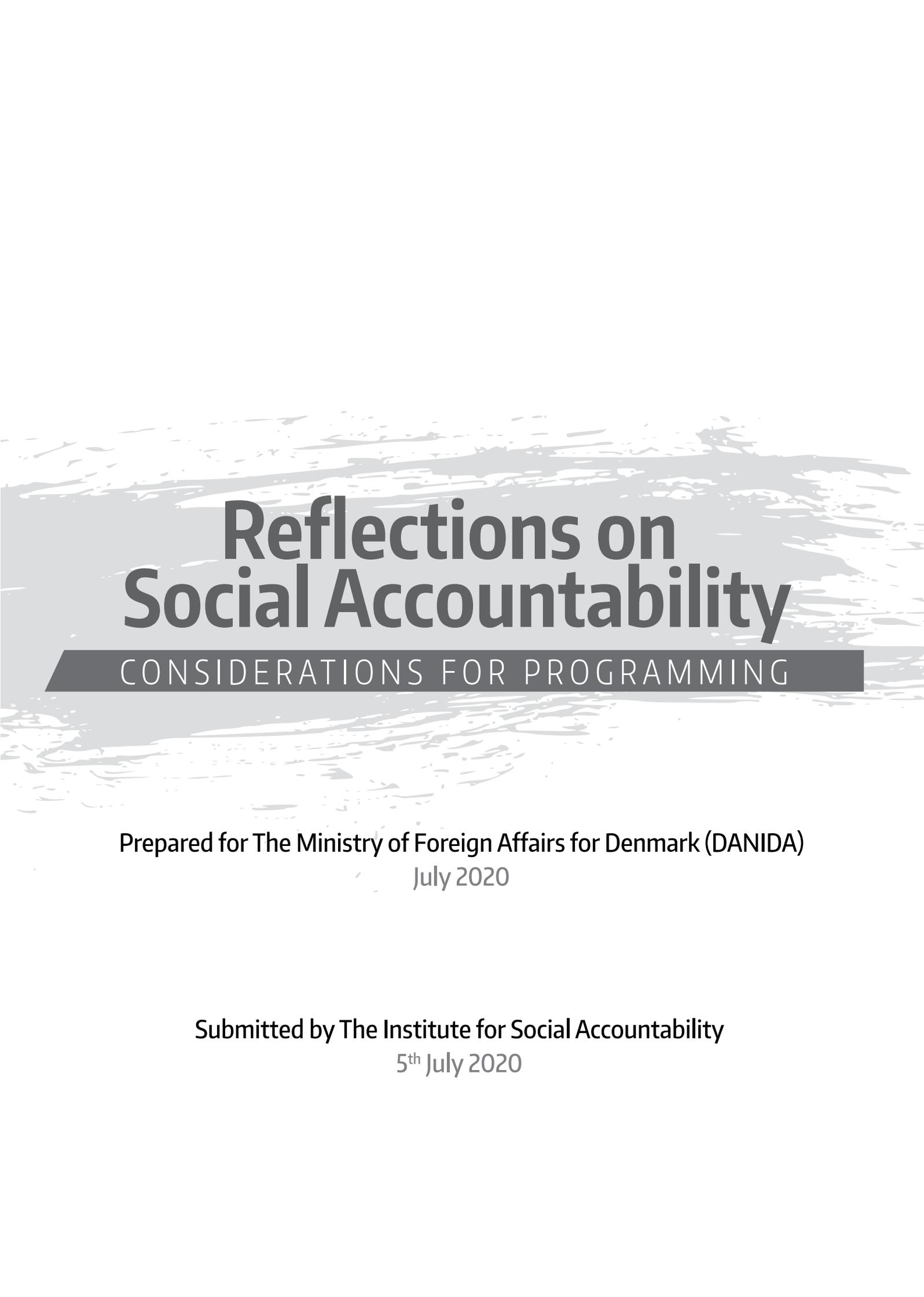


Reflections on Social Accountability

CONSIDERATIONS FOR PROGRAMMING

Prepared for The Ministry of Foreign Affairs for Denmark (DANIDA)
July 2020

Submitted by The Institute for Social Accountability
5th July 2020



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Prepared by

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Acknowledgements

Social accountability addresses a wide range of innovative tools and approaches that seek to check state and service providers power to protect the welfare of citizens. Social accountability aims to build citizen power vis-a`-vis the state, through a broad range of citizen actions which include:¹ Citizen monitoring and oversight of public and/or private sector performance, user-centered public information access/dissemination systems, public complaint and grievance redress mechanisms, as well as citizen participation in actual resource allocation decision-making, such as participatory budgeting.

Social accountability seeks to reduce the power and distance between citizens and government. It seeks to democratize governance processes through meaningful participation of citizens and responsiveness of government, with a view of enhancing service delivery and development outcomes, but the reality is far from ideal.

Denmark has a strong presence in Kenya based on a long-term and committed partnership, with strengthened cooperation in trade and development, a deepening and broadening strategic sector cooperation and a long-term involvement in promoting peace, stability, and security. Major reforms such as the progressive 2010 Constitution and the willingness to decentralize the powers of government, alongside Kenya's readiness to take on regional responsibilities in terms of peace and stability, not least serving as host for hundreds of thousands of refugees, has kept the cooperation between Denmark and Kenya alive and vibrant.

Danida is committed to the promotion of citizen led accountability as a means to supporting accountable democratic practice, in support of the aspirations of the people of Kenya. This report serves as a contribution to social accountability culture, practice, and models in Kenya with a view to informing programming priorities in an increasingly complex implementing context. This report presents practical recommendations on how to strengthen citizen voice and agency for the accountable application of scarce resources, against the backdrop of considerable power asymmetries between citizen and state.

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Finally, we are grateful to Joseph Kimani, Danida's governance lead, for his able stewardship in the development of this report.

1 Jonathan Fox Social Accountability: What Does the Evidence Really Say? American University, Washington, World Development Vol. 72, pp. 346–361, 2015.

Contents

Abbreviations and Acronyms	7
Executive Summary	9
Part I: Introduction	12
Part II: Study Findings	20
How do they design programs?	21
Social Accountability achievements	28
Social Accountability challenges	32
How are programs utilising technology?	37
Emerging lessons	40
Reflections from the Focus Group Discussion	44
Part III: Final reflections and recommendations	47
Annex 1: References	55
Annex 2: KII Study objectives and questions	59
Annex 3: Expert Focused Group Discussion Concept Note	61
Annex 4: List of Study Respondents	63
Annex 5 Adaptation of the results matrix from the Mwananchi program	67

Abbreviations and Acronyms

AGPO	Access to Government Procurement Opportunities
ASALs	Arid and Semi-Arid Lands
ATI	Access to Information
CAF	County Assemblies Forum
CAJ	Commission on Administrative Justice
CBEF	County Budget and Economic Forum
CBOs	Community Based Organisations
CDF	Constituency Development Funds
CECMs	County Executive Committee Members
CIDP	County Integrated Development Plan
COG	Council of Governors
COVID-19	Coronavirus Disease 2019
CSOs	Civil Society Organisations
DANIDA	Danish International Development Agency
EACC	Ethics and Anti-Corruption Commission
ECD	Early Childhood Development
FBOs	Faith Based Organisations
FGDs	Focus Groups Discussions
FGM	Female Genital Mutilation
GBV	Gender Based Violence
HRBA	Human Rights Based Approach
HRDs	Human Rights Defenders
ICT	Information Communication Technology
IGO	Intergovernmental Organisations
IGR	Intergovernmental Relations
KDSP	Kenya Devolution Support Program

KIIs	Key Informant Interviews
M&E	Monitoring and Evaluation
MCA's	Members of County Assembly
MODA	Ministry of Devolution and ASALs
MPs	Members of Parliament
NGCDF	National Government Constituencies Development Fund
NGOs	Non-Governmental Organisation
OVC	Orphans and Vulnerable Children
PFM	Public Finance Management
PMC	Project Management Committees
PWDs	Persons with Disabilities
SAcc	Social Accountability
SDGs	Sustainable Development Goals
SEKEB	South Eastern Kenya Economic Bloc
SMS	Short Message Service
SRHR	Sexual and Reproductive Health Rights
SWGs	Sector Working Groups
TISA	The Institute for Social Accountability
TOTs	Training of Trainers
WASH	Water Sanitation and Hygiene
YEDF	Youth Enterprise Development Fund

Executive Summary

Considerations for social accountability programming

Social accountability is thought to contribute to better public service provision while also building a stronger sense of citizenship and promoting empowerment. Social accountability work is increasingly accepted as a way of improving good governance by most bilateral and multilateral donor agencies, which has seen governance and transparency initiatives become big business across Africa (Tembo and Nkonkolimba, 2012a). Social accountability efforts can serve to create new effective vertical mechanisms of accountability and strengthen existing horizontal accountability mechanisms contributing to improved public service delivery, better governance, and greater development effectiveness (IEA, 2015). In different contexts, social accountability is succeeding in enhancing development outcomes by strengthening links between governments and citizens to improve budget utilization, service delivery and responsiveness of service delivery agents.

Although social accountability plays a critical role in bridging the gaps prevalent in representative democracy, designing effective SAcc programs faces several challenges. One of the primary challenges is the absence of uniformity in the conceptualisation of SAcc. Further to that, SAcc programmers rely mainly on anecdotal evidence and intuition to inform their interventions, due to a dearth of empirical evidence in the sector. What little empirical evidence that does exist, paints a conflicting picture on the tangible impacts of SAcc initiatives. These conceptual challenges notwithstanding, there is growing consensus that for SAcc programs to be transformative they must go beyond the usual advocacy for access to information, to confronting the complex web of interests vested in governance processes.

This report pays considerable attention to conceptualisation and focus of SAcc programs. The study took a formative approach, which is an approach designed to inform programming decisions, and is therefore very practical in its recommendations. The study utilized an iterative process of study, dialogue and reflection, and managed to reach 89 respondents between 4th May to 8th June 2020. This section presents a summary of the recommendations.

Recommendation 1: Social Accountability programs require a foundational philosophy rooted in citizen empowerment and social transformation. The role of citizens in SAcc emerges as one of the overriding challenges facing program implementors. Citizens are felt to be disconnected from SAcc, with SAcc initiatives lacking ownership and sustainability. Study respondents identify the dysfunctions in Kenyan social and political culture as an underlying factor driving apathy, dependency, corruption and other social patterns which undermine the foundations of social accountability. To address this, SAcc programs require a strong philosophical grounding rooted in conflict/structural theoretical approaches which should aim to build a politically aware and conscientized citizenry as a basis for social transformation. **Practical steps:** *Convene a dialogue process with targeted critical thinkers to help generate the social transformation philosophy and program.*

Recommendation 2: Collate, compile, develop and simplify training approaches, tools and manuals to create a simplified and comprehensive training manual and delivery program. A majority of CSOs cite difficulty in using evidence-based approaches. The model of SAcc emerges as disempowering because despite evidently good work, CSO actors are continually focusing on their inabilities. The SAcc model emerges as inaccessible, and analytical skills remain the domain of a privileged few. Whereas SAcc at its most basic is presumed to be a citizen approach, we can argue that it has become elitist in practice.

There is need for a proactive SAcc model that reinforces and builds capabilities of SAcc actors, by making SAcc tools, skills and approaches accessible and widely available. *Practical steps: Convene targeted SAcc practitioners to review and compile a comprehensive module and implementation model.*

Recommendation 3: Design a national campaign on leadership accountability targeting 2022 and beyond. Despite the exemplary and arduous work that SAcc actors are doing, and despite an elaborate tapestry of accountability laws, the dominant culture is one of non-compliance and impunity, which is in turn rooted in the state's inability to fight corruption due to state capture.

There is a need for a national campaign to refocus SAcc programs towards leadership accountability with a focus on enforcement. The campaign can focus on the proposed constitutional amendments, from 2020 to the-2022 elections and generate scenarios for post-2022. Such a campaign can examine previous national leadership accountability campaigns. *Practical Steps: Set up a small advisory committee comprising civil society actors to formulate a national strategy and campaign on leadership accountability and enforcement. It should be led by civil society and should be supported through a transparent and inclusive funding mechanism.*

Recommendation 4: Formulate a program to motivate for the effective implementation of decentralisation and public participation as a basis for SAcc.

As much as public participation is provided for in the constitution, the national government, and a majority of counties have not set up citizen engagement structures, leaving social accountability efforts to be done on an ad hoc and tokenistic basis. Most governments are also not allocating resources to public participation. Further to this, the incomplete decentralisation of functions implies that decision making remains centralised, impeding bottom up engagement.

