the German development agency, GiZ.

For milestone three, the director of procurement published the list of awarded contracts for roads & infrastructure for Financial Year 2016/2017 on the website, indicating the project details, contractor details as well as the contract amount¹⁸. However, the detailed Bills of Quantities were still in hard copy at the time of assessment and had not been posted online for official publication. Therefore, the IRM researcher considers this commitment substantially completed.

Milestone 4 and 5

To fulfil milestone 4, the project implementation supervisory reports were prepared according to the new template developed as part of this commitment¹⁹. However, these were not published. The reports are maintained at procurement offices and citizens who wish to access them are free to request them. Therefore, the implementation of this activity was limited.

However, milestone 5 was not started. The quarterly and annual project technical implementation status reports had not been prepared at the time of the assessment.

Milestone 6

In order to develop, install and operationalize a projects' monitoring and evaluation software, as stated in the action plan, Elgeyo Marakwet secured the support of the German Development Agency, GiZ. GiZ advertised a tender for supply and installation of the software on 13th October, 2017²⁰. The Directorate of Procurement evaluated the multiple bidders and the government was awaiting the final award of the GiZ contract to enable completion of this milestone. In addition, the government established a team of monitoring and evaluation focal persons nominated from each department. The contact persons were tasked with the responsibility of coordinating and reporting all monitoring and evaluation activities within their respective departments. With support from the National Treasury and the Ministry of Devolution and Planning, the government organized for trainings between 5th and 15th December, 2017, for the M&E contact persons and other government officials. The main outcomes of these trainings was capacity building on monitoring and evaluation processes and outcomes²¹. However, despite these achievements, the software still needs to be installed and operationalized. Therefore, the IRM researcher considers that this milestone was limited in completion.

Early results: did it open government?

Access to information: Marginal

Civic participation: Marginal

Through the public participation in the County Integrated Development Plan and the Annual Development Plan, citizens in Elgeyo Marakwet are engaged in planning and initiation of development projects, but minimal room is provided for engagement during procuring services and monitoring of project implementation. According to the Director of Procurement, citizens always have questions about procurement processes regarding award of tenders, bills of quantities and project performance. Similarly, Mr. Chemitei, a CSO member representing the business community, reported that citizens generally felt that government procurement processes were not transparent, and this created a loophole for corrupt practices²². The Ethics and Anti-Corruption Commission in Kenya reported a loss of millions of shillings in irregular procurement deals in multiple counties and cited cases from Elgeyo Marakwet County, which contribute to citizens' lack of trust in procurement processes.²³

With this in mind, the commitment aimed at changing the level of citizen access to procurement information by simplifying procurement templates and providing progress reports on project implementation status. After its implementation, the IRM researcher considers that the commitment has resulted in a marginal improvement in civic participation and access to information. Prior to this commitment, the project management committee, which is made of selected citizen representatives, provided comments on project status through an inspection report which was limited to one page of writing. The template only allowed the committee to provide general compounded recommendations and findings and to qualify activities as satisfactory or unsatisfactory²⁴. The new template has been expanded and improved providing information such as purpose of project inspection (i.e. whether for phase payment or final hand over to the clients) and allowing each member of the committee to provide personal written feedback approving or disapproving of the projects²⁵. The IRM researcher considers that this is an incremental improvement to allow citizens ability to provide input and improve procurement processes.

However, the two most ambitious activities, the publication of the bill of quantities and the implementation of a Monitoring and Evaluation System, were not completed. The government expected

that the operationalization of the M&E software would transform the management activities of public projects. As explained by Mr. Maritim, the county government director of Economic Planning²⁶, the software was intended to provide a platform for government to monitor and evaluate its performance on development projects and to publish summarized project reports for official or social auditing by the government institutions and citizens respectively. The IRM researcher considers that the incomplete implementation of these milestones limited the achievement of more substantial changes in open government.

Recommendations

- *Consider expanding the activity on monitoring and evaluation software:* the departments of Procurement, Economic Planning and Monitoring and Evaluation could work together to outline in detail how the software will be operationalized and institutionalized. Also, the departments could clarify to all stakeholders (government officials, CSOs, Non-governmental actors and citizen) the interphases that will be available through the software; how they can access information through the software, and how they can raise comments, concerns or queries over the software.
- *Consider publishing and improving on ease of access to procurement information:* this commitment would have significantly improved access to information if information was published. Although information such as the bills of quantities and project reports are open for citizen access, the ease of access was not sufficiently addressed. The director of procurement could therefore liaise with the OGP steering committee to take it up in the next action plan to publish all relevant information, and create information hubs at ward and sub-county offices to make it easily accessible by citizens. Government could also consider establishing an information desk at the Huduma Center²⁷ to support this cause further.

