



Budget Making in Kenya

What the law says, all you need to know about the budget making process in kenya



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The Cabinet Secretary for National Treasury Henry Rotich delivered a Ksh 1.8 trillion budget for the period 2014/5 on June 12th 2014.

Tackling insecurity, the high cost of living, unemployment, improving the competitiveness of the country and strengthening economic growth were among the key focus areas. Ksh 226.7 billion was allocated to the county governments.

But questions abound on the level of public participation in setting plans and priorities during the budget cycle. In this Adili edition

we take an in-depth look at the budget making process, including windows for civic involvement.

Increasing the level and quality of public participation in key processes such as planning and budgeting is key in significantly impacting resource allocation or decision-making on development projects. Limited public awareness and participation in the budget making process and resource allocation reduces the capacity of citizens to monitor resource utilisation and hold public institutions and leaders to account.

Budget making in Kenya

What you need to know about the budget making process

A government budget is a document presenting the government's proposed revenues, spending and priorities for a financial year. The budget is passed by the legislature, approved by the chief executive and presented by the national or county treasury to the national or county assemblies.

It is also a set of procedures by which the government rations resources and controls spending among the various government agencies. The government budget is used as an instrument for economic policy, management and accountability.

It is an allocation mechanism that aims to maximise the contribution of public expenditure to national welfare.

Legal Framework and Process

The Constitution of Kenya provides the broad principles of public finance whereas the Public Finance Management Act, 2012 sets out the rules of how the national and county governments can raise and spend money.

County level budget making process:

Section 125 of the Public Finance Management Act, 2012 provides the procedure to be followed in the budget making process at the county level as outlined below:

- a) Development of an integrated development planning process, which includes both long term and medium term planning;
- b) Planning for and establishing financial and economic priorities for the county over the medium term;
- c) Making an overall estimation of the county government's revenues and expenditure;
- d) Adoption of the County Fiscal Strategy Paper;
- e) Preparing budget estimates for

the county government and submitting estimates to the county assembly;

f) Debate and approval of the budget estimates by the county assembly;

g) Enactment of the appropriation law and any other laws required to implement the county government's budget;

h) Implementation of the county government's budget;

i) Accounting for, and evaluating the county government's budgeted revenues and expenditure.

The county treasury has the mandate to prepare and submit to the county executive committee the County Strategy Fiscal Paper for approval. The county executive then submits the County Strategy Fiscal Paper to the county assembly for approval by 28th February each year.

The County Strategy Fiscal Paper contains the strategic priorities and policy goals for the county government, the estimates, expenditure, revenue and borrowing for the next financial year.

The county assembly should then within 14 days consider and adopt the Strategy Fiscal Paper with or without amendments. The county treasury shall consider any recommendations made by the county assembly and publish the Fiscal Paper within 7 days.

The county executive shall also prepare annual cash flow projections for the next financial year by 15th June, to be sent to the Controller of Budget, Intergovernmental Budget and Economic Council and the National Treasury.

The county executive member in charge of the county treasury shall submit the budget estimates and other documents together with the draft Bills (for implementation of the county government budget), except

the Finance Bill, to the county executive committee for approval by 30th April every year.

Following a approval by the county executive committee, the budget estimates shall be submitted to the county assembly for approval. The clerk to the county assembly shall then prepare the budget estimates for the assembly and forward them to assembly and the county executive committee member in charge of the county treasury for comments.

After submission of budget estimates to the county assembly for approval, the county executive committee member in charge of the county treasury shall publish and publicise them. Upon approval, the county executive committee for finance shall prepare and submit the County Appropriation Bill with the approved budget estimates to the county assembly.

It should be noted that the month of May is the period when the county budget committee holds public hearings on the budget.

The county assembly shall consider and approve the Appropriation Bill, with or without amendments, and within 90 days after its passing, the assembly shall pass the Finance Bill.

On October 30th, the county government must publish the first quarterly implementation report.

Section 35 of the Public Finance Management Act and is similar to the process at the county level.



