



CIVIL SOCIETY ORGANIZATIONS -
COUNTY GOVERNMENT ENGAGEMENT

Baseline Study Report



**This Baseline Report is published by PEN
Copyright PEN, 2023**

This publication was prepared under a grant funded by Embassy of the Kingdom of Netherlands in Kenya through the UNDP Amkeni Wakenya Project. The content of this publication does not necessarily reflect the views, analysis or policies of UNDP, nor does any mention of trade names, commercial products or organizations imply endorsement by Embassy of the Kingdom of Netherlands in Kenya or UNDP Kenya.



Contents

- pg i List of Acronyms
- pg ii Acknowledgement
- pg iii Executive Summary

pg 1. 1. Introduction and background

pg 3. 2. Methods

pg 5. 3. Literature review

- pg 5 3.1 A summary
- pg 6 3.2 CSO- County government collaboration in Kenya
- pg 7 3.3 The situation in Kenya – enabling environment

pg 12 4. Findings

- pg 12 4.1 The Enabling Framework for Collaborations
- pg 17 4.2 Nature of collaborations
- pg 17 4.3 Duration of collaborations
- 4.4 Capacity of CSOs and County Governments to engage in collaborations
- pg 18 4.5 Coordination, monitoring and evaluation

pg 19 5. Recommendations

- pg 19 5.1 Recommendations for immediate action
- pg 20 5.2 Recommendations for long term action

pg 21 6. Case Studies

- pg 21 6.1: Case Study 1 - Nandi County – Engagements between the Nandi CSO Network, Angaza and the County Government of Nandi
- pg 27 6.2: Case study 2 – Nuru Kenya and the Counties of Baringo and Migori
- pg 29 6.3: Case study 3 – PACIDA and the County of Government of Marsabit
- pg 31 6.4 Case study 4 – Machakos County
- pg 32 6.5: Case study 5 – Kilifi CSO Network and Kilifi County
- pg 34 6.6: Case study 6 – The HUB and the County of Government of Turkana

pg 36 7. References

Acronyms & Abbreviations

CFF

Civic Freedoms Forum

CIMES

County Integrated Monitoring and Evaluation System

CoG

Council of Governors

CSO

Civil Society Organization

The HUB

The Turkana Natural Resources and Governance Hub

IRM

Independent Reporting Mechanisms

NAP

National Action Plan

NGO

Non-Governmental Organization

NORAD

Norwegian Agency for Development Cooperation

PACIDA

Pastoralist Community Initiative and Development Assistance

PBO

Public Benefit Organization

PEN

Poverty Eradication Network

SWG

Sector Working Group

UNDP

United Nations Development Programme

Acknowledgement

This Baseline Report is an important contribution to the governance actors who are involved in promoting good governance at the county level.

PEN wishes to express sincere gratitude to the Embassy of the Kingdom of Netherlands in Kenya and the United Nations Development Program, Kenya for supporting the development and printing of this Baseline Report. We in particular acknowledge with much gratitude the UNDP Amkeni Wakenya Team for the role they have played in this process.

Special thanks goes to various individuals drawn from the civil society and county governments in Turkana, Kilifi, Machakos, Makueni, Nandi, Baringo, Migori and Marsabit Counties for their invaluable insights through the key informant interviews. The information that they freely provided has been very useful

for the production of this document.

We thank the Development Frontiers (Deft) Consultants who walked with PEN throughout the journey of developing this study. Their knowledge and skill has gone a long way to ensure the production of this study.

We thank the PEN team and its partners, particularly the Civic Freedoms Forum (CFF) for facilitating the conceptualization, reviewing and overall coordination of this study.

This collective effort will go a long way in improving the engagement between the civil society and county governments for improved delivery of services at the county level, meaningful citizen and civil society participation in governance and for a more enabling environment for civil society operations.

Executive Summary

Civil Society Organisations (CSOs) in Kenya play an important role in promoting social accountability in county governance. However, these efforts are often uncoordinated and poorly implemented. In addition, there is inadequate information on the nature, extent, and outcomes of these efforts.

This exploratory study aimed to establish baseline information on the state of engagement between the county government and civil society actors and establish the cause-and-effect relationships in the engagements. The understanding is that the study being exploratory, shall identify issues for further research.

Data collection was conducted between November 2022 and January 2023, through first, a literature review of best practices, as well as relevant policies and legislation. Second, interviews were conducted with key informants from County government and

CSOs, and third, the consultant developed case studies showcasing examples of engagements between Counties and CSOs. A validation workshop was also held involving key stakeholders whose feedback and contributions were also considered in the final report.

Civil Society Organisations (CSO) and County government engagements revolve largely on social accountability regarding service delivery, good governance, and citizen empowerment by county government. There are also instances of CSOs supplementing or complementing government service delivery.

Since the inauguration of devolved governance there has been a progressive increase in CSO and County government engagements from very little engagement during the inaugural county government 2013 – 2017 to increasing engagement in the second government 2017-2022. The

increased engagement has been attributed to the increased capacity as well as persistence by CSOs to engage county government and to some extent, a grudging acceptance by county government of CSOs role in seeking social accountability by county government.

There exists a policy and legislative framework in Kenya to support engagements by CSOs to ensure accountability by county government. The Constitution of Kenya 2010, the County Government Act, various County Public Participation laws and the Public Finance Management Act all make provisions and provide structures for engagement by citizens either as individuals or organised civil society to demand accountability from county government.

The Public Benefits Organisations Act, 2013(PBO Act) and the Sessional Paper No. 1 of 2006 on NGOs specifically provide a framework and guidelines for engagements and collaborations between CSOs and Government. Nonetheless, the PBO Act is yet to be commenced despite multiple Court orders asking the government to do so. In any case the study established that there was little knowledge first on the existence of Sessional Paper no. 1 and second, on the provisions of the PBO Act regarding collaborations between government and CSOs.

Most of the engagements reviewed were ad hoc and not institutionalised. While in two cases in Baringo and Marsabit, CSOs and county government had entered Memoranda of Understanding (MOUs)¹, the rest of the engagements did not have formal structures even in instances where the relationship between the county government and the CSOs was convivial. Indeed, CSO and county government engagements depended inordinately on personal relationships

between government functionaries and CSO officials. Changes in government tended to require CSOs to engage afresh in building relationships with the new set of officials.

While on the supply side, the state has put in place policies and legislation as well as procedures for social accountability (and consequently the role of CSOs in pursuing the same), in practice there are challenges in the actual implementation of the laws and policies by county governments.² Challenges include lack of commitment by county government as well as weak capacity by both county government officials and CSO staff in understanding and discharging their roles.

It was also alleged for instance that corruption and political manipulation of the county assembly by the executive was also a factor that weakened the supply side of county social accountability and by extension, engagement with CSOs to advance the same. It was observed for instance that while the Constitution, the County Governments Act and county public participation laws required county governments to provide timely access to information and conduct civic education for citizens to engage in public governance, limited resources if any was invested in such activities thereby defeating the purpose of such legislation.

It is observed that the existence of policies and legislation provided a basis for and motivation for CSOs to engage county government particularly to ensure accountability in county planning. In addition, county governments felt obligated by the law to include CSOs in county planning and other public participation activities in policy development and legislation even through this was mostly to tick the boxes. It was observed that CSOs took advantage

¹ In Kilifi CSOs and County government developed terms of reference to guide engagements in gender issues.

² It is noted that the time of writing the report the County Government of Kitui did not have Public Participation legislation.

of opportunities availed by the law such as petitions and memoranda to engage county government even going as far as the Senate in at least one instance.

An interesting development that might be worth further study is Open Governance Partnership (OGP) to which the Counties of Elgeyo Marakwet, Makueni, Nairobi and Nandi have voluntarily signed up to. The OGP seeks to promote open governance and specifically, ensure transparency, empower citizens, fight corruption, and harness new technologies to improve governance.

While the consultant did not secure sufficient data to establish its impact on CSOs and County government engagements, some of the CSOs representatives saw the OGP as potentially useful in enhancing County government and CSO engagements. In at least one County, the CSOs Network representative averred that the OGP process made top level County officials more accessible.

While in at least one case (Makueni) the county government actively sought to facilitate social accountability, most of the counties reportedly were either passive or actively avoided actions aimed at engaging with CSOs for social accountability.

Key issues noted included insufficient or no funding to for accountability reporting, citizens education, provision of sufficient and timely information and manipulation of the legislature. On the demand side, CSOs had their challenges in terms of internal capacity for engagement due to inadequate skills in areas such as public finance, weak collaboration (supporting each other on a common stand), lack of institutional frameworks and policies to guide and support such collaboration as well as weak financial capacity to effectively oversight county

government and enforce accountability.

County government was more amenable to engaging with CSOs who were either complementing or supplementing county government service delivery. This meant that they were more likely to engage positively with CSOs who had resources to assist county government to meet its obligations for service delivery to citizens. On the other hand, CSOs that advocated for accountability in service delivery, public governance, transparency and citizens empowerment tended to have adversarial relationships with the county governments.

According to county government, engagements with CSOs was most likely to be successful if CSOs involved them and made full disclosure at the beginning of projects. For CSOs, accountability and openness and provision of information were key factors in successful engagements.

The scope of the study did not allow for a review of the outcomes of the engagements between CSOs and County government. Nonetheless, it is possible to point out that improved service delivery through access to credit facilities and extension services for farmers in Migori and Baringo and improved access to water and sanitation facilities for the citizens of Marsabit courtesy of engagements between Nuru International Kenya and PACIDA and the respective county governments as examples of potential outcomes.

Another possible outcome could be the sometimes-grudging acceptance by county government that CSOs had a role in seeking accountability an attitude that has evolved over time since the inception of devolved governance. CSOs have also influenced county legislation and policies in a wide variety of areas such as child rights, public

participation and climate change.

Recommendations for immediate action

- i. Advocating for the commencement of the PBO Act which provides a framework for CSO and government collaboration.
- ii. PEN together with the County CSO Networks and the NGOs Coordination Board should popularise amongst CSOs and County government the Sessional Paper No. 1 of 2006 and specifically its policy statements on CSO and government collaboration.
- iii. In tandem with the above, PEN, the County CSO Networks, the Council of Governors and the NGOs Coordination Board should engage with CSOs and County governments to promote collaborations.
- iv. PEN, the County CSO Networks and the NGOs Coordination Board should engage with the Council of Governors to develop and disseminate guidelines for CSO collaborations. Such guidelines can benefit from the provisions already in the First Schedule of the PBO Act.

Such guidelines would assist counties to develop relevant policies and legislation (or amend existing legislation) on such collaborations.

- v. PEN should engage with the County CSO Networks and other stakeholders to develop standards for NGOs involvement in collaborations. It is noted that the PBO Act already has guidelines which can contribute to such a venture.
- vi. More effort should be expended in popularising the OGP initiative and the CSO Networks could play an important role in advocating for more county governments to sign up for the same.