¹ For more information, see section 137 of the Public Finance Management Act 2012 available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjhmOmi2b7WAhWNI_VAKHX3iBaoQFggnMAA&url=http%3A%2F%2Fwww.treasury.go.ke%2Ftax%2Ffacts.html%3Fdownload%3D603%3Athe-public-finance-management-act-2012-1-1&usg=AFQjCNHOzCke6SXBiwMfIZ2IsNBubMoeRQ

² For more information, see the Elgeyo Marakwet Equitable Development Act, 2015, available at http://www.globaldisabilityrightsnow.org/sites/default/files/relatedfiles/277/Elgeyo_Marakwet_County_Development_Act_2015.pdf

³ <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ElgeyoMarakwetPublicParticipationAct2014.pdf>

⁴ For more information, see the Observation report for Annual Development plan 2016 Public Participation, available at <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

⁵ Elgeyo Marakwet Action Plan, https://www.opengovpartnership.org/sites/default/files/Elgeyo-Marakwet_Subnational_Action-Plan20161201.pdf

⁶ http://www.elgeyomarakwet.go.ke/Publications/CFSP_2016-17_Submitted_to_County_Assembly.pdf

⁷ John Maritim (Director of Economic Planning, and Government Point of Contact), Interview by IRM researcher, 28/06/2017

⁸ Terms of Reference to Design, develop and install software to monitor and evaluate county projects and their implementation status of Elgeyo Marakwet County.

⁹ The technical working group membership and TORs can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁰ Mr. Kimutai Chemitei represented the CSOs in this commitment. He was involved in the OGP process from co-creation as a representative of the youth and business interests, and is a member of the OGP steering committee. Mr. Chemitei is a member of a registered youth and business group (Iten Business Community).

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- ¹¹ Sample of project contracting documents prior to OGP can be found here http://www.elgeyomarakwet.go.ke/Tenders/Standard_Tender_Document_Sisiya_Arror_RoadMay2016.pdf
- ¹² Sample of simplified project contracting document http://www.elgeyomarakwet.go.ke/Tenders/maintainance_of_rimoi.pdf
- ¹³ https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewj2q3j_L3YAhVCPBQKHVUkBE8QFgnMAA&url=http%3A%2F%2Fkenyalaw.org%2Fflex%2Frest%2F%2Fdb%2Fkenyalex%2Fkenya%2Flegislation%2Fenglish%2Facts%2520and%2520regulations%2F%2Fpublic%2520procurement%2520and%2520asset%2520disposal%2520act%2520%2520no.%252033%2520of%25202015%2Fdocs%2Fpublicprocurementandassetdisposalact33of2015.pdf&usq=AOvVaw3tEFIICoBkAxZdQu9Gd23K
- ¹⁴ Sample of improved project inspection report can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ¹⁵ http://www.elgeyomarakwet.go.ke/Downloads/Emc_Proc_Companies_Details_Form_2017_18.pdf
- ¹⁶ http://www.elgeyomarakwet.go.ke/Tenders/Emc_Prequelification_Notice_2017_18.pdf
- ¹⁷ The list of participants for this training is available on <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ¹⁸ http://www.elgeyomarakwet.go.ke/Tenders/Emc_Awarded_%20Projects_FY_2017_18.pdf and http://www.elgeyomarakwet.go.ke/Tenders/Emc_Special_Groups_Tender_Awards_FY_2017_18.pdf
- ¹⁹ Sample of project reports in new template can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ²⁰ Copy of the advertisement can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ²¹ Training materials can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ²² Kimutai Chemitei (Representative, Iten Business Community), Interview by IRM researcher, 08/12/2017
- ²³ As reported by the Daily Nation from the EACC report in January 2016: <https://www.nation.co.ke/news/EACC-report-reveals-graft-in-counties-and-calls-for-arrests/1056-3021586-ktkmlb/index.html>
- ²⁵ Sample of improved project inspection report can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>
- ²⁶ John Maritim (Director of Economic Planning, and Government Point of Contact), Interview by IRM researcher, 28/06/2017
- ²⁷ These are citizen service centers established by the national government to provide citizens' access to various Public Services and information from One Stop Shop. For more information, please see <https://www.hudumakenya.go.ke/about-us.html>.