Budget making process in Kenya

What can you do to contribute to improve management of funds in your County?

KSH. 226.7 billion

The amount of money in shillings allocated to County governments by the national government in the FY '14/15

Pre-budget speech period

County budget and economic forum

- » Chaired by the Governor
- » Allows you to give your views and input in planning and budgeting.
- » Includes members of the county executive, representatives from professional bodies, business, women, persons with disabilities, and faith-based groups.



Citizen fora



- » Organised by the county government at all administrative levels of the county
- » You have an obligation to demand for and attend these meetings and give your contribution

County budget and appropriations committee hearings

- » The Budget Committee of the County Assembly is obligated to organise hearings where citizens discuss their priorities.
- » Go and influence the final budget before it is approved.



County communication platform and strategy

- » The County government is obligated by Article 35 of the Constitution to actively publish and publicise information affecting the citizens including all information relating to the budget process.



Post-budget speech period

The County Executive Committee member in charge of the County treasury has a constitutional duty to publish an implementation report every quarter in the financial year.



Request for copies of the reports



Reading the reports and discussing them with other citizens, and also with county assembly members



Providing comments and feedback on the reports

National level budget making process:

The budget making process by the national government set out under Section 35 of the Public Finance Management Act and is similar to the process at the county level.

The National Treasury leads the process at the national level. It handles budget formulation for all state agencies apart from the Legislature and the Judiciary, which create their own budgets in line with the principle of separation of powers.

The Cabinet Secretary in charge of the National Treasury submits to the cabinet the national budget estimates and other related documents, and draft bills for implementation of the national budget, excluding estimates for Parliament

and the Judiciary.

The Commission on Revenue Allocation submits its recommendations for the division of revenue between national and county governments by January 1st. The Cabinet Secretary then submits the estimates to Parliament by 30th April every year. The Parliamentary Service Commission and the Registrar of the Judiciary are also expected to submit their budget estimates to Parliament by 30th April each year. Copies of the budget estimates for Parliament and Judiciary are also sent to the National Treasury for comments. Such comments are to be sent to the National Assembly within 15 days.

It is at this stage that the budget estimates should then be publicised. Upon approval by the

National Assembly, the Cabinet Secretary prepares and submits the Appropriation Bill for the approved budget estimates to be approved by 30th June each year. The National Treasury then publicises the budget estimates within 21 days after approval by the National Assembly. The National Assembly assents to the Finance Bill within 90 days from the date of passing the Appropriation Bill. The Finance Bill comprises the mechanisms of raising revenue by the National Government and a policy statement expounding the proposed mechanisms.

By Jackline Warui
The writer is a Deputy Programme Officer, Governance and Policy Programme



The role of the public in the budget making process

What the law says

Article 201 of the Constitution of Kenya provides for the principles of public finance and stipulates that there shall be openness and accountability, including public participation in financial matters.

The public, therefore, have a role to play in budget making. The agencies charged with budget making such as the county executive committees and the Cabinet, have an obligation to ensure the public participates in the budget making process.

The Constitution of Kenya (Art. 201) and the Public Finance Management Act (sections 117(5), 125(2)) provide for public participation. Members of the public can participate both at national and county level and at different levels of the process for example, at the making of the budget policy statements, county fiscal strategy paper and when the budget

estimates are released. Similarly, they can participate when a circular is being issued on the budget process for the following year.

The government is required to call for public hearings where the members of the public can present their priorities and needs to inform the budget for a particular year. The hearings can be effective if the public is well informed and given the requisite information in good time, so that they make substantive contributions. Citizens can also demand for information under Art.35 of the Constitution on access to information.