Recommendations for long term action

- i. Develop a central knowledge hub that provides resources to and builds capacity of both CSOs and County governments.

The CSO Networks together with PEN should advocate for more capacity and financial support for grassroots CSOs engaged in promoting social accountability by county governments.



Chapter 1

Introduction & Background

The civil society in Kenya's play an important role in promoting public participation in county governance.

However, these efforts are often uncoordinated and poorly implemented. In addition, there is inadequate information on the nature, extent, and outcomes of these efforts.

Poverty Eradication Network (PEN) is currently implementing a project to strengthen the institutional capacity of civil society organizations (CSOs), not -for-profit organizations and public institutions. As part of the endeavour, the organisation contracted Development Frontiers (deft) conduct an exploratory baseline study on the state of engagement between the county government and civil society actors.

The study is expected to help identify best practices and lessons learned to strengthen

the project's interventions in developing the capacity of CSO networks.

Specifically, the assignment had the following objectives:

- Conduct a baseline study on the status of the engagement between County Governments and the CSOs in Kenya with a specific focus on select counties and document relevant case studies.
- Develop a report with key recommendations on frameworks and modalities to enhance County Governments – Civil Society Organizations engagements.

The consultant in undertaking the exercise was expected to:

- Review case studies on County Government – CSOs engagement

- Review relevant laws, policies, and guidelines such as County Government Act (2016), Public Participation Guidelines, Access to Information Act
- Develop county-specific case studies for inclusion into the baseline report.
- Make a presentation of draft report in a half - day validation workshop.



Chapter 2

Methods

This exploratory study aimed to establish baseline information on the state of engagement between the county government and civil society actors and establish the cause-and-effect relationships in the engagements between players in county government and civil society. The understanding is that the study being exploratory, shall identify issues for further research.

Data collection entailed three main approaches namely a literature review of best practices, as well relevant policies and legislation, interviews with key informants from County government and CSOs, and the development of case studies showcasing examples of engagements between Counties and CSOs. Five cases were chosen to represent three forms of engagement between CSOs and government, adversarial, complementary, or supplementary.

Sampling, data collection and analysis



The sampling was purposive and was done with the guidance of PEN, CSO Networks and on the ground of literature.

Data was collected through desk reviews, and key informant interviews with multiple sources from CSOs and County government officials.

A literature review was conducted on relevant policies, legislation, reports and guidelines in Kenya at national and county level. The consultant also reviewed literature on CSO and government engagements in Kenya and globally.

A total of 17 Interviews were conducted between November 25, 2022, and December 5, 2022. Specifically, data was collected from the Council of Governors as well as County government and CSO representatives in

Makueni, Machakos, Marsabit, Nandi, and Baringo through online interviews.

The sampled counties are traditional target counties where PEN has been working over the past 15 years. In the process of our interventions, we have documented cases of collaboration between CSOs and County Governments. Finally, this report was expected to further assess progress on collaboration gaps with local governments as established by a study conducted by PEN (2007) “Examining Government and Civil Society Organizations Collaborations in Kenya” A study of Selected Case Studies. The findings (including lessons and best-practices) were expected to be used to strengthen collaboration and partnership in PEN/ UNDP- Amkeni Wakenya target counties.

Additional data was collected in February 2023 from Kilifi and Turkana counties.

Data was analysed based on the above broad thematic areas and summary findings as well as select case studies were produced.

Study limitations

- The study was conducted just after the general election which was a period of transition which made it difficult to secure interviews with county government officials who have been key actors in engaging with CSOs since some of them were no longer in government or were experiencing an uneasy hiatus during which they were not sure about their status.
- Data was collected in December at a time when counties and CSOs were winding down and closing for the holidays, and therefore it was not easy to make appointments.
- Due to resource constraints the researchers were not able to conduct in person face to face interviews but instead relied entirely on virtual interviews. This mode of interviewing posed various challenges due to poor connectivity in some of the counties as well as technological challenge experienced by some of those interviewed.
- The short period available for data collection was insufficient for the researchers to build trust with respondents which can at times be important particularly in case studies.
- The above together with a limited budget meant that data could not be collected from a larger sample than has been listed above.



Chapter 3

Literature Review

3.1 A summary

A functional state is that in which there is effective synergy between civil society, business and government [1]. It should be noted from the onset that while the role of civil society is commonly known, there is always a risk that the effective synergy in a functional state can be eroded when civil society constitutes an arena in which states and other powerful actors intervene to influence the political agendas of organised groups with the intention of defusing opposition [2], [3].

The overall short and long impact of civil society on development has been demonstrated in a 2011 exploratory evaluation study conducted on behalf of NORAD [4]. Civil society plays and can play a critical role in the overall health of a state including promoting good governance and accountability [5], [6]. They also play the role in peace building [7], in policy and programme reforms [8], [9],

environmental conservation [10], as well as in provision and complementing services in hard-to-reach areas among many others [11]– [13].

Evidence suggests that civil societies need internal institutional and policy structures that enable effective engagement with government and other partners, or risk engaging in an ad hoc manner that in the end is relatively ineffective [14].

The literature also suggests that civil societies have a higher likelihood of effecting desired change if they synergize, work in structured manner, network and pool resources for a common goal [4] are visible in the public sphere/have visible programmes, or make public what they do [15], [16] include robust beneficiary participation [17].

Civil society is also likely to succeed in community-based interventions if they listen to community concerns – meaning they

must have an open mind when engaging communities [18], [19].

According to Akin et al. (2018), [20] collaborations were due to government inability to effectively deliver services that is lack of institutional and technical capacity by the state. Nonetheless, he notes that both the state and civil society are mutually reinforcing entities and that development is enhanced when there are collaborative efforts, rather than contestation between them.

As per Sillah (2016), [21] the non-profit sector is either complementary, supplementary, or adversarial to the activities of government. She notes that at the supplementary level, Not for Profits intervene when demands for services are left unfilled, at the complimentary level, the non-profit is placed in a power position because government comes to rely on the sector for service delivery. At the adversarial level, non-profits force the hand of the government to provide services.

From the literature, it is evident that CSOs and government have a mutually reinforcing relationship and which requires openness and structure as well as engagement with communities who are the target of their interventions.

3.2 CSO- County government collaboration in Kenya

Preliminary literature review does not identify specific studies in Kenya on county government and CSO collaborations. There was, however, a study commissioned in 2007 by the Aga Khan Development and conducted by PEN before devolved governance. The study notes that collaboration with Government was a critical component to the

success or otherwise of the work of CSO but identified the need for a comprehensive policy framework for CSO/ GOK relations.

CSOs also expressed concern regarding demands by government officers for allowances when engaged in collaborations since according to CSOs, they were fulfilling their mandate as government. The study observed that for Government, the key concerns full disclosure by CSOs on their programmes and operations as well as the need to be involved from project inception stages [22].

The study also noted that it was CSOs that approached government for purposes of collaboration and not vice versa. Among the recommendations, were that government and CSOs and government create synergies, try to understand one another's systems and procedures, and develop joint structures for planning, coordination, monitoring and evaluation.

Despite lack of documentary evidence on CSO-County government Collaboration, there are a few studies that speak to the overall essential elements of collaboration between government and CSOs in the Kenyan context. For example, Mukami in a study in 2018 suggests that governance, transparency, political interferences and decision-making process were key determinants of performance between the government of Kenya and NGOs [23].

This assertion is supported by Ongayo who analyses the effects of levels of civil society and state accountability in Kenya [6].



3.3 The situation in Kenya – enabling environment.

3.3.1 Legal Framework and Policy Framework

The legal basis for collaboration between the county government and CSOs is first in terms of the Constitution of Kenya (2010), the County Governments Act [24], the Public Finance Management Act [25], the Public Service Act [26] and the Public Benefits Act of 2013(PBO Act) [27]. Sessional Paper No. 1 of 2006 on NGOs in Kenya provides the policy framework for. The PBO Act, which is yet to be commenced, gives legal effect to the Sessional Paper.

3.3.2 The Constitution of Kenya (2010)

The constitution does not explicitly provide for such engagements between CSOs and County government but does so by implication.

Article 10[28] of the constitution which specifies national values and principles of governance and is binding on all State organs, State officers and all persons is noteworthy. The Article provides that all institutions and persons when involved in interpreting the constitution, enacting, or implementing legislation or developing or implementing public policy must apply the national values and principles of governance.

Specifically, the national values and principles under sub-article 2 require among others the sharing and devolution of power, the rule of law, democracy, and participation of the people. It further provides for social justice, inclusiveness, equality, human rights, and protection of the marginalised. Other values and principles include good governance,

integrity, transparency, accountability, and sustainable development.

It is our contention that the national values and principles of governance provide the fundamental legal basis for county government and CSOs to engage to give effect to the said national values and principles. This is because while the county governments have a constitutional duty to implement the national values and principles of governance, CSOs in all their formations have a right to ensure that the county government adheres to the constitutional requirements on public governance.

Article 35 confirms the citizen's right to access information held by the state. Article 36 recognises the right of CSOs to exist by providing for the freedom of association and article 37 affirms the right of citizens to among others present petitions to public authorities.

Other relevant articles of the constitution are Article 201 (Chapter 12 Public Finance) which requires openness and accountability including public participation in public finance, Article 233(b) on the need for efficient, effective, and economic use of public resources and Article 232(d) requiring the Involvement of the people in the process of policymaking.

Further, the Fourth Schedule of the Constitution which sets out functions of the national and devolved government under paragraph 14 gives county government the responsibility of ensuring and coordinating the participation of communities in local governance.



3.3.3 The County Governments Act

The County Governments Act has several provisions which provide a firm basis for CSOs to engage with county government and further sets out the standards to be complied with in such engagements. Section 3(f) of the Act states that an objective of the act is to provide for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution.

Section 87 of the Act details the principles of public participation which inter alia require timely access to information for citizens in section 87(a), citizens reasonable access to the policy and legislative-making processes Section 87(b).

Section 87(d) crucially gives legal standing for interested parties and organisations to appeal and seek redress on County decisions. Section 87(e) seeks a reasonable balance in the roles and obligations of County governments and non-state actors to promote shared responsibility and partnership, and to provide complementary authority and oversight. 87(f) on the other hand seeks to promote public-private partnerships, such as joint committees, technical teams, and citizen commissions to encourage direct dialogue and concerted action on sustainable development. Article 88 gives citizens the right to petition the County government.

Article 92 requires the Governor to report on citizen participation in county governance. Sections 102, 104 and 106 of the County Government Act provide perhaps the most solid basis for CSOs' engagement with county government. Section 102(l) which addresses the 'Principles of planning and development' provides that county governance shall serve as a basis for engagement between county government

and the citizenry, other stakeholders, and interest groups. 104⁴ requires that non-state actors shall be incorporated into the planning process by all authorities. 106⁴ provides that county planning shall provide for citizen participation.

