



## Survey and Public deliberation on fairness | Equitable Development Act (EDA)

Elgeyo Marakwet (EMC) County, October 2016

### Kerio Center

#### Executive Summary

The study was part of an effort to obtain and include public views in Elgeyo Marakwet County's attempt to amend its Equitable Development Act (EDA) 2015. We organized two public events which were designed to allow participants to deliberate and practice principles of fairness as they were enlightened on how the county's law worked. There were 68 participants drawn from all the 20 wards in Elgeyo Marakwet County and invited to sessions held at Kapsowar and Iten townships. We administered surveys before and after the forum to learn more about what people knew about the law, and how they would change their views when exposed to new information. A total of 48 surveys were administered. We aimed to use the before and after surveys to test the idea that when people are exposed to information, they tend to change their minds. To this end, the survey had a similar set of questions for both the pre- and post-forum that focused on establishing:

- 1) The level of public knowledge about the EDA 2015
- 2) Public views on the fairness of the EDA 2015, and their thoughts on how EDA should be revised as part of the reform processes initiated by the county assembly and executive.

**The sessions took place on October 24 & 25, 2016 after which the data was analyzed. From the analysis of these surveys we established that:**

- ✚ People have some knowledge of the EDA, but a majority of them do not understand how it works and therefore, it was difficult for them to rate its fairness.
- ✚ Learning during the forum changed attitudes. Understanding how allocations are done substantially increased perceived fairness: before the forum only 33% of respondents said that the amount their wards received was fair, while this increased by 35 percentage points to 68% after they understood how these amounts were arrived at. This indicates that when people engage with the formula and understand it better, they tend to find it fairer than before they understood it well. Even when people are asked about their own wards, they are capable of appreciating what is fair, not just what is in their own self-interest.
- ✚ A majority of respondents thought the law should be revised. 55% of the participants said they would change an element in the law before the forum, and the share of respondents giving this view increased by 8 percentage points after the forum to 63%.
- ✚ Taking the last two points together suggests that the law should be reformed, but in ways that build on public understanding. Our results show that once people understand the law they both think that it is

fairer and believe it should be reformed. This suggests that it is possible to proceed in a reasoned manner, explaining the law and its limitations and building a constituency for reform.

- ✚ A majority of participants think that the split of the total development budget between countywide and wards projects is just right at 9.2% and 90.8% respectively. However, more people did believe that the share for countywide projects was too low after the forum (an increase of 8 percentage points). This suggests that there is room to persuade the public about the virtue of these projects.
- ✚ It is also notable that participants are more likely to support countywide projects when given a list of projects to choose from. We gave participants a list of four specific types of projects and options for implementation as countywide, ward and other. In three of the four cases, a majority preferred that the projects be implemented as countywide projects. From the deliberations, we observed that people have distributional and public participation concerns over countywide projects which contributed to their desire to limit the share of the budget for countywide projects, even if they see their value.
- ✚ We gave participants three options for improving the law: removing a factor, changing a weight or adding a new factor.
  - ❖ In terms of removing a factor (s), at least some respondents suggested removing each one of the factors. The flagship (countywide) projects factor attracted the most respondents at 38% saying it should be removed before the forum. However, there was a significant shift in responses after the forum, with a 12 percentage point reduction indicating that when respondents understood what flagship projects were, they changed their perception towards them.
  - ❖ Most of the proposals for additional factors related to specific sectors and service needs, which indicates that people are not fully comfortable with the current proxy parameters. For example, asked if they would add a factor to the formula, some participants proposed urban areas and town development as factor to address specific urban needs.
  - ❖ Finally, in terms of the option of maintaining but changing the weight of current parameters in the law, most of the respondents wanted the weight of all of the parameters either increased or reduced.

The findings discussed in this document emerge from the same deliberations documented in our films.

## Detailed survey findings

### Introduction

Elgeyo Marakwet was one of the first counties to recognize the need for a rational and equitable approach to sharing of resources within counties. This realization led to the passage of the Equitable Development Act in 2015, which attempts to share the county's entire development budget according to a formula. The law adopted many of the parameters in the national revenue sharing formula, with wards taking the place of counties. However, there were variations. For example, the EDA has a unique provision for flagship projects.

The present analysis emerges from a long process of discussion with the county. We started by seeking to understand how the law worked both on paper and in reality by holding a series of discussions with the county in regards to the implementation of the law. We also analyzed the distribution of the development budget for the last two years (2015/16 and 2016/17) to obtain a deeper understanding of the operational aspect of the EDA formula.

In September and October 2016, the county government, both assembly and executive commenced discussions toward revising the law. Concerns had also emerged earlier from our discussions with members of civil society who thought that the law required some adjustments to allow the government to increase funding for countywide development projects, which was constrained by the low share of the development budget set aside for such projects by law. For example, irrigation projects, food processing plants, women/youth economic empowerment, etc. were all mentioned as countywide projects requiring larger investments.

We developed a consensus with the government that the voice of the public would be useful to have in the process of amending the law. We agreed to facilitate and support convening of the public from across the county to deliberate on the EDA and provide suggestions for improving it, particularly with regard to equity.

We agreed that participants would be selected from wards and that there would be two sessions at the sub-county level that brought together three participants from each of the county's 20 wards being a total of 60 participants. The participants were to be selected in a manner that would ensure balance and be acceptable to all stakeholders – thus the assembly, executive and the civil society partners would each identify one participant per ward, totaling three per ward. In the following sections, we discuss the findings in more detail.

### **How much knowledge does the public have of the county's equitable development law?**

1. Asked if they knew the county had a law that determines the process by which the county distributes resources, 69% of the respondents said they were aware while 31% said they were not aware of the law. When asked to describe the EDA formula, none of the respondents could accurately provide both the parameters and their correct weights. 47% of the respondents could list two or more parameters correctly but without accurate weights, while 53% could not list more than one of the parameters as shown in the chart below.