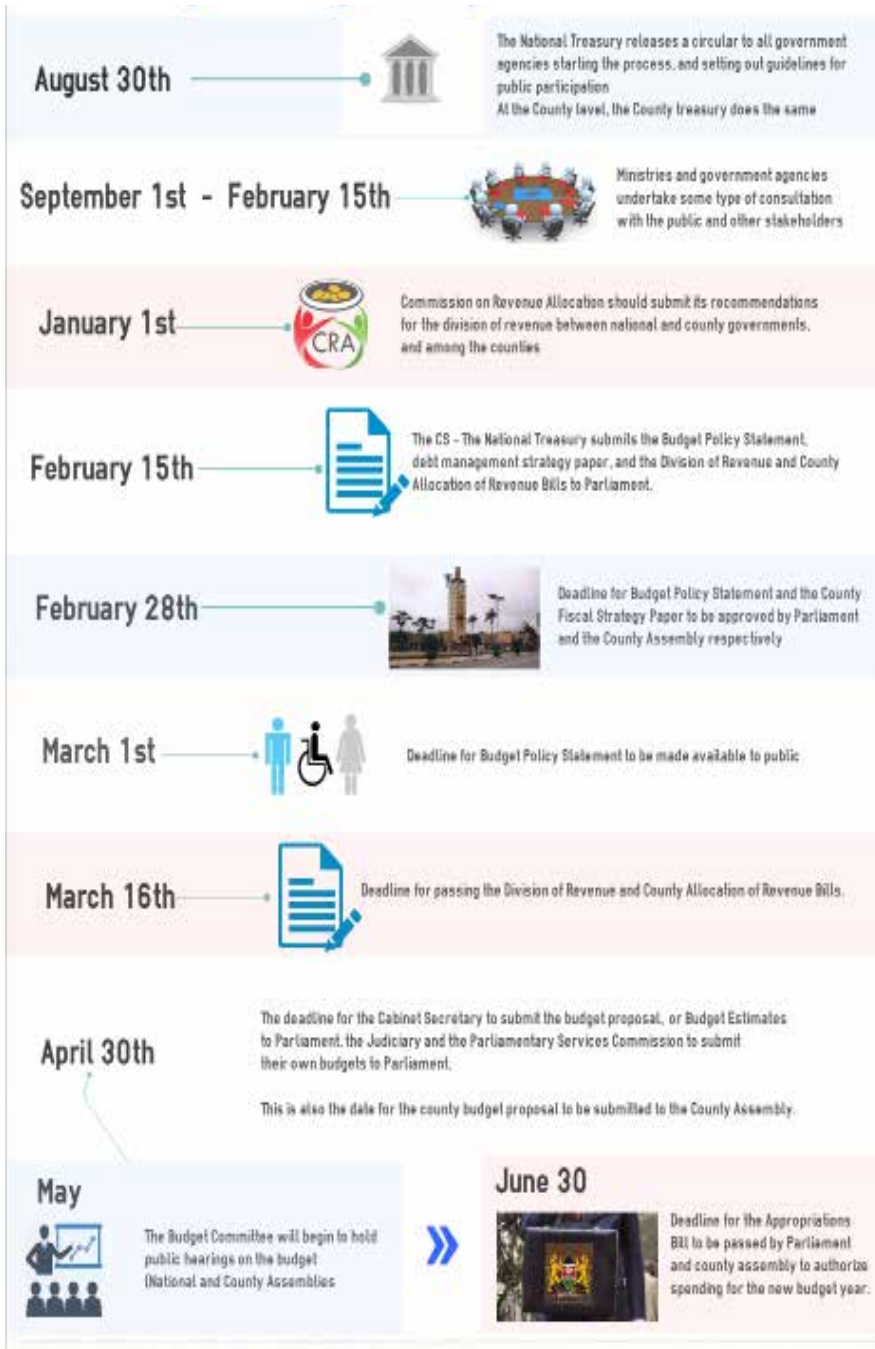
The Public Finance Management Act also requires that by 30th August every year, the Cabinet Secretary issues a circular defining how the public can participate in the budget making process.

This is a very crucial process which determines the goals to be achieved, the expected revenues, expenditure and sources of raising revenue including debt, for the next government financial year. This process should thus be transparent and as procedural as required by law. The public who are affected by the implementation of budgets should be involved for them to contribute and assist the government in setting its priorities and play a watchdog role for national and county governments.

