

MWINGI MUNICIPALITY

PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT FRAMEWORK

2024

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Definition of terms

The following terms will have the meanings assigned herein:

Public Participation: refers to the process by which citizens, individuals, groups or communities (also known as stakeholders), take part in the conduct of public affairs, interact with the state and other non-state actors to influence decisions, policies, programs, legislation. It provides oversight in concerning their and other matters concerning their governance and public interest, either directly or indirectly through freely chosen representatives.

Facilitate Public Participation: means to "make easy or easier" or to "promote"; "taking steps to ensure the public is involved or is consulted on a matter.

Accountability: means answerable to the people: an open transparent system which permits the free flow of forward and backward information and in which leaders are answerable to the people.

Standards: means the act or process of public participation as developed and accepted by the stakeholders relating to the desired content and quality. The standards are based on the consensus of different interested parties, users, and by the two levels of government.

Coordination: refers to the ability or process of organizing different stakeholders to ensure that they work together in harmony, effectively and efficiently.

Right Holders: means every individual given the universal nature of human rights. Every individual within the state is entitled to the same rights without distinction based on any ground including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.

Duty Bearers: means state actors. This includes all organs of the state including but not limited to parliament, the judiciary, national police service, county government and government ministries, departments and agencies.

1.0 INTRODUCTION

1.1 Public participation

Mwingi Municipality's goal towards achieving Public Participation is guided by the 2010 Constitution of Kenya, section 69 (d) the targets in Vision 2030 as well as the commitments to International Frameworks and Instruments on human rights, social protection, good governance and accountability for development with emphasis on encouraging public participation in the management, protection and conservation of the environment. Over the past 2 decades, Kenya has made significant progress in the advancement of public participation in all spheres of public resources management.

1.2 Mwingi Municipality commitment to Public Participation

Effective public participation has become an indispensable element of democracy and people centered development. It is the very foundation for democracy, which strengthens the state by legitimizing governmental action, and promotes good and democratic governance. The right to participate in public affairs is important for promoting the rule of law, ensuring social inclusion, advancing gender equality, and for the realization of all human rights. Meaningful public involvement in political and public affairs can only be realized in conjunction with a range of other rights, including freedom of expression and information, assembly, association, equality, non-discrimination and socio-economic rights. Exercising this right is not a once-off affair but rather an ongoing cycle in which people make decisions, live with the consequences, and based on that experience make better future decisions.

The Government of Kenya acknowledges that the citizens' active and meaningful participation in public affairs is a fundamental hallmark of any truly democratic state. In formulating this Policy, the Government commits to enhancing openness and citizen engagement in all aspects of the governance agenda. The Framework sets the standards to ensure that the views of the public are enlisted properly. It lays down the framework to encourage citizen participation, builds an understanding of governmental operations, advances synergies between government, non-state actors and the private sector and ensures inclusion of different interest groups.

1.3 The National Legal Framework

The following legislations promote the concept of public participation.

The Urban Area and Cities Act 2019. gives effect to Article 184 of the Constitution; to among others provide for the principle of governance and participation of residents and as outlined in the second schedule.

The Public Finance Management Act highlights the relevance of public or community participation in financial and budgetary matters in Sections 10(2), 35(2), 48(2), 125(2), 139 (2), 191B and 207.

Section 26 of the **Independent Electoral and Boundaries Commission Act** states that the Commission shall observe the principle of public participation and requirement for consultation in the performance of its functions. The same is provided in the Fourth schedule of this Act.

The County Governments Act in Sections 3(f), 6(6), 6A (3), 30(3)(g), 47, 50(3)(g) 51(3)(g), 52(3), 53(2), 87,91, 92, 97(g), 100(4), 106(4) and 115 establishes modalities and principles of public participation in counties.

Part IV of the **Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act**, provides for public awareness, sensitization, training and education by national government including ensuring involvement and participation of individuals and groups affected by internal displacement.