Commitment 4. Improve transparency and accountability of public services

Commitment Text

“Improve the accountability of public services in priority sectors, by developing channels for real time citizen engagement and rapid government response”

Main objective: *To enhance transparency and accountability by creating a feasible and responsive communication channel that empowers citizens and government to engage in a productive dialogue focused on improving service delivery.*

To achieve this main objective the County plans to:

- Concentrate citizen feedback to alleviate current internal coordination burdens and streamline responsiveness of government.*
- Create a channel to send citizens an official, accurate and organized response from government.*
- Develop a record of successful response which can be used to communicate and motivate government staff and the citizens they serve—reinforcing the use of technology to increase accountability in service delivery.*

Milestones

- 4.1 Build internal buy-in (designate actors from each department as feedback coordinators, form feedback committees to coordinate around service feedback and engage existing initiatives with similar goals)*
- 4.2 Institutionalize a feasible feedback mechanism (design and iterate internal protocols for using WhatsApp to surface and coordinate service feedback, pilot feedback mechanisms, refine, define roll-out strategy for expansion)*
- 4.3 Create effective channels to engage citizens (leverage on non-government actors to promote effective citizen feedback, identify feedback champions and engage CSOs and citizen oversight forums)*

Commitment Overview

Status of Completion	Substantial
Start Date	January 2017
Intended Completion Date	August 2017
Responsible Office	Directorate of Communications
Did It Open Government?	Marginal

Is it a STAR commitment? Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria: - It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity. - The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. - The commitment would have a "transformative" potential impact if completely implemented. - Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.	No
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Editorial Note: The commitment text above has been summarized to fit this report. The complete text provides specificity on how the mechanism should look like and assigns responsibility to the different actors that will operate the feedback mechanism and deadlines. Details can be found in the Elgeyo Marakwet Action Plan 2017.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
Overall				✓	✓	✓		✓			✓				✓				✓		
4.1 Internal Buy in				✓	✓						✓					✓					
4.2 feedback mechanism				✓	✓	✓		✓			✓				✓						
4.3 citizens and CSO engagement				✓	✓	✓					✓					✓					

Commitment Aim

Overall Objective & Relevance

Through the Access to Information Act (2016), the County Government has utilized various platforms to disseminate information and collect citizen feedback on development initiatives being undertaken.¹ These platforms include the quarterly bulletin published by the county government, as well as social media pages such as WhatsApp, Facebook and twitter.² However, citizen feedback is currently collected sporadically, and there are no established processes to coordinate and respond to the concerns raised. The WhatsApp platform has been successfully used, albeit for internal communication only.³ These challenges have resulted in inconsistencies when addressing citizen concerns, and have created a perception of government indifference and distrust.⁴

The main objective of this commitment is to enhance transparency by creating a feasible and responsive communication channel that empowers citizens and government to engage in a productive dialogue. The action plan assumes that, in turn, the refinement of information channels could potentially improve service delivery.

This commitment will address the challenges encountered by institutionalizing previously informal communications channels to improve the collection, filtering, relaying of citizen feedback to key County departments and encouraging effective response to citizens' queries and requests. Specifically, the county government plans to:

- Concentrate citizen feedback to alleviate current internal coordination burdens and streamline responsiveness of government.
- Create a channel to send citizens an official, accurate and organized response from government. As a concrete output, the action plan describes the creation of a Service Request and Priority Framework to guide Ward Admins in assessing and prioritizing citizen feedback in order to pass information along to County Headquarters.
- Develop a record of successful response which can be used to communicate and motivate government staff and the citizens they serve—reinforcing the use of technology to potentially increase accountability in service delivery.