By Jackline Warui
The writer is a Deputy Programme Officer, Governance and Policy Programme

Budget making in Kenya

The calendar



Budget making in Kenya: An infographic
PHOTO/ITI-Kenya

August 30: National Treasury releases a circular to all government agencies commencing the process, and setting out guidelines for public participation. The County Executive Member in charge of the Treasury must also release a circular by this date doing the same at the county level.

September 1 to February 15: During this time, the National Treasury and the various ministries and agencies should consult the public and other stakeholders. This can include sector hearings or visits by Treasury to

counties to solicit views. Views from the public should feed into the formulation of the Budget Policy Statement.

January 1: By January of every year, the Commission on Revenue Allocation should submit its recommendations for the division of revenue between national and county governments, and among the counties, to the rest of government.

February 15: The Cabinet Secretary, National Treasury to submit the Budget Policy Statement to Parliament. Also the deadline for the Debt Management Strategy Paper, and the Division of Revenue and County Allocation of Revenue Bills to go to Parliament.

February 28: Deadline for Budget Policy Statement and the County Fiscal Strategy Paper to be approved by Parliament and the County Assembly respectively.

March 1: Deadline for Budget Policy Statement to be made available to public.

March 16: This is the deadline for passing the Division of Revenue and County Allocation of Revenue Bills.

April 30: This is the deadline for the Cabinet Secretary to submit the budget proposal, or Budget Estimates to Parliament. It is also the deadline for the Judiciary and the Parliamentary Service Commission to submit their budgets to Parliament. This is also the date for the county budget proposal to be submitted to the County Assembly.

May: This is the likely time for the Budget Committee to begin public hearings on the budget.

May-June: This is when the Budget Committee will table its recommendations on the budget in Parliament.

June 30: This is the end of the financial year, and the deadline for the Appropriations Bill to be passed by Parliament and county assembly to authorise spending for the new budget year. Parliament and county assemblies should then pass the Finance Bill within 90 days after passing the Appropriation Bill.

Citizen participation in the budget making process at

With Kenya currently investing over Ksh 230 billion to the 47 counties, it is now more important that citizens play an oversight role in these devolved units to safeguard their resources.

The Kenyan Constitution provides for budget making at two levels; the national level, and the county level.

Steps in the budget making process

The budget making process generally has four steps as follows:

1. Proposal of a spending plan by the Executive
2. Debate and approval by the Legislature
3. Implementation of approved budget
4. Monitoring and implementation.

Opportunities for citizen participation at the county level

In the spirit of transparency and accountability in the budget making process, there are many opportunities for citizen participation. Citizens can exercise this right to participate in the budget-making process at several stages of the budget process, and in various ways:

a. Pre-budget reading period

i. County budget and economic forum

Chaired by the Governor, the County budget and economic forum allows citizens to give their views and input in planning and budgeting. The forum includes members of the county executive, representatives from professional bodies, business, women, persons with disabilities, and faith-based groups. The citizens' views are integrated in documents such as the Fiscal Strategy Paper and the Budget Review and Outlook

Paper.

ii. County budget committee hearings

The Budget Committee of the County Assembly is obligated to organise hearings where citizens discuss their priorities. Here, the citizens have the opportunity to influence the final budget before it is approved.

levels. These planning units are meant to ensure citizens participate meaningfully in the budget making process.

v. County communication platform and strategy

The Constitution of Kenya under Article 35 also places an obligation on the county government to actively publish and publicise information affecting the citizens including all information relating to the budget process.

b. Post-budget reading period

The County Executive Committee member in charge of the County Treasury has a constitutional duty to publish an implementation report every quarter in the financial year. Therefore, every three months, this report is prepared and sent to the County Assembly for oversight. The implementation report outlines how the county has been implementing the budget in that period, and helps identify problems so that they can be corrected within the financial year.