This report proposes a national, evidence driven campaign to push for the full and effective decentralisation of services, alongside the operationalisation of public participation frameworks. This report recommends a national scorecard approach, augmented by research, policy dialogues, appropriate communication, and advocacy strategies to build support for effective decentralisation and public participation as a basis for effective SAcc.

Recommendation 5: Capitalise on the lessons emerging from the Covid-19 pandemic to entrench a human rights-based approach in Danida target sectors. Danida's areas of sectoral focus remain critical. In the wake of the Covid-19 pandemic, there is a renewed focus on increasing investments in the health sector, strengthening of local health systems and ensuring investments in

public and preventative health care. This presents the opportunity to review national policy and budget priorities to advocate for a human rights-based approach, push for the operationalisation of the SAcc mechanisms in the sector, increased investment and coherence in managing SGBV and a push towards outcome-based reporting.

The focus on access to justice and civic space has equally come under focus due to the increasing securitisation of the state, restrictions on public assembly, and police brutality. The role of human rights defenders becomes even more important. There are also interesting possibilities for social enterprise in green energy which may provide employment for CSO SAcc advocates towards sustainability.

Recommendations 6: Improve transparency, accountability, and responsiveness of funding programs. Adopt layered outcomes framework to inform holistic interventions.

Civil society respondents identified several challenges in the design and implementation of SAcc donor funded programs which make impact and sustainability a challenge. This report makes the following proposals: Increase funding transparency and incorporate principles of participatory governance in SAcc programs for the co-creation of programs. Adopt a CSO development strategy underpinned by capacity building on entrepreneurial leadership and institutional development skills for CSO leaders. Adopt a results management framework for SAcc programs that takes a layered approach to achieve a holistic SAcc program design.



Part I: **Introduction**

Considerations for social accountability programming

Social accountability work is increasingly accepted as a way of improving good governance by most bilateral and multilateral donor agencies, which has seen governance and transparency initiatives become big business across Africa (Tembo and Nkonkolimba, 2012a). Social accountability has grown to occupy a key role in inclusive liberal discourse directed towards achievement of poverty alleviation through good governance, a policy agenda which informs many CSOs programs (World Bank, 2001, 2014). Social accountability is thought to contribute to better public service provision while also building a stronger sense of citizenship and promoting empowerment.

SAcc initiatives are citizen led accountability mechanisms that take a vertical accountability approach towards enhancing government performance. Social accountability strategies aim to improve institutional performance by bolstering both citizen engagement and the responsiveness of states and state corporations. Social accountability consists of an evolving umbrella of tools and approaches, which seek to strengthen the social contract, based on active citizens and a responsive state, in which the interests of the poorest and most marginal are addressed. SAcc is premised on the thinking that attaining greater levels of accountability, whereby governments not only deliver public goods and services as per their policy promises but are also responsive to citizens' demands. SAcc is seen to contribute to better public service provision while also building a stronger sense of citizenship and promoting empowerment.

Social accountability initiatives are increasingly expected to facilitate positive development outcomes such as responsive local governments; exposing government failure and corruption, empowering marginalized groups especially the poor, and ensuring that government: both national and sub-national respond to the concerns of the poor. Social accountability efforts can serve to create new effective vertical mechanisms of account ability and strengthen existing horizontal accountability mechanisms contributing to improved public service delivery, better governance, and greater development effectiveness (IEA, 2015).

In different contexts, social accountability is succeeding in enhancing development outcomes by strengthening links between governments and citizens to improve budget utilization, service delivery and responsiveness of services delivery agents. Social accountability seeks to reduce the power distance between citizens and the state, and to democratise public processes by promoting meaningful participation by citizens in policy making.

Despite its widespread appeal, there is no unified understanding of SAcc or how SAcc interventions work. Further, social accountability practice is bounding ahead of empirical research, and so SAcc programmers rely mainly on anecdotal evidence and intuition to inform their interventions. What empirical evidence there is, paints a conflicting picture on the tangible impacts of social accountability initiatives. So, we see that although social accountability plays a critical role in bridging the gaps prevalent in representative democracy, designing effective SAcc programs remains a challenge. In the next section we consider some of the common approaches used in conceptualising social accountability initiatives and their limitations.

Approaches to Social Accountability

Transparency approaches to social accountability, focus on the central role of access to information in firming up citizen voice and shaping the decisions of policy makers and behaviour of service providers through client power (Dena Ringnold, Alaka Hola, Margaret Koziol and Santhosh Srinivasan, 2011). Using this approach, civil society interventions aim at increasing transparency to build citizen demand for accountability. Such programs invest in providing quality, relevant and timely information and in engaging third party intermediaries such as, media, academia and other citizen groups, organised or otherwise, in calling for access to information, redress mechanisms and translating individual initiatives into collective efforts in holding the government accountable. This is consistent with the human rights-based approach to service delivery where citizens have a right to leverage on information to claim access to better services (Gacitúa-Marió, Norton, and Georgieva 2009). Whereas traditional SAcc approaches have focused on the role of public information in spurring accountability, there is overwhelming evidence that for social accountability to be transformative it must go beyond the usual advocacy for access to information.

Using a supply and demand side approach, social accountability strategies try to improve institutional performance by bolstering both citizen engagement and the public responsiveness of states and corporations. The World Bank (2006) defines social accountability as a broad range of actions and mechanisms, beyond voting, that citizens can use to hold the state to account, as well as actions on the part of government, civil society, media and other social actors to promote or facilitate these efforts. They are citizen led accountability mechanisms, and thus reinforce or improve vertical accountability as well as enhance horizontal accountability by pressurizing oversight institutions to perform their role. According to UNDP (2013), accountability is the obligation of power holders to take responsibility for their actions. It describes the dynamics of rights and responsibilities that exist between people and the institutions that have an impact on their lives, in particular the relationship between the duties of the state and the entitlements of citizens. A weakness in the supply-demand metaphor is its failure to account for how the demand and supply will be created, and how these two will come together (Fox, 2015).

Diagonal accountability approaches to SAcc recognize the need to blend bottom up mechanisms with top-down interventions such as anti-corruption strategies, legislative and judicial reforms, and seek to involve direct citizen engagement in horizontal accountability of state institutions as well as in direct citizen action. Booth (2011) observes that the synergy created as a result, aptly responds to the inherent desire for better service delivery to the advantage of the specific citizen groups.

SAcc may also be viewed from a political economy approach, in which SAcc relationships are embedded in a complex web of interests and incentives, based on the 'configurations of citizenship and power around societal and society-state interactions'(Fletcher, Tembo2013).² In this conceptualization, the role of civil society is that of an external interlocutor who works with local

2 Fletcher Tembo, Rethinking social accountability in Africa: Lessons from the Mwananchi Programme, September 2013

interlocutors to create social change. CSO's therefore need to work as 'political entrepreneurs' to strategically engage local level interlocutors (influencers) to change the rules of the game. CSO's are encouraged to take a win-win approach to counter the dominant winner takes all approach.

Using this approach, SAcc programs need to be layered to deal with the complex web of interests in governance. Programs need to address the construction of citizenship, building democratic practice, strengthening state responsiveness, influencing policy, influencing resource allocation, building media interlocutors and developing inclusive, cohesive societies. Interlocutors employ varied strategies to influence change such as: creating dialogue platforms, agenda-setting processes, provision of expert knowledge to citizens and state actors, negotiation processes, increasing credibility through partnerships, strengthening the processes around sanctions.

With these brief reflections in mind, let us consider the legal framework for social accountability in Kenya.

Legal Framework for Social Accountability in Kenya

Kenya is a constitutional democracy based on the separation of powers between three arms of government at national level, and two arms at county level. The Constitution is premised on active citizen engagement and places extensive social accountability obligations upon state and citizen. It provides a strong values foundation for social accountability. Article 1 entrenches sovereign power in the people; *'The sovereign power of the Kenyan people is delegated or donated to Parliament (whose members the Constitution decrees be individuals of integrity).'*³ Article 3 calls upon citizens to respect, uphold and defend the Constitution, whilst Article 10 provides the national values which bind every person.

In similar vein, under Article 94, 'legislative authority of the Republic is derived from the people'. Executive and judicial authorities are similarly 'derived from the people' under Articles 129 and 159, respectively.

An independent and well-functioning judiciary is a fundamental accountability pillar which allows citizens to bring claims against the executive when rights are not respected, or services not delivered; holding the legislature to account when it steps outside constitutional bounds. According to Sihanya (2012), the 2010 Constitution constructs a politically, administratively, and juridically empowered and independent judiciary. Its main role is to implement and defend the constitution authoritatively and independently. In this role, the judiciary is instrumental in adjudicating the constitutionality and legality of the exercise of presidential and public authority in Kenya and in ensuring the protection of the constitution.

3 Willy Mutunga (2020), 'People Power in the 2010 Constitution: A Reality or an Illusion?' People Power in the 2010 Constitution A Reality or An Illusion. The Elephant

Public participation is a crucial pillar of the Kenyan Constitution. According to Muriu (2013),⁴ there is an empirical link between citizen participation and service delivery. Articles 118 and 196 compel the legislatures to ensure openness and public participation in their business. Article 174 on the objects of devolution seeks to give powers of self-governance to the people to enhance their participation in decision-making. Public participation, transparency, and accountability in public finance management as also provided in Article 201. The Constitution goes further to enshrine avenues for citizen redress, key of which is citizen petitions provided in Articles 119, giving citizens the right to petition parliament on any matter. Article 258 also provides every person with the right to institute court proceedings in protection of the Constitution.

The Constitution guarantees the right to information under Article 35. Article 232 on the values and principles of public service compels state officers to ensure citizen involvement in the process of policymaking and transparency, as well as the provision of timely and accurate information.

The media is yet another crucial actor in social accountability, with media freedom is enshrined in Article 34. According to Kh. Naranjargal (2018)⁵, there are three qualities of the good governance: participation, accountability and transparency which require the action of free, independent and vigorous information media.

Under Chapter 15, Article 249 (1), the Constitution establishes 'constitutional watchdogs' to protect the sovereignty of the people, secure the pursuit of democratic values and principles by all state organs, and to promote constitutionalism. Independent commissions and offices were incorporated as an antidote to the all-powerful presidency that had since independence undermined the other arms of government as it trespassed upon the fundamental rights and freedoms of the citizen. This introduces another level of checks and balances not envisioned in traditional democratic systems. Chapter 15 institutions include, the Office of the Auditor General, the Ethics and Anti-Corruption Commission, and the Commission on Administrative Justice also known as the Office of the Ombudsman, all of which play a crucial role in the promotion of social accountability.

Kenya is also signatory to numerous international legal instruments which augment domestic legal frameworks for social accountability. These include the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All forms of Discrimination against Women CEDAW). Regionally, the Africa Peer Review Mechanism (APRM) provides a framework for peer accountability. The East African Community (EAC) Charter under Article 3.3a also contains accountability provisions for the "adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice", as one of the imperatives for admission into the EAC membership. Even though regional democracy remains relatively weak, it is incumbent upon the CSOs, private sector and the citizens to ensure institutionalized milestones are attained. The EAC and other regional economic blocs in Africa, therefore present an important avenue for SAcc advocacy at the regional level.⁶

4 Abraham Muriu (2013), 'Decentralization, citizen participation and local public service delivery; a study on the nature and influence of citizen participation on decentralized service delivery in Kenya.' University of Portsdam.

5 Kh. Naranjargal (2018), 'Role of Media in Promoting Social Accountability'

6 Re the Matter of the Interim Independent Electoral Commission, (2011) eKLR.

We therefore find that Kenya has an elaborate and robust social accountability legal framework. The next sections take a look at the study methodology.

Study approach and methods

The study took a formative approach, which is an approach designed to inform programming decisions, and was therefore very practical in its methods. It utilised an iterative process of study, dialogue and reflection to inform its recommendations. The study was informed by the review of literature and utilised key informant interviews (KII's) and one focus group discussion comprising SAcc experts to generate primary data. The KIIs were guided by a question guide, which was adapted slightly for government respondents. The FDG question guide was informed by broader SAcc programming considerations as captured in the discussion guide. The literature review process took place concurrently throughout the process of study and was used both to inform the research questions, and to interpret/augment the findings.

The study takes an advocacy approach, and purposively engaged stakeholders with a view to building support for social accountability culture and practice, and to promote a deeper understanding between practitioners and policy makers. The study identified SAcc programs and initiatives at national and county level through known contacts as well as through direct references/snowballing. Respondents were identified based on their work in implementing SAcc programs. The research team also spoke to development partners and government institutions. National level government institutions were selected based on the significance of their mandate with respect to the promotion of social accountability. County governments were selected based on their accountability performance in the Controller of Budget and International Budget Partnership reports.

