IMPROVED GOVERNANCE AND PARTICIPATIVE DEVELOPMENT PROGRAMME

CONSULTING REPORT FOR GOK, UNDP AND ALLIED DONOR AGENCIES

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PROGRAMME DOCUMENT

PROGRAMME FOR IMPROVED GOVERNANCE AND PARTICIPATIVE DEVELOPMENT

Joint Programming by GOK and Donor Agencies

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1. BACKGROUND

1.1. ANALYSIS OF ISSUES ON GOVERNANCE

1.1.1. The Global Genesis of Good Governance Idea

Governance issues have come to the fore in government and donor thinking in the last four years. This is in keeping with the international trend of considering issues of governance as a part and parcel of democratisation and participative development and therefore development assistance. The academic ideas on governance are found in scholarship of the seventies and early eighties and, unlike other past development trends, the transition from the realm of scholarship to the realm of development assistance practice, has been very short. The transition has been mainly driven by the end of the cold war.

During the 1980s, thinking about development has evolved beyond the traditional provision of basic needs (food, shelter, health, etc) to emphasizing the importance of upholding fundamental human rights in all matters that confront humanity. These include political freedom, civil liberty and empowerment of population in matters of decision making. Today major bilateral and multilateral agreements are made globally on the assurance of good governance in which individual and collective rights of different interest groups of the population are respected by incumbent governments.

Advocates of good governance emphasize its social benefits in terms of the concomitant responsible political and democratic leadership it breeds. It is a yardstick on which responsible political leadership is determined. In other words, the basis of good governance is responsible political and democratic leadership. Good governance, by providing responsible political and democratic leadership, suppresses authoritarianism and accommodates criticism and dissent. It is also conducive to participatory development by all and sundry, because of the underlying commitment to democratic ideals and the basic tenets of fundamental human sanctity and freedom including empowerment to decision making in matters that affect the welfare of people. Good governance breeds political stability which is the basis of sound social and economic development. Authoritarianism and intolerance to dissent breeds negative political and civil disobedience and hence undermines the potential for participatory development with dire consequences.These are usually manifested in socio-economic stagnation or decline.

Although there is an unprecedented number of democracies in the world today, the vast number of people are denied political freedom of one type or another for the factors that deny civil rights (including economic rights) remain strong. Even where governments are democratically elected, political freedom and civil liberties are often abridged by entrenched cultural, institutional or ethnic forces.

1.1.2. Indicators of Good Governance

The two main indicators of good governance are the existence of political freedom and civil liberty or right. Up to recent past, development thought had not formulated indices for good governance. The first indices of political and civil liberties were formulated in 1991 by the World Bank in its first annual Comparative Survey of Freedom. They were to be used to facilitate the monitoring of good governance globally. The underlying background information was used to construct the Political Freedom Human Suffering Index and the Civil Rights Human Suffering Index.

The **Political Freedom Human Suffering Index** includes measures of:

a. The existence of fair electoral laws, equal campaigning opportunities, fair polling, and honest tabulation of ballots;

b. The voters' ability to endow their freely elected representatives with real power;

c. The peoples ability to organise freely in different political parties or other competitive political groupings of their choices; and the system's openness to the rise and fall of these competing parties or groupings;

d. The country's right of self-determination and its citizen's freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any of the powerful group (including ethnic elites); and

e. The existence of a free and independent media, and freedom of expression in literature, and other cultural expressions; and the extent to which state controlled media offers pluralistic points of view.

The **Civil Rights Human Suffering Index** includes measures of:

a. Freedom of assembly and demonstration (for cultural, social as well as political groups);

b. Equality under the law; and the extent to which citizens have access to an independent, non-discriminatory judiciary, and are respected by the security forces;

c. Protection from political terror, imprisonment, exile or torture, whether by groups that support or oppose the ruling system (including both governmental and non-governmental groups); and the extent of freedom from war or insurgency situations;

d. Personal social freedoms, which include gender equality, property rights, freedom of movement, choice of residence, and choice of marriage, and size and system of family; and

e. Equality of opportunity, including freedom from exploitation by or dependency on landlord, employers, union leaders, bureaucrats, or any other obstacles to a share of legitimate economic gains.

These indices offer a good intellectual stand point on evaluating countries on a governance scale. No doubt, as time goes on, there will be improvements on these indices or even completely new ones.

1.1.3. Good Governance Issues in Kenya's Recent Past

In Kenya, issues of governance came to the fore in politics and development assistance with the debate on constitutional provision for only one party in the past ten or so years. Domestic pressure for a more open political system can be dated from 1982. It was inchoate for individuals did not have the possibility of creating legal parties and pressure groups to systematically represent bodies of opinion or to argue policy alternatives. It was not until 1991 that constitutional changes legalising many parties took place. Many donors had temporarily stopped their funding programmes due to their concern about governance issues around 1991. Soon after the constitutional changes of that year, many of political parties were registered and began to recruit members. Many civic bodies also found voices. 1992 was a year of diversification in the political arena. This was accelerated by the elections which took place at the end of the year. The creation of many parties and pressure groups unmasked factionalism and sectionalism. Electioneering confirmed that the political culture obtaining was characterised by lack of tolerance and scape-goating.

It can also be argued that this culture of intolerance came about because independent Kenya has not had a long period of practising multi-partism. The only systematic multiparty period was between 1963 and 1966.

The 1992 election did not solve the structural problem of democratic participation for the subsequent period is still characterised by intolerance and the lack of acceptance of the rules of the game by many political actors. KANU, which had ruled since independence, emerged the winner in 1992 in an election observed by many donors. The pressure for more democratisation has not abated and is now generated internally by parties and pressure groups as well as donors who increasingly write governance conditionalities into the development assistance agreements.

The current structural problems of governance, can be summarised as falling into the following major areas.

a. The perception that politics is zero sum, that is there are always winners and losers. This denies compromise and tolerance at all social and political levels. The practice is alive and well as within the ruling and the opposition parties.

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b. Lack of trust negates the ability of political institutions with different compositions to do policy and representation business in a cooperative manner and to defer covert political competition to election periods. Everything, including information, is contested for there are permanent political enemies rather than permanent political interests.

c. The state is such a powerful holder of both economic and political power that there are no societal countervailing powers to it. Consequently, the party which controls it is seen, and sees itself, as the ultimate arbiter. These beliefs and the practices emanating from them, lead to almost permanent animosity between the state and society. They generate lack of accountability by those holding public positions, whether based on political party power or civil service employment. Consequently the public is to be told and not to instruct or question the rulers.

On its part, the public accepts that government is both mother and father, never to be instructed or questioned. In this situation representatives become self directed agents. Thus they can cross over from party to party without reference to those who elected them.

d. The legal inheritance is made up of laws which militate against greater public participation in governance as well as limiting and checking state power and the power of a ruling party. Some laws give preponderant power to the state employees and institutions vis a vis the public. There also are lacunae in the law, for example on women rights, which should be filled as part and parcel of building a more democratic society.

e. Some key public watchdog institutions and personnel do not have the resources and skills to police the activities of the dominant state and to serve many and varied publics. The public in turn does not exercise its information rights on what the all powerful state and its agents, be they a ruling party or the state bureaucracy, does. This, coupled with a stifling mass media law, assures that the public does not exercise fully its democratic right of review over the actions of those it has delegated to administer, represent and rule.

f. Local government and planning is still dominated by institutions of the central state and thus is not a laboratory for participative democracy. Service delivery is inept. Representation is continuously contested. Frameworks for local authority institutions are constantly changed.

It can be argued that the donor strategy, which to date has emphasized civic culture, has attempted to address the first three structural problems. This programme is set to address aspects of the last three structural issues. It should be clear to all and sundry that programmes and projects only address aspects of structural problems. Structural problems only get solved by society in the long term by internal

transformation.