Figure 1: Level of public awareness on the existence of law

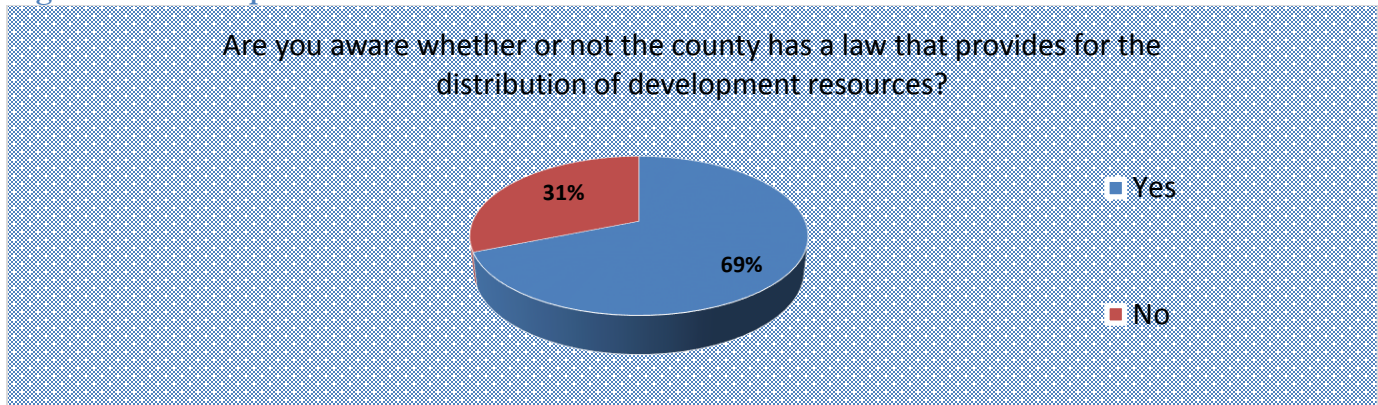
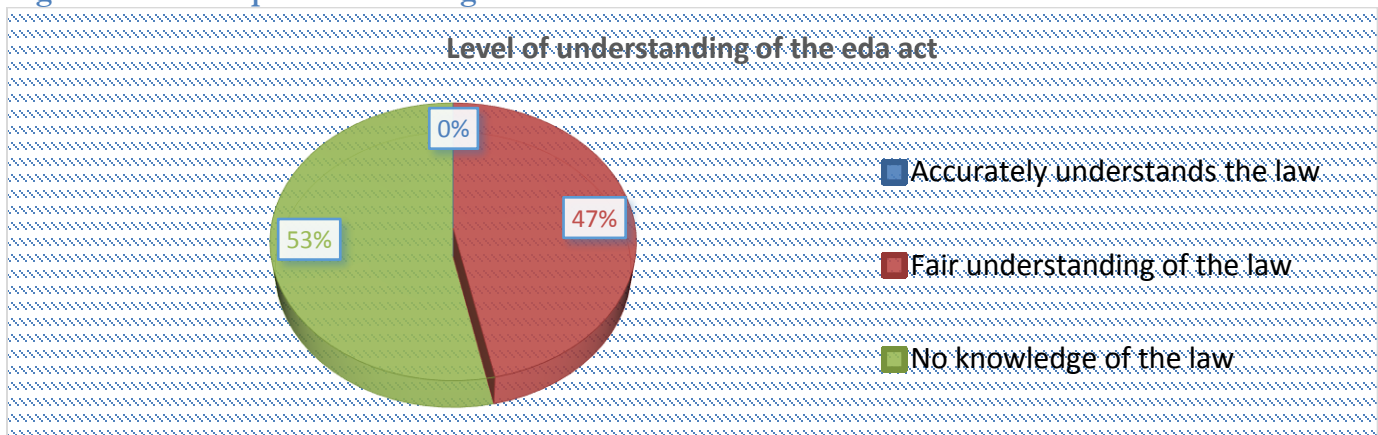


Figure 2: Level of public knowledge on how the law works



In the chart above, a fair understanding means that participants could list at least two of the parameters with or without weights, while no knowledge indicates that participants could list no more than one of the nine parameters with or without weights.

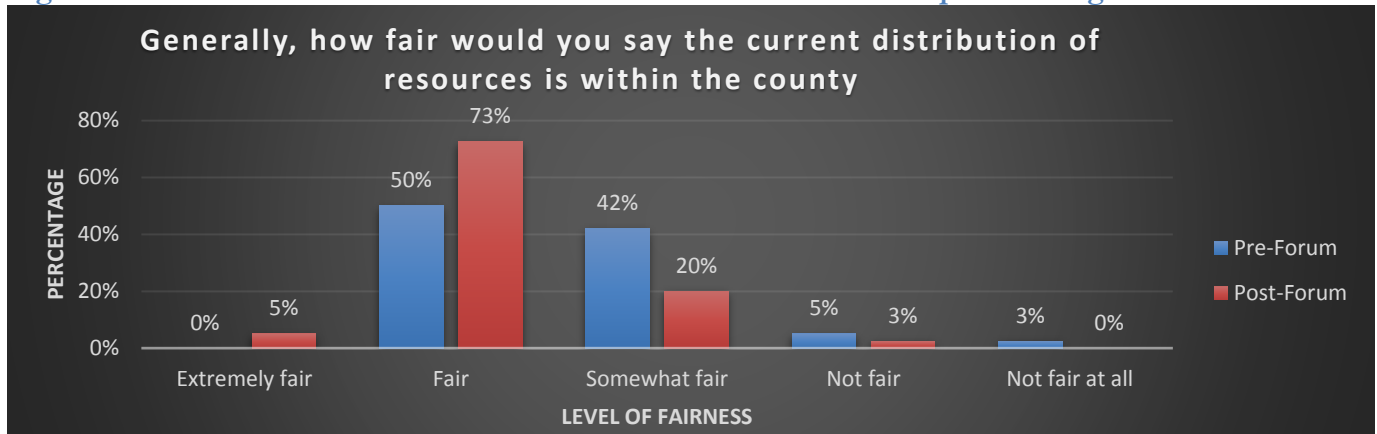
### 1.1. Conclusion

The public is generally aware of the existence of the law. However, they lack specific knowledge of how the law works. This lack of understanding suggests that citizens do not understand the law well enough to know whether or not it is fair. This in turn suggests that the process by which the law was developed may have fallen short of the principle of “fair process”, one that is open, participatory and accessible.