The study commenced in mid-April and the KII's ran from 4th May to 8th June 2020. The study managed to reach 82 KII respondents out of the targeted 100 and held the focus group discussion with seven respondents on the 22nd May 2020.

Category	Number of respondents
National Government	7
County Government	9
Civil Society	47
Media	5
Sector CSOs	3
Academia and Research	3
Development Partners	8
Intergovernmental Organisations	2
Private Sector	1
Total	82

Number and category of study respondents interviewed

Data collection, analysis and presentation of findings

The study broadly sought to establish the contributions of SAcc programming in building the culture and practice of SAcc under the system of governance in Kenya. The respondent feedback was captured in detail by the individual interviewers and entered into an electronic individualised respondent sheet. The individual respondent sheets were then uploaded onto the common online platform, making them accessible to the entire team. The respondent sheets provided the basis for analysis and quality control during the study. The data was subsequently analysed and presented along the following themes:

- ▶ **The Conceptual framework:** The first four questions of the question guide provide open ended questions that explore the conceptual underpinnings of SAcc programs and program design approaches. (*What conceptual framework did the program/initiative use? What was the focus/ goals of the program/initiative? How did the program build collaborations/synergies? How did the program/initiative manage to include marginalized groups?*) At analysis stage these were broken down into the following sub-themes (*How do programs define SAcc, do they take an adversarial/collaborative approach, do they engage government/political actors, what tools/ approaches do they use, level/duration of engagement, partnerships/beneficiaries, inclusion, do they engage in movement building, how do they measure results*). Where possible these findings were tabulated.
- ▶ The balance of the responses were captured, analysed and synthesised under the broad themes raised in the question guide and presented in narrative form. (*Achievements of SAcc programs, Challenges facing SAcc Programs, Emerging Lessons, the Role of Technology in SAcc, SAcc Response to Covid-19, and How did the program measure results*)
- ▶ The issues raised during the FGD were synthesised and captured in a stand-alone section.
- ▶ Study recommendations are presented in the final section of the report and present the lead researchers recommendations for programming.

Study challenges and limitations

The outbreak of the Covid -19 pandemic and the attendant travel and distancing restrictions, delayed the on-start of the study. It also forced a complete overhaul of the research methodology to remove all planned field visits. The research team was able to make these adjustments quite readily, but this may have suppressed the number of CSO county level respondents and national respondents who participated in the study.



Part II: **Study Findings**

How do they design programs?

This section of the report presents the study findings. The first part deals with how organisations design their programs and is presented in a comparative format. The subsequent sections present the achievements, challenges, lessons as shared by the respondents through brief bulleted narratives.

Social Accountability program targets

The findings indicate that CSOs target their work at both government and citizens with the greater focus being on the executive arm of government. Of the development partners in the study majority focus their work on the executive arm of government, of the three research and academia institutions, only one engages the government directly, whereas the private sector respondent (KAM) engages both the executive and the legislature. The media based CSOs on the other hand, mostly target their interventions at citizens.

Sector	Executive	Legislature	Judiciary	Chapter 15 Institutions
Civil Society Organisations	35	17	5	12
Development Partners	6	2	2	4

To which arm of government do institutions direct their interventions?

The study sought to establish whether the respondents in various sectors engage with political representatives. Twenty-five CSO respondents cite the engagement of political actors in their program work. CSOs with interventions in informal settlements, have been able to engage with the area Member of County Assemblies and Member of Parliament. One of the academic institutions empowers marginalised groups in the informal settlements to engage political leaders through petitions and direct engagement with their members of county assembly. The private sector organisation incorporates engagement with parliamentarians and members of county assembly to lobby for conducive policies. Some CSO organisations sought out informal collaboration with 'activists in government'

Social Accountability partnerships

The study identifies partnerships as a key engagement strategy useful in creating synergies and avoiding duplication of roles. Respondents indicated that through partnerships they were able to implement in hard to reach areas, pool resources, build synergies, and establish cooperative relationships with government. CSOs at county level managed to forge partnerships with county governments by joining local networks. They selected CSO partners based on their level of access and ability to influence. Partnership with government was an essential requirement in some programs without which the program could not proceed, for instance in community policing. Some partnerships

between CSOs and government were also characterized by county governments facilitating logistical arrangements during project implementation.

National CSOs partner with county and community level institutions as implementation partners.

CSOs at national and county level engaged SAcc community champions and ambassadors in program implementation at the local level. The champions who first underwent Trainers of Trainers sessions facilitated grassroots community mobilizations and were crucial in addressing language and geographical barriers.

Common Partners	No. of CSOs
Government	23
CSOs	18
Organized citizen groups	18
Media	3

CSO partnership targets

The study establishes that development partners forge partnerships based on the program needs and the decision with whom to engage was taken at the program design phase.⁷ All 8 development partners indicated they had partnered with the national government, county governments, Chapter 15 institutions, CSOs, research and academia, media and private sector at various stages of project implementation. A significant number of development partners implemented their programs through national intermediaries who subcontract to other national and county level institutions with established structures which reduces program administrative and overhead costs thereby availing resources for program work.

International NGOs also found it strategic to partner with national CSOs to achieve their advocacy objectives to maintain legitimacy. One such partnership facilitated the Makonde Community walk which paid off when the marginalised community members were issued with national identity cards by the government.

Government institutions are legally required to collaborate with stakeholders. This has been done through joint projects based on MOUs and informal collaboration. Respondents observed that MOUs were helpful in solidifying partnerships by stipulating roles and responsibilities of parties as well legitimise interventions and commitments.

⁷ This is any organisation working in partnership with government entities to provide development assistance. In this study, development partners include multilateral institutions, specialized United Nations Agencies, and bilateral partners.

Social Accountability program beneficiaries

Beneficiary	No of CSOs who cited them as the main beneficiary of their work
Organized citizen groups	18
Private sector	1
Judiciary	1
Executive	17
Legislature	6
Youth, women and PWDs	8
LGBTQ+ and sex workers	1
Women and youth	12
Women	2
Youth	5

Social Accountability program beneficiaries

The study found that almost all respondents deliberately targeted marginalised groups either as stakeholders or as beneficiaries of their programs. They gained access to these groups through local elders, community mobilisers, civic educators and other community influencers. In addition, they communicated through local languages and local media. It was noted that media based CSOs which do not have journalists in hard to reach areas, instead worked with civil society organizations to generate stories on marginalized groups. Kenya Association of Manufacturers a private sector player works with Small and Micro Enterprises (SMEs) to promote inclusion in trade.

Development partners prioritised youth, women, and persons with disabilities because their programs are anchored on the SDGs, and informed by the rallying call to, 'leave no one behind'. Development partners ensured that interests of these groups were prioritised by their implementing partners. In addition, development partners also practiced employment policies that support inclusion of youth, women, PWDs and LGBTQI.

Government institutions are constitutionally required to ensure inclusion. The Commission on Administrative Justice (CAJ) stated that 90% of the beneficiaries of its work were marginalized citizens who are not aware of how to report, deal with misconduct of public officials, or access public information. The Commission offers services for free to ensure they remain accessible to all groups. The Council of Governors reported that it ensured the inclusion of citizens and marginalised groups when planning for projects. Beyond its constitutional mandate, the Commission on Revenue Allocation (CRA) supported the representation of youth, women and PWDs in the budget process by promoting the County Budget and Economic Forums.

County governments reported having inclusion guidelines to inform their stakeholder engagement. In the Access to Government Procurement Opportunities, PWDs were cited as the most

active of the three groups in one of the counties. County governments also reported that they observed the two thirds gender rule, through the inclusion of the elderly, PWDs and periphery communities in community development committees. They also had special seats in project management committees for youth, women and PWDs. Additionally, County governments also nominated non state actors onto sector working groups and committees as corroborated by CSO respondents.

How Social Accountability programs work

In designing their SAcc interventions, it was found that majority of academic and development partners involved stakeholders at the design stage, whilst less than half of CSO's do so. For instance, one media based CSO which is also a national association creates its programs consultation with its members country wide. KAM reported that it involved stakeholders at both design and reporting stages of their programs.

Civil Society Organisations	Baseline/Gap analysis 23	Involve stakeholders 21	Urgent Emerging Issues 4
Development Partners	Baseline/Gap analysis 5	Involve stakeholders 6	Urgent Emerging Issues 5
Academia and Research Institutions	Baseline/Gap analysis 3	Co-creation 2	Urgent Emerging Issues 3

Table: How institutions design their programs

The study sought to find out what SAcc approaches were used by various institutions. The study found a wide array of SAcc approaches in use, including capacity building, training of trainers, storytelling, investigative journalism and score cards among others. Incidentally, there was a considerable overlap in approaches with institutions applying several approaches at a time.

Approaches Used by CSOs	Number of Institutions
Social Audits	11
Budget Monitoring	10
Civic Education	22
Legislative Monitoring	8
Advocacy	21
Community forums/ networks	20
Capacity Building	27
Training of Trainers	20
Investigative journalism	2

Table: Approaches used by CSOS

Approaches Used by Development partners	Number of Institutions
Social Accountability	2
Civic education	4
County Level Fora/ dialogue/Joint consultation	6
Capacity Building	8
Corporate Social Accountability	1
Donor Steering Committees	4

Table: Approaches used by Development partners.

The study further sought to establish whether the approach used by institutions were adversarial or collaborative. The findings indicated that majority of institutions collaborative approaches, with a handful resorting to adversarial actions when collaborative engagements did not work. Media respondents employed both collaborative and adversarial approaches.

CSO institutions engaged in some form of movement building as an approach to their work. The findings indicated that as many as seventeen CSOs used some form of movement building or community organising as an approach in their work. Movement building sought to move citizens beyond writing petitions and in turn build sustainability in addressing issues past the life of the project.

The study also sought to establish the tools most used by respondents in their programs. Once again there was a wide range of tools in use across respondents, institutions applied multiple tools in their programs.

CSOs Commonly used tools	No. of respondents
Social Audits	11
Petitions	21
Public Interest Litigation	11
Story telling	1
Public expenditure tracking	10

Table: Tools used by CSOs

Development partners commonly used tools	No. of respondents
Social Audits	2
Civic Education	4
Score cards	4
Public expenditure tracking	2
Training of Trainers	8

Table: Tools used by Development partners

The study also established that half of all CSOs implemented their programs in more than three counties.

Number of counties covered by the program (CSO's)	Number of institutions
One	14
Two	3
Three	6
More	25

Number of counties covered by SAcc programs

How do they measure?

The study established that a majority of CSO programs were less than two years in duration, whilst all development partner programs were above 2 years. The short duration of programs was cited as a major challenge in achieving measurable impact by civil society organisations.

Civil Society Organisations	Development Partners
<p>LESS than ONE-YEAR 3</p> <p>1 - 2 YEARS 20</p> <p>2 YEARS and above 25</p>	<p>LESS than ONE-YEAR 0</p> <p>1 - 2 YEARS 0</p> <p>2 YEARS and above 8</p>

Duration of programs

When measuring the results of SAcc programs, quarterly or half year review meetings are most commonly used to track progress. Respondents cited the flexibility of this approach, as it allowed for adjustments in the program targets at the point of review. Almost one third of institutions undertook baseline studies to inform their monitoring indicators. Institutions used both in-house and out-sourced evaluation capacity while networks and membership organizations noted that peer reviews were helpful in assessing progress.

With respect to data measuring a broad variation of approaches across the sectors is evident. Outcome harvesting emerged as a popular method. Although most institutions did not involve stakeholders when creating measurement tools/indicators, their reports were available to stakeholders on their websites to view or when requested. Private sector measured their results through verification visits, conducted audits and compared performance against set targets. This was done twice a year and reports were shared with relevant stakeholders. Media based CSOs measured through the number of people reached, number of comments they receive and views on their stories received. This entailed comparison of the level of knowledge at the start of the program against levels at the end of the program, listenership, review of issues and their contribution to policy and local content.

The study established that development partners held routine review meetings every quarter, or half a year to track progress. This ensured flexibility as it allowed for adjustments in the program targets at these points of review within the implementation period which ranged from 2years and above. Almost all development partners used baseline studies to inform their monitoring indicators. Development partners majorly relied on reports from their respective implementing partners.

Examples of results measurement

The following best practices were identified from the respondents across the sectors.

Oxfam Kenya had revised their reporting documents to reflect the nature of partners they were working with. While other structured partners were expected to use log frames, it was noted that artists and activists reporting was based on for instance number of activities held, number of people who attended and level of online engagement. This necessitated the change in the reporting tools and templates.