Part X of the Act crucially deals with access to public information by citizens and sets out the principles for public communication and access to information. Part IX addresses civic education and most importantly section 99⁴ stipulates that the purpose of civic education is the empowerment and enlightenment of citizens and government meaning that both county government and civil society have a mutually reinforcing role in the process.

3.3.4 The Public Benefits Organisations Act, 2013

However, the statute that most specifically and comprehensively addresses CSO and government and by extension, CSO and County government relations, is the Public Benefits Organisations Act of 2013. It is noted that while the Act was enacted in 2013 and while the High Court has on more than one occasion directed the government to commence it, this is yet to be done. However, it is observed that the PBO Act was enacted in 2013 to give effect to Session Paper No. 1 of 2006 on NGOs in Kenya.

The First Schedule of the Act sets out the principles for effective collaborations between the Government and PBOs. The first paragraph of the First Schedule specifies the objectives of the principles as i) strengthening collaborations between government and CSOs ii) reinforcing complementary efforts of government and CSOs iii) enhancing an enabling environment for joint development programming by the two sectors, resolving conflict and iv) effective coordination and

providing a basis for a legal and policy framework for such collaborations.

The implication of the last objective is that the principles can form the basis for legal and policy frameworks on CSOs and Government collaborations at national or county levels. The guiding principles are organised into thematic areas summarised as follows i) dialogue and communication ii) managing diverse expectations iii) conflict management, learning and sharing iv) sustainability and capacity development v) institutionalisation, resources good governance vi) equity and equality vii) promotion of trust and viii) monitoring and evaluation and predictability. Part III of the First Schedule further specifies commitments by the government and PBOs and most importantly, paragraph 4 provides for a joint committee consisting of representatives from both sectors to advance the objectives of the principles and to monitor the same.

While the PBO Act has not been commenced, the principles in our view provide a framework and set standards which can guide the formalisation of CSO and Government engagements at national and county levels in terms of agreements and Memoranda of Understanding. The principles can also guide county governments in developing specific county-level policies and legislation to entrench engagements between CSOs and respective county governments.

3.3.5 Sessional Paper number 1 of 2006 on the role of NGOs in Kenya

The Sessional Paper number 1 of 2006 was developed retrospectively to address the anomaly of the NGOs Coordination Act of 1990 having been enacted without a policy framework. A notable provision in the policy is the affirmation that government is

the primary provider of basic services and as such NGOs complement (and do not supplement) the government.

Based on this policy position, governments both national and county should therefore see CSOs as playing a complementary and not a supplementary role. The second critical policy position is the recognition of NGOs as diverse in their operations and that importantly, lobbying and advocacy alongside service provision are all legitimate activities. This recognition is given legal effect by Sections 2 and 65 of the PBO Act which recognises lobbying and advocacy as well as criticism of public policies and activities of the state in the public interest. Third, the Sessional Paper recognises that NGOs bring creativity and innovation to the collaborative process thereby providing a justification for county governments to support collaborations or engagements since such engagements by implication would add value to the services delivered by county government.

The Sessional Paper seeks to inter alia: i) strengthen the relationship and networks between the Government and civil society bodies including NGOs, ii) propose and facilitate mechanisms for government support to NGOs such as funding of NGOs activities and contracting NGOs to implement projects on its behalf and iii) to promote transparency, accountability and awareness among NGOs themselves, the government and other stakeholders involved in the sector.

It behoves NGOs to be open to their stakeholders including the government by sharing information and subjecting their operations to audits by peers and stakeholders as well as observing the rule of law and exercising responsibility, trustworthiness, and integrity in their operations.

Specifically, the Sessional Paper makes the following commitments, first, the governments support for popular participation, collaborative partnership and dialogue, second, the constitutional right of the citizens to participate in matters affecting them, third that the government shall engage with NGOs on all matters of development and shall invite them to participate in policymaking and third that the government shall facilitate the exchange of information and regular dialogue with NGOs and other stakeholders. The policy further commits that at national, provincial, district, division, location and village levels, appropriate frameworks and mechanisms will be established to facilitate communication, resource use, common agenda setting, cooperation, coordination and consultation between the government, NGOs, communities, and other stakeholders.

Specifically, the policy framework requires the NGO regulator, the NGOs Co-ordination Board to provide leadership in encouraging the formation of partnerships at all levels to ensure intersectoral synergies and coordination as well as cooperation in the operations of NGOs in Kenya. The policy additionally affirms that the government will work in partnership with NGOs in the delivery of public services and programmes in the spirit of mutual respect and trust.

The government will subcontract NGOs to undertake programmes, where NGOs will have comparative advantages and will have expressed interest to get involved. The government shall further create a conducive and enabling environment to ensure that NGO's potentials and capacities are fully utilised. The government will also encourage an ongoing dialogue with NGOs with a view to making the partnership effective and efficient.

3.3.6 The Open Governance Partnership

The Kenyan government has signed onto the Open Governance Partnership (OGP). Each OGP government partners with civil society to promote transparency, empower citizens, fight corruption, and harness new technologies to improve governance. OGP is described as a global movement of reformers working to make their governments more effective and responsive to citizens. Apart from the national government's commitment to the OGP, the county government of Nandi, Elgeyo Marakwet and Makueni have also signed up.



One of the commitments in the OGP is that participating governments shall support civic participation and specifically, involve public participation in decision-making and policy formulation and to make policy formulation and decision-making more transparent. Most importantly, governments commit to protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with the commitment to freedom of expression, association, and opinion and further to creating mechanisms to enable greater collaboration between governments and civil society organisations and businesses.

The counties which sign up develop a National Plan of Action which is required to contain specific, ambitious commitments meant to enhance transparency, accountability, and public participation in government. Through the Independent Reporting Mechanism (IRM) governments are held accountable for their commitments and allow stakeholders to track OGP progress in participating countries by producing thorough, impartial reports that track the progress of every National Action Plan (NAP).

Most of the commitments required in the OGP are addressed in the Constitution and legislation such as the County Government Act, Public Participation laws in the various counties and the Public Services (Values and Principles) Act 2015. Nonetheless, the NAP and the IRM provide a basis for identifying specific deliverables in CSO and government engagements whose outcomes can be measured through the IRM.



Chapter 4

Findings

Findings of the study were analysed based on five ⑤, separate but related themes, namely

- i) enabling frameworks for collaboration
- ii) nature/key elements of collaboration
- iii) duration of collaboration
- iv) capacity for collaborations- including joint understanding of each other's roles and responsibilities as well as working structures, etc
- v) coordination, monitoring and evaluation

4.1 The Enabling Framework for Collaborations

4.1.1 Legal frameworks and policies or formal arrangements on County and CSO collaborations.

Evidence suggests that there exists policy and legal provisions that address engagements between CSOs and county governments. The Constitution of Kenya, the County Government Act, the Public Finance

Management Act, and the Public Benefits Act (PBO Act) provide a basis for engagements between CSOs and the County government. In addition, the public participation laws which all county governments are required to enact, also provide a basis for such engagements.

While the provisions in the Constitution are implied, sections in the County Government Act specifically provide for engagements between CSOs and County government. However, the PBO Act provides most specifically for such engagements. The First Schedule of the Act sets out the principles for effective collaborations between the Government and PBOs and goes into detail in defining the identified principles.

Sessional Paper No. 1 on NGOs in Kenya of 2006 which led to the development of the PBO Act makes policy statements on the objectives and nature of such collaborations. These policy statements are given effect

in the PBO Act. The PBO Act provides that the principles in the First Schedule can form a basis for more formalised interactions between the government and CSOs.

Nonetheless, other than the public participation laws, there was no evidence of legislative or policy frameworks developed by county governments to provide an institutional framework for engagements with CSOs. However, CSOs felt that such frameworks would be useful in facilitating such engagements by ensuring better coordination, accountability and even funding.

While the public participation laws provide a possible avenue for formalising CSO and County government engagements, the legislations we reviewed for the Counties of Baringo, Makueni, Nandi and Machakos treated CSOs differently. The Public Participation Act, 2015 for Baringo county makes no references to civil society organisations.

The 'public' for purposes of the Act is defined as the people residing in the County and include citizens and non-citizens, children, and young persons, the aged, persons with disabilities, women, and minorities. The Committee of Publicity and Public Participation established by section 6 of the Act to facilitate public participation in the governance in the County, also does not include representation from CSOs.

On the other hand, the Machakos County Public Participation Act of 2015, defines the 'public' as the residents of the County (b) the rate payers; (c) any resident civic organization or nongovernmental, private sector or labour organization with an interest in the geomancer of the county and (d) non-resident persons who because of their temporary presence in the County consume the services or make

use of facilities provided by the government. Nonetheless, the Act does not establish a structure such as the one in Baringo County composed of stakeholders to facilitate public participation in county governance.

Makueni County on the other hand has an elaborate framework for public participation. The County has identified a broad range of CSOs at various levels to nominate representatives to participate in public participation forums. The definition of the 'public' in the Act mirrors that of Machakos and recognises civil society organisations.

The Nandi County Public Education and Civic Education Bill also adopts the same definition as that of Makueni and Machakos but likewise does not establish a structure such as the one in Baringo. We note that the definition of the public adopted by the Nandi, Machakos and Makueni legislations is consistent with that in the County Public Participation Guidelines of 2016 developed by the Ministry of Devolution and the Council of Governors.

The guidelines specifically state that organised groups of the public may participate in decision-making processes as individuals or representative groups and specifically refers to civil society.

Given the explicit provisions in the County Public Participation Guidelines for the participation of CSOs in county governance, it is interesting that the counties that were sampled by the study have not legislated to give CSOs more prominence. Even for Makueni where elaborate guidelines exist for participation by CSOs, it is observed that the said guidelines have not been codified into law.

In lieu of formal county level policy or legislative frameworks, some CSOs and County governments have developed

memoranda of understanding to formalise and guide their engagement. Such counties include Baringo and Marsabit.

4.1.2 Resourcing of CSO and Coordination of County Government Engagements

None of the counties under review provided financial resources for engagement with CSOs. While county governments facilitated public participation forums, there was no direct support to CSOs to participate in the same. The engagements between Angaza CBO and the County Government of Nandi to develop a policy on children was supported by donors. Nonetheless, the engagement between Nuru Kenya and the County Government of Baringo, the County provided in kind support in the form of vehicles.

While county staff were also availed, it could be argued that these staff were in fact undertaking their duties. PACIDA in Marsabit on the other hand paid money to the county government to provide technical support in its projects in terms of a service agreement. Nuru International also dealt with requests for allowances from county government officials.