### How fair is the resource distribution in the county?

2. We asked the public to rate the fairness of the current distribution of resources across the county before the forum and after they have interacted with the law. Before the forum, 50% of the respondents said the distribution was fair while this percentage increased after the forum to 73% as shown in figure 3 below.

**Figure 3: Public views of fairness of the current distribution of development budget**



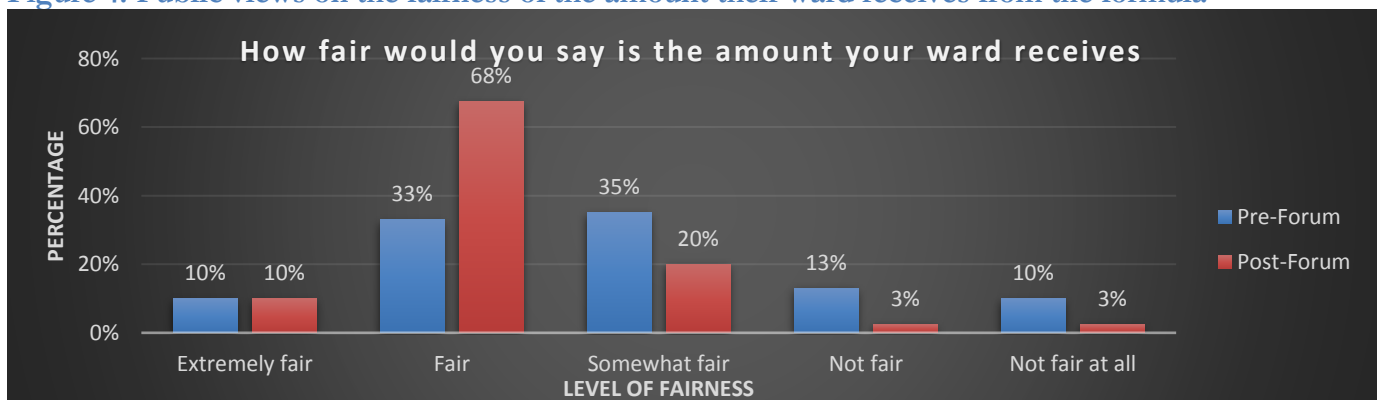
**2.1. Conclusion**

While most participants had inadequate knowledge of the distribution of resources in the county, a majority viewed the distribution as fair before the forum. However, the 23 percentage point shift in participants’ responses from somewhat fair to fair after the forum suggests that people can learn more about the law and find it reasonable. Nevertheless, after the forum, only 5 percent found the law “extremely fair”, suggesting there is still room to improve the law, which supports the ongoing reform process.

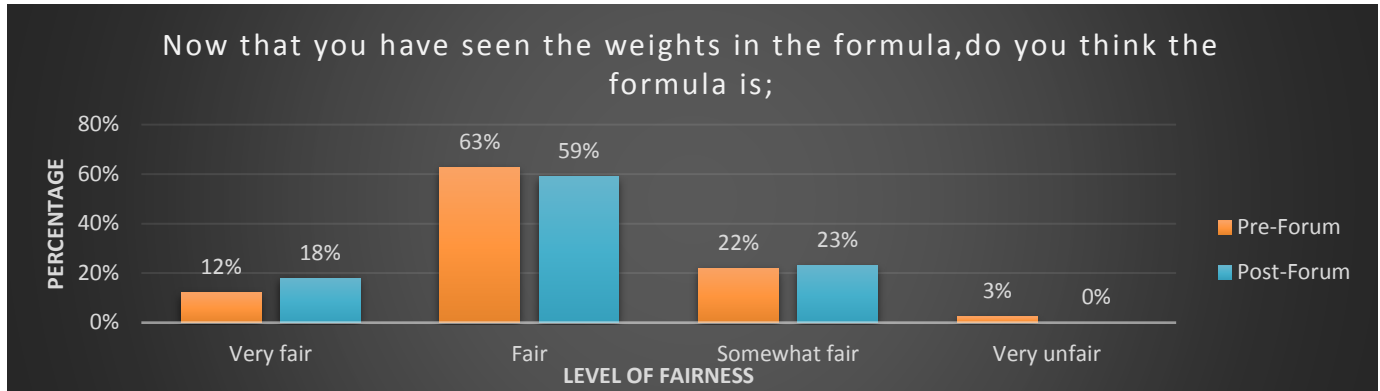
3. Similar results were observed when asked about fairness with respect to respondents’ own wards as shown in figure 4 below. After learning more about the distribution during the forum, there was a substantial shift of people from not fair and somewhat fair toward fair, which rose 35 percentage points to 68 percent.

4. 10% of the respondents viewed the amount their wards received as extremely fair with this percentage maintaining after the forum. The shift in responses towards fair is clear indication that when people engage with the formula and understand it better, they tend to find it more fair than before they understood it well. Our results demonstrate that people can change their minds when exposed to information and politicians cannot justify a particular approach based on the fixed views of the public. While a majority of the respondents said the formula was fair in both surveys as shown in figure 5 below, there was a shift from unfair and fair towards extremely fair indicating that participants appreciate the EDA formula.

