

Budget Brief No.21

Public Participation in Kenya: County Budget and Economic Forums – Principles and Options

Jason Lakin, Ph.D.
IBP Senior Program Officer and Research Fellow

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Introduction and Overview

Kenya's 2010 Constitution and subsequent legislation, such as the County Governments Act and the Public Finance Management Act, require public participation in matters of public finance. While there are numerous references to public participation in these laws, most are vague and contain no further guidance. There is one major exception to this, however, which is the very specific requirement that every county set up a County Budget and Economic Forum (CBEF).

The CBEF is mandated by the Public Finance Management (PFM) Act. The Act states that counties shall create these forums in order to "provide a means for consultation by the county government on:

- preparation of county plans, the County Fiscal Strategy Paper, and the Budget Review and Outlook Paper for the county; and
- matters relating to budgeting, the economy and financial management at the county level."

The law states that the CBEF is to be chaired by the Governor, and that all of the County Executive Committee (CEC) members will also sit on it. In addition, the Governor shall appoint to the CBEF a number of civil society and private sector representatives equal to the number of CEC members from among "persons nominated by organizations representing professionals, business, labour issues, women, persons with disabilities, the elderly and faith based groups at the county level."

While the formation of the CBEF is the most concrete example in the law of how public participation in public finance will be conducted, the legislation is still not very clear about how the CBEF should work. There is no further guidance in either the PFM Act or the draft regulations on how counties should set up or structure the activities of the CBEF.

This brief seeks to provide officials and citizens with guidance on the formation of CBEF in their respective county. It builds on two previous briefs. The first of these, co-authored with eight civil society organizations last year, provides a set of 10 key principles that should guide public participation in public finance and applies these to the CBEF.¹ The second draws on the case of LASDAP (the former Local Authority Service Delivery Action Plan process at local authority level) in Kenya and extracts some further lessons that are relevant for the CBEF.²

¹ "Public Participation Under Kenya's New Public Financial Management Law and Beyond," <http://internationalbudget.org/wp-content/uploads/PFM-Brief-.pdf>.

² "Toward Public Participation in the County Budget Process: Principles and lessons from the former LASDAP process," <http://internationalbudget.org/wp-content/uploads/brief20.pdf>.

This final brief draws on international experiences with participation in budgeting that counties may find relevant to setting up the CBEF. It tackles key operational questions, such as:

- Who participates in consultation, and how are they selected to participate?
- What is the public consulted about?
- How does participation/consultation actually happen?

In answering these questions, we discuss each of the following concrete options.

WHO PARTICIPATES AND HOW?

Option 1: Public participation can happen through multiple open public forums that have been widely advertised around the county

Option 2: Public participation can happen through forums in which people nominate representatives from lower levels (villages/sub locations) to represent them at higher levels (wards/counties)

Option 3: Public participation can happen through the formation of a randomly selected group of citizens, sometimes known as a “mini-public,” brought together to deliberate

Option 4: Public participation can happen through the formation of a group of citizens selected based on particular characteristics, such as region, type of organization, class, etc.

And, One More Option: Public participation can happen through the use of representative surveys or focus groups across the county that ask the public for specific views

WHAT ARE THEY CONSULTED ABOUT?

At the budget formulation stage:

Option 1: The public can determine how to spend development (capital) funds on investment projects in the county

Option 2: The public can determine how to spend part of the recurrent or operational budget in the county

Option 3: The public can participate through councils that are organized around specific sectors (e.g., health, education, etc.) where they discuss part of or the full sector budget

Option 4: The public can discuss the entire budget, both recurrent and development, and all sectors, especially if a mini-public is formed to deliberate on this

At the implementation stage:

Option 1: The public can participate in sector councils that provide oversight of budget implementation in a single sector

Option 2: The public can participate in reviewing regular implementation reports for the whole budget throughout the year and providing input into the performance indicators used to monitor budget execution

Option 3: Citizens can participate directly in monitoring projects by working together with county officers to visit project sites and review project records

HOW DOES CONSULTATION HAPPEN?

Option 1: Public participation is organized so that citizens take decisions that are binding on government

Option 2: Public participation is organized so that even if decisions are not binding, government must provide comprehensive feedback to explain how and why citizen inputs were used or rejected

Option 3: Decisions in participatory forums can be taken using different voting methods, including different levels of majority rule or consensus

In addition to these options, the brief discusses five common challenges that participation in budgeting has faced around the world and is likely to face in Kenya.

