



Development Planning, Implementation and Public Participation: Lessons from Constituency Development Fund and Issues for Policy Consideration

BACKGROUND

The government of Kenya has in the recent past decentralised funds to the constituencies with the aim of controlling imbalances in regional development and engendering citizen participation in the management of public resources towards poverty alleviation and improving service delivery. These funds can be categorized into: funds for loan facilitation that include the Youth and Women Enterprise Development Funds; targeted sector-specific transfers such as Free Primary Education fund and broad composite funds that include the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund (LATF). Decentralizing funds to the constituencies also aims at ensuring that development planning is done at the constituency level where community needs can be captured best through public participation in the analysis, identification and prioritization of development projects and through participatory planning processes. Community involvement in project identification and implementation ensures that projects implemented through decentralised funds respond to the needs of the community. It also contributes towards community ownership of projects.

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This document has been produced with the financial assistance of the European Union. The contents of this document are the responsibility of Institute of Economic Affairs and the National Council of Churches of Kenya and do not in any way reflect the views of the European Union.



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Empowering Communities for Self Governance and Development (ECSGD)

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improving service delivery. These funds can be categorized into: funds for loan facilitation that include the Youth and Women Enterprise Development Funds; targeted sector-specific transfers such as Free Primary Education fund and broad composite funds that include the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund (LATF). Decentralizing funds to the constituencies also aims at ensuring that development planning is done at the constituency level where community needs can be captured best through public participation in the analysis, identification and prioritization of development projects and through participatory planning processes. Community involvement in project identification and implementation ensures that projects implemented through decentralised funds respond to the needs of the community. It also contributes towards community ownership of projects.

The Constituency Development Fund was established through the Constituencies Development Fund Act 2003 with the goal of providing funds for implementation of development projects at the constituency level towards improving service delivery. The Act was thereafter amended in the Constituencies Development Fund (Amendment) Act, 2007. The Constituencies Development Fund is the most widely known fund among the broad composite funds as it has empowered citizens countrywide through the development of infrastructure such as bridges, roads, health, educational and water facilities thereby contributing towards improved service delivery. Bursary funds provided through CDF have also improved school enrolment, transition and completion rates providing more children from poor families with learning opportunities.

The citizens are increasingly engaging in the operations of CDF especially in the monitoring of the implementation of development projects as a result of increased mobilization and sensitization on decentralised funds by Non State Actors (NSAs). However, this participation by the public in CDF processes is still minimal. The CDF Act is only clear on community participation at the project identification level. The Act does not provide opportunities for further right holder (public) participation in monitoring of project implementation and fund utilization by the duty bearers. There is also lack of adequate information about decentralised funds among the citizens making it difficult for them to meaningfully participate and also demand for accountability from the duty bearers.

A study commissioned by the Institute of Economic Affairs (IEA) in 25 constituencies in 2006 on whether the public were effectively participating in CDF development processes, revealed that only 38.7% participated in the selection and

prioritization of projects, 37.8% in determining the location of projects, 35.4% in project follow up and monitoring and 22.9% in management of project funds. A similar study by the Institute of Public Policy Analysis and Research (IPAR, 2006) also revealed that community participation in various aspects of CDF was low.

This bulletin highlights some of the findings of a two year project titled **“Empowering Communities for Self Governance and Development”** (ECSGD) whose overall objective was to: Improve the capacity of local communities to participate in economic planning, program design and demand for accountability in the utilization of decentralized fund. The project was implemented by IEA Kenya, the National Council of Churches of Kenya (NCCCK) and Diakonia Sweden. The project was funded by the European Union.

At the duty bearer level, the project aimed at addressing: inadequate capacity of CDF Account Managers to develop participatory planning processes; lack of coordination among decentralized funds managers hence duplication and wastage of resources; poor accountability structures to beneficiary communities by fund managers and project implementing agencies and; poor matching of projects to actual need of the community. At the right holder level the project aimed at addressing: inadequate participation of the public in the identification, implementation, monitoring and evaluation of public funded projects; lack of factual information to citizens on development resources available; and inadequate capacity of citizens to meaningfully participate.