1.1.4. GOK Commitment to Economic Management and Reforms

The Kenya government has demonstrated a commitment to economic reforms despite, in some cases, dire political consequences. The government has over the last few years for example, made very bold steps to undertake painstaking structural adjustment and has continued to maintain its commitment to implement them. However, the government periodically intervenes in ways it deems necessary to ensure protection of the population from the adverse effects of its ongoing SAPs. This commitment to economic management and reform is, in the long term, a major input into the evolution of good governance.

1.2. STRATEGY TO ENHANCE PARTICIPATIVE GOVERNANCE

Over the past three years, different donors have sought to fund improvements in governance based on the perception that the most important activity were, in descending order:

a. To assist in the changes leading to the legalisation of multi-partism, including the funding of the election process,

b. To finance voter education through specialised pressure groups and or parties,

c. To fund debate on alternative public policies,

d. To fund women rights organisations,

e. To fund NGOs working on democratisation/human rights.

These activities are generally seen as constituting civic education and contributing to the evolution of a civic culture. It is true many donors have wanted to fund "constitutional " reform, but have not done so for lack of a handle.

All these efforts were fundamentally based on a theory that the most important issues, for the generation of good governance in the country, were creation of alternative people's organisations and generating information on the political and the public arena.

Donors chose not to fund, as priority, the state institutions which had important watch dog responsibilities on the content and practice of democracy. Among these are the state legal institutions, the public finances supervisory institutions, the election supervising institution, strengthening of local government, improving district level planning and training for civil service reform. There is still controversy among the donors on whether funding for good governance ought to be primarily for people's institutions in contradistinction to state institutions. In some ways this is a sterile debate for if the structural problems militating against participative

1.3.4. Policy Research Institutes

The planned funding of three policy research institutes by donors and foundations, is perhaps unique for such institutes have not existed in the past. Among the donors who are involved in this are the USAID, Friedrich Naumann Foundation, Rockefeller Foundation and Africa Capacity Building Foundation.

1.3.5. NGO Election Monitoring

In the election monitoring arena, many donors and foundations have funded local NGOs who have sprung up over the past three years. Some of the funded efforts concentrate on election monitoring. In this area there has been a shift from funding national institutions like National Election Monitoring Unit, which was created by the Protestant and Catholic national coordinating bodies for purposes of monitoring the 1992 election, to funding new stand alone NGOs.

1.3.6. Voter Education

Over the past two years, new local NGOs were created to produce voter education materials and to train voters. These are seeking long term funding to continue voter education activities.

1.3.7. Gender Equality Institutions

Leading up to the election in 1992, many Kenyans and donors were of the opinion that the largest national women organisation, Maendeleo ya Wanawake, was oriented towards the ruling party KANU, which it had been part of before. A number of gender related organisations were funded and continue to do gender work. Among these are Committee on the Status of Women and the National Council of Women of Kenya.

1.3.8. Human Rights Institutions

In the area of human rights, there has been some funding of the old established professional lawyers groups, FIDA, ICJ, and LSK, but significantly new human rights local NGOs have been formed in the past two years and have received some funding. Some of the foundations with legal and social justice programmes have been active in this arena. Production of a monthly journal on human rights has been funded.

1.3.9. Alternative/Advocacy Press

Some donors have funded organisations which were labelled "alternative press" as well as the professional body bringing some critical press organisations together. Continuation of such support, especially legal aid, is under consideration by some donors.

1.3.10. Political Parties

It is extremely hard to document this given the charges and counter charges between the opposition and the ruling party as well as donor sensitivity to being perceived as taking sides. However, Friedrich Naumann Stiftung funded a Post-Election Action Programme. Donors have been interested in funding in this sector but there are no easy options. Interest was essentially for funding policy formulation, staff for MPs, recruitment and perhaps election petitions but there does not appear to be any major programmes on these.

1.4. ASSISTANCE UNDER CONSIDERATION

Donors envisage to promote democratic development through support to such programmes as: building capacity in district planning and local governments; the development of demographic data-base and support for effective electoral process; capacity building for civil service reform, legal reform; and support for public finances supervision.

This programme is, therefore, designed to be financed jointly by cooperating partners through cost sharing or parallel financing of the activities aimed at improved governance. Specifically the following foundations, bilateral and multi-lateral donors have shown interest to commit resource in the specific aspects of governance.

1.4.1. Support for Legal Reform

For support of efforts review laws, GOK has budgeted Ksh. 66 million (US$ 1.2 million). CIDA is interested in funding activities which increase public discussion of issues related to Women, Penal, Security and Media Task Forces and has already an initial indicative budget of US$ 50,000 which could be expanded in the future.

WORLD BANK is very active in funding governance activities through structural adjustment programme. It specifically is interested in funding the Task Force on Companies law whose budget is US$ 211,000.

EU is considering funding maybe at the level of US$ 100,000 subject to detailed project proposals including work plans.

FORD FOUNDATION, which has an extensive programme covering women in development and human rights, has earmarked US$ 125,000 which can be drawn on for activities which increase public participation in the Task Forces' activities.

UNDP has already indicated that it would fund legal reform activities and earmarked US$ 300,000.

There is a second category of donors who are interested in participating in the funding of legal reform but their programming does not allow them to indicate amounts now. Among

these are:

FINLAND which is actively considering funding for the Penal Task Force which is related to other development activities it is considering.

SWEDEN which is considering governance funding over the next three years and awaits detailed work plans from the Task Forces.

AUSTRIA which is generally interested in legal reform and will decide on level of funding after receiving detailed work plans.

NETHERLANDS which plans to fund activities within the area of human rights and democracy.

ODA which is active in financing governance activities and will consider detailed proposals which include work plans.

USAID which has already programmed funds for support of the governance activities but awaits completion of a new agreement with the Kenya Government.

1.4.2. Support for Civil Service Reform

The Kenya Government has set aside some US $ 27.8 million (Ksh. 1,532 million) in its 1993/94 budget to be paid out as Safety Net payments to the retirees under the Voluntary Early Retirement Scheme, a central component of civil service reform. It is also funding the Civil Service Reform Secretariat operations and other maintenance items.

The Reform Programme has so far been greatly assisted by ODA which recently provided equipment and facilities to the Civil Service Reform Secretariat, funded Ministerial, Provincial and District Civil Service Reform Committee Seminars, and is currently considering funding a proposal on the training of retirees.

The World Bank has developed a Project Preparation Facility for the Programme, which has been included in the 1994/95 budget.

Over the years, the Kenya Government has benefited substantially from a number of Policy Management and Human Resources Development technical assistance programmes whose contribution to capacity building in the Civil Service is ongoing. Among these are:

USAID's a. Training for Development (TAD) Project. b. Human Resources Development Assistance (HRDA) Project.

CIDA's General Training Fund/Programme .

BRITISH COUNCIL offers more scholarships annually to the Kenya Government than any other donor agency. The number of Scholarships is about 400 per year, with 80% of them being tied to the British aided projects in Kenya.

JICA offers about 140 short courses annually.

UNDP has since the early 1980s worked closely with the GOK in programmes geared towards improvement of public sector management.

ROYAL NETHERLANDS EMBASSY has requested for funds to fund activities within the area of human rights and democracy.

ROCKEFELLER FOUNDATION does not have a programme on Governance but has given the Institute of Policy Analysis, which is supposed to get financing from a variety of donors, a small US$ 10,000 grant.

1.4.3. Support for Controller and Auditor General

To date the ODA has committed some funds towards the computerisation of activities in the CAG's office. USAID is planning to support skills improvement for the staff of the office.

1.4.4. Support for Ministry of Local Government

Three donors are actively involved in the ministry. Two are focused on a few municipalities and towns. GTZ has had a small towns programme which is set to expand with infusion of funds from the KfW. World Bank will fund a municipal finances programme. Friedrich Ebert Stiftung has a long term governance programme for training of civic leaders and chief officers. No major effort is focused on county councils who form the majority of local authorities and who are supposed to serve the most desperate rural populations.