There was general agreement that the engagements between CSOs and County government would benefit from having a budget to facilitate engagements with CSOs given the positive contribution that CSOs bring to the table.

4.1.3 Existence of County staff dedicated to supporting engagements with CSOs.

Except Makueni, none of the counties researched had staff specifically responsible for liaising with CSOs. For certain engagements such as the one between Angaza and the typical and common

scenario in counties was for county staff to be seconded or allocated duties in assisting/ supporting the execution of activities conducted by CSOs.

This was the case in Marsabit, Baringo, Nandi, Machakos. However, Makueni County had two fully fledged directorates - directorate of Public Participation and directorate of Citizen's Engagement – directly dealing with CSO collaboration. Other counties engaged specific directorates depending on the nature of activities they collaborated with CSOs on. Sector working groups were commonly mentioned as one of the focal points for supporting and monitoring collaboration between CSO and county governments.

4.1.4 Compliance by County governments with existing policy and legislative provisions on Engagements with CSOs

Other than Makueni which had made elaborate provisions for public participation beyond the provisions of the Public Participation in Governance Act, Counties tended to implement the bare minimum of what was required by them to comply with the law. Engagements with CSOs largely centred around activities that were required by law to ensure public participation.

Even then, there were complaints that citizens and CSOs faced challenges in participating effectively due to the relevant county documents not being available or being provided in a tardy manner. In some instances, county officials sent to facilitate such forums were allegedly not qualified. In addition, while the county government was required by law to provide citizens with civic education to enhance public participation, this was not adequately done.



It was also observed that neither the representatives from the county government nor those from the CSO sector were conversant with the provisions regarding CSO and government engagements in either Sessional Paper No 1 of 2006 on NGOs in Kenya or the PBO Act. Indeed, while there was some knowledge on the existence of the PBO Act, none of those interviewed had ever had of Sessional Paper no. 1 of 2006.

In Makueni where the government had shown commitment to public participation by developing a structure that started at the lowest level and further identified CSOs to be involved in the forums. There was, however, a concern that by identifying specific CSOs to participate in the public participation forums, the county government was cleverly singling ‘friendly’ CSOs which would not challenge it while shutting out CSOs it considered as hostile.

The overall perception therefore was that while county governments strived to tick the boxes as far as the involvement of citizens and CSOs was concerned, the quality of public participation was low due to a lack of commitment by the counties in genuine and meaningful participation by citizens and CSOs.

It was indicated that while devolution constituted a great opportunity to deepen

county government and CSOs, there were still significant challenges the engagements. Overall, County Government and CSOs lacked adequate awareness of Sessional Paper No 1 on NGOs in Kenya and the PBO Act which provide the most detailed and comprehensive guidelines on CSO and County Government collaborations. It is of course noted that the PBO Act is yet to be commenced thereby affecting the implementation of the provisions it makes for CSO and County Government engagements. Nonetheless, the sessional paper and even the PBO Act can still provide guidelines for the development of policies and legislation at the county level to institutionalise such engagements.

It is also notable that the OGP also provides a formal framework in the counties which have signed it that is Nairobi, Makueni, Elgeyo Marakwet and Nandi for such engagements. The OGP through its action plan and Independent Reporting Mechanism framework allow for the assessment of such engagements. Nonetheless, the most recent experience from Nandi suggests that while signing to the OGP is the easy part, adhering to the spirit and principles of the initiative does not automatically follow.

Some of the most notable challenges to compliance reported by a some informants included mutual mistrust and lack of goodwill between CSOs and county Governments, Political interference and corruption, weak capacities of county government officers and CSOs and intra competition amongst CSOs.

4.1.5 Satisfaction with existing frameworks by counties and CSOs

County government and CSOs had differing perspectives on the quality and therefore

satisfaction with the engagements. CSOs were more likely to express satisfaction with the engagements where the relationship was supplementary or complementary since in such instances County government was more amenable. In Nandi County for instance, while the CSO Network felt it had made advances in influencing County governance, it was largely dissatisfied with the engagements since it more often or not had to exert pressure on the county government to get a response. On the other hand, Angaza CBO which was engaged in a complementary relationship in the development of a children's' policy with the county government while not fully satisfied with the relationship, had a more positive view since it had received support from the county even though it felt that a formalisation of their engagement would have improved the quality of their engagement.

Nonetheless, Angaza expressed dissatisfaction with its relationship with the county government in other engagements such as public participation in public planning. This was the same case with Nuru Kenya and PACIDA who both had MOUs with the County governments of Baringo and Marsabit respectively and who while happy with the engagements, felt that the same would have been strengthened if there was policy or legal framework guiding and coordinating the relationships to obviate the need to for what they considered piecemeal engagements with specific county departments.

PACIDA was particularly concerned that it had to negotiate engagements with the various departments responsible for the various thematic areas it was addressing. Interestingly, however, a former Chief Officer responsible for planning in the County Government of Nandi viewed the engagements with CSOs positively averring that their work and influence improved the quality of public participation. However,

he also admitted that the heads of other departments were not as positive and viewed CSOs with suspicion.

4.1.6 Level of access to collaborative spaces by CSOs

The constitution, the County Government Act, and the various public participation legislations provide for collaborative spaces for CSOs and county government to engage. Nonetheless as already state, county government access to such spaces is not easy for CSOs due to what CSOs perceive as insufficient commitment by counties to engage with them particularly where the nature of the engagement involved advocacy. As already stated, county government mostly engages with CSOs to meet statutory requirements or in instances where the CSOs was supplementing or complementing government.

However, even where government engaged with CSOs as part of statutory compliance a key challenge was access to information facilitate engagements. There were also concerns regarding the capacity of both government officials and CSO representatives to effectively engage with each other.

Nonetheless, according to a representative from the Council of Governors (CoG), CSOs needed to put more effort in pursuing engagements with county government. She observed that, CSOs should work towards being co-conveners, drivers of development and change agents. This would be possible if CSOs were more organised and focused. According to her: "they should not always wait to be invited to the table."

We note, however, that where NGOs intended to supplement or complement the

work of the county government access to collaborative spaces were more assured as in the case of Angaza in Nandi, Nuru in Baringo and PACIDA in Marsabit.

While there was expanded access to collaborative spaces by CSOs, the extent and nature of such collaboration, again depended upon interpersonal relations, the nature of engagements (supplementary, complementary, adversarial) as well as existence of some form of engagement framework such as an MoU. Where CSOs were interested in providing services which either supplemented or complemented the county services, or in supplementing County services access was easier. However, where CSOs sought to address their oversight role, the nature of engagements was adversarial, and access was constrained.

Generally, the collaborative spaces remained those linked to statutory county planning activities such as CIDP development and the budget. However, there were also cases of CSOs being involved in policy and legislative drafting as well training, and capacity building for instance in Marsabit, Makueni, Nandi.

4.2 Nature of collaborations

The collaborations could be classified as supplementary, complementary, or adversarial. The engagements were supplementary in the case of PACIDA in Marsabit where CSO, PACIDA, contracted the government to deliver services through a service contract.

In Baringo there was a complementary relationship between Nuru and the County Government of Baringo who worked together contributing to build small holder farmers' capacity for improved livelihoods. Also complementary was the case of

Angaza in Nandi where the CSO worked with government to draft a policy service. However, in the case of the County Government of Nandi and the CSO Network where the CSOs sought to get the County government to provide information and to be accountable the engagements were mostly adversarial.

We note, however, that it was possible for engagements to oscillate between the three forms that is complementary, supplementary or adversarial depending on the issues at hand.

There is no evidence so far, that county governments actively sought to collaborate with CSOs. While counties were amenable to engaging with CSOs to meet statutory requirements, in all instances, it is the CSOs that approached the County for collaborations. County governments did not actively seek engagements.

4.3 Duration of collaborations

There duration of collaborations varied and were influenced by the objectives of the collaboration, availability of funds and also, by the relationship between CSOs and the holders of relevant county offices. Engagements were also influenced by change of government after election cycles.

County officials in Baringo and Marsabit were concerned on the short lifespan of NGO projects which typically last one to three years and wish the projects would last longer to ensure project outcomes and impacts were attained. We note nonetheless that the projects in Baringo and Marsabit complemented and in the case of Marsabit also supplemented government which could probably explain the county official's position.

On the other hand, CSO representatives

were concerned that they had to start building relationships afresh each time there was a change of government meaning that whatever gains that had been made previously were lost.

4.4 Capacity of CSOs and County Governments to engage in collaborations.

While CSOs admitted that they still had capacity challenges, they also felt that they had learned valuable lessons in the first ten years of devolved governance. Nuru Kenya for instance insisted on an MOU with the County government of Baringo based on its experience with the government in Migori. Positively, it was the position of government officials in Baringo that the MOU helped to follow through and deliver on milestones.

CSOs had also benefitted from capacity building initiatives supported by donor agencies and other CSOs. However, CSOs still needed capacity building in areas such as government procedures and public finance and money laundering to enable discharge their oversight role more effectively. It was also noted that CSOs also lacked internal structures including policy frameworks and quality standards to guide their engagement with government and other external agencies. These weaknesses lead to an ad hoc approach to engagements which sometimes eroded the credibility of CSOs.

There was a feeling that CSOs should adhere to specific standards of conduct when engaging in government to safeguard the reputation of the sector. CSOs also lacked resources for capacity building.

On the other hand, it was observed there was inadequate capacity by county government officials to engage with CSOs first based on a lack of understanding of the CSOs sector and

its legitimate role in overseeing government and second, a weak grasp of some government officials on county governance and systems. The problem was exacerbated by the fact that after each general election, there are significant changes in the composition of county government staff in the executive and the legislature which negatively affects institutional memory and erodes gains which have been previously made. In the legislature, each election cycle brings in a new batch of MCAs who are unfamiliar with their legislative, oversight and representative roles.

Despite the elaborate provisions on the County Government Act and county public participation laws requiring counties to conduct civic education to strengthen public participation in governance, citizens capacity remained low. This was due to a perceived lack of commitment by counties to build an informed citizenry as evidenced by poor resourcing of departments charged with civic education.

4.5 Coordination, monitoring and evaluation.

Coordination monitoring and evaluation of CSO county engagements was weak and fragmented. While it was stated that some monitoring and coordination took place in the Sector Working Groups (SWG) where some CSOs participated, there was no central coordination. Counties had not fully institutionalised the County Integrated Monitoring and Evaluation (CIMES) framework. In Nandi for instance, it was alleged that the county had never published M&E reports.