Why Public Participation?

In thinking about how to set up the CBEF, we should first consider why public participation in public finance is important. While we could start and stop with the fact that public participation is a requirement of the law, we will be better off if we think critically about why the law requires public participation.

Kenyans have deep and longstanding concerns about the ways in which resources have been distributed throughout the country. Many regions and communities feel that they have been excluded by a strong central regime. The antidote in the 2010 Constitution is, on the one hand, devolution of power to lower levels of government and, on the other hand, an attempt to open up institutions at all levels and increase the opportunities for public participation, as well as greater checks by new bodies, such as the Controller of Budget.

It follows from this that public participation is in part about aligning the needs and demands of the public more closely with the choices of government officials. This suggests that public participation must occur at the formulation and approval stages of the budget, when priorities are being set. At this stage, public participation can enhance decision making by bringing information about public needs to the attention of policymakers as they prioritize their spending. This can lead to more equitable distribution of resources.

At the same time, concerns about corruption and failure to account for resources during the course of budget implementation suggest that public participation in Kenya is also important during budget execution and when budget performance is evaluated. The public has an oversight role to play that complements the County Assembly and other bodies. Information that the public holds about the effectiveness of public spending on the ground can help inform the oversight process and improve budget implementation. We conclude from this that public participation is essential at all stages of the budget process.

Public participation is also about building the legitimacy and credibility of government. By engaging robustly with citizens, government officials can ensure support for their programs and build confidence in the competence of the administration. This in turn can encourage citizens to pay taxes, investors to commit funds, and donors to top up existing sources of revenue. If we think of public participation as a tool for building legitimacy and credibility, this implies that effective participation will require transparency and an effective feedback loop in which citizen demands are responded to and reasons are given for incorporating or not incorporating them.

County Budget and Economic Forums: What For?

There are two very fundamental questions we must ask about the CBEF before we go further. The first is about the content of what the forum will deal with. The second is about what the main activity of the forum is intended to be.

In terms of content, the PFM Act lists some very specific documents that the CBEF will engage with. But we also see that “county plans” in general are mentioned in the first clause, and the second clause outlines a scope that is quite broad: “matters relating to budgeting, the economy and financial management at the county level.”

So what is implied by these clauses?

“County plans” should include all of the plans required by the County Governments Act 2012, such as the county annual development plan, five-year integrated development plan, 10-year sector plans, 10-year spatial plans, and any urban area plans.

“Matters relating to budgeting . . . and financial management” include the County Fiscal Strategy Paper and Budget Review and Outlook Paper, but also the 30 August Treasury circular, the budget estimates themselves (the main budget proposal tabled in the Assembly by 30 April), quarterly implementation reports, as well as advisory information provided by and to the Controller of Budget and the Commission on Revenue Allocation.

In terms of the CBEF’s main activity, the law is less clear. It says the forum is to “provide a means for consultation.” In the joint brief published by IBP and Kenyan civil society organizations last year, “Public Participation Under Kenya’s New Public Financial Management Law and Beyond,” we argued that:

“the principal role of the CBEF should be to convene public consultations, rather than to represent the public. The nature of the body, which is composed of government officials and members appointed by the Governor, is inadequate to serve as a deliberative body that could take budget decisions on behalf of, or fully represent, a county’s citizens. But it can serve the important function of reaching out to citizens and structuring participatory processes for gathering input on plans and budgets.”³

We continue to believe that the CBEF should facilitate consultation with the public, not represent the public. Taken as it is, without further outreach and consultation, the CBEF is inadequate as a forum for public participation at county level. It is critical that citizens and government in each county come to a common understanding of what the CBEF is for, and how it relates to the broad legal requirements for public participation.

Who Participates, and How Are They selected? Five Options

Option 1: Public participation can happen through multiple open public forums that have been widely advertised around the county

When people think of public participation, they often think of public forums. A public forum is generally open to anyone who wants to come.

Now, we know that although public forums are open to everyone, not everyone comes. The people who come are sometimes the people who live closest to the venue, or the people who happen to hear about the forum, or the people who can afford to take a morning off to attend. It follows that even an open public forum will not include everyone. This can be partially mitigated by allowing people to send written submissions or by holding public forums at the lowest level possible.