**Figure 4: Public views on the fairness of the amount their ward receives from the formula**



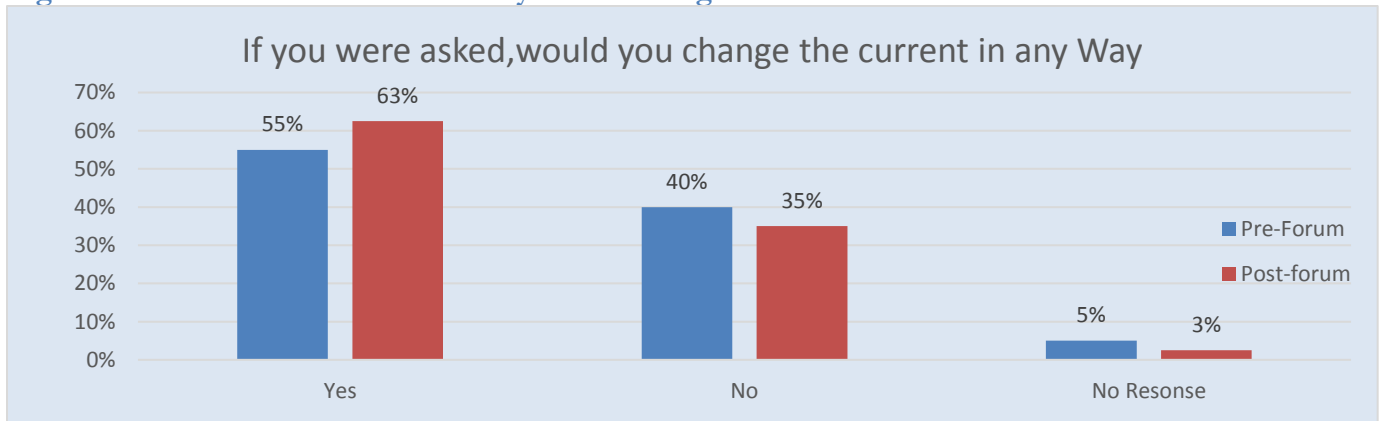
**Figure 5: Public views on the fairness of the EDA formula**



### Changing the current formula in the EDA

5. While participation in the forum led to an increase in the perceived fairness of the law, it also led to an increase in the number of respondents who thought that the law could be improved. We asked participants whether they would change the law in any way. 55% of respondents said they would change the law before the forum, with this number increasing by 8 percentage points after participants had interacted with and understood the law.

**Figure 6: Public views on whether they would change the current law**

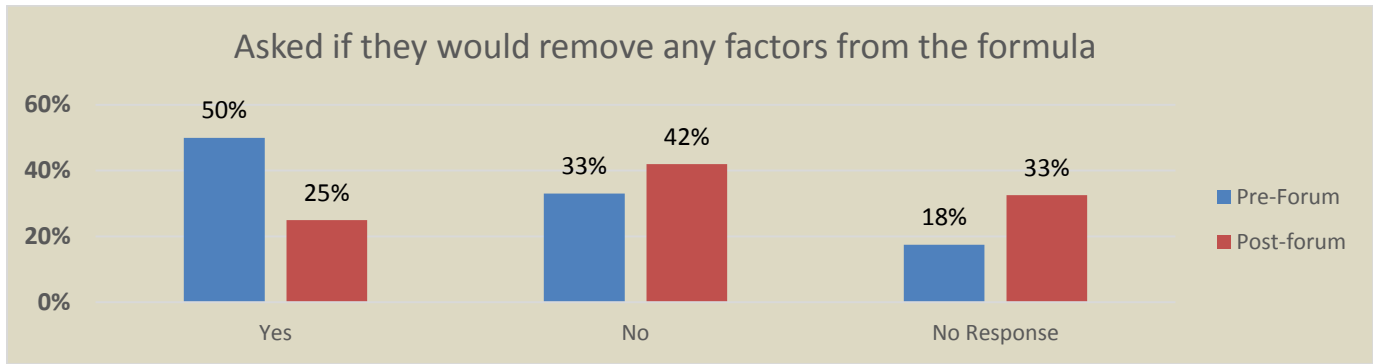


We asked follow-up questions to establish what and how the participants would want the law to be improved. We gave participants three options as below:

#### Option I: Removing an existing factor in the formula

5.1. The first option provided was whether the participants would remove any of the parameters in the current formula. 50% of the respondents said they would remove a factor before the forum with this number of respondents reducing to 25% after participants had interacted with the law. Notably, respondents who did not provide any response increased significantly after the forum by 15 percentage points while respondents for respondents who said they would not removing a factor increased by 9 percentage points. This indicates that more information about the law led to increased uncertainty about the best approach. This is not necessarily a bad thing; an initial reaction to more information is often uncertainty. Hopefully, with additional information and time to reflect, respondents would move toward firmer views.

Figure 7: Public views on whether they would remove a factor in the law



5.2. In terms of factors to be removed, all the seven factors of the formula had at least one respondent proposing removal both before and after the forum as shown in the table below.

Table 1: Public responses on factors to be removed

Factor	Respondents indicating a factor should be removed					
	before		After		% change	%Point change
Population	6	15%	8	20%	33%	5%
County flagship projects	13	32%	8	20%	-38%	-12%
Land Area	6	15%	7	17%	17%	2%
Fiscal Responsibility	5	12%	6	15%	20%	3%
Poverty Index	4	10%	5	12%	25%	2%
Emergencies	6	15%	4	10%	-33%	-5%
ASAL	8	20%	3	7%	-63%	-13%

5.3. Flagship projects and Arid and Semi-Arid (ASAL) factors had the highest number of respondents proposing removal. 32% of the respondents before the forum were of the view that the county flagship projects factor was not important and should be removed from the formula. However, there was a 12 percentage point reduction in this number after the forum. On (ASAL) factor, 20% of the respondents said they would remove it before the forum, while this number reduced by 13 percentage points after participants had interacted with the law.

5.4. We sought to obtain reasons from respondents to support their views to remove these factors. Only a small number of the respondents who proposed removal of a factor as shown in figure 7 above could give adequate reasons. These reasons were varied across board, and we summarize those that were common and related to the factors as shown in the table below:

**Table 2: Public reasons for factors to be removed**

Removal of Factor	Reasons and interpretation
Population	<p>Participants said that part of the population using services in some wards is not exclusively from Elgeyo Marakwet county, and that population needs vary across wards. They also said land area does not give clear picture of service needs.</p> <p>----</p> <p>We observe that people view focus on people’s needs as more equitable and fair than using proxies like population headcount and land size exclusively.</p>
Poverty Index	<p>Participants did not give coherent reasons for elimination</p> <p>---</p> <p>We observed that respondents did not understand how the parameter worked, but after interacting with the formula, most of the respondents thought that, it was better to address poverty through meeting population needs than using poverty index as a proxy.</p>
County flagship projects	<p>Participants said that distribution and choice of projects funded under this factor are driven by political interests and concentrated in some parts of the county.</p> <p>----</p> <p>Overall, we observed that after people understood flagship projects, they appreciated that the county needed these types of projects. However, they wanted these projects to be subjected to a transparent and open process (relating to fair process principle) and also carried out well.</p>
Emergencies	<p>Participants were concerned about the use of the funds allocated to this factor in case there was no emergency.</p> <p>-----</p> <p>There is a concern among respondents that there should be clear modalities and mechanisms of determining funding/allocation for emergencies. For example, it was not clear to them what happens to the emergency allocation in cases where there were no emergencies. There was also an indication that the public would trust agencies such as the Red Cross to handle emergencies more than the government.</p>
Fiscal Responsibility	<p>Participants had some difficulty in understanding this factor in order to give reasons for removal.</p> <p>---</p> <p>We tried to explain how it was intended to work especially for the CRA formula and that it has not been used or rather measured by the county. Despite people having difficulty understanding the factor, the deliberations pointed out that, participants would want this factor to be used as a measure of and reward for prudent management of resources i.e. to reward transparency, openness, accountability and efficient utilization of resources. In our own view, the challenge would be that, there are no structures at the ward level at the moment to provide basis for measurement.</p>
ASAL	<p>Participants did not give coherent reasons for elimination.</p> <p>---</p> <p>People interpreted the relationship between Poverty index and ASAL factors as relating to water and agriculture needs. The deliberation pointed to measurement of water needs for agriculture, which in turn would address the issue of poverty. There was no clear proposal on an alternative factor to be used as a measure and therefore, ASAL remains crucial.</p>

### Option II: Keeping the formula factors but changing weights

6. In this case, we gave participants the option to increase, reduce or maintain weights of existing parameters. Generally, participants wanted the weight to all parameters increased before the forum. This



changed after the forum when only flagship projects had an increase of 15 percentage points in the share of participants wanting it to increase.

**Table 3: Public responses on keeping the formula factors but, changing their weights**

Factor	Increase			Reduce			Maintain	
	Pre	Post	P/C	Pre	Post	P/C	Pre	Post
Population	67%	60%	-7%	33%	40%	7%	0%	0%
Poverty Index	70%	63%	-7%	30%	25%	-5%	0%	12%
County flagship projects	56%	71%	15%	44%	29%	-15%	0%	0%
Land Area	60%	50%	-10%	40%	0%	-40%	0%	50%
Emergencies	100%	20%	-80%	0%	20%	20%	0%	60%
Fiscal Responsibility	100%	0%	-100%	0%	0%	0%	0%	0%
ASAL	89%	88%	-1%	11%	13%	2%	0%	0%

\* P/C denotes percentage change.

**6.1.** Except emergencies and fiscal responsibility factors which are not currently being used, poverty index had the highest number of respondents, with 70% proposing to increase its weight, while 30% chose to decrease it. However, after the forum the option of increasing the weight reduced by 7 percentage points. Both those who wanted to increase and those wanting a decrease before the forum were more likely to want to maintain the parameter as it is (the share of respondents wanting to maintain increased from 0 to 12 percent after the forum). For population, 33% wanted the weight reduced before the forum, while this increased by 7 percentage points after the forum. None of the parameters had respondents wanting their weight maintained before the forum. However, after the forum, emergencies and land area attracted a large number of responses wanting the factors' weight to be maintained.

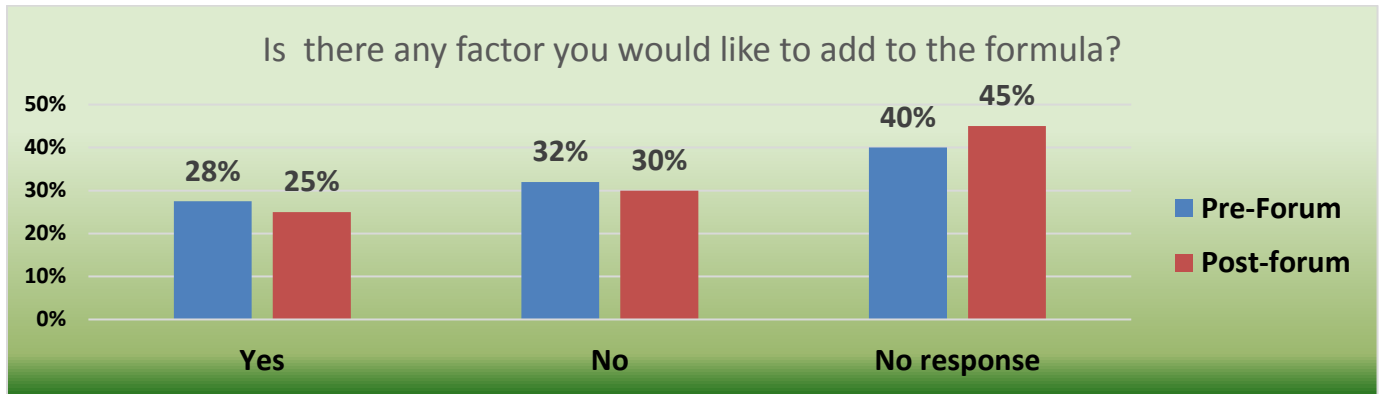
### 6.1.1. Conclusions

We observe that after people understood the law, there were shifts in responses for most of the factors – shift in responses for population was stronger towards either maintaining or reducing the weights after the forum while shifts in poverty index, ASAL and emergency factors indicate people's preference to maintain the weights. The shift in flagship projects is towards increasing the weight.

### Option III: Adding an entirely new factor into the formula.

**7.** Finally, we gave respondents the option of adding a new factor to the formula. Generally, Majority of the respondents did not provide any responses in both surveys. 40% of the respondents before the forum did not provide response with this number increasing by five percentage points after the forum. Generally, there was shift after the forum towards no additional factor.

Figure 8: Public views on adding a new factor to the formula



7.1. We asked participants to list specific proposals of factors to be added to the formula - there were only 10 respondents for this option before the forum and 11 after the forum. Most of the proposals related to sectors and services rather than factors hence requiring further interpretation of what they mean and how they relate to sharing resources. We captured these in the table below.