Envisaged results of the project included: local community participation in project identification, budgeting and action planning at the constituency level; local communities engagement in the mandate, purpose, scope, functions and operational procedures of decentralized funds; local communities participation in the implementation, monitoring and evaluation of decentralized funds particularly CDF; and increased demand for accountability and transparency in the management of decentralized funds.

PROJECT FINDINGS

1. Constituency strategic planning and implementation

Constituency strategic planning ensures that community leaders and those who are involved in development planning have genuinely thought through the decisions made on public service delivery. It also ensures articulation of people's

situations, perceptions and experiences for collation and organization into coherent strategies; and factual analysis enabling a constituency focus on the right priorities (IEA).

Discussions with CDF Fund Account Managers in target constituencies during the ECSGD project monitoring and evaluation revealed that a number of constituencies are yet to develop strategic plans as they did not have one. Members of Parliament (MP) in some of the constituencies without strategic plans did not see this as a priority and project identification in most of these constituencies were being done by the legislators during their trips round the constituency. Community involvement was also minimal and this was in instances where community members forwarded proposals to the Constituency Development Fund Committees (CDFCs) for consideration for funding. A number of constituencies had strategic plans but these were not being implemented. This was attributed to the change in political leadership (MP) as well as change in development priorities. Majority of constituencies implementing their strategic plans were only doing so partially.

The strategic planning process in constituencies that had strategic plans was consultative as members of the public were involved in forums that included other stakeholders. What came out however was that a number of incoming MP were not keen on implementing strategic plans that had been developed by their predecessors. This may be attributed to the politicization of strategic plans and development in some constituencies with some MPs opting to come up with their own development plans whose success can be attributed to them. This raises concerns especially in situations where the strategic planning process was participatory and the prioritization of projects in the plans was by the community.

2. Citizen participation in project identification

The Constituency Development (Amendment) Act 2007 requires that meetings be held at the location level where community members get the opportunity to identify development projects for implementation. These are then prioritized by the Constituency Development Fund Committee (CDFC) after an analysis of the same. Whereas a number of constituencies have adhered to this requirement, a number are still facing challenges like “roadside declaration” by some MPs of development with regards to projects to be implemented in their constituencies. Some MPs have taken it upon themselves to decide on the projects to be implemented without any community input and this has led to implementation of projects that do not respond to the needs of the community. The findings in the ECSGD project confirm the findings of the study by IEA in 2006 that found extremely low participation

by citizens on CDF activities and weak mechanisms for the public to have a voice in the projects to be implemented in their locality.

3. Citizen participation in project implementation

Members of the public involvement in the implementation of CDF projects has been through the Project Management Committees (PMCs) which comprise of members of the public who manage and oversee the implementation of individual CDF projects. One of the challenges that emerged during the implementation of the ECSGD project is lack of capacity among a majority of PMCs. A number of PMC members are illiterate resulting in poor implementation of projects and poor record keeping. There were claims that some PMCs collude with CDFC members to award their colleagues tenders for the provision of goods and services. In one constituency it was claimed that all the PMCs comprise of the same individuals who simply change positions in the different projects thereby denying other citizens the opportunity to participate in the implementation of development projects through PMCs.

The project also observed that members of the public were not pro-active in the implementation of CDF projects. The citizens in most constituencies do not attend Location Development Committee (LDC) meetings where projects were being proposed for implementation and other meetings in which PMC members were elected. This was attributed to a general lack of channels for educating the citizens on the importance, means and opportunities for participation hence the low awareness.

4. Citizen participation in monitoring and evaluation of CDF projects

Key issue of concern during the legislation of the CDF Act 2003 was the decision by the legislators to assign themselves the role of implementing development at the constituency level, a function of the Executive arm of government. Of concern among the citizens and Non State Actors was the need to ensure separation of powers among the three arms of government so that Parliament may concentrate on its role of legislation, and oversight over the Executive in the implementation of development. This would have been a sure way of ensuring accountability in the management of the fund. The legislators have justified their involvement in the implementation of development in the constituencies saying that they are elected on a “development platform”. The issue of concern among Non State Actors and members of the public was been, who then would perform the oversight role over the legislators as they implemented development projects in the constituencies?