InfoTrack's county track reports mainstreamed involvement of beneficiaries in assessing overall county development through perception surveys. Upon completion, reports were shared with county governments and other stakeholders and this helped in informing future development priorities within counties.

Tangaza University through the University Mtaani concept conducted tracer studies to assess what progress students had made following graduation. This close monitoring helped achieve sustained impact within the community.

The Open Institute trained youth who were their main beneficiaries on basic analysis skills for evidence-based advocacy. Through this approach, youth in Lanet area were able to assess and prioritise their development needs using data. Following the efforts by the youth a health centre was built in their community.

After benchmarking in Makueni County, Nandi County established a county implementation monitoring and evaluation department (CIME) to report on impact of projects. county also engaged in registration of farmers, dissemination of information and received feedback through the Agricultural department digital forum.

The Commission on Administration of Justice (CAJ) clustered feedback from the public into categories which include service delivery issues, at the end of the year the categories were evaluated to establish which ones had the highest number of complaints. An analysis of the underlying causes was also conducted, and remedies proposed.

Makueni County analysed community priorities in comparison to departmental priorities that were implemented and conducted annual public participation surveys to gauge citizen satisfaction on decisions made, their implementation and prioritize the issues highlighted for discussion in the following financial year.

Social Accountability achievements

Opening up of public participation in the counties. It has also contributed towards increased access to county budget information. Social accountability programs are successfully advocating for increased allocations towards areas of greatest need. In some counties, social accountability programs have also contributed towards deepening public participation beyond subcounty to the ward level. Social accountability programs have enabled citizens raise pertinent questions during public engagement processes, and to challenge county officials over what they perceive as tokenistic processes. Social accountability programs also have the benefit of building citizen ownership in county governance and in some cases prompt citizens to continue budget oversight beyond the program period. Social accountability processes have been successfully used to petition county governments for the enactment of important county legislation such as the establishment of the county budget and economic forum (CBEF).

Civil Society program approaches and interventions have led to improvements in service delivery. CSOs use various methods of engagement in their work, to support members of the public in their engagement in governance processes such as the budget. CSOs also provide platforms where members of the public can engage directly with government officials, following this an increase in budget allocations based on citizen priorities had been observed in some instances. SAcc programs have also generated evidence to measure progress in service delivery through the use of score cards, social audits and citizen monitoring committees.

Capacity building of county and community-based organisations has contributed the strengthening of county level oversight. Through the use of scorecards and social audits, legal aid, civilian watch dog committees, petitions, the establishment of a toll-free public complaints and feedback lines, CSOs are contributing towards increased reporting to the Ethics and Anti-Corruption Commission (EACC), with reports of convictions made. In some cases, social accountability programs have also contributed towards changing the mindset of county assemblies to make them more effective in the exercise of their oversight role.

Social accountability is also being applied towards the improvement of livelihoods. Several CSOs are applying SAcc in sectoral work for the promotion of livelihoods. County governments have also scaled up successful SAcc models and invited CSO's to join the respective county service delivery committees responsible for monitoring implementation. SAcc pilot projects serve as a useful strategy for modelling good governance practice.

Social accountability is also being employed in security and social justice programs. Government recognises the work done by CSOs resulting in invitations to forums to address security issues facing their communities.

Social accountability is being applied in the promotion of access to health. Some CSOs have been able to work together with county governments in setting up nation-wide youth advisory council to help sensitize young people on sexual reproductive health. As a result, they have been able to see a

significant increase in the uptake of sexual reproductive health services. The involvement of local chiefs has assisted in their areas of implementation.

Civil society organisations are implementing advocacy programs to institutionalise social accountability. CSOs are working with county government to establish structures for public engagement through policy development and legislative advocacy. CSOs have also established platforms for advocacy with government. A notable example is the Elgeyo Marakwet Governors round table meeting with CSOs. Through this platform, County Government officials and CSOs discuss and assess progress of programs implementation, challenges, and solutions. The Governor - CSO roundtable meetings provide a two-way engagement where the county government is able to better understand the citizen priorities while the county gets to communicate its plans to the public. The CSOs have utilized these meetings to discuss the findings of social audits. The Centre for Development and Good Governance which pioneered the CSOs round table seeks to strengthen partnerships between citizen oversight groups and oversight institutions.

Youth inclusion in the budget process. Several CSOs report successfully pushing for the inclusion of youth in the budget process. In one case, Siasa Place facilitated the establishment of a youth technical working group that was charged with planning, budget and assessing of resources for youth in the county and budget allocations to youth increased.

Increased use of evidence-based approaches and the promotion of social accountability using various approaches employed. Media based CSOs have employed the use of investigative journalism, data driven journalism and online platforms to enable CSOs agenda set in mainstream media. Some CSOs seek to strengthen capacities for data use in Kenya and increase access to and use of data at subnational, national, and regional levels. As a result, county governments have expressed interest in having their capacity built around data management.

Development Partners

The African Development Bank has been working with the Office of the Auditor General to enhance accountability in Kenya. The AFDB emphasised on the need for the OAG to have adequate resources and capacity building to enable it to execute its mandate effectively and enhance its mandate of ensuring accountability and effective management of public resources. The AFDB cites its work with the OAG as contributing towards increased and inclusive growth over the last ten years.

Through the Kenya Devolution Support Program (KDSP), the World Bank has supported capacity building and technical assistance at the county level. This program has supported t capacity building and institutional strengthening in the five key result areas which include, public finance management, planning and monitoring and evaluation, human resource competency frameworks, devolution and inter-governmental relations and lastly, civic education and public participation. KDSP is a performance-based grant that allows participating counties to opt into the grant subject to agreeing to implement a capacity building plan, an annual performance assessment, reporting on grant funds received, among other conditionalities. As a result of this framework, there have been participatory

budgeting processes in several counties to systematically arrive at citizen needs. There have also been specific budgets set aside to respond to citizen priorities, and increased trust between the county government and citizens, as well as a reduction of tensions between the county executive and county assembly. In addition, there has been geo-mapping of resources to avoid duplicating development interventions.

The Bank also partnered with the Ministry of Devolution and ASALs to develop public participation guidelines. These guidelines are also available in braille to ensure inclusion. The WB program has also developed thematic forums targeting women, youth and PWDs, HIV/AIDS, Orphans and Vulnerable Children (OVC) and have built capacity of counties to set aside budget to address such needs. They have mainstreamed sign language interpretation in their meetings, and this has seen the number of women and other marginalised groups triple in their forums.

International Development Law Organisation efforts have been aimed at building a strong legal framework and enhancing access to justice. Their programs seek to strengthen institutions to deliver on their constitutional mandate using Article 10 on national values as a guide. One key success has been their contribution towards strengthening the judiciary.

Government

Machakos County introduced *Bunge Mashinani* in which the county assembly moves its plenary sittings to the community for a whole day. Through this initiative, MCAs tackle motions that affect the people in that area and in the afternoon, they hold an interactive session taking views and answering questions from the people. This contributes to citizens better understanding of the role of their representatives and airing their views. The County Assembly also conducts interactive sessions with citizens through local community radio a week prior to physical public participation forums to increase engagement and participation. They post the motion on county website the day before live discussion. For example, the speaker and budget committee came up with a resolution to, *“never slash the public participation budget”*.

Some counties have adopted a responsive budgeting approach which has resulted in increased county cohesion and culture of social accountability. This has contributed to the speeding up of development and high absorption of development funds. They have also supported increased access to information at the grassroots level as the project management committees are the custodians of project documents. This is because they have established community resource centres where physical budget and project documents are availed for better tracking, negotiation, and discussion.

The Office of the Controller of Budget came up with a strategy to push for the settlement of pending bills and secured a Presidential directive on the same. Under this effort county performance is pegged on settling pending bills and has witnessed an increase in the settling of pending bills.⁸

8 Some questions have been raised regarding the legality of the manner of implementation of this directive.

The Commission on Administration of Justice (CAJ) provides an avenue for public redress on issues of public official misconduct and maladministration. They have received and resolved over 700,000 public complaints since inception in 2011. In 2016 alone for instance, CAJ received 118,543 complaints and managed to resolve 100,720 and carried forward the remaining 17,823 to 2017⁹. The Commission on Administrative of Justice has also provided a platform for access to information for engagement with government.

The Commission on Revenue Allocation credit themselves as the architects of fiscal decentralisation in Kenya and have successfully informed four revenue sharing formulas and two policies on marginalisation all of which have been approved by government. They also provide recommendations for any financial bills affecting the counties in parliament. CRA generated model laws for the five main sources of revenue and has also actively engaged counties to set up County Budget and Economic Forums in almost all the 47 counties. The Commission has taken additional steps to ensure CBEFs are functional, by setting additional CBEF requirements in the latest revenue sharing formula, which is yet to be adopted.

The Water Sector Trust Fund requires communities to elect their own representatives to project management committees and invest in training the committees to oversee the project implementation and management. Projects submitted to WSTF must also be anchored in the CIDP. They have supported the establishment of county WASH forums for social accountability as required in law.

Perspectives from the legislature

There has been a significant level of improvement in the management of the National Government Constituency Development Fund (NGCDF) due to the high level of public involvement at the point of implementation. This has led to less wastage of funds. Parliamentarians have noted with keen interest that including the oversight mechanisms at the lowest level possible seals avenues for wastage, while community involvement has also reduced citizen apathy. Honourable John Mbadi, the National Assembly's Minority Leader also noted that there is urgent need for meaningful engagement by CSOs and organised professional groups to enhance parliamentary oversight.¹⁰

The County Assemblies Forum (CAF) has taken a capacity building approach to build public confidence in the devolved legislatures. CAF reports that the assemblies are no longer rubberstamping the executive decisions and are increasingly working in the interest of the people. They also conducted peer learning events with Senate, National Assembly and Ministry of Devolution and ASALs.

9 CAJ Annual Report 2016 Page no. 6

10 The constitutionality of the CDF was successfully challenged in the high court by TISA in 2013. The court processes over constitutionality of the CDF and NGCDF continue.

Social Accountability challenges

Challenges facing Non-State Actors

The lack of access to information emerges as a key impediment to social accountability efforts.

Budget advocacy has been hampered by the absence of timely information. Despite being enacted in 2016, a majority of SAcc actors do not utilise the Access to Information Act in their advocacy. Government has not fully complied with the act; for instance, access to information in public debt remains a challenge. Media based CSOs cite delays by government in responding to their requests and difficulties in understanding government budgets impedes their work. They complain that County Governments' feed the media with public relations statements.

The failure by government to respond, delays in responding to social accountability interventions, and delays in court cases all serve to discourage social accountability efforts and is contributing towards community fatigue and citizen apathy.

Civil Society communication in their social accountability work is felt not to be strategic. Civil society communication appears to be ad hoc, inconsistent and lacks long term strategic focus, making it ineffective.

Poor coordination between county departments coupled with ineffective communication channels in counties undermines social accountability efforts. Whereas county governments may provide coordinating mechanisms for development partner programs, most counties do not provide points for coordinating civil society programs making engagement with the county difficult.

Media based CSOs cited that the retention of personnel at county level has been a challenge. This has been addressed by training of journalists from various counties on devolution to enable them report on devolution and accountability matters all year round. Journalists have also been detained for highlighting controversial stories. Delays in response from government make it difficult for them present informed stories with direct input from the actors. Funding also remains a challenge.

Kenya Association of Manufacturers, a private sector player indicated lack of knowledge and capacity in green growth programs as a challenge. They however remain optimistic since recycling and sustainable manufacturing sector is relatively new in the country.

Demand side challenges

Some of the challenges facing citizen engagement in SAcc are:

- ▶ The public are not organized and do not see value in public participation. High levels of poverty; members of the public are not able to miss work in order to attend public participation forums; citizens receive handouts from politicians who expect handouts for SAcc work; Fear of reprisals and victimization; Inadequate notice for public participation; tokenistic public participation

processes; A large number of people do not participate due to logistical challenges; late notification of public participation meetings.

- ▶ A negative community mindset viewing CSOs and NGOs as saviours with high expectations that all their problems will be addressed.
- ▶ There is low CSO capacity due to limited resources
- ▶ Some sectors are not fully devolved, for example, issues affecting PWDs and children largely depend on national government's policy leadership which delays implementation.
- ▶ The impact of the social accountability work may be compromised due to reliance on community mobilisers some of whom act as gate keepers.
- ▶ Building sustainable CSO collaborations has been a great challenge for instance, the failure of the Parliamentary Initiative Network and National Integrity Alliance points to a difficulty in getting CSOs to work together due to vested interests among CSO's.
- ▶ There are technological and resource challenges to analyse large volume of responses from the grassroot level.
- ▶ Low citizen capacity: Low levels of knowledge and understanding by citizens and other non-state actors of the provisions for transparency, accountability and participation, on getting information when seeking accountability at national and county level and where and when they can raise their concerns. Lack of understanding of the budget process.
- ▶ Waning interest in public participation and community fatigue on how social accountability due to inaction on SAcc recommendations.
- ▶ Due to the high levels of illiteracy, civic engagement done in classroom delivery format with reports as opposed to visual and adult friendly learning is not effective, citizens cannot engage with material they do not understand.

