

“Twataka Pesa Zetu” (We Want Our Money): A Public Budget Hearing in Kenya

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Since 2005, Muslims for Human Rights (MUHURI), a non-governmental organization based in Mombassa, Kenya, has been monitoring expenditures made under the Constituency Development Fund (CDF) in Kenya’s Coastal Province. MUHURI has worked on issues related to the CDF and through this process has developed strong contacts with those local communities that are often the beneficiaries of CDF expenditures and has in turn used their assistance to identify problems and irregularities in the implementation of the CDF.

Under the CDF, which was established in 2003, every Member of Parliament (MP) in Kenya is entitled to allocate approximately one million dollars a year to support development projects in his/her constituency. The CDF has become a very popular and yet controversial fund in Kenya and now receives media coverage on an almost daily basis. Some reports praise the projects funded by the CDF as well as the CDF’s potential to improve community infrastructure. Other reports complain about corruption and the mismanagement of monies in the CDF.

The CDF has ostensibly been structured to actively involve community participation in the selection of development projects and even in the management of CDF monies; however, in practice, the management of the fund is shrouded in secrecy and lacks public accountability. As a result, few Kenyans have a detailed understanding of the way the CDF – or any other public financing schemes – are managed.

For the first two years of their monitoring efforts, MUHURI struggled to access information on CDF-supported projects. Their task was all the more difficult because the country does not have a Right to Information Act to ensure citizens have access to government documents. As a result, the group’s activities were generally limited to generating awareness regarding the CDF scheme and expenditures incurred under the scheme among the local communities in which the group was working. This article describes how MUHURI organized and conducted a social audit to examine the management of the CDF with assistance from the International Budget Project (IBP) and the Mazdoor Kisan Shakti Sangathan (MKSS), which pioneered the development of public budget hearings in the state of Rajasthan in India. IBP and MKSS staff assisted MUHURI in organizing a public hearing specifically to enforce accountability from officials responsible for executing public projects funded by the CDF.

During public hearings, such as those conducted in India by MKSS, information on government expenditures is accessed and then analyzed to produce easy-to-understand assessments; the data and the concomitant analyses are then disseminated among local communities. MKSS volunteers meet residents in local communities who are often the beneficiaries of government schemes and enquire from them about problems in the management of these schemes. During this period, the volunteers also conduct on-site verifications of public projects. Finally, at the end of this process an open forum is organized to allow citizens to question public officials responsible for the use of the funds. Importantly, MUHURI already had experience in organizing public discussions (also called accountability forums) on the CDF but attendance at these forums was strictly by invitation only and held in a closed hall with security people at the doors to ensure that no miscreants or trouble makers could disrupt the meeting. In contrast, public hearings held by the MKSS are held in open public spaces and anyone interested in attending can do so. This increases interest among the

broader community in the monitoring of public expenditures, creates a greater awareness about the role of public participation in monitoring these schemes and therefore, increases the pressure applied to government officials to respond to complaints publicly on a platform organized by people in their own localities.

In August 2007, MUHURI organized a national-level training and public hearing preparation program sponsored by a grant from the Open Society Initiative of East Africa (OSIEA). This event was held in Mombassa and attended by 60 participants drawn from 15 organizations working throughout Kenya (including some that are affiliated with MUHURI). During the week-long event, IBP and MKSS staff members conducted a comprehensive training program on the management of the CDF and on methodologies that could be used to monitor CDF projects and expenditures. The attendees then worked on project documents provided to them and prepared summaries using formats that could be easily understood. These simplified summaries were subsequently used in discussions at the public hearing. Finally, the attendees organized the public hearing event at the culmination of the training.

Prior to the training/preparation program, MUHURI obtained CDF records on 14 projects undertaken by the MP representing Chagamwe constituency in Kenya's coastal province. To obtain the information, MUHURI had to convince the MP that the release of such documents would be a public demonstration of his commitment to transparency. Since parliamentary elections are due in Kenya at the end of 2007, MUHURI encouraged the Chagamwe MP to publicly showcase the impact of his CDF projects. This task was both difficult and time consuming as the levels of secrecy are well steeped at all levels of governance.

The information subsequently received by MUHURI included bid documents submitted by contractors for CDF projects; bills of quantities (known popularly as BQ) that specified the works executed by contractors; minutes of meetings of the Constituency Development Committee (CDC), which is responsible for managing CDF monies in the constituency; letters issued to contractors by the CDC specifying contract awards; and acceptance letters issued by contractors who were awarded CDF project tenders. There were many other documents which would be considered vital for the social audit such as the running bills and cashbooks, which were not made available for any of the projects despite MUHURI pursuing the concerned authorities continuously.

During the training/preparation program, participants were divided into teams and given copies of the CDF project records. They worked to collate information contained in the CDF project files into simplified formats that enabled the participants to then identify problems in the management or execution of the project – such as over-inflated costs, irregularities in billed costs, or the apparently preferential selection of contractors. These simplified analysis forms also allowed attendees to identify instances in which project records were incomplete.

Over the course of three days, the training attendees then used the simplified analyses of each project along with a standardized questionnaire to visit project sites to assess whether each project was completed according to the specifications provided in project documents. A large number of discrepancies were found during this physical verification process. For example, a school constructed with CDF monies was found to have large cracks from the ceiling to the floor in a number of walls, and a market center built with CDF monies was found to have an inferior and less expensive roofing sheet than what was recorded in the CDF accounts.

During their site visits, the training attendees also met with residents living near the CDF projects and invited them to review CDF project records; in some cases, project documents were even read out before large public gatherings. Such discussions gave members of the public the chance to comment on the accuracy of project records as well as the quality of CDF-funded projects. Many of these discussions uncovered facts or concerns that the project records alone did not or could not reveal. For example, regarding the market construction project discussed earlier, residents described how material from the old market center had been used in the construction of the new center even though the project records showed that all new materials had been purchased. In another case, residents complained that they had contributed funds to build a high school but when the school was subsequently built using CDF monies, residents were never told how their contributions were actually used. In yet another case, the residents of a particular slum locality near the ground where the public hearing was held stated that the classrooms being built in their location were funded by the Local Area Transfer Fund or LATF (which is an education related fund) and the CDF. The rooms built using the LATF money were of better quality, cost less and gave local residents employment. However, a similar classroom being built with CDF money was of a poorer quality even though it cost more. Local residents also complained that they were not consulted at any stage of the project development process. They also lamented the fact that no local labor had been used from their community in the project construction and they therefore viewed the project as a contractor beneficiary fund!

Participants prepared summary sheets based on their findings from the site visits that subsequently formed part of the report submitted by MUHURI to the CDF officials. Further, participants also recorded testimonies from residents and invited them to provide these testimonies during the public hearing.

Throughout the week-long training and public hearing preparation event, MUHURI's communication and theater team played a pivotal role in generating interest among local communities in the Chagamwe constituency regarding the scheduled public hearing. Using trumpets, drums, and a ten-foot tall masked man dressed in a traditional Kenyan costume, the theater team generated much excitement in every community they visited. They also staged puppet plays which caught both the attention and the imagination of the community who stopped by to watch these plays. This provided a means for the teams who were disseminating the information to also read out the records and dialogue with the local residents.

The day-long public hearing was held on August 26, 2007, in an open ground within a slum community. The hearing was attended by approximately 1,500–2,000 people, including the residents of the Chagamwe constituency, men, women and children of all age groups, those who had participated in the training/preparation event (such as the staff of MUHURI), local CDF officials, the media, and a panel consisting of OSIEA staff and the Commissioner of the national human rights commission. Importantly, regardless of the planning and research that goes into preparing a public hearing, such events follow their own momentum and assume a life of their own – and that momentum is always drawn from the traditions and habits of the communities in which they are held. This proved to be very true of the Chagamwe public hearing. Braving the rain and the fact that there weren't enough chairs for everyone to be seated, people stood for more than four hours, and participated in a heated public debate.

The hearing opened with a procession led by the MUHURI theater team and the band including all of the participants in the training/preparation event. The formal program began with the arrival of

local CDF officials. Even though only three CDF officials arrived at the start of the event, in what most people in Kenya would call a remarkable event, they brought with them, a pile of not less than 50 files, in three neat piles, containing hundreds of documents on CDF projects undertaken in the past three years. This in itself sent a sigh of disbelief among all those who came for the public hearing as it marked the first time that CDF officials in that constituency (and probably in the entire country) had felt the need to present information on CDF-supported projects before the residents of their constituency at a forum that was initiated, organized and supported by the local community members, at a time and venue chosen by them as opposed to a rally organized by the MP or his supporters.

One by one, the training participants led by MUHURI staff read out the findings they had recorded during their investigation of CDF-funded projects and invited residents attending the event to ask questions of the CDF officials present. Faced with a barrage of questions, the CDF secretary and other CDF officials initially tried to respond but soon they realized that the audience was not going to be pacified by long winded stories or skirting of the issues being raised. Within 45 minutes they hurriedly rang the local MP and a short while later, he arrived at the venue in an attempt to try and pacify “his people” who belonged to “his constituency”. As soon as the MP entered the hearing area, MUHURI’s theater team and band started playing their drums and trumpets. The tune played by the trumpets and drums was well - recognized and exceedingly popular locally as a tune whose lyrics included the question “unataka nini?” (what do you want?) – and local residents responded to the tune by loudly shouting “twataka pesa zetu,” (we want our money).

The atmosphere around the public hearing – with the music and theater performances – generated tremendous excitement. Several hundred children living in the slum community contributed to this excitement by dancing to the drums and trumpets – and the local MP then joined the dance even though the chants were being directed at him.

Initially, the MP tried to control the public hearing by speaking about the achievements of his CDF projects. Unconvinced, the crowd began to pose questions to the MP about the alleged mismanagement of funds until he eventually agreed that the problems identified by his constituents would be investigated. He also said that if people felt that the works carried out by the contractor were sub-standard, he would ensure that complaints/charges were registered against the concerned contractor(s). Seizing this opportunity, especially since it is an election year, three opposition candidates, who are planning to contest, turned up for the public meeting and also raised issues regarding the CDF with the MP.

It was at this point that MUHURI staff brought out a white cloth approximately 50 meters in length on which was written a petition that included demands for improving the management of the CDF. The demands also included greater accountability and transparency measures to be incorporated in the CDF Act as well as a comprehensive right to information law. Each point in the petition was read out before the crowd and crowd members were asked if they agreed with these demands. Eventually, all people present at the event were asked to affix their fingerprints or signatures on the cloth including the MP and the other aspiring candidates who are planning to contest against him. Though the MP initially refused to sign the petition, when MUHURI requested before the crowd that all public leaders and officials sign the petition, and he saw that his opponents were doing so, the MP was forced to bow before public pressure and sign the petition that included a demand for the same right to information law that he had previously opposed.

At the conclusion of the hearing, those who had participated in the training/preparation event convened a meeting to discuss lessons learned from the public hearing and to formulate a national-level advocacy strategy to improve the management of the CDF and to recommend changes in the CDF law. They also discussed how they could organize similar events in the constituencies in which they work to ensure that greater levels of awareness is generated regarding the CDF and people get an opportunity to participate in the decision making process and monitoring of the projects. For its part, MUHURI expressed an intention to hold similar public hearings in eight other coastal constituencies.

The Changamwe event probably marks the first time that Kenyan civil society has come together in a mass public forum and used extensive government records to inform the discussion of the management of public resources in the country. The hearing also tapped into the prevailing public concern that the CDF scheme is not being implemented properly. Finally, it demonstrated how citizens could be effectively mobilized at the grassroots level to demand greater transparency and accountability in government operations and to enhance the concept of participatory democracy, which begins by exercising the right to question the process of decision making in governance.

Importantly, significant follow-up is needed at every level to ensure that the public resolutions adopted during the event and the problems identified by the public at the hearing feed into a national advocacy campaign. Only such a campaign can support the creation of a sustainable movement that can effectively demand improvements in the CDF and can thus build on the accomplishments of the Changamwe public hearing.

At a broader level, the Changamwe CDF public hearing also demonstrates how civil society organizations can use an innovative and citizen-centered methodology to hold public officials accountable for the use of public resources. If and when this happens, Kenya might just see a shift in its governance structures, where the chant, “unataka nini?” (what do you want?) “twataka pesa zetu,” (we want our money) echoes from every corner of the country.