

To:

**Dr Robert Ayisi
County Secretary
Nairobi City County**

Tuesday, 29 August 2017

Petition Subject: Urgent Petition to the County Executive Request for Information and Public Participation in the NCC County Integrated Development Plan Process

I, the undersigned and humble petitioner, _____ of _____, Nairobi, Kenya, in accordance with section 14 of the Nairobi City County Public Participation Act 2015,

Draw the attention of the Nairobi County Government to the following:

Whereas Article One of the Constitution of Kenya 2010 provides that **All sovereign power belongs to the people of Kenya and shall be exercised only according to the Constitution of Kenya 2010**, and

Whereas Article 10 provides that the National values (1) **Shall bind all State organs, State officers, public officers and all persons** and includes (a) **Participation of the people**, and

Whereas Article 35 of the Constitution of Kenya 2010 provides that **Every citizen has the right of access to information held by the state**, and

Whereas Section 4 (e) of the Nairobi City County Public Participation Act 2015 provides that the public shall have timely access to appropriate information which shall be publicised and provided by the County to enable their participation in a meaningful manner, and

Whereas the principles of county planning and development in the County Government Act 2012 section 102 provides that county planning and development shall **serve as a basis for engagement between county government and the citizenry, other stakeholders and interest groups (section 102 (i))**, and

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Whereas obligations upon the government with respect to county planning as provided in the County Government Act section **104 (4)** include **To promote public participation, non-state actors shall be incorporated in the planning processes by all authorities, and**

Whereas section **6(a)(i)** of the Nairobi City County Public Participation Act 2015 requires **the County government to encourage public participation in the preparation, implementation and review of its integrated development plan, and**

Whereas section **(9)** of the Nairobi City County Public Participation Act 2015 requires **any notice to the public shall be done by publication in at least two daily newspapers with national circulation, and ensure when a forum is convened it is fully publicized to enable attendance and participation of a wide section of the population (section 10 (2)).**

THAT:

Whereas on the 28th of August 2017, the Nairobi City County Acting County Secretary did cause to be published a program of engagement for public participation in the County Integrated Development Plan (CIDP) process as indicated overleaf;

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NAIROBI CITY COUNTY

PUBLIC NOTICE

Invitation to Attend Public Participation Forum for the Development of the County Integrated Development Plan (CIDP) 2018 -2022

The Nairobi City County is in the process of preparing the second County Integrated Development Plan (CIDP) for the period 2018-2022 in line with the provisions of the Constitution of Kenya Article 220 (a) and the County Government Act 2012.

The CIDP contains a consensus of diverse stakeholder on priority programmes that the County Government of Nairobi will invest in so as to realise socio economic aspirations of Nairobians, the business community and other stakeholders.

The County has planned to hold Consultative forums per Sub County where issues will be discussed and agreed upon for possible integration into the CIDP. All the 17 forums will run concurrently on **30th August, 2017** at **10.00 am** in the below listed venues:

Dr. Robert K. Ayisi,
Acting County Secretary

1. Westlands - Kangemi social hall
2. Starehe - Kariokor social hall
3. Kamukunji - Eastleigh social hall
4. Kasarani - Maji Mazuri grounds
5. Roysambu - Kahawa West parking lot
6. Ruaraka - Sacred Heart Catholic Church Baba Dogo
7. Mathare - Undugu social hall
8. Embakasi Central - Kayole social hall
9. Embakasi North - Dandora area III social hall
10. Embakasi West - Umoja Catholic church
11. Embakasi East - Embakasi village social hall
12. Embakasi South - Kware redeemed church
13. Kibra - Woodley play grounds
14. Dagoretti North - St. John's HGM Catholic Church
15. Dagoretti South - Waithaka social hall
16. Langata - Uhuru Gardens
17. Makadara - Jericho social hall

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And, Whereas the guidelines for preparation of the County Integrated Development Plan as prepared by the Ministry of Devolution and Planning in June 2017 provide for the inclusion of *“Performance Analysis: A good CIDP should entail a comprehensive review of the past performance of the sectors in the County. This should include an analysis of the situation at the beginning of the plan, any changes realized, constraints encountered and the lessons learnt. This analysis helps the County Planning Unit to guide the County in the formulation of effective strategies that promote sustainable development in the County;”*

Whereas I am mindful that the County Integrated Development Planning process is constrained by statutory time restrictions, this should however not undermine the sovereign right of residents of Nairobi to engage effectively in the county planning process. In this regard I observe the following;

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1. The County Secretary did not publish nor publicise the formation of sector working groups, nor invite organised groups and other stakeholders to engage in the sector working groups, thereby denying organised groups, non-state actors and members of the public the opportunity to engage in the County Integrated Development Plan sector working groups process;
2. The County Secretary has not availed copies of the sector working group reports for review by non-state actors, organised groups, or the public. These reports would provide a basis for constructive engagement in the public consultations;
3. The County Secretary has not availed a review of past sector performance as a meaningful basis for a robust County Integrated Development Plan;
4. The County Secretary has not published the County Integrated Development Plan road map to enable non-state actors, organised groups and members of the public engage effectively in the process;
5. It is noteworthy that the public consultations have been announced on 48 - hour notice without the reports, without an agenda or indication of the form of deliberations and submissions expected of the public. Under these circumstances, the public will not be able to contribute to the process in a meaningful way;
6. The meeting was not published in two national daily newspapers;
7. Lastly, the meeting notice does not provide an email address or physical address to allow submissions by electronic means or direct delivery.

Given the aforementioned, it is my humble submission that the proposed County Integrated Development Plan public consultations have been convened in a manner that fundamentally undermines the ability of the public, non-state actors and other organised groups to make meaningful contributions in the County Integrated Development Plan. This will have the effect of disenfranchising members of the public in the most critical development process of the county government.

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It is therefore my humble request that the County Secretary takes immediate steps to remedy this situation by;

- 1. Postponing the meetings to give at least 7 days-notice to the public;**
- 2. Publicise the meetings in accordance with the requirements of the law;**
- 3. Avail the sector reports and performance reviews immediately upon announcement of the meetings or before;**
- 4. Publish the County Integrated Development Plan road map immediately;**
- 5. Include in the County Integrated Development Plan process the opportunity for sector working group consultations with non-state actors and organised groups;**
- 6. Provide guidelines for consultation for instance the guidelines provided by the MoDP;**
- 7. Provide a program for the consultative meetings;**
- 8. Provide an email address and physical address for those who are unable to attend the stakeholder meeting.**

Your Faithfully,

Name : _____

Postal Address : _____

ID: _____