Supply side gaps

Lack of allocation of resources for public participation in government budgets. Chapter 15 institutions funding restrictions render them unable to execute their constitutional mandates. Working from Nairobi does not give them the best view on what is happening at the county/community level, implementation would be enhanced if they were situated on the ground.

Much as public participation is provided for in the constitution, national and county government have not set up structures for civic education. There is a lack of sustainability of SAcc work due to dependence on CSO program funding, the work slows down when external programs end. Budget cuts at county level affect public participation and civic engagement work weakening social accountability work.

In Gender, Sports, Youth and Culture some functions are not fully devolved such as the welfare of persons with disability and children. There is also a challenge of synergy between national and county governments where a large part is still under the national government such that they have to wait for direction before implementation.

Lake Victoria Basin Commission indicated having challenges in its implementation as a result of conflicting policies of partner states. This has slowed down its project implementation process. A case in point is where five partner states of the Lake Victoria Basin Commission have different policies on a similar issue, for instance, water quality. This has seen construction of hotels closer to water bodies leading to pollution of the environment.

Another challenge has also been inadequate measures taken to reconcile national and regional interests. This has resulted in delay and ineffective implementation of regional programs. There is need for countries to reassess their collective interests vis-à-vis self-interest over shared resources for sustainability.

The National Treasury is clawing back on the powers given to the Commission on Revenue Allocation in the Constitution of Kenya 2010. Whereas the Commission of Revenue Allocation is mandated by the Constitution to recommend the basis for equitable sharing of revenues raised nationally between the national and the county governments, and among the county governments, the National Treasury is clawing back on fiscal decentralisation in Kenya, with a view to recentralising control over public resources. In addition, numerous transitions of officers in government offices disrupt implementation of SAcc programs.

There are many transitions of officers in government offices which disrupts the implementation of SAcc programs.

Lack of political will

In a majority of counties, and at the national level, there are no structures for engagement between citizens and government leaving social accountability efforts to be done on an ad hoc basis, in small pockets of engagement with no guarantee for feedback or action by government. Counties have failed to implement the public participation and social accountability mechanisms provided in law. Public participation is tokenistic making it difficult to achieve intended results.

Both national and county governments are violating legal and constitutional requirements for public finance management through practices such as false claims, exaggeration of costs of items/projects, failure to pay contractors, lack of accountability in revenue management undermining the value of service delivery to citizens.

Some county services are not decentralised beyond the county to the sub county and ward level, hampering public access to services and social accountability. Counties are also not investing in civic education resulting in low awareness by citizens on how to hold government to account at grassroot level.

County Budget Economic Forums (CBEFs) have not been given an enabling environment to make meaningful input into the public finance management of the county. Some governors have delayed in appointing CBEFs in their counties or ignoring their role altogether.

A widespread negative political culture has seen individuals get elected into political office even if they fail the integrity test. Against this backdrop social audits have been politicised and used for political interests. There is a lack of goodwill between government and CSOs and this has led to little policy uptake. There is also a mismatch between priorities of the county executive and assembly that leads to delay in passing of bills or adjustment to fit either parties' interests. This is because there are competing priorities between the county executive, county assembly and public interest. The engagement with parliamentary committees has also been challenging due to limited accessibility of the parliamentary committee members.

Lack of Constitutionalism: The culture of impunity is widespread and is aggravated by corruption in the judiciary and the decreasing judiciary budget hampering the ability to deliver justice.

Threats and intimidation against social accountability and social justice activists. Sometimes this is rooted in political rivalries within the county. This hostility may take tribal lines if the activist/institutions are not from the region – they are labelled as outsiders interfering with local affairs.

- ▶ Lack of confidence in whistle blowers' mechanisms is hampering the exposure of misuse of resources by public officers.
- ▶ Clannism in some counties implies that political leadership is taken up by the largest clans which also comprise most of the government appointments making them reluctant to hold each other to account as this would be viewed as a betrayal of one of their own.
- ▶ Insecurity is a major challenge. As a result, citizens are more concerned about their security and apathetic to other matters of social accountability in affected areas.

Development partners

Government has taken a hostile view to civil society especially those in governance work. This in turn has forced multilateral partners such as AFDB to take a measured approach to governance programs so as not to incur government sanction. This has influenced the tone of governance programs away from critical approach and undermined the impact of these programs.

There has been a shrinking of civic space. For instance, the introduction of the NGO registration bills demonstrates national government's intention to muzzle critical voice.

Inadequate access to information and citizens' limited capacity to engage in the governance processes is hampering SAcc efforts and led to inefficiency and outright corruption since citizens do not have the capacity to meaningfully engage with the institutions such as Office of the Auditor General.

Change of government and transition has slowed down advocacy and policy work. For instance, cabinet reshuffles at both the national and county level.

Inadequate institutional capacity of implementing partners and retrogressive culture. This has slowed down implementation since resources have to be channelled to training and capacity building of partners.

High staff turnover of non-state actors. This slows down program implementation as a result of staff changes.

One development partner indicated the need to engage the CSOs beyond information sharing.

How are programs utilising technology?

CSO's are using online platforms (portals and websites) to document and collect information from citizens. They are using digital platforms for data collection, anonymized surveys and public polls. CSOs have also developed mobile applications and online portals where citizens can input their observations on governance issues. CSO's are training community SAcc champions on tech and digital security to enhance their participation. Tech enables CSO's reach citizens across the country, online platforms also guarantee anonymity and address the possibility of victimisation.

CSO's are using their websites to assist citizens exercise their democratic rights. Some CSOs use their website to assist citizens in generating scorecards. Citizens are also able to quickly access bills and give their inputs for example through Dokeza, Mzalendo's online platform.

Social media applications such as Twitter and Facebook are enabling public dialogue on local issues - deepening the democratization process. Social media is enabling citizens in the diaspora engage on local issues. Social media is being used to highlight local issues, which are often picked up by mainstream media. CSO's/SAcc champions are able to bring issues to the attention of leaders by tagging their social media handles. Social media has also provided an avenue to engage policy institutions through memorandums and tweet chats.

The use of tech is enabling mobilisation to take place at the community level. Smart phones and communication applications such as WhatsApp are being used to mobilise, share information, and to communicate with CSO partners across the country

SMS platforms and toll-free lines to enhance the participation of marginalised/hard to reach groups. CSO's are able to reach citizens in areas that do not have internet access, promote inclusion through the use of SMS platforms.

Kenya Association of Manufacturers has been able to move from modifying old technologies to acquiring new ones in promotion of green growth. This has been realised through advancement of recycling and institutionalisation of sustainable manufacturing practices.

Government

Counties are sharing information such as budget documents and tenders on institutional websites. Due to Covid-19 restrictions, some counties allowed citizens to present their views on WhatsApp, email, or dropping off their views at the county offices.

Counties livestream parliamentary and county assembly sessions. Machakos County Assembly has held virtual assembly meetings during the Covid-19 period. Counties make use of local media, such as vernacular radio stations, to communicate public participation meeting, dates and venues prior to the event. They also use radio to conduct civic education, to disseminate relevant information and respond to public queries.

Counties are using SMS systems to enhance citizen participation. Through the use of Bulk SMS systems where participants in public participation forums are able to receive texts informing them of decisions made. Citizens are able to send their views on the budget and procurement via text. For instance, in Makueni county have a bulk SMS system with over 20,000 subscribers in the county where participants in public participation forums are able to receive texts informing them of decisions made. Citizens are able to send their views on the budget and procurement via text to the Open budget and open procurement portals without physical meeting.

Two counties are using WhatsApp as a complaint and feedback mechanism. Through this platform citizen issues are raised and responded to in real time. They also use WhatsApp groups to discuss the budget process and updates on legislation from the County Assembly. The county also uses WhatsApp to engage with citizens in the diaspora.

Nandi County has set up a toll-free number backed up by a call-centre to respond to public queries. They also have a digital forum for the agriculture department where they register farmers, disseminate information, and get feedback. Marsabit county also has a dedicated SMS and voice call line to receive complaints/feedback from the public which are forwarded to the relevant department for action.

Challenges

- ▶ Limited reach of internet and smart phone technology is hampering the use of tech outside of urban areas.
- ▶ Digital literacy among citizens is low.
- ▶ Technology processes can distort the information. Information needs to be verified prior to sharing.

Emerging lessons

- ▶ Technology is a cost-effective way of reaching wide number of citizens, and SAcc actors are using various forms of technology.
- ▶ Technology is being used to keep conversations going beyond public participation meetings. During the Covid-19 period, when physical meetings are not possible – they are doing so through webinars, tweet chats, and so forth. More learning and capacity building is needed to fully leverage the use of technology in SAcc.
- ▶ Vernacular community radio is playing an important role in ensuring all communities in the country are represented and will improve citizen engagement.
- ▶ There is need to increase access to open data and open source tools for visualisation, especially for media based CSO, and for use in hard to reach areas.
- ▶ Online platforms contribute in building CSO visibility.

How has the Covid-19 pandemic impacted Social Accountability work?

Most counties are not prepared to work from home. Governance processes are taking place in counties without public participation (e.g. budget process). Service delivery has been interrupted since only essential staff are working. Citizens cannot make petitions. Government is unable to reach citizens effectively. County Assemblies are passing legislation without public participation. They need to reach citizens through alternative platforms such as social media, community radio and TV. The county officials quickly need to improve their use of technology.

Restriction of movement has affected the work of the CAJ as they are considered a nonessential service. They are unable to receive public complaints which many prefer submitting face to face as opposed to through the online platforms. No meetings are going on for community engagement and public participation. Negotiations and mediations are not happening, and resolution of public complaints has been hampered.

Citizen priorities have now changed due to loss of jobs and hunger. Social accountability may not be a priority and may be placed on the back burner, with no public participation allocations in the budget. Public participation processes might be moved up to sub county or county level leaving out the communities based at the lower levels.

Covid -19 has exposed service delivery gaps which CSOs have been agitating for in access to water, education, health. The pandemic provides a great opportunity for new spending priorities to improve on critical services.

Need for accountability in Covid-19 funds. Development partners are offering large support to government for Covid-19 related response, but not holding them to account, a result of which a lot of the funds are being misused. They need to work with local CSOs to ensure the money is used well.

Covid-19 has shown a new way to work and should be adapted to enhance communication. E.g. Support low tech communities through SMS feedback for hard to reach and marginalised groups. County hotlines for COVID should be retained and used for citizen feedback post Covid. Covid -19 has exposed the need for the use of technology within the Judiciary, such as paying court fees via Mpesa or online, being able to use online communication channels such as Zoom to conduct court hearings.

Emerging lessons

SAcc programs require conceptual clarity, but we find that only a handful of respondents were able to articulate their conceptual approach. Irrespective of most not having a conceptual framing to SAcc, a majority of CSO institutions define their work using the term SAcc. CSO institutions are also designing SAcc programs in line with what would be expected of SAcc programs such as ensuring the programs respond to the political context, ensure robust stakeholder engagement, use various interlocutory approaches, and are doing so with some success. Nonetheless, the absence of a clear conceptual framework poses a challenge at a strategic and outcome level, as it confines a lot of SAcc programs to activity and output level engagement, and would undermine opportunities for scaling up, measurement, sustainability and impact.

SAcc programs need to be layered to deal with the complex web of interests they seek to influence. This implies that SAcc programs need to address issues of citizenship/social justice, building democratic practice, strengthening state responsiveness, influencing policy, influencing resource allocation, building local interlocutors and developing inclusive, cohesive societies.¹¹ Almost half of CSO's (23) are indeed using diverse and layered SAcc approaches and strategies, with 25 addressing at least 4 of the key issues mentioned above.

Movement building is a strategy useful in strengthening citizen voice, leverage citizen power for social transformation. The benefits of movement building are cited as sustainability beyond the program duration and building community ownership of SAcc interventions. Several institutions have incorporated movement building in their SAcc programs.

CSO's are actively engaging different influencers/interlocutors to ensure the success of their programs. Many CSO groups find that it is easier to engage with organised groups as opposed to individual citizens. They recognise the need to invest in bringing more diverse voices into the public spaces. There is need to partner with the Faith Based Organisations (FBOs) into SAcc work.