Table 3: Factors that the public proposed to add to the formula

Proposed additional factors to the formula	
Pre-Forum	Post forum
Education	Education-
Security	Security
Tourism and trade	Population
Water projects	Rate of Revenue Return (RRR) by sub county
Toilet market	Emergency
Agriculture	Urban areas development
Health	Sub County flagship projects
Farmers Sacco	Real statistics in the county
According to presence of natural resources	Total revenue collected
Youth and Women	Public participation
Sports	Governance
Urban town development	Urban/Town-
We need to have equal distribution	Sports
level of education	Ward flagship projects
Flagship ward projects	Special fund for the special groups
	43% county flagship projects
	Water access-
	Electricity

**Conclusion**

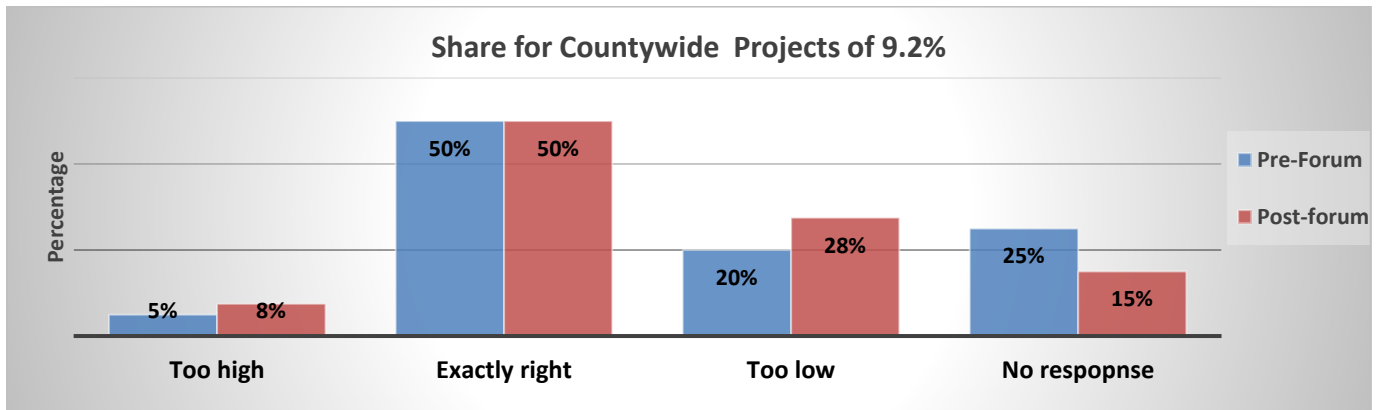
Our general interpretation of these proposed factors indicate that people appear not to be fully comfortable with the proxies and would want specific areas to be funded relating to specific needs (in most cases). This implies that people think the formula can be improved in ways that might be considered "reasonable", meaning they are rooted in principles of equity or similar principles.

**How fair is the allocation of the total development budget between ward and countywide projects?**

8. The EDA requires that 60% of the total development budget be shared equally among the county’s 20 wards, while the remaining 40% of the total development budget be shared equitably based on the factors contained in the act, of which 23% goes to county flagship projects. The total share for wards is 90.8% while the 9.2% (23% of 40% shared equitably) goes to countywide projects.

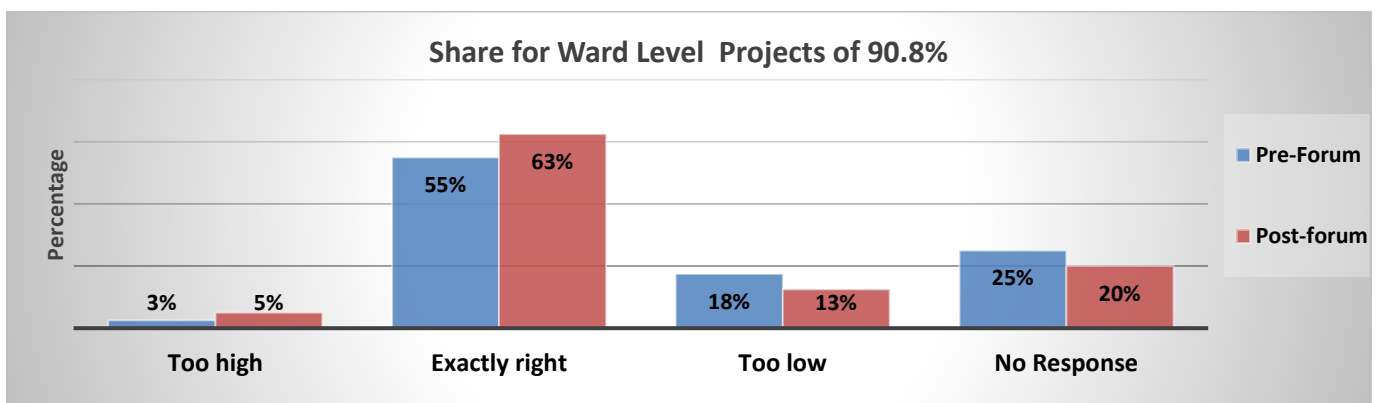
8.1. Half of the respondents both before and after the forum believed that the share of the total development budget for countywide projects at 9.2% was exactly right as shown in figure 9 below. After the forum, the share of people who felt the countywide share was too low increased somewhat from 20 to 28 percent, but the share that felt it was too high also increased from 5 to 8 percent. While the number of respondents who felt that the share of the total budget going to countywide projects was exactly right increased, the shift in responses after the forum was strong towards too low.

**Figure 9: Public views on how fair the countywide share of the total development budget is**



8.2. 55% of the respondents believed that the 90.8% share for the ward projects was exactly right in both surveys with this number increasing by 8 percentage points after the forum to 63%.

**Figure 10: Public views on how fair the share of the total development budget going to ward projects**



**Conclusion**

Lack of knowledge and understanding of what flagship projects meant and the concerns around distribution and participation of people in deciding flagship projects may have influenced how participants viewed the respective shares of the total development budget. For example, participants believed that the distribution of

the flagship projects was skewed towards certain parts of the county while there was also a broader concern about lack of public participation in deciding the flagship projects.