These reports ought to be made public, so as to provide citizens with the opportunity to participate and raise questions about the implementation of items indicated in the budget.

In the post-budget period, citizens can participate by:

- Requesting for copies of the reports from the Finance Secretary;
- Reading the reports and discussing them with other citizens, and also with county assembly members;
- Providing comments and feedback on the reports.

By the Advocacy and Legal Advisory Centre (ALAC) Mombasa team

**Kenya
currently
investing
Ksh. 230
billion in the 47
Counties**

at the county level



Qualities of a good budget

The following are the qualities of a good budget.

- **Comprehensiveness** – it must include all relevant elements and factors, detailing them in a manner so as to make it reliable.
- **Predictability** – this allows economic actors to plan ahead thus enhancing service delivery to the citizens.
- **Contestability** – this means that economic actors compete fairly and that they can be able to question the government on any of the items on the budget, or on any of its priorities.
- **Transparency** –the budget process must be done openly, with information being availed to stakeholders in a timely manner to allow their contributions. Such information must also be reliable and sufficient to warrant decision making.
- **Periodicity** – a good budget should be for a set period of time, for example, it may be yearly, quarterly, or semi-annual.
- **Authority and accountability** – a very important factor; the government must be held accountable for the implementation of the budget, and must act within it and keep to the commitments made.
- **Allocative efficiency** – this simply means that all expenditure provided for must be based on priorities and the effectiveness of public programmes. These qualities can therefore be used as a checklist for citizen participation.

Corruption: A youngster's eye view

Corruption is an act of being dishonest and illegal behavior especially among people who are in authority. We should fight corruption in our school. Corruption creates suspicion and hatred among the people. For example, when a class captain writes the noisemakers and she does not write her friend's name.

Secondly, when other students cut the line (a queue) for their friends.

Kenya has corruption. Some of the leaders favour members of their tribes, relatives, neighbours and friends. They can refuse to give others work and keep them for their relatives. Corruption has led to the decline of the economy of the country as the poor are becoming poorer than a church mouse as the rich are becoming richer.

Corruption and mismanagement of cooperatives has led to others losing jobs or even the collapse of a cooperative. Corrupt officials have grabbed government land and are doing activities which are profitable to themselves and their families. We should fight so as to get these pieces of land and give them out to the landless.

Farmers on the other hand have been affected. They can take their farm produce to a group, where, after sale they are promised a bundle of money. This will turn into a dream as they will say, 'there was tax and decline of prices!' But only lies to fool them.

As good citizens, we should have respect, love and above all value education. We should know the importance of fighting corruption and if possible, members found to be corrupt should be reported to the authority.

This article was written by CHARITY AMOS, a student and member of the Integrity Club at Kwanza Girls' High School, Trans Nzoia Count. TI-Kenya in its 2012-2017 Strategic Plan recognises the need to engage students and the youth in ethical and integrity learning. TI-Kenya has therefore facilitated the introduction of 43 integrity clubs in Kwale, Nakuru, Trans Nzoia, Nairobi, Kisumu, Mombasa and Uasin Gishu counties.

TI-Kenya brings MCAs together to form anti-corruption network

Members of County Assemblies from four Counties joined the movement to advocate for good governance and anti-corruption initiatives at the County level in Kenya during a workshop organised by TI-Kenya in Nairobi.

Participants at the workshop held on 5th and 6th June 2014, included 20 MCAs from Kwale, Kisumu, Uasin Gishu and Siaya counties.

During the workshop, TI-Kenya introduced the 'County Assembly Representatives Network against Corruption' (CARNAC) concept, after which the MCAs discussed the structure and set up.

Following this presentation, the MCAs discussed and adopted a constitution, membership guidelines and a code of ethics. The MCAs also elected a Chair, Secretary and Treasurer for each of the three counties: Kisumu, Kwale, Uasin Gishu Counties, while Siaya County will follow suit in the near future. Additionally, one representative from each of these counties was elected



to be part of the National Executive Committee which will oversee administration and management of CARNAC at the national level.