SAcc work has become commercialised - citizens participate in meetings based on facilitation given by different organisations and do not participate without it. To combat this regressive culture, some CSOs are now focusing on the citizens who demonstrate an interest in being involved in SAcc without financial compensation. They make it clear to those attending forums/meetings that they will not provide any reimbursements and work actively with those that have remained behind. In the face of closing civic space, CSOs are working on ways to address the lack of access to information and are reaching out to alternative voices in the creative industry to articulate their issues in a relatable and non-threatening manner.

Almost all institutions have an inclusion component in their SAcc programs. Nonetheless an intersectional approach when working with marginalised groups is necessary. There is a need to increase advocacy to combat gender-based violence and increase funding for sexual and reproductive health rights.

11 Fletcher Tembo, Rethinking social accountability in Africa: Lessons from the Mwananchi Programme, September 2013

Some counties such as Lamu County suffer from infrastructure impediments which make public participation difficult. There is need to advocate for increased resource allocations to such counties to enable them reach distant wards of the county.

There are striking differences in government, civil society and citizens perceptions of social accountability. High levels of mistrust and suspicion alongside the demonisation of civil society is making it difficult for CSOs to build effective collaborations and partnerships with government in some counties and particularly at the national level.

Score cards emerge as a favoured approach of SAcc engagement, perhaps due to government resistance towards more aggressive forms of SAcc such as social audits and procurement monitoring. Encourage both national and county government to institutionalise social accountability to dispel the perception that it is a witch hunt by civil society.

Seven CSOs have entered into a memorandum of understanding with government to advance their work. They mentioned that MoUs were helpful in solidifying partnerships by stipulating roles and responsibilities of parties involved as well as serving as legitimise interventions and commitments. These MoUs were central in buttressing working relationships between CSOs, county governments and other non-state actors such as academia and research institutions and other CSOs.

There has been a lot of focus at the county level leaving out the urban middle class from the conversation on inequality. The voice of the middle class is missing in social accountability issues which they do not feel affect them. It is important to target this group to get them engaged in governance processes at the national level.

There are numerous positive cases of public participation, spearheaded by the counties. For example, in Machakos county there must be proof of a public participation report submitted before any development plan is approved. In Nandi county some departments such as health, agriculture and ICT have formed sector working groups with representation from the public in the committees to give their input. Trans Nzoia set aside funds for capacity building of the community at ward level and plan at least one training per ward in a year. They use the ward administrators to coordinate public participation at ward level where the groups can raise issues from the previous financial year and make recommendations for the current financial year.

There are positive examples of access to information such as the use of community resource centres in Makueni, and Trans Nzoia county which is working with local radio stations to ensure they reach a wider audience. Both counties have also been able to leverage the village administration system and community volunteers to deepen public participation. There is a need to push for a decentralisation of public participation alongside deepening of access to information strategies.

There is opportunity to enhance strategic collaboration with CAJ on access to information. This is especially so in problematic areas such as debt management in which access to information remains a challenge.

Several counties have established grievance redress mechanisms to seal feedback loopholes. Those that have not should be encouraged to set them up.

Parliamentary oversight and proposed constitutional change. The study interviewed the Minority Leader of the National Assembly Hon. John Mbadi, who recommends that SAcc organisations need to engage political parties as well as parliament in their SAcc work. The Minority leader conceded that parliamentary oversight is not working optimally due to divisive party politics, and the undue influence of party politics on the parliamentary agenda. In his view this problem is a result of the presidential system created in the 2010 constitution. This ostensibly lends credence to the proposed BBI initiative which the Hon Member is championing.

SAcc initiatives need to craft strategies to deal with weak oversight. The oversight capacity of County Assemblies remains weak with respondents recommending capacity building of the public accounts' committees.

Chapter 15 institutions cite capacity challenges which are affecting their ability to render services at county level. They propose having regional offices to decentralise their services effectively. There is a need to look for sustainable ways to deepen the engagement of Chapter 15 institutions within prevailing resource limitations.

Program Design

Impact and sustainability are a challenge to SAcc programs. The duplication of SAcc efforts has disoriented the way CSOs work casting them as competitors. Emphasis should be made on the creation of synergies and collaboration to help organisations utilise their limited resources and time well. There is need to address the fragmentation of efforts and possibilities for networking. There is need for more effective coordination by funders.

Short term projects undermining impact and therefore projects should also be long term. The staying power of SAcc programs is a challenge due to the short funding periods facing most CSO programs.

Financial resources are a big challenge to civil society organisations, which often times do not have adequate funding to continue their programs. Funds allocated towards civil society social accountability initiatives by donors are not enough given that the level of effort required to ensure governance work and social accountability is a lot higher than that needed to implement humanitarian response work.

Low levels of funding of county based CSOs compared to Nairobi based ones. There is a monopoly of Nairobi centric CSOs as opposed to those working in the regions. There is a need to move away from programs being centred in Nairobi to the grassroot and peri-urban areas. **Assess and learn from current programs. Demonstrate to citizens the link between the absence of their participation in public spending decisions and poor service delivery. There is need to** increase the role communities in social accountability beyond participation in forums. CSOs working in social accountability should present their findings not just to the government but to citizens as well so that they can continue following up on findings from the reports.

There is a concern that SAcc work is mostly driven by donor priorities as opposed to community priorities, so the community is not fully engaged. Only nine Civil Society Organisations respondents in the study, cited the involvement citizens at the design of SAcc programs. This undermines the legitimacy of CSOs with respect to citizens and government who view CSO projects as driving a foreign agenda. There is a feeling that donor programs often do not take into account dynamic context of implementing SAcc programs in different parts of Kenya compared to their experiences in other parts of the world.

Counties and indeed the national governments need to ensure budget allocations for public participation and ensure their traceability. It is noteworthy that IFMIS, coupled with the chart of accounts in use by government restrict transparency. As government reviews its financial reporting standards there is an opportunity to influence this for increased budget transparency.

County based CSO's/CBO's need capacity building to mobilise their own resources and not depend on program interventions to help with sustainability. There is need to consider the available funding routes for local organisations including social enterprise, service delivery partnerships, private sector partnerships and donor funding.

There are calls for development partners to design programs that deliberately target to capacity build actors and citizens at the grassroot level. This will help improve social accountability efforts since citizens will be directly involved in carrying out oversight.

The Ministry of Devolution proposes that development partners need to link their interventions with County Integrated Development Plans (CIDPs). This is important since different counties may have different priorities thus interventions should be customised to address specific county concerns. In addition, county governments should be more proactive in engendering public participation during the development of CIDPs and other development strategic plans and should reach out to citizens who have expertise on various governance matters. *However, there is concern that counties are not adhering to their own CIDPs.*

Reflections from the Focus Group Discussion

Social Accountability vs Livelihoods

There is a need to link SAcc to livelihood issues. There is a challenge in connecting SAcc to citizens' day to day activities. Citizens are always looking for reimbursements or various forms of monetary compensation for their participation in SAcc programs. This is because there is a disconnect between attending public participation forums and putting food on the table. Funders, government, and citizens need to understand that SAcc is not a job that people wake up to do. When SAcc is tied to direct livelihood interests like food, income/trade, citizens will have an innate interest to engage. There is a need to come up with innovative ways to get them to participate.

SAcc has become projectized as opposed to citizen based with high transactional costs creating dependency and undermining the agency of citizens. Often the politics of the day ends up carrying the agenda and officials are also seen as a source of income. The big distortion in public accountability is the demand for reimbursements by participants. There is low self-organisation among citizens, and they have developed rent seeking strategies when engaging with government at local level. Citizen culture and incentives are structured around the political happenings of the day. SAcc is viewed as being for a certain cadre of citizens and is often incentivised by lunch and transport facilitation by CSOs.

In programming, the funders, citizens, and government should triangulate social accountability, livelihoods and citizen engagement. They need to develop programs that infuse social accountability work with citizen livelihood priorities and thereby incentivize citizen participation. Citizens can best engage when there are incentives that enable them to meet their basic needs and will ensure that they monitor the government to provide public goods.

It is important to infuse social accountability skills within citizen groups and also tap into these existing structures. Citizens are already organized voluntarily e.g. chamas and we can infuse these associations with social accountability initiatives and skills. Challenges to sustainable social accountability is the lack of consequences and tokenism. There is a need to tie in social accountability work to formal structures of social accountability and public participation to reduce public participation fatigue. There is an opportunity for separately conducted civic education forums where citizens learn, deliberate priorities, collect information in informal groups and use it in formal engagement.

Conditional grants

Since the introduction of specialized funds such as the CDF, there is a multiplicity of resources and decision points creating a challenge for public participation and making it difficult to track accountability. Conditional grants also raise the question of who defines the interests? Conditional grants have been viewed as a challenge where they do not align to county planning priorities. Accountability is also stronger when government administers its own resources. There should be a concerted effort to call for better coordination and structuring of the different funds for effective tracking.

County governments are autonomous units and should only take up grants that serve their needs. Counties are not forced to take up the grants if they do not agree with the conditions that come with grants. Counties should also communicate to citizens what comes in from development partners and what it provides to enable tracking. County governments need to speak up on policy and administrative costs, because activities like capacity building an expense.

There is also a challenge of national government priorities eating into the shareable revenue and reducing the amount available for county development.

Strengthening evidence-based accountability

There is a big disconnect between youth and service delivery. The elderly are more concerned about development. Opportunities exist in the use of technology for SAcc given the vast youthful and tech savvy population. There is need to use tools that link up service delivery data and planning information to a single accessible point, where information can be accessed by relevant authorities and action taken. For example, in Vihiga County, the county government partnered with a local IT company to conduct geo spatial mapping of all schools and health facilities in the county where young people were deployed to conduct the mapping exercise. The information was used to determine how far the population has to travel to access health and school facilities and inform distribution of resources. Using technology to interface with government planning, resource allocation and service delivery as a critical tool in service delivery.

Investigate the incentives for youth to pick up the social accountability agenda. The youth are quite engaged contrary to popular opinion. The one size fits all approach across different regions and stakeholders could be negatively affecting their engagement. Identify and harness innovative manner of engagement with various stakeholders and scale it.

There is space for evidence within a formal space. There is opportunity to enhance citizen involvement in monitoring through georeferencing of projects approved in the budgeting process.

Political culture

The dominant social and political culture can be an impediment towards SAcc. Kenya's transactional politics has negative impacts on accountability. Innovative ways such as self-organising at community level then helping those that actively engage to be compensated for their time could help entrench social accountability efforts.

There is need to move social accountability from adversarial approaches to creating partnerships through multi actor links from both the supply and demand side. Building partnerships is critical to seeing change and exploring more in terms of building loops across different levels. Increasingly social accountability is being viewed as a market and there has been significant effort to make the market function better.

The other opportunity lies in getting the citizens to engage actively and proactively. SAcc work should look at various ways to engage the youth, how to engage the youth in various areas. For instance, during the ongoing COVID-19 pandemic, the youth have been activated and we have seen the government responding to issues raised on social media by the youth.

Poverty has made it difficult to mobilize the marginalised groups. The budget should therefore have an allocation to facilitate public participation. Government budgets should have affirmative action programs, and duty bearers need to become responsive to needs of the marginalised groups. There is need to build the capacity of duty bearers through training, sensitization and through close engagement for them to acquire knowledge on handling inclusion issues.

Local accountability opportunities exist to enable local communities to engage in funds and services in their local area. e.g. health and local dispensary (health committees). **There is a need to continue investing in building values.**

Social accountability and oversight

Despite provisions for the rule of law, citizens cannot take complaints to the very office/officer that created mess. What can citizens do with the information they have? If they get no response or action, so what? There is a disconnect between SAcc and duty bearers' response because of insufficient consequences of inaction. For sustainable social accountability, there is need to strengthen both the government and citizen sides, non-state actors as well as the police

There are very few organizations working with county assemblies, social accountability is being directed towards county executive at county level. Most social accountability initiatives tend to be about service delivery which is administered by the executive. An opportunity exists to push for SAcc through the relevant committees.



Part III: **Final reflections and recommendations**

1. What do citizens want?

One of the overriding challenges emerging from the study concerns the role of citizens in SAcc. Citizens are felt to be disconnected from SAcc, with SAcc initiatives lacking ownership and sustainability. Respondents fear that SAcc has been commercialized and is viewed as an earning opportunity by local communities who often demand allowances to engage in SAcc processes. Some of the factors behind this disconnect are identified in the study as; the conflict between SAcc and livelihoods, programming disconnects, political interference, and a negative social and political culture, etc. Underpinning all these concerns, there is consensus that the dysfunctional habits, values and behaviours dominant in Kenyan society are the problem, and that programming for accountability needs to address the toxic national culture which drives apathy, dependency, corruption and other social patterns which undermine the foundations of social accountability.