**What do people think about implementation of major projects in the county?**

There is a belief that the people of Elgeyo Marakwet County want all the money to go to the wards. This means little or no funding for major projects that are countywide. We intended to test the extent to which this claim is true below.

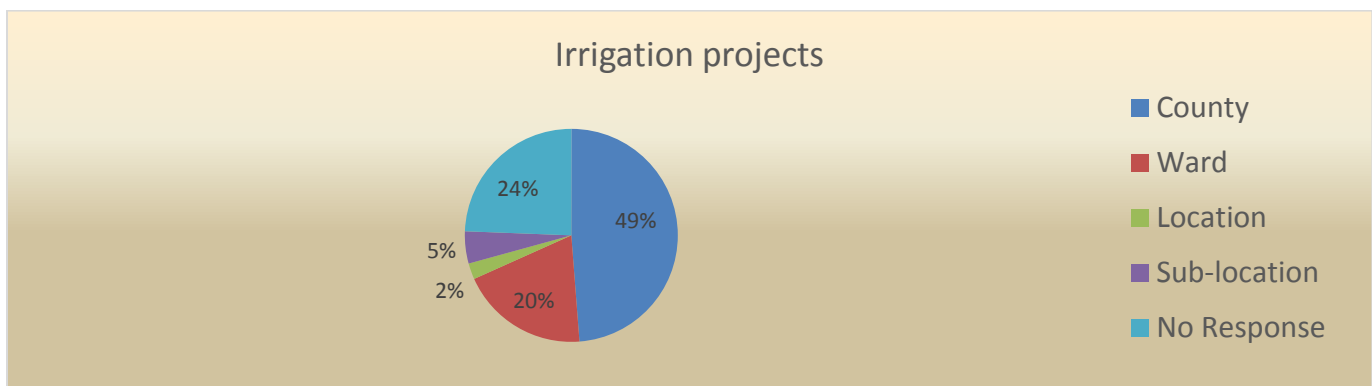
9. We gave participants the following projects with options of implementation as countywide projects, ward projects, and others. We then asked them to choose among the options how they would prefer these projects to be implemented. The implementation of these projects had emerged from our discussions with members of the civil society as to whether these types of projects should be carried out as countywide or wards projects.

**Table 4: Project choices and options for implementation**

Project choices	Implemented as
<ul style="list-style-type: none"> <li>Irrigation projects</li> <li>Food processing plant</li> <li>Upgrading and equipping of health facilities to offer high level curative, including dialysis and drugs</li> <li>Empowerment programs for youth, women and PWD</li> </ul>	<input type="checkbox"/> Countywide projects <input type="checkbox"/> Ward projects <input type="checkbox"/> Others (specify)

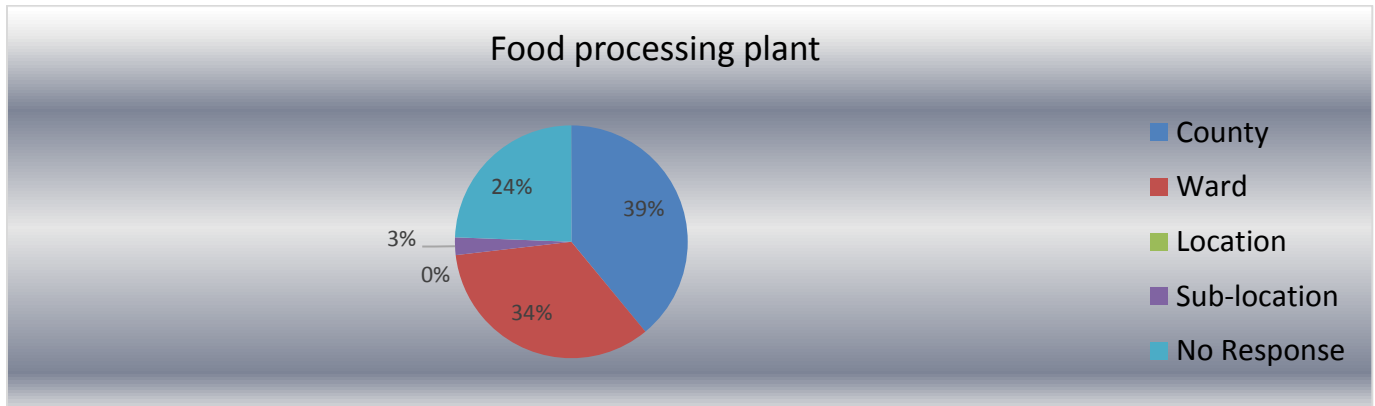
9.1. 49% of the respondents thought that irrigation projects would be more effective if carried out as a countywide project while 20% preferring implementation as a ward project.

**Figure 11: public views on how irrigation project would be implemented**



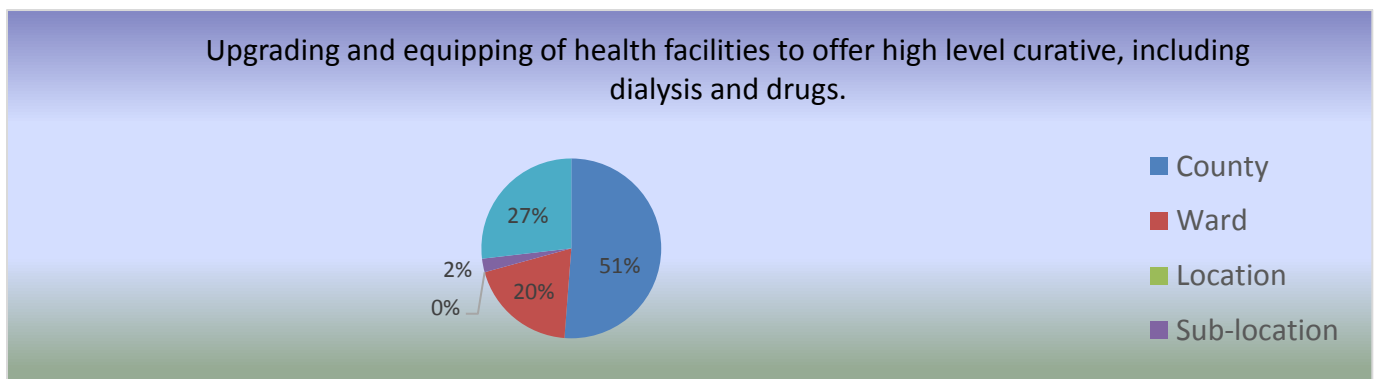
9.2. 39% of the respondents thought that food processing plants projects should be implemented as a countywide project while 34% preferred the ward project option for implementation.