Option 2: Public participation can happen through forums in which people nominate representatives from lower levels (villages/sub locations) to represent them at higher levels (wards/counties)

There are other ways to organize public discussion beyond simply holding open forums. For example, even in Kenya’s own experience with participatory budgeting, the Local Authority Service Delivery Action Plan (LASDAP), public discussion was organized at multiple levels and nominations were used. First, consultation meetings were called at the ward level. Then, two people (one male and one female) were nominated to represent the ward at the local authority level “consensus” meetings. This approach, which was borrowed in part from Brazil, can be extended to various levels, with nominations from the lowest levels (e.g., village) to

³ <http://internationalbudget.org/wp-content/uploads/PFM-Brief-.pdf>.

the highest (e.g., county, or even national). This can allow people to participate more broadly even if they are not present.

Option 3: Public participation can happen through the formation of a randomly selected group of citizens, sometimes known as a “mini-public,” brought together to deliberate

While the nominations approach is appealing and consonant with democratic values, it can also be challenging to organize, especially if intended to reach to the lowest levels. For this reason, some countries and municipalities around the world have opted for different approaches. One of these is the so-called representative “mini-public.” A mini-public is constructed by choosing a random sample of citizens (like a poll) from across the jurisdiction to come together and deliberate. This approach has been used in very diverse locations, from China to Australia to Germany.⁴ In addition to allowing the government to choose a reasonably sized group for purposes of discussion, it can also ensure representation from marginalized groups. Moreover, since the participants are selected at the start, it is possible to provide them with some further training to improve their capacity to participate.

Option 4: Public participation can happen through the formation of a group of citizens selected based on particular characteristics, such as region, type of organization, class, etc.

Another way to get broad representation besides choosing people randomly is to select participants deliberately, but using specific criteria. For example, participants can be chosen to represent specific geographical areas, specific social classes, specific types of organizations, and so on. In Peru participants are chosen exclusively from civil society organizations at the local level.⁵ While this approach, like any, excludes some citizens, it also ensures that many organizations representing poor people are participating.

And, One More Option: Public participation can happen through the use of representative surveys or focus groups across the county that ask the public for specific views

Finally, while people can be selected and brought together as a forum, it is also possible to conduct surveys with larger numbers of people, or a series of focus groups, that allow for farther reach on a specific set of questions. This does not necessarily require all participants, or even their representatives, to come to a single location for consultations. This approach allows for greater coverage, but usually less depth of discussion.

What Are People Consulted About?

Roughly speaking, when we think about the CBEF, we can think of consultations at two principal stages of the budget process in Kenyan counties: formulation and implementation. As we said above, citizens should be consulted at all four stages of the budget cycle: formulation, amendment/approval, implementation, and evaluation/audit. However, when we think of the CBEF specifically, the first and third stages are most relevant.

⁴ Nivek K. Thompson, "Participatory budgeting - the Australian way," *Journal of Public Deliberation* Vol. 8: Issue 2, 2012, article 5. Available at: <http://www.publicdeliberation.net/jpd/vol8/iss2/art5>; Yan Wu and Wan Yeng, "Does participatory budgeting improve the legitimacy of the local government? A comparative case study of two cities in China," *The Australian Journal of Public Administration* Vol. 71 (2), 2012, pp. 122-135; GlZ, "Learning from the South: Participatory budgeting worldwide, an invitation to global cooperation," No. 25, 2010. Available at: http://www.buergerhaushalt.org/sites/default/files/downloads/LearningfromtheSouth-ParticipatoryBudgetingWorldwide-Study_0.pdf.

⁵ Stephanie McNulty, "An Unlikely Success: Peru's Top-Down Participatory Budgeting Experience," *Journal of Public Deliberation*: Vol. 8: Issue 2, 2012, article 4. Available at: <http://www.publicdeliberation.net/jpd/vol8/iss2/art4>.

This is because the amendment/approval stage is to be led by the County Assembly, which should have its own mechanisms for public participation (though these should be coordinated with CBEF). At the audit stage, this is not to be conducted at the county level, but by the Office of the Auditor General at national level. Audit reports are then to be tabled in the Assembly, so again, the Assembly rather than the Executive, will take the lead.

