Abridged Report
Kenya Equity Week 2019
A: BACKGROUND

1. This report summarizes the proceedings of the Equity Week 2019 Forums, which took place in Busia, Baringo, and Nairobi counties from the 11<sup>th</sup> through the 15<sup>th</sup> of November in 2019. The first two forums in Busia and Baringo were structured as regional meetings, and they incorporated discussions for counties in the Western and North Rift regions. The forum in Nairobi was a national one. Attending the forums were community representatives from the counties as well as county and nationally based civil society organizations (CSOs). Also, in attendance were officials from both the county and national governments.

2. This annual national week of reflection sought to highlight issues of equity in resource mobilization and distribution by encouraging dialogue at the national and county levels.

3. The Equity Week Forums draw their motivation and rationale from the foundational principles of the Constitution of Kenya 2010 and the increase in awareness and practices that promote reducing inequalities in the country. Ideological principles, such as equity, public participation, and devolution of economic and political power, are integral to development in Kenya’s constitutional dispensation. As such, stakeholders of development need to assess regularly how national and county governments are following these ideas. On this premise, participants deliberated on meanings of equity, from the viewpoint of various stakeholders in development at the national and county government levels. These discussions developed analytical positions that participants used to assess the factors, scope, and types of inequalities in the country.

4. In structure, the meetings involved panel presentations, personal testimonies, group discussions, plenary discussions, and World Café sessions.

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1 Equity is one of the national values and principles of governance under Article 10 of the Constitution of Kenya. Article 174 indicates that the object of devolution is to ensure equitable sharing of national and local resources throughout the country. Article 201 stipulates that one of the principles that shall guide all aspects of public finance is the promotion of equitable society including expenditure that promotes equitable development of the country making special provision for marginalised groups and areas.
B: PERSPECTIVES ON EQUITY

The Problem of Inequality

Public Health Care

5. In the meeting held in Busia County, participants sat in three groups, representing Busia, Bungoma, and Kakamega counties. Being the host county, Busia had the advantage of numbers and, thus, had several subgroups. The focus of the western forum was on the health sector. Each team mapped and rated inequality in their respective counties by degree. For Kakamega, participants identified access to health facilities as a major form of inequality. For Bungoma, participants felt that the skewed distribution of health services or resources within the county was a problem that disadvantaged, vulnerable social categories, such as youth and older people, in accessing health services. In Busia, inequality manifested as poor service delivery, which was partly due to the scarcity of health supplies and medical equipment as well as a shortage of health workers. In this connection, a Busia County official made the following remark:

“Commodities are not adequately provided because of budgetary issues, and it causes some people not to receive what they really require. Human resource is a big problem in that we are not able to distribute them equitably to all the people. This has disadvantaged some areas where you find some areas that have very few human resource providers”. Dr. Isaac Omeri, Chief Officer Health and Sanitation.

6. Not only did participants single out instances of inequality in health service delivery, but they singled out underlying factors that shape these outcomes. These factors include poor quality of roads to health facilities and lack of public participation in the budget making process.

7. The participants in Western Region forum used the following criteria in mapping out inequalities in the health sector in their counties
   a. Health facilities accessibility
   b. Health facilities infrastructure
   c. Health facilities amenities e.g. water electricity
d. Access to commodities e.g. drugs  
e. Health facilities staffing  
f. Health facilities security  
g. Access to preventive services  
h. The process of getting the services  
i. The outcomes from the health system

8. While citizens were asked to map inequalities at the subcounty level, some groups felt that inequalities manifested in pockets within the subcounty- at the ward and village level- that can be singled out. Participants observed that there is need for disaggregated data to advance deliberations on tackling inequalities.

Water Access and Quality

9. In the Baringo County meeting participants explored the factors that shaped inequality in water access in seven counties. Water access was defined by its availability as a natural resource. Nakuru is generally rich in water sources. However, its water quality is poor, due to high fluoride levels. To make it safer the county spends huge amounts on treating the water. This outlay is passed onto consumers through high water tariffs, thereby impeding water access. Although piped water is available in urban areas of the county, residents still face high levels of rationing. This has created serious shortages of water. Effectively, then, only a portion of county residents has access to safe and potable water.