10. Figure 12: Public views on how food processing plant projects would be implemented



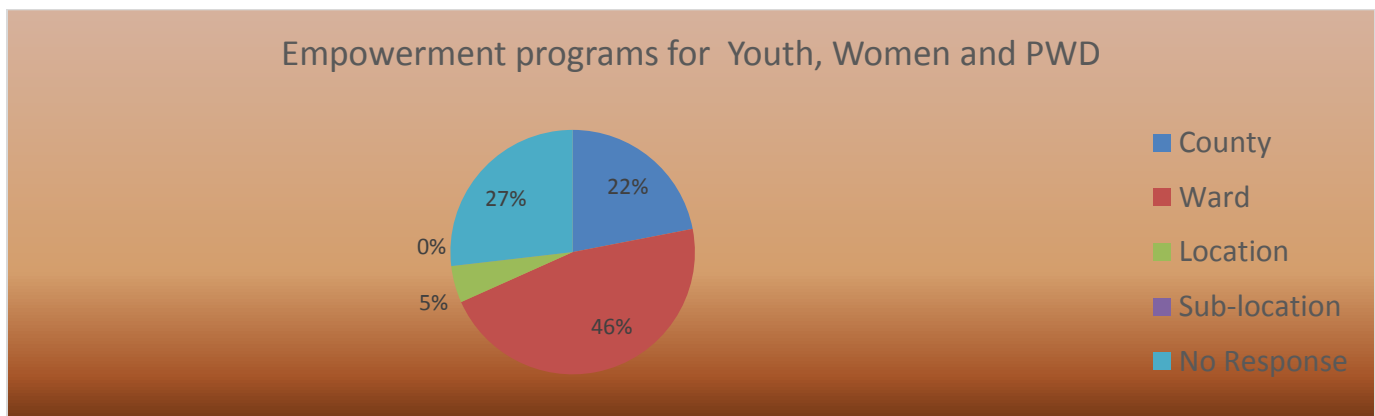
9.3. 51% of the respondents viewed that upgrading and equipping of health facilities to offer high level curative, including dialysis and drugs should be undertaken as countywide project while 20% were of the view that this should be undertaken as a ward project.

Figure 13: Public views on upgrading and equipping of health facilities would be implemented



9.4. As for the empowerment programs for youth, women and PWD, 46% of the respondents were of the view that the project option should be undertaken as a ward project while 22% preferring countywide project option.

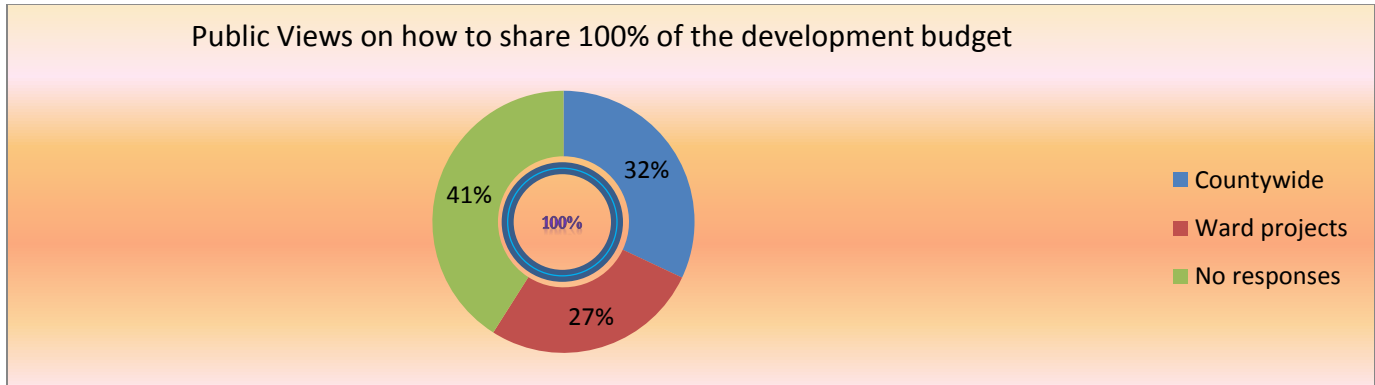
Figure 14: Public views on how Empowerment programs would be implemented



How would the public share 100% of the development money among countywide and ward projects?

10. With regard to the above list of projects in paragraph nine, we asked the participants “if those projects were the main items to be funded from the development budget this year, what share of the budget (out of 100%) they would give to: Countywide project, Ward project and others (specify). The results are shown in figure 15 below.

**Figure 15: Funding or countywide versus ward projects: where should the development budget go?**



10.1. The results from this question suggest considerable ambivalence about countywide versus ward projects. Despite majority preference of the projects options to be implemented as countywide projects as discussed in paragraph nine, the responses on how to share the development budget between countywide and wards does not reflect this preference. Majority of the respondents at 41% did not respond to this question, however, 32% preferred larger share of the total development budget to go to ward level projects while 27% were of the view that larger share should go to County wide projects. As discussed earlier, this is an indicator that, while people might value countywide projects, they are not sure who and how these should funded hence did not want to propose explicit shares.

### Conclusion

We did not describe and provided no explanation of what the projects in paragraph nine were, including demonstration of how these projects were of any benefit, however, the results show that, people do support countywide projects when they are given specific projects. As described earlier, people had little or no knowledge of the EDA initially. However, as they understood more during the forum, their support towards these types of projects grew. This implies that for the countywide projects, it should not be about just giving handout of project lists, but when people are given project proposals with an explanation of what these projects are and why they are important to the public; they have a higher preference for countywide approaches.

With support from Making All Voices Count

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A GRAND CHALLENGE  
FOR DEVELOPMENT

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