The commitment involves different activities under each milestone. With the implementation of the first milestone, the county government plans to designate actors from each department as feedback coordinators and form feedback committees to improve how they surface, coordinate and respond to citizen concerns and engage with other current initiatives that have similar goals, such as the Integrity and Complaint Committees. Specifically, the Feedback Committees will include representatives from the communications department, who are tasked to monitor feedback on a daily basis and conduct evaluations of stakeholder satisfaction. The second milestone aims to establish ongoing designing and iterating internal protocols for using WhatsApp to surface and coordinate service feedback, to pilot feedback mechanisms and processes with selected wards, to refine the mechanism based on lessons learned from the pilot project and to define a roll-out strategy to expand processes to all wards. The activities specified under the third milestone are: to leverage non-government actors to promote effective citizen feedback, to identify ward-based feedback champions to spread the word and to create a CSO network by engaging CSOs and citizen oversight forums at different ward levels. The implementation of these activities would result in the creation and operationalization of a mechanism to collect and organize citizen feedback, and provide a coordinated response on a timely basis. Specifically, the target outcomes (as described in the action plan) are: (1) internal protocols and policies, (2) internal service feedback tracker, (3) service request and priority framework and (4) citizen feedback protocol.

The commitment is relevant to the OGP value of civic participation, access to information and technology & innovation for transparency and accountability. In essence, it aims to improve communication between citizens and state actors by strengthening already available communication channels as well as promoting the creation of new ones such as the feedback tracker. These channels would streamline and increase the amount of government information to citizens through electronic platforms. However, it is not considered relevant to public accountability. The activities specified aim at facilitating an effective feedback mechanism between citizens and government, and hence enable citizens to productively relay and demand information to and from the government. However, it does not clearly state how the commitment aims to promote the enforcement of meaningful government response, only improved channels for doing so.

Specificity and Potential Impact

The overall commitment language is of high specificity. The activities are clearly detailed, objectively verifiable and the deliverables are measurable. The action plan text provides detailed responsibilities of the actors involved, including the communications department, the sub-county and ward administrators, department directors, civil society, and the private sector. Additionally, it provides a list of target outputs that could allow the IRM researcher to measure a change in government practice.

Milestone 4.1 is a key internal step to ensure that government staff from other departments buy-in the process for successful implementation of the commitment. Milestones 4.2 and 4.3 aim towards the development and implementation of the feedback mechanisms, and involvement of other actors such as ward administrators and civil society organizations.

Judging by the activities detailed in the action plan, this commitment provides room for direct citizen and government communication and feedback processes all through to the most basic level of the administration, through the ward administrators. Also, as explained by Mr. Vincent Bartoo, the Director of Communications for the County Government, the feedback process is designed to be progressive, such that concerns raised that cannot be addressed by the administrator are forwarded to the next level and so forth.⁵ Additionally, the commitment provides room for the citizens to receive responses by the relevant government authorities in real time. The mechanisms spelt out in the action plan provide for daily monitoring of feedback to ensure timely response by government.

The IRM researcher considers the commitment to have the potential to significantly change the citizen feedback process. If implemented fully, the County Government could create a thorough system with its corresponding guidelines and protocols, in order to properly channel citizen feedback and improve responses from ward to county level. Timothy Kiprono of the Center for Innovations commended the progressive future look of the commitment idea, i.e. use of WhatsApp and web-based systems which provide real time interactive interface between citizens and government.⁶ Additionally, Edwin Ronoh, from the Network for CSOs, believes that the implementation of this commitment could enable CSOs to collect data for relevant social audits and subsequent follow ups with government.⁷ Furthermore, the activities in this commitment are in line with recommendations from the World Bank Working Paper No. 6 on Devolution and Public Participation, which suggests that counties should develop and monitor robust complaint handling and recourse systems that track citizen comments and county government responses, as a practical approach facilitate public participation.⁸ However, for it to have a transformative potential, this commitment could explicitly propose the creation of obligations for civil servants to act upon citizen requests, suggestions or claims. Although citizens would be better informed on how government members classify or respond to feedback, there is no clear obligation to act upon

these. Therefore, the Government could continue work as usual without significantly changing policies or improving service delivery. Therefore, the IRM researcher considers this commitment to have a moderate potential impact.

Completion Substantial

The IRM researcher considers this commitment to be substantially completed; most of the activities corresponding to the three milestones have been implemented, albeit with variations from the commitment text for milestone one and two.

Milestone 1: Completed, with variations from commitment text

designate actors from each department as feedback coordinators, form feedback committees to coordinate around service feedback and engage existing initiatives with similar goals

In implementing this commitment, the government utilized pre-existing platforms to improve its citizen-government feedback systems.