Formulation: Four Options

Option 1: The public can determine how to spend development (capital) funds on investment projects in the county

At the formulation stage, the focus of consultations is generally on the identification of priorities. There are a variety of ways to think about priority-setting. The “classic” (Brazilian) model focuses on development projects (capital investment spending). This was also the focus of the former LASDAP process in Kenya, and it has been used in DRC and Cameroon at municipal level.⁶ When this approach is used, the share of the total budget (recurrent plus development) being discussed can range from 1-2 percent in some municipalities, to up to 36 percent (Peru). In some cases, the entire development budget is subject to formal participation.

Option 2: The public can determine how to spend part of the recurrent or operational budget in the county

While most “classic” participatory budgeting processes focus on a share of the development budget, this is not the only approach. In some cases, including some American cities, part of the recurrent or operational budget is also included in the process.⁷

Option 3: The public can participate through councils that are organized around specific sectors (e.g., health, education, etc.) where they discuss part of or the full sector budget

Although the classic approach has spread around the world and fired many people’s imaginations, it is hardly the only way to consult. Even in Brazil, there are parallel approaches, including the use of councils within specific sectors. Rather than focus on development projects, committees or councils are formed in each sector (health, education, etc.) that are then engaged in priority setting within the sector. In Brazil, these councils, which can include stakeholders from inside and outside of government, must approve the sector budget before it goes for final approval by government.⁸ South Korea also uses councils in this way to ensure that sector budgets are approved by stakeholders from outside of government.⁹ In the Philippines, individual agencies are encouraged to form formal Budget Partnership Agreements with civil society organizations with sector expertise. These agreements ensure access to information for sector CSOs, which in turn make contributions to the development of agency budgets.¹⁰

⁶ International Budget Partnership, “Kenya County Budget Training,” 2013. Training materials available at: <http://internationalbudget.org/publications/kenya-county-budget-workshop-training-materials/>; <http://odta.net/post/participatory-budgeting-cameroon>.

⁷ Carol Ebdon, “Beyond the public hearing: citizen participation in the local government budget process,” *Journal of Public Budgeting, Accounting & Financial Management*. 14 (2). 2002, pp. 273-294.

⁸ Brian Wampler, *Activating Democracy: Popular Participation, Social Justice and Interlocking Institutions in Brazil*. Unpublished book manuscript.

⁹ Wonhee Lee and Jong-sung You, “Country Report: South Korea,” Working paper prepared for the Global Initiative for Fiscal Transparency, 2013.

¹⁰ Republic of the Philippines, “National Budget Circular no. 536,” 2012.

These approaches are conceptually similar to the Sector Working Group approach at national level in Kenya. The Sector Working Groups are supposed to bring together stakeholders from each sector to review priorities before the sector makes a budget request each year as part of the Medium Term Expenditure Framework budgeting process. However, these SWGs tend to be dominated by government, rather than citizens, by contrast with Brazil. The SWGs do not give the same formal approval powers to citizens as the Brazilian councils do.

In thinking about these options, it is important to consider the advantages and disadvantages of different approaches. The “classic” approach that focuses on development projects is easy to understand, provides citizens with clear choices, and allows the public to quickly see the results of their participation. On the other hand, it restricts participation to a specific part of the budget and reinforces a view of government as a distributor of “projects” rather than policy.

The sector approach allows a broader debate about priorities and includes both policy and projects. It also has a natural link to the organization of the CBEF because sectors are represented there through their respective CEC members. However, a sector approach works best where citizens are organized into sector interest groups (which is not always the case), and still does not allow citizens to make trade-offs across the overall budget (across sectors). It can also be somewhat harder to see the impact of participation because it is less connected to discrete projects.

Option 4: The public can discuss the entire budget, both recurrent and development, and all sectors, especially if a mini-public is formed to deliberate on this

It is also possible to allow citizens to discuss the entire budget, across all sectors and both recurrent and development spending. This has been done in Australia and China at local levels. In Canada Bay, Australia, a representative mini-public was invited to deliberate over the entire (four-year) budget. The town of Zeguo in China created a mini-public, as well, and has tried a number of approaches, including a discussion of the full budget in 2009.¹¹ There is a natural advantage to the combination of a mini-public and a full discussion of the budget because a mini-public can be properly briefed and managed to allow more complex debate than an ordinary open forum.