1.4.5. Support for Electoral Commission

No specific funding has been identified for the commission during this consultancy.

1.4.6. Support for Ministry of Planning and National Development

No specific funding has been identified for this ministry's district level activities.

1.5. NATIONAL INSTITUTIONS INVOLVED

The national institutions to be involved in the programme are:

a.   The Attorney Generals Chamber which has oversight responsibilities advising government on law.

b. The Directorate of Personnel Management which has oversight responsibilities on training and deployment of government personnel.

c. Controller and Auditor General's Office which has oversight responsibility over all public funds save those of parastatals.

d. Ministry of Local Government which has oversight responsibilities for managing the affairs of local authorities.

e. Ministry of Planning and National Development which has oversight responsibility over national planning including decentralised planning in the districts.

f. The Electoral Commission which is responsible for organising, supervising and certifying all elections for local authorities and the national legislature.

1.6. PROBLEM TO BE ADDRESSED

In a meeting of African Association for Public Administration and Management (AAPAM) held in Ghana, 1993, the general consensus was that good governance is essential not only for peace and political stability but also for efficient and transparent public administration and economic development. This consensus points at the need to be explicit in identification of key issues involved in the process of promotion of effective governance.

This programme will focus on building an enabling environment for participative governance, reform of the civil service through well articulated "corporate strategy" to improve productivity and effectiveness; legal reforms; enhancement of operations of the local authorities and promoting decentralized administration though district planning, strengthening government's audit capacity to ensure effective resource control and assist in the professionalization of electoral administration.

1.7. TARGET BENEFICIARIES

The programme will support capacity building for good governance in general, but in particular, it aims to achieve the following:

a. Assisting Directorate of Personnel Management in the implementation of the civil service reform programme in order to improve efficiency and productivity as well as training retirees. The beneficiaries will be the whole civil service in general and retirees in particular.

b. Assisting AG's Chambers to finalize law reform proposals by the nine specialised Task Forces. The outcome will be more relevant law and thus the beneficiaries will be the Kenya

public.

c. Enhancing capacity in the Office of the Auditor General to ensure effective control of public funds. The beneficiaries will be initially the Controller and Auditor general's staff who will be enabled to handle their work more efficiently and the public whose property will be safeguarded.

d. Training and equipping local authorities and district level institutions to enhance decentralized participative planning and development. Beneficiaries will be the ministries responsible for local authorities' affairs and planning initially but more fundamentally in the long term the participating Kenya publics at various local levels.

e. Enhancing the Electoral Commission' capacity to collect, process, evaluate, map and disseminate electoral data and information efficiently and in transparent manner to ensure that an enabling environment for democratic participation is created whilst supporting civic education and promoting involvement of women in the electoral process.

2. PROGRAMME COMPONENT

2.1. PROGRAMME OBJECTIVES

The objective of the programme is to strengthen the capacity of the state for good governance and for faster social and economic development through enhancing efficiency and productivity in the civil service, state corporations, local authorities, legal institutions and audit departments of the government.

Initially, the programme will focus on the issues of legal reforms and civil service reforms. Thereafter, programmes in building capacity within the government audit institutions in order to ensure effective utilization of available resources; assistance to local and district level institutions to promote decentralized and participative development and capacity building for electoral processes will follow.

The main components of the programme will include the following:

(i) Legal reform process.

(ii) Civil service reform.

(iii) Capacity building in the Office of Auditor General.

(iv) Promotion of effective local and district level institutions to enhance participative development.

(v) Assistance to electoral processes.

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For each of these key components, a detailed implementation arrangement will be developed for funding by cooperating partners.

2.2. COMPONENTS

2.2.1. Legal Reform Task Forces

2.2.1.1. Key Issues to be Addressed

In 1993, the Government of Kenya appointed various Task Forces to review all laws, regulations, practices, customs and policies relating to different aspects of Kenyan laws. The task forces include those on penal laws and procedures; laws relating to women; laws relating to the disabled; security legislation; landlord and tenancy legislation; laws relating to auctioneers and brokers; the status of Kenya School of Law; laws relating to companies, partnerships, insolvency and investments; press law and laws relating to children.

To facilitate this important task, the Government has approached a number of donors to provide financial and logistical assistance to the task forces. The requests have been made to foundations, multi-lateral and bilateral donors. This sub-programme is an attempt to consolidate the request for the assistance in a comprehensive document for funding under the auspices of United Nations Development Programme (UNDP).

2.2.1.2. Component Objective

The objective of the component is to assist the Task Forces to conduct researches involving methodologies that are participatory by nature. The programme will aim to provide resources to enable the task forces to get access to both local (and international if necessary) expertise on specific legal areas that may be necessary to facilitate the production of the planned proposals. The programme will also assist the task forces in terms of providing basic resources required to meet the logistical and support services to ensure timely delivery of the planned outputs.

2.2.1.2.1. Component Elements

The proposed component has nine (9) elements focusing on the specific aspect of the Laws of Kenya that require reform. The tenth, Task Force on Children, has already completed its work. The main elements are as follows:

Element 1: Task Force on Penal Laws and Procedures.

Element 2: Task Force on Laws Relating to Women.

Element 3: Task Force on Laws Relating to the Disabled.

Element 4: Task Force on Security Legislations.

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Element 5: Task Force on Landlord/Tenancy Legislations.

Element 6: Task Force to Review Laws Relating to Auctioneers.

Element 7: Task Force on the Status of Kenya School of Law.

Element 8: Task Force on Laws Relating to Companies, Partnerships, Insolvency and Investment.

Element 9: Task Force on Press Law.

2.2.1.3. Capacity Building Targets

Reviews of the critical needs of the task forces conducted at the highest levels of the Attorney General's Chamber, and discussed with the Chairpersons of the various Task Forces, indicated that the following capacities will be required for each of the task forces in order to realize their outputs.

a. Establishment of effective secretariat.

b. Enhancement of research capacity to collect and analyze data and information on Laws of Kenya.

c. Organization of seminars/workshops at national and local levels.

d. Preparation of draft bills for presentation to Parliament

2.2.1.4. Beneficiaries

The main beneficiaries of this programme will be the various Kenya publics who will enjoy more democratic and relevant legal frameworks.

The secondary beneficiaries are the legal enforcement institutions who will operate a more streamlined legal framework.

Other secondary beneficiaries will be the Office of the Attorney General, especially the Law Reform Commission, whose work load reduced as well as getting frameworks for revision of other laws.

2.2.1.5. Reason for UNDP Assistance

The UNDP 6th Country Programme for Kenya, approved by the Executive Board in May 1994 emphasizes capacity building for improved governance and participative development as a key element in the process of democratization. The 6th Country Programme underscores the importance of law reforms through target programme activities and the need to strengthen Attorney General's Chambers.

It is for this reason that UNDP remains committed to work with other cooperating partners to mobilize resources to assist the

Government in the realizing its aspirations of improving and
modernising the law.

2.2.1.6. Prior and On-going Assistance

There is no prior or on-going assistance other than the one
being considered by donors as part and parcel of this
programme. On its part, the Government of Kenya has obligated
Ksh. 66 million for the programme.

2.2.1.7. Programme Cost

It is estimated that the total cost of this programme will be
US$ 2.2 million, over a period of 1.5 years. It is envisaged
that UNDP will contribute US$ 300,000 and about US$ 1.9
million will be generated through cost-sharing, co-financing
or parallel financing with other donors. The breakdown of
funds requested from donors, which is 65% of the total
programme cost, and their utilisation categories, is shown in
Table 2.2.1.7: Legal Reform Budget below.

The Government contribution to the programme during the period
is expected to be Ksh. 66 million (US$ 1.2 million.) in cash
and kind. This is about 35% of the total programme cost.