Community members are of late increasingly, albeit slowly, getting involved in the processes of CDF as a result of continued efforts by Non State Actors in community mobilization and sensitization on development funds received in the constituencies and the importance of citizen involvement in the fund. The citizens in a number of constituencies have been able to monitor the implementation of funds and development projects in their localities.

A number of duty bearers however seem not to acknowledge the fact that members of the public have a right to access information on public funded projects. Lack of legislation allowing for freedom of information is not helping either. It is still an uphill task for members of the public to access records on projects being implemented in their constituencies. The area MP in some constituencies has to grant permission before members of public can access the information or for community social audit of CDF projects to take place. Duty bearers in some constituencies ask for a letter from the CDF Board secretariat before allowing community members to carry out social audit of CDF funded projects. Access to information by members of public on CDF fund utilization would be made easier with the enactment of the long overdue Freedom of Information Bill.

5. Constituency Development Fund Committee Monitoring and Evaluation of projects

Low citizen participation in the monitoring and evaluation of projects funded through CDF was observed as having been caused by the approach to monitoring and evaluation (M&E) taken by many of the CDF committees where it is generally done by taking a trip round the constituency to review the projects implemented.

There lacks a simple monitoring and evaluation framework that include a component of citizen participation, which would be useful in enhancing M&E. The other reason for poor participation by citizens was a general low level of awareness by community members on the fund, their lack of interest in implementation of development projects and M&E being perceived as expensive and time consuming.

The general lack of participation in M&E can also be attributed to poor community organization where community structures have not been deliberately organized to facilitate this. Leadership is a necessary aspect in the organization of the communities in order to bring about the required participation in all the processes including M&E. The issue of citizen participation therefore has two sides where the duty bearers meant to facilitate it do not have in place systems for it and

the right holders are also not organized in a way to meet the responsibility that comes with this right.

MORE FINDINGS

- General record keeping at a number of CDF offices and by the PMC's is still poor. It would be important to establish a standardized format for record keeping or filing which will enable easy access to records and retrieval of information
- Lack of cooperation between the District technical departments and the PMCs in some constituencies hence compromise on the quality of projects being implemented through CDF. There were claims that some of the district technical committees were not offering technical support to CDF projects due to lack of funds for this function
- Poor selection of CDFCs. There were allegations that some MPs have nominated their cronies in the committees. As a result, the committee members were more accountable to area MP more than to the citizens who are the taxpayers contributing to the CDF kitty and by extension, have the right to participate in CDF
- Some Members of Parliament seem not to appreciate the role of the CDF Fund Account Managers
- Unclear approach to monitoring and evaluation by some Constituency Development Fund Committees
- General disconnect between PMCs and the CDFCs which hinders effective monitoring and evaluation of the projects implemented
- Though CDF funds have contributed immensely to the development of infrastructure, a number of projects in some constituencies though complete were unstaffed, particularly health centers. Under such circumstances the fund does not meet its desired objective of improving service delivery
- Spreading of funding for big projects over a long period is expensive as the cost materials increase over time thereby hindering adequate completion
- Dominant role of some Members of Parliament in CDF and politicization of the fund is undermining its performance.

RECOMMENDATIONS

- The 2.5% of national revenue allocated to CDF should be consolidated into the established County Revenue Fund (CRF) so as to avoid a parallel management structure at the county level. CDF should be managed through county planning and monitoring processes