10. Like Nakuru, Kericho County has considerable natural sources of water. However, the county has limited infrastructure with which to deliver potable water to most of its citizens. In Laikipia, water access was defined by the proportion of residents having piped water and the distance travelled to get to a water point. In Nakuru, Kericho, and Laikipia, the indicators of water access and safety could be clustered as follows: availability of natural water sources, quality of water available, the scope of delivery of potable water of the right quantity and quality, and the cost of water.

11. In West Pokot, Baringo, Elgeyo Marakwet, and Turkana, the criteria used to define water access were different. In these counties, their remote location and topography means that they have fewer ready sources of water, compared to Nakuru and Kericho counties with, for example, residents in Turkana county having to walk up to 10 kilometers to access a water point.

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2 Nakuru, Kericho, Laikipia, Elgeyo Marakwet, Turkana, West Pokot, Baringo
12. Regarding the scope of water access, participants highlighted the politics of budget making and implementation. For Nakuru, Laikipia, and Kericho counties, they felt their county governments made unsatisfactory political decisions on allocations to the water sector. In the case of Baringo County, they were concerned that the county government applied partisan practices in allocating resources to water projects, favoring some areas and neglecting others, with huge sums being gobbled up with little impact. The quality of budget implementation and oversight was of particular concern to participants. Despite spending about 59 billion KSh in the water sector, Turkana County still grapples with serious challenges of water access and quality.

13. Participants discussed the problem of inequality of water access, with specific focus on how it can be defined and operationalized, and how counties can further deepen access points to the communities.

**Analysing Meanings and Understandings on Equity by Different Stakeholders**

**Perspectives on Equity by Representatives of National and County Government Entities**

14. The Commission on Revenue Allocation (CRA) defined equity as the distribution of resources in a way that responds to differences in poverty levels, population, and land area.

15. A member of the County Assembly in Baringo said, “It means we have several wards in this county, we have 30 wards. We have wards that are more developed, and we have wards that are lesser developed. So, equity means you bring those wards that are not much developed to somewhere … you bridge the gap between the developed wards and the undeveloped wards”, Hon. Nelson Barkei, Makutani Ward.

16. A senior economist in the Baringo County Government said equity is the “proportionate distribution of resources… in consideration perhaps to marginalized groups.”
It is not about equality but about bringing society together in terms of uplifting their standards of living.” And the issue of equity is key in terms of leaving no one behind in development.” Mr. Kiprono Koskei.

Perspectives of Representatives of Civil Society Organizations

17. Equity could be taken to be the means with which to attain equality, the fair distribution of developmental resources. If so, it is about concentrating more resources in areas that have low access to natural water sources (Bascof, Baringo County). On the other hand, equality is the outcome of efforts to ensure equity in developmental advances in counties.

“Equity means… the distribution of resources according to the needs of the people.”
Canon Masake, CEO, Trans Community Organizations, Busia County.

“Equity means looking into the distribution of resources as per the specific needs of a person so as to reach equal status” Isaac Chelaal, Bascof, Baringo County.

18. IBP Kenya sees equity in the distribution and collection of public resources as a central theme to the fulfillment of the objectives of public finance as envisioned in the Constitution of Kenya. To achieve equity, both the government and Kenyans should engage in meaningful deliberations on how to allocate public resources.

19. The time taken to access a water point can be used to gauge the scope of water access and frame discourse on inequality.

“What recent research has shown is that there are wards that have less than 2% of water coverage, while others have 85%.” Evans Kibet, Program Officer, CEDGG.

20. For the Kenya Medical Research Institute, KEMRI, equity means that developmental moves consider vulnerable social groups, who are likely to be left out of such initiatives. Policymakers need to ensure developmental efforts target all social
categories. In effect, then, policymakers need to ensure these groups are not left behind; indeed, extra resources might be needed to benefit such groups.

Figure 3 Deliberations on inequalities in the health sector led by KEMRI Wellcome Trust during the national world cafe forum

“Equity” is the means while “Equality” is the end process of doing things: Case Example – in Baringo everyone should get clean and adequate water; for all to get to the point where everyone has access to clean and adequate water, resources will have to be distributed equitably so that more resources are concentrated towards those with no access.

21. Representatives of civil society organizations understood equity as a purposeful action to allocate resources to less advantaged areas in counties. Equitable approaches would be taken to tackle inequalities in society or regions in development terms.