Chapter 5

Recommendations

Based on the evidence, our recommendations are divided into two key areas; for immediate action; and for long term action

5.1 Recommendations for immediate action



- i. The civil society sector should advocate for the commencement of the PBO Act of 2013 which provides a framework for CSO and government collaboration.
- ii. PEN together with the CSO Network and the NGOs Coordination Board should popularise amongst CSOs and County government the Sessional Paper No. 1 of 2006 and specifically its policy statements on CSO and government collaboration.
- iii. In tandem with the above, PEN, the CSO Network, the Council of Governors and the NGOs Coordination Board should engage with CSOs and County governments to promote collaborations.
- iv. PEN, the CSO Network and the NGOs Coordination Board should engage with the Council of Governors to develop and disseminate guidelines for CSO collaborations. Such guidelines can benefit from the provisions already in the First Schedule of the PBO Act of 2013. Such guidelines would assist counties to develop relevant policies and legislation (or amend existing legislation) on such collaborations.
- v. PEN should engage with the CSO Network and other stakeholders to develop standards for NGOs involvement in collaborations. It is noted that the PBO Act of 2013 already has guidelines which can contribute to such a venture.
- vi. More counties should be encouraged to

join the Open Governance Initiative.

5.2 Recommendations for long term actions

- i. Form a central knowledge hub that provides resources to builds capacity of both CSOs and County governments. This will ensure that the CoG, that already has an infrastructure, will support both Counties and CSOs with information on the latest developments and best practices in CSO-County government collaborations.

Some general comments for action

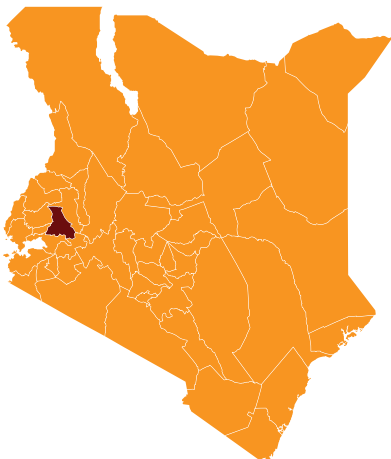
- a. There is need to clearly show the Dos and the Don'ts of CSO – County Governance engagement.
- b. There is need to document the challenges clearly and separately being faced in these engagements.
- c. Develop a framework for County Government – CSOs Engagement that draws from the case studies and can be replicated in other counties and by other organizations.



Chapter 6

Case Studies

6.1: Case Study 1 - Nandi County – Engagements between the Nandi CSO Network, Angaza and the County Government of Nandi



The first green shoots of the engagement between the County Government of Nandi and CSOs in Nandi started to emerge in 2014 just after the establishment of the first county government. This was a period of uncertainty as both the county government and CSOs tried to find their feet in the devolved system

of government. Representatives from the CSO network and the county government all agree in retrospect that there were not fully aware of the relevant laws and procedures and as such mistakes were made.

Our case study documents the engagements between Angaza CBO, a local CSO and the local branch of the CSO network with the County Government of Nandi. The engagements have largely oscillated between an adversarial relationship to complementarity depending on the nature of the issues at hand.

For Angaza CBO, the relationship started as an adverse one but then developed to be a complementary one leading to the development of a draft children’s policy while in the CSO Network case, the relationship has been largely adversarial and has involved the CSO Network focusing on ensuring accountability by the County government particularly in county planning and service

delivery.

For CSOs, the period between 2014 and 2017 which covered the life of the first County government in Nandi was a lost period. Both CSOs and County government officials admit in retrospect that an inadequate understanding of their roles was a contributory factor.

The CSO network for instance admits that its approach during the first five years of devolution was 'combative' and that its members were not well versed in important aspects of devolved governance such as public finance for instance. On the other hand, officials in the county government were also trying to come to terms with their new responsibilities and had difficulties in appreciating the role of civil society in devolved governance.

In the case of Angaza CBO, the organisation had engaged with the national government since 2004 on child rights issues. However, with the inception of the devolved governments, they approached the County Government of Nandi with a view to addressing the plight of children in the county.

The county government's position was that children's issues were not a devolved function and therefore were not its responsibility. According to Angaza, the first five years were wasted as they made futile attempts to get the County Government to see their point of view namely that children were also citizens of the county and needed services.

For Angaza, the narrow definition by the County of what constitutes its responsibilities was quite frustrating. It was in their view and indication that some functionaries in the county government had an inadequate understanding of their responsibilities.

Some of the occupants of county offices have a low understanding of their responsibilities and the functions of their offices. We remember trying to explain to county functionaries that children were part of the citizens of the county, and one could not, therefore, argue that they were not devolved. (Angaza CBO)

According to Angaza, there was a need for public servants to appreciate the constitutional requirement for cooperation and the need for complementarity even as national governments and county governments discharged their functions as prescribed by the constitution. As such even when a function was not devolved counties had to find a way of working together with the national government.

However, in 2017 when a new government was elected, Angaza made another stab at getting the county government to take up children's issues. They approached the Ministry of Gender, Culture and Tourism where children's issues were domiciled. Initially, the Angaza together with the national government coordinator for children's affairs paid a courtesy call on the County Executive Committee members (CEC) responsible for gender. The intention at the beginning was to request the county government to allocate funds for child rights programming. However, Angaza was advised that this could not be done without a policy framework therefore, a Working Group was formed to draft the relevant policy.

The drafting of the policy was an important first step which would then lead to the drafting of legislation. With funding from USAID through the Catholic Relief Services (CRS), a Technical Working Group was

formed comprising representatives from Angaza CBO and the County Government. A consultant was sourced with donor funding to support the drafting of the policy.

The County government detailed officers to the technical working group who were joined by CSO representatives. The county further offered the services of the county legal officer to assist in the drafting of the policy. At the time of the interview, the cabinet had approved a draft policy and the same was reportedly before the County Assembly awaiting its approval. The intention is to draft legislation to give effect to the policy. According to Angaza, the enactment of legislation shall ensure that money can be appropriated to support child rights issues through the county budget.

However, it is notable that Angaza was not able to independently verify the status of the draft policy. In retrospect, Angaza admits that while the engagement with the County government was based on goodwill without a formal agreement, perhaps a more formal agreement would have extracted a firm commitment from the county government on a timeframe for delivering the policy as well as ensuring more accountability and openness on the status of the process.

As the Angaza representative opined: This was a lesson learned since we assumed political goodwill would be sufficient but going forward, we would seek a formal agreement since it would stipulate responsibilities on timeframes.

As to what contributed to the second county government becoming more amenable to the CSOs regarding child rights issues, it is the view of Angaza that it was largely due to the change of guard in the county government and the coming in of officials who had a more accommodating attitude compared

to those in the previous government. In their view, these had little to do with the approach employed by the CSOs since these largely remained the same. It was therefore a question of attitude. This then would imply that the relationship between CSOs and County government is influenced by the personality of the parties especially those occupying public office rather than by policy and legislation.

The non-institutionalisation of the engagements between the county government and CSOs leading to such relationships being subject to the goodwill of individual county executives is indeed a theme that runs in the relationship between the CSO Network and the County government of Nandi.

As with Angaza, the CSO Network started seeking to engage with the county government in 2014. However, the CSOs were not very successful in their attempts due to a negative response from the county government. Admittedly, the CSO Network also admits that its members were ill-equipped to successfully engage with the county since they did not have a firm grasp of devolution and key aspects such as county planning and public finance. Their approach also tended to be combative possibly influenced by the aforesaid inadequate capacity.

After the term of the inaugural county government ended and a new government came to power, CSOs armed with the experience and knowledge acquired during the first five years of devolution were better equipped to engage. While we had previously faced some challenges in engaging County government due to capacity shortfalls on our part, we have now improved and have capitalized in petitions and dialogue meetings to pass memorandum which the County government is afraid off.

Nonetheless, according to the CSO Network, such engagements have not been institutionalised and have depended more on personal relations between CSOs and individual County officers.

According to a CSO Network representative in Nandi County, while some county officials had a positive attitude towards CSOs and made effort to support them, there was often a pushback by other officials particularly those who felt they had the most to lose from CSOs oversight roles.

Specific officers have tried to push issues to the level of the cabinet. But at the level of the governor's office particularly the finance office, the attitude has been negative. County government tends to approach CSOs when they are in trouble and need CSOs for credibility but once the problem has gone, they revert to the usual hostility. The tendency is to treat CSOs with suspicion: CSO Network Official-Nandi County

As per the CSO Network therefore, the County government tended to engage with CSOs when they absolutely had to mostly in instances where there was an express legal requirement like during the county planning processes which required public participation to acquire legal force.

According to a former Chief officer in the County government, the negative attitude by some public servants towards CSOs and reluctance to adopt an institutionalised approach to engagements with CSOs could be attributed to an inadequate understanding of the role of CSOs by county officers which often led to suspicion. According to him “a major problem for County Government officials was the fear of the unknown”. This

was further exacerbated by the fact that CSOs when frustrated by an unresponsive executive, would escalate matters to the County Assembly thereby creating a perception amongst staff of the county executive that CSOs were working with the County Assembly to undermine them. For them, therefore, the CSOs became feared adversaries in the same way they considered the Members of the County Assembly.

According to the former Chief Officer, there was a need to organise forums for CSOs and all members of the two arms of the county government to develop an understanding of each other roles to help them understand that while they might have different roles to play, such roles were legitimate and ultimately aimed at securing the interest of the citizens in terms ensuring improved service delivery and value for money. He opined that such a forum would be most opportune to improve county government and CSO relations considering that the third county government has just been inaugurated.

The former Chief Officer had a rosier picture of the engagements between CSOs and the County government. He admits that it is CSOs who reached out to county government initially by seeking information, particularly on county planning. However, the initial response by the county government was negative due to what he says was a lack of understanding of the role of CSOs and the basis for their question.

My colleagues lacked an understanding of the CSO roles and saw them as adversaries with bad intentions who wanted to take us to the County Assembly.

However, due to the persistence of CSOs who used various tactics including drafting and presenting memorandums, the CEC for

Economic Planning finally invited them for a roundtable. Subsequently, the county started involving the CSOs in County planning activities- for instance in the budget-making process. CSOs were also involved by other county government departments in activities that required public participation. According to the former Chief Officer, it was evident that involving the CSOs led to an improvement in the quality of public participation. It was also observed that CSOs were skilled in identifying and mobilising the most appropriate stakeholders for specific public participation forums. Previously, while the turnout during such forums might be good, the quality of contributions was not substantive. It dawned on the county government that public participation activities would be more effective when they had CSOs on their side since they had the networks and reach to ensure the participation of the most appropriate stakeholders.

The Chief Officer also noted that the CSOs added value to public participation by conducting civic education for citizens to improve their capacity to review county planning documents which improved their capacity to participate in county planning processes. CSOs were also involved in the distribution of documents to citizens.

Nonetheless, despite this admission regarding the key role of CSOs, the engagements with CSOs were not institutionalised and remained ad hoc. The former Chief Officer also admitted that the County government engaged with CSOs to conform with statutory obligations which limited the engagements to public participation activities related to county planning.