For instance, the 2016 study conducted by the Aga Khan Foundation on the value foundations of Kenyan youth found a widespread acceptance of corruption as a necessary means to personal progression. It found that a majority of youth are afraid to stand up for what they believe is right, and prefer to go with the flow to fit in. The study found that whilst young people were very optimistic about the future materially, there was nonetheless an expectation that corruption would continue to grow. The study also uncovered an inverse relationship between years of education attained and appreciation of hard work- whereby youth with tertiary education qualifications value working smart instead of working hard. Youth with lower levels of education expected reward to come from hard work. It is noteworthy that moral relativism is a phenomenon of a modernized and global world which lends another dimension to the issue.

The Building Bridges Initiative report also pinpoints the failure of national values as an underlying factor in Kenya's governance failures. However, the report lacks a sound diagnosis of the problem and goes on to make some recommendations which may introduce state nationalism if implemented as crafted. That notwithstanding, Kenyan society is facing a crisis of civic and social values, and efforts to ingrain accountability practice need to address this fundamental concern. This report proposes a framework to guide the development of program interventions on social value systems and culture.

Social Justice Approach

In Kenya access to political power has become synonymous with access to economic power, and it is along these lines that citizen-government interactions are ordered. From a social justice point of view, we may consider Kenyan voters/public as oppressed by their corrupt and incompetent political leaders (oppressors). We then view the behaviour of Kenyan voters/citizens as affirming these negative self-stereotypes and engaging in behaviour that further perpetuates these dysfunctions. Internalized oppression is both a symptom of an oppressive social climate, and also replicates its continued existence.¹²

12 https://en.wikipedia.org/wiki/Internalized_oppression#cite_note-auto-1

A framework for building a strong civic culture therefore needs to be grounded in social justice theory, and would allow us to examine Kenyan society from the perspective of internalized oppression, which is when an oppressed group uses the methods of the oppressing group against itself. The oppressed take an oppressive view of their own group, and desire to be like the more highly valued group- the oppressors.

Social injustice may also be viewed as a result of coloniality. The coloniality of power may be expressed as the hegemony of the new political world order that has come to dominate political and production systems in developing countries for the purpose of expropriating and appropriating wealth. Coloniality represents a new form of colonization, and its perpetrators hide behind faceless local and global corporations and financial systems. These have perfected the art of repurposing state institutions for private gain – state capture.¹³ The examination of the foundations of social culture in Kenya would also need to address the issues of coloniality and state capture.

A social justice approach to SAcc would also examine the role of the education system in perpetuating injustice and coloniality. Dr Wandia Njoya challenges Kenya's education system as being rooted in colonial patterns designed to produce pliant, industrious workers devoid of social awareness. This type of education is designed to enable the expropriative state which benefits an elite few. *'Kenyan education kills our ability to deal with reality. We become hardened and brittle... but being brittle instead of elastic means reality will break us'*.¹⁴ David Foster Wallace points towards the role of education in liberating the mind as he says, *'The real value of education has almost nothing to do with knowledge and everything to do with simple awareness...of what is real and essential'*.

Social transformation and the attainment of social justice requires the dismantling of the systems of inequality and oppression. Paulo Freire's pedagogy for liberation calls for the dismantling of the attitudes and beliefs that propagate injustice. According to Freire, this is to be achieved through the process of *conscientisation* by using appropriate adult learning methods to build a critical consciousness amongst members of the public, especially oppressed and marginalized.

Yet another consideration for social accountability programs, is the underpinning concepts that inform program design. For the most part we find that most programs do not have a clear conceptual framework, and when they do, they mainly use utilitarian frames which negate class and structural justice issues. The study finds that only 7 out of the 46 CSO institutions use a rights approach to social accountability. A structural approach/conflict approach would allow SAcc programs frame bad governance around issues of predatory capitalism, exploitation, disenfranchisement on the basis of class and so forth. A structural approach provides the language and framing for *conscientisation* as a basis for establishing an activist citizenry to drive social transformation. By contrast, the present

13 Wachira Maina (2019), **State Capture – Inside Kenya's Inability to Fight-Corruption**, Wachira explains state capture as the union of corruption and politics, in which a power elite captures the state, and then repurposes the whole machinery of government into a personalized appropriation zone. The whole object of this 'repurposing' is to gut state resources for electioneering and thus maintain power. AfriCOG

14 <<https://www.wandianjoya.com/blog/moi-and-the-simplification-of-the-kenyan-mind>>; <EDUCATION IN CRISIS: An insiders perspective <https://www.youtube.com/watch?v=hgbwvQQIqd4> >

framing views social change as an incremental process rooted in utilitarian reform processes ultimately dependent on the state.

It may also be argued that SAcc programs are being implemented in an **assistentialist** manner. Paulo Friere defines *assistentialism* as *imposed development* fundamentally opposed to democratisation. Assistentialism treats the recipient of development as a passive recipient incapable of self-governance. Its more pernicious effect is the *'violence of the anti-dialogue'*, which imposes a silence and passivity on the recipients denying them the opportunity to develop a critical consciousness necessary for self-governance. Assistentialism is an approach favoured by the political elites to preserve a social order which benefits them particularly during democratic transitions such as Kenya's.

We therefore conclude that SAcc programs in Kenya require a strong philosophical grounding rooted in social justice/conflict/structural theoretical approaches which seek to build a politically aware and conscientized citizenry as a basis for social transformation.

Recommendation 1: Social Accountability programs require foundational philosophy rooted in social justice, citizen empowerment and social transformation. Social transformation is a deep irreversible change in attitude, actions and emotions among individuals in a group towards achieving social change. SAcc programs need to express a clear social transformation approach into which downstream partners will connect to cumulate impact.

Practical steps: *Convene a dialogue process with targeted critical thinkers to help generate the social justice/social transformation philosophy and program imperatives. The process would identify philosophical theories to underpin the program, identify key messages, branding, methods of delivery and partnerships. The process would also examine the role of CSO's as interlocutors, considerations for building local civic groups and associations, the role of non-violent protest, and other pragmatic considerations for civic activism.*

2. Lack of Capacity

Another dominant concern is the lack of capacity on the part of civil society actors themselves. Whereas the lack of capacity of the citizens is assumed as the basis for the interventions, paradoxically, it emerges as a bottleneck impeding the effectiveness of CSO interlocutors themselves. A majority of CSOs cite difficulty in using evidence-based approaches. The model of SAcc emerges as disempowering because, despite evidently good work, CSO actors are continually focusing their inabilities. The SAcc model emerges as inaccessible, and analytical skills the domain of a privileged few. Whereas SAcc at its most basic is presumed to be a citizen approach, we can argue that it has become elitist in practice.

There is therefore need for a proactive SAcc model that reinforces and builds capabilities of CSO actors, by making SAcc tools, skills and approaches accessible and widely available.

Recommendation 2: Collate, compile, develop and simplify training approaches, tools and manuals to create a simplified and comprehensive training manual and delivery program. Add

into the manual key missing components of social transformation and citizen empowerment such as entrepreneurial leadership¹⁵, conscientization, civic responsibility, data and information management, methods of nonviolent protest and community organizing.

Disseminate the curriculum widely through a dedicated teaching program and partnerships with likeminded institutions. Target to impart the program to as many as possible, as cost effectively as possible. The aim of the program will be to build an army of SAcc activists equipped to initiate SAcc activities across the country outside of funded programs. Make the program open to both civil society and government actors. A version of the program may also be tailored for in-county training bringing together all stakeholders onto a practical module targeted at county government officials and members of local citizen associations/groups.

Practical steps: Convene targeted SAcc practitioners to review and compile a comprehensive module and methodology.

3. Lack of enforcement - Uta do?

At a practical level, SAcc faces the crisis of non-enforcement/very low responsiveness by government actors. This disincentivises SAcc work as citizens justifiably view SAcc efforts as tokenistic, reinforcing the culture of apathy. Despite the exemplary and arduous work that SAcc actors are doing, and despite an elaborate tapestry of laws, the dominant culture is one of non-compliance and impunity. Whereas the first two recommendations of this report address mid-to long term strategies, this recommendation calls for short-term strategies for to push for enforcement.

Wachira Maina in reminds us that democracy retains the potential to undo state capture, that deep democratisation is a long-term project, and that democratization processes are not linear and will experience gains and reversals. He warns of the grave dangers in abandoning democracy for left- or right-wing authoritarianism. He suggests that democratic process can undo state capture by;

- ▶ Exploiting the inability of the state to provide material benefits to key constituencies as a basis for harnessing collective action with a view to overwhelming the powerful the capture elite.
- ▶ Using opportunities created by the 2010 Constitution especially localized participatory governance as exemplified in counties such as Makueni by working with a critical mass of counties to use a 'demonstrative effect' to undermine the hold that the state capture elite has on national government at the centre.
- ▶ Civil society organizations generating evidence and records to support future prosecutions.
- ▶ Undertake advocacy in pursuit of foreign indictments and convictions when domestic institutions are captured.

15 This is an education approach used by the African Leadership Academy to reorient education towards problem solving.

- ▶ Leverage on the proposed constitutional reforms under the BBI process to mobilize around key public finance management reforms especially with respect to reporting and budgeting for social economic rights, the independent funding for oversight institutions, the strengthening of devolution and direct democracy.

Recommendation 3: Proposal for a national campaign on leadership accountability 2022.

There is a need for a national campaign to refocus SAcc programs to push for leadership accountability/enforcement. We may consider a long-term strategy, broken into shorter timeframes of the immediate, short and midterm. At present the focus should be on the proposed constitutional amendments, the 2020-2022 elections and scenarios for post-2022. It should consider how SAcc can contribute to political accountability and enforcement.

Such a campaign can examine earlier campaigns such as the MOPA campaign of 2007, the red-card campaign which Transparency International coordinated in 2017 and the Kenya Human Right Commission Kura Yangu campaign also from 2017.

Practical Steps: *Set up small advisory committee comprising civil society actors to formulate a national strategy and campaign on leadership accountability and enforcement. The first step will be to generate scenarios on 2022 with respect to leadership accountability and a strategy for engagement. The process should be designed in a manner that makes it an open design that provides opportunities for the widest cross section of stakeholders possible. For instance, institutions would not be allowed to engage at more than one level. The process should have a peer learning and accountability process through county and national level coordination meetings. It should be led by civil society and should be supported through a transparent and inclusive funding mechanism.*

4. Operational gaps and the lack of political will

Much as public participation is provided for in the constitution, the national government, and a majority of counties have not set up citizen engagement structures, leaving social accountability efforts to be done on an ad hoc and tokenistic basis. Some of the operational gaps include;

- ▶ Most governments are also not allocating resources to public participation. Failure to operationalise public participation – Public participation continues to receive lip service with most legal provisions not enacted and public participation not adequately funded. E.g. Failure to operationalise the County Budget and Economic Forums (CBEFs) and county audit committees, national government has failed to enact public participation regulations in public finance and intergovernmental relations. At county level sector public participation and oversight committees such as local physical planning boards, public health committees and licensing boards are steeped in nepotism, rendered toothless or moribund.
- ▶ Further to this, the incomplete decentralisation of functions implies that decision making remains centralised, impeding bottom up SAcc engagement.

- ▶ Alongside this is the failure to operationalise the access to information law especially in expenditure management, procurement and debt management.

Recommendation 4: Formulate a program to motivate for the effective implementation of decentralisation, public participation and transparency as a basis for SAcc. *Formulate a national, evidence driven campaign to push for the full and effective decentralisation of services, alongside the operationalisation of public participation frameworks. Consider using a national scorecard approach, augmented by research, policy dialogues, appropriate communication, and advocacy strategies to build support for effective decentralisation, public participation and transparency as a basis for effective SAcc.*

5. Sectoral work

Danida's areas of sectoral focus remain critical. In the wake of the Covid pandemic, there is a renewed focus on increasing investments in the health sector, strengthening of local health systems and ensuring investments in public and preventative health care. Access to justice and the erosion of civic space due to the increasing securitisation of the state, restrictions on public assembly, and police brutality, reinforces the importance of the role of human rights defenders.

Recommendation: Capitalise on the Covid pandemic to entrench a human rights-based approach in target sectors. There is an opportunity to review national policy priorities to advocate for a human rights-based approach, and push for the operationalisation of the SAcc mechanisms in the health sector, increased investment and coherence in managing SGBV and a push towards outcome-based reporting, continue investment in support of HRBD and protection of civic space. There are also interesting possibilities for social enterprise in green energy which may provide employment for CSO SAcc advocates for sustainability purposes.