Perspectives of Citizens Living in Counties

22. Citizens had a good understanding of inequality, and they cited several instances to illustrate this:

“Hizo pesa za county zikiwa allocated zile sehemu ambazo skio na changamoto zipewe kikao mbele. Lakini hiyo haifanyiki county ya Busia” Samuel Erick, Resident, Busia County.

“Huku kuna county nyingi ambao wana gawa pesa nyingi na ingine hawagawi pesa nyingi. Kwa sababu kuna county zingine maskini wanatakiwa kupewa rasilmali nyingi, lakini hawapewi” Lenah Biginde, Resident Busia County.

“Equity vile mimi ninajua ni kama ugawi was pesa…” Ricky, Resident in Nairobi County
“Usawi una manisha kugawiwa rasilmali ambaye inatoshana” Millicent Achieng, Resident Busia County

23. In Busia, Bungoma and Kakamega counties, citizens had a fair view on inequality. For instance, they appreciated that access to health facilities is difficult for some residents, due to the uneven distribution of health facilities and/or health supplies. They seemed to understand the causes of inequitable services, such as understaffing and lack of health supplies and equipment. They interpreted inequality in service provision as an instance of inequality. Nonetheless, ordinary citizens appear to confound the concepts “equity” and “equality”. This emerged from interviews done with citizens through the Niusline Team Group.

![Participants sharing the criteria used in mapping inequalities in health services in Kakamega county](image)

“We are equal. Everything is to be shared equally” Njeri Gachao, Nairobi County

“I do not think if they are distributed equally in Kenya. Because you find that in some areas and counties…you will find that some areas have adequate resources. But if you go to other areas, you will find they are not equal” Jared Ouma, Siaya County

24. For most citizens interviewed, equity means implementing government policies or programs in ways that accord with what they consider normative ideas on justice and fairness. The views of citizens on equity, as a desirable and proper ethical and moral value, can be used to make the case for the need to promote justice and fairness.

C: Challenges/Good Practices for Tackling Inequality in Counties

Challenges Holding Back the Fight Against Inequalities

25. Civil society seems to have retreated from engaging in political issues and holding the ruling elite to account.
26. At the sub-national level, county governments allocate developmental programs in a skewed fashion, an approach that perpetuates inequality. For instance, some wards in Busia county had zero allocation towards health-based budgets and misplaced priorities, case example, buying of a vehicle as opposed to purchasing health commodities for the health facility. In Baringo, the county government was blamed for the skewed manner in which it invested in resources meant to improve water access.

27. At the national level, the ruling elite can be blamed for failing to address inequality. Keen to retain the status quo, the ruling elite have failed to implement the Constitution, to the letter. This approach has led to poor implementation of policies aimed at empowering counties and/or fighting inequalities. Furthermore, both the National Assembly and the Senate seem lax in their duty to support county governments with ample resources needed to achieve equity in development.

28. Tackling inequality requires considerable capital investments. According to the Public Finance Management Act, counties should spend at least 30% of their budget on development. Most counties spend much less. Related to this is poor absorption of development funds by county governments.

29. A deeper problem in budget implementation is weakness of budget planning and execution. There are gaps between what is in county development plans (CIDP) and county budgets. Poor prioritization and budget planning have seen counties treat county wards uniformly, yet these units are at different levels of development and have different developmental needs. Related to this, is the weak involvement of citizens in project identification.

30. Poor budget implementation creates huge piles of national debt and pending bills. If these issues are not dealt with, governments will lack the resources for making development fair and equitable.
Good Practices by County Governments in Fighting Inequality

31. The even spread of health facilities in Kakamega County can be attributed to the Public Participation Act, which the county government strictly adheres to, and that mandates stakeholder involvement and consultation in the distribution of health facilities and resources.

   a. The Kakamega County Government has made all idle or incomplete health facilities in the county operational, complete with equipment and health workers. The county government has ensured that there is a clinical officer in all its health centers.
   b. The county government has ensured that all roads leading to any public institution are accessible (all-weather roads) and have street lighting.
   c. To strengthen welfare mechanisms, Kakamega County has a strategy to improve the shelter of poor people. In this regard, it has drawn a Bill that caters for people living with disabilities.

32. Elgeyo Marakwet County has enacted the “Equitable Development Act”. This law allows citizens to lodge petitions, for example, against poor service delivery.

   a. Its county assembly ensures laws entrench equity.
   b. It has a Ward fund that gives local leaders resources to improve the living standards of residents in their respective Wards.
   c. It is working with CSOs to enhance the dissemination of civic knowledge at the grassroots level.

33. Elgeyo Marakwet County intends to provide technical officers to assist the public in prioritizing projects. It ensures that feasibility studies for any project are carried out to create a basis and ensure value for money is achieved.

Figure 5 Participants from Elgeyo Marakwet County presenting their map on inequalities in the Baringo Equity Forum
34. West Pokot County has put in place a bursary fund as well as a business development fund to support small business growth.

a. It is empowering vulnerable social categories financially.
b. It is undertaking a gender analysis of projects.

35. Baringo County has embraced public participation in budget planning and implementation. The county is working with CSOs to boost civic education at the grassroots level.

36. Busia County government is collaborating with CSOs to enhance knowledge and civic education at the grassroots level.

37. The ward development budget in Busia County is geared towards helping reduce inequalities.

D: Recommendations

Recommendation on the adoption of Public Participation

38. Public participation needs to be real, structured, and meaningful. It needs clear guidelines and modalities. It should see informed citizens challenging policymakers. Both the public and policy makers should ensure that data has been used to inform the distribution of resources.

39. Public participation should be representative, incorporating relevant population segments. It should amplify the voices of minorities.

40. It would be more effective if educated people in Kenya were active in public participation, rather than being uninterested in forums designed to find solutions to problems such as water access in counties.

41. Public participation can produce better results only if civic education is strengthened. Citizens need to be familiar with the grounds on which decision making occurs, have the right information and know how to effectively use it to influence decision making.

“The public in the respective Wards should be educated enough to know that it is their right to engage their MCAs and determine how the funds allocated to the Ward will be
spent. It is their duty… they currently are leaving all these decisions to their leaders.”

Dr. Janerose Mbuchi, County Director of Medical Services, Busia

42. In making the case that citizens need to be active in public policy spaces, the argument was made that mechanisms were needed on how to push forward this agenda. To this end, mechanisms could include, for example, tackling internal capacity shortfalls in counties to enable effective public participation in budget making spaces.

43. One of the biggest challenges in the implementation of the budget is the supplementary budget. Moving forward, the public needs to scrutinize these budgets as soon as county governments present it to county assemblies for consideration.

Recommendations on Tackling Inequality: Possible Actions by Counties

44. The Commission on Revenue Allocations (CRA) has established criteria to map the most marginalized areas in the various counties, that is, areas that need special attention and funding. It seeks to publish a policy that identifies marginalized areas.

45. The CRA recommends that counties focus on devoting adequate allocations to support health services and curb problems, such as maternal mortality. Counties need to increase allocations towards agriculture, a sector with a huge potential for development impact.

46. Counties need to focus on primary health care. They need to ensure “equal access to equal need” - people with greater need deserve appropriate care.

47. Counties should provide universal education and tackle deprivation. Concerning the fight against poverty, counties need to determine which social categories are likely to be left behind and determine what it needs to do to support these vulnerable people.

48. The CRA wants counties to tackle economic disparities and institute affirmative action for disadvantaged groups and areas. It wants to ensure there is proper targeting of the equalization fund. In this vein, it has identified 1424 sub-locations and four minority communities as marginalized.

49. The CRA wants to ensure that county government finances are aligned to service delivery and that counties benefit if they promote balanced development.

50. Baringo County uses its equalization fund to target marginalized regions.
51. There is a need to enhance the capacity of both the citizens and duty bearers. Decision-makers need to hear the views and opinions of citizens.

52. Since county governments can override decisions arising from public participation, there may be a need for a policy to ensure public participation is a substantial procedure.

53. To resolve these areas of inequality and unsatisfactory performance, there is a need to involve key stakeholders and the public at large. Such an initiative can include conducting civic education, monitoring the implementation of projects, and making implementation reports on various projects available to the public in a user-friendly mode.

54. There might be a need for public-private partnerships and the development of equity policy in the health sector on scope or access.

55. Equity must be made key in terms of resource allocation. Counties need to develop strategies to deal with inequalities that arise from geographical factors, such as a harsh terrain, and those that surface due to political actions, such as cronyism.