- There is need for separation of powers in the role of MPs in the management of CDF. The legislators, under the CDF Act play dual roles of implementers of development as well as oversight through the Parliamentary Accounts Committee (PAC). Divorcing the legislators from the implementation of development projects will go a long way in improving accountability by the duty bearers in the management of CDF
- The funding of the activities of the relevant technical department officials involved in the implementation of any CDF project needs to be clarified. There were claims in some of the constituencies that the technical officers were not financially supported to perform their role hence hindering them from effectively doing the work
- Section 40 (2) of the CDF Act states that - All district departmental heads in a district under whose docket the various projects fall may attend District Projects Committee (DPC) meetings as ex-officio members, at the invitation of the DPC. It would be important to make the participation of the technicians mandatory in order to ensure quality projects
- Fitting projects approved with the National development plan in order to ensure all aspects including manpower required are taken care of
- Development of a M&E plans with clear indicators and defining what needs to be considered during monitoring and evaluation in order to ensure it is effective. Develop a standard national template which can then be customized at the constituency level
- Community initiatives within religious institutions and other organized groups can act as a link between the Constituency Development Fund Committees and the Project Management Committees. The CDF can, in collaboration with community organizations and groups, train volunteer community monitors (social auditors) who can be an independent eye in the implementation of CDF projects. They could be formally recognized on condition that they have completed the training and can then be allowed access to records and be required to give feedback and reports to the respective communities. A standard reporting format for this purpose can be developed
- Institutionalize project feedback sessions to the community. This should be formalized such that every year feedback on the twenty five (25) projects supported through CDF is given at an open public forum
- Development of a CDF/Public funded projects citizen participation guide with clear regulations and procedures
- Development of a simple but standardized practical curriculum for training PMC's in order to enhance their capacity to implement the projects. Transfer of funds to qualified PMC's should be subject to them going through the training
- Establishment of regional offices for the CDF secretariat so as to make communication and reporting easier for the fund Account Managers. This will reduce time and resources spent by the Account Managers travelling to and from the CDF Board Secretariat offices in Nairobi
- Consider employing Regional Coordinators under the CDF Board who do not double up as fund Account Managers for purposes of efficiency since the fund Account Managers are already bogged down with the demands from their respective constituencies
- Development of a criterion for qualification for the award of CDF bursaries and establish clear modes of disbursement and transparency mechanisms to publicize who was awarded the bursaries and how much. This will end the status quo where the award of CDF bursaries is at the discretion of the CDFC
- In-build monitoring and evaluation component in every CDF project being implemented by the PMC. This will involve setting up a monitoring team selected by the members of the community where the project is being implemented, before the commencement of the project
- Consider having the CDF Account Managers as the Authority to Incur Expenditure (AIE) holders as it is they, and not the District Development Officers (DDOs) who are responsible to the CDF Board for the funds. This will also reduce bureaucracy in the release of funds to projects and delays in the implementation of projects
- Consider having minimum academic qualification for the chairpersons, secretaries and treasures of CDFCs. This will contribute to increased efficiency and effectiveness
- The role of nominating members of the CDFC should not rest entirely with the constituency MP. The MPs should consult with the religious institutions and Non-Governmental Organization representatives when nominating their respective representatives into the committee
- Deepen citizen engagement in the processes of CDF at various structures; including selection of CDFCs, PMCs, during project identification, prioritization, budgeting, M&E and social auditing is a process of local democratization at the local levels. Community participation can lead to ownership and accountability.

The IEA is a civic forum which seeks to promote pluralism of ideas through open, active and informed debate on public policy issues. In addition, the IEA-Kenya provides research backup to policy makers. The IEA is independent of political parties, pressure groups and lobbies, or any other partisan interests.

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The CDF Act should provide for both direct and indirect participation of the community members in all CDF structures and processes. Broadening citizen role and their participation in the CDF affairs can help improve efficiency and effectiveness

- Raise the awareness of the citizens to encourage them participate in CDF affairs through M&E, budget tracking and social audits. This will increase efficiency and effectiveness in CDF projects management
- Limit the number of CDF projects to be implemented by a constituency in a year to a viable number
- Rationalize projects costs through some standardized national and regional projects costs ceilings
- Provide reasonable timelines within which CDF projects must be completed
- Introduce performance contracting at all levels and structures of the CDF as this may translate to improved efficiency and effectiveness
- The staff in the constituency CDF office should be employed by the CDF Board and not the constituency. This will ensure that all staff are accountable to the CDF Board. Currently it is only the CDF Account Manager who reports directly to the Board. Staffs employed by the MP seem to owe allegiance to the MP and some report to their work stations only when the MP is around.

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