Prior to the action plan, the Ethics and Anti-Corruption Commission (EACC) and the Commission on Administrative Justice (CAJ), national bodies mandated to implement programs and activities geared towards integrity assurance in public service delivery, had supported the county government to establish a Complaints and Compliments Committee, comprised of points of contact and charged with the responsibility to respond to citizen complaints, queries and compliments.⁹

For the completion of this first milestone, the government decided to designate as feedback coordinators the already existing points of contact of the complaints and compliments committee. Now, as feedback coordinators, they were tasked to coordinate government actions and responses to communication received from the feedback channel to be created as part of this commitment. To fulfill the second part of the milestone (created a feedback committee that would oversee the work of the coordinators), the government established a seven (7) member steering committee to serve as a convergence point for all the different initiatives and mechanisms created to receive or respond to feedback, complaints, compliments, etc.

Finally, with the support of the EACC and GiZ, the government organized a training on how to handle complaints effectively. It was held on 28th August 2017 for the complaints and compliments committee members, and other government officials.

Milestone 2: Substantial with variation from commitment text

Institutionalize a feasible feedback mechanism (design and iterate internal protocols for using WhatsApp to surface and coordinate service feedback, pilot feedback mechanisms, refine, define roll-out strategy for expansion)

To implement this milestone and institutionalize a feedback mechanism, the government acquired a communication hotline meant for citizens to communicate with the government through WhatsApp, text messaging as well as direct phone calls. To raise awareness, the number was disseminated through social media (Facebook)¹⁰, and the public notice boards.

All communications received on this line were captured in logsheets¹¹, giving details of the communication request, message content from the sender and government response. Although the plan

text indicates to first carry-out a pilot run in selected wards, the government, through the directorate of communications, rolled out the designated number across the county without performing a test-drive. The IRM researcher noted that the hotline acquired and utilized was a variation of what was expected from the action plan text, where the government had intended to provide and monitor feedback through use of WhatsApp groups that included CSO members. This was meant to ensure accountability and correct use of the mechanism. Mr. Maritim explained that this was changed because the guidelines for WhatsApp use had not been developed. However, the government showed the IRM researcher a rough draft of the ICT policy which includes guidelines on use of technology for communication. By the end of the period under review, these were still underway.

In conclusion, although the government successfully developed a mechanism, they did not test it prior to the roll-out and lacked important features as explained above. Therefore, the IRM researcher considers this milestone was substantially completed, pending its refinement based on lessons learned.

Milestone 3: Completed

Create effective channels to engage citizens (leverage on non-government actors to promote effective citizen feedback, identify feedback champions and engage CSOs and citizen oversight forums)

To further support this commitment, the government committed to leveraging on CSO engagement to spread the information on the citizen feedback channels, promote citizen communication and ensure accountability. The Elgeyo Marakwet Network for CSOs facilitated community meetings to select ward based champions for each of the 20 wards that were tasked with the responsibility of overseeing the use of the WhatsApp mechanism¹².

Additionally, the network also facilitated the establishment of nineteen (19) Citizen Oversight Forums, spread out geographically to reach all wards, to provide citizens with a different space for open discussions on public policy and governance.

The Network for CSOs organized a series of trainings for ward champions as well as members of the oversight forums. In these trainings, the participants were sensitized on government engagement with OGP, social accountability and budget dissemination, and their roles in enhancing citizen engagement in local governance processes.

Furthermore, the Institute of Economic Affairs reported to be impressed with the government initiatives in OGP and decided to engage further by facilitating another training for government directors and other staff of social accountability on 28th- 29th September 2017¹³. These trainings aimed at capacity building for government officials with the main result being empowerment of staff on complaints handling and social accountability mechanisms.

Early results: did it open government?

Access to information: Marginal

Civic participation: Marginal

This commitment aimed at addressing the challenges facing citizen feedback processes in the county. Within the action plan timeframe, the government anticipated to implement the activities between January and August 2017. The government aimed at transforming the feedback system by providing a formal channel for the coordination of citizen feedback to the government, to create a channel for the

government to send official and accurate responses to citizens' concerns raised, as well as reinforce the use of technology to increase accountability in service delivery.

Although protocols for use of WhatsApp and other technologies have not been finalized, the implementation has resulted to changes in government practice; prior to this commitment, citizens would communicate to the government either through public forums such as public participation exercises, through the governor's personal contact number, or by physically visiting the government offices. However, government responses in such cases were not coordinated, and most importantly, there was no room for real time communication. This meant that citizens could not communicate concerns as and when observed; communication would be delayed until the opportunity arises.