Table 2.2.1.7: Legal Reform Budget

US$ '000

ITEMS	1994	1995	TOT.	%
Experts	200	138	338	15.5
Support Staff	90	56	146	6.7
Drafting Staff	60	71	131	6.0
Workshops	100	180	280	12.9
Duty Travel	150	68	218	10.0
External Travel	91	91	182	4.3
Computers/Equipment	107	–	107	4.9
Vehicles	273	–	273	12.6
Reporting	30	35	65	3.0
Premises	209	200	409	18.8
Miscellaneous	60	56	116	5.3
TOTAL	1,279	895	2,174	100.00

2.2.1.8. Implementation Mechanism

The office of the Attorney-General (AG), the programme
executing agent, is responsible for the overall programme
activities and will provide overall direction and coordination
framework for the donor community to ensure that activities
funded under the programme complement each other and that they
fit within the priorities of the task forces.

The choice of the AG to execute the programme is based on the
view that it has legal oversight responsibilities and adequate

managerial capacities to coordinate the activities of the task forces. It is envisaged that through this programme the capacity of the AG's Chamber will be enhanced.

Law Reform Commission, established under the auspices of the AG's Chamber to facilitate the management of law reform in general, will work with a specialised Secretariat set up to oversee the activities under this programme. Technical assistance will be provided to enhance managerial, monitoring and evaluation capacities within the AG's Chamber to ensure that human resources necessary to ensure the implementation of the project activities are available.

A Programme Steering Committee (PSC), composed of members from the different Law Reform Task Forces will be established. This steering committee will meet on regular basis to review the disbursement status of the different components of the programme and to advise on the optimal options of utilizing the resources allocated to the programme as a whole. The PSC will be serviced by a small secretariat which will ensure effective running of the activities of the programme.

The AG's Chamber, through the Secretariat, will be responsible for the financial monitoring and administrative backstopping of the programme activities through review meetings, programme and financial auditing and production of regular progress reports.

The Secretariat will be in charge of the day-to-day management of the programme activities. The Secretariat will have a senior officer to direct programme activities, officer in charge of programme funds and a logistics officer.

The secretariat will be responsible for:

a. Ensuring smooth implementation of programme activities according to plans of the task forces.

b. Arranging regular review meetings on the on-going activities of each task force.

c. Arranging for the preparation and dissemination of the task force reports.

d. Assisting in organizing seminars/workshops as planned by the task forces.

2.2.1.9. Monitoring and Evaluation

Specific activities under the programme will be monitored by the Programme Steering Committee. The committee will seek to ensure that inputs, work-schedules, the production of targeted reports and other required actions are proceeding accordingly to plan. It will also closely monitor the budgets and expenditures of each of the Task Forces.

Financial and other resources use records of each of the task forces will be maintained by the Secretariat which will be reporting this to the PSC on regular basis for review by the Attorney-General's Chamber.

Programme performance Evaluation Report (PPER) will be produced at each year to be reviewed by the parties concerned to ensure that the inputs are being used as intended.

A terminal review will be held during the last month of the programme operations and a terminal report will be produced.

2.2.1.10. Audit Procedures

The objective for an audit of the programme is to obtain reasonable assurance that donor resources are being managed by the implementing agents in accordance with the financial regulations, rules and practices and procedures, the programme document and the work plan as agreed to with the executing agent, the AG's Chamber.

In managing the programme resources the agents will have fiduciary and compliance responsibilities to the funding institution. They also have compliance responsibility for funding institutions reporting procedures.

Thus, an audit of this programme, whose components would be implemented by the various Task Forces must fulfil the following set of objectives: programme disbursements are made in accordance with the programme document; programme disbursements are valid and supported by adequate documentation, an appropriate control is maintained by the programme secretariat and can be relied upon, programme reporting are fair and accurately presented; and that the programme monitoring and evaluation reports are prepared as required.

2.2.2. Civil Service Reform

2.2.2.1. Key Issues to be Addressed

2.2.2.1.1. Civil Service Organisation

The Civil Service Organization has grown both in size and complexity owing to ever rising public demands on the Government. This has led to lack of synchronization between the Civil Service Establishment and Ministerial workloads. There is need to re-examine the hierarchy of authority, spans of control, and job descriptions with a view to streamlining organizational network for increased efficiency and productivity.

2.2.2.1.2. Staffing Levels

Staffing levels are sometimes not linked to overall objectives or establishment levels nor properly controlled. There is

therefore need to tighten recruitment procedures. Rapidly rising percentage of personnel emoluments, in relation to allocations for operations and maintenance, adversely affects the management of the recurrent budget. This has serious implications on efficiency and productivity of the Service.

2.2.2.1.3. Payments and Benefits

Given the rapidly growing size of the wage bill, compensation levels have eroded. This denies retention of professional and managerial staff. The obtaining housing policy is expensive and severely distorts the national housing market. A multiplicity of allowances, which do not meaningfully contribute to enhanced satisfaction, motivation or productivity are found across the service.

2.2.2.1.4. Financial and Performance Management

Individual performance has not been properly linked to organizational performance and reward systems. Individual performance appraisal systems are ineffective for there is inadequate use of MIS and performance indicators. Underlying this is the lack of policy/priority driven budgeting and inadequate links between programme/activity performance management and financial management.

2.2.2.1.5. Personnel Management and Training

The Personnel Management system is fragmented and is operated by a multiplicity of agencies. This leads to delays in assignment, disciplining and supervision. The service attracts few external applicants for senior posts although there is an open structure allowing it to recruit for specialised services. There is an oversupply of pre-service graduates. Training within the service is no longer driven by work and performance given that few resources are allocated to it internally. Weak personnel records management and the attendant eroded discipline and work ethics compounds the problem of preparing proper manpower plans with well thought out programmes for capacity building.

2.2.2.1.6. Increased Scope of the Civil Service Reform Programme (CSRP)

On 15th February, 1994, the Government found it necessary to restate that the scope of the CSRP was to be increased so as to improve co-ordination, effectiveness and utilization of public resources. It also stated that harmonization of all reform efforts, currently under implementation in the public sector, would be unified and expanded to cover all State Corporations including public Universities, Local Authorities and the Teachers Service Commission. Reform efforts in these institutions will now be undertaken within the already established institutional framework of the Civil Service Reform Programme.

2.2.2.2. Component Objectives

The component objective will be to strengthen the capacity of the state for good governance and for faster and participative economic and social development through enhanced efficiency and productivity in the Civil Service, State Corporations, Teaching Services, Local Authorities and other public agencies.

2.2.2.2.1. Component Elements

a. Improved capacity of the Civil Service Reform Secretariat and the various Reform Committees of the programme to conceptualize, operationalize, coordinate and implement all aspects of the Civil Service Reform Programme.

b. Improvement, through pre-retirement training, of the retirees' ability to adjust smoothly to post-retirement life and engage in fruitful income generating activities in the private sector.

c. An enhanced capacity of Management Development Institutes, especially Kenya Institute of Administration, to identify and analyze the major training needs affecting the Civil Service Reform Programme.

d. A streamlined Civil Service Organization, structured for functional efficiency and effectiveness with well defined Ministerial and Departmental functions, hierarchy of authority, spans of control and accurate job descriptions.

2.2.2.3. Capacity Building Targets

To strengthen the effectiveness of the civil service which would contribute to good governance, faster and participative economic and social development, the following capacity building targets will need to be supported:

a. Strengthening Civil Service Reform Secretariat and Civil Service Reform Committees;

b. Enhancing the capacity of civil service through training to increase productivity;

c. Assisting retirees to initiate income generating activities;

d. Enhancing capacity of Management Development Institutes especially Kenya Institute of Administration to plan relevant and sustainable training for the Civil Service.