According to the CSO Network, it was necessary that engagements with county government be formalised. The network has been unsuccessfully pushing for MOUs in the

short term with an eye for a policy framework or legislation in the longer term.

However, more recently, the County Government of Nandi signed onto the Open Governance Partnership (OGP) in which the CSOs were also participants.

Each OGP government partners with civil society to promote transparency, empower citizens, fight corruption, and harness new technologies to improve governance. OGP is described as a global movement of reformers working to make their governments more effective and responsive to citizens. Apart from the national government's commitment to the OGP, the county government of Nandi, Elgeyo Marakwet and Makueni have also signed up.

One of the commitments in the OGP is that participating governments shall support civic participation and specifically, involve public participation in decision-making and policy formulation and to make policy formulation and decision-making more transparent.

The counties which sign up develop a Plan of Action which is required to contain specific, ambitious commitments meant to enhance transparency, accountability, and public participation in government. Through the Independent Reporting Mechanism (IRM) governments are held accountable for their commitments and allow stakeholders to track OGP progress in participating countries by producing thorough, impartial reports that track the progress of every National Action Plan (NAP).

According to the CSO Network, the National Plan of Action and the IRM provide a basis for holding the county to account for its commitment to engage with CSOs. Nonetheless, the efficacy of the OGP is yet to be tested given that the first review has not been conducted and is due in January

2023.

Nonetheless, according to the CSO Network, the county government was yet to demonstrate its commitment to the OGP noting that after signing the OGP the County government only a month later published a Finance Bill without public participation thereby casting doubt on its commitment to open governance.

Nonetheless, the CSO Network felt that the OGP still offered hope since it provided for concrete commitments that can be monitored. It was also noted that OGP appeared to be working in Elgeyo Marakwet where the citizen's budget was respected.

Nonetheless, the CSO Network representative was not familiar with the provisions of the Sessional Paper No 1 or the PBO Act regarding CSO and Government engagements and the possibility therein of providing a basis for formal CSO and County government relations.

For the CSO Network, the adversity characterising the relationship between CSOs, and the County government was due to the reluctance by the county government, particularly the executive arm, to be held accountable for its actions.

The CSO Network had therefore in some instances had to resort to petitioning the County Assembly to intervene. Nonetheless, the legislature was not necessarily blameless and the CSO Network it had on occasions also proved recalcitrant and was also vulnerable to manipulation by the executive thereby compromising its independence.



We have faced similar problems with both arms of government. We have been doing petitions which are ignored by both arms of government including a particularly important petition.: CSO Network Representative.

According to the CSO Network, some of the problems they have faced have had to do with political manipulation by the executive which sometimes extends to the National Assembly. An example of such manipulation according to the CSO Network regarded a petition for information regarding the county budget which was unsuccessful at the County Assembly. The CSO Network had to approach the senate which gave it permission to obtain the information from the Controller of Budgets.

Indeed, according to the CSO Network, there was a deliberate attempt to ensure that county officials such as Chief Officers who are friendly to CSOs are not reappointed in the third County government.

We are not on good terms with the county government because we are always engaging in the wrong things- e.g., auditor general reports. We are always at loggerheads. (Nandi CSO network)

Despite the adversarial nature of their engagements with the County government, the CSO Network felt that it had made progress, particularly in the acceptance even if grudgingly by the county government that it had a role to play in county governance.

The capacity of the members of the CSO Network had also improved and training activities were conducted at the grassroots to provide civic education to citizens.

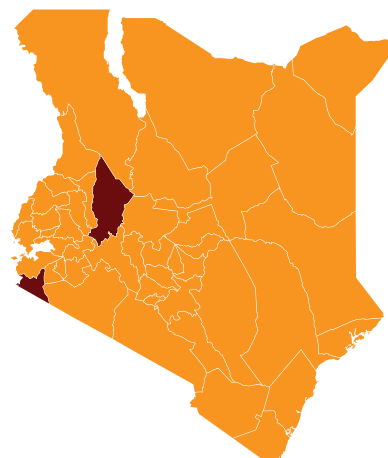
The CSO Network also felt that its use of memorandums and petitions had also been successful as a means of getting the county executive and legislature to respond to pertinent county governance issues.

However, there are still gaps that needed to address to enable CSOs to engage county government more effectively. The Network felt that CSOs needed more training on public governance and specifically public finance. Capacity building was also required in the legislative process to ensure more effective engagements with the County Assembly. Establishing a coordinating mechanism for CSOs and County government engagements within both the county executive and the legislature would according to the CSO Network, also help in efficiently ensuring access to information. Currently, CSOs had to move from department to department in pursuit of such information.

On the other hand, however, the CSO Network admitted that CSOs also had to internally develop standards and frameworks to guide their engagements with the government. While there was an argument that CSOs were clear on their role and the issues they needed to address with the County government, there was an admission that the lack of documented policies and standard operating procedures amongst CSOs on their engagements with the government led to sometimes haphazard and reactive actions. There was, therefore, a need for standards to guide such engagements.

No, not written, we know the areas we wish to engage in. Agree it is important that we have a policy framework even at the CSO Network level to standardize engagements because some engagements have been haphazard and reactive. A policy framework would offer guidance. (Nandi CSO network)

6.2: Case study 2 – Nuru Kenya and the Counties of Baringo and Migori



Nuru Kenya is an international NGO registered in 2010. It works with small holder farmers in Migori and Homabay Counties and has recently expanded its operations to Baringo.

The organisation started operations in Migori County by working with individual small holder farmers and informal groups with the objective of lifting them from of generational and extreme poverty as evidenced by food insecurity, lack of access to health care and education as well as financial exclusion.

At the inception of devolution in Migori, Nuru did not initially receive support from the county government presumably because the government was still finding its feet. It is not until the second cycle of county governance that the county government started to appreciate the work that Nuru was doing.

The government was particularly impressed by Nuru successfully transitioning many farmers from an over reliance on tobacco farming to crop and dairy farming and in organising them into cooperatives to source inputs and market their produce. The good relations led to the county government recommending to the National government to donate a milk cooling plant to Nuru. In addition, the county offered veterinary

services to farmers working with Nuru.

With time, Nuru has scaled up its operations and expanded to Homa Bay and Baringo counties. Due to the success of the cooperatives that Nuru works with in Migori, the county government recommended them for funding by the National Agricultural and Rural Inclusive Growth Project (NARIGP).

NARIGP is a national government project that is implemented through the Ministry of Agriculture, Livestock Fisheries, and Irrigation (MoALF&I), State Department for Crop Development and Agricultural Research, with funding from the World Bank. The funding was to assist the cooperatives to expand their services to farmers.

Currently, the cooperatives in Migori have developed the capacity to manage and govern themselves without hand holding by Nuru. They have been supported and now have the capacity to self-manage. *“They have grown to the level where they can now manage their own funding”.*

According to the Nuru Kenya CEO, the NGO did not have a formal entry strategy for Migori which could explain the time it took to strike a rapport with the government. This experience influenced Nuru’s subsequent engagement with the county governments of Homabay and Baringo Counties.

To have a more structured engagement Nuru ensured that the collaboration was documented in an MOU.

The structured approach has in Nuru’s view had positive outcomes particularly in the relationship with Baringo County where Nuru started operations in 2021.

“It is the first County to take time to visit and see for themselves what we have been

doing in Migori even before we started implementation. They have also actively participated in the planning and design of the project even before implementing. They are more engaged than any other county. They are much more engaged than any other county we have worked with, they are interested in our findings...generally we have seen a much closer engagement with Baringo.”. CEO Nuru Kenya

These sentiments were confirmed by a Baringo County CEC, who stated that Baringo not only sent officials but also farmers to Migori to learn first-hand from the farmers in Migori. He also indicated that Baringo identified the cooperatives in the County that could potentially work with Nuru. He further said that the County has deployed cooperative officers from Tiaty and Baringo North to closely collaborate with and support Nuru’s interventions.

Both the Nuru CEO and CEC confirmed that as part of the collaboration with Nuru, the County Government of Baringo provides Nuru with of road vehicles to navigate the difficult terrain in Baringo, with Nuru responsible for fuelling the vehicles. Remarkably, the Nuru CEO stated that Nuru provided county staff with lunch allowance only when funds are available. For example, Nuru conducted 18 cooperative supervision meetings in November 2022 for a week and did not give county staff any allowances.

While the intervention in Baringo is still in its nascent stage, and outcomes cannot be easily identified, the CEC is upbeat about the approach that Nuru has taken both in terms of programme implementation as well as in its collaboration with the county. The MOU according to the parties, ensured a structured collaboration and ensured mutual accountability by stating the obligations of

the county and Nuru thereby smoothening the collaborations.

The Baringo CEC expressed his satisfaction with strategy used in the collaboration which provides technical training combined with practical sessions through exchange visit. According to him: *“given the educational levels in Baringo, it is better to mix theory with practice/implementation, where farmers actually see what they have learnt being translated into practice”*.

The farmers that visit Migori, transfer practical knowledge to other farmers within their cooperatives, increasing the chances of sustainability after Nuru exits the County. He is also happy with the level of transparency in the relationship between the County and Nuru.

Nuru does not have an internal policy on engagement with external parties, but have a stakeholder guideline, that was borne out of the need to work with cooperatives in a structured manner. The organisation has, however, noted the need for a more detailed policy on engagements not only with government but other stakeholders as well. A draft policy is being developed.

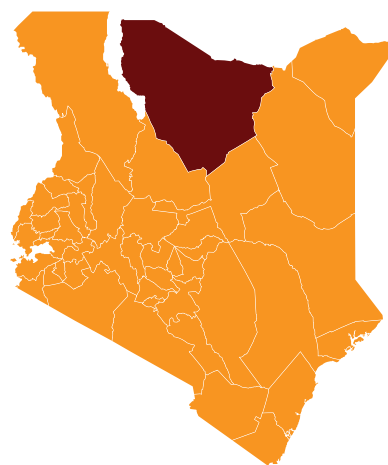
According to the Nuru CEO, there have been some challenges in their collaboration with government. There have been instances when government officers expected to be reimbursed for transport expenses though this has not been common, and they have dealt with it by explaining that they do not provide the same.

A further challenge has been changes in government officials when there is a change of government which necessitates developing new relationships with incoming officials. The ideal situation that the NGO hopes for is an institutionalisation of policies

regarding county collaborations with CSOs and a civil service that is insulated from politics so that a change in government would not affect existing collaborations.

As per the Nuru CEO, cocreation as a strategic approach in collaboration with county government involving the involvement of the government from the initial stages of programme development has been key to the success of their engagement with the counties. Such involvement improves the chances of government reacting positively to requests for collaboration and ensures that NGOs understand the priority issues that the county wishes to address.

6.3: Case study 3: PACIDA and the County of Government of Marsabit



The Pastoral Community Initiative and Development Assistance (PACIDA) has operations in Kenya and Ethiopia. PACIDA works in Marsabit and Samburu Counties but has also had presence in West Pokot, Turkana and Isiolo. PACIDA works in 6 thematic areas namely food security and sustainable livelihoods development, water, and sanitation (WASH), education, climate change, peace and governance, health, and nutrition. Gender is a cross cutting issue in all the thematic areas.

PACIDA is a member of the county Sector Working Group established to facilitate government coordination across departments and with sector stakeholders in the design of programmes and budgets. There are also technical working groups which include CSOs. Nonetheless, according to PACIDA the working groups are not structured and operate in an ad hoc manner. Despite the existence of the working groups, engagements between CSOs and county government depends largely on goodwill and personal relationships.

PACIDA has worked with the county government since the inception of devolved governance. The NGO works with County government departments in all the thematic areas addressed by the county. The county government provides technical support in project implementation to PACIDA. PACIDA also works with the Ministry of Interior, and the National Cohesion and Integration Commission (NCIC) to promote peacebuilding.

PACIDA has MOUs with the various county department it partners with which stipulates the obligations of parties. Interestingly, PACIDA also has service agreements with the county for the provision of technical assistance. PACIDA pays the county for the technical assistance provided in terms of the service agreements.

On the other hand, PACIDA has supported the County governments of Marsabit and Samburu in developing policies and legislation. In Marsabit, PACIDA has helped in the development of climate change and adaptation, gender, and social protection policies. PACIDA also worked with other CSOs to help the county draft a water management law as well as five policies.

While PACIDA has not been able to formally

assess the level of implementation of the policies and legislation it has supported, it notes that local CSOs have leveraged the various policies and legislation to raise resources to support implementation of some of the issues that addressed therein.

PACIDA considers as part of the outcomes of its successful engagements with the County of Marsabit, the desalination through reverse osmosis of a water point in Bugisa. There is a plan to implement a similar project in El Molo. The Marsabit County Executive Committee (CEC) member responsible for gender stated that even though an evaluation had not been conducted, the collaborations with PACIDA had led to positive outcomes for the citizens of the county.

Gender mainstreaming had improved visibility of women and the voices of women are increasingly being heard. He further observed that mindsets were changing, and more women were being incorporated in leadership and governance up to the grassroots level. Additionally, there had been a reduction in cases of Female Genital Mutilation (FGM).

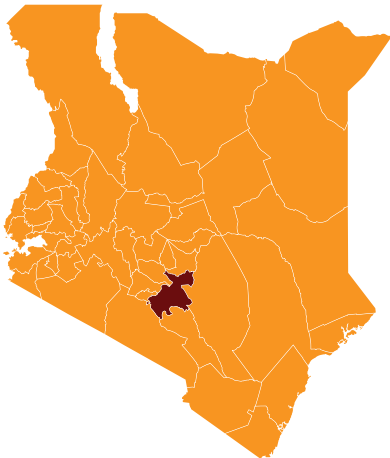
There were nevertheless challenges in the engagement between PACIDA and the County government. From the perspective of the county, the short lifespan of projects implemented by NGOs was concerning since the projects typically ended before the relevant capacity had been built to sustain them. The CEC was of the felt, however, that there were opportunities to strengthen further collaborations with CSOs. One way to do this would be capacity building for both the county government and the CSOs.

On the other hand, for PACIDA, the expectation by county officials to be paid allowances to discharge duties which were part of the county's mandate was an ongoing

concern. Some of their donors were reluctant to support these allowances and the rates were also quite high. Since not all CSOs could afford to pay the allowances, the county government officials preferred to engage with only the CSOs that paid them such allowances.

It was also observed that the county had not honoured its commitments as per the agreement with CSOs to set aside 2% its budget towards climate resilience, meaning that no progress in climate resilience activities as planned could be undertaken. Additionally, the county had failed to enforce the Water Management Act which had been drafted with CSO support.

6.4 Case study 4: Machakos County



Neema Foundation in Machakos County seeks to promote governance and accountability by duty bearers. These include lobbying and sensitisation activities aimed at ensuring prudent use of public resources, as well as enhancing service delivery.

The relationship between the CSO and the County government was frosty during the first dispensation of the Machakos County government and was characterised by mutual suspicion and infrequent and irregular formal communication.

As per the CSO, the cold relations were due to the nature of its work which was conducting oversight on county governance. The relationship, however, improved with the second cycle of devolved government due to the persistence of Neema and an evolving increased understanding of CSOs and their role by the County government.

While there still exists lingering suspicion, the Neema representative feels that the situation has improved. *“Before it was hard but now, I can rate them (transparency, mutual trust) at maybe 40%,”*

These improved relations yielded positive results according to Neema as evidenced by the following.

- Involvement of the CSO in policy formulation discussions with the County Executive and Legislature.
- Participation by the CSO in county planning activities including the budget, the CIDP and Annual Development Plans (ADP)
- Facilitation by Neema of training for county officials on county planning

Neema has been creative in exploiting various forums to push its agenda such as dialogues, roundtables and memos and petitions.

Nonetheless, getting the county to engage with CSOs beyond activities prescribed by law remains a challenge. The situation is exacerbated by the fact that there is no specific department responsible for liaising with CSOs. CSOs typically consider approaching a multiplicity of directorates and departments and sectoral working groups.

Timely access to information and lack of funds to support engagements was

another challenge. According to Neema, the county prioritised engagements with CSOs who had resources to contribute to county programmes. *“...so long as you have something you can put on the table, they will partner with you.”*

Inadequate capacity by CSOs was also a challenge which militated against their ability to effectively engage the county, particularly on high-level issues such as policy. Other challenges related to lack of institutional capacity of the CSOs to engage with the County government, in which it was stated that there are capacity gaps especially in relation to engagement at levels higher than grassroots.

“... I can say like now giving an example with our civil society, we don't have well-defined structures of engagement— you find that people working for the grassroots do not have the capacity to engage at the high levels,

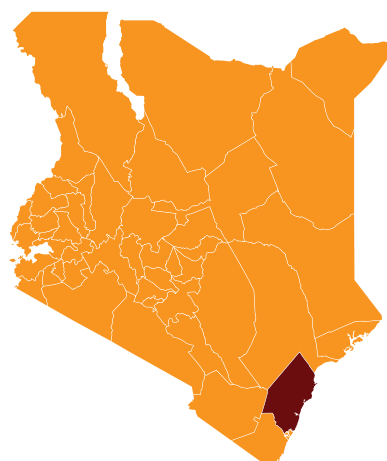
According to Neema, a lesson learned is that there is a need to involve the county right a project inception to develop a mutual understanding of aims and objectives, as well as the nature and process of engagement.

As Neema has continued to engage with the county government, the relationship between them has become less adversarial and more supportive. This has led to the following outcomes.

- A more cordial and sometimes less formal relationship meaning that the CSO can engage county officials at short notice or with no notice at all.
- An increase in inclusion, transparency, and information sharing

- Consideration of memos and petitions from CSOs in key planning documents such as the ADP and CIDP
- More effective public participation activities.
- Membership by CSOs in all sectors' working groups.

6.5: Case study 5 – Kilifi CSO Network and Kilifi County



The Kilifi CSO Network has contributed towards engagements and development of the County however towards the end of 2022 the network experienced governance challenges resulting to two factions. This poses a threat to CSO county government engagement and diminishing CSO voice in that space.

I will be very categorical with you; the first five years were very different...they were not working. We were enemies. We did not understand the meaning of dialogue. We started talks during the second five years of devolved governance (CSO network, Kilifi).

In the second devolved government, however, things improved. The CSO Network is represented in several the technical working groups in the county including gender, HIV and reproductive health rights. The network also recently joined the Physical Planning department as representatives of the community.

The working groups provide a coordination mechanism for CSOs and County engagements. To guide the engagements, terms of reference have been developed which provide for quarterly meetings and reporting. Additionally, the gender sector has developed a draft tool for monitoring progress of cases of gender-based violence (GBV). This tool is populated in real time to document and monitor active GBV cases, ensure follow and provide referral pathways for the GBV survivor.

Most of the support for the activities comes from CSOs. The county makes minimal contribution. The County Director responsible for gender confirmed that there were resource challenges within the department – “the department of gender has one staff – who is the director of gender. The other challenges are monetary and in terms of facilities; we do not have vehicles, and other facilitative equipment. We do not have data management facilities for the various categories of our services”.

It is notable nonetheless, that while MOUs had been developed for CSOs engaging with the county government in the health sector, none existed in the engagement between CSOs and the department of gender. According to the County director of gender, this had to do with the “relative sophistication” of CSOs involved in the health sector many of which were international NGOs. On the other hand, most CSOs engaged in GBV were local many of them CBOs hence the use of what was

referred to as “terms of reference” to regulate relations with the latter organisations.

Nonetheless, both the County government and the CSOs agree that there was need for formal engagements that will help in clarifying roles, define boundaries and hence create trust – “each will know that they are there to deliver on agreed issues and not “spying” on one another”.

The CSOs in the gender sector and the county government can point to several successes due to their engagement. First, is the development of a task force report on high rates of teenage pregnancies in the county. The recommendations of that report are still being implemented to tackle the identified challenges. This was confirmed by the County director for gender and youth who opines that the rates of teenage pregnancies in the county (as well as GBV), have reduced due to the efforts and collaboration with the CSOs.

Second, the county and national government as well as local CSOs in collaboration with the Government of Finland are also involved in a GBV mitigation and prevention project implemented in 4 counties one of which is Kilifi. More recently, the county government and the CSOs Network are also working with the United Nations Development Programme (UNDP) on the “safe spaces” project that is in its inception stage.

Other successes include the development of Disaster Management Act, Public Participation and Civic Education Act, as well as the Climate Change Act. There are also draft gender, menstrual management and hygiene as well as a youth policy that have been developed in collaboration with the County government. The policies are aimed at addressing the unique and localised challenges in the County as opposed to

policies at the national level that may not account for these nuances.

As per the County Director of Gender, the relationship between the government and the CSOs has been successful due to the existence of a monitoring and feedback system.

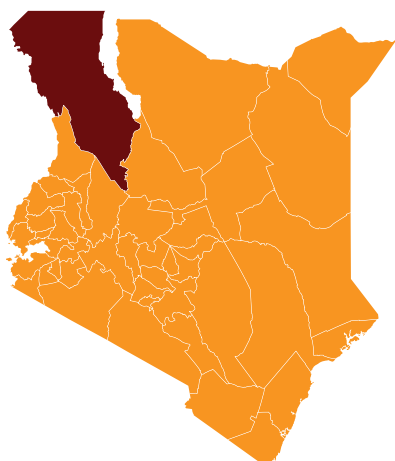
According to the CSO Network, regular round table discussions with the County has been a contributory factor to a successful relationship and should be continued. To further strengthen the engagements, there is need to bring on board as many CSOs as possible to showcase their work.