Implementation: Three Options

At the implementation stage, of course, the focus of consultations should generally be on the challenges that arise in budget execution. There may also be a need to alter allocations during the course of the year in response to failures to implement the budget, which in turn should trigger consultations about how to reprioritize.

Option 1: The public can participate in sector councils that provide oversight of budget implementation in a single sector

At the implementation phase, consultations may simply be a continuation of consultation at the formulation phase. For example, the councils that are invited to review sector plans and budgets in Brazil are also invited to review year-end implementation reports.¹² Korea also has a sector approach with evaluation teams from outside of government that review implementation.¹³ The Budget Partnership Agreements in Philippines that

¹¹ Nivek K. Thompson, "Participatory budgeting - the Australian way;" and Yan Wu and Wan Yeng, "Does participatory budgeting improve the legitimacy of the local government."

¹² Wampler, *Activating Democracy*.

¹³ Wonhee Lee and Jong-sung You, "Country Report: South Korea."

facilitate participation in formulation also encompass implementation. The government requests very specific information from civil society partners at implementation phase:

“The CSO recommendations will receive priority attention when these focus on:

- a) providing detailed analysis of strengthening the links between inputs, outputs, and policies/programs needed to achieve key development outcomes,
- b) identifying poorly performing programs, and
- c) providing a proposal for a program expansion or addition matched with a proposal on what other inefficient/ineffective programs can be discontinued or downsized. . . .”¹⁴

Option 2: The public can participate in reviewing regular implementation reports for the whole budget throughout the year and providing input into the performance indicators used to monitor budget execution

It is also possible to simply organize a series of public forums focused on regular review of implementation reports. Good practice internationally is to produce monthly or quarterly budget implementation reports. In Kenya the PFM Act requires quarterly reports that assess how well government is meeting its spending targets as the year unfolds. One can organize a review of quarterly implementation reports by sector as mentioned earlier, but such reviews can also be organized around overall government performance. Moreover, it is natural to think of citizens as engaged in the setting of performance indicators at the outset, and then convening to monitor whether targets (both financial and nonfinancial) are being met.

Option 3: Citizens can participate directly in monitoring projects by working together with county officers to visit project sites and review project records

There are also other more intensive approaches to public participation at the implementation phase, such as government-led social audits, which have been pioneered in India at the state level. Government-led social audits in Andhra Pradesh are managed by government officials from an independent “society” created by the state Department of Rural Development. These officials work with citizens to visit project implementation sites, review records, and identify challenges in budget implementation.¹⁵ The findings from these audits are intended to feed back into the accountability system in the state. While perhaps challenging to organize, a limited use of these audits can be part of a county’s own monitoring mechanisms, rather than an extra activity.

How Do People Participate? Three Options

Just as there are many approaches to selecting who participates and what they discuss, there are also different approaches to organizing participatory sessions. How do we carry out consultations once we have brought people together?

Option 1: Public participation is organized so that citizens take decisions that are binding on government

A first issue is the output of consultation. People tend to want to be consulted and to continue to participate in consultations when their inputs are actually utilized. One way to ensure that people see that their inputs are used is to make at least some part of the consultation binding on government at the formulation stage. This is one of the attractions of the “classic” model of participatory budgeting: citizens get to select specific

¹⁴ Republic of the Philippines, “National Budget Circular No. 539,” 2012.

¹⁵ Government of Andhra Pradesh Society for Social Audit, Accountability and Transparency website on 25 November 2013: <http://125.22.8.66/SocialAudit/wages/SAOrganogram.jsp>.

development projects that they prefer to others, and the decision they make is binding on the executive. The use of specific, binding decisions is also attractive because it ensures that consultations have clear and concrete purposes, and are not just winding discussions with no obvious beginning or end.

Option 2: Public participation is organized so that even if decisions are not binding, government must provide comprehensive feedback to explain how and why citizen inputs were used or rejected

Even if decisions taken by the public are not binding, the government should provide feedback on the recommendations from the public, including an explanation of why any inputs were not taken up. This also provides structure to the discussion, since government must record inputs and respond to each of them. Forcing participants to rank priorities, or to make concrete tradeoffs between different potential goods, is also useful to avoid the generation of long wish lists that cannot be meaningfully used.