The highlight achievement of this commitment is the real time nature of communication between government and citizens. During the assessment, the IRM researcher noted an example where a patient lodged a complaint about lack of drugs at the county hospital; this concern was forwarded to the cabinet executive member in charge of health, and the same citizen reported the next day that the drugs had been availed, and necessary changes had been made to address the problem¹⁴. Also, the Director of Communication, Mr. Vincent Bartoo, informed the IRM researcher that the government has been able to disclose and improve the quality of information provided to the public through the designated communication number. Through this telephone number, government official stated that they receive and respond to citizen queries on a real-time basis, and concerns raised are responded to with the urgency they deserve. Also, the communication line has been adopted by citizens. However, the IRM researcher received anecdotal evidence to confirm this.

The IRM researcher considers the, the main shortfall to be lack of mechanism to ensure follow up of citizen concerns. Upon receipt of citizen queries or complaints, the communications department would direct it to the complaint to the respective department, and inform the citizen that his/her concern had been forwarded; however, there was no clear arrangement to follow up to ensure those specific concerns were actually addressed, and that government took responsibility for its actions. Because of this, the IRM researcher considers the commitment to have marginal results in opening up government. This is supported by comments from Timothy Kiprono, the Director of CIOG (CSO involved in the OGP process in Elgeyo Marakwet). According to Mr. Kiprono, the government achieved a positive change by creating a platform for citizens and government to interact, which was inexistent prior to the commitment. However, he argued that substantial change in government practice could not be assessed since the processing of comments raised by citizens and government responses remained largely, an internal activity for government officials. CSOs did not have direct access to the communications therein. Mr. Kiprono explained that the variation in commitment implementation, i.e. by designating a telephone number for all modes of communication as opposed to WhatsApp platforms had limited the observable change in government practice. The WhatsApp forums were meant to be more interactive and innovative, allowing all parties to observe the comments raised by citizens and the efficiency with which government responded. However, with the designated telephone number, all communication and correspondences were limited to the respective individual and the government officials. He also argued that by using the telephone number/ hotline, government was not able to develop and implement protocols on the nature of concerns citizens would raise.

Recommendations

- *If this commitment is carried forward, the EMC could seek to improve accountability mechanisms: government could leverage on this commitment to achieve two important goals: (i) where*

citizen concerns fall within the mandate of the county government, government could - apart from forwarding the concerns to the relevant department - commit to establishing mechanisms to follow up on concerns raised by citizens to ensure that they are fully responded to and citizens acknowledge the solution or responses provided; (ii) commit to establish mechanisms to hold government accountable over concerns raised by citizens.

- Develop Information and Communication Policy: Fast-track the development of the ICT policy to provide frameworks for use of technology in communication and information management and dissemination.

¹ <http://www.ombudsman.go.ke/wp-content/uploads/2017/08/AccessToInformationActNo31of2016.pdf>

² <http://www.elgeyomarakwet.go.ke/index.php/downloads>

³ Vincent Bartoo (Director of Communications, County Government of Elgeyo Marakwet), Interview by IRM researcher, 28/06/2017

⁴ https://www.opengovpartnership.org/sites/default/files/Elgeyo-Marakwet_Subnational_Action-Plan20161201.pdf

⁵ Vincent Bartoo (Director of Communications, County Government of Elgeyo Marakwet), Interview by IRM researcher, 28/06/2017

⁶ Timothy Kiprono (Executive Director, Center for Innovations in Open Governance, and formerly Programme officer with Kerio Center), Interview by IRM researcher, 16/08/2017

⁷ Edwin Ronoh (Coordinator, Elgeyo Marakwet Network for Civil Society Organizations), Interview by IRM researcher, 23/08/2017

⁸ <https://openknowledge.worldbank.org/bitstream/handle/10986/21663/94497.pdf?sequence=1&isAllowed=y>

⁹ The complaints and compliments structure in the county government is guided by the Ethics and Anti-Corruption Commission (EACC), and the Commission on Administrative Justice (CAJ). The EACC and CAJ are national bodies mandated to implement programs and activities geared towards integrity assurance in public service delivery. Specifically, the EACC's mandate is to combat and prevent corruption and economic crime in Kenya through law enforcement, preventive measures, public education and promotion of standards and practices of integrity, ethics and anti-corruption, while the CAJ is mandated to inquire into allegations of administrative injustice, which includes an act, or decision carried out in the Public Service or a failure to act when necessary.