“Start thinking about we are going engage [twitter] together, how are we going to do documentaries together. How are we going to develop newsletters together...and capacity building particularly for the County officials in areas that we feel they are still adamant...such as human rights. I feel that if we train them, so they understand that we are working for the same person - the citizen, and that development is done the way it is supposed to be done”.

The Turkana Natural Resources and Governance Hub (the HUB) advocates on land and natural resource issues. Before devolution, engagements were with the national government, and this was difficult because the officials were in Nairobi and could only act when there was a crisis. The onset of devolution brought accountability closer to the people. However, the relationships between the HUB and the first devolved county government was not rosy as there was suspicion – with the government thinking that they were being witch-hunted. This changed, however, after holding round table discussions in October 2013, which the HUB explained its purpose including its responsibility to ensure accountability by the county government.

The HUB is a network of 18 members organisations. It ensures accountability by the county government by collecting and disseminates data on environmental management. The strengthen its capacity, the HUB has incorporated members who are competent in devolved governance. The HUB has a dedicated working group of 7 people that is tasked with monitoring county government.

6.6: Case study 6 – The HUB and the County of Government of Turkana



At the inception of devolved governance, the HUB decided to focus on monitoring the water sector immediately after the first county budget was approved in 2014. The organisation trained social auditors to monitor the water sector activities to see whether what was planned was what was implemented.

The organisation produced a report in 2014 from the monitoring that was presented to the County government in November 2014. The report identified gaps such as officers discharging their roles and contractors were also found not to have delivered on

their terms of contract. According to the county government, however, the low level of progress was due to late disbursement of funds by the national government.

Nonetheless, the monitoring and feedback by the HUB had an impact and by the second-round table meeting with the county in 2015, performance in the water sector had allegedly improved to about 50%.

The HUB has also engaged the county government on oil exploration in Turkana and its impact on livelihoods and the environment. The CSO and the County government conducted survey to establish community perceptions and the impact of the oil exploration. In 2015, the findings from the study were discussed with Tullow oil company.

A key recommendation was the need to replant trees that were cut during exploration. It was also agreed that the community would get 5% and the County 15% of the profits from the oil revenue. However, this has not happened yet as the company “is still recouping” its investment in the oil exploration. However, the community is benefiting from corporate social responsibility activities including the construction of schools and water facilities as well as the awarding of scholarships for youth from Turkana.

To enhance the engagement with the county government, the HUB has pursued an MoU with the county, but this could not happen because of delays by the County government. On the other hand, the representatives of the CSO admitted that the HUB had internal capacity gaps that has affected its ability to effectively engage with the County. For instance, the HUB lacked internal policy mechanisms to support collaborations. There was an attempt with donor support to develop such a framework, however, the

process was unsuccessful due to internal wrangles within the membership.

While the HUB has some notable successes, it is weighed down by the challenges of inadequate funding which is exacerbated by weak capacity in resource mobilisation (proposal writing) The organisation also has weak governance and inadequate financial systems. The HUBs’ status as a community-based organisation (CBO) was also considered as a weakness since it limited the capacity of the organisation.

Going forward, the HUB would like to strengthen its engagements with the county government to make it more accountable. Nonetheless, the CSO’s officials admit that the organisation would have to put its house in order by strengthening its governance and its internal infrastructure. It is also important that the membership speak with one voice by agreeing on what should be the priority issues to engage on with the county government. One of the respondents stated that moving forward, the HUB needs to engage the new government.



Chapter 7

References

- [1] L. E. Asuelime, “Civil Society and the South African Developmental State: An Appraisal,” 2017.
- [2] J. Hearn, “The ‘uses and abuses’ of civil society in Africa,” *Rev Afr Polit Econ*, vol. 28, no. 87, pp. 43–53, 2001, doi: 10.1080/03056240108704502.
- [3] J. L. Doyle, “Government co-option of civil society: exploring the AKP’s role within Turkish women’s CSOs,” *Democratization*, vol. 25, no. 3, pp. 445–463, Apr. 2018, doi: 10.1080/13510347.2017.1373096.
- [4] Riddel Roger, “Assessing the overall impact of civil society at country level: An exploratory approach,” *Development policy review*, vol. 31, no. 4, pp. 371–396, 2013.
- [5] V. H. Mlambo, S. P. Zubane, and D. N. Mlambo, “Promoting good governance in Africa: The role of the civil society as a watchdog,” *J Public Aff*, vol. 20, no. 1, Feb. 2020, doi: 10.1002/pa.1989.
- [6] A. O. Ong’ayo, “Civil society and state accountability: holding the state accountable in the context of shrinking civic space in Kenya,” in *The State of Accountability in the Global South*, Edward Elgar Publishing, 2022, pp. 98–124.
- [7] W. R. Ginanjar, “Civil Society and Peace,” *Nation State: Journal of International Studies*, vol. 5, no. 1, pp. 32–48, Jul. 2022, doi: 10.24076/nsjis.v5i1.495.
- [8] W. Fieuw and D. Mitlin, “What the experiences of South Africa’s mass housing programme teach us about the contribution of civil society to policy and programme reform,” *Environ Urban*, vol. 30, no. 1, pp. 215–232, Apr. 2018, doi: 10.1177/0956247817735768.
- [9] M. Pabari, M. M. Amisi, E. David-Gnahoui, D. Bedu-Addo, and I. Goldman, “Evidence-informed policy and practice: The role and

potential of civil society,” *African Evaluation Journal*, vol. 8, no. 1, Jul. 2020, doi: 10.4102/AEJ.V8I1.470.

[10] T. P. Romero-Brito, R. C. Buckley, and J. Byrne, “NGO partnerships in using ecotourism for conservation: Systematic review and meta-analysis,” *PLoS ONE*, vol. 11, no. 11. Public Library of Science, Nov. 01, 2016. doi: 10.1371/journal.pone.0166919.

[11] M. Luqman, B. Shahbaz, and T. Ali, “Civil society organizations: nature and their role in rural development (A case study of Hazara region of Pakistan’s Khyber Pakhtunkhwa province),” 2013. [Online]. Available: <http://www.lifesciencesite.com><http://www.lifesciencesite.com>.17

[12] A. A. Morris-Paxton, S. Reid, and R. M. G. Ewing, “Primary healthcare services in the rural Eastern Cape, South Africa: Evaluating a service-support project,” *Afr J Prim Health Care Fam Med*, vol. 12, no. 1, 2020, doi: 10.4102/PHCFM.V12I1.2207.

[13] B. C Mubangizi, “The Interplay between Civil Society and Local Government in South Africa: Conflict and Collaboration in the Delivery of Public Services,” *African Journal of Development Studies (formerly AFFRIKA Journal of Politics, Economics and Society)*, vol. SI, no. 2, 2022, doi: 10.31920/2634-3649/2022/siv2a3.

[14] S. Nwauche and S. T. Flanigan, “Challenges to Non-profit Organization Participation in Social and Development Policy Planning in South Africa,” *Nonprofit Policy Forum*, vol. 13, no. 2, pp. 119–139, Apr. 2022, doi: 10.1515/npf-2021-0049.

[15] A. S. Harris, B. Seim, and R. Sigman, “Information, accountability and perceptions of public sector programme success: A conjoint experiment among bureaucrats in

Africa,” *Development Policy Review*, vol. 38, no. 5, pp. 594–612, Sep. 2020, doi: 10.1111/dpr.12450.

[16] W. Mano and V. C. Milton, “Civil society coalitions as pathways to PSB reform in Southern Africa,” *Interactions: Studies in Communication & Culture*, vol. 11, no. 2, pp. 135–158, Jul. 2020, doi: 10.1386/iscc_00015_1.

[17] O. M. Jama, G. Liu, A. W. Diriye, B. Yousaf, I. Basiru, and A. M. Abdi, “Participation of civil society in decisions to mitigate environmental degradation in post-conflict societies: evidence from Somalia,” *Journal of Environmental Planning and Management*, vol. 63, no. 9, pp. 1695–1715, Jul. 2020, doi: 10.1080/09640568.2019.1685957.

[18] R. Solomon, “Involvement of civil society in India’s polio eradication program: Lessons learned,” *American Journal of Tropical Medicine and Hygiene*, vol. 101, no. 4, pp. 15–20, 2019, doi: 10.4269/ajtmh.18-0931.

[19] H. B. Tantoh, D. M. Simatele, E. Ebhuoma, K. Donkor, and T. J. M. McKay, “Towards a pro-community-based water resource management system in Northwest Cameroon: practical evidence and lessons of best practices,” *GeoJournal*, vol. 86, no. 2, pp. 943–961, Apr. 2021, Doi: 10.1007/s10708-019-10085-3.

[20] P. M. Akin and O. F. Adeola, “Civil Society Organisations: Filling Up the Government Service Gap for National Development,” *International Journal of Scientific Research and Management*, vol. 6, no. 03, 2018.

[21] A. Sillah, “NGO-Government Collaboration: An Uneasy Alliance?” 2018.

[22] Partnerships 4 Empowerment & Networking in Kenya, “EXAMINING

GOVERNMENT AND CIVIL SOCIETY ORGANISATIONS COLLABORATIONS IN KENYA A Study Of Selected Successful Case Stories: What Can We Learn? REPORT OF A STUDY COMMISSIONED BY AGA KHAN DEVELOPMENT NETWORK," Nairobi, May 2007. [Online]. Available: www.penkenya.org/publications.htm

[23] W. M. Mukami and W. Muturi, "FACTORS AFFECTING PERFORMANCE OF PARTNERSHIP BETWEEN GOVERNMENT AND NGOS IN KENYA," international journal of social sciences and information technology, vol. IV, no. v, 2018.

[24] Government of Kenya, "THE COUNTY GOVERNMENTS ACT." [Online]. Available: www.kenyalaw.org

[25] Government of Kenya, "PUBLIC FINANCE MANAGEMENT ACT." [Online]. Available: www.kenyalaw.org

[26] Government of Kenya, "PublicService_ValuesandPrinciples_ActNo1Aof_2015".

[27] Government of Kenya, PUBLIC BENEFITS ORGANIZATIONS ACT No. 18 of 2013. Nairobi, 2013.



Building Alliances · Better Lives
pen is a trade name of Poverty Eradication Network

📍 6th Floor, Sir Francis Ibiyam House, AACC Compound, Waiyaki Way, Westlands 📠 P.O. Box 4932 - 00200, Nairobi.
☎ Tel: +254 020 8164 164 | +254 720 600656 | +254 734 450645 ✉ Email: info@penkenya.org 🌐 <http://penkenya.org>