At the implementation stage, input may often be in the form of specific complaints or concerns. In this case, feedback is essential, as there is not necessarily a decision that is being taken. If a project was supposed to be implemented but was not, then the pertinent issue may be to explain how this problem will be resolved, rather than to take a specific decision over priorities. Feedback should generally be specific, written and verifiable. In other words, it should be possible to return to the feedback from a particular meeting and to check whether any commitment has been implemented.

Option 3: Decisions in participatory forums can be taken using different voting methods, including different levels of majority rule or consensus

A second question is how decisions are taken within a consultation. For example, should the group that is deliberating come to a consensus decision? Should they take a majoritarian vote (at least 50 percent plus 1)? Or should they vote but require a supermajority (at least 2/3)? There are also questions about whether voting should include only those who attend a particular meeting, or whether it can include a broader array of participants who may vote online or by mobile phone. Mobile phones have been used for voting on very specific project choices in DRC, allowing people to participate even when not present at a meeting.¹⁶ In Belo Horizonte, Brazil, residents have been able to use online voting mechanisms to vote on housing projects.¹⁷

Different approaches to decision making are linked to different types of questions. It is easier to vote on concrete development projects than other types of issues. If we are polling people, we probably cannot use consensus, which is more appropriate for smaller, deliberative groups where people can change their views during a discussion. Consensus is particularly useful on divisive issues to avoid creating distrust. If people must work toward consensus, then the dangers of extreme polarization can be reduced. However, if it is not possible to come to a consensus, this could lead to paralysis, so there may need to be a fallback plan in cases where no consensus can be reached.

Global Challenges in Implementing Participatory Mechanisms

Experience from Kenya and around the world suggests that setting up participatory mechanisms is fraught with challenges, and participation initiatives often fail. It is useful to be aware of these challenges from the beginning in order to at least attempt to prepare for them.

¹⁶ World Bank Institute website on 25 November 2013: <http://wbi.worldbank.org/wbi/stories/cell-phones-citizen-engagement-drc>

¹⁷ GIZ, "Learning from the South."

Access to and understanding of information is often a challenge. Budget information is generally difficult to obtain, and hard to understand. If participation mechanisms are to work, there must be a high degree of transparency, but available information also must be produced in a form that is simple and easy to understand. In various contexts, special initiatives have been taken to ensure that information is available and is in an easy to use format. In the Philippines, the Budget Partnership Agreements between civil society and government agencies include very specific disclosure requirements (e.g., budget information from the last five years) to facilitate participation. In Burlington, Iowa (USA), the government appoints a Citizen Budget Education Committee to ensure that budget information is simplified for public consumption.¹⁸ Similarly in German towns, such as Hilden, the town prepares a brochure (like a Citizens Budget) with key budget data, and then there are information stands at public meetings themselves where people can get further information.¹⁹

Mobilization of participants cannot be assumed. Almost any approach to participation requires people to be informed, but generally also to be mobilized. A simple advertisement in the paper, or even public notices more widely distributed, are often not enough to get people to attend or participate in forums, especially in contexts with a long history of exclusion. In cases where participatory approaches have been successful, government or civil society organizations have frequently put substantial resources into mobilization. In New York City a local civil society organization, Community Voices Heard, played a key role in outreach to marginalized groups for participatory budgeting.

“Teams of volunteers and canvassers then dedicated hundreds of hours phone banking, door knocking, flyering, meeting with local groups, and using other tactics to engage low-income New Yorkers, public housing residents, and immigrant populations in each district.”²⁰

In Brazil civil society convenes public meetings prior to official consultations to help prepare the public to engage in meetings. In Kerala, India, government sponsored a massive outreach campaign involving 50,000 local activists (in a state with a population of 30 million) to mobilize citizens for participatory budgeting.²¹

Technical support to the process is critical. In order to ensure that the proposals generated by the public through participatory mechanisms are consistent with what is financially and technically feasible, it is important to have a technical team involved in the process. The LASDAP process included a Technical Committee, building on the Brazilian participatory budgeting experience. This is an essential part of the Peruvian approach, as well.²² In the absence of a technical review process, rejection of projects will be seen as politically motivated. At the same time, setting up and maintaining a technical review process requires resources and capacity on the part of government.