2.2.2.4. Beneficiaries

The immediate beneficiaries of a more efficient and productive Civil Service are the Kenya publics who look to the Government for provision of a variety of services. This is in line with

the current global emphasis on good governance, transparency and accountability.

The entire Civil Service will benefit from the savings arising from downsizing which will be utilized to boost operations and maintenance budgets for more effective service delivery.

Senior and middle level officials, the cadres most affected by salary erosion during the last decade, will benefit from the review of pay and benefits and from the capacity building initiatives envisaged by the Programme.

Civil Servants with entrepreneurial inclinations in Job Groups A - G will also benefit from the Safety Net payments and retirement benefits under the Voluntary Early Retirement Scheme. The package is geared towards enabling them to engage in income generating projects in the private sector.

Management Training and Development Institutions (especially the Kenya Institute of Administration (K.I.A.) will benefit from exposure to effective institutional development programmes geared towards sustaining reform gains.

2.2.2.5. Reason for Required Assistance

The UNDP 6th Country Programme for Kenya, approved by the Executive Board in May 1994 emphasizes capacity building for improved governance and participative development as a key element in the process of democratization. The 6th Country Programme places a sharp focus on the civil service reform and human development.

It is for this reason that UNDP remains committed to work with other cooperating partners to mobilize resources to assist the Government in the realization of its aspirations of enhancing effective operations of the civil service. UNDP has also had a long standing collaboration with GOK in improving public sector management. This started in 1980 culminating in the formulation of the project KEN/89/010 - National Management Policy Development. UNDESD's expertise in civil service reform initiatives at national, regional and global level will continue to be sought throughout the implementation of this programme.

UNDP will also promote effectiveness of the civil service through support to such programmes as: building capacity in district and local governments; improvement in the training of the civil servants; and strengthening CSRS.

In addition to the interest that has been shown by UNDP on the issue of governance, several other donors have indicated willingness to cooperate with Government in funding development aspects that can lead to improved governance and effective participation in the process of development. This programme is therefore designed to be financed jointly between UNDP and other cooperating partners through cost sharing or

parallel financing of the activities of the task forces.

2.2.2.6. Prior and on-going Assistance

The current Civil Service Reform Programme has no precedent in the history of Kenya's Civil Service. It was launched only in August, 1993. However, it will benefit from the background work done by the several commissions and committees that have in the past examined various aspects of the Civil Service. There have been six such Presidential Commissions and Committees since 1963 that have examined the management of the Civil Service and the Public Service in general.

The Reform Programme has so far been greatly assisted by ODA which recently provided equipment and facilities to the Civil Service Reform Secretariat; funded Ministerial, Provincial and District Civil Service Reform Committee Seminars; and is currently studying a proposal on the training of retirees.

The World Bank has developed a Project Preparation Facility for the Programme, which has been included in the 1994/95 budget.

The Kenya Government has set aside some US $ 27.8 million (Ksh.1,532 million) in its 1993/94 budget to be paid out as Safety Net payments to the retirees under the Voluntary Early Retirement Scheme. It is also funding the Civil Service Reform Secretariat operations and other maintenance items.

The above notwithstanding, requests for funding of the various components of this Programme have been sent out by the Government of Kenya to various donors whose support is critical to the successful implementation of the Reform Programme.

Over the years, the Kenya Government has benefited substantially from a number of Policy Management and Human Resources Development technical assistance whose contribution to capacity building in the Civil Service is significant. Among them are Training for Development (TAD) Project and Human Resources Development Assistance (HRDA) Project. Both have been funded by the United States Agency for International Development (USAID) since 1987/88.

The Canadian International Development Agency (CIDA) has since 1982 ran the General Training Programme (GTP), known as the Kenya-Canada General Training Fund (GTF) before 1991.

The British Council offers more scholarships annually to the Kenya Government than any other donor agency. The number of Scholarships is about 400 per year, with 80% of them being tied to the British aided projects in Kenya.

The Japanese Government offers short courses through the Japanese International Co-operation Agency (JICA) to the tune of 140 awards annually.

The United Nations Development Programme (UNDP) has since the early 1980s worked closely with the GOK in programmes geared towards improvement of public sector management. Other donors announce scholarships from time to time.

While these scholarships contribute variously to Management Development, they do not focus on Civil Service Reform and Policy Management, nor are the projects concerned geared to institutional self-renewal and revitalization. The challenge now is to harness these and other resources in a way that will dynamically contribute to the reform ideals if the on-going public sector reform initiatives, the Civil Service Reform Programme included.

2.2.2.7. Component Cost

It is estimated that donor funding requirements for the Civil Service Reform Programme will be in the order of US $ 74.5 million. Table 2.2.2.7. shows breakdown by key elements.

Table 2.2.2.7: Budget for Civil Service Reform

	US $ 000	%
Staffing Level	70,841	95.10
Personnel Management and Training	1,889	02.51
Financial and Programme Management	14	0.02
Civil Service Reorganization	429	0.60
Pay and Benefits	543	0.73
Increased Scope of the Programme	786	1.05
TOTAL	74,502	100.00

2.2.2.8. Implementation Mechanism

A National Steering Committee (NSC) under the Chairmanship of the Permanent Secretary to the Cabinet and Head of the Pubic Service does the overall co-ordination of the Civil Service Reform Programme (CSRP), providing policy guidance and strategic leadership. This Committee is answerable to the Cabinet on all matters related to the Programme.

The operational arm of the National Steering Committee is the Civil Service Reform Secretariat (CSRS), an inter disciplinary team of officers headed by a Programme Director. It is answerable to the National Steering Committee through the Permanent Secretary/Director, Directorate of Personnel Management, Office of the President.

Ministerial, Provincial and District Civil Service Reform Committees which are answerable to National Steering Committee, were constituted in October, 1993 to handle various aspects of the Civil Service Reform Programme in their respective areas.

The DPM, through the CSRS, will be responsible for the financial monitoring and administrative back-stopping of the programme activities through review meetings, programme and financial auditing and regular progress reports.

The CSRS will be in charge of the day-to-day management of the programme activities. The secretariat will appoint a senior officer to direct programme activities, officer in charge of programme funds and a logistics officer.

The CSRS will be responsible for:

a. Ensuring smooth implementation of programme activities according to plans of the various sub activities units.

b. Arranging regular review meetings on the on-going activities under the programme.

c. Planning training for various government departments.

d. Making recommendations to DPM and line ministries for remedial measures for specific units of the service.

e. Conducting seminars/workshops as planned under the programme.

2.2.2.9. Monitoring and Evaluation

Specific activities under the programme will be monitored by the National Steering Committee. The committee will seek to ensure that inputs, work-schedules, the production of targeted reports and other required actions are proceeding accordingly to plan. It will also closely monitor the budgets and expenditures of each of the programme components.

Records of the performance of each of the activity groups, in terms of resource utilization, will be maintained by the secretariat which will be reporting this to the NSC on regular basis for review by the DPM.

Programme Performance Evaluation Report (PPER) will be produced at each year to be reviewed by the parties concerned to ensure that the inputs are being used as intended. A terminal review will be held during the last month of the programme operations and a terminal report will be produced.

2.2.2.10. Audit Procedures

The objective for an audit of the programme is to obtain reasonable assurance that donor resources are being managed by the implementing agents in accordance with the financial regulations, rules and practices and procedures, the programme document and the work plan as agreed to with the executing agent (DPM).

In managing the programme resources the agents will have fiduciary and compliance responsibilities to the funding institution. They also have compliance responsibility for funding institutions reporting procedures.

Thus, an audit of this programme must fulfil the following set of objectives: programme disbursements are made in accordance with the programme document; programme disbursements are valid and supported by adequate documentation, an appropriate control is maintained by the programme secretariat and can be relied upon; programme reporting are fair and accurately presented; and that the programme monitoring and evaluation reports are prepared as required.