56. Counties need to fast-track development projects. This means improving budget implementation; over the past seven years only 20% of county development budgets have been implemented.

57. County governments need to improve the implementation of budgets. This includes reducing wastage and diversion of budgetary resources. Unless this is done, discussions about equity might be futile.

58. There is a need to deal with intersectional root causes of inequalities to improve primary health care. For example, improving road access to health facilities will improve access to health services.

59. Dealing with equity is a multisectoral effort. Counties need to determine which groups are vulnerable or susceptible to be marginalized.

Possible Roles for CSOs

60. According to the CRA, for instance, low citizen participation in decision making is among the challenges faced by counties in realizing equity. This can be blamed on the
belief that development projects are the property of the government. There is a need for enhanced civic engagement to embed the idea that citizens, and not the government, own development projects. Through civic education, CSOs can educate citizens about this.

61. CSOs have an instrumental role in holding county governments accountable and monitoring county assemblies. They need to keep speaking the truth to power and ensure these institutions follow the law.

62. CSOs need to demand or facilitate social accountability. Through civic education, CSOs need to help citizens understand what public participation is, follow up on commitments made, and influence decision making on resource allocation.

63. In this connection, CSOs can exploit spaces to encourage counties to (a) distribute resources equitably and (b) use resources efficiently.

64. CSOs need to develop a keen interest in national and county-level flagship investments in the water sector and demand accountability.

65. To reinforce public participation, CSOs can map decision-makers, who can then be targeted for engagement.

66. CSOs, such as the Baringo Civil Society Forum (BACSOF), can enable citizens and the government to engage fruitfully regarding policy development and adoption.

Evidence-based Decision-Making Key Challenges and Solutions

67. There is a need to provide citizens with evidence to enable them to engage in informed deliberations and make intelligent contributions. Although the Kenya Bureau of Statistics is a source of information, its data might not be disaggregated to the ward or sub-location level. Data in this form has limited usefulness for effective deliberations by local people.

68. Poverty data needs to be disaggregated, clustered on poor and vulnerable social categories. Counties need this kind of information to inform decision making and promote equity in development.

69. Civil society could generate evidence and avail this information to citizens, who would use it to make informed decisions. As such, there is a need to think about how
to enrich evidence generation and effective dissemination of information to the public. In this regard, non-state actors can push for such data to be devolved.

70. There is a need to figure out how to use access to information to enhance public accountability and as an advocacy tool, map data on inequalities, and use as evidence in policymaking.

71. There is a need for evidence-based allocation of resources. That is, counties need to give good and clear reasons for budget decisions.

72. There is a need for county disaggregated data on vulnerable social categories, such as gender, to better target these populations.

73. There is a need to cost devolved functions to determine the cost of delivering services in different areas.

74. Since exclusion is about voice and accountability, there is a need to know what works in the fight against inequality. The Nordic model is a possible one to imitate.

**E: Promises made by County Governments**

75. Baringo County:
   a. Will support all policies and bills geared towards achieving equity in the county. In this light, areas of emphasis will be early childhood development, food security, persons living with disabilities, the elderly, and climate change.
   b. Is keen to embrace a formula for the equitable allocation of resources that is modeled around the CRA formula.
   c. Shall consider a formula for the equitable allocation of resources that is modeled around the CRA formula and set aside evidence-based allocation of resources.

76. Busia County:
   a. Has pledged to use the outcomes of the Equity Forum Week to draw up legislation around civic education and public participation to enhance the knowledge of citizens in Busia to speak out and tell the county government what their development priorities and needs are.
   b. Has promised to invite CSOs working in the county to see how best to utilize the personnel in the county.

77. Elgeyo Marakwet County:
Has committed to ensure legislating is effected to entrench equity in the county. It encouraged CSOs to present memorandums and petitions to the County Assembly – “we promise to act on them”.

78. West Pokot County:
   a. Will support civic education and public awareness towards prioritizing water access in the county.

79. Kericho County:
   a. Intends to establish an equalization fund to address the problems of access to water and infrastructure arrangements.
   b. Is ready to launch civic education so that its citizens can participate in prioritizing budget-making in the county.

*Figure 6 Participants from Kericho county presenting a map on inequalities in the Baringo Equity Week Forum*
Summary of Salient Points

1. The overall objective of the forums was to unpack the meaning and understandings citizens attach to equity as a notion of politics and development. In this connection, participants focused on how equity could be achieved, marginalization stemmed, and inequality addressed. Notably, too, the effects of inequality were discussed.

2. Some macro determinants of success in achieving equity can be traced to the half-hearted commitment of the ruling elite to the constitution and devolution. Culpable, too, is the national government that has not done enough to ensure resources transferred to counties can support equity in service delivery.

3. For ordinary citizens interviewed, strong views emerged on how they interpreted equity and inequality. Drawing from their sense of justice and fairness, they had solid opinions on how inequalities might be decreased.

4. County governments have taken laudable legislative, policy, and operational steps to reduce inequality and forward equity in the health sector. The case was given of Kakamega County that has broadened the scope of its health services admirably.

5. Moving forward, the national government, through the Commission of Revenue Allocation, has taken bold steps to facilitate the distribution of resources to disadvantaged areas in counties, including setting up a criteria for analysis and action.

6. Several counties have taken deliberate steps to achieve equity in development and are committed to ensuring resources are made available for perceived marginalized areas.

7. On public participation, one of its major problems is rendering it real and substantial. Processes connected to public participation, its structure, procedures, and modalities need to be reinforced.

8. Public participation is being held back in some areas by unhelpful attitudes of citizens, who believe they are not entitled to speak to development projects that affect them. This problem can be resolved through effective civic education.

   a. The other drawback to effective public participation is the lack of needed information, that is, information that is rightly clustered to reflect the indicators of vulnerable social categories in counties.
b. Effective and informed public participation should see citizens involvement in
development decisions and budgetary priorities.

9. Several county governments have committed to adhere to legal and policy
instruments that would help bring about equity and public participation.

10. Participants discussed how to deepen public participation and how county
governments can broaden the scope of service delivery, achieve value for money and
equity in development.

**Key Takeaways from the Forums**

11. The overall challenge regarding equity in development can, therefore, be related to
(a) nurturing political goodwill, transparency, and accountability, and (b) reinforcing
the contribution of citizens in policy decisions. Citizens need to fight for their space
to participate in budget implementation in counties and hold leaders accountable.

12. Citizens need to look for opportunities to engage in budget making spaces. This
means fighting for participation in budget-making and challenging the county
governments about budget plans and implementation. Citizens and community
leaders need to build their knowledge of the process for public participation.

13. There is a need to determine how to ensure intersectoral approaches can be brought
together and cascaded into advocacy work.

14. There is a need to appreciate that dealing with equity is a multisectoral effort, and
that the determinants of inequality need to be tackled.

15. IBPK gave prudent advice on the fiscal context that would support equity in
counties. Poor budget implementation coupled with high pending bills narrows the
fiscal spaces for counties to intervene in making development fair. Unless these
budgetary issues are resolved, discussion about equity might be futile, regardless of
the success of other interventions.
ANNEX 1: List of organisations represented.

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ANNEX 1: EQUITY 2019 (VIDEOS)
1. Voice of the people of Equity Week 2019 Discussions
2. How equitable are the budget practices in Busia County?
3. How equitable are the budget practices in Baringo County?
4. How equitable are the budget practices in the counties that form the Nairobi Metropolitan Area?

ANNEX 2: Equity 2018 (VIDEOS)
1. Deliberating fairness in Kenya options for Universal Health Coverage (UHC) (Part 1)
2. Deliberating fairness in Kenya options for Universal Health Coverage (UHC) (Part 2)
3. What are existing policies and practices in dealing within equalities in Urban Areas? (Part 1)
4. What are the existing policies and practices in dealing in inequalities in Urban Areas? (Part 2)
5. Equity conversation in the North Rift Region
6. Equity conversation in the Coast Region
7. Equity conversations in Nairobi and neighboring counties

ANNEX 3: EQUITY WEEK 2017 (VIDEOS)
1. Equity within Kenya Counties
2. Has devolution improved equity in Kenya?
3. Role of Deliberations in exploring Kenya’s Inequalities?
4. How citizens organizing to fight inequality in Kenya?
5. Understanding Equity vs Equality in Kenya
6. What does data tell us about Kenya’s inequity?
7. Equity conversations in the North Rift Region
8. Citizens Map Inequity in Education- Kibera
9. Discussion on Equity in Health