6. Strengthening Social Accountability programming

Civil society respondents identified several challenges in the design and implementation of SAcc donor funded programs: Programs are felt to be concentrated at national level at the expense of county. Inadequate funding amounts and short funding durations which undermines sustainability and impact. Low levels of funding of county based CSOs compared to Nairobi based ones. The duplication of SAcc funding efforts has fragmented the way CSOs work, casting them as competitors. There is a concern that SAcc work is often driven by donor priorities as opposed to community priorities. In most cases the community is not involved in the design and review stage of programs. Some respondents felt that funding to government is not accountable especially during the Covid period.

Recommendations 6: Improve transparency, accountability, and coordination of SAcc funding programs.

Practical steps: Increase funding transparency and coordination in SAcc programs. SAcc funders in the sector can improve the transparency and coordination of their support through a joint

planning and reporting mechanism. Involve stakeholders in program development and monitoring. SAcc programs need to involve stakeholders and take a responsive, participatory approach. Consider adopting a joint broad layers and holistic results framework across funding programs as a means of enhancing impact and coordination. (See Annex5)

Adopt a CSO development strategy underpinned by capacity building on entrepreneurial leadership and institutional development skills for CSO leaders.

Civil Society in Kenya is called upon to play a dual role of fostering the transition whilst consolidating democratic gains which are under threat. This implies that civil society engage in an adversarial and belligerent manner when confronting the patrimonial state on one hand, and in a cooperative manner with respect to programs which seek to consolidate the gains of democratisation.

Civil society is also changing in form and approach, with traditional NGO's on one hand, and new types of actors such as bloggers, influencers, associations, grassroots movements. These different groups require different funding approaches. There is also a need to generate viable business plans for growth for CSO's. Finally, there is need to deepen community level funding, whilst retaining effective oversight over the majority of the budget which is in the hands of national government.

Practical steps: There is a need to consider more flexible forms of funding especially for new and local SAcc actors, funding collaboration with progressive arms of government, using social enterprise models to SAcc especially in sector work, crowd sourcing, cultivating local philanthropy and capacity building of CSO's in institutional development.

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Annex 2: KII Study objectives and questions

Objectives of the Study

The study seeks to assess the extent to which identified social accountability programs have conceptual clarity, have been able to build service provider accountability incentives and promote citizen agency.

Specifically, the study seeks to assess:

- a. The contributions of SA programming in building the culture and practice of SA under the system of governance in Kenya.** Investigate some key programs in terms of scope and impact and how they have contributed towards SA practice intentionally or unintentionally Explore how SA programs have adapted to the implementation context and what they have attained. The study will examine both state (such as the world bank and nonstate initiatives).
 - ▶ Review of implementation context;
 - ▶ Assessment of identified SA programs - approach and tools used, theory of change, scope and level, level of funding and perceived impacts.
- b. Lessons emerging from SA practice for future programming.** The study will utilize a case study approach as a premise for deeper understanding and learning and will take a deeper look at successful SA initiatives whether programmatic or organic in nature. The study will also identify some useful comparative models of engagement.
 - ▶ Review and documentation of identified successful cases of SA;
 - ▶ Useful comparative practice;
- c. Opportunities and imperatives for building sustainable SA models and practice.** The study will identify the opportunities and impediments to successful SA and make recommendations on effective programming and stakeholder management on the same. The study will pay attention to the issues of sustainability with a view to proposing models and imperatives for sustainable SA.
 - ▶ Identify high impact sectors and approaches for engagement
 - ▶ Identity key partners
 - ▶ Identify contextual considerations and mitigation strategies
 - ▶ Identify opportunities for sustainability

d. Recommendations:

- ▶ Make recommendations for programming effectiveness
- ▶ Identify key partners and coordination effectiveness
- ▶ Results measurement matrix

The study shall be guided by the following research questions:

- i. What conceptual framework did the program/initiative use?
- ii. What was the focus/goals of the program/initiative?
- iii. How did the program build collaborations/synergies?
- iv. How did the program/initiative manage to include marginalized groups?
- v. What are the intended and achieved successes of the program/initiative? Unintended successes?
- vi. What challenges did the program encounter? How did it resolve these challenges and what lessons can be drawn?
- vii. What strategies did the program/initiatives put in place to ensure that citizens actively participate?
- viii. What role did technology play in the program/initiative?
- ix. What opportunities exist for exercising social accountability in public governance as a means to building sustainable social accountability practice?
- x. What are the implications of Covid-19 on social accountability programming?
- xi. How did the program measure results?

Annex 3: Expert Focused Group Discussion Concept Note

A study to inform programming imperatives to build a sustainable social accountability culture, practice, and models under devolved government in Kenya, 22nd May 2020

Denmark has a strong platform in Kenya based on a long-term and committed partnership with strengthened cooperation in trade and development, a deepening and broadening strategic sector cooperation and a long-term involvement in promoting peace, stability and security. Major reforms such as the progressive 2010 Constitution and the willingness to decentralize the powers of government as well as Kenya's readiness to take regional responsibilities in terms of peace and stability, not least serving as host for hundreds of thousands of refugees, has kept the cooperation between Denmark and Kenya alive and vibrant.

Danida is committed to the promotion of citizen led accountability as a means to supporting accountable democratic practice in support of the aspirations of the people of Kenya. In this regard, Danida has commissioned the Institute for Social Accountability to conduct a study on social accountability culture, practice, and models in Kenya with a view to informing our programming priorities in the forthcoming strategic period.

Social accountability addresses a wide range of innovative tools and approaches that seek to check state/service provider power to protect the welfare of citizens. Social accountability seeks to build citizen power vis-a-vis the state, through a broad range of citizen actions that include:¹⁶ citizen monitoring and oversight of public and/or private sector performance, user-centered public information access/dissemination systems, public complaint and grievance redress mechanisms, as well as citizen participation in actual resource allocation decision-making, such as participatory budgeting.

Social accountability seeks to reduce the power and social distance and democratise public processes by promoting meaningful participation by citizens in policy making, providing access to information, supporting the responsiveness of government, and providing mechanisms to review government decisions. But the reality is far from the ideal.

16 Jonathan Fox Social Accountability: What Does the Evidence Really Say? American University, Washington, World Development Vol. 72, pp. 346–361, 2015

About the discussion

The expert focused group consultation seeks to explore a number of strategic considerations in the design and implementation of social accountability programs.

Time: 1000 - 1200 hours

The discussion will take place through MS Teams through the following link: [Join Microsoft Teams Meeting](#)

Guiding Questions

1. What are the opportunities for social accountability under the present governance context in Kenya? What are the challenges?
2. Local governance is increasingly subject to global political interests. What are the implications for social accountability programs? For instance: The repayment of national debt as reduced the amount for shareable revenue ostensibly reducing the counties ability to respond to local priorities. The increasing number of conditional grants in the division of revenue may be interpreted as impeding county discretion at the local level.
3. What are the programmatic considerations for designing programs that balance livelihoods with social accountability governance considerations?
4. Citizen mobilisation for social accountability poses a very real challenge due to low community self-organisation, alongside the complex, transactional, rent seeking strategies citizens have developed to deal with government at the local level. What are the implications of this for SA programming?
5. What are most effective social accountability approaches to respond to the present context? What suggestions do you have for building sustainable SA processes?

Annex 4: List of Study Respondents

Civil Society Organisations

1. Act Change Transform
2. AMKA Space for Women's Creativity
3. Business Advocacy Fund (BAF)
4. Centre for Human Rights and Civic Education (CHRCE)
5. Centre for African Bio-Entrepreneurs
6. Centre for Enhancing Democracy and Good Governance
7. Centre for Human Rights and Civic Education
8. Centre for the Study of Adolescent Kenya
9. Collaborative Centre for Gender and Development
10. Community Initiative Action Group Kenya Trust -CIAG
11. CSO Programs Consultant
12. Defenders Coalition
13. Development Initiatives
14. East African Civil Society Organisations Forum
15. Environmental Capacity and Technical Services
16. Federation of Women Lawyers -FIDA Kenya
17. Haki Yetu
18. Hivos
19. International Budget Partnership
20. International Commission on Jurists
21. Katiba Institute
22. Kenya Alliance of Residents Association
23. Kenya Association of Fundraising Professionals
24. Kenya Climate Innovation Centre
25. Kenya Human Rights Commission

26. Kenya Women Parliamentarians Association
27. Local Empowerment for Good Governance -LENGGO
28. Micro Enterprise Support Program Trust
29. Muungano Maendeleo Organization (MMO)
30. Mzalendo Trust
31. Nandi County Youth Council
32. National Taxpayers Association
33. Northern Range Lands Trust
34. Nyeri Social Forum
35. Open Governance Institute
36. Pastoralist Community Development Organisation-PACODEO
37. SDGs Kenya Forum
38. Siasa Place
39. Social Justice Centers Network
40. Tharaka Nithi County Youth Association
41. The Constitution and Reform Education Consortium
42. Transparency International
43. Twaweza Communications
44. Uraia Trust
45. We Effect
46. Westminster Foundation for Democracy
47. Youth Agenda

Constitutional Bodies

48. Commission on Administrative of Justice
49. Commission on Revenue Allocation
50. Office of Controller of Budget

County Government Institutions

- 51. Elgeyo Marakwet County Government
- 52. Lamu County Assembly
- 53. Machakos County Assembly
- 54. Makueni County Government
- 55. Marsabit County Government
- 56. Nandi County Government
- 57. Trans Nzoia County Government

Development Partners

- 58. African Development Bank
- 59. Department for International Development (Dfid)
- 60. The United Nations Entity for Gender Equality and the Women Empowerment (UN WOMEN)
- 61. The World Bank Group
- 62. United Nations Development Program
- 63. US Agency for International Development SADES-K Program

INGO's

- 64. Diakonia
- 65. Oxfam Kenya

Intergovernmental Organisations

- 66. Council of Governors
- 67. County Assemblies Forum
- 68. International Development Law Organisation
- 69. Lake Victoria Basin Commission

Media Based CSOs

- 70. Africa Uncensored
- 71. Association of Freelance Journalists
- 72. Development Through Media Africa

73. Kenya Correspondence Association

74. Open Institute

National Government Institutions

75. African Parliamentarian's Network Against Corruption (APNAC)

76. Ministry of Devolution and ASALs

77. National Assembly

78. Water Sector Trust Fund

Private Sector

79. Kenya Association of Manufacturers

Research and Academia

80. Infotrak Kenya

81. Kenya Institute for Public Policy Research and Analysis

82. Tangaza University College

Focus Group Discussion Participants

83. Danish International Development Agency

84. Charles Warria - iGov Africa

85. Conrad Omore – Department for International Development

86. Dr Abraham Rugo - International Budget Partnership

87. Dr Robert Simiyu – UNICEF

88. Kwame Owino – Institute for Economic Affairs

Annex 5 Adaptation of the results matrix from the Mwananchi program

The table below provides an adaptation of the results matrix from the Mwananchi program. ¹⁷

Outcome area	Engagement strategy	Outcome objective
Outcome area 1	<ul style="list-style-type: none"> ▶ Constituency building, building capacities, enhancing skills and knowledge, relationship building, raising awareness on issues. ▶ Undertake education for conscientization and civic activism. ▶ Support civic action with empowerment programs. 	Construction social justice and citizenship
Outcome area 2	<ul style="list-style-type: none"> ▶ Citizen engagement in policy influence: ▶ Active citizen participation in decision-making processes. ▶ Actively trying to influence governance issues; ▶ 	Strengthening practice
Outcome area 3	<ul style="list-style-type: none"> ▶ Initiatives to promote transparency, responsiveness and accountability of authorities and representatives to citizen interests 	Strengthening of responsive and accountable states
Outcome area 4	<ul style="list-style-type: none"> ▶ Effective policy influencing ▶ Changes in policy narratives 	Strengthening practices and participation (Institutionalization)
Outcome area 5	<ul style="list-style-type: none"> ▶ Effective resource influencing ▶ Citizen influence on allocation and use of public funds in ways that are equitable, inclusive and empowering 	Strengthening practices and participation for inclusive and cohesive societies
Outcome area 6	<ul style="list-style-type: none"> ▶ Media interlocation - media enabling/ brokering interactions for development initiatives 	Strengthening practices and participation
Outcome area 7	<ul style="list-style-type: none"> ▶ Access to services, resources, and infrastructure for social and economic development and social justice 	Development of inclusive and cohesive societies

¹⁷ Adapted from Fletcher Tembo, Rethinking social accountability in Africa: Lessons from the Mwananchi Programme, September 2013 (P 51).

Prepared for DANIDA



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Submitted by TISA