For more information about EACC, see <http://www.eacc.go.ke/default.asp?pageid=3>

For more information about CAJ, see <http://www.ombudsman.go.ke/scope-of-our-work/> and <http://www.ombudsman.go.ke/wp-content/uploads/2016/07/CAJ-Complaints-Handling-Guide.pdf>

¹⁰ <https://www.facebook.com/elgeyomarakwetcounty/> posted November 29, 2017

¹¹ The Logsheet can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹² The champions were competitively elected from the sub-location representatives who attended the meetings.

¹³ The Report of this workshop can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹⁴ Screenshots of this concerns and government response can be seen here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

Method and Sources

The IRM report is written by well-respected governance researchers. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on assessments of progress put out by civil society, the government, the private sector, or international organizations.

The first and primary objective of the IRM is to verify completion of action plan commitments and the level of participation. Beyond this, the IRM seeks to assess potential impact and early changes in behavior around open government. There are two intended outcomes: accountability and learning. The method follows these aims. A second, important function of the IRM is to act as a “listening post” for the concerns of civil society.

Each report undergoes a 4-step review and quality control process:

- Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology
- International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole
- Pre-publication review: Government and select civil society organizations (at the discretion of the researcher) are invited to provide comments on content of the draft IRM report
- Public comment period: The public is invited to provide comments on the content of the draft IRM report.

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online. If IRM researchers wish to substitute a stakeholder meeting with another format, they should communicate this to IRM staff.

The IRM researcher conducted the assessment by interviewing/ or holding discussions¹ with different categories of respondents as described below²; for each group, the IRM researcher enlisted the support of two research assistants to take notes, recordings, photographs and collect necessary evidences.

- I. **The docket holder and action team, for each commitment:** this involved the lead implementing agency as specified in the action plan and the support teams they worked with. they were the operational teams charged with the actual performance of activities towards meeting the commitments made; from this category, the IRM researcher sought to understand: (i) how operations were structured (who was involved in implementation, how and what stage) and (ii) the progress on implementation and (iii) the realized change in government practice. The respondents were interviewed as follows: Commitment one and two– December 4th, 2017; commitment three – December 8th, 2017, commitment four – December 5th, 2017.

2. **The OGP steering committee** – this committee was understood to comprise of the commitment leaders from the various departments (who have been defined in (i) above, and other stakeholders in the OGP process; the objective of meeting the steering committee was to collect information regarding the coordination of implementation and monitoring processes, to provide in-depth analysis of stakeholder involvement and to provide a forum for triangulating information collected per commitment and seek any required clarification. Steering committee interview was held on December 8th, 2017.
3. **Civil society organizations**- The IRM researcher set out to understand what role the CSO played in the implementation of the action plan; their view on the implementation status of the commitments and impacts realized, as well as analysis of stakeholder involvement in the OGP activities. Discussions with CSOs were held on December 5th, 2017.
4. **Top Management of the sub-national government**: this includes the Governor, County Secretary and the Government Point of Contact. This group provided responses regarding the overall process of OGP in the county, the results of implementation, to other concerns or areas of clarification noted from the stakeholder forums already done. Interviews were held as follows: Governor – January 15th, 2018; County Secretary and Government Point of Contact – December 20th, 2017

Document Library

The IRM will use a publicly accessible Google (or equivalent) library. The IRM team will create a page for each entity and send the researcher detailed instructions for how to upload important documents used in their research. Then, the researcher will be able to use those website permalinks to cite in the text of their report.

The document library for Elgeyo Marakwet's First action plan assessment contains a wide range of documentation that explain the governance processes in Kenya in general and the specific contexts for Elgeyo (Such include legislations, guidelines for public sector performance etc.), as well as supporting evidences of activities reported to have been implemented. These cover the entire action plan process- from co-creation, implementation and assessment. The Library can be accessed here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

¹ The data collection tool/ guide used during discussion can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>

² The detailed list of respondents can be found here <https://drive.google.com/drive/folders/0ByGU03hlyT02a3gIMXpMYkRzM28>