Evidence of impact/feedback must be part of the process. Participatory processes are only sustainable if people feel that their participation matters. If there is no evidence that participation has any impact on what government does or how it does it, people will stop participating. This was a problem with LASDAP:

“Additionally, the general lack of clear and visible projects as outputs of previous LASDAP processes are some of the impeding factors towards enhanced participation. Moreover, people’s negative attitude towards participation in LASDAP meetings can be further attributed to past experiences where projects that are selected and prioritised by community members are never implemented.”²³

¹⁸ Carol Ebdon and Aimee L. Franklin, “Are we all touching the same camel? Exploring a model of participation in budgeting,” *The American Review of Public Administration*, 35 (168), 2005, pp. 32-49.

¹⁹ GIZ, “Learning from the South.”

²⁰ Josh Lerner and Donato Secondo, “By the people, for the people: participatory budgeting from the bottom up in North America,” *Journal of Public Deliberation*, 8(2), 2012.

²¹ GIZ, “Learning from the South.”

²² Stephanie McNulty, “An Unlikely Success.”

²³ Government of Kenya, Ministry of Local Government, “Study on the impact of the Local Authority Service Delivery Action Plan,” September 2007.

Note that this problem is not only one of implementation but can also plague consultation processes where there is no clearly defined outcome. As noted earlier, the “classic” model of participatory budgeting has the advantage that it results in easy to identify projects. Broader consultations sometimes fall short of people’s expectations because it is not clear how their input was taken into account. It is therefore important to think about how sector and whole-budget approaches to consultation can incorporate specific outputs and feedback on inputs given. In Hilden, Germany, each participant who makes an input at municipal budget consultations receives a personal card indicating whether their suggestion was used or not, and if it will be implemented, when.²⁴

Engaging legislators early is essential to ensure public preferences are accepted in final budgets.

This may seem obvious, but in most cases, legislators have a say over what is approved in local budgets. In Kenya, County Assembly members are particularly powerful and can amend the county budget with few constraints. Under LASDAP, local councilors also had the power to make changes to projects approved through the participatory planning process. LASDAP envisioned involving councilors in the consultative/consensus meetings so that they would be part of the process and would be likely to approve projects selected by the public. In fact, councilors still vetoed a number of projects in local authorities. In other places, the opposite problem emerged: councilors were involved in the process to the point that they dominated meetings, organizing their supporters to manipulate decisions.²⁵ It is important to find a balance where legislators engage in the process and understand that they gain from the information that participation yields about their constituents’ preferences. Otherwise, they can potentially block implementation of priorities generated by the participatory process and generate cynicism about the value of participation. Given the role that County Assembly members have been playing in a number of counties in mobilizing citizens to participate in the County Integrated Development Plan process, the problem we are likely to face is that these same members may dominate and manipulate participatory mechanisms established at county level.

Conclusions

This brief is not meant to be exhaustive. It is intended to draw on global experience to propose a set of factors and issues that counties should consider as they set up their County Budget and Economic Forums. There are many other details to be managed as counties move to meet their legal requirements for public participation. And, as different counties innovate, there will be many local experiences to draw on, as well. Nevertheless, if counties think through issues around who participates, what they are consulted about, and how decisions are ultimately made, they will be off to a good start.

So what should counties do next?

1. The first step is to decide what the CBEF will do, and how it will engage with the wider public. We recommend that the CBEF be used primarily to organize and facilitate public discussions on the budget at both the formulation and implementation stages.
2. The second step is to form the CBEF by inviting organizations in the county to nominate members and to ensure geographical, organizational, and other forms of diversity.
3. After this, the CBEF must choose whether to use:
 - open forums,
 - nominations,
 - a mini-public,
 - surveys, or
 - focus groups

as a principle mechanism for obtaining public views.

²⁴ GIZ, “Learning from the South.”

²⁵ Government of Kenya, Ministry of Local Government. “Study on the impact of the Local Authority Service Delivery Action Plan.”

4. Next, the CBEF should consider whether the focus of consultation will be:
 - the development (capital) budget,
 - the recurrent budget,
 - specific sectors, or
 - the whole budget.

5. At the implementation stage, the CBEF must decide whether to organize participation through:
 - sector reviews,
 - overall budget reviews, or
 - direct participation in monitoring of projects.

6. Finally, the CBEF will need to decide how decisions are taken (majority rule, consensus, etc.), and whether these decisions are binding on the county executive.

In considering these options and coming to decisions in each county, we urge county officers to consult the public. Of course, various factors need to be taken into consideration, including the cost and practicality of different approaches, but public views should also be considered.