2.2.3. Controller and Auditor General's Office

2.2.3.1. Key Issues to be Addressed

As issues of financial accountability get more attention by the public, in the day to day operations of the public service and in Parliament, there is need to get the operations of the CAG to become "on-line". Currently, the office reports post-facto to Parliament. This has been criticised extensively as the major contributor to the lack of effective financial accountability. To empower the CAG's office to function in real time, capacity building issues to be addressed are:

1. Training of CAG's Policy Planning Unit in Strategic Planning.

2. Training Selected Staff in Value for Money Audit Systems.

3. Extensive Staff Training in Computer Based Accounting Systems.

4. Improving Computing Hardware and Software capacities.

5. Training Public Investments Committee and Public Accounts Committee of Parliament on CAG Processes.

Detailed planning of these activities will be completed in the later part of 1994.

2.2.4. Ministry of Local Government (MLG)

2.2.4.1. Key Issues to be Addressed

The environment in which the Ministry is working is fast changing but the Ministry has not internally reorganised itself to handle the complexity that is local governance. This complexity includes the need to make local government the arena for participative development whilst retaining supervisory powers over local authorities at the ministerial level.

There are several obvious issues. First, the organisation of the ministry into functional departments has lagged behind most other ministries in the past. Consequently there is only a department of urban development systematically established. There are proposals to establish a new department in charge of finance. There is a sense in which creating functional departments without systematically reviewing all the current and future functions of the ministry can be counter productive.

The second major structural problem is the creation of many local authorities, essentially urban and town councils, without a formula. There are about seventy four local authorities. These seem to be created for purely political reasons without any technical inputs on how their creation affects the revenue and other resource bases of the county councils from which they are hived off.

Third are issues of accountability. The ministry is supposed to be the watch dog over finances and operations of the local authorities. There is little evidence that this is done systematically other than the submission of budgets as required by the Local Government Act. There is no systematic supervision of the activities and modalities of raising and spending revenue. There is neither programme or financial audit of the local authorities.

Fourth, there is little evidence of long term strategic planning within the ministry to indicate where local authorities are to get finances and human resources for the needed infrastructure and other services.

Finally, even within the ministry, it is recognised that the Local Government Act is dated. UNDP and other donors have been involved in funding seminars to think about the act but there is no evidence that the next steps, to work out details of needed changes, are afoot although the AG's office was involved in the discussions on the relevance of the act.

Although the consultant has discussed the possibility of proposals from the ministry, it has not been possible to get them discussed and written up by the ministry in the time of the consultancy. In these circumstances, the following are the consultant's view of possible governance programmes, in descending order of priority are:

1. Functional Reorganisation of the MLG

This would involve conducting a management audit of the ministry to be followed by reorganisation into functional departments. Management audit can be done by the DPM or private management consultants. It is important that this be the lead activity for it would set the framework for subsequent activities.

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2. MLG Capacity Building for Local Authorities' Budget and Audit Supervision

Integrating the budgeting and audit ministerial functions should be taken care of in the MLG functional reorganisation. Thereafter, there is need to build up the capacity for supervising budgeting, programme and financial auditing processes of local authorities. This is the only way to improve accountability and management of the whole sector.

3. Current and Future Human Resources Needs Assessment for Local Authorities and MLG

Although many recognise that local authorities are expected to serve new publics and to increasingly get services privatised, there has not been any systematic evaluation of human resources needs of the sector. The supervision and regulation regimes of the future will call for new skills, among which are infrastructure, environmental, data, long term strategic planning and financial management specialists, over and above the existing staff specialisations. These needs should be identified now.

4. Functional Classification of Local Authorities

There appears to be need to evaluate the existing local authorities and to decide a method of creating new ones for the future. The key issue is the relationship of county councils and other types of local authorities. It may well be some types will be de-gazetted for they are not functional or do not serve the greatest numbers. A national strategy needs to be worked out soon for many are not viable. Viability criteria need to be established now so as to guide future policy.

5. Revision of Local Government Act

There is need to liaise with the AG's chambers to modernise the legal framework of local governance. Such revision should be undertaken after the above problem areas are tackled. Revisions should be targeted to allow for greater participative development for the many publics, create new planning protocols for establishing different types of local authorities and allow for privatisation of some service provision whilst creating relevant MLG supervision and management frameworks.

2.2.5. Ministry of Planning and National Development

2.2.5.1. Key Issues to be Addressed

Participatory development can be defined as a development process in which all participants in the social, economic and political affairs of the country are also represented in the decision making, planning, designing, implementing and management of projects. They also ought to reap equitably the

benefits of economic development. Participatory development targets people because they know their needs better than other people. They are, therefore in a better position to make decisions regarding their problems and solutions including sequencing. In participatory development, the community can mobilize and utilize resources available towards alleviating their problems, which, by extension, are the problems of the country.

The participatory development process has taken various forms in the country in the past. Among them are, Harambee, District Focus for Rural Development (DF), Local Authorities, Community Based Organizations, and Non Governmental Organizations development activities.

The functional role of the DF is to mobilize participation in the planning, implementing and managing of development activities at the district and community levels. Important organs of development at the district level are the District Development Committees and the District Land Boards.

District Development Committees Role

The main organ of DF is the DDC. This is the supreme decision making body at the district. All project proposals in a district must pass through the DDC before being forwarded for funding by the Government, donor organizations and NGOs. By doing this, the DDC coordinates development activities in the District. Members of this committee include elected leaders who represent the needs of the people they represent. This committee ensures that all development agencies complement each other and avoid duplication of efforts.

Though important, DDC's have one major limitation. They have no legal basis of operation. This hinders active participation in the decision making process in rural development activities. It may be proper to give the DDCs some legal basis through an Act of Parliament in contradistinction with local authorities. It is important also that members of the DDC get refresher training on their role in the future as more development gets devolved to that level and the private sector assumes greater developmental role.

Role of Line Ministries

National Development policies are operationalized by the Line Ministries which address themselves to specific sectors. District Development Plans translate the Central Government policies under the coordination of the Ministry of Planning and National Development. These plans articulate the national development policies into district specific programmes. Line ministries prepare policy guidelines to be used by the Districts in identifying projects to be submitted to the headquarters for funding. Such project proposals reflect the needs of the local people. Line ministries however, still play the major role in determining whether or not the proposed

projects should be funded. There is need to get ministries to dialogue more with local levels on the activities to be funded.

Non-Governmental Organizations

Historically, the church, as the major actor in the NGO sector, has played a major role in the development process through the provision of certain infrastructures (schools, hospitals, water etc). Other purely developmental NGOs, who are not church based, are actively involved in the development of rural areas. About 400 such NGOs are currently registered under the recently passed NGO Act. Some of their activities are community based projects that are aimed at improving the welfare of the community (water provision, health, schools). Because of their proximity to the people, the contemporary thinking among the donors is that NGOs are best suited to implement development projects. The main disadvantage of NGOs is that many operate at small scale because they do not have the capacity and well laid down institutional infrastructure to handle large programmes. There is need to review how self mandated NGO development activities fit into national policies and how they are distributed across the nation so as to establish closer service to some neglected areas.

Local Authorities

Local authorities today embody all the development problems of the nation. They address themselves to problems peculiar to their local areas. They are also supposed to identify locally needed projects and to work closely with the communities. Most of the local authorities today are poor; steeped in non-accountability and opaqueness to the communities they are supposed to serve. They are dominated by the highly concentrated political power of the Minister of Local Government. The participatory role of local authorities in development or provision of services is thus currently extremely diminished.

Properly organized and well constituted local authorities are likely to play a bigger role in ensuring participatory development. Reduction in the powers of central authority supervising local authorities, a move towards greater democratization of local authority decision-making and enhancing institutions of local expression, could become critical vehicles for the new management of public affairs.