Part X of the **Consumer Protection Act** establishes the Kenya Consumers Protection Advisory Committee, which in Section 90 (d) is mandated with promotion/participation in consumer education programmes.

The Constitution of Kenya, Article 10 national values and principles of governance that apply to all state organs, public officers, state officers, and all people. Whenever any of them: a) applies or interprets this constitution: b) enacts, applies or interprets any law: or c) makes or implements public policy decisions

1.4 Rationale for the Framework

The framework acts to guide both levels of government, the private sector and non-state actors and all persons in their engagements with the public on governance issues. The Framework is based on the need to achieve the constitutional imperatives on public participation and the realization that participation as contemplated in the constitution has been affected by numerous challenges. These challenges include absence of standards and ineffective coordination mechanisms, inadequate coordination among providers, ineffective inclusion of special interest groups, citizen apathy, and inadequate funding. The Framework sets the standards and provides the mechanisms for the coordination of public participation at both levels of government.

2.0 FRAMEWORK PRIORITY AREAS/ SECTIONS

This framework will prioritize the following as key aspects to make it effective tool for public participation and yield its constitutional threshold.

2.1 Groups

Public participation is the engagement of individuals with the various structures and institutions of democracy, including voting, contacting a political representative, campaigning and lobbying, and taking part in consultations and demonstrations. Group representation also includes business communities for both formal and informal sectors, investors in hotels, real estate, financial institutions among others. The official representation for both governmental and non-governmental categories.

2.2 Youths

Depending on youth interests and skills, the youth's influence on organizations can occur at various levels, ranging from involvement through consultation to shared leadership. Utilizing meaningful youth participation can contribute to structuring programs, policies and services that affect young people's lives to adequately address their needs and interests as well as benefiting and contributing to the organization's success. By meaningfully engaging young people individuals gain skills and a sense of empowerment and make healthy connections with positive role models, both peers and adults.

Benefits of youth participation for organizations include Youth and adults benefit from each other's' skills, knowledge and capacities; Enhanced organizational development as new energy, fresh ideas and enthusiasm is brought into programs. Additional data for analysis and planning that may be obtained only by youth; Extra human resources by sharing responsibilities between adults and youth; Increased acceptance of organization's services, messages and decisions as youth contributed to shape them; and Increased credibility of the organization to both young people and advocates.

2.3 Gender

Gender and diversity, forms base for embracing otherness and to comprehend the effect it has on policies, programs, and outcomes. It is a constitutional requirement that the issues of public operations and representation should reflect a third representation of one gender. On this effect, all public participation and stakeholder engagements have an attendance with category of gender.

2.4 Special needs

Persons with Disabilities organize themselves into Social Solidarity Economy (SSE) organizations known as Organizations of Persons with Disabilities (OPDs). These organizations are particularly useful in promoting civic and political agency and enhanced socio-economic inclusion.

Social and community participation is important because for it improves inclusion and connectness to others, gives opportunities to build relationships with friends, and grow social networks

2.5 Communicating information

Timely, prompt and accurate information is key for effective decision-making. Dissemination of information to the public and stakeholders will be issued through the Kitui county website, print and electronic media, text messages, and quarterly meetings for briefs, notices placed on the high traffic notice boards and through individual letters where necessary. This document will be uploaded to the official website for Mwingi municipality.

2.6 Mobilization

Public participation mobilization is key on how to select and know who to involve for any particular engagement and why. The overall mobilization is primarily the role of municipality through the Nyumba Kumi heads, village administrators, ward administrators, sub county administrator, and provincial administration. This is because they have information of key resourceful personnel especially for thematic aspects. Through print media and radio stations as platforms to enhance mobilization for public participation.

3.0 CONCLUSION

Constitutionally, public participation is an essential requirement for governance and more effective for urban areas. This helps to direct in resources utilization and distribution among the urban dwellers and interconnectedness to the hinterlands. For this effect, it therefore requires a framework to rationalize its need as a tool for governance. The adoption of the framework will make the public participation yield its constitutional threshold and as a modus operandi