TI-Kenya considers CARNAC an important platform in implementing anti-corruption initiatives within the devolved governments. By so doing, TI-Kenya hopes to enable devolved governments to deliver efficient and quality services.

The CARNAC model was adopted from the African Parliamentarians'

Network against Corruption (APNAC) initiative. APNAC is an initiative by which parliamentarians through their legislative roles strengthen institutions in the fight against corruption and enhance transparency and accountability.

APNAC is Africa's leading network of parliamentarians working towards strengthening parliamentary capacity to fight corruption and promote good governance. TI-Kenya is the secretariat of the APNAC Kenya chapter and CARNAC.

Anti-corruption training for teachers' commission

Commissioners and members of the senior management team of the Teachers' Service Commission (TSC) received training on anti-corruption tools and strategies, procurement processes, procedures and social accountability tools during a workshop held in Nakuru from 12th to 16th May 2014.

This training workshop was held to enhance the fight against corruption and improve integrity among TSC employees.

Among the trainers at the workshop included Dr. Louis Franceschi (Dean, Strathmore University Law School), staff from Transparency International Kenya, the Ethics and Anti-Corruption Commission, and the Kenya Institute of Supplies Management (KISM).

Participants shared their experiences, pointed out the grey areas regarding matters of ethics and integrity. The participants also contributed to solutions concerning these issues by formulating

an action plan and committed to ensuring that it is not shelved but implemented immediately.

TSC's Acting chairperson Dr. Salome Gichura confirmed the full commitment of the commission in implementing the action plan generated at the workshop.

Training will continue among other staff so that all employees at every level of the commission are effectively equipped with the capacity and knowledge of running their offices and duties free of corruption, ethical and integrity issues.

TSC signed a Memorandum of Understanding (MOU) with TI-Kenya with the aim of eliminating corruption and



improving integrity among its employees. In light of this MOU, the two organisations have identified training, and sensitisation of varied categories of employees to realise positive change in society on matters touching on anti-corruption.

By Evans China, Intern, Governance and Policy Programme

Belgian Ambassador tours TI-Kenya projects in kwale

The Belgian Ambassador to Kenya H.E Bart Ouvry, accompanied by TI-Kenya's Executive Director Mr. Samuel Kimeu, undertook a two day tour of a section of TI-Kenya projects in Kwale County between 12th and 13th June 2014.



The Belgium Ambassador in a jig with Kwale residents PHOTO/TI-KENYA

The Ambassador visited the county to witness first-hand an ongoing project in Kwale County supported by the Belgian Government through the Embassy of Belgium in Kenya. The project is intended to entrench transparency and accountability at the devolved level of government in partnership with the County Government of Kwale.

During the tour, the delegation held talks with the County Commissioners Office, Kwale County government officials and thereafter graced a public forum at Kizibe, a village located in Mkongani Sub-County, in rural Kwale.

The Programme Officer, Advocacy and Legal Advisory Centre (ALAC)

Mombasa, Francis Kairu, briefed the ambassador about activities the office has already carried out in partnership with the County Government of Kwale. These activities include anti-corruption training for county officers, budget forums, development of county legislation and community outreach activities including radio shows and public forums.

As part of the project, TI-Kenya has presented two draft bills on public participation and access to information, both of which were received by the Kwale County

Assembly and are currently under internal review by the assembly

The delegation also had a plenary session with the Kwale County Assembly during an informal session of the assembly that was presided over by the Honorable Speaker Mr. Sammy Ruwa. They interacted with a group of Members of County Assembly.

Speaking in the assembly, Ambassador H.E Bart Ouvry encouraged Members of the County Assembly to put in place structures to attract investors to the county for the creation of growth opportunities. Incessantly marveling at the beauty and natural wealth of the county, he maintained that Kwale had great potential, if only exploited. Adding that effective strategies for accountability, public participation and growth for tourism and commerce were key.

By Francis Kairu, Programme Officer, Advocacy and Legal Advisory Centre – Mombasa

TI-Kenya proposals on the Whistleblower Protection Bill adopted

TI-Kenya participated in a technical review meeting to develop a draft Whistleblower Bill organised by the Department of Justice in May 2014 in Machakos County. This was in the organisation's capacity as a member of the United Nations Convention against Corruption (UNCAC) review committee. The Government of Kenya has prioritised drafting of this Bill in response to UNCAC provisions that set a comprehensive benchmark for anti-corruption laws, institutions and actions for ratifying countries and would be a valuable basis for national anti-corruption agendas.

TI-Kenya's role was to share perspectives on the role of whistleblowers in the fight against corruption and to present TI-Kenya's draft Whistleblower Protection

Bill. Among the topics covered were the role of whistleblowers in the fight against corruption, access to information and whistleblowers' protection, and probative value and evidence of whistleblowers.

TI-Kenya also made a presentation on its draft Whistleblower Protection Policy and Bill which was later adopted as a working document for the drafting of the Bill because it was comprehensive and had considered many progressive provisions. The draft Bill by TI-Kenya borrows from the USA whistleblower protection law which is one of the most progressive legal frameworks in the world.

Among provisions proposed by TI-Kenya that were adopted by the drafting team pertained to: the enforcement of whistleblower protection services,

conduct of investigations, whistleblower incentives, protection funds and enforcement, and offences and penalties. The Kenya Law Reform Commission (KLRC) was tasked with fine-tuning the draft Bill and consequently share it with members of the technical committee for further scrutiny.

The retreat culminated in the formation of a technical working group comprising TI-Kenya, KLRC, Ethics and Anti-Corruption Commission, National Anti-corruption Campaign Steering Committee, the Department of Criminal Investigations and Department of Justice. This working group will fine-tune the draft Bill in readiness for its tabling in the National Assembly

Low public awareness and participation undermining devolution

Only 15% of Kenyans have participated in citizen consultation forums at the county level in the last 12 months. This is according to 'Is it my business? A national opinion poll on devolution and governance' by Transparency International Kenya.

The poll further indicates that only 38% of Kenyans had heard about the forums, demonstrating that county governments have not done enough to broaden channels of communication to publicise such forums and engage with the public. On the other hand, members of the public should be proactive in claiming their space to actualise the objects of devolution.

In regard to awareness on county planning documents, only 7% of the respondents knew about the County Fiscal Strategy Paper, which provides an overview of how a county plans to raise and spend money in the next financial year. 16% were aware of the County Integrated Development Plan, a five year plan that informs the county's annual budget. The budget was the most widely known document as 41% of the respondents acknowledged awareness of it. Less than 10% of the respondents reported having a copy of these documents.

These findings indicate that county governments are not doing enough to ensure access to information by the public and consequently very few Kenyans are aware or involved in crucial forums to discuss county plans and priorities during the 2014/2015 budget cycle.

SUMMARY FINDINGS

Awareness of county funds: 83% of Kenyans were unaware of the funds allocated to their county; this information is found in the County Fiscal Strategy Paper and the county budgets.

Recall of leadership positions: 90% of the respondents recalled voting for the post of the President and 82%

could remember the Governor. The Senator's was the least remembered position with 66% recalling that they voted for this post; about 70% recalled the other three elective positions. 57% of the respondents said they did not know the functions of the Senator and 44% of those who had responded in the affirmative stated that the role of the Senator was 'to oversee the county governor'.

Interaction with leaders: Majority of the respondents had not contacted any of their leaders in the past 12 months. However, the Member of County Assembly was the most contacted at 21%, followed by the MP at 13%. This interaction was reported to be largely at social gatherings such as burials and harambees among other events at 79% followed by phone calls (13%) and social media (6%). It is noteworthy that formal citizen participation forums organised by the county governments were not among the interaction platforms listed.

Performance rating of the National Government on key issues: 61% felt that the government had performed poorly in the provision of security, followed by corruption and job creation at 57% and 55% respectively.

Performance rating of the County Government on key issues: 60% were dissatisfied with the anti-corruption measures undertaken, followed by the inclusion of minorities in the government and citizen engagement at 55% and 52% respectively. This means that there is an expectation among the members



IS IT MY BUSINESS?

A national opinion poll on devolution and governance in Kenya

June 2014



of the public that the counties should be proactive and put in place concrete measures to fight corruption.

Satisfaction with the County Government: 53% said they were dissatisfied with the county government with 18% expressing satisfaction. 54% attributed dissatisfaction to the lack of visible development as a result of devolution while 19% mentioned unfulfilled campaign promises.

Priority issues for county and national governments: At the county level, poverty and unemployment, infrastructure development and insecurity were the three most pressing problems identified by the respondents. At the national level, 52% cited insecurity as the most pressing problem with unemployment and poverty following at 18%.

Visit www.tkenya.org to download a copy of the report

Advocacy and Legal Advisory Centre Eldoret helps Uasin Gishu residents and local CDF committee resolve complaint

Transparency International Kenya's Advocacy and Legal Advisory Centre (ALAC), Eldoret helped to avert a protest in Uasin Gishu stemming from a dispute concerning the management of a Constituency Development Fund (CDF) project.

On 8th January 2014, four clients visited ALAC. The clients were residents of Kapseret Constituency in Uasin-Gishu County. They presented their complaint regarding an ongoing CDF project under construction in the constituency. The project was the Tuiyo - Nganiat Bridge.

The client's complaints were as follows:

1. Skewed procurement procedures

The project tender was not publicly advertised, the contractor was not prequalified and he did not come from the county. Other complaints regarding the procurement of the contractor were as follows: The ongoing project showed poor workmanship as the construction materials were of poor quality: an alternative bridge which had been made for the road users was poorly done and therefore posed danger to pedestrians as they could easily fall off the bridge; and the CDF committee had failed to appoint a local committee on the ground to supervise the construction of the project.

They also blamed the contractor for 'importing' manual laborers yet an agreement was made where he was

required to utilise the services of the locals except where expert services were required.

2. Embezzlement of funds

That the project had been allocated Ksh 500,000 in the year 2010/2011 and this was not accounted for. In the year 2012/2013 the project was awarded Ksh.5 million. The community was worried that the money will not be utilised for the intended purpose as they are not involved in the monitoring of the project through a local committee.

The clients requested the Advocacy and Legal Advisory Centre to assist them to get audience with the Constituency Development Fund Manager – Kapseret Constituency and members of the CDF committee to present their grievances.

The Advocacy and Legal Advisory Centre officer registered their complaints and sought to meet the Fund Manager. The clients were also invited to the meeting on 14th January 2014. The Fund Manager paid a visit to the Advocacy and Legal Advisory Centre office together with the Secretary of the CDF committee. Two of the four clients also attended the meeting. The Fund Manager brought with him the project file containing details of the status of the project.

Among the documents provided were:

- The bill of quantities from the engineer quoting an amount of Ksh

6.9 million

- Advertisement of the tender and copies made to the Kenya Rural Roads Authority (KeRRA) offices
- Letters and minutes of meetings conducted by the Constituency Development Fund committee concerning prequalification of a contractor after receiving clearance from KeRRA on the eligibility of the contractor.

The CDF Manager also mentioned that the contractor had signed some documents indicating his mode of operation where it was stipulated that he was to utilise the services of the locals for manual jobs. On this matter he promised to summon the contractor together with the engineer to raise the complaint.

On the issue of the project's supervision, the Fund Manager promised to follow up with the county engineer who is mandated to supervise and ensure the project is constructed within the stipulated standard using quality materials.

In the end, the clients were satisfied by the response from the Fund Manager. On a light note, they blamed their complaints on ignorance, lack of information and cheap politics. They urged the Constituency Development Fund officers to ensure that vital information as such is availed to the members of the public.





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