To strengthen local authorities, there is the need to increase their powers relative to those of the Minister of Local Government. The Ministry of Local Government should therefore play a facilitative role in decentralized decision making and not re-centralize management of local authorities. Recasting the role of the MLG is addressed in the section on local government in this document. Until the definition of roles is clear, local authorities will still have limited developmental potential not to speak about their playing the role of

democratisation training assumed by many who emphasize this a training ground for national participation of both publics and elected leaders.

The Private Sector

The private sector is set to play a significant role in the development of the country in a number of ways given current ideas about privatisation. Both activities in the formal and informal sectors currently provide a range of goods and services, employment, and in the process improve peoples incomes. This role is set to grow driven by both privatisation and demographic pressures. The sector is important as it ensures the participation of those persons or organizations that do not fall directly under the already discussed areas. The private sector can be strengthened by creating an enabling environment, at the various local levels, encompassing security, favourable political climate, provision of functioning infrastructures (both physical, institutional and financial), where individuals or companies can freely undertake development activities. More operationally, there is need to create participatory avenues for the private sector in the DDCs, Local Authorities and even in the NGO development work. It would be worthwhile if the private sector and NGOs as well as DDCs are brought together to plan new participation channels at the local and national levels.

Planning Decentralised Development

The involvement of NGO's, church, and community based organisations is already discussed above. However, one critical aspect of participatory development is the principle of community providing some fraction of the total project cost, perhaps by contributing labour, material or money. This enables the community to identify with the projects so that the projects can be sustained even after the funding is terminated. This concern will become central as the national states' ability to generate development funds diminishes.

Democratization of the society and the protection of human rights can only take roots with economic liberalization, true decentralization of the functions of the state and the creation of participatory structures, such as DF, NGOs and CBOs that respond in whole to the society's requirements.

It is imperative to take steps to reduce the distance between the population and the national state authority, especially planning authority. There are dire needs to have clear and transparent definition of the different tasks on the central government, local authorities (at village levels as well as on higher levels) and traditional leaders.

Possible participatory structures can comprise a mandatory representation of disadvantaged groups, (eg. youth and women) on important local councils as well as on government development committees. Further more, important, societal

groups and NGOs should have reserved positions in advisory bodies on national and local levels.

Decentralization will be more successful if it is organized from a practical and meaningful bottom up approach; makes productive use of already existing initiatives of the people; begins at a technical level (eg. health services, infrastructure like water, small scale production and marketing); focuses on the genuine needs of the people; and enables everybody to participate and address their felt needs.

A top down mentality in decentralization will not work as it requires a strong government to recast old structures and as it takes responsibility away from the people.

Local levels need their own revenues in order to fulfil their tasks. For the allocation of those funds the following measures might be envisaged in the context of each country: make local levels responsible for raising their own funds (eg by giving the authority to raise taxes); yield funds of the central government to the lower levels; establish a system of supporting the poorest districts (eg by central aid or by a financial equalization scheme on the local levels); and to solicit and obtain financial assistance from donors specifically targeted to the local levels. Development of systematic proposals along these lines will need financial support.

A higher proportion of financial assistance of donors should directly be channelled - in consultation with the central government - to the local and district levels. The use of all money for local projects must rest entirely with the local authorities but reported on by the Ministry of Local Government.

Participatory Development and Information

Information dissemination on developmental activities is crucial if people, organizations, and other stake-holders in development process have to be clear about their roles in development. Although Kenyans are deeply involved in Harambee, DDCs, and other bodies, the issue of who is responsible for such information is a complex one. In practice, the collection of this information is the responsibility of the Government. It should be circulated to all Government institutions, elected leaders through their various political parties or elected councils. The onus is on all these groups to disseminate appropriate information on expected role of people in the development activities. This could be done through public barazas, political rally meetings, seminars and through the mass media.

One way of strengthening good governance is to ensure free flow of information to all people of various persuasions, the establishment, the opposition parties, vested interest and lobby groups, etc. When there is equal access to information,

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and when tolerance is observed by all parties concerned, a ripe ground for consensus is created, which enables pressing issues of national concern and public interest to be resolved amicably.

Therefore, it is important that the autonomy of the national print and electronic media be strengthened and that leaders from all walks of life practice democracy in the true sense of the word. Leaders should learn to be tolerant to dissenting views and accept constructive criticism. This should be more important in parliament where the destiny of millions of Kenyans is determined and where therefore compromise on issues that affect the ordinary Kenyans is called for.

What may need some urgent support is media to cover and relate to local development needs. This could initially be primarily related to planning the dissemination of local development data.

People as Partners for Change

People know their problems best. To enable the collective wisdom of the people inform the formulation and implementation of development projects, there is need for greater empowerment of the people. Beyond specific group representation and involvements, one way of empowering people in development management is through enhancing the representative nature of decision-making mechanisms at all levels in society. The structure of development planning and the management of public and developmental affairs have to be tailored to reflect the transition to a bottom-up planning and implementation process.

In conclusion, the ideas articulated above can form a backdrop to designing specific participative development planning activities.

2.2.5.2. Estimated Cost

The programme activities required to enhance implementation of district focus strategy will require approximately US$ 2 million during the initial phase lasting three years.

2.2.6 Electoral Commission

2.2.6.1. Key Issues to be Addressed

It is generally accepted that there is need to build capacity for the commission to do its mandated work for it is a relatively new institution.

First, a key area needing support is the mapping of the Parliamentary Constituencies (about 200) and Local Government wards (about 2,000), preferably by Geographic Information System (GIS). This will call for provision of computing capability and training in the same for commission staff. Such mapping will greatly assist in the work of the commission

for boundaries and populations will be definitively established. This information will assist in making changes in electoral areas on scientific basis. The commission is currently reviewing criteria for establishing the sizes of Parliamentary Constituencies.

On the local government electoral wards, there is still a structural problem for they are determined not by the Electoral Commission but by the Ministry of Local Government. For greater democratisation of elections, it may be useful that the determination of wards be firmly anchored in the Electoral Commission, thereby removing it from the Ministry of Local Government, which is viewed by many as continuing the historical partisan behaviour.

Second, another area needing support is the establishment of data processing capability for permanent electoral registers. The commission is discussing issuance of permanent voter cards which will be in use for more than ten years.

Third, related to permanent voter registration cards is financing of continuous registration. The commission proposes that it registers all new voters continuously other than the past practice where there was always a registration period before each election. This will mean that all young voters who reach voting age will be automatically registered. In the past there has been controversy about the access of the young to voting cards.

Fourth, over and above the provision of computing capacity, there is need for financing the permanent voter cards registration exercise as well as the cards themselves.

Fifth, once the information is available about permanent registration, there is need to disseminate such information to all stake-holders, who in this case will be the various publics, the political parties, the pressure groups and the state. Financing of free distribution of this information would be contributory to democracy for it would demystify information whose gathering and utilisation in the past has been problematic and contested.

Sixth, another need, identified by the commission, is the financing of training for its permanent District Election Coordinators. These are personnel who will be permanently based in the districts to supervise continuous registration and to manage occasional bye elections as well as being involved in the general elections.

These issues should be taken up with the commission at a later date for the purpose of detailing specific activities' costs and implementation procedures.

3. PROGRAMME MANAGEMENT

3.1. MANAGEMENT APPROACH

The programme will address key issues related to governance and participative development. It will focus on those public institutions that undertake to implement activities aimed at improving governance. It will focus on legal reforms; civil service reform, local authorities reform, decentralised planning reform, electoral reform and audit reforms. Capacities of the institutions concerned will be enhanced. Institutional frameworks and coordination mechanisms to ensure improved governance and participative development at all levels will be supported. Relevant training to increase institutional capacities to implement the various aspects of reform will be undertaken.

3.2. COORDINATION AND IMPLEMENTATION STRUCTURE

Each of the six sub-programmes will establish a Sub-Programme Secretariat (SPS) in the relevant institution to be responsible for the day to day supervision of the sub-programme. The officers designated from the GOK institutions as comprising the various Secretariats should be totally dedicated to this work to facilitate good management of the work. Reports on the sub-programme will originate in the Secretariat.

The SPS will be supervised by a Sub-programme Steering Committee (SPSC) which should be chaired by the highest Authority within the institution and composed of representatives of departments or other units who are targets of the sub-programme.

For the national programme, all chair persons of the six SPCs will constitute themselves into a Governance Programme Steering Committee (GPSC) which will be chaired by the Head of the Civil Service or his nominee. This committee will be responsible for the overall policy on the programme. It will establish a Secretariat in the Office of the Head of the Civil service to supervise the programme on day to day basis. Its secretariat will be the Civil Service Reform Secretariat (CSRS), which is already constituted and working.

For purposes of managing the overall programme, the Office of the Head of the Civil Service will appoint a manager responsible for overall management of the Governance Programme, to be designated National Governance Programme Manager. Such person will be totally dedicated to the programme.

3.3. FINANCING MODALITY

The programme outline in this document will focus on the following main sub-programmes:

a. Support for legal reform activities.

b. Support for civil service reforms activities.

c. Support for improved accountability by strengthening institutional audit capacity through structured training and office automation.

d. Support of measures to increase participation; improve audit and improve management of local authorities.

e. Support for planning institutions, especially district level institutions and processes.

f. Capacity building for electoral commission to develop data bases for management of electoral processes.

The financing modality will be on cost sharing, and parallel financing. However, given that the capacity requirement for each of the sub-programmes will be unique to the institution concerned, it is proposed that an integrated response to these needs be adopted.

The integrated programme should be financed through mobilizing international support managed through cost sharing or parallel financing modality as applied under most UNDP projects. Contribution through CS will ensure flexibility that is required to meet the needs of the various institution which will need to be strengthened under the programme. It is however recognized that certain cooperating partners might wish to make contributions by mobilizing assistance from on-going available resources for specific activities under the programme.

4. RESOURCE MOBILIZATION

The programme funding will depend on the support of all the cooperating partners. It would be necessary that the required resources be pulled together and complementary financing mechanism be adopted to ensure high impact from the mobilized resources. The resource requirement include, in general, technical expertise, equipment, training and rehabilitation of basic infrastructure.

This programme document is to be used as a broad guide and should be adapted as the situation evolves and as new key issues are identified. The funding modality is to remain flexible. The main issue is to have coordination mechanism which can facilitate the prioritization of resource needs to realize implementation of the various interrelated but intricate aspects of governance.

Funding of the programme components will be sought from interested cooperating bilateral and multilateral donors. Some donor agencies have already indicated interest in assisting

the broad area of governance as shown by their regular
consultations on the same. These include such agencies as
World Bank, USAID, CIDA, ODA, Japan, European Union,
Netherlands, Sweden, Finland, Austria, Belgium, Germany,
Swiss, Norwegian Church Aid, Ford Foundation, Friedrich
Naumann Stiftung and Friedrich Ebert Stiftung.

UNDP will work closely with the Government to coordinate joint
funding efforts for the programme.

5. MONITORING AND EVALUATION

5.1. BENCHMARKS

The performance of the programme will be monitored by tracing
the achievements of key indicators to be identified under each
components. These will include new legislation proposed and
enacted; the effectiveness of the reform process to be
manifested through the completion of implementation of civil
service reforms. Other indicators will include the level of
capacity built within the local authorities; decentralized
participative development within the district focus strategy,
and conducive environment created for electoral processes.
These benchmarks can be qualitative or quantitative.

5.2. MONITORING, EVALUATION AND REPORTING

Monitoring of the specific sub-programmes under the governance
programme will be the joint responsibility of the Sub-
Programme Steering Committees (SPSC) and the Sub-Programme
Coordinators (SPCs) in charge of each of the components. They
will seek to ensure that input deliveries, work-schedules, the
production of targeted outputs and other required actions are
proceeding according to plan. They will also closely monitor
the budgets and expenditures of each of the component elements
in their areas of jurisdictions. The PCCs will also hold the
ultimate responsibility of ensuring that all beneficiaries of
specific projects are truly those being targeted by the
programme.

Record of performance of each sub-component will be maintained
by SPCs who will be reporting this to the SPSC on regular
basis for review. The Programme Performance Evaluation
Report (PPER) will be produced every year to form a basis of
reviews by the parties concerned and to ascertain that the
inputs are being used as intended.

The reviews by all the concerned parties should be held every
year to determine the resource needs and utilization,
programme performance, identify constraints and to determine
ways to improve the implementation of planned activities.

A terminal review by all parties will be held during the last
month of the programme's operation and a terminal report will
be produced. Depending on the decisions from the terminal

review, it may be necessary to undertake a terminal assessment of the programme to document its success and failures and to record lessons learned from the joint programming.

5.3. AUDIT PROCEDURES

The overall objective for an audit of the Programme is to obtain reasonable assurance that donor resources are being managed by the appointed agents in accordance with the financial regulations, rules and practices and procedures, the programme document, the programme implementation and work plans as agreed to with the executing agency.

In managing the programme resources, the implementing agents have fiduciary and compliance responsibilities to the funding institution. They also have compliance responsibility for funding institutions reporting' procedures.

Thus an audit of this programme, whose components would be implemented by appointed agents must fulfil the following set of objectives:

a. Component disbursements are made in accordance with the programme documents;

b. Component disbursements are valid and supported by adequate documentation;

c. An appropriate system for internal control is maintained by the programme component secretariat and can be relied upon;

d. Component financial reports are fair and accurately presented; and,

e. That programme monitoring and evaluation are prepared as required.

The audit shall be conducted in conformity with generally accepted common audit standard and in accordance with the Auditors professional judgement.

5.4. PROGRAMME EQUIPMENT

After the delivery of equipment, it becomes the property of the appointed implementing agent as soon as the transfer formalities are completed unless the equipment is of a highly specialized nature and must be retained by the donating institution.

6. FINANCIAL OUTLAY

6.1. ESTIMATED COSTS

The total cost of the programme over a period of three years is estimated at Ksh. 8 billion (US$ 14.6 million). This is to be financed mainly from bilateral and multilateral donors. The detailed programme cost by component is summarized in table 6.1. below

Table 6.1. Component Cost Estimates

US $ 000

Component	Total Cost*	UNDP Input	Parall./ Cost Sharing
Legal Reform	2,174	300	1,874
Civil Service Reform	4,000	1,000	3,000
Financial Accountability (CAG)	1,600	400	1,200
Local Governance	2,500	700	1,800
Participative Planning (DF)	2,000	700	1,300
Electoral Process	1,600	1,000	600
Miscellaneous (5% of total)	694		
Total	14,568	4,100	

* Indicative costs

Annex 1. overleaf, provides annualized cost details by various components.

ANNEX 1: FINANCIAL RESOURCE REQUIREMENT BY YEAR*

US$'000

COMPONENT	1994	1995	1996	1997	TOTAL
Legal Reform	1,279	895			2,174
Civil Service Reform		1,000	1,400	1,600	4,000
Financial Accountability		600	700	300	1,600
Local Governance		800	1,000	700	2,500
Participative Planning		600	700	700	2,000
Electoral Process		900	700		1,600
Miscellaneous (5%)	64	240	225	165	694
TOTAL	1,343	5,035	4,725	3,465	14,568

* Indicative Figures

ANNEX 2: PROPOSED WORKPLAN

COMPONENT	Party	1995			1996			1997		
Legal Reform	AG	XXXXXXXXXXXXXX								
Civil Service R	OOP	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX								
F. Accountability	CAG		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX							
L. Governance	MLG			XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX						
P. Planning	MPND	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX								
Electoral Process	EC	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX								